SDGs and The Right to Information: We can't have one without the other

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The International Right to Know Day on September 28 was observed this year with much less enthusiasm in many countries. Though 90 percent of world population now live in countries where the Right to Information (RTI), or Freedom of Information (FOI), law exists, the promise of transparent and accountable governance presaged in the law remains a distant dream.

The failure to live up to the promise is not a weakness of the law. It is because world politics has undergone a sea change. Autocratic regimes have emerged in many parts of the world, driving democracy into retreat. RTI/FOI laws have been thrown into disarray.

Instead of becoming more transparent and accountable to the people, governments in many countries have increasingly resorted to curbing the RTI. As citizens began using the law, governments became aware of its potential to embarrass them and cause trouble. They turned to negative tactics to discourage both real and potential users. Instead of opening up, they reverted to age-old secretive, even coercive, practices which the law sought to remove.

Faced with this negative stance, RTI advocates have increasingly been discouraged. RTI regimes have stagnated in many countries, and in others, citizens are in a perpetual struggle against government efforts to undermine the law.

There is thus a growing realisation among them that for the law to survive and flourish, they must do more to increase the number of users and generate more demands for information.

Recently, the global RTI fraternity formed online consultation groups to devise effective tactics. A consensus is emerging among them that their best bet is to promote the use of RTI in assessing their government's commitments to the Sustainable Development Goals (SDGs). They have agreed upon a common methodology and a scoring mechanism for this purpose.

The SDGs are not just about poverty; they encompass crucial goals such as fighting environmental degradation, gender inequality, corrupt governance, and barriers to healthcare.

Making SDGs the base for the promotion of RTI is a good strategy because governments in the developing world are generally fond of showing off their successes in regard to development, as was the case for the Millennium Development Goals. In their keenness to claim success in implementing the SDGs, they may see value in cooperating with citizens' efforts to assess progress of SDGs by using the RTI mechanism. A negative RTI report card will reflect badly on a government's claims of meeting the SDGs.

Within the SDGs, Goal 16 calls for all countries 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." It includes important targets for fighting corruption, improving public participation, and public access to information.

Most countries have already put in place a mechanism for assessing progress against the SDGs as a whole. National NGOs and local civil society groups are part of this effort. In addition, as stated above, specialised groups of RTI-watchers will focus on Goal 16 and RTI in particular.

Such groups will provide separate reports to Unesco, which is tasked with collating information on progress of Goal 16. They will be based on information gathered through a common approach, as described below.

RTI is not a goal in itself—it is a prerequisite to achieving sustainable development as a whole. To quote Article 19, an international NGO promoting access to information, RTI means "improving access to healthcare and water by empowering people with knowledge to demand services; enabling communities to hold governments and companies accountable for polluting their water supply; and holding governments to account for corrupt practices around development projects. Ultimately RTI promotes accountability on development issues as it does for more political matters. Information on budgets, spending, regulations, and decision-making means people can work from a position of knowledge rather than ignorance and participate in important decisions that affect their lives. RTI is about more than government commitments. It empowers people to participate, advocate and monitor for meaningful progress towards development goals."

There are three main measures to be assessed by RTI-watchers. One, the extent to which a state is proactively disclosing information. Two, the extent to which institutional measures have been

put in place to assist with implementation. And three, the extent to which citizens' requests for information are being responded to by public authorities.

Proactive disclosure is the release of information by public authorities even without a request. The RTI laws generally require public authorities to publish both institutional information and those relating to procedures for releasing information on a proactive basis. The Bangladesh RTI Act 2009 and its rules provide a list of items to be included in the proactive disclosure list of all public offices. RTI-watchers will score each public authority on whether they disclose the required information on their websites or by any other means and whether they are updated regularly.

Assessment of institutional measures relates to two particular aspects in the overall implementation of the law. One, the institutional arrangement for continuous government engagement in taking the law forward. It often takes the shape of identifying a nodal agency, often a ministry, entrusted with coordinating between different government bodies and others implementing the RTI, including capacity building of public offices and standard setting.

In Bangladesh, in the absence of a declared nodal agency, the Information Ministry and the Cabinet Division of the government play the role on an ad-hoc basis. The lack of clarity on the matter, however, makes it difficult for citizens to decide who to turn to in case of a need for government intervention to correct or clarify an anomaly or smoothen a process. This will affect Bangladesh's score on this point.

The second institutional measure is the establishment of an independent RTI oversight body to adjudicate disputes between citizens and public authorities and undertake specified activities to facilitate implementation of the law. In most countries, as in Bangladesh, the task is assigned to the Information Commission (IC). The assessment of the IC would include how independent and effective it is to promote the law, the quality of its decisions, and whether it receives necessary support from the government.

Assessing how RTI requests are dealt with by public authorities is the most crucial part of the exercise. In the SDG context, this will require citizens submitting RTI requests to selected public authorities dealing with SDG implementation, such as for education, health, gender, inequality, etc.

The purpose of the exercise would be two-fold: assessing progress of the SDG concerned and how diligently the authorities respond to the request. It would include their commitment to the RTI law, and whether the process is contributing positively to systemic change in their dealings with people.

Public authorities in Bangladesh are still uncertain about how much they should open up to citizens. They must remember, however, that their government has made a firm commitment to implementing the SDGs, of which RTI is an integral part, and they are under public surveillance. A low score on their performance will affect the overall assessment of the SDGs.

There is an opportunity for the people and the government of Bangladesh to show the same determination for achieving the SDGs as they did for the MDGs. It can be a win-win situation for all concerned. But for that, there must be a clear recognition that the SDGs cannot be achieved without institutionalising transparency and accountability in governance which only successful implementation of RTI can ensure.

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