



“Strengthening Access to Information from the Regional Level: The Role of Networks of Access to Information in the Implementation of FOI Laws and Policies”

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Background and Diversity in Asia

Asia —known as the world’s largest and most diverse continent in the world— has been a witness and inheritor of innumerable stages of development, unabated changes, and continuous growth over the last centuries. Its 44.5 million square kilometers of landmass is home to 4.7 billion people or 60% of the world population. With almost 50 countries nestled in its vast and rich biodiversity, it is the birthplace of hundreds of ethnic groups many of which have their own unique languages, traditions, religious beliefs and practices.

The immense heterogeneity of Asia has been the bedrock of its vivid and vicious history. The rise of civilizations, kingdoms, kins and clans reflected the Asian complex way of life as people began to aspire for expansion and power. Over the centuries, Asia has become the cradle of civilizations that have thrived in every corner of the globe. And with it, is the growth and advancement of culture, tradition, economy, as well as its geopolitical situation.

Being the world power as it is, then and now, Asia still possesses a great deal of diversity in every facet of society that significantly contributes to the divergent life experiences of its people. Asians have learned to accommodate the disparities as a result of social and political modernity in the face of divergent viewpoints and societal concerns.



As our societal landscapes become more complex and extensive, our diversity presents an opportunity for nations and people to unite and integrate despite differences. Diversity and inclusion have become the underlying aspiration of modern Asia in its pursuit for a harmonized way of living among its nations. It is towards this goal that propels them to derive a shared value and identity despite diversity in our contemporary time.

Motivations of Alliance Establishment: Access to Information Norms and Practices

In the context of democratic states, the right to access public information is one of the fundamental freedoms that people enjoy. This right is intertwined with other rights such as freedom of opinion and expression.

In a report published in 2022, the United Nations Educational, Scientific and Cultural Organization (UNESCO) listed 27 countries in Asia and the Pacific⁶⁰ and eight Arab States⁶¹ who have adopted constitutional, statutory and/or policy guarantees for public access to information.⁶²

Mckinsey Global Institute (2019) reported “one of the most dramatic developments of the past 30 years has been emerging Asia’s soaring consumption and its integration into global flows of trade, capital, talent, and innovation.” As Asia witnesses socioeconomic, industrial, and digital developments, there is the inevitability of a growing disparity among aspects of daily life and freedoms which the masses can access, such as access to education and healthcare. Given this narrative, it is also worth considering the people’s right to access accurate, relevant, and timely information.

South Asia’s strong ties with civil society organizations

Anjali Bhardwaj, a right to information (RTI) activist, (S. Basu, personal communication, October 12, 2021) said, “The RTI Act has been one of the most empowering legislations in free India.” Her work as founder of *Satak Nagrik Sangathan*, a civil society organization that promotes transparency, accountability, and citizen participation in India, is one of the successes of the RTI in South Asia and is often the benchmark for its neighbors (Kemp, 2016).

60 Afghanistan, Australia, Bangladesh, China, Cook Islands, Fiji, India, Indonesia, Iran (Islamic Republic of), Japan, Kazakhstan, Kyrgyzstan, Maldives, Mongolia, Nepal, New Zealand, Pakistan, Palau, Philippines, Republic of Korea, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Uzbekistan, Vanuatu, and Vietnam

61 Jordan, Kuwait, Lebanon, Morocco, Saudi Arabia, Sudan, Tunisia, and Yemen

62 The terms ‘Asia and the Pacific’ and ‘Arab States’ are used by UNESCO and referred to as areas where they operate.



Kemp (2016) further noted that there is an estimate of 17.5 million RTI applications to India's public offices which prompted challenges in the implementation of the law. In an attempt to call for expedited processing of applications, Bhardwaj and her group randomly selected more than 20 thousand RTI applications and assessed their nature. After analysis, she shared in the interview that "barely one percent of applications could be qualified as frivolous and vexatious" and hence warrants appropriate action from India's public bodies.

As India is considered the world's largest democracy, it is only fitting that the State allows its people to enjoy the freedoms they are entitled to. Along the same vein of Bhardwaj's narrative, she expounded that RTI paved ways for citizens to enjoy other rights "like pension, water supply, dispensaries note giving medicines, local colony roads not constructed."

Sri Lanka's RTI Commissioner Kishali Pinto-Jayawardena drew the contrast between Sri Lanka and India's RTI mechanisms in the sense that "Sri Lanka's RTI movement came from civil-liberties discourse that took place among a fairly small number of journalists, academics, and legal activities, unlike in India where it grew from a grassroots campaign" (Himal Southasian, 2018, para. 3). Moreover, the Commissioner added that the success of the RTI practice in Sri Lanka can be attributed to the "legally reasoned" directives from the Commission and the public authorities' system of information disclosure.

Given the roots of the RTI movement in Sri Lanka, "RTI has yet to become part of a broader democratic, civic culture," stated Commissioner Pinto-Jayawardena (Himal Southasian, 2018, para. 10).

Filipinos' culture of not asking

The Philippines is a nation of inquisitive people, but only when it is a matter of community.

The Freedom of Information (FOI) Philippines, the oversight body in the implementation of the enabling policy of access to information in the Philippines, put forward rider questions to the Philippine Statistics Authority's (PSA) regular Functional Literacy, Education, and Mass Media Survey (FLEMMS) in 2019 where it gathered responses from households estimated at a little more than 25 million.

The 2019 survey responses showed that 59.46% of households in the country are aware that they have a right to access government information



under the Philippine Constitution, but only 0.12% tried requesting for government information in the past 12 months.

From the 0.12% of households who tried requesting government information, 43.62% of them went to physical offices of government agencies to ask for information while 27.28% used the country's electronic access to information (ATI) platform (www.foi.gov.ph). The households' top three information interests are social services, education, and health.

With the knowledge of having the right to access public information and the means to access such, only 27.89% of households plan to request government information in the next 12 months.

The main challenge of the ATI mechanism in the Philippines: the ATI policy requires that people ask or submit a request to a government office yet the people are too "shy" to ask.

Asia's cauldron of challenges

The Indian, Sri Lankan, and Philippine pictures are brief descriptions of the challenges of ATI in Asia. A number of factors influencing the ideal flourishing of ATI in Asia can be identified, including but not limited to the lack of representation of Asian authorities in the global ATI discourse. The dissemination of practices, challenges, and innovations encountered and experienced in Asia needs reinforcement.

The lack of representation of ATI implementing bodies from Asia in the global ATI arena perhaps stems from the nature of governments, ranging from stark democracies to repressive autocracies, spread across the vast continent. Such systems enable institutions within the state to thrive or regress.

In the International Conference of Information Commissioners (ICIC), only eight⁶³ of its members originate from Asia. This lack of representation essentially presents a small number of ATI bodies who could offer perspectives of their practice in the various regions of Asia. The dissemination of practices, challenges, and innovations, which can prove essential to broadening the scope of the ATI discourse, methodical resolution-making and policy development, and inclusive creation of capacity development activities, needs reinforcement.

63 Afghanistan, Bangladesh, Israel, Maldives, Nepal, Pakistan, Punjab (Pakistan), and Philippines



Convening a Coalition of the Willing: AAIA Cooperation Challenges and Opportunities

The Asian Access to Information Alliance (AAIA) was established on September 28, 2022, synchronous with the celebration of the International Day for Universal Access to Information (IDUAI), through the signing of a Declaration of Cooperation. AAIA is a partnership of Asian member-states dedicated to promoting access to public information in the region through areas of cooperation in policy and framework development, capacity building mechanisms, and consolidation of ATI representation from the region to the broader ATI community.

The Alliance has six co-founding members: the Ministry of Information of the Kingdom of Cambodia, the FOI Unit under the Ministry of Justice of the State of Israel, the Information Commissioner's Office of the Republic of Maldives, the Freedom of Information Program Management Office under the Presidential Communications Office of the Republic of the Philippines, the Right to Information Commission of the Democratic Socialist Republic of Sri Lanka, and the National Development Council of the Republic of China (Taiwan).

Before the AAIA attained its current status as a multilateral alliance of Asian access to information implementing bodies, all AAIA founding members faced significant challenges and opportunities in the organization's formation process, identity, composition, scope of work, and mechanisms.

Linguistic Barrier

Asia has a high level of linguistic diversity. The majority of Asians speak a language from one of three language families: Altaic, Sino-Tibetan, or Indo-European. The peoples of peninsular and insular Asia speak a variety of other languages, including Austroasiatic, Tai, Dravidian, and Austronesian.

Linguistic barriers are one of the challenges to the alliance's formal establishment. As the forerunner of AAIA, the FOI Philippines drafts all official letters of communication, makes and returns phone calls, and presides over AAIA exploratory meetings in English.

While Modern English is widely regarded as the *lingua franca* in most continents and regions, including Asia, its use within the alliance is prone to miscomprehension or communication breakdown. This may have contributed to the difficulty in performing follow-up coordination with other Asian countries and representatives, as well as advocating the essence and goals



of the alliance toward strengthening their people's access to government information.

In the long term, the alliance may seek the assistance of an official interpreter service to ensure solid and reliable informal and formal communication within AAIA. It also intends to translate its official documents and materials, such as the AAIA Joint Declaration and Charter, into Khmer, Hebrew, Dhivehi, Sinhala, Tamil, and Mandarin Chinese for the benefit of the founding members.

Geopolitics in Asia

As a multilateral alliance of Asian access to information implementing bodies, AAIA is intended to operate on the major principles of trust, openness, and confidence; otherwise, no valuable outcomes can emerge from an alliance with disparate aspirations, expectations, and priorities.

The inevitable geopolitical and strategic realities played a major role in determining the AAIA founding members. It is naturally easier to reach out to Asian states that share the same type of government, political affiliations, and views on access to government information. Nonetheless, the alliance is open to other Asian countries interested in joining AAIA as long as they ensure strong, constructive, and harmonious cooperation among the group.

For these reasons, access information implementing bodies in the Republic of Maldives, the Democratic Socialist Republic of Sri Lanka, and the Republic of the Philippines, all of which govern themselves through people's representatives, have agreed to co-found AAIA; this is why the Kingdom of Cambodia and the Republic of the Philippines, both of which lack an FOI Law but are implementing the people's right to access information through other policies, have agreed to co-found AAIA.

The broader and more intricate discussion of the Philippines' bilateral relationship with the Republic of China (Taiwan) was also essential in the conversation. Taiwan and the Philippines share values such as liberty, democracy, free media, the rule of law, and civil society⁶⁴. Taiwan's cooperation with the Philippines through AAIA is also consistent with the former's New Southbound Policy, which aims to diversify and strengthen multifaceted cooperation and partnership, including people-to-people engagements.⁶⁵

64 Taiwan-Philippines Relations: https://www.roc-taiwan.org/ph_en/post/66.html

65 The New Southbound Policy: https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/180613_Glaser_NewSouthboundPolicy_Web.pdf



Alliance Membership

The landscape and representation of information partners, advocates, and implementers varies by Asian country.

The Philippines' Freedom of Information (FOI) program is being operationalized and institutionalized through a close cooperation of government and non-government efforts. In fact, the FOI-Program Management Office, or FOI-PMO, has learned many of its lobbying and program implementation strategies from the Right to Know, Right Now! (R2KRN) Coalition, the nation's leading network of organizations campaigning for the passage of a Freedom of Information Act.

In this sense, including NGO and CSO representations as members will greatly benefit the learning and knowledge-sharing experiences within the alliance, rather than limiting the membership with access to information implementing offices from the government. While this is a verifiable point, concerns have arisen about AAIA's operational resources, procedural clarity, and ability to function as an intergovernmental organization (IGO) with NGO members.

Initially, it was decided that AAIA will be composed of government members in its early years; however, the alliance is open to exploring membership for NGOs once the alliance has established its charter⁶⁶ and has more operational confidence and capability.

AAIA: Ways Forward

Following the establishment of the Alliance in 2022, the founding members are currently focusing on strengthening its network structure and establishing normative foundations. The Alliance will be guided by clear governmental and operational mechanisms through development of a Charter.

The FOI Philippines, as the ad hoc Chair and Secretariat of the AAIA, is concurrently the host of the 14th Edition of the International Conference of Information Commissioners. The Alliance Secretariat will hold the first ever AAIA Face-to-Face Assembly as part of the first ICIC Annual Meeting in Asia.

⁶⁶ The Asian Access to Information Alliance (AAIA) was formally established as a partnership of Asian continent access to information implementing bodies by the signing of a Joint Declaration of Cooperation. It has yet to draft and approve its own Charter.



The aforementioned side event shall serve as an avenue to gather the founding members of AAIA and accomplish the following objectives: 1) to establish acquaintance between and among members, 2) to share the status and challenges of implementing access to information in the respective jurisdictions, 3) share target achievements and expectations for the alliance, and 4) resolve concerns regarding the AAIA Charter.

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