

# Introduction:

## Anders Chydenius' Legacy Today

Freedom of information (FOI) is a human right. In order to make governments accountable, citizens have the right to know - the right of access to official documents. Freedom of information has been developing at a strong pace only recently, but it is hardly a new concept. The roots of the FOI principle date back to the 18<sup>th</sup> Century, the Age of Enlightenment.

In Sweden and Finland, 2006 is observed as the 240<sup>th</sup> Anniversary of the Freedom of Information. The world's first freedom of information legislation was adopted by the Swedish parliament in 1766. This publication includes the English translation of this ordinance on freedom of writing and the press. The enlightenment thinker and politician *Anders Chydenius* (1729-1803), from the Finnish city of Kokkola, played a crucial role in creating the new law. As Professor *Juha Manninen* describes in his article, the key achievements of the 1766 Act were the abolishment of political censorship and the gaining of public access to government documents. Although the innovation was suspended from 1772-1809, the principle of publicity has since remained central in the Nordic countries.

Over recent decades, Anders Chydenius' legacy has received increased recognition globally. With the creation of the United Nations and international standards on human rights, the right to information began to spread. Freedom of information is recognized in international law. Article 19 of both the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights provide that every person shall have the right to seek and impart information. There is growing recognition that the right to seek information includes a right of freedom of information.

Over the last 40 years there has been a dramatic increase in the number of countries that have adopted freedom of information laws. A milestone was the US Freedom of Information Act (FOIA) of 1966, and many countries started to follow the FOIA model on access to government documents. According to a global survey<sup>1</sup>, some 70 countries have now adopted comprehensive Freedom of Information Acts. Fifty countries have legislation pending. This global situation is discussed by *Thomas*

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1 Banisar, David (2006). <http://www.privacyinternational.org/foi/foisurvey2006.pdf>

Soon after the death of Anders Chydenius (1729-1803), this mezzotint copy of his portrait was reproduced by J.F. Martin in 1805 to be distributed to Chydenius' friends in Sweden and Finland (K.H. Renlund's Museum, Kokkola, Finland).



Blanton, Director of National Security Archive in the George Washington University (USA).

Despite the spread of FOI legislation, the Anders Chydenius' legacy remains topical in all countries. The enactment of a law is only the beginning. There is still much work to be done. Governments must change their internal cultures and civil society must demand information. Weaknesses in laws, implementation or oversight may have left access largely unfulfilled. There have also been problems with record keeping, state secrets and the misuse of privacy exemptions.

The right to know applies also to international organisations such as the European Union. Openness of decision-making has been one of the priorities of the Finnish EU Presidency in the latter half of 2006,

as Minister of Justice *Leena Luhtanen* states here. Prospects of the EU's transparency are discussed in more detail by *Tony Bunyan*, Editor of Statewatch (UK). To raise public discussion on these transparency challenges of the EU, the Anders Chydenius Foundation has decided to convene an international seminar on eve of the 240<sup>th</sup> Anniversary of the Freedom of Information, on 1 December 2006 in Helsinki.

The principle of publicity (*offentlighetsprincipen*) in Finland is discussed by Professor *Olli Mäenpää*. The experience of Finland, Anders Chydenius' home country, shows that transparency in the decision-making process is beneficial also to governments themselves by improving citizens' trust in government actions. This should be kept in mind when discussing the contemporary challenges of transparency.

With this publication, the Anders Chydenius Foundation aims to provide a brief introduction to the origins of FOI principle. We hope to raise awareness about Chydenius' legacy concerning freedom of information - and to inspire us all to continue to work for the citizens' right to know.

Finally, we would like to thank the authors and all those who contributed to producing this 240<sup>th</sup> anniversary publication.

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