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Five Principles for an Open and Accountable NATO

For the North Atlantic Treaty Alliance (NATO) to live up the reason for which it was created "to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law"¹ it must be open, transparent and accountable to the public.

NATO Secretary General Jaap de Hoop Scheffer wrote recently about the lack of public understanding and knowledge about NATO and stressed the need to "make the broader public aware of this new NATO."²

On 1 April 2009 civil society groups called on NATO to "reconnect with citizens", stating:

In order to deepen and extend the shared values-base within the Alliance, NATO needs to become closer to its citizens. This means an updated, more open, transparent and accountable Alliance, appropriate to 21st century expectations. Parliamentary accountability within NATO requires clear and adequate mechanisms, and a relaxation of secrecy rules³.

Greater transparency is key to NATO becoming closer to citizens and to increased public awareness and understanding of the Alliance.

The right of access to information is firmly established in international and national law as a human right and is essential for upholding the values which NATO was created to protect. It therefore applies to all national and international public bodies and should also apply to NATO.

The right of access to information includes both the right of everyone to request and receive information and a positive obligation on public institutions to compile and disseminate proactively information related to their core functions.

The great majority of NATO's 28 member states already have legal mechanism for requesting and receiving information held by public bodies which also apply to information about defence and the armed forces as well as about foreign relations. NATO should be bound by the same transparency norms as its members.

NATO should therefore adopt an Information Openness Policy based upon the following five principles:

1. **Principle of presumption of openness and limited exceptions:** In principle all information held by NATO, in its civilian and military structures, and organisations and agencies, should be public unless withholding it can be justified on grounds of harm to a legitimate interest that is codified in the NATO Information Openness Policy and consistent with highest international standards.

The presumption of openness should apply to all information held by NATO, including information which has been provided by member states and third parties. Classification of information does not preclude its release following a request if it cannot be shown that such disclosure would harm a pre-defined legitimate interest.

2. **Principle that the public interest prevails:** Even when a legitimate interest applies, information must be released when the public interest outweighs any harm in releasing it. In particular, there should be a strong presumption of public interest when information relates to threats to the environment, health, human rights and information revealing corruption.
3. **Principle of proactive disclosure:** NATO should adopt a public disclosure policy under which, at its own initiative, it publishes and actively disseminates core information about its structures, staff, finances, rules, policies, procedures, and decisions. Information should also be made widely available about how to file requests for additional information.
4. **Principle of right to request and receive information:** Everyone has the right to request and receive answers to requests for information. This principle means that mechanisms must be established to the effect that :
 - a. **Anyone** can request information from NATO regardless of nationality, place of residence, or profession. Both natural and legal persons have this right.
 - b. **No reasons** should be required to justify why the information is being sought.
 - c. **Mechanism for filing requests should be simple and free:** the only requirement for filing a request should be to supply a contact name, address and description of the information sought. Requestors should be able to file requests in writing or orally. The cost should not be greater than the reproduction of documents.
 - d. **Rapid responses:** The NATO information openness policy should establish that information should be provided immediately or within a short timeframe which should not exceed one month (20 working days).
 - e. **Officials have a duty to assist requestors:** Every NATO office should designate an official who is on hand to receive and process information requests and to assist requestors in formulating and filing their requests.
 - f. **Principle that refusals must be justified:** NATO should only withhold information from public access if disclosure would cause demonstrable harm to exceptions established by the NATO Information Openness Policy. These exceptions must be clearly and specifically defined by law. Any refusal must clearly state the reasons for withholding the information.
5. **Principle of protection of the right to know:** Everyone has the right to appeal refusals to provide information, failures to respond to requests, or other violations of the right to know. NATO should establish an independent review mechanism empowered to have insight into the requested materials and to order disclosure of the information or documents. This review mechanism should be composed of independent experts with experience directly relevant to making a judgment on the right of access to information. The procedures of this body should be in line with international due process standards, including that the information requestor should have the right to legal representation in during the entire appeal process. The decisions of this body should always be made public.

¹ See the North Atlantic Treaty, 4 April 1949, at <http://www.nato.int/docu/basicxt/treaty.htm>

² See article by Jaap de Hoop Scheffer published in *Turkish Policy Quarterly* Vol. 7 No. 4. At http://www.turkishpolicy.com/images/stories/2008-04-tpq/jaap_de_hoop_scheffer.pdf

³ See “[A Citizens Declaration of Alliance Security](#)” developed at the NATO Shadow Summit held in Brussels 31 March to 1 April 2009. For further details see: www.natowatch.org