Implementation Assessment Tool (IAT)
Summary of the Phase I Review Meeting

December 12-13, 2011

Beginning in August 2011, The Carter Center (TCC) began the first pilot phase of applying/testing the IAT. Three researchers began their evaluations of the pilot countries Bangladesh, Mexico, and South Africa. Using 72 indicators, they contacted the six pilot ministries selected - Agriculture, Customs, Education, Finance, Health, and Justice - to conduct interviews and on-site visits as well as desk research to complete their research. After four months of assessment, the researchers input their findings into the data collection system. Once all data was uploaded, The Carter Center Access to Information team analyzed the findings and determined for which functions and components the ministry had met the pre-determined "good practices" and where improvements were needed.

To complete Pilot Phase I, TCC hosted a two-day meeting from December 12-13, 2011, in Atlanta, GA, to review findings, discuss challenges and lessons learned, and provide recommendations for further refinement of the tool and its indicators. Participants for the review meeting included international access to information and indicators experts, the three researchers, and experts from each of the pilot countries who could further contextualize the data and potentially utilize the findings to advance access to information implementation in their country.

After a brief welcome by The Carter Center's Peace Program Vice President John Stremlau, Laura Neuman, Manager of TCC's Global Access to Information (ATI) Initiative, started the meeting with an overview of the IAT, including its rationale, objectives, guiding principles, development, and structure. Laura also discussed country and ministry/agency selection, before providing a short review of the first pilot phase. Each researcher then presented their findings from the various ministries and agencies, followed by a discussion of the efficacy of the IAT. In the subsequent sessions, expert participants facilitated a review of the indicators and suggestions for revisions; an assessment of the lessons learned from the first pilot phase; and a consideration of options for presenting and disseminating the findings. We concluded with a discussion of next steps for advancing the IAT.

I. IN ADVANCE OF THE PILOT PHASE I REVIEW MEETING

As an initial step in developing the IAT, a meeting was held in Washington, DC in August 2009 that brought together a small group of experts in the fields of democracy indicators and access to information to consider key implementation issues, discuss potential indicators, and begin identifying the best practices by which to measure them. Primary areas of discussion included the value of the proposed IAT; the legitimacy of the tool, particularly as there are no standards for implementation; and the tool's design.

Two days of robust discussion established the importance of an implementation-focused study and key elements to assess. However, the dialogue also highlighted a number of potential problems and risks: how to make the study replicable and portable across varying countries; how to ensure assessing quality of the implementation, rather than just creating a "check the box" exercise, etc.

Following this initial meeting and with broad consensus on the pillars and general components of the tool and in light of identified risks and potential problems, The Carter Center began further development of the IAT. An architecture, or matrix, was designed that consisted of six pillars and 5-9 baskets under each pillar, with a focus on the components of an access to information regime as well as resources, leadership and training. TCC began drafting several of the indicators that fell under each section of the matrix, as well as considering selection criteria for pilot countries and ministries/agencies to be piloted.

As some issues discussed during the DC Meeting did not end in consensus and others required additional consideration, a second meeting was planned for November 2009. The objectives of this meeting were to peer review the IAT architecture and the first draft of indicators, methodology and sampling determinations (country and ministry/agency) in order to seek further advice and recommendations on its utility and efficacy from a second, broader based group of access to information and transparency experts.

The November meeting produced a vibrant exchange focused largely on the tool's legitimacy, lessons learned from other studies, and methods for ensuring data quality. Throughout the meeting participants asked questions and provided input and suggestions in light of their own experiences with various measurement tools and transparency in general, as well as interactions with different governments. By the end of the meeting the group largely had reached consensus on most of the major issues, with a notation that agreement on all issues is not required to begin testing the IAT in order to further refine the tool.

The Carter Center spent the next several months finalizing initial drafts of the Methodology Manual and Researchers' Guide, setting up systems for data collection, and fine tuning the indicators. In August of 2011 TCC's Global ATI initiative launched the first pilot phase of testing the IAT with organized training sessions for researchers in Bangladesh, Mexico, and South Africa. In October and November, TCC personnel assisted the researchers with any questions or challenges that arose in the midst of the IAT's first application. Despite difficulties in collecting data from some of the agencies within South Africa and Bangladesh, by December, sufficient data had been collected and The Carter Center held the first Implementation Assessment Tool Review meeting.

II. OBJECTIVES OF MEETING

As part of the overall methodology for developing and perfecting the IAT and its indicators, the Carter Center planned for a meeting of the researchers and transparency experts to take place after each phase of piloting. The meeting was designed to review the findings, discuss problems and obstacles to collecting data points, and consider the tool's efficacy. More specifically, objectives for the Phase I Review meeting were to:

- Share the findings from the three countries in the first phase of testing the IAT – Bangladesh, Mexico, and South Africa;
- Consider the efficacy of the IAT, with particular focus on identified obstacles;
- Review the specific indicators for refining the tool;
- Discuss what should be done with findings (i.e. presentation and dissemination) and follow-up; and
- Reflect on similar studies and how these may inform our next steps.

III. DISCUSSION

During the December 2011 meeting researchers shared their findings and experiences in piloting the tool. As a group, the efficacy of the tool, including a cost-benefit analysis, was undertaken with the resounding conclusion that the IAT is a critical input for the community of practice, in particular for oversight bodies, implementers, civil society organizations, and scholars. Additionally the group discussed necessary revisions for both the tool and its application, as well as various methods for disseminating pilot findings and how to package and share the IAT once finalized.

A. INTRODUCTION

During the opening session, Laura provided a brief introduction to the IAT, including its purpose and objectives, and a summary of work on the IAT to date. An overview of the first pilot phase also was provided, as well as the objectives for the Pilot Phase I review meeting.

Laura began her overview by reminding participants of the process by which IAT development began and how it arrived to its current form. She discussed the IAT objectives and underlying principles: identifying the extent of implementation, providing a roadmap for improvements based on its findings, and contributing to additional scholarship; moreover the IAT is meant to be cost effective and relevant across jurisdictions. It is not meant to be an index or ranking, but rather aid governments in developing better implementation practices. The tool itself consists of 72 indicators spread across a matrix of various implementation elements. Findings are to be presented using a stop-light system in which green indicates that something is done well and red suggests that a necessary piece is insufficient or non-existent.

Before reviewing the agenda for the two-day review meeting, Laura briefly discussed criteria for country and ministry selection. Countries were selected based on regional diversity, variety in age of law, type of legal system, contrasting development, availability of researchers, existing data sets, and political will/interest. In selecting Ministries and agencies, TCC considered their role in poverty reduction and promotion of ATI, diversity of government functions, and whether the information they generate and provide is critical to human rights.

B. RESEARCHERS' REPORTS

After the introductory presentation, each researcher presented their findings from their respective countries. Present at the meeting were additional experts from each of the pilot countries that were afforded an opportunity to provide additional comments and/or clarifications. In addition to the country findings, the researchers commented on their experiences in applying the IAT, including thoughts on individual indicators, data points, and the application process as a whole, as well as government reactions.

Overall, the researchers and reviewers were not surprised with the findings produced by the application of the IAT. However, they indicated that this was the first time that they were able to objectively quantify some of their pre-existing impressions/assumptions. Nevertheless, there were a few areas that they found more astounding as noted in the various country reports below.

> **Mexico**

Given that Mexico's Transparency and Access to Information Federal Law establishes a clear legal framework with a detailed set of rules and guidelines for implementing and enforcing the law, implementation in each of the Ministries and agencies assessed was fairly strong. However, the researchers did encounter significant variation in leadership, systems, and monitoring.

One positive implementation aspect that the IAT identified in Mexico was the regularity of training and strength of internal communications. Previously, these aspects of implementation were unaccounted for and unknown. With regard to government responsiveness, researchers benefited from the assistance of Mexico's Federal Institute for Access to Public Information (IFAI)—a quasi jurisdictional tribunal with oversight power. With IFAI support, officials were more open to answering questions and providing requested documents/materials. Interestingly, in applying the IAT, the researchers learned that government personnel responsible for implementation often felt as if no one paid attention to implementation efforts and were, thus, quite excited to participate in the assessment.

In discussing the findings in Mexico, it was noted that Ministries appeared to score poorly with regard to proactive disclosure and rules/guideline-related indicators. On further examination, this appears to be more related to the Mexican system of centralized policy and rule-making than actual poor performance. These indicators will need to be refined in order to account for a multitude/variety of contexts.

> **South Africa**

The application of the IAT in the South African pilot Ministries seemed to demonstrate that implementation of the Promotion of Access to Information Act (PAIA) remains a low priority for the government. As the IAT design requires that researchers meet with ministers in advance of beginning the assessment, the South African researcher emphasized his inability to meet with a single Minister in any of the six pilot agencies and that senior officials had not provided sufficient leadership or guidance for PAIA implementation. In searching for other senior officials to engage in the application of the IAT, the researcher found that the highest level officials involved in any form of oversight are at least 2-3 levels below the Minister. Another notable finding from the IAT application in South Africa was that most personnel in the agencies were unaware of their ATI duties and had received little or no training.

The researcher noted his belief that South Africa lacks behind in the implementation of its ATI law and that these findings were further validated by Open Democracy Advice Centre's annual assessments. Although most agencies performed well on the IAT with regard to records management systems and procedures, and others scored high marks in terms of proactive disclosure, aggregated data confirms poor implementation performance in general. The researcher did note that he had not expected the Ministries of Education and Health to receive such high scores on proactive disclosure indicators, and that this positive finding was only made possible because of the depth to which the IAT probes.

The Head of the PAIA Unit for the South African Human Rights Commission endorsed the researcher's findings and indicated that they are "dead on target" with the process tests that the Commission has ordered. In general, she also believes that ATI is not seen as a priority in South Africa because the link between ATI, service delivery, poverty reduction, and equality has not been

made. She also noted that in countries without Information Commissions, more work could have been done to establish best practices. Additionally, the reviewer emphasized the need to look at how information is shaped as well as its accessibility.

> ➢ **Bangladesh**

The IAT's assessment of the Right to Information Act in Bangladesh highlighted the lack of and need for clear implementation plans in each ministry. Although pilot ministries exhibited adequate guidelines and infrastructure, none had created comprehensive plans for implementation. Additionally, the researcher noted that practices for monitoring the various ATI systems were weak as most agencies did not capture any statistics related to their performance. Moreover, there did not appear to be specific budgets for ATI implementation efforts.

With regard to the researcher's experience in applying the tool, he was most frustrated in gaining access to each of the Ministries. In order to pave the way for IAT application, The Carter Center President and CEO, Dr. John Hardman, signed personal letters to each Minister that were hand delivered by the researchers. In Bangladesh, this process proved to hinder access rather than expedite it as the TCC letters encountered several bureaucratic blocks. This resulted in scheduling delays and the inability of the researcher to access two of the six pilot ministries. In order to circumvent such issues in the future it was suggested that the Information Commissioner – where one exists - be engaged earlier in the process to assist the researcher in accessing relevant personnel. Additionally, it was urged that each country IAT report, assumptions, and findings be shared with the Information Commissioners to provide an opportunity for these officials to place the findings in context and explain or correct some of the assumptions and results as necessary.

C. EFFICACY OF THE IAT

Following the discussion of the researcher's reports, the group reflected on the IAT's design assumptions, costs and benefits, major obstacles, and whether assessing ministries versus national architecture was a sound decision.

> ➢ **Were the design assumptions correct?**

In designing the IAT, the Carter Center made several assumptions, including focusing on certain aspects of implementation; using interviews rather than questionnaires; assessing Ministries and agencies rather than oversight bodies, etc. Generally agreeing that most assumptions are correct, the group lingered on the following:

- Implementation can be isolated from other phases and elements of ATI;
- It is possible to benchmark implementation activities as best practices;
- Ministries and agencies would want to participate in the assessment; and
- Provision of findings, recommendations, and follow-up is sufficient to influence change.

Regarding the isolation of implementation from other ATI elements, it was agreed that there is value in trying focus only on extent and quality of implementation, but that there may need to be revision of some indicators and perhaps less stringency/detail in the indicators to account for varied country contexts.

While clearly implementation procedures do not necessarily fit in a one-size-fits-all category, it was agreed that descriptive guidelines and benchmarks are achievable.

Initially, TCC considered that the IAT might provide a recognized set of "best" practices. However, during the review discussion, it became clear that this would be too prescriptive and not capture the nuances of each country context. The participants recommended, and The Carter Center concurred, that the implementation assessment tool should serve to develop and measure "***good practice,***" and in this way more meaningfully reflect the reality that there may be multiple good practices depending on the country circumstances and administrative dynamics.

With relation to whether government agencies would want to participate in the IAT, the group discussed various ways to increase their willingness. In presenting the IAT, The Carter Center and the country researchers will focus on the benefits for the agency, that the findings will not be used as a "hammer" against the agency, and that TCC will not be ranking countries or agencies. However, the group did recognize that without The Carter Center's involvement, it may be more difficult for civil society groups to apply the IAT in the future. Institutionalizing the IAT as a trusted assessment tool and The Carter Center remaining engaged longer were two suggestions for encouraging future governments' acceptance of the IAT.

The question arose as to who is the audience for the IAT. It was agreed that this tool is useful for all relevant stakeholders – agencies, civil society and oversight bodies. The IAT will assist these stakeholders in monitoring progress, identifying positive practices and allocating/reallocating resources. Moreover, with the IAT, governments may conduct self-assessments and support agencies can cross-learn.

Finally, there was a related discussion on the theory of change. While it is clear that the findings alone may be insufficient to assure better implementation, the validity and acceptance of the IAT and early buy-in of stakeholders will help support a change in behavior.

> **What is the cost-benefit analysis?**

Despite an underestimation in the amount of time and energy required to fully apply the IAT and the clear need for revisions to the tool and its application processes, the group unanimously agreed on the value of the IAT and the importance of moving forward to a second pilot phase. The group acknowledged that one of the primary values of the IAT is that it allows us to confirm presumptions about agency implementation, and it provides an opportunity to challenge implementers to perform better. Furthermore, the IAT can demonstrate to governments how other governments and agencies are doing and help establish/identify some normative practices.

> **What were the major obstacles?**

Three of the main obstacles facing the researchers in the first application phase of the IAT included Ministry/agency access, indicator specificity, and use of Survey Monkey for the data entry. One recurring suggestion was to engage the Information Commissioner, where they exist, to support and endorse the IAT application. Additionally, governments will be contacted in advance of selecting the next pilot countries. Finally, on this point, the indicators related to leadership will be reviewed to determine the necessity of interviewing the Minister/highest level official.

The issue of indicator specificity was an area of extensive discussion during the meeting. As the indicators and measurements are designed to illustrate good practices and provide a roadmap, they were initially constructed with great specificity and detail. However, from the vantage of an assessment, the prescriptiveness of each indicator created some dissonance, particularly when the statutory or administrative framework in a country called for a system/function that was different from the indicator. Participants wondered if the IAT would benefit from broader/less detailed indicators, and thus make them more amenable to various countries and ensure the tool's portability. The Center agreed that too much detail and specificity compromised the vibrancy and dynamism of the indicators, but that we wish to retain enough specificity and detail to still provide a roadmap. As reflected below, the comments and lessons from the discussion are being incorporated into the refined indicators.

As Global Integrity' online data entry system, Indaba, was not available at the time the first pilot phase began, The Carter Center employed Survey Monkey for data entry and collection. The researchers ran into several problems with this system and data collection and analysis proved to be tedious and time-consuming for TCC staff. In determining a way forward, the group decided that TCC should use the Indaba platform for IAT Phase II.

D. INDICATORS AND PEER REVIEW

Following the discussion regarding the tool's efficacy, the group took on the difficult task of assessing the indicators—both the framework and in some cases, the actual, drafting/wording of the indicator. Participants were asked to consider redundant, unnecessary, and missing indicators, as well as measurements, appropriate data sources, and accuracy of the findings. In general, meeting participants agreed on the IAT architecture, but provided several recommendations for key areas of refinement. In addition to decreasing the specificity of the indicators, recommendations included the need to:

- Re-sequence indicators for better flow of IAT application;
- Determine if engagement of high-level leadership is possible and/or appropriate;
- Ascertain the necessity of rules/guidelines for each agency versus centrally issued procedures;
- Review questions on systems to assure they are dynamic and not static;
- Evaluate functions in lieu of asking about specific designated information officers;
- Consider additional indicators on information classification;
- Determine if a separate budget line for ATI is necessary; and
- Assure records management indicators are in line with modernization and account for information management.

More specifically, the initial design of the IAT for Pilot Phase I included indicators related to high level official engagement in setting policy and more actively overseeing implementation efforts. As noted in the country summaries above, the researchers and experts expressed skepticism about the priority that high level officials, such as Ministers and Deputy Ministers, place on access to information and found these particular indicators to be the most challenging to complete. Some participants at the review meeting even questioned whether high level engagement is necessarily positive, as some high level officials may cause additional roadblocks or overly politicize implementation.

Another indicator issue that absorbed much time and consideration related to budgets. There was disagreement among the group of experts whether it was good practice to have specific ATI-related costs in agency budgets. While some countries around the world have access to information in national budgets and there are examples of agencies that have specific line-items costed for ATI implementation, some participants felt that this was very country specific. One expert even suggested that it was better for agencies to absorb ATI-related implementation costs as part of their general service delivery/doing business. The Carter Center agreed to review the budget-related indicators to determine whether they should remain or be modified.

The initial methodology for reviewing the findings with civil society experts and key stakeholders was largely driven by the preference of the researcher, i.e. whether they used individual interviews or focal group sessions. While this provided flexibility, it also created a lack of uniformity and formalism in the review process. Therefore, The Carter Center is adding an additional blind peer review to the interviews/focal groups. The multiple reviews, both independent blind peer reviews and the focus groups/interviews, will help assure the reliability of the tool and its findings.

E. LESSONS LEARNED IN APPLYING THE TOOL

After confirming the tool's efficacy and reviewing the indicators, participants were asked to take a few steps back in order to consider the main lessons learned in applying the IAT.

> **What did and did not work with regard to ministry and country selection?**

As previously noted, the criteria for Ministry selection was based on the information held by each ministry, its role in poverty reduction, its promotion of ATI, and the desire to ensure diversity in government functions. Additionally, TCC believed that an overlap of existing Ministries within the first set of pilots may be useful if any patterns existed from country to country. Although country or Ministry rankings are discouraged, if certain Ministries performed somewhat similarly, we may be interested in trying to determine why. However, this turned out to be a non-issue as Pilot Phase I did not generate consistent results. The group did not settle on whether it would be useful to use the same Ministries across countries for future pilot, but participants provided several recommendations including:

- Use some smaller, less resourced agencies;
- Consult the Information Commission when selecting ministries; and
- Include the same three countries in the next pilot phase, as well as 4 new ones;

By returning to Bangladesh, Mexico, and South Africa with a refined tool, it will be possible to see if revisions to the tool and process were necessary and fruitful and whether Indaba is a better fit for data collection, analysis, and dissemination. However, it was agreed that researchers will need to gather data only for those indicators that have changed, versus applying the IAT in its entirety a second time. Also, in selection of the four new countries, it will be important to include countries with and without an Information Commission.

➢ **Was the amount of time appropriate?**

The Carter Center initially expected the full application of the IAT--from desk research and interviews to peer reviews and report drafting—to take approximately three months. In light of some of the difficulties researchers experienced in applying the tool, including agency access and inputting data, an additional two additional months were allotted. Even so, some researchers were not able to fully conduct peer reviews in advance of the review meeting. It is hoped that with revisions to the indicators and sequencing and more concerted engagement with government and oversight bodies in advance of pilot country selection, the timeframe for full IAT application will be reduced in Pilot Phase II.

A summary of the main lessons learned from application of the IAT in Pilot Phase I includes:

- TCC should carry out a second pilot phase;
- Information Commissions – where they exist - should be engaged in country/Ministry selection and throughout the application process;
- IAT data needs are not compatible with Survey Monkey;
- Some of the IAT indicators may be too specific;
- Researchers appreciated the flexibility with data points;
- Some experts continue to push for international comparisons/rankings in order to encourage benchmarking;
- Application of the IAT was more time intensive than expected.

F. DISSEMINATION OF FINDINGS

Before moving from one pilot phase to the next, it was necessary for the group to consider what should be done with the findings from the first set of countries. As a number of the indicators in Pilot Phase I will be modified, it was agreed that the preliminary findings were not sufficiently valid. Rather, researchers from the first pilot phase countries will re-apply the new indicators and add those findings to the previous assessment. It was agreed that this will provide a more fulsome and legitimate assessment. Following the second pilot phase, the findings from Bangladesh, Mexico, and South Africa will be published and shared with each agency. It was considered that Pilot Phase II country findings also will be published.

IV. <u>NEXT STEPS</u>

With the completion of Pilot Phase I and recommendations from the review meeting, The Carter Center will make the necessary adjustments to the indicators. TCC will continue working with the researchers from the original three countries to apply the amended indicators and peer review the full findings. Additionally, The Carter Center will:

➢ Summarize and share the December meeting discussion;
➢ Make adjustments to the Methodology Manual and Researcher's Guide;
➢ Select 4 pilot countries and researchers for Phase II;
➢ Work with Global Integrity to set up Indaba; and
➢ Begin Pilot Phase II.

TCC plans to begin applying the revised set of indicators in the second quarter of 2012. At the completion of Pilot Phase II, TCC will again hold a review meeting to further perfect the indicators and the IAT methodology. In the interim, TCC will continue to raise awareness of the IAT objectives, methodology and indicators through its website and publications as well as at various international/regional conferences and meetings.