

Construction Permit Manual, Lebanon

I Fact Sheet

Name of the Tool: Construction Permit Manual (“How to acquire a construction permit”)

Brief Description: The manual describes and simplifies the necessary procedures to acquire a construction permit in Lebanon. It provides an overview of the documents, fees, and deadlines required to obtain this permit, as well as the different institutions involved.

Responsible Organisation: The Lebanese Transparency Association (LTA)

Areas of Work: Administrative reform, advocacy of citizens’ rights

When the Tool was Implemented: Lebanon, February 2002

Primary Sources of Funding: Amideast – Lebanon/USAID. The implementation cost \$21,000.

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II Objectives

The purpose of the manual is to facilitate one of the most difficult bureaucratic transactions in the Lebanese administration. While making this transaction transparent to the public, and informing them of their rights vis-à-vis the public administration, it also seeks to empower citizens in their contacts with the state authorities, and thereby minimise the likelihood of corruption.

Furthermore, it provides citizens with the tools and knowledge to resist common corrupt practices in state administration. By listing the procedure and fees, the difference between standard and corrupt procedures becomes evident. In this way, deviation from the description in the manual can be pointed out to public officials, thus enabling the citizen to hold the public official accountable. Ultimately, raising the level of awareness and knowledge among citizens will enable them to reject corruption.

III Context

With the current post-war reconstruction in Lebanon, the real estate and building sectors have been booming, which has resulted in an increase in the number of applications filed for construction permits. A construction permit is a license that is required whenever a construction project is undertaken. Embarking on a construction project without holding such a license is unlawful. The issuance of a construction permit involves no fewer than five institutions, including various departments within each of these.

Publicly, it is well known that the process of acquiring a construction permit is corrupt. Research conducted by the Lebanese Center of Political Studies (LCPS) has also shown that the process is unique in the tremendous scope of corruption involved and the amount of bribes paid throughout the entire transaction, which can also double the official cost of the permit.

At an LTA strategic planning meeting, the idea of publishing an informative manual on administrative procedures was discussed. Several members of LTA's General Assembly stressed the importance of informing citizens of their rights and obligations and of raising their awareness about complicated administrative transactions. LTA's executive board volunteered legal and administrative consultancy services for the project.

Through its research for this manual, LTA was able to determine the factors that have helped to facilitate the corruption prevalent in the process for acquiring a construction permit. Leading to the complexity of the transaction, and hence the high level of corruption in its procedures, the most important factors are:

- Citizens' ignorance of their rights and the procedural steps to obtain the permit.
- The indifference of civil servants who consider bribery to be an acceptable form of a bonus.
- A lack of monitoring and control of these civil servants.
- The weakness of public complaint mechanisms.
- The dissipation of responsibility due to the high number of public institutions involved in issuing the permit.

These findings, as well as the specific recommendations to the administration on how to improve the process, were presented in a detailed report. The report described the loopholes in this transaction and suggested steps that the relevant institutions could take to simplify and reform the procedures.

The report was submitted to various decision-makers and actors who are in a position to influence and reform the transaction process. These decision-makers and actors work in institutions such as the Office of the Minister of State for Administrative Development, Urban Planning Directorate, Order of Architects and Engineers, the main municipalities, and the parliament.

IV Implementation

The idea to address the issue of corrupt practices in issuing construction permits was inspired by the government's decision to assist foreign investors with bureaucratic procedures. The Investment and Development Authority of Lebanon (IDAL) developed desks it called 'one-stop shops' for foreign investors with the aim of simplifying the process of acquiring a construction permit. Instead of dealing with the multitude of public agencies usually involved in this process, foreign investors would have all paperwork processed by one desk at a fixed rate. LTA's manual was also conceived as a sort of one-stop shop, however, in this instance for all citizens interested in acquiring a construction permit.

The entire process of publishing the manual, from its conception to its final distribution, took about one year. Two researchers, several consultants and a coordinator developed the manual, at a total cost of approximately US \$21,000.

The idea to publish this manual began to take concrete form during February and March 2001 after the executive board decided to implement the recommendation of the General Assembly on the necessity of raising citizens' awareness. A manual on general bureaucratic transactions was deemed too broad to produce practical outcomes, so it was decided that the focus of the project would be the construction permit. A proposal was submitted to Amideast in June and approved in July of that year. An action plan was subsequently prepared and the background research was finalised.

The field research that was conducted in November and December 2001 consisted of visiting the relevant agencies and interviewing professionals in the field and individuals from the public who had gone through the agonising experience of obtaining a construction permit. This was followed up by a discussion of the first draft with a focus group, which consisted of experts and practitioners from agencies relevant to this transaction. In January 2002, the contents of the manual were reviewed and the graphical design was agreed upon. The design of the manual required considerable attention, given the fact that it had to be simple and user-friendly enough to ensure that a wide audience was reached.

Finally, the manual was published and distributed in February 2002. It is distributed free of charge. The main channel of distribution consisted of media coverage of the guide. The press has been very helpful in the promotion and distribution of the manual. All the main newspapers have reported on the manual, which has led to a high demand from various areas of the Lebanese territories. In addition, the newsletter of the Center for Development Studies, which is distributed to NGOs and municipalities, included an article on the manual. A local TV station also reported on it.

During the duration of the project, LTA frequently collaborated with architects and engineers, as well as with the Office of the Minister for Administrative Reform (www.omsar.gov.lb).

V Results

Most of the manuals have been distributed not only to citizens but also to municipalities, libraries, NGOs, law firms, as well as architects and engineering firms. The response from the public has been overwhelmingly supportive and there has been strong encouragement for similar initiatives. Moreover, newspapers are still publishing comprehensive reports and features on the manual and the construction permit process.

It is too early to determine the direct impact of the manual on the administration itself, as discussions and negotiations are ongoing with the relevant agencies. However, the indirect impact of the manual is that citizens are using it frequently and some officials have received copies of it and found descriptions of their roles and duties with regard to citizens.

One major setback in the publication process was the lack of co-operation from some state authorities. Not only did this unnecessarily prolong the time required to create the manual, but it also had repercussions on the speed at which the recommendations of the report were adopted.

VI Future Recommendations

- **Partnership with a Public Institution:** Given the nature of the publication, a partnership with a state agency that is responsive to the need of creating such guides and manuals would facilitate the implementation of the project significantly.
 - **Researching:** The process of data collection would be simplified if a public institution would facilitate meetings between the implementing NGO and the different institutions involved.

- **Reaching the Target Audience:** A partnership with a public institution would increase the likelihood that the target audience of the manual would be reached if the relevant agencies would agree to display it at the entrance of their premises or promote it through their own communication channels.
- **Manual Distribution:** The allocation of adequate funds for manual distribution is essential to ensure a wide audience and an efficient dissemination of the manual contents.
- **Electronic version of the Manual:** The allocation of funds to create an electronic version of the manual would increase readership. In addition, linking from the manual to the websites of the agencies in question would be an excellent method to further disseminate this information.
- **Response Evaluation:** Standardised means of evaluating citizen responses to the manual would improve the quality and content of future manuals, which is especially of interest if the manual is to be integrated into a long-term programme of publications on bureaucratic transactions.

Description by: Mina Zapatero

Citizens' Legal Help Programme, Poland (Program Interwencyjny)

I Fact Sheet

Name of the Tool: Citizens' Legal Help Programme (Program Interwencyjny)

Brief Description: The programme is a reaction to requests for legal help or intervention from citizens throughout Poland. Transparency International Polska provides advice to citizens on identifying the institutions to which they should direct their problems. These institutions include state and local government administration, housing co-operatives courts, social insurance, schools and universities, police and prosecutors, private sector and banks.

The organisation also intervenes in cases where normal administrative or court procedures have failed.

Responsible Organisation: Dorota Kijewska, Transparency International Polska (TI Polska)

Creation of Project: Julia Pitera, an activist in TI Polska and a councillor of Warsaw, initiated the programme in 2000.

Problems Addressed by the Tool: Insufficient knowledge and legal culture of society, a lack of awareness and understanding of the nature of corruption and of methods of counteracting it, inefficiency of state structures.

Alliances: The daily newspaper *Rzeczpospolita* (www.rzeczpospolita.pl)

Financing: The programme is run on a voluntary basis and operates with a minimal budget. It is run out of TI's Warsaw office. Communication expenses amount to approximately 50 Euros per month.

For Additional Information, Contact:

Julia Pitera, Maciej Wnuk (in English) or Dorota Kijewska (in German)

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II Objectives

The main objectives of the intervention programme are:

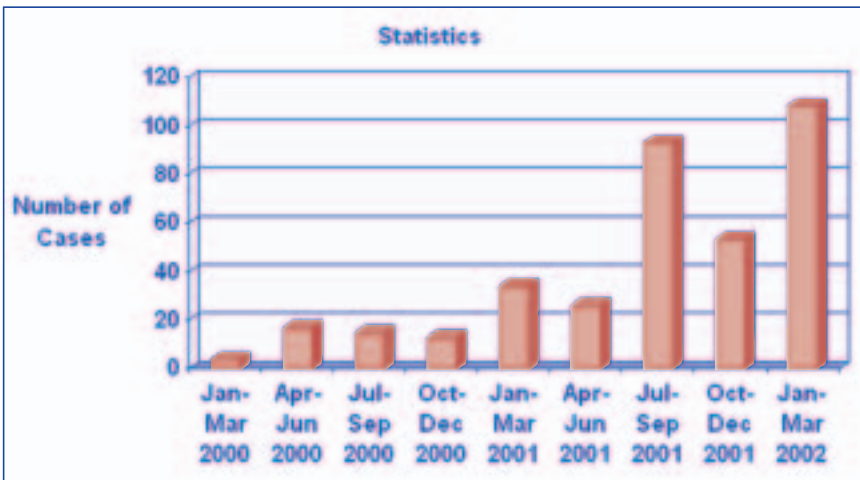
- Find a positive resolution of the cases.
- Provide moral support to people fighting corruption and to show that corruption can be fought successfully at the local level.
- Educate citizens to recognise democratic mechanisms.
- Examine how the state and local authorities operate and understand the mechanisms that foster corruption.

III Context

National Context

The programme began as a reaction to the many requests for legal help or for intervention we received from around the country. We receive requests from individuals, citizens' groups, associations and councillors. Requests come especially from small towns where the fight against corruption is particularly difficult.

Many people who requested our assistance in the past frequently stressed that they did so because they trust us. The reason for this was our reputation as a reliable organisation, politically unbiased and without government funding. The people requesting help also confirmed this trust by submitting their documentation to us. TI Polska could not leave these requests unanswered because



no reaction would have undermined the public's confidence in TI Polska, as well as in Transparency International.

We did not advertise the intervention programme in any way. However, the growing influence of our organisation, as well as the inefficiency of state institutions, has led to a sharp increase in the number of cases sent to us.

The Chapter

Volunteers run the intervention programme and its current form can be credited to the people managing it.

Julia Pitera, an activist in TI Polska and a councillor in Warsaw, initiated the programme in 2000. Her anti-corruption experience was wide enough to give the programme its current form. As president of our organisation, she continues to oversee the activities of the programme.

Dorota Kijewska manages the ongoing activities of the programme. She has many years of experience working in foreign trade offices and in other types of administration.

Furthermore, a group of 12 students and young university graduates, in particular law and sociology graduates, have worked continuously with the programme.

IV Implementation

Principles of the Programme's Activities

We base our activities on several principles:

- We take cases in which there is a suspicion of corruption, commercial abuse, non-disclosure of information or violation of the law by state or local authorities. We decline cases that involve family disputes or disputes between private companies.
- We intervene only after becoming familiar with the documentation. People requesting intervention must provide us with both their letters to the institutions and, most importantly, a full set of official documents.
- We do not take over all responsibilities for finding a resolution; instead, we help citizens to resolve their problems on their own. In particular, we try to help them understand the basis of their problem and who is responsible for it. (Years of Communism accustomed citizens to the fact that a single decision-making centre is responsible for their problems.) We make citizens aware of their rights, as well as the duties of the authorities. We

motivate them to act and jointly define a strategy for their activities. (The exception to this rule is the case of physically or mentally disabled citizens. In such a case, we represent these individuals before the authorities.)

- We also offer moral support to people actively fighting corruption. Our advice is free.

Resolution Methods

We use various methods to resolve problems, depending on the gravity and level of complexity of the case.

1. **Consultation:** In simple cases, we provide telephone or face-to-face consultation. (These consultations are not included in the statistics of our registered cases).
2. **Advice:** In more complicated cases, we require documentation. We analyse the case and then advise the citizen about which institution to turn to and in what form. We also help citizens write letters to the appropriate institution.
3. **Intervention:** We intervene in cases where normal administrative or court procedures have failed. This intervention may involve the institution in question or a higher institution. Frequently, we request the general prosecutor to re-investigate cases that have been previously closed.
4. **Media announcements:** TI Polska works with the prestigious daily newspaper *Rzeczpospolita* and journalists from many other media.
5. **Observation of court proceedings:** People fighting corruption are often the subject of attacks from the local heads of authorities. Often these attacks come in the form of legal suits. As observers of these cases, we provide both legal assistance and moral support to the defendants.

V Results

Positive Results

A direct result of the programme is, of course, the positive resolution of individual cases. This refers to approximately half of the cases in which we are involved. In the other cases, we are generally able to force the relevant institutions to act. (See Appendix 1)

Equally important are the indirect results of the programme. In particular these include raising the level of education of citizens and providing proof that fighting corruption successfully is possible.

An enormous benefit for TI Polska is the possibility of directly understanding the mechanisms that foster corruption, as well as how the institutions of the state and local authorities operate. We use what we learn in our educational, legislative and informational activities.

In March 2002, we were awarded the 'Złoty Paragraf' (Golden Paragraph) by the legal and business newspaper, *Gazeta Prawna*, as an acknowledgement of our achievements in the practical fight against corruption in Poland.

Challenges

We did not face any unexpected problems during the implementation of the programme. This was largely because we adhered to the principle of working with complete documentation in the cases.

We did encounter problems, however, that were to be expected because of the mechanisms that foster corruption or the slow operations of state and local authorities.

However, ironically, the success of the programme has become a problem. The number of cases we receive is increasing rapidly. The further efficient operation of the programme therefore requires that it be given a new organisational form.

VI Future Recommendations

- Creating a database and computer application to manage the legal help programme. The database should contain data on the cases submitted, their level of progress, and who is working on the programme. The application should allow for ongoing monitoring of the programme's progress.
- Establishing telephone consultations ('a citizens' confidence line'), so as to provide advice on straightforward cases and inform people about the principles of the programme's operations.
- Organising a secretarial office to manage the legal help programme, which could make a preliminary assessment of the case, pass it over to a volunteer or expert for analysis, monitor deadlines and handle correspondence.
- Enlarging the number of people involved in consultation by recruiting more volunteers and paid experts.
- Preparing a practical anti-corruption manual, written in a user-friendly manner and published in paper form and on the Internet.

- Organising training and workshops for local citizens' groups, especially in small towns.
- Organising systems for exchanging information through discussion panels, websites and Internet discussion groups.
- Extending the organisation's participation as observers in court proceedings.
- Creating an archive of cases of interventions.
- Preparing annual reports on organisational, legal and mental barriers that make it difficult for the country to operate efficiently and build a society based on citizens' rights.

Description by: Maciej Wnuk

Appendix 1

Review of Selected Cases

Case Number 29

A shop owner, Mrs K. from Lublin, accused the president of the housing cooperative of forcing the payment of bribes for renting the premises as a shop. The prosecutor's office closed the case stating that the president is not a public official and only public officials can be fined for taking bribes. The president sued Mrs K. for libel. The court in Lublin heard the case while flagrantly violating the rights of the shop owner. On her request, TI Polska sends its observer to each hearing. The observer's presence has resulted in the fact that the court has started adhering to the obligatory case procedures.

Case Number 212

In 2000, the local weekly newspaper *Nowiny Nyskie* wrote about corruption among councillors. The prosecutor's office commenced seven investigations on the basis of this article, which confirmed the majority of the accusations. Despite this, the councillors sued the newspaper for libel, the police carried out an illegal search of the newspaper's registered office and the court passed judgement on the journalist to pay a fine of 10,000 Euros for violating personal property.

We informed Program 1 of the national television about the case and consequently a report of this case was recently broadcast.

Case Number 224

The Act on Public Contracts came into force in Poland in 1996. In the case of contracts larger than 20,000 Euros, this act introduced the obligation to organise a tender. In order to bypass the provisions of the act, the municipality office of Bartoszyce concluded 10-year contracts in 1995 with the previous public service contractors.

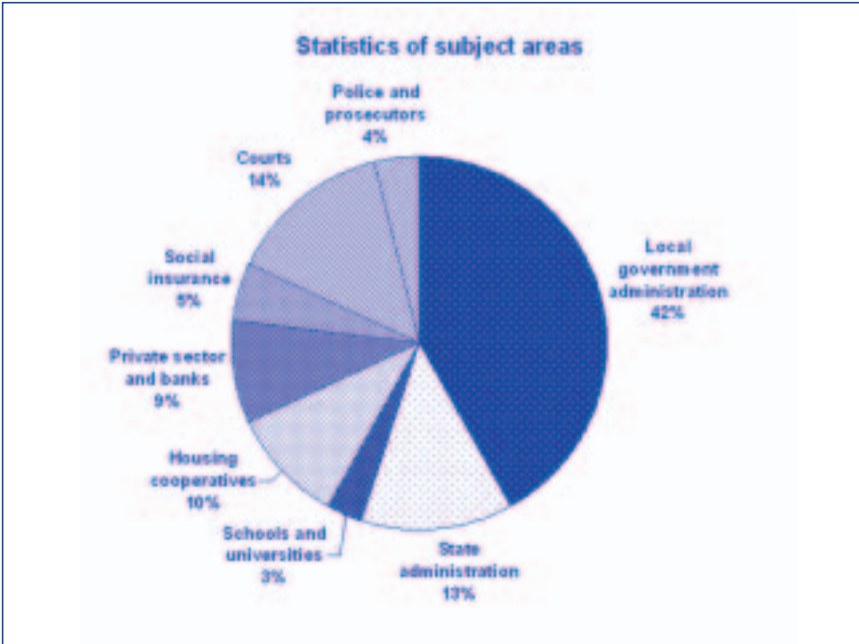
Interventions to the control institutions on the part of councillors resulted in no reaction. In February 2000, TI Polska sent a letter to the Supreme Control Chamber (NIK) and to the Minister of Finance with a request to carry out a review, and in April NIK commenced with it.

Case Number 314

Mrs Z. lives in a suburb of Warsaw. She is a homeowner. Construction work is underway on a neighbouring plot of land. According to Polish law, as a neighbour, she has the right to receive a copy of the decision on the building

permission and also the right to appeal against it to a higher administrative authority. For four years, the municipality ignored this right by refusing to inform her of the decisions issued.

We helped Mrs Z. write a letter to the Supreme Administrative Court citing the Act on Access to Public Information. The Supreme Administrative Court passed judgement in her favour. After 15 days, Mrs Z. received the copies of the decisions from the municipality.



Campaign to Promote Access to Information in Romania and the Federal Republic of Yugoslavia (FRY)

I Fact Sheet

Name of the Tool: Campaign to Promote Access to Information

Brief Description: This project was aimed at informing the public about the current situation with regard to access to information in Serbia and Romania. It was also an attempt to mobilise public support for the advancement of freedom of information within both societies. The common set of implementation rules used for the research and awareness-raising activities guaranteed the relevancy of the results for both Romanian and Serbian society. Beyond its immediate results, this project was also intended to facilitate future regional networks of communication among stakeholders who share our concerns about access to information.

Responsible Organisation: Transparency International Romania

Implementing Organisations: Transparency International Romania and the Center for Policy Studies in Belgrade

Creation of the Tool: Transparency International Romania, in partnership with the Center for Policy Studies (CPS) in Serbia and America's Development Foundation (ADF), initiated this project.

Problems Addressed by the Tool: Free access to public information.

Areas of Work: Public information campaign.

When the Tool was Implemented: April-August 2001, Romania and Serbia

Alliances: The Regional Corruption Monitoring System in Southeast Europe co-ordinated by Coalition 2000, Bulgaria; additional alliances were established within the operational network of the Regional Partnership for Democracy, co-ordinated by America's Development Foundation.

Financing: The project was supported by a grant of US \$ 47,466 from the Regional Partnership for Democracy (RPD), a programme of America's Development Foundation, which is also part of a larger USAID programme.

For Additional Information, Contact: Oana Zabava, transparency@rol.ro, transparency@go.ro. Complete and detailed materials are available, in hard copy, from the headquarters of TI in Bucharest, Romania.

II Objectives

The overall objectives of this project were to:

- Assess the current situation vis-à-vis freedom of information in both Romania and Serbia;
- Raise awareness about the importance of public access to information for the process of building accountable democratic institutions;
- Design a strategy for public advocacy and lobbying campaigns; and
- Establish a network between Transparency International Romania, the Center for Policy Studies in Belgrade and other identified stakeholders to help implement a strategy for public advocacy and lobbying campaigns.

III Context

In both Romania and Serbia, public access to information is limited. For this reason, classified information, which should be kept for the legitimate security of the state, should be clearly separated from unclassified information that should be accessible to the public. The public does not seek access to unlimited amounts of government propaganda, but rather to information that is useful in subjecting their governments to basic rules of accountability and transparency.

Access to information can render the processes of government more open and make those in power more accountable to their citizens. It is widely recognised that the openness of institutions, and the accessibility of the public to information about the functioning of the government, is a vital component of democracy. Access to information is inextricably tied to freedom of expression, which is a fundamental human right. The right to inform others, and be informed about public issues, is considered a part of the process guaranteeing free speech. Access to information is a way of redressing the imbalance of power between the citizen and the state and helps to promote the efficiency of public institutions.

Transparency in government in order to ensure that citizens' interests are pursued and protected by those in power is one of the reasons why access to information is essential to good governance. It provides the main tool for guaranteeing the accountability of public institutions and representatives. Since there are always limitations on the right of access to information, there will always be scope for refusing legitimate requests for access. Hence, there will always be a need for legislation that defines the procedures for review and appeal. There is also a need for recommendations and requests on behalf of civ-

il society and the private sector with regard to the bureaucratic practices involved in information disclosure.

In neither Romania nor the Federal Republic of Yugoslavia/Serbia was there a law concerning free access to information as of 2000 and 2001, although in both societies there was an acute need for such norms. TI Romania and CPS have been long involved in the public debate concerning the introduction of provisions related to a Freedom of Information Act (FOIA) into the legal systems of both countries. ADF's initiative - the Regional Partnership for Democracy - offered the opportunity to continue our efforts. The initial assessment indicated 2001 would be an appropriate time for the implementation of a FOIA. A comparative approach that took into account the different transition stages in each country, while acknowledging the equally urgent need for a FOIA, was used for the implementation proposal (i.e., early stage of transition in FRY/Serbia as opposed to the mature level in Romania). Public institutions were involved in the project from the start so as to provide a sense of ownership and to ensure the delivery of the expected results. A survey was also conducted to collect baseline data.

IV Implementation

Policy Paper and Public Relations

- The programme coordinator and two Romanian experts at TI Romania defined a common methodology for a policy paper (that is, the guidelines for the section on a legal and policy framework and the data-gathering on actual disclosure practices). They also proposed common tools for analysing data. The methodology was then discussed and agreed upon with the Serbian partner at the first working meeting.
- The IT officer designed and continuously updated the Internet site dedicated to the issue of free access to information in Romania and also designed and maintained the database used for monitoring the media on this issue. The Internet site was hosted on the website of TI Romania and initially contained a comprehensive web directory of links to sites of Romanian public institutions (including all levels of government, both central and local, and all branches - legislative, executive, and judiciary). The media monitoring activity supplemented the data gathered by providing useful indicators of public attitudes towards freedom of information.
- In agreement with the Serbian partner, TI Romania designed a poster and flyer intended to promote the idea of free access to public information and raise public awareness about the project and its objectives. The materials

were printed in Romanian and Serbian and were distributed on a national level through NGOs, citizens' advice bureaus, and public institutions such as city halls, county councils, local governments, ministries, and the parliament. To help with the distribution, TI Romania and the Center for Policy Studies used their existing network of partner organisations or collaborating NGOs.

- The first two-day meeting between the partner organisations took place in Timisoara. The meeting was called to finalise the discussions on the methodology of the policy paper and discuss additional implementation details of the project for an efficient collaboration.
- Once a month a member of TI Romania evaluated the status of the project and the financial issues concerning the part of the project in which CPS was involved. The evaluation was conducted in Belgrade and lasted two days.

Preliminary Report, Data Collection and Data Analysis

- TI Romania and CPS reviewed the legal provisions on access to public information and the implications of these laws and regulations for both countries. Interviews were conducted with the legal experts who were involved in the drafting of the relevant laws and regulations. Public policy experts, public officials, and media representatives were also interviewed. After one month, the result was a draft report on access to information in Romania and Serbia that outlined the main standpoints adopted in the legal and policy debates on this issue, as well as potential alternatives.
- How public institutions implement existing legal provisions directly affects citizens who try to make use of their constitutional rights. TI Romania and CPS collected data on how public institutions disclose information to citizens, organisations and media. Data collection was based on an experiment that consisted of requesting information from different public sources (central and local government, legal courts, parliamentary committees, etc.) on behalf of different types of petitioners (citizens, organisations and media). The data was stored in a database for further analysis.
- The analysis of the data collected measured how information disclosure varied according to the type of requested information, type of petitioner, category of public institution, and type of approach. Patterns of bureaucratic behaviour and tools of information disclosure were identified. The results were then used to draft the pocket guide, which was intended to inform and advise citizens about the ways they can access information from public institutions. The analysis also served as the empirical background

(baseline indicator) for the policy report on access to information and for policy recommendations.

Pocket Guide and Recommendations

- The pocket guide was an important part of our project because it helped to inform citizens about their rights to access information. It also described the procedures that they must follow to obtain information and provided advice about the most efficient means of accessing information, based on the analysis of disclosure practices.
- Based on the report on the legal framework and the analysis of the collected data on disclosure practices, two expert teams formulated recommendations about how to improve the legal provisions and institutional practices concerning access to information. These recommendations were included as the last chapter in the policy report and were then used as background information for public debates on future advocacy campaigns. The pocket guides were disseminated using the same networks of organisations and public institutions as with the promotional materials (i.e., the flyers and posters).
- The second and final working meeting discussed the final shape and content of the policy report. The report contained a section on the legal/policy framework with regard to access to information in Romania and Serbia, the results from the analysis of the data on the practices of information disclosure, and the recommendations to improve the current situation in both countries.
- The working language of the project was English, hence, the final version of the policy report had to be translated into Romanian and Serbian.

Seminars and Final Report

- At two seminars the results of the project were presented to open the debates and campaign officially. These seminars kicked off the advocacy and lobbying efforts to implement the recommendations in the policy report. Each seminar hosted participants from public institutions, media and NGOs of the country involved, as well as representatives of the partner organisation who explained the model used in the other country. About 40 participants participated in each of the seminars. The memorandum of understanding for a common strategy was prepared. The Internet site dedicated to free access to information was launched in Romania and Serbia and the electronic discussion group (e-group) was initiated.

- One seminar was held in Belgrade and one in Bucharest. The agenda of the seminars included the presentation of the project results, a workshop with media and NGOs on the topic of the public campaign and on the advocacy of the recommendations from the policy report. During the seminars, the participants signed a memorandum of understanding regarding the advocacy and lobbying strategy in the two countries aimed at promoting transparency in public institutions through free access to information. The memorandum also provided a starting point for the regional network promoting freedom of information.
- The last phases of the project consisted of evaluating all collected data on the project as specified in the expected results table and analysing the indicators. In addition, a report was drafted for ADF on the project evaluation, its impact and sustainability potential.

V Results

The following is a summary of the major results of our initiative:

- Through the use of posters, flyers, press releases, the pocket guide, website, and our participation in public debates, we were able to open a public campaign about citizens' rights to, and procedures for, accessing public information in Romania and the Federal Republic of Yugoslavia.
- With our policy report, we led the way in the advocacy of improving the procedures and legal framework involved in the access to public information. The policy report provided a professional assessment, analysis and recommendations about the current situation in Romania and Serbia. It was presented at two seminars with heavy media and official presence and distributed at all levels of local and central administration, parliament, judicial courts, government and public libraries.
- We initiated the development of a regional network (based on the memorandum of understanding signed at the final seminars) of organisations that fight for transparency in public institutions and define strategies about improving access to information. The communications of the network are supported via an e-group.
- As of 23 October 2001, Romania now has law 544 that addresses the issue of free access to information of public interest. At the beginning of 2002, methodological norms were adopted, using the valuable input from the informal coalition of NGOs supporting a FOIA in Romania. The same coalition is currently working on subsequent legislation such as the Regulatory-Making Process Transparency Bill, the Conflicts of Interest Bill, and the Lobby Activity Bill.

Difficulties Encountered

- Little synchronism of cross-border co-operation between the implementing organisations as a result of sharply differing political contexts - political developments were slower than actual implementation which resulted in low synergy and the need for repeated extensions of planned deadlines. In addition, political institutions were slower in their reactions to NGO/CSO proposals in FYR/Serbia than in Romania.
- Poor cross-border infrastructure. In particular, the Serbian banking system was not fully operational at the time the project was implemented.

VI Future Recommendations

The government of a society founded on democratic principles has the obligation to ensure access to all public information that is not deemed classified by the constitution or laws. The relation of government agencies and employees to citizens is often characterised by an ad hoc approach, that is to say an approach that lacks consistency and established procedures with regard to access to public information. There are practices that are characterised by inertia, that is, procedures that are defined by habit and custom rather than by respect for constitutional and legal provisions. On the other hand, such practices often foster a certain degree of volunteerism on the part of civil servants. However, the good will of a civil servant is no basis for the proper functioning of a state and its agencies and cannot be considered a guarantee of citizens' rights. There is therefore room for improving the inconsistencies and malpractices of the existing constitutional provisions.

In spite of these difficulties, the experiment has shown a greater openness of government at the local level (of four requests, only one was left unanswered) than at the federal. This is especially important because citizens communicate more often with local authorities. Only the adoption of a separate law on access to public information could adequately regulate the transparency of the work of government agencies and the access to public information in general. This would enable the institutionalisation of communication between citizens and public agencies, and protect this communication from the whimsical behaviour of those in power.

Specifically, we recommend implementing organisations to:

- Be flexible in their relations with public institutions and towards political developments. They should be patient after the process has gotten underway, although they must be aware that political developments tend to outpace NGOs/CSOs in their capacity to follow up with secondary and complementary legislation; and

- Assess the infrastructure systems early in any project that entails cross-border cooperation so that solutions can be devised with respect to exchanging information, personnel, and financial resources.

Furthermore, donors should be aware of the difficulties that might be encountered, as well as the strategies to overcome them. They should also be patient as far as seeing results from the initiatives.

Description by:

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