

Legalising the right of access to information

In Namibia, the public should have the right to access information about the operations of government.

The Freedom of Information Act in the United States of America (USA) and directives of the European Union guarantee citizens that right. These laws allow citizens the right to obtain government information without having to provide reasons.

In the USA, unless national security is an issue, legislative hearings are open to the public, as well as executive branch meetings and hearings. This is not a reality in Namibia.

For multimember agencies (Independent Agencies that we do not have in Namibia because our State Owned Enterprises are 51% state owned and financially dependent on government), the Sunshine Act gives citizens access to all meetings that have decision making quorums. The USA Administrative Procedures Act "requires that rule making involve public notice, public participation, and government obligation to publicize and explain its activities" (Rose-Ackermann).

The realisation of such legislation is much needed for Namibians to enable them to assess public operations, to receive answers to questions without providing reasons, and to make decisions that are more informed.

TAXPAYERS' RIGHT

Namibians do not have the right of



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access to information and such right is not protected in legislation.

Namibians do have the right to request, but not the right to receive information about operations of Offices/Ministries/Agencies, including the State Owned Enterprises. The absence of the right to access information is contrary to taxpayers' obligation to fund the operations of these institutions created to serve the nation.

Shortly after Independence, the Office of the Prime Minister indicated that the government was exercising preparatory work for drafting a Freedom of Information Bill. However, this has not materialised yet.

With our Honourable President Hage Geingob's and the First Lady, Mrs Monica Geingos' exemplary and inspirational initiative to disclose their assets in 2015, hope exists that we have entered a new area of transparency and openness.

• References

Rose-Ackerman, S. 1999. *Corruption and Government: Causes, Consequences, and Reform.*

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