Freedom of Information Laws
Lessons from Eastern and Central Europe

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Information-access laws help citizens hold their governments accountable.

TOTALITARIAN states are characterized by complete control over ideology, media, and all forms of information. In contrast, democracies are distinguished by “the continued responsiveness of the government to the preferences of its citizens.” Democratic governments are, or should be, responsive not only in election season but between elections, because they must allow the public to obtain information about governmental actions and intentions and offer mechanisms through which officials can be punished for ignoring their constituents. Increased access to official information leads to greater public trust in the government and the democratic political system, thereby implicitly increasing the survival odds of new democracies.

The 1990s have been described as a “decade of openness.” During those ten years, countries in all corners of the world and in every stage of democratic development were caught up in a global freedom-of-information movement. The number of states with freedom-of-information laws more than doubled. In 1990, only fourteen countries had specific legislation pertaining to citizens’ access to information. In 1990, only fourteen countries had specific legislation pertaining to citizens’ access to information. In the years that followed, twenty-four others adopted comprehensive freedom-of-information acts, fourteen more included the right of access to information in their constitutions, and at least three are currently debating draft versions of such laws. While the list includes consolidated democracies like Italy, Ireland, Japan, and the United Kingdom, most of the coun-
tries that have adopted such legislation are new, “third-wave” democracies.6

Eastern and Central Europe is one of the areas where the movement for freedom of information has been most effective. This article focuses on ten post-communist countries in the region: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia. These ten all began their democratic changes almost simultaneously, after toppling their communist authoritarian governments between 1989 and 1991. By 2002, all of them had adopted some form of information-access legislation.7

Other regions with new democracies also have good records on access-to-information legislation, but their achievements are not as overwhelmingly positive as the pattern in Eastern and Central Europe. Why the discrepancy? What does Eastern and Central Europe have that other regions lack? Most explanations for the spread of democratic institutions are equally applicable to all areas of the world, and thus do not suggest any reasons why these countries should have more far-reaching freedom-of-information laws than other new democracies. If anything, these ten states should lag behind, given the totalitarian nature of several regimes and the persistent “culture of secrecy” in their bureaucracies.8 Such suspiciousness is generally seen as a legacy of decades of near total information control under communist rule, but it is sometimes argued that practices of secrecy can be traced to the bureaucracies of the empires that once ruled this area.9

One possible explanation for the advanced state of freedom of information in Eastern and Central Europe is the powerful role of international organizations like the European Union and the Council of Europe. In other words, the new information laws in the countries from Eastern and Central Europe are supposed to be the direct result of conditions or norms imposed by European organizations. If this were true, the experience of these ten countries with information-access laws would not be relevant for other new democracies around the world because of the lack of such powerful and intrusive international organizations in other regions. This assumption is challenged in the present article. The “direct” role of European institutions has, in fact, been minimal. Until very recently, they did not require prospective members to adopt freedom-of-information laws.10 These organizations have also been rather ineffective in transmitting a “norm of transparency” because some of their powerful West European members are themselves relatively opaque.

European and other international organizations have indeed contributed to the adoption of freedom-of-information laws in Eastern and Central Europe. However, the mechanisms of transparency transmission from international organizations to governments are indirect and not unique to Europe. The Eastern and Central European experience can, therefore, generate important new findings that are applicable, at least to some extent, to other parts of the world.

Codifying Access Rights

During the initial phase of democratization, many countries of Eastern and Central Europe incorporated a right to access information in their new post-communist constitutions. They did so even though many of the Western constitutions their legal experts had studied did not include such a right.

Article 41 of the Bulgarian Constitution, for example, entitles citizens to “obtain information from state bodies and agencies on any matter of legitimate interest.” The Czechoslovak Charter of Fundamental Rights and Basic Freedoms of 1991 protects access to information through its Article 17.2. Under Article 44 of the 1992 Estonian constitution, everyone has a right to “freely acquire and publicly disseminate information.” Article 61.1 of Hungary’s 1949 constitution, as amended in 1990, protects the right to “access information of importance from the public viewpoint.” Latvia substantially amended its 1922 constitution. Article 100 now includes the right to “freely receive, keep, and disseminate information.” Article 25 of the 1992 Lithuanian constitution also protects this right. The lengthy Polish constitution of 1997 has several articles mentioning the right to access information (Articles 51, 52, 54, 61, and 74). Article 31.1 of the 1991 Romanian constitution protects freedom of information. The Slovak constitution of 1992 builds on the 1991 Czechoslovak Charter, and Article 26 protects “freedom of speech and the right to information.” Article 39 of the 1991 Slovenian constitution protects the “right to acquire and disseminate information.”

Many of these constitutions go beyond just protecting a broad right to information. Some also include access rights on specific kinds of information. For example, the constitutions of Latvia and Poland have separate provisions protecting access to materials on environmental issues.

While constitutional recognition of the right to access is important, laws specifying how the right will be protected must be drafted and implemented if information is actually to flow from government to the people. Over the past decade, all of the ten countries mentioned...
here enacted specific laws on document access. Hungary was first, passing a law in 1992 on the Protection of Personal Data and Release of Information of Importance for the Public Interest.

Subsequently the nine other countries enacted similar laws. Slovenia’s Public Media Act, adopted in 1994, specified the conditions under which government was to make information public, but it only applies to media access, not to all citizens. The Latvian parliament adopted its Law on Freedom of Information in 1998, followed by the Czech Republic’s Law on Free Access to Information in May 1999. Bulgaria, Estonia, Lithuania, and Slovakia enacted similar laws in 2000. Finally, the Polish Senate passed a Bill on Public Information and the Romanian Parliament adopted a law on the Free Access to the Information of Public Interest, both in 2001.

Overall, these countries quickly drafted legislation supporting free access to information. Some of them have laws for specific issues, such as the environment. Several states have campaign-finance laws that require more transparency than the regulations in established democracies. Why has Eastern and Central Europe been a leader in this field?

Traditional Explanations

Domestic factors, such as the degree of democracy, whether a single party controls both the executive and legislative branches of government, and the extent of privatization, may influence the likelihood that laws on access to information will emerge in a given country. Yet the strong movement toward increased public access to government information in all these countries suggests that there is very little variation across such factors. At most, the small differences may reveal why some post-communist countries adopted access laws before others. Overall, the uniform adoption of such legislation in these countries suggests that common domestic and international factors are more powerful than the differences in explaining the trend.

Transparency. The literature on international relations suggests several ways of understanding the spread of freedom-of-information laws around the world. The first pertains to the appearance and promotion of norms (defined as “standards of appropriate behavior for actors with given identity”). The emergence of information laws may have been spurred by the spread of a global norm of increased transparency. As the norm becomes stronger, political elites are more likely to accept that it is appropriate to protect freedom of information.

Such norms are often seen to “diffuse.” They are transmitted among neighboring countries because of the relative ease with which ideas and examples flow among states that are geographically and culturally close. However, this explanation seems to be contradicted by developments across regions with large numbers of new democracies. For example, Hungary and Brazil were each the first in their region to adopt a freedom-of-information law. Nevertheless, while Hungary’s neighboring states soon adopted similar laws, no such diffusion has yet taken place in Latin America. If the norm of transparency is indeed global, it should equally affect all new democracies.

Globalization and Empowerment. A second explanation is linked to the role of two other developments: the “globalization of information” and the empowerment of international civil society. The increased relevance and intrusiveness of the international media and the technological advances that have increased the ability of actors to access and process information have reduced government’s control over information. As the governmental monopoly over information erodes, freedom-of-information laws should be adopted to reflect the new “informational relations” between governments and societies. The technological advances that have facilitated exchanges of information have also led to closer collaboration between national non-governmental organizations (NGOs) and to the increased relevance of transnational NGO networks. Transnational NGOs, such as Transparency International, Article XIX, Privacy International, and the Asian Legal Resource Center, are more powerful than in the past and have become very active in efforts to adopt institutions supporting access to information around the world.

This second set of explanations also cannot completely explain why so many East and Central European countries, and relatively few countries elsewhere, have adopted freedom-of-information laws. International media and NGOs are powerful outside Eastern Europe. Why haven’t they had a similar impact on access laws in all parts of the world? The power of civil society and the international media may indeed be relevant to an understanding of where freedom-of-information laws are more likely to be adopted, but there are other factors that must also be taken into account.

International Organizations. A third possible explanation credits international organizations with the spread of democratic institutions. If international organizations have a role in promoting freedom of information, then
the number and strength of the organizations dealing with Eastern and Central Europe may explain why so many countries in this region have adopted access laws.

There are two main mechanisms through which international organizations can directly affect such domestic developments as the adoption of laws: “conditionality” and “norm export.” Conditionality refers to the process through which international organizations—especially European ones—set membership conditions pertaining to democratic institutions and practices. Governments are often eager to meet these conditions (at least formally) in order to benefit from membership as soon as possible. When a government does not accept the conditions, international organizations have “empowered” nongovernmental groups that do, thus strengthening domestic support for the eventual adoption of the desired institutions.

Regarding norm exports, international organizations have often served as “organizational platforms” that transmit democratic norms to new or prospective members. The transmission takes place purposefully through “norm entrepreneurs” or may simply be the result of a “natural” process of diffusion. Norm transmission generally results from interactions among citizens of traditional democracies, bureaucrats of international organizations made up of such democracies (all of whom are “socialized” within democratic norms), and officials of the new democracies.

However, as shown elsewhere, these two traditional mechanisms of influencing domestic developments are not relevant for information laws in Eastern and Central Europe. Mechanisms of conditionality and norm export in this realm are not yet in place, because the international organizations have laid down only very weak conditions with regard to freedom of information for their members or prospective members. When international organizations request greater public access to government-held information, they focus on narrow issue areas, such as the defense budget (in the case of NATO), the environment (in the case of the EU and the United Nations Economic Commission for Europe), or the economy (in the case of the IMF). Moreover, the norms of transparency at the international-organization level are weak, mainly because some of the traditional democracies (generally seen as the driving forces behind condition-setting and norm export) have not themselves adopted institutions and practices of transparency. In addition, the international organizations often find it difficult to promote freedom of information when some of their own rules run counter to this principle.

Officials of the various European institutions have tried to privately persuade East and Central Europeans of the need for greater transparency, using both normative arguments (i.e., it is “right” to provide more information to the public) and instrumental arguments (i.e., lack of transparency fosters corruption and thus has an adverse economic effect). These back-channel efforts were rarely successful, in part because of the EU’s problems with its own rules on access to information as well as with corruption. One EU official recalled a meeting with a top ECE governmental representative where she suggested that greater transparency was a way to combat corruption. The government representative replied that the EU was in no position to preach transparency or tell others how to fight corruption. He reminded the EU official of the problems that the organization had with its own rules on access to information and with corruption.

Officials from the Council of Europe have also attempted, without much success, to spread transparency eastward. Overall, these organizations do not appear to have had a direct impact on the emergence of the many information laws in the region. Therefore, the answer may lie in two “indirect” mechanisms.

**Conditionality and Spillover**

Although international institutions have not required members and prospective members to adopt comprehensive freedom-of-information legislation, some organizations have supported access principles in narrower spheres, especially the environment.

The clear conditions set by international organizations for access to information on environmental issues resulted from a general agreement among Western states on the need for government transparency. The Western states perceived access to information about the environment as relevant to their own interests. At a 1992 Organization for Security and Cooperation in Europe (OSCE) summit, environmental issues were emphasized and even linked to the broader issue of security. When asked why the EU has only emphasized freedom of information in the environmental realm as a condition for the accession of East and Central European countries, EU officials replied that “environmental problems have no frontiers.” After decades of official secrecy, the full severity of the grave environmental problems in Eastern Europe began to be revealed in 1989. Concern that many of the region’s environmental hazards threaten them led the states of Western Europe to become interested in helping their eastern neighbors address their environmental problems.

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Regardless of the reasons for emphasizing environmental concerns, the fact is that in June 1990 the countries of Eastern and Central Europe were presented with a clear precondition for accession to the EU: unrestricted access to environmental data. NGOs in countries with traditions of strong environmental advocacy even before 1989 used this condition as leverage in their ongoing efforts to promote government transparency. Bulgaria and Hungary responded by adopting environmental FOI laws. But other countries did not rush to open their files, seeing other priorities among the multitude of laws that needed to be passed before they were ready for accession.

The creation of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decisionmaking, and Access to Justice in Environmental Matters in 1998 finally spurred other countries into action. Known as the Aarhus Convention for the Danish city where the group met, this agreement emphasizes the narrow issue of access to environmental data. It emerged from a series of high-level contacts, further encouraging government officials to speed up the adoption of such laws. By 2001, all ten countries had adopted access laws in the environmental realm and were able to ratify the Aarhus Convention.

Did the adoption of environmental-information laws spill over to other sectors? Did these initial laws affect the adoption of the comprehensive laws in Eastern and Central Europe? The evidence is mixed. In Bulgaria, the Czech Republic, and Romania, some spillover appears to have taken place, but in others it has not.

**Bulgaria.** The Access to Information Programme (AIP) in Bulgaria demonstrates the link between environmental NGOs and the movement toward greater transparency in other realms. The chair of AIP, Gergana Jouleva, was a member of the communist-era Ekoaglasnost movement and was active in the adoption of national legislation on access to environmental information. Well aware of the importance of broader access, Jouleva and several colleagues from the environmental effort joined together to create AIP, a new organization to press for a comprehensive freedom-of-information law. With its members’ previous experience, AIP became the driving force behind the comprehensive Bulgarian law adopted in 2000.

**Czech Republic.** One year after the adoption of Act 123/98, dealing with access to environmental data, the Czech parliament began debating a broader freedom-of-information law. Although the issue was not explicitly discussed in the legislature, some of the principal actors believe that the narrower law on the environment facilitated passage of the broader law: MPs reminded opponents that the narrower law had not had any “negative effects.” People who feared its costs and especially the amount of time it would take from bureaucrats’ other activities saw that there were not as many demands for environmental information as they had feared. Individuals who feared that their own economic or political secrets would become public were glad to see that the implementation of the environmental law was not very effective and thus concluded that a broader law would not create problems for them either.

**Moldova.** Although Moldova is not one of the ten countries enumerated earlier, its case is instructive. Moldova’s pre-1989 tradition of environmental activism—possibly the most powerful in the Soviet Union—was often associated with loftier national goals of independence from Moscow. This lineage led to great popular support for environmental initiatives in 1991. The minister of the environment, Arcadie Capcelea, played a leading role in the process that led to the Aarhus Convention and arranged for the first meeting of the signatories to take place in Chișinău in 1999. The Moldovan environmental information law was drafted to be a model for other post-communist countries. Several international NGOs (such as Article XIX and the American Bar Association’s Central and East European Law Initiative) were asked to propose improvements. By the time the law reached the Moldovan parliament, it had enough support to easily pass, conveniently just before the opening of the Aarhus summit in Chișinău.

Before the law passed, separate legislation for a general information law had also made its way into parliament. The second law was sponsored by a legislator who had been pursuing this issue for some time and who was backed by a group of journalists. Although it is not clear what chances the comprehensive law would have had without the environmental-data law on the table, some MPs suggested that the two draft laws be merged into one for the sake of simplicity. By piggybacking on the thoroughly researched and very popular environmental law, the comprehensive law easily passed in the summer of 2000.

These cases suggest that the push for unrestricted access to environmental information had some influence on the effort to pass broader legislation. In Bulgaria, individuals interested primarily in environmental matters used their expertise to lobby for the broader law. In the Czech Republic, public and elite experience with the environmental-access law alleviated fears about a
broader law and facilitated its passage. In Moldova, the political support for the environmental law turned into political support for the broader law. Overall, these examples suggest at least some spillover from the movement for freedom of information in one realm (the environment) into others. While it cannot be guaranteed that access to information in one realm will always lead to greater transparency in other realms, these examples suggest that countries that have freedom-of-information laws on specific topics are more likely to also adopt comprehensive access laws.

An Alternative Information Source

International organizations can also indirectly affect the adoption of freedom-of-information laws through an external flow of information. The process of accession to the Council of Europe, NATO, and the EU as well as to other international organizations has obligated governments to generate and make available an enormous amount of information. The process of giving up much of the state’s monopoly on information is, in fact, leading to a gradual loss of state sovereignty. The enormous bureaucracies that the communist regimes used to control society and plan the economy have been transformed into information suppliers. Governments have created entire departments for integration within ministries. In many instances they have established ministries of integration. All of these institutions are meant to interact and exchange information with European institutions, and especially with the European Union.

Interestingly, the increase in the flow of information from governments to international organizations has coincided with a time in which international organizations have themselves become more open to the general public. The 1990s saw increased demonstrations and debates emphasizing the need for greater accountability and transparency at the EU, the World Bank, the regional development banks, and the IMF. Many international organizations are now making more of the information they receive from governments available to domestic audiences. As the international organizations become more open, societal actors in various countries are learning to access information directly from them, bypassing their own often secretive governments. For example, Bulgarian environmental NGOs were able to access data from the United Nations on the levels of radioactive and toxic contamination in the western part of the country after the government refused their requests. The Romanian branch of Transparency International often goes to the EU mission in Bucharest even for information as basic as the structure and personnel of Romanian ministries, because it has found that getting such information from Romanian officials takes too long.

While virtually all governments have become more transparent toward international organizations, the complexity and allure of the European institutions have led to a greater external flow of information from aspiring members than from other new democracies. The countries of Eastern and Central Europe view the process of offering correct and timely information to the EU, the Council of Europe, NATO, and other international organizations as an urgent part of their efforts to join the West. One Czech official compared the process of EU accession to a “greyhound race” among the applicant countries. The enormous bureaucracies that the communist regimes used to control society and plan the economy have been transformed into information suppliers. Governments have created entire departments for integration within ministries. In many instances they have established ministries of integration. All of these institutions are meant to interact and exchange information with European institutions, and especially with the European Union.

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More important, the press has learned how to get information directly from international organizations. Several major newspapers and news agencies from the region now have representatives posted in Brussels, Strasbourg, and New York who report information provided by officials of the international organizations headquartered in these cities. Not surprisingly, many news stories in the local press (often critical of government actions and policies) now use international organizations as primary sources.

Press reports based on data from international organizations often run counter to the government’s version. In such instances, governments are confronted by “cries of public trust.” To try to regain credibility, domestic elites sometimes push for the adoption of transparency measures (e.g., freedom-of-information laws) in order to signal their trustworthiness—at least in the future. Two examples illustrate how this logic functions.

Slovakia. In Slovakia, the Mečiar government’s official economic data were challenged several times by international organizations like Eurostat and the OECD. Although the Slovak press tended to consider foreign data more credible, the government maintained that its official data were correct. At the same time, however, Bratislava decided to signal its commitment to transparency (and, thus, regain credibility) by revamping and restructuring the Slovak statistics office. These moves were followed in 2000 by further steps toward transparency, including a comprehensive law on access to information.

Bulgar Becker wrote that the Kozloduy nuclear power plant, which was considered to be a serious environmental threat. The Bulgarian gov-
government tried to convince its critics, both international and domestic, that the plant was not hazardous and that its information on the plant’s safety was more credible than the EU’s. Moreover, Bulgarian officials claimed that the negative information about the plant was biased and had been generated by certain EU members (such as Greece) that had an economic interest in shutting down the plant. The sudden increase in “alternative information” about the plant that the EU offered (to both government and societal actors) led the Bulgarian authorities to adopt a “New Information Policy” that would allow all interested parties access to detailed daily information on the plant’s environmental status and potential hazards. Similar flows of alternative information from international organizations contributed to the pressures on the government to adopt other transparency measures, including a freedom of information law in 2000.

These examples show that, as international organizations have become alternative sources of information, societal actors are more likely to challenge governments’ facts and figures, and governments are more likely to try to boost their credibility by such means as enacting information laws. By doing so, governments signal that they do not fear the release of information because “they always tell the truth.” Such signals are more convincing if they involve supplemental legislation on access to information and not simply the ad hoc release of data. Government tenders are not as effective in signaling commitment to transparency and do not offer the necessary credibility that governments are seeking. Many of the recent freedom-of-information laws in Eastern and Central Europe were adopted for such signaling purposes.

This second indirect effect of international organizations suggests two additional hypotheses about the likelihood of countries adopting laws on access to information: First, freedom-of-information laws are more likely to emerge in countries that provide large amounts of information to transparent international organizations. Second, they are more likely to emerge in countries where the public does not trust the government.

Laws on access to information may be adopted because of the expected consequences and not because elites (or even the majority of society) believe it is appropriate to adopt them. However, this does not necessarily mean that such laws are not functional or do not contribute to the process of democratic consolidation. Many laws that new democracies adopted as a result of the carrot-and-stick tactics of powerful external actors have won domestic acceptance and have begun to function just as such laws do in traditional democracies. Whereas first-wave democracies usually had democratic norms before they adopted democratic institutions, the reverse is more common in the second- and third-wave democracies. Governments of consolidating democracies often adopt democratic institutions because they have to or because they see that such institutions reap political and economic benefits elsewhere.

The enactment of freedom-of-information laws is no different from the creation of other democratic institutions in new democracies. Governments usually accept such laws in order to retain power during a crisis of credibility. However, the new law is rarely only a signal of credibility. In most cases, societal groups have long been lobbying for it and have a draft version already prepared. During a crisis of trust the elites seize on the draft and quickly transform it into legislation. Even if the elites tone down the law by altering articles detrimental to their interests, the new legislation still offers the public greater access to government information than there was before its adoption.

After legislation is enacted, even where information access is incomplete, weak, or poorly implemented, the laws serve as tools for groups promoting greater openness. They shift some of the control over information from government to society and allow for further improvement of access conditions. Since the enactment of the Bulgarian law in the summer of 2000, for example, the main NGO involved in its passage has increased its staff and budget, and now deals with the all-important issue of implementation. AIP retains lawyers to represent those whose requests are denied. In May 2001 (less than a year after the law was enacted), AIP was involved in ten court actions accusing the government of access violations. AIP regularly publicizes these cases and continues to push for amendments to the existing laws in order to allow for swifter data release over a broader range of issues. AIP has published several brochures (available on the Internet) explaining the procedures for filing information requests. It has begun organizing courses for national and local officials to introduce them to the stipulations of the laws.
and to the experiences of other bureaucracies in offering information to the public.41

The Bulgarian case is not unique. NGOs in the Czech Republic, Slovakia, and Moldova have similar goals. They all publicize their respective laws so that the public will know when and how to use them, and have also organized courses for officials. The most important actors in such efforts are often former members of parliament who were the main proponents of the laws. In the Czech Republic, Oldrich Kusilek, who as an MP was instrumental in the passage of the freedom-of-information law in 1999, has been touring the country to help local officials understand their obligations under the law.42 Vasile Spinei, the chief promoter of the access law in the Moldovan parliament, set up an NGO that also organizes courses for government and local officials.43

Access-to-information laws allow citizens to challenge government. Even when the laws are imperfect they contribute to furthering democracy. In the short term, they empower societal groups that push for continued democratic progress. In the long term, they have an important deterrent effect. Even in countries with ineffective legislation on access to information, politicians and bureaucrats fear that their actions may one day become the subject of access requests. Thus they are more likely to act more responsibly. In this context, freedom-of-information laws are important democratic incentives. They are among the best tools for achieving accountability, a necessary condition of democratic governance. By enhancing public trust in government, they increase the survival possibilities of the new democracies. Overall, the adoption of institutions of transparency implicitly changes the balance of power between government and society. Such changes are essential for democratic consolidation.

**Moving Beyond Europe**

International organizations have made an important contribution to the spread of freedom-of-information laws throughout Eastern and Central Europe. Nevertheless, the role played by such organizations in this process is not primarily the result of purposeful action by the major international organizations. The countries of Eastern and Central Europe have not adopted these laws because of conditions laid down by the EU, the Council of Europe, or any other international organization, for that matter, or because of international efforts to promote transparency. Rather, the influence of international organizations on the adoption of laws on access to information in these countries has primarily been indirect.

This finding is important for both theoretical and practical reasons. Past research on international organizations emphasized realist and constructivist understandings of the role of international organizations in democratic changes. Realists focus on the mechanism of conditionality: how powerful states pursue domestic changes in weaker states by setting membership conditions.44 Constructivists focus on the role of international organizations as “organizational platforms” in the transmission of democratic norms from traditional democracies to new ones.45 This article emphasizes another way to conceptualize the role of international organizations in promoting democracy, derived from the unexpected consequences of joining international organizations and their role as information providers. This explanation resonates with neoliberal institutionalist theories of international relations.46

From a practical perspective, the two mechanisms considered here to have contributed to the adoption of information laws in Eastern and Central Europe (conditionality in one realm, followed by spillover, and the role of international organizations as alternative sources of information) are suggestive about developments in other areas of the world where there are less complex “webs” of interconnected international organizations. Although international organizations have not supported access on environmental issues in other parts of the world, some of them have promoted transparency in the economic realm. One example is the IMF’s support of increased transparency in the economic and financial sectors, especially in Asian and Latin American countries that had to grapple with financial crises in the late 1990s. Such cases may suggest that the logic of spillover from one realm to another has taken place outside of Europe. Garry Rodan, for example, has discussed the push by the IMF (and other international actors) for greater economic transparency in Malaysia and Singapore and the effect of these actions on political transparency.47 It would be interesting to see whether IMF pressure for economic transparency in Thailand, South Korea, and Mexico during their financial crises had any influence on the timing and content of their freedom-of-information laws.

Similarly, the external flow of information is a mechanism that is not unique to developments in Eastern and Central Europe. The network of international organizations in Europe may lead to greater external flows of information and thus to greater pressures for the adoption of access laws in other regions. However, countries in...
other parts of the world are also opening up more to international organizations. Once again, the examples of Thailand, South Korea, and Mexico are worthy of more attention.

As countries join or attempt to join ever-more complex and transparent international organizations, their governments will come under greater pressure to open up to their societies. The interconnectivity of the domestic and international spheres suggests that no country can any longer be isolated from such pressures. Even great powers like China, which have been wary of allowing globalizing forces to affect their domestic politics, seem to have been influenced by the international movement of freedom of information. Some observers attribute the drive for increased openness in China, at least in part, to the indirect effects of joining international bodies like the World Trade Organization. Chinese officials are struggling with the choice between fighting such global trends and finding ways to adapt to them.

A group of Chinese scholars and officials is currently drafting legislation that would increase the flow of information to the public. Its members are studying the traditional democracies (such as the United States, United Kingdom, and Norway) but also many new democracies. In private, they acknowledge that they are especially interested in Eastern and Central Europe because China needs to overcome a similar legacy. For this reason, the group is closely following developments with regard to freedom of information in the post-communist systems. This suggests that the post-communist experience with the movement for freedom of information is indeed generalizable and can generate important inferences for future developments in China and other parts of the world.

Notes


2. There is a difference between the information societal actors can obtain from government (i.e., the system’s “transparency”) and the information provided by government. Officials may offer propaganda or other diversions that societal actors do not find relevant. See Robert Martin and Estelle Feldman, *Access to Information in Developing Countries* (Berlin: Transparency International, 1998), p. 5.


7. These ten countries were chosen because of their intense interaction with a good many international organizations—one of the main explanations for the domestic changes discussed here. The European Union regards them as candidate countries. See europa.eu.int/comm/enlargement/enlargement.htm (December 8, 2002). Moreover, they are either NATO members or have been invited to begin accession talks with NATO.

8. See, for example, the discussions of the culture of secrecy with regard to the Romanian State Secrets Law in “Trecerea de la o cultura secretului la o cultura a transparentei: si dovedeste extrem de anoioasa” (The move from a Culture of Secrecy to a Culture of Transparency Is Proving Extremely Difficult), *Romania Libera* (February 21, 2000), and Eugen Vasiliu, “Nu avem o cultura a transparentei” (We Don’t Have a Culture of Transparency), *Doua zeci si doi*, no. 17 (April 25–May 1, 2000): 11.

9. Interview with Oldrich Kuzilek, former member of the Czech Parliament, who was instrumental in the passage of the freedom-of-information law in the Czech Republic (Prague, May 21, 2001). Kuzilek suggested that in the Czech case, the culture of secrecy dates back to the Habsburg Empire.

10. On February 21, 2002, the Council of Europe’s Committee of Ministers released a set of recommendations asking all members and prospective members to adopt information-access laws. This recommendation only became feasible after almost all of the Council of Europe members (including the ten discussed here) had already passed domestic laws.

11. The Czech Republic’s legislation on funding of political parties, for example, allows for greater transparency than the British one. See “Is Europe Corrupt?” *Economist* (January 29, 2000): 57.

12. Countries with one party controlling the executive and legislative branches of government, extensive privatization, and a low level of democracy are less likely to enact laws on access to information. Alexandru Grigorescu, “International Organizations and Democratic Consolidation: A Two-Level Information Game” (paper presented at the annual meeting of the American Political Science Association, San Francisco, September 2001).


17. Finnemore and Sikkink argue that norm promoters at the international level need organizational platforms through which they can promote their norms. These are usually either non-governmental organizations or inter-governmental organizations.

18. Alexandru Grigorescu, “European Institutions and Unsuccessful
19. Many traditional democracies only recently adopted freedom-of-information acts, including Italy (1990), Belgium (1994), Iceland (1996), Ireland and Norway (1997), and Japan (1999). The United Kingdom’s Freedom of Information Act finally passed in 2000. Luxembourg, Austria, and Germany (at the federal level) have not yet adopted such laws.


23. This statement implies that access to information in the environmental realm is important because such information is relevant to other states, not just to domestic actors. Interview with Leonora Nieto, specialist on access to environmental information in the Environmental Directorate General of the EU (Brussels, May 11, 2001); interview with Tom Garvey, former official of the Environment Directorate General, focusing on relations with Eastern and Central Europe (Brussels, May 7, 2001). Both interlocutors offered the same response to the question.


25. In 1988, the issue of air pollution caused by chemical plants on the Romanian side of the Danube led to demonstrations in the Bulgarian town of Ruse. By 1989, environmental groups had been organized in virtually every major town in Bulgaria. The best-known organization of this kind was Ekoglasnost, established in early 1989. In Hungary, the planned construction of a dam across the Danube at Nagymaros mobilized grass roots movements. In October 1988, 40,000 demonstrators took to the streets of Budapest to challenge the project. See Barbara Jancar-Webster, “Environmental Movement and Social Change in the Transitions Countries,” in Democracy in East Central Europe, ed. Susan Baker and Petr Jehlicka (Portland, OR: Frank Cass, 1998), pp. 69–90.

26. An entire chapter of the Bulgarian environmental law of October 1991 (chapter 2) is dedicated to access to environmental information. Hungary adopted Act 42 on environmental protection (including data access) in 1995, three years after it adopted the broader freedom-of-information law.


28. In Romania, environmental NGOs played an important role in raising awareness of the issue of access to information in the aftermath of an accidental cyanide spill near the town of Baia Mare in early 2000. This issue was later used by several NGOs to pressure the government to adopt a comprehensive freedom-of-information law. See Alexandru Savulescu, “Program de informare si participare publica” (Program for Public Information and Participation), Perspective 31, no. 13 (2000); 6; interview with Anca Tofan, director of Regional Environmental Center (Bucharest, May 16, 2001).

29. This argument was suggested in an interview with Jindriska Prokopova, the head of the freedom-of-information program of the Open Society Fund (Prague, May 21, 2001).

30. Interviews with two members of the Moldovan parliament and several NGO representatives who were instrumental in the adoption of the access law Chişinău, May 2001.

31. Stein, Constrained Sovereignty.


34. See Bozhidar Subev, “Dangerous Radiation Levels Aligned Along Our Western Border,” Trud [Sofia] (February 6, 2000) via WNC.

35. Interview with Adrian Baboi, executive director of Transparency International—Romania (Bucharest, December 21, 2000).

36. The amount of news published in Bulgaria, Czech Republic, Poland, Romania, and Slovakia that is critical of the government and cites international organizations as primary sources of information has almost tripled over the past six years. See Grigorescu, “International Organizations and Democratic Consolidation.”


39. Mary Kaldor and Ivan Vejvoda make a distinction between “formal” and “substantive” democracies. Institutions determine the former, whereas the latter are determined by behavior and the way the institutions are implemented. Kaldor and Vejvoda, “Democratization in Central and East European Countries” International Affairs 73, no. 1 (1997): 59–82.


41. Interview with Gergana Jouleva, chair of Access to Information Programme (Sofia, May 15, 2001).

42. Interview with Oldrich Kuzinek (Prague, May 21, 2001).

43. Interview with Vasile Spinei (Chişinău, May 18, 2001).


45. Finnenmore and Sikkink, “International Norm Dynamics and Political Change.”


50. Interview with a member of the Chinese delegation to the Conference on Freedom of Information (Bangkok, May 24, 2002).