



**Keynote Address by the Ombudsman J R WALTERS, at the
Conference of the Namibia Internet Governance Forum on
“Internet Governance and Access to Information”**

28 September 2017: Windhoek

Programme Director,

Kindly allow me, firstly to express my gratitude to the organizers of the Conference for choosing me to say a few words at the opening session of the Conference, which, coincides with the commemoration of the International Day for Universal Access to Information. I am indeed honoured.

Allow me now to start with my Address.

A good starting point for this Address is to share with you, secondly my understanding of good governance, which is generally defined as *“transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development”*. The fundamentals of good governance are: transparency, accountability, responsibility and inclusiveness or fairness.

- Transparency is the ease with which an outsider is able to make meaningful analysis of government’s actions; it is a measure of how good management is **at making necessary information available in a candid, accurate and timely manner**. It reflects whether a client obtains a true picture of what is happening inside government.
- Accountability is based on the idea that people have the right to hold government answerable for its failures and credit it for its successes. Accountability rests on knowledge and information and thus on transparency in governance mechanisms. People need to know about the function of government to hold it answerable and **government needs to provide access to such information** (emphasis added).

Freedom of information or the right to access information is defined **“as the universal right to access information held by public bodies”**; it is the touchstone of all freedoms, as it embodies the right to know, to make free choices and to live an autonomous life. Public authorities hold information not for themselves, but as custodians of the public good and every citizen has the right to access this information, subject only to clearly defined limitations provided for by law. Information is thus the currency of transparency.

Freedom of speech and expression under Article 21 (1) of the Namibian Constitution specifically includes freedom of the press and media, but excludes freedom to seek, receive and impart information and ideas. Although freedom of information is an extension of freedom of speech, last mentioned right does not confer a right of access to information **per se** and does not compel public authorities to disclose information against their will. The Namibian Constitution, unlike the South African, does not expressly provide for a right of access to information.

Namibia is compelled to enact national legislation to give effect to the right of access to information. Such an exercise will enhance the free flow of information to citizens in order to influence government’s policies by debating its decision; which will eventually lead to greater public transparency and accountability as well as strengthening democracy. It will ensure that every man and woman enjoys full and equal access to information.

The adoption of access to information legislation and placing the responsibility for its operation in the hands of the Ombudsman, will bring about a convergence of access to official information and an independent review of official’s administrative conduct. It will greatly strengthen the effectiveness of the Ombudsman’s role in enhancing transparency.

Non-responsiveness in the public administration is linked to the culture of secrecy in the state and private institutions. We will only have a responsive administration once the culture of secrecy is replaced by a culture of openness or transparency. This may sound like an academic argument because access to information legislation does not guarantee that it will be implemented or contribute to transparency and accountability. However, it will be a valuable tool in the arsenal of the Ombudsman, because the

Ombudsman must then ensure that the provisions of the legislation are scrupulously complied with by the administration and its officials. Sanctions for not complying with the provisions of the law will strengthen the Ombudsman's enforcement power.

Experience has taught that by simply passing laws does not guarantee that they will be implemented or contribute in themselves to accountability. The real work in regard to freedom of information laws begins with their implementation. Implementation relies on a multitude of factors; namely availability of resources, the capacity of public officials to implement procedures, the capacity of citizen to benefit from the law, attitudinal change of public officials, to mention but a few. I believe that we should first create an environment conducive for the implementation of a freedom of information law. We should first do the groundwork and put mechanism in place to guarantee the implementation of the law.

I like what I have learned about the Internet Governance Forum (IGF). The IGF serves to bring people together from various stakeholders groups as equals, but not to make decisions or negotiate. Rather, they discuss, exchange information and share best practices with each other. While the IGF may not have decision-making abilities, it informs and inspires those who do. The forum facilitates a common understanding of how to maximize Internet opportunities, use them for the benefit of all nations and peoples and address risks and challenges that arise.

Part of the value the multi stakeholder approach is both agreeing and disagreeing on various issues and encouraging participants to show respect and listen to each others' arguments, positions and needs. The IGF identifies issues of concern and put them on the international policy agenda. It informs the decision-makers and shapes the policy-making processes of other institutions and governments.

I trust that the NAMIGF will live up to the expectation as a "*go to place*" where stakeholders will gather to identify some of the challenges facing our nation and find solutions which will inform the decision-makers.

In conclusion, I wish you speed, strength and hope in your endeavours and to thoughts of a better society that we all trying to build.

I THANK YOU

