

Freedom of Information Act consultation

BOND submission, March 2007

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1. Introduction

“Good governance requires...accountability – the ability of citizens, civil society and the private sector to scrutinise public institutions and governments and hold them to account.”

- Department for International Development White Paper, ‘Eliminating World Poverty’, June 2006

BOND (British Overseas NGOs for Development) is the United Kingdom's broadest network of voluntary organisations working in international development. BOND was founded in June 1993, on the initiative of 61 NGOs, and now has over 300 members. It is officially recognised by the UK Government's Department for International Development (DFID).

BOND has not prepared a submission in line with the specific questions outlined in the government's consultation document. We concur with NCVO that these questions are too narrow, and the status of the consultation unclear. As such, we do not believe that the consultation is Compact compliant.

The UK government has put the values of transparency and accountability at the heart of its international development policy. We agree that governments need to be open, and that a strong civil society movement is necessary to hold them to account. We also believe that the UK government should lead by example, by upholding these principles in its own conduct.

General recommendations

In BOND's view, the proposals to include consideration and consultation time when quantifying the cost of a request, and to aggregate the requests made by any individual actor, will act against the public benefit. BOND fully supports the analysis of the Campaign for Freedom of Information, as set out in its letter of 24th November 2006 to Baroness Ashton, and its submission under the current consultation.

In this submission, we do not discuss the proposed changes in detail, as they are discussed in the aforementioned documents from the Campaign for Freedom of Information. Instead, we reinforce the significance of the FOI Act for international development NGOs, and the likely impact of the proposed changes in terms of reducing this significance.

BOND believes that the current proposals will significantly curtail the ability of civil society and the media to hold the government and public authorities to account in three areas of concern to BOND's members and to their beneficiaries in developing countries.

1. The impact of government policy on developing countries.
2. The effective spending of aid money.
3. Regulation of the UK NGO sector.

The impact of government policy on developing countries.

As the breadth of support for the Make Poverty History campaign showed, the British public wants to see the government held to account for its foreign and trade policy toward developing countries. FOI requests made or used by BOND members have been used for this purpose, including:

- A disclosure by the Rural Payments Agency regarding £300 million of subsidies under the Common Agricultural Policy, which Oxfam (all NGOs mentioned are BOND members) concluded showed that, “the majority of these payments were export subsidies, which enabled Tate & Lyle [for example] to dump excess sugar on world markets, undermining poor farmers overseas.”
- A disclosure to Christian Aid by the Department for International Development (DFID) of its estimates of the cost of Israeli military actions. According to Christian Aid, “The cost of damage to infrastructure paid for by British and European tax payers by the Israeli military in the Gaza Strip and the West Bank has been put at more than £16 million.”
- A disclosure by the Foreign & Commonwealth Office regarding British policy in Israel and the Palestinian territories, in response to a request made by War on Want and others. War on Want concluded that it, “strongly suggests that British action to uphold international human rights in the region is sadly lacking.” Many BOND members are working to alleviate poverty and uphold human rights in the Palestinian territories.

These are all complex, sensitive requests that would have required a significant amount of time for consideration and consultation, such that they may well have been rejected under the proposed regulations. They all provide pieces of information that are of significant public interest.

The effective spending of aid money.

Make Poverty History also showed the public support for “more and better aid”, and UK civil society has worked hard since 2005 to put this mandate into practice by holding DfID to account on how its budget is spent. The Freedom of Information Act has been instrumental in this process, for example:

- The World Development Movement used an FOI request to show that DFID, “has channelled over £30 million of its aid through an institution designed to pay consultants to push privatisation in poor countries.”
- BOND made a request for “Ministerial correspondence and other official documentation on EU security and development policy,” which DFID told us would take some time to consider as it, “raises complex public interest considerations.”
- The DFID website lists a diverse range of FOI disclosures that it considers to be ‘of wider public interest’, and which pertain to, inter alia, how DFID’s budget is spent and the involvement of private lobbyists in DFID’s policy-setting.

Again, while the public interest in each of these requests is clear, we are concerned that their significance and sensitivity necessitates a substantial amount of consideration and consultation, which would likely lead to them being rejected.

Regulation of the UK NGO sector.

Government is seeking to hold the UK NGO sector more accountable, through the Charities Act and a strengthened role for the Charities Commission. Yet the Charity Commission is only weakly accountable to parliament, and in other cases charities have been subject to draconian anti-terrorist measures with little justification. BOND expects the FOI Act to become increasingly important in maintaining public confidence in the neutrality and proportionality of public bodies in this area.

- BOND made an FOI request when it was concerned that the Government had not heeded its concerns about the inclusion of one of BOND’s members, Interpal, on the US Anti-Terrorist Special Designation list without explanation or disclosure of evidence. In a situation where transparency was severely lacking, the request was important to ensure our confidence in the objectivity of UK policy.

Concluding remarks

The FOI Act as it currently stands is an important tool for accountability and transparency, themselves essential components of good governance. It shows the UK government leading by example, practising what it preaches to others in its development policy. The Act also plays a significant role in allowing civil society to hold the government to account in matters of international development.

The proposed changes will dilute the Act, undermining its effectiveness and therefore the transparency and accountability of the UK government. It will curtail the ability of the UK’s thriving civil society to hold it to account for its actions towards developing countries, despite a strong public mandate for us to do just that. Perhaps worst of all, it will necessitate the adoption of a “do as I say, not as I do” policy in matters of good governance and developing countries.