

Keynote address by Guy Berger

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Monitoring and reporting on SDGs: current situation and future of SDG 16.10.2

Respectful greetings to all participants, and salutations to the organisers.

This is one audience that does not need convincing about the importance of information. Instead, you are active “co-conspirators” with whom one can confer about how we can convince others about message. And if information is important (“iii”), then Information Commissioners like you who work for access to information are super important.

We all need to do this convincing of others because too many people today still take information for granted, or seek to hide it, or don’t know what is kept secret and what the reasons are for this. Yet if we are to become autonomous and sovereign agents for knowledge societies heading for sustainable development, then we need everyone to know and appreciate how important information is in this digital age.

UNESCO has been engaged in the issues of access to information even before the Sustainable Development Goals (SDGs) were agreed by the world’s governments at the UN General Assembly in to 2015. For example, back in 2011, UNESCO was a partner with other stakeholders in the pan African conference on access to information, convened in Cape Town. This event was timed for the 20th anniversary of the 1991 Windhoek Declaration, which in turn came out of a UNESCO conference in the then-newly independent Namibia, and which gave rise to the UN recognising 3rd of May as World Press Freedom Day every year.

With the Cape Town conference that took place two decades later, focussed now upon access to information rather than press freedom, it was another moment for Africa to contribute a day to the international calendar. In response to the Cape Town conference call to recognise each 28th of September as an annual global moment for advancing information access, four years later the UNESCO Member States agreed to the proposal. While some in civil society still use the designation “Right to Know day”, the UNESCO member states decided to name the date as “International Day for Universal Access to Information”. This nomenclature recognises that no one should be left behind in this exponentially advancing Information Age.

The same universality theme is present in another decision of UNESCO’s Member States taken in 2015 – this is to promote “Internet Universality”. For UNESCO, the objective for the Internet to serve as a universal contribution for sustainable development, it should rest on four guiding norms that we summarise as ROAM. R is for Human Rights respecting, O is for openness and transparency, A is for Accessibility for all, and M is for Multi-stakeholder governance. Last year, Member States gave the green light for a set of indicators to assess Internet Universality in this understanding, at country level, where there is interest amongst stakeholders to do so.

The issue of Internet Universality, on the ROAM model, is fundamental for in access to Information. I urge Information Commissioners to get involved with discussions on Internet issues, such as at the

national, regional or international Internet Governance Fora. You are a key part of Internet Universality dimensions, because you personalise that information is important.

Meanwhile, to return to the International Day for Universal Access to Information, UNESCO promotes the day through a dynamic event modelled on the TEDX-talks, which we call “Open Talks”. Dear Information Commissioners, this is your day, and we encourage you to mark it – organise or join in an event, and use it to help convince the unconvinced.

UNESCO marks two dimensions when it encourages the Day’s commemorations. First, it should be an opportunity to affirm our legal entitlement to the right to information. Second, it should advance practical and affordable access, including to local content and in people’s mother tongues. Without the rights dimension, the range of information that is available for people to access is likely to be excessively restricted. Without the access dimension, the right to information is a formality with limited value for the wider society, especially poorer, marginalised and vulnerable communities.

These two sides of the same coin are also implicit in the sustainable Development Goals which have been agreed by all our governments at the UN. In particular, SDG target 16.10 enjoins us to work for “public access to information and fundamental freedoms”. In this wonderful couplet of words, we see here the interlinking of public access on the one hand, and rights and freedoms on the other. They are two sides of a single coin.

This leads on to reflecting that in the Universal Declaration of Human Rights, the matter of fundamental freedoms includes, amongst others, two relevant rights which you very well know. One is the right to impart information, commonly known as the right to freedom of expression, and which includes the right to press freedom – i.e. the right to express oneself through publishing. The other is the right to seek and receive information, which we also commonly call the freedom of access to information. These two aspects – seeking/receiving on the one hand, and imparting on the other, are again interdependent. Neither makes full sense without the other. The two aspects together are at the heart of free flow of information and knowledge.

Why is all this of core interest to UNESCO? Many of you will know the organisation because of its work to preserve natural and cultural heritage. However, UNESCO also has at the heart of its mandate the importance of cherishing, defending and unlocking the living informational heritage and creativity of humanity. This is why, when it was formed after World War II, the Organisation’s constitution recognised that a free flow of information is essential to peace. It is when information is freely available that people can see when they are being lied to, and being indoctrinated for war, hatred and oppression, and instead can be empowered with knowledge to find peaceful solutions to their conflicts.

We are all of course cognisant today that we have large problems of disinformation, and of “hate speech” which we can assess as advocacy to incitement to hostility, discrimination and violence. Sometimes disinformation and hate speech are separate problems, but they are also especially troubling when they combined. However, such problems should not push us to regard the free flow of information itself as a fundamental problem. This would be to throw the proverbial baby out with the bathwater.

Laws intended to, or claiming to, deal with so-called “fake news” can fall exactly into this trap – the cure becoming so restrictive that it is worse than the disease. The same point applies to laws that deal with security or cybersecurity issues, but which also end up justifying degrees of secrecy and censorship that far exceed international standards. According to these standards, any legal restrictions on information need to demonstrably necessary and proportional, and for legitimate purpose like the rights of others. We should never forget these safeguards. In short, the human right to free flow of

information has to be kept as “the norm”, and legal restrictions should be kept to the minimum so that they do not overwhelm the default setting of our right to have access to information.

Rights-respecting laws have their place in regard to a number of information issues, though by no means all aspects of disinformation. Fortunately, there are also many other ways to address disinformation problems. On supply side, we need to strengthen quality journalism; on the delivery side there should be more accountable curation and moderation by internet companies; and on the receiving side, the world is in dire need of what UNESCO calls media and information literacy. This literacy is vital to empower people to be captains of their own destiny in an information and data context, fuelled by Artificial Intelligence, and which seeks to manipulate them, including in a targeted way. This is for a range of reasons – commercial, political, ideological etc., and it is through both what information is put into to play and with what prominence, and what is denied, suppressed or kept in the shadows.

All this is of great relevance of course to your work as Information Commissioners in as much as you provide independent and authentic access to information held by the state, as a human right as well as a bulwark against information of fraudulent provenance, rumour and disinformation. And, in as much as some of you also protect personal information and regulate the collection, storage and use of information by data actors, this is also highly significant to the question whether people can hold onto personal agency in their information engagements.

In regard to all these burning issues, you have a super important role of raising awareness and educating the public. Along with professional journalists, Information Commissioners are an oasis against the desertification processes of disinformation. Don’t underestimate or keep quiet about this value-add you bring to today’s information ecology.

Let me conclude by sharing with you how UNESCO seeks to strengthen freedom of information, in addition to promoting the International Day for ATI. The organisation has been appointed by the UN as the custodian agency charged with global monitoring of progress, stasis or regress of the SDG indicator 16 10.2 on “public access to information and fundamental freedoms”. This means that we collect and analyse data to see what the international trends are. We hope to enlist the support of you Information Commissioners and your principals to contribute updated information on a sustainable annual basis over the coming years.

For this year, we are also planning to present the trends in the data findings in an event alongside the high-level political forum at the UN general assembly in July where almost 50 countries will talk about their progress on the SDGs. If together we can convince the authorities, many may include in their reports information about the state of play about the target on “public access to information and fundamental freedoms”. Your support for the UNESCO data collection process going ahead will really help sustain the international momentum for building up access to information. The same template can serve your own national reporting to parliaments, as well as your own engagement with your country’s national SDG monitoring processes.

According to our data at UNESCO, in just five years up to the end of 2018, the number of states with Freedom of Information Laws rose by almost a third to reach the current total of 125 countries with such guarantees. So, we are on a roll, and the SDGs can help keep us moving forward. Access to information is evidently an issue that goes with the grain of history. In a nutshell, and Information Commissioners should not be left out the global monitoring. At the same time, I encourage you to also get involved with local SDG monitoring systems. Both engagements can amplify your impact, and convince actors to take your role with greater appreciation, as well as increase the resources available for your work.

In addition to having a global role, UNESCO is also working in some 20 countries to assist governments in developing their annual national SDG reports about the state of guarantees on access to information. We are also encouraging civil society groups to engage with this process.

A final role we play as UNESCO is to contribute regularly to the Universal Periodic Review. Known as the UPR, this involves various countries that are reviewed every few years by their peers at the UN Human Rights Council in Geneva. Where countries do not have freedom of information laws, or where these laws are weak or poorly implemented, the possibility exists for the UPR process to make recommendations for improvement, and it is then for the state concerned to say whether they will accept and act on such collegiate advice. Information Commissioners should keep an eye on the UPR.

In these remarks, I have covered the opportunities to advance your work as Information Commissions through co-operation in varying ways with UNESCO, such as in marking the International Day for Universal Access to Information, supporting the sustainable Development Agenda monitoring process, and by paying attention to the UPR process. There is more concrete detail about all this for those who are interested in a special UNESCO session during the main program of this conference.

Please take away from these remarks that in all these three aspects – that is, the Day for Universal Access to Information each 28 September, the SDGs, and the UPR - UNESCO is an enthusiastic partner. This indeed is why we have helped to support participation at this conference. This in turn has been thanks to grants to our International Programme for the Development of Communication, made by Sweden, The Netherlands and Germany.

We therefore commend you all, and we especially cheer the strengthening of this network, which is so absolutely important in this period of history.

With that, I wish you great success in these many and exciting panels ahead.

Thank you.