

Your Right to Know



A Broadcaster's
Manual on Discussing
Access to Information
in Southeast Asia

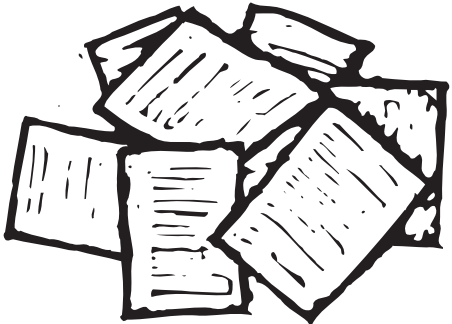


What people should know about their right to know

The right to know is the right to participate in the building of a better society. If people have access to information they can more meaningfully make decisions about their own lives and directions, voice informed opinions, influence policies that affect their communities, and help shape a more assured future for the next generation.

On the other hand, if citizens are denied their right to be informed – to know the priorities of government, for example, or the spending of taxpayers' money, the rules and interests that dictate official plans and policies, or the indicators of efficiency and efficacy (or the weaknesses and flaws) of their leaders – they run the risk of being ignored, isolated, left behind, abused, or disappointed by those same governments and leaders.

To have access to information, in other words, is to be empowered to effect change. Very often those who oppose access to information are those whose interests are threatened by the prospect of reform. Barriers to information tend to be protective of the status quo and the interests that would be uncomfortable with political, social, or economic change.



For World Press Freedom Day 2008, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) celebrates “Access to Information” as the “Empowerment of People” itself. At this, it must be emphasized that the right to information is not simply about the rights of the press. Access to information is, and should be, for the enjoyment and benefit of all.

Access to information is not just for journalists. It is just as much for workers who have a right to know how their taxes are spent. It is for homemakers who want to understand

why prices of commodities rise – or if such price increases are at all justified. It is for citizens who are keen to understand (and if necessary, question) history as well as the most current issues of the day. It is for every member of any society that wants to claim his or her rights, and his or her desire to participate in nation-building.

And yet all but one Southeast Asian country – Thailand – actually has a Freedom of Information law in effect. Indonesia has just passed its own law on access to information, but Indonesians must yet wait for actual implementing rules and mechanisms to be put in place. The Philippines has constitutional provisions recognizing the people’s right to have access to information, but proposed laws specifically giving means to such guarantees are still pending. In the rest of Southeast Asia, meanwhile, many laws discourage, if not oppose, such measures, and laws suppressing the right to know are in place.

How to use this manual

To encourage greater support for access to information in Southeast Asia, UNESCO and the Southeast Asian Press Alliance (SEAPA) have produced this broadcaster’s manual that can guide and facilitate greater discussions about people’s right to know.

This broadcaster’s manual is specifically aimed at radio commentators. The set of speaking outlines that comprise this manual are designed to guide discussions and dialogue with broadcasters’ audiences. The manual offers facts, insights, tips, and resources that can help commentators produce a few days’ worth of hour-long programs discussing the access to information. Each card carries talking points, suggested interviewees and activities, and additional resources online that may be convenient for further building up the discussions. Guide questions are also suggested for use with in-studio interviews as well as activities (such as call-ins and contests) with audience participation.

It is hoped that, as gatekeepers in a medium that has the widest reach in Southeast Asia, commentators can help people appreciate how gaining more access to information can empower people and societies for a better future for all. Winning and claiming the right to know starts with people understanding that they have such a right to access information that affect their lives.



Program 1:

Why access to information is important

Suggested resource persons:

Lawmakers championing access to information legislation
NGO's advocating for access to information
Academics from universities with mass communications programs
Local government officials
Consumer advocates

Some suggested questions:

What laws do we have in support of access to information? What laws restrict our access to information?
What can data such as national budgets tell us about the priorities of government?
How can access to information laws benefit the common citizen?
Is access to information just for journalists?

Talking points:

If people have access to information they can more meaningfully make decisions about their own lives and directions, voice informed opinions, influence policies that affect their communities, and help shape a more assured future for the next generation.

On the other hand, uninformed citizens run the risk of being ignored, isolated, left behind, abused, or disappointed by the same governments, leaders, and programs they have every right to monitor.

To have access to information, in other words, is to be protected from ignorance, inefficiency and abuse, as well as to be empowered to effect and demand change for the better.

Access to information makes democracy more meaningful, as it allows citizens to participate in community and national affairs.

- It enhances debates and discussions on public affairs.
- It allows people to participate in the decision-making processes of government
- It empowers ordinary citizens, especially those in rural areas

Access to information makes the upholding of human rights more viable.

- It allows the media and civil society to provide checks and balances on the government, the military, and even private interests, and other powerful sectors in society
- It allows redress of past harm. Access to information allows government and society to make a break from a dark past and avoid its repetition in the future.
- It allows for more a honest appraisal of history and current issues

Access to information protects society's resources.

- It promotes transparency and accountability in government

transactions

- It exposes vested interests, identifies corrupt officials and encourages a level playing field among economic players
- It exposes flaws in, and improves, systems

Access to information enhances the economic decisions and performance of people and societies

- It makes it possible for the private sector to make sound long-term economic decisions.
- It promotes economic efficiency and competitiveness.
- It affords individuals and families more informed decisions on matters affecting their personal finances and well-being.

Access to information is crucial to the genuine exercise and full potentials of press freedom. But access to information is not just for journalists. It is for everybody.

- It is not just for journalists. It is just as much for workers who have a right to know how their taxes are spent. It is for homemakers who want to understand why prices of commodities rise – or if such price increases are at all justified. It is for citizens who are keen to understand (and if necessary, question) history as well as the most current issues of the day. It is for every member of any society that wants to claim his or her rights, and his or her desire to participate in nation-building.

How access to information works for people -- not just journalists

- Thailand – a woman whose daughter was denied entrance to a state school demanded for access to the university's admissions records. It was eventually revealed that her daughter was eligible but the school gave preference to children of wealthy and influential families even if they obtained a lower score. Because of this, the government decreed that students be allowed entry in state schools based solely on merit.
- South Africa – FOI laws enabled loan applicants to know why banks turned down their requests.
- India – Activist groups use the right to access information to know details about infrastructure projects and determine whether graft and corruption were committed.
- The Philippines – Constitutional provisions affirming the people's right to know were used to bolster demands that families of persons who disappeared were given access to government and military records to help find out what happened to their loved ones.



Program 2:

Barriers to access to information

Suggested resource persons:

NGO's advocating for access to information

Resource persons from ASEAN, the Asian Development Bank, UNDP, UNESCO

Individuals (non-journalists, non-businessmen) who have had frustrating experiences trying to petition for public data/information
Civil servants or government bureaucrats involved in providing information to the public

Some suggested questions:

What are the barriers to gaining access to information in our society?

How does our country compare to the rest of our ASEAN neighbors with respect to the accessibility of information?

What laws do we have in support of access to information? What laws restrict our access to information?

What agencies are currently accessible to the public, in terms of their need for information?

What public documents/data/information are most commonly sought by people from government?

laws to trump requests for information.

- The absence of protection for whistle-blowers also creates a disincentive for the full and vigorous pursuit of information. When people feel there is not light, but a brick wall, at the end of the tunnel, there is a disincentive to exercise even guaranteed rights for access to information.

Political

- Government agencies delay or even deny access to controversial information which might open doors to criticism and/or official investigation.
- Corollary to this, official personalities may have an interest to protect its officers from embarrassment or from criminal and administrative liability.

Talking points:

There are many obstacles that stand between people and the information that affect their lives.

Legal

- While constitutional provisions and laws upholding a citizen's right to access to information would be ideal, the reality is that there is an absence or insufficiency in legal protections for Southeast Asians' right to access information.

- Laws on freedom of information vary from country to country. Some, like the Philippines, have a Constitutional guarantee on this right. Others, like Thailand, have specific laws on access to information. Most countries in Southeast Asia have yet to pass legislation on this matter. Indonesia has just passed an access to information law, but the implementing mechanisms have yet to be crafted to fully put the law into effect.

- Meanwhile, there are more countries with laws that are out to precisely limit the people's access to information. Countries like Singapore and Malaysia have official secrets acts, while countries from Myanmar to Vietnam and all the above mentioned states can too easily use national/internal security

Technological and Economic

- Bureaucracies are often technologically ill-equipped to process the volume of requests for access to information.
- Both on the demand and supply side of information, there are economic costs in producing, disseminating, and gathering information that can have a real toll on accessibility.
- Fees can be a major obstacle for people seeking information.
- People in rural areas are particularly at a disadvantage, as they have less access to mass media, telecommunications, and even the Internet, all of which are crucial to access to information and to mitigating even against weak laws guaranteeing access to information.

Bureaucratic

- Even in countries where access to information laws exist, many government officials or civil servants may not have sufficient knowledge of the laws on access to information.
- Lack of personnel to process requests for information.
- Some members of the bureaucracy view processing requests for information as additional burden on their workload.


Vested interests and prevailing cultures of patronage

- Certain groups, including even members of the media and the business community, prefer obtaining data from personal sources they have cultivated over the years rather than rely on official transactions with the government. They have evolved their own systems for obtaining information, by virtue of their own political and economic means, and therefore may have a vested interest to keep access to information a privilege rather than a right for all.

Lack of demand and awareness among general public


- The majority of the general public is not aware of its right to access information. Or, people may not know the proper procedures for obtaining information.





Examples of information people may want to ask of government and their leaders:

- What is the national budget?
- How much are we spending on the military? On health? On education?
- How much are cabinet members and legislators earning?
- What kinds of information are classified as state secrets?
- How much does the government spend for every kilometer of road? How does that compare to our neighbors?



Program 3:

Just do it: You already have access to information – with or without a law

Talking points:

Constitutional guarantees and legal mechanisms would be nice, but the reality is that Southeast Asia is not the friendliest region for access to information, nor for press freedom. All the same, today's mass media and information communication technology also mean that citizens already have a lot of means to access information. Here are some advice worth sharing:

Get information from a variety of sources -- and check them against each other

Read the newspapers. Watch television. Rent movies and documentaries. Listen to talk radio. Catch international news on cable networks.

Even in countries where press freedom is as limited as access to information, information can be contextualized -- if not necessarily verified -- by cross-referencing them with news and information gathered from other media. The existence of international cable TV and transnational radio programs, and the availability of foreign documentaries and news programs via digital disc formats, ensures that it is now hard even for the most restrictive of governments to monopolize information and viewpoints.

Also, while some restrictive governments can be sensitive to information about themselves, they

Suggested activity:

Call-in contests on access to information. Draw up five questions basic public interest matters, and the answers to which can be easily accessed through the Internet or newspapers. Challenge the audience to call-in their answers in exchange for token prizes. In the meantime, the questions can instigate running discussions about access to information.

Here, for example, are some suggested questions you can challenge your listeners with:

What is the size of the current national budget?

Which of the following concerns has the biggest allocation?

military/national defense

health

education

infrastructure

How much has the price of rice risen in the past two years?

According to the government, how much of the country's forest cover is currently still intact?

Bonus question: How much of the forest cover is still intact -- according to the UN Environmental Programme?



can be very open to news about other countries. International news may therefore often be more reliable than national news, and may thus be able to provide some context for the real situation in your own country.

Visit a library

Libraries might be overlooked nowadays with the advent of New Media, however, they remain repositories of knowledge. Aside from books, magazines and newspapers, also available are bulletins, gazettes, scholarly journals and other publications not usually found in TV and radio.

Visit foreign cultural centers

Foreign cultural centers of other countries offer libraries, newspapers, and magazines that may help you put together a more accurate picture of the world and your own society.

Surf the Internet: Seek information across the border

Data about your own country may not be available in your own country -- but they may exist and reside outside of the national borders. Thankfully, there's the Internet, a global resource that allows citizens of all countries to support each other in their search for truth and figures. International agencies, government agencies and private companies, authorities on specific topics, all maintain their own websites and blogs. Discussion forums offer visitors a community of Internet users who have common interests. Even basic email makes it easy for anybody with Internet access to seek help from contacts living in less restricted environments.

Seek assistance from non-government organizations

Related to the above, NGOs and civil society groups are a treasure trove of information that may otherwise not be easily accessible from government.

File requests with government agencies

As citizens should get the hang of seeking out information, so should the bureaucracy also get used to getting requests for information. Quite apart from legal considerations, breaking a culture of secrecy and reluctance to release information also takes practice and some getting used to on the part of civil servants and bureaucrats.

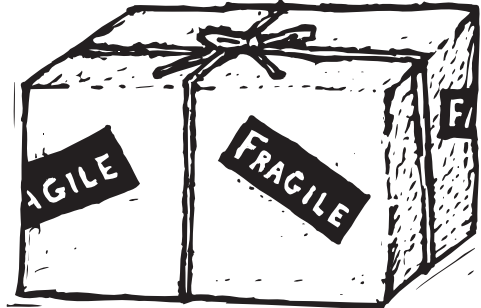
Program 4: **Pushing for a holistic environment for genuine access to information**

Media and civil society should work together for access to information -- as well as freedom of expression and press freedom, without any one of which the others are compromised and potentially useless.

Talking points:

Free expression is the right to speak.
Access to information is the right to know.
Press freedom is the right to be heard.

Without one, all three are compromised.



The Constitutional guarantees and legal frameworks we seek to institutionalize should therefore apply to all these values.

- They should also have legal mechanisms for quick redress should people be denied their right to access information.
- There should be clear guidelines for the prompt and efficient release of information, within a reasonable amount of time -- and for reasonable fees well within reach of citizens.
- There should be built-in protection for whistle-blowers: for citizens who see access to information as a tool to fight corruption.
- Access to the Internet is one of the most crucial factors for granting people access to information, so governments must also promote the Internet, and assure people's access to it.

Governments must make the environment for access to information not only legal, but also effective, responsive, and efficient -- because access delayed is access denied.

Suggested resource persons:

A legislator championing free speech and access to information
A human rights lawyer or NGO advocacy officer
A journalist

Some suggested questions:

How do our country's press freedom, free expression, and access to information laws compare to those of other countries, specifically our neighbors in Southeast Asia?
What interests or lobbies are against such laws guaranteeing free speech and greater access to information?
What are the hallmarks of good legislation on these matters?

As of 2006, 65 countries have laws that provide mechanisms for people to request and obtain information from their respective governments, with 53 such laws enacted in the past decade and a half.

In Southeast Asia, only Thailand has a freedom of information act that is already being implemented. Indonesia has just passed a law, but it is still awaiting the necessary implementing rules and guidelines to be fully in effect. The Philippines has constitutional principles recognizing the people's right to know, but an access to information law is still pending in Congress.

In the rest of Southeast Asia, the norm is for laws that are against access to information. Singapore and Malaysia, for example, have Official Secrets Acts that can too easily deny people access to information about government projects. Throughout Southeast Asia, meanwhile, internal or national security laws are often used to justify the denial of information, or worse, to penalize journalists and citizens who spread news and information without government approval.

Learn more about Access to Information in Asia around the world. Some useful resources and websites:

Freedom of Information: A Comparative Legal Survey, By Toby Mendel (published by Unesco) via www.unesco.org

Transparency and Silence
Published by Open Society Justice Initiative
www.justiceinitiative.org/publications

Freedom of Information in Asia
www.foi-asia.org
www.foiadvocates.net/asia

Freedom of Information World Report 2006
www.privacyinternational.org/foi/foisurvey2006.pdf

Transparency International
www.transparency.org/

FOI Coalition
www.foiadvocates.net
Article 19
www.article19.org

Southeast Asian Press Alliance
www.seapa.org

Center for Media Freedom and Responsibility
www.cmfr-phil.org

Philippine Center for Investigative Journalism
www.pcij.org

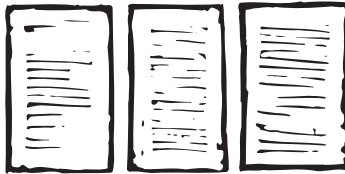
Institute for the Study of the Free Flow of Information
www.isai.or.id

Thai Journalists Association
www.tja.or.th

Alliance of Independent Journalists (Indonesia)
www.ajiindonesia.org



Guarantees to the Right to Know Around the World



International, global, regional basis for fighting for access to information. While ASEAN considers its own draft charter, a number of international treaties, agreements, declarations from international organizations already encourage and/or require countries to adopt freedom of information laws.

Among these treaties and conventions are:

- UN Convention Against Corruption

Approved by the UN General Assembly in 2003 and adopted in 2005 after ratification by 30 countries, Article 10 encourages countries to adopt measures to prevent corruption by improving access to information.

- UN Declaration of Human Rights

Article 19 of the Universal Declaration of Human Rights provide that every person not only should enjoy free expression but have the right to seek and impart information.

- Rio Declaration/UNECE Convention on Access to Environmental Information

This calls on nations to adopt and improve access to information about the environment

- European Union

The EU body has adopted directives requiring member-states to provide access to information in specific areas like environmental protection, consumer protection, public procurement and re-use of public information, among others

- Commonwealth

An association of 53 countries formerly part of the British empire, it adopted a resolution in 1980 calling on its members to encourage the right to access information among their respective citizens.

- ADB OECD Anti-Corruption Initiative for Asia-Pacific

The Asian Development Bank and the Organization for Economic Cooperation and Development came up with an Anti-Corruption Initiative for the Asia-Pacific region. Provisions for transparency and access to information are included.