

Challenges and opportunities for Freedom of Expression

Report of workshop held in Yogyakarta, Indonesia
4-7 November 2007

About the workshop

The workshop was hosted by Global Partners & Associates (UK), and Combine Resource Institution (Indonesia). The programme and list of participants are attached.

This was the final workshop in a series of discussions held on behalf of the Ford Foundation. The programme's overall aim is to explore the implications of the development of digital communications for the human right to freedom of expression. An important goal is to help shape the Ford Foundation's future funding priorities in this field globally.

The programme of the workshop was designed to enable debate about challenges and opportunities specific to Asian countries or regions, and also to explore global issues. Participants came from 11 countries in total, and contributed their diverse perspectives and specialist knowledge to detailed and creative discussions. The workshop also gave participants an opportunity to compare experiences, share knowledge and develop international links.

Discussions were set in context with:

- presentations from Asian contributors, including original research, that gave political, economic and cultural information
- background to the Freedom of Expression Project and its objectives
- briefings based on the Project's own research into the global networked communications environment, including its 'layer model' analysis.

Key themes

The following emerged as key themes in the discussion over the three days.

Mapping a complex environment

- The region is hugely diverse: politically, economically, culturally and in communications environments. Analysis needs to take account of this complexity and the differences between south east and south Asia regionally, and between individual countries.

- Patterns of access and usage differ widely, often with marked divisions between rural and urban experiences. Examples highlighted included:
 - Some countries have well-developed infrastructure and high levels of access to networked communications (Malaysia, Singapore); 85% of Indonesians have access to the internet.
 - 72% of the urban poor in India have not heard of the internet.
 - Cost can be a significant barrier to access. E.g. in Indonesia a monthly subscription to broadband is \$75 and a graduate's (above average) monthly income is around \$120. In India, the cost of a proprietary PC software suite is equivalent to over 40% of the average per capita GDP.
 - Literacy and language are key factors in the uptake and usage of technologies. E.g. mobile phone usage is high in the Philippines as levels of literacy are relatively good and Tagalog is written using the Roman alphabet; whereas a lack of Khmer-based software in Cambodia initially affected communities' access to new technologies.
- We need to continue to build a detailed and up-to-date understanding of how people are accessing and using technologies. For example, research in India, Pakistan, Sri Lanka, Philippines and Thailand shows that:
 - although ownership of mobile phones is low, levels of access are high because people share facilities
 - people evolve creative and cost-effective ways to use new technologies: sharing facilities, 'missed call' strategies to keep mobile phone costs low
 - while mobile phone use is primarily social, new uses include creating support networks for alternative political candidates (Philippines: Father Ed and Grace Padaca).

About freedom of expression in practice

- Challenges to freedom of expression in the region include:
 - direct censorship in various forms. State censorship and control spans a broad spectrum (intense control exercised by the military in Burma; interception of mobile phone communications in the Philippines; action by Malaysian authorities to discredit critics of the government)
 - legal threats (including blasphemy in Pakistan, lèse majesté in Thailand)
 - impunity for action against journalists and media distributors
 - lack of access to information. Some countries are implementing regulations (Indonesia, China)
 - factors that prevent a pluralism of voices, such as commercialisation and political ownership of the media (Malaysia).
- Existing indices of 'free' or 'not free' media do not always take account of the complexity of communications environments, and digital communications and print media may be subject to different regulatory regimes and levels of control. In some circumstances this can open up spaces for expression (e.g. 'Family Trees', about corruption in Cambodia, circulated freely on the internet but was suppressed elsewhere).
- There is no straightforward relationship between levels of access to or usage of technology and freedom of expression. A highly developed

communications infrastructure may enable political and civil society activism but does not engender it.

About freedom of expression and democracy

- Participants accepted 'freedom of expression' as a framework for discussion and action in the region, and emphasised the importance of an expansive definition. Freedom of expression:
 - is far wider than a media issue: it's also important to engage communities
 - is a tool for opening up issues and for forcing governments to confront e.g. brutality, corruption
 - has to be a practical concept; it must be able to accommodate the scope and speed of change in the communications environment
 - must accommodate ideas of cultural expression and indigenous rights
 - needs to be defined so that the concept is not hi-jacked or abused, e.g. by corporations, so as to marginalise some voices.
- Some concepts that are significant to freedom of expression are understood differently than in the global North. In many Asian societies, identity is considered more as collective than individual, which means that:
 - concepts of privacy may have little currency. E.g. Indonesian languages have no word for 'privacy'
 - notions of copyright attaching to individual ownership have less meaning. Where cultures are based on sharing and distributing (e.g. knowledge, art), the idea of 'piracy' may be entirely alien.
- Concepts of democracy, its value and aspirations to it are not universally shared. It was not suggested that democracy is not compatible with 'Asian values' and Confucian culture; however, participants stressed that democracy does not necessarily provide solutions to all problems (poverty, ethnic conflict), that it can take many forms and that it needs to be 'home-grown':
 - Burma: democracy is seen by many in black-and-white opposition to dictatorship
 - Indonesia: public feeling includes some nostalgia for the stability of Suharto's presidency
 - China: the process of reform can be understood as 'top down', planned and implemented by government. In this unique context, indicators such as levels of civil society activity and press freedom may not be applicable as measures of success of the process.

Interactions between culture and technology

- Arguably, people who are poor and excluded may demonstrate a greater ability to innovate and capitalise on the potential of the internet in the absence of developed regulatory systems. Points made here included:
 - The networked, interactive character of the new communications environment is sympathetic to Asian cultures that are primarily oral rather than written; it may also help to recreate opportunities for creativity.
 - Piracy (e.g. of software) can be seen positively as a contributor to the

growth of infrastructure and capacity, particularly when state-funded and organised development is deficient

- There may be barriers to the uptake of open source software: it has to compete with widely pirated proprietary software and the level of technical knowledge needed to use it can exclude significant numbers.

Valuing creativity

- Innovative applications of new technology have been developed, both by individuals and civil society rather than state-sponsored groups. These tend to take place 'outside the rules' or as alternatives to established structures. Examples from Indonesia included:
 - Jalin Merapi Project, a community-based information and early warning system about the volcanic activity of Mt Merapi
 - open source software to set up a free telephone network via the internet
 - education to enable communities to build low-cost wi-fi networks with a wok and other readily available materials
 - satirical commentary and cartoons on political events – though the majority of civil society groups have yet to exploit fully the potential of 'web 2.0' as an environment.
- Art and cultural expression can thrive outside the structure of the conventional marketplace. Art forms can be significant in: preserving heritage, becoming a foundation for activism (e.g. by providing politically excluded groups with a means of communication), building bridges between social groups and generations (e.g. using new technologies to create traditional forms of music). The new communications environment needs to enable creative forms of expression. It is geared to being swiftly responsive to social and cultural change.

Building alliances and collaborations

- Different types of collaborations can advance understanding about the opportunities and challenges of the networked communications environment. These include alliances between groups that usually work in different spheres: to educate and build capacity in civil society groups, particularly on technical issues; to share information; to organise around campaign and common political objectives; to draw international attention to domestic situations; across disciplines.
- International linkages are valuable. Participants noted:
 - how international communication routes out of and back into countries can affect domestic decisions and politics (Burma, Malaysia)
 - the importance of the international human rights community as a means of enforcing rights that exist in law (e.g. Malaysian bloggers)
 - south/south alliances can explore ways to address common issues (e.g. access, language, literacy, low-cost community technologies)
 - it is essential to engage with the Internet Governance Forum as the only international and multi-stakeholder forum on internet governance.

Next steps

Participants were positive about the diversity of perspectives at the event and valued the opportunities to share experiences and build networks. There was agreement that further collaborations were important to enable progress towards and protection of freedom of expression.

The Project will continue to provide opportunities for mutual learning and development by: sharing learning and debate through its website www.freedomofexpression.org.uk, and through the next phase of its work. This will include:

- developing public interest principles that guarantee freedom of expression at each layer of the communications environment
- involving key stakeholder groups, including business, regulators, other donors and global civil society
- establishing a global network to promote the principles, monitor developments regionally and identify opportunities for advocacy
- convening a gathering of key stakeholders in late 2008 to agree on a programme of action that will promote these principles.

Kate Wilkinson
November 2007

List of Participants

Andrew Puddephatt	Global Partners (UK)
Ade Tanesia	Combine Resource Institution (Indonesia)
Aileen Familara	ISIS International Manila (Philippines)
Akhmad Nasir	Combine Resource Institution (Indonesia)
Dr Ariel Heryanto	University of Melbourne (Australia/ Indonesia)
Prof Biswajit Das	Director, Centre for Culture, Media & Governance, Jamia Millia Islamia, New Delhi (India)
Chris Murray	Consumers Union (US)
Dario Ramirez	Article 19 Mexico (Mexico)
Dian Herdiany	Kampung Halaman (Indonesia)
Dini Chatew	Article 19 (Indonesia)
Donny Budi Utoyo	ICT Watch (Indonesia)
Dr Onno W. Purbo	VOIP Merdeka (Indonesia)
Fahmi Alatas	Composer (Indonesia)
Gene Kimmelman	Consumers Union (US)
Gisela Cánepa Koch	Department of Social Sciences at the Pontificia Universidad Católica del Perú (PUCP) (Peru)
Heidi Arbuckle	Ford Foundation Jakarta (Indonesia)
Hye-Jung Park	Funding Exchange (US)
Idaman Andarmosoko	Institute of Global Justice (Indonesia)
Imam Prakoso	Combine Resource Institution (Indonesia)
Imron	Air Putih Foundation (Indonesia)
Jacque Jones	National Black Programming Consortium (US)
Jeff Ooi	Blogger (Malaysia)
Jeffery Chang	Music Journalist/author and independent music label founder (Quannum Projects) (US)
Josi Khatarina	ICEL - Indonesian Centre for Environmental Law (Indonesia)
Joyce Nyairo	Ford Foundation (Kenya)
Kate Wilkinson	Global Partners (UK)

Kimani Njogu	Twaweza Communications (Kenya)
Li Tsin Soon	Malaysiakini.com (Malaysia)
Lisa Horner	Global Partners (UK)
Dr. Lorraine Carlos Salazar	Institute of Southeast Asian Studies (Singapore)
M.K Raina	(India)
Merlyna Lim	Annenberg Center for Communication, University of Southern California (Indonesia/US)
Mochamad Zaenudin	Ford Foundation Jakarta (Indonesia)
Mohamed Tibanyendera	MISA (Tanzania)
Norbert Klein	ICANN civil society board member and Open Forum (Cambodia)
Nurlina Purbo	Yayasan Air Putih (Indonesia)
Orlando Bagwell	Ford Foundation New York (US)
Pete Tridish	Prometheus Radio (US)
Prashant Iyengar	Alternative Law Foundation (India)
Protus Tanuhandaru	Air Putih Foundation (Indonesia)
Raharja Waluya Jati	Voices of Human Right (Indonesia)
Rini Nasution	Satu Dunia (Indonesia)
Roberta Uno	Ford Foundation (US)
Shita Laksmi	HIVOS Program Officer - ICT/ Media & HIV/ AIDS (Indonesia)
Soe Myint	Mizzima News (India/Burma)
Steve Montiel	Institute for justice and journalism, Annenberg School for Communication, University of Southern California (US)
Vicky Holt Takamine	PA'I Foundation Executive Director (US)
Vidha Denis	Ford Foundation Jakarta (Indonesia)
Prof Zhou Hanhua	Institute of Law at CASS, Beijing (China)

Programme

Sunday 4 November 2007

15:30 – 18:00	<p>Registration and reception Introduction to the seminar and wider global project Andrew Puddephatt – Global Partners, UK</p> <p>Introduction to the communications environment Lisa Horner – Global Partners, UK</p>
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Monday 5 November 2007

	<p>Facilitator Idaman - Institute for Global Justice, Jakarta Indonesia</p>
9:00 – 9:15	<p>Welcoming remarks and official opening Ford Foundation</p>
9:15 – 9:50	<p>Keynote address Freedom of Expression in the Asian Context. How is the communications environment in Asia changing? Is the concept of public service communications relevant in Asia?</p> <p>Dr. Ariel Heryanto – Asia Institute, The University of Melbourne</p>
9.50 – 10.20	<p>Small group discussion What does Freedom of Expression mean specifically in Asia, both legally and practically?</p>
10.20 – 10.40	<p>Morning tea break</p>
10:40 – 11:10	<p>Presentation of Jalin Merapi by Combine Resource Institution <i>Jalin Merapi is an internet based news service which is collectively-run by grassroots community media in Indonesia.</i></p>

<p>11:10 – 12:00</p>	<p>Panel One: Increasing access to information and debate</p> <p>Question: <i>Does the networked communications environment create new possibilities for increasing access and exchange of ideas and information?</i></p> <p>This session will explore the idea that the networked communications environment allows and opens up access to vast new areas of information and debate that by-passes censorship by the state or commercial imperatives. This will be explored within a comparative framework of 'traditional' or 'mainstream' and converged communication environments.</p> <p>Contributors:</p> <p>Dini Chatew (Article 19, UK/Indonesia) <i>The traditional/mainstream communications environment in Asia: Does the media act as a platform for public debate? What is the status of freedom of expression in the media?</i></p> <p>Jeff Ooi (IT Consultant and Blogger, Malaysia) <i>The converged/networked communications environment in Asia: Do networked communications offer new opportunities for accessing and participating in public debate?</i></p> <p>Gene Kimmelman (Consumers Union, USA) <i>Access to information and debate in the US and global communications environments.</i></p>
<p>12:00 – 13:00</p>	<p>Plenary Discussions</p>
<p>13:00 – 14:00</p>	<p>Lunch break</p>

	<p>Facilitator: Andrew Puddephatt – Global Partners, UK</p>
14:00 – 14:50	<p>Panel Two: Shaping the Networked Communications Environment at the Physical and Connectivity Layers.</p> <p>Question: <i>What are the technological, economic and regulatory factors that influence communications infrastructure at national, regional and global levels? What steps need to be taken by the private sector, governments and civil society to help build an accessible and open communications environment?</i></p> <p>Through the World Summit on the Information Society and the Internet Governance Forums, internet governance has emerged as an area where civil society and other stakeholders have a real opportunity to effect change, both in the nature of the communications environment and in the way it is controlled. This session will explore what internet governance is, the main issues and how civil society can get involved. It will also examine whether open source software offers new opportunities for building a public interest communications environment.</p> <p>Contributors:</p> <p>Norbert Klein (ICANN non-commercial users constituency & Consultant to the Open Forum, Cambodia) <i>Network governance and regional and global levels: What is network governance and what are the issues involved? What institutions are involved in network governance?</i></p> <p>Onno W Purbo (VOIP Merdeka, Indonesia) <i>Network governance in Asia: What regulatory and economic factors are affecting connectivity and how can they be addressed? Is there a role for low-cost solutions?</i></p> <p>Prashant Iyengar (Alternative Law Foundation, India) <i>What is open source software and the open source movement? Can open source help to build a more democratic and open online environment?</i></p>
14:50 – 15:20	Plenary Discussions
15:20 – 15:35	Afternoon tea break
15:35 – 16:20	Working groups - to tackle key questions identified in the previous session
16:20 – 17:00	Reflection and wrap-up
19:00 – 22:00	Dinner and Cultural Performance

Tuesday 6 November 2007

	Facilitator: Andrew Puddephatt – Global Partners, UK
9:00 – 9:15	Recap of Monday’s discussion
9:15 – 10:15	Panel Three: Civil society capacity building and democracy Question: <i>Does the networked communications environment empower grassroots civil society and enable citizens to act in new ways and offer the possibility of changing how we do politics, strengthening democracy and accountability of governments?</i> This session will examine case histories of networked communications by civil society groups employing the potential of new technologies such as warnets in Indonesia and sms technology in the Philippines. It will examine how new technologies can provide opportunities for democratic action. Contributors: Merlyna Lim (Arizona State University) <i>How can people influence political processes through new and traditional media? Case study from Indonesia.</i> Lorraine Carlos Salazar (Institute of Southeast Asian Studies, Singapore) <i>Do networked communications empower people and strengthen democracy? What are the challenges and opportunities in Asia?</i> Mizzima News (Burma) <i>How are networked communications affecting control over information flows within Burma, and between Burma and other countries? Are there implications for prospects for freedom of expression and democracy?</i>
10:15 – 11:00	Plenary Discussions
11:00 – 11:20	Morning tea break

11:20 – 12:20	<p>Panel Four: Regulation of communications and information at the content layer.</p> <p>Question: <i>What are the regulatory frameworks that govern access to networked communications and what is the state of freedom of information acts in various Asian countries?</i></p> <p>This session will explore the status of freedom of information laws and regulations in various Asian countries. To what extent does the networked communications environment and freedom of information laws and regulations impact upon one another in Indonesia, India and China.</p> <p>Contributors: Josi Katarina (Indonesian Centre for Environmental Law, Jakarta) Biswajit Das (Jamia Millia University, Delhi) Hanhua Zhou (Institute of Law, Chinese Academy of Social Sciences, Beijing)</p> <p><i>These contributors will explore regulations governing access to information in different country contexts.</i></p>
12.20 – 13.00	Plenary Discussions
13:00 – 14:00	Lunch break

	<p>Facilitator: Idaman - Institute for Global Justice, Jakarta Indonesia</p>
14:00 – 15:20	Working groups - to tackle key questions identified in the previous session
15:20 – 16:00	Reflection and wrap-up
16:30 – 18:30	<p>Live demonstration - Wajanbolic/4G</p> <p><i>This demonstration will show how to build simple, low cost and high speed Wireless Client equipment for a 2-4 km Internet wireless network. This configuration can give unlimited 24 hour internet connections for US\$5-25 a month in many Indonesian neighbourhoods, thus narrowing the digital divide. It also allows a Next Generation Network (NGN) & 4G technology to be deployed.</i></p>
	Free evening

Wednesday 7 November 2007

	<p>Facilitator: Andrew Puddephatt – Global Partners, UK</p>
9:00 – 9:15	Recap of previous discussions
9:15 – 10:15	<p>Panel Five: Creativity and cultural autonomy</p> <p>Question: <i>Does the networked communications environment democratize the potential for creative production and consumption?</i></p> <p>This session will explore the ways in which new technologies and the networked communications environment is changing the ways in which cultural practitioners produce and distribute creative content. It will examine the potential cultural impact of networked communications from self-marketing and self-publishing to consumption of creative content on the internet. It will also examine the importance of the intellectual property debate in the Asian context.</p> <p>Contributors:</p> <p>Thunskā Pansittivorakul (Thaiindie, Thailand) <i>Do networked communications present new opportunities and challenges for film makers?</i></p> <p>Vicky Holt Takamine (PA'I Foundation, Hawaii) <i>How are networked communications affecting prospects for preserving and promoting traditional and indigenous culture?</i></p> <p>Fahmi Alatas (Music composer, Indonesia) <i>Do networked communications create new opportunities for people to create, disseminate and access music?</i></p>
10:15 – 11.00	Plenary Discussions
11.00 – 11.15	Morning tea break
11.15 – 12.15	<p>Next steps and key challenges for participants</p> <p>Wrap-up and closing remarks</p>
12.15 – 13.00	Focus group for some participants
13.00 – 14.00	Lunch break
Afternoon/ evening	Visit to Borobudur temple & Dinner