

Chapter 17

Deferring Citizens’ “Right to Know” in an Information Age: The Information Deficit in Namibia

William Edward Heuva
North West University – Mafikeng, South Africa

ABSTRACT

Namibia is one of the emerging democracies that have not yet enacted the Access to Information legislation. While the country has guaranteed freedom of expression and media in its constitution, it has not provided for Access to Information as a constitutional right. This chapter seeks to examine Namibia’s reluctance to adopt an Access to Information legislation. It interrogates views that locate the omission of this fundamental human right in the country’s constitutional (legal) and policy frameworks. It underscores the failure by Namibia to reverse the information black-out suffered under the Apartheid dispensation. The chapter starts with a theoretical/philosophical rationale for the right to know to elicit an understanding of this discourse and its relevance to emerging democracies, such as Namibia. It then examines attempts by state and civil society to introduce the legislation in the country. Predicted on praxis, the chapter in conclusion provides some suggestions that may help resolving the impasse in adopting the Access to Information legislation in the county.

It is our considered view that the Freedom of Information Act will not only buttress the Bill of Rights but will critically enhance good governance, as it will bring the actions by both public and private bodies under closer scrutiny. This, we believe, can only enhance the quality of our democracy. Democracy by its nature is an open process driven by its citizens. And an informed citizenry will make for better interlocutors. It is for these reasons that we view Freedom of Information Act not as a stick to beat the Government with but as a centre piece in the armoury of an accountable government. (Tsudao Gurirab, 2012)

DOI: 10.4018/978-1-5225-8359-2.ch017

INTRODUCTION

African governments have enacted two pieces of legislation during the last few years: one authorising them to intercept their citizens' communication 'lawfully' and the other seeking to empower citizens with the right to access information held by public and private bodies. Namibia ranks among the noticeable few that have delayed adopting an Access to Information (Freedom of Information Act) law, while it is one of the early states to legislate a legal instrument that seeks to 'lawfully' intercept citizen's information (Heuva, 2012).

Interestingly, Namibia which ranked among the first African nations to convert to 'neo-liberalism' at its independence from South Africa in 1990 had been reluctant to embrace one of the core tenets of liberalism, notably the principle of the right to information for its citizens. The country adopted a liberal constitution, hailed as one of the best in Africa at the time of its adoption. The constitution embraces most of the basic human rights and freedoms. As a result, Namibia was seen in the 1990s as a beacon of hope among the post new dispensation African countries due to its liberal constitution. In 1991 shortly after Namibia's independence, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) opted to hold its conference on the promotion of a free, independent and pluralistic media in Africa, in Windhoek, the country's capital city. The subsequent Windhoek Declaration culminated in the inauguration of the World Press Freedom Day (3 May) by the United Nations (UN) General Assembly.

Furthermore, the country enjoys an impeccable human rights record, and its media ranks among the most free in Africa and the world. Economically, Namibia has also been doing relatively well. The country has been rated as one of the best performing economies in Africa by major global economic institutions, including the United Nations Development Programme (UNDP), World Bank and the International Monetary Fund (IMF) in recent years. The country's former president, Hifikepunye Pohamba, (2005-2015) received the 2015 Mo Ibrahim Award in good governance in Africa. But despite all these accolades the country had been reluctant, for the past quarter of a century since its independence from Apartheid colonialism, to adopt a legislation that allows citizens access to information.

The foot-dragging has meant that the state became less open in its operations, earning it the title of one of the "most secretive states" in southern Africa (Media Institute of Southern Africa [MISA], 2010, p.53). In its recent reports on the level of openness and secretiveness of governments and public institutions in southern Africa, MISA notes on Namibia that "secrecy still remains entrenched in Namibia's government and public institutions" (Media Institute of Southern Africa [MISA], 2010). The 2010 MISA study, which was a follow up to the one done the previous years, revisited the openness of the Namibian government and its institutions. It targeted nine public institutions and measured their openness against international best practice and the right to information principles (Media Institute of Southern Africa [MISA], 2010). While acknowledging 'progress' made in terms of openness compared to the previous year (2009) the report notes that Namibia still has a long way to go before achieving openness and transparency in its government and institutions. The MISA report adds:

The current landscape for requesting public information feels like the futile attempt of shooting in the dark with near none chances of hitting the target. Without procedures of how the public can access information, silence is the tool being used to deny the public information as most written requests are literally ignored and go unanswered despite having officials designated to handle public information requests. (Media Institute of Southern Africa [MISA], 2010 p.10)

21 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage:

www.igi-global.com/chapter/deferring-citizens-right-to-know-in-an-information-age/226680

Related Content

Effects of Corporate Social Responsibility and Creating Shared Value on Sustainability

Janthorn Sinthupundaja and Youji Kohda (2017). *International Journal of Sustainable Entrepreneurship and Corporate Social Responsibility* (pp. 27-38).

www.irma-international.org/article/effects-of-corporate-social-responsibility-and-creating-shared-value-on-sustainability/203607

Privacy and Data Rights for Adult English as a Second Language (ESL) Students

Kimberly M. Rehak (2022). *Exploring Ethical Problems in Today's Technological World* (pp. 102-119).

www.irma-international.org/chapter/privacy-and-data-rights-for-adult-english-as-a-second-language-esl-students/312474

Science and Innovative Thinking for Technical and Organizational Development: From E-Health to Patient-Tailored Therapy through Intelligent Specialization

Tomasz Komendziski, Joanna Dreszer-Drogorób, Emilia Mikoajewska, Dariusz Mikoajewski and Bibianna Baaj (2016). *Organizational Culture and Ethics in Modern Medicine* (pp. 1-17).

www.irma-international.org/chapter/science-and-innovative-thinking-for-technical-and-organizational-development/141256

Enterprise Architecture of Sustainable Development: An Analytical Framework

Roberto Villarreal (2015). *Human Rights and Ethics: Concepts, Methodologies, Tools, and Applications* (pp. 440-483).

www.irma-international.org/chapter/enterprise-architecture-of-sustainable-development/117043

Corporate Social Responsibility and Financial Performance in the Banking Industry in Ghana

Christopher Boachie (2020). *International Journal of Sustainable Entrepreneurship and Corporate Social Responsibility* (pp. 86-104).

www.irma-international.org/article/corporate-social-responsibility-and-financial-performance-in-the-banking-industry-in-ghana/259410