

## **SUBMISSION OF THE COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI)<sup>1</sup> TO THE COMMONWEALTH FINANCE MINISTER'S MEETING, AUGUST 2005**

### **Introduction**

CHRI once again welcomes the opportunity to engage with the Commonwealth Finance Ministers – this time at their 2005 Ministerial Meeting. We recognise the importance of finance and trade activities, both at national and international level – activities which greatly affect the people of the Commonwealth, particularly due to the increased economic interdependence between countries.

CHRI welcome the special focus of the 2005 Commonwealth Finance Minister's Meeting on Millennium Development Goals (MDGs) and urges the Ministers to focus primarily on the effective implementation of the MDGs. It is vital that the aid and development system should be situated within the framework of a rights based approach to development. In this context, CHRI particularly notes that MDGs reflect human rights norms. These human rights norms can be supported at the country level through a human rights assessment that checks MDG-based strategies for their national commitments to human rights principles.

CHRI takes this opportunity to remind Commonwealth Finance Ministers of the need when providing support for the MDGs (particularly in relation to Goal 8) to keep in mind the oft-cited criticisms that the quality of bilateral aid is often low because it is too often:

- Highly unpredictable;
- Targeted at technical assistance and emergency aid rather than investments, long-term capacity, and institutional support;
- Tied to contractors from donor countries;
- Driven by separate donor objectives rather than coordinated to support a national plan; and
- Overly directed to poorly governed countries for geopolitical reasons.

These are recurrent themes that have plagued development assistance for decades, but if the MDGs are to be seriously addressed, they must be tackled as a priority. It is vital that at this point of the development of the MDG strategy, lessons should be learnt from mistakes in what have taken place so far and much focus be placed on rectifying such errors to improve efficiency and effectiveness.

### **MDGs & the Right to Information**

The right to access information (RTI) gives practical meaning to the principles of participatory democracy to which the Commonwealth has been devoted for over thirty years. The Commonwealth has already repeatedly recognized that entrenching the right to information is essential to strengthening democracy and development, most recently at CHOGM 2003. In particular, the right to information is integral to the effective implementation and monitoring of MDG strategies. Ensuring access to government information will empower civil society – not only NGOs, but academics, the media and other key stakeholders – to access key data on progress towards the MDGs, which can then be used to encourage and assist governments to more effectively target support to priority sectors and constituencies.

More generally, it has been a worrying but constant criticism that many development activities in support of the MDGs are failing or lagging because of a lack of transparency and participation by the public. This is often because development loans and projects are developed between governments and International Finance Institutions (IFIs) or bilateral partners, with public participation in the identification and design of activities often an

---

<sup>1</sup> CHRI is an international, Commonwealth-accredited NGO committed to the *practical* realisation of human rights throughout the Commonwealth. CHRI has a mandate to promote awareness of, and adherence to, the Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, declarations made by the Commonwealth Heads of Governments and domestic instruments supporting human rights in the Commonwealth. More information: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

afterthought. It is essential that information on development activities is provided to the public at the earliest stage of the project cycle. It is not appropriate that documents are available to the public only after being finalised, at which point there is no opportunity for community input. Likewise, the fact that decision-making is often undertaken behind closed doors undermines public commitments from IFIs, bilateral donors and governments to transparency and accountability.

People have a right to know why decisions are being made, on what advice and by whom. Similarly, once projects and loans are approved, the public should be able to access ongoing implementation information. Otherwise there is little scope for independent monitoring of loans and projects to ensure money is being properly utilised. A cost effective mechanism for achieving all of the above is by realising the right to access information. This strengthens development outcomes by gaining stakeholder input and ownership of development activities.

There is much need for governments to be required to proactively release annual data on the achievement of the MDG targets. Additionally, the Commonwealth Secretariat must act as a role model of good practice in open governance and ensure that the public have access to relevant information on its own work in assisting members achieve the MDGs. This is best achieved by putting in place a clear policy on disclosure and proactively disseminating information.

### **Commonwealth Commitments to the Right to Information**

Providing access to information related to development activities and the MDGs provide an opportunity for Commonwealth Finance Ministers to give practical meaning to past Commonwealth commitments to realising people's right to information.

From the Singapore Declaration in 1971 to the Harare Declaration in 1991 and beyond, the Commonwealth has been consistent in its commitment to the promotion and protection of every Commonwealth citizen's "inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives".<sup>2</sup> The Commonwealth Freedom of Information Principles, adopted by the Commonwealth Law Ministers in 1999, recognise the right to access information as a human right whose "benefits include the facilitation of public participation in public affairs, enhancing the accountability of government, providing a powerful aid in the fight against corruption as well as being a key livelihood and development issue."<sup>3</sup>

The Commonwealth Law Ministers encouraged the Commonwealth Secretariat to actively promote these principles, which the Commonwealth Heads of Government approved in November 1999.<sup>4</sup> To this end, the Secretariat has designed a Model Law on Freedom of Information to serve as a guide to law-making.<sup>5</sup> The Commonwealth reaffirmed its commitment to the right to information at the last CHOGM, where the Heads specifically agreed that: "Among the objectives we seek to promote are...the right to information"<sup>6</sup>.

### **Recommendations**

CHRI urges the Finance Ministers to publicly recognise the importance of the right to information as a way of ensuring more efficient and transparent processes for achieving MDGs. CHRI recommends strong right to information legislation and effective implementation of such legislation. Additionally, CHRI recommends requiring governments to proactively release annual data on the achievement of the MDG targets.

CHRI also invites the Commonwealth agencies, particularly the Commonwealth Secretariat, to put in place a clear disclosure policy and proactively disseminate information such as that

---

<sup>2</sup> CHOGM (1991), *Commonwealth Harare Declaration*

<sup>3</sup> Communiqué issued by the Commonwealth Law Ministers, Trinidad and Tobago, May 1999, para. 21.

<sup>4</sup> The Durban Communiqué, Commonwealth Heads of Government Meeting, Durban, 15 November 1999, para. 57.

<sup>5</sup> Freedom of Information Act [ ], Commonwealth Secretariat Doc. LMM(02)6, Annex, September 2002.

<sup>6</sup> CHOGM (2003) Aso Rock Declaration on Development and Democracy: Partnership for Peace and Prosperity, para 7.

related to assisting members achieve the MDGs. Such a policy would enable the Commonwealth Secretariat to lead by example in the practice of open governance.

CHRI recommends the Finance Ministers to implement the recommendation in the October 2003 Commonwealth Group of Experts report, "Making democracy work for pro-poor development", that donors prioritise aid to the countries identified in the 2003 UNDP Human Development report as needing special assistance to meet the MDGs ("top priority countries").

CHRI also supports recommendations regarding the importance of governments working with civil society to create a policy development, implementation and monitoring environment that facilitates and, ideally, systematically promotes and incorporates Civil Society Organisation (CSO) participation. CHRI believes that CSOs need to be formally recognised by national government, as well as intergovernmental organisations and the IFIs, as partners in the push to achieve the MDGs. Currently, civil society is too often engaged in MDG activities on an ad hoc basis. CHRI urges that systematic engagement should be prioritized, so that CSOs can help design national strategies, defend human rights and monitor government in the fight against corruption and misrule.