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# PROVIDING ACCESS TO INFORMATION IN PACIFIC ISLAND COUNTRIES TO BETTER ADDRESS CORRUPTION

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## EXECUTIVE SUMMARY

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Public reporting refers to both the right to information (RTI) and proactive disclosure. RTI is generally defined as the right of all persons to request and be granted access to information held by public bodies, subject only to legitimate exemptions within the public interest, and proactive disclosure refers to information provided by the government to the public without the requirement that a request was made. Public reporting is essential to transparency, integrity, and accountability in public administration, and is integral to open government. The information that such reporting provides acts as a powerful anti-corruption tool, as it enables ordinary citizens, the media, and civil society to easily receive and make requests for information, which can lead to the detection of corruption.

Pacific Island countries (PICs) are obliged to meet the public reporting requirements of the United Nations Convention against Corruption (UNCAC) and the 2030 Agenda for Sustainable Development (2030 Agenda) and its 17 Sustainable Development Goals (SDGs). Article 10 of UNCAC for instance, requires States parties to take measures as may be necessary to enhance transparency in their public administration, and suggests this may include, in accordance with article 10(a), adopting procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of its

public administration. Additionally, SDG 16, the goal for achieving peace, justice, and strong institutions as well as a key 'enabling goal' for achieving the other SDGs, includes key targets such as SDG Target 16.6, to develop effective, accountable and transparent institutions at all levels, and SDG Target 16.10, to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements. In addition to these obligations, PICs are also encouraged to take measures that support RTI and an independent civil society and responsible media as part of – Teieniwa Vision – Pacific Unity Against Corruption, which was endorsed by the 18 Pacific Islands Forum Leaders, as part of the Pacific Island Forum Secretariat (PIFS) in February 2021.

Some PICs have taken measures to meet these public reporting obligations. Four PICs – Vanuatu, Palau, Fiji, and the Cook Islands – all have RTI frameworks, and many other PICs have provisions in their Constitutions that allow for access to information in some way. Those with RTI frameworks include provisions that meet most of the key RTI principles, these being: 1) maximum disclosure; 2) right to access own personal information; 3) obligation to public information; 4) promotion of open government; 5) limited scope of exemptions; 6) processes to facilitate access; 7) provisions in relation to costs; and 8) protection for RTI

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administrators.<sup>i</sup> Vanuatu, Cook Islands, and Palau for instance, stick closely to the key provisions of maximum disclosure by not requiring the applicant making a request for information to provide reasons for their request. However, there are concerns of the effectiveness of the implementation of these RTI frameworks as a whole, with some of the key bodies required by the legislation not yet being established.

Outside of RTI frameworks, PICs have been meeting these principles of open government through proactive disclosure. As stipulated in article 10 (c) of UNCAC, another way that States parties can take measures as may be necessary to enhance transparency in their public administration in accordance with article 10, is through “publishing information, which may include periodic reports on the risks of corruption in its public administration.”<sup>1</sup> While the list of what information could be disclosed under such a regime is far-reaching, it may include, as stipulated in article 10 (c) periodic reports on corruption risks, but also details of the agency’s structure, details of the agency’s functions, including its decision-making powers and other powers affecting members of the public, and details of consultation arrangements for members of the public to comment on specific policy proposals. Many PICs already release substantial information to the public, for instance Nauru’s ROMLAW legal database where it publishes national laws, declarations, speeches, and ministerial statements;

however, PICs generally do not have consistent frameworks across their government agencies and thus, even within the same PIC, some agencies have excellent information distribution while other agencies have none.

In order to improve public reporting in PICs and therefore increase transparency, accountability, openness and address corruption, this paper makes the following seven recommendations:

1. PICs without RTI legislation should consider enacting legislation in line with the eight key RTI principles, and PICs with RTI legislation are encouraged to strengthen their legislation so it aligns with those key principles;
2. Individuals should have a right to access their own personal information, request deletion/annotation where it is incorrect, and understand why their information was collected and why it is being held. This recommendation may also be necessary for the private sector in PICs where private companies are charged with collecting personal information;
3. Governments should be ‘open by design,’ meaning that information held and created by governments is intended to be shared when possible. It is more than just thinking

<sup>1</sup> While there are no internationally established standards on RTI laws, UN-PRAC recommends taking into consideration these eight principles based on UNCAC article 10, sources such as the Commonwealth’s ‘Model Freedom of Information Bill’ and the Commonwealth Human Rights Initiative’s publication, “Information Disclosure Policy: A Toolkit for Pacific Governments”, as well as general principles noted from jurisdictions around the world. See: UNDP and UNODC (2020), Status of the Right to Information in Pacific Island Countries [online]. Available: [https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC\\_Paper\\_-\\_Status\\_of\\_Right\\_to\\_Information\\_in\\_Pacific\\_Island\\_Countries.pdf](https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC_Paper_-_Status_of_Right_to_Information_in_Pacific_Island_Countries.pdf) and <https://www.undp.org/pacific/publications/status-right-information-pacific-island-countries>

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about privacy protection, but instead planning for data to be released in some form the moment governments even start thinking about collecting data and creating documents. One measure that supports this is ensuring there are consistent information disclosure policies across agencies. Meeting this recommendation may include setting up a taskforce and identifying drivers of change' in government, civil society, and media to foster a momentum for change;

4. Where resources allow, PICs should seek to digitalise data where possible and make information available on websites and apps. This may also include the development of digital one-stop-shops that provide clear information on all government services;
5. That said, traditional and offline methods should also be utilised to cater for those who face difficulties accessing online resources, as often these methods can ensure greater reach in countries with expensive and limited internet access;
6. An identifiable, key communication position should be established in the government agency responsible for the coordination and dissemination of regular government information to the public, which would also include rapid response dissemination of information during emergencies such as natural disasters or health emergencies. In PICs where this role is spread across different agencies, a key communication position should be established within each of these agencies with regular coordination meetings set up to allow cross-agency information sharing between these key communication positions; and
7. Programmes must be inclusive so that all members of society can access information and government services, including by ensuring methods of accessing information are gender-sensitive and consider the needs of persons with disabilities.

# INTRODUCTION

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In reference to the COVID-19 pandemic, António Guterres, United Nations (UN) Secretary-General had said, “[t]his is a time when, more than ever, governments need to be open and transparent, responsive and accountable to the people they are seeking to protect.”<sup>2</sup> This is a sentiment that has been reflected since before this health crisis, with former UN Secretary-General Ban Ki-Moon stating that “[p]eople have a right to information that affects their lives, and states have a duty to provide this information. Such transparency is essential to good government.”<sup>3</sup>

Public reporting is a key measure that contributes to greater transparency, integrity, and accountability in public administration. Information is a powerful and valuable resource. It is at the heart of every government decision and activity. The free flow of information from the government to the people is what enables citizens and commentators to become much more informed on the deliberations which preceded decisions affecting them.

Public reporting is also integral to open government, which is a government that follows the principles of transparency, accountability and participation.<sup>4</sup> These principles rest on the democratic premise that government information belongs to the public

and is therefore a resource that should be available to the community.<sup>5</sup> Ensuring that the public has access to information on the government’s decision-making process is vital to facilitating participatory development, as giving citizens access to government information empowers them to actively engage with their governments on the design, implementation and monitoring of the functions and decisions taken by government. This, in turn, encourages a more inclusive approach to development. Additionally, information is a powerful anti-corruption tool, because enabling ordinary citizens, the media, and civil society to easily receive and make requests for information, can lead to the detection of corruption. For example, a US study found that strengthening right to information (RTI) laws, which are laws that enable people to request and receive information from governments, led to both a reduction in corruption and an increase in the probability that corrupt acts are detected.<sup>6ii</sup>

Public reporting requires governments to take measures that enhance transparency in its public administration. These measures can include both the RTI and proactive disclosure. While there are different definitions of these concepts across the world, RTI, or freedom of information (FOI), can generally be defined as the right of all persons

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<sup>ii</sup> While some research suggests that open government laws do little to combat official corruption and may even increase the rate of corruption, Cordis and Warren find that this is because increased transparency makes it more likely that the corrupt acts committed in the past will come to light. This is why their study compared the rate of corruption once stronger open government laws were enacted with the rates at different times after the enactment and thus proved a decline in corruption conviction rates from the new elevated level.

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to request and be granted access to information held by public bodies, subject only to legitimate exemptions within the public interest. This could include, for example, information that affects the national security, defence or international relations of a country, information that would involve the unreasonable disclosure of personal information, or information that would disclose trade secrets or commercially valuable information where disclosure could be reasonably expected to remove the value of the information. Proactive disclosure, on the other hand, is government information provided to the public without the requirement that a request was made.

As Member States of the UN, Pacific Island countries (PICs) are committed to providing access to information and increasing government transparency through the 2030 Agenda for

Sustainable Development (2030 Agenda) and its 17 SDGs; in particular, through SDG 16 on peace, justice, and strong institutions. Additionally, all 14 PICs are States parties to the UNCAC. The Convention includes various articles, as detailed below, in relation to public reporting and access to information in Chapter II on preventive measures.

This paper focuses on analysing access to information in PICs, first by discussing public reporting and then specifically RTI, with a focus on their implementation in PICs, followed by a discussion of proactive disclosure outside of RTI. This paper then concludes by providing recommendations to PICs on how they can improve access to information in their countries in order to aid in the prevention of, and fight against, corruption.



# BACKGROUND

## UNCAC

Public reporting, as defined in UNCAC article 10, refers to States parties taking measures that enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes (see **Box 1**). It includes RTI in terms of requiring State parties to provide simple administrative procedures that facilitate access to competent decision-making authorities, as well as proactive disclosure in general, for instance by article 10 (c) which requires State parties to publish information, including periodic reports on the risks of corruption in its public administration. Article 10 (a) also recognizes that there may be some reasons to restrict access to government information where it would be appropriate to do so, and therefore there is scope for State parties to allow provisions that enable them to decline to publish or provide information requested by a member of the public when certain conditions are met. Such grounds may include, for example, *“National security, defence and international relations; public safety; the prevention, investigation and prosecution of criminal activities; protection of privacy and other legitimate private interests ...”*<sup>7</sup>

In addition to UNCAC article 10, numerous other articles of UNCAC include classes of information that should be publicly available to assist in the fight against corruption and to ensure accountability.

### **BOX 1** UNCAC article 10. Public Reporting

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

- (a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;
- (b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and
- (c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

These include: article 7 (3) which requires transparency in the funding of candidatures for elected public office; article 9 (1) which requires public distribution of information relating to procurement procedures and contracts including information on invitations to tender and relevant or pertinent information on the award of contracts; and article 13 (1) (b) which expressly requires State parties to ensure the public has effective access to information.

In order to assess State parties' compliance with UNCAC, the mechanism for the review of implementation of the Convention (UNCAC Implementation Review Mechanism) requires each State party to participate in an inter-governmental review process. This requires each State party to be reviewed by two peers – one from the same regional group – which are selected by the drawing of lots at the beginning of each year of the review cycle.<sup>8</sup> Most PICs have at least completed the first cycle of the UNCAC Implementation Review Mechanism which reviews UNCAC Chapters III (Criminalization and law enforcement) and IV (International cooperation), with some PICs having also completed the second cycle which reviews UNCAC Chapters II (Preventive measures) and IV (Asset recovery).<sup>9</sup> Chapter II is most relevant for this paper as it contains the articles listed above, notably article 10 on public reporting and article 13 (1) (b) on access to information, and therefore once the UNCAC reviews for all PICs are completed, there will be more information on how these articles are being implemented regionally.

## Public Reporting in the Context of the 2030 Agenda and SDGs

Access to information is important in the 2030 Agenda, and most notably, in SDG 16. The 2030 Agenda and SDGs were adopted by all UN Member States in 2015,<sup>10</sup> and established an ambitious action plan for the delivery of sustainable development designed to end poverty and improve the lives of populations everywhere.

While all the SDGs are interconnected and work together to create an environment that is resistant to corruption, SDG 16 includes an explicit recognition of the need to combat corruption in order to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”<sup>11</sup> In this sense, SDG 16 is both an outcome and enabler of sustainable development. SDG 16 recognizes that peace, justice, and inclusion are critical ‘enablers’ to achieving other SDGs — such as to end poverty, ensure education or conserve oceans — and is therefore often referred to as an ‘enabling goal,’ recognizing that without peace, justice, and inclusion, the other SDGs may be difficult (or even impossible) to achieve.

This is why SDG 16 includes targets that focus on reducing corruption, developing transparent institutions, and ensuring public access to information (see **Box 2**), because it is targets such

### BOX 2 Key SDG 16 Targets



SDG Target 16.5: Substantially reduce corruption and bribery in all their forms



SDG Target 16.6: Develop effective, accountable and transparent institutions at all levels; and



SDG Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

as these that enable the achievement of all of the SDGs. Addressing corruption is an enabling goal because corruption poses a serious threat to the achievement of all other goals. In addition, corruption is also a major threat for the enjoyment of civil, political, economic, social, and cultural rights. It corrodes respect for the rule of law, undermines public service accountability, weakens democratic institutions, and sets back sustainable development efforts, and therefore addressing corruption will help to meet all of the other SDGs.

However, while reducing corruption is an enabling goal in itself, in order to reduce corruption in the first place, access to information and transparency are vital as they both aid in the detection and prevention of corruption. The term “Open Government” refers to institutions in which there are less opportunities for corruption to go undetected as access information is open and easily accessible to the public, making it easier

to be scrutinized. This is why RTI, which enables ordinary citizens, the media, and civil society to more easily make requests for information, can lead to the public themselves seeking information to detect corruption where they may suspect it (or other forms of illegal activity) has occurred. This can build greater trust between government and its citizens as, when citizens expect corruption has occurred (for instance, because they believe a certain procedure was not followed), they are able to see for themselves if that procedure was or was not followed. For example, if a person believes that a board member was hired for a position on a board not out of merit, but because they have connections with board members (or potentially offered a bribe) and therefore there is a conflict of interest, that person can seek information on whether hiring procedures that encourage objectivity and prevent conflicts of interests were complied with. They can also seek information on that person’s qualifications and determine whether that person did indeed have the right skills and experience for the role. This may be enough to identify if corruption has taken place or may simply indicate that more effective procedures are required to ensure that these conflicts do not interfere with recruitment processes. In addition, access to information and transparency are vital in creating inclusive and rights-based societies. By opting to be proactive in disclosing information to the public and improving the access to information for all citizens, governments can promote participation by the public in sustainable development and become more accountable to citizens.

In terms of assessing progress on the institutional aspects SDG 16, the Eighteenth Session of the

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Committee of Experts on Public Administration discussed access to information and transparency in relation to SDG 16. Specifically, the Committee focused on the inputs, outputs and outcomes related to SDG 16, and the questions that may be posed to assess the effectiveness of initiatives related to public sector transparency and access to information (see **Table 1**).<sup>12</sup>

In particular, the Table demonstrates that when measuring the impact of an initiative, the outputs and outcomes are just as important as the inputs. For example, a country may have enacted RTI laws, but if requests for information are often denied, then the desired impacts (such as empowering citizens, contributing to public debate, and enhancing transparency) cannot be achieved.

**Table 1: Sustainable Development Goal 16 Initiatives Effectiveness Assessment<sup>13</sup>**

*Questions to assess the effectiveness of initiatives relating to institutional principles of Goal 16*

Institutional principle	Inputs and processes	Outputs	Outcomes	Impacts
<b>Access to information</b>	Adoption of laws on access to information and creation of related institutions Adaptation of organizations to meet the requirements in laws on access to information, including resources and capacity-building	Number of requests made to public institutions Outcomes of requests for information Measures of compliance with such laws for different institutions	Volume and type of information disclosed, over time Use made by requesters of information received Changes in the behaviour of public officials and public agencies	Do citizens feel empowered to request information from the Government? Has information contributed to improving public debate? Has information contributed to enhancing public sector accountability? Has information contributed to improving public services or to enhancing the effectiveness of public institutions?
<b>Transparency</b>	National initiatives on open government data Adoption of legal framework mandating or encouraging disclosure (targeted or not)	Information produced and published by government agencies Measures of compliance with the law	Types of information that are more or less available than in the past Changes in perceptions of transparency	Is the information published through initiatives on open government data and mandated disclosure relevant and useful to citizens, non-governmental organizations and firms? Has disclosure contributed to improving public services? Has information disclosure contributed to improving government accountability?

In addition to its recognition in the SDGs and the 2030 Agenda, it is also important to note that UN Member States have historically recognized RTI as part of the fundamental right to freedom of expression, including in both Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights.

### Regional Commitments Concerning Access to Information

There have been numerous regional references made by PICs in preventing and fighting corruption, and ensuring good governance, integrity, transparency, and accountability, with many focusing on access to information.<sup>14</sup> However, the most recent and significant regional commitment was the Teieniwa Vision – Pacific Unity Against Corruption, which was endorsed by the 18 Pacific Islands Forum Leaders, as part of the Pacific Island Forum Secretariat (PIFS), at their Leaders’ Meeting on 3 February 2021, indicating the Forum’s regional commitment to achieve Pacific unity against corruption.<sup>15,16</sup>

The Teieniwa Vision is a document that was developed at a regional conference that took place in Tarawa, Kiribati on 4-5 February 2020, spearheaded by the President of Kiribati. The Teieniwa Vision calls on the leaders of all 14 PICs to combat corruption ‘*through well-resourced national efforts that emphasise transparency and accountability, the rule of law and reinforce good governance*’ (see **Box 3**).

#### **BOX 3** Extract from the Teieniwa Vision

*“We recognize and support the right to information, the need to protect genuine whistle-blowers and for an independent civil society and responsible media to be involved in national and regional anti-corruption efforts” ...*

*“We commit to further strengthen good practices in public finance management and to conduct corruption risk assessments in vulnerable sectors” ...*

*“We resolve to document anti-corruption impact by developing and maintaining anti-corruption measurement tools and data within our SDG and national plan reporting and address implementation gaps in relation to SDG16 on peace, justice and strong institutions”.<sup>16</sup>*

In addition to the Teieniwa Vision, Pacific Leaders endorsed the Boe Declaration in 2018 as an update to the Biketawa Declaration.<sup>17</sup> Its associated Action Plan includes strengthening good governance, rule of law and enhancing anti-corruption and electoral processes under the Biketawa Declaration, and includes, as a measure of success for this action, the number of member countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.<sup>18</sup>

# RTI: PRINCIPLES AND PROGRESS OF PICs

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Currently only four PICs have RTI frameworks; however, the majority of PICs have provisions in their Constitutions that allow for access to information in some way (see **Box 4** for a snapshot of the current status of RTI in the Pacific). Additionally, many PICs without RTI legislation have made efforts to enact such legislation, including the Federated States of Micronesia which has a draft Bill, and Samoa which has a draft RTI policy. Furthermore, Papua New Guinea, Federated States of Micronesia, and the Solomon Islands have benefited from knowledge

sessions in collaboration with UN-PRAC, the RTI Unit in Vanuatu, the Office of the Australian Information Commissioner (OAIC) and the New Zealand Ombudsman's Office on progressing RTI and proactive disclosure in their countries.

This section of the paper will provide a brief overview of the status of RTI in PICs, and this assessment will be based on how closely PICs' RTI frameworks comply with some key RTI principles which will be outlined first.

## **BOX 4** Current Status of RTI in the Pacific

- Vanuatu, Palau, Fiji and the Cook Islands all have RTI laws;<sup>19</sup>
- Papua New Guinea's Constitution guarantees reasonable access to official documents with conditions;<sup>20</sup>
- Solomon Islands and Tuvalu's Constitutions enshrine freedom of the press and the freedom to receive and communicate ideas and information without interference;<sup>21</sup>
- Federated States of Micronesia, Kiribati and Nauru's Constitutions enshrine freedom of expression but no explicit right to access information;<sup>22</sup>
- Marshall Islands' Constitution enshrines freedom of speech, freedom of the press, and freedom of thought, conscience, and belief, but no explicit right to access information;<sup>23</sup>
- Samoa's Constitution enshrines freedom of speech and freedom of expression, but no explicit right to access information;<sup>24</sup>
- Tonga's Constitution enshrines freedom of the press and freedom of expression, but no explicit right to access information;<sup>25</sup> and
- Niue's Constitution does not expressly guarantee the freedom of expression or RTI.

## Key RTI Principles

While there are no internationally established standards on RTI, UN-PRAC developed a publication titled, the ‘Status of the Right to Information in Pacific Island Countries,’ which recommends the following eight key principles.<sup>26</sup>

These principles are based on UNCAC article 10, sources such as the Commonwealth’s ‘Model Freedom of Information Bill’ and the Commonwealth Human Rights Initiative’s publication, ‘Information Disclosure Policy: A Toolkit for Pacific Governments,’<sup>27</sup> as well as general principles noted from jurisdictions around the world. However, as no two countries are the same, these principles are just a guide and will be implemented in different ways depending on the country in question.

### **Principle 1: Maximum Disclosure**

The principle of maximum disclosure is the most important RTI principle as it establishes a presumption that all information held by public bodies should be subject to disclosure and that this presumption may be overcome only in limited circumstances (see Principle 5). In practice, this means that, instead of the person requesting the information having to prove why they are legally obliged to receive that information, the public body must prove why that information should not be provided to the person. In other words, the public body must show that the information which it wishes to withhold comes within the scope of the limited regime of exceptions.

This also means that RTI legislation should not require the applicant to provide a reason for why

they desire this information and that, where a public body seeks to deny access to information, it should bear the onus of justifying the refusal at each stage of the proceedings.

### **Principle 2: Right to Access Own Personal Information**

Even where there are no RTI laws which provide access to information held by public bodies, every individual should have the right to ascertain whether their personal information is held by a public body, or private individual or body, and, if so, for what purpose it is being held. If these files contain incorrect personal data or were collected or processed contrary to the provisions of the law under which the data was collected, every individual should have the right to have their records rectified. In many countries, it may be appropriate for this to extend into the private sector.

### **Principle 3: Obligation to Publish Information**

This principle will be discussed more in the proactive disclosure section and therefore will not be analysed in the country analysis in this section of the paper; however, it is a key principle under RTI. RTI laws can encourage public bodies to make information publicly available even when it has not been requested, in order to not have to deal with an RTI request based on that information. Governments may also provide access to all information that has been disclosed in response to an RTI request on a publicly available website to prevent multiple persons making the same requests. It is also key that when releasing information, either in response to a request or otherwise, governments should

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make sure that the information is released in forms and languages that are accessible by members of the public. In the Pacific, this may mean that information may need to be released in languages other than English.

### **Principle 4: Promotion of Open Government**

As above, the promotion of open government often encompasses more than just RTI and can also be considered under proactive disclosure. This will therefore be discussed further in the next section. However, in general, this principle reflects the notion that in many countries, there can exist a tradition of non-disclosure and secrecy, and it can be difficult to change long-standing practices and attitudes. To combat this, promotional measures should be facilitated to assure public officials that the right of access is part of the fundamental human right of freedom of expression and not just a mere obligation. Such measures may include: public education and awareness campaigns; development and publication of user guides; the development of minimum standards for proper records and information management; the appointment of a dedicated central body to facilitate the measures; and the allocation of the resources necessary to do so.

It may also be necessary to identify 'drivers of change' to champion transparency and openness in government. These 'drivers of change' may be identified in civil society organizations (CSOs), government bodies and sometimes in political leadership.

### **Principle 5: Limited Scope of Exemptions**

As noted earlier in this paper, there may be occasions where information must be withheld from the public for legitimate reasons. These reasons may be called exemptions or exceptions to the rule of maximum disclosure and should be clearly and narrowly drawn, and subject to strict 'harm' and 'public interest' tests. Overly broad exemptions can undermine RTI and should not be based on the desire to protect governments from embarrassment or the exposure of wrongdoing. However, overly narrow exemptions may require governments to disclose information that may not be in the public interest (especially if the exemptions are not conditional on a public interest test).

To balance both legitimate considerations, exemptions should be narrowly drawn, but only to the extent that they will capture all legitimate concerns regarding public interest. As mentioned earlier, examples of this information that may be exempt could include information that affects the national security, defence or international relations of a country, information that would involve the unreasonable disclosure of personal information, or information that would disclose trade secrets or commercially valuable information where disclosure could be reasonably expected to remove the value of the information. It may also include information obtained in confidence or under legal professional privilege.



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There is not one clear set of RTI exemptions as all countries' legislation is different; however, often these exemptions are made conditional on a public interest test. This involves balancing the harm that releasing information may cause with the benefit the public would receive from such disclosure. Factors in favour of release are generally in relation to what the RTI laws are trying to achieve; for example, providing transparency in decision-making, informing debate on important matters, promoting effective oversight of government spending, and allowing people access to their own information. Taking personal information as an example, if a document contains sensitive personal information about a member of the public, for example medical information, and this person not in the public eye and there is no clear reason why this disclosure would be of public benefit, then the harm to that individual's privacy would likely outweigh any benefit to the public interest. However, to take an earlier example, if there was a person hired to a board and members of the public questioned why that person was hired, perhaps releasing a copy of that person's resume with their work experience could be considered within the public interest and may be released, as this could potentially expose corruption or nepotism. In this case, any sensitive information not in the public interest, like their address and phone number, would likely be redacted.

### **Principle 6: Processes to Facilitate Access**

It is vital that the public are aware of the procedures for requesting information and that they trust their requests are being dealt with fairly and efficiently. Therefore, requests for information should be processed rapidly and fairly, and clear, simple procedures for doing so established. This will likely

include establishing some timeframes within the legislation to ensure timely access.

This is true also for an appeals process. It is key that a right of appeal is available to applicants who wish to have the decisions made by public bodies reviewed; in the absence of independent review, individuals cannot really be said to have a right to access information held by public bodies, but merely a right to have their requests for information 'considered.' Ideally, an independent and impartial review body will be established with the power to compel disclosure. While in some jurisdictions, courts may be an effective alternative to a review body, they can be slow and expensive, and therefore may prevent many people from seeking review.

### **Principle 7: Costs**

Excessive fees have been shown to pose barriers to access, and therefore undermine the right of access to information. However, this does not necessarily mean that public bodies should not have some means of recouping some of the costs associated with providing access to information. This will depend on the country and its context. In principle, governments should ensure that fees for requests to information should not be so high as to constitute an unreasonable impediment to accessing information.

### **Principle 8: Protection for Right to Information Administrators**

Governments should ensure that RTI laws protect public agencies and staff against civil and criminal liabilities, where agencies have released information in good faith as permitted by their laws.

This protection is important in situations where releasing information may be disallowed by a secrecy law, or where information release could be considered a breach of contract.

### PICs with RTI Frameworks

As mentioned earlier, Vanuatu, the Cook Islands, Palau, and Fiji all have RTI laws. While the establishment of RTI legislation in itself is not a small feat, each country has areas of good practice and areas that could be improved.



#### Vanuatu

Vanuatu's *Right to Information Act No. 13* (RTI Act) was enacted on 6 February 2017, following implementation of the National Policy on the Right to Information (2013-2018).<sup>28</sup> The Information Commissioner is responsible for overseeing the implementation of the RTI Act (section 56(1)(b)), and for hearing, investigating, and making decisions on appeals filed under the RTI Act (section 56(1)(a)). The RTI Unit is responsible for, among other things, training RTI Officers (section 69(2)(d)), developing and monitoring the National Implementation Plan (section 69(2)(c)) and engaging with civil society (section 69(2)(c)). RTI Officers are appointed by the Public Service Commissioner for each Government agency (section 10). They are tasked with, within their respective agencies, receiving information requests (section 12(1)(b)), assisting persons seeking information under the Act (section 12(1)(c)) and promoting right to information and records management (section 12(1)(a)). An RTI Steering Committee also exists whose members are appointed by the Prime Minister (section 74(2)) and

consist of representatives from the Government, the media, and local non-governmental organizations (NGOs).<sup>29</sup> The Committee is responsible for overseeing the implementation of the RTI Policy (section 76(a)) and advising the Government of necessary reforms (section 76(c)).

While there are areas where Vanuatu could improve, the country's RTI Act can be used as a positive example of RTI within the context of this publication. The scope of the RTI Act is wide and allows any person to access information from a Government agency or relevant private entity, or private entity (section 8). Section 13 prevents a person from being denied access to information based on any of the reasons the applicant made the request or any opinion of the official as to the applicant's reason for applying, making it consistent with the principle of **maximum disclosure** (principle 1). However, section 4(1)(e) of the RTI Act excludes information held by the system of custom, traditions and practices generally practiced throughout Vanuatu; this could potentially exclude a lot of information that could be in the public interest to release. That said, the RTI Act seems mainly consistent with principle 5, as it provides a **limited scope of exemptions** in Part 5, and is consistent with principle 6, as it provides clear **processes to facilitate access** including timeframes and a right of appeal (sections 16, 17 and 64), noting that the Information Commission, which is responsible for oversight and appeals, has not yet been established. Additionally, sections 84 and 85 provides certain **protection for RTI administrators** (principle 8) when acting in good faith or when under the belief that grant of access is required by the RTI Act. Section 30 also sets out clear requirements for when applicants must pay reproduction **costs** (section 7) and Part 4

provides for amendment or annotation of **personal information** (principle 2). It is to be noted that the RTI Act also provides for disclosure of personal information where it fits under the broad definition of information from a Government agency, relevant private entity, or private entity (section 8).



### The Cook Islands

The *Official Information Act* (OIA) was proclaimed in 2008 and came into force in February 2009.<sup>30</sup> The Official Requests Guide provides information on how to request information from the Government.<sup>31</sup> The OIA keeps with the principle of **maximum disclosure** (principle 1) by allowing any ‘qualified persons’ to request information (section 11(1)). The OIA defines ‘qualified persons’ in section 2 to include, not only Cook Islanders who are residents in the Cook Islands, but also permanent residents who are residents in the Cook Islands, any other natural person who is resident in the Cook Islands and has been a resident for not less than 3 years, and a body corporate, wherever incorporated, which has had a place of business in the Cook Islands for not less than three years and continues to have a place of business in the Cook Islands (section 2). However, while section 8 provides **reasons that are subject to the public interest** (principle 5) to allow refusal of information in some instances, sections 6 and 7 are absolute reasons and not subject to any harm or public interest tests. Additionally, while it is common for jurisdictions to include provisions that refuse requests from vexatious applicants, the Act also includes, within the vexatious applicant provision, a possibility to withhold information where the information requested is trivial (section 18 (h)).

There are also no provisions providing factors that should be taken into account when determining the public interest.

In terms of providing clear **processes to access information** (principle 6), section 14 (1) of the OAI requires responses to be provided within 20 working days, and section 15 provides for instances where the time limit can be extended. However, while there is no set form for making an official information request, information regarding how to make a request is difficult to find. The Office of the Ombudsman’s website includes some guidance on making a request and provides information on its role in investigating complaints about the handling of requests for information.<sup>32</sup> The Ombudsman is limited however, as it cannot impose sanctions or order resolution. Once the investigation is completed, the power of the Ombudsman is limited to reporting his or her ‘opinion and reasons’ and to making recommendations to the Government (sections 33 (1) and (4)). The OIA also allows for every Ministry or Minister of the Crown or organization to charge for the supply of official information under the Act, however, any **charge fixed shall be reasonable** (principle 7) and regard may be had to the cost of the labour and materials involved in making the information available to, as well as any costs incurred pursuant to a request of the applicant to make the information available urgently (sections 14 (2)-(3)). Fees do not appear to be centrally fixed and there is no provision for waivers under special circumstances.

Part 4 of the Act also provides a **right of access to personal information** (principle 2) and section 48 **protects RTI administrators** against certain actions when they have acted in good faith (principle 8).

## Providing Access to Information in Pacific Island Countries to Better Address Corruption



Fiji enacted the *Information Act 2018* (IA) in 2018.<sup>33</sup> While the IA allows a person to access information held by any public agency, the principle of **maximum disclosure is not fully adhered to** (principle 1); it only allows a person to request information if it directly affects them, and only allows for requests for information that came into existence after the commencement of the Act (2018) (section 6 (2)). Additionally, only natural persons who are citizens or permanent residents can request information under the IA (section 6 (1)). The IA contains a **limited set of conditions** where information is exempt from disclosure (principle 5); however, these exemptions are not all conditional on a public interest test.

The IA provides clear **processes to access information** (principle 6) in sections 7 and 12, including requiring persons to send their requests to the Accountability and Transparency Commission (ATC). However, while there is no set form for making an official information request, information regarding how to make a request is difficult to find. The ATC does not have a website and it is not clear whether the ATC has been established.<sup>34</sup>

The IA also allows for public agencies to impose a **charge for the expenses involved in making the request information available** (principle 7). The charge must be reasonable and based on estimated expenses, time, the nature and quantity of information, and whether it was requested urgently

(sections 12 (2) and (4)). Fees do not appear to be centrally fixed and there is no provision for waivers under special circumstances.

Part 3 of the Act also provides a **right to correct and delete personal information** (principle 2), and Part 6 provides various **protections for RTI administrators** when they have acted in good faith (principle 8).<sup>iii</sup> However, there are no sanctions provided in the law for persons or public bodies who fail to disclose information,<sup>35</sup> and while the IA assigns oversight of the Act to the responsibility of the ATC, it did not vest the ATC with the authority to investigate complaints against public officials.



The Palau RTI regime is provided in the *Open Government Act, RPPL No. 9-32 2014* (OGA): “An act to create a more open and transparent government so that the people of the Republic may hold their elected government representatives accountable, and for other related purposes.”<sup>36</sup> The Presidential statement of introduction in the OGA represents the principle of **maximum disclosure** (principle 1) and is symbolic of the wide extent of access to information intended in the legislation:

*“It is the intent of this Act: that the actions of the government be conducted openly, that all deliberations be transparent, and that all public government documents be open for public inspection.”*

<sup>iii</sup> While not defined in Fiji’s IA, *good faith* is a common law term that stems back to English common law and requires a person to act honestly and reasonably in their dealings. It is defined in section 2(3) Fiji’s *Sale of Goods Act* as when the act is ‘done honestly, whether it be done negligently or not.’ In terms of the IA, *good faith* would likely be interpreted to require the person to have acted honestly with a reasonable belief that they provided the information according to their obligations under the IA.

*... It is a fundamental aspect of a democracy that government governs the people only with the consent of the people. The people, therefore, in consenting to be governed do not give their public servants the right to decide what is good for the people to know and what is not good for them to know” (Section 2).*

Section 8 of the OGA includes a **narrow set of exemptions** (principle 5); however, these exemptions are not subject to a public interest test. In terms of **facilitating access** (principle 6), section 9 of the OGA requires that, with the exception of the list of information specifically mentioned in section 8, within 10 days of request unless certain conditions exist, ‘*all public records produced by a governing body shall be available by any person during regular business hours.*’ Section 10 provides sanctions for non-disclosure of information as required under the legislation. However, the OGA is silent on whether **costs** can be imposed (principle 7), whether **RTI administrators will be protected** should they act in good faith (principle 8), and information on how requests can be made and who they can be made to. Additionally, there are no clear procedures for accessing one’s own **personal information** (principle 2).

### RTI Efforts Outside of Stand-Alone RTI Laws

While the remaining ten PICs do not have stand-alone RTI laws, many have these rights in their Constitutions (see **Box 4**), and in Papua New Guinea, a citizen used the Constitution to argue for their right to access information held by the government

(see **Box 5**). However, outside of Papua New Guinea, there is no clear evidence of citizens using their Constitutions to argue for their right to access information. Therefore, while having these rights in Constitutions is a good start and, as demonstrated in Papua New Guinea, has the potential to aid citizens should they take governments to court for denying their rights to access information, PICs are recommended to enact RTI laws so that citizens and governments have more clarity on what the realisation of these rights would entail.

#### **BOX 5** Citizen Using Their Constitutional Rights to Access Information

Article 51 of Papua New Guinea’s Constitution provides that “Every citizen has the right of reasonable access to official documents, subject only to the need for such secrecy as is reasonably justifiable in a democratic society”. It goes on to provide that a “provision shall be made by law to establish procedures by which citizens may obtain ready access to official information” (Article 51(2)). A court case at the National Court in 1998 successfully applied this provision of the Constitution to enforce a citizens’ right to access information related to monies allocated to a Member of Parliament, therefore making it clear that the courts in Papua New Guinea will use the rights and freedoms provisions of the Constitution to ensure citizens’ access to information from public entities and public administration.<sup>37</sup>

## PROACTIVE DISCLOSURE: Review of Access to Information in PICs Outside of RTI

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As illustrated in the section above, few PICs have established RTI frameworks giving the public the right to request and receive government information. However, while all PICs are encouraged to enact RTI laws, there are other ways that PICs have been meeting the principles of open government, such as through proactive disclosure. As mentioned earlier, “proactive disclosure” is the term used in this paper to refer to all information sharing outside of requesting and receiving government information.

Proactive disclosure ensures that information seekers get immediate access to public information and avoid the costs of filing a request or engaging in administrative procedures. It benefits government agencies, as proactive disclosure can reduce the burden of complying with RTI requests or, where RTI frameworks do not exist, the burden of complying with other requests to the government for information such as routine calls and emails from the public on basic information that is not sensitive and could be made publicly available.

While the list of information that could be disclosed under proactive disclosure is vast and may differ depending on the PIC in question, just by way of example, the Australian Information Publication Scheme requires Australian Government agencies to publish the following online:

- Details of the agency’s structure (for example, in the form of an organizational chart);
- Details of the agency’s functions, including its decision-making powers and other powers affecting members of the public;
- Details of statutory appointments of the agency;
- Annual reports;
- Details of consultation arrangements for members of the public to comment on specific policy proposals;
- Information in documents to which the agency routinely gives access in response to requests under the FOI Act (FOI being another term for RTI);
- Information that the agency routinely provides to Parliament;
- Contact details for an officer who can be contacted about access to the agency’s information or documents under the FOI Act; and
- The agency’s operational information, which is information that assists the agency to exercise its functions or powers in making decisions or recommendations that affect members of the public (including its rules, guidelines, and practices).

## Providing Access to Information in Pacific Island Countries to Better Address Corruption

The types of information released may also depend on which issues are most prevalent in the community at the time. For instance, the International Conference of Information Commissioners recently endorsed a resolution put forward by the OAIC to support the proactive publication of information relating to the COVID-19 pandemic. It stated that: “Proactive disclosure of information held by government or public institutions increases citizen participation in government processes and promotes better informed decision making through increased scrutiny, discussion, comment and review of government decisions,” and “The public’s right of access to information relating to the COVID-19 pandemic is of critical importance to the effectiveness of the public health response, in circumstances where authorities make significant decisions that affect public health, civil liberties and economic participation.”<sup>38</sup>

While each government will have a better understanding of the types of information it should proactively disclose, there is a push for governments to be ‘open by design.’<sup>39</sup> This means that information held and created by governments should be intended to be shared when possible, and governments should begin thinking about how information can be shared before they start collecting data and creating documents. In order to release information, privacy must be adequately protected, and so those that collect data and create documents should be thinking about how it can safely be released. Being ‘open by design’ simply means not asking ‘will we open this data?’ but instead asking ‘how will we open this data?’<sup>40</sup>

As will be demonstrated below, many PICs already disclose a lot of information to the people;

however, this is often inconsistent and there lacks clear policies on what information is required to be disclosed. ‘Open by design’ commits governments to developing a nationally consistent approach to the proactive release of information which they identify as valuable and/or necessary for open and accountable government.

In terms of proactive disclosure in PICs, the following analysis first looks at proactive disclosure under RTI laws, and then considers disclosures under other laws and policies.

### Proactive Disclosure under RTI Laws in PICs

Vanuatu, the Cook Islands, and Fiji all have provisions in their RTI legislation that require certain proactive disclosure by government agencies. For instance, they all require agencies to publish descriptions of their structures and functions, and descriptions of the categories of documents held.<sup>41</sup> Fiji and Vanuatu’s provisions are slightly more extensive than the Cook Islands,’ and both require agencies to publish particulars of their finances (however they do not detail exactly what those particulars are).<sup>42</sup> Fiji requires publishing of all manuals and similar types of documents that contain policies, principles, rules or guidelines in accordance with which the public agency makes decisions or recommendations, as well as a directory of the public agency’s officers and employees, and a brief description of the powers and duties of the officers and employees.<sup>43</sup> Vanuatu requires publishing of the procedure followed in the decision-making process, including channels of supervision and accountability, as well as relevant details concerning



any services it provides directly to members of the public.<sup>44</sup> Palau's OGA on the other hand, does not require such publishing. Instead, section 5 of the OGA requires all meetings of a governing body to be open and public, as well as the minutes of all meetings of any governing body that are open and public to be available upon request; however, it is not clear whether these minutes are required to be published on a publicly available webpage.

Legislating for information to be disclosed can help to enable a consistent approach to proactive disclosure; however, it is necessary that agencies are kept accountable to ensure that they are actually providing such information and updating it regularly.

### Other Laws and Policies that Enable Proactive Disclosure in PICs

In addition to disclosure under RTI laws, PICs also disclose information under different laws and processes.

The second cycle of the UNCAC Implementation Review Mechanism which focuses on UNCAC Chapters II (Preventive measures) and IV (Asset recovery) provides an assessment of PICs' implementation of many key proactive disclosure provisions in UNCAC that were outlined earlier. However, as this is the second cycle, only the Federated States of Micronesia, Fiji, Solomon Islands, the Cook Islands, Palau and Nauru have completed their second cycle review at the time of the drafting of this paper, and so this assessment is only useful for those six countries.

The Federated States of Micronesia's National Government websites contain announcements, press releases, news, forms and other information, and the Supreme Court website contains court decisions, rules, a calendar and other information on the Court, the Constitution, codes and legal resources. The website of the Congress also contains enacted public laws, sessions, committee hearings, rules, and other congressional information. Procurement notices are also required to be posted for at least ten days in the immigration office and one other prominent place in each State, including the announcement of postings by radio and in the newspaper when appropriate. However, the Executive Summary noted that information on corruption risks in the public administration was not published periodically.<sup>45</sup>

The Solomon Islands appears to have a more open policy where the general approach to records is that they are available to the public, unless they fall under the jurisdiction of legislation governing secrecy or confidentiality of specified records. However, it was not clear how such records are provided to the public. Some divisions of Government, such as Parliament and the Ministry of Finance and Treasury, have published information regarding their operations and functions online, but most ministries do not maintain an official website.<sup>46</sup> Although this may have changed since the UNCAC review took place in 2018, as the Solomon Island Ministry of Home Affairs' Solomon Islands Electoral Commission website provides electoral forms and legislation, useful links and information about registering to vote and the list of registered voters for each province and constituency.<sup>47</sup>



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The UNCAC review executive summary for the Cook Islands is less extensive, as the Cook Islands has an RTI framework and much of the discussion is focused on that. Nonetheless, it was noted that various financial statements and processes are required to be published by the Finance Minister.<sup>48</sup>

In Fiji for example, while there is no law requiring income and asset disclosure by appointed or elected public officials, there are election laws requiring financial disclosure by candidates running for election and by party officials.<sup>49</sup> Fiji Government's website provides numerous links to Government ministries and agencies where citizens can access information about the agencies. It is commendable that the government has started implementing "DigitalFIJI/Digital Government Transformation", which is a four-year programme to enhance information and communications technology infrastructure and improve the quality and accessibility of Government's online services.<sup>50</sup> Fiji has also been praised for the publication of budget information in an easily accessible manner, and extensive consultations on the budget, including through social media, to allow participation from remote locations.<sup>51</sup>

Additionally in Palau, while not obliged to by law, some government departments, including the Office of the Special Prosecutor and the Office of the Public Auditor, actively facilitate public access by publishing information on their functions on their websites, through media campaigns and in newspapers. A facility is also currently being built that will simplify administrative procedures for the public by acting as a "one-stop shop" for members of the public seeking to access competent decision-making authorities, and the Office of the

Special Prosecutor disseminates knowledge about the prevention of corruption through an open national public awareness campaign. The Public Auditor publishes audit reports, starting from 2010, on its website.<sup>52</sup>

Finally in Nauru, while a proposed constitutional amendment providing for the inclusion of the right of access to information was rejected in a referendum held in February 2010, the Government established the Government Information Office in 2008, which is situated within the Office of the President and regularly publishes press releases and public notices and provides other information services. Parliamentary sessions are broadcast live on television, the radio, and the Internet. The Government also created an online legal database called RONLAW where it publishes national laws, declarations, speeches, and ministerial statements.<sup>53</sup>

Outside of the UNCAC Executive Summaries, there is also evidence of proactive disclosure. For instance, in Papua New Guinea, public officials including politicians are required to make financial and assets disclosures under the *Leadership Code of Conduct* and such disclosures are monitored and verified by the Ombudsman Commission.<sup>54</sup>

Another forum for citizens to obtain information about decisions being made by the government is the Parliament, whether by attending parliamentary or committee sessions in person or by watching parliamentary broadcasting of sessions. Most Parliamentary sessions in PICs, like in most democratic parliamentary systems, are open to the public.<sup>55</sup> Members of the public and civil society can sit in on parliamentary hearings and can attend

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public consultations on bills during parliamentary committee hearings.<sup>56</sup> Parliamentary committee hearings are excellent vehicles for the engagement of citizens in the policy development and legislative review processes. Public parliamentary hearings also provide opportunities for CSOs and other community groups, representing different societal groups such as women, youth, and persons with disabilities, to participate in the decision-making process and to have their concerns incorporated in the final decision. Some parliamentary committees travel throughout the country providing opportunities for people to obtain information and have their say on the subject matter being dealt with by the legislature. An example of nationwide public hearings conducted by a Parliamentary Select Committee recently in Samoa was related to the government proposed Lands and Titles Court Bills 2020.<sup>57</sup>

### Considerations When Disclosing and Publishing Government Information in the Pacific

The internet is now more accessible than ever in PICs due to the introduction of advanced information and communications technology such as smartphones, the increased presence of both regional and external telecommunications providers, industry deregulation,<sup>58</sup> and the growing number of submarine cables.<sup>59</sup> Most of this access is done through smartphones, with Pacific Islanders disproportionately accessing the internet via mobile devices. This dominance of mobile technology

in the information environment has occurred in tandem with increased use of social media,<sup>60</sup> with Facebook in particular being increasingly relied on to share and access information.<sup>61</sup>

However, even one year after the installation of a 4,700 kilometre fibre optic cable between Australia, Papua New Guinea, and the Solomon Islands, internet users in Papua New Guinea say data is still ‘very expensive.’ A digital communications expert said there had been no significant change in the price and speed of internet since the cable was installed.<sup>62</sup> Additionally in Kiribati, only 37 percent of the population has access to mobile internet.<sup>63</sup> This may mean that Pacific Islanders rely on newspapers and bulletins for receiving government information, especially in countries with slow and expensive internet.

Ensuring distribution of information in appropriate languages may also be a significant challenge, as of the approximately 6,000 distinct languages spoken in the world today, nearly 25 percent, or 1,500, are spoken in the Pacific.<sup>64</sup>

There may also be gender disparities that affect where governments should publish information. For example, women in certain cultures are more likely to access sexual health information that is provided through local outdoor community theatre or to access information about a health service fee, if the information is placed on the bulletin board of a health clinic which women visit regularly to get healthcare for themselves or their children.<sup>65</sup>

# RECOMMENDATIONS FOR IMPROVING PUBLIC REPORTING IN PICs

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While each PIC is different and the information that should be disclosed may depend on context and resources available for such disclosure, below are some key recommendations that PIC governments may consider to improve their public reporting.

## Key Recommendations to Consider

**Recommendation 1:** Consider enacting RTI legislation in line with the eight key principles discussed above where PICs do not have RTI legislation in place. PICs with RTI legislation are encouraged to consider strengthening legislation so it aligns with key RTI principles, such as by ensuring that oversight and appeal bodies are fully established and resourced, the scope of the legislation is sufficiently wide enough to cover most if not all government information and requests by most if not all individuals, and information for making a request is readily available.

**Recommendation 2:** Ensure that individuals have a right to access their own personal information, request deletion/annotation where it is incorrect, and understand why their information was collected and why it is being held. In some countries, it may be

required that this right be extended into the private sector, especially where private sector companies are tasked with collecting personal information.

**Recommendation 3:** Ensure their governments are ‘open by design’ by ensuring consistent policies across agencies on what information is disclosed and where. This may involve setting up a taskforce to look at what information is currently disclosed, which information is not disclosed but is commonly requested by members of the public, and the methods that this information could be disclosed, including through consideration of how individuals in the PIC in question usually receive government information. This may also involve identifying ‘drivers of change’ in government, civil society and media to champion transparency and openness in government in order to foster a momentum for change.

**Recommendation 4:** Support the process of digital transformation in the Pacific where resources allow, including through the development of one-stop-shops that provide clear information on all government services.

**Recommendation 5:** In addition to Recommendation 4, PICs should ensure that ‘no

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one is left behind' and that digital transformation does not get in the way of providing information in traditional and offline methods to ensure greater reach, particularly in countries with expensive and limited internet access.

**Recommendation 6:** Ensure there is an identifiable, key communication position created in the government responsible for the coordination and dissemination of regular government information to the public, which would also include rapid response dissemination of information during emergencies such as natural disasters or health emergencies.

**Recommendation 7:** Develop programmes to ensure not only equality and inclusiveness in accessing information and government services,

but also public awareness-raising programmes that foster empowerment of vulnerable groups, particularly women and persons with disabilities, in accessing information that is gender-sensitive and responds to their specific needs. For example, through making information available in audio forms for those with vision problems and including subtitles on videos for those with hearing difficulties, as well as including information targeted to women in places women are more likely to see it. This would also include providing information targeted to women in places women are more likely to visit. For instance, if the government is targeting women's sexual health, this could be provided on bulletin boards of a health clinic which women visit regularly to get healthcare for themselves or their children.<sup>66</sup>

# ANNEX 1: LIST OF RESOURCES ON PUBLIC REPORTING

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Useful resources on right to information put together by the UNDP are listed below:

UN-PRAC's publication, the *Status of the Right to Information in Pacific Island Countries* contains key Right to Information principles and background, and includes analysis of access to information within PICs: [https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC\\_Paper\\_-\\_Status\\_of\\_Right\\_to\\_Information\\_in\\_Pacific\\_Island\\_Countries.pdf](https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC_Paper_-_Status_of_Right_to_Information_in_Pacific_Island_Countries.pdf).

ARTICLE 19 is an organization that specializes in promoting access to information around the world. It has a comprehensive range of material on its website including analyses of the policies of international financial institutions as well as country law and practice. [www.article19.org/publications/global-issues/freedom-ofinformation.html](http://www.article19.org/publications/global-issues/freedom-ofinformation.html)

Civicus produces a civil society index across 35 countries looking at various aspects of civil society including structure, environment, values and impact. It is drawn up as on a qualitative basis and tested at national workshops. [www.civicus.org](http://www.civicus.org)

Commonwealth Human Rights Initiative is an organization that promotes access to information in the 53 countries of the Commonwealth. It has a comprehensive range of material on its

website, including links to all Commonwealth access laws and draft Bills, contacts for national groups working on the law and regular updates on national campaigns. [www.humanrightsinitiative.org/programs/ai/rti/international/laws\\_&\\_papers.htm](http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm)

Freedom House produces an annual qualitative assessment of political and civil freedoms around the world. They also produce an annual qualitative survey of press survey comparison. [www.freedomhouse.org](http://www.freedomhouse.org)

Freedom of Information Advocates Network – an organisation of 90 NGO campaigns groups promoting access to information worldwide. [www.foiadvocates.net/index\\_eng.html](http://www.foiadvocates.net/index_eng.html)

Gallup International undertakes qualitative polls across 60 countries on a range of topics embracing global governance and democracy. [www.gallup-international.com](http://www.gallup-international.com)

The Global Transparency Initiative (GTI) – is a network of civil society organizations promoting openness in the International Financial Institutions (IFIs), such as the World Bank, the International Monetary Fund, the European Investment Bank and Regional Development Banks [www.ifitransparency.org](http://www.ifitransparency.org)

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The International Freedom of Expression Exchange – IFEX is an international network of free expression and media organisations that issues regular alerts about threats to freedom of expression and the independence of the media. [www.ifex.org](http://www.ifex.org)

MKSS at Village Devdungri Post Barar, District Rajsamand-313341, Rajasthan, Tel: 91-2909-243254. Tele Fax: 91-2909-250180. Mobile: 09414007305. E-Mail: [arunaroy@jpl.dot.net.in](mailto:arunaroy@jpl.dot.net.in), [mkssrajasthan@yahoo.com](mailto:mkssrajasthan@yahoo.com).

Open Democracy Advice Centre, South Africa (ODAC) [www.opendemocracy.org.za](http://www.opendemocracy.org.za)

Privacy International has produced a guide to right to information laws worldwide. It also has a detailed commentary on the latest legislative developments around the world. [www.privacyinternational.org](http://www.privacyinternational.org)

Transparency International produces a Corruption perceptions index, a qualitative survey of 113 countries that ranks countries in order of perceived corruption. [www.transparency.org](http://www.transparency.org)

The World Bank Institute, working with the Bank itself has produced a number reports on governance with transparency as a key focus. [www.worldbank.org/wbi/governance](http://www.worldbank.org/wbi/governance).<sup>67</sup>

## ENDNOTES

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- <sup>1</sup> United Nations Convention Against Corruption (entered into force 14 December 2005) A/58/422, article 10.
- <sup>2</sup> United Nations (2020), COVID-19 and Human Rights: We are all in this together, P. 13 [online]. Available: <https://unsdg.un.org/sites/default/files/2020-04/COVID-19-and-Human-Rights.pdf>
- <sup>3</sup> Ban Ki-moon, United Nations Secretary-General (2010), “People Have A Right To Information That Affects Their Lives”, Message On World Press Freedom Day, 3 May 2010, [online]. Available: <https://unis.unvienna.org/unis/en/pressrels/2010/unissgsm187.html>
- <sup>4</sup> Organisation for Economic Co-operation and Development (OECD) (2016), Open Government: The global context and the way forward, p. 1 [online]. Available: <https://www.oecd.org/gov/open-gov-way-forward-highlights.pdf>.
- <sup>5</sup> Office of the Australian Information Commissioner (OAIC) (25 May 2011), Principles on open public sector information [online]. Available: <https://www.oaic.gov.au/information-policy/information-policy-resources/principles-on-open-public-sector-information/>.
- <sup>6</sup> Adriana Cordis and Patrick Warren, ‘Sunshine as disinfectant: The effect of state Freedom of Information Act laws on public corruption’ (2014) 115 *Journal of Public Economics* 18, 35-36 [online]. Available: <https://doi.org/10.1016/j.jpubeco.2014.03.010>.
- <sup>7</sup> UNODC (2009), Technical Guide to the United Nations Convention Against Corruption, p. 44 [online]. Available: [https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395\\_Ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf).
- <sup>8</sup> UNODC, Implementation Review Mechanism [online]. Available: <https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>.
- <sup>9</sup> See country profiles for each PIC available at: UNODC, Country Profiles [online]. Available: <https://www.unodc.org/unodc/en/corruption/country-profile/index.html>.
- <sup>10</sup> “The Sustainable Development Goals are a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere. The 17 Goals were adopted by all UN Member States in 2015, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals”. See: United Nations (UN), Sustainable Development Goals, 17 Goals for People, for Planet [online]. Available: <https://www.un.org/sustainabledevelopment/development-agenda/>.
- <sup>11</sup> UN (2020), Goal 16: Promote just, peaceful and inclusive societies [online]. Available: <https://www.un.org/sustainabledevelopment/peace-justice/>.

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<sup>12</sup> UN Economic and Social Council (2019), Committee of Experts on Public Administration Eighteenth session 8–12 April 2019, Progress on institutional aspects of Sustainable Development Goal 16: access to information, transparency, participation and accountability, p. 6-7/21 (adapted) [online]. Available: <https://undocs.org/en/E/C.16/2019/7>.

<sup>13</sup> Ibid, at p. 6.

<sup>14</sup> For example: The Pacific Community (SPC), the Agreement Establishing the Pacific Islands Forum (PIF), opened for signature at Port Moresby, Papua New Guinea (27 October 2005) [online]. Available: <https://www.forumsec.org/wp-content/uploads/2021/02/2005-Agreement-Establishing-the-Pacific-Islands-Forum.pdf>; ASEAN; ASEAN Regional Forum (ARF); and other organizations member of the Council of Regional Organizations of the Pacific (CROP).

<sup>15</sup> Pacific Islands Forum Secretariat (PIFS) (3 February 2021), Pacific Islands Forum Special Leaders' Retreat, Leaders' Decision, paragraph 14 confirms endorsement of key decisions in Annex A of Out-of-Session Decisions, and Annex A, paragraph 5, p. 4 includes endorsement of Teieniwa Vision [online]. Available: <https://www.forumsec.org/wp-content/uploads/2021/02/2021-Special-Leaders-Retreat-Decisions.pdf>.

<sup>16</sup> For the Pacific Unity Against Corruption - Teieniwa Vision document see Kiribati Inputs to Intersessional Meeting of the UNCAC on Preparation for Special Session of UNGASS, p. 4 [online]. Available: [https://ungass2021.unodc.org/uploads/ungass2021/documents/session1/contributions/Kiribati\\_EN.pdf](https://ungass2021.unodc.org/uploads/ungass2021/documents/session1/contributions/Kiribati_EN.pdf).

<sup>17</sup> PIFS (2018), Boe Declaration on Regional Security [online]. Available: <https://www.forumsec.org/boedeclaration-on-regional-security/>.

<sup>18</sup> PIFS (2019), The Boe Declaration Action Plan, Serial 6D(iii) [online]. Available: <https://www.forumsec.org/wp-content/uploads/2019/10/BOE-document-Action-Plan.pdf>.

<sup>19</sup> *The Right to Information Act No. 13 2016* (Vanuatu); *Open Government Act, RPPL No. 9-32 2014* (Palau); *Information Act 2008 (Act No. 9 of 2018)* (Fiji); *The Official Information Act 2007* (the Cook Islands).

<sup>20</sup> *Constitution of the Independent State of Papua New Guinea*, Article 51.

<sup>21</sup> *Constitution of Solomon Islands*, chapter II; *The Constitution of Tuvalu*, Article 24.

<sup>22</sup> *Constitution of the Federated States of Micronesia*, Article IV; *Constitution of Kiribati*, Article 3; *Constitution of Nauru*, Article 12.

<sup>23</sup> *Constitution of Marshall Islands*, Article II.

<sup>24</sup> *Constitution of the Independent State of Samoa*, Article 13.

<sup>25</sup> *Constitution of Tonga*, Article 7.



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<sup>26</sup> UN-PRAC (2020), Status of the Right to Information in Pacific Island Countries [online]. Available: [https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC\\_Paper\\_-\\_Status\\_of\\_Right\\_to\\_Information\\_in\\_Pacific\\_Island\\_Countries.pdf](https://www.unodc.org/documents/southeastasiaandpacific/pacific/2020/UN-PRAC_Paper_-_Status_of_Right_to_Information_in_Pacific_Island_Countries.pdf).

<sup>27</sup> The Commonwealth, Model Freedom of Information Bill [online]. Available: [https://thecommonwealth.org/sites/default/files/key\\_reform\\_pdfs/P15370\\_12\\_ROL\\_Model\\_Freedom\\_Information.pdf](https://thecommonwealth.org/sites/default/files/key_reform_pdfs/P15370_12_ROL_Model_Freedom_Information.pdf); Rodrigues, C (2007), Information Disclosure Policy: A Toolkit for Pacific Governments, Commonwealth Human Rights Initiative [online]. Available: [https://www.humanrightsinitiative.org/programs/ai/rti/international/cw\\_standards/pacific\\_info\\_disclosure\\_toolkit](https://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/pacific_info_disclosure_toolkit).

<sup>28</sup> Ibid, at p. 50.

<sup>29</sup> Vanuatu National Policy on the Right to Information, Vision 2013-2018, pp. 14 -15 [online]. Available: <https://rti.gov.vu/images/docs/policy/RTI-LAW-12-2015%20RTI%20POLICY%20English.pdf>.

<sup>30</sup> *The Official Information Act 2007* (the Cook Islands).

<sup>31</sup> CoSP, 31 August – 2 September 2020, p. 6/12 (1<sup>st</sup> paragraph) [online]. Available: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2003391e.pdf>.

<sup>32</sup> “The Cook Islands has used outreach activities, such as International Anti-Corruption Day, and radio awareness-raising programmes by, inter alia, the Ombudsman and the Public Service Commissioner, to contribute to the non-tolerance of corruption. Anonymous reporting is permitted by some authorities, such as the Audit Office, the Ombudsman’s Office, the Office of the Public Service Commissioner and the police”; Source; CoSP 31 August – 2 September 2020, p. 6/12 [online]: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2003391e.pdf>.

<sup>33</sup> *Information Act 2008 (Act No. 9 of 2018)* (Fiji).

<sup>34</sup> An article from 2018 suggests that the ATC has not yet been established and there are no recent sources that suggest otherwise: Chohan, U.W (2018), Accountability and Governance in Fiji, A. Farazmand (ed.), *Global Encyclopedia of Public Administration, Public Policy, and Governance*, p.3 [online]. Available: [https://doi.org/10.1007/978-3-319-31816-5\\_3468-1](https://doi.org/10.1007/978-3-319-31816-5_3468-1).

<sup>35</sup> UN-PRAC, above n. 24, p. 31.

<sup>36</sup> *Open Government Act, RPPL No. 9-32 2014* (OGA) (Palau).

<sup>37</sup> Manek, C (2-3 May 2010), Freedom of Information – Challenges, and the Way Forward, a paper presented at the UNESCO Global World Press Freedom Day Conference, Brisbane, Australia, 2 – 3 May 2010, p. 3 [online]. Available: <https://www.right2info.org/resources/publications/foi-challenges-chronox-manek>.

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<sup>38</sup> ICIC & OAIC (24 June 2021), Proactive publication of information relating to the COVID-19 pandemic statement [online]. Available: <https://cdn.website-editor.net/61ed7ac1402f428695fcc2386ad0577f/files/uploaded/ICIC-Statement-Proactive-publication-of-information-relating-to-the-COVID-19-pandemic-24062021.pdf>.

<sup>39</sup> Open Government Partnership Australia (2021), Open by design (Right to know) [online]. Available: <https://ogpau.pmc.gov.au/consultations/phase-2c-consultation-draft-plan/3-open-design-right-know>.

<sup>40</sup> New Zealand Government, 'Open by Design' [online]. Available: <https://data.govt.nz/blog/open-by-design/>.

<sup>41</sup> *Official Information Act 2008* (Cook Islands), s22; *Information Act 2018* (Fiji), s35; *Right to Information Act No. 13 2017* (Vanuatu), s6.

<sup>42</sup> *Information Act 2018* (Fiji), s35(e); *Right to Information Act No. 13 2017* (Vanuatu), s6(d).

<sup>43</sup> *Information Act 2018* (Fiji), s35(d),(g).

<sup>44</sup> *Right to Information Act No. 13 2017* (Vanuatu), s6(f),(i).

<sup>45</sup> Conference of the States Parties to the United Nations Convention against Corruption (7 September 2020), IRM Executive Summary: Federated States of Micronesia [online]. Available: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2004866e.pdf>.

<sup>46</sup> Conference of the States Parties to the United Nations Convention against Corruption (20 February 2018), IRM Executive Summary: Solomon Islands [online]. Available: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V1800890e.pdf>.

<sup>47</sup> The Solomon Islands Government Website, About the Solomon Islands Electoral Commission [online]. Available: <https://solomons.gov.sb/ministry-of-home-affairs/solomon-islands-electoral-commission/>; see also Solomon Islands Electoral Commission Website, Home [online]. Available: <https://www.siec.gov.sb/index.php/nge-resources.html>.

<sup>48</sup> Conference of the States Parties to the United Nations Convention against Corruption (2 July 2020), IRM Executive Summary: Cook Islands [online]. Available: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2003391e.pdf>.

<sup>49</sup> "In May 2018 FICAC [Fiji Independent Anti-Corruption Commission] charged Sitiveni Rabuka, leader of the opposition Social Democratic Party, with making a false declaration of his assets, income, and liabilities. The court acquitted Rabuka of all charges in October 2018. The appellate court dismissed a FICAC appeal of the ruling a week later". See U.S. Department of State (2019), Country Reports on Human Rights Practices: Fiji, Section 4 Corruption and Lack of Transparency in Government [online]. Available: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/fiji/>; For pdf version, see p. 14 online: <https://www.state.gov/wp-content/uploads/2020/02/FIJI-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>50</sup> The Fijian Government, Digital Government Transformation [online]. Available: <https://www.fiji.gov.fj/digitalFIJI>.

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<sup>51</sup> CoSP, 16 – 18 November 2020, p. 7/12 [online]. Available: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/16-18November2020/V2006399e.pdf>.

<sup>52</sup> Conference of the States Parties to the United Nations Convention against Corruption (28 June 2021), IRM Executive Summary: Palau [online]. Available: [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/6-10September2021/CAC-COSP-IRG-II-3-1-Add.4/V2104782\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/6-10September2021/CAC-COSP-IRG-II-3-1-Add.4/V2104782_E.pdf)

<sup>53</sup> Conference of the States Parties to the United Nations Convention against Corruption (25 June 2021), IRM Executive Summary: Nauru [online]. Available: [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/6-10September2021/CAC-COSP-IRG-II-2-1-Add.27/V2104775\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/6-10September2021/CAC-COSP-IRG-II-2-1-Add.27/V2104775_E.pdf).

<sup>54</sup> Ibid, at p. 11. See also PNG Leadership Code section 4 (financial declaration) and section 6 (misconduct in office if a leader fails to make a [financial] report of “the nature and extent of his interest or the interest of an associate” to the Ombudsman Commission; PNG Leadership Code [online]. Available: <https://www.ombudsman.gov.pg/wp-content/uploads/2018/07/leadershipcode.pdf>.

<sup>55</sup> For example: For Fiji, see the Parliament of Fiji Website [online]. Available: <http://www.parliament.gov.fj/public-gallery-guidelines/>; For Solomon Islands, see the Parliament Website [online]. Available: <http://www.parliament.gov.sb/index.php?q=node/782>; For Papua New Guinea see Papua New Guinea Parliament Website [online]. Available: <http://www.parliament.gov.pg/about/parliament>; For Samoa, see Samoa Legislative Assembly Website [online]. Available: <https://www.palemene.ws/wp-content/uploads/Infosheet/Infosheet-01-Legislative-Assembly-of-Samoa.pdf>; For Marshall Islands, see UNDP (2002), Republic of Marshall Islands Legislative Needs Assessment, p. 19 [online]. Available: <https://aceproject.org/ero-en/regions/pacific/MH/marshall-islands-legislative-needs-assessment-undp>.

<sup>56</sup> Ibid.

<sup>57</sup> See Minister of Justice Allays Concerns on LTC Bills: “In his Parliamentary address the Minister of Justice Faaolesa Katopau Ainu’u had announced that 84% of villages and matais were in support of the three bills after several months of community consultations led by a Parliamentary Select Committee”. See: Samoa Global News (17 December 2020), Minister of Justice Allays Concerns on LTC Bills, *Samoa Global News* [online]. Available: <https://samoaglobalnews.com/minister-of-justice-allays-concerns-ltc/>.

<sup>58</sup> This process of deregulation began in the 2000s after deregulation was identified as a development priority by the World Trade Organization and World Bank. See: Rieko Hayakawa (2017), Possibility of Telecommunication Universal Service in the Pacific Islands; Case studies of Vanuatu, PEACESAT and USPNet,” (PhD diss., University of Otago, Dunedin) pp. 117-130. See Mapping the Information Environment in the Pacific Island Countries: Disruptors, Deficits, and Decisions. CNA 2019, p. 3 [online]. Available: [https://www.cna.org/CNA\\_files/centers/cna/cjp/disinformation/IRM-2019-U-019755-Final.pdf](https://www.cna.org/CNA_files/centers/cna/cjp/disinformation/IRM-2019-U-019755-Final.pdf).

<sup>59</sup> Ibid, at p. 10.

<sup>60</sup> Ibid, at p. 3.

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<sup>61</sup> For instance, “individuals in the Pacific are disproportionately using their phones to access social media. Across the region, the use of social media, especially Facebook, was widely cited as the main use of the internet. Further, more than 80 per cent of Facebook users in the region use their cell phones to access the social network... For example, the Vanuatu Daily Post’s 2018 coverage of the evacuation of Ambae Island following a volcanic eruption reached more than 100,000 people on Facebook... [C]overage of [former] Australian Prime Minister Scott Morrison’s visit to Vanuatu in January 2019 reached 20,000 users—that is, roughly 7–8 percent of the total population of Vanuatu read a single news story posted on social media. According to one media professional in Vanuatu, stories begin to resonate with the local population due to reverberation through social media”: see *ibid* at p. 11; See also Internet World Stats (2021), Internet Users and 2021 Population in Oceania [online]. Available: <https://www.internetworldstats.com/stats6.htm>, for example Samoa’s internet use for 31 December 2020 was at 67.2 percent, Tonga’s was at 70.6 percent and Niue’s at 91.7 percent.

<sup>62</sup> Sutton, M (6 January 2021), Internet still ‘very expensive’ after Australia builds underwater fibre optic cable, *ABC News* [online]. Available: <https://www.abc.net.au/radio-australia/programs/pacificbeat/png-internet-prices-high-after-australia-builds-submarine-cable/13091822>.

<sup>63</sup> United Nations Conference on Trade and Development (UNCTAD) (20 May 2020), Kiribati sets sights on overcoming hurdles to e-commerce [online]. Available: <https://unctad.org/news/kiribati-sets-sights-overcoming-hurdles-e-commerce>.

<sup>64</sup> Tryon, D (January 2009), Chapter 2. Linguistic Encounter and Responses in the South Pacific: Language Distribution in the Pacific [online]. Available: <http://press-files.anu.edu.au/downloads/press/p60461/mobile/ch02s02.html>.

<sup>65</sup> UNDP (11 November 2015), A Guide to Measuring the Impact of Right to Information Programmes, Practical Guidance Note, p. 9 [online]. Available: [https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo\\_governance\\_centre/governance\\_assessments/a-guide-to-measuring-the-impact-of-right-to-information-programmes-.html](https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo_governance_centre/governance_assessments/a-guide-to-measuring-the-impact-of-right-to-information-programmes-.html).

<sup>66</sup> UNDP (11 November 2015), A Guide to Measuring the Impact of Right to Information Programmes, Practical Guidance Note, p. 9 [online]. Available: [https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo\\_governance\\_centre/governance\\_assessments/a-guide-to-measuring-the-impact-of-right-to-information-programmes-.html](https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo_governance_centre/governance_assessments/a-guide-to-measuring-the-impact-of-right-to-information-programmes-.html).

<sup>67</sup> *Ibid*, at p. 25.



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