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Safadi Cultural Center, Tripoli**

**Enhancing Transparency and Combating Corruption:  
“The Access to Information” and “Whistleblower Protection” Draft Laws in  
Lebanon**

**Opening Remarks by Ms. Maya Najm, Senior Advisor, American Bar Association  
(ABA) Rule of Law Initiative**

Excellencies, Ladies and Gentlemen:

Thank you so much for joining us here in Tripoli today to acknowledge the important work that the National Network is undertaking to make access to information available to all Lebanese citizens and to ensure protection for those who report corruption.

Corruption, defined as the abuse of entrusted power for private gain,<sup>1</sup> pervasively undermines the rule of law by undermining democracy and respect for human rights, and damaging investment climates and opportunities for economic growth.

Anti-corruption and public integrity is one of the ABA’s 7 core focal areas and thus we are very pleased to be able to contribute to the Network’s efforts to develop legal frameworks and

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<sup>1</sup> Transparency Int’l definition.

capacity to access information, prevent and sanction corruption, foster accountability, transparency and public participation.

Let me take a few minutes to put access to information and whistleblower protection in context.

## **A2I**

- The Right to Information is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights.
- At least 90 countries and territories around the world have laws that give the public the right to request and receive information from government bodies.
- In 1990 only 13 countries had access to information laws.
- Over the past ten years the right of access to information has been recognized by an increasing number of countries, including developing countries.
- In 2007, Jordan was the first and only country in the Middle East to adopt an Access to Information law.
- In 2009, six new access to information laws were passed—including Bangladesh, Chile, Guatemala and Uruguay.

## **WBP**

- The Whistleblower Protection Act was first passed at the national level in the United States of America in 1989. Since the late 1990s many common law countries adopted whistleblower protection laws, including United Kingdom, Canada, Australia, Ghana and South Africa. In 1999, the Council of Europe also passed the Civil and Criminal Law Conventions on Corruption. The Inter-American Convention Against Corruption, adopted in 1996, and African Union Convention against Corruption, adopted in 2006, contain similar provisions.

- Whistleblower protection is essential in both the public and private sectors because whistleblowers can literally prevent disasters and save lives in addition to saving millions of dollars and strengthening the investment climate. Examples include the doctor who disclosed the cover-up of the SARS outbreak in China, saving lives, the sources who exposed prisoner abuse at Abu Ghraib in Iraq. It is equally important that governments follow up on initial whistleblower reports; failure to follow up in the Madoff Ponzi scheme case cost investors literally millions of dollars and contributed to the destabilization of the US economy.

#### A2I and WBP

- The United Nations Convention Against Corruption, which Lebanon ratified in October 2008, requires the adoption of access to information legislation and calls for whistleblower protection legislation.
- The adoption of comprehensive laws that incorporate international best practices and lessons learned, but are also tailored to the relevant circumstances, is essential. It is, however not sufficient. The reality is that many of the laws, even when well drafted, are not taking effect because commitment to their implementation is lacking.

The fight against corruption and for transparency requires genuine and long term commitment at many levels. Therefore, full implementation will require:

- Political will—the government and public administration must develop an implementation regime and invest the necessary resources. This includes:
  - Strong and independent oversight and enforcement powers through the establishment of an anti-corruption commission
  - Setting clear and enforceable a2i and WBP mechanisms within the Lebanese administration
  - Training civil servants in a2i and WBP principles and procedures

- Civil society—Events such as this one are essential and NGOs must continue to raise awareness among specific stakeholders and monitor government compliance with the laws.
- Private sector must continue to promote and lobby for broad access to information to achieve increased transparency and accountability and a healthier competition in the market, and to advance the overall investment climate in Lebanon. The private sector must also take the lead in adopting and encouraging whistleblower protection within its own institutions.

The American Bar Association is honored to have been able to collaborate with the National Network for the Right of Access to Information and all the dedicated individuals who have invested so much time and effort in the Network's activities at all these levels to date. Our technical support and financial support to the Network was made possible through a grant from the U.S. Department of State Bureau for Democracy, Human Rights and Labor (DRL) to which we extend our thanks.

The ABA also thanks the Safadi Foundation, Nahwa al Muwatiniya and today's speakers, in addition to the Network's founding members Lebanese Parliamentarians Against Corruption, the Lebanese Transparency Association and Adel's association, and looks forward to continuing to support efforts to enhance the rule of law and transparency in Lebanon. We thank you all and hope to achieve together our common goals.