

**Remarks by AccountAbility's President, Anwar Ibrahim,
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Building Trust through Transparent Governance and Access to Information

It is said that democracies rely on trust or else we would be better off with dictatorships. Trust fulfils the innate desire to be assured that those voted into power will serve the people and if they fail to do so, there will be recourse to correct this. Ideally at least, trust is wholly dependent on virtue depends and here I am reminded of Cicero's advice that the existence of virtue depends entirely on its use and its noblest use is the government of the state. If that is the case, then I am afraid this might be a tall order for any government to fulfill. Which is why I believe our deliberations today on governance are timely and realistic because even where virtue eludes us, transparency and access to information are within reach.

So perhaps we should recast our mindset and follow the advice of the countess of Rossillion to "love all but trust only a few", that is, as far as governments and the powers that be are concerned. From experience we know that they are adept at "winning us with honest trifles only to betray us in deepest consequence."¹

We can't think of a situation where truly democratic governments can get the people's support without having first got the trust, and if indeed governments do get such support – without the trust, or having got it, they later betray that trust – they are not democracies in the true sense, be they old or new!

¹ These are not verbatim quotes but patched from Shakespeare's *All's Well That Ends Well* and *Macbeth*, too well known to need attribution.

Though accountability obligates politicians and public officials to build trust with the citizens they serve, faith in government cannot possibly spring up overnight. In the case of governments rampaged by years of corrupt rule and abuse of power it would certainly take time to build the trust foundation. This is where we need to underline the inseparable linkage between corruption and trust. In our discourse on building trust through transparent governance and access to information, we can't run away from this all-encompassing problem.

To my mind, we need not venture into the academic exposition of corruption and the different forms that it can take. But regardless of whether we are talking about “grand corruption” or widespread systemic corruption, we do need to remind ourselves that corruption is certainly not the privilege of dictatorships and despotic regimes alone. The only difference I think here is that unlike dictatorships, democracies have a built-in system of public accountability for actions taken, decisions made and for the overall governance of the state. There is a choice for redress. Whether or not we take it is, I believe, the crux of the matter. But accountability will remain a theoretical construct unless there is transparency in the governmental process and if this is not forthcoming as a proactive mechanism then some other means must be made available to bring about that transparency –and that is access to information.

Transparency and Freedom of Information laws.

Perhaps at this point, it may be helpful to once again remind those in power that freedom of information is part and parcel of our fundamental freedoms. Freedom of expression means freedom from control, interference or censorship by the government or its agents, either through direct or indirect means. To say that freedom cannot be absolute and that it is relative to the state of the nation is to raise the bogey of petty despots and aspiring autocrats alike and there are plenty of them in our democracies. Liberty and accountability are two sides of the same coin. We need not be reminded that a free society will not function unless its members accept the consequences of their action.

Freedom also implies the freedom to speak the truth and not to spread falsehood or corrupt public morals – this I believe is the strongest argument against those who persist in putting up stumbling blocks to access to information.

If our demands for freedom of information are framed within the context above then I am convinced that transparency and open government is to accountability what fresh air and sunshine is to life. It is obvious that access to information is essential to enable citizens to challenge governmental actions and to seek redress for official misconduct. Access to information also deters official misconduct by reminding public officials of their accountability. But even though it is self evident that freedom of information laws will secure open government by fiat, the question remains as to why many democracies still hide behind impenetrable walls within such dark and bureaucratic labyrinths as to make Kafka's castle shine like a beacon in a lighthouse.

Transparency in governance ought to be a birth right but history shows that politicians in power and public officials are fixated on secrecy. If they can defend the constitutionality of their actions, why need they hide behind secrecy laws? Transparency in governance means that politicians and public officials ought to be forthcoming in making full disclosures. We may be expecting too much from the state considering their bad history, but all is not lost if we have democracies which are founded on the fundamental principle of separation of powers. This is what is meant when we say that when moral suasion fails, accountability must warrant the force of law and accord the citizenry the power to compel disclosure of government actions. Even if the legislature is controlled by the executive there is still hope for transparency if, and only if, there remains an independent judiciary. As government is power, democratic accountability demands full transparency of their activities through the avenues of a truly independent organ of state. And it is the judiciary, corrupt and beholden to the executive, which has been complicit in allowing this to happen.

Judicial review and institutional integrity

Judicial review enables any person whose rights are being violated by government action to obtain redress through the courts. Judicial review must count as the piece de resistance in accountability's arsenal, to vaporize bureaucratic caesarism and to secure institutional integrity of all public office. Speaking from experience however I would say that only sounds good on paper. It still depends on what kind of democracy you're coming from.

Be that as it may, we know that power corrupts and the business of government carries with it the seeds of corruption. At the heart of the problem is the lack of political will to inculcate a culture of accountability. That has been my view for some time but on hindsight I think that is putting it a bit too mildly. Rather than a lack of political will, what we see is a conscious and insidious attempt at denying or preventing access to accountability. This is the situation where the political elite overtly subvert the accountability process by simply ignoring the problem or actively misinforming the people of the real issues at hand. When you think of the absolute control of the media that certain governments have, then you can see why this is no exaggeration. Again, in such a scenario, it would be a contraction in terms to refer to them as democracies. And we know that so called old democracies are not as yet free of this kind of corruption.

In our discourse we should also disabuse ourselves of the notion that there is a one-size-fits-all concept of 'good governance', which is usually the extension of western conceptions of free markets and competition between elites. Having free markets is not the panacea for societal evils. But freedom is not just free markets. This is where I would like to digress a little to speak about the relationship between development and political freedom. We would like to ride piggy back on the thesis of Development as Freedom by advocating the concept of 'development as accountability', that is to say that accountability plays an instrumental role in the process of development. Accountability is therefore not just an incidental periphery but the very essence of it. Without it, development will fail.

In a society capable of real development, freedom plays a key role in unlocking the productive capacities of people and of markets. We believe that the greatest impediment

to man's ability to be active agents in this process is the exercise of power without accountability. But the instrumental role of accountability in this regards, if indeed recognized, is still largely misconceived. As a result, steps taken to increase accountability remain on the whole inadequate and fail to deliver positive outcomes.

The corporate sector staggers between exemplary cases of artful responsibility, whilst maintaining an almost helpless destructiveness of communities and the planet in the face of competitive pressures and the compulsion to maximize shareholder value. When we look to our leaders for guidance we find our moral reference points have been shattered by the failed integrity of both our global development institutions and the political and economic opportunism of once-moral crusaders.

Our greatest failures are enacted *within* the law because our institutions are no longer fit for purpose, responding to outdated and often toxic forms of accountability. Globally, instead of visionary leadership translated into practice, we see horse-trading between nations, the worst forms of economic nationalism and domestic pork-barrel politics. We need global institutions to convene, facilitate and mediate between diverse contexts, concerns and needs. But without vision and leadership they will remain roadways to nowhere. We would like to frame some possible solutions to the overarching challenge of achieving real accountability.

Accountability concerns the civilizing of power, and effective accountability delivers the conditions that unlock people's potential and our ability to invent, to steward and to sustain ourselves into the future. From this perspective, accountable development does not mean more layers of compliance-based systems to ensure that money is accounted for, or to feed philanthropists' craving for instant results. Indeed, this one-way orientation is fast becoming part of the problem: accumulating power, dispersing responsibility, dampening innovation and disempowering collaboration. International development assistance has failed us for five decades, conclusively. More of the same will equally fail us. We can account for it, making sure it is forthcoming, but this form of accountability will not make it work for us. We can audit it, to make sure it is no stolen.

But this in itself will not deliver development, just more efficient, perhaps even legal, un-development.

Development as accountability means fundamentally reinventing the way the poor collaborate with their development partners. As the development landscape faces a set of new challenges, from superstar donors to Chinese investments in Africa, and from floundering multilateral institutions to stalled trade negotiations, we need major innovations in the accountability of these new collaborations. The right accountability for managing finance for development, both public and private, must be to engage those who will use it and are intended to benefit from it, from the beginning, in design, all the way through to the very end. We must engage with all stakeholders in the development process, those identified from the outset as the ‘intended beneficiaries’, as well as the myriad businesses and civil society organizations that can play a positive, or negative role in the outcomes of our work. We would propose a specific policy agenda. At its core is the urgent need to establish a clear governance framework for collaborative initiatives, to bring this generation’s single most important institutional innovation into the accountability fold.

Accountability’s ‘beta’ version of such a framework has met with resistance and enthusiasm. To us, the case is clear-cut. Tens of billions of dollars annually in development assistance are already passing through such initiatives, governed by fundamentally ad hoc measures that seemed ‘right at that time’. Public services and infrastructure is increasingly delivered through public-private partnerships and in certain cases outright privatization that do not fulfill the most basic conditions of public accountability, access to the information about the deal. Where such information is denied, governance becomes more opaque and the people’s trust is betrayed. Failure to ensure effective accountability therefore strikes at the foundation of society’s legitimate expectations. Trust may be innate and given free at first blush, but once breached we may never get it back again.

Thank you.