

Access to Information Central to the Post 2015 Development Agenda

The UN is currently concluding a process on developing Sustainable Development Goals (SDGs). These will set out the priorities in the global development agenda for the next 15 years, starting in 2016 and are intended to replace the Millennium Development Goals which end in 2015. Countries agreed to develop the SDGs at the Rio+20 Summit in the Outcome Document in June 2014. The Outcome Document also made a number of other commitments which includes revising the UN system on development, increasing transparency and public participation and protecting human rights.

Since the Rio+20 summit, the UN has held a series of consultations at the international, national and regional levels to gather information on the priorities for the Goals. Key consultations included the UN Secretary General's High Level Panel of Eminent Persons; the UN Task Teams; and UNDP/World.

All of the consultations have released statements or position papers. Positively, most of them recognised the importance of human rights, transparency/access to information, freedom of expression, and public participation in achieving their goals.

Good governance and accountability has emerged as a strong and all-encompassing post-2015 priority in nascent consultations in different regions. Participants in the pre-meetings to the global thematic consultation on Governance emphasised that this requires, in the first instance, the right to information and freedom of expression.

In January 2013, the UNGA created an "Open Working Group" (OWG) to develop the Sustainable Development Goals. Chaired by Hungary and Kenya, it is made up of 30 members but because of interest of member states to be involved, 70 countries are participating in a mix of single, dual and triple clusters.

The Open Working Group held eight thematic debates in 2013 and early 2014. Two of the debates were of particular interest were OWG 6 on human rights in December and OWG 8 on governance in February. ARTICLE 19 staff attended both sessions. The issue of access to information came up positively in both sessions.

The OWG completed their open debates in March 2014 and is currently concluding a process of drafting recommendations on SDGs to be presented to the UN Secretary General and UN General Assembly in September 2014. The UN Secretary General will be producing a synthesis report which will be submitted to the UNGA by late November/early December 2014.

Following their presentation, the member states through the General Assembly will start negotiations in January 2015 of the final goals to be agreed at the UNGA in September 2015. It is expected that some sort of technical process will also be created to develop the indicators and targets once the goals are agreed upon.

ARTICLE 19, the Daily Star and EquityBD, jointly organised a roundtable discussion titled "Access to Information Central to the Post 2015 Development Agenda" in Dhaka on 1 February, 2014 to promote public engagement on this critical issue that will shape the development agenda for the next decades. Forty-four experts contributed to the discussion, all of whom emphasised that access to information is a prerequisite for sustainable development because it increases accountability and transparency. In the past few months several of these recommendations have also fed into regional and global discussions of governments and at the UN level.

Tahmina Rahman, Director, Bangladesh and South Asia, ARTICLE 19, & keynote speaker of the session

In her keynote address, Tahmina Rahman explained that one of the problems often cited with the current development agenda has been that the Millennium Development Goals did not include specific goals pertaining to good governance and human rights, especially those related to accountability and transparency. She then stressed that people need the freedom to voice their views and participate in decisions that affect their lives without fear; they also need access to information and an independent media including new forms of participation, such as social media can enable governments, business organisations, community based organisations, and academia to interact with, understand and respond to citizens' needs in a new ways.

Ms. Rahman shared that the UN is currently working to include good governance and human rights in the next development agenda, namely in the sustainable development goals (SDGs). It has already established a high level panel whose central message is that people must be central to a new global partnership.

She highlighted that the Government of Bangladesh (GoB), in consultation with civil society, has recommended to the UN possible goals for the SDGs including those on eradication of poverty and inequality, universal access to health and quality education, gender equality and ensuring environmental sustainability. A goal for ensuring good governance has also been recommended with certain indicators and targets.

However these proposals need to call for language that broadens access to information to all public services, such as education, healthcare and environmental policies and practices beyond the narrow financial focus they currently have. Instead they could recommend, "By 2025, public and private bodies have in place a comprehensive system guaranteeing the publication of information in the public interest and accessibility of that information". By doing this governments will be empowering people to gain information on public services and programmes that will directly impact their ability to achieve peaceful, financially stable lives for them and their communities. Proposals also need to highlight the importance of independent media to improve accountability, transparency and socio-economic development. We could ask the government to include proposals on, "Creating an enabling and safe environment for independent media to operate freely and openly".

Salehuddin Ahmed, Managing Editor, The Daily Star
Dr. Salehuddin Ahmed highlighted an important distinction between MDGs and SDGs: MDGs were set only for developing countries and SDGs will be set for all countries. He noted that this presents a risk that the interests of developing countries will be ignored, and urged the participants to keep the interests of developing countries at the forefront of the agenda, especially promoting access to information.

Tofail Ahmed, Local Government Specialist
Professor Tofail Ahmed began by saying that the government has been working toward building a digital Bangladesh but still it is hard to get an e-mail response from them. They do not accept emails officially. He asked whether there was any provision for not doing so? He added that the Election Commission is bound by law to publish relevant information about candidates. And they do that? However there are three problems in the current process. The Commission does not verify submitted information, they do not challenge incomplete information nor do they make it public. He then discussed how digital information can be used by the Election Commission (EC) to improve voters' knowledge of the candidates. Specifically, he recommended that the EC ensures that the information obtained from candidates is accurate, complete, and published on the internet in a timely manner.

Iftekharruzaman, Executive Director, Transparency International Bangladesh



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Rezaul Karim

Dr. Iftekharruzaman provided some startling statistics: at least 13.6% of the national budget, equivalent to 2.4% of the GDP, has been lost to corruption in the development sector areas covered by the MDGs in fiscal year 2011-12. He warned that corruption and lack of accountability are crippling the country's ability to realise the MDGs, and proposed that access to information must be included in the SDGs because it reduces corruption and increases accountability.

Shaheen Anam, Executive Director, Manusher Jonno Foundation

Shaheen Anam said that large pockets of marginalised and poor people were created because human rights and governance were not specifically included in MDGs. She urged that these critical oversights are not repeated. She said that unless we put people in the centre of SDG programmes they will not get the benefits. "Without access to information people do not get basic services they require, and government accountability can only be ensured when people get access to information since it enables people to realise their fundamental rights". She also underscored the importance of political will, complete independence of the regulatory bodies such as the Information Commission, Election Commission and Anti-Corruption Commission, and democracy within political parties in order to ensure access to information that will help people realise their fundamental rights. She ended by saying that unless there is more openness within the government and regulatory bodies and environment that empowers people to hold the government accountable it will be really difficult to achieve SDG goals.

Shamsul Alam, Member, Planning Commission, Bangladesh

Professor Shamsul Alam began by drawing everyone's attention to Amartya Sen's recently published findings that, in India, the right to information has decreased corruption. "In our Post-2015 development agenda, that has been sent to the UN, we have included a separate goal for ensuring good governance with six targets". One of these targets is strengthening national accountability and integrity institutions and an indicator to measure this target is the percentage of queries attended by government institutions under the RTI law. A second indicator is the percentage of cases settled by public accounts committee of the parliament. However we have included RTI as an indicator not a target. From this forum we may recommend that RTI should be made itself a target.

Masudur Rahman Shopon, Senior Staff Reporter, Bangladesh Shomoy

Masudur Rahman Swapan echoed that RTI is essential to ensuring informed elections and an accountable government. He urged the government to come out of its "culture of secrecy" and allow its citizens access to information, especially information pertaining to agriculture because it is the lifeblood for the vast majority of citizens.

Tanjib-ul-Alam, Advocate, Supreme Court, Bangladesh

Barrister Tanjib-ul-Alam said that the answer to deep-rooted corruption lies within the enforcement of laws, including the Right to Information Act. He highlighted several positive steps that have recently been taken in this regard including cases where the Information Commission has taken action against government officials who declined to give information..

Similarly, the Anti-Corruption Commission has been able to obtain information about former members of parliament. This has been possible as because they are required to disclose eight types of information. This enables regulatory bodies to keep track of information. He concluded that the forum should be vigilant in ensuring that information is continually used to reduce corruption.

Asgar Ali Sabri, Director, Policy, Action Aid Bangladesh

Asgar Ali Sabri emphasised the importance of governance and access to information. He informed that many people are not aware of how their rights are protected or not under bilateral and multi-national treaties and agreements, and requested the GoB that it increases public awareness of these treaties and agreements through disclosing them in public, particularly those pertaining to human rights.

M.S. Siddiqui, Columnist

M.S. Siddiqui shared the findings of the Open Budget Society, a Washington based organisation that specialises in budget analysis across the world. They have found that only 52% of the 2012-13 Bangladesh budget is open to the public, meaning that the general public is "in the dark" about the other 48%. He noted that the situation was similar in the development sector and with regard to the subsidies provided to public utilities - the public just does not know where their money is going. He commented that the secrecy of the government on these matters reflects the bleakness of the present status of access to information in Bangladesh, and urged the government to make access to information a priority.

Muhammad Quamruzzaman, Bangladesh NGOs Network for Radio and Communication (BNNRC)

Muhammad Quamruzzaman emphasised that the true measure of whether the Right to Information Act is working would depend on the extent the general people are able to make use of it. He noted that the vast majority of citizens are not accessing information.

Monisha Biswas, Policy Advocacy Manager, Oxfam Bangladesh

Monisha Biswas drew attention to the importance of encouraging youth to participate in the promotion of access to information because they have the technological capital to easily obtain and disseminate information. She also emphasised that awareness raising is key to ensuring that the right to information is realised.

Madhab Dutta, Executive Director, SHODESH

Madhab Dutta highlighted that people are poor in information because they lack assertiveness, human and financial resources. Many people are aware of their rights but shy away from seeking information. Government offices do not have proper information management system this poses difficulties for public officials in responding to the requests in time. Effective systems of documentation and record management should be introduced.

Akram H. Chowdhury, Former Member of Parliament

Akram Hossain Chowdhury reminded the participants that, according to the constitution, the people of

Bangladesh are the true owners of Bangladesh. He recognised that many people lack information that is necessary to have any kind of oversight of the government's actions. He called upon the GoB to rectify the situation through introducing an effective system of information management.

Nazrul Islam, Additional Secretary, Cabinet Division

Nazrul Islam, highlighted the work of the Cabinet Division, in association with the Information Commission to implement the National Integrity Strategy, including the formation of committees for both ethics and integration in all ministries and the establishment of 4,500 Upazilla Information and Service Centers where people will be able to find all kinds of government information. It will also introduce a web portal with 25,000 websites, including those with information on how to get government services. He emphasised that part of the mandate of the programme is to keep the websites up to date. He noted that these initiatives will improve the ability of people to access information while decreasing the burden on GoB officials.

Rafiqul Islam Azad, Journalist, The Independent

Rafiqul Islam Azad went straight to the point and requested the GoB expedite the information disclosure procedure because the stipulated time is too long for the media, who have to keep pace with rapidly changing situations.

Faruque Ahmed, Executive Editor, New Nation

Faruque Ahmed explained that the amendments to the ICT Law have the potential to move Bangladesh backward because it contradicts the Right to Information Act. He further urged the government to streamline the rules and regulations that restrict freedom of expression.

Saida Muna Tasneem, Director General, UN and Human Rights Cell, Ministry of Foreign Affairs

Saida Muna Tasneem began by noting that the GoB has had great success with the MDGs, including winning three international awards, and that it plans to continue this effort when it comes to implementing the SDGs. She added that the SDGs will be set for all countries of the world and highlighted that for "sustainable preservation of the planet we have to grow economically, take care of our environment and create a better world for our future generations, this is why we have called our post-2015 theme, "People, Planet and Economy". She stressed that the government believes in the importance of access to information, especially as it pertains to strengthening governance and oversight, and its links in promoting sustainable development.

Sadeka Halim, Information Commissioner

Professor Sadeka Halim spoke openly about the challenges the Information Commission is currently facing. A main concern is that the Official Secrecy Law, 1923 is often cited as a reason to deny information requests by public officials especially by those in the Land Ministry, even in instances when it is clearly superseded by specific provisions in the RTI Act. Similarly, many information officers mistakenly believe that information regarding health and education should not be disclosed, and thus routinely and erroneously deny these requests. In addition, there is also a dearth of information officers. Bangladesh currently has only 15,000 information officers, even though the government offices need 30,000 and private organizations need 50,000. Commissioner Halim noted that the Anti Corruption Commission does not even have an Information Officer, and so far it has refused the Commission's requests of make proactive disclosures.

Rezaul Karim Chowdhury, Convenor, Equity and Justice Working Group

Rezaul Karim Chowdhury said that various national consultations on post 2015 development agenda have highlighted that the SDG framework should address issues of access to justice, inclusive democratic governance including the participation and representation of vulnerable groups. Regional consultations, for example the Asia consultations have similarly demanded prioritisation of human rights, equality and justice environmental sustainability and good governance including participation and accountability as goals.

Final Remarks

Ms. Tahmina Rahman concluded that evidence shows that independent media, public participation in decision making and access to information all contribute to effective socio-economic development, improving quality of education, healthcare outcomes, and access to clean water and sanitation, especially for vulnerable and marginalised groups. ARTICLE 19 believes that these targets would work best in a stand-alone goal on open and accountable governance. A stand-alone governance goal would provide a strong, comparable and measurable framework for countries and by ensuring this other key areas of development will be strengthened, as governance related issues span across multiple sectors and often require a concerted and focused response at both the national and international level. We ask the Government of Bangladesh to support this in upcoming negotiations, at the Open Working Group and in other fora.

End Note

A "zero draft" of PROPOSED GOALS AND TARGETS ON SUSTAINABLE DEVELOPMENT FOR THE POST2015 DEVELOPMENT AGENDA by the Open Working Group on Sustainable Development Goals has recently been released. Improvements made in this draft have been welcomed, particularly on the targets related to access to information and promotion of the media, association and speech.

ARTICLE 19, the Daily Star, Equitybd and partners are pleased to see "Proposed goal 16: Achieve peaceful and inclusive societies, rule of law, effective and capable institutions," in the zero draft. We strongly encourage that this goal be retained during finalisation. In particular, we strongly urge that targets related to access to information and promotion of the media, association and speech be retained under this goal. As noted in a recent joint statement by 31 UN Special Rapporteurs, full recognition of the rights to freedom of expression and information, freedom of peaceful assembly, freedom of association, and public participation contributes to the full achievement of development goals.

We note positively the inclusion of target that requires by 2030 an increase of inclusive, participatory and representative decision-making at all levels, taking into consideration the interests of present and future generations. To strengthen these targets further, we would suggest amending language in the zero draft to include the following:

- By 2025, establish and implement new regimes to ensure effective, accountable and transparent public institutions at all levels;
- By 2020, establish and implement effective regimes for