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An accountable government can realise the SDGs



Shamsul Bari and Ruhi Naz

The Sustainable Development Goals (SDGs) 2030 are reported to be receiving serious attention from the government and civil society in Bangladesh. Bangladesh did very well on the Millennium Development Goals (MDGs). Therefore, the international community's expectations from it on SDGs are very high.

The SDGs include the predictable and critical goals like ending poverty and hunger, ensuring healthy lives, quality education, gender equality, advanced water and sanitation management, affordable energy, sustainable economic growth and full employment. But what is new and more challenging is Goal 16, which seeks to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institution at all levels.”

It is not difficult to understand why experts called Goal 16 the over-arching goal that links all SDGs. Achieving its objectives would necessitate fundamental changes in governance-culture and the mind-set of all concerned.

The targets for Goal 16 include: reduction of all forms of violence and related death rates, abuse of children, sexual violence against women, illegal arms and financial flows, and corruption and bribery. They also include promotion of rule of law, accountable and transparent institutions and responsive, inclusive and participatory decision making.

The latter objectives have been specified as Target 16.10 which seeks to: “Ensure public access to information and protect fundamental freedoms, in accordance with national and international agreements.”

Why is public access to information, or RTI in short, included as a SDG? The simple answer is: it seeks to promote an open and accountable government, without which attaining the other SDGs would be difficult, if not impossible.

Fortunately, in Bangladesh we have had a RTI Act in place since 2009. But, how has our experience with it been? Does it give us reasons to be hopeful? We need to ask what challenges we face and what to do to overcome them.

To begin with, there must be a clear understanding of the objectives of RTI law. There is a misconception among many that the law simply seeks to facilitate people's access to information that they may need from the government from time to time. It must, therefore, be made clear to all concerned that RTI or Freedom of Information laws all over the world are adopted to enable citizens to oversee the work of their governments and not simply to obtain information for personal needs.

Everyone engaged in promoting, implementing and adjudicating the application of the law must realise this fully. This includes citizens' groups, government bodies and, more importantly, the Information Commission (IC).

Citizen's groups engaged in awareness-building should focus on the usefulness of the law to promote peoples' participation in monitoring the work of public bodies to make them law-abiding and transparent. By doing so, they contribute to good governance, which is essential for sustainable development.

The government, on its part, should convince public officials that it attaches great importance to fully respecting the RTI Act; and that its proper implementation will contribute to good governance, improved government-citizen relationship and, thereby, help implementation of the SDGs.

The role of the IC is, however, most pertinent. For, it is the key mover of the law. For starters, the IC is best placed to remove all procedural hurdles that keep many potential RTI applicants away from making use of the law or to drop out after initial attempts. Secondly, it can make

public officials more respectful to the law by imposing sanctions, whenever appropriate, for their reluctance or deliberate failure to abide by it. Thirdly, it can promote greater use of the law by adopting objective-test as basis for interpretation of critical provisions of the law. Fourthly, by its actions and utterances, it can convince citizens that it seeks to promote the application of the law and not restrict it. Fifthly, through appropriate measures it can enhance its reputation as a neutral and independent arbiter of the law. Sixthly, its complaint hearing procedures could be more friendly and less intimidating for ordinary applicants/complainants. And lastly, it can make its hearings open to the public, particularly to the media, and publicise its role as the foremost purveyor of transparency in the country.

A quick glance at the record of the Information Commission shows that in 2015-16 it received 975 complaints, of which 789 (81 percent) were resolved through hearing of one or both sides and 186 (19 percent) discharged without a hearing. The latter included those discharged due to procedural mistakes, including use of wrong forms or addressing the wrong person. The latter caused many to lose interest.

Data shows that among 1400 complaints decided in the last five years, in some 570 (60 percent) cases the Designated Officers (DOs) agreed to provide information only at the urging of the IC. It indicates continuing unpreparedness of a large number of public officials to respect the law.

A particularly worrying trend is that the complaint hearings of the IC appear to be primarily focused on ensuring that the information-seeker receive a response, with or without the relevant information, rather than on transparency and accountability objectives of the law. In many cases, the IC directs the DOs to provide a response, even if to say there is no information to disclose, with no attention to their glaring failure to respond to an application in the first place. This is no way to advance the goal: accountability of the law.

However, some improvements have been observed in recent years. These include increase in number of RTI applicants from middle and educated classes. The numbers of transparency and accountability-related applications have thereby increased. Such improvements, and the continuing positive outcome of RTI interventions by ordinary citizens relating to Government's safety-net programmes, give reason for hope. In fact, there seems to be a positive systemic change in the distribution of safety-net benefits in areas where people have used RTI to obtain them.

There has also been an increase in the number of sanctions against defaulting officials. Out of some 15 penalties imposed on DOs in the last seven years, 10 were imposed in the last two years. Unlike in earlier periods, compensations were also awarded to some aggrieved applicants/complainants. These will help to drive the message home to recalcitrant public officials that the law is meant to be respected.

The High Court (HC) too has made some positive contributions. In a recent writ petition, the HC ruled against a decision of the IC by declaring that information provided by political parties to the Election Commission, as a legal requirement, are public information and cannot be denied to the public. There are two other positive verdicts from the HC, and a few awaiting hearing.

But perhaps the most heartening development is the response given by the Office of the Prime Minister to a RTI application seeking information on the number of persons accompanying the PM to the United Nations General Assembly session in the last five years, their names and responsibilities and who bore their expenses. The Office provided most of the information sought and the rest are subject to a complaint hearing before the IC in the coming days. This is likely to change public attitude towards the law and will hopefully serve as an example to other public officials, whatever their level of office, to take RTI applications seriously.

It augurs well for the SDGs and for the onward journey of RTI in the country.

The writers are Chairman, Research Initiatives, Bangladesh (RIB) and Project Coordinator (RTI section), RIB. Email: rib@citech-bd.com