

Let information flow, Selangor tells federal gov't
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COMMENT The Freedom of Information bill pending in opposition-ruled Selangor may be just at the state level, but it throws a direct challenge to the federal government and its strict controls on the media.

The bill's tabling in the opposition Pakatan Rakyat coalition-led state assembly on July 15 is unprecedented in Malaysia, where much of mainstream media is under government control and where the independent media is often suppressed or harassed.

The contrasts are sharp between the media environment that the Selangor bill proposes and that which currently exists in the country.

While the federal government employs restrictive laws like the Official Secrets Act, Printing Presses and Publications Act and Internal Security Act, the Selangor information bill aims to do the opposite, and return to the public the right of access to information.

NONE "It is a landmark bill and gives bite to the people by recognising that they have a right to demand information from the state," said Elizabeth Wong (right), a democracy activist-turned- legislator, who is the prime mover of the bill.

Umno and its Barisan Nasional coalition, which form the majority in the federal government, have opposed the bill on political and legal grounds, dismissing the proposal to allow public access to state information as "unconstitutional".

Opposition lawmaker Tian Chua believes actions to block the bill are counter-productive, as it is an integral part in the democratisation process already gradually taking place in the country. "Only governments that have things to hide would oppose," Chua said.

The freedom of information bill has been referred to a select committee for public feedback and will come up for final reading in April 2011, following further debate by the Selangor state legislative assembly and public consultation. With the Pakatan coalition enjoying a majority in the state assembly, the bill is expected to pass easily into Selangor law.

Much enthusiasm and public support

The bill is generating much enthusiasm and public support, especially on Internet platforms.

"This bill is long overdue and recognises the citizen's rights to demand information held by the state," wrote Ben Farid, in a comment to Malaysiakini, a popular independent online news portal.

Another Internet commentator described it as "democracy advancing and (the) pushing back (of) authoritarianism".

save tian chua dinner 200610 tian chua "Freedom of information laws are in operation in over 80 countries... it is long overdue in Malaysia," said Chua (left). "We hope that the law is the start of a process of free and legitimate flow of information from government to the people."

If passed, the law will only be applicable within Selangor. It will not cover federal matters,

but could pave the way for other states and the federal government to enact similar laws guaranteeing access to information.

"We have shown the way to greater democratisation, we have shown it can be done," Wong told IPS. "The other states and federal government will now come under pressure from the electorate to make similar freedom of information laws."

The proposed law will allow citizens to approach an Appeals Board, comprising former judges and lawyers, if government agencies refuse their requests for the release of official documents within 30 days. Government officials also need to explain if they deny a citizen's request for information.

However, the Selangor bill does not cover documents that come under the Official Secrets Act - a draconian law often employed by the federal government to harass students, activists, opposition politicians, and media professionals.

What currently constitutes an "official secret", Chua pointed out, is very loose and wide. "Anything ranging from waste management contracts to toll concession agreements and even blueprints of water treatment plants are considered secrets," he said. "There is much that the government does not want the public to know."

"People have a right now to get information held by the government. They have a right to know what's going on, how decisions were made and so forth," Wong told IPS.

Crackdown on Pakatan-owned publications

Interestingly, the introduction of the bill coincided with a crackdown by authorities against media units owned by all three opposition political parties in the Pakatan coalition.

The Malaysian government suspended publication permits and questioned the editors of several Pakatan-owned publications, which in recent weeks had run articles exposing government mismanagement and alleged corruption within federal agencies.

The government denied these allegations, and charged that the opposition-owned publications had breached the conditions of their permits by publishing "lies".

Led by reformist leader Anwar Ibrahim, Pakatan won 82 of 222 seats in Malaysia's bicameral Parliament as well as control of five state governments in the 2008 elections. It had campaigned with promises of a freedom of information bill, egalitarian redistribution of wealth and resources, and affirmative action for all Malaysians to replace the policy of favouring the "bumiputera" or native Malays and indigenous people.

More significantly, Pakatan's headway at the polls meant that the ruling Barisan coalition was denied - for the first time since Malaysia's independence in 1957 - a two-thirds majority in Parliament.

The fulfilment of its campaign promises, such as the enactment of the information bill, should stand Pakatan in good stead with voters when the two coalitions face off again in the next elections, expected in mid-2012.

"This freedom of information law empowers the people in ways they had not imagined before and it's all because of the 2008 revolt at the ballot boxes," said Wong.

- IPS

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