

Ensuring Implementation of RTI following Pro Poor Approach: Role and Potential of Media

Keynote Paper

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Background: RTI and Civil Society Movement in Bangladesh

The demand for access to information and recognizing Right to Information (RTI) as a fundamental right has been a claim from the civil society and human rights based organizations in Bangladesh for quiet a few years. In 1983, the Press Council for the first time made a demand to the military-ruled government for access to information but the demand was only centered on publishing information in the media. The press at that time was facing challenges and threat in terms of publishing certain news. In 1999, Ain O Salish Kendro and BLAST in collaboration with Commonwealth Human Rights Initiative (CHRI) arranged a three-day seminar in Dhaka to analyze the situation of access to information in South Asian countries. Since then, many NGOs, civil society members, media professionals and lawyers have been promoting this issue in different ways. .

In 2002, the Law Commission prepared a working paper on Right to Information with justification and scope of such a law in Bangladesh. However, no major step by the government was taken to take this forward in enacting this as an Act. . Based on worldwide experiences of adopting RTI law and movement, civil society groups including NGOs became inspired to advocate for such a law. Manusher Jonno Foundation (MJF), with its wide scale of partnership with large to small sized NGOs discovered through program implementation that ensuring free flow of information and people's right to know empowers the poor and disadvantaged people to exercise/realize their rights. This reality pushed MJF to undertake RTI advocacy drive involving partners and many other stakeholders including the media. Various types of advocacy initiatives by civil society organizations have been undertaken since 2005.

As a result of active advocacy and lobbying of civil society organizations and to fulfill the election pledge of the present government, the Parliament on March 29 passed the RTI Law 2009. Although this is not a perfect law, it is certainly an achievement of the civil society movement. The law can be used as a weapon to initiate the process of demanding information, advocating for strong information commission, building capacity and changing mindset of information providers. Gradually, during implementation we may move forward the demand of making the law more progressive and need based.

Conceptualizing Right to Information: RTI as a development tool

Right to information has now become a central development theme among civil society and development agencies in Bangladesh. But a rapid assessment report¹ conducted four years ago revealed that the existing perception about RTI was related to freedom of information with respect to the media than right to information as a development tool. Since the constitution² of Bangladesh has recognized the freedom of expression as a fundamental right, there was a common notion that Right to Information was only related to freedom of media. Moreover, state rules and regulations do not consider and recognize the idea of right to information as a development tool.

In Bangladesh, since the last few years there has been a gradual shift in perceiving RTI as only the domain of "media" to being used as a development tool for realizing basic rights such as right to food, shelter, security, livelihood choices and public participation. Civil society led awareness raising and realities of development initiatives have helped broaden this perception.

RTI Implementation Challenges and Users of RTI

The enactment of the RTI law is only the first step. The most important challenge is to implement the law. Implementation challenge can be categorized into conceptual challenge and operation challenge.

¹Seminar Paper on "Situational Analysis of Right to Information in Bangladesh: Challenges and Opportunities", 2005, Manusher Jonno Foundation

² Article 39 Constitution of Bangladesh, GOB

Conceptually we should not perceive it as a matter of accessing only government-owned information, it should be more than that. The person who demands information and who acts as info intermediary to facilitate the process should have clear understanding on how and why information is a resource. Conceptually it needs to be clarified how free flow of information can be a critical tool for any development interventions ranging from poverty alleviation to social, infrastructural or any kind of development initiatives. Moreover, absence of free flow of information can put disadvantaged people in a more vulnerable position and powerful people can use it as a weapon of exploitation. Thus conceptual clarity on importance of RTI in preventing rights violation as well as improving governance is important for both information users and providers.

Operational challenges include many critical issues such as; generation of resources both human and financial for development of technically fit , user friendly and modern data base system from central to local level, changing mindset from culture of secrecy to openness at all levels including GO, NGOs and private sectors. Status of independence and conducive environment for Information Commission will guide effective implementation of RTI. Political willingness is critical in this process.

From operational point of view of users groups, every citizen irrespective of class, caste, religion, professions, geographic and other diversity has the potential to use RTI law. It helps to establish other rights such as right to food, shelter, free movement, free speech and expression, vote, right to get protection from violence etc. Therefore, everybody has a stake in this and has responsibility to uphold and promote the RTI law. Among many stakeholders, media plays a critical role in implementing the RTI law.

Role of Media in RTI Implementation: General Perception and Expectations

In Bangladesh, media, both print and electronic, has played an important role in enactment of the RTI law. Media professionals acted as a pressure group and joined with the civil society led movement. Media's role in the enactment process has raised our expectations from them.

There is no doubt media is a great consumer of information. Their prime function relates to identifying, collecting, managing and presenting all kinds of information considering public and country's interests and needs. They have been doing this function without the RTI law so far. In some context, it is expected that RTI law will make their functions smooth. Now if we move from general perception of the use of RTI law by media professionals, which largely defines media as a user group, we see there are other dimensions in it.

The distinct role that media can play for effective implementation of RTI are;

- ▶ Facilitating the process of raising demand for information. Media can highlight success cases of information centre as model of development, individual and collective cases of adopting better livelihood options using information etc.
- ▶ As an advocate and promoter of RTI law, media can draw attention of policymakers on the extent and type of information barriers that exist at various levels and how it is preventing proper implementation of the RTI law.
- ▶ Media can play a watchdog role in tracking and monitoring the performance of Information Commission (IC) and other information providing agencies. There is immediate need to form a selection committee that will recommend members for IC. Media can create pressure for expediting it further.
- ▶ Media has a role in protecting whistleblower from harassments and threats.

- ▶ Agencies are obligated to take necessary measures for proactive disclosure, unless there is continuous follow up on status of proactive disclosure of different agencies the system will not be activated. Both media and NGOs can play a strong role here.
- ▶ It is said that we all should extend our support from preaching to practice, so here media can adopt a disclosure policy for its own governance system and encourage all other sectors for it.
- ▶ Media can play a proactive role and raise the demand for revising the law based on implementation experiences.

The above list presents some critical role of media in ensuring effective implementation of the RTI law 2009. Below we focus on the major theme of the paper which presents implementing the RTI law following a pro-poor approach and how media can be a part in advocating this approach.

Scope to promote and practice RTI for addressing poverty reduction

Union Parishad is the lowest tier of our administrative unit. A considerable portion of our national development budget is spent at this level. Execution or implementation is done by the central government. So use of fund is taken up at that level. If people of the union could get the information of allocated funds for development work such as construction of bridges, culverts, schools, roads or allocation of local medical center and other development projects they could make the implementation authority accountable. By ensuring proper utilization of fund they can help reduce corruption or misuse of funds. At the same time reducing waste in public expenditure and ensuring quality and quantity of work and services can have positive improvement in the day-to-day lives of people. MJF ongoing program on open budget dialogue sessions compels the Union Parishad to disclose fiscal year budget publicly giving detail of expenditure and income sources with future plan which has empowered people to take active part in development initiatives.

Food security is now one of the topmost priorities and challenges general people face. It is essential that availability and proper distribution of agricultural inputs like fertilizers, seeds, pesticides etc. are ensured at the farmers' level even in remote villages. Monitoring of this could be effectively done from the union level. Accountability of this process could be best ensured with the active participation of the stakeholders at the grassroots level. That would be possible only if people could know the full detail of government activities in this respect through the use of RTI law at the union level.

The current budget has allocated a substantial amount for safety net programs for the ultra poor. Most notable is the 100 days guaranteed rural employment scheme for 2 million people to address seasonal unemployment. Success of those programs would depend on appropriate selection of receiver and proper distribution of funds. Without proper supervision, corruption may increase destroying the very purpose of these programs. Monitoring could ensure accountability which could be done through the participation of the stakeholders. This could be made possible if the target group has easy access to information on the details of the program.

Land in Bangladesh is the most valuable resource and a means of production. Land dispute is one of the major causes of conflicts and clashes which often turn violent. People face untold harassment and misery when trying to resolve land dispute or establish their land rights due to lengthy court cases and rampant corruption. While land laws are complicated and many are obsolete, some of the causes are lack of proper maintenance of land records plus corruption and lack of transparency at all levels. The RTI law will be helpful for people to get access to proper information on such matters.

Government officers deny providing any information because of the culture of secrecy and showing the reason of some restrictive rules and regulations. It is true that rules and regulations prohibit government officials from discharging many information. Before enacting the RTI law 2009, there

was no other provision that obligates government official to specify their act and actions even it is said to be directed towards the interest of citizens. Culture of secrecy and undemocratic practice have also resulted in poor documentation of information. Because of weak documentation, loss of information, opportunity for tampering with document has created barriers to people collecting information related to their lives and livelihoods. Adequate information, if available, reduces the chance of misuse of resources and lessens corruption. Not only that, it helps governance system function well, makes service providers accountable for their act and action, creates participatory and transparent atmosphere for people to contribute in policy formulation and establishing rule of law. Hence it is possible to utilize resources in a more efficient manner.

Implementing RTI Following Pro-poor Approach: Concept and Operational Issues

Analyses of law and policies in Bangladesh reveal that usually these are not inclusive nor based on principles of equity. Content and approach of law and policies generally are developed based on certain assumptions. The assumption is that state enacted laws and policies are for public welfare.. Another assumption is that law itself obligates duty bearers to implement it and for this reason there is hardly any follow up on utilization and benefit analysis of law. The RTI law 2009 promotes easily accessible information and for this no charge is applicable for requesting information and there is provision for special arrangement in case of people with disability but still there is scope to make it more inclusive and pro- poor adopting different measures during implementation.

So question comes why RTI law 2009 is needed to be implemented following pro-poor approach?

- ▶ Worldwide experiences of RTI implementation reveal that unless special program is taken targeting poor and disadvantaged groups RTI law is widely used by researchers, academics, businesses and government servants. The poor are left out of the process of demanding information mainly due to their lack of education and inaccessibility to different opportunities
- ▶ Increasing poverty is considered as a root cause of many problems of Bangladesh. We are all exploring ways to address poverty in a more cost effective and efficient way; some examples already clearly indicate that need based information dissemination can address poverty reduction in a sustainable way
- ▶ Since information empowers people and helps the poor increase control over their lives, RTI efforts should be mainstreamed into all development agenda targeting the poor and disadvantaged for not only removing income poverty but also for raising their dignity.

So a pro-poor approach in RTI implementation means taking a conscious effort in educating grassroots people on the importance and use of RTI law 2009. There should be macro as well as micro level monitoring system to track who is being benefited from such law and who is being left out and why? Since all poor and disadvantaged people are not equally poor and disadvantaged and there is gender and other dimensions of poverty. Use of RTI law should consider different diversities including gender diversity. Rules and regulations of RTI law, its mechanism of implementation, resource and priority plan should consider poor people's barriers in accessing information for practical solution.

The above analysis on needs for implementing RTI law following a pro-poor approach demands well coordinated efforts from GO, NGOs, media and other groups. In this light, some recommended points are:

- ▶ NGO and local media can build a partnership in mobilizing grassroots demand for information
- ▶ Rural poor people living at union level are deprived of land, health, education and other livelihood related information. GOB agencies working at union level do not fall under

purview of the RTI law 2009, such provision prevents poor people to access important information and it will become costly for them to get information from upper level. Media can help NGOs and other player to create openness within these agencies through strengthening moral obligations who are not legally obligated by the law

- ▶ Media can highlight the news of mis-targeting and mis-utilization including corruption cases of poverty alleviation program e.g. social safety net program
- ▶ Many organizations are involved in social auditing of service delivery agencies involving poor and disadvantaged community to improve service quality. Community driven periodic assessment of these agencies can help improving service quality if service providers are ready to provide information. Sometimes media can play a proactive role in obligating agencies to disclose information
- ▶ Performance of the law implementation at micro level can well be tracked down and presented at national forum by both media and NGO partnership

It is seen that media has already set some glaring examples of getting involved into social movement such as anti-rug campaign, protecting acid survivors etc. and it is done following non-commercial approach. Similarly we expect that making RTI works for the poor should also be a social campaign of media.

Conclusion:

We know that implementing the RTI law will be a huge undertaking. Demand creation is important which includes popularizing the law among different sections of people, awareness and capacity building, sensitizing media, NGOs, and civil society. Supply side work includes functional mechanism for proactive disclosure, strengthening information commission, capacity building of public training institutes, creation of info intermediary and strong information management etc. However, the most critical challenge is changing mindset and attitude regarding disclosure of information.