FIRST NATIONAL CONVENTION ON RIGHT TO INFORMATION

28-29 MARCH, KATHMANDU

KATHMANDU DECLARATION

We, the participants of the First National Convention on Right to Information (RTI) held in Kathmandu on March 28-29, which was attended by social activists, civil society members, journalists, media professionals, lawmakers, political activists, development professionals, legal practitioners, senior government officials, educationists as well as Right to Information advisors from all South Asian nations, hereby adopt the following resolutions as 'Kathmandu Declaration' on enabling environment for effective practice and mainstreaming of Right to Information in Nepal:

Recalling Article 19 of the Universal Declaration of Human Rights (UDHR) as well as that of the International Covenant on Civil and Political Rights (ICCPR), which state: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;"

Considering also the Universal Declaration on Democracy (UDD-Clause 21) which says "Democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media and regardless of frontiers;

Noting that the Millennium Development Goals (MDG) as well as the Paris Declaration highlight good governance as being central to development and the eradication of poverty, and acknowledging that press freedom and the right to know are essential to promoting democracy and ensuring respect for all human rights and fundamental freedoms:

Affirming solidarity to the Brisbane Declaration (3rd May 2010) that reaffirms the Right to Information as an integral part of the right to freedom of expression, and both of these as fundamental underpinnings of democracy and all other rights and freedoms:

Acknowledging the Right to Information as the right of everyone to access information held by public bodies at all levels--local, national as well as international in principle;

Emphasizing that the Right to Information is critical for informed decision-making, broader social inclusion, fair monitoring of public actions, enhancing transparency and accountability, and checking corruption;

Convinced through deliberations, and also through the sharing of regional experiences of experts, that the Right to Information is instrumental in ensuring public empowerment,

and strengthening civic trust, promoting social equity as well as equality, irrespective of caste, creed, gender or other differences;

Acknowledging that improved access to information also contributes to strengthening markets, increasing investment, reducing financial vulnerability and enhancing the effectiveness of development aid;

Recognizing the potential of information and communication technologies (ICTs), when accessible to all, to facilitate full realization of the Right to Information for all people, including women, marginalized, excluded and victimized peoples;

Welcoming the growing international recognition of the right to information, as reflected in international statements, conventions and jurisprudence, as well as in the significant recent trends to adopt right to information laws at the national level;

Convinced that Right to Information legislations in a country must also be backed with appropriate pragmatic tools to ensure their implementation in practice;

Honoring the efforts of all who have worked to promote and acknowledge RTI as part of fundamental human rights the world over, and journalists and media personnel who contribute to denouncing and standing up against the acts of harassments, intimidation and threats to information seekers and providers, in any part of the nation and elsewhere in the world;

Acknowledging the Delhi Declaration of April 2010 wherein a South Asian regional gathering on RTI set a number of agendas as Nepal's immediate priorities including "ensuring RTI as fundamental right in upcoming Constitution, empowering National Information Commission, making arrangement of nodal agency in the Executive, reforming RTI regulations and promoting collaboration among Government, civil society and the media";

Convinced that effective practices and mainstreaming of Right to Information is one of the most ideal ways towards realizing much of the people's collective dream or aspiration associated with the peace process, democratic political transition, overall societal transformation and fairness, and effective state restructuring to deliver the feel of "New Nepal," promoting openness and transparency in society;

And, encouraged and assured by the unprecedented words of commitment and assurance from Rt. Hon'ble President who graciously inaugurated this august gathering yesterday and Hon'ble Chairperson of the Constituent Assembly (CA), Subas Nemwang;

<u>We hereby recommend the following Actions</u> to be undertaken urgently in order to create an Enabling Environment for Effective Practice of Right to Information in Nepal:

To Government

- Immediately form a central nodal agency to ensure smooth implementation of RTI legislations, with the power to extend branches as required nationwide.
- Develop an effective record management and archiving system to ensure that information is easily accessible, irrespective of time concerned.
- Ensure appointments of Information Officers in all offices, both at local and central levels, and that all government officials and government-funded project employees comply with RTI legislations.
- Develop and upgrade the internal communication mechanism in public agencies by harnessing modern information technologies (ICT), and also develop a concise short-term, medium-term and long-term action plans to make ICT accessible to all sections of society so that it improves people's access to information.
- Hold local body elections at the earliest in order to ensure that democratically elected government is functional at local levels opening up avenues for local development, better public services, corruption control, people's participation in governance and formulating local budget.
- Provide frequent trainings and refresher courses and exposures to officials on the issues of Right to Information, orienting them towards the principles and practices of RTI.
- Take bold initiative towards reforming administration and bureaucracy as a whole Internalize the right to information as an effective tool towards reforming the
- Limit the type or scope of non-disclosable (RTI exempted) information to a minimal degree.
- Provision on the classification of information should be scrapped and classification should not go beyond the spirit of the 'exception' allowed by Constitution or law.
- Help ensure autonomy in the functioning of the National Information Commission particularly with regard to budgetary allocation and appointment of employees.
 Independence of the Oversight Body, National Information Commission should be ensured by due legal arrangement.
- Put system in place for maintaining a record of the applications made for information and information provided and not-provided on request.

To National Information Commission (NIC)

- Come out with a more vigorous and proactive action plan to promote and protect RTI,
- Ensure work efficiency and quick delivery of justice in cases of appeals, complaints, grievances and requests;
- Archive records of the decisions arrived at through RTI appeals across the nation and inform public bodies on the general trends of information sought, so that it will help public bodies to better manage their information.
- Liaise with government and judicial/sub-judicial bodies and Commissions to ensure better RTI practice as well as the safety and security of the information seekers/ RTI activists.
- Monitor the status of and issue directives for periodical disclosure made by public agencies;
- Recognize the use of digital technology in receiving appeals.
- Accord appropriate preferential treatment to appeals coming from remote areas and those filed by backward, marginalized or victimized people.

To Civil Society/NGOs

- Build strong, independent and credible alliances and networks to steer the process of RTI mainstreaming
- Engage in awareness, advocacy, and education on RTI and exert pressure on concerned agencies to get RTI legislations implemented in meaningful measures.
- Capacity building of all stakeholders and use of existing networks to spread information.
- Organize "Door-to-Door" information campaigns at the grassroots
- Set up RTI Help Desks and information centers/digital libraries in "wet agencies" i.e. customs, land revenue, transport department, utility service providers as well as other places wherever possible.
- Take initiatives to monitor and undertake a mapping of RTI Actions across Nepal

- Conduct a Survey on Status of RTI Use and System Test in order to garner data/evidence to focus out efforts to facilitate the use of RTI and design future initiatives.
- Incorporate RTI as a cross-cutting development issue in every intervention by the Civil Society Organizations (CSOs)
- Conduct a Piloting of RTI exercise in Local Bodies:
- Promote social audit, public hearing and citizen score cards at all public agencies

To Parliament /Constituent Assembly

- Position RTI strongly in New Constitution (retain it as fundamental right of people as well as make it subject to RTI law.)
- Ensure RTI Act's overriding strength, by amending all Acts that contravene with RTI Act so that RTI Act supersedes all other Acts.
- Include the phrase "Free Flow of Information" in the preamble of the new constitution.
- Exception of right to information should be managed by constitution itself. Right to Information should be guaranteed to individuals, not to Citizens only.
- Right to Information Should be guaranteed at all tiers of federal structure.

To Media

- As a key promoter of RTI in Nepal, media sector should keep up campaigns to further the issue of RTI through their outlets
- Promote RTI friendly coverage and enable community journalism
- Inculcate the advantage and importance of RTI to readers/audience
- Encourage in-depth coverage by use of RTI Act
- Highlight RTI success stories

To Universities/Academic Institutions

- Include RTI as a multidisciplinary branch of study in academic curriculums.
- Conduct academic research works on RTI.

 Equip libraries/ learning centers with sufficient reading /audio-visual materials on RTI

To Political Parties

- Political parties as the change agent should come up with campaign to make the right to information as their prime agenda of overall process of democratization, focusing on the issues of social, political transformation, empowerment, inclusion and poverty alleviation.
- Maintain internal book-keeping, auditing and disclosing the sources of income and expenditure details publicly.
- Ensure internal election processes and its transparency for choosing party leaders, portfolio and respective committee members.
- Develop an information management system with the provision of information officer
- Shift from 'culture of secrecy' to 'greater openness', reinforcing commitment through tangible actions.

Lastly, the convention also mandates formulating an action monitoring and steering committee represented by diverse sectors to follow up and exert pressure on the concerned stakeholders to ensure that the recommendations made by this convention are translated into practice. It is mandated to put secretariat office at Freedom Forum to put these efforts forward.

March 29, 2011

Kathmandu