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ACCESS TO INFORMATION IN BOLIVIA: LESSONS LEARNED IN POLICY MAKING

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Introduction

The new constitution of Bolivia approved in 2009 promotes access to information, transparency in governance and the strengthening of citizen participation in the monitoring of the state administration. These require administrative planning processes with multi-sectoral actors, as well as public consensus. Since 2010 REDES Foundation, in alliance with the Agency for the Development of the Information Society (ADSIB), a state institution, have promoted the development of public policies in the field.

This experience shows that public policies related to access to information and transparency require certain abilities, namely: a trans-disciplinary approach to information and knowledge management; the development of expertise in disciplines such as communications, information technology (IT), systems analysis, statistics, and archival management, as well as the development of sustainable public-private models that provide free services, training and interplay.

Public policies on access to information should align with the real-world context that determines access to technology, which in the case of Bolivia implies three action areas: improving the level of internet penetration; increasing the use of technologies for development; and taking advantage of the high penetration of mobile technologies, creating public-private business models that allow free access to information.

International policy for access to information in Latin America

The Latin American framework for the promotion of access to information consists of three parts. The first is related to the right to information, and includes the Universal Declaration of Human Rights and the American Convention on Human Rights. Both lay the foundation for the right to information and guarantees for freedom of expression. The second framework corresponds to the commitments that the American states have adopted in terms of fighting corruption, particularly the Inter-American Convention Against Corruption of 2007. The third framework encompasses agreements and responsibilities in terms of e-government, including the commitments adopted at the Geneva 2003 World Summit on the Information Society (WSIS), which proposed the vision of the information society driven by the member states, and the Tunisia 2005 WSIS follow-up, which proposed a series of mechanisms to bridge the digital divide and promote internet governance, with e-government as one of its priorities.

At the regional level, the states of Latin America and the Caribbean (LAC) address strategic aspects related to the adoption of information and communications technologies (ICTs) in the public sector in the Bavaro Declaration.[1] The Santo Domingo Declaration[2] deals with modernisation through the implementation of e-government strategies that include citizen participation. The Ibero-American Charter on E-Government[3] ratifies state reforms, and recognises the citizens' right to interact electronically with the public administration. It also recognises the state's irreplaceable role regarding electronic service delivery, suggesting the general conditions for e-government development. Finally, the eLAC 2015 Plan, administered by the Technical Secretariat of the Economic Commission for Latin America and the Caribbean (ECLAC), deals with the obligations of the state when it comes to the construction of the information and knowledge society in Latin America.

In general terms, the above frameworks are not consistently applied when it comes to the transparency of and access to public information in Latin America, and Bolivia is no exception. This creates different approaches amongst different government actors. For example, the Ministry for Transparency and the Fight Against Corruption prioritises the international approach that privileges the battle against corruption; the ADSIB prioritises the e-governance framework; while REDES Foundation promotes the use of the three international

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1   www.cepal.org/prensa/noticias/noticias/9/11719/Bavarofinalesp.pdf

2   www.clad.org/documentos/declaraciones/declaracion-de-santo-domingo

3   www.clad.org/documentos/declaraciones/cartagobelec.pdf/view

normative frameworks for the design of access to information public policies.

Executive and legislative initiatives on access to public information

In mid-2012 two public policies on transparency were launched, as well as two legislative initiatives that would contribute to building a favourable political environment for e-government and a transparent public administration. These processes are undergoing their first stages of implementation. In 2006, through the executive, the Ministry for Transparency and the Fight Against Corruption implemented the National Policy on Transparency, which in turn enabled some central-level institutions to foster public accountability and publish administrative information on their websites. Simultaneously, in 2008, the ADSIB designed the Bolivian Electronic Administration Programme, which aimed to "institutionalise the formulation, approval, execution, follow-up and evaluation of the processes of public services and the improvement in the quality of the internal processes of government entities, through the implementation of ICTs to promote administrative transparency and deepen social participation in the public administration." The programme only includes ministries and vice-ministries.

In 2009 the Plurinational Legislative Assembly approved the new Constitution of Bolivia, in which Articles 106 and 107 recognise the right to information and communication; Article 20 establishes that telecommunications are a basic service; and Article 26.1.5 establishes the right to participation. However, all the aforementioned provisions still require the development of specific laws and regulations – even now in mid-2012. Furthermore, Article 75 of the ICT and Telecommunications Law approved between 2010 and 2012 establishes that it is mandatory to set up e-government in all public institutions, thereby creating new responsibilities for the government and obliging the vice-ministry of telecommunications to develop specific regulations, which they are currently still in the process of doing.

Lessons learned on the design of public policies on access to information

REDES Foundation together with ADSIB has participated in the formulation of the Bolivian Electronic Administration Programme, and had a direct involvement in the design and approval of the ICT and Telecommunications Law in Bolivia. Currently, REDES is also responsible for the design of the municipal government e-government standards, with the support of UNESCO and the participation of the Plurinational Council on Information and Communications Technologies (COPLUTIC); this council comprises the Ministry of Public Works represented by the Vice-Ministry of Telecommunications, Services and Housing, the Ministry of Communications, and ADSIB. The following are some of the lessons learned:

- **Multidimensional theoretical-methodological proposal** It is essential to build an approach that allows combining the right to information, transparency and e-government.

  In our experience, such a proposal should consider the right to information and freedom of expression as human rights, and as a basis for any transparency and access to information initiative, either public or private.
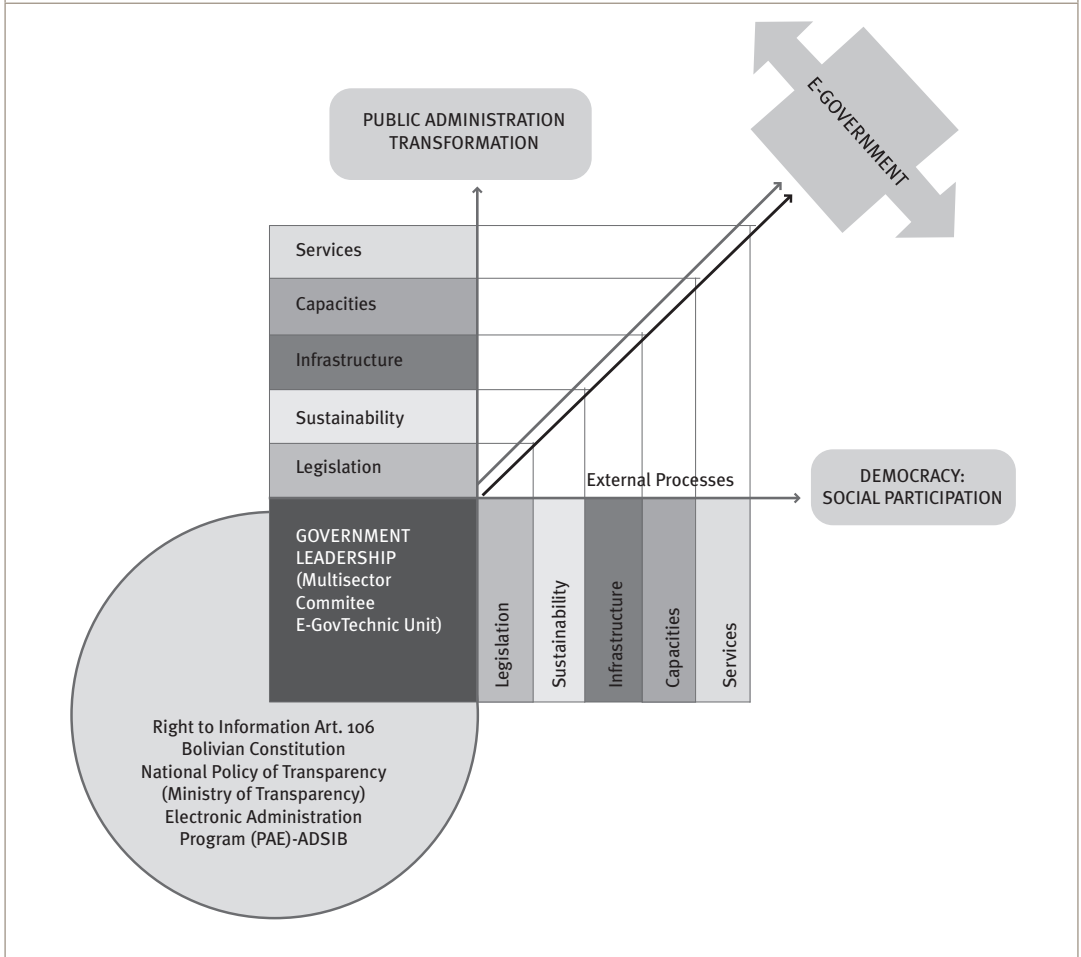
  The right to information will promote transparency and strengthen democracy through social participation and influence over the government's actions. Both processes require the development of internal and external institutional reforms that guarantee progress in the implementation of an e-government framework in Bolivia.

  The multidimensional approach to the right to information allows us to view it from different perspectives, disciplines and actors. Furthermore, it focuses on a deeper social participation rather than simply adopting ICTs in governance. It recognises the cross-cutting nature of the process, since it affects the actions taken at regional, national, departmental, municipal, community and private levels. Finally, it implies methodological learning in terms of the way that internal and external institutional reforms need to be set up in the short, medium and long term.

- **Fragmented initiatives among government actors** One of the main barriers hindering the institutionalisation of the right to information in Bolivia is the fragmented approach of the public sector. As stated before, some actors prefer to approach the problem through the lens of their own agenda: some would choose the fight against corruption, some the application of ICTs in the public sector, and others would focus on the establishment of the right to information as a basis for democracy. It has been noted that there are no approaches that articulate these three visions (information, transparency and e-government) in a multidimensional approach, which is what REDES is aiming for.

FIGURE 1

E-government model for access to information

PUBLIC ADMINISTRATION TRANSFORMATION

E-GOVERNMENT

Services

Capacities

Infrastructure

Sustainability

Legislation

External Processes

DEMOCRACY: SOCIAL PARTICIPATION

GOVERNMENT LEADERSHIP (Multisector Commitee E-GovTechnic Unit)

Legislation
Sustainability
Infrastructure
Capacities
Services

Right to Information Art. 106
Bolivian Constitution
National Policy of Transparency
(Ministry of Transparency)
Electronic Administration
Program (PAE)-ADSIB

- ***Participation of non-governmental actors*** The design of public policies for access to information requires overcoming a lack of methodology related to the effective involvement of actors from the private sector, academia and civil society. In the majority of cases, the design of such policies includes the consultation of some "specialised" actors that do not always represent the interests of the population, which is why it is important to broaden consultation.

- ***An e-government model for access to information*** The operational level requires the implementation of internal and external reforms in public institutions in order to effectively enforce the right to information.

During the Information For All Project, financed by UNESCO, REDES Foundation proposed the model illustrated in Figure 1, which defines three main activities in order to develop a successful e-government strategy: 1) start with government leadership, 2) define actions oriented towards transformation, and 3) focus on the modernisation of public management.

Each area is complemented by five concrete actions that include the development of:

- *Legislation* to guarantee that the transformations are legally backed in the long term.

- *Sustainability* to guarantee that the implementation of e-government becomes institutionalised,

that it forms part of the governmental culture, and becomes an essential practice in the dynamic between local government and citizens.

- *Infrastructure* to guarantee the acquisition and maintenance of appropriate technology to overcome the digital divide.

- *Technical capacity* to ensure that officials as well as citizens learn to use and control the technology and information in order to promote development.

- *Online services* to facilitate the simplification of procedures, administrative transparency, access to information, democratic participation and an improved and modern interrelation between the government and its citizens.

Conclusions

Latin America has a short history of public policy implementation in terms of access to information as a human right. There are three tendencies in terms of international instruments: 1) initiatives that privilege the fight against corruption with preventive and punitive measures; 2) initiatives centred on the adoption of ICTs in public administration or e-governance; and 3) initiatives that focus their efforts on the establishment of the human right to ICTs as a basis for modernising the public administration, including internal and external processes.

One of the most important methodological challenges to promote access to public information in this region is combining the international instruments of 1) the fight against corruption and the promotion of transparency, 2) e-government and 3) the right to information as a human right.

The design and implementation of public reforms in terms of access to information by entities with no decision-making capacity also constitutes one of the main barriers that hinders the uniform establishment of the right to information as a daily practice in the public administration and amongst the citizenry. Such initiatives become partial, and have a short reach and limited impact for small groups of the population.

It is imperative to build a national legal framework that includes international standards and effectively integrates the right to information, the fight against corruption and e-government.

It is important to promote the participation of civil society throughout the process of developing and implementing public policies on access to information.

An effective and comprehensive e-government model should consider the development of internal and external reforms in at least five fields: legislation, sustainability, infrastructure, technical capacities and online services.

Action steps

- It is necessary to encourage a public culture that insists on the right to information, and which helps create a basis for citizen participation in and influence over the public administration.

- It is important to create a public culture that includes the protection of private and personal information.

- Free access to information, low-cost solutions and the use of mobile technologies need to be emphasised in the development of information initiatives. ▪