

ACTIVATING PAIA FOR ADVOCACY



A visual framework for using the Promotion of Access to Information Act
to advocate for the realisation of human rights



South African History Archive - Since 1988

ABOUT THE SOUTH AFRICAN HISTORY ARCHIVE

The South African History Archive (SAHA) is an independent human rights archive dedicated to documenting, supporting and promoting greater awareness of past and contemporary struggles for justice in South Africa.

Through its Freedom of Information Programme (FOIP) SAHA aims to extend the boundaries of freedom of information in South Africa by:

- creating awareness of the right to information and its power as an enabling right that can be used to protect, promote and fulfil other human rights
- empowering individuals and organisations to understand and utilise the Promotion of Access to Information Act (PAIA) as a strategic advocacy tool
- increasing compliance with, and the use of, PAIA

For more information about FOIP, please contact:

The South African History Archive

Box 31719

Braamfontein

2017

Tel: +27117182563

Fax: +27865001600

Web: www.saha.org.za

The
ATLANTIC
Philanthropies



**OPEN SOCIETY FOUNDATION
FOR SOUTH AFRICA**

ACKNOWLEDGEMENTS

The material in this guide was developed by the South African History Archive (SAHA) as part of a long-term strategy aimed at building the capacity of individuals and organisations to understand and utilise the Promotion of Access to Information Act, 2000 (PAIA) as a strategic advocacy tool.

SAHA gives permission for this guide to be used and reproduced, with acknowledgement, by all those seeking to better understand and utilise PAIA as part of their advocacy campaigns.

CREDITS:

This guide was made possible through the generous support of the Open Society Foundation for South Africa and the Atlantic Philanthropies.

The Freedom of Information Programme at SAHA has also benefitted from the provision of volunteers through the Australian Volunteers International Development programme (AVI), sponsored by the Australian Department of Foreign Affairs and Trade, for over a decade.

This guide builds on the work of previous members of the Freedom of Information Programme, notably AVI volunteers Charlotte Young (2007 – 2009) and Tammy O'Connor (2010 – 2012).

Content development – Kathryn Johnson (AVI volunteer, 2013 – 2014) and Lwazi Mtshiyi.

Production support – Catherine Kennedy, Nancy Nkoko, Bapate Ntikinca and Toerien van Wyk.

Design and layout – Rizelle Stander Hartmeier.

IMAGES:

All images in this booklet are drawn either from Equal Education, SAHA's organizational records, or archival collection.

AL3274 – The Gille de Vlieg Photographic Collection. Photographs on pages 4, 7, 9 and 18.

Equal Education – Image from 13 September 2014 protest march. Photograph on front cover.

SAHA thanks Equal Education and Gille de Vlieg for permission to reproduce their photographs within this booklet.

SAHA would also like to acknowledge and thank those participants who provided input and feedback at SAHA's Basic Education Sector Workshop Programme in 2014 which informed the writing of this guide, including representatives of Centre for Education Rights and Transformation (CERT), Corruption Watch (CW), Equal Education, Media in Education Trust Africa (Miet Africa) (Durban), Mindset, National Association of School Governing Bodies (NASGB) and University of Johannesburg Solidarity.

CONTENTS

BACKGROUND	5
INTRODUCTION	6
VISUAL FRAMEWORK FOR ACTIVATING PAIA FOR ADVOCACY	
SO YOU HAVE A PROBLEM?	8
THINK: About the problem	11
SEEK: More information about the problem	12
TALK: About the problem	13
ACT: To advocate for solution(s) to the problem	14
QUESTIONNAIRE TO ACCOMPANY THE VISUAL FRAMEWORK	16
APPLY YOUR LEARNING	19



BACKGROUND

The Promotion of Access to Information Act, 2000 (PAIA) regulates the right of individuals and organisations to access information held by public and private bodies in South Africa.

This guide provides a visual framework for understanding how PAIA can be used to address issues faced by both individuals and communities when advocating for human rights.

This guide is designed to be used with other guides on using PAIA developed by SAHA. These SAHA guides, along with training materials, can be downloaded, free of charge, from the following websites:

- The PUBLICATIONS section of the SAHA website (<http://www.saha.org.za>)
- The RESOURCES section of the FOIP website (<http://foip.saha.org.za>)

Some of these guides include case studies showing how individuals, and non-government and community based organisations have used PAIA in advocating for various rights. Links to the case studies are provided in this guide so that you can test your learning by applying this framework to different scenarios.

You will know when to refer to other SAHA resources when you see the following icons:

LG

Accessing information for the LGBTI Sector provides a guide to using PAIA to advance the position of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in South Africa (2011).

HG

Accessing Information for the Housing Sector provides a guide to using PAIA to advocate for access to housing (2013).

ED

Accessing Information for Better Basic Education provides a guide to using PAIA to advocate for better basic education (2014).

The posters and visual frameworks for this guide can be downloaded free of charge from the following website:

- The RESOURCES section of the FOIP website (<http://foip.saha.org.za>)

INTRODUCTION

South Africa has one of the most progressive constitutions in the world, with clear recognition of a range of socio-economic rights. However, many South Africans are not experiencing the full range of human rights in their everyday lives as they struggle to achieve a basic education for themselves and their children, to get adequate housing, and to access the information they need to pursue all of their human rights in post-apartheid South Africa.

Often communities express their concern and frustration about these struggles by resorting to service delivery protests that can sometimes make these communities ungovernable.

However, those service delivery protests do not always achieve the long term response that communities are seeking. Some communities are looking for support in finding new ways to approach service providers when they advocate for long term changes that will ultimately give the members of those communities access to all the opportunities offered in the new South Africa.

This guide has been written following an interactive training workshop with a range of non-governmental organisations (NGOs) and community based organisations (CBOs) to assist them in using PAIA to access information needed to advocate for the realisation of the right to a basic education.

The goals of the workshop were to:

- build the capacity of civil society organisations engaged in the basic education sector to use PAIA in their strategic advocacy and human rights campaigns,
- raise awareness in the basic education sector of the right of access to information and how this right can enable the protection and promotion of other human rights,
- produce engaging training resources well suited to the education sector,
- identify and develop materials to profile PAIA case studies in order to show the ways in which PAIA has been used to forward the efforts of civil society and NGOs relating to specific issues and sectors; and
- promote the on-going use of PAIA by civil society partners through training, peer learning and mentoring.

Through the workshop it was identified that greater support was needed in order to:

- (i) understand where PAIA could fit into advocacy initiatives, and
- (ii) identify what information should be requested under PAIA, and when that information should be requested.

Once this working group was able to work through these issues at SAHA's workshops, it became clear that the concepts needed to be conveyed using appropriate language in community settings, preferably in a simple, summary visual training tool.

To address that need, SAHA proposes to collaborate with partner NGOs, CBOs and communities to pilot the visual framework in this guide to support growth in:

- awareness of the 'right of access to information' as an enabling right for achieving a range of socio-economic rights, including the right to basic education,
- knowledge to enable access to information using PAIA,
- capability to realise an informed and flexible advocacy strategy; emphasizing the power of information and knowledge in advocating for sustainable community-based solutions to problems faced by communities in achieving their socio-economic rights, and
- sustainability of this skills development through written resources as a reference for advocacy efforts by NGOs, CBOs, communities and individuals seeking changes that will lead to the fuller realisation of the human rights of all South Africans.

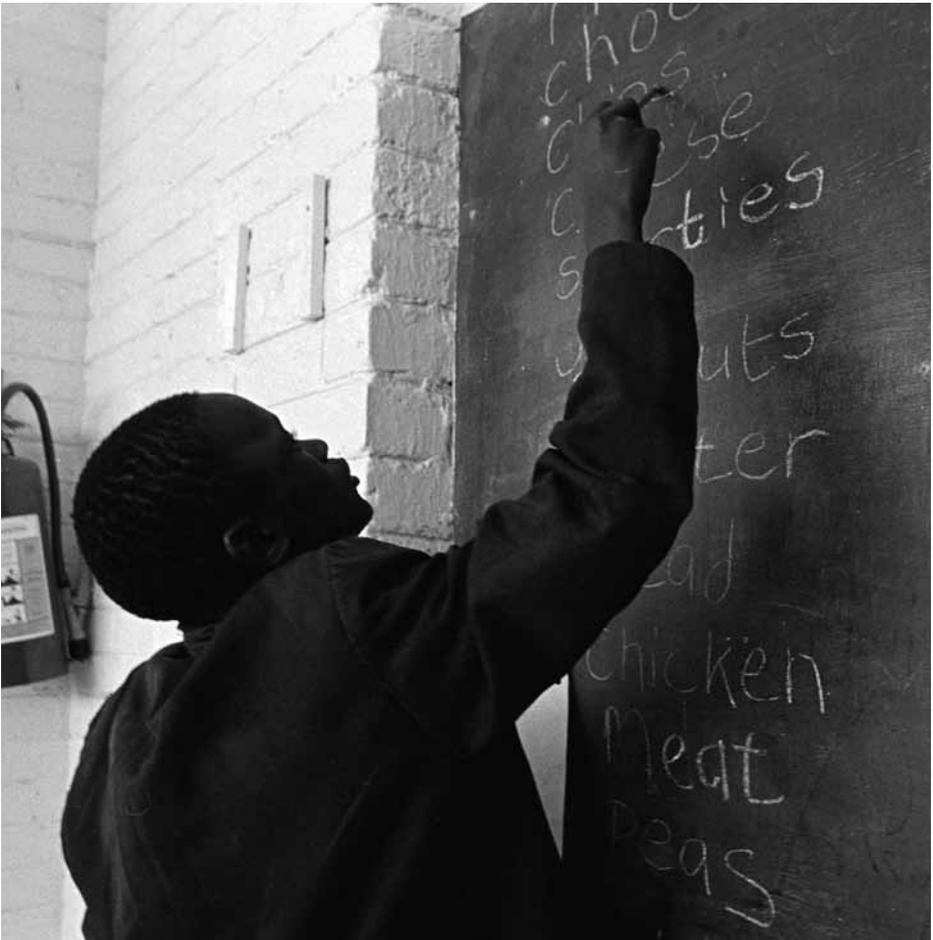


SO YOU HAVE A PROBLEM?

When you have a big problem it can be hard to know where to start and what to do.

The South African History Archive (SAHA) has been working with some non-governmental organisations (NGOs) and individuals working in communities to develop a visual framework that can be used to activate information needed to advocate for the full recognition of a range of human rights, especially socio-economic rights, such as the right to a basic education and the right to adequate housing.

The next few pages suggest a framework that you can use to plan your advocacy strategy to achieve change on the issues that are a problem to you and others in your community. The framework has five connected parts as follows:





PEOPLE

People are central to understanding the problem and to fixing the problem. From the start, you need to identify and include (1) those people most affected by the problem and (2) people with an interest in coming up with the best solution to that problem. You should find (3) people that have expert knowledge that they could use to help come up with solutions as well as (4) people who have the power to make a difference in your situation. Include them in your advocacy.



THINK

If you want to come up with a good answer to your problem, you will need to figure out what CAUSED the problem. The CAUSE of the problem could be a person or it could be a range of circumstances. The more you know about the cause of the problem, the more likely it is that you will find a solution that truly fixes the problem. Also, if you want people to help solve your problem you will need to explain to them why they should assist you. If you can give people facts about the EFFECTS of the problem, this can often convince people that they should help you solve the problem.



SEEK

As 'knowledge is power,' it is important to be sure that you rely on FACTS and not rumours. It is also important to be sure that you are clear about what you do not know or what information you need to prove that something you think might be true really is a fact. If some unknown facts are important to creating a good solution, then you will also need to find that information. There are lots of ways to find out the facts you need. But if you cannot find out the information quickly, cheaply and easily, you may want to make a request under the PAIA for records that provide the facts you need.



TALK

If you have the right people helping to think of possible solutions, you are more likely to come up with a solution that works for the long term. Once you have decided which solution is the best solution you use that as the basis of your CALL TO ACTION. A call to action is a description of your suggested solution that explains what changes need to take place in order for your problem to be solved.



ACT

Now that you have a CALL TO ACTION, you need to consider which advocacy action, or actions, you could take to get other people to know about and to take steps to carry out your suggested solution.



PEOPLE
and organisations that can help you with the problem include:

- Individuals affected by the problem or a similar problem
 - NGOs • Networks of NGOs • Experts
 - Business Community
 - Researchers • Educators





THINK

**ABOUT THE
PROBLEM**

**How do you know what the
CAUSES and EFFECTS of the
problem are?**

**THINK about
CAUSES of
the problem:**

- WHY?
- WHO?
- WHAT?
- HOW?
- WHERE?

**THINK about
EFFECTS of the
problem:**

- WHO affected?
- HOW?
- WHERE?



SEEK

**MORE INFORMATION
ABOUT THE PROBLEM**

What are the KNOWN facts?

What is UNKNOWN?

**HOW can you find out more
information?**

**Some PLACES and WAYS to
start looking for information:**

- library
- internet
- annual reports
- PAIA manuals
- ask people
- phone people
- write letters
- make a PAIA request



TALK

ABOUT THE PROBLEM

1 Write up the KNOWN facts

2 TEST possible solutions:

- what is the cost of each solution?
- what time is required for each solution?
- who wins/loses under each solution?
- who will be responsible for actions of each solution?
- what new problems might be caused by each solution?
- how will this solution work in the long-term?

3 Draft a CALL TO ACTION for the best solution:

- known facts
- proposed solution
- key messages
- key audiences
- what you want to happen next



ACT

TO ADVOCATE FOR SOLUTION(S)

**USE THE MEDIA,
for example:**

- letter to editor
- article for community paper
- press release
- interviews on radio
- talk to journalists about news story
- use social media
- internet blog
- news websites

**TAKE LEGAL ACTION,
for example:**

- court application
- pro bono legal opinion
- complaint to Chapter 9 body (eg Public Protector)
- encourage whistleblowers
- conduct or seek investigations

TO THE PROBLEM



ACT

LOBBY PARLIAMENT, for example:

- letter to Minister
- door knock MPs
- seek Parliamentary inquiry
- attend Parliamentary Committees
- lobby political parties

INVOLVE THE COMMUNITY, for example:

- march/protest
- sit-ins
- 'go slow'
- strike/rolling stoppages
- picket
- circulate petition
- conduct social audits
- gather at events/ meetings
- meetings with speakers
- use your civil society networks

QUESTIONNAIRE TO ACCOMPANY THE VISUAL FRAMEWORK

The following questionnaire lists the kinds of ideas contained in the visual framework in this guide. Sometimes it might be easier or more appropriate to work through a list of questions, rather than just looking at the visual framework on its own.

Depending on the kind of problem you face, you may not have answers to all of these questions. These questions are simply intended as a starting point in order to help you to analyse what information you may need to address or solve it.

TIP: it is recommended that you write down your answers and come back to check them as you continue to lobby and advocate for action on the best solutions to your problem.

PRIMARY QUESTIONS ABOUT THE PROBLEM:

1. What is the problem? How do you know you have a problem?
 - 1.1 CAUSES:
 - 1.2 WHO/WHAT caused the problem?
 - 1.3 HOW/WHERE have they caused the problem?
2. EFFECTS:
 - 2.1 WHO IS AFFECTED by the problem?
 - 2.2 HOW/WHERE are they affected?

QUESTIONS ABOUT THE FACTS

(WHAT YOU KNOW and WHAT YOU DON'T KNOW):

The information you already know is information that you can use in your advocacy and lobbying now. Write a 'fact sheet', and share what you know with other people that are interested and will help solve the problem. Work with them on options for a solution and check the options with them until you come to an agreement about what currently looks like the best solution.

1. FACTS ABOUT THE CAUSE OF THE PROBLEM:

- 1.1 Who or what do you think caused the problem?
- 1.2 If the problem is caused by a person/organisation:
 - 1.2.1 What are they doing that causes the problem?
 - 1.2.2 Have they said they are causing the problem?
- 1.3 If the problem is caused by circumstances:
 - 1.3.1 What is happening that causes this problem?
- 1.4 What is not known about who or what is responsible for this problem?

2. FACTS ABOUT THE EFFECTS OF THE PROBLEM:

- 2.1 When did the problem start?
- 2.2 How many people are affected?
- 2.3 What is happening to these people now?
- 2.4 Where is it happening?
- 2.5 How bad is it – for example, how often are people affected?
- 2.6 What is not clear and is unknown about those negative outcomes of this problem?

3. SOLUTION:

- 3.1 What is your solution and what do you know that makes this seem like a good solution to your problem?
- 3.2 What do you need to know to make sure this is the best solution and that this solution will work?

QUESTIONS ABOUT WHAT YOU DO NOT KNOW:

What facts are not known that might need more research? That research can be done lots of ways.

TIP: prioritise the information you need the most and start looking for that first.

If you do not think you can get the information quickly, easily and cheaply by your own research, then you should consider making a PAIA request for the information. Also, if you want to draw attention to the lack of information on an issue you should consider making a PAIA request.

QUESTIONS TO ASK WHEN WRITING A PAIA REQUEST INCLUDE:

1. **WHAT** information is needed?
 - 1.1 **What** type of records would hold that information?
 - 1.2 **Who** or what body would have those records?
2. **HOW** can we describe those records so that they can be located without the PAIA request being so broad that the request is refused for being too unreasonable and requiring too many resources to do the search.

Some questions to ask when writing your PAIA request to narrow in on the records you are looking for are:

- 2.1 **What** is your best description of the subject matter of the record?
- 2.2 **When** do you think the records would have been created?
- 2.3 **Where** do you think the records would be located?
- 2.4 Is there another way of narrowing the search for the records? For example, can the request be narrowed to ask only for the records written by an organisation or limited to an organisation that was provided the records.

APPLY YOUR LEARNING

Read the case studies in other SAHA publications and think about whether you can identify elements of this framework for information activism in these case studies. For example, look at the following case studies and see if you can answer any of the questions in the questionnaire above, about those case studies:

LG The case study on page 25 of the **Accessing Information in the LGBTI Sector** publication.

HG The case study on page 28 of the **Using PAIA to Promote Housing Rights** publication.

ED The case studies on pages 31 to 36 of the **Accessing Information for Better Basic Education** publication.



This guide provides a visual framework for understanding how PAIA can be used to address issues faced by individuals, non-governmental and community based organisations when advocating for the realisation of human rights.