

Summary of Proceedings and Decisions Arrived At²

First Meeting

1 March 2012

Nalanda Hall, Maurya Hotel, Patna

6 pm onwards

Chairs: Shekhar Singh and Vikram Chand

Present:	Farzand Ahmed	Information Commissioner, Bihar State, India
	Shaheen Anam	Executive Director, Manusher Jonno Foundation, Bangladesh
	Shamsul Bari	Founder Chairman, Research Initiatives, Bangladesh
	Tom Blanton	Director, National Security Archive, George Washington University, USA
	Taranath Dahal	Chairperson, Freedom Forum, Nepal
	Kevin Dunion	Former Information Commissioner, Scotland
	Shailesh Gandhi	Central Information Commissioner, India
	Wajahat Habibullah	Chairperson, Indian National Commission for Minorities, and Former Chief Information Commissioner, India
	Sadega Halim	Information Commissioner, Bangladesh
	Vinaya Kasajoo	Chief Information Commissioner, Nepal
	Sangay Khandu	Member, National Council / Parliament of Bhutan
	Julie Kinross	Information Commissioner, Queensland State, Australia
	Mohamed Latheef	Former Adviser to the President on Human Rights, Democracy and Rule of Law, Maldives
	Suzanne Legault	Information Commissioner, Canada
	Jaqueline Peschard	President Commissioner, Federal Institute for Access to Information and Data Protection, Mexico
	Prashant Sharma	Research Scholar, London School of Economics
	S. Vijayaraghavan	Information Commissioner, Bihar State, India

¹ The name of the group itself came up for discussion during these meetings. This may be seen as a working title for the group at the commencement of the meetings.

² This document has been drafted by Prashant Sharma. Please direct any comments to prashantx@gmail.com.

Introduction

The meeting began with a round of introductions, a review of the history of the group³, and an articulation of the expectations from the meetings.

The idea of creating a regional grouping or institution was first mooted during the regional workshop entitled 'Towards More Open and Transparent Governance in South Asia' held in Delhi on 27-29 April, 2010. An informal regional advisory committee on RTI began to take shape during the winter of 2010. The first formal meeting took place in Kathmandu, on the sidelines of the 'First National Convention on the RTI in Nepal', 28-29 March 2011. A comprehensive document on a possible work programme for the group was discussed at the meeting. Participants also briefed the group on the status of the RTI in their respective countries.

The expectations from these meetings in Patna included assessing whether there was interest in further developing the group towards its becoming a global group with regional sub-groups. Specifically, the agenda for the two meetings was:

- To discuss the creation of a global network of transparency practitioners and supporters;
- To discuss the possible role of regional and global support systems for strengthening RTI regimes in countries of South Asia;
- To discuss the promotion of transparency within multi-lateral and bi-lateral financial, and aid institutions; and
- To have a preliminary discussion on RTI issues and priorities in countries of South Asia and other countries represented at the meeting.

It was hoped that a better and more precise understanding of the nature and structure of the proposed group, as well as a setting of objectives would emerge out of the discussions.

Possible objectives of the group were proposed, which included:

- Developing a sense of regional as well as global identity on the RTI, building on the cultural and intellectual diversity present within the group;
- Exploring facets of transparency beyond the obvious implications on governance and corruption; and
- Working collectively and developing global support on concerns at the national level.

One possible perspective on the nature of the group suggested that it could be a 'frugal' one, building upon the advantages of a virtual office, with coordination responsibilities changing hands across regions over fixed time-intervals.

Discussions

Participants commented severally (also giving examples) on the advantages of global support mechanisms, particularly when there is resistance to enacting a law, or efforts to weaken it, or raising the bar in terms of implementation at the national level, or raising the profile of the issue, and of course in the context of mutual learning and knowledge sharing. RTI is a source

³ The words 'group' and 'network' have been used interchangeably in this document following their usage during the meetings.

of tension between the government and the citizenry, with the former constantly attempting to curtail this tool. In that sense, constant international pressure is a huge support to keep up the pressure at the national level. International activity and pressure also contributes immensely in advancing the issue continuously. However, this was not to be seen as a North to South conversation, but a poly-directional one – each country had much to learn from others, regardless of their ‘location’ in the global political order. This is particularly important in the context of changing global power dynamics and was a primary rationale for working concurrently towards a global group rather than just a South Asia regional group, as was initially envisaged.

Some participants however felt that an emphasis on national and regional support mechanisms was of greater importance than one at the global level, as concerns were more similar within the region. However, the positive role that international interlocutors could play in the context of national or regional processes was also highlighted. Other participants pointed out that perhaps ‘networking’ is important only once a law is in place, not prior to it. Extending this, it was also proposed that the group could develop a model law appropriate for ‘emerging economies’ as opposed to the current models that mostly reflected the priorities of the ‘developed’ economies.

A cautionary note was also raised where it was pointed out that several regional as well as global networks on the RTI already existed, with many of them developing across specific vertical themes, such as transparency in the extractive industries. However, it was recognised that most such groups had a specific and limited focus. Besides, clearly there was a need for more such groups for much still remained to be done.

Initiated by a talk by Mr. Wajahat Habibullah on his experience as a member of the Access to Information Appeals Board of the World Bank, a discussion ensued on the challenges in bringing in multilateral organisations and international financial institutions within the ambit of greater transparency and accountability mechanisms. Given the level of interest generated in the discussion, the group felt that revisiting this theme at an appropriate platform at a later date could be a way forward.

Structure / Procedure

Discussions also took place on the potential structures that the group could adopt. In the regional context, building upon the existing SAARC group was proposed. Other proposals included beginning the activities of the group in a semi-formal manner, and then formalising it further with the evolution of the group. There was also a suggestion that national governments should be involved in the group. At the same time, some participants also sought clarity on the nature of the participation of the members of the group. Would it be in their individual capacity, or as, for example, Information Commissioners, or representatives of organisations? This would have important implications on the nature of participation that might be possible.

Several participants commented upon the need for the network to be staffed and funded, failing which there would be a high possibility of it fizzling out. It was also pointed out that all successful networks need someone to drive it. In this context, Mr. Vikram Chand had previously pointed out that he envisaged the role of the World Bank to be that of a facilitator, and eventually bowing out from the network once it was up and running.

Second Meeting

3 March 2012

Lumbini Hall, Maurya Hotel, Patna

6 pm onwards

Chairs: Kevin Dunion and Vikram Chand

Present:

Farzand Ahmed	Information Commissioner, Bihar State, India
Shaheen Anam	Executive Director, Manusher Jonno Foundation, Bangladesh
Shamsul Bari	Founder Chairman, Research Initiatives, Bangladesh
Tom Blanton	Director, National Security Archive, George Washington University, USA
Richard Calland	Associate Professor in Public Law, University of Cape Town, South Africa
Taranath Dahal	Chairperson, Freedom Forum, Nepal
Shailesh Gandhi	Central Information Commissioner, India
Sadeka Halim	Information Commissioner, Bangladesh
Vinaya Kasajoo	Chief Information Commissioner, Nepal
Sangay Khandu	Member, National Council / Parliament of Bhutan
Julie Kinross	Information Commissioner, Queensland State, Australia
Mohamed Latheef	Former Adviser to the President on Human Rights, Democracy and Rule of Law, Maldives
Suzanne Legault	Information Commissioner, Canada
N.S. Napalchyal	Chief Information Commissioner, Uttarakhand State, India
Jaqueline Peschard	President Commissioner, Federal Institute for Access to Information and Data Protection, Mexico
Prashant Sharma	Research Scholar, London School of Economics
R.I. Singh	Chief Information Commissioner, Punjab State, India

Introduction

After introductions, the Chair proposed that all participants identify one or two national priorities for their countries which could potentially benefit from the activities of the group. It was reiterated that these priorities were being proposed by the individuals concerned and did not represent the views of any particular government, and neither had they been developed through any process of national level consultations.

National Priorities

Country	Priorities	Proposed by
Australia	Improving proactive disclosure, including through digital data; Increase the ability to influence the political and public sector culture	Julie Kinross

Bangladesh	Getting the general public more interested in the RTI	Shaheen Anam
	Developing norms and practices for the Information Commission to make it more citizen-friendly and proactive	Shamsul Bari
	Repealing rules and laws that are in conflict with the RTI Act; Sensitising politicians	Sadeka Halim
Bhutan	Sensitisation of people and government about the possibilities of the RTI	Sangay Khandu
Canada	Amend Canadian law to bring it on par with more progressive laws	Suzanne Legault
India	Making the bureaucracy across all levels more responsive; Preventing any dilution of the Act	Farzand Ahmed
	Digitisation of government records	Vikram Chand
	Bringing the private sector more directly under the transparency regime	Shailesh Gandhi and Prashant Sharma
	Record maintenance and digitisation; Training of PIOs and FAAs, activists, and rural applicants; Awareness generations	N.S. Napalchyal
	Developing the Right to Know as a value system	R.I. Singh
Maldives	Creating awareness amongst citizens as well as state in support of a change from 'subjecthood' to 'citizenship'	Mohamed Latheef
Mexico	Extending Access to Information (ATI) to all states and regions, as well as marginalised groups; Moving from ATI to government accountability; Improving proactive transparency	Jacqueline Peschard
Nepal	Strengthening the National Information Commission; Protecting the law from any dilution; Developing best cases through a strategic campaign; Campaign for proactive disclosure	Taranath Dahal
	Increasing demand side; Training of PIOs and First Appellate Authorities; Improving information management and proactive disclosure; Finding ways to penalise private bodies for non-compliance	Vinaya Kasajoo
Scotland	Extending the right to Public-Private-Partnerships; Safeguarding the right	Kevin Dunion
South Africa	Improving political will to support RTI; Establishing a determinative intermediary body	Richard Calland
USA	Learning lessons from other countries with special reference to Information Commissions, single point of access and imposing penalties for non-compliance	Tom Blanton

In addition to the discussion on national objectives, Shailesh Gandhi presented a paper prepared as part of the work programme identified in Nepal on “Norms for Information Commission.” A vigorous discussion followed with several Information Commissioners present putting forward their points of view.

Objectives

With the identification of national priorities, a discussion was held on the possible tasks that the group could undertake. It was noted that the group should not see itself as yet another one set up for the purpose of sharing information. It was also stated that the purpose of the group was not to break the silos of national level thinking only to create a regional silo. Therefore, bringing in a wider international perspective was important.

It was also strongly emphasised said that the group could not be seen as an ‘activist’ or adversarial group. Several participants had reservations in taking political positions on specific events in any given country, or lobbying with national governments, due to the limitations imposed by the positions they held, especially Information Commissioners.

In addition, members felt that they had tremendous constraints on their capacities - both in terms of time as well as resources. Members would be able to link up individuals or organisations with others, perhaps even carry out limited technical assistance, but would not, for example, be in a position to write detailed research papers.

Mr. Vikram Chand reiterated that the World Bank would be able to provide some initial funding for the group, but saw its role diminishing over the years, as the ownership lay with the group itself. Some members felt that the group may be more credible and effective if it functioned within the umbrella of a well-known international institution such as the World Bank.

Structure

In terms of structure, it was proposed that the group could see itself as a Think Tank, an experienced group of people which could periodically take up an issue that had relatively wide relevance, and come up with collective thinking on what might be good practice on that issue. This Think Tank would be a ‘coalition of the willing’ and one of its strengths would lie in its diversity within a compact size. It would need a facilitator who would set the ball rolling, while the group would contribute based on its expert knowledge and breadth of relationships. One proposal was to call the group “International Think Tank on the RTI”.

Outputs

One possible way to develop this could be that a facilitator would initiate a discussion within the Think Tank on a specific theme by drafting and circulating a paper on it. This would then be commented upon by the members who would draw on their considerable knowledge and experience. A final paper incorporating all the inputs from the members of the Think Tank would then be drafted and circulated widely at national, regional and global levels. Once several such papers have been authored, a volume could also be published. Such a volume (as well as its constituent papers) could serve as key resource material (for any purpose, including political ones should anyone choose to use it as such) for individuals and organisations working on the RTI.

Apart from such 'practical' usage, the collective knowledge brought into this exercise would provide important intellectual energy and direction to the movement for greater transparency and accountability, both through the choice of the themes being brought to the fore, as well as in the quality of the thinking that would inform the process.

Decisions

Through further discussions on the idea, the following decisions were taken at the meeting.

- The group sees itself as an international Think Tank on the RTI, leveraging its expertise and credibility to promote RTI within South Asia and linking up with other similar groups in other regions (e.g., Latin America, Africa, East Asia);
- The objective of the group will be to develop and promote cutting-edge thinking on issues related to the RTI specifically, and transparency and accountability more generally. In this sense, it would attempt to provide intellectual leadership to the as yet scattered global interest in the RTI;
- The geographical focus of the group would primarily be the SAR, but with international linkages;
- The group would contribute through its expert knowledge and wide range of relationships;
- Where possible, the group would support the national level priorities listed above;
- The participation of members would be in their individual capacity;
- The structure would be light, with Mr. Shekhar Singh as the Chair, and Mr. Prashant Sharma as the facilitator;
- Members from host countries of subsequent meetings would be Co-Chairs; and
- The World Bank would provide some initial funding and efforts would be made to raise more funds.

Work Programme

- Preparation of selected papers to promote RTI in the region - to be discussed at the next advisory group meeting in Dhaka;
- Sub-group meetings to be held in the region to facilitate the RTI process (e.g., Bhutan);
- Chair to present a discussion piece on the structure and strategy of the group based on the meetings in Patna; and
- Other issues as raised by the members of the group.