

Freedom of Information (FOI) and the media's role in improving governance, transparency and accountability in Malaysia

Access to public information promotes better transparency and accountability. Transparency International Malaysia recognises this and understands the importance information plays in promoting the culture of zero corruption. With this in mind, the workshop on freedom of information and the media's role was held on Oct 9 and 10 at the PJ Hilton.

Participants comprised representatives from the print media, electronic media, NGOs, the Malaysian Bar Council, Anti-Corruption Agency, government ministries, embassies and academic institutions.

The chief facilitator was Toby Mendel, who has directed the Law Programme at Article 19 for the last 11 years. He introduced the workshop, objectives and format. Article 19 is an international non-governmental organisation focusing on freedom of expression and the right to information. Mendel has provided expertise on these issues to the World Bank, various United Nations and other inter-governmental bodies, governments and other NGOs.

Experiences, Opinions and Proposals

During the two-day workshop, speakers touched on freedom of information and how it could fight corruption and promote accountability. Stockholm University's Professor of Law, Claes Sandgren, presented a case study of Sweden and best practices. The principles of a Freedom of Information legislation and a draft FOI was tackled by the executive director of Centre for Independent Journalism, V. Gayathry. The media's role in the fight against corruption was highlighted by an experienced investigative journalist from Sweden, Anders R. Olsson. His paper touched on investigative journalism and its effects on corruption in Sweden.

Following Olsson's take on the situation in Sweden, R. Nadeswaran, editor from *The Sun*, gave his input on investigative journalism and its many challenges in Malaysia. At the end of the first day of the workshop, participants were divided into two discussion groups in order to address these questions:

- a. What information is public?
- b. What information should be made public?
- c. What are the challenges?

Out of these discussions, the groups agreed that all public information should be made public. However, there are exceptions, which, among others, are personal information; information pertaining to legal privilege, national security, defence and health and safety; or information already made public.

The challenges include the need for a FOI legislation to be tabled in Parliament, getting the public to actively seek the truth and ask for information and to review other laws which contradict FOI principles.

Lawyer Malik Imtiaz opened the second day of the workshop with his paper on freedom of information and accountability in the Malaysian context. From the electronic media perspective, blogger Nathaniel Tan talked about responsibilities and freedom of information in Internet media.

Another Swedish speaker, Kjell Swanstrom, who is the head of staff of the Parliamentary Ombudsman's office in Sweden, presented another case study from his country. He spoke about how freedom of information is implemented by the Swedish authorities.

The topic up for group discussions on the last day of the workshop centred on how to move Malaysia towards setting up a good FOI system. The question is, 'What can we do to get an FOI law?' One of the things to do would be to educate and change the mindset of the general public. Also, a parliamentary select committee for Information and Transparency should be set up. Mainstream and alternative media can play their part by promoting and pushing for freedom of information. Furthermore, the Malaysian government has set a vision that by the year 2020 Malaysia should attain developed nation status. Following from that, there are some characteristics that need to be inculcated such as the need to be open and transparent. So, it's not just the government but the entire nation that should be open to FOI.

After the groups presented reports compiled in Day 1 and Day 2, chief facilitator Mendel made recommendations based on the workshop presentations and group discussions.

From this workshop, the next action plan will be to strengthen initiatives for access to information through training, awareness-raising and a national conference in 2009. Transparency International Malaysia is ready to embark on the next project and related events, expected to run from January to October 2009.