



*National Summit 2-3 February 2011*

*Summit Report*



# ***Right2Know Campaign***

## ***National Summit 2- -3 February 2011***

### ***Summit Report***

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# 1. Introduction

The Right2Know Campaign held its first National Summit<sup>1</sup> in Athlone, Cape Town from 2–3 February 2011. The Summit was constituted by 62 delegates<sup>2</sup> elected at Provincial Summits in Gauteng, Kwazulu Natal, and the Western Cape.

The first National Summit formally constituted the Right2Know Campaign that has been driven on an ad-hoc basis by volunteers in Provincial Working Groups since its launch on 31 August 2010. The Summit has provided the Right2Know Campaign with a clear strategic orientation, common principles, key elements of an operational plan for the coming year, and an elected leadership to take the Campaign forward.

The free flow of information is critical to the advance of participatory democracy that meets the needs of South Africans. On the back of months of rapid growth, the Right2Know Campaign has now democratically established a strong foundation to defend and advance the right of everyone living in South Africa to access information.

## 2. Mission & Vision Statements

The Summit workshopped and adopted the following vision and mission statements for the campaign:

Our vision:

“We seek a country and a world where we all have the right to know – that is to be free to access and to share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation a society and an international community can be built in which we all live free from want, in equality and in dignity. ”

Our Mission:

- To co-ordinate, unify, organise and activate those who share our principles to defend and advance the right to know.
- To struggle both for the widest possible recognition in law and policy of the right to know and for its implementation and practice in daily life.
- To root the struggle for the right to know in the struggles of communities demanding political, social, economic and environmental justice.
- To propagate our vision throughout society.
- To engage those with political and economic power where necessary.
- To act in concert and solidarity with like-minded people and organisations locally and internationally.

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1 See Resolution constituting the Right2Know Summit (Appendix 1) and Summit Programme (Appendix 2)

2 See List of Delegates (Appendix 3)

## 1.3. Campaign Principles

The Summit workshopped and adopted the following principles for the Campaign:

### **“R2K Principles (“The Shalimar Principles”)**

#### *Preamble*

We subscribe to the right to know, which is founded in the right to dignity and is realised through rights freely to access and share information.

We shall defend and advance the right to know, encouraged that it and its constituent rights were won through peoples’ struggles in South Africa and internationally, and are affirmed in the Constitution of South Africa, the African Charter on Human and Peoples’ Rights and the Universal Declaration of Human Rights.

We commit to the following principles, both in our own policies and practices and in the vision we propagate throughout society:

#### *Principle 1: Access to Information*

All people have the right to access information, and have it equally. This right has inherent value and enables many other democratic rights.

The right to access information must be defended and advanced in law, policy and practice as demanded inter alia by section 32 of the Constitution of South Africa.

#### *Principle 2: Free Flow of Information*

All people have the right to express themselves – that is to share information, including opinion – freely and equally. This right has inherent value and enables many other democratic rights.

The right to free expression must be defended and advanced in law, policy and practice as demanded inter alia by section 16 of the Constitution of South Africa.

#### *Principle 3: Free and Diverse Media*

The media have rights and corresponding duties to access and disseminate information, including opinion, freely and fairly, without fear or favour. These rights and duties are vital to the public’s exercise of many other democratic rights.

Media freedom must be defended and advanced in law, policy and practice as demanded inter alia by section 16 of the Constitution of South Africa.

Media diversity must be extended so that everyone, in particular the socially and economically marginalised, shall have a voice.

#### *Principle 4: Accountability and Transparency*

Transparency, achieved through the right to know, holds power to account so that political, social, economic and environmental justice is realised.

#### *Principle 5: Informed Public Participation*

The right to know empowers all people to participate in democracy actively and

effectively so that they can defend and advance their political, social, economic and environmental rights.

*Principle 6: Truth and Quality of Information*

The rights to access information must be served through the provision of information that is reliable, verifiable and representative of the data from which it is derived, and must include the right to access source data itself. Information must be provided transparently and equally, untainted by partisan interests.

*Principle 7: Proactive Dissemination of Information*

Public and private bodies must disseminate information proactively. Laws providing for access to information must not be used as a shield to obstruct its release.

*Principle 8: Equality*

All rights, including the rights here demanded like any other right, are equal to all people regardless of any human or social characteristic including class, race, gender, language or sexual orientation.

*Principle 9: Community Involvement*

The right to know is vital to the struggles of communities demanding political, social, economic and environmental justice. Campaign efforts rooted in communities and their needs are vital to the campaign's success and the realisation of a responsive and accountable democracy that can meet the basic needs of our people.

*Principle 10: Solidarity*

The full realisation of the right to know cannot be defined by individuals, organisations or borders. Our campaign is best served where we act in concert and solidarity with like minded people and organisations locally and internationally."

## **4. Campaign Focus**

The Summit agreed that while the Right2Know Campaign was launched in response to the Protection of Information Bill (the Secrecy Bill) currently before Parliament, the Bill was itself systematic of a broader threat to the free flow of information in South Africa.

The Summit resolved that:

1. The Campaign should broaden its focus from the Secrecy Bill to include other aspects on access to information as well as defending and enhancing the dissemination of information – media freedom and diversity;
2. The Secrecy Bill remained the most immediate threat to the free flow of information and should remain the primary focus of the Campaign;
3. The campaign should engage issues of access to information to highlight the existing culture of secrecy in South Africa and illustrate the impact of secrecy on the lives of ordinary people;

Three commissions sat to deepen positions and strategies of the campaign in regard to these three areas of focus.

## ***4.1 Protection of Information Bill***

The Summit reaffirmed Right2Know's commitment to the analysis and demands contained in the Campaign's first statement: Stop the Secrecy Bill! Let the Truth Be Told! (See Appendix 4).

After assessing the progress of the Parliamentary Committee dealing with the Bill, delegates agreed that legislation was required to replace old Apartheid laws still governed the classification of information, but that the current parliamentary process is not capable of meeting our demands.

The Summit resolved that:

1. The Campaign should use multi-faceted tactical means to continue to engage the government (both inside and outside) but based on our principles. Tactically, the Campaign should call for the scrapping of the Bill and a call for re-writing of the legislation governing the classification of information.
2. Any process of developing new legislation should include public participation and ensure that communities are engaged in this process;
3. Any legislation drafted must meet the Right2Know Freedom Test (the demands in the first statement).
4. The Campaign should not come up with alternative Bill and risk being complicit in drafting secrecy legislation. Rather we should make points based on our principles around what should be drafted.
5. The Campaign should undertake education of ordinary people in relation to the call to scrap the Bill. The Secrecy Bill and old Apartheid Act should be made available to people. This popular education needs to unpack what is being scrapped and why we are making this call.

## ***4.2 Access to Information***

The Summit resolved that:

- The Campaign should promote the access public and private sector information, including commercial information;
- The Campaign should pressure government for full disclosure of information;
- The Campaign should be used as a mechanism for demanding that the onus be shifted to government and private companies to proactively make info available. This needs to be reclaimed as a political, not legal issue.
- Information should be provided in a simplified and accessible format;
- The Campaign should support the mobilisation of communities around specific demands to access information. This should include the support of key PAIA requests for masses of info for whole communities;
- The Campaign should conduct an audit of participating organizations and what they do and circulate that list so that everyone knows the expertise in the group.
- The Campaign should share experiences of using PAIA including the costs of using PAIA (litigation, cost of copies) and attempts to get access to third party information;

- The Campaign should engage in the review of PAIA already underway;
- The media should give sufficient priority to investigating and reporting on issues that impact on poor and working class communities;
- Consumer information should be published on products, in particular colour-coding system for foodstuff containing genetically modified organisms (GMOs);

### **4.3 Media Freedom & Diversity**

The Summit noted that:

- There's a high concentration of media ownership with 90% of South African media controlled by five companies (four commercial and one public). This impacts negatively on diversity and the free flow of information;
- Mainstream media represents the interests of a small and elite ideological base;
- SA has been at the forefront of launching community radio. However, this sector remains weak and under-resourced and dependent on market forces for sustainability, which erodes community ownership and control;
- The role of ICASA has been unable to perform its key function of monitoring compliance and its regulatory functions, especially in relation to the SABC;
- The ruling party's proposed Media Appeals Tribunal (MAT) poses a significant threat to media freedom and independence. However, there is an increasing trend amongst the print media for sensationalist reportage that lacks in critical depth and adopts citizens' agenda, and a lack of community and minority (women and children etc.) representation;
- There is tremendous development and democratic potential in social media as portals for exercising people's rights.

Believing that:

- Freedom of expression is a foundational Human Right and media freedom is an integral component of freedom of expression;
- The media is a public good and should not be commodified for purely profit-driven purposes;
- A strong and independent regulator is critical for an independent broadcast media that functions free from government and commercial interference;
- There needs to be diversity of ownership (private, government and community) that each have the responsibility to exercise a high standard of journalistic ethics, including accuracy;
- The media should offer diverse content and include the voices of poor and working class people;

Therefore the Summit resolved:

1. To campaign to strengthen ICASA to ensure that it functions and regulates courageously in the interest of the public, and not government and commercial interests;
2. Campaign for the adequate and sustainable funding of community media. Community media should not be overly reliant on market sources of funding;
3. Campaign for the adequate funding of the MDDA and to ensure that it is independent, more effective, and that it is more transparent and accountable in its processes, so that it fulfils its mandate of growing and diversifying the media;

4. Ensure that community stations are democratically owned and controlled by the community, and to support communities in claiming their ownership and participation in their stations,
5. Explore possible anti-trust measures to limit the concentration of media ownership;
6. Reject the Media Appeals Tribunal or any statutory regulation that impacts on editorial freedom in the print sector;
7. Campaign for redressing infrastructural impediments to the exchange of information including accessible and affordable broadband for internet access;
8. Engage in the policy review process on the far reaching Public Service Broadcast Bill that is to be conducted by the Department of Communications to ensure that these resolutions and principles are applied and upheld in any legislation.

## **15. Building the Right2Know Campaign**

The final set of three commissions at the Summit considered how best to build and coordinate the Campaign.

### ***5.1 Coordinating the Campaign***

The Summit resolved that:

1. The Campaign should continue to be inclusive and engage our broad base of supporters;
2. Accountability to our supports should be maintained through regular communication and annual Provincial Summits open to all supporters. Participants at Provincial Summits should elect Provincial Working Group and a delegation to an annual National Summit. Delegates at the National Summit should elect a National Working Group.
3. Provincial Working Groups should coordinate provincial aspects of the Campaign and release statements on provincial matters;
4. The National Working Groups should coordinate national aspects of the Campaign, release statements on national matters, and engage international allies/networks;
5. All working Groups may co-opt additional members as they see fit;
6. All Working Groups may constitute ad-hoc and standing sub committees as they see fit;
7. All Working Groups should circulate minutes of every meeting to all Working Groups;
8. The Campaign should register as a non-profit organisation with it's own legal status before the next National Summit;
9. The Campaign should consider employing a national Media Officer;
10. All Campaign finances should be controlled through a single bank account;
11. Annual financial statements must be audited by an external auditor and published on the campaign website;
12. All fund-raising efforts undertaken nationally, provincially, or by members on behalf of the campaign must be coordinated Nationally so as not to send confusing messages to donors;
13. Funds raised by the provinces will be used by those province
14. Provincial Working Groups should receive a budget for ongoing coordination, popular education and mobilisation work.



## ***5.2 Popular Education & Mobilisation***

The Right2Know Campaign must be rooted in communities and popular struggles. Popular education and mobilisation are essential to ensuring the success of the Campaign.

The Summit resolved that:

- The Campaign should link to strategies of supporting organisations, promoting the use of access to information as a tool to achieve socio-economic rights and link the demands of the Right2Know to other struggles;
- The Campaign should conduct a scan of civil society identifying areas where organizations are effectively campaigning on the ground;
- The Campaign should work with all sectors of civil society including trade unions (currently underrepresented in the Campaign);
- The Campaign should highlight the current culture of secrecy in South Africa by presenting a list of demands for access to information from supporters' struggles as the Right2Know Top 10 Secrets List and campaign to ensure access to this information;
- The Campaign should support whistle-blowers in practical ways including the establishment of a Support Fund;
- The Campaign should engage the youth targeting schools and universities;
- The Campaign should build alliances with the media paying special attention to community media;
- The Campaign should engage with artists, poets, and drama students at universities;
- The Campaign should explain the Secrecy Bill to communities in simple terms illustrating the impact it will have on ordinary people
- The Campaign should use all methods of education, including pamphlets, posters, social networking services, mxit, banners, billboards, newspaper articles and radio - not necessarily workshops alone;
- The Campaign should develop a core group of activists by conducting Cadreship Schools that prioritise the development of cadres within the next 3 months. The Schools should build a team of expertise, that can facilitate popular education on the ground;
- The curriculum of the Cadreship Schools should explain what information is, the importance of access to the information, the Bill of Rights/Constitution, democratic participation, Promotion of Access to Information Act (PAIA), the importance of whistle blowing, case studies, the threat posed by the Secrecy Bill, and the 7 principles of the Right2Know Freedom Test,
- A task team should be constituted to develop the curriculum and each province should adapt and use the Curriculum
- The Campaign should produce an action booklet;
- The Campaign should ensure a presence at local government elections to raise the awareness of the importance of information in local government.
- The Campaign should plan an action for the voter registration, target the opening of parliament, state of the nation address, and the provinces address.

## ***15.3 Communicating the Right2Know***

The Summit resolved that:

- The Campaign should continue to undertake eye-catching and legal actions that bring attention to intentional and local media;
- The Campaign should build a media team including a diversity of spokespeople to implement this resolution;
- The Campaign should develop partnerships and alliances with major media houses and be careful not to alienate the media in pursuit of media diversity;
- The Campaign should work with students to undertake research into our audience and media use;
- The Campaign should maintain and grow the database of supporters, become producers of media content, and proactively communicate with its ' supporters through newsletters, SMS and social media;
- The Campaign should produce a 2012 yearbook or calendar paying tribute to whistle-blowers;
- The Campaign should explore 'celebrity ' endorsement but never pay for any endorsements;
- The Campaign should explore advertising on social media;
- The Campaign should develop and popularise a Campaign song;
- The campaign should communicate to media that POIB is not "anti Media Bill", but Bill that will impact on everyone.

## 6. Elected Leadership

Delegates to the Right2Know National Summit elected the following people to form the National Working Group and implement the resolutions of the Summit:

- Alison Tilley, Open Democracy Advice Centre
- Ashley Louw, Delft Integrated Network
- Dale McKinley, Anti-Privatization Forum
- Glenda Daniels, M&G Centre for Investigative Journalism (amaBhungane)
- Hennie van Vuuren, Institute for Security Studies
- Jayshree Pather, Freedom of Expression Institute
- Mark Weinberg, Alternative Information Development Centre
- Nkwame Cedile, R2K Western Cape
- Quinton Kippen, Democracy Development Programme
- Siphwe Segodi, Freedom of Expression Institute
- Sithembile Mbete, Institute for Democracy in Africa

## 7. Conclusion

The Right2Know Campaign has entered a new phase in its fight against secrecy. Just five months after the Campaign's launch, the first National Summit was held in the first week of February in Cape Town, where 62 campaign leaders from structures across the country converged gathered to plan a campaign strategy and to chart the way forward. The Right2Know campaign has emerged from the summit with an elected leadership, a renewed energy and a clear mission to defend and advance our freedoms.

The summit was an opportunity to reflect on the remarkable growth and success of the campaign, but also to take stock of the existing threats to transparency and the free flow of

information in South Africa – first and foremost the Protection of Information Bill (the Secrecy Bill) before Parliament.

- We aim to defeat the Secrecy Bill so that all South Africans are assured of their right to know.
- We agreed to expand the scope of the campaign to take on access to information fights beyond the threat of the Secrecy Bill. In the coming months the Right2Know will join other organisations and communities in fighting for information that is vital to their struggles.
- Our delegates adopted a mission and vision statement and a set of guiding principles that highlight the existing culture of secrecy in South Africa.
- Our delegates elected a national committee to drive this fight forward, made up of representatives from key civil society organisations, community groups and social movements from across our provincial support bases. The Right2Know campaign began as a very broad coalition of groups and individuals united against secrecy, and this is not set to change.

The formation of the right2Know Campaign should serve as a reminder to the ruling bloc that the people of South Africa will not accept laws or practices that undermines our daily struggles for freedom, justice and dignity. We will continue to fight to a society that is open, accountable, participatory and responsive – in other words, a society where everyone has the right to know.

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# **Appendix 1: Resolution Constituting the Right2Know Campaign**

## ***Constituting the Right2Know Campaign National Summit***

***1 February 2011***

### **Noting that:**

1. The Right2Know Campaign was launched on 31 August 2010 to challenge the draconian Protection Of information Bill (POIB) – the Secrecy Bill;
2. In a few short months over 110000 individual and 400 organizations have endorsed the Campaign’s statement on the Secrecy Bill, and the campaign has demonstrated the ability to engage communities and mobilize thousands of South Africans;
3. Volunteers have established working groups in Cape Town, Durban and Johannesburg to coordinate the work of the campaign;
4. In November 2010 the Right2Know Campaign launched a National Dialogue to resolve questions of the scope, strategy, and structure of the Campaign.
5. Provincial Summits in Gauteng, Kwazulu Natal, and the Western Cape, as well as ongoing community consultations and email list discussions have provided all Right2Know Campaign supporters an opportunity to contribute to the R2K National Dialogue and elect delegates to the National Summit.

### **Believing that:**

1. The rights to freely access and disseminate information and opinion are foundational rights critical to the realization of social justice in South Africa;
2. The Protection Of Information Bill forms part of a more generalized threat to South Africa’s democracy and the realization of these rights;
3. The Right2Know Campaign has an obligation to continue to struggle to defend and advance the rights of access to information and free expression;
4. The Right2Know Campaign should be democratically constituted and guided by principles, policies, and positions agreed democratically by campaign supporters.
5. Campaign leaders should be elected by, and accountable to Campaign supporters.

### **Therefore resolve:**

To constitute the first National Summit of the Right2Know Campaign in Cape Town from 1 to 2 February 2011:

- a. The 62 Summit delegates will be constituted by 20 delegates from constituted provinces (Gauteng, Kwazulu Natal, and Western Cape), the National Coordinator and National Administrator;
- b. The Summit will be empowered to resolve issues on the scope, structure, strategies, and any other matter impacting on the Right2Know Campaign;
- c. Decisions taken at the Summit will be binding on all structures and active members of the Campaign;

2. To ensure that the National Summit completes its agenda with the maximum contribution of all delegates:
  - a. The Summit will be led by a Facilitation Team agreed at the opening of the Summit;
  - b. Delegates will engage in robust discussion of the issues while treating one another with respect. Only those recognized by a session chair will speak.
  - c. Decisions at the Summit will be reached by consensus. In the instance where the Summit fails to reach consensus in the time allotted to resolve an issue the Chair may call for a motion to be tabled and then call on voting delegates to vote on the motion by show of hands. The vote will be decided by a simple majority;
  - d. To allow for maximum participation, inputs from the floor should be limited to 3 minutes. Inputs from panels or commission reports should be limited to 10 minutes.
  
3. To democratically elect an 11-person National Working Group of the Right2Know Campaign:
  - a. The Election will be conducted by R2K Volunteer, Aliyah Allie (the Electoral Officer), and a representative from each province (the Electoral Team);
  - b. Nomination sheets will be available from 9h30 on Tuesday, 1 February and nominations will be submitted to the Electoral Officer on Wednesday, 2 February at 12h00.
  - c. Voting will take place during lunch on Wednesday, 2 February.
  - d. Votes will be collated by the Election Team and the announcement of the National Working Group will be made on the afternoon of Wednesday, 2 February;
  - e. Each nomination sheet will require the name, province and organization of the nominated person, as well as the printed name and signature of the person nominated and the printed names and signatures of two people making the nomination.
  - f. Nominations will be publicly displayed as they are received.
  - g. All 62 delegates in attendance at the National Summit will be entitled to vote and may do so for up to ten nominees. All delegates may only vote once. There will be one voting station and members will have to sign a register before voting.
  - h. A ballot will be considered invalid if there are more than ten candidates voted for, a ballot other than the official one is used and/or If a ballot has been defaced in such a way that the votes cannot be deciphered.
  - i. All votes shall be equally weighted and the ten candidates with the highest votes shall be deemed elected.
  - j. In the event of a tie for the final position the Working Group will be extended to 11 members.
  - k. While delegates are free to vote for the candidates of their choice, delegates should strive to ensure that the National Working Group is representative of the campaign supporters in terms of geographical location, class, race, and gender;
  - l. The elected National Working Group may co-opt additional Working Group members to ensure it is representative and has the necessary expertise;
  - m. If in the course of Summit deliberations on the structure of the Campaign delegates agree to an alternative number or composition of the National

Working Group, this resolution may be amended by majority vote to reflect the new agreement.

## Appendix 2: List of National Summit Delegates

First Name	Last Name	Representation
Alfonso	Kayser	Backyarders
Alison	Tilley	ODAC
Andile	Madondile	Treatment Action Campaign
Ashley	Louw	Delft Intergrated Network
Baruti	Amisi	KZNRN
China Melusi	Ngubane	Zimbabwe Refugee Community
Cyril	Mwandla	Diakonia Council of Churches
Dadisai	Taderera	CPLO
Dale	McKinley	Personal capacity
Desmond	D'sa	SDCEA
Diamond	Tsaane	APF
Dustin	Kramer	Social Justice Coalition
Eleanor	Hodemaker	Informal Settlement in Struggle
Eric	Tate	Rate Payers Association
Gabriella	Razzano	SAHA
Gary	Haartenberg	Anti-Eviction Campaign
Glenda	Daniels	AmaBhungane
Hassan Alli	Samudh	Substance Fishers Forum
Hennie	van Vuuren	Institute of Security Studies
Jayshree	Pather	FXI
John	Fynn	W.D.F
Jonathan	Dockney	UKZN
Julie	Reid	UNISA
Kate	Stegman	Individual
Khaya	Xhintolo	Mandela Park Backyarders
Khelawanall	Sewsunker	Substance Fishers Forum
Lloyd	Robinson	Individual
Malik	Baliey	African Socialist Ideology Collective
Maria	Manyaka	Sohanguve Civic Association
Mariam	Mayet	African Centre for Biosafety
Mark	Weinberg	AIDC
Mishack	Mbangula	Khathorous Outreach Forum
Mkululi	Mazula	ODAC
Mnikelo	Ndabankulu	Abahlali
Mthembise Emmanuel	Thusi	Dalton Hostel
Murray	Hunter	Right2Know
Mxolisi	Nyuswa	KRCC
Nkwame	Cedile	Right2Know
Nobuhle	Dube	SECC
Noncedo	Bulama	Individual
Ntombozuko	Kraai	Treatment Action Campaign
Patric	Kwinda	Sohanguve Civic Association
Percy	Nhau	Cax Rep
Phineas	Malapela	VEJA/WCCC
Prinola	Govenden	MMA
Prithiraj Ramkisun	Dullay	DUT
Quinton	Kippen	Democracy Development Programme (DDP)
Rassool	Snyman	SMI/ PSC

Sandra	Pires	CIVIC
Shireen	Mukadam	Institute of Security Studies
Sidney	Govindsamy	Clairwood Social Movement
Siphiwe	Segodi	FXI
Sithembile	Mbete	IDASA
Sithembiso	Hlongwane	FXI
Stefaans	Brummer	amaBhungane
Tammy	O'Connor	SAHA
Thabo	Maile	FXN/ DSM
Tinashe	Njanji	Get Up Stand Up campaign
Tobela	Tapula	ODAC
Toto	Nzamo	Khathorous Outreach Forum
William	Bird	MMA
Willie	Heyns	Blikkiesdorp Informal Committee
Zodwa	Nsibande	Abahlali



## **Appendix 3: Right2Know founding statement**

### **Stop the Secrecy Bill! Let the Truth Be Told!**

A responsive and accountable democracy that can meet the basic needs of our people is built upon transparency and the free flow of information. The gains of South Africans' struggle for freedom, are threatened by the Protection of Information Bill (the Secrecy Bill) currently before Parliament. We accept the need to replace apartheid-era secrecy legislation. However, this Bill extends the veil of secrecy in a manner reminiscent of that same apartheid past. This Bill fundamentally undermines the struggle for whistleblower protection and access to information. It is one of a number of proposed measures, which could have the combined effect of fundamentally undermining the right to access information and the freedom of expression enshrined in the Constitution.

#### **Our concerns:**

##### ***The Bill will create a society of secrets:***

- Any state agency, government department, even a parastatal and your local municipality, can classify public information as secret.
- Anything and everything can potentially be classified as secret at official discretion if it is in the 'national interest'. Even ordinary information relating to service delivery can become secret.
- Commercial information can be made secret, making it very difficult to hold business and government to account for inefficiency and corruption.
- Anyone involved in the 'unauthorized' handling and disclosure of classified information can be prosecuted; not just the state official who leaks information as is the case in other democracies.
- The disclosure even of some information which is not formally classified can land citizens in jail. This will lead to self-censorship and have a chilling effect on free speech.
- Whistleblowers and journalists could face more time in prison than officials who deliberately conceal public information that should be disclosed.
- A complete veil is drawn over the workings of the intelligence services. It will prevent public scrutiny of our spies should they abuse their power or breach human rights.

##### ***Who will guard the guardians?***

- Officials do not need to provide reason for making information secret
- There is no independent oversight mechanism to prevent information in the public interest from being made secret.
- The Minister of State Security, whose business is secrecy, becomes the arbiter of what information across all of government must remain secret or may be disclosed to the public.
- Even the leaking of secret information in the public interest is criminalized.
- Unusually severe penalties of up to 25 years in prison will silence whistleblowers, civil society and journalists doing their job.
- All these factors will limit public scrutiny of business and government, whether through Parliament or journalists. Accountability will be curtailed and service delivery to the people will be undermined.

## **Our demands:**

The Constitution demands accountable, open and responsive government, realized among other things through freedom of expression and access to information. Our elected representatives are bound by these Constitutional values and any legislation they pass must comply. We demand that the Protection of Information Bill - the Secrecy Bill - must reflect the following:

1. Limit secrecy to core state bodies in the security sector such as the police, defense and intelligence agencies.
2. Limit secrecy to strictly defined national security matters and no more. Officials must give reasons for making information secret.
3. Exclude commercial information from this Bill.
4. Do not exempt the intelligence agencies from public scrutiny.
5. Do not apply penalties for unauthorized disclosure to society at large, only those responsible for keeping secrets.
6. An independent body appointed by Parliament, and not the Minister of Intelligence, should be the arbiter of decisions about what may be made secret.
7. Do not criminalize the legitimate disclosure of secrets in the public interest.

## **ABOUT THE Right2Know (R2K) CAMPAIGN**

The Right2know Campaign, launched on the 31st August 2010, is a broad civil society coalition of over 370 organisations concerned that the Protection of Information Bill – also known as the Secrecy Bill – currently before Parliament will fundamentally undermine hard-won constitutional rights including access to information and freedom of expression. R2K is an umbrella campaign representing a broad front of civil society groups.

Some supporters of the campaign include Afesis-Corplan, Anti Privatization Forum (APF), African Network Constitutional Lawyers, Alternative Information and Development Centre, Alliance for Children's Entitlement to Social Security, Amnesty International (Durban), Biowatch South Africa, Black Sash, Ceasefire Campaign, Centre for Civil Society Environmental Justice Project (UKZN), Centre for Constitutional Rights, CIVICUS, Clairwood Social Forum, Coalition Against Nuclear Energy, Cooperative and Policy Alternative Centre, Democracy Development Programme, Desmond Tutu Peace Centre, Diakonia Council of Churches, Earthlife Africa, ECOPEACE, Environmental Monitoring Group, Equal Education, Global Campaign for Education, Greater Cape Town Civic Alliance, GroundWork, Gun Free South Africa, Health-e News Service, Historical Society of Southern Africa, Human Rights Watch, Idasa, Institute for Accountability in Southern Africa, Institute for Justice and Reconciliation, Institute for Security Studies, Durban University of Technology, KhoeSan Womens Circle, KZN Inter-religious council, Khulumani Support Group, Lesbian and Gay Equality Project, M&G Centre for Investigative Journalism (amaBhungane), Media Institute of Southern Africa (MISA-SA), Media Monitoring Africa, Muslim Judicial Council, National Welfare Forum, Open Democracy Advice Centre, Open Society Foundation-South Africa, Palestine Support Committee (Durban), Parliamentary Monitoring Group, Pelindaba Working Group, Poetry International- South Africa, Politicsweb, Professional Journalists' Association, Peoples Health Movement (PHM) South Africa, Public Service Accountability Monitor, Rape Crisis, Section27, Social Justice Coalition, Social Movements Indaba, Socio-Economic Rights Institute of South Africa, South African Education and Environment Project, South African History Archives (Freedom of Information Programme), South African Labour Bulletin, South African National Editors Forum (SANEF), South Durban Community Environmental Alliance, Southern African Faith Communities Environment Institute, St Martin's Anglican Church, Students for Law and Social Justice, The AIDS Consortium, The Centre for Applied Legal Studies, Treatment Action Campaign, and the Unemployed People's Movement.