

January 16, 2011

**Greg Michener**

**Proposal for the Open Society Institute Fellowship:  
“Business for Open Government”**

**I begin with section 10: “Any other relevant information”**

*Why Business?*

I began to collaborate with Brazilian open-government and open-data advocates shortly after establishing myself as a resident of Brazil (by way of marriage) in 2007. At that time I was completing a Ph.D. examining freedom of information (FOI) reform across Latin America (the basis for a book slated for publication in early 2012 by Cambridge University Press), and began receiving invitations to present my research at universities. I appeared in the media several times and also began to write articles and reports of my own, a few of which analyzed why the Brazilian press, similar to other national medias in the region, has paid so little attention to FOI.<sup>1</sup>

As I thought of ways to stimulate greater press coverage of FOI, I began to formulate a question around a potential advocate with considerable influence over the media— the business sector. Could business support for open government and FOI lead the press to provide greater coverage for these critical policies? Independent of the question of media support, I reflected, business is a powerful potential advocate of FOI in its own right. It had always struck me that between 40 to 60 percent of all FOI requests in the U.S. and Canada originate in the private sector— the largest user-group.

To test the predisposition of the private sector towards the issue of open government and FOI, in September 2010 I introduced an audience at the Commercial Association of Rio de Janeiro (ACR)<sup>2</sup> to the uses and global pervasiveness of FOI, and to the dormant legislation currently sitting in their nation’s Senate. The ACR then asked me to present to a national audience in early 2011.

Encouraged by this enthusiastic response, I became convinced of the potential of business as a pivotal stakeholder and user-group of open government and FOI. When I began to research the private sector’s use of FOI laws, however, I was struck by the paucity of scholarship and anecdotal literature. Equally startling is how FOI advocate organizations across Latin America and other parts of the world have neglected to cultivate the support of this powerful political actor, focusing instead on other civil society organizations and the media, among other stakeholders.

Winning an OSI fellowship would allow me to work with the OSI in advancing one of its core competencies. Most crucially, it would also greatly further research and advocacy of open-government in Latin America and around the world.

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<sup>1</sup> Please refer to attachments.

<sup>2</sup> Associação Comercial do Rio de Janeiro.

## **1. A clear detailed description of the Project, including particular outputs or products, any arguments and ideas the Project will put forth, and the need for the Project**

### *The Problem and the Need*

There is an urgent need for advocates to ensure that freedom of information (FOI) laws are implemented, used, and work. Mobilizing advocates is the first challenge.

Most of the world's freedom of information (FOI) laws are less than a decade-old and scores of them are barely functional. Governments tend to delay and resist greater openness and transparency. Social support for FOI, meanwhile, often suffers from two key weaknesses: 1) a lack of knowledge about FOI, due to weak news media coverage in some countries, and, 2) key sectors have not been effectively brought into FOI advocacy networks and are not using FOI laws to their potential.

My project will address two inter-related obstacles to greater support and use of FOI. First, the project aims to enfranchise the private sector —frequently the largest FOI user-group in countries with well-established FOI regimes. Second, by securing the support of the private sector, the project will seek to cultivate greater news media coverage and support. My primary objective is therefore to seek the OSI's collaboration in helping to generate greater private sector knowledge about and use of FOI and open-government initiatives.

### *Key Loci: The Media and Business*

FOI needs to be made public knowledge if the right to public information is to be supported, used and socialized. Media support is crucial. Findings from my dissertation —on FOI reform in Latin America— show that relatively weak media coverage in several Latin American countries resulted in limited public and political support for legislation and weaker laws (on paper and, typically, in practice). Conversely, stronger laws emerged in countries with more voluminous media coverage of FOI.

The private sector is not only a potential advocate that can increase the use, professionalization, and strength of FOI regimes; a committed business sector may also provoke greater media interest and sympathy for the cause. Business tends to strongly influence the policy priorities of important media outlets across Latin America and, indeed, around the world.

Enfranchising private-sector support and use of FOI will serve four purposes: a) integrating business —a key potential stakeholder— into existing FOI coalitions, b) increasing the use of FOI laws and demand for information, c) taking a back-door approach to securing the critical support of the news media for FOI and open-government, d) creating a basis for ongoing collaboration between business and public policy advocates. This project will seek to cultivate private sector support and use of FOI through the creation of five products, each which builds upon the other: a website, educational course section, survey, presentations, and publishing projects.

## Proposed Actions and Outputs

### RESEARCH

I will begin the project with three months of intensive research on business use of FOI and open-government statutes in the U.S., Canada, and Mexico. Research will involve video-recorded interviews (when permitted) of business professionals and private sector organizations, law firms, public officials, and FOI advocates. I have already begun preliminary research. Thus far, I have found that businesses tend to use FOI laws for five primary reasons, each of which has clear benefits for citizens or government.

- ✓ Ensuring Fairness: e.g. checking due process in public sector procurement contracts (eliminating particularism and corruption).
- ✓ Competitive Advantage: e.g. trying to understand how competitors are winning public contracts (lower costs and better products for taxpayers).
- ✓ Understanding the Regulatory Process: e.g. understanding how the government evaluates products and processes (eliminating unfair or arbitrary treatment, understanding consumer safety standards).
- ✓ Targeting Markets: e.g. using public information to target certain demographics or understanding public sector needs for services or products (improving the ability of the private sector to serve the needs of government, and creating greater efficiencies in government procurement and services).
- ✓ Building a Case for Reform: e.g. businesses often seek to build cases for tax or accountability reforms, among others, by accessing key information (improving government responsiveness, probity, and efficiency).

The three-month research component of the fellowship will be followed by the production of five measurable outputs, listed below. The first three of these products will be created *in situ* at the OSI's Washington offices, where I intend to stay for a total of three months. The last two will be carried out in Latin America, from my home base in Brazil:

### PRODUCTS AND MEASURABILITY, IN SEQUENCE

1. WEBSITE: With the help of the OSI, colleagues on FOIANet<sup>3</sup>, and advocate organizations across the Americas I will establish a multi-language website: *Business for Open-government and Disclosure* (tentative name), which will provide a) resources on how businesses use FOI laws, b) a catalogue of open-data initiatives and links to laws and FOI service providers in each country, c) a directory of private sector supporters by country, d) videos and transcripts of interviews, including a series of brief anecdotal success stories associated with different uses of FOI. I possess programming knowledge, and to this end have garnered the support of technologist colleagues in the Brazilian open-data movement, *Transparencia Hackday*, who will be eager to assist.

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<sup>3</sup> A international network (listserv) of freedom of information advocates, comprised of 190 advocate organizations and over 500 professionals.

MEASURABILITY: a registry of private sector supporters by country, statistics website usage and consequent impact, links to the website by FOI advocate organizations, press coverage.

2. COURSE MODULE FOR TEACHERS AND STUDENTS: As a teacher who has developed courses and taught at the high school and university levels, I intend to create brief course sections on the global history, importance and utility of FOI for use in business classes, among other areas of study. These course sections will use multiple platforms (pdf, video, slide-shows, and handouts).

MEASURABILITY: distribution records of course kits to advocate organizations, universities, high schools, and government educational authorities. The kit will include a survey to be filled out by instructors and students, which will help gauge the effectiveness of the course.

3. SURVEY: With the help of the OSI and leading authorities on business use in Washington, D.C., I will create a survey and accompanying kit designed to assess government responsiveness to a short representative list of ideal-typical business information requests. Requests will target various governmental agencies (e.g. Ministry of Industry, Food and Drug Agencies) across federal, state, and municipal levels. The survey is to be administered by the OSI in conjunction with coalitions of advocates and business organizations.

MEASURABILITY: Record of distribution and implementation of survey, follow-up and findings.

#### OUTREACH

4. PRESENTATIONS: Using the website, course section, and publicity of the project as a platform, presentations will serve to secure the formal support of private sector organizations for FOI. Presentations will be organized, in partnership with local advocates, at business organizations and universities and will focus on the general and the specific: the history, importance, and business utility of FOI. Formal commitments—inclusion on the proposed website and co-participation with local advocates in the survey initiative—will be secured at these presentations. This initiative will be carried out in mid 2012 in five of the more influential countries in Latin America: Mexico, Brazil, Uruguay, Argentina, and Chile.

MEASURABILITY: Videos of presentations, records of attendance, and minutes of questions and responses.

5. SCHOLARLY CONTRIBUTIONS AND ARTICLES: Throughout the project I will write and elicit articles about the initiative and relevant issues. These articles will target: a) freedom of information and open-government advocates, b) newspapers and magazines, c) scholarly journals. The ultimate objective is to write a book about the issue, which will follow a current book project I am working on, *The Surrender of Secrecy: Media, Politics and Freedom of Information Reform in Latin America* (forthcoming: Cambridge University Press).

While undertaking the above initiatives, a key goal is to build bridges with the media, which will be achieved by: a) inviting media outlets to attend presentations and report about the survey and the

course, b) urging business organizations, key businessmen, and FOI advocates to recruit greater participation and elicit coverage of efforts to promote FOI among media outlets, c) writing editorials for publication, and interviewing media editors and owners.

## **2. A description of the Project's expected impact and how I might measure it.**

### *IMPACTS*

The desired macro-level impacts and their measurability are as follows:

- a) Augment business use of FOI laws, which will be measurable in most countries over the medium term (governments and advocates frequently keep records of user-groups).
- b) Multiply business links with FOI advocacy organizations, which may have virtuous effects for other areas of common interest. This impact can be measured through surveys of these linkages.
- c) Heighten news media interest and coverage of FOI laws. Coverage over time can be measured through content analyses, similar to ones I undertook during my dissertation (which may serve as a baseline benchmark).

## **3. An explanation of how the Project builds on existing efforts or charts new terrain.**

This project charts new terrain by a) building on a shallow knowledge-base on the freedom of information-business nexus, and, b) making a strong concerted effort at integrating business into open-government advocacy networks and user-groups.

### *Building on a Lacuna of Documented Knowledge*

Scholarship and anecdotal literature on how businesses use open-data and freedom of information laws is scant. I have actively searched for material, and have corresponded with Thomas Susman, the Governmental Affairs Director for the American Bar Association and a business-FOI pioneer, about the scarcity of resources. In October of 2010 Susman forwarded me the material he possesses on the subject. Later he read my request for assistance and a synopsis of the proposal and responded, “now you’re singing my song.”<sup>4</sup>

To my knowledge, the only published, systematic work on FOI’s relation to business is a working paper written by U.K. scholar Jim Amos.<sup>5</sup> Amos addresses the issue within the context of the U.K.’s FOI law. Apart from this initiative, there are only snippets to be found in newspapers, magazines, legal and business texts. In short, little systematic research on FOI and business has been undertaken.

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<sup>4</sup> Personal communication, 13 January, 2011.

<sup>5</sup> Available at: <http://www.ucl.ac.uk/spp/publications/unit-publications/47.pdf>

### *Building on a Lacuna of Advocacy Efforts*

When I wrote about this project to a colleague and internationally renowned freedom of information (FOI) expert, Toby Mendel, he responded that the business sector represents a “key potential locus of support and use.” FOI advocacy initiatives have tended to focus elsewhere: on the public sector, news media, international organizations, and civil society.

Advocacy organizations have scarcely made efforts to integrate business into FOI networks, even though they appear willing to do so. About a month ago I presented my dissertation research at government, university, and NGO venues in Mexico (December 2010), and had the opportunity to speak with colleagues at a leading freedom of information (FOI) advocacy organization, FUNDAR. Although FUNDAR has had little contact with the private sector, they expressed willingness to work with business. I have also checked with Brazil’s ABRAJI,<sup>6</sup> with one of Argentina’s FOI pioneers, Roberto Saba, and with Karina Banfi of the Regional Alliance.<sup>7</sup> All elicited a similarly enthusiastic response.

### *Virtuous Secondary Effects*

The proposed initiative will not only chart new terrain in FOI research and enhance advocacy for open-government laws; it will also unify two mutually distrustful sectors—business on the one hand, and advocacy organizations on the other—behind a common goal. Distrust has its roots in various factors, one of the most prominent being a historical divide between a private sector that frequently allied with military governments, and an activist sector that sought greater social, political, and human rights. Yet in most countries the political climate has become more conducive to greater collaboration; and open-government is of significant mutual interest. This project should begin to foster synergies for future collaboration and better understanding between these key sectors.

## **5. The reasons you are especially suited to carry out this Project.**

### *A Good Colleague*

I am a hard-working colleague eager to collaborate. I am enthusiastic and reliable, personable and polite—a can-do person. I retain a personal openness nurtured through an inter-disciplinary background, beginning with a B.A. in Humanistic Studies at McGill University. This openness manifests itself in curiosity, broad knowledge, and enthusiasm for diversity.

### *Knowledge-Base*

I have the expertise to carry out this project with success. I completed a Ph.D. (2010) in political science at the University of Texas at Austin focused specifically on freedom of information reform in

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<sup>6</sup> Brazilian Association for Investigative Reporters: one of the law’s most public proponents.

<sup>7</sup> Regional Alliance for Access to Information: an Organization of American States-associated initiative.

Latin America. I specialize in the politics and legal characteristics of accountability, open government initiatives, freedom of information laws, the politics of the media, advocacy movements, and the legislative arena. My dissertation—which included an original evaluation of laws and adoption processes across the region, more than 80 interviews, numerous information requests, and six years of field research in more than five countries—is the basis for a forthcoming book by Cambridge University Press. I continue to move forward with ambitious publishing projects.

I also have a good working knowledge of business and business people. My parents both ran their own companies, as have my brother, sister, and I. After university I took my stock broking license, just to be informed. My inter-disciplinary interests led me to ground myself in micro and macro economics in my B.A., to focus on international business as one of two concentrations during my M.A. in Latin American Studies, and I excelled at international political economy during my Ph.D. I even published an article on the question of the U.S. dollar's decline.<sup>8</sup>

#### *Knowledge of the Focus-Region and Access to Decision-Makers*

I have a solid basis for focusing this project on Latin America. I speak, write, and read in Spanish and Portuguese (as well as French and English). My Ph.D. falls within the subfield, “the comparative politics of Latin America,” and I completed an M.A. in Latin American Studies. I have lived in Mexico, Argentina, and now Brazil, where I continue to support this country's prospective freedom of information law in collaboration with Brazilian colleagues. I maintain contact with advocates across the region that I established during years of research and writing. These include professionals within the Organization of American States, government, the media, and advocacy organizations across Latin America.

I excel at gaining access to key decision-makers, forging new relationships, and have always been particularly well-received in Latin America. My academic advisors distinguished me as having an uncanny ability to gain access to influential actors. This aptitude might be the result of the interminable sales calls I made while running my own business in university. It might also be explained by years of interview-based research, as well as a certain boldness and perseverance. But in Latin America I have also found that it has much to do with my person—being a Canadian and an academic. Latin American colleagues tend to confirm this observation; powerful people in Latin America seem to be more open to academics—especially foreigners (and Canadians!)—than to civil society advocates. This inference makes me especially well suited to carry out the proposed research and outreach projects.

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<sup>8</sup> LBJ Journal of Public Affairs, “Waning U.S. Hegemony in a Multi-Currency World.”(fall issue) Available at: <http://www.lbjjournal.com/node/119>

## **6. A description of how you expect the Project to fit into your career trajectory and future work.**

### *The Second of Three Pillars*

This project represents the second of three pillars that I envisage for my career. These pillars are 1) to be a first-class expert on good governance, open-government and freedom of information (FOI); 2) to become an inspirational teacher, spokesman, author, consultant; and ultimately, 3) to dedicate myself to public service as a strategist and administrator for the cause of good government within a yet-to-be-defined public sphere. I consider myself to be a grounded, well-rounded person who sets aside the parochialism of academics in order to reach a wider public audience (as wide as possible).

The first of these pillars described above is now under construction. It began with the completion of my dissertation and continues to be built through my forthcoming book with Cambridge University Press, articles for expert and popular consumption, academic articles that have either been accepted, are under review, or moving forward. I also continue to grow my knowledge-base through reading, conferences, and workshops.

The proposed project begins to erect the second pillar, which involves making both a real-world difference to advancing freedom of information, as well as a scholarly contribution to a field that is badly in need of theoretical and empirical development.

It will also provide a solid foundation on which to build the third pillar. It will permit me to get out and communicate, collaborate, write, publish, and publicize my causes and my work. It will help give me the credibility to serve the public in a more formal role.

## **7. Project Timeline**

The following is a tentative timeline for the three stages of the project: research, product creation, and outreach.

July to October, 2011: Research on business support and use of FOI: approximately 3 months

2011—July 1 to August 14: OSI in Washington, D.C.

2011—August 15 to September 15: Toronto and Ottawa, Canada.

2011—September 15 to October 5: Mexico City, Mexico.

2011—October 5 to December 20: Compiling research and developing the outcomes (products) at home in Brazil.

2011—December 21-January 4: Christmas in Toronto with my wife and parents

January to March, 2012: Creating end-products (outcomes) based in Washington, D.C.

2012—January 5 to March 10, 2012: Washington D.C.

March to August, 2012: Presentations and Outreach: Mexico, Brazil, Uruguay, Argentina and Chile

2012—March 10 to March 30: Mexico

2012—April 1 to May 30: Brazil

2012—June 1 to July 1: (air) Uruguay, (boat) Argentina, (bus) Chile

2012—July 1 to July 15: Brazil: Summarizing and Reporting Research and Outcomes.

**8. An explanation of how you might engage with OSI while resident in our office(s). Please specify how these interactions could add value both to OSI and to your Project.**

I am intimately acquainted with the OSI's work on the media and freedom of information. My dissertation examined and built on the OSI's analysis of FOI compliance in 14 countries (*Transparency and Silence*: 2006).<sup>9</sup> I also made extensive use of two OSI studies on public sector advertising and media capture (*Buying the News*: 2005; *The Price of Silence*: 2008). The current project leverages this knowledge base, at once breaking new ground and coherently adding expertise and scope to the OSI's significant achievements in this policy area.

I plan on making ready use of OSI's resources and cadre of experts. I expect the OSI to help me hone the project's scope, research design, and objectives. I will also seek the help of its professionals in reaching out to potential and real advocates, and for collaboration in creating the products, outcomes, and measures I have specified in this proposal.

In short, I envisage a natural synergy between the current project and the OSI's resources and core competencies.

**9. Estimated Fellowship Expenses in USD.**

Please see the attached budget for a specific breakdown of costs and logistics.

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<sup>9</sup> See the first chapter of my dissertation at <http://gregmichener.com/Dissertation.html>