A healthy democracy gains depth through the exchange of diverse views that strengthens civil society and opens up a healthy discussion. The Bhutan Centre for Media and Democracy (BCMD) hosts regular forums to provide platforms for discussions on a wide range of issues confronting Bhutan and Bhutanese. This publication, like the previous ones, is a compilation of presentations and talks from the various forums hosted in 2012. Speakers include reporters to political figures, academics to media specialists.

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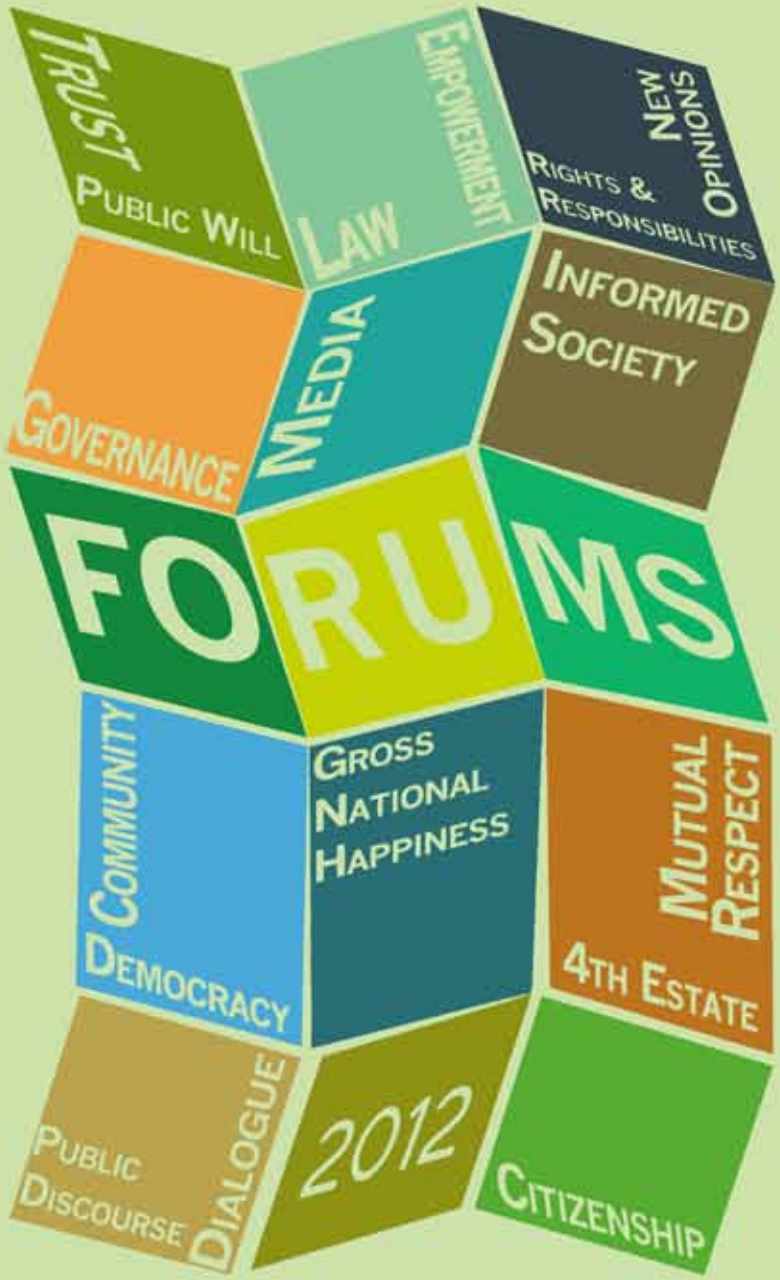

BHUTAN CENTRE
for MEDIA AND DEMOCRACY

Forums 2012

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BHUTAN CENTRE
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Foreword

As Bhutan moves into the next general elections, we continue to see the development of a culture of democracy, a culture that deepens with discourse. Public discussion about issues confronting our changing society enables us to think through our beliefs, and our action, and it enables us to understand better what is happening in our changing society.

The Bhutan Centre for Media and Democracy continues to support the creation of space for such discussion through hosting regular forums on a variety of issues that help us understand democracy. We capture some of these open forums in print to enable Bhutanese to have wider access to these forums. We would like to see some of these discussions prompt more thinking in our schools, colleges, media and civil society.

Democracy is about a process, and not an end goal. The views reflected here are an indication of the processes taking place and the diversity of thought that help lay the foundation for our democratic change .

BCMD believes that the debate and discussion of ideas is important to help build democratic thinking and a culture of democracy, and we seek your feedback to enable us to continue to grow this space for discussion and deliberation.

This publication is a compilation of some of the forums hosted in 2012.

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“Can we have Democracy without an Open Society?”

April, 2012

The Importance of Transparency and Accountability

Mark Mancall

I want to talk primarily about democratic processes, which must take place in public space. There is an old saying, which I traced to an English jurist who was talking about justice. It can also be applied here: "Democracy must not only be done, but it must be seen to be done."This is an extremely important point that we in Bhutan desperately need to think about and to discuss. I will try to set out some parameters, for the discussion about what it means for democracy to be seen to be done.

First, it consists obviously, of rituals. Democracy is a kind of public drama, a play carried out in public open space. Elections are a ritual, particularly as they are conducted in some countries. The function of elections depends upon the concept of what democracy ought to be. Elections confer legitimacy on one group as opposed to another group,; it legitimises the exercise of authority. There are many ways of conferring legitimacy. In our country, for example, we have rituals that confer on His Majesty a certain right to exercise authority as defined in the Constitution. The Coronation gave His Majesty the legitimacy to exercise his authority.

Authority differs from one society to another. In some cultures, authority is exercised totally, i.e., it extends to all parts of life. Indeed, there is a systematic attempt by some states to limit the exercise of authority by any one else. That is a very serious matter of contention which we are facing right now in our own country, and we need to debate this in the public sphere. What do we mean by authority? How deep into our lives does that authority extend? And how can we resist that authority when we feel it should be resisted?

More important is the question of how do you control the exercise of authority in a democracy? There are two elements without

which we cannot have a democracy.

The first is transparency. In our culture at the moment, we are very un-transparent. People do not know what is going on in large sections of our society; even if they want to know, it is very, very difficult to find out.

The first Parliament under the new system made a huge effort to try to find out what it means to be transparent. I will argue very strongly that without public disclosure of what is happening, without television showing what is going on every day in Parliament, without the media reporting it, without Parliamentary decisions being discussed in the open so that anybody can come in and listen, you do not have transparency. The opposite of transparency is ignorance.

The other day I asked somebody in the Lower House if they kept a transcript of the debates, and he replied that they keep tapes but do not publish them. I spent an enormous amount of time reading all the resolutions of the National Assembly, going back to 1953 when it was founded. I had no clue as to what were the debates that led up to the decisions. They were not written down in those early years. Today, it would be exceedingly difficult, without a public record available to us in printed form, to know why certain decisions were made in Parliament. Without that information, we cannot judge the intention of Parliament or of the Government. So transparency means having access to information.

This is true for both the legislative and the executive arms. In our country, we know that policy is made with limited public discussion, and decisions are made in Parliament without public hearings. We have to confront this really very serious problem. The Government forms policies or proposes laws in which public opinion plays no role. We have an executive branch that is not transparent, standing in the way of our becoming a democracy in any meaning of that term. It is time that we stand up and start talking about this, if we are ever to get to the point of having a real democratic political system in our country.

There is a vast area of our state apparatus about which there is zero transparency, about which we know next to nothing. We need to think about that and understand what the implications of that are for the future of our society.

Why is transparency important? Because through transparency we can hold our public officials accountable. What does it mean to be accountable? Obviously, accountability is about corruption, but it is also about something much more fundamental. The first election we had in 2008 was about granting legitimacy, but only some of us had an idea of what might happen. We voted in 2008 to establish one group in power as a legitimate group for the exercise of authority. The next election, we all hear, is a foregone conclusion. Some may not even bother to vote, because they already know what is going to happen: the ruling party may win a more votes or lose some seats, but it will still be in power.

The first election was unique. From now on, every election will not only be about conferring legitimacy; it is not just to elect a person. The purpose is either to reaffirm legitimacy of those in power or to withdraw that legitimacy and to elect others. This can be done in a variety of ways. You can vote someone out of office, or reduce his support from, say, 80% of the vote to 51%, a diminution of the legitimacy of that person to exercise power. We have to become sensitive to that, become intelligent voters along that line.

We want to hold people in power accountable not only for corruption but also for whether or not they have worked towards, or fulfilled, the vision for our society on the basis of which they were elected.. If you look at the two parties in the last elections, you will see a rather remarkable vacancy when it came to a vision for our society. Many promises were made about roads, lhakhangs, and this and that. We must question their efforts and withdraw legitimacy from them if they have not fulfilled their vision for us. A vision is not a promise made to buy votes; it is made to create community and a sense of purpose in our nation and in our political system.

All these activities that I have very briefly tried to talk about take place in public space, which must be defined as that area of our society that is transparent, not closed off to our understanding or to our knowledge.

My final point is about the role of the media. No matter how much you believe in the market place of ideas, or in freedom of information, those are abstract concepts. You need a means to deliver implementation. People have to see the actions of those to whom they have given legitimate power, and that can only happen through the media, whether print, television or radio. Without the media doing this, we are simply lost. We can talk about an open society, but without a media that reports seriously we will never have one.

The media need two characteristics to deliver transparency. First, they must have the capability to do so, meaning that they have to be trained to know what is important and what is trivial. Secondly, they must have courage. Democracy requires civic courage, a virtue that we do not talk much about in Bhutan, the courage to tell the truth. As an educationist, I think we need to start very early in our educational system, to encourage children to understand that, without telling the truth, it is not possible to live in an open or a democratic society.

Maybe I do not like the idea of a marketplace of ideas because we know in many societies that a market place is not necessarily deliver the best product, only the best advertised. Money decides what will be succeed in that the marketplace. As a university professor, I know that winning ideas are those that get funded. It is a very complex problem. We need some understanding of how to evaluate the quality of each idea; otherwise we are lost. Whoever has power and money determines which ideas win.

Mark Mancall is professor emeritus of History at Stanford University, California, USA, and the former Director of Royal Education Council (REC)

The Marketplace of Ideas and Civil Society

Roland Rich

I am flattered to be asked to address you because of all the people here, I am the least knowledgeable about Bhutan. I am not going to speak about Bhutan as such, but my subject is democracy, which Bhutan has expressed a lot of interest in, and which it wants to move towards.

Today's topic is the concept of an open society. When George Soros created the Open Society Foundation, he used the term first coined by his mentor Karl Popper because he was familiar with the closed societies of the communist world. He wanted the opposite of a closed society, where everything was decided by a few people at the top, where everybody had to follow directions from the top; a completely a top-down system of governance. George Soros chose that notion of open society as a necessary condition for democracy. In an open society, people engage with each other.

The sub-topic I chose to speak on today is a phrase borrowed from a brilliant early 20th century American jurist, Oliver Wendell Holmes, who coined the concept of the marketplace of ideas, which needed to be created in a democracy. I like this phrase because the analogy works so well. We know a market is a confusing, messy place, where many discussions are going on at once, where there is a competition to sell things, where there are negotiations, often bargaining. When you bargain to get the best price, eventually you reach a deal, some sort of an agreement. If you substitute ideas for goods, then the marketplace analogy works very well.

We can only have a marketplace of ideas in an open society, where people are capable of and allowed to express themselves, and are also capable of listening to the other side. A negative happening in United States is that politicians are not allowed to change their

minds. If they do, they are criticised for not being true to their word, for being 'flip-floppers'. If we believe in the marketplace of ideas, we have to be open-minded to "buy" ideas from others, and not just "sell" our own.

Who are the actors in this marketplace of ideas? Clearly, we are no longer a democracy in the Athenian sense, in which there was a square – the agora – where everybody knew each other, where they gathered to debate and come to some decisions. Modern societies are wide-spread; we live in nation states; we need not only the executives to propose ideas, we need the media to propagate and discuss those ideas, and we need an engaged public to examine them critically.

From experiences around the world, we have learnt that civil society is critical for that process, and that individuals are not able to engage in the same way that civil society is able to engage.

When America was a fledgling democracy, it had just fought a war to win independence from Great Britain, and was basically rural. A French nobleman, Alexis de Tocqueville, visited in the 1830s. He was very prescient in his commentary on the American society of that time. He found that it was very different from European society, which was aristocratic and very hierarchical, in which people kept to their own little place in the hierarchy.

In his book, *Democracy in America*, he wrote that he found people spontaneously gathering, forming groups, discussing issues and basically creating civil society. He thought this was one of the fundamental differences between this new country and the old continent of Europe. To paraphrase his observations, he said, firstly, that civil society is a bulwark, a protection against tyranny. We need civil society to allow people to organise themselves and talk to each other on the basis of common goals, not on the basis of ascription, which is a term anthropologists use, to describe conditions that are ascribed to you at birth: your religion, your language, your culture, and so forth.

Tocqueville believed that people should talk to each other and

work together on the basis of common goals, not just because they all happen to be of one religion, or speak the same language. Democracy requires people to break out of their ascriptive allegiances to discuss and deal with issues on the basis of ideas that are policy-oriented.

Tocqueville also pointed out that civil society allows individuals to be effective in a way that they cannot be if they remain simply individuals. By aggregating their ideas, they become effective in the policy process in a way that they are not if they are just individuals, another very important attribute. We must debate which is the better idea, what sort of texts should we have, what sort of policies should we have towards the environment, how much should we spend, and so forth in order to come to a solution as a society. Reading Tocqueville, I think we can extract this notion that democracy and civil society build social capital. Please search the Internet; much has been written about social capital. Again, you will not achieve social capital without an open society, and frankly, you will not have an open society without democracy.

Finally, I want to deal with a difficult issue of what should be the relationship between the government and civil society? We have many examples around the world of how that relationship works. Let me start with rather bad examples. Many authoritarian governments are attacking civil society in their own countries. CIVICUS, with the International Centre for Not-for-profit Law and the World Movement for Democracy, have published quite a lot on this. One way in which governments are cracking down on civil society is via a registration process; basically, giving the registrar the discretion whether or not to register a NGO, thus, creating a market for corruption. It allows governments to not register NGOs and therefore not allow them to operate. In Egypt, they have mulled over the registration laws for many, many years, but now that they are not happy with certain NGOs, they are resurrecting the fact that these NGOs were not properly registered.

Taxing is another strategy in which governments crack down on civil society by claiming that they are businesses, and the money that they collect should be taxed; if not, then the CSO has acted in a criminal way. Another more difficult issue is whether or not a CSO should be allowed to accept foreign funds. This is not a straightforward issue, exactly the type that needs to be debated. A country may decide that it does not need foreign funding of civil society but this view is not valid if it is also accepting a lot of foreign funding going to the government in development work.

I recall being in Thailand in the 1980's, where they thought civil society was a very good thing if all it did was deliver services to the people. They especially like Buddhist groups which help the poorest, and run detoxification clinics for drug addicts. Thai authorities called these Green NGOs, the good NGOs. They disliked the Red NGOs, because those were advocacy NGOs; they were talking about policy, what the government should be doing, or what it was doing wrong. The Thai authorities wanted every NGO to be a Green NGO.

In reality, all the Green NGOs became Red NGOs. You cannot help poor people or deliver services without advocacy, which is the lifeblood of civil society; there can be no distinction between Red or Green in that regard.

The Bangladeshi government has a very difficult job in providing services to a large population, and it has accepted that civil society will take a lot of that load. A group called BRAC, the world's largest NGO, employs 1,800,000 people. It runs schools, banks, universities, textiles, mills, and it acts almost like the parallel government in many ways. It has also very cleverly stayed out of Bangladeshi politics; it criticises and comments, but it does not enter the electoral arena. That shows you how big and effective NGOs can become.

So what is the necessary role of the government vis-a-vis civil society? Some governments want to register CSO, but I do not think that is necessary. Many governments allow civil society to

operate without any form of registration, and it is treated as a private matter. If ten people want to form a group to do certain things, they do not need to ask the government's permission. But if you want tax deductibility for donations to your CSO, the government has to determine whether or not funds could be claimed as a tax deduction when the donor puts it in the tax return.

But even here, in parts of Asia, some governments have delegated that decision to civil society, which has its own process of self-regulation, where it decides which new entrant in the field should have tax deductibility or not. The Philippines is an excellent model of self-regulation of civil society.

Please do not think that I am advocating that Bhutan follows these steps; I think Bhutan has to make its own decisions on these issues, but in the discussion, in the open society marketplace of ideas, it is always useful for people to be armed with other ideas, about how other people have done things.

Roland Rich is the Executive Head of UNDEF (UN Democracy Fund)

The Supply/Demand of Good Governance

Sangay Khandu

In a democracy, the sovereign power lies in the hands of the citizens by voting a government into power. That government then has the legitimacy to administer a community, a country. Sovereign power is, in a sense, absolute freedom. But by voting a certain government into power, you decide to focus on certain issues, so in another sense, absolute freedom is not there, that is to say, government, through rules and laws, actually start administering us, so we have restraints. For example, if a citizen wants to start a business, he has to fulfill certain criteria and prerequisites, and a citizen has to pay taxes and duties. These are the restraints which limit absolute freedom, and therefore the legitimacy of a government in a democracy is crucial.

This understanding of the social pact when we elect somebody to power is, I believe, what is commonly referred to as civil liberties, something new for Bhutan. To be able to take part in governance is, in essence, what we are talking about when we talk about an open society. I think good and bad democracies all over the world have shown us what it could lead to. In Bhutan, we have communal set-ups in rural areas which acknowledge our interdependency. People worked together to solve problems. But our traditional structures are changing, and we need to address that challenge.

A very important pillar in an open society is good governance; they are interrelated. You can look at good governance from two sides – supply and demand. In Bhutan, what we have seen with the efforts and initiatives of the Government is basically on the supply side. We have the Parliament, the Opposition and the ruling; we have the National Assembly, National Council, the independent judiciary, and the constitutional offices which have their separate mandates. This is to give a chance for the checks

and balances of systems, so that good governance can prevail. We have passed laws, we have rules, and we have enforcement officers, like the Anti-Corruption, the Royal Audit Authority, and the Police. These are all on the supply side of the good governance.

Today, what we are talking about in open society is really on the demand side. The people's participation in it is about civic engagement.

Through our votes, we elect a particular political party into power, or we might even penalise certain political parties. Then we also have participation, public policy making, participatory budgeting, and so on and so forth; these are the components that make up an open society. We may be discussing the Right to Information Act, and this is important, because to allow public participation and civic engagement, it is crucial that citizens and civil society organisations have access to information. We cannot expect the rural population to be able to bring up issues on their own right now.

The media is playing its role; without access to information, the public will not be able to discuss issues in a credible manner. Some argue that it is still too early to talk about the right to information, but we have had issues with corruption; the institutional set-up, the law, rules and regulations have not proven to be enough, which is why the demand side of good governance needs to be empowered as well. The proposal for RTI is based on that premise. I am hopeful that we will be able to allow our public to gain access to information, and put RTI into the mainstream, in the policies and institutions, so that we could prevent corruption.

In Bhutan, we have a culture which indulges in gossip. Perhaps in your homes, bars, restaurants, and maybe after a long meeting at night, you break into this gossip comfort zone, where almost every citizen claims to know almost anything or everything, but there is a sense of discomfort about being really open about issues.

It is changing; we see it in the media, but how do we make it easier

for people to share their opinions? We need to build confidence in the system and the Constitution, which guarantees us rights. Civil society organisations play a very big role, being better equipped to bring up issues on behalf of marginalised people. In recent months, there has been tremendous focus in the mainstream media on accountability and transparency. Reports in the audit indicate that parliamentary discussions have also leaned in that direction. Our gossip culture has now transitioned onto the online Internet world with more and more fixated around the desire to see accountability. It is the parliamentarians' own initiative in thinking that while many steps have been taken to address corruption, the right to information would be a critical bridge to complete these final miles that we have to run to empower citizens and state agencies to be less corrupt.

Dasho Sangay Khandu is a member of the National Council of Bhutan

Forum:

"What is a Culture of Democracy?"

March, 2012

Measuring a Democratic Culture

Bjorn Forde

I am not an expert on Bhutan, which sometimes can be an advantage. When you want to make strong recommendations about how a democracy should develop, the more you know, and the more you are intrinsic to a democratic structure, or the culture of a society, the more difficult it may be.

But I am not here to lecture or to tell you what to do. I am trying to draw from global experiences that I have been a part of. For the first 25 years or so, I worked at grass-roots level with civil society in Africa and in Latin America, in particular. Back then, I would never wear a tie, but since joining the UN about 10 years ago, I have learnt how to wear one. In certain cultures, it is an expression of politeness.

So, I am going to share a little, but first you should know that, I represent the Danish Institute for Parties and Democracy, an independent institution. We are proud to be 100% funded by the government, because that means we are like other parts of the government, entrusted with taxpayers' money, which we will use wisely.

Often, the thinking is that people in government have more right to use taxpayers' money than civil society. That is wrong. Civil society has as much right to access and utilise that, in a democratic fashion, in a transparent and accountable manner. We are all citizens, whether we are in government, civil society, or an independent institution like ours, set up by the Parliament of Denmark to be able to support democracy around the world.

We have only five staff, but our Board, on the other hand, is very large. It consists of all the parties in Parliament and representatives of Danish civil society. They are all independent of their respective institutions. They speak as individuals, as concerned citizens,

when they sit on our Board.

Our vision is to contribute to building effective and democratic political parties that can function in a multi-party democracy. We understand that this is only a very small part of a democratic culture, but it is a very critical part. You can have a civil society that is functioning well, but if you do not have a functioning multi-party democracy, you will not have a strong, vibrant democracy. A strong multi-party democracy with a very weak civil society can also be a disaster for the democratic culture in a society. It is really about balancing; that has been our experience over time.

I think it is always important to discuss democracy in a particular country, and how it positions itself in the broader global patchwork. Living in the Himalayas, it may be difficult to see what drives people at Tahrir Square in Cairo, where I was lucky enough to be last year. We are part of the same movement. We may be connected through email and the Internet, but we are also connected through the ideas that come together and strengthen each other.

Let us remind ourselves that in 1974, when the 'third wave' started in Portugal, when the young officers conducted a coup, it took two years before we knew how it would end. I remember it as a young man, and I was active in the movement in Europe back then. It took us two years until we knew Portugal would be a democracy, whether it would work or not. It was not just about writing a Constitution. It was not a King handing over power or democracy, back to where it belongs, in the hands and minds of people. It was a long, arduous process. Every month, we were asking: 'would the military come back and undo what the officers had started?'

What we have seen since 1974 is a very strong progression of global democracy. Authoritarian regimes have slowly disappeared. There were many setbacks; we have many intermediate or hybrid democracies. Democracies are on the increase, because the authoritarian regimes are going down, and more and more

democratic regimes, of all types, are rising.

Despite the setbacks we hear and read about in the media, and despite what is happening in Syria at the moment, there is no doubt that this is an upward trend. Democracy is increasingly the name of the game, and there are many, and very broad varieties. That is important. There is not one model of democracy; now there are many ways of defining it.

I am going to show you one way of measuring it. You will probably not like it, and you will also disagree with it. That is important, because that is really the nature of democracy - we listen, we understand each other's arguments, but we may not necessarily agree on everything.

One way of measuring democracy is what economists do every year when they present an index of 160 to 170 countries. They focus on five areas which together, I think, is part of the pathway that makes democracy. They have many more indicators, but I will just mention a few.

Electoral processes and pluralism are very critical ingredients. Is financing of political parties transparent? Are citizens free to form a political party? Do opposition parties have a realistic chance of achieving government in the next round, where we have elections. That is part of democracy.

Functioning of government is more about how you then implement the decisions made by Parliament after the elections. Are there checks and balances? Or can government officials do whatever they want because no one really cares? Is the functioning of government transparent? Do we know what the Anti-Corruption Commission is doing? Do we know their budgets? Do we know their procedures? Do they publish the decisions they make? And at the end of the day, are people confident that these people with these tasks are, actually, honest? Do the political parties actually represent the voices and concerns of different groups within the population?

There are also indicators for a democratic political culture. Proportion of people who believe in democracy? Around the world, every year, there are polls done. Not about what party they wanted to vote for, etc, but do they genuinely believe that this democracy delivers what they need in their lives? Water, education, kindergartens, teachers, etc. And also the roles of the civil society organisations, are they allowed to function? Are they scrutinised too much? Are they too independent?

When we look at the index, I am proud to announce that only Norway and Iceland are better than Denmark. We hate that, by the way; we really don't understand why the Norwegians are better than we are! I do not mind because my mother was Norwegian. I am not entirely convinced that Denmark should score 9.64 on the 10-grade scale. Zero is the worst, and 10 is the best.

One could question if we should score almost 9 on participation. People are no longer members of political parties, but we score high on voter turnout. That is just to indicate that, on each of these, you can question the quality or the scientific value.

Anyway, Bhutan was 104 in 2011 out of 167 countries. You score 4.57 in total, and you score high on electoral processes, and very high on functioning of government, and you do have a very effective government in many ways, I believe. You score low on the others, but you are fairly close in the overall score.

We see that Bhutan, in this way of categorising democracy, falls into what is called 'hybrid regimes'. So you are part of another 37 countries, and 14% of the global population, living in hybrid societies. You are not scoring higher because you only had one election so far. You are still learning about your institutions and how the procedures function. You still have a fairly weak civil society, etc. There are many good reasons. It would be almost impossible to think that Bhutan could jump from the type of political system you had before and straight into what is called full democracy.

All this just indicates that there are many ways we can approach both the understanding of democratic culture, and also how we index countries. Why is this useful? Sometimes it is interesting to benchmark yourself against others. You may be able to learn something from certain countries that are similar to you. But, at the end of the day, you have to decide your own route.

For me, democracy or democratic governance is about three things. Firstly, it is about inclusive participation. "Inclusive" is an important word: engaging minorities, marginalised people; young and old, men and women. Secondly, it is about responsive institutions, not only how they are set up, but also if they after adequate response to what people feel and hope in their lives. Finally, it is about certain principles to which we, irrespective of where we live, have to adhere: Human rights, gender equality, anti-corruption, and other areas, which internationally we all subscribe to.

Just a few words about accountibility, that is an important part of civil society, and its role. Accountability basically is about how individuals and organisations report to recognised authorities, and are held responsible for their actions. Accountability relationships help ensure that decision-makers adhere to agreed standards, that citizens know what is done by government, etc. It is really about the duties of the state, the entitlements and rights of individuals, and how to make that work in reality.

We can put it down on paper, but how do you calibrate it in reality, and make people responsible? The Anti-Corruption Commission could be very important in most societies, an institution that helps citizens hold the power-holders to account for their actions. It is important that citizens play a role there.

Next, a little bit about social accountability. This is an underestimated area, which is covered, to some extent, by civil society organisations, which ask those questions that government does not ask of itself. Accountability has to be ingrained in the culture, because you have to accept, as a government official, that

you are scrutinised not only by institutions but also by citizens. They complement the institutions you have. That is really the value of civil society around the world. That is why civil societies should have opportunities not only to be service delivery mechanisms, but also to set agendas, ask questions and help the media ask questions.

As an old civil society person, I always reminded civil society organisations that the danger for you is to sit in this beautiful glass house and throw stones at those living outside, and not recognise that you yourself also have to be held responsible, that you have to be scrutinised. A political party that has to function in a multi-party democracy needs democratic procedures, so that we know that those elected to the top have gone through a transparent process, that candidates are elected in a manner which is open and fair.

You cannot imagine having a strong democracy without political parties that perform instantly strong democratic ways. And the same is true for civil society organisations; they have to accept media that question how they use the money. So, civil society organisations have to accept this, that is why they are entitled to be rights holders and demand certain things from the duty bearers and government. They themselves are also duty bearers in the areas where they decide to perform.

Democracy cannot be exported or imported. From my experience, I believe that democracy can only be supported if you build on and respect the history and traditions of your society. You must accept that the building of a democratic culture takes time. Denmark started its women movement in the1870'ies. Women in Denmark got the right to vote in 1915. It has taken 100 years to get women to make up 40% of the members of Parliament.

We have to engage in an inclusive process of dialogue, and we have to accept that both institutions and processes are necessary. And we have to accept that part of that dialogue will also mean that we do not agree on everything. But the beauty of democracy,

when it works, is a strong mechanism for managing the diversities and differences of opinions. Then you do not get an authoritarian regime. Even if the culture of democracy is not fully developed in a society, at least when the institutions and procedures are in place, you have the platform to engage on that long road, which will eventually develop a very strong democratic culture.

I do not think there is an end road for democratic culture. I think it is always evolving. It is always being rebuilt. It always has to be renewed when new challenges come up in a society.

Bjorn Forde is the Director of the Danish Institutes for Parties and Democracy (DIPD)

Making Bhutan fit for Democracy

Neten Zangmo

I am not an expert or a political scientist, but Aum Pek has reminded me that a concerned citizen need not be an expert. I am a typical Bhutanese, who does not read, who has views and who complains a lot, but who is certainly concerned.

Inter-dependence is a crucial concept in a democracy. The individual perception is usually "my freedom", "my rights", and we never talk about the collective responsibilities, the collective sense of self-governance. It is always "me", "I" and "mine".

How would I see a culture of democracy? A political egalitarianism nurtured by cultural egalitarianism. That might be very idealistic but it is what I feel. At the end of the day, the essence is justice and equity. It is not just about institutions and procedures, or culture. But people like you and I must feel that we have a stake in what is happening in our country, and play an active role. A democratic culture dismantles unjust social privileges and hierarchy.

We talk about accountability, transparency, free media, independent judiciary, but at the end of the day, institutions, and putting in systems, are very important. I think we have succeeded over the last four years to put systems and laws in place. You may have wonderful institutions, systems and laws, but they are only as good as the quality of service they render. Do we have democratic institutions and systems? How effective are they, be it the judiciary or the Anti-Corruption Commission?

We can say democratic values are the intrinsic values of freedom and participation, holding a government accountable, and determining rights, needs and aspirations. When we started preparing for the new political dispensation, I remember people talking about our freedom, our rights but it is not just about individual freedom; it is about collective freedom. It is important to know how the individual freedom we want to excite also affects the freedom of others. We need to look at the larger good.

Democracy by itself does not guarantee anything; it provides the opportunity to succeed or the risk of failure. The choice is ours. When I visit schools, I ask what do you mean, or understand, by citizenship? Is it an eleven-digit figure, or something else? Someone said if you feel that democracy is a forum about your own demands, interests or needs, then you de-stabilise society from within, but if you think democracy is a forum for building consensus, then you will be de-stabilising society from the top.

I believe democracy is only as good as the civic culture, which I think is about being proud of being a Bhutanese, being proud of our nation, of what we have, being able to talk freely and more frequently about politics, government, or media, for example. There has to be credibility and moral authority built into our institutions, be it the media, CSOs, or the government, or institutions like ours. I think there is a direct causal relationship between democracy and civic culture.

Citizenship is also about being proud what we had, and what we need to do now, of being tolerant to opposing views; about trusting and taking responsibility. Unless we recognise that responsibility and what we can do individually, or in organisations, and at the national level, there is no point in talking about democracy. We have only ourselves to blame. Even after four years of democracy, I still hear people ask whether or not democracy is fit for us. I think we are past that stage. It is not whether democracy is fit for Bhutan or for our culture; it is about making Bhutan fit for democracy. So, after four years, where are we now? We have established the institutions, systems and laws, but I would like us to reflect for ourselves: How far have we come in terms of building a culture of democracy? Have we succeeded? If not, why? Bhutanese have lots of opinions, lots of things to say, but where? In bars? Within their families? In public forums? What roles have you played? If you have not played any role at all, then please do not complain.

Dasho Neten Zangmo is the Chairperson of Anti-Corruption Commission (ACC) of Bhutan

Educating for a Civil Society

Mark Mancall

I think there is an irony in the democratic process: we have elections which divide the population, who then very often do not have ways of coming together after those elections. In the first elections, there was much conversation about how villages and families were being divided by the electoral process. Remarkably little attention was paid to the question of how we could heal that afterwards. It was assumed that healing would happen, but we know, four years later, it did not happen very successfully.

The democratic process is a constant process. We have to work, not just at election time but every day, to keep at the centre of our intention the idea of collectivity, of ourselves as members of the community, because if we do not live in a community, we cannot count ourselves civilised people.

This was the statement that the Greeks made, that unless you live in a polity, as a participating member of a community, you are nothing more than an animal. We have to constantly remind ourselves of this.

In our country, democratic institutions were introduced with almost no cultural preparation whatsoever. There is no question that the training of our people to participate in the elections, accomplished by the Election Commission, was superb. People learnt how to vote. They learnt what the mechanisms were, how the machines worked, and that was a major accomplishment in a country that had never really had national elections before. But at the same time, there were no preparations at the cultural level. Little thought was given to preparing the people about democracy, about what it meant to be a citizen of a democratic society.

In my opinion, the crucial institution in the creation of a democratic culture is the education system. It is more important than Parliament or the Judiciary, which are both expressions of the democratic culture, the institutions through which democracy is

carried out. But democracy depends upon the development of a democratic mentality, a democratic spirit, a democratic way of life, to which we have not paid sufficient attention. I certainly became aware that there was very little in our education system to create that democratic mentality in our children, which can then allow us to grow and can also be passed on to the next generation, which must also be taught how to live in a democratic culture.

I want to touch briefly on what I think are some of the specific problems or issues we need to begin with.

When I say educational system, I am not referring to the university. An acquaintance argues that we should begin training in democracy in pre-school. Little children, 3 or 4 years old, should be taught to co-operate with each other, to pay attention to each other's needs. At 4 or 5 years, the training for democracy can begin. We need to begin doing that if we are going to see a democratic system develop in Bhutan.

I would like to briefly mention some of the elements in our education system we have to look at for the growth of democracy.

First, we have to encourage the sense of being a member of a community and of respect for its laws. Some newspapers publish loads of news about what happens to those who do not obey the law, butthere is a big difference between fear of punishment and respect for law. At the moment, I think we are more characterised by the fear of punishment for transgressing the law than we are for respect for the law as members of acommunity who are fashioned by, and formed by, laws that have been passed by people that we ourselves have voted for. I think that is an extremely important thing for us to consider. We need to begin training ourselves to have respect for law, not just fear of punishment.

Secondly, a democracy requires the existence of civil society, of a public space in its intellectual, political and perhaps even geographical area, in which citizens are free to express themselves, to discuss their common problems, to attend to their own affairs,

without the overseeing directional interference of external parties, including the state itself.

I think the question of the relation between civil society and the state is very complicated and we need to think about it much more, but we do not have, at present, that kind of free public space. We talk about it, but we do not have a place where we can meet as citizens and talk about our common problems, think about policies, discuss alternatives, and express ourselves freely to those who have the responsibility for administering our society. Administering our society is a very different process from governing our society. I believe we need to think about it.

Thirdly, and this I cannot emphasise enough, is a part of what we need to have in our education. A civil society must be a civil society. We must learn how to speak to each other and listen to each other. Civil society is not just a geographic institutional space; it has to do with the regard that we have for each other. Dasho was quite correct in stating that we are all inter-dependent, but inter-dependence means taking both each other and that inter-dependencevery seriously. A non-civil civic society is not a democratic society. So we must learn to speak to each other and to listen to each other, and our administrators must learn to listen to us and we to them.

How you speak to each other is crucial in a democracy. Those of you who are following the schematic games of the American elections primary process right now will be aware of the fact that the respect that the American people have for Congress is below 10%, and the reason for that is the members of Congress do not know how to speak to each other or to the people. That is a disaster. America is now reaching a very low level of democracy. People have lost faith in democracy and in democratic institutions, because they do not trust their leaders and their leaders do not know how to talk to the people or to each other. That is something we need to learn in Bhutan, if we are going to survive.

Fourthly, in the same way that justice must not only be done but

must be seen to be done, policy also must not only be made but must be seen to be made. It must not simply be handed down; it has to be discussed openly by the people making policy. They must solicit the opinions of the people about the policies that they are going to make. We are not doing that in our country, and I think that this is an extremely important component of the democratic process that we really need to attend to. This goes on in the classroom; we want our teachers to tell the students how the teacher is teaching the students, not just to stand there and dictate lessons to the students. So, again, I think that what goes on in our schools is also very important for thinking about democracy on a broader national level.

It is very interesting that Denmark, Norway, Sweden and Iceland have a very common history. They are very conscious of their history. They have woven the past into their present, and we in our country somehow have failed to consider that. We are caught in a situation where tradition and modernity clash. The preservation of culture is so important to us, but what is being preserved are the symbols of hierarchy and, more than that,the culture and mentality of hierarchy. But if I am going to enter into public democratic space, then I must be able to participate in that space as equal to anyone else in society. Democratic space is about equality. The more symbols and the more hierarchical differentiation we introduce into this democratic process, the less possibility we have of truly calling ourselves equal citizens in our country.

The other thing I want to point out is the importance of an NGO that is itself interested in multi-party democracy. In the United States, as in Bhutan, there are two political parties. It is interesting that in Denmark, they have one NGO that is supported by Parliament to deal with multi-party democracy. In America, there are two NGOs, one representingthe Republican Party and one representing the Democratic Party. This is an indication of the sickness that is bringing American democracy to such a state of bad health. There is no NGO that is watching out for Democracy itself, whose purpose is to make sure that all parties

obey democracy principles. We in Bhutan need to think about this.

I want to end by pointing out again what Bjorn and Dasho said: The creation of a democratic culture is not something that you can possibly forget from day to day. How I live with my friends, how I live with my students, and how the students live with each other – all that has to be part of the development of the democratic culture. Democracy must become part of daily life. And we really need to begin thinking about this in practical terms, from changing the way we teach, starting with textbooks, to healing each other much more civilly than we have done so before.

Mark Mancall is professor emeritus of History at Stanford University, California, USA, and the former Director of Royal Education Council (REC)

Forum:

"Difficulty in the Access to Quality Information"

May, 2012

RTI, Social Media and Media Literacy

Needrup Zangpo

We have little more than 23,000 civil servants in the country, and 11,315 of them are in professional and management positions, and 6,940 or 29% of them at least have a bachelor's degree. So we have a huge chunk of educated people in the civil service but most people say, most of the civil servants are 'gagged'. So I think, as responsible citizens, as highly educated, highly trained in our own field, our civil service should open up because as a journalist, over the past few years, I have experienced that we have a lot of difficulties, especially from the bureaucracy and the government. And when I say government, I am looking at it from two points of view.

One, the elected government comprising the ten cabinet ministers basically, the cabinet secretariat and another level of the government is the bureaucracy. So we have difficulty accessing information's from these two important institutions. So I think it is important for the Bhutanese to talk about this.

And especially on this press freedom day, and because of this, it is my assumption that those civil servants are going home blank. If you go to kuenselonline and some other forums, you can make out from the issues they bring up and the language they use that most of them are professionals. And sitting in their own offices, they go anonymous online and write highly professional stuff sometimes. And of course all the online stuff are not sensible but at least, 10% to 15% of them are sensible and written by highly educated people. So, that is the concern for the Bhutanese citizens, for the Bhutanese media, and as well as for the Bhutanese democracy because access to information and quality information is very important for the proper functioning of the democracy. We should try to open up.

Second, with regard to the government policy, information

policy, since we adopted the parliamentary form of democracy, but we still do not have the Right To Information (RTI) act. The government has been dragging its feet. Different individuals, different institutions, including the media, have been pushing this but they haven't been able to. So on this press freedom day, I think it is important for the government to think over it because when we talk about access to quality of information, RTI is very important.

RTI is guaranteed by the Constitution, Article 7, section 3 and once the constitution guarantees the right, I think it is the responsibility of the government to formulate a process in order for the citizens to enable to exercise their Constitutional right. We are expecting the government to come up with solutions.

One case important regarding this is the recent task force report on rupee crunch. As soon as the rupee shortage became acute, the government formed the task force to study the crisis and to recommend measures to incur this. And the task force submitted a detailed report to the government but the government chose to disclose only few points from the report. That report is still largely secret. But there are some points coming out from the media, there are some journalist who is trying to get the pages of the report.

The report which is supposed to be in the public domain by now, and based on which every citizen in Bhutan, the media houses, the reporters, journalists, should be discussing is still in the cabinet, is still a secret. So, I think that it is important for the government to open up. The information like the task force report on rupee shortage should be made public and there is nothing to be secret about this. It belongs to public and recommends the government on policy measures.

Next, when it comes to access to quality information in Bhutan, we might like to look at media users in Bhutan. I assume that we have hardly 40,000 newspaper readers in Bhutan but we have 13.83% Bhutanese citizens that have access to the internet and

have 67,820 Facebook users. So it's a huge number compared to uses of formal organisations media like newspapers and television.

Now, do Bhutanese citizens get access to quality information through Facebook and Twitter? So this is the concern for the Bhutanese population. And I am often worried about the fact that some of the Bhutanese people go online and keep updating about movements of some of our influential people. In the West, this has caused some uproar and even in some Asian countries, this has led to some of the influential people being targeted.

Secondly, in terms of quality information, we would like to talk about lack of media literacy. We have 11 newspapers, 1 TV channel and many radio stations, on the other hand more than 67,000 Facebook and an equal number of Twitter users. So we have a huge volume of information churned out every day, every hour. So, how do you access that information, how do you critically consume those information on Facebook, on Twitter, in the newspapers, on TV, on radios? Are Bhutanese citizens adequately educated in the media to be able to critically analyse provided in the media so that they make the right decisions? This is also one that we might like to discuss.

And talking about our people's access to quality information, we might like to discuss what kinds of media go to which kind of people, which groups of people. For example, Bhutan is as small as it is, it is linguistically diverse country. And in the East, many people living in the villages do not understand Dzongkha, nor do they understand English. So, do Tsangla speaking people have access to quality information? Newspapers do not help them, nor do TV sometimes, broadcasting in English and Dzongkha, and nor do radios. How do we give them information? How do they get access to information? These are the issues that we would like to discuss.

Needrup Zangpo is the editor at Bhutan Observer

Press Freedom in the Bhutanese Context

Kinchho Tshering

Media or Press freedom is freedom of communication and expression through various electronic media, or in publications, etc. While such freedom implies the absence of interference from an over-arching stage, it may have to be preserved through the Constitution or other legal protection. Another definition is from UNESCO (United Nations Educational, Scientific and Cultural Organisation):

1. Press freedom expands participation in the political decision-making process beyond a small inner circle, extending it to the whole population.

2. It provides access to a variety of different ideas, opinions and information in all sectors – social, cultural, economic, and international.

3. It makes governments more accountable to the population and allows policy implementation and practices of those in power, especially corruption, to be monitored.

At the grass-roots level in Bhutan, what is journalism efficiency about? Here's one simple example. I think the editor of the *Bhutan Observer* mentioned the rupee crunch earlier. Different media may put out conflicting reports on the "rupee crunch", with one even claiming the government is out to calm the population so it does not panic. We would not know which media to believe. Why have all this confusion?

Bias, by collectors and disseminators of information, hampers access to quality information. On the 2008 map of press freedom in different countries, there are six boxes, ranging from 1 (free) to 5 (excessively controlled). Bhutan falls in the middle, at 3. According to this international ranking, we basically have good press freedom.

In Bhutan, we tend not to include radio as part of news media; we tend to think of it more as an entertainment forum, while there is a lack of constructive public participation in challenging polices. I think "media", the 'fourth estate', refers to journalists. In ancient regimes, the First Estate was the clergy, or the religious head. The second would be the "nobles" or the "elites", and the third, the "commoners". The media is responsible for advocating the needs of the other three, and for framing issues so that all can understand them.

Author Jeffrey Archer mentioned the first three "estates" in one of his novels: "In May 1789, Louis the XVIth, who was the King of France and Navarre from 1774 until 1791, summoned to Versailles a full meeting of the State General. The first estate consisted of 300 clergy, the second estate 300 nobles, and the third estate 600 commoners." Some years later, after the French Revolution, Edmund Burke, Irish statesman, author, orator, political theorist and philosopher, looking up at the press gallery of the House of Commons, said: "Beyond there sits the 'fourth estate', and they are more important than them all."

If you agree that media is the most important, but you are not providing quality information, you are definitely undermining press freedom. In Bhutan, media organisations need to be really honest and open, and not make mistakes. I feel it is like a social responsibility.

I asked Sir Mark Tulley, former bureau chief of BBC, New Delhi, during his visit to Bhutan, in a BBS programme, whether Bhutan really needed to follow what the West was doing, or what was the best media practice. He said Bhutan could choose its own methodology, as it had already pioneered a vision like GNH. But who should take on this responsibility? Most media houses are broken up; we are all trying to survive. We finally have the Journalist Association of Bhutan (JAB) and hopefully, a Media Council in the near future. So maybe all of these can frame such issues, with support from the government initially.

I would like to suggest to all new and future graduates of the Royal Thimphu College, opting for mass journalism as their course, or planning to join the media, to think about this aspect of going the Bhutanese way, to see the Bhutanese context.

I would like to end by making some recommendations. Media literacy, which the government is planning to start in the 7th standard, is important when facing the challenges related to information broadcast in media. Secondly, is accessibility to standard media information of good quality? As far as the government is concerned, an effective solution would be the completion of the Infocomm and Technology (ICT) plan, which would connect the whole country at the touch of a button, via the Internet and so on. Until then, I feel access to quality information will be a challenge. Getting a story from the government at a website will lend it some reliability and credibility.

On the individual level, I feel there are three ways of reporting a story. One is through observation; the job of a journalist is to observe events, to report the experiences to others. Training manuals include a code of conduct which the professional journalist is expected to observe.

The second point is subjectivism. Every story is written from a point of view which inevitably favours one set of interests or actors over another. Journalists are individuals with different views of the same event. A car accident may be reported differently by two journalists. It is called subjectivism.

The third point is that journalism is a structured activity. The subject could be some anticipated event, like the annual Mountain Echoes Literary Festival in Thimpu. We at Kuzoo FM know what to do when the event comes around: we interview some authors and make a programme about their books and writing skills, with tips, etc.

We need access to quality information, but Bhutan has a long way to go, firstly, in inculcating media literacy, getting the ICT plan

completed, and looking into radio as a very prominent sector in media, because it is more effective, given the geographical terrain we have in Bhutan. Most of the debates in these meetings have been about newspapers, but I think radio is slowly picking its way up to give a balanced picture.

Kinchho Tshering is the Interim In-charge at Kuzoo FM

Media: The Third Eye of Decision-makers

Tashi Wangmo

World Press Freedom Day commemorates the importance of freedom of the press, and reminds the government of their responsibility to respect and uphold freedom of expression. However, I suggest that we also use this day to reflect on and take stock of what Bhutan has achieved over the past decades on the “freedom of expression" front.

Our visionary monarchs have invariably played a critical role in ensuring a space for "freedom of expression" for the people of Bhutan. The first National Assembly in 1953 –when members were mandated to raise issues that mattered to them, and to find solutions – was, in its own right, a platform for freedom of expression. Kuensel, founded as an internal government bulletin in 1967, was reformatted and published as Bhutan's only weekly newspaper, by the Ministry of Communications in 1987. This marks the importance that was attached to development of print media from early on.

Further testimony to this came in 1992 when, under a royal edict, Kuensel was de-linked from the government, and became an autonomous corporation to allow for the professional growth of the media. I feel that giving importance to the development of print media is synonymous with giving importance to the people's right to access information. We know how information can play a critical role in the formation of people's opinions.

The start of the 21st century ushered in a dizzying influx of ICT development in the country. To tap the potential of ICT development and to give greater attention to the development of media, the Ministry of Information and Communication was established in 2003. All these initiatives happening on the ground were being further legitimised by enshrining specific Articles in our Constitution, pertaining to right to freedom of

speech, opinion and expression, and right to information. The Constitution was adopted in 2008.

His Majesty the King today continues to attach the highest importance to strengthening the role of the media in the context of ensuring a successful democracy for Bhutan. Through His Majesty's personal initiative, the Bhutan Media Foundation was established in 2010 to foster a professional growth of the Bhutanese media.

The momentum of providing support to press freedom is being carried over to the elected leaders. The Honourable Prime Minister's convening of a monthly "Meet the Press" event is one example.

Over the past few years, we have witnessed an unprecedented proliferation of print media houses, radio channels, and social media sites. This has definitely provided diversified platforms for our people to express their opinions on various topics. Simultaneously, expression of their opinions have also benefitted us, the Parliamentarians. Media, like the newspapers and BBS TV, has enabled me, as a member of the National Council, to identify topical issues that needed our attention in the House of Review. More often than not, media has served as the "third eye" for people like me. So, my sincere appreciation to all the print media and the BBS for their efforts in uncovering a lot of genuine issues, which would otherwise have been hidden under the carpet, had it not been for the freedom of media being exercised in the country.

That being said, there seems to be some challenges that we need to address. The theme of today's discussion, "How difficulty in access to quality information undermines media freedom", is an indication of one. I am a consumer as well as a provider of information to the media. What needs to be understood here is that each one of us has a role to play as a responsible citizen. If any one of us has ever been an obstacle to providing quality information, I think this is the right moment and forum to discuss where we are going wrong and to find solutions. I have always

believed in openly sharing whatever information that needs to be shared with the media. At the same time, I also expect the media to be responsible enough to use such information objectively. I look forward to having a fruitful discussion!

Dasho Tashi Wangmo is a member of the National Council of Bhutan

Bhutan Media Dialogue:

" Freedom of Expression and Media:
In the Service of Society"

May, 2012

Freedom of Expression and Press Freedom: An International Perspective

Guy Berger

Is there a difference between freedom of expression, speech, and press freedom? And are there limits to these freedoms in a democracy? Bhutan may find some value in answering these questions by seeing how international standards define the issues.

The international starting point is that freedom of expression is a human right that needs to be protected against threats, and the same goes for press freedom. The follow-up point is that there are indeed some internationally agreed limits.

For UNESCO, however, the biggest problem globally is still the lack of free expression and free press, and not the matter of limiting these freedoms. So UNESCO's priority emphasis is to promote the rights to freedoms, and certainly not to put primary focus upon the limitations. Around the world, free expression continues to be undermined by authoritarian politics, poor education, language marginalisation, rural location, gender/age discrimination and class disadvantage. Yet such challenges do not invalidate the right – they simply make it all the more important to keep up the global momentum of progress. And part of promoting free expression involves clarifying what the international standards are for acceptable limits, and therefore which limits are violations of human rights.

Most countries (167) have ratified the 1996 International Covenant on Civil and Political Rights, making its principles a worldwide standard. Bhutan is one of only 19 countries worldwide that is still to decide about joining it. Nevertheless, nothing prevents the country from taking account of the principles. Thus the Covenant which states: "Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of

frontiers." In other words, the international standard for freedom of expression covers both the demand-side and the supply-side of communication: first, the freedom to seek and get (hear) information and second, the freedom to give (speak) information.

In this way, the right to expression also includes the right to information (also known as freedom of information or access to information). The two aspects reinforce each other. Thus, if free expression is constrained, there is less information to seek and receive. And, if there seeking and receiving are cramped, then the right to speak becomes mere uninformed expression.

The Covenant elaborates further that freedom of expression can be exercised by any individual "either orally, in writing or in print, in the form of art, or through any other media (my emphasis)". "Freedom of expression" and "free speech" are often used as synonyms, and at base one is talking about communicative creations in any form (eg. painting, writing, etc). And it follows from this view, press freedom in this view is simply an extended technical dimension of free expression: i.e. people should be free to use media platforms (individually or through a collective) to amplify their speech to larger audiences – and to access the speech of others on these platforms as well. The point therefore is that "press freedom" (being the freedom in a sense to "publish" and access any platform – including broadcast and Internet) is not limited to media companies. It includes bloggers, Tweeters, Facebookers, those who comment in website forums, schools or museums with websites, NGOs with email lists, etc.

Free expression without freedom of the press is like having the freedom to vote without being allowed to form political parties or the freedom to choose from amongst them: i.e. it is simply stunted. Press freedom is what adds power and reach to free expression. Countries that do not allow proper press freedom are therefore violating the basic right to free expression. Understanding the right to press freedom as the corollary of free expression is why many constitutions, including Bhutan's, refer to both rights. (For more detail on Bhutan's media, see the UNESCO Media

Development Indicators study at http://goo.gl/Bzktt).

The Covenant sets out limits on these freedoms. But these themselves are limited. First, only certain kinds of information can be limited. It can only be content that jeopardises "the rights or reputations of others, or national security or public order, or public health or morals". This means that limitations can only be for these specified purposes. So limiting expression for the purposes of a ruling party keeping political control would not be legitimate. This proviso therefore narrows the scope of limitations, and expressions that are not caught in this net should remain free and unrestricted.

However, the scope of the expression is not enough a limitation to be legitimate. A second limit on the limitation is that the restriction has to be done in a particular way. According to the Covenant:

- It must be provided for by law (thereby enabling predictability and transparency);
- It must be proven as necessary and as the least restrictive means required to achieve the (limited) aim. This boils down to saying that any limit must be in proportion to its objective – meaning that "overkill" restrictions are not permissible.

Often added to these points, is the principle that any limitation must also be independently reviewable (which then allows for administrative justice).

To give some examples:

- Ad hoc suppression of free speech, even hate speech or defamation, would not be legitimate, because it is not done on a legal basis.
- Since a specific limitation also has to be necessary, criminal defamation fails the test, because civil defamation (and other remedies like self-regulation) can protect reputations without

the need to make a criminal of the transgressor.

- Governments that require licences for journalists and newspapers fail the condition of necessity. This is because, unlike broadcast where airwaves are finite, there is no need for any special allocation of opportunities to use these kinds of platforms for expression. It would be a disproportional limit to block an entire website simply because a part of the content is assessed as being within the scope of acceptable limitations.

- A prison term is almost always a disproportionate response to the exercise of speech. Journalists especially should never be jailed – instead, other non-penal sanctions should be utilised for legitimate limits on their expression.

The key agency imposing limitations on free expression is normally the state, through a combination of law, policing and judicial decisions. Yet, there are also voluntary limits by many media houses that have policies which exclude journalistically unethical use of free speech. An editor is therefore justified in dismissing a reporter who fabricates a story and thereby violates the ethical policy to be truthful. Often, enforcement of ethics is done as part of a self-regulatory system, operated by the sector as a whole.

Freedom of expression is more than the minimum of constraints. Thus, ethical guidelines are not only a voluntary limit about what journalists should not do, but also a positive and empowering guideline as to what they ought to do. Likewise, journalists can proactively choose to ensure that rural and/or women's voices are adequately heard, and to help educate their audience about the value of free expression, and democratic systems and so on. States have a role to positively protect free speech (especially in acting against killers of journalists), and they can also subsidise expression where the market alone would not support it – such as in regard to enabling rural coverage.

One important set of actors relevant to press freedom consists of those who operate (or "inter-mediate") between senders and receivers. In recent times, Internet intermediaries have become key gatekeepers for practical limitations on speech – groups as search engines, Internet Service Providers, blog platforms, Facebook, Twitter, etc. Some of these entities, often under government pressure, have implemented limitations that have fallen short of international standards and violated freedom of expression principles.

Not mentioned in the list of actors so far is the audience. But when controls are exercised earlier in the supply chain of information, the end user is deprived of exercising any choices him or herself as regards the limits of expression. In this regard, what UNESCO calls "Media and Information Literacy" is the antidote to the dangers of controls on speech. Placing the final power to limit at the end point, should go along with empowering users to recognise and reject illegitimate speech. It should enable them to sift fact from rumour, and to know how to express themselves ethically when exercising press freedom for themselves.

A final word is called for as regards the freedom to seek and receive information. International standards assume that democratic states hold information on behalf of public. This is the default setting, and limitations are the exception. As with free expression more broadly, any limits on the right to information have to be justifiable in terms of a purpose recognised by international standards (eg. national security), and they must also be non-arbitrary, necessary, proportionate and appealable. Generally, this means that limits on the right to information should be narrowly formulated, and they should be applied only if there would be (a) serious harm by disclosure, and (b) where this harm outweighs the public interest in disclosure. Also, and just as with free expression, states and other actors should also take proactive steps to enhance the right to information.

The international standards for legitimate limits need to be interpreted and defined in any given instance. For instance, public

morals and national security are controversial concepts to bring to bear on any specific case of expression, and can be twisted to abuse rights. The value of free expression in such situations is exactly to debate whose morals or security are at stake – and to deliberate on whether a given limitation is justifiable.

Recognising all these aspects, it is clear that the freedoms at stake – expression, press and information – are a complex issue. That is why it is important to understand them in terms of international standards, and to defend them against illegitimate limitations.

Guy Berger is UNESCO's Director for Freedom of Expression and Media Development, Paris