RAB/01/006: Transparency and Accountability in the Public Sector
in the Arab Region

Concept Paper 4
Access to Information, Transparency and Accountability

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Introduction: The Right to Information

The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on 10 December 1948, grants to everyone the right to seek, receive and impart information and ideas through any media and regardless of borders (Article 19). *The International Covenant on Civil Political Rights* of 1966 repeats Article 19 but concedes that the exercise of this right may be subject to certain restrictions. These are provided by law and are necessary to respect the rights or reputations of others or to protect national security, public order or public health or morals. The same right is guaranteed by the *European Convention on Human Rights* of 1959. Other major legislation dealing with right to information include the *American Convention on Human Rights* (1969), the *African Charter of Human and the Peoples Rights* (1981) and the *European Union Directive on Processing of Personal Data* (1995).

Given this fundamental right to information, governments have a duty to provide access to information. However, neither total openness nor complete secrecy would be reasonable, and no country in the world has decided to adopt one of these extreme positions. In fact, many countries stipulate conditions of disclosure, based on the following factors:

- Closure periods: certain documents can only be opened under special, restrictive conditions (varying from 25 to 50 years);

- Legitimate interests: in certain countries, potential users have to prove their legitimate interest in documents (which purpose); and

- Exception clause: most frequently cited are (a) national security, defence and foreign policy and (b) privacy, trade secrets and others legitimate interests of third persons.

Information is the basis for all strengthening of government-citizen relations. Countries vary greatly in terms of laws on citizen's access to information (often called Freedom of Information Acts -- or FOIA). Some examples are given below:

- Sweden introduced its first laws on this subject as early as 1766;

- In France, at an early stage of the revolution, *La déclaration des droits de l'homme* was adopted in August 1789;

- American *Declaration of Independence* of 1791, contains a similar right in the first amendment;

- Finland was the first to adopt modern legislation in 1951;

- USA followed in 1966 with the *Freedom of Information Act*;

- After a sharp rise from 1980 to 2001, now 80% of the Organisation for Economic Cooperation and Development (OECD) member countries have legislation on this subject; and

- Austria, the Netherlands, Hungary and Poland have enshrined citizen's right to access information in their constitutions.

In designing these laws, countries face a double challenge. They must balance the right of access to information with the individual right to privacy and also with the need to keep confidential information which would harm the public interest if disclosed.

Access to Information

FOIA has become a technical term that describes a particular class of legislation that defines and supports the rights of citizens to demand access to specified types of documents. Access to information requires sound legislation, clear institutional mechanisms for its application, and independent oversight institutions and the judiciary for enforcement. Finally, it also depends on the citizens knowing and understanding their "right to know" -- and being willing and able to act upon it.

Ideally, government-citizen relations should be interactive. However, there are several models, as indicated below.

One-way relations in which the government produces and delivers information:

- laws: free access to information should be the rule and secrecy the exception (e.g. 80% of the OECD countries now have FOIA);

- policies: basic legal rights are given substance through government commitment to provide objective and reliable information; and

- institutions: access to information laws generally apply to all administrative units and are subject to external oversight, e.g. the Ombudsman.

Two-way relations in which citizens provide feedback to the government:

- laws: providing for petition rights, referenda, consultations with trade unions, etc.;

- policies: governments may rely on formal or informal rules, practices, to give access to information.; and

- institutions: governments may have institutional arrangements for consultations (e.g. the Dutch polder model) or have ad hoc advisory bodies and commissions that include civil society organizations (CSOs).

Partnerships between government and citizens actively engaging in the policy-making process:

- laws: in some OECD countries, citizens have the right to propose new legislation or policy; this generally requires the prior collection of signatures from a proportion of eligible voters;

- policies: some OECD countries ensure a degree of active participation by citizens in policy-making; and

- institutions: there is no one particular institutional interface.

New information and communication technologies (ICTs) are considered to be powerful tools to engage citizens in policy-making. Although governments continue with traditional tools today, many of them are working to bridge the "digital divide" to ensure that all citizens enjoy equal rights of participation in the public sphere by providing information through websites and portals, to facilitate consultation (e-mailing and on-line chat events) and active participation (on-line discussion groups and interactive games). However, it has been the experience of many countries that integration with established "off-line" tools is needed to make the most of ICTs.

Legislation gives citizens access to information. It may explicitly state that access is the rule, and secrecy the exception. However, legislation also generally foresees exemptions in the following areas: national security, private company data, individual privacy, and legal proceedings. Some countries extend this to protect the confidentiality of the minutes of Cabinet meetings, annual budget proceedings and the like.

Legislation may require no identification and justification from citizens when they approach the government with a request for information. The law may further oblige authorities to give a written explanation of the reasons for rejecting a request. Legislation may demand that the government disseminate key information actively -- that is, without a specific request by citizens. This generally includes information on laws, rules, procedures, services provided, and organizational structures in all national official languages, within established time limits for delivery.

In many countries, government information services exist in each ministry or public organization, generally coordinated by offices under the Prime Minster or the Council of Ministers. Independent institutions may play an important role in enforcing laws on access to information, data protection and privacy. Institutions such as the offices of the ombudsman and independent commissioners generally investigate filed complaints and act upon them.

Access to Information in the Arab World

Traditionally, the Arab world, like most of the developing world has been wary of introducing "western" governance reforms. However, economic and political changes

have forced many nations around the world to give serious consideration to governance. Civil society, the media and different international players as well as events have also played a part in accelerating this process for change. For instance, the *Financing for Development* conference in Monterrey in 2002 and the announcement by the USA to link its aid with governance will also contribute to this acceleration process.

Shafeeq Ghabra, a professor of Political Science at the University of Kuwait, sums up the need for access to information in the region. "While definitions will vary, the term 'democracy' minimally presupposes three essential elements: transparency, accountability, and equality. Transparency denotes free access to governmental political and economic activities and decisions. Accountability entails a state being held responsible, by both its people and its elected bodies, for its choices and actions. And the concept of equality incorporates citizens being treated equally under the law, as well as some degree of equal political participation among them in their own governance. Calls for transparency, accountability, and equality have emerged in the Arab world, with citizens summoning their governments to reveal their incomes and expenditures, as well as strategies and ambitions. Among the instruments of promoting greater degrees of transparency and accountability are a free media and either a parliament or a consultative assembly. The methods established for obtaining equality include insistence on the rule of law and a vote for each and every citizen, including women."

With globalisation, most of the Arab nations are looking towards foreign investment to boost their economies. As elsewhere, corruption, mismanagement and fraud have been hampering economic development in the region. But the rhetoric of change is sweeping the region, accompanied by the emergence of electronic media that foster increased transparency. Governments' control of information is less sure, and the pace of change is growing. At the moment, access to information may seem to be very low on the list of priorities for the region. However, with very few exceptions, countering corruption, mismanagement and fraud has forced almost all the countries in the region to work towards an acceptable level of transparency and accountability.

Many Arab countries currently lack information policies that delineate targets and priorities, coordinate the various sectors and formulate strategic alternatives to create an infrastructure and develop human and information resources. The legislative and organizational frameworks for production and services institutions in various fields of information and communication are also lacking. Nevertheless, the political leadership in various Arab countries have shown an interest in the information industry. Their interest has led to the formulation of national plans to promote infrastructures, encourage foreign and local investment, provide Internet services to schools and establish free zones for ICT.

The Role of Information in Good Governance

Civil society, through citizens and the media, can legitimately claim access to information. Governments should facilitate this access by maintaining adequate

records as a base of evidence and by providing an infrastructure for giving information.

Strengthening relations with citizens is a sound investment in better policy-making and a core element of good governance. It allows governments to tap new sources of policy-relevant ideas, information and resources when making decisions. Equally important, it contributes to building public trust in government, raising the quality of democracy and strengthening civic capacity. Such efforts help strengthen representative democracy in which legislative assemblies play a role.

Consulting with and engaging citizens in policy-making rarely results in a standing ovation for government. Especially if citizens have seldom been given the chance to be heard in the past, they might use their first opportunity to air their anger or frustration. Or they might simply choose not to follow the options proposed by government. For idealists in government, this can be a very disappointing experience. Thinking that government's policies are right and in the best interest of citizens, they may be upset when being openly confronted with opposite reactions from the public. The golden rule in information, consultation and participation is that if you invite citizens to say what they think, then be prepared for dissent.

As with criticism from citizens, government officials might have their problems with critical representatives from the press, interest groups and CSOs. Government critics might, in fact, try to use governments' consultation and participation activities as an opportunity to articulate their opposition. The situation is quite similar to that with individual citizens – but can be much more difficult to respond to. The voices of media and CSOs reach a broad audience, in contrast with that of the individual citizen. Criticism by media and CSOs can lead to open disagreement and conflict. Of course, governments do not have to leave unjustified criticism unanswered. They have the right to clarify their viewpoint. What they do have to take into account, however, is the potential for criticism and conflict even if the government adopts an open, inclusive approach to citizens, CSOs and media.

Producing a lot of promotional material is not enough to strengthen government-citizen relations. The state of government's relations with citizens cannot be measured by the number of documents nor videos that a governmentproduces. While these figures may be important, the main question is what happens to these products. What information do they carry? Do they reach the public, or do they lie on some shelf? Do citizens actually use the information, or do they reject it? Does government acknowledge and value the reactions of citizens – or does it turn a deaf ear? Does its actions strengthen relations with citizens, leave them unaffected or worse? To be successful, governments have to plan for information gathering and dissemination, consultation, and active participation. Strengthening government-citizen relations means work – albeit interesting and even rewarding.

Consider the citizen's perspective first and treat them with respect. Why should citizens be interested in being informed or giving input in the first place? In fact, many citizens are often reluctant or unwilling to engage in information, consultation and participation activities launched by the government. They might decide that it is

not worth their time. They might leave it up to the government, parliament and other citizens to follow the issue. They might also mistrust the government's information or its motives in approaching and engaging them. When governments and their officials do not consider the citizens' perspective, they can easily develop unrealistic expectations of citizens' reactions. Very often, the result is disappointment. Public officials may, in turn, develop a condescending attitude towards citizens. This lack of respect is likely to aggravate, rather than improve, their relations.. When governments involve citizens in policy-making, they create expectations. Governments need to demonstrate to citizens that their inputs are valuable and that they are taken into account when making policy.

Of course, governments can use the above approaches for other purposes than to strengthen government-citizens relations. They can use it, for instance, to stave off protest, deflect criticism, defer difficult decisions, shift the blame for unpopular decisions and respond with cosmetic actions to international peer pressure. In doing so, however, they should be aware that they undermine relations with citizens – with serious consequences for their legitimacy and for democracy. Reaping the benefits of engaging citizens requires governments to follow guidelines and principles – not just the form but the spirit. And it needs time to develop and to show effects.

Information Management in Good Governance[1]

Accountability can be defined as the obligation of anyone handling resources, public office or other position of trust to report on the intended use of the resources of the designated office. Stakeholders in the accountability process cannot effectively fulfill their obligations nor be held properly accountable unless the evidence of their actions is made available through organized, secure, yet easily accessible means. To achieve this, consistent provision of reliable documentary evidence in the form of records must be ensured. Records are the indispensable foundation of the accountability process. Without reliable and authentic documentary evidence underpinning all essential accountability processes, government, civil society and the private sector cannot ensure transparency, guarantee accountability or allow for the exercising of good governance.

Accountability and good governance have become key development objectives in recent years. The management of recorded information is the cornerstone of any government's ability to ensure the degree of probity and transparency that is necessary to fulfil the government's basic responsibility to govern effectively, in a manner worthy of public trust.

Accountability and transparency depend upon complete, accurate and legally verifiable records. Without reliable records, officials cannot be held accountable and fraud cannot be prosecuted. FOIA and computerization programs are undermined.

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[1] This section is largely based on the work done in UNDP's CD-ROM on *Country Assessment in Accountability and Transparency* (CONTACT).

Records, as evidence, are essential to underpin the operations of:

* the core financial management institution;
* the supreme audit institution;
* the legislature;
* public accounts committee;
* the ombudsman;
* the civil service; and
* the judiciary.

Records can be defined as recorded information regardless of form or medium created, received and maintained by institutions or individuals in the pursuance of their functions, legal obligations or in the transactions of their business. Quite simply, records provide the evidence of events and transactions.

Records are primarily used to provide evidence that an event or transaction occurred. However, records are also used as references to support decision-making and document compliance when analyzing risk. To be authentic, reliable and available to users, records must be complete, authorized and accurate. They must also comply with the laws and regulations governing record keeping. In addition, the system(s) in which they are maintained must be secure and implemented consistently. Finally, records may be created on any physical form or medium, such as paper and computerized records. The format in which a record is captured, maintained and accepted as evidence is determined by a country's laws and regulations.

In many developing countries the system of formal record keeping is poor, or has broken down. A lack of well trained staff and a lack of emphasis on the need for accountability are mentioned as the main reasons. Instead, an informal system of record keeping has emerged which leads to gaps in information, slow retrieval time, opportunities to manipulate information, valuable space occupied by redundant paper files, and duplicated and wasted effort. In addition, it triggers an informality in the public sector which leads to unfair treatment of citizens, difficult performance monitoring, auditing and fraud detection. Policy is not evidence-based and legal compliance cannot be demonstrated.

The major driver behind both the need and the urgency for records management is the impact of the electronic revolution and its attendant telecommunications and computer industries, which has spawned a new technocracy. Virtual transactions are now the norm in commerce, industry and government in the developed world. As a result, donors are including computerization in technical assistance projects, hoping, with a single stroke, to provide an opportunity for economically disadvantaged countries to "leapfrog" onto a higher level of economic development for a relatively low level of investment. Computerization is expected to bring large productivity gains in government service, with greater transparency and accountability.

Unfortunately, in many cases, excessive emphasis on information technology as a tool for manipulating data, rather than on sound information management, has merely

compounded the problems. Computer projects which can be among the most expensive development projects, have failed, not only as a result of inadequate local infrastructure, e.g. intermittent power supplies and lack of trained computer personnel but also because the source data held on paper records is difficult to access and is incomplete. Attempts to layer computerized systems on top of collapsed paper-based systems have led to wasted expenditure and placed the countries concerned at even greater risk by leaving them with unreliable paper and electronic systems. Moreover, virtually no attention is being given to the legal and accountability implications of attempting to hold information in electronic form. The citizen's rights are at risk and the governance process is undermined.

There is the perception that the impressive development in the information and communications technology (ICT) for creating records has not been matched by a technological development for managing them. Computer-hackers all around the world have been able to disorganize and disrupt electronic systems that were considered to be safe and secure. Reasons why developers and users of electronic systems alike, feel less secure, be it for different reasons: the developer because (s)he cannot fully guarantee to have provided an absolute safe and full-proof system while the user is often reluctant to "surrender" vital records to such a system, e.g. a credit card number.

Electronic records are far more vulnerable than paper records, and must be carefully managed to ensure their accuracy and to maintain an audit trail of their handling. The current technology of scanning, copying, imaging, and color printing make it possible to create documents that are indistinguishable from their originals. This technology opens up the possibility to manipulate, falsify and forge contents in documents.

In addition, electronic systems can create increased opportunities for corruption and fraud: users may collude with ICT technicians, ICT technicians may take advantage of information monopolies, or local managers may remove controls that existed in paper systems. The current situation does not warrant that ICT applications adequately replace the existing paper record management systems unless it is proven that electronic records can be preserved and maintained through time in a reliable and authentic form to meet accountability and legal requirements. Finally, many if not most users of ICT systems including legal experts, auditors, and accountants are not always fully aware of the issues involved, and of the operational, legal and accountability implications and risks involved in capturing, holding and managing records in electronic form.

The rapid growth in information and communications technology (ICT), and the increasing tendency to use computers to streamline administration, has highlighted the requirement for access to information in paper and electronic formats. It is often assumed that computers solve information problems. Computerization is expected to bring large productivity gains with greater transparency and accountability. In addition, the convergence of computer development with advances in telecommunications capabilities has revolutionary consequences for global trade and investment.

However, the transition to an electronic evidence base must be gradual, with due care to ensure that records are authentic, reliable and verifiable. Emphasis on information technology as a tool for manipulating information, without parallel attention to the way the information is managed as evidence of decisions, processes and activities, can inhibit accountability rather than enhance it. The reality is that all governments still carry out most operations on paper. Paper records will continue to be, in the foreseeable future, a critical source of evidence. They provide a legally verifiable data source, in a relatively stable medium, which can be managed regardless of problems with power supplies, servicing and telecommunications. Attempts to layer computerized systems on top of collapsed paper-based systems not only lead to wasted expenditure but also place the countries concerned at even greater risk by leaving them with the compounded problem of both unreliable paper and unreliable electronic systems.

Therefore, the transition to an electronic evidence base must be a process in which due care is taken to ensure that records are and remain authentic, reliable and verifiable. The deterioration of the evidence base in societies is a global issue, which can be compared to the deterioration of the environment. As it stands now, many records of vital importance such as contracts, correspondence, minutes, reports, memoranda, etc are kept in paper form because in paper form they provide a legally verifiable data source in a relatively stable medium, which can be managed regardless of problems with power supplies, servicing and telecommunications. This is specifically the case in the public sector of the developing world where ICT has not been entirely understood and fully implemented.

Managers must be very cautious about relying upon computerized systems without keeping paper originals of documents where the records will be needed for longer periods and their loss could have significant financial implications. These include personnel records, pension records, records relating to loans which may have long repayment periods, records relating to land or property titles, contracts or records relating to policy decisions. Until it is possible to ensure that electronic records can be preserved and maintained through time in a reliable and authentic form to meet accountability requirements, ICT applications should be used to supplement rather than replace the existing paper record keeping systems.

Leading global organizations in this field such as the International Records Management Trust (IRMT) in London and the International Council on Archives (ICA) in Paris have stated in their publications that recognition has grown recently that recorded information is the cornerstone of any entity's ability to fulfill its responsibility for good management; these two international professional networks continue to state that without reliable, verifiable and authentic records, decisions and official actions and transactions cannot be traced; rules would not be known and cannot be enforced; and transparency does not exist. Neither integrity nor abuse can be demonstrated and nobody can be held responsible for his/her actions.

Freedom of Expression

For access to information to contribute to transparency and accountability in the public sector, there is a need for freedom of expression. In particular, this freedom needs to exist for the media. Across the world, there are a number of serious press freedom issues which urgently need to be addressed by governments and inter-governmental organisations. Although there is often a need to re-evaluate legislation and to re-think policy , the International Press Institute (IPI) -- the global network of editors, media executives and leading journalists -- is extremely concerned that these laws may be used to suppress freedom of expression and of the press. In Britain, France, the United States and many other countries, there have been legislative debates and discussions on this subject, recently. However, on many occasions, this has led to hasty and ill-conceived laws which severely curtail the ability of the media to report on issues of import. For this reason, IPI calls on governments to give active consideration to the statement of UNESCO Director General Koichiro Matsuura who said, "I emphatically reject the view that to obtain security, we must abandon our freedoms."

Freedom of expression and an unfettered media play a critical role in dissemination of ideas, shaping public opinion, and providing a public forum for debate. In many countries, however, the media remains largely under the control of governments or captured by certain interest groups. It is important to understand that the narrow self-interests of a political party, political class, social clique or the desire to assist a fellow leader are profoundly damaging to both a country at large and the way in which it is viewed by the international community. The main constraint to press freedom is the desire of many governments around the world to prevent the media from carrying out their professional duties. IPI has consistently argued that governments should be transparent and open to criticism. Indeed, criticism is an integral element of a healthy political process, and governments should become accustomed to it

The existence of other sources of information to traditional media also facilitates the airing of information. Even those countries with a free press can augment their sources of information by having Internet and satellite alternatives. For example, in India, *tehelka.com* created an uproar in 2001 by secretly filming senior defence officials accepting bribes for contracts. In China, the *Inside China Today* gives Internet users access to news on China that was very difficult to get in the past.

There is an ongoing tension between journalists' desires to report freely on all events and their need to exercise discretion in not compromising public interest. Situations involving security, conflicts and military actions are cases in point. Generally, journalists accept the need for some secrecy regarding military maneuvers. Media response to conflict is shaped, and some say distorted, by a number of factors. On the one hand, many journalists have observed that secrecy and controls on reporters are often imposed for reasons of political convenience, for example to avoid blame for military or political errors that deserve exposure. On the other hand, many journalists observed that in the age of video, if there is no picture, there is no story. Situations which cannot be captured on film, or to which photographer cannot get access, tend to be under-reported. Visually dramatic, acute events (such as battles or bombings) receive more coverage, while longer-term wide-spread situations (such as famine or poverty) get less.

Finally, the traditional role of the media as reporters of facts is the cornerstone to transparency and accountability in the public sector. As noted above, a key function of the media is to give the public the information necessary to make good decisions. The media can seek to confirm official accounts, reveal official deceit, and correct errors of omission. When officials claim that there was an oil spill eighteen times as large as the Exxon Valdez spill spreading off the coast of Kuwait, one reporter hired a helicopter to look for the spill. She found no evidence of a spill of that magnitude, and revealed that the official claims were greatly exaggerated.

Conclusion: Recommendations

The access to information is a fundamental human right and a precondition to transparency and accountability in the public sector. Therefore, governments have an obligation to create an infrastructure and procedures to make available information to individuals and groups. They must do so while balancing the need for guarding public interest as well as protecting the privacy of individuals.

In addition to providing information on their performance, governments also need to seek information from the private sector and civil society in formulating policy and improving service delivery. Through consultations, governments can become more responsive to the needs of their citizens. However, by setting up channels for communication and participation, governments may also be opening themselves up to criticism. Therefore, all stakeholders in the governance process need to be realistic and patient in moving towards a workable partnership.

By being obliged to make available information, governments must ensure good management of information. Records, whether paper-based or electronic, are the foundations of good information management. However, particularly in many developing countries, the system of record keeping is poor or has broken down. Under such circumstances, it is difficult to treat citizens fairly, monitor performance or carry out proper audits. The emergence of ICTs presents both an opportunity for and a risk to better information management. Computerized systems can assist disadvantaged countries to "leapfrog" into better managing their information, if properly aligned to their paper-based systems. But without this alignment, they can create opportunities for corruption and fraud, since electronic records are more vulnerable to tampering than paper records.

Finally, information on government decisions and actions and information obtained through consultations need to be disseminated to the public. It is through such availability that ordinary citizens and business and civic groups can monitor government performance as well as participate in an informed manner in formulating future public policies and programmes. The freedom of expression, especially through the existence of independent media, is needed to voice alternative or dissenting views.

Based on the preceding discussions, what follows are sets of recommendations for improving access to information, transparency and accountability in the public sector.

Create awareness

- create a dialogue between government, civil society and the media about access to information;

- educate citizens about what information is available, and how to obtain it, as well as about what is not available and why not; and

- sensitize government officials about the importance of well-managed and accessible information.

Conduct an assessment

- assess, measure and evaluate the existing provisions and capacity of records systems to meet citizen's requirements;

- develop a policy for the management of electronic records; in addition, establish a legislative and regulatory framework for managing electronic records (e.g. to ensure conformity to legal requirements);

- identify linkages and information flows between paper-based and computerized parts of financial systems; and

- identify records and information needs at the regional and local level in addition to establishing and maintaining policies and procedures at the regional and local level.

Build capacity including clean up

- design systems to organize and control current records and information, and introduce programs to ensure that the infrastructure is in place (see below);

- process large backlogs of disorganized records to allow for the introduction of new systems;

- revise financial orders, accounting manuals and disposal schedules to take account of new procedures and information requirements;

- develop and implement systems for managing semi-current records including defining retention requirements (see below);

- improve systems for managing archives as a permanent record of national development (see below);

- develop plans for protecting of vital records and archives in the event of a disaster or emergency;

- harmonize freedom of information and public records legislation;

- design and support the construction of effective storage facilities; and

- establish training needs and develop training materials and programs.

Establish an electronic document management systems (EDMS)

- be aware of the limitations of EDMS in capturing the administrative context of decisions, recording the connection between information and actions, and in electronic records serving as evidence;

- take into account the rapid obsolescence of equipment and software applications; and

- start in areas with relatively limited problems like automating numerical transactions such as payroll and accounting functions.

Develop a framework for managing paper-based and electronic records

- develop the expertise and resources to manage the records generated by computerized systems;

- create awareness among senior officials, legal experts, auditors and accountants on the issues and the operational, legal and accountability implications and risks involved in capturing and managing records electronically;

- establish a clearly recognized body of regulations, practices, policies and procedures for managing records as evidence, in paper or electronic form;

- include the records management profession in an overall accountability framework;

- ensure agreement on the target elements and core requirements for record keeping in a mixed paper/electronic environment in support of the evidentiary requirements of governments and citizens;

- define best practices for creating, maintaining and verifying records as evidence for accountability; and

- ensure adequate training is available.

Charter for a Free Press

- Censorship, direct or indirect, is unacceptable; thus laws and practices restricting the right of the news media freely to gather and distribute information must be abolished, and government authorities, national or local, must not interfere with the content of print or broadcast news, or restrict access to any news source;

- Independent news media, both print and broadcast, must be allowed to emerge and operate freely in all countries;

- There must be no discrimination by governments in their treatment, economic or otherwise, of the news media within a country. In those countries where government media also exist, the independent media must have the same free access as the official media have to all material and facilities necessary to their publishing or broadcasting operations;

- States must not restrict access to newsprint, printing facilities and distribution systems, operation of news agencies, and availability of broadcast frequencies and facilities;

- Legal, technical and tariff practices by communications authorities which inhibit the distribution of news and restrict the flow of information are condemned;
- Government media must enjoy editorial independence and be open to a diversity of   viewpoints. This should be affirmed in both law and practice;

- There should be unrestricted access by the print and broadcast media within a country to outside news and information services, and the public should enjoy similar freedom to receive foreign publications and foreign broadcasts without interference;

- National frontiers must be open to foreign journalists. Quotas must not apply, and applications for visas, press credentials and other documentation requisite for their work should be approved promptly. Foreign journalists should be allowed to travel freely within a country and have access to both official and unofficial news sources, and be allowed to import and export freely all necessary professional materials and equipment;

- Restrictions on the free entry to the field of journalism or over its practice, through licensing or other certification procedures, must be eliminated; and

- Journalists, like all citizens, must be secure in their persons and be given full protection of law. Journalists working in war zones are recognized as civilians enjoying all rights and immunities accorded to other civilians.

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Arab Human Development Report 2002

International Press Institute

Inter American Press Association (IAPA)