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9 YEARS OF RTI

Has it lived up to the expectations?

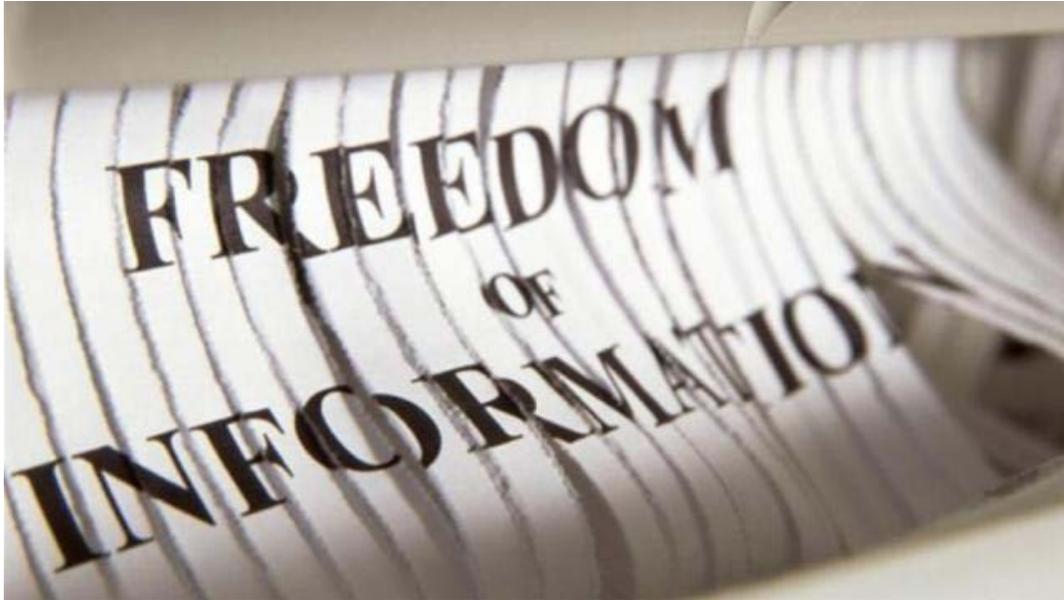


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Shamsul Bari and Ruhi Naz

Nine years ago this month, the RTI Act 2009 of Bangladesh was born. It came at a time when the entire nation was filled with a deep sense of relief and hope for change and reforms. The country had just held one of the fairest of general elections in its troubled history, after long spells of non-representative and military-led governments. A popularly elected government had assumed power. In such a positive milieu, the adoption of the RTI Act by the new government was both symbolic and radical. But has the law lived up to the expectations?

“The radical, modernising and democratic symbolism” of RTI laws is the subject of many recent studies which seek to understand this global phenomenon—radical, because it seeks to banish the tradition of secrecy in governance and replace it with transparency and accountability; modern, because it promotes active participation of people in governance as an essential element of

development and progress; and democratic, because it recognises people's supremacy over the state by giving them the right to monitor government work.

The recent studies show us that RTI fares better where ground realities are “shaped by long-term social and political changes, as the case for secrecy gradually erodes amid institutional reform, changing societal attitudes and technical advances.” Lack of such realities hinders growth.

Another study found that the existence of a deep-rooted culture of official secrecy impacts negatively on its implementation. According to the study: “The UK represents one of the most challenging environments for FOI (RTI) in a developed democracy and one of the least conducive to success... UK carried a reputation as the developed world's most secretive democracy.” This was attributed to the existence of numerous “Official Secrets Acts”, which contributed to a “culture of secrecy which dominated British public life... and symptomatic of the secret nature of the state.”

Other studies focused on the nature of RTI requests and the background of people who made them. Some found that the law does well where social activists, journalists, researchers and political parties make greater use of the law than private individuals. In other words, the law flourishes where it is used for broad social issues instead of mere personal interests.

How does the Bangladeshi situation relate to the above findings? On the relevance of ground realities, recall the context in which the RTI Act 2009 was adopted. During the years of its growth, Bangladesh suffered severe political upheavals, causing grave instability and deep social division. There was little scope for citizens to make meaningful demands for change. Issues like citizen-state relationship, transparency and accountability in governance were raised from time to time but never crystalized into popular demands.

In the euphoria that gripped the nation for renewal when the new government assumed power in 2009, there was little alternative for it but to attend to the call for change. It chose to embrace the RTI Ordinance 2008, which was promulgated by the outgoing interim government, and adopt it as an Act of the new parliament. In less than three months, the RTI Act 2009 was born.

But in the rush to adopt the law, without any discussion or debate in the parliament, the country missed an opportunity to flesh out its pros and cons. This, as we saw later, had a clear negative impact on its implementation. A law that called for fundamental changes in the way a

government relates to citizens cannot work unless both sides are fully aware of the role they must play under it.

Added to this is the existence of a deep-seated culture of official secrecy, for which the Bangladeshi experience is comparable to that of the UK. It was inherited, together with the system of governance, from colonial times. As was aptly described by a British scholar: “The Westminster system, with its executive dominance, one-party government and strict lines of control, made both for power hoarding and, as a corollary, information hoarding.”

The RTI ship in Bangladesh was thus set to sail on uncharted waters. Citizens of the country, for whose empowerment the law was ostensibly enacted, were left largely unaware about their enormous responsibilities to make it work. Public officials, tasked with providing the requested information to citizens, were unprepared to give up their tradition of official secrecy. The Information Commission was given a herculean task to steer the ship without the necessary know-how. They had to learn on the job. The government, too, was largely unaware of its responsibilities beyond the adoption of the law.

With such an uncertain beginning, it is indeed creditable that the RTI ship of Bangladesh is still afloat. However, it is still a rickety ship in which we hope to reach shore.

The number of people using the law is still miniscule compared to the size of the population. The focus of the few who use the law is still largely limited to matters of personal interest, such as how to obtain benefits from government entities at the local level. This is indicated in the reported 95 percent positive responses to all RTI requests made in the country. The use of RTI on matters of public interest, like malfeasance in governance, corrupt practices in awarding government tenders, misuse of power, etc., is still few and far between.

The lack of awareness of public officials about the law is aggravated by the attitude of many who, though aware, are reluctant to abide by it. This is obvious from the over 2,000 decisions that the Information Commission has made, over the last nine years, on complaints received from aggrieved applicants. The decisions are replete with examples of senior officials discouraging their subordinates from disclosing requested information, relevant officials refusing to attend complaint hearings even after repeated summons, and so on. Many complainants lose time, money, and heart—leading them to abandon the process.

In the midst of such difficulties, the tasks of the Information Commission have multiplied. As for the government, after a lapse of time, it has tasked the Cabinet Division to play the role of a nodal agency to promote implementation. It has initiated a number of useful measures to enforce compliance by government officials. We are yet to see the results though.

To meet the various challenges, it is time the main protagonists of RTI in the country, namely, citizen's groups, the Information Commission and the Cabinet Division of the government, work out a common strategy. Clearly, the most urgent need is to promote greater and more relevant use of the law. If we continue to use it largely for trivial matters of personal interest, and not for vital issues of public concern, there will be little for us to demonstrate its positive impact on governance and on implementation of Goal 16 of the Sustainable Development Goals (SDGs), which includes effective use of RTI.

By this time next year, let us be ready to celebrate the “Decade of RTI in Bangladesh” by demonstrating, through relevant data, that RTI in Bangladesh is on the right track.

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