



## Hiding Behind the OSA

When public documents are classified as secrets under the Official Secrets Act, questions are bound to arise. What are politicians and government officials trying to hide?

IN WHAT IS SEEN AS A MAJOR POLICY CHANGE, THE GOVERNMENT HAS DECIDED to take the first step towards making public the highway concession agreements between itself and the operators.

The decision must have come as a surprise to many, especially after how the Works Minister had strenuously defended why the concession agreements should not be made public.

His comments had confused the public who saw no logic as to why agreements for mere toll concessions had to be classified as secrets under the Official Secrets Act (OSA), especially when investors and bondholders had access to them. Moreover, many taxpayers felt it was their right to know how their money was being spent to compensate the toll concessionaires.

This whole episode brings into sharp focus the issue of a transparent and accountable government. When you have public documents relating to water concessions, power agreements and other public agreements deemed as secrets, it does not bode well.

When seemingly public documents are classified under the OSA, questions are asked as to whether they are really secrets or a clumsy attempt to cover up something.

When the nation's security is not at risk or national interests are not at stake, there is absolutely no reason why the public must be kept in the dark. With more transparency, there will be less likelihood of abuse or corruption.

As the Press has argued before, the OSA presents a cloak for corrupt politicians and government officials to hide behind. There are no clear guidelines on what cannot be classified under the OSA. It is subject to discretion.

With such discretion comes the opportunity for abuse. Corrupt and abusive officials trying to cover their tracks can easily classify documents as secrets so the media cannot gain access to them. It has happened before and will happen again.

For example, how is national security compromised when abuse in alienation of state land is deemed a secret, or when extravagant spending by government officials is covered up?

Some politicians are even attempting to make minutes of council meetings a secret!

And even if government documents were not initially classified as secrets, they can be always done so retrospectively. This is alarming, to say the least. Just imagine getting information from a government department and publicising it, only to find it has been backdated as a secret.

When there is so much discretion left to civil servants and politicians, is it any wonder why the calls for greater transparency and accountability are getting louder? In fact, the Prime Minister himself promised greater transparency from his government when he took over in 2003 and we hope his ministers deliver his promise.

The reality of the situation is, the OSA has served its time. It has become as archaic and unpopular as communism. Its intentions might have been noble, but changing circumstances have rendered it redundant in today's society.

The right thing to do would be to abolish it. When the advantages outweigh the disadvantages, it is time to make changes – unless, of course, we choose to live in denial.

There are many countries that don't have the OSA and yet are able to safeguard national interests and security. Are their secrets being sold to the enemy or their national security being threatened?

No. Why?

Simply because in these countries, Malaysia included, there are several other laws that safeguard the security of the nation relating to treason and security. So why the OSA is still needed defies logic, especially in an era of greater access to information.

In fact, there have been calls for a Freedom of Information Act. If citizens and the media have greater access to information, there would be less instances of abuse of power.

It's a no-brainer really. Surely, our lawmakers in Parliament can comprehend that. If greater transparency is what the people want, then it is what they should get. Nothing less. **mb**

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