

“Freedom of Info Act to Be Revived”

By John Grobler

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THE Freedom of Information Act, which is to form a major plank in Government's anti-corruption initiative but which has languished in bureaucratic limbo since 1999, is expected to see the light of day before the end of the current financial year.

Well-placed sources in Government say President Hifikepunye Pohamba's commitment to root out corruption has given new impetus to the Freedom of Information Act and other anti-corruption legislation.

The Government took the first consultative steps towards drafting anti corruption legislation in 1996, but no law has yet been passed.

But the current Government's declared commitment to combating corruption, which has become rife in both the public and private sector, has given hope that legal measures to combat corruption and improve access to information will now be implemented.

"After five years of total inaction on this, we are now seeing some movement," a Government source said.

"We hope to see this (Act) in the National Assembly, if not by the end of this year, at least by the end of the financial year."

Exactly why this legislation has been stuck at the Office of the Prime Minister for five years remains an open question.

The Combating of Corruption Act was promulgated in 2003 already, but a dispute over the political control of the Anti-Corruption Commission saw to it that it never became operational until recently.

"The (Anti-Corruption Act) only really became operational in April this year," the Under Secretary for the Cabinet Secretariat and Public Administration, Gerson Tjihenuna, said yesterday.

He pointed out that the President now had to appoint a Director and Deputy Director, who then had to be ratified by the National Assembly, to head the Anti-Corruption Commission.

At the time, the Freedom of Information Act was seen as an integral part of efforts to combat corruption, but this piece of legislation appeared to stall in the wake of former Information and Broadcasting Minister Ben Amathila's resignation from Cabinet.

In March 1999 already, the Namibian Cabinet approved the implementation of recommendations by a consultative conference, held in Midgard in March 1997, under the auspices of former Prime Minister Hage Geingob.

The conference was attended by a veritable Who's Who of Namibian political leaders, administrators and captains of industry, who all concurred that such legislation should

not only discourage corruption, but also address the imbalances bequeathed to Namibia by its apartheid past.

This conference came after Cabinet in August 1996 adopted a recommendation by the then Attorney General, Advocate Vekuii Rukoro, to hold national consultations on the drafting of anti-corruption legislation.

Following the Midgard conference on the promotion of ethics and the combating of corruption, countrywide consultations were held to draft, amongst others, a Freedom of Information Act.

Free access to information was seen as essential, as secrecy creates conditions for corruption to flourish by denying the public's right to know.

Other aspects mooted by this conference included the Combating of Corruption Act - which similarly has been languishing in the OPN for the past five years - and the adopting of a mandatory Code of Conduct for all public office-bearers, including the Executive.

A Cabinet resolution, dated March 2 1999, stated that: "The Freedom of Information Act should be passed and Constitutional amendments made to safeguard this."

The Cabinet resolution also called for mechanisms to be established to safeguard the identities of so-called whistleblowers (informants), the strengthening of legislation governing the granting of licences and permits, "as well as the enactment of new laws to ensure transparency".

No comment could be obtained from the Prime Minister's Office yesterday as to why the Freedom of Information Act has taken nearly nine years to be enacted.

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