

Information is the oxygen of democracy

Civil society and the media should popularise the Promotion of Access to Information Act, writes Tobela Tapula

THE MAJORITY of ordinary South Africans under the apartheid government were intentionally denied access to information.

The information which was supposed to be utilised by the public was controlled by the government through the Protection of Information Act 84 of 1982.

The motivation behind the act was to restrict the public from accessing information which would ultimately allow them to realise their human and socio-economic rights (such as health care, housing and education).

In the post-1994 era there was a paradigm shift from secrecy to openness.

In 1996 the new Constitution of the Republic of South Africa came into effect and section 32 of the constitution provided that "everyone has a right of access to any information held by the state, and any information that is held by another person and that is required for the exercise or protection of any rights".

In its efforts to create an informed nation, the South African government promulgated in 2000 the Promotion of Access to Information Act (PAIA).

The act was aimed at encouraging members of the public to access information from public (national departments, provincial and municipalities etc) and private bodies (Anglo American etc).

It should be noted that PAIA, when implemented effectively, has positive effects in ensuring that all rights of persons are realised, hence Richard Calland, the former executive director of the Open Democracy Advice Centre, asserts that "the right of access to information is a right that unlocks the door to so many other things".

He also emphasises "the importance of the right to information as a linking, leverage right which enables

citizens, especially the poor and most vulnerable members of society, to realise their socio-economic rights enabling them to participate meaningfully in the democratic process".

The centre's index has revealed that public institutions (more especially district municipalities) were lacking in terms of implementing PAIA, hence there is a need to enhance departmental procedures and systems.

One of the contributing factors for these implementation challenges is that the public and public officials have not been properly educated and are not aware about the existence of the act.

Second, public bodies have not yet accepted the provisions of PAIA.

Third, there is still a lack of political will in making the Promotion of Access to Information Act succeed.

This directly affects their ability to engage with politicians, participate in decision-making and, perhaps most important of all, to hold their elected representatives accountable.

Power should not only rest with government officials, but the sharing of information with all the role players in society allows effective human development.

For example, if members of the public, together with public officials, the private sector and labour are provided with the same platform to influence policy, there is a great possibility that policy will be implementable because most of the key role players would have participated meaningfully in the policy formulation process.

The government should refrain from viewing civil society as outsiders. In most governments where civil so-

ciety is not playing a meaningful role in the democratic processes, there is a high possibility of human rights abuses, corruption and financial mismanagement.

Hence there is always a need for a dialogue with all stakeholders involved to discuss the value of the right to access to information, in order to determine what information is useful or harmful for the realisation of socio-economic and political rights.

Access to information in a school community, for example, allows for parent empowerment and restores the dignity of parents and their children. In the field of criminal justice access to information laws creates a means through which access to justice can be made easier and more meaningful. Lastly, it is imperative that both civil society and the media should aim to popularise the Act and promote its usage.

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