

Access To Information Key As Region Marks 'Day Of Democracy'

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September 15, 2008 is the first United Nations International Day of Democracy. It is an opportunity for Pacific countries to reconfirm their commitment to the principles of people's participation, accountability, and transparency in government decision-making processes.

It is significant that the first ever Day of Democracy is being celebrated in the same year that commemorates the 60th anniversary of the Universal Declaration of Human Rights (UDHR), a unique international statement affirming the fundamental worth, dignity and equality of every human person.



The ideals of democracy and human rights are very closely intertwined. Both stem from the fundamental belief in the equality of all people who therefore have the right to make an equal contribution to their own governance and be equally protected under the law.

The Harare Declaration of 1991 recognized this when Commonwealth countries, of whom 12 were Pacific Islands, stated their belief in “the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, color, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.”

Almost all Pacific Island countries have a Bill of Rights included in their national Constitutions protecting a range of the human rights that the UDHR enshrined six decades ago.

Nevertheless, countries in the Pacific have sometimes struggled with transforming the theoretical concepts of human rights and democracy into practical realities for their people. Although the UN insists that “there is no single model of democracy...democracy does not belong to any country or region,” the democratic emphasis on equal rights and egalitarian decision making is sometimes argued to be at odds with traditional Pacific leadership systems which place high value on the achievement of consensus and on chiefly authority.

Yet, it is important to remember that many Pacific Islands have made commitments to human rights and democracy as signatories of international and regional agreements such as the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), the International Convention on the Rights of the Child (CRC) and the Pacific Plan. The agendas of civil society organisations throughout the Pacific also strongly endorse the idea that people want to have their human rights protected in a way that takes into account the uniqueness of the Pacific culture, and to be able to take an active role in the governance of their countries.

So what practical steps can Pacific Island governments take to ensure that human rights and democracy are not just meaningless words being thrown around in the international arena, but tangible, achievable realities that will truly benefit their people's quality of life?

One of the first steps a government can take towards realizing this goal is the enactment of an Access to Information (ATI) law. Access to information is a basic human right protected in Article 19 of the UDHR and subsequently in many binding international treaties such as the CRC and CEDAW. Access to information is a foundational human right as without its protection, it is almost impossible for people to fully exercise their other rights and freedoms.

When people are able to access timely, accurate information about their government's policy-making processes and resource allocation, they are empowered to scrutinize the rationale and impact of these policies and suggest alternatives more effectively suited to their needs. Countless examples from around the world illustrate how information laws have enabled people to increase the accessibility of basic social and economic entitlements such as food, healthcare and education.

Access to information also protects the civil and political rights that are essential to a consultative democracy, such as the right to vote.

Take election time for example. The foundation of the democratic tradition rests on the premise of an informed citizenry able to thoughtfully vote for political candidates on the strength of their history in public service. Without access to basic information about a candidate's past performance, there can be a tendency for people to cast votes on the basis of potentially divisive affiliations such as ethnicity, gender, religion, or caste.

Beyond election time, access to information laws bolsters transparency and accountability, ensuring that the community is to keep a check on corruption by opening up official budgets to public inspection.

Over 70 countries worldwide have enacted RTI laws, including New Zealand and Australia and more recently, the Cook Islands. The Constitutions of the Federated States of Micronesia, Fiji, Kiribati, Solomon Islands and Tuvalu all recognize the people's right to seek and receive information as part of the right to freedom of expression. The Papua New Guinea Constitution goes further, explicitly recognizing the people's right to access official documents. Fiji's Constitution requires Parliament to pass a law protecting the people's right to information, but in over 10 years this provision has not been implemented.\

In February 2008, the Cook Islands set an important precedent for the Pacific, becoming the first Pacific Island country to enact an access to information law. Following a 12-month implementation period, the Official Information Act will come into full force in February 2009. It is hoped that the example set by Cook Islands will encourage other Pacific Islands countries to follow suit and develop their own information laws, uniquely tailored to meet the needs of their people.