REGional Dialogue

Advancing Access to Information in MNA: Supporting Coalitions & Networks

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Supported by World Bank (World Bank Institute and Middle East and North Africa Social Development Department)
Welcome to our first edition of the ATI-MNA Newsletter!

The ATI-MNA Newsletter is a publication from the “Regional Dialogue on Supporting Coalitions and Networking to Advance Access to Information in MENA”, which aims to support the exchange of information and knowledge between different stakeholders from Jordan, Lebanon, Morocco and Tunisia on Access to Information (ATI). The Regional Dialogue is facilitated by the World Bank Institute and the Social Development Department at the World Bank’s Middle East and North Africa Region in collaboration with the Affiliated Network for Social Accountability – Arab World (ANSA-AW).

The objective of this newsletter is to provide a space for sharing information where coalitions working toward effective ATI in the MENA region can disseminate broadly their work, recent developments related to ATI in their countries and more. The topics addressed here will contribute to inform efforts by other emerging networks and coalitions in the region that are in the process of launching ATI efforts. The newsletter is published in Arabic and English.

The Newsletter will typically consist of a summary of the monthly videoconference session as part of the Regional Dialogue, as well as country reports on recent developments, and features and interviews from guest columnists and international experts on key ATI-related topics.

We invite you to share with us your feedback and suggestions. You can also send us your announcements of events and activities on ATI, we will do our best to include them in the next edition.

For sharing your articles, information about future events or suggestions, please send your e-mail to: saadfi21@hotmail.com

On Facebook: https://www.facebook.com/pages/Access-to-Information-in-MENA-region/247240672021898

The regional coordination team discussed the program at the World Bank office in Beirut on 7 February 2012.
Summary Videoconference #1, 6 March 2012

“Access to Information: Fundamentals and Basic Principles”

The objective of this videoconference was to examine the fundamentals and basic principles of Access to Information (ATI), reflecting on international experiences. It brought together multiple stakeholders— including civil society practitioners, academics, journalists, and government officials—from Jordan, Lebanon, Morocco, and Tunisia. The session was moderated by Saad Filali Meknassi, Regional Coordinator of the Regional Dialogue “Supporting Coalitions and Networking to Advance ATI in MNA,” who explained that the videoconference was organized as part of this Regional Dialogue in order to strengthen national coalitions working toward the adoption of ATI legislation in Lebanon and Morocco and its effective implementation in Jordan and Tunisia.

Toby Mendel, Executive Director of the Center for Law and Democracy, and speaker at this videoconference gave an informative presentation providing participants with an overview of the merits of ATI, the key features of ATI legislation, and the basic issues to consider for proper implementation.

He cited various reasons for the importance of ATI legislation as a powerful tool that can contribute to increase accountability, better governance and service delivery, controlling corruption, and increasing state modernization and efficiency, among others.

However, in order for ATI to achieve its potential the legal framework should possess certain key features. Mendel explained the importance of having an independent administrative oversight body as one of the main features of ATI legislation. Other key features to strengthen ATI legislation are: a clear list of exceptions; a set of information request procedures, a broad presumption in favor of disclosure, along with a clear recognition of the scope of information covered, the included mandated bodies, and who may make requests; proactive disclosure; the existence of sanctions for non-compliance; and promotional measures toward public awareness, capacity-building and training.

Mendel identified three main drivers of ATI in recent years: an increase in demand for participatory democracy, as people are no longer content to be governed from above; technology, which means that information is much more accessible than it was 10 or 20 years ago; and globalization, as people are increasingly aware of the situation of others worldwide and thus, for example, will no longer find it acceptable to see that some groups have certain democratic rights and others do not.
Furthermore, while having an ATI legislation in place is an important step in the right direction, effective implementation is a must. In this regard, Mendel mentioned the following issues to keep in mind as they can contribute to effective ATI regimes: a well-designed action plan, systems in place for everything from processing requests and managing databases to reporting and evaluation, effective training of officials and civil servants, the creation of proper institutional structures, and an accessible communications platform (both internal and external).

While acknowledging the inherent tension in the relationship between government and civil society, Mendel expressed that “one of the key responsibilities of civil society is making requests for information.” In addition, Mendel listed the three areas where he thinks civil society can be most effective in the pursuit of this endeavor: training, awareness-raising, and monitoring and evaluation of ATI implementation.

The current generation, Mendel concluded, has a “fundamentally new relationship with information,” and along with that new awareness comes a responsibility to enact effective ATI legislation to support that understanding.

Following the presentation, participants from Amman, Beirut, Rabat, and Tunis presented their questions and comments to Mendel. Comments dealt primarily with the following issues:

- The importance of increasing awareness around ATI among various stakeholders, including civil society, and lawmakers
- The linkages between human rights and ATI, and how the latter can enhance the former
- The national security implications of disclosing information
- The importance of records management, its challenges and implications
- The need for international standards for ATI implementation
- The difference between adoption and implementation of ATI, the latter of which can be more challenging.

In terms of increasing the awareness of ATI among society, Mendel emphasized the importance of citizens and civil society as catalysts for bringing debate about ATI. Additionally, it is key to engage members of parliament and government officials.

On the subject of national security, Mendel explained that national security concerns are sometimes used by civil servants as an excuse to avoid disclosing information. However, he underscored, ATI laws already include exemptions for national security and related information, and thus this issue should not interfere with the broader progress of ATI implementation.
With regards to the challenges of records management, Mendel suggested that while good records management systems are key for ATI regimes, it is possible to go ahead with ATI implementation even in contexts where records management capacity is somewhat limited. In this regard, it is more feasible to focus on information management in the present and the future instead of directing all efforts into obtaining records from the past. According to Mendel, the benefits of transparency for civil society are clear: the available information encourages citizens to become more active participants in their societies, and the misuse of information by the government inevitably becomes much more difficult.

Mendel concluded by highlighting the importance of international initiatives like the Open Government Partnership and their linkages to ATI, yet in order for these to be meaningful agents for strengthening ATI regimes, more attention needs to be put into this kind of legislation.

**Key Messages from VC 1**

- There is an increasing awareness of the importance of ATI worldwide, including the Middle East and North Africa region, yet more needs to be done in this regard.

- Citizens and civil society can be catalysts for bringing about ATI implementation is key.

- An effective ATI law should contain among other features a broad presumption in favor of disclosure, proactive disclosure provisions, an independent oversight body, clear list of exceptions and procedures for information requests.

- When disclosing information, national security should not be a concern because ATI works by giving information that can be granted while marking exceptions to the law.
The Right of Access to Information in the Arab Region: The Way Forward

Said Almadhoun¹

A number of achievements can be highlighted from the Arab Spring in the last fifteen months, most important among which is the toppling of regimes in Tunisia, Egypt, Libya, and Yemen. The recent developments have revived and leveraged the demand across the region for political and legal reforms, including transparency and government accountability. Arab masses called for participation and an end to the dominant power structures. But, overthrowing those in power does not mean changing the governance system. The shift to participatory governance and open and free societies is a long road.

Emergence of new legal frameworks

For a new social contract to be created, an enabling environment -including legal and institutional reforms- is needed. Realizing the right to access public information and to participate in public life is the cornerstone for the foundation of a democratic model of government in the Arab region. In this context, Tunisia adopted a provisional decree securing access to information (ATI) in 2011 and became the second Arab country after Jordan to have ATI legislation. Morocco introduced a provision in its new constitution guaranteeing the right to information. At the regional level, media activists and civil society groups have made strides promoting the adoption of ATI bills in Morocco, Lebanon, Yemen, Palestine and Bahrain. These are positive events; the path for access to information, however, is not paved yet and is filled with legal and institutional challenges.

Revising the legal framework that enabled a culture of secrecy in previous regimes is cardinal to ATI reforms in the region. For example, Jordan's implementation of the ATI law was hampered by a number of existing legal structures, most significant of which is the Law of State Secrets and Documents. In this regard, civil society needs to build up the demand for reviewing these restrictive laws and engage with the political parties that emerged after the Arab Spring.

Implementing ATI laws within public sector

Reversing the secrecy culture and assisting public officials in making the mentality shift to openness requires a proactive role by the government. It needs to allocate the necessary resources to establish the access to information community within the public administration. Additionally, positive incentives should be put in place for officials to embrace an access to information culture. As implementation of laws is critical, there is a need for effective participation of senior officials who are willing and committed to facilitate implementation. Additionally, continuous training of public officials and development of internal policies are crucial to the implementation of ATI regimes. Effective ATI training needs assessment of the government's human resources –accompanied by internal communication policies – so that training programs are tailored to

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meet the knowledge gap. Training material needs to be developed to educate civil servants on the ATI literature, case law, research and best practices; in this regard CSOs and international organizations can be very instrumental. Training should incorporate interactive and innovative methods, case studies, and real-life ATI examples from the local community that sensitize public officials to the values and principles of ATI. Public agencies need to develop their own internal capacity. This would include the recruitment of committed officials from the public agencies themselves to provide advice and facilitate learning among their peers. (Note that this last sentence is similar to the one sentence paragraph above, though the one above talks about senior officials.)

Another area for reform is the civil service. To maximize the potential for effective ATI implementation within government agencies, public officials should have the necessary skills, competences and motivation. There is a common belief that civil servants are de-motivated due to the lack of effective human resources policies. It could be possible to establish an incentive and an accountability system that identifies roles and responsibilities in public agencies, develops indicators for implementation, and sets up a system that rewards good practices of openness and access to information while holding those accountable for arbitrary and illegal denial of information.

**Communicating the right of ATI**

Media is a key actor in ATI regimes and its role is instrumental to the debate, adoption and implementation of the ATI law. Despite the efforts by local NGOs and ATI activists, there is still a prevailing misperception that journalists are the prevailing end-users of information. In fact, debate about ATI in the region has largely taken place among press and media circles and a few human rights groups. Although Arab journalists list barriers to access information as a key obstacle to free press, the Arab press also suffers from structural problems and weaknesses including the influence of government, limited legal protection and investigative journalism skills.

It goes without saying that information is much needed in poor communities. Communities need information about access to social safety nets and other government programs, as well as adequate health and education services. Citizens also need to make informed decisions regarding providers of public services. However, local communities in the Arab region have not come together to demand their right to information. This might be due to a number of factors; they may underplay the value of information as a vehicle to change their realities or do not trust existing mechanisms to voice their grievances.

It is therefore the responsibility of Arab civil society to reach out to local communities to identify their information needs and to engage with the government and provide support and technical assistance on accessing information needed by the local communities. Arab CSOs have a long way to go in
this regard, while overcoming their limited capacity in mobilizing the public, carrying out advocacy, and conducting research. Arab CSOs should examine how ATI can help them advance their objectives and mission.

How CSOs can champion ATI

Public awareness and demand of the law is critical to the implementation process. This has proven true in the case of Jordan. Based on experiences in other countries around the world, enacting the law does not mean that public agencies will get overwhelmed with requests. Surveys have demonstrated that knowledge of the ATI law has been very low in Jordan even five years after adopting the law. Government communication about the law has been limited, and civil society has not come together to build up demand for using the law and testing the government’s will. Therefore there is room for civil society to expand the ATI community to include community organizations and grassroots groups. CSOs may engage with associations or groups with strong mobilization capacity and sector-specific NGOs (including service delivery) to advance ATI.

On the other hand, ATI coalitions and networks can make a contribution to advancing access to information if properly managed.

In the region, such networks were formed in Lebanon, Morocco and Jordan. The network in Lebanon submitted an ATI bill to the Lebanese Parliament in 2009 and engaged in discussions and meetings with parliamentary committees and government officials. In Jordan, a coalition was formed in 2008 but there is little evidence of its work in advancing access to information or monitoring the implementation of ATI law. Local coalitions should seek to be as inclusive and diverse as possible to ensure that members can assist with carrying the ATI agenda forward. Engagement with ministers, Parliamentarians and other government actors is very important so it can contribute to shaping ideas and strategies.

Campaigners also need to allocate more time and effort to work together to share knowledge. It is evident that campaigners in Lebanon, Tunisia and Morocco need to increase their knowledge about Jordan’s ATI law and practice, and there are lessons to be learned. Advocates need to invest in the learning process and knowledge building by conducting research about the law and practice of access to information in a wide range of issues of interest to the public such as consumer protection, youth rights, health and education rights etc. Developing their communications will help them reach to a wider audience.

NGOs should pay sufficient attention to producing reports and newsletters documenting ATI practices, requests, appeals and refusals. Documenting their experiences will build up the knowledge base substantiate the assumption that the community needs access to information, and give their campaign more strength. ATI campaigners will need to connect with other groups outside of the ATI field including development, environment, legal aid and empowerment, health and education rights groups, and youth associations.

ATI campaigners need to strategically advocate for access to information with the government. There is a need to prioritize and promote access to information in the areas that do not invoke the government’s concerns such as national security or political
corruption. ATI campaigns can demand information in the areas of health, education, housing, development, or environment, where ATI activists along with journalists come together and collaborate for better access and quality to services.

Finally there is no magic recipe to transform a society from secrecy to one of openness and transparency. However, there are key ingredients that can foster this shift. First, it is the political will on the part of the government and political parties, which is demonstrated through reviewing the legal framework, reversing the culture of secrecy through effective training, monitoring, and reforming institutions that deal with information. Second, active ATI campaigns as diverse and inclusive as possible are required, with effective engagement with local communities and their associations. Third, investigative media that can push the limits of government openness and can raise awareness about ATI among the public.

**INTERVIEW**

UNESCO: Advancing ATI in the Arab Region

In this section of our newsletter, we will try to ask different actors working on promoting ATI in the MENA region to share with us their understanding of the ATI situation and how to promote the right of access to information.

In this edition Alexandra Balafrej-Dhorne, author of the UNESCO report “Towards access to public information in Morocco – Comparative study with international norms and best practices” shares with us her thoughts about the ATI in the MENA region and the role that CSOs can play in promoting this right. Alexandra Balafrej-Dhorne is a communications expert focused on Right to Information.

The regional office of UNESCO in Rabat worked jointly with different CSOs and experts during the past few years to promote ATI in Morocco and North Africa. In 2009, in cooperation with this office, a leading CSO regional initiative launched country reports on ATI and developed the advocacy case for ATI in the region.

You can find the report on this link:


Could you please give us a brief description of the report that you did in 2011 with UNESCO on ATI in the MENA region?

This report, Towards access to public information in Morocco – Comparative study with international norms and best practices, was published by UNESCO in October, 2011 in collaboration with two Morocco-based NGOs,


In Arabic:

In English:
[http://unesdoc.unesco.org/images/0015/001584/158450e.pdf](http://unesdoc.unesco.org/images/0015/001584/158450e.pdf)

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Transparency Maroc and CMF-MENA. The objective of this report is to raise awareness about the importance of ATI, to share world best practices on ATI and provide a status report of ATI in Morocco as well as show potential perspectives for ATI in this country. My colleague Perrine Canavaggio worked on international practices while I focused on the Moroccan case.

Would you think a new civil society leadership could evolve on ATI after the Arab spring? How would you describe the situation on ATI in the Arab Region?

In the past five to ten years CSOs from the MENA region made great efforts to advocate for ATI. Some got organized in national networks, such as in Lebanon or Morocco, to increase their mobilization capacity while a regional initiative from Morocco, Jordan, Egypt and Bahrain established the ‘Arab Freedom of Information Network’ in 2008. The Arab Spring undoubtedly offered a window of opportunity to civil society and more broadly to Arab citizens to demand accountability, political participation and access to civil and political rights. Each political context is specific and we can say the situation is heterogeneous, but all MENA countries exhibit the same weaknesses when we look at practical access to information at a grassroots level. There is still a lot of work and all governments from the region have to make more efforts to work in partnership with civil society to improve public transparency, fight corruption and promote accountability.

How do you qualify the prior efforts of CSOs in the region on ATI? And how do you think they could develop better their advocacy?

CSOs in the MENA region have been and are still doing a lot to provide their countries with legislation that meets best standards in terms of presumption of disclosure, scope of information covered, proactive disclosure, request procedures or exceptions. This is absolutely critical and I think it was a natural process for CSOs to place their primary focus on drafting laws or advocating for legislative amendments to existing laws. This effort has sometimes been rewarded with success, like in Jordan which has an ATI law or in Morocco where the right to public information is a constitutional guarantee since the new Constitution was adopted in July, 2011. But there are many other steps to go through in order to achieve effective ATI at all levels of society, in particular at a grassroots level. There is a strong need to engage citizens and raise their awareness about the positive impact of ATI on their lives and the way to use this right, and to work with authorities both at the national and local levels to achieve greater transparency and accountability.

Along with legislative lobbying efforts, it is probably time in most countries to adopt a sector based approach to ATI and some CSOs are starting to advocate on ATI in specific sectors like, health care service delivery, lodging, budget transparency or environment. No state can move from a culture of secrecy to a culture of transparency in the blink of an eye. CSOs have a key role to play in establishing priority and intermediary objectives towards transparency as in monitoring and evaluating public initiatives that promote (including e-government initiatives) or hinder ATI.

Do you think there is a need for benchmarking in the region? And how do you consider the actual environment enabling changes related to ATI?

The increase in demand for participatory democracy, the rise of ICT and social media, globalization are all enabling factors that push for better access to information for citizens or the private sector. On the other hand, we cannot ignore factors such as high illiteracy rates (in Yemen or Morocco ) or multilingualism – a great cultural asset as well as a practical obstacle when public information is available only in one language – that tend to hinder access to information. I think there is a strong need for serious benchmarking in the region and for sharing experiences, inside the region but also with other countries in the world, in particular on how to implement ATI, raise citizens’ awareness and deal with obstacles experienced by citizens requesting information.
Country Status Reports: February – March 2012

This section presents an overview of the situation in the countries where the initiative was launched. In this issue, focus will be placed on Lebanon.

**Lebanon:** The Lebanese National Network for the Right of Access to Information (NNARI), formed in April 2008, seeks to enhance transparency and accountability and to strengthen the rule of law and civic participation through access to information, and protection for individuals who report corruption. The goal of the Network is to advocate for the adoption of an Access to Information legislation. The network’s most recognized achievement has been the drafting of access to information and whistleblower protection legislations, as well as a commentary on a draft law designed to fight corruption in the public sector. These draft were also presented to parliament in 2009 (ATI) and 2010 (WBP). This resulted from several meetings with the media, training of public servants and private sector managers and directors, and awareness raising campaigns. However, since its submission to the Parliament in 2009, little progress has been achieved on Access to Information legislation as this is still pending in the legislative committees’ agenda.

As part of the initial activities under the Regional Dialogue the Lebanese Transparency Association identified key practitioners to participate, including the network members. Activities consisted of an offline in-country session to present the Regional Dialogue, its goals, relevance, etc. This was followed by the first Videoconference.

The Network members include representatives of several key ministries, active CSOs, journalists, youth leaders, economic organizations, the syndicate of journalists, and the Beirut Bar Association. During the identification phase, several additional stakeholders expressed their interest to become part of the regional dialogue initiative. In fact, the Arab Center for the Rule of Law and Integrity (ACRLI), the Lebanese Development Network (LDN), and the Arab Anti-Corruption Organization (AACO) participated in the first offline session and in the videoconference.

**Jordan:** After the planning workshop in Beirut in February, the Amman Center for Human rights held several individual meetings with potential coalition members interested in this initiative and willing to join the efforts of improving the current ATI legislation. Around ten practitioners expressed interest in participating in the Regional Dialogue.

**Morocco:** After the videoconference, the first offline session meeting was held in Transparency Morocco’s offices on March 26th to discuss the obstacles facing the implementation of an ATI law, with the participation of CSOs, journalists, and representatives of the government. During a workshop organized in early April with Moroccan government officials, ATI experts and the WB, a draft law on ATI was discussed. After the inclusion of the right to access public information in the new 2011 Moroccan constitution, the government has set up an inter-ministerial commission, to work on a draft law on ATI. Civil society is not officially included at this stage, but its recommendations and propositions have already been transmitted to the government, and it is expected that the draft will be presented to civil society when completed.

**Tunisia:** Progress seems to be underway in Tunisia, according to the country coordinator of this Regional Dialogue. For instance, Tunisia adopted its ATI legislation last year, becoming the second country in the Arab region to do so, only after Jordan. In addition to the first videoconference organized on March 6, the national coordinator participated in the launch of ANSA in Rabat, Morocco and was involved also in the preparation of a regional event on ATI on March 28-29, 2012 in Tunis which gathered, representatives from the Prime Minister’s Office, the ministry in charge of administrative reforms, civil society organizations, members from the constituent assembly, the European union, WB, media and international experts in the fields of ATI, budgeting and anticorruption.
Past Events

✓ Launch of Affiliated Network for Social Accountability – Arab World, 12-15 March 2012

Coordinators of the regional dialogue on ATI from Tunisia and Morocco participated in the “Regional Forum on Supporting Citizen-State Engagement in the Arab World” and the launch of ANSA-AW that took place in Rabat, Morocco on March 15, 2012. This was an occasion to present the ongoing work of the regional dialogue “Supporting Coalitions and Networking to Advance ATI in MENA” to participants and exchange ideas and possibilities of collaboration in future events. The ANSA-AW initiative is a partner in the organization of the Regional Dialogue.

✓ Seminar: Open government and access to information, Tunis, 28-29 March 2012.

This conference was hosted by the Government of Tunisia and was organized in collaboration with the World Bank and The European Commission. Representatives of governments and civil society from the region participated in this seminar to present their initiatives on ATI and discuss possibilities of cooperation.

Our colleague Adel Beznine, national coordinator of the dialogue in Tunisia, moderated a panel on “Rights of Citizens and how to access them.”

Upcoming Events

http://www.opengovpartnership.org/OGPMeeting/April2012/Brasilia/Registration

✓ “Regional dialogue “Supporting Coalitions and Networking to Advance ATI in MENA” VC #2, 24 April 2012

The next videoconference will take place on 24 April in the four countries. Representatives of different stakeholder groups are invited to join participants who attended the first VC. This videoconference will discuss the status of ATI in the four participating countries: Jordan, Lebanon, Morocco and Tunisia.
The Regional Dialogue “Supporting Coalitions and Networking to Advance ATI in MNA”

One of the key pillars of the World Bank’s (WB) support in the Middle East and North Africa region consists of strengthening the governance framework, working with both State and non-State actors. Efforts with non-State actors focus principally on opening government to the people, while strengthening the capacities of these actors to enhance transparency, public participation, and accountability.

In this context, the WB is supporting The Affiliated Network for Social Accountability – Arab World (ANSA-AW). ANSA-AW is a platform for constructive dialogue and knowledge exchanges on transparency and social accountability issues across multiple stakeholders. As part of its activities, ANSA-AW held various regional workshops and consultations where access to information (ATI) emerged as one of the priorities among participating countries.

In order to strengthen the capacities of stakeholders in the region to move forward ATI reforms, as one of the priorities highlighted, the World Bank Institute and the Social Development Department at the World Bank’s Middle East and North Africa Vice-presidency, in partnership with ANSA-AW are supporting the emergence of a regional community of practice focused on ATI issues through facilitating the Regional Dialogue “Supporting Coalitions and Networking to Advance ATI in MNA. In this first stage, the four countries participating are Jordan, Lebanon, Morocco and Tunisia, with opportunities to expand to other countries during the second stage. Additionally, support to multi-stakeholder coalitions in these countries will take place. As international experience demonstrates, multi-stakeholder coalitions have been key in sparking the demand for ATI while engaging with government in the drafting and passing of ATI laws. These coalitions can also play a crucial role in supporting effective implementation of ATI legislation. Furthermore, knowledge exchanges through the Regional Dialogue will contribute to strengthen the capacity of country coalitions.

The Regional Dialogue will consist of series of knowledge exchanges through videoconferences, as well as in country sessions aimed at practitioners from both the supply and demand sides of ATI: Civil society practitioners, journalists, academia, government officials, MPs, etc.

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