



H.E. Mr Carsten Staur
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H.E. Mr Paul Badji
Permanent Representative of the Republic of Senegal to the United Nations
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10 August 2010

Dear Ambassadors Staur and Badji,

We welcome the open and participatory approach taken by the UN and national governments in developing the 2010 summit Outcome Document, the June hearings in New York, and the public release of the draft zero and subsequent drafts. We believe that this approach will greatly assist in strengthening the legitimacy of the process and in achieving its outcomes: the realisation of the Millennium Development Goals (MDGs) by 2015.

The Outcome Document represents an important milestone in global efforts to realise the MDGs. As civil society organisations involved in development and human rights work in countries around the globe, we welcome the references in the 28 July draft to transparency, good governance and anti-corruption.

However, we believe that these references can and should be strengthened in order to foster meaningful improvements in national or international practices in the fight against poverty.

We are writing to call on your support to ensure that transparency and the free flow of information are well integrated in the final version of the Outcome Document. In particular, we believe that for there to be real progress in the achievement of the MDGs, the Outcome Document should reflect and include the following:

1. There should be a clear and unequivocal **commitment on the part of the international community to access to information and transparency** as essential to the achievement of the MDGs, in the spirit of the Millennium Declaration. It should acknowledge the human rights of individuals to obtain information and to effectively participate in the political processes leading to development of policy at the international, national and local levels in all of the MDG areas. The linkages between good governance, the rule of law, transparency and access to information should be clearly spelled out in a specific paragraph.
2. There should be an additional clear reference specifically requiring donor and recipient countries to provide **timely, credible, disaggregated information on public resources expended on achieving the MDG goals**. This requirement is

necessary as an early indicator of whether governments are translating their commitments into investments, as well as a precondition for the public and international community to hold governments accountable for the use of public resources towards the MDG goals. To meet this requirement, it will be necessary to adapt the current annual reporting mechanisms to include budget and financial information.

3. Paragraph 19 should acknowledge the importance of building upon and strengthening existing **access to information laws and other transparency measures** adopted by governments and international financial institutions.
4. Paragraph 23 should acknowledge the **digital divide and other global disparities in accessing information**, including information on the MDGs themselves, which impede the effective monitoring of their implementation. It should also emphasise the need to create equitable and universal access to information for marginalised and vulnerable groups.
5. Paragraph 46 should emphasise that the **UN Convention against Corruption** be effectively implemented by those states that have ratified it. Accordingly, such states should adopt effective rules on transparency and access to information and support a transparent, inclusive and effective monitoring process for the Convention. This section should also include a recommendation that all countries with extractive industries should sign up to and comply with the Extractive Industries Transparency Initiative (EITI).
6. Paragraph 56 should call on countries to adopt effective measures to make all **aid information** available and accessible. Donors should ensure this information on aid policies, documents, performance and financial flows is comprehensive, timely and comparable. The paragraph should urge all donor countries to join the International Aid Transparency Initiative (IATI).
7. In relation to a “Sustainable environment”, the document should urge states to adopt and implement the UNEP Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters. In addition, states should be urged to **ratify and implement, or adopt as a set of best standards**, the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

We thank you for this opportunity and offer our further assistance and commitment to the full achievement of the MDGs.

Yours sincerely,

ARTICLE 19

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FACT SHEET

TRANSPARENCY, THE FREE FLOW OF INFORMATION AND THE MDGS

Development and the fight against poverty are largely dependent on the growth of an informed citizenry demanding public services and holding their leaders to account. Access to information promotes better governance, reduces corruption and facilitates citizen participation in development programs. Increased transparency in the allocation of aid and spending of money enables an informed citizenry to hold decision-makers to account, reducing corruption and inefficiency, and promoting better governance and wider participation. Civil Society Organisations (CSOs) play a major role in this process.

As emphasised by the March 2010 report, *Keeping the promise: a forward-looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015*, the failure to achieve the Millennium Development Goals (MDGs) so far is not because they are unreachable, or because time is too short, but because of unmet commitments, inadequate resources, and, crucially, a lack of focus and accountability. As noted by the UNDP in its report 'The path to achieving the Millennium Development Goals: A synthesis of evidence from around the world', the lack of access to information and transparency is seriously hindering progress in many countries. That review states:

In many countries, the mechanisms to hold institutions accountable for their own responsiveness and effectiveness are missing, particularly in relation to transparency. Policies and goals that are understood and known outside the institution, as well as the means to evaluate clearly an institution's progress toward those goals, are strong tools for achieving results. (p 52)

The 2000 Millennium Declaration committed the signatories to: "ensure the freedom of the media to perform their essential role and the right of the public to have access to information." (p 25) The Declaration also noted: "Success in meeting these objectives depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems." (p 13)

In the time since the Declaration was adopted, there has been substantial international recognition of the importance of transparency and access to information in promoting development. For instance, the UN Committee on Economic, Social and Cultural Rights has strongly emphasised the importance of access to information in relation to the rights to water, food, education, health, gender equality, intellectual property, work, non-discrimination and social security.

The Paris Declaration and particularly the more recent Accra Agenda for Action set aid transparency as a "major priority" and called for donors and recipient countries to publish details on aid flows and expenditures. Eighteen donors signed up to the International Aid Transparency Initiative (IATI). The Accra Agenda for Action also stresses the role of CSOs as important development actors in their own right. This means they should be transparent, and able to operate in an enabling environment, where they can initiate, collaborate and monitor anti-poverty measures, policies and programmes.

The 1992 Rio Summit adopted access to information and public participation as one of its key principles and the UN Environmental Program has recently approved guidelines on access to information and public participation to encourage all countries to incorporate them into national law.

The Atlanta Declaration and Plan of Action for the Advancement of the Right of Access to Information, which was supported by 125 leaders from 40 countries, states that “Passage and implementation of access to information laws should be prioritised as essential to reporting on progress toward and achievement of the Millennium Development Goals.”

At the national level, over 90 countries have adopted comprehensive national policies on access to information which provide individuals with substantive rights to demand information from government bodies. In many key MDG countries such as China, India, and South Africa, these rights are routinely used by individuals to enforce their social and economic rights to food, water, a clean environment and public support.