

# The Global Openness Movement in 2006: 240 Years after the First Freedom of Information Law, Access to Government Information Now Seen as a Human Right

By Thomas S. Blanton

Anders Chydenius would be proud. During the 240<sup>th</sup> anniversary year of the first freedom of information law ever enacted, Chydenius's principle of publicity for government records has now won legal recognition as a fundamental human right. On 11 October 2006, the Inter-American Court of Human Rights became the first – but certainly not the last – international tribunal to hold that there is a fundamental human right to access government information.

In the case of *Claude Reyes et. al. vs. Chile*, the Inter-American Court found in favor of three environmental activists who in 1998 sought information from the Chilean government about a controversial logging project. According to the Court's ruling, by failing to provide access to the requested information, Chile had violated Article 13 of the American Convention on Human Rights, which guarantees freedom of thought and expression. The Court held that Article 13 contains an implied right of general access to government-held information, and States must adopt legal provisions to ensure the right is given full effect. The Court specifically ordered Chile to provide the requested information about the Rio Condor logging project (which involved environmentally sensitive woodlands in the sub-arctic region of Tierra del Fuego and a multinational timber company that had gained government subsidies), or to issue a reasoned decision for withholding the data, as well as to adopt adequate administrative procedures to protect the right in the future and to train public officials to uphold the public's right to information.

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International advocates of transparency in governance and the right-to-know have applauded the precedent-setting court decision. For example, according to Helen Darbshire, Executive Director of [Access Info Europe](http://www.accessinfo.org) which is attempting to raise openness standards especially in Western Europe, the decision "will be invaluable for activists who need government information to defend other human rights, protect the environment, and fight corruption." As Darbshire suggests, the new decision could provide the basis for the European Court of Human Rights to reconsider its earlier rulings against information access as a human right. In a series of cases, from *Leander v. Sweden* in 1987 to *Guerra v. Italy* in 1998, the European Court declined to find such a right in the European Convention on Human Rights, even though that Convention's Article 10 directly echoes both the Article 13 of the American Convention (the basis for the Inter-American Court's new ruling) and the original Article 19 of the Universal Declaration of Human Rights.

## The Chydenius Parallel

The Chile case featured some interesting parallels to the debates of 240 years ago, parallels that Anders Chydenius would likely have appreciated. The Chile issues centered on secret deals made between a government and wealthy industrial interests seeking exclusive access to timber and natural resources. In Chydenius's day, the leading debates concerned the trade monopolies enjoyed by wealthy Stockholm merchants that prevented the towns along the Gulf of Bothnia (specifically Chydenius's own Kokkola) from trading their pine-tar (essential for naval stores) or engaging in shipping and ship-building. As the mercantilist Hats party lost power to the more agrarian-centered Caps in the Swedish Diet in the mid 1760s, during an extended period of parliamentary rule, the free trade debates opened other secrecy issues such as the closed committee of the Diet that made secret budgeting and foreign policy decisions, as well as the government's censorship regime – both of which became targets of Chydenius's polemics and parliamentary maneuvering. The culmination on 1 December 1766 was the first freedom of information statute, in the Freedom of the Press Act that stands as one of the four fundamental constitutional laws in Sweden.

It must be noted that Chydenius himself was soon forced out of the Diet and back to the life of a parish priest in Kokkola, where he not only preached and taught, but also practiced medicine, played chamber music, drained bogs, rotated crops, and constructed church buildings that stand to this day. His innovative Freedom of the Press Act only remained in effect for six years after that first passage. The restoration of the power of monarchy under King Gustavus rolled back the Age of Freedom in Sweden. But the elevation of the principle of publicity stayed in the Swedish constitutional framework, and in that of independent Finland after World War I. The two countries can rightfully boast of the two earliest Freedom of Information laws, and of a continuing tradition of transparency in government to which the rest of the world increasingly looks for a model.

## The Success of the International Freedom of Information Movement

Nearly 70 countries today have enacted formal freedom of information laws, and there are current debates and proposals under discussion in scores of others. Before the end of the Cold War in 1989, there were fewer than a dozen countries with formal statutes. The usual list starts with Sweden and Finland, then includes the United States (1966), Norway

and Denmark (1970), France and the Netherlands (1978), Australia and New Zealand (1982), and Canada (1983). But even this historic list demonstrates the enormous range of effectiveness and implementation that is found especially in the newest laws, since the French law in particular provides only a shadow of the legal rights built into the U.S. or Canadian laws, and attracts a fraction of the number of requests that other countries deal with routinely.

Just in the last year or so, countries around the world as far apart as Taiwan, Uganda, Azerbaijan, and Macedonia joined the list of countries with formal access laws. A complete country-by-country accounting may be found at the [www.freedominfo.org](http://www.freedominfo.org) web site, based on global data compiled by David Banisar of Privacy International, and updated annually with links to the texts of the laws, to the web sites of government agencies and NGOs working on access issues, and related resources. These compilations also include several countries such as Zimbabwe and Uzbekistan, whose statutes are freedom of information laws in name only, since their real purposes were to censor the press and monopolize government information but to do so under a false flag.

Perhaps the most successful implementation of a new freedom of information law has occurred in Mexico, where the transition in 2000 from 70 years of one-party rule opened political space for transparency reforms. Media and civil society groups had banded together in a joint national campaign named the “Grupo Oaxaca” after the historic town (site of ancient Native American ruins on Monte Alban as well as colonial and revolutionary monuments) where the movement first met. The new president, Vicente Fox, a business executive representing the right wing, embraced the transparency cause, opened the Presidential household accounts (revealing exorbitant expenditures on sheets and towels, among other small corruptions), and pressed for passage of the law in 2002.

But the signal accomplishment of the Mexican implementation was the creation of new agency, an independent information commission, as the leading edge of reform. The commission, known by its Spanish initials as IFAI, became the center of a new generation of reformers attracted by Fox and the possibilities for change. The commission combined judicial powers as a tribunal for appeals of agency denials, with educational and training functions for the public and for government officials. IFAI did not hesitate to overrule even cabinet ministers on issues of information withholding, and President Fox to his credit backed up the commission, appeared at its functions, and will leave office at the end of this year with the implementation of the access law as perhaps the only lasting achieve-

ment of his six years in office.

## Freedom of Information in the Long View

In much the same way that Anders Chydenius struggled against secret and unaccountable government power in the 1760s, so too has the international freedom of information movement been sparked by the 20<sup>th</sup> century rise of the administrative state. Citizens and parliaments looked for ways to rein in bureaucratic and executive power, which naturally employed secrecy as a basic tool for retaining power and restraining public debate even in the democracies, and developed more destructive mutations in autocracies. State power's most extreme and grotesque manifestations – the concentration camps of Hitler and the Gulag of Stalin – put moral arguments in the hands of reformers who reached back to ideas of the Enlightenment for notions of human rights, checks and balances, free markets, and democracy. The first efforts at restraint on bureaucracies produced reforms that rationalized administrative procedures and granted rights of access to information and input into decisionmaking, but only to the self-interested parties to the procedure. To inspect a government record, one had to show a need to know, or be an interested party. But over time, this common law standard eroded under pressure from market forces and from various scandals, and turned into a right of public access and public inspection of records.

Seen in this long view, the trend toward Freedom of Information Acts is the outgrowth of a century-long process of rationalizing government bureaucracy, or, put another way, counterbalancing the rise of the administrative state. In the United States, for example, the substantial bureaucratic foundation that grew up in the federal government beginning early in the 20<sup>th</sup> century was necessary, though not sufficient, for the ultimate passage of the FOIA. At the same time that doctors, lawyers and academics were successfully seeking prestige and higher incomes by organizing their professions and imposing barriers-to-entry (such as bar exams, educational credentials, professional associations), a similar professionalization came to government service. The political dynamic was led by the “progressive” movement of Theodore Roosevelt and other self-styled reformers who challenged economic monopolies, sought to address social problems like poverty and infant mortality, and fought the then-prevalent “machine” politicians (often ethnically-based and usually in the big cities) by exposing political and business corruption, bribes, nepotism, and patronage. (Thus did the generic public interest in clean government mesh with the self-interest of these mostly white, mostly middle- and

upper-class reformers in their political advancement.) The core reforms seized on to solve these problems were the creation and expansion of a professional civil service to staff the government, together with much greater government intervention into and regulation of various sectors of U.S. society. For example, the Federal Reserve Board (regulating the money supply and banks) dates from 1913, as does the U.S. Department of Labor (regulating the workplace); and the Federal Trade Commission (anti-trust and other market regulation) dates from 1914.

The rise of the professional bureaucracy brought far more systematic approaches to record-keeping in the U.S. government, including the first surveys of governmental archives and the first standardized information systems. The growth of the U.S. government – most dramatic during the two World Wars, as the administrative state turned into the national security state – required writing things down, and being able to find them later. The informal arrangements of the pre-bureaucratic era no longer sufficed when the task of government was to move hundreds of thousands of armed soldiers across the Atlantic or Pacific oceans, provide them the logistics to fight a war, and bring them back. The era of “normalcy”, as President Harding called it, between the two World Wars also saw its contribution to the professionalization of the bureaucracy and ultimately to freedom of information, with new laws establishing the U.S. National Archives in 1934 (previously, government records were preserved, or more likely not, by the agency that created them), and the *Federal Register* in 1935, for formal, daily publication of agency actions and regulations. In one famous case in 1934, government attorneys arguing a lawsuit before the Supreme Court were embarrassed to find their case was based on a non-existent regulation. After six years of the *Federal Register* produced a bookshelf-full of agency actions, the Congress in 1941 created the *Code of Federal Regulations*, as an authoritative compilation of current law and regulation.

These disclosure mechanisms were building blocks for a future freedom of information process. The key actors pushing these reforms ranged from professional associations of lawyers and historians to crusading anti-corruption politicians. Perhaps the most surprising allies for more open government came from the private sector, responding to the administrative state’s increasing interventions in markets and society in the early 20<sup>th</sup> century and culminating with the establishment of the national security state during World War II (President Eisenhower’s famous term for this phenomenon was “the military-industrial complex”). In effect, the mobilization by government of private industry for war production, the massive expansion of government contracting, and the resulting surge

in economic growth sparked a parallel growth in the numbers and variety of “stakeholders” such as corporate contractors, industrial and service unions, lobbyists, lawyers, trade associations, and representatives of regulated industry. All had an interest in affecting agency actions, and the *Federal Register* as it existed then only published final actions, rather than proposed actions. A crucial turning point came in 1946, with passage of the Administrative Procedure Act. The APA created the right of “notice and comment,” in which agencies had to provide some period for public comment before new regulations or proposed changes to existing regulations could go into effect. For the first time, stakeholders had a formal, legally reviewable process for participating in federal agency decisionmaking. Ironically, the APA also included a flawed public information section intended by its drafters to open government files, but which worked so poorly because it allowed so much discretion to the bureaucrats that it was ultimately repealed and replaced by the U.S. FOIA in 1966.

## **The Fundamentals of Freedom of Information**

The point of this narrative of bureaucracy is to emphasize that freedom of information statutes are not stand-alone solutions to government secrecy. In the U.S. case, for example, reformers had to begin with threshold requirements to create, maintain and preserve government records, and to regulate agency information systems and archives. The delegations of reformers who visit the U.S. are always surprised to see the first section of the U.S. FOI law – the section that requires government agencies to publish in the *Federal Register* descriptions of their organization, functions, procedures, forms, substantive rules, policies and regulations. The U.S. Privacy Act requires every federal agency to publish in the *Federal Register* detailed descriptions of every database and records system containing records that are retrievable by personal identifiers – the Pentagon report alone fills two volumes of closely-spaced type. In Sweden, the threshold openness requirement goes even further: agencies list in public registers almost every document written or received in the course of official business – with very few exceptions – so that requesters know exactly what they’re asking for, and also the agency knows exactly what it has.

The process of bureaucratic expansion also created an interactive effect, so that at the same time that government was making its own record-keeping more efficient for internal purposes, it also faced increasing public demand for access to those records as well as for participation in shaping any new regulations. The U.S. FOIA grew on a substantial bureaucratic foundation, as one more of a wide variety of accountability and

efficiency mechanisms – some of which, like the requirement to maintain formal records systems documenting the activities of government, are probably a prerequisite to any kind of successful FOI process.

The duty to publish, and a kind of threshold transparency, is fundamental before citizens can make informed and effective requests for information. This routine openness also has to extend to each of the major functions of government – executive, legislative, and judicial. The ideal openness regime, of course, would have the government publishing so much that the formal request for specific information (and the resulting administrative and legal process) would become the exception rather than the rule. Until that time, openness advocates have reached consensus on the five fundamentals of effective freedom of information statutes:

\* First, such statutes begin with the presumption of openness. In other words, the state does not own the information; it belongs to the citizens.

\* Second, any exceptions to the presumption must be as narrow as possible and written in statute, not subject to bureaucratic variation and the change of administrations.

\* Third, any exceptions to release must be based on identifiable harm to specific state interests, not general categories like “national security” or “foreign relations.”

\* Fourth, even where there is identifiable harm, the harm must outweigh the public interest served by releasing the information, such as the general public interest in open and accountable government, and the specific public interest in exposing waste, fraud, abuse, criminal activity, and so forth.

\* Fifth, a court, an information commissioner, an ombudsperson or other authority that is independent of the original bureaucracy holding the information should resolve any dispute over access.

## **The Next Frontier: The Openness Challenge in the International Institutions**

As Tony Bunyan argues in this publication, the European Union is long overdue for its own Freedom of Information statute. And so are the other international institutions that exercise more and more power over the daily lives of citizens and the policy decisions of nations. Indeed, one of



the greatest challenges to democratic governance in the globalized world lies in the growing gap – the “democratic deficit” – between the power of the international institutions to affect human lives throughout the planet, and the power of the people so affected to hold those institutions accountable, much less participate in the institutions’ decisions. This issue is rapidly becoming the next frontier of the openness debate.

The growth of the international institutions, especially since the end of the Cold War, is particularly dramatic. The World Bank has more than doubled its annual commitments since 1979 and now lends in more than 100 countries, including the previously off-limits territory of the former Soviet Union. The multilateral development banks have emulated the World Bank in the growth of their own regional portfolios. The World Trade Organization replaced the earlier General Agreement on Tariffs and Trade in 1995 with a more restrictive set of rules and binding dispute settlement procedures. The end of the fixed exchange rate system in the 1970s and the debt crisis of the 1980s changed the International Monetary Fund from the world’s exchange rate fixer into a key provider of development assistance as well as ultimate arbiter for many countries of whether international capital will be available at all. After 1991, the North Atlantic Treaty Organization expanded to take in the former Warsaw Pact countries of East and Central Europe, and now has troops on the ground in Afghanistan. But the governance structures of these international institutions have not changed.

Discussion of the resulting “democratic deficit” is no longer limited to the protest movement that gave the place names “Seattle” and “Genoa” significance both as generic anti-globalization reaction and as a more sophisticated challenge to the legitimacy of international institutions. The policy and scholarly literature is exploding with attempts to analyze the problem, but at the root of the issue is the genealogy of the financial/trade institutions (IFTIs) and the inter-governmental organizations (IGOs). The former descend directly from central banks, which even in the most democratic countries tend to be the least directly accountable governance institutions; and the latter spawn from lowest-common-denominator alliances of nations, with concomitant governance processes that trend towards the bottom. In both cases, diplomatic confidentiality served as the norm for communications among nations that established these institutions; and such norms – although somewhat eroded – continue to shroud them today.

## The Possibilities for Openness in the International Institutions

The fact of public attention to the problem of secrecy in international institutions should serve as the threshold signal of an opportunity for change. One cannot underestimate the ameliorative effect of embarrassment, or as the analyst Ann Florini termed this effect, “regulation by revelation.” Such exposure has compelled in particular the IFTIs over the past 20 years gradually to expand the documentation that is available to the public and to improve their communication with stakeholders and other target groups. In fact, the public relations and publications functions of international institutions may well be the fastest-growing such bureaucracies in terms of budget and employee positions. But the new transparency more resembles a sophisticated publications scheme than it does an actual “revolution” in accountability. Even so, there are at least five other causes for optimism that more fundamental change may well be possible – if civil society seizes the opportunity, and the institutions themselves internalize the need for change.

First, what was once a marginalized, placard-expressed, protester critique of international institutions’ secrecy and lack of accountability has now risen to the level of conventional wisdom. When the dean of Harvard’s Kennedy School of Government (Joseph Nye) compares the IFTIs to “closed and secretive clubs,” when the European Union’s commissioner for external affairs (and formerly chair of Britain’s Tory party, Chris Patten) pronounces in passing that international institutions “lack democratic legitimacy,” and when the World Bank’s former chief economist (Joseph Stiglitz) describes increased openness as “short of a fundamental change in their governance, the most important way to ensure that the international economic institutions are more responsive to the poor, to the environment [and] to broader political and social concerns” – one sees the makings of an emerging elite consensus on the problem and the potential role of greater openness in addressing the “democratic deficit.” In this formulation, openness becomes the next best thing to democratic governance, and when the latter is unlikely because those in control are unlikely to give up that control, then transparency will serve as the most important alternative control mechanism, and the possible threshold for addressing governance.

Second, as a result of outside pressure and the emerging conventional wisdom, international institutions themselves are paying at least lip service to the need for greater openness, and in some cases, have actually achieved significant progress towards more transparency. Each of the

multilateral development banks, for example, has promulgated formal policies on access to their internal documentation, and a wide variety of records that were previously secret are now routinely provided to the public – although host government veto power and ingrained bureaucratic self-preservation instincts still prevent the most controversial information from such routine publication. Starting in 1999, the almost simultaneous emergence of the left-wing antimarket critique featured in the Seattle and Genoa demonstrations, among others, with the right-wing pro-market critique offered by the Republican-dominated U.S. Congress and its Meltzer Commission about the banks and the IMF, pointed towards greater transparency as one of the few strategies that addressed both wings of the debate. The real importance of these developments, however, is that the pro-openness rhetoric from IFTI and IGO leaders, together with the existence of formal disclosure policies, provides extensive leverage points for activists who are willing to test specific instances of secrecy and to pursue an “inside-outside” strategy of working with internal reformers and external watchdogs.

Third, the international financial institutions have themselves begun advocating national level openness laws, as part of their new emphasis on governance and accountability as a standard for aid and investment, and therefore are harder pressed to avoid transparency themselves. Research supported by the World Bank has established a wide range of governance indicators that associate transparency with decidedly lower levels of corruption, more effective delivery of public services, and more public voice for stakeholders and constituencies. The evidence has become strong enough that the World Bank has officially included the promotion of access-to-information laws as one of its own goals for anti-corruption and development efforts around the globe.

Fourth, civil society organizations around the world have seized on openness as a threshold goal in struggles over the whole panoply of social issues, ranging from the environment to AIDS to poverty reduction to corruption. In India, for example, the Mazdoor Kisan Shakti Sangathan (MKSS) grassroots movement based in Rajasthan began in 1990 with a focus on securing the legally-required minimum wages for poor farmers and rural laborers, but soon realized that access to official records was key not only to that goal, but also to preventing corruption and enforcing a connection between government expenditure and human need. Ironically, this tactical choice by NGOs has coincided at least rhetorically with the rise among elites – not least the professional staffs of the international institutions themselves – of the so-called “Washington consensus” for market-driven economic development, the fundamental assumptions

of which require highly-distributed information to make markets work – thus adding efficiency arguments to the moral and political critiques already employed by activists.

Fifth, the success of the international movement for freedom of information at the national level, with new laws in dozens of countries over the past few years, has brought new attention to the international level of governance. While there is enormous variation in the effectiveness of these laws, and major difficulties remaining in the implementation of such rights in transitional democracies with limited rule-of-law, one hallmark of the dozens of national campaigns has been their attentiveness to other national models and their outreach for international connections and support. In the process, international FOI campaigners have identified the problem of secrecy in the international institutions as a major priority for future work, and have begun reaching out beyond the traditional FOI community to NGOs and civil society activists experienced in the various IFTI accountability efforts. Over time, these new networks are likely to develop even more dramatic reform proposals for openness and accountability in the international institutions, ranging from potential international treaties as an overarching framework based on human rights arguments, to notice-and-comment requirements for projects and policy changes.

## **The Chydenius Principle of Publicity in Action around the World**

Perhaps the best testimony to the effectiveness of Anders Chydenius's original idea comes from the creative ways in which journalists, researchers, companies, interest groups, and just plain citizens have made use of the access laws to fix social problems, expose corruption and wrongdoing, and change the ways that governments do their business. Earlier this year, the author and his colleagues at the virtual network of freedom of information advocates, located at [www.freedominfo.org](http://www.freedominfo.org), searched news databases world wide to locate examples of openness laws in action. Not only were there hundreds of news stories and media broadcasts about the ongoing campaigns and debates over freedom of information laws, but there were also more than a thousand news stories just in 2006, just in English, reporting the results of citizens' access to government information. What follows here is an edited and admittedly selective compilation from around the globe of reports that pay tribute to the freedom of information concept, in the 240<sup>th</sup> anniversary year of the very first access-to-information experiment:

### **Serbian Student's Request Reveals Corruption in School, Spurs Government Investigation**

I.N., a 17-year-old student, sent an access to information request to his school, seeking information about its financial operations and other matters. The institution refused to provide the information, and on several occasions sought to cancel the request on the basis that the requester was a minor. But I.N. appealed to the Commissioner for Information, which ordered that the request be fulfilled. The financial data that the student obtained showed serious abuses and corruption at the school, which is now being investigated by the Organised Crime Directorate.

Rodoljub Sabic, "Jonesko in secondary school," *Danas (Serbia)*, Nov. 22, 2005.

### **Britain Secretly Gave Israel Nuclear Material, Documents Show**

Previously classified documents obtained under the Freedom of Information Act by BBC2 show that Britain secretly supplied plutonium to Israel during the 1960s. Despite warnings from intelligence officials that Israel was seeking to develop a nuclear bomb, Britain made hundreds of shipments of material that may have helped Israel's nuclear program. The documents describe how officials in the Ministry of Defence and the Foreign Office opposed the deal, which was later forced through by a Jewish civil servant in the Ministry of Technology.

Richard Norton-Taylor, "Britain gave Israel plutonium, files show," *The Guardian*, March 10, 2006.

### **Poor Delhi Woman Uses RTI to Force Shop to Provide Rations**

A 42-year-old woman who works as a domestic servant discovered that she had been denied her ration share from a government-approved shop in a slum area of south Delhi for more than five years. The impoverished Delhi resident, whose name is Sunita, had been given a ration card for the poor five years ago, but never received any rations from the local shop. She filed a complaint under the Right to Information Act (RTI) and learned that the record incorrectly reflected that she had received the ration during the past five years. Since the discrepancy was revealing, Sunita has been receiving the required ration each month.

"A right that has got them food," *Indo-Asian News Service*, April 2, 2006.

### **Pentagon Releases First Complete List of Guantanamo Bay Detainees**

In response to a Freedom of Information Act lawsuit filed by the Associ-

ated Press, the U.S. Department of Defense for the first time released a comprehensive list of the names and nationalities of 558 foreign terrorism suspects held at Guantanamo Bay, Cuba. The Pentagon had long resisted releasing any details about the prisoners, citing security concerns in letting al Qaeda know which of its members had been captured. But under several recent court orders, the government was made to release more than 7,000 pages of documents relating to military hearings at Guantanamo Bay, and then also agreed to provide the complete list of detainees.

Will Dunham, "US releases extensive list of Guantanamo detainees,"  
*Reuters*, April 20, 2006.

### **UK Warns: Blood Products Sold in 14 Countries May Be Contaminated With Mad Cow Disease**

Documents released to *The Guardian* under the Freedom of Information Act show that British health officials have warned authorities in 14 countries that patients who receive blood products exported from the UK may be at risk for contracting mad cow disease. In particular, officials in Brazil and Turkey were warned that "sufficient quantities" of infected products may have been sent, and that they should take precautions to avoid spread of the disease. Although the media had previously reported that patients abroad might be at risk, this was the first time that specific countries and relative risks had been disclosed.

James Meikle and Rob Evans, "British blood products may pose vCJD risk in 14 countries," *The Guardian*, May 2, 2006.

### **U.S. Military Sent Troops With Severe Mental Health Problems into Combat**

A report obtained under the Freedom of Information Act (FOIA) by *The Hartford Courant* described numerous cases in which the military did not follow regulations requiring screening, treatment and evacuation of mentally ill troops in Iraq. Twenty-two U.S. troops in Iraq committed suicide in 2005, the highest rate since the start of the war. The report detailed how fewer than 1 in 300 troops screened were referred to a mental health professional before being deployed, and that some of the service members who committed suicide had been kept on duty despite clear signs of mental health problems.

"Report: Troops with mental health problems forced into combat,"  
*Associated Press*, May 14, 2006.

### **Canadian Government Warned that Food Supply is Vulnerable to Terrorism**

A report, released under the Access to Information Act by the Canadian Food Inspection Agency (CFIA), warns that the Canadian food supply chain has a number of “weak links” and is vulnerable to terrorist attacks. The document describes several potential scenarios, including biological strikes on livestock and sabotage of genetically modified crops, and also cites inadequate security at food processing plants as a major concern.

James Gordon, “Food supply a terrorism risk,” *Ottawa Citizen*,  
May 15, 2006.

### **Local Governments in Japan Ignored Contract Bid-Rigging**

An investigation by the *Yomiuri Shimbun*, with documents obtained under the Freedom of Information Law, found that local governments allowed numerous projects, including 16 sewage plant building projects, to go forward despite suspected bid-rigging. The government officials contend that they signed the contracts because they could not confirm the bidding process had in fact been tainted. The governments also argued that they lacked adequate authority to investigate the allegations, and could only ask companies to admit whether they had engaged in bid-rigging.

“Local governments ignored bid-rigging,” *The Daily Yomiuri* (Tokyo),  
May 26, 2006.

### **South Korean Government Report Says 489 People Abducted by North Korea**

South Korea’s opposition, the Grand National Party, released data from a report it obtained from the intelligence service, confirming that a total of 489 South Koreans had been abducted by the North. The report says that 90 percent of the victims were fisherman who worked in the territorial waters dividing the South from the North. Of those captured, 103 are confirmed dead.

“No. of South Koreans abducted by North totals 489,”  
*Japan Economic Newswire*, June 5, 2006.

### **Request on Bulgarian Vote for UN Human Rights Council Reveals Lack of Recorded Decision-Making**

After the United Nations General Assembly on May 9, 2006 held a secret session to elect members of the new Human Rights Council, NGOs in a

number of countries filed coordinated freedom of information requests for voting procedures and the votes cast by each country. In response to a request from the Access to Information Programme (AIP), the Ministry of Foreign Affairs (MFA) released 73 pages of documents. However, much to the dismay of openness advocates, the documents contained only details of the final outcome of the voting but no information regarding the voting process or the decisions made by the Bulgarian government about which candidates to support. As a result, AIP and other activists have vowed to press for policies requiring the MFA and other government bodies to records details of meetings and discussions on such vital issues as human rights policy.

Gergana Jouleva, "Public Information But Not Really,"  
*AIP Bulgaria newsletter*, July 2006.

### **In Ireland, Cuts in Prison Funding Threaten Safety and Security**

A series of reports, obtained by *The Irish Times* under the Freedom of Information Act, detail major funding cuts in the prison system that have forced closure of educational and rehabilitation facilities in overcrowded prisons across the country. One report warns that many prisoners who are addicted to drugs upon their release may seek compensation from the Irish Prison Service later for inadequate rehabilitation services. Some of the reports, submitted nearly eight months ago, detail the threat of mental illness to the security of prisoners and prison staff. This threat was brought to the fore recently, when a mentally ill inmate murdered another prisoner at Mountjoy Prison in Dublin.

"Impact of prison cutbacks highlighted in reports,"  
*The Irish Times*, Aug. 17, 2006.

### **Australian Government Ignored Asbestos Contamination in Immigration Detention Center**

Documents obtained by *The Australian* under the Freedom of information Act show that the government in 2002 wrongly declared safe a plot of land near Sydney that now houses an Immigration Detention Center. When the contamination was discovered, 265 detainees had to be evacuated, costing taxpayers \$1.5 million. Officials fear that hundreds of detainees who were held at the site could file compensation claims against the government.

Michael McKinnon, "Asylum centre's deadly asbestos,"  
*The Australian*, Aug. 25, 2006.



### **British Government Gave Landmines to Saudis, Free of Charge, to Avoid Violating Treaty**

Letters publicized recently in response to a Freedom of Information Act request show that the British government handed over £ 17 million worth of anti-personnel land mines to the Saudis just before the 1999 Ottawa Treaty banning landmines came into force. In his letters, British defence secretary George Robertson justified the transaction as a way of helping Saudi Arabia modernize its weapons. But the Saudis did not sign the anti-mine treaty, and the transfer of weapons allowed the British to pass an inspection by showing it had no anti-personnel mines in its arsenal once the treaty came into effect. After the revelations, the Ministry of Defence defended the transaction, saying that it demonstrated the UK's commitment to the Ottawa Treaty.

Christopher Hope, "Saudis handed pounds 17m of free arms; 'strategically important country' benefited from landmine treaty," *Daily Telegraph (London)*, Aug. 21, 2006.

### **Documents Reveal Mexican Soldiers, Police Crossing U.S. Border**

U.S. intelligence summaries released to the watchdog group Judicial Watch as the result of Freedom of Information Act requests describe more than 200 incidents between 1996 and 2005 when Mexican soldiers and police crossed the U.S. border, including some that resulted in armed confrontations with U.S. federal agents. The charts, maps, and incident reports detail both "threatening" and "non-threatening" encounters, including shots being fired, unmarked helicopters entering U.S. airspace, and confrontations among Mexican troops, U.S. border patrol agents, and illegal immigrants and drug smugglers.

Bryon Wells, "Documents detail incursions by Mexican soldiers, police," *Yuma Sun (Arizona)*, Sept. 15, 2006.

### **Hungarian Government Releases NATO Secrecy Policy Document**

In response to a freedom of information request by Adam Foldes of the Hungarian Civil Liberties Union (HCLU), the Hungarian security agency released a policy document that describes the information security policy followed by the North Atlantic Treaty Organization (NATO) and applied to its member countries. The document contains the agreement by which NATO parties collectively safeguard NATO classified information within their respective information security regimes and defines "principles and minimum standards to be applied by NATO nations and

NATO civil and military bodies” to ensure proper protection of such information. The disclosure was of particular significance because the governments of Canada, the United Kingdom, and the United States have previously refused to release this document and others regarding NATO information security policies.

“Hungarian Government Releases NATO Secrecy Policy Document,”  
freedominfo.org, Sept. 22, 2006.