

MEXICAN FREEDOM OF INFORMATION ACT, LIBRARIANS AND ARCHIVISTS

[Ley de Acceso a la Informacion Publica, Bibliotecarios y Archivistas \[Spanish version\]](#)

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“With a few exceptions, secrecy is deeply incompatible with democracy and with science. [...] Tyrants and autocrats have always understood that literacy, learning, books and newspapers are potentially dangerous. They can put independent and even rebellious ideas in the heads of their subjects.”

[Carl Sagan](#). *[The Haunted Demon World. Science as a Candle in the Dark](#)*. [1]

ABSTRACT: This article advocates strongly for the Mexican librarians and archivists as a guild in order to be included as acting leaders into the Mexican debate on the imminent passing of the first Freedom of Information Bill by the federal government. It gives a general international review of the state of the art of legislations on the subject and compares Mexico’s initiatives with the ones at an international scope. There is a position taken that this bill has to take into consideration the Mexican library and archivist guild as a whole at theoretical and practical levels. It criticizes how Mexican society, and government do not value the importance of librarians and archivists, it also criticizes librarians’ apathy for not getting involved in political issues. It points out some issues to be included in the law corpus. Z. Muela.

With excitement and expectation the world is observing the debate being discussed in Mexico in the last months on the legislation of the Freedom of Access of Public Information Bill; although in fact it dates since 1976. It is quite evident that since the fall of the Institutional Revolutionary Party (PRI) –which ruled the federal government in an antidemocratic and authoritarian *manu militari* fashion from 1929 until 2000—has generated an accelerated change of the way public information has to be offered to people in a free, unhampered and professional manner. It is the same PRI which in some states is proposing such a law, specially there where it is no longer in power; the very right important issue will be that this law gives access not only to current archives, but also to the dead ones (if PRI has left any alive).

This article is written with a periodical literature review the author did in Monterrey, Nuevo Leon and Saltillo, Coahuila, Mexico during the months of June-July, 2001 and with primary data collected from two of the most representative listservs in Latin America –BIBLIOMEX: Mexican Librarianship from Universidad Autonoma de Nuevo Leon and Biblioprogresistas from the Mexican Progressive Librarians Circle. According to these sources, the first Freedom of Information Bill was passed in Sweden in 1766, Finland in 1951, USA 1966, Denmark 1970, France 1978, Luxemburg 1979, New Zealand 1982, Canada 1983, Holland 1992, Belize 1994, South Korea 1996, Ireland 1997, the city of Buenos Aires in Argentina, 1998, but currently the bill is being discussed in that entire country. The list of countries with such a law or with articles included in their constitutions –like the Article Sixth in the Mexican Constitution—is long, nevertheless, there are more articles within Constitutions than the law as such. And surprisingly Germany has just passed the law in 1998 and 1999, Japan in 1999 and UK scarcely in the last year 2000. Notice that three of Group of Eight (G8) powers has just begun opening their files. UK has been the most reluctant and bureaucratic to do so. Russia has been discussing it since 1995, but the files remain closed. However, the openness to access of public documents in the European Union is being so debated and challenged. According with data from the NGO Statewatch's Observatory, they submitted the document: "Call for an Open Europe" where they criticize the slow process of openness of public files like in the case of UK and also claim for environmental information to be included in the debate since is being left out so far.

This international panorama shows us that Mexico is taking a giant step on the matter of democratic maturity. These are the Mexican states which are proposing a freedom of access to public information bill: Baja California Sur by PRI (April 5, 2001), [2] Morelos by PRI, [3] in Guanajuato PRI is proposing it, but National Action Party (PAN, federal government ruling party) is against it, [4] Jalisco by Revolutionary Democratic Party (PRD, the governing party of Mexico City), [5] Nuevo Leon by PAN. [6]

Why it is so important to support the passing of this bill? Mainly for society to watch for the performance of the government officers at all levels and to avoid corruption, the wrong use of public resources, nepotism, and other evils. To watch for a fair justice and that justice not only favors the powerful people. To watch for the improvement of the democratic process. With a law like this it will become exposed the social inequality and society by using this public information could improve their living conditions. For instance, all government officers salaries will be published and it will be evident who is seeking the public service as a good legitimate vocation to serve people and who to steal people's money at full hands; society will timely remove such a corrupted public servers (officers). Henry H. Perry, Jr. and Zachary Rustad mention that information generated by the public sector is in itself a vehicle for development since the biggest unique information producer in areas such as legislation, statistics, culture, finances, geography, transportation and research. [7]

Many universal information agents are participating in this debate as the stakeholders are called by the scholar Ernesto Villanueva –who seems to be he most prominent agent on the subject although preponderantly in the perspective of law. But the questions of the right of access to public information cannot only be seen by the only perspective of law or communication sciences. And neither Villanueva, nor the other information agents have

included a fundamental guild of professionals, be as scholars, or as information workers: the librarians and archivists.

In this debate it is not only important that all archives, current or dead, be open to public in all government offices at federal, state and municipal levels and from the three powers: legislative, judicial and executive, from coast to coast and North to South, and that a free, unhampered and professional access be guaranteed, but also it is important that this law includes an untouched issue until now: the organization, management, retrieval and dissemination of information and its experts. We are talking about the librarians and archivists.

It is an incorrect vision from all points of views, that librarians and archivists be left out of this debate and out of the law project. Why are they being left out? First, the main reason is that this guild has historically self excluded from the political participation on library and information matters. Second, society in general is ignorant of the role this guild plays, and that currently it does not play, but that it should play: the library guild as a whole.

What is the importance of librarians and archivists to society? The answer must be obvious, but in a society –Mexico—where 80% (note) of the public librarians earn only \$ 90.00 US dollars by month , against \$ 6, 000.00 US dollars by month that currently earns the Major of Monterrey in the state of Nuevo Leon, Felipe de Jesus Cantu from PAN, whom even has been authorized a raising up to \$ 10, 000.00 US dollars a month, **[8]** it evidences that the importance of librarians and archivists earning starving salaries is simply not clear. At a theoretical level the library guild has accumulated a solid experience that gives it enough intellectual authority and quality as to issue theories, standards and guidelines on any issues concerning to the library, information and documental fields, and of course, with perspectives according to their disciplinary point of views. In practical terms, they are who daily collect, organize, storage –in paper, or digital media—and distribute thousands of documents based on international standards. And if nowadays these services are a total disaster it is because society is ignorant in the subject and think that any person is capable of thinking, or performing in such a positions with efficacy and efficiency. Let us just imagine how many innocent people, and always the most poor ones, may have been declared guilty because of this total Helter Skelter mess in the management and control of documents, archives and files.

And what should be included in such a law from the point of view of librarians and archivists in such a law? Among many aspects these are the major ones:

1. The access to documents should be unhampered and free, free of charge. **[9]**
2. The personnel at charge of the technical and public services should have an university degree in Library and Information or Archives Science. **[10]**
3. The salaries of the professional personnel must be competitive, compared to those of other university disciplines like engineers, lawyers, or physicians.
4. It has to be guaranteed that all government offices where public service is going to be

offered must meet the international standards with adequate infrastructure, equipment, and furniture.

5. The free, unhampered, and professional access and delivery to of information must also include, besides the printed information, all the information generated or gathered in computer media (magnetic, digital, others), or audiovisuals (audio cassettes, videocassettes, or others) and to guarantee that all databases be accessible via the Internet.
6. The fight for this law has to be more towards the information openness and governmental transparency (so demanded in Mexico through all of its antidemocratic and authoritarian history until scarcely current times), than to concealment and privacy; the public information belongs to people, therefore it must be of public domain. If public officers do not want to be exposed to public, then public service is not their mystique.
7. Each governmental departments or offices where documents are to be offered to public must publish indexes, manuals, guides and other detailed tools to retrieve information pertinently that can assist users getting their right information in expedite fashion. These tools could be distributed through the public and academic libraries in the case of the printed versions and over the Internet in the case of electronically produced in all types of libraries and wherever the Internet reaches out, so users could know what information is available for them in the government for their benefit.

It is irrelevant in this debate if the proposal comes from PAN, PRI, or PRD or another party. The only party to take part of is to support its passing all the way through the end. But in this concrete case, a law of such a decisive importance for the Mexican society –and worldwide by extension—must not pass if the library guild as a whole is not taken into consideration in the process of the debate and decision making. All the disciplines other than Library and Information and Archives sciences may be experts in everything to what their matters are concerned, but on library, information and document matters, the experts in collecting information, in cataloguing it, indexing it, abstracting it, and disseminating it in an effective and effective fashion are the librarians and archivists. That up to this moment they are not present in this debate it does not mean they are not the experts. (It is of experts to get politically involved on such an important things like these).

Finally, a law of freedom to access of public information would be one more dead law if librarians and archivists are not taken into account, not only in its theoretical debate, but also in its practical implementation. A mellifluous law with adequate contents could be passed, but if in the actual practice of inputting, processing, and outputting information in the documental and archival systems, the flow is not effective and efficient, simply there will be no access or not with the required speed, relevance and pertinence that would be crucial in most of the cases (i.e. a poor worker called guilty and ready for imprisonment, just because his files where evidence of his innocence are misplaced, or even worst, stolen). Like Nathan N. Mnjama (Botswanaean expert in library and archives science) states, the right to access of information in the legislation it does not have any value if people do not have actual access to the documents and records. **[11]**

Therefore, in order to have an equalitarian participation of the universal agents of information in this debate it is advised that there be a new multidisciplinary series of forums where librarians and archivists can participate before the federal government pass the law.

To get in contact with the Mexican library guild these are some of the major associations and schools: Centro Universitario de Investigaciones Bibliotecológicas de la UNAM (CUIB), <http://cuib.unam.mx/>, Elsa Ramírez, Directora, eramirez@servidor.unam.mx. Asociación Mexicana de Bibliotecarios, A.C. (AMBAC) see <http://www.ambac.org.mx>, email: fimartin@campus.ruv.itesm.mx, Dr. Felipe Filiberto Martínez Arellano, Presidente. Escuela Nacional de Biblioteconomía y Archivonomía de la SEP, enba@servidor.unam.mx, Director: Mtro. Nahúm Pérez Paz. Colegio Nacional de Bibliotecarios, A.C. (CNB), see: <http://www.unam.mx/cnb/>, email: cnb@servidor.unam.mx, Mtra. Lina Escalona, Directora. Círculo Mexicano de Bibliotecarios Progresistas, Mtro. Felipe Meneses, fmeneses@correo.unam.mx. Colegio de Bibliotecología de la UNAM, Coordinador Dr. Felipe Filiberto Martínez Arellano, fimartin@campus.ruv.itesm.mx. Colegio de Bibliotecología de la UANL, Coordinador José Cabriales, jcabrial@ccr.dsi.uanl.mx.

For more information on these issues see the [Guide of Resources on Legislation of Freedom of Access to Public Information](#) written by the author:

<http://www.geocities.com/zapopanmuela/foi.htm>

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3. Newspaper [Reforma](#), abril 13, 2001
4. Newspaper [Reforma](#), abril 18, 2001.
5. Newspaper *El Informador*, junio 12, 2001.
6. Newspaper [El Norte](#), Julio 1, 2001
7. Perryt, Henry H. Jr. Y Rustad, Zachary. "Freedom of Information Spreads to Europe." *Government Information Quarterly*, Vol. 17, No. 4, 2000, p. 403-17, online 6/17/01, <http://vweb.hwwilsonweb.com>.
8. Newspaper [El Norte](#), julio 1, 2001.
9. The author worked as Head of the Archives in the Public Registry of Water Rights at the Rio Bravo Regional Office of the National Federal Water Commission, and the fee consultation of each file was very high –\$100.00 US dollars or more, plus the cost of photocopies--, the model to follow should be that similar of the Public Registry of Property of Nuevo Leon where consultation is free and only the copies are sold at the cheapest cost.

10. Here the reputation of the CNA is a an example to follow: it states that such a employees must have a degree in such a disciplines, not all the departments and offices of the government are that much ignorant as we see.

11. Mnjama, Nathan M. "Freedom of Information Legislation in Esarbica States and its Implication on Records Management Practices." *African Journal of Library, Archives & Information Science*, Vol. 10, No. 1, April 2000, p. 43-53, online, 6/17/01, <http://vweb.hwwilsonweb.com>.

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