

“SOLOMON ISLANDS FREEDOM OF INFORMATION WORKSHOP” 23-25 February 2009

Outcomes

The Solomon Islands Ombudsman, with support from the Pacific Islands Forum Secretariat (PIFS), UNDP Pacific Centre and Commonwealth Human Rights Initiative, hosted a National Workshop on Freedom of Information (FOI) from 23-25 February 2009. The workshop was attended by participants from government bodies, non-government organisations (NGOs), the churches and the media.

The Workshop was opened by the Deputy Prime Minister of Solomon Islands, Hon Fred Fono. He emphasised that: *“One of the central tenets of our democracy in Solomon Islands is the guarantee of human rights, one of which is the right to freedom of information...My Government is fully cognizant of the direct link between freedom of information, human rights and good governance...My Government supports information disclosure as [a] way of improving governance and development outcomes. Of course, we recognise that there will need to be some legitimate limits on the extent of disclosure, as it should not undermine the public interest and national security...Nonetheless, my Government looks forward to working to implement the right to information...We will continue to work closely with the Pacific Islands Forum Secretariat and other stakeholders to develop freedom of information legislation to give effect to the realization of freedom of information – one of our fundamental human rights.”*

The Workshop discussed the value of FOI, good practice standards on FOI law-making and practical issues on implementing FOI. This National Workshop followed up the regional “Workshop on Freedom of Information for Pacific Policy-Makers”, held in July 2008 in Honiara, Solomon Islands by PIFS and the UNDP Pacific Centre. FOI is a milestone identified for implementation in the Good Governance pillar of the Pacific Plan.

Participants recognised the value of the right to information in enhancing good governance and participatory development, participatory democracy, promoting human rights and tackling corruption. Building on the Coalition on National Unity and Rural Advancement Government’s commitment to progress the development of FOI legislation, participants noted that:

1. It is encouraging that Article 12 of the current Constitution supports the right to information through the right to freedom of expression and the proposed draft constitutional provision expressly recognises the right to information. If the Constitution is amended, consideration should be given to ensuring that a separate right to information is included, which broadly reflects a commitment to maximum disclosure and harm-based exemptions which focus on protecting the public interest.

2. In furtherance of the Government’s commitment to enact FOI legislation, it is important that the key principles of FOI legislation relating to maximum disclosure, minimum exemptions, independent appeal oversight, fees, penalties and monitoring are fully considered. Any proposed FOI legislative framework must be cognisant of Solomon Islands’ legal, cultural and administrative arrangements, and should consider:

- o Permitting oral requests for information;
- o Requiring officials to assist applicants to submit information requests;
- o Limiting any fees to cost recovery, and a fee waiver could be considered where a request is for personal information, would cause financial hardship or is in the public interest;
- o Identifying a strong independent body to handle appeals and oversee the law. Consideration could be given to tasking an existing institution to promote efficiency and sustainability and to minimise the resource burden on the Government;

- Prioritising public awareness activities and training for public officials, including identifying and resourcing a body within government to undertake such activities;
 - Dedicating resources to improving records and information management within all government bodies, including state owned enterprises.
3. In advance of FOI legislation, the Government should take steps to increase proactive disclosure of government information, including but not limited to, information about the government budget, government expenditures, Ministerial expenses, development activities, public procurement processes and outcomes, penalties imposed on private companies by key Ministries, and key reports and findings produced by national accountability and integrity institutions.
4. Following enactment of an FOI law, it is important that the Government provides adequate resources for the tasks involved in implementing FOI to ensure the law can achieve its objectives. A central FOI unit should be established to develop guidelines and procedures. It is essential that resources are provided to train all government officials and promote FOI through an extensive public awareness campaign.
5. It is commendable that the Government has taken a coordinated approach to promoting public accountability, strengthening transparency and tackling corruption, most notably through the newly established Anti-Corruption Taskforce. In particular:
- The Government is to be commended for its decision to accede to the UN Convention Against Corruption, which in Article 13(b) recognises that *“Each State Party shall take appropriate measures... to promote the active participation of individuals and groups outside the public sector, such as... Ensuring that the public has effective access to information”*;
 - It is encouraging that the Co-Chair of the Anti-Corruption Taskforce recognises that FOI can and should be integrated into the Government's agenda for the Taskforce.
6. Solomon Islands has existing accountability and integrity institutions, committed to promoting public accountability, transparency and government oversight, which handle a range of important information. In that context:
- The National Parliament is to be commended for its commitment to proactive disclosure, for example, through broadcasting parliamentary sessions and committee hearings, maintaining a well-resourced website and library and undertaking a range of public outreach activities;
 - Sustained action needs to be taken to address the assessment that poor records creation and management within the public service is undermining the ability of the Office of the Auditor General and the Office of the Ombudsman to effectively discharge their mandates.
7. It is positive that Solomon Islands has officially launched a set of guidelines to enable good record-keeping as an essential pillar of good governance. This supports the Government's expressed aims of fighting corruption and increasing accountability and transparency in order to maximise services to the public. In order to establish a relevant and effective record-keeping system:
- Elected representatives and the heads of all government bodies must receive awareness training on the importance of records management;
 - The heads of all government bodies need to comply with the Solomon Islands Records Management Policy and assign the responsibility for records management to a senior manager to become the “Official Records Manager”;
 - Relevant resources need to be provided to ensure appropriate staffing levels and training for records management, National Archives and National Museum staff;
 - Avenues need to be explored to accommodate oral traditions and artefacts within Solomon Islands cultural institutions and information management systems.
8. It is positive that the Government Communication Unit (GCU) has been revived and is committed to promoting more proactive disclosure of government information. However, it was noted that:

- The budget of the GCU should be supplemented to ensure it has proper capacity to undertake its work effectively, particularly considering the special geographic challenges resulting from the “tyranny of distance”. For example, funding is required to update, expand and sustain the government website and PFNet, two important information dissemination tools.
 - The existing process over the disclosure of government information entrusted to the GCU and individual ministries, including final approval for disclosure, should be clearly demarcated to avoid confusion. Government officials should be provided with training on their current information disclosure duties taking into account existing legislation and regulations, thereby encouraging a practice of information disclosure. An information disclosure policy or guideline should be developed, as a priority.
 - The Government needs to clarify the duties of public officials regarding disclosure of information relating to donors or development partners.
 - Communication channels need to be strengthened between the GCU and government bodies, to ensure bureaucratic delays do not diminish information disclosure to the public.
9. A significant information gap exists between Honiara and the provinces and villages, as government – and the information it holds – is very centralised in the capital. It is important to bridge the tyranny of distance, but the cost of accessing and disseminating information throughout the country remains high. Linguistic diversity and illiteracy also pose challenges. In this context:
- Recognising Solomon Islands’ oral traditions, public officials need to explore new ways of promoting face-to-face interactions with the public, where people can hear as well as provide feedback.
 - More government information needs to be provided to the public in the vernacular languages of Solomon Islands and in a user-friendly format.
 - Partnerships should be explored between the GCU, NGOs and the churches to promote better information dissemination;
 - Alternative ways of disseminating information to and obtaining feedback from the villages need to be explored, for example, through health clinic radios to disseminate government information.
10. The media has a key role in creating awareness amongst the public of the importance of access to information. An independent and robust media is essential to strengthening Solomon Islands democracy. Options should be explored for ensuring the ongoing independence of the media.

Honiara, Solomon Islands
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