**Philippine Open Government Partnership:**

**Looking Back, Moving Forward**

**Atty. Nepomuceno Malaluan**

Co-Convenor, Right to Know. Right Now! Coalition and

Co-Director, Institute for Freedom of Information

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The introduction of the Open Government Partnership (OGP) to the *Right to Know. Right Now! Coalition* did not happen in the most auspicious circumstances. For one, we learned about it not from the Philippine government, but through a foreign invitation to attend the OGP's informal launch in Washington DC in July 2011. It was only then that we came to know that our country is a founding steering committee member of this new multilateral initiative "to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance" through commitment by governments of concrete initiatives drawn up in consultation with non-government stakeholders.

Our reaction to our government's membership in OGP was a mix of optimism and apprehension. On one hand, we readily saw the OGP as a promising platform for deepening institutional commitment not only to higher norms of transparency and accountability, but to concrete and innovative initiatives as well. In addition, the international character of OGP, though non-binding, presented a potential disciplining influence for governments to take seriously the commitments they make through their respective action plans.

On the other hand, in the context of the Aquino administration not giving definitive support to the passage of the FOI one year into its term, we feared that the OGP may become a convenient mechanism to legitimize a low transparency comfort zone for the administration and allow it to ignore the long standing clamor for an FOI law.

This mix of optimism and apprehension would characterize our engagement of the OGP throughout the finalization of the government's 2012 OGP Action Plan toward end-2011 and its implementation in 2012. The failure of the FOI bill to move in the House of Representatives in the 15th Congress was undeniably a source of tension. For our part, we felt that the measure did not receive decisive support from the Executive. For transparency champions within the administration, there was a sense that their transparency efforts were not being appreciated by advocates, "sapping (the) morale of allies in government", to quote an administration official.

Let me make our position clear. We certainly welcome, appreciate and laud the administration's efforts towards proactive transparency, and we support its escalation in the direction of use of technology for broader reach and usability of formats. But to be a potent instrument of accountability, empowerment of citizens, and meaningful participation, proactive disclosure must be complemented by clear and effective rules for request-based access. This is what the FOI bill addresses in terms of refining the scope and limitations of available information, providing basic standards on record keeping, laying down the uniform and predictable procedure for access, and prescribing the sanctions for unlawful refusal of access.

The necessity and urgency for the passage of the FOI law to complement the administration's program of proactive disclosure is best demonstrated by the PDAF Scam. In PDAF, the government's budget transparency and "electronic Transparency and Accountability Initiative for Lump Sum Funds or eTAILS" (seen in the DBM website as "e-Fund Releases") provide citizens with indispensable, readily available information if they wish to know about the PDAF general allocations and specific programs or projects by each legislator. But if they wish to go deeper into PDAF for purposes of accountability, the information proactively disclosed will only be able to provide them with leads. To be successful they will have to request for information to the level made available, for example, to the Commission on Audit, such as MOA's, endorsement letters, list of beneficiaries, project reports, among others. In the absence of an FOI law this is extremely difficult.

Despite the tension, I would say that both sides continue to see OGP as a promising mechanism to jointly work for aspirations that we find in common. The coalition has sustained its engagement of the OGP process, and in fact actively sought and got a seat in the CSO members of the Philippine OGP Steering Committee.

It is in the spirit of this continuing cooperation that we appreciate the work of the Independent Reporting Mechanism (IRM) of the implementation of the 2012 OGP Action Plan. It gives us an opportunity to examine our OGP performance with the view to contributing to its improvement moving forward.

Both the government and independent review processes I believe surfaced problems and limitations in the Philippine OGP process, commitments and implementation. The process of collating initiatives from the different agencies for inclusion in the OGP action plan, the limited consultation, and the uneven prioritization resulted in a very long list of commitments with many overlaps. As a result, performance or delivery of the commitments has been mixed.

The IRM Report gives recommendations that I believe are fair and workable. Last night I received a copy of the draft OGP Country Action Plan for 2013-2015. I am happy to note that it reflects many of the recommendations identified in the IRM Report. For instance, it presents commitments that are much more streamlined and with clearer milestones. I am also hopeful that the source of tension, that of the legislation of the Freedom of Information Act, will be diminished as the draft plan commits as a performance target the inclusion of FOI in the priority legislative agenda of the Executive.

Even as there are shortcomings from the government side, there is no denying that there are shortcomings from the non-government side as well. While there is participation in some areas of the plan where there has been historical cooperation between government and CSOs, more generally I believe we looked at the implementation of the OGP Action Plan rather passively.

It is in this context that the *Right to Know. Right Now! Coalition* commits to cooperate with government more closely on OGP. While the coalition will not be able to engage all commitments, where we have competence and shared interest, we shall engage.

What is key, I think, is to be able to work on several levels of partnership. Let us cooperate towards firming up shared objectives, agree on common and complementary tasks, adopt a timetable, identify monitoring milestones, and have regular coordination mechanisms.

I am sure we are prepared to work with government on the commitment to pass the FOI Act. Subject to discussion within the coalition, we may also be prepared to work with other groups on budget transparency, public audit, and open data.

In the context of the PDAF Scam and its branching out to many other areas of public expenditure, the OGP now gains greater importance. Grand Challenge #1 identified in the 2013-2015 draft Action Plan -- Increasing Public Integrity -- assumes more relevance.

If government gives it due importance and priority, I am sure it will generate a commensurate commitment on the part of non-government stakeholders, and contribute to clearing a path forward now and in the years to come.