

Will the tide of freedom of information in the Caribbean reach St Vincent's shores?

Friday, May 5, 2006, Caribbean Net News

by Jeet Mistry, Commonwealth Human Rights Initiative

In recent months, a quiet revolution has been taking place in countries across the Caribbean that could at last banish the scourges of high unemployment, social exclusion, unequal economic growth and poverty. Freedom of information (FOI) Bills are in the process of being drafted in Guyana and the Cayman Islands, while Bermuda has also announced its willingness to implement a law. Meanwhile, Jamaica recently completed its first review of its Access to Information Act 2002 and is looking to strengthen it further.

These developments suggest that the time is ripe for St Vincent and the Grenadines to follow suit and entrench a law that has the potential to strengthen democratic governance, bolster public accountability, tackle poverty and crack down on corruption. Currently, around the world, more than 60 countries have enacted FOI laws, some of which are St Vincent's neighbours in the Caribbean, including Jamaica, Trinidad and Tobago, Antigua and Barbuda and nearby Belize.

In fact, freedom of information has long been recognised as a foundational human right, ever since the UN General Assembly declared in 1946 that "Freedom of information is a fundamental human right and a touchstone of all freedoms to which the United Nations is consecrated." Since then, the Organisation of American States and the Commonwealth - St Vincent being a member of both - have also endorsed minimum standards on the right to information. An effective FOI law puts an obligation on the government to both proactively disclose information to the public and provide information on request. It should also include an overriding principle that all information should be disclosed, unless the harm caused by disclosure is greater than the public interest in accessing the information.

Best practice requires that an effective law will: Promote the principle of maximum disclosure, subject only to limited, tightly drafted exemptions; Ensure that access procedures are user-friendly, cheap, quick and simple; Require decisions regarding disclosure to be reviewable by an independent, impartial body, such as an Information Commissioner or Ombudsman; Permit penalties to be imposed on officials for non-compliance with the law; and Impose ongoing monitoring, training and public education duties on the Government.

A FOI law that includes these principles can help sow the seeds of good governance because it promotes greater transparency and accountability and also facilitates greater public participation in the government's decision-making process. Empowering citizens with the legal right to access information on their Government's activities can strengthen democracy by making the Government directly accountable to its citizens on a day-to-day basis rather than just at election time.

Even at election time, an FOI law would give people better access to information concerning the Government's record in office and this would allow them to make a more informed decision at the ballot box. Voters would then be less reliant on political propaganda and rumour and would be less inclined to fall back on their ethnic affiliations when casting their vote.

Freedom of information can also open up channels of communication between civil society and the state. Openness and information sharing can entrench national stability by establishing dialogues between different ethnic groups as well as between citizens

and the state, helping to promote popular trust in the political system. These channels of communication can combat feelings of alienation and reduce the risk of disillusioned sections of the public resorting to violence to promote their political ends. In this way, implementing an effective FOI law can enable people to be part of the decision-making process and reduce public perceptions of exclusion or unfair advantage of one group over another.

By promoting dialogue between citizens and their governments, freedom of information can help to ensure the effectiveness of development and poverty alleviation strategies. Much of the failure of development strategies in recent years has been because the Government and donors have designed and implemented policies without the active input of the very people targeted by such policies. With a FOI law in place, the Government would be obliged to share information on its poverty alleviation strategies with the public, who can then have a voice in determining how these strategies can more effectively improve their lives.

In recent years, the Government has been liberalising the economy in order to accelerate growth and development. By implementing an FOI law and thereby demonstrating its commitment to transparency, the Government would be more successful in assuring investor confidence in the economy, encouraging long-term private and foreign investment and bolstering growth. Furthermore, freedom of information can ensure that domestic, small-scale stakeholders also have a voice over economic policies, which can help economic growth and development to take place in a more equitable, balanced and therefore stable manner.

Finally, if implemented effectively, a FOI law can act as a powerful deterrent of corruption. In many countries in the Caribbean, corruption has long been blamed for eating into state revenues as well as civil society's trust in the state, thus hindering economic progress and the functioning of the country's political system. Effective implementation of an FOI law can make it much more difficult for officials to cover up their corrupt practices and can also help to expose poor policymaking. Even at the local level, freedom of information can be used to expose agencies that fail to deliver basic services such as health and education and can thus empower people who had previously suffered in silence as a result of corrupt officialdom.

With the Cayman Islands recently declaring its intent to pass a Freedom of Information Law and moves afoot in Guyana to table a law, perhaps it is time for the people of St Vincent to seize this opportunity to bolster democratic development and start laying to rest the country's cycle of stagnating and inequitable growth.

The Commonwealth Human Rights Initiative is an international non government organization mandated for the practical realization of human rights in the countries of the Commonwealth.