

‘Freedom of Information in Pakistan: Drawing on International Experience’

**World Bank Workshop
June 19, 2008**

REPORT OF PROCEEDINGS¹

Disclaimer

This Report has been prepared by a consultant for an event organized by the World Bank. The views expressed in it do not necessarily represent those of the Bank or its Board.

¹ Prepared by Iffat Idris, Consultant, World Bank

CONTENTS

Abbreviations and Acronyms	3
Introduction	4
Executive Summary	5
SESSION I: FOI for Good Governance and Development	
1. Welcome Address	9
<i>Yusupha Crookes, World Bank</i>	
2. 'Pakistan's Place within the Global FOI Movement'	10
<i>Ishrat Hussain, Institute of Business Administration</i>	
3. 'Basic Principles and Lessons from International Practice'	12
<i>Sohini Paul, Commonwealth Human Rights Initiative</i>	
Discussion	13
SESSION II: Designing FOI Legislation	
4. 'FOI as a Tool for Good Governance'	15
<i>Syed Adil Gilani, Transparency International</i>	
5. 'Using International Experience to Address Issues in 2002 FOI Ordinance'	15
<i>I. A. Rehman, Human Rights Commission of Pakistan</i>	
Panel Comments:	16
6. <i>Mazhar Abbas, Pakistan Federal Union of Journalists</i>	
7. <i>Ahsan Iqbal, PML-N</i>	
8. <i>Mukhtar Ahmed, Centre for Peace and Development Initiatives</i>	
9. <i>Khashih-ur-Rehman, Ministry of Law</i>	
SESSIONS III and IV: Making the Law Work and The Way Ahead	
10. 'Tackling the Implementation Challenge'	19
<i>Rick Snell, University of Tasmania</i>	
11. 'Enforcement of FOI Legislation: The Mexican Experience'	20
<i>Jose Jarero Valencia, IFAI Mexico</i>	
12. 'FOI Implementation and Enforcement: Strategies for Pakistan'	21
<i>Zafarullah Khan, Centre for Civic Education</i>	
13. 'Measures for Stakeholder Participation in FOI Regime'	21
<i>Harris Khaliq, Strengthening Participatory Organization</i>	
14. 'Role of Donor Community in Promoting FOI in Pakistan'	22
<i>Jorge Sequeira, UNESCO</i>	
Panel Comments:	23
15. <i>Syed Shabbir Ahmed, Wafaqi Mohtasib</i>	
16. <i>Salman Humayun, CRCP</i>	
17. <i>Sania Nishtar, Heartfile</i>	
Discussion	24
Concluding Remarks – <i>Said Al Habsy, World Bank</i>	25
Summary of Key Findings and Recommendations	26
ANNEXES	
A. Agenda	28
B. Speaker Profiles	30
C. List of Participants	33
D. Presentations	35

Abbreviations and Acronyms

ATI	Access to Information
CCE	Centre for Civic Education
CHRI	Commonwealth Human Rights Initiative
CPDI	Centre for Peace and Development Initiatives
CRCP	Consumer Rights Commission of Pakistan
CSO	Civil Society Organization
FOI	Freedom of Information
HRCP	Human Rights Commission of Pakistan
ICT	Information Communication Technology
IFAI	Federal Institute for Access to Information (Mexico)
ILO	International Labour Organization
NAB	National Accountability Bureau
NACS	National Anti-Corruption Strategy
NCGR	National Commission for Government Reforms
NHA	National Highways Authority
OSA	Official Secrets Act
PEMRA	Pakistan Electronic Media Regulatory Authority
PFUJ	Pakistan Federal Union of Journalists
PIFRA	Project to Improve Financial Reporting and Auditing
PILDAT	Pakistan Institute of Legislative Development and Transparency
PIO	Principal Information Officer (India)
PRSP	Poverty Reduction Strategy Paper
RTI	Right to Information
SBP	State Bank of Pakistan
TI	Transparency International
UNESCO	United Nations Educational Scientific and Cultural Organization
WB	World Bank

Introduction

This report details the proceedings of a workshop organized by the World Bank on 'Freedom of Information in Pakistan: Drawing on International Experience' at the Country Office on June 19, 2008.

It is now widely acknowledged that good governance (transparency, accountability, predictability and rule of law, and participation) is an essential prerequisite for development. Freedom of Information (FOI) is a core principle of good governance. FOI enables citizens to understand and participate in public affairs, to hold those in office accountable, to demand their rights and entitlements, and to ensure that policy-making and implementation are geared towards bringing about equitable development. The growing global movement to pass and implement FOI legislation is testimony to its importance. Countries as diverse as the UK, India, Jamaica and Honduras are among the many who have taken initiatives to promote FOI in recent years.

The Pakistan experience highlights both the necessity for FOI and the challenges in realizing this. Human development indicators in Pakistan are consistently poor. It lags behind even comparable South Asian countries such as Sri Lanka. Economic growth has been correspondingly weak. While the reasons for this unsatisfactory record are complex, lack of good governance (transparency, accountability, etc) has been identified as a key causal factor.

As part of its ambitious program of governance reform, the previous government promulgated the Freedom of Information Ordinance in 2002. While it marked a considerable step forward in the drive to achieve FOI in the country, some potential weaknesses were identified in the Ordinance, namely its restrictive application (many public bodies were exempted) as well as some of the procedures stipulated in it to actually access information. There have also been major issues with implementation arrangements (e.g. many public sector institutions still have very poor record keeping systems) and enforcement mechanisms. The end result is that, six years on, little 'on ground' progress has been made in delivering freedom of information for Pakistani citizens.

Following elections in February 2008 a new government led by the Pakistan People's Party (PPP) assumed power. On March 29 Prime Minister Yusuf Raza Gilani announced that as part of the new government's 'First 100 Days Program' it would be presenting new FOI legislation.

The World Bank supports the goal of achieving an effective FOI regime in Pakistan. One of the accepted prerequisites for effective FOI legislation and implementation is wide stakeholder consultation to ensure consensus for FOI measures. Many of the challenges being faced with regard to achieving FOI in Pakistan have/are being experienced by other countries. The World Bank therefore partnered to support a workshop on 'FOI in Pakistan: Drawing from International Experience'.

The main objective of the workshop was to apply lessons from international experience and best practice with regard to FOI legislation, implementation and enforcement to the Pakistan context and help achieve effective FOI in the country. The workshop also aimed to raise awareness of the importance of FOI and provide stakeholder input to Government on the issue of FOI. As well as a number of international experts with diverse experience of dealing with FOI issues, some 40 local participants attended drawn from government, civil society groups, the media, the legal profession and the donor community.

The main points made by speakers and panelists, and in discussion sessions, are documented here. The report will be shared with government and other stakeholders.

Executive Summary

The World Bank organized a workshop on 'Freedom of Information in Pakistan: Drawing on International Experience' on June 19, 2008 in Islamabad. The workshop comprised four sessions.

The opening session 'FOI for Good Governance and Development' was chaired by Mr Yusupha Crookes, Country Director, World Bank. In his welcome address, Mr Crookes stressed the correlation between FOI, good governance, development and poverty reduction and noted the growing global movement for FOI. Describing Pakistan as one of the pioneers in this movement, Mr Crookes lauded the recent decision by the Government of Pakistan to present new FOI legislation. The Director urged stakeholder consultation for this and said the World Bank workshop was designed to contribute to this process. Mr Crookes concluded by outlining measures being taken by the World Bank to promote FOI in its own workings.

Dr Ishrat Hussain stressed the importance of tackling the FOI issue in the wider context of governance reforms. He highlighted the fact that there are many laws in Pakistan but weak implementation, and that there is a basic 'trust deficit' on the part of citizens towards government. Dr Hussain cited various examples to show that where information is made available and discretionary powers curtailed, it is possible to reduce corruption. Good governance is thus a realistic goal. On the FOI issue specifically Dr Hussain compared legislation and implementation in Pakistan with that in India and lauded several features in the latter. He made a number of recommendations to strengthen FOI in Pakistan (such as better training of officials) and urged civil society to play a more active role.

Ms Sohini Paul outlined the basic principles of FOI legislation: maximum disclosure, minimum exemptions, simple procedures, appeals mechanisms and public awareness measures. She used India as a case study, and described what was happening under the 2005 Right to Information Act in these various aspects of FOI. On the whole legislation and implementation measures in India conformed to best practice, though there were some shortcomings. Ms Paul highlighted the role of civil society in promoting FOI in India, but stressed that more public awareness-raising was needed.

In the discussion participants raised concerns about the accuracy of government data, and urged that civil society should be informed about the legislative drafting process and negotiations for international conventions and treaties. The need to address wider governance issues was stressed, and the fact that primary responsibility for FOI rests with the government: it cannot be placed on civil society.

The second session was on 'Designing FOI Legislation'. In his presentation Syed Adil Gilani noted that Pakistan fares poorly on transparency indices, despite numerous national and international commitments to promote this. Identifying procurement and land records as two major areas of corruption in this country, he cited a number of examples from abroad and within Pakistan to show how transparency could improve public administration. Mr Gilani noted that one reason for the failure of the 2002 FOI Ordinance was that it had been promulgated to satisfy donors and there was no real will for it. He made a number of recommendations to improve FOI legislation and for political parties to implement to promote transparency.

I. A. Rehman outlined some of the principles for access to the airwaves developed by international NGO Article 19 and said that, in this age of electronic media, these principles should be included in FOI legislation. He described Pakistan as having a 'regime of secrecy', apparent both within the country and in its failure to comply with reporting requirements for international conventions. Mr Rehman listed some of the shortcomings of the 2002 FOI Ordinance and added that it had never been taken seriously because it was not debated in parliament. He stressed the need for strong will to provide access to information and media freedom.

Mr Rehman's presentation was followed by comments from a panel of four. The first panelist, Mazhar Abbas, stated that even with FOI it would be impossible to have media freedom because of the many pressures on journalists. These include private TV channels driven by commercial interests; the threat of being detained and tortured by the intelligence agencies – which operate completely above the law; and the threat of violence against journalists and their families from non-state actors. Given such pressures, he said FOI was a relative term.

Ahsan Iqbal said effective FOI required good legislation, implementation and enforcement, and mechanisms for grievance redress. He described the latter two as dependent on the rule of law, and called this the most critical issue facing Pakistan. Mr Iqbal also recommended use of IT and training of public officials for FOI, and urged donors to learn from previous mistakes and not promote reforms which had no stakeholder input.

The third panelist, Mukhtar Ahmed echoed earlier speakers in stressing the need to examine the FOI issue in context. He called for the FOI Ordinance to have a single list detailing exempt information and for deliberations by public servants to be available. Khashih-ur-Rehman called for provincial FOI legislation, and argued that it was unnecessary to have penalty provisions in FOI laws because civil servants could be punished under normal service rules.

The third session on 'Tackling the Implementation Challenge' and the fourth on 'The Way Ahead' were merged. The first speaker, Rick Snell, pointed out that a failure to address implementation issues had led to FOI legislation in many countries being ineffective. His recommendations for this included training of public officials, implementing FOI as part of a wider information system and addressing the demand side. Jose Jarero Valencia described the operation of Mexico's FOI law, the Transparency Act 2002. He highlighted its stress on proactive disclosure, and the use of electronic systems to enable citizens to easily request information, track the progress of their requests, and make appeals. He also described the prominent role of the Federal Institute for Access to Information in resolving issues. Zafarullah Khan outlined the basic requirements for FOI implementation and then assessed Pakistan's record to date, noting that few of the requirements had been met. He called for better training of civil servants, public awareness-raising and set criteria for classification of documents as 'confidential'.

Harris Khalique recommended a number of strategies to promote stakeholder participation in the FOI regime including: encouraging citizens to view FOI as a right rather than a privilege; ensuring all documents were available in Urdu; and raising public awareness not just on how to access information but how to use it. Jorge Sequeira made a presentation on behalf of Andrea Cairola, at UNESCO headquarters in Paris, on the role donors could play in promoting FOI. He identified two key roles: a) promotion of FOI in their own workings (e.g. by aligning programs with national goals, and strong reporting and accounting); and b) creating a conducive environment for FOI in beneficiary countries. He suggested capacity-building and awareness-raising as some measures donors could undertake to help both FOI duty-bearers and rights-holders. He identified low literacy and education levels and poor communications infrastructure as major constraints on FOI, and advocated stress on education to overcome these.

There were three panelists in this joint session. Syed Shabbir Ahmed reported that very few appeals had been lodged with the Federal Ombudsman, but cautioned against drawing the conclusion that all FOI complaints were dealt with internally by public bodies. He called for research on this. He also urged better training of civil servants, strict criteria for exemptions, and for giving of incorrect information to be made an offence. Dr Salman Humayun, the second panelist, suggested that time (grace periods) and resources were needed for public bodies to be able to implement FOI, and that civil servants should be allowed privacy for deliberations. He also urged use of other mechanisms to access information and cautioned against inclusion of an over-ride clause in FOI legislation. Finally Dr Humayun questioned why civil society had not made more use of FOI provisions? Dr Sania Nishtar echoed earlier speakers in calling for the FOI issue to be viewed and tackled in context. She stressed the need for systemic reform but

also cautioned this would not be easy to carry out because neither the bureaucracy nor politicians had interest in doing so. By contrast, Dr Nishtar commended donors as champions of reform and urged them, to use their influence with government to promote reforms.

In the ensuing discussion there was strong opposition to donors being assigned a role in pushing reform, and divergent views on whether civil society had done enough or should do more to promote FOI. Dr Humayun's suggestion to allow civil servants privacy for deliberations was strongly condemned. There was general consensus that there was little political will for FOI, and that the main obstacle to release of information was the bureaucracy – though it was also noted that there are 'good' civil servants willing to share information.

In his concluding remarks Said Al Habsy, Operations Officer with the World Bank, said the report of the workshop proceedings would be shared with the Government, stakeholders and the participants.

PROCEEDINGS

SESSION I: FOI for Good Governance and Development

Session Chair: Yusupha Crookes, Country Director, World Bank

1. Welcome Address *Yusupha Crookes*

Mr Crookes began by stressing that the litmus test of good governance is whether citizens can hold the state accountable for public goods and services – taken in the broadest sense to include health, education, security, economic stability and so on. Central to any notion of accountability is information, which includes: a) information shedding light on decision-making processes, b) information about the outcomes of decision-making processes and c) information about state institutions (their organizational set-up, responsibilities, budget and so on). Barriers to information prevent societal empowerment and undermine the ability to undertake collective oversight.

Mr Crookes noted that there had been encouraging progress on FOI globally: compared to only a handful of countries with FOI legislation in place just a few years ago, there are now over 70 countries with this, and the number is growing all the time. He said Pakistan could justifiably claim to be a pioneer in this global movement: it was the first country in South Asia to introduce FOI legislation. While there were issues with the 2002 FOI Ordinance, it was still an important step on the road to an effective FOI regime in Pakistan. The Country Director said it was now time to take the next step, and he welcomed the Pakistan Government's decision to present new FOI legislation. But he added that it was important to ensure sound formulation of law *and* make effective provision for implementation and enforcement – something that has often proven to be the 'Achilles heel' of realizing FOI. He identified lack of stakeholder consensus as one reason for the less than satisfactory performance of the 2002 Ordinance, and welcomed the current Government's efforts to make the process of introducing new legislation inclusive.

Mr Crookes explained that the World Bank, as one of Pakistan's development partners and an institution that prides itself on being a 'knowledge bank', hoped to make a modest contribution to the process of stakeholder consultation by holding the workshop on 'FOI in Pakistan: Drawing on International Experience'.

Before concluding, the Country Director dwelt on what the Bank was doing to promote FOI in its own workings. He identified several measures:

- The Bank's Disclosure Policy is revised periodically and the Board is constantly broadening the scope and type of information that is automatically in the public domain;
- The Bank is currently encouraging client governments to put project-level information including the borrowing, repayment and expenditure details in the public domain;
- There is an anti-corruption hotline where complaints can be registered without compromising confidentiality;
- The WB's President, Robert Zoellick has just announced Board approval of an amendment in the Whistle-blowing policy making it more robust;
- The Bank's global, country and sector web sites provide an excellent platform for proactive dissemination of information;
- To make Bank research accessible in a cost effective manner all its publications are available on-line;
- To bridge the digital divide for those without access to computers and internet, the Bank provides free on-line research services through Public Information Centers (PIC). A new PIC is being built for the Pakistan Country Office;

2. 'Pakistan's Place within the Global FOI Movement' *Dr Ishrat Hussain, Dean-Director, Institute of Business Administration*

Dr Hussain began by noting that FOI was a topic that had been ignored in public discourse and civil society discussions to date: the power of FOI had been under-emphasized in Pakistan. But

he stressed that it was important to place FOI in the context of overall governance structures: information was a means to improve the quality of governance in the country. Dr Hussain cited a survey of 63 countries with functioning FOI Acts (albeit to varying degrees) which showed that the historical, cultural and constitutional environment of a country was the biggest determining factor in FOI regimes.

India inherited the same constitutional, cultural, historical, civil service and governance structures as Pakistan; its economic and social development was also compatible. Yet the Right to Information (RTI) Act had made an important contribution to the Indian governance structure. With the help of some very active CSOs there was a systematic movement underway in India, one that was really gaining momentum, to provide information to Indian citizens.

Dr Hussain noted that in Pakistan, unlike India, there was a huge 'trust deficit' between government and citizens. He added that this existed irrespective of the nature of the government (civil, military, interim, etc): there was a basic lack of trust by citizens in their government, they thought government was lying to them, hiding facts, etc. The impact of this trust deficit is that it becomes very difficult to get civil society support for government initiatives. With tensions further exacerbated by the multi-ethnic nature of society in Pakistan, he stressed the need to bridge the gap between citizens and government. FOI should be designed so that it becomes an effective tool for this.

Dr Hussain identified several related issues in Pakistan: too many laws and institutions, but little implementation and enforcement; a widening gap between form and substance; and cultural issues which exacerbate these weaknesses. He stressed that all these need to be addressed before FOI. On the positive side, Dr Hussain said that wherever accountability has been built into systems, where there are checks and balances on the exercise of discretionary powers, one does see less corruption and nepotism. In other words the goal of good governance was achievable.

Dr Hussain cited his experiences at the State Bank of Pakistan and more recently at the National Commission for Government Reforms to support his claim. He said there used to be a lot of corruption in SBP because there was no central record of directives and rules with regard to foreign exchange. Instead there was a huge plethora of rules, circulars, etc issued over the years from which it was possible to find circulars supporting completely opposite decisions – an outdated circular, say, supporting one decision and a more recent contradictory one supporting the opposite. The lack of an updated, collated record created an environment where corruption flourished. Under Dr Hussain's chairmanship all outdated rules and circulars were sifted out and a single manual of less than 100 pages, containing accurate updated information was prepared and widely circulated. It was also digitalized and loaded on the SBP website. As a result the black market in foreign exchange completely disappeared. The manual also removed the need to seek SBP approval for all transactions and it meant no one could exercise discretionary powers.

As Chairman of NCGR Dr Hussain came across the same phenomenon with the civil service Establishment Code, a voluminous collection of acts and rules, some outdated, stretching as far back as 1935. In the case of the 'esta code' the section officer was 'king' because he held all the information and could find a circular to support any position/decision. Nobody, not even his superior officers, could challenge him because no one had the time or competence to sift through the esta code and find out what was fact and what was fiction. Being a very unexciting subject there was little interest in sorting through the code. The NCGR commissioned a group of people familiar with the code to carry out this task. They produced a slimmed down, updated manual with all superfluous and redundant material removed. This too was made available on the internet so anyone could check their pension entitlements, service rules, etc. A similar initiative is being undertaken with the finance manual.

Dr Hussain said such examples showed that where discretionary powers were curtailed citizens did benefit. Another example was the use of third-party independent validation (through community-based committees) of grant allocations in quake-affected areas of Azad Jammu and

Kashmir. Disclosure of the names of grant recipients helped ensure these did not go to those already well-off, but to the truly deserving. Through transparency and third-party validation corruption and malpractice were reduced. Dr Hussain added that unfortunately such cases were few and far between, rather than the norm.

The final example Dr Hussain gave was that of the income tax system in Pakistan. Prior to reforms in 2001, payment of taxes basically entailed a negotiation process between payer and tax collector with the former understating his income, the latter demanding huge tax payments, and agreement being reached on an intermediate figure from which the collector took a cut. Reforms led to the current system of self-assessment in which tax payers declare their income and file tax returns accordingly. 5-10% of returns are randomly audited and action taken where obvious discrepancies are revealed between stated and actual income. But on the whole the new system has led to a huge increase in tax revenue, as money traditionally going into the pockets of collectors now goes into the treasury.

The major conclusion Dr Hussain drew from these various examples was that it is not the FOI Act as such which is important but the environment in which it operates – this is critical.

Returning to the comparison with India, Dr Hussain noted that the Indian RTI Act was more precise than the FOI Ordinance in Pakistan. The latter was too elusive and had too many statements that were vague or inappropriate. Specific features of the Indian legislation lauded by Dr Hussain were:

- it lays down clearly processes for information disclosure and assigns responsibility for this to Principal Information Officers (PIOs) at state and federal levels;
- exemptions are limited;
- applications must be disposed of within fixed times;
- PIOs must assist citizens to access information, including by taking oral requests and putting them in writing - particularly important in a country with high levels of illiteracy;
- grounds for denial of information requests must be recorded in writing;
- any information which cannot be denied to the federal or state legislatures cannot be denied to citizens.
- the over-ride clause whereby public interest in disclosure allows exemptions to be put aside,
- the appeals procedure with dedicated Central Information Commissioners. [Dr Hussain said the Pakistani appeals mechanism of going to the Federal Ombudsman was ineffective because the Ombudsman had too many other responsibilities.]
- monitoring is laid down in law.

Finally he lauded the fact that India has lots of state level RTI laws, which are more relevant to the needs of ordinary citizens. Pakistan, by contrast, has no provincial FOI legislation. Dr Hussain highlighted the role of civil society in making people aware of their rights under the RTI Act. He said the Indian Government was not doing enough to raise public awareness, but NGOs were stepping in to do this and to monitor implementation of the Act and point out shortcomings.

Returning to Pakistan Dr Hussain said the feedback from civil servants about FOI was generally negative [‘FOI requests will clog the system, ‘it will take lots of time and expense’, ‘FOI is a tool to harass bureaucrats’, ‘FOI is interference by meddling NGOs’.....]. But he stressed that there were lots of civil servants willing to implement the FOI Ordinance but they needed training in how to do so. Dr Hussain said a lot of attention should be given to training, especially of designated officers. He also recommended simplifying application procedures [he cited the example of Bihar where people can phone in requests as a suitable model for Pakistan given the widespread mobile phone use in the country] and ensuring that fees and expenses incurred by applicants are affordable. Finally Dr Hussain urged civil society in Pakistan to play a more active role in making people of aware of the FOI Ordinance and facilitating them to use it. He noted that even with the current limitations in the Ordinance, use of it to access fraction was a fraction of what it should be.

3. **'Basic Principles and Lessons from International Practice'**
Sohini Paul, Senior Program Officer, Commonwealth Human Rights Initiative

In her presentation Sohini Paul outlined the generic principles and best practices for FOI, and illustrated these using India as a case study. She began by noting the use of different terminology in different countries: FOI in Pakistan, RTI in India, access to information (ATI) in others. She said these essentially referred to the same thing. India used to have FOI legislation but this was later changed to RTI to emphasize the rights aspect of the Act – something that could be considered in Pakistan as well.

Ms Paul described RTI legislation as unique in that it is enacted by parliament, implemented by the people, and governments have to comply with it. By changing the way in which governments interact with people it strengthens democracy – this change was being seen in India. She explained that information is a public resource since public bodies holding information are funded by taxpayers and work on behalf of people. She cited Article 19 of the Universal Declaration of Human Rights in support of RTI as a fundamental right.

Ms Paul identified five basic principles for FOI legislation:

- **Maximum Disclosure** - should cover executive and legislative branches and judiciary as well as publicly funded bodies and ideally private bodies. Automatic disclosure of information, e.g. about the structure of a public body, designated officials, budget amount and utilization....should be promoted to help reduce the number of information requests. All people (not just citizens) should be able to access information.

In India the RTI Act applies to public bodies as well as NGOs which are substantially publicly funded. It gives 17 categories where information must be given out suo moto. The Indian act only gives access to Indian citizens.

- **Minimum Exemptions** – there should not be any blanket exclusions, either of organizations or of categories of documents. The usual elements made exempt are cabinet deliberations, security matters, private information and so on.

India has just 10 exemptions for types of information but even these are subject to a public interest over-ride. The Indian Act is unique in allowing access to samples (e.g. of materials used in road construction) and on-site inspections. There are 22 bodies that are completely out of the purview of the Indian RTI Act.

- **Easy Access and Procedures** – there should be simple, affordable and quick procedures to access information. Every public body should have designated officers responsible for providing information, there should be mechanisms to transfer requests to appropriate public bodies, forms should be simple, fees kept minimal with special provisions for the poor, time limits of 14-30 days should be imposed to provide information and special provisions made for urgent requests.

In India all public bodies have designated PIOs and APIOs responsible for information provision; fees are Rs.10 per application and those living below the poverty line pay no fees; requests must be responded to within 30 days but information related to life and liberty must be given within 48 hours.

- **Appeals Mechanisms** – there should be a two-step appeals process, the first within the public body concerned to its head. All denials of information should be made in writing. The second appeals mechanism should be to an independent body: ombudsman, tribunal, information commission, and so on. Such bodies should have the power to impose sanctions – without this the whole FOI mechanism is weakened.

Under the Indian RTI Act people can first appeal to the head of the public body concerned, and then to powerful Information Commissions; there is one Central Commission and 27 state Information Commissions. The onus of proving if a denial of information was justified rests with the PIO, not the complainant. Commissions can impose punishments.

- Public Awareness – people will only use RTI legislation if they know about it. The same independent appeals bodies should be responsible for raising awareness among the public and guiding them on how to access information. Training of concerned officials is also important, as is record-keeping and information management.

Ms Paul concluded by given an assessment of RTI implementation in India to date. She too highlighted the role CSOs were playing in promotion of RTI in the country. She explained that much of the current Indian legislation was based on a draft presented by CSOs at the first meeting of a National Advisory Council formed to provide input to Government on RTI. Numerous verbal and written submissions were made by civil society to parliamentary committees dealing with RTI issues. Despite the active role of civil society in RTI in India, Ms Paul said awareness among the public was not present to the extent it should be. 80% of RTI applications come from government employees. But she added that public awareness was growing and the media was playing an important role in this. Lots of ordinary citizens were using the Act to fight corruption. Ms Paul added that just two months after the RTI Act was promulgated, the Rural Employment Act was passed which also has several provisions for disclosure of information.

[See Annex D for power-point presentation.]

DISCUSSION:

The main points raised in the open discussion were as follows:

a) FOI Applications – A CSO representative shared its experiences of trying to access information, sometimes successfully, other times not:

- On asking how much of the education budget was actually utilized, the CSO found that after 9 months only 20% of the Rs.6.5 billion allocated for education had actually been used, and by the end of the year the figure was just 33%. However, as a result of the CSO's investigations the matter was taken up in parliamentary committees and the media, and led to improvement in utilization of funds. The current 65% utilization rate, though still unsatisfactory, represents a significant rise.
- A recent request to the Ministry of Law to find out the fees paid to Sharifuddin Pirzada was denied on the grounds that this is exempted under the FOI Ordinance 2002. Such information should be in the public domain.
- One year ago a request was submitted to the National Highway Authority to find out how many times the Islamabad-Peshawar highway had had work done on it in the past fifteen years – the request was prompted by the constant construction underway on that road. The NHA delayed the release of information in the hope of getting an exemption. When this was not granted it gave permission for the concerned documents – numbering around 60,000 pages – to be photo-copied at Rs.5/page. It refused to allow inspection of the documents which would have enabled the relevant ones, probably 200 in total, to be identified and copied.
- No public information is available about the allocation of zakat funds and other pro-poor grants and subsidies. Given the recent announcement of cash transfers by the Government, it is even more important that the process and allocations be made public so corruption can be reduced.

b) Access to Information about Legislation/International Treaties in Draft Stage – concern was expressed that citizens are unable to access draft rules, laws while these are in the drafting

stage. They can only be accessed when draft legislation reaches the National Assembly, by which time it has already been vetted by the Ministry of Law and changes are difficult to make. While it is possible to use 'roundabout' means to get hold of drafts, these should be openly available in principle. Similar concern was expressed about the negotiations and deliberations prior to Pakistan signing/ratifying international treaties and conventions – these are not in the public domain.

In response, Dr Hussain explained that civil society can make inputs on impending legislation, conventions, etc to the relevant parliamentary committees. He also pointed to his own experience at NCGR. Reform suggestions were placed on the organization's websites and civil society consultations undertaken in major cities but few people attended the consultations and little feedback was received in 2 years. Dr Hussain called for CSOs to 'walk the talk'.

c) Accuracy of Information Provided and Access to Raw Data – emphasis was placed on the fact that citizens should not just have access to information, but that they have the right to *accurate* information. Private sector organizations, think-tanks, research institutions, etc were not allowed access to the 'raw' data gathered by the study, only to figures after they had been 'processed' by the Government. There was strong disagreement over the Government's claims to have reduced poverty based on its figures. The Chief Economist of the Planning Commission had to resign over the issue. It was also pointed out that the Government had previously made a move to make the Statistics Division autonomous and this should be pursued.

In response, Mr Yusupha Crookes clarified that data is the property of the Government, but he agreed that the credibility of poverty and other statistics would be enhanced if the 'raw' data were made widely accessible. Referring to the forthcoming draft PRSP he reiterated that this was a Government rather than a Bank document, but added that the Bank could seek to foster a consultative process.

d) Role of Civil Society – noting that the speakers had placed a lot of emphasis on the responsibility of CSOs with regard to FOI, it was pointed out that this issue needed considerable debate. While NGOs could be watchdogs, basic responsibility for implementation of FOI lay with the Government. In response Dr Hussain clarified that full responsibility was not being placed on CSOs; they were simply being asked to raise awareness and create pressure for FOI.

e) Contextualize FOI in Governance – stress was placed on the need to address the FOI issue in the wider context of other legislation and in the promotion of good governance. With regard to the former there is a lot of other legislation, e.g. the Official Secrets Act, which can be applied to limit access to information and thus undermine the provisions of the FOI Ordinance 2002. With regard to the latter, it is important to promote integrity in public service and create a culture of transparency and accountability. This is weak at the moment. The Government has no ownership of the National Anti-Corruption Strategy (NACS) 2002, for example, and the numerous public accountability mechanisms (ombudsman, local monitoring committees, etc) lack resources and subsequently are weak in implementation. The issue is not how to implement FOI – it is relatively obvious what is needed – but how to bring about the wider goal of good governance.

f) National Security Exemptions – it was pointed out that the use of 'national security' in Pakistan to exempt information from FOI coverage was open to abuse, as the term was very vague. Sohini Paul explained that the application of the national security exemption in India was really a matter of interpretation. She also clarified that the RTI Act 2005 does not apply to the state of Jammu and Kashmir because it enjoys a special status under Article 270 of the Indian constitution.

SESSION II: Designing FOI Legislation

Session Chair: Dr Ishrat Hussain

4. 'FOI as a Tool for Good Governance and Development'

Syed Adil Gilani, Chairman, Pakistan Chapter Transparency International

Syed Adil Gilani stressed the importance of transparency in public administration and for good governance and development. He noted that Pakistan fared poorly in transparency indexes, despite the fact that it was signatory to a number of international conventions on the issue, and despite numerous policies and commitments to curb corruption. Referring to the FOI Ordinance 2002, which should have helped promote transparency, Syed Gilani said the actual reason it was promulgated was to meet an IMF conditionality. He added that this has often been Pakistan's problem: lots of reforms are carried out as loan requirements, for ratification of international agreements, and so on – the political will for reform was missing, and this rendered the process ineffective. In terms of the actual provisions of the 2002 Ordinance, Mr Gilani said the exemptions were the most dangerous element – even denying access to information that had been made available under the constitution.

Mr Gilani cited a number of examples from international and national experience to show how transparency can ensure proper government functioning. South Korea, for example, has an on-line system for tracking individual applications for a variety of municipal licenses. The system makes the decision-making processes and actions of civil servants transparent and thereby reduces corruption. In Pakistan Mr Gilani identified land records and procurement as the two main areas of corruption. He said the latter had been resolved through enactment of the Public Procurement Rules 2004, which have been acclaimed as the most transparent in the world. For the latter, he called for the computerization of land records within one year.

Mr Gilani identified political parties as having a key role, alongside civil society and the media, in the promotion of transparency in Pakistan. He explained that, prior to the recent elections, TI had approached all political parties and urged them to include 11 recommendations for good governance in their party manifestoes. These recommendations included:

- Revision of the FOI Ordinance 2002 to remove all exemptions except on national security grounds;
- Making all information under the 2002 Ordinance available on the websites of all public bodies;
- Making all public appointments on merit on the basis of predetermined criteria;
- Informing voters of steps the party would take to combat corruption and promote transparency;
- Computerization of land records within one year;
- Privatizations to take place in accordance with the 2004 Public Procurement Rules.

[See Annex D for power-point presentation.]

5. 'Using International Experience to Address Issues in 2002 FOI Ordinance'

I. A. Rehman, Secretary General and Executive Director, Human Rights Commission of Pakistan

I A Rehman made reference to the principles of FOI legislation developed by international FOI NGO Article 19 and added that the growth of electronic media had necessitated the framing of criteria to guarantee access to the airwaves. He listed some of the 37 criteria developed by Article 19: right to information, editorial independence, liability for the statements of others, infrastructure provision by the state, independent regulatory bodies, limitations on advertising, non-discrimination and so on. Mr Rehman stressed that such provisions for access to the airwaves should be included in FOI legislation.

Explaining that laws should be judged in the context within which they operate, Mr Rehman asserted that there was a regime of secrecy in Pakistan. This was so prevalent that even historic documents, whose disclosure would have no bearing on current events, were kept secret. And it sometimes led to quite 'bizarre' information being classified as 'state secrets' – a previous Finance Minister falling ill and being taken to hospital was one such example. There were even restrictions on parliamentarians' access to information. The culture of secrecy extended to Pakistan's international discourse: the country had not been very proper in responding to queries from UN special rapporteurs or the ILO for example. Mr Rehman stressed that ratification of international conventions and treaties carried with them an obligation to report information fully. He also pointed out that all over the world the courts had played an important role in promoting and ensuring FOI, but in Pakistan the only such significant ruling was in the 1993 Nawaz Sharif case.

Turning to the 2002 FOI Ordinance Mr Rehman made a number of observations:

- It does not specifically mention the 'right to know'. This was included in the original 1997 legislation and should be part of the law;
- The law does not extend to the whole of Pakistan – it only covers federal bodies. There should either be an FOI law for all provinces or they should make their own;
- It has a very narrow definition of 'public record'. The only information withheld should be that which the state can *prove* – not just claim – would cause harm if disclosed;
- The 'national security' exemption clause should be limited;
- Procedures are difficult and cumbersome and should be simplified;
- FOI legislation should be reviewed in the context of other restrictive legislation, especially the Official Secrets Act.

Mr Rehman added that the 2002 Ordinance had never been taken seriously – either by the Government or by users. One reason for this was that it was never debated in parliament. Calling for this to happen now and for the law to be reviewed, Mr Rehman stressed that strong will was needed to make information publicly available and to respect the media's right to information.

[See Annex D for text of Mr I A Rehman's presentation.]

PANEL COMMENTS:

6. *Mazhar Abbas, Secretary-General, Pakistan Federal Union of Journalists*

Mazhar Abbas began by apologizing for joining the workshop late. He explained this was because a demonstration by the Pakistan Federal Union of Journalists (PFUJ) was underway outside the UAE Embassy to protest that government's 'undue interference' in Pakistan's affairs. He was referring to the decision by the UAE not to allow broadcasts by the Geo English channel. Mr Abbas welcomed the current Pakistan Government's commitment to allow Geo English to broadcast from Pakistan, but cautioned that governments and commitments change.

Citing the Geo experience, Mr Abbas questioned whether, even with FOI, Pakistani journalists would be able to report freely? He considered this impossible because journalists did not face pressure only from the Government: they were also pressured by owners and other non-state actors.

Mr Abbas highlighted a number of issues with the new private news channels which compromised journalistic freedom. One was the lack of professional editors; marketing managers were de facto editors with knock-on negative effects on news coverage and placement. Related to this was the fact that owners were driven by commercial interests. This was all too apparent after November 3, 2008. 45 channels were put off air without any written order from the Government – even the PEMRA law had not been applied. Despite this, owners cooperated with the Government to get back on air. Thirdly, Mr Abbas criticized the emergence of owner-

monopolies in the press and electronic media which left no space for independent channels. He noted that even in the print media there were no independent TV reviews: the only reviews were of programs on channels belonging to the same group, and these were invariably positive.

Mr Abbas said the other major problem faced by journalists was lack of safety. He said Pakistan was the second most dangerous place in the world for reporting, the first being Iraq; 32 journalists had been killed in Pakistan in just the past few years. Half of the journalist community had shifted from the tribal areas because it was impossible for them to report there; the same was the case in Balochistan. Indeed he said journalists could not report freely in lots of cities in Pakistan: in Karachi, the country's biggest city, free reporting was impossible.

The threat to journalists came from state and non-state actors. With regard to the former, Mr Abbas recalled that in the 1980s people would phone editors and give them 'press advice'. The same thing was happening now, he said, but the difference was that in the 80s the calls came from the Ministry of Information - nowadays the calls come from intelligence agencies and the consequences of non-compliance are far more serious: kidnapping, illegal detention, torture. Mr Abbas cited the example of a Geo journalist held and tortured by the intelligence agencies for filming an air-base; the journalist now faced court cases under the Official Secrets Act. He said such agencies operated above the law of the land: they could pick up any journalist, place them under illegal detention and face no punishment. The maximum relief detainees could secure in the courts was to be freed: they could not expect those responsible to be held accountable or punished for their actions. Similar threats of violence came from a range of non-state actors. Mr Abbas said a worrying new phenomenon had emerged of journalists' families being targeted.

Mr Abbas concluded that even if laws are passed for freedom of information and media freedom, there were forces in Pakistan that operated above the law, that could suppress the law, pressurize owners.... prevent journalists from reporting information. FOI was thus a relative term. He said PFUJ had been struggling for 50 years for people's right to know, for the safety of journalists and for remuneration/employment rights for journalists – also an important element of FOI. He pointed out that it was impossible to expect good reporting from people who undertook journalism on a part-time basis because they had to do other jobs to support themselves.

7. *Ahsan Iqbal, Information Secretary, PML-N*

Ahsan Iqbal stressed that FOI in this age is not a matter of choice but a necessity; the state has virtually lost its monopoly to control information. He added that understanding this change and responding proactively was the best way to handle it; such a constructive approach would enable government and society to benefit from change. The question was how to use the information revolution to bring about development?

Turning to the issue of FOI in Pakistan, Mr Iqbal said the scorecard was balanced with some good points and some bad. On the negative side, he attributed many of Pakistan's current problems to its history of prolonged military rule. But on the positive side, he said civil society had always been brave and had at various times struggled to defend RTI and freedom of expression. He noted that while the media might not be as free as one would like, it was still powerful and playing a very important role. Indeed, he said the 'struggle for democracy and rule of law in the Musharraf years' had been kept alive by the media, as well as civil society and political parties.

Mr Iqbal identified three aspects to consider when talking of openness and RTI: a) law-making, b) implementation and enforcement and c) law adjudication (mechanisms to deal with grievances and complaints). Pointing to the fact that many laws in Pakistan have not been enforced, Mr Iqbal said a good law was important but a good law alone was not enough. It needed to be backed up with effective implementation and enforcement, and provision of mechanisms for people to get redress. He said both the latter two were related to the rule of law: without this it would be impossible to implement any law.

Mr Iqbal described rule of law as the fundamental issue facing Pakistani society today. He said the struggle being seen in the country in the past fifteen months was critical to the future course and nature of the state, and to the achievement of democracy and progress. The restoration of an independent judiciary was vital for implementing the many good laws on the statute books. Ahsan Iqbal noted that until there was respect for the law at the highest level of the state one could not expect public functionaries and ordinary citizens to respect the law. Without rule of law Pakistan would simply become a society controlled by the power of the gun.

Mr Iqbal identified ICT (information communication technology) as a very important tool for providing information to people and promoting transparency. But given that IT tools were not available to all, particularly the poor and those in rural areas, he stressed that the state must play the role of equalizer, e.g. by setting up information centres where ordinary citizens can access information using IT. Mr Iqbal said it was also important to focus on the sequence of reforms so as to avoid chaos. Priority should be given to areas of governance, with benchmarks laid down in different areas (education, health, trade....) and efforts made to ensure that information on these was available to all. He noted that by giving information one can create demand for it.

Mr Iqbal cited an example from his time in the Planning Commission to show the importance of information. In 1999 the Commission carried out a study on development in which it looked at purchases across the country in different social sectors, e.g. it compared the cost of buying school tables in different provinces, or the cost of hospital bed sheets. The study revealed staggering differences, e.g. a bed sheet costing Rs.100 in one province but Rs.1,000 in another. Ahsan Iqbal said that because this information was not available there was no accountability for the massive price difference. ICT could be particularly useful in linking different sources ('islands') of information and creating a consolidated database.

Ahsan Iqbal said public awareness was important for citizens and for public functionaries – it could bring about a change in mindset from 'protect information' to a willingness to 'give information'. Training of officials, provision of adequate resources and the creation of dedicated new posts for information provision were some of the measures needed to ensure FOI.

Mr Iqbal concluded with a message for the donor community. Accusing donors of backing the local government scheme blindly, ignoring the views of civil society and failing to consult them, Ahsan Iqbal expressed the hope that they had learned lessons about how best to promote reform.

8. *Mukhtar Ahmed, Executive Director, Centre for Peace and Development Initiatives*

Mr Mukhtar Ahmed echoed earlier speakers in stressing the importance of looking at the FOI issue in Pakistan in a broader context. He identified negative and positive aspects of the Pakistani context: on the minus side rampant corruption, the 'trust deficit' referred to by Dr Hussain, limited media capacity for investigative journalism...on the plus side the fact that Pakistani society was not stagnant, media activism and public awareness had increased, and recent developments on the political front such as the Charter of Democracy.

Turning to the FOI Ordinance 2002, Mr Ahmed noted that it had three separate lists for public records, exemptions, and information that cannot be provided because disclosure would cause harm. He called for a single list detailing the information that cannot be provided: everything else should be available. He also urged for lots of information to be given proactively by public bodies, e.g. their organizational set-up, functions, budget, etc, and noted that a number of other initiative underway, e.g. PIFRA and e-governance, could all support such proactive information release.

Commenting on the current exemption for minutes of meetings and notings on files, Mr Ahmed said civil servants claimed they should be judged on outcomes and decisions, not on deliberations. But FOI activists argued that these should be made open so that others could point out factors that might not have been taken into consideration when making decisions, and hence

led to wrong decisions being made. Mr Ahmed added that in his personal experience of submitting 60 applications for information, in 15 cases officials had said they would provide the information - but not officially. He attributed this to insecurity of job tenure, the fact that civil servants could be transferred with immediate effect – something that made them risk averse.

9. *Khashih-ur-Rehman, Deputy Draftsman, Ministry of Law*

Khashih-ur-Rehman described the role of a draftsman as to transform government policies into law. He identified three things the draftsman had to consider:

- Who is competent to make the law?
- What mechanisms should be applied for implementation?
- What penalties should be imposed for non-compliance?

In the case of FOI legislation, Mr Rehman said the issue was on the residual list of subjects in the constitution which meant the Federal Government could only legislate for federal bodies. He said there was a need for provincial legislation to cover bodies under the control of provincial governments. With regard to mechanisms, Mr Rehman said issues such as who the target population were, the kinds of information they would demand, whether citizens were inclined to demand information, levels of literacy needed to be considered. On the question of penalties he argued that it was not necessary to place everything in every law. A civil servant who deliberately delays the release of information is already punishable under civil service rules – hence there was no need for double rules and provisions. The actual issue that needed to be addressed was implementation.

SESSIONS III and IV: Making the Law Work and The Way Ahead

Session Chair: Sohini Paul

10. 'Tackling the Implementation Challenge'

Rick Snell, Senior Lecturer Law, University of Tasmania, Australia

Rick Snell stressed that implementation and enforcement were more, or at least as important, in bringing about FOI as legislation. He noted that of the 70-plus countries with FOI legislation, very few have actually achieved FOI in practice. He attributed this to the failure to address implementation aspects. He warned that ensuring effective implementation was a major challenge: it entailed a shift from a secretive to an open society, and required flow of information within government departments, between government agencies and, most important, with citizens and stakeholders 'outside'.

To bring about effective FOI implementation Mr Snell made a number of recommendations:

- FOI had to be implemented as part of a wider strategy to share government information;
- FOI had to be properly funded and administered – and made accountable;
- The change from closed to open systems should be undertaken in an evolutionary manner;
- Attention should be given to demand as well as supply sides;
- The necessary infrastructure, in particular for management of records, should be provided [something donors could support];
- FOI should be treated as a partnership in building trust between citizens and government, something that in the long-term would promote stakeholder input and ownership of government initiatives, and hence make them more effective;
- The right balance should be struck between allowing a grace period for government bodies to prepare for FOI implementation, and delaying so long that momentum for FOI is lost;
- Ensuring the presence of oversight bodies to enforce and also to monitor implementation and identify improvements.

Based on international experience, Mr Snell identified a number of common mistakes to avoid: delaying implementation, over-selling the benefits, not addressing the demand side, being too legalistic, not having oversight bodies, only providing resources and training for the initial launch stage and not treating FOI as a system.

[See Annex D for power-point presentation.]

11. 'Enforcement of FOI Legislation: The Mexican Experience'

Jose Jarero Valencia, Director International Affairs, Federal Institute for Access to Information, Mexico

Jose Jarero Valencia described the Mexican experience of enforcing FOI legislation. Called the Transparency Law, this was approved by Congress in April 2002 and implemented in June 2003. Mexico has a federal transparency law and 31 state laws (+ one for the federal district). Mr Valencia highlighted a number of features of the 2002 Federal Transparency Law:

- Maximum Publicity – all government information is considered of a public nature, and there are provisions for maximum dissemination of information [there are some exemptions];
- Anonymity – anyone (including non-Mexicans) can ask for information; there is no requirement to disclose one's name or the reason for requesting information;
- Transparency Obligations – public bodies are required by law to make all information about their functioning (including administrative structure, wages, proceedings, permits, reports, etc) available on their websites, thereby reducing the need for citizens to request information;
- IFAI – the Institute for Access to Information has five Commissioners nominated by the President and ratified by the Senate, who serve for seven years. The Institute has autonomous decision-making and budgetary powers; all decisions are made in a very open and public manner (broadcast live on TV and extensively covered in the press). Of the 7,311 appeals resolved by IFAI between June 2003 and May 2008, in 70% of cases it had ordered the release of information;
- Use of IT – Mexico has an electronic system (previously called sisi, now infomex) which makes it very easy to make on-line requests for information. Furthermore, the system tracks the progress of requests, automatically flags when the 21 day limit for response has been reached, and allows people to make appeals 'at the touch of a button'.

Elaborating on the unique electronic system in place in Mexico, Mr Valencia said that of the approximately 307,000 information requests made since June 2003, 95.9% had been submitted electronically. The system was one of the major reasons for the huge rise in the number of information requests being made, as well as appeals to IFAI.

Finally, Mr Valencia explained that a number of state laws were highly deficient. To address those shortcomings a constitutional amendment was passed in 2007 which provided for the principle of maximum publicity to apply to all information with any public body at any level. The amendment also stipulates speedy mechanisms be in place to access information, and makes it mandatory for all states as well as municipalities with more than 70,000 inhabitants, to establish their own electronic information systems.

[See Annex D for power-point presentation.]

12. 'FOI Implementation and Enforcement: Strategies for Pakistan'

Zafarullah Khan, Executive Director, Centre for Civic Education

Zafarullah Khan referred to the latest Global Survey of FOI Laws and Regulations (2007). He highlighted the addition of a new color on the map of countries to denote those with 'cosmetic' laws, i.e. with little implementation. Pakistan fell into that category. Mr Khan also referred to the TI global survey of corruption levels, and noted the direct correlation between access to information and reduced corruption.

Turning to FOI in Pakistan, Zafarullah Khan first identified the 'generic' requirements for an effective FOI culture: information should be seen as the right of citizens; FOI regimes should be owned by all stakeholders; adequate fiscal and human resources should be provided, including for record-keeping; classification criteria should be determined; and efforts made to ensure use of local languages.

A critique of the Pakistani record showed that few of these requirements had been met. No separate resources were allocated for FOI implementation, no training was provided (except to Federal Ombudsman officers on how to handle complaints), there was no official translation of the law or public awareness campaigns, there was a lack of coordination among ministries and a complete lack of parliamentary ownership. On the issue of classifications, Mr Khan said the guidelines for labeling documents 'confidential' or 'top secret' actually stipulated very sparing application of these terms, but in practice they were used extensively.

In order to improve access to information in Pakistan Mr Khan recommended a two-pronged approach of: a) making use of available options and b) continuing efforts to improve the law. With regard to the former, measures to be undertaken included:

- modernizing record-keeping mechanisms;
- training designated officers;
- including modules on FOI in curricula of civil services academies and other courses to help change the mindset of public servants;
- training citizens in requesting information and using it under FOI Ordinance 2002;
- translating the Ordinance into local languages.

Zafarullah Khan lauded some recent developments related to provision of information: the National Assembly website now gives full details of all members, the order of the day, all bills introduced in the assembly and so on; and for the first time the defence budget was debated in the National Assembly.

[See Annex D for power-point presentation.]

13. 'Measures for Stakeholder Participation in FOI Regime' *Harris Khaliq, Chief Executive, Strengthening Participatory Organization*

Harris Khaliq began by making a critique of the current FOI regime in Pakistan. He noted that there was a culture of official secrecy, rooted in legislation such as the Official Secrets Act (which the 2002 Ordinance does not over-ride). The prevalent notion was that the 'need to know' should be decided by the authorities – as opposed to the people having the 'right to know'. The FOI regime was undermined by the fact that the right to information was not mentioned explicitly in the constitution, by the absence of a comprehensive policy, and by the fact that the 2002 Ordinance was only applicable to federal entities.

Turning to strategies to promote stakeholder participation in the FOI regime, Mr Khaliq recommended the following:

- Citizens should be encouraged to view FOI as a right rather than a privilege;
- All legislation, policies, guidelines and other documents should be made available in Urdu and also in regional languages – to remove the 'tyranny of language';

- Emphasis should be placed on the fact that FOI is not confined to media freedom – ordinary citizens actually have more problems accessing information than media personnel and thus need FOI more;
- The ability to analyse and make use of information is as important as the ability to access it: people don't know how to use information for their benefit. They should be guided both on accessing and making use of information, e.g. through media campaigns, giving guidance in local languages, using the internet and so on.

Commenting on the discussion about whether deliberations by civil servants should be made public, Mr Khalique suggested one option could be to release information but add 'not to be cited'.

[See Annex D for power-point presentation.]

14. 'Role of Donor Community in Promoting FOI in Pakistan'
Jorge Sequeira, Representative-Director, UNESCO Pakistan

Mr Sequeira made a presentation in place of Mr Andrea Cairola, Senior Program Officer, Division for Freedom of Expression, Democracy and Peace, at UNESCO headquarters in Paris, who was unable to travel to Pakistan. Mr Sequeira began by stressing the importance of information and knowledge as a tool to empower people: he pointed out that the 'c' in UNESCO could be considered for 'communications'.

In the context of FOI, Mr Sequeira highlighted the importance of keeping in view end-goals: good governance, poverty reduction, the MDGs, participation and democracy. He referred to the Maputo Declaration on 'Fostering Freedom of Expression, Access to Information and Empowerment of People' and outlined features that should be included in FOI legislation such as maximum disclosure, protection for whistle-blowers and independent appeals mechanisms, but placed equal emphasis on strong implementation.

Mr Sequeira said the question for donors was where to put their funds and efforts in order to change a 'culture of secrecy' into a 'culture of openness'. He identified two roles for donors: a) to implement FOI in their own workings and b) promote FOI in partner (beneficiary) countries. With regard to the former he stressed that FOI was a prerequisite to achieve donor objectives. He referred to the Paris Declaration, which requires donors to align their programs with national goals, and calls for good reporting and accounting.

Turning to how donors could create a conducive environment for FOI, Mr Sequeira suggested they could help apply lessons from international FOI experience and best practice. He also made specific recommendations to support duty-bearers (e.g. capacity-building of officials, awareness-raising about FOI, technical support for necessary systems) and right-holders (e.g. awareness-raising, setting up legal clinics, training journalists in investigative reporting).

Mr Sequeira listed a number of constraints and challenges faced in FOI including: low literacy and education levels, poor communications infrastructure and lack of information in local languages. All these issues are apparent in Pakistan. To address them he urged emphasis on education and called on donors to take a dynamic approach to FOI in the country, focusing on communications for development.

[See Annex D for power-point presentation.]

PANEL COMMENTS:

15. *Syed Shabbir Ahmed, Additional Secretary, Wafaqi Mohtasib*

Syed Shabbir Ahmed reported that since 2003 only 58 complaints with regard to FOI had been lodged with the Wafaqi Mohtasib (Federal Ombudsman), of which 50 were admitted. The maximum number of complaints (41) was in 2004, while no complaints were made in 2006. The majority of complaints came from a single NGO. Mr Ahmed said these figures could lead to the conclusion that all complaints were dealt with internally by public bodies, but stressed this could not be taken for granted. Studies needed to be carried out to see how many complaints were made to public bodies and how they were dealt with.

Turning to the question of why denials of information take place, Mr Ahmed suggested a number of reasons: exemptions in the 2002 Ordinance are applied, those to whom a request for information is made do not wish to disclose it, people making requests do not know their own rights and therefore do not recognize that information has been denied to them, and so on. He noted that there was a tendency to over-classify documents, and that the application of exemptions was very subjective. Mr Ahmed called for set criteria for disclosure and exemptions. He added that one possible reason why there were no designated officers in most public bodies was because there was little demand for information from the public.

Syed Shabbir Ahmed endorsed the suggestion made by others for FOI to be included in the training of civil servants, in order to make them more receptive to sharing information. He also recommended that where incorrect information was given deliberately, this should be made an offence. He expressed the hope that the new FOI legislation would address these various issues.

16. *Dr Salman Humayun, Consumer Rights Commission of Pakistan*

Dr Salman Humayun identified three main issues to emerge from the presentations and discussion in the workshop: a) the scope and effectiveness of legislation, b) the robustness of mechanisms to implement laws and c) the capacity of citizens and citizens' groups. He made a number of observations on these issues:

- It would be a mistake to 'put all eggs in the FOI basket', either by depending on it alone to deliver access to information, or by including an over-ride clause. He pointed out that there were other mechanisms through which information could be secured. On the over-ride clause, Dr Humayun cautioned that this could lead to provisions to gain information (or other benefits) in other legislation being lost.
- With reference to the exclusion of notings and minutes of meetings from the 2002 Ordinance, Dr Humayun suggested that perhaps it would be best to give public functionaries privacy in making decisions – making deliberations completely open could have negative consequences such as making it difficult for them to work.
- He stressed the need for resources to be made available in order to properly implement FOI legislation, and for 'grace periods' before launching implementation to allow public bodies to prepare for this.
- Dr Humayun echoed some earlier speakers in questioning why civil society organizations had made so few requests for information, or appeals to the Wafaqi Mohtasib. He stressed that CSOs have a responsibility to make full use of provisions for FOI. He also noted that little had been done to document success stories related to FOI, or highlight case studies showing people how to access information.

17. *Dr Sania Nishtar, President, Heartfile*

In her comments Dr Sania Nishtar also stressed the importance of looking at the FOI issue in a wider context. Referring to Mazhar Abbas' comments earlier, she said they highlighted the fact that our society was one in which commercial interests were dominant and discretionary powers used. Such a situation effectively rendered rules and procedures redundant, and placed Pakistan at risk of becoming a 'mafia state'. While commending the recent opening up of the media as a positive development, she noted that information critical to strengthening governance was still not available. Indeed, she said the current system of governance and public administration conspired against the release of information.

Dr Nishtar argued that the only way to address these issues was to carry out systemic reform. But she cautioned that this was extremely difficult because it reduced discretionary powers and hurt vested interests. While it was not in the interest of government functionaries to talk of reform, she said politicians side-lined this issue because they came to power with very short-term horizons and objectives. They were concerned with announcing policies and programs, but had little inclination to consider outcomes.

In contrast to the reluctance to push reform on the part of both the bureaucracy and politicians, Dr Nishtar commended donors for their role. She supported reforms being made a condition for structural adjustment agreements, loans and other donor assistance. She identified the World Bank as having a particularly important role to play in this regard because of its unique position in the donor community. She urged the Bank to leverage its influence with the Government and encourage it to make disclosures and promote FOI in Pakistan.

Dr Nishtar made a number of specific 'way forward' recommendations for FOI in Pakistan:

- Noting that often actual implementation of a law depends on how it is interpreted and the norms and standards that are thus established, she suggested that these be carefully considered in the case of FOI legislation.
- She urged that the deliberations and drafting process for new legislation should be well-documented so that it would be possible to see what comments were received, what ideas were rejected and the grounds for rejection, reasons for incorporating others, and so on.
- For implementation of FOI legislation she urged that lessons be learned from India and other countries.
- She urged the Government to harness the skills of the private sector and involve it in public-private partnerships and co-governance arrangements to promote FOI. However she cautioned that civil society was not always altruistic.
- She called for transparency in economic affairs.

Dr Nishtar concluded by saying that it was important to bring in new, more effective FOI legislation but it was also important to contextualize this by pushing for systemic reform and democracy.

DISCUSSION:

The main points raised in the discussion were as follows:

a) Role of Donors – several people voiced disagreement with the view that donors should play a role in pushing FOI reform. They pointed to past reform initiatives to show that some prompted by donors (e.g. the 2002 FOI Ordinance and devolution) had failed to deliver, while others in which donors had no/little role (e.g. Motorway police) were very effective. But the main reason for not wanting to involve donors was because it was felt reforms had to be driven by Government and carried out because that was 'the right thing to do'.

b) Role of Civil Society – it was observed that the majority response on the part of civil society to the 2002 Ordinance had been negative, and that perhaps for this reason they had failed to use it to access information. An NGO representative cited its experience of being able to access information, particularly the sort of 'low level' information (e.g. about service delivery) needed by ordinary citizens, and urged that other civil society organizations and citizens make use of the Ordinance. Civil society was criticized for not doing enough in the past eight years to promote FOI, but others defended it on the grounds that crises such as the 2005 earthquake and the judges' issue had demanded attention. Another suggestion was that much more investment be made in communities to enable them to demand and use information, to create a 'knowledge society'. It was also pointed out that definitions and perceptions of precisely what constitutes 'civil

society' vary: the Government was criticized for its tendency to consult a handful of select CSOs and ignore those with genuine credibility.

c) Implementation Approaches – responding to Dr Humayun's suggestion that government officials perhaps be allowed privacy in their deliberations, several participants voiced strong disagreement. They argued that the consequences of official decisions impacted all citizens, and hence the latter had a right to know how those decisions were reached and whether all factors were taken into account. The CRCP representative's other recommendations to stagger implementation (allow a grace period for public bodies to prepare for FOI) and to provide additional resources were also questioned. Some felt that even if public bodies in Pakistan were given time to prepare for FOI they would not use it properly. It was pointed out that four years had elapsed since the FOI Rules were notified, yet little practical progress had been made. Resource constraint was also dismissed as an excuse for weak implementation..

d) Lack of Political Will – there was a general consensus that political will to implement strong FOI measures was missing. This was true of previous governments and the current one – there was negligible mention of FOI in the manifestoes produced by political parties in the recent election. The initiative underway to bring in new FOI legislation was being driven by the Minister for Information and Broadcasting because it was a 'personal passion'. One participant questioned whether, if the basic intention and desire to promote FOI was missing on the part of Government, an FOI regime would ever be able to work? – even with strong legislation and implementation measures it would be ineffective.

e) Attitude of Bureaucracy – several people expressed the view that the real problem with regard to FOI in Pakistan was the bureaucracy. Information was controlled by them – irrespective of whether a civilian or military government was in power; they did not see the people as needing or deserving information, and thought they would not be able to use it. Ms Paul said the struggle for RTI in India was viewed as akin to a second 'struggle for independence' – this time from the bureaucracy. However it was also pointed out that within the bureaucracy there are 'good' civil servants who are willing to share information – they should not be viewed as a single, homogeneous entity. Furthermore, communications tools and training could be used to bring about behavior change among public servants. Ms Paul stressed the need for penalties specific to FOI legislation.

f) Media Accountability – with reference to the massive expansion in the number of private TV channels, something requiring billions of rupees investment, owners were called to explain where the money came from. Accountability on the part of media owners was urged. It was also pointed out that if they took out bank loans, often such owners were so powerful that the banks could not even approach them to get those paid back.

CONCLUDING REMARKS

Said Al Habsy, Operations Officer, World Bank

Mr Al Habsy made closing remarks on behalf of the World Bank. He noted that the aim of the workshop was to discuss FOI legislation implementation in Pakistan and bring in international experience. He commended the inputs and rich discussion that had taken place. Turning to 'what next?' he said the Bank would prepare a report of conference proceedings and share this with the participants, stakeholders, and the Government. He pointed out that the Minister for Information and Broadcasting Ms Sherry Rehman was supposed to attend; hence the Government was aware of the workshop and expected input from it.

Summary of Key Findings and Recommendations

- FOI is important for good governance and development. It is a fundamental right. Efforts should be made through good legislation, and effective implementation and enforcement measures, to bring about FOI in Pakistan.
- FOI has to be considered and tackled in the wider context of governance in Pakistan. Currently this is weak, undermining the rule of law, making accountability difficult and allowing corruption to flourish. A strong FOI law and implementation measures alone are not enough. Systemic governance reforms are needed if FOI is to be effective.
- The FOI Ordinance 2002 is flawed in the manner in which it was introduced, without stakeholder consultation and without seeking parliamentary approval. New legislation should only be brought in after these are carried out.
- The FOI Ordinance 2002 is flawed in its content. There are too many exemptions in the Ordinance and sanctions for non-compliance are too weak. FOI legislation in Pakistan needs to be brought into line with best practice, i.e. include provisions for maximum disclosure, minimum exemptions, simple procedures, appeals mechanisms, awareness-raising and so on. Exemptions need to be strictly limited and controlled: deliberations by civil servants should be made available alongside the decisions reached.*
- The FOI Ordinance 2002 is flawed in its implementation. Requirements such as appointment and training of designated officers, public awareness-raising, prompt response to information requests, etc have not been met. Implementation needs to be greatly strengthened and best practice followed, e.g. ensuring sufficient resources and personnel for FOI.
- Particular stress should be placed on training officials for FOI. In order to help bring about behavioural change in the bureaucracy – the biggest obstacle to FOI – the issue should be included in civil service training curricula.
- Use of IT should be promoted to implement FOI.
- Civil society has not made as much use of the 2002 Ordinance to access information as it could have done, and has not done enough to promote FOI. It needs to be more active on both these fronts.*
- Awareness-raising needs to be carried out among the public, both to inform people about the FOI Ordinance and how to access information, and to enable them to make use of information. This can be done through media campaigns, the internet, use of local languages, and so on.
- Donors have played a negative role in previous reform initiatives in Pakistan, e.g. the 2002 Ordinance and devolution. Reforms cannot be donor-driven but should be led by Government and local stakeholders. BUT donors can play a supportive role, e.g. helping raise awareness of the FOI issue, and building capacity for implementation.
- The media face many restrictions and pressures which prevent free reporting. Limited access to information is only one of these, others being the predominance of commercial interests, and threats to journalists from state (intelligence agencies) and non-state actors. These issues need to be tackled, otherwise FOI will not result in media freedom.

**These were not unanimous: some participants disagreed with these findings and recommendations.*

ANNEXES

ANNEX A: Agenda

9.00-10.40 OPENING SESSION: 'FOI FOR GOOD GOVERNANCE AND DEVELOPMENT'

Session Chair: Yusupha Crookes, World Bank

- 9.00-9.10: **Welcome Address**
Yusupha Crookes
- 9.10-9.25: **'Pakistan's Place within the Global FOI Movement'**
Ishrat Hussain, Institute of Business Administration
- 9.25-9.40: **'Basic Principles and Lessons from International Practice'**
Sohini Paul, Commonwealth Human Rights Initiative, India
- 9.40-10.00: **Keynote Address: 'FOI in Pakistan'**
Minister for Information Ms Sherry Rehman
- 10.00-10.35: **Open Discussion**
- 10.35-10.40: **Closing Remarks by Session Chair**

10.40-11.00 TEA BREAK

11.00-12.30 SESSION II: DESIGNING FOI LEGISLATION

Session Chair: Ishrat Hussain

- 11.00-11.20: **'FOI as a Tool for Good Governance'**
Syed Adil Gilani, Transparency International
- 11.20-11.40: **'Using International Experience to Address Issues in 2002 FOI Ordinance'**
I. A. Rehman, Human Rights Commission of Pakistan
- 11.40-12.00: **Panel Comments**
Mazhar Abbas, PFUJ
Ahsan Iqbal, PML-N
Mukhtar Ahmed, Centre for Peace and Development Initiatives
Mr. Khashih-ur-Rehman, Ministry of Law
- 12.00-12.25: **Open Discussion**
- 12.25-12.30: **Closing Remarks by Session Chair**

12.30-13.30 LUNCH

13.30-15.10 SESSION III: MAKING THE LAW WORK

Session Chair: Sohini Paul

- 13.30-13.45:** 'Tackling the Implementation Challenge'
Rick Snell, Senior Lecturer Law, University of Tasmania
- 13.45-14.00:** 'Enforcement of FOI Legislation: The Mexican Experience'
Jose Jarero Valencia, Federal Institute of Access to Information, Mexico
- 14.00-14.15:** 'FOI Implementation and Enforcement: Strategies for Pakistan'
Zafarullah Khan, Executive Director, Centre for Civic Education
- 14.15-14.30:** **Panel Comments**
Muneeb Zia, Ministry of Finance
Syed Shabbir Ahmed, Wafaqi Mohtasib (Fed. Ombudsman)
Mazhar Siraj, Consumer Rights Commission of Pakistan
- 14.30-15.00:** **Open Discussion**
- 15.00-15.10:** **Closing Remarks by Session Chair**

15.10-15.30 TEA BREAK

15.30-17.15 CONCLUDING SESSION: 'THE WAY AHEAD'

Session Chair: Said Al Habsy, Operations Advisor World Bank

- 15.30-15.45:** 'Measures for Stakeholder Participation in FOI Regime'
Harris Khaliq, Strengthening Participatory Organization
- 15.45-16.00:** 'Role of Donor Community in Promoting FOI in Pakistan'
Jorge Sequeira, UNESCO Pakistan
- 16.00-16.30:** 'Next Steps' Panel Comments
Syed Adil Gilani
Sohini Paul
Rick Snell
Jose Jarero Valencia
Sania Nishtar, Heartfile
- 16.30-17.00:** **Open Discussion**
- 17.00-17.10:** **Concluding Remarks by Session Chair**

NOTE:

A number of changes were made in the agenda on the day:

- Ms Sherry Rehman, Mr Muneeb Zia and Mr Mazhar Siraj were unable to attend.
- Dr Salman Humayun made panel comments in place of Mr Siraj.
- Sessions III and IV were merged, chaired by Sohini Paul.

ANNEX B: Speaker Profiles

(In order of appearance in the agenda)

1. Dr Ishrat Hussain

Dean and Director, Institute of Business Administration (IBA), Karachi

Dr Hussain assumed his current post as Dean of IBA in March 2008. Prior to this he chaired the National Commission for Government Reforms (NCGR). In that capacity he completed a comprehensive report on the re-organization of the Government's structure, processes and human resource management policies. Dr Ishrat Hussain joined NCGR after serving for six years as Governor of the State Bank, where he implemented a major program of restructuring and steered the much lauded banking sector reforms. He was awarded the 'Hilal-e-Imtiaz' in 2003, declared Central Bank Governor of the year for Asia in 2005 by the Banker Magazine of London, and received the Asian Banker Lifetime achievement award in 2006. Dr Hussain has extensive experience with the World Bank: positions held include Resident Representative to Nigeria; head of the Debt and International Finance Division; Chief Economist for Africa and later for East Asia and the Pacific Region; and Country Director for Central Asian Republics. Dr. Hussain has maintained an active scholarly interest in development and globalization issues. He is the author of a dozen books including *Pakistan: The Economy of an Elitist State*, contributor of 15 chapters in edited books and more than 25 referred journal articles. Dr. Ishrat Hussain has a Master's degree in Development Economics from Williams College, and obtained his Doctorate in Economics from Boston University in 1978.

2. Ms Sohini Paul

Senior Project Officer, Access to Information Programme, Commonwealth Human Rights Initiative

Ms. Sohini Paul has been working in the development sector for the past 12 years. She has carried out research and conducted trainings of local self-governance institutions in rural and urban areas in India. While working with PRIA, an NGO based in New Delhi, Ms Paul focused on provision of capacity-building support to civil society organizations, as well as elected representatives of Panchayati Raj institutions and urban local bodies in different states. She is currently engaged in training and research related to the Right to Information, primarily in India. She has conducted a large number of training programmes for government officers and NGOs. Ms Paul has a Masters degree in Geography from Jawaharlal Nehru University (JNU) and another Masters degree in Regional Planning from the School of Planning and Architecture, New Delhi.

3. Ms Sherry Rehman

Federal Minister for Information and Broadcasting

Sherry Rehman is a leading figure in the Pakistan People's Party. She was a journalist for 20 years, editor of *Herald* for 10 of those and a member of the Council of Pakistan Newspaper Editors. She was elected as a PPP MNA from 2002-7, and then returned to the National Assembly in 2008 on a reserved seat. Her areas of interest are women and human rights, the media, and foreign-security policy. As MNA she moved a number of bills: Women Empowerment, Anti-Honor Killing, Domestic Violence Prevention, Affirmative Action and Hudood Repeal Bills as well as the Press Act and, in 2004, the Freedom of Information Act. She served as Central Information Secretary for the PPP and helped prepare the party's manifesto for the 2008 elections. In March this year she was appointed Federal Minister for Information and Broadcasting.

4. Syed Adil Gilani

Chairman, Pakistan Chapter Transparency International (TI)

Syed Adil Gilani was the national contact in Pakistan for TI upon its accreditation in 2005, founder member of the Pakistan Chapter of TI in 2006, and is its current chairman. An engineer by

profession, Syed Gilani has undertaken numerous consultancy assignments in project management and related fields. He was port consultant in the Sub-Working Group on Ports and Shipping for the Government's Five Year Plan 2005-2010. He assisted the National Accountability Bureau in preparation of the 2002 National Anti-Corruption Strategy (NACS), and wrote the Pakistan Chapters of the Global Corruption Reports 2007 and 2008. As procurement specialist of TI Pakistan, Syed Gilani contributed to improved procurement procedures which were later included in the NACS and then made law as Public Procurement Rules by the Government in June 2004. He is project director of TI Pakistan's initiative to implement transparent procurement procedures in numerous entities including the City District Government Karachi, PTCL, Pakistan Steel, PIA and the CBR.

5. Mr I. A. Rehman

Secretary-General and Executive Director, Human Rights Commission of Pakistan

I. A. Rehman has been Director of HRCP since 1990. Before that he served (1989-90) as Editor-in-Chief of the *Pakistan Times* where he had earlier spent 24 years (1950-74) in various capacities including senior leader writer. During the East-Pakistan / Bangladesh crisis he worked as the managing editor of an Urdu daily, *Azad*, which opposed the war in Bengal. He spent the Zia period (1978-88) as the executive editor of weekly *Viewpoint* – a leading independent publication which was subject to prolonged censorship. Mr Rehman was dismissed from service for trade union activities and detained for his views and work for civil liberties. As well as hundreds of articles and papers in national and foreign publications he has three books to his credit. For many years he served as one of the advisers to Forum-Asia (Bangkok), and as Chair of the Pakistan chapter of the Pakistan-India Peoples' Forum for Peace and Democracy 1995-2003. Mr Rehman currently holds the chair of the South Asia Forum for Human Rights (Katmandu) and is also a member of the Bureau of South Asians for Human Rights. He won the Nuremberg City International Human Rights Award in 2003 and the Magsaysay Award in 2004.

6. Mr Rick Snell

Senior Lecturer in Law, University of Tasmania

Rick Snell's principal area of interest is administrative law but he has published and studied in a wide number of areas (including history, politics and the South Pacific). He has been a visiting teacher at Law Schools in New Zealand, Canada and Ireland, and is also a frequent media commentator on both state and national legal issues, especially related to governance. Mr Snell has extensive experience of working on FOI issues: he has been a government FOI officer and serial applicant; provided advice to media requesters, NGOs and Ombudsman; made numerous submissions on law reform; for 10 years was editor of the *FoI Review*; and has been an invited speaker on FOI issues in numerous countries. His current research focuses on how FOI legislation relates to other statutes, and comparative assessments of Ombudsman institutions and FOI.

7. Mr Jose Jarero Valencia

Director International Affairs, Federal Institute for Access to Information, Mexico

Mr Valencia has been Director of International Affairs at Mexico's IFAI since 2005. Prior to this he served as Operations and Liaisons Officer for the Presidency of Mexico. Other postings include communication and press attaché with the Mexican embassy at the European Union and liaisons director on the Reform of the State Studies Commission. Mr Valencia holds a degree in industrial engineering from Iberoamericana University.

8. Mr Zafarullah Khan

Executive Director, Centre for Civic Education

The Centre for Civic Education is a non-profit organization working to promote civic awareness and activism through awareness-raising activities, research on important issues, and trainings. Its Executive Director, Mr. Zafarullah Khan, is a trainer and researcher in the field of civic education, communication, media freedom, access to information and political parties in Pakistan. He has worked for several leading newspapers as well as electronic media channels in Pakistan.

He initiated the State of Media and Press Freedom Report in Pakistan in 1995. Mr Khan wrote the 2004 PILDAT briefing paper on Freedom of Information. He holds a Masters degree in Media and Communication from London School of Economics (United Kingdom) and M. Phil degree in Pakistani politics from Quaid-i-Azam University, Islamabad.

9. Mr Harris Khaliq

Chief Executive, Strengthening Participatory Organization

Harris Khaliq is a development activist currently working with participatory organizations and communities all over Pakistan as Chief Executive of SPO. He has previously worked with Amnesty International in Eastern Europe. As well as being a social worker and development activist, he is a recognized writer and a bilingual poet. His published collections include *Aaj Jab Hui Baarish* (1991, Urdu), *If Wishes Were Horses* (1996, English), and *Saarey Kaam Zaroori Thay* (1997, in Urdu). He has also worked on a few film projects as concept writer and executive producer. Mr Khaliq studied social development at the London School of Economics and political science and engineering at N.E.D University of Engineering and Technology, Karachi.

10. Mr Andrea Cairola

Senior Program Officer, Division for Freedom of Expression, Democracy and Peace, Communication and Information Sector, UNESCO

UNESCO is the UN agency with the mandate to promote freedom of expression and free flow of information. Based at the organization's Paris headquarters, Andrea Cairola handles dossiers related to freedom of information and assistance to the media in developing and post-conflict countries. His previous UNESCO postings were in Kabul, Afghanistan, and Almaty, Kazakhstan. Before joining UNESCO Mr Cairola worked as a journalist for Italian print and TV media, and directed documentaries for major international broadcasters. He has been the founder, editor and/or author of a number of publications. Mr Cairola obtained an economics degree from Bocconi University, Milan; an MA in International Journalism from City University in London and a postgraduate diploma in Media Law from Oxford University.

ANNEX C: List of Participants

#	NAME	DESIGNATION	ORGANIZATION
1	Dr Ishrat Hussain	Director	Institute of Business Administration
2	Zafarullah Khan	Executive Director	Centre for Civic Education
3	I A Rehman	Secretary-General	Human Rights Commission of Pakistan
4	Tahira Abdullah	Development worker and rights activist	
5	Muhammed Khashih-ur-Rehman	Deputy Draftsman	Ministry of Law and Justice
6	Dr Arif Naveed	Senior Research Fellow	Mahboob-ul-Haq Human Development Centre
7	Talat Masood	Lt-Gen (retd), analyst	
8	Adil Gilani	Chairman	Pakistan Chapter, Transparency International
9	Shirin Gul	Program Officer	Governance Unit, UNDP
10	Mukhtar A. Ali	Executive Director	Centre for Peace and Development Initiatives
11	Mian Abrar Hafeez	Secretary-General	Consumer Rights Commission of Pakistan
12	Dr Sania Nishtar	President	Heartfile
13	Saleem Ullah Khan	Director	National Documentation Centre, Cabinet Division
14	Peter Andreas Bochmann	Resident Representative	Friedrich Naumann Foundation
15	Rick Snell	Senior Lecturer in Law	University of Tasmania
16	Sohini Paul	Senior Project Officer	Commonwealth Human Rights Initiative
17	Jose Jarero Valencia	Director International Affairs	Federal Institute for Access to Information, Mexico
18	Michael H. Hryshchyshyn	Director	Office of Democracy and Governance, USAID
19	Dr Sadia Malik	Director	Mahboob-ul-Haq Human Development Centre
20	Syed Shabbir Ahmed	Additional Secretary/Member	Wafaqi Mohtasib
21	Mosharraf Zaidi		Governance and Growth Group, DFID
22	Haji Mohammed Adeel	Senator	
23	Zeenia Shaukat	Research Associate to Ms Sherry Rehman	Ministry of Information and Broadcasting
24	Begum Nuzhat Sadiq	MNA / Member	National Assembly Committee for Information and Broadcasting
25	Bilquis Tahira	Gender Social Development Consultant / Managing Director	BTK Associates
26	Mazhar Abbas	Secretary-General	Pakistan Federal Union of Journalists / ARY OneWorld
27	Ahsan Iqbal	Information Secretary	PML-N
28	Dr Salman Humayun	Executive Director	Institute of Social and Policy Sciences / CRCP

29	Harris Khaliq	Chief Executive	Strengthening Participatory Organization
30	Jorge Sequeira	Director / Representative	UNESCO Pakistan
31	Iffat Idris	Development Consultant / Workshop Coordinator	
WORLD BANK			
32	Yusupha Crookes	Country Director	
33	Said Al Habsy	Operations Officer	
34	Uzma Sadaf	Procurement Specialist	
35	Furqan Saleem	Financial Management Specialist	
36	Imtiaz Alvi		
37	Hamid Mukhtar	Senior Economist	
38	Shahzad Sharjeel	Senior External Affairs Officer	
39	Uzma Ikram	Operations Officer	
40	Huma Waheed	Trust Funds Administrator	

ANNEX D: Presentations

1. **'Basic Principles and Lessons from International Practice'**
Sohini Paul, Commonwealth Human Rights Initiative, India
2. **'FOI as a Tool for Good Governance'**
Syed Adil Gilani, Pakistan Chapter Transparency International
3. **'Using International Experience to Address Issues in 2002 FOI Ordinance'**
I. A. Rehman, Human Rights Commission of Pakistan
4. **'Tackling the Implementation Challenge'**
Rick Snell, University of Tasmania, Australia
5. **'Enforcement of FOI Legislation: The Mexican Experience'**
Jose Jarero Valencia, Federal Institute of Access to Information, Mexico
6. **'FOI Implementation and Enforcement: Strategies for Pakistan'**
Zafarullah Khan, Centre for Civic Education
7. **'Measures for Stakeholder Participation in FOI Regime'**
Harris Khaliq, Strengthening Participatory Organization
8. **'Role of Donor Community in Promoting FOI in Pakistan'**
Jorge Sequeira, UNESCO