Conference on ‘Right to Information Legislation and Manifestoes of Political Parties’

February 27, 2013, Shelton’s Greens Hotel, Peshawar

# Conference Rationale:

With elections round the corner, Coalition on Right to Information (CRTI Steering Committee (SC) felt it was important to take stock of the political commitments and pledges pertaining to legislation on right of access to information. First ever pledge in this regard was made in Charter of Democracy (CoD) in which Pakistan Muslim League-N (PML-N) and Pakistan People’s Party (PPP) committed in writing that a right to information law will be enacted. In his first speech in National Assembly after being elected as Prime Minister of Pakistan on March 29, 2008 Mr. Yousaf Raza Gillani stated: “A new freedom of information law would be brought to promote press freedom while the Pakistan Electronic Media Regulatory Authority (PEMRA) would be made a subsidiary of the Information Ministry and its law changed”. Similarly, while addressing the joint session of the Parliament soon after becoming the President of Pakistan, Mr. Asif Ali Zardari stated: “We will soon be bringing other fundamental laws, such as the Freedom of Information Bill, and work with stakeholders towards an open atmosphere of self regulation with no interference from the state”.

At the same time, the analysis of political manifestoes of political parties by Institute for Research and Development Advocacy makes a very interesting study. The issue of legislating on right to information was not given serious consideration in the manifestoes of political parties. Coupled with the fact that no legislation at federal or provincial level had been carried out during the tenure of assemblies led CRTI to conclude that engagement with political parties was the need of the hour. It is in this backdrop that Coalition on Right to Information (CRTI) decided to hold conference on ‘Right to Information Legislation and Role of Political Parties’.

## Conference Objectives:

* Awareness about the role of political parties in promoting and protecting citizen’s right of access to information raised;
* Commitments by political parties to include legislation on right to information in party manifestoes;
* Lacunas in right to information laws in the field highlighted;

# Role of Political Parties in Promoting and Protecting Citizens right to Information Lacunas in Existing RTI Laws:

## Zahid Abdullah, Coordinator, Coalition on Right to Information

Zahid Abdullah, Program Manager Centre for Peace and Development Initiatives, (CPDI), shared with the participants that the only significant development regarding citizens’ right to information is the constitutional protection accorded to it through Article 19-A under 18th Amendment. However, national and provincial assemblies are required to enact laws in laying down procedure as to how citizens can exercise this right. Political dithering on this count can hardly be explained as realization of all basic human rights dependent on people’s ability to exercise this right. Be it right to education, right to healthcare facilities, right to clean drinking water, right to breathe in clean air, right to vote even as fundamental and inalienable right as right to life can only be exercised meaningfully and effectively if one has the ability to exercise right to information. Seen in this context it is mind-boggling as to why none of the major political parties, Pakistan People’s Party ((PPP), Pakistan Muslim League-Nawaz (PML-N), Awami National Party (ANP) and Motahida Qomi Movement (MQM )which have been in power for more than four years have not taken any meaningful steps to legislate on right to information. He shared that, of the four provinces, only Sindh and Balochistan have carried out legislation on right to information. However, their laws are exact replicas of largely ineffective Freedom of Information Ordinance 2002, promulgated by Gen. Musharraf which PPP and PML-N pledged to repeal in the Charter of Democracy (CoD) but have failed so far. During the tenure of present assemblies, PPP and MQM have been in coalition government in Sindh and PPP has been in power in Balochistan with the help of other political parties but these provinces have yet to enact an effective right to information law under which citizens can seek information about service delivery matters from public bodies. Similarly, PML-N has been in power in Punjab, a province housing over 100 million people and no right to information law. This situation is especially ironical given the fact that Chief Minister of the province has often made tall claims about good governance but his party has not legislated a law which goes a long way in ensuring transparent functioning of public bodies. In KP, if ANP had shown half of the resilience it showed in the case of changing the name of the province, residents of the province would have the right which UN Resolution 59(1) declared is ‘”touchstone of all the freedoms to which the UN is consecrated “.

The right to information legislation is considered anti-corruption tool and oxygen for democracy. Realizing the significance of citizens’ right to information in transparent functioning of public bodies, over 99 countries have enacted laws to provide citizens access to information held by government departments. In South Asia, Nepal, Bangladesh and India have carried out legislation to protect and promote citizens right to information. Indian Right to Information Act 2005 is regarded one of the best laws in the world. It came about only because Congress made a political commitment to legislate on right to information prior to elections. He concluded by saying that unless there is political ownership in the shape of concrete commitments in the manifestoes of political parties, effective legislation to protect and promote citizens right of access to information will remain a pipe dream.

## Aftab Alam, Executive Director, IRADA

Aftab Alam gave an overview of the right to information legislation in historical context. He shared with the participants that in 1990 Professor Khurshid Ahmed, Naib Amir of Jamaat-i-Islami, introduced a Private Members Bill in Senate. In 1990, a committee was formed, headed by late Malik Qasim to look into ways and means to tackle corruption. One of the recommendations of this committee was to enact right to information law. In 1996, as a federal law minister, Fakharuddin G. Ibrahim’s proposed draft right to information law. On 29th of January 1997 Freedom of Information Ordinance 1997 (by interim government) was promulgated but it lapsed after 90 days. He also shared with the participants that certain provisions of Local Government Ordinance 2001 also pertained to right to information. Another law on right to information came into being in the shape of Freedom of Information Ordinance, 2002. Right to information was given constitutional protection by inserting Article 19-A through 18th Amendment.

Aftab Alam also gave an overview of the political manifestoes of main political parties with regard to right to information. The political manifesto of PPPP incorporates freedom of information in freedom of press and expression and there is no separate mention of right to information in its manifesto. The manifesto of PML limits the right of access to information as the right of access to information is only provided to members of standing committees of parliament. In the manifesto of PML-N, there is commitment of improvement in FOI law. The manifesto of MQM only talks about transparency and there is no clear provision regarding legislation on right to information. Similarly, the political commitment of ANP is also restricted to association and freedom of speech. It is only the manifesto of PTI that talks about the enhanced access to information by reviewing the RTI laws.

## Mr. Zafar Ullah, President Youth Wing, Pakistan Tehreek-e-Insaf:

Mr. Zafar Ullah shared with the participants the salient features of the manifestoes of PTI. He said that PTI was the only party that had specifically mentioned in its manifesto that it will legislate on right to information when it came to power. He was also of the view that the issue of rampant corruption could be dealt with effectively with the help of right to information legislation. He also pledged that PTI will also try to engage other political parties so that the debate on right to information could get momentum.

## Ms. Zubeida Khatoon, Chairperson, Provincial Commission on Status of Women

Ms. Zubeida Khatoon shared with the participants that common people have been kept at distance by the bureaucracy and there has always been lack of participation of common people in the affairs of governance. She was of the view that it was owing to the fact that bureaucrats thought they were still living in the colonial era. They wanted to rule rather than serve the masses. She was of the view that we were a predominantly an oral society. If we want to engage in holding public bodies accountable, we will have to raise literacy levels. At the same time, we need to promote the culture of engaging with public bodies through writing and submitting our queries in writing.

# CRTI Peshawar Conference Declaration

*Following is the text of CRTI Peshawar Conference Declaration.*

We, the participants of conference on ‘Right to Information Legislation and Manifestoes of Political Parties’, held on February 27, 2013 in Peshawar, referring to Article 19-A of the Constitution of Islamic Republic of Pakistan, unanimously demand the following:

1. That all political parties registered with the Election Commission of Pakistan declare citizens’ right to information as a fundamental right in their manifestos.
2. That all political parties clearly spell out in their manifestoes methodologies to protect and promote citizens right to information.
3. That right to information law for Khyber Pakhtunkhwa is enacted on priority bases.
4. That the provincial right to information law will only be enacted after inputs by the Coalition on Right to Information (CRTI), media and other stakeholders through open consultations.
5. That political parties will include notings on the file and minutes of the meetings as public documents in the law to be enacted for Khyber Pakhtunkhwa.
6. That this right to information law to be enacted for Khyber Pakhtunkhwa will establish independent and autonomous Information Commission to ensure proactive disclosure of information by public bodies and authorities as well as provision of information to citizens when they demand it under the information law in cost effective and easy manner.