

REGIONAL DIALOGUE ON FREEDOM OF INFORMATION IN THE MEKONG COUNTRIES

Meeting of Civil Society Organizations and Experts on FOI in the Mekong Countries

12-14 October 2015, Hotel Pullman Bangkok King Tower

Concept Note

1. CONTEXT OF FOI IN THE MEKONG COUNTRIES

Stating that every citizen should be able to access information held by public bodies, FOI is an integral part of the fundamental right of freedom of expression. It plays a key role in promoting good governance and as such is closely linked to sustainable development goals such as the need to ensure a peaceful and inclusive political environment, to elaborate environmental strategies or to respond to the people's increasing demand for more transparent and accountable governments, to name a few.

The interest for FOI as a development tool is unequally shared across the Mekong countries and relatively new. Thailand is the only Mekong country with an enacted FOI law (1997). FOI laws have been drafted in Vietnam (2009) and Cambodia (2011) but without a clear promulgation roadmap so far, while there is still no sign of FOI legislation in Lao PDR and Myanmar. In addition to this lack of legal framework, some media and Internet laws across the region¹ as well the use of national security laws constitute recent threats affecting the freedoms of expression and information.

UNESCO's mandate as set out in its 1945 Constitution specifically calls on the Organization to "promote the free flow of ideas by word and image". To this end, UNESCO actively advocates for FOI as an integral part of the fundamental right of freedom of expression. UNESCO believes that FOI legislation in all countries should reflect the fundamental premise that all information held by governments and governmental institutions is in principle public and may only be withheld if there are legitimate reasons, such as typically privacy and security, for not disclosing it.

2. OBJECTIVES OF THE MEETING

The meeting will bring together representatives of civil society organizations (CSOs) and experts to promote international and regional cooperation and sharing of good practices in advancing FOI in the Mekong countries. In particular, the meeting aims at:

- Assessing the current state of FOI in the Mekong countries - both legal and in practice,
- Reflecting on the role of CSO's in advancing FOI and sharing good practices, and
- Building strategies to foster international and regional cooperation among the key actors in promoting FOI in the Mekong countries.

¹ 2007' Computer Crime Act in Thailand; 2008' Media Law in Lao; 2012' (secret) draft on cybercrime law in Cambodia; 2013' Decree 72/ new Internet Law in Vietnam.

Parallel workshops and national working groups will enable in-depth discussions on regional or country strategies, project proposals, and specific advocacy tools.

3. FOCUS ON THE ROLE OF CSOs

Civil society organizations (CSOs) have a key role to play in advancing transparency and open government. They can advocate and provide technical assistance for promulgating FOI laws consistent with international standards and making them effective. Journalists and media can produce and share contents of public interest otherwise not disclosed by the authorities. They can raise the public awareness on the direct link between FOI, informed citizen and good governance.

Experiences across the world have shown that it is crucial for civil society to develop strong partnerships in advancing FOI in order to achieve tangible progress in this area. Such a cooperation can be particularly powerful when embracing a wide range of FOI stakeholders: traditional FOI advocates as well as specialized CSOs dedicated to goals for which access to public information is crucial.

While CSOs working towards FOI are numerous in the region, studies reveal that the sector is very fragmented and erratic², ranging from long established organizations with strong networks and fund absorption capacity to small initiatives with potential but poorly connected and resourced. This is why increased collaboration to connect country-level actors with regional organisations (ASEAN, Mekong River Commission etc.) and information sharing both at the international and regional level are required.

4. OUTCOMES OF THE MEETING

The meeting aims to lead to following outcomes:

- Identification of potential project proposals with national, regional or international scope
- Planning of regional advocacy campaigns on FOI (for international days, regional organizations' summits, etc.)
- Planning of trainings on specific advocacy skills for advancing FOI
- Creation of country taskforces to support/initiate multi-stakeholder national coalitions for FOI advocacy and implementation
- Launch of regional or country-based assessment study
- Strengthening dialogue on FOI with public authorities
- Creation of a Mekong FOI working group for short and long term joint actions (follow-up to the meetings, regional FOI projects and fundraising, production of regional FOI advocacy tools, etc.)

5. PARTICIPATING CSOs (TBC)

Action for Economic Reforms (AER)

Cambodian Communication Institute (CCI)

Advocacy and Policy Institute (API)

Cambodian Human Rights Action Committee (CHRAC)

ARTICLE 19

Asia Indigenous Peoples Pact (AIPP)

Centre for Media and Development Initiatives (MDI)

Burma News International (BNI)

Coalition for Lao Information and Knowledge (CLICK)

Cambodian Center for Independent Media (CCIM)

² Putsata Reang, *Freedom of Expression and Right to Information in Asean Countries – A Regional Analysis of Challenges, Threats and Opportunities*, Internews Europe: Baseline Study, March 2014; FOInet, *Global Right to Information Update – An Analysis by Region*, July 2013

Foundation for Internet and Civic Culture
Gender and Development Association (GDA)
iLaw, The Freedom of Expression
Documentation Center
International Media Support (IMS)
INTERNEWS
Myanmar Egress
Myanmar ICT for Development Organization
(MIDO)

Participatory Development Training Center
(PADET)
Southeast Asian Press Alliance (SEAPA)
Thai Center for Investigative Journalism (TCIJ)
Thailand Environment Institute (TEI)
The Center for Research on Development
Communication (RED), Viet Nam
Women Media Center of Cambodia

6. PARTICIPATING EXPERTS

Kavi Chongkittavorn, veteran journalist, Bangkok

Kuntheara Tep, Deputy Director, Advocacy and Policy Institute, Phnom Penh

Nepomuceno Malaluan, Co-Founder and Trustee, Action for Economic Reforms, Manila

Oliver Spencer-Shrestha, ARTICLE 19, London

Pa Nguon Teang, Executive Director, Cambodian Center for Independent Media (CCIM), Phnom Penh

Sinfah Tunsarawuth, Independent media lawyer, FOI Legal expert, Bangkok

Thomas Baerthlein, Programm manager Africa/Asia, INTERNEWS, London