

With Parliament back it's time for transparency

July 14, 2011 01:06 AM (Last updated: July 15, 2011 11:49 AM)

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The Daily Star



BEIRUT: Civil society activists are calling for a series of draft laws on the right to access information to be put on Parliament's agenda "as early as possible" saying Lebanon urgently needs available tools to prevent and fight corruption and bring more "transparency and responsibility" into public affairs."

The draft laws have been officially filed and now we're waiting," said Metn MP Ghassan Moukheiber, who heads a group of colleagues organized as Lebanese Parliamentarians Against Corruption. Moukheiber urged Parliament's Administration and Justice Committee, tasked with performing the first review of draft laws submitted, to put them on the legislature's agenda.

According to the Transparency International report issued last year, Lebanon ranks 127 out of 178 on the world's Corruption Perceptions Index.

Moukheiber founded the National Network for the Right of Access to Information in 2008, in collaboration with several civil society organizations, such as the Lebanese Transparency Association and the American Bar Association.

The group also includes representatives of several ministries and municipalities as well as of professional unions, such as the Journalists' Union and the Beirut Bar Association.

The Network formed due to the “absence of key transparency and anti-corruption legislation,” and defines its mission as seeking to “enhance transparency and accountability to strengthen the rule of law and civic participation in Lebanon through access to information and protection for individuals who report corruption.”

Atallah Salim, a researcher at the LTA, said: “At the moment, there is no regulation, and no right to ask for information,” noting that Lebanon ratified the United Nations Convention Against Corruption in 2009. “The Lebanese government needs to comply with the convention by either drafting new laws or amending the current laws.”

Samer Abdullah, the director of Nahwa al-Muwatiniya, a group that promotes the concept of citizens’ rights and is also part of the National Network, believes a law on access to information would make, “a big difference,” in the sense that “it will diminish the margin for public officials and public servants to be corrupted.”

He said that the law would facilitate people’s access to all types of information, unless it is related to national security and personal privacy.

He noted that access to information was not currently illegal but also said “there is a lot of information that is hidden, not by law, but because there is no procedure to make it accessible.”

There are currently a few available means of gathering information, such as the Official Gazette, decrees of a regulatory nature and annual reports by some institutions. For Moukheiber, access to information is now primarily secured thanks to “friendships” he said, giving as an example the relationship between the media and politicians, who leak documents in an ad hoc process of transparency, but with obvious political motives.

Salim agreed, saying “the government should be giving access to information on ministerial activities; it’s not normal that we get information from journalists with close connection to policymakers.”

He also lamented the fact that many state bodies don’t have up-to-date websites and newsletters.

The draft law on the right of access to information was presented to Parliament in April 2009.

The current legal obstacles to a free flow of information include the requirement that public servants obtain authorization from the relevant ministry to provide information, while the current Illicit Enrichment Law limits the public’s ability to access information on the wealth of politicians, for example.

Moukheiber acknowledged that a law on the Right to Access to Information, “won’t promote anti-corruption and prevent [corruption] from happening” but said it would be an “additional tool to introduce more transparency into the public space.”

The National Network also submitted two other draft laws to the Parliament in 2010, one that would establish an autonomous National Anti-corruption Committee, and another ensuring the protection of whistleblowers.

To Moukheiber, these two laws are “important” in the sense that they would have a “more direct impact in the fight against corruption.”

“The second draft provides an investigation tool while the third one protects whistleblowers, especially inside the administration, and would protect and even encourage [civil servants] to denounce corruption” by providing them with compensation for their work,” he explained.

To Salim, “the first stage is to pass the draft laws, and the second is to advocate their application.”

Moukheiber said delays in examining the legislation are unrelated to a lack of political will, but to the “inefficiency of Parliament’s work” and the “congestion of Parliament’s agenda.”

“It’s not a question of political will because all the draft law signatories are from different political sides,” he argued, saying the effort was an “exception to the current political cleavage.”

“I’m confident that when they’re put on the committee’s agenda, the drafts will be adopted,” he said.

Salim agreed, saying “the legislative process is known to be extremely slow,” but argued that any debate of a new law is always subjected to the whims of the political establishment, blaming the sectarian system for this.

He argued that politicians acted according to the sects they belong to and not according to national and social interests, saying some tended to “privilege the interest of their sect rather than of their constituency.”

“At the end of the day, political will is a crucial element,” he said.

As part of the National Network, Abdullah’s organization put in place an advocacy group to lobby parliamentarians to endorse the laws. He said they have discussed the issue with some 30 MPs and collected over 10 letters of commitment of support.

“The general impression is that everyone is supportive” he said, acknowledging it would be difficult for MPs to openly stand against a law targeting corruption.

Abdullah was also optimistic about the prospect of passing these laws, although he acknowledged this would not end corruption. “Passing the laws would just lay the ground for us to do something,” he said.