Right to Information: Facing the Challenges of Implementation

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Looking ahead

- RTI will be resisted – from within
  - Politicians & public officials – for it reduces the scope of discretion & abuse of power
  - Business for vested interests in the triangular collusion
  - Media as a party in the collusion
  - NGOs for low capacity, perceived gains from non-disclosure
The book - facing the challenges

- Practice of proactive disclosure
- Active and vibrant Information Commission
- Supportive institutional system
- Demand creating civil society & media
- Implementation accountability & oversight in each institution
- Budgetary provision
- Periodic review & reform of the law
- Political Commitment
The book - Facing the Challenges

- National Implementation strategy
- Transition to culture of openness
  - Need for Information fighters
  - Appointment of designated officers
  - Focal point/Implementation unit
  - Information Commission
- Training of information providers
- Reform of laws bearing implications for RTI
- Modernizing information management & record keeping system
- Partnership between demand & supply side
Implementation Challenges

- No clear national strategy
  - No true lead agency/focal point of government
  - Low inter-ministerial coordination
  - No action plan, reporting, monitoring

- Fledgling Information Commission
  - Effectiveness, staff & other resources
  - New territory for the Commission – training & capacity building

- RTI-friendly Demand & Supply Side – not yet
  - Low proactive disclosure in public institutions
  - New to the demand side, new to the NGOs
NGO Initiatives (contd)

- Publication of training manuals, books, leaflets, brochures, user-friendly guidebooks
- Grassroots awareness and implementation campaign
- Local level advice & information service
- Seeking or providing support to apply for information from authority
- Received requests and provided information including from within
- Engagement with the media, training of journalists
NGO Initiatives

- RTI Forum – initiatives to engage stakeholders including Information Commission, Progress Report
- Technical assistance to drafting of the RTI Rules - MJ
- Designated officers (1,581) – below expectation
- Adoption of disclosure policy by a few
- Seminars, workshops, trainings, fair - national & local, communication, folk media
- Mainstreaming RTI - strengthen demand and supply side
- Training initiatives with public institutions
The Information Commission

- After a hesitant start – picked up
- Awareness and outreach at divisional, district, upazila level – cross-sections
- Database on designated officers
- Regulations drafted
- Letters to Deputy Commissioners
- Dozens of applications acted upon
- Training of public officials (with MJF/Article IX collaboration)
- Communication materials, Annual Report
Implementation Progress

The Government

• The Information Commission set up
• Staff appointment slow
• Over 6,000 designated officers assigned in public institutions
• Training of public officials (BPATC, BCS Academy, BARD, etc)
• NGOAB Advisory to NGOs
• Whistleblower Protection Act
Implementation Challenges

- Implementation of RTI Law worldwide is difficult, long-drawn and often frustrating - for Bangladesh no exception
- Premature to assess progress?
- Laws and institutions of democracy in perennial challenges
  - low professional capacity
  - Political economy of enforcement
- Inspite of highly supportive statement of the Prime Minister, opposing views from the Government not are not far to seek
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<th>#</th>
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RTI in Promoting Governance & Fighting Corruption

- Research has shown strong correlation of RTI & public disclosure with improved governance, higher levels of democracy and empowerment

- Transparency associated with lower corruption, better economic growth and distributive justice

- Transparency in budget is associated with better governance standards and improved economic and social outcomes.

- Countries having RTI tend to perform better in CPI, though difficult to definitively correlate
Why RTI Law

The Preamble:

- People’s right of access to information is a fundamental right.
- Power belongs to the people – access to information can ensure this.
- Free flow of information ensures transparency & accountability.
- RTI will facilitate control of corruption.

RTI Act can facilitate:

- Institutionalization of democracy.
- Promotion of good governance.
- Transformation of lives of the people.
- True empowerment of the people.
RTI – Political Primacy

Passing of the Right to Information Act is an epoch-making incident in Bangladesh history ... it will greatly help establish accountability and transparency in every sphere of society and the administration ... the government will continue to work to safeguard the people's right to information ...

Sheikh Hasina
Prime Minister of Bangladesh
The Context

- Introduction
  - Unique - Multi-stakeholder campaign
  - Civil society & the Media played key role

- The Act
  - Comparable to similar laws/Acts elsewhere
  - Welcomed and Criticized – too long exemption list
    “Counterproductive” to true RTI?
  - Not written in stone

- Part of the struggle for democratic institutionalization, good governance and anti-corruption
Disclose Information Curb Corruption

Implement RTI Act Promote Good Governance

Enforce RTI - Control corruption