



Using the right to access public information, Latin American civil society groups are achieving concrete policy changes, as these case studies from Mexico, Ecuador and Costa Rica show.

# USING INFORMATION FOR ACCOUNTABILITY AND JUSTICE: LESSONS FROM LATIN AMERICAN CIVIL SOCIETY



## SUMMARY

Throughout Latin America, civil society organisations (CSOs) are exacting accountability by undertaking independent assessments of the implementation and outcomes of public policies and programmes. To get the information needed for these assessments, CSOs have used the Right to Information guaranteed by Freedom of Information Acts (FOIAs), Constitutions or Court decisions. By conducting these exercises, civil society has highlighted mismanagement and inefficiencies in public policies, and pushed for reform, especially to ensure that policies benefit socially excluded groups. Using case studies from Mexico, Ecuador and Costa Rica, this brief analyses how CSOs are successfully using the right to information as a tool to improve accountability and social justice in Latin America.

## CIVIL SOCIETY NEEDS TOOLS TO PUSH FOR GOVERNANCE IMPROVEMENTS

Governments in developing regions often fail to ensure citizens' equal access to public services, from water and sanitation, to health and education. As a result, wide social gaps persist, particularly affecting vulnerable groups like the poor, indigenous and elderly. Civil society has an important role to play in pushing governments to advance social justice and equity, but what tools and methods are available, and how can they effectively use them?

In the last two decades, legal reforms in the form of Court rulings and enacting FOIAs around the world have guaranteed citizens' right to request and access public information. This right has given civil society a powerful tool for monitoring and assessing the social impact of public policies and exacting accountability, which Latin American CSOs are increasingly using. Lessons coming from Latin American civil society's journey in using the right to information might be useful to CSOs in other regions.



## LATIN AMERICAN CIVIL SOCIETY'S USE OF THE RIGHT TO ACCESS INFORMATION

Latin American CSOs are actively using the right to information to carry out social audits, meaning independent assessment of government policies and programmes. These audits usually aim to achieve one or all of the following goals:

- Improve transparency of government performance and the use of public resources
- Enhance overall accountability
- Ensure that public policies and programmes are advancing social justice and reducing inequalities

Social audits in Latin America have typically been implemented through five critical processes:

1. Identifying the social problem (such as education, safe water or access to health) that current public policies are not addressing effectively.
2. Defining the strategy to be used to undertake the assessment. Some aspects defined at this stage are the specific public policy that will be assessed, type of data and information that will be used to do so, and the partners that can collaborate in or benefit from the assessment.
3. Gathering the public information needed to carry out the assessment, typically by directly requesting information on government performance in terms of the selected policy.
4. Systematizing and analyzing the information to assess or monitor how these public policies are being implemented and to determine their outcomes. Findings are usually published in a report which includes recommendations that governments can implement to address the social problem more effectively.
5. Using the results to push for changes or improvements of public policies, by the organisation itself, as well as its partners, the media and public officials.

## LATIN AMERICAN CASE STUDIES

To see how these five processes play out, we present case studies exemplifying how civil society in Mexico, Ecuador and Costa Rica has used the right to access information to

undertake independent assessments of public policies in their respective countries.

### Who Gets What: Monitoring Mexico's Farm Subsidies Policy

#### *The Social Problem*

In 2010, the Mexican Federal government allocated about \$US 4.7 million to support the agricultural sector through farm subsidies. Although the government claimed most of these subsidies benefited historically small-scale farm producers (under 10 hectares), there had been no systematic studies evaluating who actually received the subsidies.

#### *How Was the Right to Information Used?*

In 2008, [Fundar](#), a CSO, the [National Association of Peasant Marketing Enterprises](#) (ANEC) and the [University of California Santa Cruz](#), with technical support from the [Environmental Working Group](#), designed an accessible electronic platform, [Farm Subsidies](#), to make tracking the subsidies much easier. The electronic platform was built by systematizing the six subsidy programmes' recipient lists into one database. Some lists were downloaded directly from government websites, while others had to be specifically requested using the right to information that the Mexican FOIA, enacted in 2002, guarantees.

#### *What Did the Assessment Find?*

The findings demonstrate the extent to which the government offers systematised and proactive information, while at the same time analyzing the information per se. For the latter, the platform revealed that the Mexican Government had been investing mostly in large-scale agro-industry instead of small-scale farmers. As a result, the farm subsidies had actually increased social inequalities, rather than promoting poverty alleviation through rural investment in productivity. The Farm Subsidies platform also found some striking irregularities: subsidies had been given to drug-related criminals, government officials, and to pieces of urban land.

#### *Impact*

The findings got extensive media coverage, with journalists actively questioning the efficiency of the farm subsidies policy. As a result, some government officials were removed, and reforms were implemented in *Procampo*, the largest programme, to ensure its subsidies were only given to small-scale producers, and with a limit of US\$ 10,000 per cycle. Another result was that the Supreme Audit Institution, the



agency in charge of budget oversight, forced the government officials who benefited from the subsidies to return them. The database and its findings have also been used extensively by the academic community and CSOs. In sum, the Farm Subsidies platform, made possible through CSO requests for, and use of, public information, has been a powerful tool for enriching the public debate on the distribution of agricultural subsidies and for improving accountability.<sup>1</sup>



Figure 1: Farm Subsidies Website displaying an interactive map of farm subsidies by province in Mexico  
Source: Fundar, [Farm Subsidies Website](#)

## Tracking Oil Revenue Distribution in Ecuador

### *The Social Problem*

Since the 1970s, distribution of oil revenues to Ecuadorian public institutions has not been transparent, and has taken place without following national planning and accountability criteria. In 2007, [Grupo FARO](#), an Ecuadorian CSO, began tracking the distribution of oil revenue to public institutions from 2003–2007. Their objective was to understand how funds were distributed and which agencies benefited from oil revenue income.

### *How Was the Right to Information Used?*

Grupo FARO used Ecuador's FOIA, enacted in 2004, to request information from the public agencies that received oil income and from the public entities in charge of distributing and transferring the funds, such as the Central Bank and the Ministry of Finance.

Despite the existence of a FOIA, the process for requesting this information was not always easy. The Central Bank, for example, argued that 'bank secrecy' prohibited them from providing the information, and denied the requests. Even when institutions provided information, their budgets often did not match the national budget information provided.

### *What Did the Assessment Find?*

Grupo FARO was able to highlight how resources were pre-allocated to certain institutions, such as the military's social security system and private universities, among others. This distribution targeted privileged groups, thereby limiting the government's capacity to achieve social fairness and equity.

### *Impact*

Grupo FARO's research introduced this relevant issue into the public agenda at a time when debates were increasing and evidence was needed to design new legislation. This public debate yielded clear results. Later that year, a new constitution was enacted which eliminated ear-marked expenditures for distributing extractive industries' income, one of Grupo FARO's main recommendations. Grupo FARO keeps fighting for achieving greater transparency, accountability and fairness in relation to oil revenue in Ecuador, which is now handled centrally by the government where more transparency is needed. Grupo FARO is currently drafting a bill proposal about the extractive industries information that the government should make public. This proposal will be shared shortly with congressmen and other CSOs in Ecuador.<sup>2</sup>



Figure 2: Workshop organised by Grupo FARO explaining to communities how oil income is spent in the Ecuadorian Amazon  
Source: Grupo FARO

<sup>1</sup> To learn more about Farm Subsidies in Mexico, based in part on information gathered through this initiative, read: Fox, J., Haight, Libby. 2011. *Subsidizing Inequality: Mexican Corn Policy Since NAFTA*. Woodrow Wilson International Center for Scholars, Mexico. For an account (Spanish only) of the initiative itself, read: Ruiz, A. J. 2011. *Transparencia en Acción: La Experiencia de 'Subsidios al Campo en México' (Transparency in Action: The Experience of 'Subsidies to the Countryside in Mexico')*. Mexican Rural Development Research Reports, Report 13. Woodrow Wilson International Center for Scholars, Mexico.

<sup>2</sup> To learn more about this case, read this publication assessing and explaining the distribution of oil income in Ecuador: Grupo Faro. 2009. *El Origen y el Destino de los Ingresos Petroleros* (The Origin and Destination of Petroleum Income). Grupo Faro, Quito.

## Monitoring Sustainable Human Development: the Costa Rican State of the Nation Report

### *The Social Problem*

Seventeen years ago, Costa Rica lacked systematic data to monitor the country's progress on sustainable human development indicators such as poverty, education, inequality and pollution, among others.

In 1994, the National Council of Rectors (Conare), an organisation formed by the four public universities in the country, launched an academic and research programme called [State of the Nation](#). This programme would be responsible for systematizing data in four areas – economic, social, environmental and political – and releasing the findings and analysis in its annual [State of the Nation Report](#). So far, seventeen Reports have been released. Their credibility comes from their academic rigor, social legitimacy, and widespread dissemination, the latter of which includes annual training of more than 3,000 people, about 250 news stories analysing the Report, and over 5 million hits on its website.

### *How Was the Right to Information Used?*

To gather part of the data and set of indicators used for the study, researchers participating in the Report make access to information requests to government agencies asking for long-term series of official statistics. Even though Costa Rica does not have a FOIA, a resolution from the Court and other legislation guarantees the right to information in the country, which the researchers use to make their requests.

### *What Did the Assessment Find?*

Over the years, the State of the Nation has proven to be a powerful tool for assessing and monitoring the country's progress and setbacks on issues such as poverty, education, pollution and inequality. For example, over the last years, the State of the Nation Reports have pointed out the increasing ecological damage and conflicts that the country is suffering and the need to improve the legal and institutional framework to tackle these challenges.

### *Impact*

The State of the Nation has helped improve the policymaking process in several areas. Its findings, for instance, have been used to improve the methodology used to measure poverty

Other CSOs are also having success carrying out social audits in Latin America using the right to information. Read more about them in the [ELLA Spotlight on Organisations](#).

and have given inputs for assessing how to extend secondary education coverage in the country. The Report is consulted and used extensively by a variety of actors in Costa Rica, such as decision makers, journalists, academics, CSOs and citizens. The credibility and relevance of the Report is reflected in the fact that the President of the country or other high ranking officials always attend the release of the Report, and that the Ombudsman Office has provided continuous support to the initiative. Two spin-off reports have now been developed and released: the [Report of the State of Education in Costa Rica](#); and the [Report on the State of the Region](#), which monitors sustainable human development indicators across seven Central American countries.<sup>3</sup>

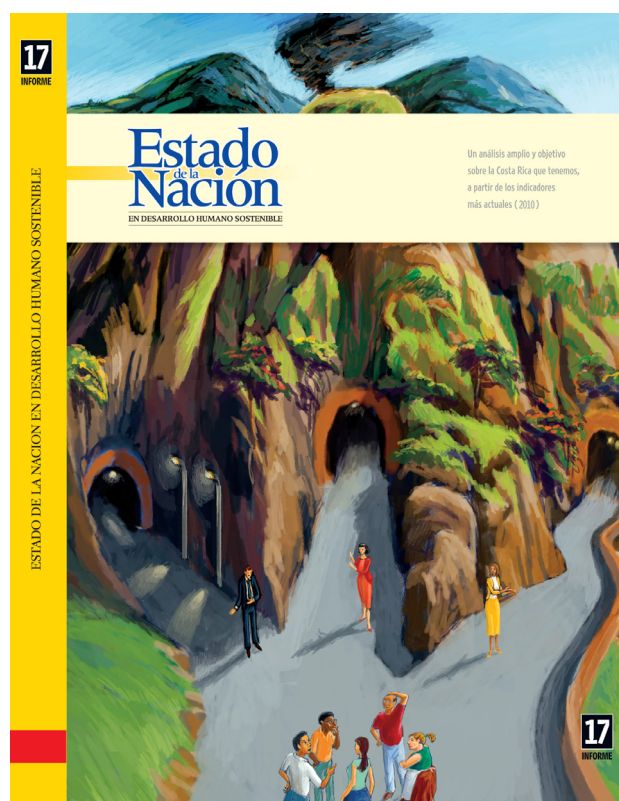


Figure 3: Cover of the State of the Nation Report XVII, depicting the need for Costa Rica to regain confidence in politics and institutions and to build a national regime based on agreements supported by a majority of its citizens" Source: State of the Nation

<sup>3</sup>To learn more about this experience, consult the [publications](#) of the State of the Nation initiative.



## CONTEXTUAL FACTORS

## ENABLING INDEPENDENT ASSESSMENTS IN LATIN AMERICA



Latin America's democratization process has helped to make governments in the region more open to public scrutiny and more receptive to civil society proposals. Proof of this is that governments in the region have implemented policy changes and removed public officials as a result of the findings of independent assessments undertaken by civil society.

The adoption of FOIAs by more than half of the Latin American countries, and Court decisions in Argentina, Chile, Colombia, Costa Rica, Paraguay and Uruguay, have ensured citizens' right to request and access public information; as these case studies show, this has been a crucial element for being able to carry out independent assessments. The Court decisions have been particularly relevant in countries without a FOIA law, such as Costa Rica or Paraguay, because they provide the legal basis for citizens to request and access public information that is not available.

Gaining public visibility for the results of the social audit – typically through the media in the case of Latin America – has proven to be important for creating public pressure that has

facilitated government reform.

CSOs undertaking assessments of public policies and programmes in the region have had the technical capacities to identify critical social problems not effectively being addressed, request public information using the right to information on government performance, analyse this information, make specific recommendations to governments and push for policy reforms and greater accountability and social justice.

Civil society has been able to engage appropriate partners, including excluded and vulnerable groups, other CSOs, the media, Ombudsman Offices and Supreme Audit Institutions, who could use these findings to advance their rights and to hold governments accountable. At the same time, civil society has also been able to build linkages and establish a dialogue with government authorities, which in many cases has resulted in specific policy changes.

Finally, donor funding has been available to financially support CSOs to conduct these social audits exercises.

### LESSONS LEARNED

**1** The right to information can be a powerful tool for undertaking social audits which can improve accountability and social justice.

**2** Technical and financial capacities in civil society organisations seem to be critical for

carrying out independent assessments of government performance.

**3** Policy changes are more likely to happen if civil society is able to a) engage partners who could use social

audits' findings to advance their rights or to hold governments accountable and b) build linkages with government actors responsible for public policy design or implementation.

### CONTACT [FUNDAR](#)

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To learn more about Transparency and Access to Information in Latin America, read the [ELLA Guide](#), which has a full list of the ELLA knowledge materials on this theme. To learn more about other ELLA development issues, browse other [ELLA Themes](#).

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