

The Right to Know

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edited with an Introduction by Sheila S. Coronel *



- GNP Growth
- National Debt
- 7 Below Poverty
- Infant Mortality
- Unemployment Rate
- Literacy Rate
- Forest Cover
- Air Quality
- National Budget
- Military Budget
- Audit Reports
- Public Works Contracts
- Parliamentary Records
- Assets of Officials
- Election Contributions
- Corporate Registration
- Financial Statements
- Tax Collection Rates
- Business Licenses
- Land Registration
- Bank Records
- Alien Information
- Medical Records
- National ID Records

The Right to Know



ACCESS TO INFORMATION IN SOUTHEAST ASIA



THE RIGHT TO KNOW examines the state of the media and information access in eight countries in Southeast Asia. It contains the findings of a cross-country survey that ranked the countries according to their openness. The Philippines and Thailand rank as the most transparent countries. Cambodia is third, although citizens rarely attempt to obtain information from the government, which they think is authoritarian and inaccessible. Moreover, the information infrastructure is in shambles after the ravages of the Khmer Rouge.

In Indonesia, Soeharto-era restrictions on information disclosure remain in place, although the press is free and able to report on areas of public life previously considered taboo. In Singapore and Malaysia, paternalistic but restrictive governments keep citizens in thrall while giving them a taste of the good life. After the East Asian crisis, there was some opening up in these countries in response to the demands of global business for more economic information. But other aspects of political and social life remain closed to scrutiny.

In Vietnam, the Communist Party dominates the media and wide areas of public life. The least transparent country in the region is Burma, where all media are mouthpieces of the junta and virtually no information is available to the public. Burma also has the most restrictive press laws in the region, and perhaps the world.

For the longest time, the rulers of Southeast Asia maintained political control through information control. Since the late 1980s, however, such strangleholds have been challenged by democracy movements, technological advances and the increasing integration of regional economies into global trade and finance. In Indonesia, the Philippines and Thailand, the media informed citizens about the excesses of authoritarian regimes. Today, in these countries, a free press provides information on corruption, the abuse of power and assorted forms of malfeasance.

The Southeast Asian experience shows that the struggle for freedom of information cannot be taken separately from the struggle for democracy. The most significant openings in information access have come about as part of a package of democratic reforms. These reforms, in turn, were the product of citizens' involvement in pro-democracy movements; they would not have been possible if left to the initiative of leaders or legislatures.

Southeast Asian governments do not open up of their own accord. They have to be pried open.



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The PHILIPPINE CENTER FOR INVESTIGATIVE JOURNALISM (PCIJ) is an independent, nonprofit media agency that specializes in investigative reporting. Founded in Manila in 1989, the PCIJ funds investigative projects for the print and broadcast media, puts out books on current issues and publishes *i*, an investigative reporting magazine. In addition, the PCIJ organizes training seminars for journalists and provides trainers for news organizations in the Philippines and Southeast Asia. It also conducts seminars and studies on issues involving the media and information access.

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The SOUTHEAST ASIAN PRESS ALLIANCE (SEAPA), founded in November 1998 in Bangkok, aims to unite independent journalists' organizations in the region into a force for advocacy and mutual protection. Among its projects are: the establishment of an office to protect journalists and monitor press freedom in Indonesia; support for independent press initiatives in Malaysia; a series of regional training seminars; and the establishment of a regional press freedom network. Seapa's founding members are the Alliance of Independent Journalists and the Institute for Studies in the Free Flow of Information (Indonesia); the Center for Media Freedom and Responsibility and the Philippine Center for Investigative Journalism (Philippines); and the Thai Journalists Association.

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Contents

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Contents

INTRODUCTION

Fighting for the Right to Know >> 1

BURMA

Denial of Access >> 21

CAMBODIA

Restricted Information in a Semi-democracy >> 42

INDONESIA

Free but still in the Dark >> 64

MALAYSIA

Consensus, Compromise and Compliance >> 96

PHILIPPINES

The Power of an Informed Citizenry >> 121

SINGAPORE

New Technologies, Old Values >> 152

THAILAND

Breaking the Culture of Secrecy >> 177

VIETNAM

Closed Information in a Closed Society >> 202

Appendices >> 217

Contributors >> 256

Index >> 258

INTRODUCTION

Fighting for the Right to Know

Sheila S. Coronel

In May 1992, Thai army soldiers fired at thousands of pro-democracy protesters who had gathered at Bangkok's Sanam Luang park in an uprising against Suchinda Kraprayoon, the general who had appointed himself prime minister only six weeks earlier. Scores were believed killed when troops fired their rifles straight at the crowd and pursued demonstrators in the streets and back alleys of the capital. The violence ended only when King Bhumibol Adulyadej himself intervened and a transitional government was formed to prepare for elections.

Eight years later, in June 2000, the Thai government, in response to the demands of the relatives of those murdered in the uprising, released the report of an army investigation of the "Bloody May" massacre. The report provided previously secret information on what went on during those tumultuous days in May 1992 and the possible role of two political parties in the carnage. "Now the healing can begin," said an editorial in *The Nation*, the newspaper that in 1992 braved military censors by publishing photographs and accounts of the violence.

The release of the army report was a milestone in a country where the military remained a powerful and secretive institution that had so far not been held to account for its actions. For the first time, thanks in part to a new information law that allowed citizens access to a wide range of official documents, the army was releasing information on one of its deepest and darkest secrets.

Thailand had come a long way. The 1992 uprising marked the formal withdrawal of the military from power and the end of the era of coups d'état. In the following years, Thais laid the foundations — including a new constitution, media reforms and the information law — for what is now Southeast Asia's most robust democracy.

For the longest time, the rulers of Southeast Asia maintained political control through information control. Powerful information ministries muzzled the press, setting guidelines for what could be reported and what could not. Recalcitrant journalists were imprisoned; independent newspapers and broadcast networks were shut down. A culture of secrecy pervaded the bureaucracy, making it difficult, if not impossible, for citizens to find out how their governments were doing their work and how public funds were being spent.

Since the late 1980s, however, such stranglehold has been challenged by democracy movements, technological advances and the increasing integration of regional economies into global trade and finance. In Indonesia, the Philippines and Thailand, the media have played an important role in providing citizens information on the excesses of authoritarian regimes. The power of an informed citizenry was dramatized in uprisings that took place in the streets of Manila in 1986, in Bangkok in 1992 and in Jakarta and other Indonesian cities in 1998.

Today, in these countries, a free press provides a steady stream of information on corruption, the abuse of power and assorted forms of malfeasance. Greater access to information has also shed light on the past, whether it is military wrongdoing as in the case of Thailand, or the thievery of deposed dictators, in the case of the Philippines and Indonesia. Information has empowered not just the press, but citizens as well, allowing them to challenge government policy and denounce official abuse.

That is the good news. The bad news is that despite liberalized information flows, Southeast Asia's democracies are still elitist and slow to respond to demands for social justice and equity. The biggest income disparities in Southeast Asia are in the democratic states. Democratic governments can be heedless to the cry of the poor and powerless, who have yet to take full advantage of their new freedoms in their struggle for a better life. While these freedoms, including the freedom of information, have helped decentralize power, they have been less successful in democratizing wealth and access to resources.

In the region's semi-democracies and authoritarian regimes, meanwhile, the flow of information is curtailed and people are kept ignorant. In Singapore and Malaysia, paternalistic but restrictive governments keep citizens in thrall while giving them a taste of the good life. In recent years, there has been some opening up in information access in these countries as governments responded to the demands of global business for more economic information in the wake of the crisis that struck East Asia in the late 1990s. At the same time, however, these governments have refused to be more forthcoming in releasing information on other aspects of political and social life.

In Cambodia, a weak state is unable to establish even the most basic rule of law that would protect individual freedoms in the fragile democracy established under United Nations sponsorship in 1995. Citizens rarely attempt to obtain

information from the government, which they think is authoritarian and inaccessible; most journalists are either intimidated or are propagandists for political factions. Moreover, the information infrastructure is in shambles after the ravages of the Khmer Rouge.

The situation is not much better in Vietnam, where the Communist Party dominates the media and wide areas of public life. It is much worse in Burma, where all media are mouthpieces of the junta and virtually no information is available to the public. Burmese are kept in the dark. Stuck in the 1950s and oblivious to revolutionary changes in information and communications technology, they are the stragglers of the Information Age.

More than 200 years ago, Adam Smith wrote that information is the great leveler. A free market, he thought, is unable to function if information is withheld or limited to a select few. Inadequate information distorts competition and gives undue advantage to vested interests. In analyzing the origins of the economic crisis that hit East Asia in the late 1990s, latter-day economists have echoed Smith, tracing the roots of the malaise to bad economic information and prescribing more transparency in business and government transactions as among the solutions. They want information to flow freely so that markets can function without the distortions caused by manipulated or incomplete data. With more information, they say, entrepreneurs, bankers and fund managers can more accurately weigh risks and decide where to put their money.

That, at least, is the global money market consensus on the origins of, and the solutions to, the Asian economic crisis. Critics of this view, however, argue that the Asian crisis was caused by the opening up of regional economies to global financial flows and the “herd mentality” of portfolio investors who panicked and withdrew their investments from the region after the sudden fall of the Thai baht in July 1997. The crisis, they say, was not caused by inadequate information fed to fund managers, nor was it rooted primarily in the weaknesses of Southeast Asian economies.

The contagion, these critics contend, was the inevitable result of the inherent flaws of the global financial system that make weaker economies vulnerable to sudden, massive withdrawals of foreign capital. Never before has so much mobile money been in the control of Western fund managers who use information and communications technology to quickly move around investments to countries where they would yield the highest returns. These investors caused the hemorrhage of funds that left Southeast Asian economies in shambles. The crisis therefore was fundamentally one of globalization rather than information. (Robison et. al. 2000)

Yet, from whichever perspective the crisis was analyzed and whatever was seen as its fundamental cause, there is no denying the fact that the boom years hid the problems that hobbled many economies in the region. Cronyism, sweetheart business deals and the misuse of public funds were the dark underside of the East Asian “economic miracle.” While anomalous business practices and bad governance had existed for decades, the international financial and business community turned a blind eye until the crisis hit. After the crisis, what had once been viewed by some economists as the strength of East Asian economies — the cozy relations between business and the State — was now deemed a hindrance to growth. If government and business were to be reformed, they had to be opened up to greater scrutiny. Hence, the demand for transparency.

“In the world of Asian business, transparency means bringing into public view much more information about who is doing what, who owns what, who is borrowing, from where, how much, for what, and how well everyone is doing, and who is being bailed out, protected, subsidized and at whose expense,” wrote American political scientist Jeffrey Winters (2000). “The questions strike at the heart of the power relations across Asia.”

This perspective gives a contemporary Asian — and radical — twist to Adam Smith’s concept of information as equalizer. Smith, after all, was only thinking about efficient and rational economies, not overturning power relations. Today, the notion that information can chip away at the heart of power is an unsettling one, especially in Southeast Asia where, despite significant strides in openness and democracy and advances in technology, power relations remain congealed. In fact, the disappointment of Southeast Asian democracy activists is that even when dictatorships fall, entrenched elites remain ensconced in enclaves of power and wealth.

In another radical takeoff from Smith, Amartya Sen, 1998 winner of the Nobel Prize for economics, argued that information is crucial to development and the prevention of disaster. Sen found that famines have never taken place in countries with democracy and a free press. “A free press and the practice of democracy contribute greatly to bringing out information that can have an enormous impact on policies for famine prevention,” he wrote. “A free press and an active political opposition constitute the best early-warning system a country threatened by famine could have.” (Sen 1999)

Sen’s work has influenced thinking in the current leadership of the World Bank which, despite being a notoriously secretive organization, is now preaching with the zeal of a convert on the merits of a free press and freedom of information. So, too, have a slew of multilateral agencies like the Asian Development Bank, which are themselves equally secretive. Even fund managers who, even in the worst of times have privileged access to information through high-level connections in

countries where they do business, have become proponents of transparency. None of them make the radical leap, however, espousing reforms in information regimes without advocating shifts in the power structure.

Information has become the global mantra.

This is, after all, the Information Age. More than at any other time in human history, massive amounts of information are being produced and disseminated. In no small way, the Internet is responsible for this information explosion by making accessible a storehouse of knowledge that is available to anyone anywhere. Although restrictions on Internet access have been imposed in many countries, including several in Southeast Asia, the decentralized and inherently anarchic structure of the medium makes it difficult to censor.

The reality today is that wealth and power are increasingly being derived from the control — and production — of knowledge. The information-rich countries are also those which are wealthy and powerful. Global disparities in wealth are reflected in the wide gap that separates the information-endowed from the information-deprived. Within countries, the line that sets rich and poor apart is also a knowledge divide.

At no other time has there been so much discussion on the role of information in providing remedies for a spectrum of woes. Development planners, for example, now say that addressing poverty requires not just a transfer of economic resources to the needy, but also making information available to the poor so that they can participate more meaningfully in political and social life.

The poor cannot assert their rights if they don't know what these are. If they are unaware of the laws and procedures for availing themselves of their entitlements or of the mechanisms they can use to remedy their deprivations, then they will always remain poor. The usefulness of information for redressing social inequity and correcting long-standing grievances has been demonstrated, even if only on a small scale, in countries where grass-roots organizations have been able to demand an accounting of public funds and check on the ineptness and corruption of those who rule over them.

Information has in fact been crucial to anti-corruption campaigns. No one contests that informed citizens and a watchdog press are an effective check against the excesses of those who wield power. Governments cannot be held accountable if citizens are ill informed about the actions of officials and institutions. Studies done by the World Bank and Transparency International have shown that transparent governments are also less corrupt.

Apart from being the prescription for good government, economic efficiency, poverty reduction and citizen empowerment, information is also seen as the balm for healing a nation's wounds, as in the case of countries dealing with the trauma of a troubled past in which much was kept under wraps.

The usefulness of opening up information access has been recognized even by states that not too long ago were the premier exponents of information control. They have seen that transparency increases public trust in governments and acts as a corrective to abuse. Globally, Sweden set the trend. In 1776, the Swedish Parliament enacted a law that required disclosure of official documents upon request. Most access-to-information laws in the world, however, date back to only the 1980s. The United States itself, which has one of the most liberal information regimes in the world, passed its Freedom of Information Act only in 1967.

Since the 1990s, however, freedom of information laws have been placed in the statute books in countries as diverse as Belize, which enacted such a law in 1994, Ireland and Thailand in 1997, Israel in 1998, South Africa, Bulgaria and the United Kingdom in 2000 and Japan in 2001. Laws or orders removing restrictions on information have also been passed in several states in India in recent years. Some 30 other countries are contemplating freedom of information laws. (Article 19 et.al. 2001)

This study documents the state of access to information in eight countries in Southeast Asia. It examines the laws that guarantee or restrict access, and describes the media, and the political and social environments in which information is given out or withheld. The essays in this volume pay particular attention to the state of the media in these countries as the media are the major channel of information, but they also look at the experience of ordinary citizens in demanding information from the State. We surveyed the accessibility of over 40 public records and ranked the countries according to their openness.

What emerges from this study is that Southeast Asia defies easy generalizations. The region is home to over 530 million people representing a wide range of ethnic, linguistic, religious and political groups. While most Southeast Asians now live in democracies, about a third of them do not enjoy a free press or firm guarantees on civil and political rights. The blessings of democracy and prosperity, both within and among countries, are unevenly distributed. This book surveys this uneven landscape.

The story of another country and another park in Southeast Asia shows the stark contrasts. On September 1, 2000, more than 20 people — among them a bus driver, a stockbroker and an insurance agent — stood under a searing sun to address a small crowd of onlookers in downtown Singapore's Hong Lim

Park. They took turns speaking on a range of topics: the enormous salaries of government ministers, official efforts to raise the fertility rate, even a new theory of the solar system. This was Speaker's Corner, Singapore style, marking the first time in decades that citizens were allowed to speak in public without prior clearance from the state. The government-initiated effort liberalizes long-standing restraints on free expression in a country that, along with Burma and Vietnam, counts among Southeast Asia's most politically repressed states.

In Southeast Asia's democracies, the delineation of public space where citizens can express their views would have merited only passing attention. But not in Singapore. The opening of Speaker's Corner was celebrated in the local media as if it were the dawning of a new era. Yet, despite all the hype, citizens who wish to expound on their views in Singapore's version of London's Hyde Park must first register at a police station. They are also banned from commenting on racial, religious and other matters that may be construed as seditious in a country where opinions deemed harmless in other places are considered a threat to the state.

Speaker's Corner is significant if only because it is the only political liberalization measure introduced by Prime Minister Goh Chok Tong in the 10 years since he took over the helm from Lee Kuan Yew, Singapore's founding father. (George 2001) This is an indication of the glacial pace of political reform in Southeast Asia's dictatorships and semi-democracies, where the vise of state-imposed controls throttles the flow of information and the citizens' right to free expression.

In Burma, an even more unyielding leadership holds sway. Since 1988, the ruling junta has put in place what is arguably the most restrictive regime of media controls in the world. In Vietnam, the moves toward political liberalization in the 1980s era of *doi moi* ran aground in the 1990s. While market reforms were introduced in the media, Communist Party control of the press, although not as tight as in the 1970s, remains a fact of life. (Table 1 shows the different political, media, legal and information regimes in the eight Southeast Asian countries included in this study.)