

Media Freedom in South-East Asia – Shattering the Myth

Speech by Anwar Ibrahim, Distinguished Senior Fellow, SAIS, Johns Hopkins University, and Senior Associate, St Anthony's, Oxford University, at the Society of Publishers in Asia 2005 Awards for Editorial Excellence Gala Dinner on May 26th 2005. Hong Kong

When I first received your invitation to speak I accepted it without the slightest hesitation. After all, it's not everyday that you get invited to address writers, journalists, editors and publishers. The last time you were invited by this fraternity was when you were still holding high office in government. Well, at that time you weren't sure whether they wanted to hear your speech or whether they wanted to make sure that their publication license get renewed.

But then, after accepting this invitation, I started having second thoughts. I must confess I had sleepless nights pondering on the subject matter of my speech. Am I going to be the party spoiler pouring cold water on a night which promises to be fun and exciting or should I go for the Mr Nice Guy option? Then just a few days ago I was told the organizers didn't bat an eye when the topic was proposed to them. My fears were unfounded. So here I am tonight

before you fortified by the authority you have conferred me to speak to you on a topic of my choice.

Ladies and Gentlemen:

Freedom is the subject of my story tonight. The kind of freedom I am going to talk about is part and parcel of freedom of speech which as we know is celebrated as the first among civil liberties. Press freedom or media freedom is therefore not a separate category of freedom but merely the medium through which this first of the Four Essential Human Freedoms is expressed in written form.

Media freedom means freedom from control, interference or censorship by the government or its agents, either through direct or indirect means. It means the freedom of editors to print content free from the control of corporate masters acting through their agents. It means that journalists are free to write pursuant to editorial criteria, and not political considerations. It means reporters are free to report what is news worthy without having to see their copy butchered or spiked by non-editorial dictates imposed from “upstairs”. Apologists and detractors will tell you the negative side of press freedom: that it is not the freedom to defame, nor to incite to hatred or to cause dissention among the people against a legitimate government. They will say that press freedom is not

absolute, that the freedom is relative to the state of the nation and that this freedom must be used conscientiously and responsibly. They will contend that since freedom cannot be absolute, the press must be restricted. This line of argument is not only fallacious but typical of the patronizing nature of petty despots and aspiring autocrats alike. As Hayek says, liberty and responsibility are inseparable. A free society will not function unless its members accept the consequences of their action. Freedom also implies the freedom to speak the truth and not to spread falsehood or corrupt public morals.

In this regard, the greatest challenge for the media today is to become free from control, interference and censorship in whatever form or guise and to serve society by telling the truth.

Media freedom is so central to the democratization process that one can safely assert that without it there is no democracy. Some may say that this view is rather extreme and will point out that certain democracies in Southeast Asia are thriving even without this kind of press freedom as long as other liberties are intact. As Professor Ian Buruma puts it: “Napoleon was also the first dictator to establish absolute rule in the name of democracy. After him, even the most murderous despots often felt the need to pay lip service to liberty, equality and fraternity”. To my mind, where the voices of truth are muzzled, where dissent

is stifled and where opinions are censored, these are nothing but sham democracies.

The Myth of Media Freedom

The myth of press freedom in Southeast Asia has been kept alive by those who have much at stake to see that this freedom cannot and must not be enjoyed.

The scenario is at times very much like a battle field. Even as some new found freedoms are being enjoyed, governments are continuously looking at ways to stifle them. And where constitutional guarantees have been supposedly put in place to protect media freedom, a myriad other attempts are made to muzzle the press.

This is usually heralded by vociferous campaigns for a more responsible press, the need to maintain national harmony, and the importance of the press for nation building. NGOs representatives and community leaders will appear on prime time television to extol the virtues of Asian values and condemn the blind imitation of Western concepts.

This is of course not meant for the press, which is already usually compliant enough if not altogether the mouthpiece of the government. This is surely intended for the people, as a reminder not to be taken in by the foreign press, or by the alternative underground media.

The upshot is that many journalists in the region do not have to tow the government line. They are the line. So instead of being the voice of the people, they are the voice of government. They become the sounding boards of positive reinforcement for the administration. Where governments control the media in this way it is ludicrous to talk about a free press. It seems really too obvious but this is worth repeating: Without free journalists there can be no true democracy.

Harassment of the media

Where moral suasion fails, governments have not been coy about employing “other means” to ensure that the press falls in line. These include eavesdropping on phone conversations, planting bugs in the homes of targeted journalists and intercepting their mail. This is of course in addition to overt and outright scandalous tactics including fabrication of evidence and entrapment. In the process, the nation’s intelligence networks are prostituted to satisfy the lust for power.

In certain countries journalists have been locked up on sexual charges not so much to incarcerate them but to assassinate their character. While officially banning state media censorship and ostensibly preparing to allow civil-society groups some space, the net result is still the same – a tightly controlled media,

harassment of NGOs promoting civil liberties, and systematic denial of media access to opposition parties.

In this regard, control of the media by the powers that be makes a complete mockery of the democratic process. For instance, we know that the requirement of free and fair elections warrants that equal and fair coverage be given to all political parties at least for the duration of the campaign period prior to actual polling. In Malaysia, for instance, not only were the opposition parties given next to no coverage either in the print or electronic media the ruling parties were given virtually unlimited air time and print coverage all year round. This kind of perennial free advertising and PR blitzes were of course all executed at the expense of taxpayers. Under such circumstances, it seems quite incredible that certain quarters still continue to rant and rave about so-called decisive electoral victories seeing as it is that the elections were flawed from the start. Surely, in the context of press freedom, this is democracy at its most farcical.

If the foreign media were to highlight these abuses, they too will surely be condemned as being part of some conspiracy to hold weak nations to ransom. It is still fashionable for tyrants and autocrats to blame foreign journalists for painting a negative view of their country. The scenario is quite predictable –

certain journalists will be declared undesirable aliens, work permits will be refused or revoked, and some may even be jailed.

In Thailand, media crackdown has seen the removal of an influential editor recently following a series of reports critical of the government. Concentrated family holdings with powerful links have bought into a media group known for its critical reporting. Indonesia has had her press freedom attacked by vexatious law suits aimed at intimidating journalists and silencing them. Fortunately, these threats may be traced to the erstwhile cronies of Suharto. I say fortunately because Indonesia today is now the best living example of democracy.

Constitutional amendments were introduced recently making it mandatory for the media to give equal and fair coverage to all political parties and candidates during elections. Consequently, the Indonesian press is the freest in the region.

The Philippines press was at one time noted for its independence until recently when democracy suffered some serious knocks and certain journalists were castigated for being friendly to the opposition. Even more tragically, hired hands have come into the scene and they are threatening and killing journalists with impunity.

But nowhere else has there been a stronger opposition to press freedom than in Malaysia and Singapore. These two countries will hum and haw over so the

most trivial of matters but when it comes to press freedom they will jump into bed at the drop of a hat.

The Myth of Asian Values

If I may quote one of you without mentioning your name: “It has become fashionable to blame Asian values as the reason for the state of press freedom in the region.” And that’s all that I’m prepared to quote. Anything more will, as they say, let the cat out of the bag. And that is one journalistic code of silence I will not breach.

Yes, it is said that according to Confucian precepts, consensus is better than individual freedom. Opinions of the state therefore must prevail over individual opinions and this is warranted by the need to protect public morals and to maintain peace and harmony. Pursuant to these strictures we know that some states spend millions setting up a cyber police force to check “undesirable” content. We know that often while ostensibly monitoring pornographic sites, much of the resources are really channeled towards keeping tabs on opposition and dissident sites.

This school of thought canvasses an Asian model of journalism where the priority is not the voice of the people but the building of national consensus. Journalists must therefore “respect, embrace and voice the authenticity of Asia”.

They must liberate themselves from “the colonial mindset” and not fall prey to the agenda of the West, so they argue..

There is no doubt that these pious platitudes resonate with certain sections of the community particularly the rich and powerful. But the logical conclusion to this line of reasoning is that the press becomes no more than the mouthpiece of the state.

Press freedom and civil society

We know that the media can indeed be influential but I would imagine that this influence should be brought to bear in setting the agenda for progress toward democracy and the establishment of a civil society. And with the advent of technological advancement, it is indeed tragic that instead of fostering transparency and openness through e-governments, certain IT savvy states have decided to use this advantage to further erode the freedoms of their citizens. At the point where they are in great need of a dynamic and independent press, societies in the region are instead seeing their expectations dashed to pieces. Consequently, they must endeavor even harder to see the establishment of civil society, the continuation of parliamentary democracy, and the supremacy of the rule of law.

Where would societies look to in order to help them attain these ends if not in a free and vibrant press? After all, historically, the Asian media have been instrumental in fanning the flames of anti-colonialism. Surely there should be nothing in theory at least to stop them from being able to fan the flames of anti-autocracy.

Yet today, there are journalists who have chosen to enslave themselves to the elite. Some are still unable to break free from the shackles of self-imposed obsequiousness to the political masters.

Proponents of the Asian-values school continue to regard press freedom as pure abstraction moulded from obsolete Western philosophical constructs which themselves are now floundering on loose ground. Even the very concept of freedom has been shaken at the core, it is argued. Western democracies particularly the United States have themselves turned their backs on freedom and democracy.

By reverse reasoning, are we saying that political repression is essential for maintaining social harmony? Or that it is consistent with Asian values to lock up a few people without trial or due process just so that purportedly the rest of society may be rid of their corrupting influence?

But fortunately Southeast Asia is not a monolith so that within the region there are some nations better off than the others. The press is not born free, but some are more unfree than others while some have broken free of the shackles that still bind their cousins. But how long more must the rest of the media need to tolerate the repression of dictatorships or face the wrath of aging regimes clinging to power?

Conclusion

In certain places, Abu Ghraib continues to be inflicted on dissident journalists where, as prisoners of conscience, they are held in appalling conditions. Even as we have moved into the new millennium, strong dictatorial tendencies are emerging in the region. Media control continues to be enforced with an iron hand with a tenacity matched only by the perpetrators' greed for power.

Merely having constitutional protection against the violation of our civil liberties is not enough. Enacting laws which have the effect of eroding this fundamental freedom must be regarded as breaching the social compact between the legislative and the people. If parliamentary democracy is to be relied upon, it is incumbent on the judiciary to strike down such laws unless parliament itself takes the initiative to repeal them.

It is not a question of political expediency that those who hold positions of power should listen to the people. This is because those who hold power also carry the moral responsibility entrusted upon by them by the people, a trust which is not to be tampered by considerations of prospects for reelection to office or other kinds of material advancement.

According to John Locke, to interfere with individual freedom is to rob individuals not just of their freedom, but of the right and responsibility they have to reason. And in the process, it is to cross God's commandment enjoining the salvation and preservation of his creation. No single person has a right to take away the liberty of another, not a single despot and not even a duly constituted legislative majority.

Thank you.