

# **"The importance of a Freedom of Information Act in Mauritius"**

**By Jaleela HASSENNALLY**

**For Transparency Mauritius**

## **ARG 1**

Donny Miller said, "In the age of information, ignorance is a choice." And although I am in love with this quote, I feel compelled to challenge it.

Because for example, if we consider the case of Edward Snowden (USA) who released classified information to the general public – e.g. the global surveillance program, which, as its name suggests, concerns not only the United States, but several parts of the World as well. We also have the case of Wikileaks by Julian Assange (Australia) where even news from Mauritius were reported by the local press to have featured there at some point in time... Although it can be argued that the means by which these 2 individuals ensured "justice" is questionable, Gerald Seymour would say "one man's terrorist is another man's freedom fighter". My point with all of these examples, is that these 2 people, Edward Snowden and Julian Assange come from countries that already have a Freedom of Information's Act. Over 90 countries in the World have some form of this act. So we can say that their deeds make the FOIA questionable.

The Freedom of Information's Act is all about giving all of us the right to ask the Government what it has been up to. And the public officers have the obligation to provide this information if they are in possession of it, within a certain time frame. So it is ambiguous an act: what if the information is existent but not recorded? How far can we go to seek information, what are the restrictions to using this act and if there are restrictions, why name it "Freedom of Information Act"?

The FOIA – Freedom of Information Act – can be seen as a good thing because in some ways, it is in line with democracy and it is a way on behalf of the government to say to its people that they acknowledge that its people have the lawful right to certain information and that they are willing to let the people make full use of this right.

## **ARG 2**

[RE: Article by a local Journalist] It said that; <paraphrasing> – many politicians talk to us in a way as if we deserved their piece of information <end of paraphrasing>. For example, around elections time, one may see a politician come forth with a long note full of scandals that the actual government or ministers or that his opponents have done and it is like a teaser... "They have done this, vote for us and we will show you the big picture." But spoiler alert right here, we do not deserve this information; we are entitled to it. Mauritians pay tax right? And this money is used as salary to ministers, right? So we, the people, feed those ministers and they are thus and by default, accountable to us. We should not be asking. They should be coming forth regularly with a report of their deeds.

I would like to just bring your attention to the fact that we already have an infrastructure that is meant to display information as-is, and this being the noble institution of journalism. But unfortunately in the past, local governments have dragged several journalists to court or have even been boycotting certain

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news agencies. Journalism is a noble institution and is not here to make anyone happy or entertained – it is here to speak the truth and to speak for those who cannot and it is also their job to raise awareness or questions wherever they deem the public might be concerned, whether it pleases the government or not.

### **ARG 3**

Despite the shortcomings and controversies linked to this act, it is important to implement it or at least to develop a pilot (project) version of it. The act will cost millions to implement and maintain and we do not even know if it will be successful and feasible, especially when we see cases in the UK where people ask “how many eligible bachelors are there in the police force of Hampshire” thus wasting time and resources and misusing this act actually; and when we see Tony Blair regretting to have implemented this act. [People must be educated on how to use the act and educated on its worth as well...] But it is a risk to take.

Also, a fervent supporter of the FOIA once said <paraphrasing> – the FOIA is a blessing for the opposition but a curse for the Government. <end of paraphrasing> So I am waiting to see how the Government that implements it actually deals with it. It would be a veritable test for the Government and it would be interesting to see how they set the example by shedding lights on their own tasks (RE: “*Charity begins at home*”).

### **ARG 4**

We do not need an act to know we are entitled to information, but we are not being given this information. At least with the act, we will know where to zoom towards for inquiries. All in all, at least this Act (if used as it should) will provide a stepping-stone towards (again) democracy, freedom of expression and information, transparency, accountability and responsibility. More-so, it is a mechanism for proper check and balances so that one has the lawful right to challenge and seek his rights from a legal aspect. And last but not the least, it is a way of giving more power and responsibility to the people – and acknowledging this power and responsibility; indeed.