



FUNDAMENTALS OF ACCESS TO INFORMATION

A briefing paper by **Frederico Links**
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**ACTION NOW: Access to Information
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While Namibia's international and regional treaty and agreement commitments to access to information (ATI) are extensive and heavy, to date the country has not formally establish a comprehensive legal framework.

Elements of ATI are parsed here and there in various policies, plans and even some laws, but hardly speak to a coherent state approach to address ATI against the backdrop of the numerous commitments the country has signed up to over nearly three decades of independent statehood.

That said, these external and local commitments come with quite varying pressures to comply with their proposals (Pressure Matrix of Commitments).

The country's obligations remain substantially enormous, and it has to be asked why relevant Namibian authorities have been on a go-slow in installing a formalised ATI regulatory framework up till now.

This discussion paper aims at situating and spotlighting, not all, but the most notable ATI commitments and related or relevant non-binding instruments the country has signed up to and the bearing on whatever framework Namibian authorities eventually seek to install.

It is foreseen that the discussion that should accompany an engagement with this paper should be a multi-stakeholder, multi-disciplinary one, which would include a broad range of state and non-state actors.

Against this backdrop, it is herewith recommended that:

- Relevant Namibian authorities move ahead with finalising the draft ATI bill as a matter of urgency;
- The processes of finalising such a draft ATI bill be multi-stakeholder and multi-disciplinary;
- In these/such processes Namibian actors seek to align draft ATI provisions, and the eventual framework, to the best principles, standards and practices that the country has already signed up to;
- Relevant Namibian authorities heed the standards encapsulated in the Model Law on Access to Information for Africa in the processes of completing this task.

Namibia's not inconsiderable obligations

As far as access to information goes, Namibia's international, continental, regional and national obligations are quite extensive.

This body of obligations places immense pressure on the country to come up with, and implement an ATI legal framework that speaks to all its commitments within the international and regional treaty and agreements sphere.

When considering these obligations, it is important to remember that Namibia is a monist state and that monism is constitutionally enshrined. This has significant implications for how the Namibian state conducts itself with regard to international treaties and agreements.

“As far as access to information goes, Namibia's international, continental, regional and national obligations are quite extensive”

It is impossible to develop an informed opinion without accessing relevant information.

BOX 1: What does Namibia's monist status mean in the ATI realm?

According to the Namibian Constitution, Namibia is established as a monist state.

In this regard, Article 144 (International Law) of the Namibian Constitution states: "Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia".

What this effectively means is that international treaties and agreements, acceded to by the State, effectively and automatically form part of Namibian law.

In terms of ATI, this means that all UN (United Nations), AU (African Union) and SADC (Southern African Development Community) treaties and agreements which Namibia has signed and ratified, now form part of the national body of laws.

Simply put, all international and regional treaties, and agreements related to ATI that have been acceded to, provide a formidable guiding ATI legal framework, which should give significant impetus to local efforts to construct and install a domesticated internal ATI policy, law and regulatory framework.

At the very least, Namibia is constitutionally bound to adhere to its subscription to monism and to see to it that, in terms of ATI, the state starts living up to its obligations.

In order to fully understand the scope of Namibia's obligations under international and regional treaties and agreements, it is necessary to clearly spotlight these instruments and specific sections so as to illuminate the exact steps to compliance that are staring the Namibian state and society in the face.

In the ensuing discussion, these instruments are disaggregated and highlighted as follows: global instruments; other related international instruments; African instruments; SADC instruments; national instruments.

Against this backdrop, strengthening arguments for the formalisation of ATI in domestic law is Article 21 (Fundamental Freedoms) of the Namibian Constitution, which states: "(1) All persons shall have the right to: (a) freedom of speech and expression, which shall include freedom of the press and other media; ..."

When considering this provision, it should be noted that it is widely recognised that access to information forms the indivisible other side of the freedom of expression coin, thus access to information is already passively recognised as a constitutionally enshrined right.

Global Instruments

In terms of ATI, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights set the groundwork and tone for all other instruments and frameworks.

Table 1

INSTRUMENT	ARTICLE	TEXT
Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III)	Article 19	“Everyone has the right to freedom of opinion and expression; 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.” ¹
International Covenant on Civil and Political Rights, UN General Assembly Resolution 2200 A (XXI)	Article 19	“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” ²
Convention against Corruption, General Assembly Resolution 58/4	Article 7 (1), (3) AND (4); Article 9 (1) AND (2); Article 10; Article 12 (2c); Article 13 (1a)	See Box 2: How does the UNCAC help promote the right of access to information?

“Namibia’s democracy is founded on the principle of representative government, and it is thus essential that political and government leaders communicate freely with citizens.”

Other Relevant Global Instruments/Texts

Complementing the overarching global instruments are a range of international declarations and other texts which should inform and guide ATI understanding and implementation initiatives at regional and local levels.

Table 2

INSTRUMENT	RELEVANT TEXT
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by the General Assembly in Resolution 53/144;	Article 6 Everyone has the right, individually and in association with others: (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; ³
General Comment No. 34, UN Human Rights Committee, 12 September 2011.	This, arguably constitutes an authoritative interpretation of the freedoms of opinion and expression guaranteed by Article 19 of the International Covenant on Civil and Political Rights, which is binding on more than 165 countries ⁴
The Brisbane Declaration on Freedom of Information: The Right to Know (2010)	“Call on Member States: To enact legislation guaranteeing the right to information in accordance with the internationally-recognised principle of maximum disclosure;” “To enable unfettered access to information relevant to human rights violations, including information held in current and historical archives.” ⁵

1. <http://www.un.org/en/universal-declaration-human-rights/>
 2. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
 3. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>
 4. <http://www.right2info.org/international-standards>
 5. <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/2010/brisbane-declaration/>

Access to information is particularly important for marginalised groups, and the media has been an important role-player in providing information that can empower them.

The Maputo Declaration on Fostering Freedom of Expression, Access to Information and Empowerment of People (2008)	“Call on Member States: To foster the free flow of information through policies founded on the four key principles of inclusive knowledge societies: freedom of expression, equal access to quality education, universal access to information, and respect for cultural diversity.” ⁶
The Dakar Declaration on Media and Good Governance (2005)	“Call on Member States: To ensure that government bodies respect the principles of transparency, accountability and public access to information in their operations; ⁷
Sustainable Development Goals (2015)	SDG 16 (Peace, Justice and Sustainable Institutions) SDG 16.10: “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements;” 16.10.2: “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”
Commonwealth Freedom of Information Principles (1999)	“Recognise the importance of public access to official information, both in promoting transparency and accountable governance and in encouraging the full participation of citizens in the democratic process.” ⁸

African Union Instruments

Over the decades and years, the AU has itself stepped up in the realm of ATI and provisioned it in various high level continental instruments. At this level there are six key treaties that have a bearing on Namibia’s situation.

Table 3

INSTRUMENT	ARTICLE	TEXT
The African Charter on Human and Peoples Rights	Article 9	“1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law.” ⁹
The African Charter on Democracy, Elections and Governance	Article 19	“Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.” ¹⁰
The African Union Convention against Corruption	Article 9 and 12.4	“Each State Party shall adopt such legislative measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences.” “State Parties undertake to: Ensure that the media is given access to information in cases of corruption and related offences on condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial.” ¹¹

6. <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009001/maputo-declaration/>
7. <http://www.unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday200900000/dakar-declaration/>
8. http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards.htm
9. <http://www.achpr.org/instruments/achpr/#a9>
10. http://archive.ipu.org/idd-E/afr_charter.pdf
11. https://au.int/sites/default/files/treaties/7786-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf

“Legislation providing for the right to information ensures that there is a legally enforceable, clear, and uniform mechanism for people to request and obtain information from the government.”

The African Union Youth Charter	Article 10 and 11	<p>“State Parties shall: Provide access to information and education and training for young people to learn their rights and responsibilities, to be schooled in democratic processes, citizenship, decision-making, governance and leadership such that they develop the technical skills and confidence to participate in these processes;”</p> <p>“Provide access to information such that young people become aware of their rights and of opportunities to participate in decision-making and civic life;”¹²</p>
The African Charter on Values and Principles of Public Service and Administration	Article 6	<p>“Public Service and Administration shall make available to users information on procedures and formalities pertaining to public service delivery;”</p> <p>“Public Service and Administration shall inform all users of decisions made concerning them, the reasons behind those decisions, as well as the mechanisms available for appeal;”¹³</p>
The African Statistics Charter	Article 3	<p>“Transparency: To facilitate proper interpretation of data, statistics authorities shall provide information on their sources, methods and procedures that have been used in line with scientific standards. The domestic law governing operations of the statistical systems must be made available to the public.”¹⁴</p>

Other Relevant African Union Texts

Complementing the AU treaties are other high level instruments, which are mostly not binding, that speak to ATI in an indirect way, such as calling for greater transparency and accountability in governance across the board on the continent and at country level. In this regard, the following frameworks are the most notable.

Table 4

INSTRUMENT	RELEVANT TEXT
Agenda 2063	<p>“The people’s ownership and mobilisation: The continuous mobilisation of the African people and the diaspora in various formations, effective communication and outreach, and sustained and inclusive social dialogue on Agenda 2063.”¹⁵</p>
African Declaration on Internet Governance	<p>“Work together to establish a global, transparent and inclusive framework of internet governance based on openness principles, including the freedom of expression, respect and protection of private life, universal access and technical interoperability, the ethics and respect of cultural and linguistic diversity in the cyberspace;”¹⁶</p>
The African Peer Review Mechanism (APRM) / NEPAD Declaration on Democracy, Political, Economic and Corporate Governance	<p>“We believe in just, honest, transparent, accountable and participatory government and probity in public life. We therefore undertake to combat and eradicate corruption, which both retards economic development and undermines the moral fabric of society.”¹⁷</p>

12. http://www.un.org/en/africa/osaa/pdf/au/african_youth_charter_2006.pdf

13. https://au.int/sites/default/files/treaties/7798-treaty-0042_-_african_charter_on_the_values_and_principles_of_public_service_and_administration_e.pdf

14. <https://www.afdb.org/fileadmin/uploads/afdb/Images/Photos/eng-charte.pdf>

15. https://au.int/sites/default/files/pages/3657-file-agenda2063_popular_version_en.pdf

16. https://au.int/sites/default/files/newsevents/workingdocuments/33025-wd-african_declaration_on_internet_governance_en_o.pdf

17. https://aprm-au.org/st_car/declaration-on-democracy-political-economic-and-corporate-governance/

New Partnership for Africa's Development (NEPAD) Framework Document	"The purpose of the Democracy and Political Governance Initiative is to contribute to strengthening the political and administrative framework of participating countries, in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law." ¹⁸
Declaration of Principles on Freedom of Expression in Africa	"The Guarantee of Freedom of Expression 1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy. 2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination." ¹⁹

SADC Instruments

SADC too has incorporated ATI provisions in its regional instruments, which other parts of the continent have on occasion looked to for guidance.

Table 5

INSTRUMENT	ARTICLE	TEXT
SADC Protocol on Culture, Information and Sport	Articles 17, 18, 19 and 20	Article 19: "State Parties agree to cooperate in improving the free flow of information within the region." etc. ²⁰
SADC Protocol Against Corruption	Article 4	"... each State Party undertakes to adopt measures, which will create, maintain and strengthen: d) mechanisms to promote access to information to facilitate eradication and elimination of opportunities for corruption" ²¹
SADC Protocol on Gender and Development	Article 31	"State Parties shall put in place information and communication technology policies and laws in the social, economic and political development arena for women's empowerment, regardless of race, age, religion or class. These policies and laws shall include specific targets developed through an open and participatory process, in order to ensure women and girls' access to information and communication technology." ²²
SADC Protocol on Science, Technology and Innovation	Article 7	"Member States shall make available information on science technology and innovation development and cooperate with each other in its dissemination." ²³

National Obligations

While there is no ATI law as yet on the Namibian statute books, it is nevertheless indirectly and directly provisioned and/or articulated in other national frameworks.

Windhoek has played a leading role in Africa, and to some extent, the world's journey towards media freedom and ATI.

18. <http://www.nepad.org/resource/new-partnership-africas-development>
 19. <http://hrlibrary.umn.edu/achpr/expressionfreedomdec.html>
 20. http://www.sadc.int/files/3213/5292/8362/Protocol_on_Culture_Information_and_Sport2001.pdf
 21. www.sadc.int/files/7913/5292/8361/Protocol_Against_Corruption2001.pdf
 22. http://www.sadc.int/files/8713/5292/8364/Protocol_on_Gender_and_Development_2008.pdf
 23. http://www.sadc.int/files/3013/5292/8367/Protocol_on_Science_Technology_and_Innovation2008.pdf

Table 6

INSTRUMENT	ARTICLE	TEXT
Constitution of the Republic of Namibia	Article 21 of Chapter Three (Fundamental human rights and freedoms)	“(1) All persons shall have the right to a) Freedom of speech and expression, which shall include freedom of the press and other media (...)”
Harambee Prosperity Plan	Chapter 3 (Effective governance and service delivery)	“(1) All persons shall have the right to a) Freedom of speech and expression, which shall include freedom of the press and other media (...)”
National Anti-Corruption Strategy and Action Plan 2016-2019	Strategic Objective 2 (Preventing corruption in government offices, ministries, agencies and public enterprises); Specific Objective 2.2	“Increasing institutional transparency by increasing the availability of public data made available by public authorities.” “Access to Information legislation will be introduced to ensure access to public information and transparency of decision-making processes to further provide for relevant action to protect information.”

When considering all these commitments, it should be asked what pressure they exert on Namibian and relevant state actors to comply or adhere to their proposals, standards and thresholds. This speaks to how well developed such texts are, in terms of provisioning for ATI. To this end, consider the following matrix.

Table 7: Pressure Matrix of Commitments

ATI COMMITMENTS	Strong & clear	Vague and underdeveloped	Weak
International (UN, Commonwealth)	Well developed and clear commitments in line with universal human rights standards and has mechanisms in place that induce implementation.		
Continental (AU)		AU level treaties and agreements across board fall short of clearly provisioning for ATI and commitments do not come with pressures to implement. Too many qualified and conditional contexts.	
Regional (SADC)	Some regional instruments (SADC corruption and gender protocols) strongly call for formalising ATI.	Some regional instruments do not go far enough in pressuring states to provision for ATI.	
National			ATI measures, where they exist are woefully under-provisioned and the commitment to align with best practices has historically been low.

Information can be used for the greater good of society, but there are individuals and groups that use ICTs as a tool to spread disinformation or ‘fake-news’.

Access to information is critical in a society that aims to strengthen citizen participation to achieve socio-economic justice.

Box 2: How does the UNCAC help promote the right to access to information?

The UN Convention against Corruption (UNCAC) establishes that there should be specific mechanisms to ensure respect for access to information, and transparency.

There are also provisions that require public disclosure and dissemination of specific information relating to the functioning of the administration and its anti-corruption measures.

Transparency of specific information

The UNCAC identifies a number of classes of information that should be publicly available to assist the fight against corruption and ensure effective government accountability. Transparency requirements include:

Employment of public officials (Article 7 (1)): Transparency with respect to the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials.

Election campaign funds / political parties (Article 7(3)): Each State Party is required to enhance transparency in the funding of candidatures for elected public office, and where applicable, the funding of political parties.

Public sector systems (Article 7 (4)): Each State Party is required to endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflict of interest.

Public procurement (Article 9 (1)): Each State Party is obliged to ensure that systems of public procurement are based on the principle of transparency.

Public sector finances (Article 9 (2)): Each State Party is required to promote transparency and accountability in the management of public finances.

Public administration (Article 10): Each State Party is required to enhance transparency in the public administration with regard to its organisation, functioning, and decision-making processes.

Private sector transparency (Article 12 (2c)): The UNCAC refers to the need for transparency in the private sector for anti-corruption measures to be effective. In particular, it requires State Parties to promote transparency among private entities, including where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities.

Decision-making process in government (Article 13 (1a)): States are required to enhance the transparency of, and promote the contribution of the public to decision-making processes.

These access to information provisions are important as they:

Push for stronger laws: The UNCAC holds an important role in highlighting and pushing states to adopt legal frameworks incorporating the right to access to information. A strong access to information law would help give citizens the right to request information and shine a light when there are suspicions of corruption.

Encourage proactive transparency: Many types of information described above are simply not available to the public. The UNCAC encourages a significant increase in the volume of information that is automatically available to the public and published proactively.

Monitor implementation: Official reports by State Parties and the parallel review reports by civil society help to uncover where States Parties are not fully implementing the UNCAC, or where improvements can be made, including on transparency measures.

Source: http://uncaccoalition.org/en_US/learn-more/access-to-information/

Special Instruments: The Model Law on Access to Information for Africa & the Commonwealth Draft Model Freedom of Information Bill

When considering the fundamentals of ATI for Namibia, it is necessary to point out that there is no need to reinvent the wheel because both at continental and international level, model laws exist to guide a consultative drafting process.

In fact, in 2016, the Model Law on Access to Information for Africa, drafted by the African Commission on Human and People's Rights from 2010 to 2012, was adapted in a collaborative drafting effort by the Ministry of Information and Communication Technology (MICT), various other government departments and the ACTION Coalition, to produce the 2016 ATI draft bill for Namibia. The bill largely speaks to the structure and broad provisions of the African model law.

It is important to highlight that the Model Law on Access to Information for Africa is a home-grown African proposal. The model law was drafted on the basis that: "Properly implemented access to information legislation holds the promise of fostering good governance by improving information management, enhancing transparency and accountability. It also provides for greater participation of the populace in public affairs. By exposing corruption, maladministration and mismanagement of resources, there would be increased transparency and accountability which would lead to better management of public resources, improvements in the enjoyment of socio-economic rights and contribute to the eradication of underdevelopment on the continent."²⁴

Besides the African model law, Namibian authorities need to be guided by the Commonwealth Draft Model Freedom of Information Bill of 2002.

In light of this, and for the purposes of encouraging and fostering greater awareness of the significance of formalised ATI measures, it is necessary to draw attention to the principles which inform the provisions of both the African model law and the Commonwealth draft bill.

24. http://www.achpr.org/files/instruments/access-information/achpr_instr_model_law_access_to_information_2012_eng.pdf

Table 8

Model Law on Access to Information for Africa	Commonwealth Draft Model Freedom of Information Bill
<p>“2. Principles</p> <p>1. The right to information shall be guaranteed by law in accordance with the following principles:</p> <ul style="list-style-type: none"> • every person has the right to access information of public bodies and relevant private bodies expeditiously and inexpensively; • every person has the right to access information of private bodies that may assist in the exercise or protection of any right expeditiously and inexpensively; • This Act and any other law, policy or practise creating a right to access to information shall be interpreted and applied on the basis of a duty to disclose. Non-disclosure shall be permitted only in exceptionally justifiable circumstances; • public bodies, and relevant private bodies shall accede to the authority of the oversight mechanism in all matters relating to access to information; • any refusal to disclose information shall be subject to appeal; • public bodies and relevant private bodies shall proactively publish information; and • no one shall be subject to any sanction for releasing information under this Act in good faith”²⁵ 	<p>“The Commonwealth Freedom of Information Principles state that:</p> <ol style="list-style-type: none"> 1. Member countries should be encouraged to regard freedom of information as a legal and enforceable right. 2. There should be a presumption in favour of disclosure and governments should promote a culture of openness. 3. The right to access to information may be subject to limited exemptions but these should be narrowly drawn. 4. Governments should maintain and preserve records. 5. In principle, decisions to refuse access to records and information should be subject to an independent review.”²⁶

The Model Law on Access to Information for Africa & the African Platform on Access to Information

What is equally important to remember about the African model law is that it was drafted parallel to the African Platform on Access to Information (APAI Declaration) of 2011. Many of those involved in drafting the APAI Declaration were also party to the drafting of the model law. In fact, many of the APAI Declaration principles were incorporated into the final version of the model law in 2012/13.

Significantly, the standards set by the APAI Declaration were endorsed and adopted by the AU (Resolution 222²⁷) in 2012 and by the African Commission on Human and People’s Rights and the Pan-African Parliament (the Midrand Declaration²⁸) in 2013.

It is for this reason that the relevant Namibian authorities’ attention is drawn to the APAI principles for ATI, which also encapsulate the principles of the African model law. , The APAI principles speak to the important provisional elements that any eventual Namibian ATI framework should contain (see Box 3).

25. <http://www.achpr.org/instruments/access-information/>

26. http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards.htm

27. <http://www.achpr.org/sessions/51st/resolutions/222/>

28. https://africacheck.org/wp-content/uploads/2014/06/Midrand-Declaration-on-Press-Freedom_FINAL_En-3-1.pdf

BOX 3: 14 key APAI principles

1. **Fundamental right accessible to everyone:** Access to information is a fundamental human right, it is open to everyone.
2. **Maximum disclosure:** All information held by public bodies is public and should be subject to disclosure (except in limited circumstances).
3. **Established in law:** The right to access to information shall be established by law in each African country.
4. **Applies to public & private bodies:** The obligation to access to information shall apply to all public bodies as well as government owned or controlled private bodies.
5. **Clear and Unambiguous Process:** The process to obtain information should be simple and fast.
6. **Obligation to publish information:** Public and relevant private bodies shall be obliged to proactively release information relating to their activities that is of public interest.
7. **Language and accessibility:** Information should be available in the language of the person seeking it, and in an accessible location and format.
8. **Limited exemptions:** The right to access to information shall only be limited where there would be a significant harm if the information was released.
9. **Oversight bodies:** Independent bodies should be established to monitor and hold government bodies and relevant private entities to account.
10. **Right to personal data:** All persons have a right to access and correct their personal data held by third parties.
11. **Whistleblower Protection:** Adequate protections against different forms of sanctions should be provided for those who disclose information on wrong-doing and information in the public interest.
12. **Right of appeal:** Everyone has the right to appeal administratively any action that hinders or denies access to information or any failure to proactively disclose information.
13. **Duty to collect and manage information:** Public and relevant private bodies have a duty to collect information of public interest on behalf of their citizens.
14. **Duty to fully implement:** Public and relevant private bodies have an obligation to ensure the law is fully implemented.

Source: <http://www.africanplatform.org/apai-declaration/14-key-principles/>

Conclusion

It is clear that with the extensive list of commitments and obligations to ATI that Namibia has voluntarily signed up to under various treaties and agreements, the country must inevitably craft and install an ATI legislative and regulatory framework in line with the standards proposed.

Thus, Namibian authorities are herewith called upon and encouraged to:

1. Heed and comply with all these commitments and to finally bring to a head the legal drafting processes around a draft ATI bill.
2. Heed the standards encapsulated in the Model Law on Access to Information for Africa in the processes of completing this task.



About Frederico John Links

Frederico Links is a Namibian journalist, editor, researcher and activist. He is a freelance sub-editor at Namibia's foremost daily newspaper, The Namibian, and a former editor of Insight Namibia magazine, as well as having contributed to a range of South Africa and internationally based media outlets. At the same time he is also a long-time freelance research associate with Namibia's leading think-tank, the Institute for Public Policy Research (IPPR). In both his journalism and research work, Frederico Links is primarily concerned with democracy and governance issues, particularly corruption and maladministration, both within the public and private spheres. He is also an ardent access to information advocate and a founder member, and chairperson, of the Access to Information in Namibia (ACTION) Coalition of civil society, media organisations and social activists. Frederico Links was/is also a founder member of the #MyConstitutionMyDecision social movement which opposed undemocratically introduced constitutional changes to the Namibian constitution in 2014. He is also a founder member, and chairperson, of the Namibia Internet Governance Forum (NamiGF), as well as an ISOC Namibia board member and convener of the chapter's policy committee. In the Internet Governance (IG) sphere he has a strong interest in cybersecurity, privacy and data protection and freedom of expression.