Accountability and Access to Information: Two Sides Of The Same Coin

The countries with greatest growth and recognition are those that have known how to organize their public life. In other words, they have a high quality democracy.

And, despite how ungraspable being happy seems to be, some social researchers have made an effort to try and know how happy we are. The results of a world-wide survey of values have shown that, in general, the happiest nations are those that have high quality democratic systems. And, high quality democracy is good governance: We understand good governance as the construction of policies with consensus mechanisms, contracts and guarantees for the involvement and engagement of all social sectors. In this framework, accountability and access to information, like two sides of the same coin, acquire a relevant value.

In Barcelona, Spain, on the 23rd of June 2010, within the frame of the United Nations Public Service Day Awards Ceremony and Forum, The Barcelona Declaration on ‘‘The Critical Role of Public Service in Achieving The Millennium Development Goals’’ was signed.

In the fundamentals of this Declaration (point 5) we can read the following: Recognizing that public decision-making processes should be transparent, accountable and participatory and that information about government decisions in public affairs for development should be clear and accessible to all;

Amongst the recommendations:

(point g): To improve transparency and accountability, governments should promote wider use of information, communication and technology to simplify and reduce the cost of processes and foster broader access. Information sharing and using ICT tools should be a priority to support planning.
There are many semi-direct democratic tools which ensure citizens have mechanisms of participation in the decision making process that complement those already existing, amongst which the most classic is the right to vote. Successful experiences, such as participative planning, participatory budgets, the citizen’s advisory councils, strategic plans and the carrying out of public audiences, just to name a few, all offer citizens channels for direct expression of their specific requests. These mechanisms are windows which allow the needs of a society in constant mutation to be channeled. Even in complex socio-cultural environments – multicultural, multiracial and with evident economic differences—democratic reinvention has the most diverse characteristics generating concrete institutional innovations and learning experiences which indicate that we are in the presence of a new configuration between representative and participative democracy. A democracy that enables people to have a sense of engagement in a common enterprise and face shared challenges as members of a same community.

However, this civic engagement prove illusory if citizens do not have assured access to the information of which the State is in possession. The right to access public information mainstreams all these mechanisms of participation once established in the prerequisite to be able to exercise them. Expecting people to collaborate and to participate without giving them the possibility to know all the necessary information to decide, IS POINTLESS. The solution to this problem is not the imposition of limits to participation, but the lifting of those barriers which hinder access to information, in order for political participation to be carried out by ´´informed citizens´´.

Fortunately, the right of access to information is here to stay. On the 19th of September 2006, the Inter-American Court of Human Rights in the case ´´Claude Reyes and Others vs. Chile´´ it was expressly stated that the right to access information is a human right incorporated into the right of freedom of thought and expression. In the ruling, which had great international
repercussions, the Court incorporated various standards that were already recognized by other specialized international bodies.

The important step forward that the recognition of access to information as a human right meant, generated the need to accompany it with a juridical regime containing elements and guarantees to make it effective. The Court pointed out the need to design an access to information regime which considered essential principles.

Some of those principles are:

**Wide Active Legal Standing:** All people can request it, and it is not necessary to specify the motives for doing so.

**Wide Passive Legal Standing:** It is the duty of the State to provide the information requested, spanning all its bodies and authorities, not only the administrative ones.

**Principle of maximum disclosure:** It establishes the presumption that all information is accessible, subject to a restricted system of exceptions.

**Objective of the right:** The ‘‘information’’ covers all types of storage or recovery systems, including films, microfiches, videos, photographs and more.

**The State’s positive obligation to hand over information:** The requested information must be provided and/or the negative backed-up, in case it classes as one of the legitimate exceptions.

**Juridical resources to guarantee the exercise:** It implies the need to guarantee it through adequate juridical protection so that protection can be obtained in a quick and facilitated manner.

Currently, 86 countries around the world boast laws which regulate this right, of which, 12 are in South or Central America.
Therefore, legislating in this topic, while important, is not enough to expand the plenitude of the right if, at the same time, a sustained awareness is not raised about how public secrecy affects our daily lives.

Access to information facilitates the evaluation of public institutions, and transparency can be measured according to the degree with which citizens can monitor and evaluate the actions of public servants and representatives. Underlying to these definitions, we always find the idea that transparency is closely related to accountability. Furthermore, from the perspective of an economic analysis, access to public information reduces uncertainties in the market regarding preferences of relevant actors, makes financial politics more predictable, and thus, improves external efficiency in the markets. On the contrary, the absence of transparency forces economic agents to review their expectations regarding consumption, investment and prices of products, increasing investment risks.

Another aspect to bear in mind is the impact of new technologies in information and communication on politics, culture and everyday life of the people. For this reason, while being conscious of the fact that factors subsist that limit access to technology for a big part of the population, attentive to the fact that they represent a great potential for facilitating access to information, governments should look to guaranteeing its accessibility.

To conclude, some of the matters to bear in mind in order for access to information and accountability to be made tools which contribute towards improving democratic quality are:

- The concept that public information belongs to people must inspire the work of all public servants.
- Transparency must transcend formal institutionalism and go on to be part of the daily work processes in public administration.
• Access to Information is a public good that re-legitimizes those who implement it, and allows the improvement of efficiency and effectiveness in the management of public politics.
• It is not just about passing a law, but about encouraging a cultural transformation through everybody’s responsible participation.
• Access to information and accountability are much more than a possibility to control. It is taking care of our national patrimony, preserving and comprehending history and traditions, recovering identity and having a sense of one’s country.

Improving the quality of democracy implies traveling a long and arduous road – built day by day. It is a co production between governors with a vision of the future and those governed aware of their rights and responsibilities. It is building civic engagement in order to achieve the dream of the Millennium Development Goals.