

[sangkancil] SG DAILY: Comments: Freedom of Information Act in Singapore (fwd)

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Subject: SG DAILY: Comments: Freedom of Information Act in Singapore

Tell him the truth, even if it offends him
by John Tessensohn

President Ong's candid account of his Presidency "President Ong Will Not Run for A Second Term" (ST July 17, 1999) reminds me of the imprecation from Confucius: "When Zilu asked Confucius how to serve a prince, Confucius replies, 'Tell him the truth, even if it offends him.'" Bravo to President Ong for his courage and honesty! Indeed, President Ong has earned another feather in his sterling record of public service to Singapore by highlighting the fact that our civil service needs to have a change in attitude and become more responsive to legitimate inquiries.

It was somewhat disturbing that the Singapore civil service, notably this was probably the Administrative Service that President Ong was dealing with, was so circumspect in its dealings with our first Elected President. After all aren't we all in this together? The very idea that President Ong, with the august Istana and the Singapore Constitution behind him, cannot glean information from civil servants to merely find out what is the status quo of Singapore's assets is dumbfounding. One can safely imagine where your average Joe in Ang Mo Kio would stand in the pecking order of Singapore life if and when he tackles the civil service juggernaut of Singapore for accountability of action or information from such administrative action.

Singapore's governing institutions are currently under no obligation whatsoever to entertain any requests for information and perhaps this reluctance to impart with information has become so fossilized and barricaded in the civil service psyche that it requires a transparent and enforceable system to retrieve such information. The most meaningful mechanism is to have the courts or some ombudsmen body to provide some oversight in legitimate and reasonable requests for information and one appropriate vehicle is the freedom of information legislation.

More importantly, President Ong's experience underscores the need for a freedom of information (FOI) law enacted in Singapore in order to ensure

accountability and responsiveness in the organs of government. A FOI law would give Singaporeans the right to apply for access to documents and obliges the government and the civil service to provide the information. A FOI law creates procedures whereby any member of the public may obtain declassified records of government agencies and open that government agency's action to the light of public scrutiny. This will result in openness, transparency and information.

A startling contrast to Singapore is Japan where faceless and unaccountable bureaucrats have wielded unchecked, unquestioned and untrammled power for decades. Japan's passage of a Freedom of Information (FOI) bill on May 7, 1999 by the Japanese Diet will give the Japanese public unprecedented access to state documents. Japan took a brave democratic step forward by giving her citizens a tool to check their government and to voice their views. Having FOI legislation creates a more responsive government and would remedy the flaws of the Japanese system, where administrative matters were left to unaccountable government bureaucrats and a few entrenched politicians.

The Japanese national legislation came nearly 20 years after some local governments started adopting similar ordinances and advocates began advocating for national-level freedom-of- information legislation. The law allows any individual, Japanese or foreign, to examine administrative information upon request, including data that have been recorded on magnetic tape, floppy disk or any other electronic medium.

The Japanese FOI legislation was a creature of domestic politics. It was not due to any newly found Japanese 'liberalism' but from the political cost of Japanese bureaucrats' isolation and hubris of reality on the ground and their abject refusal to understand the need for transparency and accountability for decision making. The Japanese electorate were fed up with bureaucrats and took it out on the ruling Liberal Democratic Party in elections during the 1990s. Such a continued state of aloofness, arrogance and refusal to have transparent institutions for decision-making could lead to worsening of problems and even shake or cost governments their hold on power.

President Ong has done Singaporeans a favor by highlighting a symptom of a deeper affliction that Singaporeans have silently suffered in their dealings with uncooperative or plain hostile civil servants. It is nothing less but scandalous for Singapore's civil servants to adopt such a less than accommodating attitude towards our first Elected President.

Singapore was a keen student of the Japanese in the past and enacting FOI legislation similar to the Japanese would be one more crucial lesson to emulate for the better of our country. As hard as laudatory statements or ministerial exhortations may go, the civil service, by nature is an entrenched institution with its own culture.

Trying to make the civil service as responsive as the private sector should mean more than just paying it private sector salaries. The civil service should know that Singapore public is the customer it serves and President Ong is one such customer as well. Having FOI legislation will make it more responsive and also make it accountable to become more open. At best, President Ong's woes with our civil service shows that the civil service is at least consistent in its blase treatment to all Singaporeans, regardless of position in society.

However, I should add one caveat that Singapore's civil service is not a monolithic uncaring creature and there are exceptions to the rule where

some civil servants are worthy examples of professionalism and responsiveness. One case in point is my recent Singapore marriage to a Japanese national. I had directly written to the Registry of Marriages to resolve certain procedural matters which initial inquiries on my behalf by my counsel had drawn a negative and unhelpful reply, i.e., no it can't be done and try your luck by writing in formally.

The Registry of Marriages and I initiated and entered into a very productive correspondence over facsimile and e-mail where I managed to sort out these procedural dilemmas and I was pleasantly surprised at the ROM's efficiency and accessibility. I married my foreign bride in Singapore and did not have to endure the international bureaucratic nightmare that prevented a US Nebraskan bridegroom from celebrating his wedding to a Singaporean bride, Straits Time July 11, 1999. However, I am sure that for every effective and pleasant dealing that one has with a government department like the ROM, there will be some experiences of others that would be far from pleasant.

It should be clarified that a FOI act will not magically transform all civil servants into cooperative and responsive beings but it would at least provide a regime where there can be accountability and a mechanism to enforce such openness and transparency. These issues are in line with PM Goh's and DPM's BG Lee's recent announcements of greater openness in the financial and other governing institutions of Singapore Inc. Having such a FOI legislation will represent a major paradigm shift from secrecy to openness if Singapore adopts a FOI act. It also marks Singapore's enlightened approach to the regional economic crisis in embracing and managing change by keeping up with its Western trading partners and their mantra of globalization. All of the Western trading partners, most recently Japan, have some form of FOI-type legislation or other.

The Japanese Administrative Reform Committee, the Japanese Prime Minister's advisory panel that proposed the bill's original draft, expressed the hope that Japan's FOI legislation will be "powerful drug that would radically change the bureaucracy's manners." I'm sure that after President Ong's episode, the Singapore civil service is in need of this heady FOI medication.

Such FOI legislation in Singapore will invigorate our state's institutions and constitute the catalyst in the development and strengthening of our economy since Singapore's bureaucrats still largely guide Singapore's fortunes. With transparency and openness being the touchstone of success, it is imperative to have such a FOI act in Singapore. Access and scrutiny that were once anathema to the Singapore civil service could be the buzzwords of the new millennium. There would of course be exceptions in instances of national security matters.

Also, such FOI legislation should avoid some of the duplicative and unnecessary excesses that US-type FOI legislation has spawned. I have immense confidence in our legislative drafters at the Attorney-General's offices to strike the right balance with openness and checks against abuses of the requests for information. Alternatively, I hope that our Nominated Members of Parliament may have the chutzpah to propose a private members bill to introduce the freedom of information legislation into parliament.

The means to obtain information and the availability of such information would strengthen the confidence in the political process over how certain decisions are made. Even if some may disagree with the final

decision, with the relevant information available to all, they would at least respect the decision made and have the opportunity to air well-informed alternative opinions. One way to give concrete meaning to Singaporean voices is to set up a FOI apparatus and the time for such a law is now as the momentum for reform in Singapore is real.

Indeed if the civil service does not become responsive, the consequences may be more dangerous than a tardy report of the list of Singapore's assets. In his attempts to get some information, President Ong's stated that "...most of the time we (the Presidency) would not know. And by the time we know, it may be too late." Having a proper FOI in place in Singapore would avert this problem of having too little information, too late.

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