



World Press Freedom Day May 3 2010 “Access to Information: the Right to Know”

Government Secrecy in an Information Age

The Media Institute of Southern Africa, a regional media and freedom of expression advocacy organisation, based in Windhoek and working through national chapters in 11 Southern Africa Development Community (SADC) countries joins the rest of the world in marking the World Press Freedom Day on May 3 2010. MISA commemorates May 3 under the theme “Access to Information: The Right to Know”.

The 2010 World Press Freedom Day comes at a time when the enjoyment and respect for media and freedom of expression has taken a serious downturn in Southern Africa. We mark May 3 under the shadow of a deterioration of media freedoms throughout the region notably in Swaziland, Zambia and Botswana.

The optimism and renewed hope that came with the Government of Unity in Zimbabwe did not last. All seemed so bright; a promise of a new chapter in the media environment of freedom and media law reform for a country that has known repression for too long.

The Government of Unity did not deliver. Not yet.

Access to Information: The Right to Know, remains largely a dream for the people of southern Africa, home to the most secretive governments in the world. A MISA research revealed non-transparent and overly secretive public institutions in southern Africa, making it nearly impossible for citizens to exercise their right to information.

Using international standards and principles on Access to Information, no more than two of the 40 institutions surveyed qualified as open and transparent. With the exception of two institutions, none responded to written request for information including the Office of the Ombudsman in Malawi. The Ministries of Health in Zambia and Swaziland were among the most secretive institutions in the region.

The most difficult country to request for information was Zimbabwe. Requesters in some institutions had to sit for interviews to justify and explain why they needed information. Information was denied based on what the public official suspected the information was sort for. In all the public institutions, information was denied. However, the other countries were no better than Zimbabwe.

We mark May 3 unsure of the future of the African media. While we have made strides since the Windhoek Declaration in 1991, the last five years have witnessed a steady deterioration of media freedom, reminiscent of Africa's one party state era of the 70's and early 80s, characterized by the suppression of the basic fundamental rights of freedom of expression, assembly and human dignity.

The southern Africa envisaged in the Windhoek Declaration of 1991 is a far cry from the arrests, beatings, torture and detention of journalists and the general repression of media freedom that are characteristic in the region today. The continued use of laws such as the Official Secrets Acts and penal codes to arrest and charge journalists is a serious cause for concern throughout the region notably in Swaziland, Zimbabwe and Zambia

In the last 12 months, MISA issued 165 alerts. The alerts document media and freedom of expression violations and developments in Southern Africa. Zimbabwe for the fifth consecutive year had the highest number of alerts at 33, with Swaziland and Zambia in tow.

The monitoring of media and freedom of expression violations generally point to further deterioration in the relationship between governments and the media.

In Swaziland the King remains the law. A MISA study into censorship in Swaziland's newsrooms singled out the monarchy as the main predator of press freedom.

The once vibrant, unrelenting and promising Swazi media now resembles a tired sleeping dog. A statutory media council is underway after government refused to register a voluntary self-regulatory council; the Media Complaints Committee.

Democracy in Botswana under President Khama could easily pass for dictatorship. After scraping the Ministry of Communication, Science and technology; state print and broadcasting media are now under his bosom through the Ministry of State President.

However President Khama is not always having his way, his infamous Media Practitioners Act of 2008 has failed to take off. Intense lobbying from MISA has meant that publishers have refused participation while the law society as refused to provide a chair as required by law.

Zambian media made international headlines. The Government in an attempt to clamp on the media dusted off the Penal Code, a colonial piece of legislation to press criminal charges against a news editor for supposedly distributing pornography and obscene material under section 177 1 (a).

The news editor had sent pictures of a woman giving birth outside a hospital unattended by health workers. The pictures were not printed in the newspaper for what the paper referred to as "disturbing" but sent them to the highest political, civil and religious leaders to "see the impact and help end the strike by health workers." When government failed to demonstrate how a woman in labor and in excessive pain could corrupt public morals, the high court threw the case out.

Like Swaziland, a statutory media council looms in Zambia.

The above scenarios aimed at narrowing the media space and infringing on free expression played out in different forms throughout the region.

In September 2009, despite opposition from the public, the Namibian Government passed a communication Bill popularly referred to as the 'Spy Bill'. The act contains an interception clause, which gives Government power to snoop into electronic, telecommunication and other forms of communications of citizens.

The Malawian Government continued to bully the media, including an advertising ban in the Nation Publication Limited, a publisher of several newspapers on accusations of anti government reporting.

The Tanzanian Government banned Mwanahalisi newspaper for four months using the Newspapers Act for allegedly publishing stories aimed to incite public hatred against the President and provoking disorder within the President's family.

19 years after Windhoek Declaration on Press Freedom the media in Africa are far from free and independent. MISA commemorates May 3 commending the sacrifices of journalists, media organizations and communities in defending media and freedom of expression often under serious threats. MISA commends the few governments that continue to maintain a healthy, interactive and consultative relationship with the media and civic society. MISA further commends the donor community without whose financial support, much of our work will come to a stand still.

In line with this year's theme on Access to Information, MISA calls for legislation that guarantees citizens their right to information. Laws that restrict access to information such as Official Secret Acts and Zimbabwe's AIPPA should have no place in democratic Africa. MISA calls upon the AU and UNESCO to adopt an African Platform on Access to Information at the 20th Anniversary of the Windhoek Declaration in May 2011.

MISA further calls upon UNESCO to commemorate the 20th Anniversary of the Windhoek Declaration in Africa, Windhoek in particular.

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