

Taking ACTION!



The quest for access to
information in Namibia
2011 - 2020

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Contents

	PAGE
List of acronyms	ii
Introduction - Where it all started	iii
1. PACAI and APAI	1
2. The 2012 'Towards Greater Transparency' conference	6
3. The quiet years	8
4. ACTION during the Harambee years (2015 – 2020)	15
5. ACTION Namibia and the way forward	22
Information boxes:	
1. Namibia's ATI journey	2
2. 14 Key Principles of Access to information	5
3. The #MyConstitutionMyDecision movement	13
4. ACTION Namibia in law-making	17
5. ACTION Namibia and elections	20
6. ACTION Namibia in Internet governance	21
7. ACTION Namibia and partners	23

LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACTION Namibia	Access to Information in Namibia
AfriSIG	African School on Internet Governance
APAI	African Platform on Access to Information
ATI	Access to Information
AU	African Union
CATS	Citizens for an Accountable and Transparent Society
ECN	Electoral Commission of Namibia
EFN	Editors' Forum of Namibia
FES	Friedrich Ebert Stiftung
FoX	Freedom of Expression
HPP	Harambee Prosperity Plan
ICCPR	International Covenant on Civil and Political Rights
IGF	Internet Governance Forum
IPPR	Institute of Public Policy Research
LAC	Legal Assistance Centre
OSISA	Open Society Initiative of Southern Africa
PACAI	Pan-African Conference on Access to Information
MICT	Ministry of Information and Communication Technology
MISA	Media Institute of Southern Africa
NamIGF	Namibia Internet Governance Forum
NMT	Namibia Media Trust
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention Against Corruption
UN	United Nations

Introduction...

Where it all started

At the turn of the century, a realisation on the urgent need for Access to information (ATI) was gaining prominence in political, human rights, and other governance spaces. The recognition that ATI was critical in achieving people's socio-economic well-being, spurring meaningful development, building and enhancing democracy took centre stage. Thus, a global but still disparate movement pushing for the right to ATI to be formally recognised as a basic human right began taking shape.

This is not to say that there was no meaningful activism around advancing the right to freedom of information before 2000. In fact, several prominent global and African regional advocacy efforts around the right to information or ATI were initiated before then.

However, it was only after 2000 that activism around freedom of information became more pronounced and clearly defined as a global human rights advocacy and governance phenomenon.

In the pre-2000 world, activism around the right to information was largely confined to, and identifiable with specific advocacy pockets, such as the media rights agenda. Nonetheless, the pre-2000 era laid the important groundwork for what was to come in the early part of the new century.

To take a step back, ATI truly emerged as a global human rights issue and concern following World War II with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 by the then still nascent United Nations (UN).

By way of Article 19 of the declaration, ATI was situated as a central tenet of any comprehensive human rights framework. This set in motion a long and trundling journey for many human rights defenders and societies towards the meaningful attainment of the right to information.

This journey continues today without a clear destination for many societies, including Namibia. By end of 2020, more than 70 years since the adoption of the UDHR, the country does not have an ATI law.

The case for the universal recognition of the right to information as a basic human right was further strengthened in 1966 with the adoption of the International Covenant on Civil and Political Rights (ICCPR) by the UN General Assembly. It eventually came into force as a covenant in 1976.

Article 19 of the ICCPR largely reflects the text and spirit of the UDHR, which preceded it by almost two decades. It was during this time – the mid-1960s – that Namibia’s push for independence from apartheid South Africa started gaining momentum and attracting elevated global attention.

With the arrival of independence in 1990, after more than two decades of armed struggle and extensive international diplomatic interventions, four important seeds were planted in the two-year period following the birth of the country on 21 March 1990. These would ultimately stimulate and inspire organised localised efforts to see ATI recognised as a basic human right in Namibia.

The first was the coming into force of the Namibian Constitution in March 1990 – the constitutional bill of rights guarantees freedom of expression. The second was when Namibia became a signatory to the UDHR in April 1990.

The third seed was the Windhoek Declaration on Promoting an Independent and Pluralistic African Press adopted in Windhoek in May 1991 by African media operators and journalists, and the fourth was Namibia’s ratification of the African Charter on Human and Peoples’ Rights (ACHPR) at the end of July 1992. Article 9 of the ACHPR captures ATI as a basic human right.

All of these developments, along with significant others since the late 1990s and early 2000s, made the local human rights landscape fertile for the emergence of a coordinated push and organised movement advocating for the formal recognition of ATI as a basic human right in Namibian law.

1. PACAI and APAI

Instrumental in the birth of the ACTION Namibia Coalition was the Pan-African Conference on Access to Information (PACAI) from which emerged the influential African Platform on Access to Information (APAI) and the APAI Declaration.

The processes for the PACAI started in 2009 when the Media Institute of Southern Africa (MISA) Regional Secretariat convened representatives from African media and related civil society in Windhoek to reflect on progress made with regard to the 1991 Windhoek Declaration. A working group consisting of nine¹ organisations was created to plan the commemoration of the 20th anniversary of the declaration in 2011, under the Windhoek+20 campaign.

The MISA Regional Secretariat would later play an equally prominent role in the eventual emergence of the ACTION Namibia coalition.

The objectives of the 2009 working group were to develop a campaign for ATI to educate the government, civil society, media stakeholders and public about their right to access to information, create a draft of regional ATI principles and engage with government to ensure that national ATI is given.

Additionally, the aim was to organise and host the Pan African Conference on ATI to bring organisations and experts around the globe together to adopt and sign a regional declaration.

These efforts came to a head between 17 and 19 September 2011, when hundreds of delegates from across the continent and around the world gathered in Cape Town, South Africa, for the landmark PACAI that adopted the APAI Declaration.

1 Members of the Windhoek+20 campaign included the Africa Freedom of Information Centre (Uganda), Article 19 (East and West Africa), Media Foundation for West Africa (Ghana), Open Democracy Advice Centre (South Africa), Media Rights Agenda (Nigeria), Highway Africa (South Africa), Media Institute of Southern Africa (MISA) (Southern Africa), International Federation of Journalists, Africa Region (Senegal) and The African Editors' Forum (TAEF).

Among the delegates and eventual signatories to the APAI Declaration were individuals who later established ACTION Namibia. These individuals have continued to play leading roles in the coalition.

They include long-serving ACTION Namibia Coalition chairperson Frederico Links (who represented the Institute for Public Policy Research (IPPR) at the conference; MISA Regional's then programme manager and ATI expert Zoé Titus and *The Namibian* founder and chief executive at the time, Gwen Lister.

Titus went on to become MISA Regional director and eventually the Namibia Media Trust (NMT) director. Lister established the the NMT, which became a leading ACTION Namibia member. Others who came on board during this time were the Forum of Namibia (EFN), the Legal Assistance Centre (LAC) and Sister Namibia.

In effect, most of the organisations that would come to form the core of the ACTION Namibia Coalition were represented at the PACAI and were signatories to the APAI Declaration of 2011. It was the emergence of the APAI Declaration at the end of September 2011 that ultimately inspired and injected urgency into Namibian media and civil society efforts to initiate a home-grown movement and campaign around ATI. Importantly, the APAI Declaration scripted 14 key principles for ATI that, along with the African Union Model Law on ATI, would set the benchmark for ATI legislation on the continent.

BOX 1: Namibia's ATI journey

Timelines of notable events of Namibia's ATI journey from 1990 to 2020

21 March – The Namibian Constitution becomes the supreme law of the land, guaranteeing freedom of expression and the media in Article 21 (1)(a). Freedom of expression is at the time understood to implicitly include the right to information.

3 May – The Windhoek Declaration on Promoting an Independent and Pluralistic African Press is adopted by African editors and journalists. The Windhoek Declaration calls for freedom of information and expression as a “fundamental contribution to the fulfilment of human aspirations”.

1990

April – Namibia becomes a member of the United Nations (UN), ratifying the UN Charter. With that it also subscribes to the Universal Declaration of Human Rights (UDHR), which expressly recognises ATI as a human right in Article 19.

1991

1992

30 July – Namibia ratifies the African Charter on Human and Peoples Rights (ACHPR), which recognises ATI as a human right in Article 9.

28 November – Namibia ratifies the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR expressly recognises ATI as a civil right.

3 August – Namibia ratifies the United Nations Convention Against Corruption (UNCAC), which calls for the implementation of ATI mechanisms in numerous articles.

19 September – The African Platform on Access to Information (APAI) Declaration is adopted by the African Union (AU) representatives, and media and civil society organisations at the conclusion of the Pan-African Conference on Access to Information (PACAI), at Cape Town, South Africa. A number of the Namibian civil society and media organisations go on to establish ACTION Namibia in 2012 and are signatories to the APAI.

21-22 August – As a direct consequence of the PACAI and the adoption of APAI Declaration, the high profile ‘Towards Greater Transparency: Access to Information in Namibia’ conference is hosted in Windhoek by the three founding ACTION Namibia organisations – the Media Institute of Southern Africa (MISA) Regional Secretariat, MISA Namibia and the IPPR – to accelerate discussions around the development of an ATI law for Namibia.

April – The signature development blueprint, the Harambee Prosperity Plan (HPP), of President Geingob’s administration is unveiled and rolled out. In Chapter 3 (Effective governance and service delivery) the plan aims for “Access to Public Information: To ensure that our citizens have access to relevant Government information...”. This was not formally or substantially achieved by the time the HPP ran out at the end of March 2020.

1994

1998

2004

2011

2012

2015

2016

7-9 October – The ‘Promotion of Ethics and Combating of Corruption’ national consultative conference is hosted by the Namibian government in Windhoek. The conference recommends: “That an affirmative obligation be placed on Government as well as on other public institutions that operate on taxpayer’s money to disclose maximum information to citizens. A Freedom of Information Act should be passed and constitutionally safeguarded.” The Namibian Prime Minister at the time and host of the conference was Hage Geingob.

July – The ACTION Namibia coalition is formed by a group of civil society and media organisations to “campaign for a formal and comprehensive ATI legislative framework to improve accountability and transparency” in Namibia. Members are Aids and Rights Alliance for Southern Africa (ARASA), Citizens for an Accountable and Transparent Society (CATS), Editors Forum of Namibia (EFN), Institute for Public Policy Research (IPPR), Legal Assistance Centre (LAC), My Digital Bridge (MDB), Namibia Institute for Democracy (NID), Namibia Media Trust (NMT) and Namibia Diverse Women’s Association (NDWA).

November – Namibia becomes a signatory to the Sustainable Development Goals (SDGs). SDG 16.10 calls on states to implement ATI frameworks as a prerequisite for sustainable development.

June – The Ministry of Information and Communication Technology (MICT) convenes an ATI bill drafting workshop in collaboration with ACTION Namibia and other stakeholders. The workshop produces an early draft of the ATI Bill that would eventually make its way to parliament.

August – MICT releases the final draft Revised National Information Policy. The draft states that Government will “draft and implement ATI legislation in accordance with internationally accepted best practices”. The draft revised policy is not finalised or approved by late June 2020.

Late – The National Anti-Corruption Strategy and Action Plan 2016-2019 is launched. One of the performances listed in the strategy is to have an ATI law in Namibia by the end of 2019. This did not happen.

November – The adoption by the African Commission on Human and Peoples’ Rights (ACHPR) of the revised Declaration of Principles of Freedom of Expression and Access to Information in Africa during its 65th Ordinary Session is seen as a landmark development that elaborates Article 9 of the ACHPR. It is to contribute to the enhancement of the normative standards for freedom of expression, ATI and digital rights in Africa, in line with international standards and human rights.

23 August – Namibia ratifies the African Charter on Democracy, Elections and Governance, which calls on states to guarantee ATI in Article 19.

17 April – During the 2019 State of the Nation address, President Geingob states: “We recognise that ATI is a critical component of the electorate’s ability to hold elected leaders to account. To that end, the anticipated ATI Bill will be tabled in Parliament during 2019.” This did not happen.

17 June – Exactly four years after the initial draft was created, new MICT Minister Peya Mushelenga tables the long-awaited ATI Bill in the National Assembly.

2019

2020

Adapted from ‘TIMELINE: Namibia’s journey to an access to information law,’ published by Namibia Fact Check on 24 June 2020.

BOX 2: 14 Key Principles of Access to information

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 Bodies & 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

Everyone has the right to appeal administratively any action that hinders or denies access to information or any failure to proactively disclose information.

2. The 2012 'Towards Greater Transparency' conference

In early 2012, with the energy and enthusiasm of the PACAI still fresh, and with the APAI Declaration in hand, Titus of MISA Regional Secretariat, Natasha Tibinyane of MISA Namibia, Links of the IPPR, who at the time was also editor of the now defunct Insight Namibia magazine, along with others under the MISA regional umbrella, met and strategised on how best to create awareness around the need for ATI in Namibia.

It was during these early-2012 processes that it was decided to organise and host a national ATI conference so as to raise awareness around the issue. It was also at this time that the 'Access to Information (ACTION) Namibia Coalition' name was coined and the initial coalition formed, consisting of the small groups of organisations that had come together to organise the ATI conference slated for the second half of that year.

The MISA Regional Secretariat, led by Titus, took on the role of lead organiser of the conference. Titus took on the responsibility of chairing the conference organising committee themed *Towards Greater Transparency: Namibia and Access to Information*.

The high-profile conference, generously supported by Freedom House and the MISA Regional Secretariat, took place in Windhoek on 21 and 22 August 2012, and brought together grass-roots activists and community leaders from across the country. Others included political and government leaders and officials, civil society and religious organisations of all stripes, media operators and practitioners, private sector associations and business leaders, as well as diplomats and representatives of notable African and international non-governmental organisations and donor agencies.

The guest of honour was Advocate Pansy Tlakula, the Special Rapporteur on Freedom of Expression of the African Commission for Human and Peoples' Rights at the time.



Figure 1: Speakers and panellists at the 'Towards Greater Transparency' conference in 2012.

The *Towards Greater Transparency* conference was meant to serve as an official launch platform for the newly-founded ACTION Namibia coalition and to initiate a broad-based campaign to push for the enactment of an ATI law by the end of 2014.

Among the critical points discussed at the conference was that Namibia was not meeting its international obligations regarding ATI legislation. This was disappointing, especially since this was the birthplace of the Windhoek Declaration.

At the end of the two-day event, Titus thanked participants on behalf of ACTION Namibia for the eagerness with they had responded to the “call to action”. She emphasised that although the coalition was a young formation, it was committed to realising its objective of campaigning for the enactment of the ATI legislation in Namibia by 2014.

Titus pointed out that the invited participants from Namibia’s regions were carefully selected as they were intended to form a national network of ATI campaigners in the coming months. She explained that a countrywide campaign by ACTION Namibia would soon kick-start to ensure Namibians were knowledgeable about matters of ATI when the national government-driven consultations would start. She said there was a need to build a demand for ATI, and hence the need for a grassroots, nation-wide campaign on the issue.

It was a hopeful moment with a hopeful message ... that unfortunately has still not been realised.

3. The quiet years

With the August 2012 *Towards Greater Transparency* conference, indications were that awareness, enthusiasm and momentum were stimulated and injected around the issue of ATI in Namibia.

However, this proved to be a false dawn. In the wake of the conference, the momentum and enthusiasm dissipated as the central players and organisations lacked funding, time and other resources. They found that sustaining the cause and movement were draining their core activities and mandates. Thus, the coalition had substantially failed to become broad-based for responsibilities to be spread among more members.

What followed was a two-and-a-half-year period – 2013 to early 2015 – of low activity for the coalition, with the only regular and visible activity being the publication of a monthly ACTION column in the now defunct monthly Insight Namibia current affairs magazine. The magazine had a wide readership among decision makers in both public and private sectors. The opinion-analysis column delved into ATI issues in the government sector on a monthly basis and was published in the magazine from early 2013 through to the end of 2016.

This is not to say that the coalition was totally dormant, for there were notable sporadic activities and events that re-energised the coalition for brief moments (see ‘The #MyConstitutionMyDecision’ movement) during this quiet period. But for the most part, from early 2013 to early 2015, ACTION Namibia maintained a low profile.







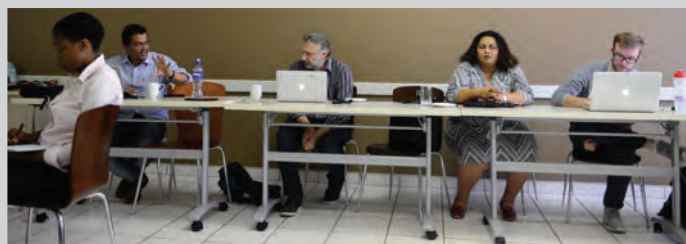




Figure 2: Examples of the ACTION column that was published as a monthly feature in *Insight Namibia* magazine from early 2013 to end of 2016.

BOX 3: The #MyConstitutionMyDecision movement

The year 2014 was a tumultuous political year.

In the middle of the year, it emerged that a raft of constitutional amendments were proposed and an amendment bill was being prepared for tabling in the National Assembly in the months before the November 2014 National Assembly and Presidential Elections.

A broad-based civil society response quickly mobilised and organised in protest at the proposed constitutional amendments and came to be known as the #MyConstitutionMyDecision movement. The burning concern raised by the civil society movement was that there had been no widespread consultations with Namibians about the constitutional changes that were secretly crafted.

ACTION Namibia and its individual members were among the core and at the forefront



Figure 3: The official logo of the MyConstitution-MyDecision coalition of 2014

of the movement to raise awareness around the lack of consultations around the proposed extensive constitutional amendments aggressively pushed by the ruling party, at the instigation of then Prime Minister and now President Hage Geingob.

As a standoff over the constitutional amendments escalated between the *#MyConstitutionMyDecision* activists and senior political figures in the ruling Swapo Party, ACTION Namibia members came in for insults from Geingob and other senior ruling party officials in Government, including then chairperson of the Law Reform and Development Commission and since disgraced former Justice Minister Sakeus Shanghala, who led the secretive constitutional amendment process.

During this period, Geingob repeatedly claimed that the ruling party's two-thirds majority meant that it had the endorsement of most Namibians to change the constitution as it wished.

On 12 August 2014, the Third Constitutional Amendment Bill was tabled in the National Assembly. On that day a large public demonstration organised by the *#MyConstitutionMyDecision* movement took place in the Parliament Gardens in Windhoek under the watchful gaze of a large police presence.

By the end of August 2014, the Third Constitutional Amendment Bill was rushed through the National Assembly and rubber-stamped by the ruling party's two-thirds majority. Early in September 2014 the same rubber-stamping took place in the National Council.

Namibia was plunged into a constitutional crisis just a few months before the landmark elections and only the *#MyConstitutionMyDecision* movement of civil society organisations and activists had raised the alarm and shone the spotlight on the constitutional threat that the non-transparent processes around the Third Constitutional Amendment Bill had exemplified.

Shortly after the Afrobarometer survey found that over 80% of Namibians were not in favour of how the constitutional amendments were handled and over 60% agreed with civil society activists that wider consultations should have been done, vindicating the position of the *#MyConstitutionMyDecision* civil society coalition.

ACTION Namibia and its eventual members were proud of having played a significant mobilisation role in this movement, which galvanised a broad cross-section of civil society in the cause of participatory democracy.

4. ACTION during the Harambee years (2015 – 2020)

Rejuvenated by its involvement in the *#MyConstitutionMyDecision* movement and protests of late 2014, ACTION Namibia came to life in 2015 and has since grown from strength to strength to become a visible and recognisable civil society and issue-focused force in the Namibian political and advocacy landscapes. In 2015, much of the year was spent on trying to grow the coalition membership, focusing on organisations and activists that were part of the *#MyConstitutionMyDecision* movement.

Many of these organisations subsequently became members of ACTION Namibia when it was formalised through the signing of a memorandum of understanding (MoU) in 2016 and the activation of a working group that has been meeting regularly since then.

In June 2016, in what certainly ranks as a highlight of the decade, ACTION Namibia was invited by the Ministry of Information and Communication Technology to a workshop to help come up with a draft ATI Bill. The discussions at the workshop were largely guided and influenced by expert interventions on behalf of the coalition and the draft bill that emerged from this process overwhelmingly reflected the inputs of the coalition.

Unfortunately, this draft bill then disappeared into the bureaucratic jungle of Government and a revised draft bill only emerged in public again with its tabling in the National Assembly in June 2020, exactly four years since the workshop of June 2015 where the initial ATI bill was negotiated between Government and civil society.

What contributed later to elevating ACTION Namibia messages around formalising the right to information in the country since 2016, was the introduction of President Geingob's signature Harambee Prosperity Plan (HPP) in April 2016 as the administration's socio-economic development blueprint. The HPP committed the administration to greater transparency in government service delivery and promised ATI in the control of government departments.



Figure 4: ACTION working group members at a preparatory workshop ahead of the MICT workshop where the initial ATI Bill was drafted in June 2016.

Also, over the years from 2015, the Namibian head of state repeatedly proclaimed his personal commitment to enhancing transparency and accountability in Government.

These were statements and pledges that ACTION Namibia was certainly not going to let pass by. Over the years, the coalition used these presidential statements to hold both the president and his Cabinet accountable – through media releases, panel discussions and correspondence and engagements with officials – over the lack of meaningful ATI throughout 2015–2020.

At the same time, the coalition made use of every opportunity to engage with legislative and government actors – meeting with ministers, parliamentarians and senior bureaucrats – on ATI and freedom of expression related issues as they emerged on the legislative and political landscapes. At times, ACTION Namibia made critical interventions in the public interest in law making processes (see ‘ACTION Namibia on laws’).



Figure 5: ACTION Namibia members met with the parliamentary committee on ICTs in 2017 to discuss the Internet-related issues.

BOX 4: ACTION Namibia in law-making

During the period from 2015–2020 ACTION Namibia has been highly active on the legislative and policy making front, providing critical inputs in various law-making processes.

Aside from playing a leading role in the drafting of the initial ATI Bill in June 2016, the coalition also engaged effectively in the following law drafting processes:

Whistleblower Protection Act of 2017

In September 2017 the Whistleblower Protection Act (No. 10 of 2017) became law but has not been implemented since then. However, the period leading up to the enacting of the law was one of confrontation and tension between ACTION Namibia and the then Attorney-General, Sakeus Shanghala.

At the centre of the disagreement were various provisions of the proposed law that clearly undermined its intent and were punitive to potential whistle-blowers as well as out of sync with best practice.

In early 2017, ACTION Namibia communicated its concerns about the problematic sections of the Whistleblower Protection Act to the Attorney-General, who responded by stating tersely in a letter: “Once the Bill is promulgated and you continue to feel strongly about this matter, I recommend you approach the High Court and the Supreme Court for an interpretation and determination on the constitutionality of the provision.”



Figure 6: A letter from former Attorney-General Sakeus Shanghala challenging the coalition to take the government to court over whistle-blower protections.

Despite this response, Action Namibia's position on the problematic sections were vindicated when, by the time the law was passed, it closely reflected the proposals of the coalition than those clung to by the then Attorney-General.

Electronic Transactions and Cybercrime Bill

In early 2017, then Minister of Information and Communication Technology, Tjekero Tweya, tabled a draft Electronic Transactions and Cybercrime Bill in the National Assembly.

The Bill was not subjected to any public consultations before tabling. Action Namibia quickly jumped into gear, calling for the Bill to be pulled from Parliament and be consulted on, as it was realised that the draft text contained a number of problematic provisions that would impact negatively on freedom of expression.

The assertive lobbying by Action Namibia proved successful and contributed to the Bill being pulled from Parliament.

What followed was a period of consultations, as requested by the coalition and others, and the processes were described as follows in an early 2018 briefing paper published by coalition member, the IPPR:

“The ‘consultations’ on the draft Bill basically amounted to a month-long call for submissions and inputs, starting in mid-May and closing on 16 June 2017, which was followed by two one-day ‘consultation’ workshops on 29 August and 12 September 2017, organised

by officials in the Ministry of Information and Communication Technology’s ICT Development Directorate. On 18 August 2017 the ACTION Namibia coalition also hosted a closed-door roundtable ‘consultative’ meeting with MICT officials, as well as select Government and private sector stakeholders, around the provisions of the Bill.”

The briefing paper adds that “the ACTION Namibia coalition submitted substantial critiques, proposals and recommendations at each stage of this ‘consultation’ process. These submissions were drafted by this author for the IPPR, on behalf of the ACTION Namibia coalition (submitted on 16 June 2017); Henry Maina of Article 19 Eastern Africa, on behalf of the ACTION Namibia coalition (following the 18 August 2017 meeting); and Professor Justine Limpitlaw, for the NMT, on behalf of ACTION Namibia (submitted on 12 September 2017)”.

The sustained lobbying around the Bill eventually led to it being scrapped in 2018, and in 2019, as recommended by Action Namibia, the Government produced and passed a separate Electronic Transactions Act, after consultations, while by end of 2020 a cybercrime draft law had still not seen the light of day.

Over the period 2017–2019, Action Namibia held a series of sensitisation workshops and discussions with grassroots groups, organisations and activists – representing women, the youth and disabled communities – and local authority officials around the country on the importance of ATI in their daily lives and work.

During this time, ACTION Namibia produced regular ATI related inserts and opinion-editorial contributions that were published in national newspapers. The coalition regularly and actively engaged with both print and broadcast media on issues concerning the right to access to information.

Another high point, was in September 2019 when the NMT, which also acts as the ACTION Namibia secretariat, played host to the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Lawrence Mute.



Figure 7: ACTION Namibia facilitators and participants at one of the awareness-raising workshops held with groups and communities across the country in 2017-2018.

Mute was vice-Chairperson of the African Commission on Human and Peoples' Rights, and was in the country to bolster calls for the passing of an ATI law and to participate in a consultative workshop on the draft revised Declaration on Principles of Freedom of Expression and Access to Information in Africa.

Ahead of the National Assembly and Presidential Elections of November 2019, and the Local Authority and Regional Council Elections of November 2020, ACTION Namibia raised concerns around disturbing incidents on the electoral landscape.

The coalition engaged with rural and local communities across the country in late-2020 through a series of broadcast engagements with community radio stations on the importance of ATI in electoral governance processes and election campaigning.

BOX 5: ACTION Namibia and elections

The ACTION Namibia coalition has been quite visible on the electoral landscape in both 2019 and 2020 elections.

In September 2019, in the run-up to the late November 2019 National Assembly and Presidential Elections, the coalition published and launched a briefing paper on *Access to Information and Elections* and organised a public panel discussion on the topic that was attended by representatives of political parties, the public, and civil society.

In the same month, ACTION Namibia held consultations with the visiting Special Rapporteur on Freedom of Expression and Access to Information in Africa, Lawrence Mute, around ATI and elections, and urged the Special Rapporteur to emphasise the need for an ATI law in Namibia which was long overdue in his discussions with various Government and political authorities, including with President Geingob.

In mid-November 2019, just over a week before the elections of that year, ACTION Namibia held a wide-ranging media conference.

Issues addressed included a lack of transparency and confusing information emanating from the Electoral Commission of Namibia (ECN) around missing electronic voting machines, the heavy military presence on the streets and the harassment of civilians by the military.

Further issues centred around the abuse of state resources in the conduct of electoral campaigns, the incitement to violence and hate speech that was disturbingly evident in election campaign trails. ACTION Namibia felt these concerns and many others were undermining the integrity and credibility, as well as the safety of the elections.

In 2020, with the Local Authority and Regional Elections approaching in November, ACTION Namibia engaged with the local communities in far-flung parts of the country through a partnership with community broadcasters in which coalition members were interviewed or held discussions with radio personalities around the topic of why ATI is important during elections or what its role is in a democracy.



Figure 8: ACTION Namibia Coalition working group members held a wide-ranging media briefing on election related issues ahead of the November 2019 elections. From left: Graham Hopwood (IPPR), Toni Hancox (LAC), Carola Engelbrecht (CATS), Gwen Lister (NMT) and Frederico Links (IPPR).

Since 2016, ACTION Namibia has built an active online presence, with an upgraded and resource-rich website. It is also visible and vocal on a number of social media platforms – Facebook, Twitter and YouTube – in the service of the ATI cause. The coalition was instrumental in surfacing and highlighting Internet governance and digital rights related issues since 2016 (see ACTION Namibia in Internet governance).

BOX 6: ACTION Namibia in Internet governance

ACTION Namibia Coalition became involved in the Internet governance space in mid-2016 when chairperson Frederico Links and coalition working group member at the time, Natasha Tibinyane, became fellows of the Berlin (Germany), based IGF Academy. The aim of the fellowship was to encourage Namibian participation in regional and international Internet governance processes and to assist the country in organising its own annual Internet governance forum.

The coalition's interest and involvement in Internet governance is human rights based, with specific focus on freedom of expression and ATI online.

Through their involvement with the IGF Academy, Links and Tibinyane were able to attend the African IGF in Durban, South Africa

in 2016, the global IGF in Mexico in 2016 and Switzerland in 2017. ACTION Namibia representatives have actively participated in the African School on Internet Governance (AfriSIG) from 2016 to 2019.

These experiences helped the coalition to organise and convene the inaugural Namibia Internet Governance Forum (NamIGF) in September 2017.

The coalition has continued to play a leading role in NamIGFs since then.

Members of the coalition are also signatories to the African Declaration on Internet Rights and Freedoms, which is an African civil society led initiative calling for respecting of the digital rights of Africans by continental governments.

In 2020, with the COVID-19 pandemic ravaging the region and the world, ACTION Namibia and its members were consistently vocal in calling for greater transparency in government responses to the health crisis.

Against this backdrop, it is clear that the period 2015–2020 was a full and productive period for ACTION Namibia. It is now a coalition with a greatly enhanced visibility that is significant and relevant.

5. ACTION Namibia and the way forward

In 2018, ACTION Namibia members came up with a detailed ACTION Namibia Strategic Management Plan 2019–2021 – and a communication strategy (2019) – meant to guide its activities.

While many of the programme-related activities were implemented and achieved over the 2019–2020 period, a considerable number of organisational strengthening issues were not dealt with adequately. This was primarily due to coalition members having been busy with the coalition's programmes and activities and not having enough time to devote to dealing long-standing organisational issues.

It is for this reason that from 2021 a focus of the coalition's activities will be organisational capacity building and sustainability enhancing, with a view to having ACTION Namibia in a stronger position by 2030, relative to where and what it was by 2020. Thus, in 2021 a new strategic management plan will be crafted. Another key activity of ACTION Namibia beyond 2020 will be conducting a membership drive and further outreach programmes, as well as holding stakeholder engagements on focus areas of interest. Growing the membership of the coalition is critical to strengthening the structures and activities of the coalition and making it more durable and sustainable over the long term.

It is foreseen that either in 2021 or shortly thereafter that the ATI Bill will be passed by Parliament and the law gazetted, which would mean a retooling of ACTION Namibia's activities from primarily awareness raising to the importance of understanding and applying the provisions of the law while still engaging in ATI literacy activities.

Another area of focus for the future will be to build and strengthen cross-border, regional networks and initiatives in the ATI space. Transparency remains a significant concern in SADC and across sub-Saharan Africa, especially in the wake of the COVID-19 pandemic.

Thus, ACTION Namibia has identified an opportunity to play an active role in fostering transparency and good governance, through the ATI cause, in its regional and continental neighbourhood. Involvement in multi-stakeholder regional efforts and initiatives could in turn contribute to growing the sustainability of the coalition on home soil.

BOX 7: ACTION Namibia and partners

ACTION Namibia's activities and work over the last decade would not have been possible without the support of partners.

The funding support of partners over the last 10 years allowed the coalition to build and sustain itself, make interventions in the public interest in Government processes, and respond to threats and challenges on the freedom of expression and ATI landscape.

In this regard, some partners deserve special mention:

The fesmedia Africa programme of the Friedrich Ebert Stiftung (FES) has stood by and supported the coalition from the beginning and helped with the much-needed internal capaci-

ty building and support for its advocacy efforts and initiatives.

Similarly, over the period 2017 to 2020, and beyond, the Embassy of Finland in Namibia contributed substantially to assisting the coalition in building and expanding its activities and setting up its secretariat.

The NMT must be acknowledged for its continued service as a funder and secretariat to the coalition.

Other partners that deserve mention for having come on board over the years to support ACTION Namibia's work include the Open Society Initiative of Southern Africa (OSISA).

ACTION Namibia values its partnerships.



About the ACTION Namibia Coalition

The ACTION Namibia coalition was formed in July 2012 when a number of like-minded organisations and activists decided to foreground ATI in the policy and governance agenda of the Namibian Government as part of its commitment to eradicate corruption through fostering good governance practices throughout the state. Since then, ACTION Namibia has been instrumental in raising ATI and freedom of expression's (FoX) profiles as political issues. The coalition has campaigned and advocated forcefully for a formal and comprehensive legislative framework to improve accountability and transparency across all sectors of the Namibian society.



About the Namibia Media Trust (NMT)

The NMT is a non-profit trust and publisher of the largest newspaper in Namibia, *The Namibian*, and owner of WordPress Printers (Pty) Ltd. The non-profit trust, ensures that the profits and dividends from the NMT's commercial entities are ploughed into the Trust's media freedom advocacy work, and training programmes aimed at promoting journalistic excellence. The NMT aims to achieve its goals through seeking strategic partnerships with organisations that amplify the impact of its policy advocacy and training initiatives, providing platforms for critical dialogue and technical skills training for media professionals, policy makers and citizens.



About fesmedia Africa

fesmedia Africa is the media project of the Friedrich-Ebert-Stiftung (FES) in Africa. We believe that a free and open media landscape enables ordinary people to actively take part in, influence and improve their lives, as well as those of the communities and societies they live in. In order to participate in public life and decision-making, people need to have the means, skills and opportunities to access, exchange and use information and knowledge. They need to be able to communicate and exchange ideas, opinions, data, facts and figures about issues that affect them and their communities. As such, our work seeks to promote the development of a free and open media landscape which enables people to become the driving force for their economic, social and political progress.



About the author

Frederico Links is a research associate with the Institute for Public Policy Research (IPPR) since 2009. His focus is on corruption, democracy and elections, party political finance, empowerment policies, Internet governance, and public procurement. Links has previously worked as a journalist for a range of Namibian newspapers and is a former editor of Insight Namibia magazine. He is a co-founder and current chairperson of ACTION Namibia which campaigns for greater ATI in Namibia. He is also co-founder of the Namibia Internet Governance Forum (NamIGF) and first chairperson of the NamIGF working group.

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