

MEASURING OPENNESS

A SURVEY OF TRANSPARENCY RATINGS AND THE PROSPECTS FOR A GLOBAL INDEX

Sheila S. Coronel

We are in the midst of an explosion in the measurement of government openness and the accessibility of information to the public. This is due largely to the growing interest worldwide in the usefulness of transparency as a tool for catalyzing reform and to the emergence since the 1990s of a global right-to-information movement.

Today 90 countries have information access laws, with the majority passing them only since 2000. Many of these laws were enacted during periods of democratic transition or regime change. In many countries, they were also the result of popular agitation for more open government. In others, laws were passed to meet aid or other requirements, like accession to the European Union.

As legislation was being drafted in quick succession, information activists needed to be able to evaluate and compare them. Some right-to-know groups went on to set their own standards and create their own tools to assess information laws and their implementation. At the same time, donors and anti-corruption groups began focusing on transparency as an indicator of good governance, and created their own ratings as well.

Since the 1990s, there have been dozens of efforts to measure information access. The problem is not that transparency has not been measured enough: It has. But what we have today is a patchwork of ratings and indices evaluating various aspects of government openness. These measures cover different sets of countries, examine different spheres of government transparency, and use a variety of criteria and methodologies. Some focus, for example, on just the openness of government budgets; others, on the availability of information on natural-resource extraction or access to information that can hold public officials and agencies accountable, such as asset and campaign finance disclosures.

There is no single rating that is both comprehensive and truly global in scope. This has frustrated some donors and advocacy groups who view a global openness index as a crucial advocacy tool for transparency reforms. A comparative rating that allows governments to see how well they fare compared to others would also help right-to-information groups campaign for more openness. Moreover, a global index is a leverage that donors can use for prompting greater disclosure in exchange for aid and other benefits.

This study was undertaken to identify what is already out there and to assess the usefulness of a global right-to-information index. What purposes would such an index serve? Who will benefit? And what are the challenges in designing and producing it?

To answer these questions, this paper examined some two dozen cross-country comparisons of information access, most of them initiated by freedom-of-information advocates. The author also interviewed nine leading advocates in the right-to-information (RTI) field.

Most of the studies in this survey were initiated by freedom-of-information (FOI) advocates, but a few are by multilateral organizations. It is not a comprehensive review of all the attempts at cross-country comparisons of information access, but a sampling of the most important recent work, with a bias toward the efforts undertaken by those who identify broadly with the global transparency movement.

I. What We Know Now

Without doubt, we have had a rich harvest of transparency research, especially in the last five years. This research boom is a reflection of the growing strength and visibility of the global right-to-know movement. The research pool was significantly expanded by organizations seeking to measure transparency as part of governance indicators. More recently, efforts to increase accountability in budgets, development aid, and revenues from natural resources have generated new data on the state of information access in these sectors.

This is what a survey of some two dozen studies found:

Firstly, we know much more about the state of government openness now than we did a decade ago. Many groups have invested resources in examining the extent of transparency at the national, subnational, regional, and international levels.

Secondly, there is no dearth of comparative assessments of FOI laws. There is also broad agreement among transparency researchers that FOI laws are insufficient measures of transparency. Further investment in a global rating of laws will therefore not add to what is already known. The existing ratings differ only in the countries they cover and some of the indicators they use. There is already much overlap in this field.

Thirdly, there are converging efforts to monitor access to information in the good governance and anticorruption field. These assessments have both de jure and de facto indicators, covering not just laws but the actual availability of information. The problem is that most of the studies done cover various countries and use different measures. They have also not been conducted regularly enough to be able to compare countries across time. The regular assessments – Global Integrity’s integrity scorecard and the Open Budget Survey – are either limited in coverage by country (just over 30 in Global Integrity’s case) or by scope of information (just budgets or a narrow range of information related to the control of corruption).

Fourthly, there are exciting developments in the fields of transparency of development aid and revenue extraction. While these initiatives themselves do not contribute directly to the comparative measurement of information access, their existence has spurred efforts by think-tanks and civil society groups to construct their own indices. Moreover, membership in these initiatives is already being included by donors and other interested parties in their evaluation of the countries concerned. Interestingly, the global transparency community, which has largely been focused on national FOI laws and their implementation, has not been the moving force behind these initiatives, although openness advocates have provided their expertise to them.

Finally, there has emerged in the last five to 10 years a global community of transparency researchers and advocates who have the capacity to do increasingly sophisticated assessments of access to information in their own countries as well as regionally, and in some cases, globally. This community has been developed, and is being tapped, by among others, Global Integrity, the International Budget Partnership, and Access Info Europe. The software for a global transparency rating already exists, both in terms of the creation of methodologies or measuring tools as well as practical field experience in gathering data for transparency indicators. This kind of networked, distributed, or crowd-sourced global research has been tested – and it has delivered.

Below are summaries of the most important studies included in this survey, categorized according to what aspects of access to information they have rated or examined. Readers who prefer not to delve into individual studies can proceed to Part VIII of this Report, “The Rating Paradox: Many Measures But No ‘Super Index.’”

II. Ratings of Freedom of Information Laws

The most easily measurable and comparable component of government transparency is freedom-of-information legislation. The methodologies for such assessments are fairly well developed and there has been no shortage of efforts by both multilateral agencies and NGOs to rank countries according to the robustness of their legal framework for information access.

FOI law ratings have been based on expert evaluations of enacted legislation. While the studies differ somewhat in the indicators they use for assessing the laws and the relative weights they assign those indicators, there is broad agreement among them. All of them, for example, look at the scope of the law, the procedures for access, exemptions, and appeals. The differences have largely to do with the countries covered by the studies and the extra issues they choose to include, such as proactive disclosure and the institutional design of the bodies tasked with implementing the law.

The World Bank’s Project Accountability Mechanisms examines FOI-related laws in 88 countries, not all of which have an FOI law. In 2010, Transparency International

and Access-Info Europe did a comparative assessment of FOI laws in Bosnia, Montenegro and Croatia. The Regional Alliance for Freedom of Expression in Mexico is currently working on a comparative rating of Latin American FOI legislation.

Last year, Access Info-Europe and the Centre for Law and Democracy released their Global Right to Information Rating. It is so far the most ambitious and comprehensive effort to assess all FOI laws in the world (there were 89 laws at the time of the study). But because the rating looked at laws, not actual implementation, Sweden scored far lower than Tajikistan, Nepal, or Mongolia. The Scandinavian countries, except for Finland, fared worse than many Balkan and South Asian countries.¹ The reality, however, is that Sweden with its 300-year tradition of public access to information and a well-funded and efficient bureaucracy delivers far more information to its citizens despite a law that does not quite come up to 21st Century standards. So even while those who did the rating were clear that they were only comparing only the laws, the results triggered controversy and a sort of cognitive disequilibrium.

Despite this, comparing laws retains a certain allure in the transparency community, especially among the groups that have been formed largely around the enactment and enforcement of FOI legislation. This seeming preoccupation with FOI laws has in fact been noted by critics who say that in countries with weak rule of law, inept bureaucracies, and flabby institutions, mere passage of legislation does not in itself open up access and is therefore an inadequate measure of transparency.²

III. Measuring Transparency as Part of Governance

The earliest efforts to compare access to information in a range of countries were part of bigger projects to construct indicators of governance. The earliest of these tools, the so-called first-generation governance indicators, were mostly developed under the aegis of multilateral agencies like the World Bank and the OECD, by private commercial groups like risk-assessment firms, and by academics. The collapse of socialism, the emergence of new democracies, and increasing capital flows into emerging markets have all contributed to increasing interest in governance and continued investment in its measurement.³

The World Bank's World Governance Indicators have been collected from some 35 data sources since 1996. These are broad and somewhat crude measures of governance based largely on perceptions gathered through surveys of expatriate businessmen and international experts. Transparency is lumped together with the perceptions of corruption under a broad indicator called control of corruption, which was deemed to be one of the six dimensions of governance. (The others are voice and accountability, political stability, government effectiveness, regulatory quality, and the rule of law.)⁴

These governance indicators have since come under fire: first, for being based on perceptions rather than facts, and second, for their ethnocentric bias, reflecting

mainly the views of Western experts or donors who have been accused of ranking countries on the basis of unilaterally selected indicators.⁵ In recent years, there have been attempts toward more participatory approaches where local stakeholders have greater say and governance concerns are integrated into national political reform agendas, rather than being mainly for foreign consumption.⁶

Global Integrity, for one, uses local researchers to rate their own countries and stresses that its reports “are homegrown, locally-generated assessments, not Western desktop exercises.”⁷ The World Governance Assessment done in 2000-2001 and again in 2006 by researchers of the UK-based Overseas Development Institute relies on a cross-section of “well-informed persons” from government and civil society in each country being assessed. The 2010 OECD Open Government Survey polled government officials in the countries concerned. International IDEA developed a Democracy Assessment framework that it encourages local groups to use; its assessments are “locally led and owned.”⁸

These second-generation governance studies also do not rely on perception data, opting instead to get local researchers, experts, or in the OECD’s case, officials in charge of implementing openness measures, to rate their own countries according to more clearly defined, disaggregated, measurable – and in many cases, actionable – indicators. Their transparency metrics include not just *de jure* (meaning what has been provided for by law) but also *de facto* indicators, meaning what actually exists in practice. These indicators provide a better comparative picture of the actual state of access than the earlier governance assessments or the more recent ratings of laws. Some of them also provide commentaries and narrative explanations as to how the scores were given.

The OECD Open Government Survey includes not just the scope of the law but also the cost of requesting information, the extent to which information is published proactively, the frequency with which information requests are appealed and denied, the exemptions frequently used, and how long the information law has been in place.⁹ The World Bank’s PAM Initiative, apart from reviewing legal frameworks for freedom of information, is also interviewing government officials and advocacy groups in the countries concerned in order “to assess on an *ad hoc* basis” the capacity of governments to implement the right to information.¹⁰

Global Integrity asks its local researchers to find out not only whether certain records, such as asset disclosures and contributions to election campaigns, are required by law to be disclosed, but whether citizens can actually get those records. They are also asked to rate the quality of the disclosures and the timeliness of their release.

All these assessments do not rank the countries. The OECD Open Government Survey provides a spreadsheet of answers, but doesn’t give a numeric score for the countries. Global Integrity publishes a scorecard for every country it rates, but does

not rank them; instead, it shows in a bar graph where the country stands in comparison to others.

All the three studies cited above have a limited universe of over just over 30 countries so they fall short of being truly global ratings. Moreover, they cover only the somewhat narrow range of public records that are seen as important to good government, such as public procurement records and the financial disclosures of officials. So even as they do better than the law ratings by including de facto indicators, they, too, fail to give a full picture of openness. Access to information on arguably equal important areas of government, such as the economy or public health, education, and the environment, are not included in these assessments.

IV. Monitoring and Evaluating Practice

Right-to-know groups have taken the lead in developing the methodologies for testing access by making actual requests for information and monitoring how those requests are processed.

In 2001, the Philippine Center for Investigative Journalism and the Southeast Asian Press Alliance got local journalists to ask public bodies for 43 records containing a range of information, including macroeconomic and socioeconomic data, laws and parliamentary proceedings, government budgets and contracts, and information on public officials as well as private individuals.¹¹

At that time, Thailand was the only Southeast Asian country that had enacted an FOI law, so comparing laws and their implementation was not a viable exercise. The study covered eight countries in the region: the findings were not surprising, but they did show that certain countries like Singapore and Malaysia had opened up economic and business information while keeping other information on public officials and politics secret.

In 2003, a pilot study by the Open Society Institute Justice Initiative went further in developing a methodology for monitoring access. Fearing that “governments eager to proffer their democratic credentials to the international community may adopt substandard laws,” the project developed a tool for assessing whether existing laws were meeting international standards not just on paper but also in practice.¹² Its methodology involved getting civil society organizations in those countries to file a number of information requests on a range of records in a variety of public bodies.

In 2006, with support from the Justice Initiative, information advocacy groups in 14 countries asked individuals from different social sectors to submit information requests to 18 different public bodies. The study showed that countries with FOI laws were more responsive to requests and that countries with active openness movements received more positive responses. Moreover, transition countries provided more information than mature democracies.

The Justice Initiative's monitoring tool has also been used by the Open Society Assistance Foundation in a comparative study of the availability of public finance information in four former Soviet republics. Access Info Europe has used it as well to assess the state of freedom-of-information in Cyprus and for the 20-country Tell Us What You've Done survey with Transparency International.

In 2008-2010, the Media Rights Agenda (MRA) applied the methodology to Ghana, Liberia, Nigeria, and Sierra Leone. It began by listing laws that had access provisions in all the four countries. Then it tested how effectively existing regulation was being implemented. The results were unsurprisingly disappointing: public institutions were mostly unwilling to release information with only 13 percent of the requests resulting in complete information being received on time. Moreover, many requesters were threatened and harassed.¹³

Another regional monitoring project currently being developed by the Alianza Regional por la Libre Expresión e Información will assign monitors to make requests for information in a randomly selected sample of public agencies in Latin America. The monitors will then be asked to rate each agency according to the timeliness and quality of their response. This "simulated user" monitoring is part of a three-pronged assessment of the state of access to information in the region. Aside from an expert rating of FOI laws, the study will also assess existing legislation by conducting semi-structured interviews with stakeholders from within and outside government.¹⁴ Alianza hopes to develop this three-pronged methodology so that it can be used uniformly to conduct national and subnational assessments across time.

The 6 Question Campaign employed the same monitoring methodology in 80 countries. Initiated by Access Info Europe, The Centre for Law and Democracy, and the International Budget Partnership, this campaign involved asking RTI groups to make information requests in response to six questions aimed at testing budget transparency. The information requests were very specific, such as one that asked for the amounts health ministries spent on magnesium sulphate for treating eclampsia.

The results, released in 2011, showed that only 12 countries provided fully compliant answers to all the questions within 30 days. Over half of the requests elicited no responses at all. In many cases, the governments did not appear to have the information.

It is hard to say, however, how much can be concluded from just six questions in terms of not only on the overall state of freedom of information in a country, or even just in terms of budget transparency. The study had a large sample size but only a few, specific questions. Given that in many cases, the public bodies queried gave no response at all or did not have the information being requested, can the results of this assessment be seen as a reflection of state or bureaucratic capacity as much as they are of government secrecy?

Also in 2011, The Associated Press released a global study that tested freedom of information laws. It involved getting AP journalists in 105 countries to make FOI requests for records related to the number of arrests and convictions of individuals under federal or national antiterrorism laws. Using the responses to these requests as well as law-enforcement data and interviews, the AP identified 119,044 arrests and over 35,000 convictions in 67 countries. The AP tracked the speed and completeness of the responses and found that only 14 countries answered in full within their legal deadline, another 38 eventually answered most questions.

Like the Justice Initiative study, the AP found that newer democracies were more responsive – the US, for example, responded six months late and with large sections of the record redacted. Canada asked for a 200-day extension. India, on the other hand, responded within the one-month deadline and provided a complete, state-by-state breakdown of arrests and convictions.¹⁵

V. Looking at the Supply Side

For the most part, existing studies measure the ability of citizens to get information from public bodies, not how well governments respond to their requests. The focus has been largely on the demand side of the information equation. In recent years, however, there have been attempts to examine access from the supply side; that is, the willingness and capacity of governments to service information requests. These assessments fall into two very different types. The first is monitoring the extent of proactive publication of information; the second focuses not so much on the information that is released but on assessing the internal organizational structures of government bodies in terms of their ability to supply information.

The OECD's Open Government Survey is an early example of the first type. It assessed the extent of proactive disclosure by finding out whether certain categories of information, such as public procurement and financial disclosures of officials, were posted on the websites of government bodies.

In Russia, the Institute for Information Freedom Development Board has been evaluating government websites since 2004. The Institute has developed a sophisticated methodology for assessing these websites in accordance with the provisions of the country's access to information law. The sites are assessed by independent experts not just in terms of the comprehensiveness, social significance, and relevance of the information they contain but also in terms of their navigability and accessibility.¹⁶ In 2010, the group calculated the average openness rating of federal government sites at 41 percent and noted the refusal of many government bodies to release information related to their budgets or the management of state property.¹⁷ In 2011, the Institute issued a report on 83 regional governments in Russia and calculated their average openness rating at 38 percent.¹⁸

The access to information monitoring tool being developed by the Alianza Regional por la Libre Expresión e Información also tries to assess the supply side by checking

the extent of information that is posted on government agencies' websites. Alianza's research also touches on the second type, as it asks its monitors to assess the physical conditions of government offices and interviews officials to get a better sense of their problems in implementing right to know laws.

Studies on India's information law have also aimed at assessing access through the supply side by checking the extent of proactive disclosure, as well as interviewing information officers and other officials.¹⁹ The 2005 Justice Initiative study mentioned in Part IV also included interviews with information bureaucrats in the 14 countries that were part of the report. Research on the state of access to information in Cyprus included an assessment of the range of information available on the websites of 20 public bodies.²⁰

Since 2006, the Open Democracy Advice Center in South Africa has tied the results of its supply-side assessment to an award that recognizes the best performing government agencies in terms of information access. The Golden Key Awards, given jointly with the South African Human Rights Commission, are based on monitoring research. Every year, ODAC receives from a sampling of public bodies a list of documents related to their implementation of South Africa's Promotion of Access to Information Act and rates them according to the availability of these documents.²¹

In contrast, the Carter Center's Implementation Assessment Tool does not look at proactive disclosure but at the ability of public bodies to provide information to citizens. The tool is a matrix that looks at the internal "plumbing" of state bodies – the kind of leadership, rules, systems and resources they have – in order to assess the extent to which they are prepared to provide information and respond to requests.²²

V. Access to Information on Specific Issues

Some of the most ambitious efforts to evaluate information access are being undertaken by groups interested in transparency in particular sectors, such as budgets, anticorruption mechanisms, revenues from extractive industries, and aid. For example the International Budget Partnership's Open Budget Survey (OBS) has been rating budget transparency in over 90 countries biannually since 2006. The centerpiece of OBS's methodology is a detailed questionnaire intended to find out not only whether a range of budget-related information is available, but also the comprehensiveness of the information and the timeliness of the release. OBS's partners are civil society and media organizations that assign researchers to answer the 123 questions in the OBS survey.

The 2010 Open Budget Survey found that in nearly half the 94 countries surveyed, the amount of budget-related information released is acutely inadequate. Unsurprisingly, when the OBS staff compared the results of its three budget surveys since 2006, they saw a significant correlation between budget transparency and

higher national incomes and stronger democratic institutions. They also found that budget transparency has been on an upward trajectory.²³

The IMF has also been assessing fiscal transparency, but does so on the basis of the Standards and Codes put together by the IMF and the World Bank, which member-organizations have all agreed to. Since the crises that hit emerging markets in the 1990s, the IMF has put together country Reports on the Observance of Standards and Codes (ROSCs). These ROSCs cover 12 areas, including fiscal transparency (the others are accounting, money-laundering, anti-corruption, etc.)

The fiscal transparency component mandates the kinds of documents that governments should publish, including those related to the budget, taxes, and public expenditures. Questionnaires are sent out to governments, and the answers are put together in a qualitative assessment by the IMF staff. After a 2005 review, the IMF has prioritized countries “where the exercise would have the highest return in terms of stability for the country and the international financial system, and members for which the developmental impact is likely to be important.”²⁴ Since the ROSCs are used in IMF’s surveillance of and technical assistance to its clients, they presumably have persuasive power in countries dependent on IMF assistance.

Because the IMF bases its findings on self-reporting by governments, its validity can be questioned. Moreover, it does not quantify how countries rate, like the Open Budget Survey does. Because the countries are not assessed regularly (some countries are rated more often, and at irregular intervals), a comparison of the same countries across time is not possible based on IMF data.

Transparency International and Access Info Europe released in 2011 a report called, “Tell Us What You’ve Done,” a monitoring project covering 20 countries. RTI groups in these countries each made five requests for information that gave an indication of how governments are implementing the UN Convention against Corruption, including releasing data on disciplinary cases against public employees.

Development aid is an area where there are converging efforts to assess transparency. In 2010, Publish What You Fund, The Global Campaign for Aid Transparency released an Aid Transparency Assessment that rated donor countries and multilateral donor agencies in terms of three criteria: commitment to aid transparency, transparency of aid to recipient governments, and transparency to civil society organizations. Indicators were chosen for each criterion, including the proactive disclosure of specific types of aid information. The ratings were based on eight already-existing datasets, including those produced by the OECD Creditor Reporting System and the Paris Declaration Monitoring Survey. The data available determined the sample: 30 aid agencies were chosen because they were the most commonly represented in the data sources.²⁵

The assessment found that there is a lack of comparable and primary datasets, making it difficult to assess the transparency of donors. Transparency varied widely,

with the World Bank, the Netherlands, the United Kingdom and the European Commission being on the high end of the scale; Japan, Austria, Portugal, and Korea were at the opposite end.

Launched shortly after the Accra High Level Forum on Aid Effectiveness in 2008, Publish What You Fund is an NGO dedicated to promoting information access on aid funding and related communities. It is one of the civil society representatives in the International Aid Transparency Initiative (IATI), and so the assessment was largely motivated by the need for baseline information that would inform the advocacy for more openness on aid.

Also formed shortly after the Accra forum, the IATI is a voluntary, multi-stakeholder effort to promote transparency in aid. It includes 19 donor countries and agencies as well as 19 developing countries. The IATI does not produce its own dataset; instead it seeks to establish a standard format for recording and publishing aid information so that a range of users can access and use the data. It set up the IATI Registry, where donors, including NGOs, can voluntarily publish their own aid data based on the IATI standard. The Registry also allows users to download, visualize, and manipulate the IATI datasets for their own use.²⁶

A similar voluntary and multistakeholder transparency initiative already exists in the extractive industries sector. Launched in London in 2003, the Extractive Industries Transparency Initiative (EITI) is composed of governments, companies, and civil society organizations. It sets a standard for companies to publicly disclose all material oil, gas, and mining payments they make to governments, and for governments to make public all the revenues they receive from those companies. Countries and companies apply to be EITI-compliant. To do so, they must, among other things, first disclose those revenues and payments. The disclosures are vetted by the EITI, and whatever discrepancies in the reporting that surface from the reports must be adequately explained.²⁷

Following on the EITI's efforts, Revenue Watch launched the Revenue Watch Index in 2010. EITI itself does not produce data that allows users to compare transparency among different countries and companies. Instead, Revenue Watch, which has been monitoring resource payments for many years, developed a questionnaire to assess transparency in what it calls "natural resource governance." It then ranked 41 resource-rich countries by averaging their score on the 51 indicators in the questionnaire. The rankings were on a zero to 100 scale: Brazil topped the list with a score of 97; Turkmenistan was at the bottom with 0.97.²⁸

The most recent multistakeholder effort was the launch of the Open Government Partnership in September 2011. Aimed at securing transparency reforms from governments, the initiative is similar to the EITI and the IATI in that membership is voluntary and requires fulfillment of promised commitments. Like these other efforts, the Open Government Partnership does not rate the openness of countries that are part of the initiative.

To conclude, these multistakeholder initiatives are expanding the horizons of freedom of information far beyond the scope of RTI laws, whose reach is limited to the confines of national laws and national borders. These initiatives on their own do not measure the state of information access in their fields, but they have spurred efforts by various groups to collect more data on access to information. Despite some civil society skepticism about these multistakeholder efforts, such global standard-setting on transparency represents the next frontier for advancing the right to information.

VIII. The Ratings Paradox: Many Measures But No ‘Super Index’

The transparency ratings cited in this survey exist because multilateral agencies and civil society organizations needed data, whether it was to inform decisions on loans, to put pressure on governments, or to advocate for an FOI law or other transparency reforms. What they measure, how they measure, and who does the measuring all depended on the goals and resources of the group that conducted the assessment.

FOI advocates interviewed for this report* welcomed the proliferation of openness ratings, but many were also skeptical about a Global Transparency Index. They cited the significant resources such an effort would require, the competition with already-existing measures, the long-term viability of a costly rating, and the possibly limited usefulness of a Global Index as a tool for transparency reforms.

In October 2010, three groups released their transparency indices within weeks of each other. On October 6, the first-ever Revenue Watch Index was unveiled. Two weeks later, the results of the fourth Open Budget Survey were announced, followed just six days later by the release of Publish What You Fund’s aid transparency rating.

In September and October 2011, the results of two openness metrics were made public: the Global RTI Laws rating and the Six Questions Campaign on Budget Transparency.

Therefore it sometimes seems that the global openness community suffers from a surfeit, rather than a lack, of indices. They compete for limited media space, and, as Vivek Ramkumar of the International Budget Partnership, pointed out, “We end up using the same set of researchers in the countries where you don’t have a lot of civil society groups. Having another index come out means putting more burden on our

* In September and October 2011, the author interviewed nine RTI experts and advocates: Sandra Coliver of the Open Society Foundation Justice Initiative in New York, Helen Darbishire of Access Info Europe in Madrid, Mukelani Dimba of the Open Democracy Advice Centre in Cape Town, Nathaniel Heller of Global Integrity in Washington, DC, Elena Mondo of the International Budget Partnership in Rome, Darian Pavli of the OSI JI in New York, Miguel Pulido of Fundar in Mexico City, and Vivek Ramkumar of the International Budget Partnership in Washington, DC.

researchers... From a practical point of view, you're competing with what's already out there."

Cost is another issue. Nathaniel Heller, director of Global Integrity, estimated that a solid study covering a large number of countries would easily add up to over \$1 million. Global Integrity spends about \$15,000 per country. This amount pays for researchers who fill in answers to 300 integrity indicators, an independent journalist who does a textual narrative, two peer reviewers per country as well as staff and administrative overhead. Elena Mondo, supervisor of the Open Budget Survey, provided what she described as a generous estimate of what the International Budget Partnership spends: about \$20,000 per country, including fees for research, peer reviews, translation, design, and dissemination.

Going by these estimates, a comparative assessment of 100 low and middle-income countries would cost between \$1.5 million and \$2 million. A serious consideration that should therefore be included in this discussion is the cost-benefit ratio of a global transparency rating. How will it move the needle on reform? Is it worth the cost? Are there other efforts that can yield more impact per dollar?

"What is your theory of change?" asked Heller. "A compelling theory of change will tell you what you should do and how this will lead to policy or implementation reforms."

Heller, for one, doesn't think "it's worth the investment of time and money to do something that other people have already tried to index." To do such a rating well and consistently over time, he said, means a multiyear commitment of funding and other resources.

Darian Pavli of the Open Society Foundation's Justice Initiative agreed. "To do such an index properly would require a high level of resources that it's difficult to sustain over time." Moreover, "there may be a shock factor the first time it's released but next year, it's perhaps less useful."

Ramkumar said that a transparency index, if done carefully and through a deliberative process and accompanied by civil society engagement, could be useful. But he remains skeptical. "Why would we need a super index anyway?" he asked. "A 'super index' could oversimplify fairly complex governance issues. Each of our indices is developed carefully by thinking through what the indicators should be. We need to focus attention on the details of our findings and their ramifications for a country and not look at a magic number. The disadvantage of an index is everybody focuses on rank and score. These become media headlines and a point of contention. An index is really an explanation of a country's performance. All a super index is going to do is come up with another score that gets more attention on the number rather than on what exactly happened that led to that score. And it does not help deepen the debate on governance challenges."

The “theory of change” that animates the studies done by openness groups is that the knowledge that is generated can catalyze discussion and debate on transparency issues and lead to real reforms. The FOI community sees information access assessments not just as analytical tools but as civic activation mechanisms. Comparative ratings, in particular, are also seen as punitive – that is, naming and shaming – tools. The argument is that a government can be shamed into reform if there is empirical proof to show how badly it is doing compared to its neighbors.

Certainly, there is anecdotal evidence to show that cross-country surveys and scorecards are beneficial. For example, Miguel Pulido of Fundar, an independent public policy think-tank in Mexico, appreciates the Open Budget Survey as a diagnostic tool that surfaces the gaps in budget transparency. Fundar conducts the OBS research for Mexico. Pulido believes that because the Survey is used across a range of countries, it is seen as a “neutral” tool and enables him to tell critics that the methodology was not rigged to show Mexico in an unfavorable light. At the same time, because Fundar was part of the process, they feel confident about defending the survey methodology, something that they cannot do for, say, Transparency International’s corruption index.²⁹

A paper by OBS program officer Harika Masud pointed to significant leaps in budget transparency achieved by such countries as Afghanistan, Yemen, Argentina, Rwanda and Liberia during the four-year period since the open budget surveys were conducted. Changes in government, civil society advocacy, or donor pressure were largely responsible for the reforms, she said.³⁰

However, it is difficult to say how much of the progress made in budget openness can be attributed to the index itself. As OBS supervisor Mondo said, “As much as we’d like to be an unequivocal cause of change, in most cases we provide information to other stakeholders (donors, our partners, and others), so they can use it in their in-country activities. The impact depends on the country and how much pressure there is within the country, not just from us, but from others.”

Heller believes that the Global Integrity scorecards have had the most impact on government and aid donors rather than on civil society. “We know that real change has occurred in the way the World Bank and the Millennium Challenge Corporation make loans and grants to countries. We have concrete stories of how they make decisions based on our reports. Within governments, ministries have also used our report to fight reform battles within bureaucracies... Activists use it less than we would have liked.”

Heller’s thinking on global ratings has evolved in the decade since Global Integrity first embarked on an effort to compare countries according to their institutional and legal checks against corruption. “The era of ranking countries is over,” he said. “Ranking countries doesn’t achieve anything. Reforms happened not because we ranked the countries and showed them how bad they are. The reason we cut back on cross-country work is that we don’t see enough return on investment...We are

stuck with building [the Global Integrity Scorecard], and hope that people will come.”

Among all the RTI advocates interviewed, Helen Darbishire of Access Info Europe was the most enthusiastic about the possibilities of a global metric. She said that despite the criticism about Access Info’s Global RTI Law Rating being too focused on legislation rather than practice, it was useful for “comparative advocacy” to improve laws in several countries, including Germany, Serbia, and Austria, which did badly in the rating. In countries with good laws, she said, the ratings have been used to urge governments to meet a high standard. The rating also assessed draft legislation, she said, and so it was useful even in countries that have not passed any FOI laws.

Without doubt, the benefits of global indices can be debated endlessly. Even as the metrics have multiplied, there has been no rating of the ratings: There is no hard-nosed review of whether transparency assessments actually increase transparency. What we have is spotty and anecdotal evidence based on individual examples of success. And these are far from conclusive.

IX. What Should a Global Index Include?

There is no agreement among transparency advocates on what exactly a Global Index should measure. There is also some doubt as to whether there exists capacity to carry out an ambitious global transparency rating.

Ramkumar comes from the Open Budget Survey, which has 125 indicators for measuring budget transparency. He believes that detailed metrics like this make clear where the transparency gaps are and what governments should do to improve performance. Less detailed measures, he says, are not as useful because they do not allow civil society groups to make concrete recommendations for reform. He estimates that a detailed transparency rating of several fields of governance that would allow for a menu of specific and actionable recommendations could entail gathering data on as many as 600 to 800 indicators.

Darbishire envisions something more modest. “Let’s not be overly ambitious,” she said. “If you create a network of capable people, you can do this incrementally over time. We can collect core data in the first year, then move on to data in particular sectors in succeeding years. It would help if we have the same people working on it over time.” She believes a global rating could be done by a consortium of groups if an effective structure with people who have experience in FOI issues was already in place. “It really depends on the scale,” she said.

The reality, all the experts interviewed said, is that there is uneven capacity for transparency research. While some countries have organizations that have undertaken openness research in the past, such groups do not exist at all in places like Francophone Africa, said Mukelani Dimba of the Open Democracy Advice Centre

in Cape Town. Thus, said Darbishire, “If we want tomorrow to have an index of global transparency practice, that would not be realistic.” But, she added, if there were a workable and solid methodology, even inexperienced researchers could develop the capacity reasonably quickly.

There was also some disagreement about indicators and methodologies. Ramkumar believes that proactive disclosure – checking on the information that is available without having to go through formal requesting procedures – is a better indicator of transparency than laws or government responses to formal requests.

Darbishire, on the other hand, believes that testing proactive disclosure should go hand-in-hand with monitoring actual information requests. It is possible, she said, for FOI groups to agree on a “core list” of information that is necessary for protecting democracy and open society. Transparency groups can then check whether such information is available, either through proactive disclosure or information requests. “When it comes to measuring the infrastructure which is in place in a country, we should look at the laws, regulations, and other measures as well as the government capacity and organization on the [information] supply side,” she said.

For the most part, right-to-know groups have been better and more experienced at recording the range of government responses to formal requests for information. Their methodologies are based on tracking how public agencies respond (or not), rather than on the kinds of information that these agencies make publicly available. In contrast, those working on the specialized indices on budgets, aid, or revenue transparency are more adept at constructing indicators to test proactive disclosure in their specific fields. Their intimate knowledge of, and experience in working on these fields certainly helps. On the other hand, many of those involved with FOI groups are specialists in information access, rather than say, budgets or development aid.

Transparency groups, however, are beginning to develop capacity in proactive disclosure. A good example is the pioneering research by the Institute for Information Freedom Development Board in Russia to assess the information available on government websites. Alianza Regional por la Libre Expresión e Información is currently refining the methodology for a regional study that includes having monitors check what information is available on selected government websites in Latin America.³¹ Access Info Europe is planning to put together a transparency basket composed of types of information essential to accountability, anticorruption, and participation. The idea is to create a standard description of what each category of information should contain and at what level of detail. This is a crowd-sourced project, so volunteers will be asked to check government websites in Europe to see whether such information is available.³²

In India, the RTI Assessment and Analysis Group (RaaG) and National Campaign for People’s Right to Information examined the websites of 385 public bodies to see

whether these complied with Section 4 of the RTI law, which required that certain information like subsidy programs, a directory of employees, salaries, and budgets, be proactively disclosed. The study, published in 2009, entailed conducting interviews with information officers to find out why the proactive disclosure requirements had not been met. Over 1,000 officials were interviewed for the study. India, of course, is on a different order of magnitude. But even then, the challenges of doing global comparisons of proactive disclosure can be daunting – monitoring websites in different languages are just among the many difficulties.³³

One other issue is that while some countries have laws that require and specify what should be proactively disclosed, others do not, and so setting a global standard for proactive disclosure can be contentious. Darbishire proposed using existing international conventions such as the UN Convention Against Corruption as the bases for constructing a standard.

However, the specialized indices have already done the standard-setting for the areas of government transparency that they have been working on. The organizations working on these indices are heavily invested in them and their own methodologies. If a new global index constructs its own standards, this may lead to more contentiousness and duplication of efforts.

X. Global vs. National and Regional Indices

Even without the practical difficulties of constructing a global metric, many of the openness advocates interviewed for this study thought that there is greater value for money in local or regional research than in an ambitious, global effort. One example is Fundar's 2010 assessment of subnational FOI laws, which rated 32 states in terms of state-level laws. The findings were widely reported in the media and generated a great deal of discussion. Conducted together with Article 19, the rating considered the scope of the laws, the institutional strength and independence of state authorities implementing the law, and the procedures for accessing information, including proactive disclosure. The states were ranked and the rankings were made public. It was so far the most comprehensive study of Mexico's state-level laws.³⁴

"After that, local actors [in Sonora and Guerrero] went to the local Congress demanding changes," recounted Fundar's Pulido. "This was a month after the presentation of index. We were asking for changes for seven years, with no results. But it's hard to say that this is all due to the index."

While Pulido saw the value of a methodologically rigorous global index, he said, "an international index is disconnected from local realities, so it's hard to use." He added that a causal link between a global rating and reform is not easy to make. "The reason that changes are not made is because there is not the political environment. The political incentives are not aligned to push for changes."

Both Dimba and Ramkumar agreed that regional ratings are more effective than global ones in terms of naming and shaming. “A regional comparison will have more impact, particularly in West Africa, where there’s a sense of parity and healthy competition among countries,” said Dimba. “If Ghana does well, it’s normally taken as a challenge for Nigeria or Liberia to do equally well. It’s the same in East Africa, where there’s healthy competition between Uganda and Tanzania, and Kenya to a certain extent. In Southern Africa, it’s not so much the case because they almost don’t regard South Africa as not a useful measure because of its middle- income country status. But certainly there is usefulness in doing cross-regional comparison. At the continental level within Africa, a comparison is useful but I haven’t had a sense that people are persuaded by comparisons between Africa and elsewhere, particularly when these comparative analyses include European, North American, and other developed, countries.”

While doing the Open Budget Survey, said Ramkumar, IBP found that “governments are competitive with their neighbors, not with everyone else in the world. Honduras was keen to see what was going in Guatemala, Yemen was curious about Egypt, and Iraq, about Jordan. We always manage to attract attention from comparison with neighbors and regional-level performance.” But he conceded that a regional index does not get as much attention from the media or gets used by international and professional organizations in the same way that a global index does. At the same time, however, attention on a global index can be fleeting and superficial.

Ramkumar believes that “we should really be focusing on how an index can result in a change in government behavior.” Like Heller and Pulido, he saw the value of subnational studies, like those that the IBP has done in India and Brazil, which generated far more interest in national and state governments and the media than the global budget index did.

Darbishire also saw that national or local studies could contribute to the global understanding of freedom of information. “If you develop standards and encourage people who are doing national projects to adhere to a certain methodological approach, that would be fantastic and we would be able to enrich the comparison,” she said.

Are resources, therefore, better spent on finely grained local or regional studies than they are on global ratings? If so, then would it be possible to develop standards and methodologies for doing these studies so that they allow comparisons across time and place?

X. What Now?

It is evident that there is no consensus on a global index. But there is also a sense among some transparency advocates that the proliferation of indices warrants some discussion, perhaps even collaboration, among the various groups producing them. The reality is that there are real differences among the various groups doing

openness ratings, so collaboration will not come easily. They have different goals and constituencies, and some of them compete with each other for prominence and funding. They have also invested a great deal of energy and resources in their own metrics, and may be resistant to the idea of yet another rating or of an effort aimed at standardizing indicators, measuring tools, and timetables.

The various organizations also have different fields of interest and expertise. The right-to-know groups are more knowledgeable and concerned about FOI law and practice, while the authors of the more specialized indices are less concerned about the law and more focused on reforms in their particular areas of expertise and advocacy. But at the same time, these various groups have had a history of working together.

Since this is a process that should evolve organically, the most this report can do is suggest some issues that can be put on the agenda for a possible conversation among the creators of the different openness ratings:

- 1. A debate on transparency indicators and a core list of information.** Is it possible for information-access researchers to agree on a core list of information that is essential for accountability and transparency, and whose availability can be tracked across countries across time?

Can the different groups come up with a list of 50 or 60 crucial pieces of information that citizens need to hold their governments to account? Researchers can then test whether information on this core list is available to journalists or activists either through a formal request or through proactive disclosure. Some of that information already exists in various ratings, said Darbshire, and if that information were consolidated and made available, the gaps can be filled either through commissioned research by those in the field or through crowd-sourcing the research to volunteer groups.

Transparency research has so far been a finite, close-ended process that ends with a formal release of findings. Darbshire believes that some of the methods of the open-source community can be applicable to research on access to information. She advocated an open-ended process whereby information is collected incrementally, with participation from an informal, global network of individuals and groups interested in openness.

- 2. A discussion of methodologies.** Right-to-know groups use different methodologies in their transparency assessments. Is it possible for national, regional, and international groups to work together on a methodology that would serve as a guide for doing field research for testing transparency in the core list described above? Can they agree on what would be the best and most efficient methods for testing transparency? Will this, for example, include monitoring exercises? Assessments of legal

frameworks? Testing proactive disclosure through what is available on government websites? Or all or some of the above?

3. A common platform where users can access a range of different transparency studies all in one place. As Darbshire said, “One job for civil society is pooling all the information into a central portal where all these indicators, including those from the World Bank and the OECD, can be published and have people comment on them.”

The World Bank and a number of governments are already releasing large amounts of data with visualization and other tools that allow users to use and manipulate the data as they wish. The IATI is already doing this for aid information; it has an online registry where raw data on aid is available and users are free to play around with it.³⁵ Can this be done with the existing data on information access? Is it possible to have a site where transparency data can be correlated with other data, such as GNP, Internet penetration, geographical region, or type of legal system? So far, right-to-information groups have looked at the data from their own lenses; opening up the information may yield new ways of looking at the data that sheds new light on access issues. Moreover, opening up the data to scrutiny can point to the deficiencies of the existing ratings.

At the same time, there is no one collecting national studies and making them widely available to other transparency groups around the world, said Darbshire, and a mechanism for collecting and comparing national transparency research would be useful to advocates.

It should be said, though, that the existence of such a mechanism. As the many skeletons left in the wake of ambitious web-based projects show, the Internet is not a place for “build it and they will come.” A common platform requires buy-in from civil society organizations and other groups around the world interested in promoting information access.

4. Gaps in transparency research. Despite the wealth of studies, there are aspects of the right to information that are crying out for more research.

Dimba, for one, said that he has been told again and again by South African officials that demanding information from government ran contrary to existing culture. “Their argument was that patriarchy and various forms of social stratification resulting from traditional leadership systems do not predispose common people to approach those in authority and demand information. Therefore, introducing a system based on requesting information cannot work because of the cultural and traditional divides between those in power and those being ruled. This is something few of us have explored. There may well be an element of truth in this and our advocacy efforts have not engaged at this level. We tend to argue from a

rights-based approach – forget culture, information is a human right. But then, trying to advance FOI through a law can be a bit limiting, so why not consider at the same time the assertion of RTI through systems and methods of proactive disclosure? You need this kind of study to be able to tell where the challenges are. Right now a lot of us are pursuing campaigns for adopting RTI legislation without evidence that the law itself will be effective.”

Pavli believes that a deeper assessment of user demand is also needed. “It would be useful to have a better sense of societal demand for information,” he says. “If no one is asking for information, it's slightly unfair to blame only the government. You see that in some places there's lots of emphasis on getting the law or the right law, but then the law is largely unused because civil society is not interested, journalists don't use it, and citizens don't know about it. Which begs the question, why are laws embraced by civil society in some places, but not in others?”

Without doubt, one big knowledge gap is the impact of transparency on society. The existing orthodoxy is that more information is good for society. But South African academics Colin Darch and Peter G. Underwood have questioned the claims of information advocates that greater transparency results in more democracy, less corruption, and the empowerment of the poor. Richard Calland, a South African activist and academic who was one of the pioneers of the global RTI movement, observed: “Hitherto, FOI advocates have been hesitant to look beyond greater transparency (as measured by access to disclosed information) towards questions of the impact this may have on a range of socio-economic matters.”³⁶ There is a wealth of anecdotes on the benefits of openness, he says, “but the empirical data is patchy and poorly marshaled.”

¹ <http://rti-rating.org/result.html>

² See, for example, Richard Calland, “Freedom of Information,” paper prepared for the Transparency and Accountability Workshop, October 14-2-, 2010, Institute for Development Studies, p. 2.

<http://www.ids.ac.uk/files/dmfile/IETAAnnex3FreedomofInfoCallandFinal28Oct2010.pdf>.

³ Christiane Arndt and Charles Oman. *Uses and Abuses of Governance Indicators*, <http://www.oecd.org/dataoecd/21/16/40037762.pdf>. (OECD Development Centre Studies, 2006, 5-20).

⁴ Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, *Governance Matters VIII: Aggregate and Individual Governance Indicators, 1996-2008*.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1424591

⁵ The World Bank indicators have also been the subject of a thorough critique from the OECD. See, Christiane Arndt and Charles Oman, *Uses and Abuses of Governance*

Indicators, <http://www.oecd.org/dataoecd/21/16/40037762.pdf>. (OECD Development Centre Studies, 2006.

⁶ Goran Hyden, Kenneth Mease, Marta Foreseti and Vernea Fritz, "Governance assessments for local stakeholders: What the World Governance Assessment Offers," Overseas Development Institute and Dag Hammarskjold Foundation, 2008. <http://www.odi.org.uk/resources/download/573.pdf>.

⁷ <http://globalintegrity.org/about/approach>

⁸ <http://www.idea.int/sod/index.cfm>. Transparency indicators in the framework have largely to do with the state of media freedom. There is only one FOI-related question in the assessment framework: How comprehensive and effective is legislation giving citizens the right of access to government information?

⁹ The proposed indicators are in pp. 23-26 of the paper, <http://www.oecd.org/dataoecd/31/53/46560184.pdf>.

¹⁰ PAM's data, methodology and list of Actionable Government Indicators is in <https://www.agidata.org/Pam/Methodology.aspx>

¹¹ Sheila S. Coronel (ed.), *The Right to Know: Access to Information in Southeast Asia* (Manila: Philippine Center for Investigative Journalism and Southeast Asian Press Alliance, 2001).

¹² Open Society Justice Initiative, "Justice Initiative Access to Information Monitoring Tool: Report from a Five-Country Pilot Study," 2004.

http://transparentsea.files.wordpress.com/2010/11/access_to_inform.pdf

¹³ Media Rights Agenda, "Ask and You May Receive: Report from Monitoring of Access to Information in West Africa," 2010.

[http://www.mediarightsagenda.net/pdf%20files/Ask And You May Receive.pdf](http://www.mediarightsagenda.net/pdf%20files/Ask%20And%20You%20May%20Receive.pdf)

¹⁴ Alianza por la Libre Expresion e Informacion, "Manual de Monitoreo: Acceso a la Informacion Publica," no date, unpublished.

¹⁵ http://hosted.ap.org/dynamic/stories/A/ACCESS_DENIED?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

¹⁶ Institute for Information Freedom Development, "Methodology for the Monitoring of Government Bodies' Official Websites."

http://www.svobodainfo.org/en/system/files/IIFD_Monitoring_Methodology_eng.pdf

¹⁷ See <http://www.freedominfo.org/2011/04/russian-compliance-with-two-new-laws-faulted/>.

¹⁸ See <http://www.freedominfo.org/2011/05/regional-russian-websites-found-lacking-in-iifd-report/>

¹⁹ Alasdair Roberts. "A Great and Revolutionary Law? The First Four years of India's Right to Information Act" Public Administration Review, November-December 2010, 925-933.

²⁰ http://www.accessinfocypus.eu/images/access-info/landscape/Information_Landscape_Report.pdf

-
- ²¹ Open Democracy Advice Centre, Golden Key Awards 2010 Report. <http://www.opendemocracy.org.za/wp-content/uploads/2010/10/2010-GKA-REPORT.pdf>
- ²² The Carter Center, "Implementation Assessment Tool Methodology Manual," undated. <http://www.cartercenter.org/resources/pdfs/peace/americas/IAT/IAT-methodology-manual.pdf>
- ²³ Harika Masud, "Is there Hope for Budget Transparency? Findings from the Open Budget Survey 2010," *International Journal of Financial Management*, XI:1, 43-52, 2011. <http://www.icgfm.org/journal/2011-May-VolXINo1.pdf>
- ²⁴ International Monetary Fund, "Standards and Codes – Implementing the Fund's Medium-Term Strategy and the Recommendations of the 2005 Review of the Initiative," <http://www.imf.org/external/np/pp/eng/2006/062906.pdf>.
- ²⁵ Publish What You Fund, The Global Campaign for Aid Transparency, "Aid Transparency Assessment 2010," <http://www.publishwhatyoufund.org/files/Aid-Transparency-Assessment.pdf>
- ²⁶ The IATI Registry can be viewed at <http://www.iatiregistry.org/>
- ²⁷ See EITI Rules 2011, http://eiti.org/files/EITI_Rules_Validations_April2011.pdf
- ²⁸ "2010 Revenue Watch Index," <http://www.revenuwatch.org/rwindex2010/data.html>
- ²⁹ Phone interview with Miguel Pulido, October 3, 2011.
- ³⁰ <http://www.icgfm.org/journal/2011-May-VolXINo1.pdf>
- ³¹ Alianza por la Libre Expresion e Informacion, "Manual de Monitoreo: Acceso a la Informacion Publica," no date, unpublished.
- ³² Access Info Europe, "Beyond access: taking government data from principles to good practice," undated.
- ³³ RTI Assessment & Analysis Group (RaaG) and National Campaign for People's Right to Information (NCPRI), "Safeguarding the Right to Information: Report of the People's RTI Assessment 2008 Executive Summary." http://www.rti gateway.org.in/Documents/References/English/Reports/8.%20RaaG%20study_exe_summary%20-%20revised.pdf
- ³⁴ Article 19 and Fundar Research and Analysis Center, "Mexico's Access to Information Index," <http://www.article19.org/data/files/pdfs/press/mexico-access-to-information-index.pdf>.
- ³⁵ See <http://iati.ckan.net/>
- ³⁶ Richard Calland, "Freedom of Information," paper prepared for the Transparency and Accountability Workshop, October 14-2-, 2010, Institute for Development Studies, p. 1. <http://www.ids.ac.uk/files/dmfile/IETAAnnex3FreedomofInfoCallandFinal28Oct2010.pdf>