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NONGOVERNMENTAL ORGANIZATIONS AND THE FREEDOM OF INFORMATION

Western civilization for decades (if not centuries) tends to create free society. Principles and ideas of democracy are deeply rooted and have wide social acceptance. Principles of Freedom of Information though only recently found their proper place in the modern democratic states.

Although principle of Freedom of Information is the most important among the basic democratic principles it is the youngest as well. Only in 1951, 200 years after Sweden's unprecedented example (law regulating open information had been introduced in 1766, fact that is out of general logic of "democratic" history) similar law had been passed in Finland, in 1966 in US, and in more than 20 countries afterwards. Freedom of information is the foundation making possible transparent interaction between state and society thus forming basis for democratic governance (be it in developing or stable democracy)¹. In a general sense principles of Freedom of Information are intended to resolve issues of equality before law, and create healthy legal environment during the whole social process.

On the other hand principle of freedom of information with all its ramifications is difficult for society to grasp and accept. Surveys and studies conducted by the CSDU showed that though public is concerned about freedom of information related issues it is passive in finding solutions to those problems. Generally public admits that problems exist, but is not ready to act to solve the problems. If we view the problem in broader context of social processes this ambivalent approach (passive concern) to freedom of information is understandable. Every principle that is important for existence of particular minority is naturally defended by it.

We are glad to present you our second publication on the freedom of information. This volume is devoted to discussion of issues and problems related to realization of this right in Armenia. We tried to substantiate importance of the Freedom of information for general public and NGOs, and not only for journalists. Factual information contained in this volume describes situation with information access in the ministries of the Republic of Armenia demonstrating necessity of reforms. Results of conducted survey allowed us to present NGOs' perceptions of the field and its problems. We also discuss administrative and psychological aspects of the possible solutions, demonstrate legislative approaches to securing freedom of information and point to deficiencies in the current Armenian legislation dealing with the issue.

¹ See Principles of the Freedom of Information, CSDU, 2000

Natural amalgamation of certain social elements around certain issue that allows defending that minority *vis-à-vis* broader society occurs. All other groups are left out, becoming observers at the best.

Society as a whole admits the existence of the general principle, without admitting its being cause of the group actions. Every individual tries to solve problems on his/her own in his/her personal interests without viewing society as a collectivity of like-minded individuals, without directing his/her actions toward general development of the society. Thus issues of societal interest that necessarily should be treated as such being reflected in legal sphere (either as a special law or otherwise) remain in the sphere of private interests because of the passive attitude of the public.

Issues that have their source in the social life and are of legal nature should find their solution only from the standpoint of equality before the law. On the other hand issues that are brought to the legal sphere originate only from realization of exposed or hidden inequality.

Society unites only in critical situations around certain issue important for the whole population. In the legal issues it is much more difficult to achieve such state: process does not start and continue by itself. To achieve equality before law single groups undertake huge efforts. Meanwhile issues having as their main prerequisite universal equality before law does not appeal to the whole society in order to be able make use of its unification potential. Issues affecting all members of society cannot create tension of such potential force that would make internal reforms possible. Movement needs to start somewhere originated by someone. Today it can only be NGOs, groups of socially active people gathered around general issues of societal importance. According to survey conducted by CSDU 91.7% of NGOs need information provided by ministries, meanwhile no single NGO consider activities of government transparent. That means that issues of freedom of information and transparency of government instrumental for NGOs concern them.

There are problems solution of which is important for the whole society, but society itself, being diverse and fragmented cannot unite around them. Public is amorphous and has great but unmanaged potential. So NGOs, as part of the society, can become the leading force which will bring forward issues of societal importance, and try to resolve them without bringing to the scene narrow interests. By its status NGO is here to solve issues important for broad public based on the social interests of the latter.

Freedom of information is just among mentioned issues, that have as a moving force claiming their solution not instinct of the public but NGOs. Members of NGOs involved in social processes and movements (led by public interests) can analyze latent issues or treat evident issues from unusual, not traditional perspective.

Issues important for one NGO are disseminated among others, being discussed and transformed. As a result favorable environment is created that unites interested NGOs, and even can influence government circles.

Even if NGOs are progress-oriented any single reform could be effectively implemented only if majority of people perceived the problem, its timeliness, understood importance of solving it, and pushed for further action. Though solutions will be offered by elites they are brought to life by the efforts of the whole society.

Returning to the issue of Freedom of Information NGOs can make the field of information access better by working with government and parliament on one hand, and by campaigning among the broad public on the other. Only such two-way approach will make possible to have society where law and reality are compatible.

Artak Kirakosyan

RESULTS OF THE WRITTEN REQUESTS SUBMITTED TO THE MINISTRIES OF THE REPUBLIC OF ARMENIA

Freedom of information is among those rare fields where methods of study become subject of the study. Perceptions of the person studying the field of information access are formed not only on the basis of content of the information provided by particular organizations. Forms and methods of its provision, time it takes to obtain that information also play important role in assessing real situation with the information access. CSDU made written requests to all ministries of the Republic of Armenia (RA) and to the RA Office of Information and Publishing asking to provide the following information or point to sources where answers to our questions could be obtained.

1. Charter and structure of the ministry
2. Strategy and policies of ministry in the field of maintaining relations with public
3. Access to what information, besides one classified according to RA legislation, is denied by the ministry?
4. Scope of the services (information and administrative) provided by the ministry, mechanisms of their provision
5. List of NGOs that applied to the ministry in the last quarter of the 2000 and first quarter of 2001?

It has to be noted that information related to questions 1, 2 and 4 is subject to obligatory disclosure. That information makes possible form certain opinion on organization of citizen-state relations. Third question is seemingly of rhetoric nature but our analysis in the point 5 will substantiate it. The last question was necessary to:

- Estimate the level of cooperation between ministries and NGOs;

- More effectively organize survey of NGOs having certain experience of working with the ministries.

Requests were sent out to ministries on April 3, 2001. Below we analyze responses (and non-responses) to our requests. This study had not intended analyze work of the particular ministries (we planned to undertake such study in the future) but to make general observation of issues and problems pertaining to the system as a whole. We anticipate that it would have a positive effect on systemic reforms. Therefore we give names of the particular ministries only where it helps to clarify information making it more understandable.

1. The most important result is that 10 out of 22 ministries gave no response at all. Especially interesting is the fact that among those who did not responses were two governmental bodies responsible for implementation of information policy: Office of Information and Publishing, and Ministry of Communications. Though that by itself it indication of abnormal situation in the field of information access, we refrain here from making judgments, especially taking into account more interesting findings of the study.
2. After receiving our requests some ministries contacted us by phone. We were telephoned both from organizations that later responded to our requests and from those who did not returned us information we requested. Moreover as it became clear officials contacting us were more interested in who we were, and not what we asked. Survey we organized later proved our initial impression that fullness of responses depended on personal and other qualities of individual requesting information. Thus we can conclude that official is able to provide information (it is not classified) but first would like to know how it would be used.
3. According to the Law on Review of Suggestions, Applications and Complaints of Citizens responses should be given in a month period, and those which do not require additional verification of information in 15 day period. Even in cases when it is necessary to extend that period that could be done for not more than 15 days and after informing person which made an appeal or re-

quest. Meanwhile only 5 ministries gave their responses in time stipulated by law.

4. One of the prerequisites of effective dialogue between government body and citizens (NGOs) is the minimal understanding by citizens of the logic of the process with which particular government body organizes its work. Eleven received responses were signed by officials in different capacities: minister, head of ministry staff, head of central board for planning and cooperation, head of department of social dialogue, press secretary, and head of staff. There even were cases when responses to our request which had to be received from department that according to the statute of the ministry was charged with responsibilities of maintaining public relations were received from another department. If response contained information we requested it would have passed unnoticed, that unfortunately hadn't been the case.

5. Table below clearly demonstrates quality of responses only one of which can be considered full, in a sense that it contained answers to all our questions. Interestingly enough different ministries selectively responded to different questions. According to seven responses given to question #3 all ministries were ready to provide any non-classified information as permitted by law. Meanwhile thrice using standard formulae ministries in the very same letters denied providing information requested.

We refrained from making any recommendations to improve situation. There are plenty of them in other parts of this book. We just wanted to present raw data. In our view presented results speak for themselves demonstrating not just inertia and misdeeds of this or that government officials, but existence of serious systemic problem.

List of organizations that didn't answer the questionnaire

Ministry of National Security
 Minister-Coordinator for Operation of Production Infrastructures
 Ministry of Environment
 Ministry of Agriculture
 Ministry of Education and Science
 Ministry of Defense
 Ministry of State Incomes
 Ministry of Transportation and Communication
 Ministry of Urban Planning
 Information and Publishing Board

Maria Mkhitarian
Arman Danielyan

ACCESS TO INFORMATION IN MINISTRIES. EXPERIENCE OF NONGOVERNMENTAL ORGANIZATIONS

(Results of the study)

In order to reveal the level of transparency in ministries, and their readiness to provide information we studied situation with official requests for information submitted to the ministries by NGOs. Study combined quantitative and qualitative methods. Qualitative part consisting of two focus-groups with representatives of NGOs was intended to reveal existing views, scope of problems, and formulate our hypothesis.

Qualitative part served as a basis for survey (quantitative part of the study). Organizing focus groups we already had results of our requests to ministries. We used our analysis of their responses preparing focus groups and questionnaire for the survey. For example taking the fact that in almost all ministries there was no well functioning mechanism for providing information we presumed that there would be some difficulties with getting information from ministries. Survey demonstrated how this lack of working mechanism affects the public (represented by NGOs).

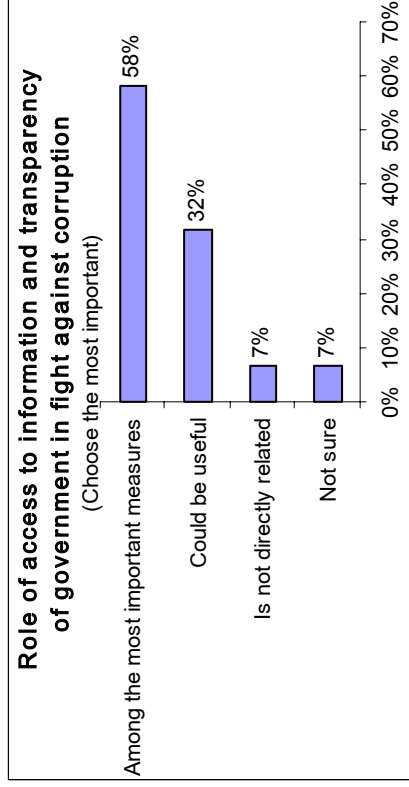
We surveyed 50 NGOs representing various fields of social activity. Our goal was to reveal their taking into account our analysis of information from the first phase of the study. Questions reflected our efforts to focus on information that we would like to elaborate. For example we found that if there was certain resolve you could obtain any information, but that required certain efforts, and besides continuously reminding ministry it was necessary to use personal contacts. During the first stage we also often heard that subjective criteria prevailed when ministries provided information and that they expressed preferential treatment toward well-known organizations.

Ministry	Period in which response was given (days)	Response				
		1st question	2nd question	3rd question	4th question	5th question
Ministry of Health	29	-	-	-	-	-
Ministry of Justice	67	-	-	-	-	-
Ministry of Industry and Trade	11	-	-	-	-	-
Ministry of Foreign Affairs	32	✓	✓	✓	✓	-
Energy Ministry	19	✓	-	-	-	✓
Ministry of Cabinet Chief of Staff	5	✓	✓	✓	✓	-
Ministry of Culture, Youth and Sport	93	-	-	✓	✓	✓
Ministry of Internal Affairs	35	-	✓	✓	✓	-
Ministry of State Property	59	✓	-	✓	-	-
Ministry of Local Government	4	✓	✓	-	-	-
Ministry of Social Welfare	32	✓	✓	✓	✓	✓
Ministry of Finance and Economy	6	✓	-	✓	-	-

✓ Full or partial answer
- Questions remained unanswered

Role of the freedom of information and estimation of transparency of Armenian government

We found that NGOs consider governance transparency and information availability as the most important (or complementary) factors in fight against corruption (respectively 58 and 32 % of our respondents).

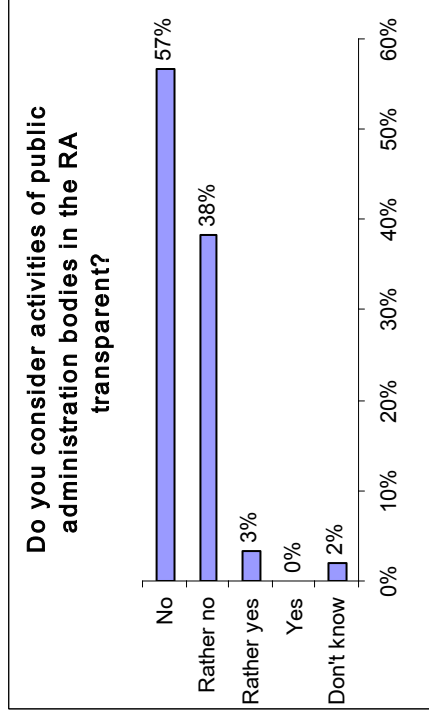


If trust to government had been assessed by its perceived² transparency from the results of our survey we would conclude that government was not trusted at all, as 95% of respondents did not (or rather

did not) perceive government activities as transparent (with no respondent answering positively). At the same time different ministries were perceived to have different levels of transparency. Among ministries considered as most open were Ministry of Social Security and Ministry of Education and Science, among most closed- Ministry of Defense, Ministry of Regional Administration

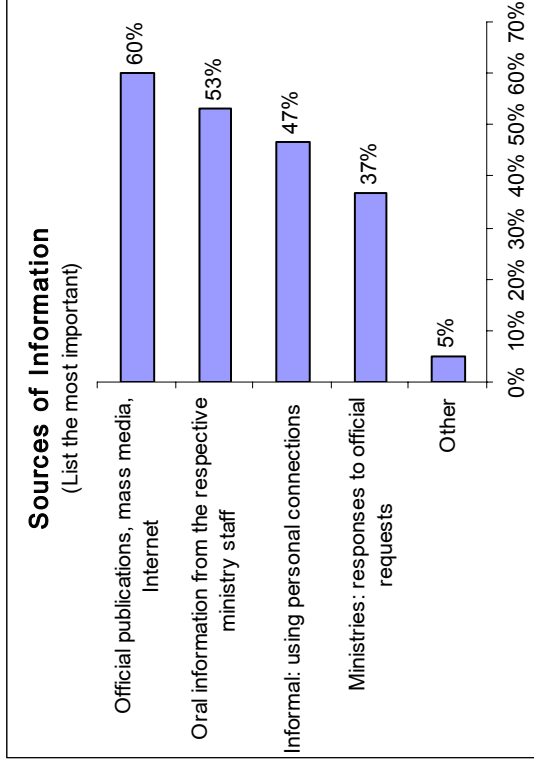
² TI Source Book 2000. Confronting Corruption: The Elements of a National Integrity System

and Ministry of National Security.



Sources of information

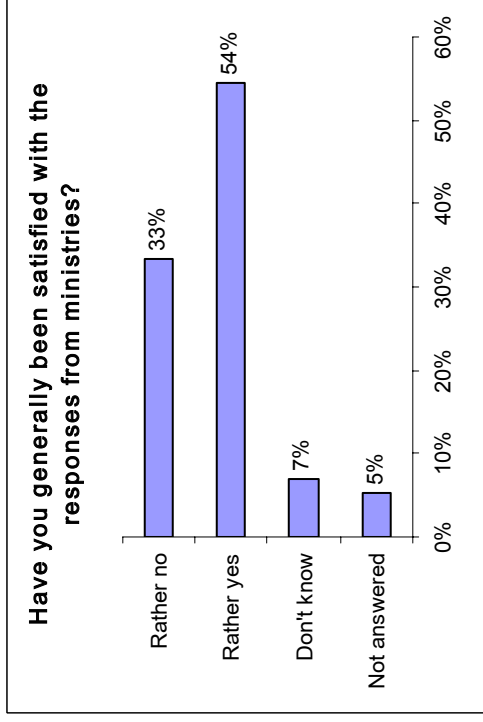
Overwhelming majority of NGOs (92% of respondents) reported their need in information provided by ministries. Among the most often mentioned sources of information were mass media, Internet (60% of respondents mentioned that source). Informal contacts were the nextmost often mentioned method of getting information from government. Fifty three percent of respondents mentioned oral information obtained from the respective departments of government as their source of governmental information, and 47% mentioned use of personal contacts for getting such information. Official request for information figures as a source least often (37% of respondents), and only two respondents mentioned it as their only source.



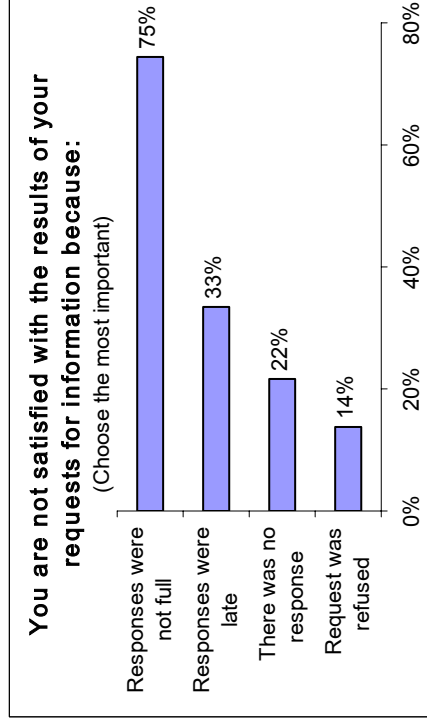
Official request to ministries

Majority of surveyed NGOs officially requested information from ministries several times a year or more often (50 and 18% respectively). Fifteen percent of them did not make official requests at all preferring either to obtain information from mass media or from personal contacts. It should be taken into account that even those organizations which mentioned official request for information as their information source not always turned to that method of getting information. Both those who did apply to ministries and those who did not apply at all explained their reluctance by the fact that information obtained from other sources was comprehensive in contrast to government-provided information that required additional work to make it of comparable value. Official responses left more respondents unsatisfied (54% of unsatisfied against 33% satisfied). Response was considered

unsatisfactory if it was defective not containing information requested, or if its information was unauthentic and distorted, or in case there was no response received (22% of cases) or if it was refused to provide requested information (14 % of cases).



Ministries indeed preferred to give full and comprehensive response to well-known organizations; meanwhile others relied on personal connections and personal capacities of their members. Organizations satisfied with responses received from ministries requested information from them more often than those who got unsatisfactory response



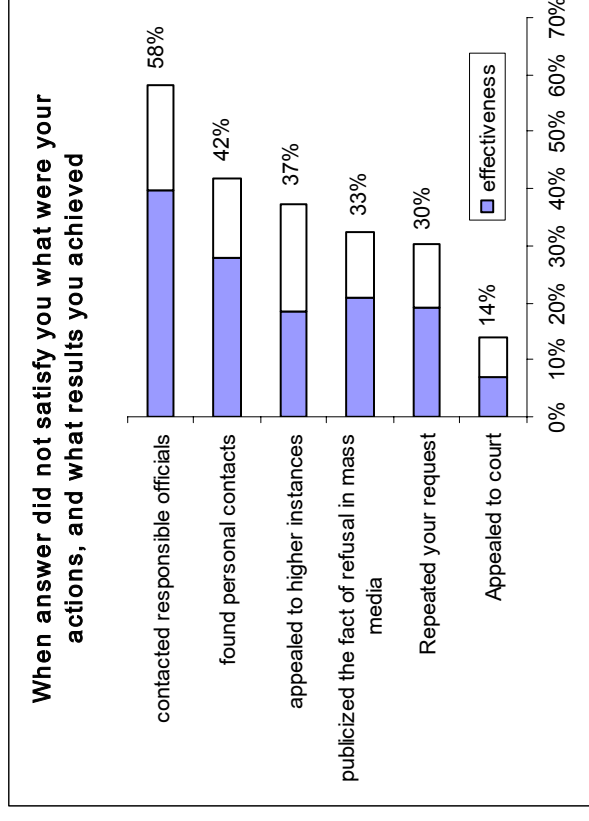
(58 and 32% respectively). Among the reasons of getting full and satisfactory response NGOs mentioned their authority in particular field (77%), and, though in fewer cases, good work of the re-

spective department in ministry (24%). Those generally unsatisfied with the responses in case of positive result of their request explained that more by personal connections in particular ministry. Despite unsatisfied organizations requested information from ministries more rarely, in case of positive results they explained that by good work of ministry more often than those who were usually satisfied with responses (33 against 24%). Authority of organization in that case was considered as equally important as personal connections (53 and 57% of respondents respectively).

Actions in case of receiving unsatisfactory response

Our survey generally supported assumption initially based on focus group data that in case of due persistence it is possible to obtain required information. In more than half of the cases organization that undertook further steps after receiving unsatisfactory response achieved successful results. Majority of organizations that received unsatisfactory response to their request (84% of all respondents) tried to obtain required information taking additional measures. Most often they chose to apply to responsible official (58% of respondents) and

68% of them considered that way effective. Second by its effectiveness was search for personal connections (48% of respondents, 67% of which considered that way effective). Other ways tried by those unsatisfied were applications to higher instances (37%), publications in mass media of the fact of refusal to provide information (33%), resubmissions of request for information (30%), and appeals to the court (14%). The least effective turned out to be appeals to the court and to higher instances.



Causes of difficulties related to information access

We also were interested to learn about possible explanations of causes of those difficulties NGOs experience in the field of information access. During focus groups we heard about the absence in the ministries of the general rules for providing information, and about the absence in each ministry (with minor exceptions) of working mechanisms for providing information. Survey data supported that initial evidences. Surveyed NGOs mentioned as the most important causes of hampered information access those two reasons (52% of respondents). Other factors mentioned were incompetence of the ministry staff (42%) and their corruption (38% of respondents).

But the main cause of the problem is absence of legislative acts regulating access to information, and majority (67%) of respondents considered adoption of Law on the Freedom of Information as one of the main steps toward improvement of the situation.

Study demonstrated also that it is necessary to introduce novel methods of information access such as Internet or Information Centers (62% of survey respondents), and take actions directed toward increasing awareness of people on their rights to obtain information. Role of NGOs, as they perceive it, in that process is very important.

Arman Danielyan

ACCESS TO INFORMATION IN THE MINISTRIES. LOOK FROM WITHIN (Interviews with government officials)

Responses received to the questionnaires sent to ministries and survey of NGOs have demonstrated that situation with the freedom of information cannot be considered satisfactory. Significant number of NGOs links current unsatisfactory situation with absence of mechanisms of providing information and with unsatisfactory work of respective staffs in the ministries. That is view from “without.”

In order to learn the views from “within,” of the respective staffs in the ministries, we conducted interviews with the number of officials responsible for Public Relations in various ministries. Analyzing responses to our questionnaire, results of focus-groups, and survey we chose for interviewing officials from the following ministries: Health, Internal Affairs, Industry and Trade, Social Security, State Property Management, and Government Information and Analysis Center of Economic Reforms. Ministries chosen represented different areas of the governmental action and were perceived by NGOs as having varying degrees of openness. Before getting to results of our interviewing process it is worth mentioning how differed working conditions in various departments we visited, though they were supposed to perform the similar functions. In some ministries (such as Internal Affairs or Social Security) they were fully equipped with modern equipment and in some ministries only equipment public relations department had had was fax machine which even lacked paper. It well could be an indicator of perceived importance of interacting with public for and within the particular ministry.

Differ also the status of departments within different ministries: from fully staffed departments to one-two person divisions or even single person from the ministerial staff charged with that responsibility. With single exception of Ministry of Internal Af-

fairs with its long traditions and well established structure of Public Relations Department our perception from a single visit to the various ministries was that simple existence of the structures responsible for public relations depends on how well people staffing that structures could substantiate before higher ups their claim for importance of their work. During interviews we discussed both issues specific for the particular ministry and issues important for the system in general. With single exception of Ministry of Social Security where Department of Social Dialogue responsible for external relations deals equally with NGOs and general public in all other ministries public relations and “media relations” are nearly synonymous. During interview it became clear that one of the main problems with public relations in the ministries is that structures responsible for providing society with information about activities of the ministries are not in command over information they are supposed to provide. The reason is that in many ministries mechanism ensuring flow of information to structures responsible for providing it to the public is lacking. Interestingly, that makes flow of internal information within ministries more difficult as well. Effectiveness of PR departments in such settings depends directly on the personal qualities and contacts of the persons staffing them. One of solutions suggested by our interviewees was elevation of status of PR departments subordinating them directly to the minister. That could in view of our interviewees positively affect work of PR departments making them spend their time not on search for information in various departments but having it flow to them directly. On the other hand experience of the ministry of Social Security suggests that simply having mechanisms that organize flow of information within ministries suffice to make PR departments’ work effective. It is worthy to note that in the ministry of social security the PR department also ensures public-ministry feedback mechanism that in the first place is very beneficial for the ministry itself, as it is easier to organize effective work knowing requirement of the public.

It was often mentioned during the interviews that information environment is very slack that often prevents ministries from disseminating information it deems necessary for population to

know. Interviewees considered TV as one of the methods to cope with that problem suggesting organize a TV program during which ministries would make their information available to wide population. In our view there should be other ways to make information available to population taking into account that mass media usually are concerned with issues of interest to wide audience so it is hard to imagine situation when issues of importance to narrow audience could make their way in the press or on TV. Even if issue would be appealing for mass media to present it to public it is impossible to publish or broadcast big volumes of information. To make information available ministries should consider possibility of turning to NGOs that have narrow focus and are in constant interaction with their target group so they are able to make targeted information dissemination work.

It is important also to have professional staff in the structures responsible for PR. Currently they’re staffed primarily with persons having background in journalism. That probably makes sense for media relations, but for making effective public relations it probably should be staffed with professionals having background in law or political science. Maybe that is the reason why majority of responses to our questionnaire came not from the public relations departments but from other structures. Summing up we can say that mechanism regulating flow of information within ministries and between ministries and public needs to be improved and requires additional normative regulation.

There are no general norms regulating activities of public relations departments as their functions and status varies. That in our view should be changed by introducing law which would eliminate unnecessary discretion in the issues related to information access. In our view it is necessary to introduce advanced courses for officials responsible for public relations in the ministries, facilitating also exchange of information on best practices between members of that profession.

Mavr Davtian
Philosophy Doctor
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Public Administration and
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COMMENTARIES ON ACCESS TO INFORMATION POLICIES

Information policies, especially ensuring access to information, are very important for Armenia that is in process of developing the Liberal economic and democratic political system and civil society. Free access to information helps improving governance mechanisms. Government-society relations are acquiring new and qualitatively different meaning in the era of global reach of information technologies and communication transparency.

Transparency of government can also be important in fight against corruption, as that means possibility of holding government bodies and government officials accountable before citizens.

Benefits from accessibility of information on activities of government are twofold: that creates opportunities for greater public awareness on issues in legislative and executive domains, and secondly it creates possibility to enhance civic awareness and awareness of individual rights.

Currently there are basically two avenues of getting access to information:

- 1) Public registry, Agency registries, IRTEK, Internet, Press
- 2) Written or oral request for information directed to respective agency.

Let's discuss accessibility of each.

Acts adopted by Parliament, president, or government are published in official bulletin and fee-based electronic services, such

as IRTEK. Previously presidential acts were published in the official press as well. Official bulletin is published in 1000 copies (400 copies ordered by government, 500 delivered to subscribers, and 100 are sold in stores) and is available only in three public libraries in Yerevan only. List of legislative acts, decisions and normative acts, as well as amendments made to them is unavailable. Development of searchable system of legislative information would ease the task of finding necessary information.

Another mode of getting access to information is via fee-based electronic information system that is by definition far less accessible for broad public. Moreover there is no alternative free version that would enable public to get information on enacted legislation. Even government structures have to pay for using that service. Susanna Grigorian, head of the 'Official bulletin' Ltd. in telephone interview informed CSDU president A. Kirakosian that electronic version of all 'Official bulletin' print version materials could easily be published on Internet in case of respective government decision.

Government of Armenia has its Internet site, which provides some information on government activities. Making available list of government decisions and amendments to thereof would be most appropriate. Though parliament also has its website its legislative content hasn't been updated since 1998.

Thus we could conclude that none of these modes eases access for ordinary people. That makes people rely on officials' interpretation of clauses contained within official documents, that often times are peculiar and biased. Publication of legal acts in official papers and making them accessible to general population would narrow conduits for misconduct by public officials directly informing population about most important issues and legislation pertaining to them. Another issue is necessity to publish interpretation of legislation intended for common people who doesn't have habit to read arcane legislative documents. It might be a good idea to provide them with the commentaries on the issues most affecting their lives. For example each year government decides on the list of illnesses medical treatment of which in hospi-

tals should be free (paid from the state budget). Despite the fact that decision specifically mentions social groups eligible for state support even these parts of the document are not published by the press. As a result people from economically vulnerable social groups often don't apply for medical help as they don't know that costs will be paid by the state.

To obtain information by means of written or oral request several factors should be present:

- Appropriate procedure
- Appropriate department in charge of that procedure
- Corresponding mechanism
- Appropriate legislation
- Professional cadre

In April-October 2001 CSDU studied situation with access to information in Armenian public sector. CSDU conducted surveys in ministries and 60 NGOs, organized focus groups with representatives of NGOs and interviewed public officials responsible for public relations in the ministries. Study showed that more or less orderly situation exists in relations between government and the press, as indicated by existence of press departments in all of the ministries. Meanwhile only 11 out of 21 requests for information submitted to ministries resulted in responses. Responses came from departments/persons apparently having no formal responsibility for public relations in the ministries. Departments charged with carrying out public relations responsibilities have different names as diverse as press secretary or even social dialogue division. Their goals meanwhile are very similar: present to public social economic policies of state and the process of their implementation. From that standpoint it would be useful to have similar and uniform departments responsible for doing public relations (uniformity should be in the naming and organizational structure—as uniform are for example economic, legal, financial departments in different government bodies). It is necessary also enhance official document processing policies in ministries, and

regulate such issues as signatory and assignment powers in ministries.

As for professionalism of cadre, for PR department employee it is necessary to be not only professional but to have good communication skills being able to communicate with people effectively. It is necessary thus to offer employees working in that sphere advanced professional courses. It would enable to prepare new kind of bureaucrat, who would watch over the state interests, being aware at the same time of his responsibilities and citizen rights.

NGOs play important role in maintaining good state-society relationships. Early stages of NGO community formation in Armenia are over, and cooperation of NGOs and state structures can be mutually beneficial. It is extremely important to develop mechanisms for involving NGOs in the government decision-making allowing them somewhat influence that process. Equally important is to have government use NGOs' potential in conducting policy analysis and monitoring studies.

Artak Gnuni

SOME ISSUES IN LEGISLATIVE REGULATION OF THE FREEDOM OF INFORMATION

Freedom to seek, disseminate and exchange information is among the basic natural human rights, fact that has been reflected in Universal Declaration of Human Rights and article 19 of Civil and Political Rights Pact. That principle is fixed in Armenian Constitution in article 24. Taking into account the imperfections of legislation in post-totalitarian countries public opinion demands creation of specific Law on Information Access. In order to arrive to some conclusion on that subject we need to examine issues that law is called to address. As Armenian Constitution, each article of which is of direct action (article 6) incorporates general principles there is no need to duplicate that in other legal acts. Other concerns are addressed by corpus of legislative acts specific for each respective field they deal with. Thus no single law can address all concerns. It should just provide general mechanisms for ensuring freedom of access to information. In the discussion that follows we will try to demonstrate deficiencies of existing legislation, providing rather brief outline of issues than their comprehensive treatment, and focusing our attention on the most important issues that need to be addressed by legislature. We also will try to define the stages of getting access to information.

1. *Who have the right to access the information?*

Article 13 of the Law on Urban Development declares that regional and local governments must ensure participation of representatives of the public in the process of urban development. Law does not define “representatives of the public.” It is unclear if that right applies to everybody or only to representatives of the respective locale. It is unclear also if “representatives of the public” receive information directly or through some official agency. More clear definitions can be found in the law on mineral resources article 40 of which mentions “NGOs and citizens.” Meanwhile those definitions also raise some questions: why only NGOs and

if by “citizens” law mean only Armenian citizens. Access public is most clearly defined in article 12 of the Law on the Safe Use of Atomic Energy for Peaceful Purposes. It mentions Republic of Armenia physical and legal persons. Clear definitions also contain Law on Protection of Citizens during Extraordinary Situations. Articles 5a, 6b, 12c, 13f specify obligations of central, regional and local governments in alerting and informing population, and article 19 specifies rights of RA citizens. At the same time in some acts these issues are not regulated at all, such as in law on medicaments, or in Law on preservation of cultural and historic monuments, and preservation and use of historic environment, as well as in some other acts.

2. *Bodies charged with responsibility to provide information*

This issue is treated relatively well in the existing legislation. For example article 13 of the law on urban development charges “regional and local governments” with the responsibility to provide information. Somewhat unclear is law on mineral resources where article 40 mentions “governing bodies” without specifying if that relates to legislature, central government, organization in charge, regional or local government. Unclear also who are those “authorized bodies” mentioned in article 12 of the Law on the Safe Use of Atomic Energy for Peaceful Purposes: central government, organization/agency in charge or energy commission. That aspect is important because article 32 of the Energy Law rather clear defines responsibilities of energy commission. Thus there are some imbalances in the field of information access.

More clear definition of bodies responsible for providing information is contained in the Law on Protection of Citizens during Extraordinary Situations that precisely defines rights and responsibilities of each governing body authorized to provide information. For example article 5a charges central government with responsibility for informing about occurrence of extreme situations (natural calamity) or about possibility of their occurrence. Point 6 of the same article regulates the rules of making actions taken during extraordinary situations public. Point 12 defines scope of au-

thority of central, and points 13f and 16e of local and regional governments respectively. All in all existing legislation treats that subject rather fully. Meanwhile information access is not only confined to providing information to representatives of public. In some cases legislation tried to regulate governmental access to information.

For example article 17 of the Law on Drugs prescribes that “organizations doing preventive medicine, drugstores, and other organizations utilizing and using drugs immediately inform respective government body about all occurrences of previously unknown side effects of drugs used.” Law on Preservation of Cultural and Historic Monuments contains similar clause. We suppose that introduction of similar clauses in other acts will result in more active interaction between government organizations and representatives of public.

3. *Mechanisms of providing information*

According to existing legislation the main mechanism of providing information is its official publication. Variety of information, though, makes its impossible to officially publish all available information. In many cases legislature does not precisely define mechanisms for providing information. For example article 13 of already mentioned Law on Urban Development contains provision stating that citizens have the right to obtain information on planned changes to the local living environment that would occur in the course of local urban development activities of regional government bodies. It would be much clearer if law obliged regional government bodies and local self-government bodies in specified amount of time publish in mass media immediately available to population information about planned changes affecting their living environment. The same article of the law states that public has the right to participate in discussions of published urban development projects and architectural plans before their final approval, presenting amendments that are based on legal and normative documents, and present alternative projects and drafts. Way in which citizens can participate in discussions and present their “alternative projects and drafts” is not clear from the text of the law. Also unclear is the body where citizens should

submit their suggestions. If this body is organization in charge of the project, regional government, local self-government or other state agency that should be clearly mentioned, otherwise publication of the alternative projects in the media are in no way subject to the regulation by this law. Similar provision can be found in article 23 of the Law on the Preservation and Use of Historic and Cultural Monuments. In this case due to the specifics of the field it would just suffice to simply mention the body where suggestions and projects should be submitted (we think it should be authorized governmental agency). Returning to the article 13 of the Law on Urban Development we’ll briefly discuss provisions contained in points 3 and 4.

Point 3: subject published urban development projects and plans to independent expert assessment paying expenses of the latter from one’s own pocket. That point leaves unclear how and where such projects and plans would be published.

Point 4: sue regional government and local self-government bodies and officials for their actions. Mentioning this right is unnecessary as it can be naturally assumed and is not subject of regulation. Unclear is provision contained in article 40 of the Law on the mineral resources according to which government bodies in their activities directed towards preservation and use of mineral wealth must strongly consider opinions of NGOs. Scope and mechanism of cooperation is not clear from “strongly consider” phrase. Although in some legal acts mechanisms of providing access to information are available they seem to be insufficient. For example article 4 of the Law on privatization requires government to present privatization program to the parliament before starting implementing it (point 1). Taking into account importance of the subject to the public it would be proper to publish draft of the program in the media, in such way as not to violate trade secrets. The most effective solution was found in the article 26a of the Law on Budget. According to that provision Draft of the Budget is subject to publication in three days after its submission to the Parliament (the same provision holds for local budgets as provided in article 36).

Article 12 of the Law on Parliamentary Procedure contains provision that allows President of National Assembly to postpone for three days broadcasting of Parliamentary session of government questioning. Head of the legislature should have the right to somehow regulate how media covers the work of the legislature, but taking into account the fact that legislators and person heading them are first and foremost representatives of different political forces it would be wise in our view to explicitly mention all those conditions that would allow head of the parliament to use that his right. As an example (although fields differ significantly) can serve article 20 of the Law on Constitutional Court which lists all conditions that allow to make court hearing session declared closed for the public. Another issue to be discussed here is method of publishing information. It seems that issue with laws and other legal acts are clear: they are published in "Official Bulletin" or in "Bulletin of Normative Acts." Meanwhile in other cases mentioning the method of publishing information is very important. As example of that can serve article 98 of the Law on Joint-Stock Company according to which JSC must publish its annual report, accounting balances and information on gains/losses in mass media available to shareholders. Even such not precise definition (as it is unclear which mass media could be considered "available to shareholders") introduces some certainty. Article 24 of the Law on Accounting Standards which states that "financial reporting could be published in the press or be distributed as a book" does not specify in which country or in what press that information should be published. The same question applies to first point of the article 50 of the Law on Banks and Banking that only demands "publishing." The same impreciseness is in the article 48 of the Law on Local Self-Government Bodies which are required to publish information and booklets containing basic statistical information on Local Self-Government.

4. *Scope of information provided*

Despite there are certain laws that exactly specify the scope of information to be provided generally that issue of significant importance is not resolved. One of the rare positive examples is the Law on the Safe Use of Atomic Energy for Peaceful Purposes.

Article 12 of that law mentions information on the safety of planned, constructed, operating and closed down atomic energy objects, as well as on the state of the nuclear radiation in the RA. That law also specifies what information can be provided, defining thus scope of information subject to disclosure. That frees citizens from arbitrariness of officials. In that sense article 19 of the Law on Extraordinary situations defines scope of the information available to citizens clearly enough, but the fact that it does not mention limitations (official and state secrets) negatively affects the preciseness of the definition as a whole.

Such limitations are absent also from the Law on Archives. It is clear that they should not be displaced by the Law on State and Official Secrets, as there are many ethical issues concerning private information related to personal life of individuals. In some cases legislative acts are not strict enough concerning limitations on the freedom of information. For example Law on prevention of AIDS-related diseases states that AIDS-infected person has the right to demand non-disclosure of patient's medical history (keeping medical secret), except cases stipulated by law. Such imprecise definition can lead to disclosure of information related to patient's medical history against his/her will. In our view it is important to have clear definition of medical secret and demand its preservation.

All criteria mentioned above can be incorporated in already existing legislative acts.