



ACCESS TO INFORMATION

MEDIA & INFORMATION COMMUNICATION TECHNOLOGIES

By

Karen Mohan

Specialist: Media Law Policy and Advocacy
MISA Regional Secretariat

for the conference

**Towards Greater Transparency:
Access to Information in Namibia
August 21 and 22, 2012
Windhoek, Namibia**



Media and ICTs play a crucial role in Namibia’s democracy, enhancing citizen participation and good governance, as well as promoting freedom of speech, human rights, economic development, poverty reduction, and equality.



THE MEDIA HELPS TO ENSURE PUBLIC PARTICIPATION IN THE DEMOCRATIC DECISION MAKING PROCESS.

“We reaffirm, as an essential foundation of the information society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Communication is a fundamental social process, a basic human need and the foundation of all social organization. It is central to the information society. Everyone, everywhere should have the opportunity to participate and no one should be excluded from the benefits the information society offers.”¹

We are living in an information society, where the distribution of information rather than the distribution of goods has become increasingly important. Information and the means by which it is distributed and consumed have become increasingly important to the democratic process.² In a modern ‘Information Society’ how information is exchanged between Government and its citizens has become increasingly important, which has consequently meant that the role of the media and the development and expansion of Information Communication Technologies (ICTs), as conduits of information, have become more important than ever.

Media and ICTs play a crucial role in Namibia’s democracy, enhancing citizen participation and good governance, as well as promoting freedom of speech, human rights, economic development, poverty reduction, and equality³. Central to the fulfillment of this role is access to information. The democratic principles on which the Republic of Namibia was founded are derived from its Constitution. Article 1 of the Namibian Constitution states that Namibia is a ‘sovereign, secular, democratic, and unitary state, founded upon the principles of democracy, rule of law, and justice for all’⁴. In order to uphold the principles upon which the State was founded, Government has a responsibility to facilitate access to information through the media and ICTs.

The Media and Access to Information: Facilitating Greater Communication between Government and its Citizenry

Democracies rarely flourish without an independent media.⁵ Media plays an important role in informing citizens about issues that affect their day to day lives, both on a national and international scale. They also ensure public participation in the democratic decision making process. This role is particularly important during elections, where the media has the power to mobilise voters, as well as inform voters of their rights and any irregularities that may present themselves during the election process.⁶

1 Article 4 of the Declaration of Principles issued at the Geneva Summit, cited in Britz, Johannes Jacobus; Lor, Peter Johan, (2007) ‘Is a Knowledge Society Possible without Freedom of Access to Information’, Journal of Information Science, pg. 3

2 Coleman, Stephen, (2002), ‘Can the New Media Invigorate Democracy’, The Political Quarterly Publishing Co. Ltd, Vol. 70, Issue 1, pg. 16

3 *ibid*, pg. 13

4 Art.1(1), The Constitution of Namibia

5 Comment made by Edmund Burke in 1774 in the House of Commons in England, cited in Louw, Raymond, (2004) ‘Undue Restriction: Laws Impacting on Media Freedom in the SADC’, The Media Institute of Southern Africa, United Nations, the United Nations Educational, Scientific and Cultural Organisation, The European Union

6 *ibid*

6 Citizens cannot exert their rights without access to information, and an independent media is considered crucial to providing the public with ‘quality’ and ‘independent’ information;

Media freedom is expressly provided for in Article 2 (1) of the Constitution of the Republic of Namibia which states that all persons have the right to ‘Freedom of speech and expression, which shall include freedom of the press and other media’⁷ The South African Constitutional court has held that ‘the media bears an obligation to provide citizens with a platform for the exchange of ideas, which is crucial to the development of the democratic process’⁸. A free, pluralistic and independent press is necessary to ensure the existence of a strong democratic process.

The media is commonly referred to as the Fourth Estate or branch of Government. Its origin has been attributed to Edmund Burke who stated in 1787 that “... there are three estates in Parliament; but, in the Reporters Gallery yonder, there sits the Fourth Estate more important by far than they all. Poverty has been defined as “not only about inadequate socio-economic development and material security; [but] also about the lack of political power at the individual level and the inability of citizens to influence decisions that affect their lives.”⁹ Citizens cannot exert their rights without access to information, and an independent media is considered crucial to providing the public with ‘quality’ and ‘independent’ information.

The media acts as an important conduit of information, and fulfils an important function in ensuring that information is distributed widely, as well as ‘enhancing mechanisms for audience participation’.¹⁰ However the media’s relationship with access to information is two-pronged, in that it acts as both the facilitator and consumer of information. It cannot carry out its function as a conduit of information, unless it is first able to access and interact with this information. The absence of Access to Information legislation which hinders the media’s ability to receive and consume information, hinders it’s ability to report accurately, and in turn negatively effects its ability to provide quality information to the public.

Information Communication Technologies: Facilitating Easier Access

ICTs have contributed extensively to remodeling both the media and public spheres and how they interact with information. ICTs cover “internet service provision, telecommunications equipment and services, information technology equipment and services, media and broadcasting, libraries and documentation centers, commercial information providers, network-based information services, and other related information and communication activities”.¹¹

According to Sean Jacobs the ‘dynamics of democracy are intimately linked to the practices of communication, and societal communication increasingly takes place within the mass media.’¹² It has been noted that there are three levels of ICTs that ‘advance democratic principles on a national level’:



A FREE, PLURALISTIC AND INDEPENDENT PRESS IS NECESSARY TO ENSURE THE EXISTENCE OF A STRONG DEMOCRATIC PROCESS

7 *ibid*, pg. 54

8 *ibid*, pg. 5

9 Government of Sweden, Ministry for Foreign Affairs (2008) *Freedom from Oppression. Government Communication on Swedish Democracy Support*, p. 7., cited in SIDA (2009), ‘ICTs for Democracy: Information and Communication Technologies for the Enhancement of Democracy – with a Focus on Empowerment’, Department for Empowerment, SIDA

10 ‘The African Platform on Access to information Declaration’, adopted in Cape Town, South Africa, 19 September 2011

11 *ibid*, pg. 19

12 Jacobs, S. (2003) *How Good is the South African Media for Democracy? Mapping the South African Public Sphere after Apartheid*. In Zegeye, A. and Harris, R. L. (eds.), *Media, Identity and the Public Sphere in Post-Apartheid South Africa*. Brill Academic Publishers., cited in *ibid*, pg. 22

- e-Government: ICTs within government, with a view to improving efficiency in interactions and information flows between government departments and state organs.
- e-Governance: ICTs in the interface between government and citizens, with a view to improving interaction and feedback between government and citizens.
- ICTs for empowerment of citizens and civil society organisations.¹³

The 7th UNESCO Youth Forum categorised ‘democratising ICTs’ as an urgent challenge.¹⁴ Namibia’s Minister of Information and Communication Technologies, Honourable Joel Kapanda, illustrated the important role ICTs play in the country’s economic development and stated that by ‘embracing ICTs’, Namibians would benefit from the following:

- The access and availability of information that will assist them in their daily lives
- Increased competitiveness of business and commerce in the global market place
- The ability to exploit the growing potential of electronic communications to originate and exchange as well as receive and consume information and services
- The establishment of an environment conducive to the development of Namibia-based content and service providers that are competitive players on international markets, and in so doing, create opportunities for employment and economic diversification
- The ability to collectively deliberate and participate in the democratic governance of their country through freedom of expression and access to information via diverse and pluralistic media.¹⁵

ICTs have decreased the distance between the distributor and consumers of information, which in turn has meant that an increasing number of previously marginalized communities can access information.

ICTs is having a significant effect on how the public access information in the 21st century. Internet and mobile technology in particular are providing access to information in real time, which essentially should mean that citizens are able to consume and interact with information through a number of different platforms ensuring greater accountability and transparency in public life. This has decreased the distance between the distributor and consumers of information, which in turn has meant that an increasing number of previously marginalized communities can access information.

The question still remains, however, that whilst these structures have made it easier to access information, are governments ensuring that information is readily available through these structures for the public to consume? And where it is readily available, is the information available up to date and accurate? A study carried out by the Media institute of Southern Africa in 2011 which examined the websites of a number of government ministries in Namibia found that the majority of websites did not have important information relating to their budgets or their expenditure, nor did they have policy or procurement procedures.¹⁶ This indicates that whilst the quantity of information available to the public is greater than ever



ICTs IS HAVING A SIGNIFICANT EFFECT ON HOW THE PUBLIC ACCESS INFORMATION IN THE 21ST CENTURY.

¹³ Ibid, pg. 94

¹⁴ UNESCO (2012) ‘Difficulty in The Access to Quality Information Undermines Media Freedom’, @ <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/2012-themes/difficulty-in-the-access-to-quality-information-undermines-media-freedom/>

¹⁵ Hon. Joel Kaapanda, @ <http://209.88.21.36/opencms/opencms/grnnet/MICTv2/Minister/>

¹⁶ Media Institute of Southern Africa (2011) ‘A Report on the Most Open and Secretive Governments in Southern Africa: Namibia’ Media Institute of Southern Africa

on the African continent, the quality of such information is still at issue.

It is important that governments keep up with developments and ensure that policies and legislation are in place so that the wave of new technologies that continues to expand on the continent can be utilized to its greatest potential. It is critical, for instance that citizens can not only access websites, but that websites contain information that is relevant to citizen's ability interact with Government and which would assist them to make informed decisions about their lives. According to UNESCO, whilst there has been a huge increase on a global scale in the usage of ICTs and extensive infrastructure has been put in place, this is not enough without 'Information Friendly policies' and the implementation of Access to Information legislation.

Conclusion

The provision of information quickly and accurately is beneficial not only to the media and the public but also to government, as it decreases the probability of inaccurate and unreliable reporting with regard to government actions and spending. Whilst press freedom is guaranteed by the constitution of the Republic of Namibia, and policies abound around accelerating Namibia's progress towards becoming a more information friendly society through the development and expansion of ICTs, including the drafting of a Universal Access and Service in Electronic Communications Bill, the absence of an overarching legal framework on Access to information limits the scope of these guarantees.

It is likely that an increase in cheap and widely available internet in the future coupled with new media, is likely to ensure that citizens enjoy easier access to Information, this must be coupled with Access to Information legislation to ensure that the provision of such information keeps pace with the structures that allow such information to be disseminated more easily, and so that access to information is promoted as right that all citizens are entitled to.

Bibliography

Britz, Johannes Jacobus; Lor, Peter Johan, (2007) 'Is a Knowledge Society Possible without Freedom of Access to Information', Journal of Information Science

Centre for Democracy and Governance (1999), 'The Role of Media In Democracy: A Strategic Approach', Technical Publication Series

Coleman, Stephen, (2002), 'Can the New Media Invigorate Democracy', The Political Quarterly Publishing Co. Ltd, Vol. 70, Issue 1, pg. 16

Department of Information Technology, Ministry of Communications & Information Technology (2011), 'Framework for Citizen Engagement in e – Governance', Department of Information Technology

Media Institute of Southern Africa (2011) 'A Report on the Most Open and Secretive Governments in Southern Africa: Namibia' Media Institute of Southern Africa

SIDA (2009), 'ICTs for Democracy: Information and Communication Technologies for the Enhancement of Democracy – with a Focus on Empowerment', Department for Empowerment, SIDA

Whilst press freedom is guaranteed by the constitution of the Republic of Namibia, and policies abound around accelerating Namibia's progress towards becoming a more information friendly society ... the absence of an overarching legal framework on Access to information limits the scope of these guarantees



About Karen Mohan

Karen Mohan heads the ‘Media Law Policy and Advocacy’ programme at the Regional Secretariat of the Media Institute of Southern Africa (MISA). She also coordinates the African Platform on Access to Information campaign, which saw the adoption of the first regional declaration on Access to Information in September 2011, and dedicates much of her time assisting national campaigns around Access to Information in Southern Africa.

She has done extensive research around issues related to Access to Information, particularly in relation to the media, and has spoken at a number of international, regional, and national fora on the relationship between Access to Information and Press Freedom.

She edits and coordinates annual research on the ‘Most Open and Secretive Public Institutions in Southern Africa’, and has also produced an extensive research paper landscaping the current legislative environment in Namibia with regard to Access to Information.