



Aid and Accountability

The State's Obligation to Ensure Transparency and Accountability as to International Disaster Aid and Assistance

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Supreme Court of the Philippines

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The problem in *status quo*

Republic Act No. 10121 - Philippine Disaster Risk Reduction and Management Act of 2010



**The lack of aid transparency
and accountability measures
in the Philippine disaster legal
framework**



<https://philnews.ph/2017/02/07/donated-relief-goods-super-typhoon-yolanda-victims-wasted/>

Under the current legal framework,
“accountability, greater transparency
and better information dissemination
are needed for a more effective disaster
aid.”

Implementing aid transparency and accountability measures as an obligation of the State



The **1987 Constitution** of the Republic of the Philippines



The Filipino people's

right to information

The Filipino people's

right to information

two aspects

The Filipino people's

right to information

1

“[s]ubject to reasonable conditions prescribed by law, **the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.**”

[Article II, Section 28]

The Filipino people's

right to information

2

“The **right of the people to information on matters of public concern shall be recognized.**”

Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

[Article III, Section 7]

The Filipino people's

right to information

- 1 the State's "duty to disclose information"
- 2 The States "duty to permit access to information."

Chavez vs. National Housing Authority

The Filipino people's

right to information



Legazpi vs. Civil Service Commission (1987)

The Filipino people's

right to information

“[f]or every right of the people recognized as fundamental, there lies a **corresponding duty** on the part of those who govern, **to respect and protect that right**. That is the very essence of the Bill of Rights in a constitutional regime.”

Legazpi vs. Civil Service Commission (1987)

The Filipino people's

right to information

**International Law Obligations
of the Philippines**

The Filipino people's

right to information

- Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social, and Cultural Rights
- United Nations Convention Against Corruption
- Paris Declaration on Aid and Effectiveness
- Accra Agenda for Action
- Busan Partnership for Effective Development Co-operation

International Law Obligations
of the Philippines

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The constitutional right to information becomes a mere **paper right**.

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Lack of clear rules, mechanics, and procedures enable government offices to renege on their obligation

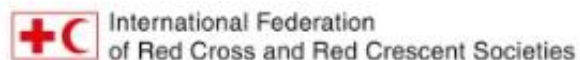
Moving Forward:

The Disaster Aid and Assistance Transparency and Accountability Act



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