

Ellen M. Hampton. Freedom of Information in Post-Communist Countries: Case Studies of the Czech Republic, Croatia and Bosnia and Herzegovina. A Master's Paper for the M.S. in L.S degree. April, 2007. 54 pages. Advisor: David Carr

The freedom of the public to access government information is one of the cornerstones of democracy. Free access to information allows citizens to monitor their government, to keep it accountable to the people it represents and to become engaged in the democratic process. With the end of the Cold War and the fall of communism, the countries of Central and Eastern Europe began the process of democratization, and free access to information has been an important aspect of that transformation.

This paper examines the relationships between freedom of information and post-communist democratization. What types of laws have post-communist put in place to ensure free access to government information? How has the process of joining the European Union affected information access? Has increased information access affected the levels of government transparency? After a discussion of these topics and the current political and information science literature which address them, I will explore these topics specifically through case studies of three countries: the Czech Republic, Croatia and Bosnia and Herzegovina.

While each of these three countries have the legal structures in place to ensure free access to information, the Czech Republic, farther along in its democratic development than Croatia or Bosnia, allows its citizens to access government information more easily. However, as Croatia and Bosnia join the European Union, hopefully both democratic governments and further access to government information will follow.

Headings:

Freedom of Information -- Czech Republic

Freedom of Information -- Croatia

Freedom of Information -- Bosnia and Herzegovina

Freedom of Information -- Case studies

Government Information

FREEDOM OF INFORMATION IN POST-COMMUNIST COUNTRIES:
CASE STUDIES OF THE CZECH REPUBLIC, CROATIA AND BOSNIA AND
HERZEGOVINA

by
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INTRODUCTION

A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy: or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

-- James Madison (Madison, 1999, p. 790)

The freedom of the public to access government information is one of the cornerstones of democracy. Free access to information allows citizens to monitor their government, to keep it accountable to the people it represents and to become engaged in the democratic process. However, freedom of information is not only necessary to democracy, but is also a basic human right, intrinsically entwined with the right to free expression. Some have even claimed that freedom of information is foundational – all other human rights depend upon it and function because of it (Mendel, 2003).

Freedom of information has been enshrined in many international human rights documents. In 1948, the UN General Assembly passed the *Universal Declaration of Human Rights*, which states in Article 19, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers” (United Nations, 1948). The UN has since appointed a Special Rapporteur on Freedom of Opinion and Expression, who has established networks with other international governmental organizations to work towards the international recognition of freedom of information issues. In 1999, the Special Rapporteur, along with

representatives of the Organization of American States and the Organization for Security and Cooperation in Europe, expanded on the right to information in Article 19 with assertion that “implicit in freedom of expression is the public's right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people's participation in government would remain fragmented” (as cited in Mendel, 2003).

The European Union has also recognized the free right to information in Article 11 of the Charter of Fundamental Rights: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers” (European Union, 2000). Other regional intergovernmental organizations, such as the Organization of American States and the African Union, have passed similar human rights charters which protect the right to the freedom of information. Alongside these international charters, many countries, including many of the newly democratic countries of Central and Eastern Europe, have also protected the freedom of information within their constitutions.

Whether the right to access government information is protected by international charters or national constitutions, for a democratic state to function, its citizens must have the right and the freedom to access information in order to participate in the political process.

If one of the principles of democracy is the freedom to access information, one of the marks of a totalitarian state is that information access is curtailed. Totalitarian states control both the production and the distribution of information. The information that

does get passed on to society as a whole is often censored, highly politicized or is merely propaganda. By restricting access to the important information about the people in power and the policies of the government, totalitarian states can stifle political dissent and keep themselves in power.

Under the authoritarian Cold War regimes of Eastern Europe, the various communist parties had a monopoly on the political system, and tightly controlled the governmental information. In many countries, a dissident system of information publication and dissemination, called *samizdat* (or “self-publication”) tried to supply the public with information about the government or society which citizens could not discover because of strict official censorship; however, the range of their publications was limited and the leaders of the movement were often persecuted or imprisoned. Nevertheless, the existence of *samizdat* publications, despite the harsh penalties for those who published them, shows how much the people living under the repressive rule of communism valued unbiased, uncensored and unpoliticized information.

If secrecy and control of information are vital factors undergirding the power of totalitarian systems, then information flow can help to bring down that power and bring about democracy. Indeed, it was Gorbachev’s policy of *glasnost* – which means “transparency” or “openness” that helped to dismantle communist rule in the Soviet Union. Originally introduced as a policy to help combat the corrupt Communist politicians who opposed his attempts at economic restructuring, called *perestroika*, *glasnost* allowed other voices to be heard in the political sphere. Soviet citizens who had gained this freedom of expression, however, did not limit this new freedom to criticism of

the Communist party apparatchiks whom Gorbechev opposed. Eventually, the policy of information openness brought down the communist government (Shane, 1994).

With the end of the Cold War and the fall of communism, the countries of Central and Eastern Europe began the process of democratic transformation. However, because the newly democratic countries have inherited authoritarian state structures, the process of democratization can be difficult and complicated. In addition, free access to information becomes even more important so the process becomes transparent and citizens can keep their elected officials accountable to their political actions.

“Authoritarian regimes breed entrenched cultures of misinformation and mistrust. As one [Eastern European conference] participant put it, official secrecy “has proven to be one of the harshest legacies of the totalitarian past and the most difficult to surmount”. More than a decade after transition, another noted, “we are still societies thirsty for information” (*The Rising Tide* 2003).

This paper examines the relationships between freedom of information and post-communist democratization. What types of laws have post-communist put in place to ensure free access to government information? How has the process of joining the European Union affected information access? Has increased information access affected the levels of government transparency? After a discussion of these topics and the current political and information science literature which address them, I will explore these topics specifically through case studies of three countries: the Czech Republic, Croatia and Bosnia and Herzegovina.

DISCUSSION/LITERATURE REVIEW

Free and open elections, a limit on executive power, and the rule of law characterize democracies. What Samuel Huntington called the “third-wave” of democratization took place in the late twentieth century, at the end of the Cold War (Huntington, 1991). Countries all over the world shed authoritarian regimes in favor of democratic rule. The problems that face former authoritarian regimes as they transform into stable democracies has been the subject of much scholarly study and debate; however the process itself, especially in the former Communist countries of East and Central Europe, has continued unabated. The prospect of joining the European Union has become the goal of most of these countries, and the EU has made democratization the key to membership.

One of the fundamental aspects of a democracy and indeed even one of the main reasons why a democracy thrives is the possibility for its citizens to access government information (Siegle, Weinstein, & Halperin, 2004). When people have access to the information that their governmental institutions produce, such as legislation and policies, as well as access to the decision-making process by which that information is created, only then can they more effectively hold their government officials accountable for the decisions that they make. The free flow of information both from the government and about the government can expose corruption and allow citizens to make informed decisions at the ballot box. Governments that do not restrict the flow of information to the public are described as *open* or *transparent* (Mitchell, 1998; Moser, 2001).

Transparency

The current political science and public policy literature offers many different definitions of “transparency.” The UN Development Programme defines transparency as “sharing information and acting in an open manner” (“*Glossary*”). Transparency International, a non-government organization fighting against global corruption defines transparency as “a principle that allows those affected by administrative decisions, business transactions or charitable work to know not only the basic facts and figures but also the mechanisms and processes” (Transparency International [TI], 2006b). Other definitions explore the metaphor of open windows which look into an institution’s inner workings (Moser, 2001, p. 2-3). However, transparency at its most fundamental level is defined as the ability for information to flow freely. While one could distinguish between different types of transparency--that of the information flow from state to citizen, inter-state and between state and international institution--Grigorescu (2003b) defines transparency simply as “the ability of [actor] B to receive information from [actor] A” (p. 646). The transparency of a state or organization is therefore stronger when it encourages “the acquisition, analysis and dissemination of regular, prompt and accurate regime-relevant information” (Mitchell, 1998, p. 109).

Transparency promotes geopolitical stability, for conflict between the governments of transparent states tends towards negotiation and compromise and away from war and violence, because of the open flow of information between states (Grigorescu, 2003b, p. 643). Transparency is also a “potent means of combating corruption, promoting government accountability and encouraging economic efficiency” (Byrne, 2003, p. 56). The attributes of a transparent government overlap with the ideals

and goals of a political democracy, and therefore, the means by which a government becomes transparent has become a key component in the process of democratization.

Freedom of Information Legislation

However, for transparency to affect democratization positively, legislators must institutionalize it through laws. If not, a particular state's open and transparent attitude towards sharing information may suffer when political winds change. Legislation regarding freedom of the press is one critical aspect to creating a more transparent government; however, a study of press freedom is outside the scope of this paper.

Legislation concerning Freedom of Information (FOI) access is also a fundamental part of institutionalizing transparency, for FOI laws go beyond constitutional protections of free expression. FOI laws define the type of information to which citizens can have access and detail the processes by which they can obtain the information they seek. According to Mnjama (2003), the ideal FOI law sets forth the following:

- 1) the definition of terms, such as what constitutes a "document," including records in electronic formats, maps, recordings or photographs.

- 2) the procedures by which citizens request documents, whether orally or in writing; the actions required of the government agency, including the publishing of document indexes, the hiring of dedicated information officers, and the provision of the requested information; and the time period allowed for the retrieval of the document in question.

- 3) the exemptions to the FOI law, usually including state and business secrets, personal data, and records which are vital for national security, among others. The

standard-bearer FOI legislation starts with the premise that everything should be able to be accessed and defines the exemptions very narrowly (Blanton, 2002, p. 56).

4) the procedures for filing a grievance if an FOI request has been denied. It is important for the appeal process to be independent of the institution denying the information request.

While Freedom of Information laws are essential for government transparency, it is still the initial step of a process, particularly for governments that are in transition from more authoritarian forms of rule. Governments must also be capable of enforcing these laws. According to David Banisar of Transparency International, “in many countries, the access and enforcement mechanisms are weak or unenforceable. Governments resist releasing information requests or impose unreasonable fees to discourage access. Sometimes courts undermine the intent of the law, so citizens give up. In addition, independent bodies that process information requests can succumb to political pressure or are made ineffective by lack of funds” (as cited in Mnjama, 2003, p. 185).

FOI legislation is an important foundation for a flourishing democracy, but the legislation has been, at times, adopted by governments as a democratic ideal without other democratic structures in place to enforce it. For example, many FOI laws stipulate that government institutions hire Information Officers, whose duties include handling FOI requests, yet the lack of financial resources and professional training as well as the influence of the legacy of authoritarian bureaucracy means that this area of the law remains unenforced (Edes, 2000, p. 163-164). That means that citizens seeking information from a government agency may be still be denied access, despite their rights under the law.

European Union Accession

Throughout the decade after the end of the Cold War, 26 countries formally adopted legislation on access to government information (Blanton, 2002, p. 50), a large number of those countries from East Central Europe (Grigorescu, 2003a). These countries had only recently emerged from communist rule, held free elections and adopted democratic constitutions. However, motivating this wave of democratization was and is the goal of membership in the European Union, so it is important to consider how the EU accession process has affected the adoption of FOI legislation and the status of information access in the countries which desire membership.

The EU considers enlargement to be the key to a stable, democratic and united Europe; according to the European Union web page on enlargement:

Enlargement is one of the EU's most powerful policy tools. The pull of the EU has helped to transform Central and Eastern Europe into modern, well-functioning democracies. More recently it has inspired far-reaching reforms in the candidate and potential candidate countries. All European citizens benefit from having neighbours that are stable democracies and prosperous market economies. Enlargement is a carefully managed process which helps the transformation of the countries involved, extending peace, stability, prosperity, democracy, human rights and the rule of law across Europe. (European Commission, 2007c)

In order to accomplish its purposes, the EU has put into place a series of conditions that candidate countries must meet. The Copenhagen Criteria, as these conditions are known, were established in 1993, and include political criteria, such as democratic institutions, respect for the rule of law and human rights and minority protection; economic criteria, such as a functioning market economy; and the administrative means for the implementation of the *acquis communautaire* which is the

body of legislation, treaties and resolutions adopted by the EU that are binding on all members.

Among the number of hoops that candidate countries must jump through and the amount of detail inherent in the process of transition from an authoritarian political system and centrally planned economy to a democratic free-market society, access to government information is not specifically addressed in the criteria for membership. One section of the *acquis* concerns the “Information Society and Media;” however, the reforms that the EU demands of the acceding countries are mainly technical details regarding the telecommunications market. The only piece of legislation regarding information access in the *acquis* was a 1998 convention on public access to environmental information, which acknowledged the link between human rights and environmental rights in calling for citizen participation in and interaction about environmental issues (United Nations, 2007).

It is indeed only in a round-about way, through the EU accession's general focus on democratic institutions and respect for human rights, that the organization addresses information access at all. In fact, it was not until 2002 until the European Union drafted a treaty regarding broader information access that was subsequently added to the *acquis*. It should be noted that all of the states which became members of the EU in the 2004 enlargement (including the Czech Republic, Hungary and Poland) had already ratified FOI legislation before 2002, when the EU made it mandatory.

Why did it take the European Union until 2002 to create a treaty on information access? One reason is that the older more established democracies in the EU, such as the United Kingdom and Germany had not passed FOI legislation until relatively recently

(the UK passed a law in 2000 and Germany in 2005). Critics have also suggested that it is the lack of transparency within the EU itself that led to its not making information access a norm for its prospective members (Grigorescu, 2002; Settembri, 2005). The EU passed a law regarding access to its own documents in 1993, yet the culture of secrecy regarding EU decisions still permeates the institutions, leading them to challenge many legitimate requests for information (Bunyan, 2002). One scholar has found that “the European Parliament is eager to exclude documents concerning party deliberations, the Commission tries to shield internal administrative documents as far as possible and the Council is anxious to protect its decision-making process” (Moser, 2001, p. 21).

Specific FOI legislation was not required of prospective members of the EU until 2002, and the EU itself lacks a culture of transparency which is a mark of a healthy democratic institution, yet despite this and their authoritarian political legacies, the countries of East Central Europe adopted information access legislation. However, the EU accession process, as well as the processes by which countries join other international organizations such as NATO, is indirectly responsible for why these countries adopted legislation which would make them more open and transparent. Governments have found that the information released to international organizations, which they were obligated to provide as a part of membership negotiation, is out of their control, and increasingly available to their citizens. Therefore, “it is the process itself of giving information to external actors that is key to changes in domestic politics of access to information” (Grigorescu, 2002, p. 76).

E-government

With the development of internet technology and the potential that it has for sharing information quickly, cheaply and efficiently across the globe, many scholars have noted the importance of electronic access to government information, and how e-government initiatives strengthen democracy and help governments become more transparent. The European Union has recently made e-government initiatives a priority for its member states and as a benchmark for its candidate countries in the “Information Society” section of the *acquis*. The European Union defines e-government as “the use of information and communication technology in public administrations combined with organizational change and new skills in order to improve public services and democratic processes and strengthen support to public policies” (European Commission, 2007a). E-government is even more important for the East Central European countries in transition, for as Perritt (1997) asserts, “access to government information in electronic form is essential to the realization of a civil society, democratization and a rule of law” (p. 398).

The open and interactive nature of the internet has broken the government monopoly on political information collection and dissemination and shares it with individual citizens and civil society groups (Mathews, 1997). Information made available on the internet simplifies the process of the search for and access to information, by making it simultaneous. The public can also add value to information on the internet, through commentary, analysis and even translation (Perritt, 1997). Through the internet, citizens are able to participate in a wider public sphere of conversation and debate and this interaction can help shape their political opinions and encourage them to participate actively in the democratic process (McCullagh, 2003).

Katchanovski and La Porte (2005) analyzed the e-government programs of post-communist countries and found that while some government websites reflected the true level of democracy and openness in the country, some merely functioned as “high-tech facades” of openness for authoritarian regimes. Indeed, access to information via an e-government portal is only helpful if the information presented is from a variety of perspectives and not just a conduit for propaganda from the government (Jaeger, 2005; Lollar, 2006). Chadwick and May (2003) have illustrated three different models of information flow, the “managerial” model which describes a mainly government-to-citizen vertical flow of information, and the “consultative” and “participatory” models which describe increasing levels of interactivity, information exchange and public input. Even though the “participatory” model provides the most room for citizen engagement in the democratic process, Chadwick and May have found that the “managerial” model of e-government is dominant, even in the solidly democratic countries of Europe. Ultimately, citizen engagement in the democratic process will not come about simply by being able to download information from a website, but by accessing this information, debating and discussing it, being able to have one’s voice heard and holding the government accountable to its actions. The “participatory” model of e-government allows citizens to voice their opinion to the government through electronic means, and that makes all the difference for a democracy.

CASE STUDIES

For the comparative case studies, I have chosen to look at three countries, the Czech Republic, Croatia and Bosnia-Herzegovina (Bosnia). I chose these three countries for a variety of reasons. They have each embarked on a similar trajectory from post-communist government to participatory democracies with membership in the European Union and they were each once parts of larger states – Czechoslovakia and Yugoslavia, respectively. In addition, a practical reason: I speak and read Czech and Serbo-Croatian, so choosing these countries for comparison made navigating information portals and reading texts of laws not translated easier.

However, there are some important differences among the countries. The devastating wars of succession which Croatia and Bosnia experienced in the early 1990s have profoundly affected their political and economic development. In contrast, the Czech Republic's split from Slovakia was free of violence. The cultural and political legacies are also divergent, for in the nineteenth century, the Czech lands and what is now the territory of Croatia were under Austro-Hungarian or Italian rule, unlike Bosnia, which had been ruled by the Ottomans for five centuries before coming under the control of Austria in the early twentieth century. The European Union (EU) accession process gives rise to further comparison among the three countries. The Czech Republic is now a full member of the EU, after joining in the fifth enlargement in 2004. Croatia was made a candidate country in 2004 and is slated to join the EU in 2010. Bosnia is not yet a candidate country, but is tied into the orbit of the EU through the Stabilization and

Association Process (SAP), which provides the conditions (based on the *acquis communautaire*) for political and economic reform and eventual EU membership.

For each country, I will provide a brief historical and political sketch of its process of democratization, information about the level of transparency from the indexes provided by Transparency International and Freedom House, and the details of each country's Freedom of Information legislation. Rounding out the case studies, I will also include information about the e-government initiatives that have been put into place in each country as well as their EU accession progress. A discussion of the comparative level of access to government information in each country will follow.

CZECH REPUBLIC

While the Czech Republic has only been a sovereign democratic state since the Velvet Divorce from Slovakia in 1993, nevertheless it had a tradition of democratic government stemming from the founding of the First Republic, after the break-up of the Austro-Hungarian Empire until the beginning of World War II. Led by president Tomáš Masaryk, Czechoslovakia became a modern, industrialized democratic nation, though one still plagued with tensions between the dominant Czechs and the ethnic Slovak and German minorities. Czechoslovakia as an independent state ceased to exist with the German invasion in 1939, and the communist seizure of power in 1948 halted any attempts to reinvigorate the democratic state. Czechoslovakia remained under the influence of Soviet ideology, and in 1968, after a period of liberalization known as the Prague Spring, it was invaded by Soviet troops.

A dissident movement, which included the playwright Václav Havel, became active after the Soviet invasion and self-published anti-communist literature, including the influential Charter 77 manifesto, which criticized the Czechoslovak government for numerous human rights abuses. The signatories of the manifesto became an informal anti-government movement, and several were persecuted, tried and sentenced to prison. Nevertheless, in November 1989, during the last days of the Cold War, it was the members of Charter 77 who were involved in the peaceful overthrow of the communist regime, known now as the “Velvet Revolution.” Former dissident Václav Havel was

elected the president of the republic in December of 1989 by the Federal Assembly, and in June of 1990 was re-elected in free elections.

After the fall of communism, tensions between the Czech and Slovak republics grew over the issue of how tight the federal structure should be. Many Slovaks were in favor of a looser confederation or even sovereignty. The leaders of the republics negotiated the dissolution of the two republics without violence, and Czechoslovakia ceased to exist on December 31, 1992.

As a newly independent, democratic nation with a parliamentary system of government, the Czech Republic continued to be led by Václav Havel, and began to privatize its economy and reform its political institutions with the intention of joining international organizations such as the Organization for Economic Co-operation and Development (which it did in 1995), the North Atlantic Treaty Organization (which it did in 1999) and ultimately the European Union (see below).

Transparency and Corruption

The Czech Republic has gotten fairly high ratings in many transparency and corruption indices. In 2006, Transparency International has rated the Czech Republic a 4.8 on a 10 point scale (10 signifies a country without corruption) and noted it as one country which has made a remarkable improvement in its corruption score (in 2005, it was rated a 4.3 and in 2001 a 3.9) (TI, 2006a).

The Freedom House gave the country a 3.5 on a 5 point scale rating corruption levels (1 denotes a lack of corruption), and noted that conflict of interest law passed by the lower house of Parliament in January 2006, which if passed by the Senate should

become law in 2007, may help clean up the cases of corruption within Czech public administration (Freedom House, 2006c).

Freedom of Information

Article 17 of the 1993 Charter of Fundamental Rights and Freedoms of the Czech Republic states that every citizen has the right to “to seek, receive and disseminate ideas and information” (Předsednictvo, 1992). However, despite this right, it is important to create legislation to specifically protect it and setting out guidelines for its practical implementation. In 1999, the lawsuit a prominent newspaper editor had brought against the Minister of Agriculture, for his failure to provide financial information about the ministry sparked much public discussion (Prokopová, 2004). This discussion motivated a couple of senators to draft a specific law to protect the freedom of information access. The Law on Free Access to Information (Svobodný přístup k informacím, zákon č. 106/1999 Sb) was passed by both houses of the parliament and subsequently adopted in May 1999, and went into effect in January 2000.

The Czech FOI law, having been modeled directly after the American (1996) and French (1978) FOI laws, includes many of the benchmark elements of best practice FOI laws. Citizens can request information of any state or local government authority, or of any institution managing public funds. These requests can be either made orally or in writing. Institutions receiving requests must respond within 15 days. The exemptions to the requests for information are for information which is classified, business secrets, the activities of the intelligence services and personal data, among other things. If denied information access, the legislation gives the citizen the right to complain to the head of

the authority, to the courts, or to the Public Defender of Rights (or Ombudsman) (Banisar, 2006).

The Open Society of the Czech Republic evaluated the law in 2002, and found that government bodies were too often denying information requests by claiming the information fell under the “commercial secret” or “personal data protection” exemption provisions. Due to the excessive use of these provisions, the amendment to the FOI act in 2002, which was not passed, sought to define those categories more narrowly. However, these issues were addressed in an amendment which was finally passed in 2006, which included another important change in giving power to the courts to overturn decisions by governmental bodies which had refused to disclose information (Prokopová, 2004).

The NGO Otevřená společnost (Open Society) has funded a project called “Otevřete” (Open!) that monitors court decisions dealing with FOI issues, publishes information relating to the Czech FOI act, and raises awareness of the public’s right to participate in the political process and to demand openness and transparency from their elected leaders. In 2001, Otevřete published a booklet which answered questions asked of their organization regarding the public’s rights under the FOI act. The organization published further questions and answers in a follow-up booklet in 2004, in which they noted that the questions they received were mainly focused on information access at the local and regional levels and “are more and more related to the wider concept of the ‘transparency of authorities’” rather than simply the nitty-gritty details of how the law works (Kužílek, 2004). Otevřete believes the FOI act has gotten more citizens involved with the affairs of previously secret and corrupt local administrations, demanding their

rights for information and accountability, and sees this development as a gain for democracy (Kužílek, 2004).

E-government

The Czech government first adopted a State Information Policy in 1999, to fulfill the *acquis* conditions for building an “Information Society.” It was mainly concerned with creating an efficient and effective public administration so as to improve the quality of life for citizens and to help develop business. The opening paragraph of the document references the particular importance of access to public information:

The road to an information society is paved by the current technological revolution, which is founded on the mutual integration of information, communication and mass media technologies. Its result is a dramatic reduction in spatial and temporal limitations and *easier access to a large quantity of public information*. As compared with the previous technological waves the impact of the integrated information, communication and media technologies is characterized by their wide distribution and a high rate of penetration into all areas of society. Within a very brief period of time the changes will affect practically all industry and services, the public as well as the private sector, the entire society at work and apart from work, education as well as entertainment in daily life. The information society will thus have a fundamental impact on business activity, the public administration and the life of every citizen.
(Government Council, 1999, p. 1, emphasis mine)

One of the broad objectives of the State Information Policy was “Information Democracy,” which is defined as “the exercise of the citizen’s right of direct access to information” (Government Council, 1999, p. 6). Specific types of information mentioned are in the areas of employment, education, health, safety and security, culture, and the environment as well as “all public documents (the Collection of Laws, etc.)” Access to information should also be balanced with a right to privacy and control of personal data. The SIP also mentions that while citizens have a right to information, that right needs to

be further protected under the law through Freedom of Information legislation (which was passed the same year the SIP was adopted) (Government Council, 1999, p. 57).

One concrete action that was implemented from the SIP was the launching of an e-government portal of public administration (<http://portal.gov.cz>). The portal provides a wealth of information and public services available online for citizens, foreigners and entrepreneurs, an address book for governmental institutions at all levels, links to information about the EU and the other member states, news feeds from government institutions, and a robust search engine which provides the full-text of the collection of Czech law. The different areas of public administration that the portal provides access to are laws and legislation, employment, commerce, finance, safety and security, transportation, education, culture, the environment, agriculture, urban development, and health. The Ministry of Information, which maintains the portal has clearly connected it with the public's right to access information, since on the bottom of each page of the site is the statement that the "information is provided in compliance with law No. 106/1999 on free access to information" (Ministerstvo, 2007).

European Union Accession

The Czech Republic applied for European Union membership in 1996, though the genesis of the Czech desire to become a member was much earlier - some protesters during the demonstrations prior to the Velvet Revolution carried signs which said "Return to Europe!" and the first government of the newly independent Czech Republic stated that EU membership was an important policy goal (European Commission, 1997, p. 5). In the first "Commission Opinion on the Czech Republic's Application for

Membership of the European Union,” the Czech Republic was found to have the characteristics of a democracy, a market economy, and was well on its way towards being able to fulfill all the demands of the *acquis*, though further administrative reform was needed (European Commission, 1997, p. 112). The Czech Republic was able to fulfill the demands of the *acquis* successfully and became a member of the EU in the historic post-Cold War enlargement along with 9 other mainly post-communist countries. The EU considered this enlargement to be “the re-unification of Europe after decades of division by an Iron Curtain” (European Commission, 2006c).

CROATIA

Unlike the Czech Republic, Croatia's transition to democracy was not "velvet." After the fall of the Hapsburg Empire at the end of World War I, Croatia became a part of the alliance of southern Slavic nations, which became known as the Kingdom of Yugoslavia in 1929. During World War II, Croatia was briefly an independent state, albeit under the control of Nazi puppet leaders. At the end of World War II, Croatian communists came to power and declared Croatia to be the Socialist Republic of Croatia and republic of socialist Yugoslavia. The six republics in Yugoslavia were ruled by, and arguably kept together by, Josip Broz Tito. After his death in 1980, Yugoslavia experienced an economic and political crisis which ultimately tore the country apart. With free elections being held all over the Eastern bloc countries, the republics of Yugoslavia elected nationalist politicians who further splintered the already fractured country. Franjo Tudjman, who had been imprisoned as a nationalist dissident during the reign of Tito, was elected Croatia's president.

Led by Tudjman and the political party he founded, the Croatian Democratic Union (Hrvatska Demokratska Zajednica or HDZ), Croatia declared independence from the Federal Republic of Yugoslavia on June 25, 1991. Despite being recognized as an independent country by many Western nations, this act led to military conflict with the Serbs, who were in control of the Yugoslav National Army. Serbian nationalists argued that the Yugoslav army was trying to protect the sizeable Serbian minority living on

Croatian territory. The war in Croatia lasted until 1995, when the Croatian army took back the Serb occupied areas of the country, creating a mass exodus of Serbian refugees.

Post-war Croatia has experienced a measure of economic success, compared to the rest of the Balkan region, but has struggled to overcome its authoritarian past. However, with the death of Tudjman in 1999, the country has begun to make strides in implementing democratic political reforms.

Transparency and Corruption

In 1999, before the nationalistic HDZ government collapsed after the death of Franjo Tudjman, Transparency International rated Croatia a 2.7 on the 10 point Corruptions Perception Index (10 is a country without corruption). The government led by the Social Democratic Party of Croatia and the reforms that it brought to the political system affected the transparency rating positively and Croatia was rated its all time high of 3.9 in 2001. However, in the following years, the transparency rating began a slow decline to its present level at 3.4 (TI, 2006a).

Freedom House gave Croatia a corruption rating of 4.75 on a 5 point scale (a rating of 5 marks a country that is completely corrupt), noting that political parties, the parliament and the judiciary are the most corrupt institutions in the country. Freedom House also remarked on the lack of transparency in the area of financing for political parties, particularly donations for election campaigns, which the current law on donations to political parties does not cover (Freedom House, 2006b). The Croatian chapter of Transparency International has been trying to raise awareness about this issue and

supports the drafting of new legislation to regulate who can give donations to political parties and candidates and what must be disclosed to the public (TI Croatia, 2006).

The Institute for Democracy, a Croatian NGO, also mentions the insufficient law on financing election campaigns as a primary indicator of the level of corruption in the country, along with the many examples of decisions by politicians which violate conflict of interest standards (“*Openness*,” 2005).

Freedom of Information

The Croatian constitution protects the freedom of expression and the right of journalists to access information. However, in 2000, the Croatian Helsinki Committee for Human Rights and a coalition of other non-governmental organizations began a campaign to pressure the Croatian government to enact a Freedom of Information Act. In 2003, representatives from the Croatian Helsinki Committee, and the international organizations ARTICLE19 and the Open Society Justice Initiative brought together experts on FOI, Croatian government officials and other NGOs working on FOI issues from around the region, to a meeting in order to garner support for Croatian FOI legislation and to discuss the norms and best practices of FOI laws in the region (“*The rising tide*,” 2003). Following the meeting, the Croatian Helsinki Committee and Transparency International Croatia took the initiative to draft FOI legislation, which was supported by several prominent politicians. The Act on the Right of Access to Information (Zakon o pravu na pristup informacijama) was subsequently approved by the parliament and signed by the president in October, 2003.

The Croatian law provides citizens with the right to access information from any public body at any level of government – state, regional or local – as well as legal authorities and people vested with public powers. They may submit their requests either orally or in writing and have 15 days to receive the information. Exceptions are given for state, military, official or business secrets, personal information, and if the information would endanger criminal prosecution, the health of citizens or intellectual property. If the information is withheld, a citizen can appeal in court or with the state Ombudsman. The law also requires governmental bodies to be proactive in providing ways to access information, by publishing indices and catalogs of information they hold, as well as the information relating to their activities and budgets. There are penalties for administrative bodies. If administrative bodies are found to have illegally withheld public information, they are subject to penalties (Banisar, 2006; Hrvatski sabor, 2003).

The Croatian Helsinki Committee has been monitoring the implementation of the law since it was passed. In 2004, the results of their monitoring revealed that fewer than 30% of the public bodies that were queried responded with the information requested. The Committee created a public awareness campaign through the media that led to a televised public debate between the President of the Republic and the Minister of Justice, during which the President declared:

The Public Right to Know is not only important for the countries in transition which inherited “the culture of secrecy” but also for democratically developed countries. Access to official documents is especially important for Croatia. Our basic task is further widening the framework of democracy. Freedom of Information is an efficient barrier for corruption and misdoings of civil servants. This topic must be present not only on this special day but in everyday work of those who exercise public duties. (“*Monitoring*”)

This statement was accompanied in the next few weeks by several governmental bodies issuing relevant publications to which they were obligated under the FOI act. The Committee also monitored court cases dealing with FOI requests. They found that two and a half years after the law was passed, with the exception of a few cases, the courts overwhelmingly ruled in favor of the plaintiffs and ordered the governmental bodies to provide access to the requested information (“*Court practice*”).

E-government

In 2003, the Croatian government launched their e-government strategy, entitled “E-Croatia 2007,” which would “provide the Croatian citizens and the economy with the highest level of information services and the most widespread use and exchange of information, thus creating opportunity for their active participation in global developments” (E-Croatia, 2006a). The objectives are as follows:

- “to provide an opportunity for citizens to receive information in a timely manner and therefore actively participate in society through a networked information system;
- to strengthen and connect business entities of the Croatian economy;
- to provide a comprehensive exchange of information and experience in the business and entrepreneurial world;
- and finally to enable the state to become a transparent, quick and efficient service to its citizens.” (E-Croatia, 2006a)

The strategy envisions online access to services in public administration, health, education and the justice system by 2007 (European Commission, 2007b). However, a report on the development of e-government services in 2005 found that progress was slow, with most public services online, but only operating at a simple level, either only

putting information about their services online, or letting the public download forms, but not fully allowing for interactivity with the public (E-Croatia, 2006b).

A major part of the e-government strategy is the development of the web portal HITRO.hr, which is a “one-stop shop” (the word *hitro* means “quickly” or “expeditiously”) for public services for both citizens and businesses. Via this one web portal, an individual will be able to pay taxes, find employment information, receive personal documents, register a vehicle or a residence, report crimes to the police, search their public library, and check on health services and a business will be able to pay a variety of taxes, manage their employees’ social services, register new enterprises, submit statistics, and receive environmental permits (E-Croatia, 2004). So far, only a few services are active, but the goal is for it to be finished by the end of 2007.

European Union Accession

In November 2000, Croatia signed the Stabilization and Association Agreement (SAA), which is the first step that countries in the Western Balkans can take towards EU membership. The SAA, like the *acquis communautaire*, provides objectives and conditions which the country must meet in order to proceed further in the membership process. Along with the SAA, Croatia received financial assistance from the EU in order to meet the goals in the SAA. On February 21, 2003, Croatia officially applied for membership in the EU and after studying its application and providing an opinion on the progress made so far, the EU accepted Croatia as a candidate country in June 2004. The EU found that Croatia was a stable democracy and a functioning market economy; however, it also needed to work on protecting minority rights, reforming judicial bodies,

reducing corruption, and cooperating more fully with the International Criminal Tribunal for Yugoslavia (ICTY) (European Commission, 2004, p. 119). In October 2005, after the arrest of the notorious Croatian war criminal Ante Gotovina, the chief prosecutor for the ICTY Carla del Ponte, declared that Croatia had come into full cooperation with the court, and the initial “screening” process of Croatian legislation began.

The latest progress report on the status of Croatia in 2006 noted that the country’s lack of public administration and judicial reform and low levels of political transparency pose a major challenge to full implementation of the *acquis* (European Commission, 2006b). In 2007, Croatia was not admitted as a member with the second post-cold war enlargement, but the current projected date for membership is in 2010.

BOSNIA AND HERZEGOVINA

Bosnia's recent history of war and genocide has made its transition to democracy anything but smooth. The war caused around 100,000 casualties and over a million refugees and displaced people. It brought the term "ethnic cleansing" into the international vocabulary. The violence destroyed the country's infrastructure, economy and administrative structures and exacerbated tensions among Bosnia's ethnic groups.

From the 15th to the early 20th century, Bosnia was ruled by the Ottoman Empire and the legacy of Islamic rule has had a profound effect on Bosnia's population. Since the Ottoman era, Bosnia's population has consisted of a sizable Muslim minority, as well as Serbs and Croats, who belonged to the Orthodox and Catholic faiths, respectively.

In 1878, the Bosnian territory came under the control of the Austro-Hungarian Empire until its fall at the end of World War I. Along with Serbia, Croatia, and Slovenia, Bosnia became a part of the Kingdom of Yugoslavia. During World War II, Bosnia was controlled by the Nazi puppet state in Croatia, and Bosnia's ethnic groups, who had been coexisting peacefully for centuries, fought a vicious civil war between the Croatian Ustaša forces, the Serbian Četniks and Josip Broz Tito's multi-ethnic Partizans. When Tito came to power after the defeat of the Nazis, he established Bosnia as one of the six republics in socialist Yugoslavia.

After the death of Tito, nationalist and opportunist politicians came to power in many of the republics, including in Bosnia. When Bosnia voted to secede from Yugoslavia, in March 1992, the Yugoslav National Army aided the newly formed

Bosnian Serb Army in occupying a majority of Bosnian territory, cleansing the towns and villages of the Muslim population. Serbian nationalists called for the formation of a “Greater Serbia” which included the Serb-held areas of Bosnia. Aided by the Croatian army, the Bosnian Croat army also became involved in the fighting, though in 1994, the Croats and the Muslims united in the Federation of Bosnia and Herzegovina.

The war lasted for three years and included horrible acts of violence perpetrated by all ethnic groups involved. Western powers finally brought the warring parties to the negotiating table in November 1995, where they signed the Dayton Peace Accords. The treaty divided up the country into two official entities: the Federation of Bosnia and Herzegovina and the Republika Srpska, the boundaries of which were effectively the front lines at the end of the war. The peace accords gave the UN and NATO the mandate of implementing the civilian and military peace and gave the High Representative of the international community ultimate executive authority.

The current Bosnian political system is complicated by the continuing existence of the two entities. Much political and administrative redundancy exists at the municipal, cantonal, entity and federal levels. Nationalist political parties continue to dominate the political scene, especially in the Republika Srpska, making difficult the cooperation necessary for political reform. In addition, the power given to the High Representative, who has, at times, sacked elected political leaders and annulled legislation, has been detrimental to Bosnia’s functioning as a fully independent democratic state.

Transparency and Corruption

Transparency International began ranking the corruption levels in Bosnia in 2003, when it gave Bosnia a 3.3. That was Bosnia's highest ranking, as it has since slid to its current level at 2.9 (10 denotes a corruption-free country) (Transparency International, 2006a). The Bosnian chapter of Transparency International (TI BiH) recently assessed corruption levels in the country and has found that Bosnian political parties are perceived as the most corrupt factor in society. However, unlike the Croatian political parties, the main problem is not campaign financing, but appropriating public funds for personal use and clear connections with organized crime. There is no political will to combat corruption, so any anti-corruption campaigns ultimately fail, TI BiH has concluded (TI, 2006c, p. 17).

Freedom House similarly rated Bosnia as very corrupt. Bosnia received a 4.25 on their 5 point scale (5 is most corrupt). The report noted that corruption "remains endemic as a way of life in Bosnia. It is normal to expect to pay bribes for basic services like health care or to offer police officers small bribes for minor traffic offenses. This culture extends and expands upward through business and politics" (Freedom House, 2006a). Because of the lack of political will for reform, Freedom House predicts that only external international actors, like the Office of the High Representative and the Stability and Association Agreement with the EU, will help to bring about political change.

Freedom of Information

The Freedom of Access to Information Act (Zakon o slobodi pristupa informacijama) was adopted in 2001 in both the Federation of Bosnia and Herzegovina

and in the Republika Srpska, as well as at the federal level. The law(s) went into effect in 2002. As stated in the Act, its broad purpose is to “facilitate and encourage the maximum and prompt disclosure of information in the control of public authorities at the lowest reasonable cost” (OHR, 2001). The Act covers information in any form by any public authority, including legal bodies. The request must be made in writing and the authority must respond within 15 days. Exemptions are made only for information which would compromise defense and security interests, public safety and crime prevention and detection, as well as information which contains commercial secrets or personal data. In addition, the exemption must pass a “personal interest test.” Citizens have the right to challenge the public authority in court if denied information. They may also make their appeal to the Federation or Republika Srpska Ombudsman. Government authorities also have the obligation to publish lists of the information under their control and to appoint an Information Officer to process the information requests (Banisar, 2006; OHR, 2001).

The act is based on the best practices of freedom of information laws around the world and is regarded as one of the most progressive in the region. However, this is due to the fact that the then High Representative, Carlos Westendorp, ordered the law to be written. A group of local and international experts drafted the legislation and it was passed without objection by any politician. Because there was no local effort or campaign to pass this legislation, there has been little initiative to see it properly implemented, and as such, many government bodies are not in compliance with the law and the public at large remains unaware of their rights and therefore do not use them to request information (Banisar, 2006; Džihana, 2006, p. 18).

In 2005-2006, a project by the Bosnian Center for Free Access to Information combined an awareness-raising campaign and surveys to see how public authorities responded to information requests. The organization found that only about 50% of government agencies responded to information requests (Krehić, 2006, p. 5). The Center has since conducted training workshops for Information Officers in government agencies as well as providing legal assistance to citizens whose information requests have been denied.

In the same year, the Mediacentar Sarajevo, an educational organization supporting independent and professional journalism in Bosnia, conducted a survey to monitor the implementation of the act and to provide recommendations for political reforms based on their findings. Their results were that 42.9% of public bodies responded to the information request, a result which increased to 68.3% when requests were sent a second time; however, out of the responses received, only 58.8% were within compliance with the law. The Mediacentar recommended that the Freedom of Access to Information Act be amended to require all governing bodies to respond to information requests with a “decision” rather than just a “notification” because citizens cannot appeal a “notification” in court, should their request be denied (Džihana, 2006, p. 45). As a Transparency International report explains:

Under the existing mechanisms there is no possibility for citizens to file a complaint or to sue a public institution in cases where it refuses to provide access to information but does not give the reasons or grounds for the refusal. This deficiency originates in a mistranslation of the FOI laws from the English language (many Bosnia and Herzegovina laws and regulations are written in English by the international experts) but knowing this does not exclude the very real legal consequences of the problematic provisions, i.e. the lack of a proper complaints mechanism. (TI, 2006d, p. 6)

Another inherent weakness of the Bosnian law is that it does not provide for access to any information held by an international organization. Because Bosnia is *de facto* ruled by the Office of the High Representative (OHR), Bosnian citizens do not have access to the decisions and procedures which have ultimate authority over their political structures. Ultimately, the OHR is not held accountable by the public.

E-government

The government of Bosnia's Policy for Information Society Development, which was written in 2003 with the oversight of the United Nations Development Program, states this lofty goal:

Citizens of Bosnia and Herzegovina in an information society will be enabled to accept new tasks and technologies, and a quick and simple access to desired information will be made available to all of them. The work of government bodies will be transparent, and services rendered cheap and efficient. (*"Policy,"* 2004, p. 7)

The Strategy for Information Society Development, adopted the following year, noted that Bosnia's readiness for information and communication technologies was severely impeded because of the global advances in the field which took place while Bosnia was involved in the war. Nevertheless, the strategy holds 2010 as its benchmark for the development of an information society which will be in line with European standards. The strategy paper lists these areas as the most important for the development of an information society: eLegislation, eEducation, eGovernance, and the development of the information and communications technology industry and national infrastructure in order to carry it out (*"Strategy,"* 2004).

The strategy paper acknowledges that one of the most significant obstacles to the development of functioning e-government structures is the “absence of genuine commitment on the part of relevant decision-making actors at certain administrative levels and their readiness to give maximum support to the implementation” and sees the building of e-government as “primarily a reformist and then technological endeavor” (“*Strategy*,” 2004, p. 79, 82). With that in mind, the ambitious political goals, such as public administration reform, cooperation with countries in the region and democratic governance come into focus alongside the more technological goals, such as increasing internet usage among public administrators and creating more public information access points.

Eventually, the goal is to create “the state in one place” via an internet portal, but this goal has not yet been met. For example, the website of the Council of Ministers publishes a list of decisions made, but the list is out of date and the full-text is not provided. Currently, the quality of information and the level of e-services provided varies widely among the various websites of government authorities.

European Union Accession

Even today, almost twelve years after the war, the destabilizing effect on Bosnian society, politics and the economy can still be felt. European Union accession is still a goal in the distant future, yet it is only through the process of joining the EU that Bosnia can be transformed into a modern, united, stable and democratic state.

The Stabilization and Association Process (SAP) is the mechanism by which the EU provides assistance to the countries of South Eastern Europe in their journey towards EU membership. The SAP objectives in Bosnia are:

- “To help consolidate the peace process and foster inter-Entity co-operation.
- To help ethnic reconciliation and the return of refugees and displaced persons to their homes of origin.
- To establish functioning institutions and a viable democracy, based on the rule of law and respect for human rights.
- To lay the foundations for sustainable economic development and growth.
- To bring Bosnia and Herzegovina closer to EU standards and principles.” (*“Main objectives”*)

In order to accomplish this, the EU has provided 2.5 billion euros, assisted in rebuilding the country’s infrastructure and with the return of refugees to their homes, set up commissions which monitor and protect human rights in the country, and helped to strengthen weak state institutions and the rule of law as well as economic development and humanitarian assistance programs (*“Main areas”*).

In 2003, the European Commission produced a study which assessed Bosnia’s institutional capacity and indicated 16 key areas of reform still needed for Bosnia to enter negotiations with the EU in order to create a Stabilization and Association Agreement. After significant progress, the SAA negotiations began in November 2005. The EU leadership hopes that the SAA will be signed soon, so that Bosnia will not be left behind in the region, as its neighbors, particularly Croatia and Macedonia, have recently passed EU milestones (*“Commissioner,”* 2007). Currently, Bosnia’s position as a “potential candidate country” remains (European Commission, 2006a).

In the most recent assessment of Bosnia's progress, in 2005, the EU found that while the country had improved in some of its short terms goals, it still lacked the institutional capacity for completing many of the needed reforms and implementing the legislation that had been passed to come into line with EU law (European Commission, 2005, p. 69). One of the most important areas in which Bosnia must reform is in its cooperation with the International Criminal Tribunal for Yugoslavia (ICTY). The fact that the top two war criminals, Radovan Karadžić and Ratko Mladić, are still at large 12 years after the end of the war is a black eye on Bosnia's reputation and a major stumbling block in the way of membership in the European Union.

CONCLUSION

While the governments of Czech Republic, Croatia and Bosnia have passed comparable Freedom of Information laws, remarkable differences can be observed in how that legislation came about in each country and whether citizens are exercising their rights under them. The European Union, despite having an extraordinary influence upon the legislative reform of countries wanting to join, has not been a major factor in the passage of FOI laws in the three countries considered here. Bosnia and the Czech Republic had already passed an FOI act before 2002, when the EU added that conditionality to the *acquis*. In Croatia, civil society groups had been advocating for adopting FOI legislation since 2000.

In the Czech Republic, as in Croatia, it was citizens and civil society groups that were the initiators, writing draft bills and lobbying the government to pass the laws. In contrast was the process in Bosnia, where it was decided by the international community that the country needed an FOI law, and so it came to pass. The lack of public investment in the law can be seen in the lack of awareness of the law. When citizens are knowledgeable about their right to access government information, they will make more information requests. As more information requests are made, the more government institutions will be unable to ignore what the law demands – that they make the information under their control open and accessible to the public.

However, it is clear that the corruption in the Croatian and Bosnian governments has negatively influenced their transition to democratic rule and to reforming public

administration. There is a danger in corrupt administrations, that even if they respect Freedom of Information laws, the information given to the public would turn out to be inaccurate, highly politicized or propaganda.

The e-government strategies of each of the countries, despite some mention of citizen participation, interaction and “e-democracy” seem to better fit the “managerial” model, with issues like the efficiency of information access and better public service being the main focus. However, the “managerial” model has been the overall European Union model, so the change to a more participatory style of e-government will most likely have to come from a change in the EU.

While each of these three countries have the legal structures in place to ensure free access to information, the Czech Republic, farther along in its democratic development than Croatia or Bosnia, seems to have more sophisticated administrative structures in place which enable citizens to access government information more easily, particularly over the internet. One can hope, that the governments of Croatia and Bosnia, as they complete the benchmarks in order to join the European Union, will not only transform into more transparent, less corrupt, democratic governments, but also be able to implement the kinds of information access structures that are available in the Czech Republic and the rest of the European Union.

In conclusion, I would like to bring up a topic so far not discussed in this paper: the role of libraries in advocating for the freedom of information. As the former president of the American Library Association, Nancy Kranich (2001), has stated,

Democracies need libraries...Libraries are for everyone, everywhere. They provide safe spaces for public dialogue. They disseminate information so the public can participate in the processes of governance. They provide access to government information so that the public can

monitor the work of its elected officials and benefit from the data collected and disseminated by public policy makers. They serve as gathering places for the community to share interests and concerns. They provide opportunities for citizens to develop the skills needed to gain access to information of all kinds and to put information to effective use. (p. v)

Each of the state information programs in the three countries I have examined mentioned libraries as potential stakeholders in the e-government program being proposed, either as access points for e-government portals or as places where information technology education can take place. Because libraries can play such a strong role in the promotion of democracy, a comparison of how libraries, librarians or professional library associations have helped promote government information access in post-communist countries would be an enlightening further study.

WORKS CITED

- Banisar, D. (2006). *Freedom of information around the world 2006: A global survey of access to government information laws* (Global Survey. London: Privacy International. Retrieved February 1, 2007, from <http://www.privacyinternational.org/foi/foisurvey2006.pdf>
- Blanton, T. (2002). The world's right to know. *Foreign Policy*, (131), 50-58.
- Bunyan, T. (2002). *Secrecy and openness in the European Union: The ongoing struggle for freedom of information*. Retrieved March 1, 2007, from <http://www.freedominfo.org/features/20020930.htm>
- Byrne, M. (2003). Freedom of information in the post-communist world. *Problems of Post-Communism*, 50, 56.
- Chadwick, A., & May, C. (2003). Interaction between states and citizens in the age of the internet: "e-government" in the United States, Britain, and the European Union. *Governance*, 16, 271-300.
- Commissioner Olli Rehn in Sarajevo*. (2007). Sarajevo: European Commission's Delegation to Bosnia & Herzegovina. Retrieved March 22, 2007, from <http://www.delbih.ec.europa.eu/en/worddocuments/word828.html>

Court practice: First FOIA litigation experience in Croatia. Retrieved March 14, 2007, from <http://www.gradjani-imaju-pravo-znati.hho.hr/index.php?lang=en&load=court>

Džihana, A. (2006). *Monitoring democratic development in Bosnia and Herzegovina: Accessibility index of public institutions, organisations and agencies.* Sarajevo: Mediacentar Sarajevo. Retrieved March 22, 2007, from <http://www.media.ba/mediacentar/documents/Monitoring%20English%20170306%20Epdf>

E-Croatia. (2004). *Implementation plan for the one stop shop program.* Zagreb: Central State Administrative Office for e-Croatia. Retrieved March 14, 2007, from http://www.e-croatia.hr/repozitorij/dokumenti/downloads/OSS_Implementation_Plan_051005_ENG.pdf

E-Croatia. (2006a). *Central state administrative office for e-Croatia - content: On the programme.* Retrieved March 14, 2007, from <http://www.e-croatia.hr/modules.php?name=Content&pa=showpage&pid=5>

E-Croatia. (2006b). *Study on information society developments in Croatia in 2005.* Zagreb: Central State Administrative Office for e-Croatia. Retrieved March 14, 2007, from http://www.e-croatia.hr/ehrvatska/repozitorij/dokumenti/downloads/Information_Society_Developments_Study_2005.pdf

Edes, B. W. (2000). The role of government information officers. *Journal of Government Information, 27*, 455-469.

European Commission. (1997). *Agenda 2000 - Commission opinion on the Czech Republic's application for membership of the European Union* No. DOC/97/17). Brussels: Commission of the European Communities. Retrieved March 1, 2007, from http://ec.europa.eu.libproxy.lib.unc.edu/enlargement/archives/pdf/dwn/opinions/czech/cz-op_en.pdf

European Commission. (2004). *Opinion on Croatia's application for membership of the European Union* No. COM(2004) 257 final). Brussels: Commission of the European Communities. Retrieved March 14, 2007, from http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0257en01.pdf

European Commission. (2005). *Bosnia and Herzegovina: 2005 progress report* No. COM (2005) 561 final). Brussels: European Commission. Retrieved March 22, 2007, from http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1422_final_progress_report_ba_en.pdf

European Commission. (2006a). *Bosnia and Herzegovina - relations between the EU and Bosnia and Herzegovina*. Retrieved March 22, 2007, from http://ec.europa.eu/enlargement/bosnia_and_herzegovina/eu_bosnia_and_herzegovina_relations_en.htm

European Commission. (2006b). *Croatia 2006 progress report* No. COM(2006) 649 final). Brussels: Commission of the European Communities. Retrieved March 14, 2007, from http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/hr_sec_1385_en.pdf

European Commission (2006c). *European commission - enlargement - past enlargements*. Retrieved March 14, 2007, from http://ec.europa.eu/enlargement/enlargement_process/past_enlargements/index_en.htm

European Commission. (2007a). *About eGovernment*. Retrieved March 1, 2007, from http://ec.europa.eu/information_society/activities/egovernment_research/about_us/index_en.htm

European Commission. (2007b). *eGovernment factsheet - Croatia - strategy*. Retrieved March 14, 2007, from <http://ec.europa.eu/idabc/en/document/6180/5924>

European Commission (2007c). *European commission - enlargement - homepage*. Retrieved March 1, 2007, from http://ec.europa.eu/enlargement/index_en.htm

European Union. (2000) Charter of Fundamental Rights of the European Union, 2000/C 364/01. Retrieved March 15, 2007, from http://www.europarl.europa.eu/charter/pdf/text_en.pdf

Freedom House. (2006a). *Country report: Bosnia-Herzegovina 2006*. Retrieved March 22, 2007, from <http://www.freedomhouse.org/template.cfm?page=47&nit=413&year=2006>

Freedom House. (2006b). *Country report: Croatia 2006*. Retrieved March 14, 2007, from <http://www.freedomhouse.org/template.cfm?page=47&nit=397&year=2006>

Freedom House. (2006c). *Country report: Czech Republic 2006*. Retrieved March 1, 2007, from <http://www.freedomhouse.org/template.cfm?page=47&nit=398&year=2006>

Glossary - UNDP governance policy paper. Retrieved March 15, 2007, from <http://mirror.undp.org/magnet/policy/glossary.htm>

Government Council for State Information Policy. (1999). *State information policy - the road to an information society*. Praha: Úřad vlády České republiky. Retrieved March 1, 2007, from <http://ec.europa.eu.libproxy.lib.unc.edu/idabc/en/document/4604/5675>

Grigorescu, A. (2002). Transferring transparency: The impact of European institutions on East-Central Europe. In R. H. Linden (Ed.), *Norms and nannies: The impact of international organizations on the Central and East European states* (pp. 59-90). Lanham, Md.: Rowman & Littlefield Publishers.

Grigorescu, A. (2003a). Freedom of information laws. *Problems of Post-Communism*, 50, 34.

Grigorescu, A. (2003b). International organizations and government transparency: Linking the international and domestic realms. *International Studies Quarterly*, 47, 643.

- Hrvatski sabor. (2003). Zakon o Pravu Na Pristup Informacijama, Broj: 01-081-03-3491/2. Retrieved March 14, 2007, from <http://www.nn.hr/clanci/sluzbeno/2003/2491.htm>
- Huntington, S. P. (1991). *The third wave: Democratization in the late twentieth century*. Norman: University of Oklahoma Press.
- Jaeger, P. T. (2005). Deliberative democracy and the conceptual foundations of electronic government. *Government Information Quarterly*, vol.22, no.4, pp.702-710, 22(4), 702-710.
- Katchanovski, I., & La Porte, T. (2005). Cyberdemocracy or Potemkin E-villages? electronic governments in OECD and post-communist countries. *International Journal of Public Administration*, 28(7-8), 665-681.
- Kranich, N. C. (2001). *Libraries & democracy : The cornerstones of liberty*. Chicago: American Library Association.
- Krehić, A. (2006). *Full implementation of freedom of information act (FOIA) in Bosnia and Herzegovina*. Sarajevo: The Center for Free Access to Information. Retrieved March 22, 2007, from http://www.cspi.ba/nove_slike/brosura-eng.pdf
- Kužilek, O. (2004). *Another 106 answers to your questions (with judgements): A handbook for citizens on the free access to information and the transparency of public administration*. Praha: Otevřete.cz. Retrieved March 1, 2007, from http://www.otevrete.cz/files//copyofdocuments/Handbook_for_citizens.pdf

- Lollar, X. L. (2006). Assessing China's e-government: Information, service, transparency and citizen outreach of government websites. *Journal of Contemporary China*, 15(4), 31-41.
- Madison, James. Rakove, Jack N. (1999). *Writings*. New York: Library of America.
- Main areas of ongoing support*. Sarajevo: European Commission's Delegation to Bosnia & Herzegovina. Retrieved March 22, 2007, from http://www.delbih.ec.europa.eu/en/eu_and_country/cooperation.htm
- Main objectives of European Union assistance*. Sarajevo: European Commission's Delegation to Bosnia & Herzegovina. Retrieved March 22, 2007, from http://www.delbih.ec.europa.eu/en/eu_and_country/agreements.htm
- Mathews, J. T. (1997). Power shift. *Foreign Affairs*, 76, 50-66.
- McCullagh, K. (2003). E-democracy: Potential for political revolution? *International Journal of Law and Information Technology*, 11(2), 149-161.
- Mendel, T. (2003). Freedom of information: An internationally protected human right. *Comparative Media Law Journal*, 1 Retrieved March 15, 2007, from <http://www.juridicas.unam.mx.libproxy.lib.unc.edu/publica/rev/comlawj/cont/1/cts/cts3.htm>
- Ministerstvo informatiky. (2007). *Úvodní stránka - na úřad přes internet - portál veřejné správy České republiky*. Retrieved March 1, 2007, 2007, from <http://portal.gov.cz>

- Mitchell, R. B. (1998). Sources of transparency: Information systems in international regimes. *International Studies Quarterly*, 42, 109.
- Mnjama, N. (2003). Records management and freedom of information: A marriage partnership. *Information Development*, 19, 183-188.
- Monitoring 2004: Freedom of information campaigning*. Retrieved March 14, 2007, from <http://www.gradjani-imaju-pravo-znati.hho.hr/index.php?lang=en&load=monitor04>
- Moser, C. (2001). *How open is "open as possible?" Three different approaches to transparency and openness in regulating access to EU documents*. Vienna; Austria: Instit Advanced Studies.
- OHR. (2001). *Freedom of access to information act for the Federation of Bosnia and Herzegovina*. Retrieved March 22, 2007, from http://www.ohr.int/ohr-dept/media-d/med-recon/freedom/default.asp?content_id=7269
- Openness of society: Croatia 2005*. (2005). Zagreb: Open Society Institute. Retrieved March 14, 2007, from <http://www.idemo.hr/miniweb/dokumenti/openness2005.pdf>
- Perritt, H. H. (1997). Open government. *Government Information Quarterly*, 14(4), 397-406.
- Policy for the development of the information society of Bosnia and Herzegovina*(2004). . Sarajevo: Council of Ministers of Bosnia and Herzegovina. Retrieved March 22, 2007, from http://is.gov.ba/documents/publications/Policy_for_IS_Development_in_BH.pdf

Předsednictvo České národní rady. (1992). *Listina základních práv a svobod*. Retrieved March 1, 2007, from <http://www.psp.cz/docs/laws/listina.html>

Prokopová, J. (2004). *Free access to information in the Czech Republic 2000 - 2002*. Retrieved March 1, 2007, from <http://www.otevrete.cz/index.php?id=142&akce=clanek>

The rising tide: Freedom of information in southeast Europe(2003). . New York: Open Society Justice Initiative.

Settembri, P. (2005). Transparency and the EU legislator: 'let he who is without sin cast the first stone'. *Journal of Common Market Studies*, 43(3), 637-654.

Shane, S. (1994.). *Dismantling utopia: How information ended the Soviet Union*. Chicago: Ivan R. Dee.

Siegle, J. T., Weinstein, M. M., & Halperin, M. H. (2004). Why democracies excel. *Foreign Affairs*, 83, 57-71.

Strategy for development of the information society of Bosnia and Herzegovina (2004). Sarajevo: Council of Ministers of Bosnia and Herzegovina. Retrieved March 22, 2007, from http://is.gov.ba/documents/publications/Strategy_for_IS_Development_in_BH.pdf

Transparency International. (2006a). *Corruptions perception index 2006*. Retrieved March 1, 2007, from http://www.transparency.org/policy_research/surveys_indices/cpi/2006

- Transparency International. (2006b). *Frequently asked questions about corruption*. Retrieved March 1, 2007, from http://www.transparency.org/news_room/faq/corruption_faq
- Transparency International. (2006c). *National integrity system study: Bosnia and Herzegovina 2007*. Berlin: Transparency International. Retrieved March 22, from http://www.ti-bih.org/documents/20-02-2007/National_Integrity_System_Study_2007.pdf
- Transparency International. (2006d). *Using the right to information as an anti-corruption tool*. Berlin: Transparency International. Retrieved March 22, 2007, from http://www.transparency.org/content/download/9633/66877/version/2/file/TI2006_europe_access_information.pdf
- Transparency International Croatia. (2006). *Curbing political corruption*. Zagreb: Transparency International Croatia. Retrieved March 14, 2007, from http://www.transparency.hr/dokumenti/projekti/curbing_political_corruption.pdf
- United Nations. (1948). Universal Declaration of Human Rights, Resolution 217 A (III). Retrieved March 15, 2007, from <http://www.unhchr.ch/udhr/lang/eng.htm>
- United Nations. (2007). *Introducing the Aarhus Convention*. Retrieved March 1, 2007, from <http://www.unece.org/env/pp/>