

# REGIONAL OVERVIEW

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Between July and September 2018, research was conducted in seven countries namely, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe. In their respective countries, national researchers sent information requests to selected institutions anticipating answers to their questions within 21 days. They also assessed whether relevant information (from contact details to budgetary information) had been proactively made available by public bodies via an online presence.

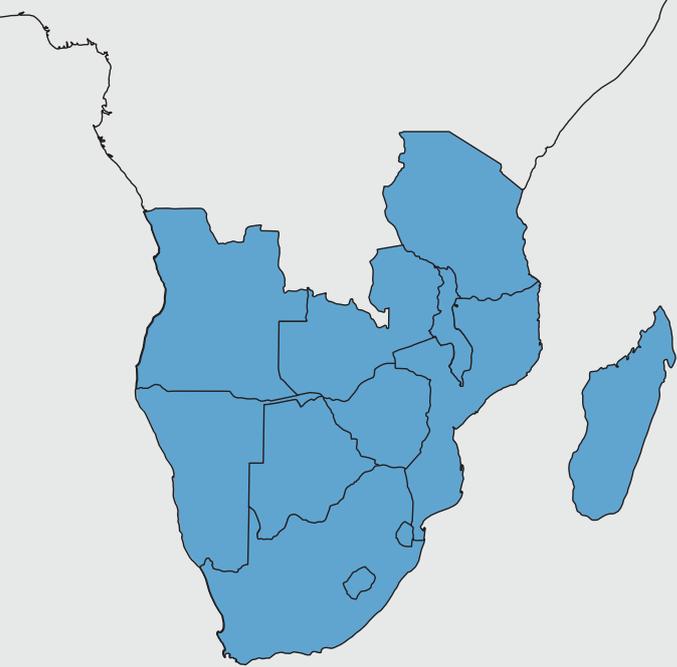
MISA is a founding member of the African Platform on Access to Information (APAI), which adopted the APAI Declaration in 2011, a regional document that looks at access to information in its entirety, both as a right that is relevant to numerous sectors and one that has the potential for further development in various spheres.

In this spirit, the APAI Declaration concerns itself with, among other pertinent issues, access to information and elections, the extractives industry, health, and the rights of women and children.

Over the years, the cross-sectoral relevance of the right to information has been acknowledged in several international and regional instruments. One of them being the *Guidelines on Access to Information and Elections in Africa*, which states that:

Access to information empowers the electorate to be well-informed about political processes with due regard to their best interests: to elect political office holders; to participate in decision-making processes on the implementation of laws and policies; and to hold public officials accountable for their acts or omissions in the execution of their duties. Thus, access to information is a foundational requirement of the practice of democratic governance.

MISA therefore notes with satisfaction that the Malawi Electoral Commission has received the highest score of all institutions surveyed throughout the region. Malawi has seen



great improvements in openness and transparency of public institutions and MISA Malawi's 2018 survey achieved a 100% response rate to information requests; a first in Malawi and throughout the region.

In contrast, only one public institution in Eswatini, the Municipal Council of Mbabane, replied swiftly to the request for information and provided a comprehensive response. Staff of most surveyed institutions argued that the responsible officials were too busy with the primary elections, held on 25 August, and would therefore respond in their aftermath. In the end, all of these institutions, including the Elections and Boundaries Commission, failed to respond to the information requests. The fact that elections are used as an excuse for unresponsiveness instead of an incentive for heightened transparency is concerning.

Except for Malawi and Namibia, which had a 100% and a 63% response rate respectively, all other countries saw less than half of their institutions responding to information requests in a meaningful way.

In both Zimbabwe and Namibia, although not directly providing the requested information, some institutions guided the researchers in a clear and helpful manner as to how to obtain the information.

Although not a single institution in Zimbabwe provided all the information requested, the national researcher noted that public officials, who in the past had been hostile to citizens requesting information, had become friendlier. Yet, it was noted that public institutions were characterised by inefficiencies and were therefore often unable to effectively respond to requests.

In Mozambique, only three institutions responded to the requests for information. However, it became clear during the research that the institutions' silence was often not due to unwillingness, but rather to a lack of organisational structures and clear delegation of responsibilities.

Steady improvements of institutions' online presence could be observed over several years. Nowadays, it is common for government and public institutions to have a web presence

and many public bodies also make use of social media accounts such as Facebook and Twitter; some institutions even post videos on YouTube.

In July 2018, the government in Eswatini launched a revamped website, which hosts all ministries. The prime minister underscored that the website would be a vehicle to make the most informative and effective services easily available to citizens.

As a result of persistent advocacy, 6 countries in southern Africa have access to information legislation; the most recent ones being the Tanzanian and Malawian access to information laws, which were both adopted in 2016. While MISA Zimbabwe is advocating for the repeal of the Access to Information and Protection of Privacy Act 2002, MISA Chapters in Malawi, Tanzania, and Mozambique - where the access to information law was adopted in 2014 - are working towards the effective implementation of their respective national legislation to foster the enjoyment of the right to information by their citizens.

MISA Chapters in Eswatini, Namibia and Zambia are all faced with long, laborious processes to enact draft access to information legislation, but remain steadfast in their advocacy for increased government openness and transparency.

## DATA ANALYSIS

### Category 1:



Evaluation of government and public institution websites to determine the accessibility and presence of credible and updated public information, which includes but is not limited to: powers and functions of the institution in question, budgetary allocations, procurement procedures and contact details.

### Category 2:



In this category, information requests are submitted to government and public institutions in order to determine the ease with which public information can be obtained from them.