

Executive Summary

International Conference on the
Right to Public Information

Atlanta, Georgia

February 2008



International
Conference on
the Right to
Public Information

February 27–29, 2008

THE
CARTER CENTER





EXECUTIVE SUMMARY

The Carter Center's International Conference on the Right to Public Information convened more than 125 participants representing 40 countries to reflect on the successes and lessons learned over the past decade in the access to public information (ATI) arena and to consider emerging issues. In bringing representatives from all key stakeholder groups—government, donors, media, civil society, private sector, and academia—together from February 27–29, 2008, the conference critically examined the progress and began to identify the necessary steps and measures to ensure the effective creation and implementation of universal access to public information. With an overall goal of advancing effective access to public information regimes globally, the conference addressed three primary objectives of:

- reflecting on the worldwide status of the right of access to public information;
- considering the impact of access to information on areas such as development and governance; and
- creating a blueprint for future action.

THE GLOBAL CHALLENGES

During the past two decades, there have been enormous advances in the field of access to information; however, the global landscape also has endured great change and many challenges still remain. More than 100 countries lack enabling legislation and numerous countries with once vibrant and robust access to information regimes are now in retreat. Even in

those countries that have passed legislation, there is inconsistent and at times insufficient implementation of the law. Moreover, it remains unclear that all of the benefits of the right to information are in fact reaching the most disadvantaged people and creating the anticipated societal transformations. And collaboration among stakeholders has not always occurred or yielded the desired results. Often, critical voices—such as donors or access to information administrators—have not been engaged.

CONFERENCE METHODOLOGY

The conference, initially considered and designed through a preconference meeting and with ongoing consultations, employed a mix of keynote speakers, panel presentations, and small working groups to share experiences, consider the challenges facing the right of access to information, and develop an agreed-upon action plan. Keynote speeches and plenary sessions bookended the three-day conference, with group work serving as the centerpiece. Conference attendees were purposefully chosen from a variety of stakeholder groups and fields to highlight the broad reach of access to information. The attendees were divided into five working groups to consider separate topics. Through facilitated discussions, the working groups delineated a set of concrete recommendations for the advancement of the field. The final sessions, chaired by former U.S. President Jimmy Carter, culminated in a draft consensus declaration and plan of action.

More than 100 countries lack enabling legislation and numerous countries with once vibrant and robust access to information regimes are now in retreat.



EXECUTIVE SUMMARY

CONFERENCE PROCEEDINGS

Throughout the conference, participants grappled with the fundamentally political aspects of access to information, such as the motivations of public and private actors to contribute to or impede it. This was evident the evening before the conference officially opened, when many participants attended Conversations at The Carter Center, an annual series of public discussions on timely political topics. The theme for Conversations was “Are We Safer with Secrecy?” and focused on the intersection of security (national and public) and access to information. Although increasingly used as a reason to deny information, particularly following the events of Sept. 11, 2001, the panelists argued that greater openness in fact serves to enhance national and personal security as it improves decision making and allows for necessary accountability.

Panelists argued that greater openness in fact serves to enhance national and personal security as it improves decision making and allows for necessary accountability.

Opening and Human Rights

During the first day of the conference, participants reflected on their experiences relating to access to information, past and present. Diego Garcia-Sayan, vice president of the Inter-American Court of Human Rights, served as the opening lunch speaker, focusing his remarks on the seminal *Claude Reyes v. Chile* court case. His presentation framed the issue of access to information as a fundamental human right and served as the starting point for deliberations. President Carter opened the first plenary panel of the conference, along with Juan Ramón Quintana, minister of the presidency of Bolivia; Maharafa Traoré, minister of justice of Mali; and Laura Neuman, access to information project manager for The Carter Center. The remainder of the afternoon included panels on access

to information as a tool for socioeconomic rights and development, access to information and governance, and the state of access to information, including case studies on successes and challenges. The format of the first day helped to lay the foundation of access to information as a fundamental human right and emphasized its value beyond just the fight against corruption.

Socioeconomic Rights

Inquiry into the impact of ATI on development was the main focus of the first plenary panel, “ATI as a Tool for Socioeconomic Rights and Development.” Participants on this panel discussed the important link between ATI and pro-poor policies for effective development practices, recognizing the issue as a priority agenda item for the advancement of ATI. Panelists emphasized that democracy alone cannot bring about economic, social, and human development, and it is essential to recognize that ATI can help democracies change people’s lives by stimulating development.

Good Governance

The second panel, “ATI as a Tool for Good Governance,” focused on the nexus between ATI and governance, considering questions such as: How does access to information make governments and governing bodies more effective and how can it increase the ability of governments to relate to their citizens? Panelists concluded that access to information advances government capacity to formulate and implement policy, make decisions, and ultimately, meet citizen demands.



EXECUTIVE SUMMARY

Case Studies

The last panel was conceived with the primary purpose of examining the state of ATI around the world. More than 70 countries in the world have

ATI laws, and with each of these global triumphs come the corresponding possibility to share the experiences and learn from the countless lessons. Five case studies were presented in this panel—Jamaica, United States, Bulgaria, China, and Mexico—with each country presenting a unique ATI regime. Borne out of their distinct cultural, political, and social circumstances, the instruments are structurally diverse and implemented differently yet share many similar challenges. The panelists contributed to the idea that future success will depend on the extent to which citizens embrace the right.

Working Groups

The second day of the conference was dedicated to group work, with the participants strategically placed into five groups of multiple stakeholders. With strong facilitation in each working group during the conference, the participants emerged with a number of specific recommendations and action items. Each group was assigned one specific topic to explore:

- Politics and Economy: shifting the balance toward openness
- Structural and Cultural Context: creating an environment for transparency
- Non-state and Multilateral Actors: examining roles and responsibilities
- International Norm Building: considering universal standards and a global community
- Indicators and Measurement: demonstrating and improving impact

Accountability

Featured on the second-day were keynote addresses from renowned persons. At the lunch, participants heard prepared comments from Huguette Labelle, Chair of the Board of Transparency International and Chancellor of the University of Ottawa, regarding the importance of access to information for holding officials accountable. She shared her global perspective of the value of access to information in the fight against corruption, as well as drawing from her own past experiences as President of CIDA and senior civil servant in Canada. At the special conference dinner, human rights defender and South African Constitutional Court Justice Albie Sachs spoke of the effects of secrecy under the apartheid regime and the extraordinary impact that transparency and the right to information has had on the country and its people.

Reports and Plenary Discussion

Under President Carter's leadership, on the third and final day, the facilitators reported on the deliberations and findings of their working groups. A draft conference declaration was distributed, and participants were provided a short opportunity to

comment on the working group considerations or the document. President Carter closed the conference with a request that all participants submit their comments and suggestions for strengthening the declaration. Additionally, he promised to review, make final edits, and personally ensure the wide distribution of the Atlanta Declaration to international organizations, regional bodies, and heads of state. With President Carter's chairmanship, disparate groups from around the world were able to develop a shared agenda for the mutual advancement of the right of access to information, which is captured in the Atlanta Declaration and Plan of Action.

It is essential to recognize that ATI can help democracies change people's lives by stimulating development.



EXECUTIVE SUMMARY

THE ATLANTA DECLARATION AND PLAN OF ACTION FOR THE ADVANCEMENT OF THE RIGHT OF ACCESS TO INFORMATION

The core findings of the conference are captured in the Atlanta Declaration and Plan of Action. The declaration reaffirms the Universal Declaration of Human Rights by stating, “access to information is a fundamental human right,” and asserts that access to information “is essential for human dignity, equity and peace with justice,” and that “a lack of access to information disproportionately affects the poor, women, and other vulnerable and marginalized people.” The Atlanta Declaration further finds that transparency rather than secrecy is indispensable for promoting safety and security and that enacting legislation is necessary but insufficient to ensure a comprehensive right of access to information. In addition to the specific findings section of the declaration, the conference concluded with a number of overall findings, including the need for:

- greater coordination and collaboration among all stakeholders and others engaged in the promotion of transparency and access to information;
- additional scholarship, including quantitative and qualitative analysis of the impact of increased access to information;
- emphasis not only on the passage of a law, but also its implementation and enforcement; and
- the value of the right of access to information beyond just the fight against corruption, to other arenas such as development and governance.

The Atlanta Declaration also establishes a series of key principles, for example that the right of access to information should apply to all branches of government at all levels, to all divisions of international bodies, and even to private corporations in certain circumstances and that all bodies should ensure a system for implementation. It calls upon all states to enact legislation to give effect to the right to information, and includes key tenets that should be respected. Importantly, the Atlanta Declaration reached consensus on a set of tenets that should be included in any access to information law or legal instrument. The final section of the Atlanta Declaration includes a plan of action, which provides a blueprint of activities

Access to information advances government capacity to formulate and implement policy, make decisions, and ultimately, meet citizen demands.

to encourage international and regional bodies, donors, states and corporate, professional, and civil society organizations to take concrete steps to establish, develop, and nurture the right of access to public information across the world. This set of activities will promote the advancement of the right of

access to information, as well as serve as a useful tool for monitoring the impact of the conference and Atlanta Declaration and Plan of Action.

FOLLOW UP

Following the conference, the Carter Center incorporated substantive comments from more than 60 participants into the draft declaration. On March 26, 2008, the final version of the Atlanta Declaration and Plan of Action was released. It has been translated into the three official conference languages (English, Spanish, and French) as well as Chinese, Portuguese, and Bulgarian and widely distributed. President



EXECUTIVE SUMMARY

Carter sent a personal letter of encouragement for the advancement of access to information, attaching the Atlanta Declaration and Plan of Action, to more than 200 heads of state, development banks, and regional and international organizations. The declaration has been the basis for numerous articles, speeches, blogs, and official government and multi-lateral organization documents.

IMPACT

The declaration's dissemination has made an impact, including personal commitments to its doctrine and several governmental bodies incorporating these principles and tenets into their own draft ATI recommendations, reports, and instruments and citing or annexing the declaration. As part of the dissemination plan, in order to inform the debate, the Atlanta Declaration and Plan of Action was sent to the Council of Europe in advance of its meeting on the proposed Convention on Access to Information. Furthermore, the principles and action items of the Atlanta Declaration served as a framework for the "Recommendations on Access to Information," a consensus document of the Organization of American States (OAS) that was presented to the

its Committee on Political and Juridical Affairs, and then again to all foreign ministers at the full general assembly in June. The declaration also was referenced in the working draft of the OAS Inter-American

Juridical Committee's Right to Information Principles.

Significantly, a number of ministers who attended the conference returned to their countries energized to begin or revisit the legislative process, including Liberia, Sierra Leone, and Bolivia. One of the action items called on the access to information community "to build solidarity with a full range of stakeholders who share a common transparency agenda."

In response, The Carter Center began hosting the international calendar of access to information and transparency events on its Web site to enhance cooperation and coordination and allow organizations to better promote and share their work. The Carter Center continues to disseminate the declaration and monitor its use, including distribution, postings, and references as well as focus on the action points to ascertain when and in what way they are being implemented.

The right of access to information should apply to all branches of government at all levels, to all divisions of international bodies, and even to private corporations in certain circumstances.

THE
CARTER CENTER



Waging Peace. Fighting Disease. Building Hope.

One Copenhill
453 Freedom Parkway
Atlanta, GA 30307
(404) 420-5100
www.cartercenter.org

For more information on the Atlanta Declaration or the
Regional Findings and Plan of Action, contact:

Laura Neuman
Access to Information Project Manager
Associate Director, Americas Program
The Carter Center
lneuman@emory.edu
(404) 420-5146
www.cartercenter.org/accesstoinformation.html