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Governance arrangements for the Zambian information legislation

By

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Thesis presented in partial fulfilment for the degree of Master of Management (in the field of Public Policy) to the Faculty of Commerce, Law, and Management, University of the Witwatersrand

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ABSTRACT

The purpose of this study was to investigate factors leading to problems experienced in the governance system in the management of access to information legislation in Zambia. The study aimed to answer the question what are the governance challenges for the Zambian access to information law?

The literature review discussed the main concepts of this research such as transparency and accountability and also looked at Governance as the field of study that this research is based.

The study was qualitative in nature used the case study research design. The data collection method utilised was interviews using the semi- structured interview schedule. The method of data analysis selected was content analysis, focusing on Elite and Policy network theories to aid the analysis of findings.

Findings showed that there is a fragmented system of governance in the country, one that does not seem responsive to the needs of the people. The study identified some of the challenges to the Zambian governance system such as the lack of understanding of democracy, lack of civic education by government, and high levels of both illiteracy and poverty.

DECLARATION

I declare that this research report, titled ‘Governance arrangements for the Zambian information legislation’ is my own unaided work. I have acknowledged and referenced all sources that I have used and quoted. I hereby submit it in partial fulfilment of the requirements of the degree of Master of Management (Public Policy) in the University of the Witwatersrand, Johannesburg. I have not submitted this report before for any other degree or examination to any other institution.

Chibwe Salati

Johannesburg, October 2017

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First and foremost, I give God almighty all the glory for seeing me through the last two years, without His grace, mercy and blessings, this stage of my life would not have been possible.

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CHAPTER ONE
INTRODUCTION TO THE RESEARCH

1.1 BACKGROUND

Chapter one provides a discussion on the components of this research paper, introducing access to information laws and examining a few examples of countries that are using them. The legislature as a research setting for this paper will be discussed, to understand its relevance to information laws. Governance and public accountability will be discussed as an intervention in addressing public accountability. The Zambian information bill will then be examined. The section will explore the problem statement, the purpose of the research and the primary and secondary questions that the study aims to answer.

The delimitations of the study and justification for the research will be addressed.

According to the Commonwealth Human Rights Initiative (2007, p. 10) “The right to information is referred to in various ways across the world, freedom of information is one of them, while others call it access to information, or the right to know, but all these terms have the same meaning that people have a human right to seek and receive government-held information”. This is information held by public bodies which means it belongs to the people, and this is especially so in democracies where the government exists to represent and act on behalf of the people. Internationally, one hundred countries have access to information laws as of 2014. Sweden was the first country to introduce these laws in 1766, and the second country to do so was the United States of America. By 1997, 22 countries had introduced information laws, with the most recent being Paraguay in 2014 (McIntosh, 2014). The three countries in the world that have the best information laws are Serbia, Slovenia and India

(http://www.rti-rating.org/). Whether these laws are having an impact on the rights of people to access information or on the system of governance and its responsiveness to the needs of the people is not clear and the literature review aims to shed more light on this. India's law was first adopted in 2005 after a 25-year legislative battle. Its first draft passed in 2002 was criticized for having numerous exemptions and no penalties for non-disclosure (Rappler.com, 2014). Despite being recognised as having the most advanced and effectively implemented information laws internationally, India has experienced challenges in its implementation of the access to information law such as the lack of adequate public awareness, especially in rural areas; lack of proper systems to store and disseminate information; and lack of capacity and resources to respond to requests. Other challenges experienced include that the law does not allow access to information held by private entities that perform a public function as well as information received in confidence from a foreign government, cabinet papers and parliamentary privilege (CUTS International, 2010). The researcher chose to examine the case study of India because like Zambia it is a developing country and its governance system bears some likeness to the governance system in Zambia.

On the African continent the following countries have information laws: South Africa - Promotion of Access to Information Act (2000); Angola - Freedom of Information Law (2002); Zimbabwe - Access to Information and Protection of Privacy Act (2002); Uganda - Access to Information Act (2005); Ethiopia - Freedom of Information and Mass Media Law (2008); Liberia - Freedom of Information Act (2010); Guinea - Organic Law on the Right of Access to Public Information (2010); Nigeria - Freedom of Information Law (2011); Tunisia - Decree on Access to the Administrative Documents of Public Authorities of Tunisia (2011); and Niger - Charter on Access to Public and Administrative Documents (2011). In South Africa, the South African information laws officially known as the Promotion of Access to Information Act (PAIAI) are considered exemplary laws and provide strongly for access to information. As in India, people requesting information are not required to justify why they are asking

for information. However, this law also has its challenges, such as the assumption that public bodies hold all information that will be requested, and that when permission is granted for access the information is rarely released without restrictions or conditions. The costs required to access information are high for the ordinary citizen and the period between the request and the provision of information can sometimes be long (African Platform on Access to Information, 2013). These challenges easily defeat the purpose or aim of access to information laws.

Access to information is in nature a basic human right and a powerful tool that can contribute to achieving other socio-economic rights. It can also be used as a tool to prevent or expose abuses of office or funds by public bodies and as such improve delivery of services. Some examples of how the access to information laws are beneficial to citizens include a case where: “in South Africa, villagers living without basic services water and electricity requested information to local government agencies, with support from Open Democracy Advice Centre about plans to address these issues. They obtained the mid and long term plans of the government to solve the problems, while also prompting authorities to implement an interim solution to ameliorate the situation in the short term; this meant a water tank that was refilled regularly. In Indonesia, parents, through support from Article 19 and its Indonesian partner civil society organizations, used the country’s access to information law to learn how school resources were used. This resulted in better accountability in the use of such resources” (Esquivel, 2014, p. 1).

Access to information laws provide support to democracy and promote good governance, by empowering the citizens to participate effectively and hold government officials accountable, thereby acting as a watchdog. The focus of this paper is to highlight the use of access to information laws and how they influence accountability, and this requires the examination of the instruments of accountability. Accountability is two-fold in the sense that it involves providing both scrutiny and oversight.

Citizens scrutinize governance processes and decisions, thereby holding government accountable whereas oversight is provided by the legislature. As mentioned, citizens need information to hold governments accountable and to participate in governance processes but in the absence of information laws this becomes challenging. Zambia does not have access to information laws, but such laws have been in the process of development and enactment for some years (Djokotoe, 2014). This study will explore the process of developing this law, the involvement of actors, acknowledging that the legislature is the branch of government involved in this process and that the legislature is also an instrument of accountability. The legislature is but one branch of government that interacts and serves citizens.

1.1.1 History of the legislature in Zambia

Zambia's legislature was in existence for many years prior to its independence from the British Colony, when it was ruled by the British South African Company (Mafuleka, 2005). It was established in 1918 and since then it has undergone a number of changes including changes in names. It was initially called the advisory council, but when the country was handed over to the British government the name was changed to legislative council (Caritas Zambia, 2014). When Zambia gained its independence it also gained full legislative powers and officially changed the name of the legislative council to the national assembly.

This was but one of the changes that took place over the years; other changes included the increase in the members of parliament and the increase in the number of opposition party members allowed to be part of the national assembly (Phiri, 2005). Parliament at the time also introduce dissemination of information on parliamentary reforms through hard copy publications, radio and television so that citizens were kept informed and the government embarked on building constituency offices in constituencies throughout the

country, with sub-constituency offices in rural areas (Caritas Zambia, 2014). One of the most significant changes was the drastic increase in funds given to members of parliament for the development of the citizens; these funds are called Constituency Development Funds (CDF). On one hand this meant more money for effective service delivery for citizens while on the other hand it meant a greater risk of poor accountability of funds. Some members of parliament were unable to account for the funds. Of more importance was that most citizens did not appear to be aware of the existence of these funds.

The Legislature is intended as a representative and participatory institution that should act in the best interests of the citizens, entrusting them with the obligation to develop and implement policies that will respond to people's needs (Caritas Zambia, 2014). However, in the face of mismanagement of funds citizens have found it difficult to maintain trust in their leadership as an institution of governance that is meant to provide oversight, when it is compromised citizens lose faith in the system's ability to provide for or represent them as their leadership. Legislation in relation to governance will be discussed more in the literature review. In the next section governance and public accountability will be considered within an academic setting that the research focuses on.

1.1.2 Governance and public accountability in Zambia

One definition of governance is that, Governance is defined as the traditions and institutions by which authority in a country is exercised. This includes "the process by which governments are selected, monitored and replaced, the capacity of government to effectively formulate and implement sound polices and the respect of citizens and the state for institutions that govern economic and social interactions" (Kaufmann, Kraay, & Lobatoon, 1999, p. 1). The purpose of governance is widely seen as being able to aid development through public service delivery, creating wealth, equitable redistribution of wealth, upholding values, rules and laws of the country and guiding policy

process. Governance is often mistaken as being synonymous with government (Fukuyama, 2013). While governance is a much larger and complex concept, government is one component or instrument and means to achieve governance. This is evident in the definition of governance given above. In such a context, government's decisions and activities have to be scrutinised and why government needs to be held accountable for their actions.

The research focuses on the governance arrangements of Zambia which has been a democratic state since gaining independence on October 24, 1964. It has undergone successful transition from a one-party participatory democratic state to multi-party state and has been ruled by six presidents from three different political parties all elected through democratic election processes (Caritas Zambia, 2014). Electoral process are known to be components of governance but electoral processes are also ways in which we hold government accountable. Accountability is defined simply as a method for holding leaders responsible for their decisions and actions by demanding checks and balances. This section is meant to briefly introduce the two concepts, governance and accountability. Chapter two will discuss in detail more structures that play a role in accountability such as governance processes and their components. Chapter two will also look at past studies that have researched the same or similar topics to serve as a knowledge base for the research and help focus this study.

1.1.3 The Zambian information bill

In the last twelve years, the information bill of Zambia has undergone change of name, content and changes in stakeholders engaging in the policy process of this bill. The bill has not yet been approved in Zambia (Djokotoe, 2014). The process of drafting this bill begun in the year 2002 by civil society organizations and since then, it has been sent between them and government and its name changed from freedom of information to access to information. Another change was the focus of the bill, which shifted from addressing the rights of the media

only to the inclusion of the rights of citizens to have access to information held by public bodies (Caritas Zambia, 2014). Currently, the bill is still in draft form and it is unclear at which stage of the policy process it is. An insight into the detailed process of development and modifications that the access to information bill has undergone in the last few years will be discussed in chapter two. Literature will be used to explore the importance of this bill to the country, how it has progressed through the changes in leadership as well as the stakeholders who have been part of the process.

1.2 TOWARDS EVALUATING LACK OF THE ACCESS TO THE ZAMBIAN INFORMATION BILL AND ITS IMPACT ON ACCOUNTABILITY

1.2.1 The research problem statement

The lack of access to information is hindering the ability of citizens to hold public officials accountable in Zambia. This is attributed to citizens' low levels of awareness regarding the policymaking process, procedures and decisions made by government. Citizens who are not enlightened cannot question the government on its obligation to meet citizen needs or participate effectively in the governance process. Knowledge gaps exist regarding the status of a tool that can legally equip citizens with the ability to question leadership, and this tool is called the access to information bill. Gaps also exist in the role that the system of governance plays in the policy process of the said bill and the kind of accountability measures government has put in place to hold public officials accountable (Matibini, 2009). This research will attempt to explore these issues using qualitative methods to interact with the target population in order to understand the impact they have on access to information.

1.2.2 The research purpose statement

The main purpose of this research is to investigate the factors leading to problems experienced in the governance system in the management of access to information legislature in Zambia. This will be done by giving an insight into the type of governance that exists in Zambia, how its components function and influence the process of making a bill. By exploring these issues, knowledge gained will serve as the rationale to support action on the bill as a tool or instrument that can further accountability efforts in the country. The research will interpret, analyse and present findings on governance arrangements in relation to information legislation.

1.2.3 The research questions

The primary research question this study aims to answer is: What are the governance challenges for the Zambian access to information law?

The secondary research questions that will help answer the main question and purpose of the study are:

1. What are the factors leading to problems in the governance arrangements of information legislation?
2. What are trends in the governance arrangements that support the implementation of the information legislation?
3. What are the strategies for consideration in the governance arrangements for information legislation?

1.2.4 Delimitations of the research

This study falls within the field of governance and the study is conducted in the context of governance. The rationale for this decision is that the research problem is the lack of accountability by public officials and there is a need to identify mechanisms that can foster the accountability of public figures and

equip citizens with the power to demand accountability. In light of this, the researcher identified the Zambian information bill as the tool that could contribute to solving the research problem. This calls for further analysis of this bill and although it has not yet been enacted in Zambia, the literature will show how it would influence accountability and examine reasons for why it has not yet been enacted.

This bill, like a number of bills, is passed through the policy making process which will also be investigated, and the roles of the main actors responsible for this process will be explained. The legislature is also known as an instrument of accountability (Maina & Onami, 2011), therefore the research will focus on this institution. This brief assessment further supports the researcher's choice to locate this study in the field of governance, as concepts that will be explored such as accountability, the legislature, access to information and policy making will inevitably link to governance and the structures existing within governance since some of these if not all are part of thestructure or component of governance (Olowu & Sako, 2002).

1.3 JUSTIFICATION OF THE RESEARCH

This research is necessary because it aims to provide some understanding of the various structures of governance in Zambia as well as insight into the use of information laws for accountability. "The access to information bill above all is a monitoring mechanism that can serve as a powerful deterrent to maladministration, because it serves to discipline and professionalize the public sector." (Michener, 2014, p. 12). The paper will serve as a source of information especially in the use of extensive literature review that already exists and the use of results that will be obtained from interviews. Information promotes commitment to meeting developmental goals because information empowers people to demand government to fulfil its obligation of meeting their rights, such as their right to basic needs and equal distribution of wealth and income (Schenkelaars & Ahmed, 2004). Although previous research has been

done on access to information laws in Zambia, the number of studies conducted are not sufficient and there is a need for further studies to add to existing knowledge. The literature for this study will also bring to light various roles that information plays in societies.

1.4 PREFACE TO THE RESEARCH REPORT

This report has six chapters. Chapter one will provide an introduction and the background to the study. The researcher will briefly explore access to information laws from global, continental and regional perspectives. This will give insight into what information laws are, how they are used in various countries and their importance. The researcher will explore legislature in Zambia as a system that is part of governance and as an instrument of accountability. This research is situated in the governance field will explain what governance is as well as public accountability as an aspect of governance. These two concepts will be discussed in relation to access to information laws. Chapter one will examine the problem statement and the purpose of the research. The primary research question as well as the secondary research will help to examine the issues being investigated.

Chapter two will provide a literature review which will discuss in detail the legislature of Zambia and the access to information laws of Zambia. The chapter will also explore similar past studies that have investigated similar topics to those in the study. The purpose of this will be to support this study as well as to give the researcher an indication of the methodology used that the researcher could make use of. Exploring these studies will also give the researcher a sense of where there is a gap in information that this study can address. Chapter two will explore governance as the field of study, by looking at the purpose of governance, it components, the processes of governance as well as facts and issues of governance. This section will examine attributes of governance that support the existence of the access to information laws, which will help the researcher to identify theories for examining these concepts

during data collection and the analysis of the data collected. The outcome of this chapter will be the development of the conceptual framework to provide a clear understanding of how the research will be conducted.

Chapter 3 will discuss the research methodology used for this study. This section will describe and discuss research approaches and research designs and the selection of and justification for research approach and design. The researcher will discuss data collection methods and data analysis methods that will be used and provide examples of studies that have made use of similar methods as a justification for the choices. In addition, this section will consider the target population for the study as well as sampling techniques that will be used to choose respondents for the study. Reliability and validity measures as well as limitations will also be explained.

Chapter 4 will include the presentation of findings, utilising both text and diagrams to enable easier understanding of the data collected.

Chapter 5 will provide interpretations of the data collected and the findings.

Chapter 6 summarises and concludes the research and provides recommendations.

CHAPTER TWO
LITERATURE REVIEW

2.1 BACKGROUND

This chapter has four broad objectives: the first two were (i) to detail the research problem or evaluation intervention; and (ii) to identify the research gap. The third and fourth objectives were (iii) to develop a theoretical framework for interpreting the research findings, and (iv) to propose a conceptual framework for informing how the research will be undertaken. Section 2.1 discusses the Zambian legislature as a structure that exists to serve the public and one which plays a central role in the policy making process. Section 2.2 explores the access to information bill in order to understand its history and why it is important for citizens. Section 2.3 examines literature from previous studies that have researched similar topics in order to support the importance of this study and familiarise the researcher with the methodologies they have used. Sections 2.4 and 2.5 explore governance as the academic field this study falls into. This contributes to the development of theoretical frameworks for interpreting the status of information bill in Zambia covered in section 2.6. Four main theories were discussed which informed the decision to utilise two theories. Sections 2.1 through to section 2.6 underpin the development of the conceptual framework in section 2.7.

2.2 THE HISTORY AND DESCRIPTION OF THE ZAMBIAN LEGISLATURE

The first legislative organ in Zambia was created in 1918 during the colonial rule of the British South Africa Company, in response to demands for an Advisory Council to rule the country. The council played an advisory role while authority was held by the administrator of the British South Africa Company (Mumba, 2004). “In 1924, due to rising cost of administering the territory, the British South Africa Company decided to surrender control to the British and

hence Zambia, then called Northern Rhodesia, became a British protectorate Zambia" (Kupalelwa, 2004, p. 2). It was in that year that legislative power was given to the legislative council, which consisted of the president or at the time the governor, nine official members and unofficial members selected by the citizens, although full authority was retained by the British government (Mumba, 2004). Most Africans did not have much practice with governance and had little or no access to parliament during colonial rule and this was the case in Zambia as well. This was likely amongst the many reasons that led to the struggle for independence (Phiri, 2005). The council existed until Zambia obtained independence on 24th October 1964, and during this period the legislative council was changed to the National Assembly and given full legislative powers.

Zambia's parliament is known to be one of the oldest functioning legislatures in the Southern African region, although it changed significantly over the last three decades (Mafuleka, 2005). Some of these changes were characterised by the change of government and the system of governance from a one-party state to a multi-party state in 1991. The Constitution of Zambia in Article 62 defines Parliament as "a composite body consisting of the President and National Assembly" (Republic of Zambian Government, 1996). Parliament is composed of candidates from various political parties elected by citizens to represent their constituencies. The majority of the members of parliament participate in elections as members of political parties, and the successfully elected Member of Parliament must maintain membership with the political party on whose ticket they were elected (Caritas Zambia, 2014). When the Member of Parliament leaves the party, their office is declared vacant and a by-election should take place as provided for in the Constitution.

The roles and responsibilities of the legislature include; "overseeing government administration as demanded by the doctrines of checks and balances, acting as a watchdog for the electorate over government activities through its control of government's financial administration, scrutinising

presidential appointments, control of delegated legislation and ensuring good policy making through parliamentary debates (Kupalelwa, 2004). In the period characterised by a one-party state, Zambia was under the rule of Dr Kenneth Kaunda from the United Nations Independent Party (UNIP). The composition of parliament at the time was 135 members of parliament of which 125 were elected and the remaining 10 were nominated by the president. The term of office for elected members of parliament was and remains five years as stated in the constitution of Zambia. The members were split into two groups, backbenchers and frontbenchers, and according to Mafuleka (2005) the role of backbenchers was screening policy ideas from the frontbenchers, so they were free to criticise government and to cast their vote as they saw fit. This meant that the government's bills or proposals were often rejected and as a result, parliament was seen as a forum where the opposition parties could act. This did not sit well with the executive and over time they reduced the number of backbenchers and increased the number of frontbenchers. This meant that the vote of the few backbenchers rarely, if ever, was considered, as they were now the minority (Mafuleka, 2005).

The change of government in 1991 was the beginning of a new era starting with the reign of the Movement for Multi-party Democracy (MMD) under President Fredrick Titus Chiluba, the revision of the Constitution, the change of governance to a multi-party state and the increase in the number of parliamentary seats to include more members from opposition parties (Phiri, 2005). The president was allowed to nominate eight members, while elected members increased to 150, resulting in the total membership of 160 members of the legislature inclusive of the president and the National Assembly speaker (Mafuleka, 2005). The increase in the number of opposition members in parliament resulted in greater scrutiny and criticism of the ruling party's decisions. Decisions were taken such as liberalization of the economy, amendment and enacting of some acts such the Constitution of Zambia Act of 1996, the Electoral Act of 1996 and the Public Order Act of 1996 as well as legislature limiting the freedom of expression by media and therefore giving

authority to the speaker to have journalists in breach of these acts arrested (Mafuleka, 2005).

The representation of members of parliament of the ruling party continued to drop significantly over the years from 80% in 1996 to 40% in 2011 (Caritas Zambia, 2014), which meant that the incumbent government no longer had the majority decision-making vote. While it seemed to improve rational scrutiny of the policy making process it also gave more power to the executive. “This was achieved by appointing the opposition members of parliament to ministerial positions and these were bound by collective responsibility although they were from the opposition, therefore using them in subtle ways as a means to an end and thus disregarding the doctrine of separation of powers” (Mumba, 2004, p. 19). The president exercised more control over the decision-making process and disregarded the views and opinions of other members of parliament. This remained a trend even with the change of leadership in 2001 and throughout the succeeding years. Similarly, Caritas Zambia (2014) states that the appointment of some ministers and deputy ministers from opposition parties by the president has led to the increase in the influence and pressure of executive in the legislative assembly. Amongst the changes that took place was the introduction of various committees within parliament to address sectoral development, 18 sessional committees and 11 portfolio committees (Caritas Zambia, 2014). Parliamentary portfolio committees have the mandate to oversee the overall performance of government institutions and to solicit public views in the policy making process. However, some Members of Parliament do not consult citizens to solicit their views; instead the practice has been inviting the public to Lusaka to present their views, which limits wider access to information from citizens residing in rural areas. Furthermore, public views are often sought through media notifications, which are not always accessible to the general public (UNDP, 2011).

According to Caritas Zambia (2014), in the attempt to create an effective and responsive institution, the government has since employed a number of

strategies such as launching a Parliamentary Reforms Programmes (PRP) in 2002. Caritas Zambia (2014) explains that some of the activities under this programme included building constituency offices within a sub-project, the production of various parliamentary handbooks, establishment of parliament radio, and the strengthening of the committee system of parliament. The constituency sub-project of the parliamentary reforms has been one of the most visible and well-resourced during its implementation since the reforms began. Government financial support to the reforms has exponentially grown over the years from ZMK 600-million in 2006 to ZMK 28-billion in 2012 (Caritas Zambia, 2014), of which an allocation of about ZMK 2-billion is paid to what is called a Constituency Development Fund (CDF). These funds are intended for the development of constituencies in the country and they are released into the custody of the members of parliament who in their discretion decide on utilization of these funds within the constituency. Although these funds are meant to improve the welfare of citizens by improving their surroundings, the records of expenditure of these funds are rarely shared with citizens, and in most cases think they should not and cannot have access to these records. This is partly because some members of parliament give the impression that these are personal funds and also because citizens lack the knowledge about where the funds are from, their purpose and the expenditure. The case of these funds is just one of many issues that decision-makers need to be held accountable for and that citizens need to be made aware of. Citizens are also unaware of legislation and procedures that permit them to request this information from their members of parliament (Phiri, 2005), based on legislation such as the access to information bill. The bill may not be a solution to accountability but it can serve as one of the tools that promotes the transparent operations of government and assists citizens to have greater access to information. Unfortunately, such a bill currently does not exist in the country (Djokotoe, 2014). This leads to the interest in knowing more about information bills and how they influence issues of accountability and transparency. The next section will attempt to answer these questions and

provide further explanation as to why it is a necessary piece of legislation, especially when looking at accountability of public funds.

2.3 DESCRIPTION OF THE ZAMBIAN INFORMATION BILL

The access to information bill is key to the operationalization of a democratic government, and is an important instrument because provision of information to citizens leads to increased levels of participation in the policy-making processes as well as in governance (Maina & Onami, 2011). It allows citizens to be empowered to demand accountability from government. Government should therefore be open to public scrutiny, judgment and evaluation of its functioning (Michener, 2014). In addition, it enforces transparency which is a prerequisite for an effective and efficient democratic nation. Participation, transparency and accountability are all key concepts that form the pillars of democracy (Maina & Onami, 2011). In that context, Zambia is a democratic nation and therefore it must strive to uphold these aforementioned pillars.

Democracy is defined as government for the people, by the people and with the people, and ideally in a democracy power should be vested in the people and exercised by them. Democracy is the system of rule by law and not by individuals. The rule of law protects the rights of citizens, maintains order and limits powers of government. This type of governance entails power sharing, participation and government meeting the demands of the people. Democracy can be divided into two forms. The Democracy Unit (2008, p. 2) notes that “participatory or direct is a form of democracy where people govern themselves whereas representative or indirect form of democracy is where government is chosen by the people and as such derives its legitimacy from the people. The DDU (2008) suggests that the challenge with democracy is that often there is a lack of clear distinction between the two types and as a result most African countries tend to exercise a combination of both, which poses a challenge to important issues such as accountability and citizen engagement in public affairs, which can easily be overlooked.

In a democracy, the key is that it has its roots in the people, the people should make the decisions in the case of direct democracy or they should be made aware and consulted about the decisions in the case of indirect democracy. The emphasis is that either way citizens need to be informed about the activities of their governments. Borah (2013) emphasises that keeping societies informed and allowing them to express themselves protects certain values, amongst them securing the participation of members in the society in social and political decision-making. A government that is democratic and strives for citizen participation will promote civic education to the society. This communicates the willingness of government to work with citizens and a commitment to ensure that citizens are kept informed of events in the nation. Information sharing contributes to transparency, which basically implies that the government is being open about their decisions and activities and this can only occur when information is made public or shared.

2.3.1 Transparency

Transparency is defined as the availability of information to the general public about clear government rules, regulations and decisions, and it entails ensuring access to accurate and timely information (Asian Development bank, 2005). Transparency is also defined as free access to governmental political and economic activities and decisions. Among the instruments for promoting greater transparency and accountability are free media and either parliament or consultative assembly (Schenkelaars & Ahmad, 2004). The goal of being open through provision of information is to remove the secrecy from government information in line with the democratic principles of accountability and transparency and to make it more accessible to the public. It is therefore essential to examine the role that information plays in governance as well as having information as a right for citizens.

2.3.2 The right to information

The right to information is referred to in various ways – freedom of information, access to information or the right to information, which all imply the same thing. Since “information is power”, in the context of the topics of this research, information provides people with the knowledge and power to demand for their political, economic and social rights from their governments, therefore lack of information frustrates people’s ability to participate in governance and hold government accountable for their actions (CHRI, 2007). The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly grants everyone the right to seek, receive and impart information and ideas through any media and regardless of borders (Schenkelaars & Ahmad, 2004). The same right is guaranteed by other legislation such as the International Covenant on Civil Political Rights of 1966, the African Charter of Human and People’s Rights of 1981, which Zambia has ratified. It is easy for countries to ratify such instruments and constitutions that promise to uphold rights of citizens but it is difficult to enforce them; therefore effective practical mechanisms and strategies such as policies and laws are needed to ensure they are upheld (Darbishire, 2009). Legislation gives citizens access to information and may require no identification and justification for citizens when they approach government with requests for information, since legislation may demand that government shares information proactively.

Given that it is a right, governments have the duty to provide access to information. However, Schenkelaars and Ahmed (2004, p. 1) highlights that “neither total openness nor complete secrecy would be reasonable and no country in the world has decided to adopt such extremes.” This could also explain the reluctance of some countries to introduce the access to information legislation, the uncertainty of where to draw the line between sharing too much or too little and the conditions for disclosure they would put in place. CHRI (2007) states that governments should only withhold information when it is in the best interests of the public. However, it would be challenging to decide

what information is in the best interests of the public, to understand how such a decision would be made, how this is communicated to the public and how they would react when given such a reason. Given that information is a right, it is necessary to explore the role it plays in governance and development.

2.3.3 The role of information

The most basic feature of most freedom of information laws is to give citizens the ability to ask for materials held by public authorities and other government bodies. Material is variously defined as records, documents or information (Memeza, 2004). It has been seen that “information serves as a basis for strengthening government-citizen relations, on the one hand government should provide information on policies, decisions and institutions and on the other hand, citizens should provide feedback to government, as strengthening relations aids better policy making” (Schenkelaars & Ahmed, 2004, p. 2). Feedback allows government to become aware of new sources and ideas, information and resources. It also contributes to building trust in the government thus creating a responsive and inclusive government. However, when government cannot fulfil their side of the relationship, citizens are unable to fulfil theirs. Therefore, it is valid to suggest that the role of information is to empower people to demand their rights and to participate in public affairs, as this serves as a basis for democracy.

Information helps to focus government priorities on the needs of people by enabling them to develop and express informed opinions and play an active role in influencing the policies that affect their lives (CHRI, 2007). Similarly, Tapula (2010, p.7) states that “access to information can be used among other things as a tool to modify society’s power relations, power should not only rest with government officials, but sharing of information with role-players in society aids effective human development.” Thus, transferring knowledge and power back to the people allows them to evaluate their needs and ensure government meets them through decisions they make. Desai (2009) shares that

information also helps fight corruption and maladministration, and the public demand for information in order to hold government accountable for their actions. Citizens want to know how government spend public funds, and this forces government to ensure effective and efficient budgets and expenditures therefore, the public will act as a watchdog and question decisions that may be unclear, consequently reducing the corrupt behaviour.

Information makes decision-making processes such as elections unbiased (CHRI, 2007). When the citizens can hold officials accountable, they are aware of whether elected officials are performing as expected of their positions, and if it is discovered that they are not, the public has evidence to make informed choices regarding voting out those who do not work in the best interests of the public. According to CHRI (2007), the public can also have access to personal profiles and relevant information such as past performances of candidates standing for office for scrutiny, thereby helping them to make informed decisions. Information promotes commitments to meeting developmental goals because information empowers people to demand that government fulfils its obligation of meeting rights to basic needs and equal distribution of wealth and income (Schenkelaars & Ahmed, 2004). The lack of easily accessible information, especially for marginalised people who need the information the most, prevents people from being aware of their human rights and demands. In conclusion, the consequences of lack of information are marginalised communities whose needs are not met, a non-inclusive government or fragmented democracy that cannot meet the needs of the people, and a policy making process that is not needs-based and is controlled by those who have access it to it. In such situations, naturally it would only benefit those in power and those belonging to elite societies. Inevitably this leads one to examine the instrument that is the access to information bill.

2.3.4 History of the Zambian access to information bill

In 1992 the need to develop and enact a Freedom of Information bill was made to government as a recommendation as a result of meetings held by the Ministry of Information and Broadcasting Services with other stakeholders. The aim of this meeting was to discuss democracy and media in the country (Matibini, 2009). The result of this meeting was the formation of a committee called the Media Reform Committee and the recommendation to government to enact a freedom of information (FOI) law. Despite this recommendation, government did not take action until nine years later, when the government published a draft of the bill in 2001. They cited reasons for such a delay as that the bill would give the public and journalists access to information that may comprise matters relating to national security and therefore they had spent time setting conditions that would prevent this. The draft bill was shared for the purpose of stakeholder input; however, when feedback was submitted to the government, they did not react or respond to it. Stakeholders took it upon themselves to develop another draft freedom of information bill in 2002 that was published in the Government Gazette. The strategy was to have members of the opposition present it in parliament. However these efforts were futile because it was understood that such a bill would have financial implications and thus it required the consent of the president or the Finance Minister. Both withheld consent and thus published the first draft without the recommendations submitted by civil society organizations (Matibini, 2009).

The bill was presented in parliament in November 2002 by the Minister of Information and Broadcasting Services but never tabled. Government decided to withdraw the bill, citing reasons such as insufficient research had been undertaken before taking the proposed bill to parliament. It was not made mention of again until 2008 when the third republican president announced his commitment to ensure the bill would be enacted. Despite efforts made to develop and enact the bill, the country does not yet have an approved access to information bill, and for over a decade relied on the constitution as the

legislation that has partially addressed access to information. This calls for a closer look at the constitution, specifically the section that addresses access to information in article 20. The Republic of Zambia Government (1991, p15) states:

> "(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence. (2) Subject to the provisions of this Constitution no law shall make any provision that derogates from freedom of the press. (3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Article to the extent that it is shown that the law in question makes provision: (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or (b) that is reasonable required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or the registration of, or regulating the technical administration or the technical operation of, newspapers and other publications, telephony, telegraphy, posts, wireless broadcasting or television; or (c) that imposes restrictions on public officers; and except so far as that provision or, the thing done under the authority thereof as the case may be, is shown not to be reasonable."

Some interested parties, mostly from civil society organizations and the media, are of the opinion that this section of the constitution is not sufficient as a basis

for requesting information. It calls into question whether this can be viewed as a loophole or a basis on which access to information may be denied. In light of this section, it can be concluded that the access to information bill is vital for the development of the country in all sectors. As a democratic nation, Zambia should uphold and enforce access to information, in support of the protection of democracy. This section also looked at the legislature as one of the important institutions that should promote democracy, specifically participatory democracy as it should be representative of the citizens (Maina & Onami, 2011). Legislature as duty bearers, instruments of transparency and the institution directly serving the citizens, should be advocating for citizen's rights and striving to ensure citizen's needs are met. In its capacity as the gate-keeper for funds meant for development of the citizens in various areas, it should ensure accessibility of citizens to funds and knowledge about the funds including the expenditure.

2.4 DATA, METHODS, FINDINGS, CONCLUSIONS AND EVALUATIONS OF PAST STUDIES

The aim of this section is to explore previous work, research that has been conducted on access to information legislation, to look at the research methodologies they made use of and why, the data collected as well as the findings and conclusions made in these studies. This will give insight into past research and how much work has been done, if any, on access to information and how it can inform, guide and focus this study. The researcher will examine a minimum of ten previous studies.

2.4.1 Studies analysing existing information bills

2.4.1.1 The Promotion of Access to Information Act

This is a research paper produced by the Open Democracy Advice Centre (ODAC) on the feasibility of the establishment of an information commissioner's office. ODAC (2003) explains that the research was

commissioned as part of a review of the implementation of the Promotion to Access to Information Act (PAIA) with the hope that results would help in the promotion and enforcement of the act. ODAC (2003, p1) states “the research questions that the research was aimed to answer are: whether the South African Human Rights Commission (SAHRC) is the best place to champion the right to access information enshrined in the Promotion of Access to Information Act? What is the feasibility of the establishment of the office of the information commissioner either as part of institutions or as an independent office and whether there would be a need for an amendment to Promotion of Access to Information Act, the South African Human Rights Commission act and/or the constitution.”

This research was qualitative in nature, a comparative review was used and the methods of data collection employed were documentary analysis and interviews. Documents analysed included Freedom of Information bills from Australia, New Zealand and Canada (ODAC, 2003). Research reports on transparency, the constitution of South Africa, meeting reports of various committees and boards evaluating access to information acts and bills and programmes as well as annual reports from various institutions were also among the documents reviewed. Participants interviewed included the Auditor-General, the commissioner of the South African Human Rights Commission and the executive director of Open Democracy Advice Centre Canada (ODAC, 2003). The results of the study were that the South African Human Rights Commission can act as champion for access to information, considering that it is seen as a right, this institution is better suited to promote and enforce this legislation. However, this means they will have to be politically responsible for the decisions they make. Results also showed that there is a need for them to develop or review the specific legislature, Promotion of Access to Information Act, to include the obligations of the championing institution, issues regarding time limits for release of information and procedural regulations (ODAC, 2003).

The results communicated that it would be imperative to set up an independent office of a commissioner of information, and this would also require a specific budget, financial and human resources to enable effective running of the office. ODAC (2003, p16) concluded that “there is also a need for specialization in the area of access to information because it is a complex matter legally and because of the growing realization that access to information is a fundamental right with profound importance for accountability, good governance and socio-economic justice.”

2.4.1.2 An analysis of access to information, transparency and participation in the Kenyan Parliament

This research was conducted because of the Article 19 Eastern African pioneer project on the right to information and parliamentary accessibility, accountability and transparency (Maina & Onami, 2011). The research was conducted from 2011 to 2012 based on the background “that openness and sharing of critical information allows citizens to participate in matters affecting their lives and enhances better governance and transparency” (Maina & Onami, 2011, p.4). The authors justify the focus on parliament in that parliament is one of the major means of participatory democracy but it seems to be inaccessible to the people of Kenya and representation of the people seems to be inadequate (Maina & Onami, 2011). The aim of the research was “to assess the extent of accessibility and responsiveness of the legislators as well as that of the institution of parliament with the objective of enhancing the quality of service offered, accountability and transparency in institutions of governance and democracy.” (Maina & Onami, 2011, p.5). It must also be noted that this research sought to “build a body of knowledge on the challenges, successes and pathways that citizens employ in engaging with parliament and to enhance access to information and genuine citizen participation both as a measure of consolidating participatory democracy and enhancing citizens’ ability to hold institutions of governance accountable and transparent” (Maina & Onami, 2011, p.5). The research focused on parliament

as a major governance institution that should be participatory and through which people's voices ought to be heard.

According to Maina & Onami (2011), both qualitative and quantitative methods were used in aspects of research, where the sample selected consisted of 32 members of parliament and 222 legislators. Data collection methods used were documentary analysis, interviews, focused group discussions, observations and questionnaires. "The sample of constituencies chosen was based on the counties with low and high participation rates in the past three general elections excluding the 2010 referendum, number of constituencies in each county, longevity of the member of parliament, gender, innovations, perceived participation, and concerns on decentralized funds among other factors." (Maina & Onami, 2011, p.11). The research findings showed that in terms of accessibility, the majority of the legislators knew their members of parliament, but did not have their contacts and as a result they felt their members of parliament were not accessible. Meanwhile 63 per cent of the population reported having interacted with the members of parliament officially or informally (Maina & Onami, 2011). The results also indicated that "as an organization, parliament is largely inaccessible to the majority of Kenyans: Its processes are un-interactive and its members significantly absent from their constituents' needs and issues" (Maina & Onami, 2011, p.6).

In terms of transparency, the majority of Kenyans are unaware of the parliamentary budget processes and procedures as well as credentials of the members of parliament and manifestos. The latter information is kept hidden from citizens and as a result this has affected the ability of citizens to hold members of parliament accountable, as there is a lack of oversight on parliamentary mechanisms with very little being done to enhance accountability of resources (Maina & Onami, 2011). In terms of participation, "there is little or insignificant stakeholder engagement and public participation in parliamentary affairs and governance" (Maina & Onami, 2011, p.6), the majority of the respondents did not participate in parliamentary processes,

citing reasons such as they had difficulty in accessing parliament or they found it difficult to participate in the proceedings (Maina & Onami, 2011).

The researchers concluded by providing the following recommendations: access to information laws should be enacted, civic education should be provided to ensure citizens are aware of their rights as well as parliamentary processes and procedures and how they can be part of them. Another recommendation was that parliament should have well stocked libraries that contain material that is easily accessible and easy to understand for non-professionals.

2.4.1.3 Accessing information? What we know from user experience

This research was undertaken by ODAC in 2015 in South Africa, and the background of the study was exploring the possibility of an automated online requesting process for the Promotion of Access to Information Act 2 of 2000 in South Africa. It was realized that there was lack of institutionalization of the Act by government offices, as observed through statistics reported by the South African Human Rights Commission in 2012. Furthermore, less than 15 per cent of audited institutions had budgeted for the implementation and compliance requirements of the Act (Razzano, 2015). It was also observed through reports produced by the PAIA Civil Society network reports that of the people who requested information in 2012 only 16 per cent received the information while 54 per cent of the requests were unanswered. Although the statistics in 2014 improved with the refusal rate dropping to 30.5 per cent and the percentage of unanswered requests 26 per cent this led to the examination of work previously done in the area of requests for information such as a study undertaken by a student to explore response rates to requests made to local municipalities. The focus was on the whether the language used in the requests affected the outcome of the requests made (Razzano, 2015). The results of that study indicated that those who used assertive and legal language received a timely response while those who used what the

researcher referred to as neutral language did not receive a response (Razzano, 2015). Naturally, this meant that the majority of people would not receive responses and according to Razzano (2015), 86 per cent of the requests were ignored or unanswered. Therefore, despite the legislation being in place, implementation seems to be a challenge thereby defeating the purpose of promoting access to information. This prompted the researcher to undertake this research in 2015.

Razzano (2015) noted that the research aimed to answer the question: What are the problems or inhibitions with the platform in relation to the law's intended result, and the core questions were: Who are potential users, how do they behave and how do they feel/engage with promotion of access to information? The research was qualitative and the target group for this study was internet users while data was collected via an online survey. The results of the survey showed that 66 per cent of the respondents were African black people and they make up the majority of internet users, with 76 per cent coming from urban areas and 63 per cent in either employment or education. The minority were Indians at 9 per cent. The majority of the respondents were male at 55 per cent and all the respondents have some form of education. The researcher found that the majority of the respondents have heard about the Promotion of Access to Information Act but this knowledge is dependent on social and educational status. Those who had not heard of the Act believed that they would not make use of it because they think they will not get a response while others felt that they simply did not have anything to request. Some felt uncomfortable about submitting their personal information in order to request information (Razzano, 2015).

According to Razzano (2015) 70 per cent of the respondents have requested information using the Act but only 21 per cent of those have been granted and received the information with a similar percentage being granted but not given the information, 29 per cent being denied access and a similar percentage being ignored. The study concluded that although people know about the Act,

they were not making use of it as often as expected. This was often because they do not know what to ask for; therefore, a possible solution is to create awareness of promotion of access to information and its benefits and develop an interactive forum to allow questions to be asked and answered (Razzano, 2015). With regard to the ignored requests, the researcher recommended the introduction of a feedback loop, demonstrating how it might work. Other recommendations made were that the government invests in promotion of the Act, to launch the Act with an event, to collaborate with other stakeholders, to focus on the aim of the Act and not over-emphasise technology.

2.4.1.4 The torn veil: Access to information as a tool for combating corruption with reference to Uganda

The motivation for this research was informed by the statistics from Transparency International in 2003, which showed that Uganda is seen as a largely corrupt country ranked at 17th most corrupt country in the world (Folusho, 2004). In the effort to address this problem Uganda developed institutions such as anti-corruption commissions and laws as well as offices of ombudspersons. However, this has not resolved the problem. It was realised that more measures needed to be put in place. Uganda as a democratic country, and like other African states, has given the constitutional guarantee of access to information which places the obligation on public officers to release information held by public bodies to the public, but it somewhat limits the rights of citizens due to exemptions mentioned. “In addition, to this Uganda proposed the access to information law in 2004 to its parliament, which this research paper intended to analyse along with standards developed by international non-governmental organizations as well as to analyse the aspects of the law that contribute to the culture of corruption” (Folusho, 2004, p. 7).

The study was therefore an evaluation of the laws in relation to corruption, while focusing on issues of whistle blowers and protection of national security.

It would therefore serve as a guide for assessing the impact of the Ugandan access to information laws. The researcher suggested that the study used comparative methods because he intended to look at Nigeria and South Africa as well but was unable to do so due to proximity issues that limited his access to information in both countries; as a result this research was therefore a case study of Uganda. The methodology used included data collection through documentary analysis of already existing data including the constitutions of Uganda, South Africa, access to information laws, international law treaties, resolutions, treaties, textbooks and journals on access to information and corruption (Folusho, 2004). The primary question for the study was whether specific access to information legislation affects the level of corruption in Africa with reference to Uganda. It was concluded that while intuitional responses are important in the fight against corruption, another measure was the participation of citizens and civil society in providing checks and balances, but they can only do so when they have information, and information disclosure would be guaranteed if there are laws in place to compel the release of information (Folusho, 2004). It was assumed that the details of such a law would include strict measures of information disclosure.

An evaluation of the draft Ugandan access to information law revealed that it has taken into consideration principles looking at the exemptions for information disclosure as well as appeal processes for those who have been denied access to information (Folusho, 2004). As much as these measures would be put in place, cases under which information may be denied need to be made clearer so as not to defeat the purpose of accessing information. The issue of the fees that have to be paid for information needs to be regulated (Folusho, 2004), especially because accessing information is seen as a right and therefore citizens should not pay substantial amounts to get information. It was also discovered that the bill grants access to citizens but the obligation to disclose information does not apply to some public bodies and private bodies holding public information, which should not be the case. The research

therefore recommends that the access to information law should include measures to ensure maximum disclosure.

2.4.2 Comparative studies on access to information laws

2.4.2.1 Access to information in Africa: examining progress since the Africa Platform on Access to Information declaration in infographics

This study was conducted by the Africa Platform on Access to Information secretariat (APAI) in 2013. “The Africa Platform on Access to Information was formed in 2009 in order to initiate a campaign to promote access to information in Africa around the 20th anniversary of the Windhoek Declaration on Press Freedom, and the group seeks to promote the right to information” (APAI, 2013, p.3). Based on this background, the Institute set out to “assess the state of access to information on the continent as a general reflection on the environment since the passing of the Africa Platform on Access to Information Declaration on September 19, 2011” (APAI, 2013, p.3). The review covered fourteen countries across Africa, regardless of whether they have access to information laws or not, namely Botswana, Namibia, South Africa, Zambia, Malawi, Zimbabwe, Tanzania, Democratic Republic of Congo, Gambia, Nigeria, Kenya, Uganda, Senegal and Swaziland.

Surveys were used as a means of data collection and were developed based on the Africa Platform on Access to Information Declaration as a standard form for assessing progress in the different countries (APAI, 2013). Results of the study reveal that “out of all the countries only four, Nigeria, South Africa, Uganda and Zimbabwe, have specific access to information bills and six, Kenya, Malawi, Tanzania, Senegal, Democratic Republic of Congo and Zambia, have some form of specific access to information in a bill or in parliamentary process” (APAI, 2013, p.4). Respondents rated access to information in their countries on a scale of 1 to 10, and the results were Malawi at 8, Kenya, Nigeria, South Africa and Uganda at 7, Tanzania and Zimbabwe

at 6, while Senegal was rated at 4 and Zambia and Botswana at 3. The Democratic Republic of Congo, Gambia, Namibia and Swaziland were the lowest rated at 1 (APAI, 2013). Results also showed that the majority of respondents felt that they could access information if they requested it. However, the results also showed a strong sense of inconsistency of practice across departments especially when people requesting information are not well versed in the processes (APAI, 2013).

The research also looked at equality in terms of accessing information and results showed that three things strongly influence the ability to access information: class, political association and occupation (APAI, 2013). The higher the applicant was in these categories the better the chance of accessing information. In terms of proactive disclosure, APAI (2013) states that it was found that only in Tanzania do institutions proactively disclose information, while in other countries institutions only sometimes proactively disclose information, with the exception of Swaziland where institutions never proactively release information.

Finally, in terms of technology, Information and Communication Technology (ICT) influences how Africans access information. “The research sought to establish how effectively institutions were using these for both proactive disclosure and requests for access to information” (APAI, 2013). Results showed that Zambia performed most positively with 70 per cent effectiveness rating in the use of Information Communication Technology in both requests and proactive disclosure. While the majority of the countries had an average ranking of 40 per cent for request for information and 50 per cent for proactive information, the figure is slightly higher due to the fact that most institutions have websites on which they can proactively share information (APAI, 2013). The research was concluded by challenging access to information activists in the different countries to answer the question: Where is the gap in access to information? (APAI, 2013).

2.4.2.2 An analysis of the weaknesses in access to information laws in SADC in developing countries

This research was conducted by Memeza (2005) for the Access to Information programme of the Freedom of Expression Institute. “The report examines the weaknesses in access to information to advance socio-economic rights in the Southern African Development and Economic Community (SADC) region and developing countries” (Memeza, 2005, p.4). The study assumes there is a relationship between the lack of delivery of socio-economic rights and challenges in accessing information. Hence, the lack of access to information legislation or the presence of weak legislature hinders the achievement of socio-economic goals. The data collection methods used were documentary analysis, telephonic and face-to-face interviews and respondents were stakeholders from civil society organizations in six countries across the Southern African Development Community, namely South Africa, Malawi, Zimbabwe, Zambia, Mozambique and Lesotho.

The results of the study showed that only two countries, South Africa and Zimbabwe, had enacted access to information legislature while the rest have draft legislature that has not yet been approved by parliament. The results also highlighted the following weaknesses: Zimbabwe’s bill seems to be more of a protection of information than an access to information legislation since the government seems to have control over every aspect to the point of limiting freedom of information and expression (Memeza, 2005). Despite the formation of a commission to oversee all issues pertaining to access to information, it is not independent of government, there is a large number of mute refusals and the exceptions and exclusions to the right of information defeat the purpose of the right to information (Memeza, 2005).

South Africa has functioning access to information legislation that was enacted in 2000. Although it has received commendation for leading the way for other

African countries, it has shortcomings. Memeza (2005) states that the time frame for provision of information requested and fees charged need to be reviewed, as well as the issues of mute refusals and exceptions and exclusions of information to be provided. Memeza, (2005) further states that there is a need to improve record-keeping, the aim of access to information is defeated if there is no information that cannot be located or is not kept, and voluntary disclosure issues also need to be dealt with. The Act provides for proactive disclosure of information but implementation thereof is lacking.

Unlike South Africa, Zambia's bill was drafted in the year 2001 but it has still not been tabled in parliament (Memeza, 2005). The researcher examined the weaknesses of the draft bill and found that the time limit for responses to requests is too long, and therefore it must be reviewed. There is also a need for further clarification on exemptions of provision of information and there is the need to revise the fact that the onus of selecting the commissioner of information rests with the president (Memeza, 2005). Mozambique also has a draft bill that is yet to be enacted; the bill was drafted by civil society in 2004 and the results highlight a number of deficiencies in the bill. The researcher found that the bill lacks clear accessible language, the context, purpose and objectives of the bill are ambiguous, it lacks penalties for officials who fail to comply with the request for information and the inclusion of the provision that the legislature will override inconsistent legislature (Memeza, 2005).

Malawi like Zambia have a draft access to information bill which is more elaborate. However, its weakness are similar to the those of South Africa's Promotion of Access to Information Act, namely poor record-keeping and lack of proactive disclosure, more responsibility in the promotion of the bill for the commission, issues related to exemption of access, access fees charged and time limits that need to be revised (Memeza, 2005). Finally, in the case of Lesotho, the access to information bill was drafted in 2000 and is yet to be tabled in parliament. The results showed that the bill is selective in the type of information that is provided especially in cases of information held by public

bodies (Memeza, 2005). The fact that dispute resolutions over access to information can only be resolved in court discourages a number of citizens to continue pursuing the information and because of high illiteracy levels in the country, it means that people cannot effectively utilise the bill (Memeza, 2005). The researcher further observed that these countries could learn the best practices of developing and implementing these bills from other developing countries that have effective access to information legislature in place. Memeza (2005) states that India, Mexico, Trinidad, Tobago and Jamaica have some of the best legislation in place where the only identified weaknesses were with time-frames for consideration of the request which can take as long as 30 days. Despite this, the researcher recommends that other countries draw on the approaches used by these five countries.

2.4.2.3 Access to Information legislature as a means to achieve transparency in Ghanaian Governance: Lessons from the Jamaican experience

According to Kuunifa (2001, p.1), “the aim of this study was to examine the views of Ghanaians and Jamaicans on how access to government information could be/or has been a means to transparency for governance in both countries”. This was done by examining Jamaica’s existing Access to Information Act (ATIA) as well as its challenges and using it as a learning experience for Ghana which is yet to implement their information bill. The background of the study is based on the premise that access to information is a human right for all and a pillar of democracy. Furthermore, according to Kuunifa (2011, p.2), Freedom of Information (FOI) legislation, a principle of democracy works by conferring on the public the legal right to ask for and receive information held by public bodies.” The rationale for choosing these two countries was that they both began developing their information bills at the same time, although only Jamaica has implemented it, and they were both former British colonies, both Commonwealth nations and both democratic states (Kuunifa, 2011).

The research was qualitative in nature with the selection of the case study approach. This methodology was chosen because, “it examined contemporary real life issues to provide a basis for ideas and emphasizes detailed contextual analysis of a number of issues and their relationships” (Kuunifa, 2011, p.5). The data collection methods used included documentary analysis and interviews, documents reviewed included reports and submissions from scholars and memoranda while respondents interviewed were students, lawyers, police officers and university professors. According to Kuunifa (2011), data was analysed by identification of main themes from responses given. The research aimed to answer the following questions: Can an information law enable citizens to have access to government information? How can the perceived right of access to information bring about transparency in governance? How can the exercise of access to information encourage public participation in governance? How does the exercise of the right to information enable citizens to keep government and public officials accountable and what are anticipated challenges? (Kuunifa, 2011, p.5).

The results of the study in response to question one revealed that in Ghana information from other institutions was more readily available as compared to information from government bodies. Government information was not available and officials used their power to make it difficult for citizens to access the information (Kuunifa, 2011). As for Jamaica, the Access to information bill is proving to be a useful tool that is enabling citizens to have access to information held by both government and non-government bodies. The results in response to the second question in Ghana were that the lack of access to information implies that things are done under cover regardless of how transparent government claims to be and in fact it encourages lack of accountability by government officials (Kuunifa, 2011). The government makes some documents available such as policies through parliament and through private media but that is believed to be biased towards government (Kuunifa, 2011).

In the case of Jamaica, government makes documents on various issues readily available through government websites and proceedings such as parliamentary session are broadcast on radio and television. Advances have been made towards greater transparency, but the government is still working towards improved accountability (Kuunifa, 2011).

Responses to question three for Ghana indicated that there is a need for civic education in order for citizens to understand the importance of participation and democracy; they also communicated that availability of information would contribute to the much needed civic education. Jamaica on the other hand revealed that as much as access to information contributed to participation it was not easy to know how much participation could be attributed to the access to information acts (Kuunifa, 2011). Finally, regarding implementation challenges, Jamaica faces challenges with compliance and enforcement of the access to information act. This includes lengthy appeal procedures and telephone requests are unclear whereas Ghana indicates record-keeping as a major challenge on the part of government, since the lack of systems for record management could defeat the aim of the access to information laws if records are unavailable to start with (Kuunifa, 2011).

According to Kuunifa (2011), the researcher concluded that in the case of Ghana, despite the issue of lack of documentation, they have high expectations for the access to information act and are optimistic that the act will promote access to information kept by government. However, the researcher recommends that Ghana addresses the challenge of inadequate documentation as soon as possible to prevent it from undermining access to information. In the case of Jamaica although they have the access to information act, its operation is becoming bureaucratic and it is becoming increasingly expensive to process requests. In spite of the act, government is still struggling with transparency (Kuunifa, 2011).

2.4.2.4 Freedom of Information. Three harmless words? The role of media and access to information

This paper seeks to understand the role that media plays in the development and implementation of access to information legislature. The motivation of the study was based on the fact that the media often became involved in access to information laws as part of coalitions with civil society, groups advocating for these laws often encountered resistance from political leadership, so they formed alliances and looked for more supporters to widen their advocacy campaigns (Bertoni, 2011). The role the media played, however, varied in different cases; thus the researcher using a comparative study to understand the role the media played in two cases, Mexico and Argentina. The research employed qualitative methods and data was collected through documentary analysis. “In the case of Mexico, the transparency and access to government information law was unanimously passed in July 2002 due to the action of a coalition of academics, journalists and media called Grupo Oaxaca” (Bertoni, 2011, p. 5).

Prior to this Mexico had tried and failed to have the law passed on three occasions, in 1977, 1982 and 1997, due to the complex relationship between government and the media. According to Bertoni (2011, p.6), part of this was because the media was dependent on state subsidies for survival, which meant that the state had control over information released by media. However, this was not the only reason for the failed attempts to pass the bills.” Other reasons cited include the right of access to information was intended more to guarantee parties access to media rather than protect the access to government documents and prevent access to information and media activity. The coalition that formed was able to use the media to not only solicit support for the bill but also to educate the public on the laws through development of communication strategies, holding public meetings in various arenas such as universities and publishing regular editorials on public matters and the process of the policy making regarding the transparency laws. The coalition also

developed the draft law in consultation with the executive branch of government which conveyed the seriousness of the coalition to the government, and after a series of negotiations the law was passed on to congress (Bertoni, 2011). As the concept of the right to information gained popularity and seemed politically correct it gained the favour of many stakeholders including the opposition and this resulted in the law being ratified in 2002 by the president (Bertoni, 2011). However, the success of the law was not only attributed to the coalition but also to other factors such as the transfer of power, the opening up of the institutions, and the entry of new actors in the federal executive branch which enabled new dialogue channels and collaborations between distinct sectors of society.

In the case of Argentina, the anti-corruption office began the process of debating and drafting a bill in 2001 which included various stakeholders from academia, media, civil society, legislators and other parties. This process lasted a year, and the outcome was an agreement to produce a draft that would comply with international standards. Civil society began to advocate for the bill as did the media. However, unlike the case of Mexico where the media was proactive in publicising the bill, gaining support and keeping the public informed of developments in the policy process, the media coverage in Argentina was irregular and the bill did not receive as much attention from the institutions such as the senate and the commission, amongst others (Bertoni, 2011). In 2004 the coalitions formed to support the bills underwent changes such as the dissolution of the media group and the addition of more civil society organizations and new media companies to join the campaign to promote the bill (Bertoni, 2011), and this strengthened the relationships between non-governmental organizations and media which resulted in the media giving space to non-governmental organizations to broadcast campaigns and disseminate information. However, it became clear that there was a difference in interest from media and civil society organizations, and they could not reach agreement on issues such as content of information to be disseminated to the public (Bertoni, 2011). It was also realised that when the draft bill first went to

parliament for approval, it was partially approved but with modifications made which were not approved by media such as that the media should be regarded as a state body because it received subsidies from government in the form of advertising space. This meant that they too would have the obligation to release any information concerning the state, including sources. This discouraged media from further participation in the process and the coalition quickly became fragmented. When the draft bill was eventually sent back to parliament for final approval of modifications, there was reluctance to table it and thus the bill was not approved (Bertoni, 2011).

It was concluded that collaboration for such policy action is necessary not only to influence decisions but for merging resources and promoting support. The use of the media contributed greatly to public awareness on the bills especially in Mexico. However, for such collaborations to work there should be common interests and goals, unlike in the case of Argentina, where diverse interests led to disagreements which undermined the policy process.

2.4.3 Studies on Access to information and Information Communication Technology (ICT)

2.4.3.1 Literature review on the impact of the public access to information and communication technologies

The aim of the study was to review the impacts of the public access to information communication technology as a basis for understanding the role of public access information communication technology in socio-economic development. Information communication technology has been acknowledged as a resource for socio-economic development based on the fact that the global economy is driven by the information age (Sey & Michelle, 2009). The review focused on answering the following questions: What is the nature of existing research on the impact of public access to information communication technology? In which development fields of interest has the research been

undertaken? What does existing research evidence tell us about the impact of public access to information communication technology? Is there any evidence that distinguishes the impact of the different types and modes of public information communication technology provision? What gaps are there in the existing body of knowledge on this topic? (Sey & Michelle, 2009). The study is based on the premise that there has been extensive investment made by government, civil society organizations and the private sector in public libraries, telecentres and internet cafes and other forms of public access. However, it remains unclear what the outcome has been.

Data collection was done through documentary analysis from a sample of resources that had literature on public access to information communication technology and the impact of information communication technology on development from journals, databases, archives and websites (Sey & Michelle, 2009). The research focused on gathering data on venues, operations, usage and impact of information communication technology. The findings of the study revealed that there is limited evidence on the impact of public access to information communication technology, and the evidence that exists shows that the public's access to information communication technology model is not meeting expectations because it is difficult to identify and measure the impact. Other findings indicate that the information communication technology model has experienced success and failure and regarding claims from the public that the information communication technology is ineffective or even counter-productive from the development perspective, most users of information communication technology were young males from high socio-economic status, while the majority of people especially from low socio-economic status have the perception that public access venues are meant for highly educated people (Sey & Michelle, 2009). Furthermore, information communication technology is used for social and entertainment purposes to a large extent and not to be informed about matters related to the community, society or country. Findings also indicated that maintenance of a public access venue is costly in terms of finances, personnel and materials and therefore most do not stay in

operation for long while those that remain open, especially in the communities, struggle to keep updated. This leads to the conclusion that the information communication technology model needs to be expanded and strengthened and education of users is a key part of public access that requires investment.

2.4.3.2 Enabling legislation for access to information in Cameroon and the role of libraries and librarians

The motivation for this study was the realization that a number of countries around the world have been introducing and improving laws on access to information, as the instruments that will aid the achievement of the Millennium Development Goals (MDGs), the United Nation's post2015 development agenda of Sustainable Development Goals (SDGs) and the need for better livelihoods (Shafack, 2015). The methodology used included samples selected using purposive sampling, all from the Library Information Sector (LIS), while data was collected through surveys, interviews and documentary analysis. The method of data analysis used was simple descriptive statistical method (Shafack, 2015).

The research questions asked were: What areas of information needs are common? How accessible is the needed information in Cameroon with respect to legislature in force? What is the nature of existing legislation on access to information in Cameroon? What are the constraints in accessing information from the legislation point of view and how can the constraints be reduced? " (Shafack, 2015, p. 3).

The literature review focused on the existing legislation on access to information and knowledge, enabling legislature and constraints. The results of the study showed that the majority of the respondents required the information for professional work purposes and they had difficulty accessing the information. Concerning existing legislature on access information, the majority of the respondents observed that the legislature is not enabling and

requires extensive improvement (Shafack, 2015) There were also concerns regarding the role of libraries and librarians, and despite the steps taken to introduce the Library Information Sector to different literacy programmes, the levels of use were still low. Results further revealed that there are insufficient professionals in the Library Information Sector and this explains the reason why the study also discovered that the Library Information Sector has poorly equipped information services. It also explained why the majority of the users explained that they were not aware of types of information available on the internet, library platforms, how they are organized, how to retrieve information and how to obtain quality information resources. It was concluded that "Cameroon has good legislature that can facilitate access to information but there is lack of proper implementation, information services are poorly equipped with few professionals to help drive access through literacy education and there are different stakeholders involved with providing legislation for the Library Information Sector in Cameroon" (Shafack, 2015, p. 13). Therefore, legislation must be in place in order for access to information to serve its purpose, and should include measures to ensure the public have access regardless of which profession is able to access information through user-friendly facilities.

In conclusion, all the studies seem be communicating that the availability or lack of access to information laws have an impact on the behaviour of citizens and governments in different countries. They suggest that access to information laws promote acts of openness and information which lead to better participation and accountability. Participation and accountability are behaviours adapted by citizens and influenced by the knowledge or information they possess; they are also behaviours that characterise democratic governance. The next section will look more closely at governance, as the academic field for this research and requires a thorough examination in relation to access to information laws.

2.5 AN INTRODUCTION TO GOVERNANCE

2.5.1 Describing governance

Governance can be viewed as the result of interactions between the state, civil society and the private sector using systems of values, policies and institutions to make decisions about the political, economic and social sectors of the country. Governance, according to Weiss (2010, p.797), “comprises the institutions, processes and conventions in a society which determine how power is exercised, how important decisions affecting society are made and how various interests are accorded a place in such decisions.” Governance is understood in various ways by different authors, and some definitions are very similar while others vary. Hill (2013, p.18) defines governance as “the network of private and public actors and structures which interact to solve societal issues”. The World Bank defines governance as, “the exercise of political power to manage the nation’s affairs or the manner in which public officials and institutions acquire and exercise authority to shape public policy and provide public goods and services” (Gisselquist, 2012, p. 3). Governance is also described as how government delivers essential political goods in acceptable quantity and quality to citizens (Rotberg, 2015). Evidently there are commonalities in the various descriptions given the emphasis on the use of power and authority, as well as the delivery of services irrespective of sector. The different schools of thought suggest that governance is synonymous with power and decision-making, so that when decisions are made regarding public affairs, it is more likely that someone or a group of people have the ability to effect such decisions. Similarly, Olowu and Sako (2002) view governance as the steering or control of public affairs and how choices are implemented, or the managing of public affairs. The use of the word “managing” gives the idea of a managerial setting, which often tends to have a hierarchical structure and in such a structure of power is held by those occupying the top level of the hierarchy.

Various actors are mentioned in the descriptions, such as institutions, public officials and various sectors involved in addressing public issues, whether policy, services or other affairs. This leads to the assumption that governance is a process that involves participation of different players, partly because of the magnitude of decisions made regarding a range of matters, and also because the attainment of outcomes relates to such decisions by a single player seems difficult. According to the United Nations (2007), governance not only exists at country level but at every level such as households, villages, municipalities, regions, nations and the international sphere. However, for the purposes of this research paper, the focus is on governance from a national perspective. Drawing on the definitions, the next section looks in detail at why governance exists.

2.5.2 The purpose of governance

Governance exists to aid development through public service delivery, upholding values, rules and laws of the country and to guide policy development and implementation. Development through governance can be achieved by resource mobilization. When a country has an effective governance system this will contribute to a developed infrastructure, a wealthy economy and response to the needs of its people. It then attracts investors and thereby grows its markets, providing more money to continue to develop its people. Peters (2011, p.7) explains that “in the past the principal goal of governance was management and service delivery; however, with changes over time and governance processes, the goals include collective action amongst the many actors, democratic efficient governance through performance management and implementation of existing programmes.” Governance also exists to enhance relationships between various actors in the society through networks, collaborations, co-ordination and co-operation to ensure services that respond to public and mutual benefit for actors involved (O'Flynn, 2009). It provides an arena in which actors can interact to share

resources and ideas effectively and efficiently to handle public affairs and improve on them.

Another reason governance exists is to bring some form of order to society, regardless of whether it is socially by developing laws and enforcing them through the security services to guide people's behaviour as they interact in their communities, in the economic setting by developing taxes and enforcing regulations, or in the political sector by developing procedures for selecting leadership. This section communicates that a great deal is involved in governance which also means that it comprises a number of aspects that must work together to achieve its purpose. The next section will discuss these various parts or components of governance.

2.5.3 Major components of governance

Gissendanner (2003) states that the major components of governance are governing coalitions, governance capacity and regimes, that coalitions are comprised of actors who when working together have capacity to govern, while regimes are a coherent pattern of policies and programme that are developed by governing the coalition. Actors may consist of organizations, groups or individuals from three main categories: government otherwise known as the state, civil society, and the private sector that consists of the corporate world. To define these actors in detail, the state is the government and all its institutions with the main ones being the executive, the legislature and the judiciary. Government is defined as a set of instruments through which people living in a society believe and share common goals and use laws, rules and regulations to achieve these goals. The roles of government included developing laws and enforcing of laws, investing in basic social services and infrastructure to improve the lives of citizens, maintaining a policy environment that allows participation of other actors in society, maintaining macroeconomic stability and political stability, protecting vulnerable citizens and protecting the environment.

Civil Society is defined as the space in which citizens can initiate independent action to fight for and uphold their rights, freedom and seek justice from their leaders. Civil society comprises of non-governmental organizations, community based organizations, faith based organizations and churches, the media, voluntary associations, the donor community and trade unions. Their goal is to ensure that government upholds the rights of citizens, this is often done through collective actions such as mobilization, advocacy and lobbying of human and financial resources to hold government accountable to their decisions. They also contribute to development of society through provision of services where government is unable to provide, these services can either be in in the social, economic or political sector. However, this does not always mean that government is failing to perform its duties, sometimes government works jointly with civil society to provide comprehensive service delivery because a combination of resources results in effective and efficient service delivery.

The private sector is often defined as a set of individuals, companies and corporations, other than the government, that form part of the economic system of the country. Koliba, Meek and Zia (2011) states that the private sector are organizations driven by market forces and their aim is mainly profit making for the purpose of survival and growth in an unpredictable society. They contribute to development by creating employment and help in service delivery by providing certain services that government cannot provide. The private sector also contributes to the development of science and technology, development of industries, import and export of goods and services and mobilization of resources which leads to strengthened economic sector (Agere, 2000).

Capacity as a component of governance is defined as the ability of government to implement particular policies and complete projects (Gissendanner, 2003). Similarly, Kaufman (2003, p.5) notes that, “governance also encompasses capacity to formulate and implement sound policies and deliver services” and

emphasises that capacity is an important component of governance. This requires availability of resources such as adequate human resource with the education and experience, financial resources in budgets specifically allocated and materials such as infrastructure and machinery in order to ensure service delivery and the policy process.

“Governance comprises mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests and exercise their legal right to meet their obligations and mediate their differences.” (UN, 2007, p. 3) .The processes mentioned range from political processes such as elections, administrative processes such as planning and budget formulation to policymaking processes to economic processes such as distribution of wealth, services and goods. “Institutions are defined as formal and informal procedures, routines, norms and conventions embedded in the organizational structures of polity or political economy” (Hall & Taylor, 1996, p. 938). They provide information that guides citizen behaviour, interpretation and understanding of the societies in which they exist. Examples of formal institutions are government, laws and constitutions, contracts and systems of operations. Whereas informal institutions include social norms, moral codes, traditions and culture, these are often as a result of socialization or kinship (Seidler, 2011). The relationships mentioned by the United Nations are those that exist between various actors that play a role in governance in society, mainly government, civil society and the private sector. These may also be referred to as policy networks that are established between the different actors to aid in collaboration and co-ordination of various processes such as policy development and implementation to ensure quality service delivery.

All these components can be summarised under “three main components: economic, political and social. Economic includes decision-making that relates to the country’s economic and financial policies, as well as processes, systems and instruments of economic policy industrial policy and the regulation of the role of the private sector, the impact of globalization and international trade.

The political component involves creating political institutions, setting policies, creating processes for participation in governance, for the rule of law, socioeconomic consensus, fundamental human rights and equity (Olowu & Sako, 2002, p. 18). Finally, the social component involves decisions regarding the role of religion and culture in society, civil society, social welfare and institutions to control poverty and equal distribution of services. These three components each have different processes that are undertaken to achieve each one's objective and contribute to the concept of governance. The next section will discuss these various processes found in governance.

2.5.4 Major processes of governance

Governance involves processes of negotiating between society and government in effectively implementing socially acceptable allocation of resources and services and negotiating different roles of actors in policy formulation and implementation (Hill, 2013). It is important to remember that policy formulation and policy implementation are two separate complex processes that determine the quality of service delivery and reflect the quality of public administration. Administration is also an important process in the process of governance that is mainly concerned with policy implementation or outputs and outcomes. The inputs that ensure effective administration are; capacity which includes resources and professionalization, bureaucratic autonomy and structured institutions and procedures (Fukuyama, 2013). Governance also involves mediating of behaviour through establishing values, norms and laws. It incorporates both the state and non-state actors, both private and public (Hill, 2013). Decision-making is another important of governance, it entails making major decisions about the policymaking process, public budgeting and service delivery (Olowu & Sako, 2002). Decision-making is in fact a core process of governance as it is the main way in which power is exercised by different actors. The processes may vary according to different schools of thought and how they support them to show that indeed they are processes of governance. However, there are certain aspects that have to be

in place in order for governance to exits, the researcher has chosen to refer to these as facts, as explained further in the next section.

2.5.5 Established facts in governance

One of the principal facts that have been established about governance is that control of power is a major part of governance. Having looked at the definitions of governance it is undeniable that it cannot exist without power. According to Morrel (2009, p.540), “it is essential that governance looks at the nature of power, its ownership, how it is exercised and its limits, especially because it is concerned with service delivery to the public.” The author also observes that the way in which resources are allocated amongst the public can determine who has power and who can exercise it. This may mean that the people or organizations with the most resources may have more power and therefore will be able to exercise a greater amount of control over a number of issues independently or within networks.

Another fact of governance is that collaboration is necessary, as governance includes a number of actors, relationships and networks all working to ensure the smooth running of public affairs. However, this cannot be achieved independently by one actor due to reasons such as availability of various resources. Collaboration is the process of actors working together to enhance each other’s capacity to achieve a common purpose, especially in the area of service delivery to citizens (O'Flynn, 2009). It prevents duplication of services thereby saving resources that can be directed to another area of need. It also enhances participation and knowledge transfer amongst actors and beneficiaries.

Governance does not have to be democratic in order to function. This qualifies as both a fact of governance and an issue of debate because evidence has been provided that the type of regime (autocratic or democratic) in relation to governance does not affect public administration or service delivery but rather

its institutions, programmes, resource allocation and interactions with other actors and hierarchies as well as markets (Morrel, 2009). “A comparison between two states, Jamaica and Singapore, both former British colonies and similarly poor when they gained their independence, Jamaica is a democratic nation while Singapore is autocratic, the former remains poor and has lower governance rankings while Singapore is wealthy and has higher governance rankings” (Plattner, 2013, p. 23). Another example is China, which has an authoritarian regime but has a developed economy, improved living standards and a social welfare system that is responsive to the needs of its people (Plattner, 2013). These examples show that there may not be a correlation between the type of regime and the quality of governance; it also indicates that there may be more issues aside from those mentioned in the sections above that contribute to effective governance.

Fukuyama (2013) talks about inputs, outputs and procedures as being contributors towards good governance but in the light of his suggestion that governance is synonymous with government. (Plattner, 2013), defines governance as “governments’ ability to make and enforce rules and to deliver services regardless of whether that government is democratic or not”. These contributors are noted in relation to good governance which is not the same as governance. This is supported by Mkandawire (2007) who observes that good governance should not be used to define governance, because it is a concept developed by scholars and organisations such as the World Bank as a set of criteria or indicators which assess the performance of a country especially in implementation of macroeconomic policies and donor aid relations. Secondly, in the previous sections it is noted that government is only an actor like any other in the process of governance or as explained by Plattner (2013), government is one of the instruments or components of governance used to manage power and policy.

2.5.6 Key issues in the study of governance

One of the main issues identified in governance is centralised government bodies and policy systems; these can sometimes be a hindrance in governance processes (UN, 2007). In the sense that there are so many levels of bureaucracy to navigate in decision-making processes, this makes the processes of policy making and implementation longer, which may result in a delay in allocation of resources to reach the various levels such as from national to district and eventually to community level. Centralised governance implies there is little or no balance of power and responsibility between central government and other levels of governments and therefore it is unlikely that there are participatory mechanisms carried out (UN, 2007). There is a high degree of dependence on the highest level for planning, funds allocation, implementation and service delivery, which impedes the development of governance at the lower levels especially because they are not able to use resources to expand their own area or local economy and they have limited access to the policy process.

Another issue in governance which is especially common in African countries is civil and criminal justice. The majority of citizens fall into the category of people who cannot afford to meet all their basic needs therefore cannot not be expected to afford access to adequate representation in the event of a criminal investigation, and the state cannot provide enough public defenders to help citizens who do not have representation. In addition to this, the criminal and civil systems are ineffective in processing cases of the accused. The accused often spend many days in police custody before they can be charged or appear before the court system and when they finally appear before the courts their cases are inadequately represented. The ineffectiveness is also due to corrupt practices of the police and officials working in the system. This results in bias in the system, and is especially common in procedures involving those who are in the opposition parties as well as those who fall into the category of the elite of the society. This ineffectiveness is also as a result of the lack of

knowledge of the rights, the law and proper procedures by officials, the system and by the citizens. This is a concern, because it infringes on the human rights of citizens which a number of governments agreed to uphold by signing the Universal Declarations for Human Rights and including it in their constitutions. The civil and criminal systems are meant to be effective and efficient, impartial, free of discrimination, free of unreasonable delays, free of corruption and government influence and it should be affordable and accessible to all citizens.

Other issues in governance include the “brutal ineffective regimes in fragile states” (Grindle, 2007, p. 560). States with such regimes tend to have misplaced agendas whose aims are to benefit the powerful elite, with little or no concern for public service delivery or development of the state. Grindle (2007) also discusses the link between HIV/AIDS and governance which applies more to sub-Saharan countries, where the pandemic claims the lives of professionals such as civil servants, which increases the levels of poverty in households where the breadwinner has passed on. This means an increase in the need for human resource to implement service delivery, there is also the need for the government to develop and implement more programmes that will help citizens who are find that there unable to take care of themselves due to the aforementioned issues for example the orphans. These strategies have an adverse effect on the economic sector because government will have to divert more resources to solve these problems, in most of these countries there is already unequal distribution of resources and services, governments not meeting the needs of citizens. The growing number of citizens who need assistance as result of the pandemic makes it even more challenging to ensure redistribution of services.

Dependency on donor aid is another issue in governance mentioned earlier where Grindle (2007, p.560) states that “such aid undercuts the governance capacities in developing countries.” Although one may argue that they augment governance efforts especially in programmes where the state may lack expertise and/or financial resources, if such aid undermines the state’s

efforts or ability to develop itself and become self-reliant and fosters dependence then it is recognised as an issue. Although this maybe still be an issue, it seems it has been self-resolving the in the last few years as donors have drastically reduced the aid they provide to developing countries. One of the major reasons for this has been the mismanagement of resources and the lack of accountability of the resources by receiving countries. This led to leaders of donor agencies developing mistrust in the systems and a number of them pulling the projects or reducing the funds allocated to the projects. This unfortunately has a ripple effect, there is downsizing of employees with the worst case being everyone on the project losing their jobs. Beneficiaries of the projects, for example those receiving Anti-Retroviral treatment and those receiving sexual reproductive health services, either receive less or actually do not receive the services anymore, one can only imagine the impact on the health of citizens. In the case of programmes that are addressing governance projects such as election monitoring or promoting participation of citizens in governance by creating spaces or forums for interaction with their leaders and many other similar programmes. When funds allocated to these programmes are reduced or withdrawn completely, the system of democracy suffers and governments rarely are willing to allocate funds to ensure these. Governments have to allocate more finances, human and material resources to replace services that were provided by donors. One might argue that this cuts back on government's dependence on donors and thereby forcing them to develop sustainable programmes that will enable service delivery. Granted this may initially be an expensive decision for government but they are bound by their duties to citizens and eventually they will learn to develop efficient and cost-effective projects and programmes.

Corruption is a critical issue found in governance, as not only does it deprive the public of resources and services they are entitled to, it affects the country's ability to develop. "Corruption is the abuse of public office for private gain, which would include mismanagement of public funds, tax evasion, political corruption and patronage" (Kaufman, 2003, p. 5). Corruption not only takes

place in public offices but also in civil society with donor aid projects. Mismanagement of public funds means there is less money going into service delivery and the policy process; therefore compromise is made between providing lower quality services in order to still provide for everyone or implement a reduction in services which means fewer people accessing services. It also means that the country makes fewer investments. On the other hand, it could mean that the country is still producing and trading as normal but the benefits are only being directed to officials and political elites. Corruption can be crippling to a country's economy, affecting economic governance and having an adverse effect on other components as well. As stated earlier, mismanagement of donor aid results in donors losing trust in the country's system, the consequences are either reduction o the aid or withdraw completely. This means that the country struggles to meet the needs that were catered for by the aid provision and in extreme situations the country fails to meet them.

Throughout these discussions on governance, the researcher has noted the use of theories such as the systems theory, policy network and behavioural change theories to understand the various aspects of governance. The behaviour change theories and policy network theories explain the importance of aspects such as networking and its impact on actions such as decision-making, collaboration and co-ordination and the policy making process. The systems theory communicates how the components of governance such as economic, political and administrative interact with each other and how they influence each other. These theories will be discussed further in section 2.6. The earlier discussions on governance provide substantial information to assess the key strengths or aspects of governance that would be necessary and beneficial for the existence of information bills. The researcher will discuss these in the next section.

2.6 KEY ATTRIBUTES OF GOVERNANCE IN THE CONTEXT OF INFORMATION BILLS

Olowu and Sako (2002, p. 107) lists the following as attributes of governance: “democracy, representative government, and administration, accountability and transparency, equitable access and legitimacy of rule.” Some of these attributes seem to apply when the focus is on the concept of good governance. As mentioned earlier, governance does not have to be democratic, therefore why would democracy be an attribute? This is because authoritarian governance more often than not does not recognise the need to be transparent or accountable to the public and it is not representative of the public; therefore, democracy is more likely a better attribute for the existence of information bills. Democracy is built on the rights of citizens; equal access, transparency and accountability. Therefore, in the context of the information bill, transparency and accountability would serve as imperative goals for the development and implementation of an information bill which would contribute to promoting equal access regardless of status, gender and race. However, Alexander and Bolle (2007) disagree, stating that inequality is higher in democracies than autocracies, especially in the redistribution process. It often leaves the elite having more access to resources, thus furthering their own interests. Not only the elite but also those who have had the privilege of having an education or exposure are often able to access services and goods and information leaving the very poor who are the majority at the receiving end of inequality and sub sub-standard services. Other sources also criticize democracy citing reasons such as the policy and decision-making processes that take longer due to bureaucracy and the consultation process. Democracy also tends to have a disregard for minorities and often excluding them from the voting and decision-making processes (Schmidt, 2002). This implies that democracy may not be as representative of the people as it is meant to be, governments that are said to be democratic should strive to encourage participation of both majority and minorities otherwise they risk violating the rights of some people and discouraging participation of all citizens in the governance process and it is

well known that participation is a prerequisite in democracy. Newman and Clarke (2010, p. 140) observes that “participation initiatives range from those that involve formal measures of social or demographic representation to those that select their members on a random basis such as citizen councils or those that promote open access through e-democracy projects.” A number of African governments are said to be practising representative democracy, using elected constituency officials and councillors to represent the views of the citizens. This is mainly because a number of them are developing or rather new democracies and still struggling with grappling the concept therefore we cannot have democracies were people represent themselves, otherwise known as direct democracy. Admittedly, even developed countries have come to agree that direct democracy although ideal is but is an idea in countries with the populations that we have today and that are still growing and with underdeveloped technology, therefore representative democracy is practised. Nevertheless, are the elected officials really representing all the citizens in each demographic area or social setting they are elected to represent including the minorities Schmidt refers to? With this in mind, it is also important to highlight why democracy when practiced correctly is preferred over other forms of governance, the belief that change in leadership through democratic elections brings and encourages innovation to the policy making process. “Democracy embodies institutions and procedures through which citizens can express effective preferences about alternative policies at the national level and there are institutionalized constraints on the exercises of power by the executive” (United Nations, 2006, p. 6). Its core foundations mentioned earlier in the discussion support why it is still considered an attribute of governance in the process of the access to information bill as it supports participation of citizens and an informed policy process regardless of how long it takes.

Administrative procedures, capacity and autonomy are the key aspects of governance that are considered attributes with regard to the access to information laws. Administrative procedures entail “interpretation of political priorities and translation into political goals, allocation and management of

public funds, creation and management of employment regimes" (Holt & Manning, 2014, p. 721). It further explains that administrative procedures should emphasise selection of public officials based on merit and qualification and not patronage or political affiliation. In most cases, ministers are heads of government departments and ministries and should be guided by rules and regulations of the system. In order for administration to work well there must be strong, organized and clear structures. This would also be supported if appointed officials are not influenced by political leadership. However, in most African countries, an ambiguous relationship exists between the two. This can be attributed to the informal process of appointment of officials that takes place once a government comes into power (Agere, 2000). They tend to offer the majority of the positions based on friendship or those who they know voted for them thereby being able to collude on decisions and making accountability challenging. In some cases they do not agree on decisions which makes for strained relationship between the public officials and the ruling political party. This also results in a constant change of ministers, for example, Zambia has had about six ministers of information in the past few years, each one coming in with their own agendas. This makes continuity of programmes challenging and in certain cases cancellation of programmes.

Capacity refers to the ability of government to deliver results such as policy formulation and implementation and autonomy referring to the ability to function and make decisions without political influence and rigid bureaucratic procedures. It would therefore serve as an important attribute in the sense that in order for an information bill to be developed and implemented, financial resources are needed to set up a structure, systems and procedures that would ensure the effective functioning of such a policy. Human resources are also needed, this would entail people who have the knowledge of access to information and governance systems as well as the experience in both.

Autonomy is an attribute that is vital to information bills, Fukuyama (2013, p.356) "refers to autonomy as the manner in which the political principal issues

mandates to the bureaucrats who act as its agents". He also asserts that the more competent and educationally qualified the bureaucrats are the more autonomy they are likely to have, as they are considered to have capacity and competence to perform their roles and less likely to be influenced by orders but more by the rules, regulations and laws. High autonomy would be in favour of the information bills because the release of information according to the set of laws and rules that would be stipulated rather than based on orders of the political regime which may be against or deter the release of information would serve the public well. High autonomy within the institutions also shows that the leadership is empowering the worker by assigning them the responsibility to make decisions. This will also go a long way in contributing to the change in the hierarchical style of management which is found in government structures and as a result decisions will be made faster than reliance on approval. Having such a responsibility means that the workers will also be held fully accountable for their decisions and thus must ensure they are transparent.

Actors are also an important attribute of governance in relation to the access to information bill. However, the actor's contribution to the process is greater when they exist as part of a collaboration to work to achieve common goals than when they work independently (Policy Consensus Initiative, 2011). The purpose of collaboration is to inform, consult and engage, therefore accessing information involves giving and obtaining information, gaining insight from the public and other stakeholders. However, collaborations are not always viewed in a positive light, and there are perceptions that include that consensus takes time due to the number of people involved, and solutions are diluted due to efforts and compromises made to win over the vote of the members who have conflicting solutions (Policy Consensus Initiative, 2011). On one hand there is a perception that people with personal agendas may take over the process, but this can happen whenever a working group of people come together formally or informally and that accountability is challenging when there is shared decision-making. However, this is not always the case, because in collaborations, full consensus must be given by the different stakeholders

verbally or in written which indicates that they accept responsibility for their decisions. Consultation, much like information sharing, can be used to gather technical information and experience for improved decision-making, and it can also be used to identify data needs and policy options (Policy Consensus Initiative, 2011), which can improve policy implementation. Consultation involves engaging internal and external stakeholders as well as beneficiaries to gather information on decisions to be made. Engagement refers to involvement, the objective being to actively interact with; citizens to hear their views regarding problem solving the issues they are experiencing. Although it does not mean sharing decision-making power, it gives the citizens an opportunity to participate in the policy process thus instilling a sense of ownership for them and increases their trust in the decision-makers, thereby improving relationships. This also contributes to sustainability of the implementation process because both leaders and citizens are willing to make their ideas work.

Therefore, governance and certain aspects of it are important to the development and implementation of information bills. This section provides cause for reflection on the governance system in Zambia and its influence on the legislation and the implementation of the access to information bill. It will also serve as a basis for comparison with current data as regards the concepts that are being explored.

In conclusion, for a successful governance structure to exist, it needs to co-exist with the attributes mentioned which are found both internally and outside the governance system. Throughout the discussion it appears that systems theory, although not mentioned explicitly, has been used to explain the interconnectedness of the various components, with each other and to the governance system. This theoretical framework and others provide a better understanding of the governance and access to information laws which will be explored further below.

2.7 INTERPRETING THE STATUS OF INFORMATION BILL IN ZAMBIA

2.7.1 Established theoretical and other explanatory frameworks in governance

2.7.1.1 Systems Theory

Chen and Stroup (1993) defines a system as a group of interrelated parts which together exhibit behaviour that is not restricted in its constituent parts. This basically implies that a system cannot function on its own but needs to exist with other systems. This theory provides tools that enable individuals and society to analyse and take action to solve a number of complex issues. Systems are seen as dynamic because of the changes they go through over time which are viewed as transformations; they can also be seen to be closed, open or semi-permeable to the environment. This has an effect on how it interacts with other systems, the environment and subsequently how it is affected by change. Looking at governance arrangements using this theory, one can relate to the analysis of changes that have taken place over the years and how these have affected governance systems. “Systems approach is an approach that enables leadership to factor in the external environment and relationships with and among elements” (Berisha & Berim, 2014, p. 60). Systems can neither exist independently nor can they be completely compatible with each other (Whitney, Bradley, Baugh, & Chesterman Jr, 2015). A systems theory is seen to represent an holistic way of viewing the environment, and it allows for more complete representation of the system for discussion and analysis by recognising the various human, social, organisational, managerial, policy and political considerations (Whitney, Bradley, Baugh, & Chesterman Jr, 2015).

Advantages of this theory include that it allows for the investigation of complex variables, how they are connected and how they influence one another. It is a theory better suited to investigate a hierarchy form of leadership which is often

what a governance structure looks like. According to Chen and Stroup (1993), it best represents the relationship between the micro-level and macro-level of analysis and the ability to bring together the natural and human worlds. Some of the disadvantages of this theory are that systems that are too interconnected can affect each other, much like governance structures, and delay in decision-making in the executive can result in a delay in the parliamentary process. This translates to over-dependence of systems on each other which could affect the systems negatively in the event of major transformation; for example, the change of government with new ideas affects the other systems radically. Attempts from the external systems to make changes to the internal system are often met with resistance, for example, civil society and government.

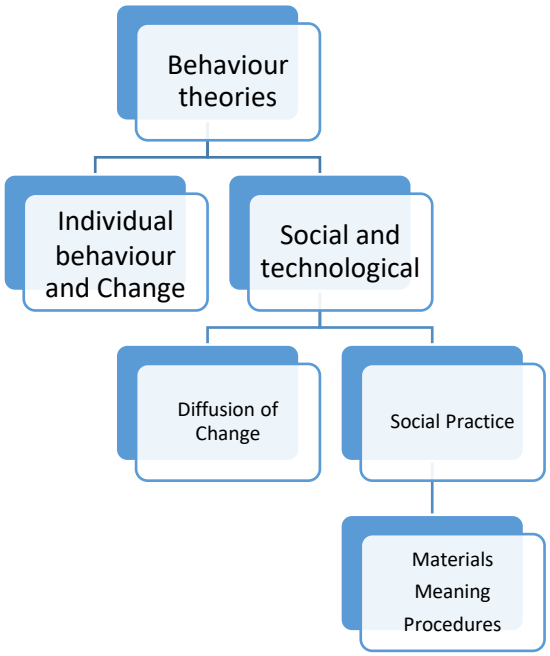
2.7.1.2 Behaviour theory

The illustration below provides visual depiction of behaviour theories, the behaviour theory can be divided into two categories. One category focuses on exploring individual's behaviours and how they are influenced by internal factors, and it attempts to explain the different thought processes an individual undergoes to get to the point of action and how these thought processes are influenced by both internal and external factors.

The second category looks at the bigger picture, the behaviour within and between social structures and how external factors affect them. The focus of this research is governance structures and how they influence the policy process; therefore, looking at individual behaviour will not be sufficient for this study because the behaviour of individuals varies widely and is dependent on a number of factors. It thus cannot be used as a reliable explanation. However, structures and institutions tend to have formalised patterns of expected behaviour and functioning and can provide a more reliable explanation to understand the areas of focus that were selected. Therefore, the researcher found that the literature provided seems to lie within the social practice theory

and not the diffusion of innovation, and social practice theory will be discussed in detail.

Figure 1: The behaviour theory model



2.7.1.3 Social Practice theory

Behavioural theories are not intended to bring about behaviour change or predict with certainty what changes in behaviour will occur, but are used to inform policy makers, implementers and others involved in trying to bring about change about the issues to consider and the likely success of initiatives and interventions (Prager, 2012).

“The central insight of social practice theory is the recognition that human ‘practices’ (ways of doing, ‘routinized behaviour’, habits) are themselves arrangements of various inter-connected ‘elements’, such as physical and mental activities, norms, meanings, technology use, and knowledge, which form people’s actions or ‘behaviour’ as part of their everyday lives” (Morris, Marsano, Dandy, & O’Brien, 2012, p. 11). The theory states that factors other than humans play a role in causing certain outcomes and behaviours. For

example, when looking at governance, technology can influence the participation levels of citizens in the governance process. Social practice theory focuses on modifying the elements that make up practice such as materials, procedure and meanings rather than focusing on understanding or changing of individual behaviour (Prager, 2012). Sometimes referred to as models, they are essential to practice; materials are seen as physical objects that facilitate activities to be performed in a certain way, for example infrastructure. Another model is meanings which includes images, interpretations or concepts associated with activities (Morris, Marsano, Dandy, & O'Brien, 2012). These are often generated from technology use and knowledge, which form people's actions. The third model called procedures includes skills, know-how or competencies which lead to action or behaviour.

The focus on practice rather than individuals steers away from addressing choices and leads to establishing the reasons for certain practices being undertaken, how and why others are prevented, and to consider the role of technology. Understanding the functioning of a practice rather than individuals provides a basis for sustainable practice, aiding the prediction of changes and how they affect other factors and consequently solutions to the change. The use of this theory will help to understand why and how behaviour change occurs in the governance structures as well as in its surrounding systems, how they are influenced by the three models and the factors and conditions that are the drivers of these behaviours.

The advantages of this theory include the fact that while the majority of behaviour theories focus on the individual's behaviour, social practice theory places less focus on the individual actions and more on trying to understand the other structures in the social practice. The focus is not on understanding why the behaviour occurs but more on the driving forces of behaviour and how they influence other factors (Prager, 2012). This theory will not restrict the researcher from applying observation as a method of data collection as this is often utilised in behaviour theories because of the context of information and

structures being investigated. As with every other theory, this theory has its disadvantages, which are that the behavioural perspective lacks information on power, and it does not attempt to discuss the cause and effect of power relations nor the coercion and oppression that exists in power relations in every system. In this context, the elite theory will be examined which is premised largely on power.

2.7.1.4 The Elite theory

Lopez (2013, p.2) explains that, “Elite theory is based on the assumption that elite behaviour has a causal relationship with general patterns of state–society relations; the concept of ‘elites’ is based on the notion that every society holds a ruling minority, a group that controls and disputes the most important power sources”. Likeo a pyramid or hierarchy, the masses occupy the bottom and these are average people in society. The middle level consists of officials and experts found in different systems of governance such as judges, members of parliament, activists in civil society, and right at the top are the few who are powerful due to resources and/or connections they possess. A small or single elite thus makes decisions on behalf of a country, and it represents the unequal and unjust distribution of power, resources and disregard for the voices of the citizens. The power of the elite is enhanced by close collaboration of political, industrial, and military structures and is often associated with authoritative regime governance structures. This questions the existence of the elite in a democratic regime, and how they would come into power when the electoral process is said to be democratic with citizens casting their votes privately as it is done in Zambia. Authors suggest the elites manipulate the system and the people supporting them to believe they will work in their best interests once elected.

Institutional arrangements are made for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote (Walker, 1966, p. 288). Once the elite are in power, it

becomes easier for them to make decisions without consulting the masses, often excluding them from policy making processes. One way in which this is done is by depriving the masses of information that would keep them informed of developments and decisions that governments are making. In some cases, the higher level of government may not be part of the category of the elite but are controlled by the elite because they possess the resources to drive the economy. This means governments are at the mercy of the elite and subsequently the policy making process is influenced by the elite, as is often the situation in developing countries. In such cases access to information laws are seen as impeding these relations because they place obligations on governments to disclose information regarding resources of the country. The result is exclusion of citizens from the policy process of such laws, and citizens are then in a position where they can only respond once laws have been implemented (Walker, 1966).

As with any other theory, the elite theory has its advantages that make it better suited to explore the issues under investigation. The advantages of this theory are that it supports the sampling methods this will research will use, stating that the samples selected in studies using elite theories are often those that others in the country assume have power and those involved in process such as policy making process (Lopez, 2013). It also supports the use of the data collection tools such as in-depth interviews. This theory also helps to explain the inequalities experienced in societies. The disadvantages of this theory are that “the current concept of elites is often criticized, because the notion of elites emerging from movements and organizations may lead to a vast array of elite sources, contradicting the notion of elites as a small group” (Walker, 1966, p. 290). Elites dispute power, meaning that they may find more conflict among themselves and not between themselves and the masses. This is because they know that the masses have no influence over their decisions but their fellow elites do. Elites share a common goal which is to control the countries affairs and make decision on behalf of the masses and they have the means to attain this goal. Their conflicts are often about the means (resources) and

power therefore, in the event of a disagreement they may not think about why the masses oppose their decisions but more about why the leader or other fellow elites opposes them. This undermines the process of understanding why structures cannot meet the needs of the masses and therefore also undermines a problem-solving process that would benefit everyone. This theory assumes that citizens are incapable of making their own decisions or contributing to the policy process. Having considered the three theories above, what is common to them all is that they all work with various stakeholders in the different structures. Therefore, it is imperative that the next theory is also considered.

2.7.1.5 Network theory

Networks have been defined in many ways, but the main aspect of networks is that they are links between different actors that exist in the society. The theory strives to understand and explain the purpose, existence and functioning of these links and how they influence the policy making process. Besussi (2006, p. 2) defines a policy network as “a set of relatively stable relationships which are of a non-hierarchical and interdependent nature linking a variety of actors, who share common interests with regard to a policy and who exchange resources to pursue these shared interests, acknowledging that co-operation is the best way to achieve common goals”. Networks are seen as a tool, theory or model that can explain policy dynamics and outcomes. They are either self-formed by different actors such as those formed by civil societies and private sectors, or created by governments such as steering committees. According to Dedeurwaerdere (2005), the aim of a network is to bring together different competences, ideas and knowledge in order to deal with complex issues, and in a governance setting it strives to magnify the importance of other actors such as citizens, the private sector and civil society.

Networks do not take the form of a hierarchy or a bureaucracy and in a system of governance this means decentralisation of power and decision-making

which would be in favour of power sharing and increased participation of citizens and other stakeholders in the policy making process. Borgatti and Halgin (2011) observes that the focus of networks is to understand the action or issue that motivates the formation of the action, as this will lead to understanding the actors involved and their roles and responsibilities. For example, in the case of a network that was formed by media and civil society to develop the access to information bill of Zambia (Mafuleka, 2005), one needs to understand the access to information bill in order to understand the composition of the network and why they were motivated to form that network.

Networks are favoured by many because they are beneficial to achieving goals, while the advantages of networks are that they are a source of knowledge and information, a source of funds, and enable early problem identification and solving due to the number of actors involved. Bounded rationality in decision-making by networks has been seen as advantage (Dedeurwaerdere, 2005), as has the diversity of actors that are likely to come to a decision using rational processes. However, this can also be a disadvantage in the sense that decisions that are made using this process are more likely to take longer to agree on thereby lengthening the policy-making process. Some disadvantages of the network theories are that they undermine the democratic elected systems of governance by limiting their decision-making power (Besussi, 2006), especially in the event that the network becomes stronger than the state which could easily lead to the formation of an elite group. Networks also tend to blur the boundaries between the state and society as uncertainty arises especially in the chain of command and steps to follow in the policy-making process. The use of network theories alone to understand the information bill in the context of governance is insufficient because sometimes focus is placed more on some actors that are perceived as important while excluding who may be important to the process (Borgatti & Halgin, 2011).

Discussion of these theories leads to the conclusion that they are all valuable theories in understanding the issues that this research intends to address and therefore the researcher is inclined to use three. However, the research will only make use of two, the policy network theory and the elite theory. This is because they seem to provide clear guidance on what the researcher can focus on so as to understand the issues this research intends to explore. They also supported the data collection methods that the researcher used in this study. The two theories also seem like the best fit to explore the concepts that this study explored, this was also supported by studies the literature review looked at.

2.7.2 Theoretical and other explanatory frameworks that will be used to explain the status of the information bill in Zambia

2.7.2.1 The Elite theory

Lopez (2013) states that historically the elite were known for their personality, capacity and skills. However, this has changed over the years and the elite are now those that have key positions, control resources and relate through powerful networks.

Using this theory to explore the access to information laws seems appropriate in the light of results of the studies discussed above. It has been mentioned that individuals who said they have accessed information in countries that have active laws, had knowledge of the existence of the laws. It was further observed that those who actually received feedback had higher positions in their institutions and the majority have access to technological services that they can use. Looking at the processes of development of these laws, one notices that there was lack of adequate citizen involvement. This is of concern because the majority of the decisions that are made tend to have a greater impact on the masses.

The use of the elite theory in this research will explore the behaviours, interactions, changes of the elite and how they impact state outcomes. In countries where access to information laws already exist, as seen in section 2.4, the elite are more likely to access information because of connections they have who may assist with lengthy request processes or access information not privileged to everyone, or because they are part of institutions that enable them to have easy access to the information. Sometimes it is simply because they have the funds to use technological services which enables them to find information. If one does not fall in any of these categories, which is often the majority of people, then it will be difficult to access the information that is needed. In Zambia, where such a bill does not exist, it is likely that only a certain group or class of people can get the information they need which would probably be due to reasons mentioned above. There is a need to first be knowledgeable about what they need, where to get it and how they can get it and more often than not such a person who is aware of this seldom falls into the broader population.

When considering why the bill has still not been enacted after many years, literature review in chapter two notes that the bill is yet to be tabled in parliament and is likely to be held up in the executive branch. Being fully aware of which stage of the policy process the bill should be at raises questions such as why it has not progressed, what factors have influenced the current situation of the bill and who plays a role in this, or which actors have the authority to change this situation and what are they doing about it. Furthermore, it should be assessed whether these actors are in fact individuals, group or structure that have influence over this process.

2.7.2.2 The Policy Network theory

The policy network theory allows for examination of the different networks that are found in the governance system of Zambia, with a specific focus on those that have been directly involved in the process of the development of the

access to information bill. The focus will be on how the networks were formed and why, as well as their contribution to the policy process of the bill, their roles and responsibilities and the power sharing dynamics. This theory compliments the elite theory because the literature review indicates how a policy network can rapidly give rise to an elite group in the event of power games, and this maybe as a result of the different resources or authority the different actors possess. The way in which the current governance structure has influenced the policy networks will also be examined.

2.8 A CONCEPTUAL FRAMEWORK FOR ANALYZING ACCESS TO INFORMATION AND GOVERNANCE ARRANGEMENTS

The inability of citizens to hold government accountable may be due to a number of reasons. “Accountability ensures that actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction” (Stapenhurst, 2010, p. 1). Accountability is achieved through oversight and scrutiny. Oversight is often a function of the legislature and rightly so, as mentioned in the literature review, since the legislature is one of the instruments of accountability. Objective scrutiny is achieved through public participation in governance processes. These are formally explained under the terms horizontal accountability and vertical accountability, otherwise implying internal and external accountability. Internal or horizontal accountability is “the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report sideways” (Stapenhurst, 2010, p. 1), whereas external or horizontal accountability entails citizen involvement in ensuring that public officials are performing as expected (Maldonado, 2010). Accountability is seen to be a vital component of good governance and is often present in a democratic system. In the case of Zambia, a democratic nation, it appears to be struggling with regard to matters of public accountability (Caritas Zambia, 2014).”

This research was influenced by the realization that the lack of accountability in Zambia has led to a reduced ability of citizens to hold public officials and institutions accountable. This has contributed to inadequate participation of citizens in national affairs and development, which is often exemplified in misappropriation and maladministration of funds when decision-makers account for these funds. The problem statement and gaps were identified as the lack of public accountability and lack of information to hold public officials accountable.

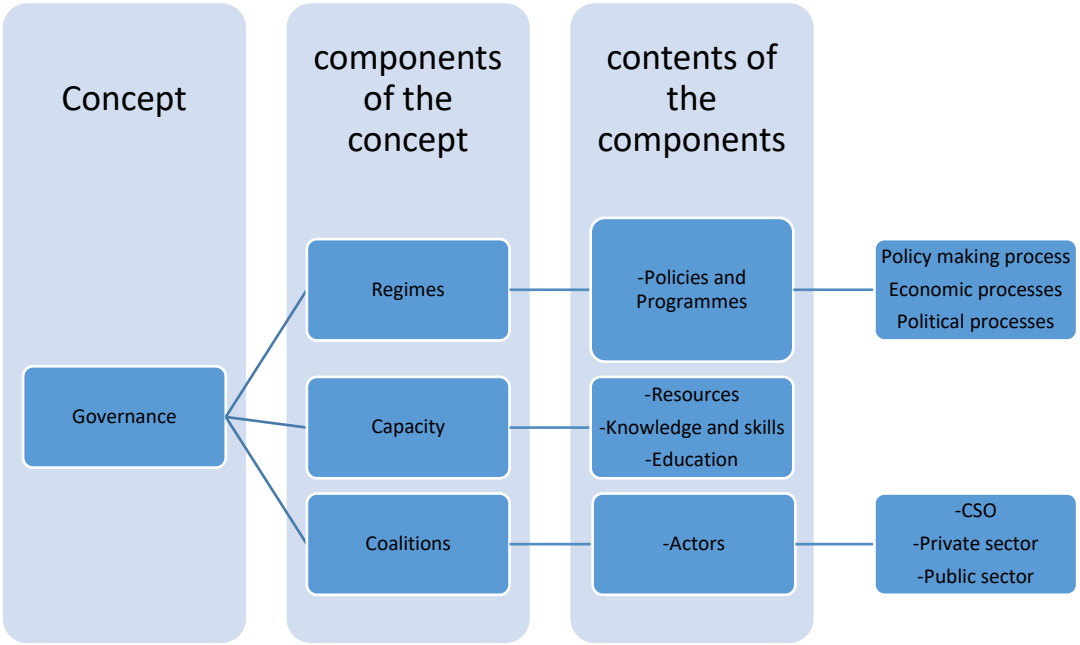
After reviewing the literature, it became clear that the key concepts that form the pillars of democracy are transparency and accountability. Transparency translates into openness, governments being open and sharing information about their operations. This enables citizens to be aware and equips them with knowledge to question decisions made. Literature review also indicated that the legislature has been identified as one of the instruments to promote accountability. The legislature of Zambia has undergone considerable change through the years with the most significant being obtaining legislative powers, an almost 50 per cent representation of opposition in parliament and a decentralised system that has given Members of Parliament more financial responsibility (Phiri, 2005). All these attainments are viewed as contributing towards a democratic nation, although the drawback is that greater financial responsibility has given rise to another issue, namely the lack of accountability for utilisation of the fiscus and a lack of transparency in expenditure of funds.

The instrumental role played by legislature is supported in previous studies that this research analysed. The studies were placed in three main categories: those analysing existing access to information bills, comparative studies of bills from different countries and processes of developing and implementing the bills; and the third category which examines studies on access to information and information communication technology. The studies identified issues such as low participation of citizens in civic matters, inadequate stakeholder

engagement, members of parliament who are inaccessible to the people, parliament is inaccessible to the people, and there are high levels of corruption (Memeza, 2005). These issues are attributed to people's lack of knowledge on various issues such as how to participate in parliament and the location of their member's parliament and their credentials. In countries where information laws exist, these concerns are attributed to the lack of institutionalization of the laws, where the laws have been passed but there is poor record-keeping so information cannot be given when requested; the time-frames to provide the information are extensive; and the majority of requests are denied without explanation. In other cases the provision of the information is biased towards those who are viewed as being senior in terms of class, political association and occupation (Shafack, 2015), which excludes the majority of the people. However, this may not be the case in Zambia, bearing in mind that it is yet to enact the information bill.

A number of other concepts relevant to information bills emerged from the literature review, the main one being governance. Governance is defined as "the exercise of political power to manage the nation's affairs or the manner in which public officials and institutions acquire and exercise authority to shape public policy and provide public goods and services" (Gisselquist, 2012, p. 3). Other concepts from the literature that appear to be components of governance structures include actors, capacity and regimes (Gissendanner, 2003). Figure 2 below illustrates the components of governance.

Figure 2: The components of governance

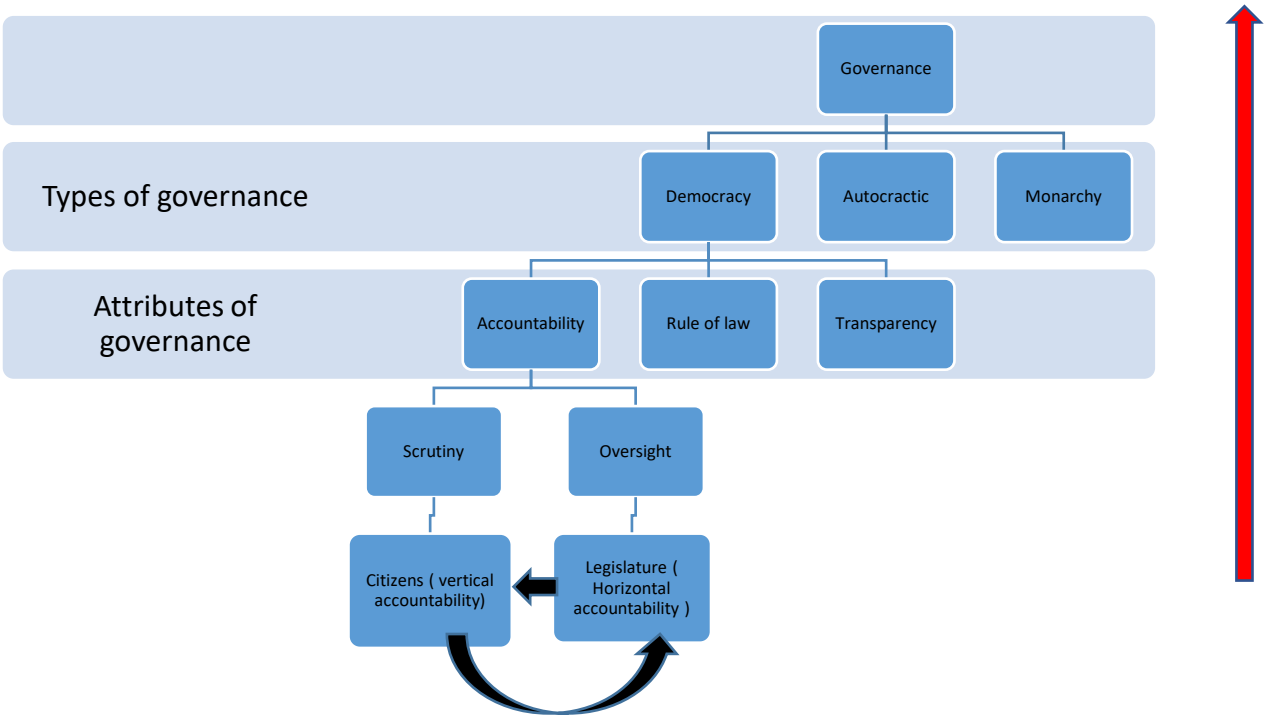


These components of governance are all necessary for governance and the processes found in governance include decision-making and administration, negotiating and mediating which are often in the form of policy-making, service delivery and budgeting (Fukuyama, 2012). In relation to access to information, some of these components play a key role compared to others, and these are what are called the attributes of governance. The researcher identified democracy, collaborations between actors and administration in the form of resources and engagement, and consultation of stakeholders and citizens. Democracy has concepts that support the existence of an information bill, transparency and accountability would especially serve as imperative goals for the development and implementation of information (Alexander & Bolle, 2007).However, it is unclear what kind of democracy has existed over the years or currently exists in the Zambia. The research will explore the two main forms of democracy - direct and indirect democracy - to understand the kind of democracy exercised in the past as well as in the present in Zambia, how it influences access to information for citizens, and how it has influenced the status of the information bill.

Further understanding of the concepts of governance in relation to information bills in Zambia required the identification and use of theoretical frameworks. Although there were a number of theories could have been used to explore the concepts in this paper, the researcher chose to use two theories because they appear to be better suited to explore the concepts that this research addressed. The theories chosen were the elite theory and policy networking theory. Analysis of literature and past studies that have used these theories motivated the researcher's choice to use elite and policy networking theories. The elite theory states that those who have the most resources or power control the decision-making process. It is unfortunate that the majority of citizens do not fall into this class, which results in an unequal society (Lopez, 2013). In the case of accessing information, the elite are more likely to access information using their resources and connections and therefore they are more likely to use this to gain power over others.

The network theory was also used, as it posits that collaboration between different stakeholders is necessary for the purpose of effective and efficient service delivery and decision-making (Besussi, 2006). Therefore, this study examined the kind of networks that exist in the policy-making process of information laws and how they influence this process.

Figure 3: The conceptual framework



The curved arrow indicates that the members of parliament are elected into parliament by citizens and the smaller black arrow shows that the legislature exists to serve and act on behalf of citizens. The red arrow shows a bottom-up approach to democratic governance, implying that accountability of government decisions is carried out by not only by the legislature but citizens as well. The role of citizens in accountability is to scrutinise government's decisions and actions and based on the result of that act through the electoral processes. Legislature through parliament has been identified as an instrument of accountability, and within their capacity, their role is to provide oversight and ensure government is addressing the needs of the people. This is done through the policy-making process and overseeing service delivery. When internal and external accountability is achieved, it implies that government is being transparent about their actions and citizens have adequate information to participate in the system of governance. Furthermore, when citizens can freely participate in electoral processes and their decisions are respected, it implies that government is upholding the rule of law and therefore, a democratic system of governance exists. However, in the case of

Zambia, literature suggested that there is need to find out whether citizens have knowledge of internal mechanisms that government has put in place to ensure that officials are held accountable. There is also a lack of knowledge of the external mechanisms, aside from electoral processes, that are in place to enable citizens to hold public officials accountable. The research addressed these issues by investigating the legislature and their role of accountability. The research also examined policy that can be used to support the enforcement of public officials' obligations to accountability as well as the rights of citizens to be kept informed so that they have the knowledge to participate in governance processes such as accountability and policy-making.

The researcher is aware that the governance system has more players than just the citizens and the government, and that there are more issues that affect the process of accountability. The researcher used theory to understand and explain the concepts. Two theories were chosen for this research: the elite theory and the network theory. The basis for these two theories is the understanding that because governance exists in the face of power of authority, it is inevitable that there will be power plays that influence government's actions and/or lack of action. For governance to exist, there is an interaction of various actors, processes and procedures, and the network theory, which is based on this premise, assisted in further exploring these interactions.

CHAPTER THREE
RESEARCH METHODOLOGY

3.1 BACKGROUND

This chapter explains the research strategy, design, procedure and methods and shares reliability and validity measures that will be used, limitations of the research strategy, design, procedure and methods. A description of research strategy and research design is provided. The research will utilise a qualitative research strategy and a case study. The research procedure and methods are discussed, namely, data collection instruments, the target population and sampling, ethical considerations, data collection and data analysis. At each section of this chapter, the researcher will discuss previous studies that have employed the selected methodology so as to clarify the feasibility of the selected methods and provide information on best practices and lessons learnt. Finally, the reliability and validity measures and limitations will be discussed.

3.2 APPROACHES TO THE RESEARCH

A research strategy helps the researcher to investigate the research issue. It is defined by Kelly (2011, p19) as “a collection of philosophical and theoretical commitments that may influence decisions made about the research design and the choice of specific methods of data collection and analysis.” A research strategy will address research questions by focusing on literature and by providing guidance for the methodologies used in the research process. An effective research strategy contains clear objectives, research questions, data collection resources and various constraints that influence the research. There are three distinct strategies or approaches, namely qualitative, quantitative and mixed methods approaches.

3.2.1 Qualitative approach

Qualitative approach draws on theory development and focuses on how individuals interpret their social world (Bryman, 2016). This is done by analysing opinions, behaviours and thoughts of people in order to understand the context of social reality. Theories as well as concepts in qualitative approaches are developed from data collected throughout the research process (Neuman, 2014). This approach is influenced by how people interpret knowledge, beliefs, opinions and experiences. It is because of this that it is evaluated based on two issues, authenticity and truthfulness (Neuman, 2011). It is challenging to be certain of the truth and authenticity of data when behaviour, thoughts, opinions and feelings of subjects must be taken into account as these tend to be dynamic and can be interpreted in various ways depending on factors such as age or culture. A qualitative approach provides what is known as thick descriptions of social settings, events and subjects, providing full information of the subjects (Ritchie, Lewis, Nicholls & Ormstone, 2014). This means that the researcher provides thorough information as to how the research will be undertaken. This is an advantage as it communicates the researcher's focus on the context of what is being studied and is also a means of ensuring the authenticity of the data being collected. It means that the processes used are made transparent and another researcher can achieve similar results when these steps are repeated. Qualitative research also provides more detail in the findings than quantitative approach, because it utilises descriptions and questions, whereas qualitative is concerned with the context (Neuman, 2011).

A matter for debate in qualitative research is that it is seen to be subjective because it is based on people's opinions, as some methods of data collection require the researcher to become part of the participants such as in the observation methods and analysis of information being subject to interpretation according to the researcher. Another issue in qualitative research is that it may

be time-consuming due to the extent and content of data that has to be collected. The data collection methods used are interviews, focus group discussions and observations contribute to the process. Despite these concerns, the qualitative approach brings insight to social meaning and reality by closely examining interactions of people in societies. The fact that it is more a process and is said to be unstructured allows for the adaptation and synthesis of new data that is discovered throughout the process. This also allows the researcher to focus their study by providing guidance as to new areas of exploration.

3.2.2 Quantitative approach

Quantitative approach focuses on testing theory, using scientific methods to test the theories, and viewing social reality from an external and objective view (Bryman, 2016). This is done by the analysis of facts and figures about the topic under study. This makes it ideal to use for a topic or area that has not been studied before. The main distinction between the two approaches lies in four main areas: methods of data collection often referred to as measures, causality, generalization and replication (Neuman, 2011). These factors will be explored in the text below.

“A measure is something that is neither influenced by the timing of its administration or the person administering it, they provide a more a precise estimate of the degree of the relationships between concepts under research” (Bryman, 2016, p. 152). The quantitative approach is seen to measure facts and thus its reputation for being seen as a reliable and objective approach and thus can be replicated. The objectivity of the approach is also seen through the researcher’s interaction with the subjects. The researcher rarely interacts with subjects and in other instances, the researcher detaches from the subjects. Replication in quantitative research is important especially when using scientific methods. If the results obtained in one study are different from another study that is carried out under the same circumstances and following

the same procedure, then the objectivity of the study and researcher are called into question. That being said, quantitative research often stands a better chance at replication than qualitative research and that it is an important quality of this approach.

Quantitative research also tends to have more cases under study as well as more subjects or participants because the methods of data collection and analysis are not as interactive or time consuming as those of the qualitative approach. Ritchie, Lewis, Nicholls and Ormstone (2014) offers a valuable explanation to the large sample groups or scale of quantitative approach by stating that this approach is mainly concerned with uncovering social trends as well as relationships between variables. The basis of the approach is that it seeks to explain why things are the way they are by analysing facts and numbers, and it applies data analysis methods that are statistical (Neuman, 2014). Another factor of the quantitative approach is generalization, where a group of people who will take part in the research known as the sample, be a representation of the target group, or the general population that cannot be studied due to constraints. Generalization is said to be emphasised more in quantitative approaches than in qualitative approaches because the researcher wants the findings to represent a larger population, thus making it easier to generate findings and build on theories they are testing (Bryman, 2016).

The researcher used the qualitative research design in this study. This is because it is a design better suited to explore issues of subjective meaning such as behaviours, feeling and opinions. The researcher explored accountability as a behaviour influenced by information and therefore it was understood better using the qualitative design. The following studies further motivated the researcher’s decision to use the chosen strategy because they have employed similar strategies. The first study is on the freedom of information bill, its relevance and challenges in national development in Nigeria. The purpose of the article was to analyse the importance of the

freedom of information bill of Nigeria and challenges that the state has encountered in the process of developing and implementing the bill (Anyawu, Akanwa, & Ossai-Onah, 2013). This study is qualitative because it aimed to explore the challenges and relevance in respect of the development of the societies, where development can be classified as a behaviour, and the presence of the access to information bill will affect people's behaviour in development. The second study using the same strategy addresses access to information, transparency and accountability. This paper focuses on access to information and how it influences transparency and accountability, addressing access to information using the rights based theory (Schenkelaars & Ahmaad, 2004). The third study that has also used this strategy is on access to information legislature as a means to achieve transparency in Ghanaian governance and shares lessons from Jamaican experiences (Kuunifa, 2011, pg.1).

3.3 RESEARCH DESIGN

A research design, according to Wagner, Kawulich and Garner (2012) is a blueprint of the research, and explains how research will be conducted, including methods of data collection and techniques of analysis. "Qualitative research designs are characterised by flexibility and limited structure: the idea is to let analysis and findings emerge from the data over the time-period of the study. Research questions, concepts and theory may not be defined or may only be defined as a 'working framework' that is subject to change during the unit of the project" (Brannen, 2008, p.28). Some of the types of research design available are case studies, comparative, experimental, cross-sectional and longitudinal approaches. The researcher chose to use the case study approach. The case study method is preferred because it brings an understanding to the issues under study and strengthens existing knowledge gained through previous research (Kuunifaa, 2011). The issues tackled in this study were the lack of accountability by the public sector because of lack of

the access to information bill in Zambia. The knowledge gained will contribute to strengthening support for the enactment of an information bill in Zambia.

Past studies that made use of this method include a study on access to information legislature as a means to achieve transparency in the Ghanaian and Jamaican experiences. The researcher used Jamaica as a case study because it has implemented their access to information bill with about ten years of experience, which allows for examination of how the access to information bill influenced transparency in the country and used this as a lesson for Ghana which was yet to implement their access to information bill. The second study is conducted by Article 19 Eastern Africa and International Development Research Centre (IDCR) and is an analysis of access to information, transparency and participation in the Kenyan parliament (Maina & Onami, 2011). The third research report that used the case study discusses the use of information as a tool for combating corruption in Uganda.

In conclusion, researchers used these strategies and designs because they were the best fit for some of the previous similar studies conducted and provided insights on how to focus on the research setting while exploring governance in the case of Zambia.

3.4 RESEARCH PROCEDURE AND METHODS

3.4.1 Data collection instrument

The data collection instrument is a tool used for gathering information from participants to answer research questions (Bryman, 2012). Data instruments vary but are all designed to specifically explore the research purpose and strategy and answer the research questions. Ritchie, Lewis, Nicholls and Ormstone (2014) states that researchers choose from a number of data collection instruments; however, the choice is guided by a number of factors such as the research design, strategy and questions, the target group and

topic. There are two types of instruments that can be used in qualitative study; interview schedule and an observation schedule. For the purposes of this study the interview schedule was used to obtain information using questions to solicit more information from participants. Kajornboon (2005) defines an interview schedule as a list of key themes, issues and questions to be covered.

An interview schedule varies depending on the structure of the interview. There are three types of interview schedule structures, namely structured, unstructured and semi-structured interview schedules. The researcher used the semi-structured interview schedule, defined as a schedule that contains a set of open-ended questions compiled in a general manner and which often requires respondents to share their understanding but still allows the researcher to seek clarity where necessary (Bryman, 2012). To further support the choice of data instrument, the researcher looked at three articles that have used interview schedules to collect data, drawing on experiences in Ghana, Jamaica and Kenya. The purpose of the third study was to assess the feasibility of the establishment of an information commissioner's office. According to ODAC (2003), this research was commissioned as part of a review of the implementation of the Promotion of Access to Information Act. This research used a semi-structured interview schedule to allow the researcher to probe responses that were given especially in relation to who would be better suited to champion access to information laws. Those interviewed included officials from the Open Democracy Advice Centre and the South African Human Rights Commission who provided insight into the functioning of both institutions and their ability to champion the access to information bill (ODAC, 2003). The research was commissioned as part of a review of the implementation of the Promotion of Access to Information Act (PAIA) with the intention of using the results to promote and enforce the act. According to ODAC (2003, p.1), "the research questions for this research were: Is the South African Human Rights Commission (SAHRC) the best place to champion the right to access information enshrined in the Promotion to Access to Information Act? What is the feasibility of the establishment of the

office of the information commissioner either as part of institutions or as an independent office and whether there would be a need for an amendment to the Promotion of Access to Information Act, the South African Human Rights Commission act and/or the constitution?"

The researcher derived questions for the interview schedule from the research questions. Bryman (2012) emphasizes that it is important to ensure that questions in the schedule relate to and aim to address the research questions. Another source that was used to develop the questions for the interview schedule was interview schedules used by previous studies addressing similar concepts of the study. Bryman (2012) encourages the use of existing questions used by other studies because they guide the researcher on how to formulate questions and they also serve as a basis for comparison of studies. Having been used previously means they have been piloted thus providing an indication of the extent to which the questions were answered. A number of other questions for the schedule were developed based on information discussed in the different sections of the literature review.

3.4.2 Target population and sampling

Bryman (2012, p. 187) defines a target population as "the universe of units from which the sample is to be selected," also defined as the large group which the researcher intends to investigate from which he/she can draw a smaller set of cases to focus the research (Neuman, 2014). In simple terms, it is the group from which the researcher is interested in drawing conclusions and is usually but not always a group of people (Babbie, 2014). The target population for this study was professionals who are part of the governance structure in Zambia. This included both government and non-governmental professionals. Investigating the entire target population is often not feasible due to reasons such as size, time, and proximity of the population. Therefore, in order for a study to be feasible, the researcher chooses a smaller group from the target

population to serve as a representation of the population; this is referred to as a sample.

Bryman(2012) defines a sample as a subset or segment of the population that is selected for investigation and which should be reflective of the target population. Neuman (2014) also defines a sample as a smaller collection of units that closely represents the larger collection of units or cases. Babbie (2014) defines a sample as a smaller set of members that make it possible to investigate the larger set of members that hold interest for the researcher. There are two main methods of selecting samples, probability and non-probability sampling. For this study, the researcher used the non-probability sampling, which is defined as samples that are not selected randomly but rather on purpose, meaning that all units of the target population will not have an equal chance of being selected to be part of the sample (Wagner, Kawulich, & Garner, 2012). The different techniques or strategies used in non-probability sampling include purposive sampling, snowball sampling and quota sampling (Babbie, 2014) . The researcher used purposive sampling for this study. As seen from literature, the concepts of accountability and access to information laws are often considered as sensitive matters. There is reluctance by government officials to discuss them, especially for those in power. This is because it means they will have to agree to explain their decisions to the people by being held accountable and by ensuring people are able to access information regarding their decisions. In the Zambian context, a few years ago statements were issued by the government warning members of civil society to refrain from making statements about the status or the future of information laws or else they would face consequences. That being said, the researcher recognised that there would be reluctance by some officials in the governance and policy-making structures to discuss these issues. The researcher looked for samples from government and civil society who have the knowledge and expertise in governance and access to information legislation. As well as those who have worked directly in the legislation process of the bill. The researcher did this by approaching the government institutions assigned to the legislation

on access to information, who were able to guide the researcher to other in institutions and actors. The researcher then chose who among these would take part in the study, ensuring that these where composed of those who have been part of the process when it was first started until recent efforts made as well as those who joined recently, and representative of all institutions in the governance system. Bryman (2012) suggests that the purposive approach helps to ensure the researcher receives responses from the majority of the sample, especially because their location is known; however, he has also stated that a disadvantage of this approach is that it is uncertain that this sample will truly be representative of the target population being studied. Punch (2014) shares similar sentiments about convenience sampling; although it saves effort, time and money, this is at the expense of information and credibility. The researcher used this strategy because it was better suited for the study.

Similar studies that used this approach include an analysis of the weaknesses in access to information laws in SADC in developing countries' freedom of information, an analysis of access to information, accountability and participation in the Kenyan parliament. An examination of the role of media and access to information, enabling legislation for access to information in Cameroon and the role of libraries and librarians. The purpose of the third study was to evaluate the legislation in force in Cameroon that enables access to information of all types and forms as well as the shortcomings of the legislation. The focus was to improve access to information by providing enabling legislation that will enhance access to information and knowledge. Purposive sampling was used to select a sample which consisted of respondents from both government and the private sector who had knowledge and expertise on access to information. Using this sampling method enabled the researcher to collect information that was relevant to the research and recommendations from the respondents who have knowledge of the areas of study; for example, library users gave recommendations on how the services can be improved for better access to information.

3.4.3 Ethical considerations when collecting data

The interests of the research participants are addressed as ethical considerations. Ethical considerations are necessary because it is important that the researcher respects the wishes of participants and ensures that they are fully aware of what they are involved in and are able to decide to what extent they wish to participate. A qualitative research study such as this one requires the researcher to get close to respondents, interacting with them in their settings. This can sometimes lead to reluctance on the part of respondents to participate, therefore caution must be exercised by ensuring ethics are explained and understood by the respondents. Babbie (2014) mentions the following as important issues to take into consideration when interacting with research participants: voluntary participation, informed consent, debriefing, anonymity, confidentiality, and protection from harm. The researcher took into consideration the interests and rights of participants, and this especially includes the right of the respondents to give permission to be a participant, being fully aware of the purpose of the study. This is referred to as informed consent. Informed consent serves as permission and protection for both the participant and researcher (Bryman, 2012). The researcher developed an informed consent form (Appendix 1) which was given to each participant after the briefing. The briefing sessions were done before the interview, the aim being for researcher to provide comprehensive information regarding the purpose of the research and to avoid participants being misled into providing data. The participants were also informed that the interview would be recorded to enable transcription of the information. They were also informed that only the researcher and the supervisor would have access to this information. Participants who did not feel comfortable with being recorded were not recorded. Participants were given the informed consent form which contained information emphasizing confidentiality during the interview, their voluntary participation in the study and withdrawal from the study at any point during the interview. The consent form also shared information on the publishing of the results of the study as well as who would have access to the

information in the study. Finally, it clarified that participants would not be paid for their participation and that by signing the consent form they agreed to participate.

It is also important to protect the identity of participants, especially when sensitive issues or target groups are being used in the study (Punch, 2014). This encourages participants to contribute fully to the research. Although the consent form had a section for participants to provide their names, they were also informed that this was optional and if they were not comfortable sharing their names, their signatures at the end of the form would be sufficient. The interview schedule did not require that they include their names; it did however ask for their positions, which may be seen as contradictory to anonymity. However, this information only allowed the researcher to be able to classify their position in the organogram the institution. This information was valuable to the analysis of the information and this was carefully communicated to participants.

The researcher conducting this study is a student pursuing a Master's degree in Public Policy at the University of the Witwatersrand. The interest in this study emanates from the researcher's past work experiences with communities. This gave insight into the general lack of awareness about their right to access information on various issues in the country and a belief that having such knowledge can have an impact on other issues such as citizen participation, citizens' ability to access needed services, accountability and transparency. The researcher has also worked with civil society organizations and government officials during her previous employment. This provided an advantage as it made the sampling process easier through networks already established. This meant that the student was able to enquire through networks for information on which civil society organizations have been involved in the process of developing the legislation under study. This served as another

source of information other than that gained through approaching government institutions only.

3.4.4 Data collection and storage

Data collection is defined as the procedures used to gather information in research (Neuman, 2011). “It is also defined as gathering data from a sample to enable the answering of research questions” (Bryman, 2012). There are various forms of data collection methods, namely observation, interviews, surveys, focus group discussions and documentary analysis. The researcher’s choice of data collection method was interviews. Bryman (2012) defines interviews as a tool that provides insight into what participants see as relevant and important. Interviews are also defined as ways for participants to be involved and talk about their views, allowing them to discuss their perceptions and interpretations with regard to a given situation (Kajornboon, 2005). While Ritchie, Lewis, Nicholls and Ormstone (2014) defines interviews as conversations with purpose, they differ from normal conversations because they have objectives and roles of researchers and participants which are defined. Interviews are often used because they are useful for gaining insight and context into a topic, they allow respondents to describe what is important to them and they are useful for gathering quotes and stories.

Furthermore, the researcher examined three similar articles that have used interviews to collect data: access to information legislature as a means to achieve transparency in governance in Ghana, drawing on lessons from Jamaican experiences; the analysis of access to information, transparency and participation in relation to the parliament in Kenya; and the promotion of access to information study by the Open Democracy Advice Centre (ODAC) which aimed to assess the feasibility of the establishment of an information commissioner’s office. This research used interviews to allow the researcher to further probe responses that were given especially in relation to identifying a champion around access to information laws. Those interviewed included

officials from the Open Democracy Advice Centre and the South African Human Rights Commission to gain more insight into the functioning of both institutions and their ability to champion the access to information bill (ODAC, 2003). The research was commissioned as part of a review of the implementation of the Promotion of Access to Information Act (PAIA) in support of enforcement of the act.

Once data is collected it should be handled carefully and kept safe to prevent damage or loss of data. In the case of interviews, the interview response sheets, recordings and data transcriptions that will be used should be photocopied with three originals stored in a safe place, unaltered (Kawulich, 2013). Proper handling and storage of data also ensures that confidentiality is upheld thereby avoiding harm to participants. In this research, all data collected was safely stored, and when transcribed copies were stored in multiple places electronically until the analysis process commenced.

3.4.5 Data processing and analysis

Data processing begins as data collection is being conducted, as this includes separating the data according to the type of instrument or method used or those collected from different groups of people. Data collected often contains shorthand writing, mistakes and discrepanices; therefore the researcher goes through the data to make corrections and where possible collect more data to fill in what may be missing. Data processing includes trancscribing, thematic analysis and data fragmentation. Transcribing is defined by Bryman (2012) as a written translation of an interview, observation session or focus group disucssion session, while thematic analysis is the process of the identfication of themes or theories by the researcher from the data collected (Kawulich, 2013) . Data fragmentation is an exercise in which the researcher sifts through the collected data to place it into smaller groups or units which are given a label or code. Data processing is ongoing and data analysis is said to begin

even before data collection. As the literature review is done, the analysis of data is already being done as this helps to build on theory (Kawulich, 2013).

Neuman (2011) defines data analysis as systematically organizing, integrating and examining data collected to look for patterns and relationships, as analysis helps to improve understanding, expand on theory and advance knowledge. The goal of analysis is to reduce data by producing summaries, abstracts, coding and memos and finding ways to display data. There are many analytical styles, narrative, inductive or grounded analysis and content analysis (Biber, 2010). Similarly, Kawulich (2013, p. 2) defines “data analysis as the process of reducing large amounts of collected data to make sense of them, she further states that three things occur during analysis: data is organized, data is reduced through summarization and categorization, and patterns and themes in the data are identified and linked.” Kawulich (2013) further mentions several approaches to data analysis, including hermeneutics or interpretive analysis, narrative and performance analysis, discourse analysis, grounded theory analysis, content analysis, and cross-cultural analysis. However, for the purposes of this research only content analysis was used as it was better suited to the study.

The researcher used content analysis because it is a suitable technique to probe, discover and understand messages, symbols, explanations and meanings of the concepts that were being researched. “Content analysis is an approach to the analysis of documents and texts that seeks to quantify content in terms of predetermined categories and in a systematic and replicable manner” (Bryman, 2012, p. 289). It involves thorough reading and understanding of transcripts, looking for similarities and differences that enable the researcher to develop themes and categories leading to conclusions and thus understanding answers to the research questions. Although it may be biased because the researcher communicates conclusions according to own understanding, Neuman (2011) explains that it is a suitable choice to analyse answers from open-ended questions, research questions that yield a large

volume of texts, content that is scattered and content that cannot be seen or observed. It can be said that this study qualified under all but one of the criteria for content analysis shared in the previous statement. The data was analysed by transcribing responses and reading through answers to identify the main themes.

The researcher was motivated to choose this method because the three studies previously mentioned used it to yield results; these were the studies undertaken in Kenya on access to information, accountability and participation in the Kenyan parliament; the access to information as a tool for combating corruption with reference to Uganda; and the access-to-information legislation as a means to achieve transparency in Ghana. Analysis using this method enables the researcher to identify relevant information and how it influences transparency, public participation and accountability (Kuunifaa, 2011) .

3.4.6 Description of the respondents

The respondents interviewed were individuals from government and civil society who have been part of the policy process of access to information laws in Zambia both in the past and present. The rationale for using past and present actors is because over the years the departments and groups that have been working on the law changed every time there has been a change in leadership.

3.5 RESEARCH RELIABILITY AND VALIDITY MEASURES

Punch (2014) describes reliability as consistency, which has two main aspects, which are consistency over time and internal consistency. This is also referred to as stability reliability and representative reliability (Neuman, 2011). He also defines consistency as dependability. Consistency is generally seen to imply that the instrument chosen should have the ability to reproduce the same or similar results given the same circumstances at different times. Reliability is

important because it communicates to the reader that similar results achieved over time means that the information is accurate and that the study can be repeated over time which facilitates comparison of data and a basis for follow-up research. There are four ways to improve reliability: use of pilot tests, use of precise levels of measurement, use of multiple indicators, and clearly conceptualised constructs (Neuman, 2011). To improve reliability, the researcher included questions in the interview schedule that were used by previous studies that researched similar concepts for access to information laws; this increased reliability because the questions had already been piloted (Bryman, 2012). The researcher also used multiple indicators in order to understand accountability, not only by looking at access to information, but also by examining participation and legislature as well as other instruments of accountability such as media. This is referred to as using multiple indicators. Reliability is also tied to the level of truthfulness of data collected, which is referred to as validity.

Validity is the extent to which an instrument measures what it is intended to measure (Punch, 2014). It represents authenticity which means a “fair, honest and balanced account of social life from the viewpoint of the people who live it every day” (Neuman, 2014, p. 218). Similarly, Bryman (2012) observes that validity is concerned with the integrity of conclusions, in other words how trustworthy the conclusions of the research are based on the data collected. There are four types of validity, namely content, face validity, criterion and construct validity (Punch, 2014). The researcher used criterion or predictive validity in which the indicator predicts future events that are logically related to the construct; in this case the prediction involved how accountability will be improved once the access to information laws are enacted.

3.6 RESEARCH LIMITATIONS

The purposive sampling method was used. It was important to establish whether the information gathered was a true reflection of the situation with regard to information laws. This is because, by using this sampling methods, the researcher is purposely excluding those who make a valuable contribution to the information to be gathered. These were indicated as limitations of the chosen sampling methods by Neuman (2011).

CHAPTER FOUR
PRESENTATION OF RESEARCH FINDINGS

4.1 INTRODUCTION

The purpose of this research was to establish why Zambia does not have access to information legislation, and this was done by exploring the governance system of Zambia, how its components function and how it influences the process of information legislation. This chapter presents a summary of the interview results of 15 respondents who were interviewed for this research.

The interview schedule used consisted of questions intended to respond to the three secondary questions of the research, which are:

- What are the factors in governance arrangements surrounding the implementation of information legislation?
- What trends in the governance arrangements for information legislation will enable citizens to hold government accountable?
- What strategies should be considered in the governance arrangements for information legislation?

The answers to the three secondary questions provided information that answered the primary research question, which is: What are the challenges for the Zambian access to information law? The research sample consisted of respondents from government and from civil society organizations. Visual depictions such tables, diagrams and pie charts were used in the following sections where necessary to clearly show the results.

4.2 DEMOGRAPHIC PROFILE OF RESPONDENTS

Despite the difficulty experienced in securing and conducting the interviews, the researcher was able to conduct all 15 interviews. It was easier to interview respondents from civil society organizations than respondents from government institutions; this was due to reasons such as the bureaucracy encountered when securing meetings with government officials, busy schedules and willingness to be interviewed. The results of the biographical data are represented in graph form in Figure 1 while the highest educational qualifications of the respondents are represented in Figure 4 below. Tables 1 and 2 will show the institutions the respondents work for and the position in these institutions, respectively.

4.2.1 An illustration of the biographical data of respondents

Figure 4: Number of respondents per gender category

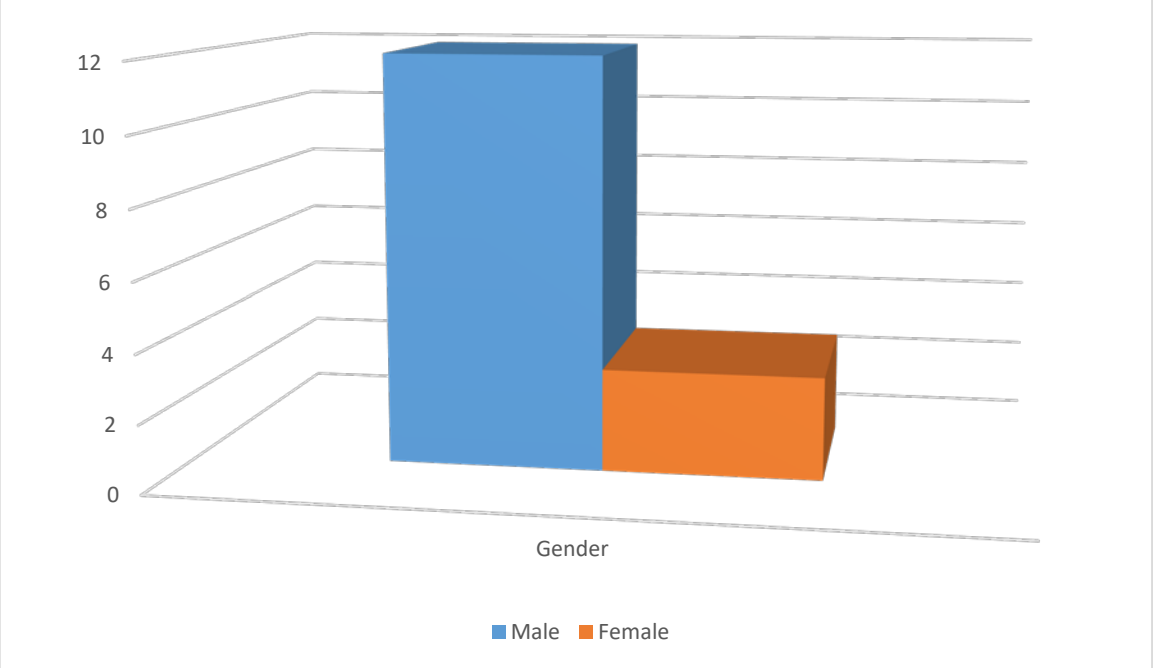


Figure 4 shows a graphical presentation of the gender distribution of the sample. It indicates that more males than females participated in the research: 3 respondents (25%) were female and 12 respondents (75%) were male.

4.2.2 Breakdown of the highest educational qualifications attained by the respondents

Figure 5: Number of respondents per educational qualification category

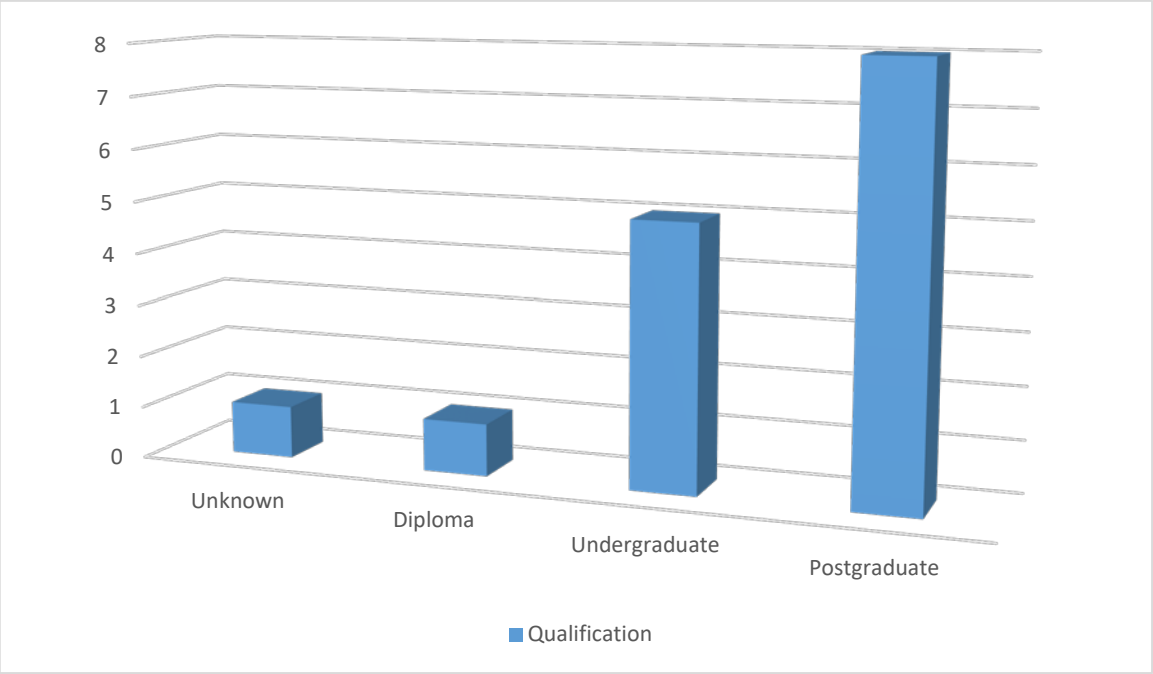


Figure 5 shows that of the respondents interviewed, 8 have a post-graduate qualification, which is a master's degree, 5 have an undergraduate degree, which is a bachelor's degree, 1 has a diploma and 1 respondent would not reveal their qualifications.

4.2.3 A breakdown of institutions the respondents represent

Table 1: Institutions of respondents

Institution	Male	Female
Non-governmental organization	4	1
Government	3	1
Media	4	
Government agencies		1
Church	1	

Table 1 shows that 5 respondents interviewed belonged to non-governmental institutions, 4 are in government institutions, 4 respondents belonged to media, 1 respondent was from a government agency and 1 respondent was from the church.

4.2.4 A breakdown of professional positions

Table 2: Professional Positions

Position	Male	Female
Junior officer position		
Mid-level officer	3	
Senior officer	5	1
Director	4	2

Table 2 indicates that 3 male respondents hold mid-level positions in the organizations they work for, while 6 respondents hold senior level positions, 5 of whom are male and 1 is female. The remaining 6 respondents are directors, 4 being male and 2 who are female.

4.3 GOVERNANCE ARRANGEMENTS

In order to understand the governance arrangements in Zambia, respondents were asked four questions. The responses to the four questions asked are presented below.

4.3.1. The Zambian governance system

Respondents were asked to comment briefly on the Zambian governance system. The responses given were quite broad with some common phrases emerging from them. The majority of the respondents (10) describe the governance system as a democratic one, whilst two respondents (2) stated that they are not sure what it is anymore, in fact they think that it may not be a democratic system. Two (2) respondents describe the governance system as being in its infant stage and one (1) respondent describes it as okay. Amongst the 10 respondents who say it is a democratic governance system, 3 state that although it is democratic it is still evolving, 4 state that is also a credible system, 2 state that it is retrogressing and 1 states that it also represents a good governance system.

4.3.2 Changes in the Zambian governance system in the last decade

Respondents were asked what changes they have seen taking place in the last ten years in the governance system of Zambia. Responses are indicated in Figure 6 below.

Figure 6: Change in governance in the last decade

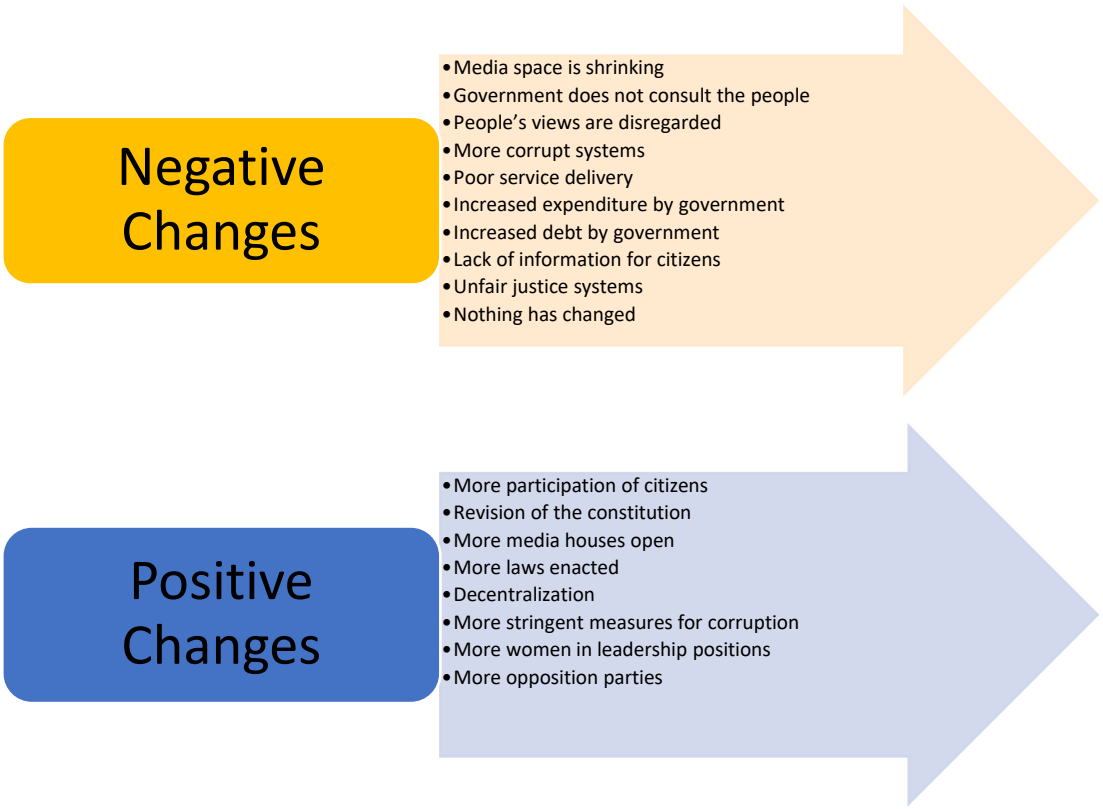


Figure 6 shows the responses of participants categorised into positive and negative changes that have taken place in the governance system of Zambia when compared to the system ten years ago.

4.3.3 People at the centre of democratic rule

According to the literature, Zambia is considered a democratic nation, and respondents were asked if they think that people are at the centre of democratic rule in Zambia. The responses are provided in Figure 7 below.

Figure 7: People at the centre of democratic rule

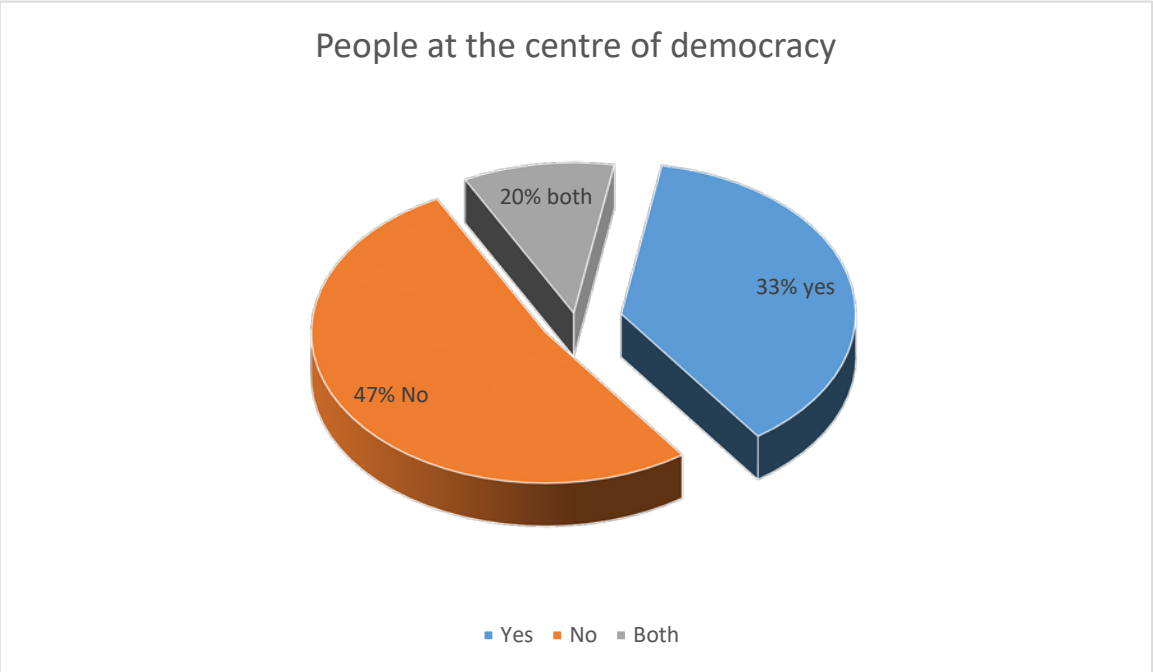


Figure 7 shows that the majority of the respondents (7) said no, they do not think that people are at the centre of democratic rule in Zambia; 5 respondents said yes people are at the centre while 3 respondents said both yes and no. Reflected in percentages, 47% said yes, 33% said no and 20% said yes and no.

Figure 8: Rationale for the responses provided for in question 3

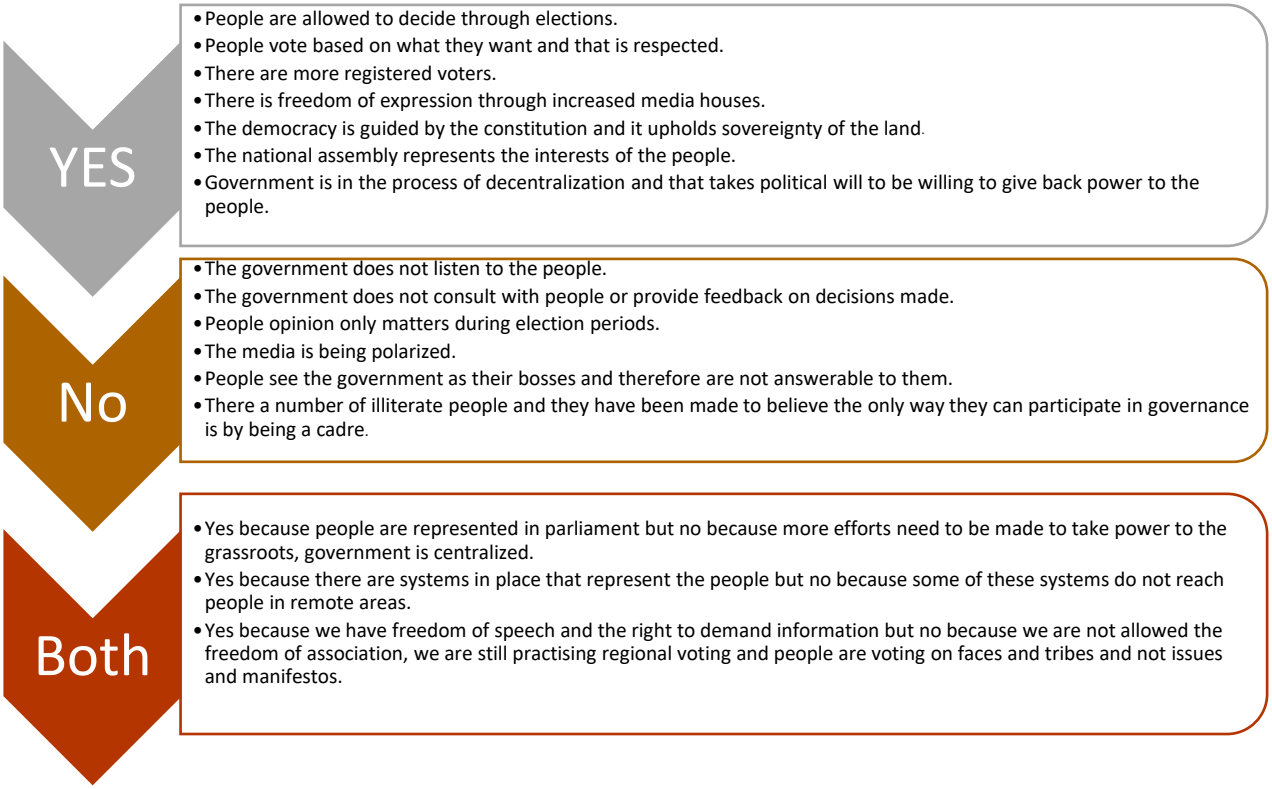
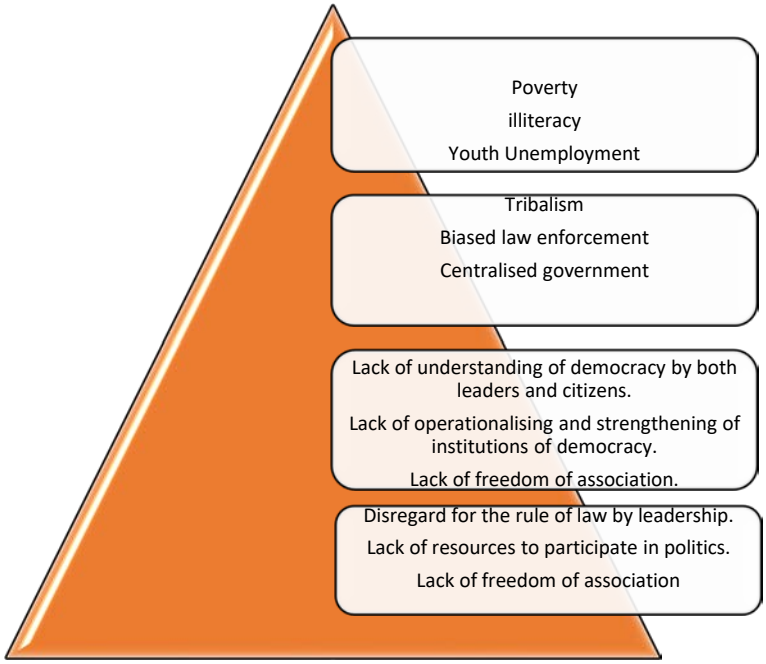


Figure 8 shows responses provided when respondents were asked for further explanations to the answers they gave to question three.

4.3.4 Challenges in the democratic system of Zambia

As a follow-up to the previous question respondents were asked what they see as challenges in democracy. Respondents listed the challenges shown in Figure 9 below.

Figure 9: Challenges faced in the democratic system



4.4 ACCESS TO INFORMATION

This section presents the results pertaining to access to information legislation. The information includes knowledge of participants on access to information laws, the process of drafting a law, and stakeholder involvement.

4.4.1 Knowledge of access to information legislation

Respondents were asked to share what they know about the access to information legislation. All the respondents have knowledge of the existence of an access to information bill and some seem to have information on what exactly it is and its current state. The responses provided are shown below.

Figure 10: Knowledge of access to information legislation in Zambia

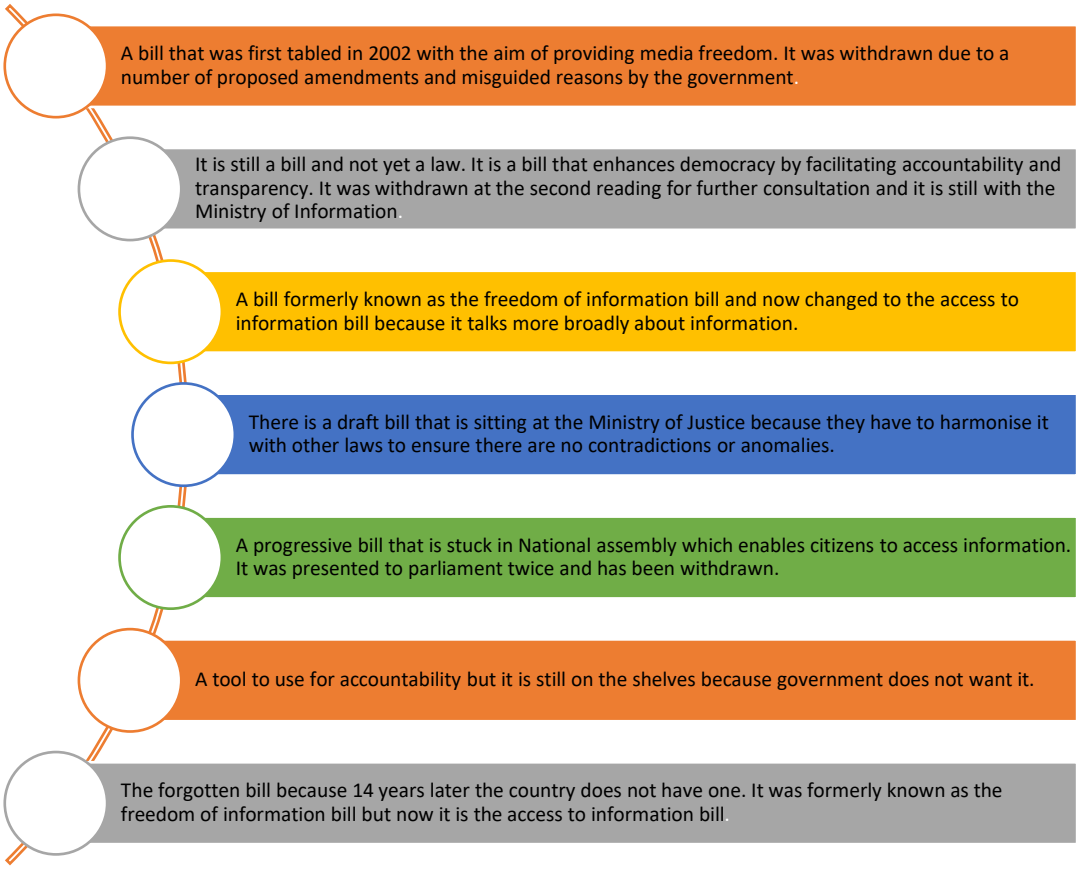


Figure 10 shows the information provided by respondents classified into seven responses based on the key phrases and terms used from each response provided.

4.4.2 The meaning of access to information

Respondents were asked to explain what accessing information in relation to governance means to them. Six (6) respondents said that accessing information means being able to get that which is held by public offices. Three (3) respondents said that it means knowing what the government is planning to do, what they are doing and what they have done because this will enable citizen participation in these decisions. Two (2) respondents said that it entails people having the right to seek information from public institutions, two (2) respondents stated that it is empowering people with information held in the

public domain but that does not hinder national security, morality or private information of individuals. One (1) respondent stated that access to information means being informed to enable people to make informed decisions based on facts. One (1) respondent said it is not necessary for them to give their opinion because access to information is based on what the people want.

4.4.3 Do citizens have access to information in Zambia?

Respondents were asked whether they think citizens in Zambia have access to information helped by public institutions tuitions or the public domain.

Figure 11: Citizens have access to information

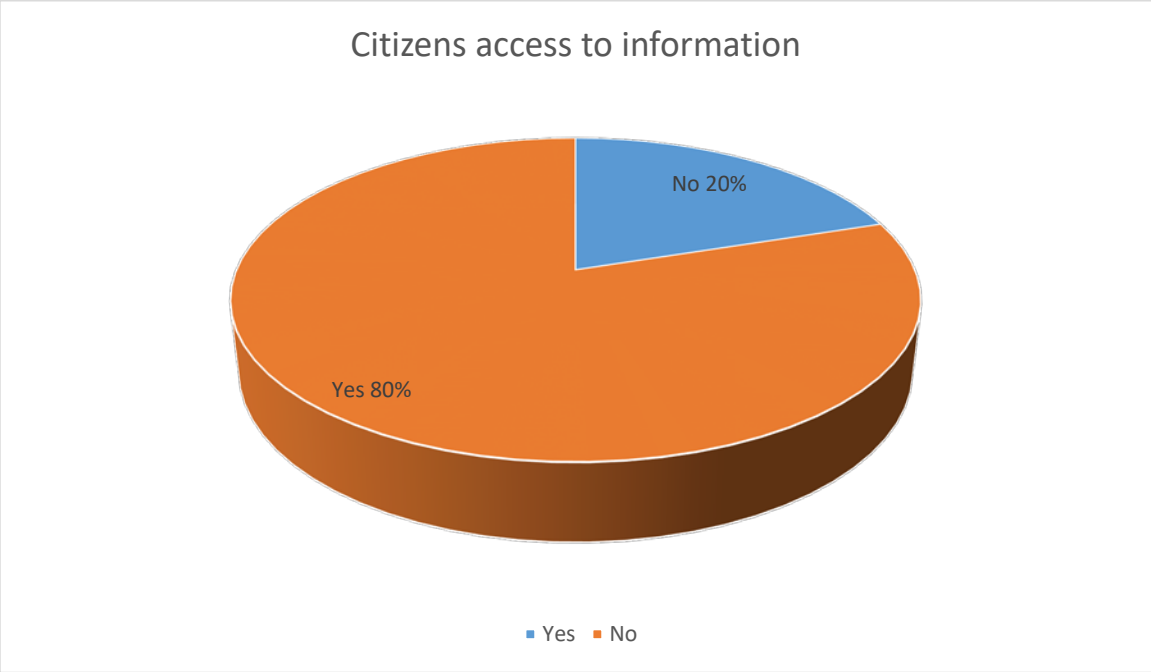


Figure 11 above indicates that the majority of the respondents think that citizens in Zambia cannot access information held by public institutions or held in the public domain; 12 (80%) of the respondents said no and 3 (20%) of the respondents said yes.

4.4.4 The development process of a bill

Respondents were asked to share their knowledge of the process of developing a bill. Based on the information given, the researcher was able to categorise the responses into two groups: those who are very knowledgeable about the process and those who have basic knowledge about the process. Eight (8) respondents indicated that they know the process very well and were able to share it and make reference to the process of developing the access to information bill. Seven respondents indicated that they do not know the process very well and were able to share the basic stages of the process that they know about.

4.4.5 Participation in the process of developing the access to information bill

Respondents were asked whether or not they had participated in the process of developing the bill. Ten (10) respondents indicated that they had participated in the process while five (5) respondents indicated that they had not participated. The respondents who had participated were asked to explain how they participated: five (5) respondents had participated through a consultation process held by government and other stakeholders. Two (2) respondents said they were in the leading Ministry that initiated the process in parliament, while three (3) respondents said they were part of the two civil society organizations that drove the advocacy and consultation process amongst civil society organizations and they were members of the coalitions formed to advocate for action on the bill.

4.4.6 Other stakeholders who were involved in the process

Respondents were also asked to name other stakeholders who were part of the process and how they were selected. The respondents indicated that those selected to be part of the process are the major stakeholders addressing media

rights in the country as well as those who address governance issues of accountability, transparency, democracy and citizen participation in the country. Table 3 lists the stakeholders who were mentioned.

Table 3: Stakeholders involved in the process of developing the access to information bill

Name of institution	Type of institution
Action Aid	Non-Governmental Organization
Anti-Voter Apathy Project (AVAP)	Non-Governmental Organization
CARITAS	Non- Governmental Organization
Civil Society for Poverty Reduction (CSPR)	Non-Governmental Organization
Forum for African Women Educationalists of Zambia (FAWEZA)	Non-Governmental Organization
Foundation for Democratic Process (FODEP)	Non-Governmental Organization
Jesuit Centre for Theological Reflection (JCTR)	Non-Governmental Organization
Media Institute of Southern Africa (MISA)	Non-Governmental Organization
Ministry of Information and Broadcasting	Government
Ministry of Justice	Government
Non-Governmental Organisations Coordinating Council (NGOCC)	Non-Governmental Organization
PANOS Institute Southern Africa	Non-Governmental Organization
Post news paper	Private media
Press freedom Association	Media
Southern African Centre for the Constructive Resolution of Disputes (SACCORD)	Non-Governmental Organization
Times of Zambia	Government media
Zambia Civic Education Association (ZCEA)	Government

Table 3 above shows that there are a number of actors involved that have been involved in the process of developing the bill with the majority of them being non-governmental organizations and a considerable number from media institutions.

4.4.7 Coalitions formed

Respondents were asked if they were aware of any coalitions formed for joint action on the bill and how they were formed. Six (6) respondents stated that they were not aware of any coalitions formed while nine (9) respondents stated that they were aware of the coalitions formed. Two coalitions were mentioned, the access to information task force through joint efforts of civil society organizations and government and the media liaison committee set up by the media fraternity. As a follow-up question, respondents were asked whether or not there were any international bodies that calling for action on the access to information bill. Three were named: the United States Agency for International Development (USAID), the Department For International Development (DFID) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). This was done through providing funding for organizations advocating for action of the bill to enhance governance in Zambia.

4.4.8 Government's responsiveness to the input of other actors

Respondents were asked how responsive government was to the views of other actors. Thirteen (12) respondents said that government was not responsive to the views of the other actors, three (3) respondents said government was responsive, one (1) respondent said that it was difficult to say and one respondent did not know.

4.4.9 Requirements to enact the access to information bill

Respondents were asked what they think is needed to enact the bill. The responses given are shown in Figure 12 below.

Figure 12: Requirements to enact the bill

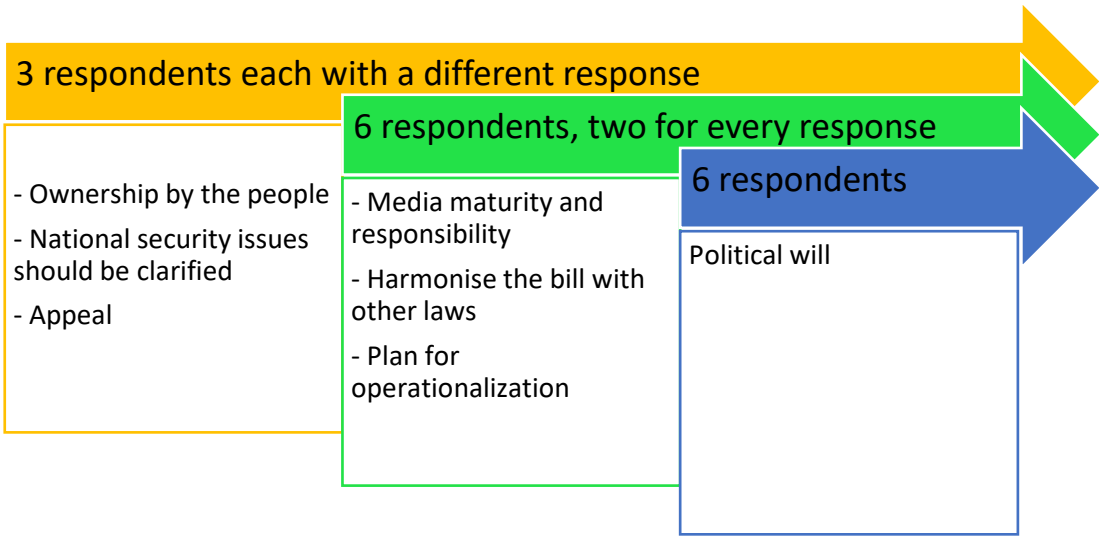


Figure 12 shows that the majority of the respondents (6) think that political will is a main requirement to enact the bill, two (2) respondents think that maturity and responsibility by the media is a main requirement, two (2) other respondents think harmonising of other laws with the bill is a requirement and a further two respondents noted that there needs to be a plan for operationalization of the bill.

4.4.10 The influence of the current regime compared to past regimes on the access to information bill

Respondents were asked how they think the current and past regimes of government in the previous decade have influenced the process of developing the bill. Seven (7) respondents observed that both regimes have not been in support of the bill, two (2) respondents said that only the past regime supported the bill, while three (3) respondents felt that only the current regime supports the bill. Two (2) respondents think that both regimes have supported the existence of the bill and one (1) respondent did not know.

4.5 ACCOUNTABILITY

This section reports on issues regarding the kind of information people can access in the context of access to information laws, the purpose for the information accessed and finally the recommendations by respondents or action on the bill.

4.5.1 Type of information to access

Respondents were asked what kind of information they think citizens should be able to access in the event that the bill is enacted. The following responses were given:

- Information regarding activities and decisions funded by public funds.
- Information regarding the development plans for the country and its citizens.
- Information regarding expenditure.
- Information supporting accountability.
- Information regarding all kinds of resources the country has.
- Basic information that directly affects the lives of citizens such as that affecting access to their basic needs.
- Information regarding opportunities for self-development.
- Information regarding national security other than defence.

4.5.2. Purpose for the information requested

Respondents were asked how they would use the information mentioned in the previous question. The following were provided:

- To ensure accountability and curb corruption.
- Whistle-blowing.
- Empowering one to make decisions.

- To write stories based on facts.
- To track development.
- Fighting poverty.
- To know what the leadership is doing with the power they hold.
- Self-development.

As a follow-up question, respondents were asked what measures of accountability they have been using that are in place considering that the access to information bill has not been enacted and there is an emphasis on accountability throughout the responses given in the interviews. Respondents stated that there are measures of accountability in place such as:

- The office of the Auditor-General.
- The Anti-Corruption Commission (ACC).
- The Public Accounts Committee in parliament.
- The Human Rights Commission.

Respondents further stated that although audits are done regularly, cases of abuse of funds and office are opened and people are found guilty of these crimes, but when recommendations or judgements by these bodies are passed they are rarely implemented or when they are, very lenient punishments are meted out.

4.5.3. The possibility of abuse of the information accessed

Respondents were asked whether or not they thought the information that would be accessed in the event that the bill is enacted would be abused. Twelve (12) respondents said there is a high possibility that the information would be abused and two respondents felt that this would not happen.

4.5.4. Recommendations

In the last question of the interview, respondents were asked to give recommendations for actions on the pending access to information draft bill. The following recommendations were given:

- Harmonise the bill with contradicting legislature to allow it to be passed after extensive delays.
- Government should improve the education system because the high levels of illiteracy contribute to the citizens' lack of access to information.
- Give people information and they will give you solutions.
- Government should continue to engage with the media and the media liaison committee to see how they can move forward. They should not, however, engage civil society organizations because they are political and enemies of the government.
- Government should use lessons learnt and pass the bill but this should also include an implementation plan.
- Civil society needs to advocate until they see change.
- Expedite the process and grant people access to information and see where it goes.

Two respondents said that they do not make the final decision about the process, they are actors and therefore should be the ones to receive the recommendations.

CHAPTER FIVE
DISCUSSION OF RESULTS

5.1. INTRODUCTION

This chapter will analyse and discuss the findings shared in the previous chapter. The objective is to discuss the results of each section in detail, identifying the common themes discussed with respondents in relation to access to information laws and governance arrangements. The researcher also hopes to show the links in the discussion to the theoretical frameworks chosen for this study.

5.2. INTERPRETATIONS OF THE RESULTS

5.2.1. Demographic information

The majority of the respondents who took part in this study were male and occupied positions that can be considered to be senior officers; an equal number were directors. The sample method used was purposive sampling and therefore was deliberate in that the respondents occupy this level of management because the respondents needed to have experience and knowledge about governance and access to information and to be part of, or have been part of, the governance system. However, it was interesting to find that only three of the respondents were women. Although they all have post-graduate qualifications, two of them occupy directors' positions and one occupies a senior officer position. There are fewer women in the governance system which suggests that women are inadequately represented in the system and fewer women who occupy leadership positions in the governance system. It was further noted that the majority of respondents interviewed are from civil society organizations and this is because it was difficult to get appointments with government officials due to the lengthy procedures required

to secure an appointment. This supports literature provided in section 2.5.6 which looked at key issues in governance, the level of bureaucracies faced in the governance system delay decision making processes. While the researcher could have easily secured an interview with a potential participant from the necessary departments dealing with the issues under study, the researcher was required to address a letter to the permanent secretary of the the Ministry; this letter would require numerous departments to give approval and even after approval the letter still had to be sent back through the departments before it could finally be communicated to the researcher. This implies that decision-making power in the system is still held at the top with very little sharing of power across the departments, and reflects the literature which suggests that bureaucratic processes often deter the process of obtaining information from government institutions (Maina & Hillary, 2011).

Some of the meetings with respondents had to be rescheduled at their request. It was particularly challenging to set up appointments with members of parliament because their contact information is not readily available and the processes to setting up such a meeting are complicated. Literature in chapter two states that having access to information should allow citizens should have be able to access information on elected officials such as parliamentarians; however, the literature also states in the past studies analysed that the information should be in kept in records and be available otherwise this defeats the purpose of requesting it as was the case for this study. It was also unfortunate that at the time of the research, the parliament was preparing for the national assembly to convene. This made it difficult to secure appointments. The researcher realised that civil society usually welcomed opportunities to share information and engage more openly in discussions on governance and access to information.

5.2.2. Governance arrangements

Zambia is said to be a democratic country since 1964 when it obtained its independence. As stated in the literature review, a democracy is rule of and by the people and with the people, and this system posits that the people are at the centre of the rule, and should therefore make decisions about their development either directly or through representatives whom they elect. The fundamental pillars of democracy are the rule of law, transparency and accountability (Olowu & Sako, 2002). Similarly, Maina and Hillary (2011) states that transparency, accountability and participation are the key pillars of democracy. One of the key concepts in governance that supports or rather promotes these pillars is having access to information. Respondents were asked four main questions with follow-up questions that emanated from their responses. Although the majority of the respondents stated that it is a democratic country, they also believe that this is so in theory but not always the case in practice. Respondents attributed this to the lack of participation of citizens in decision-making processes, and the perception that there is no respect for the rule of law because some people are seen to be above the law. One respondent gave an example of how the justice system fails a typical citizen of the country: “while certain citizens are sentenced to many years of imprisonment for minor crimes other citizens who commit worse crimes are sentenced for less years, released early and some of the cases do not enter the system due to these citizens’ affiliation with those in power.” This suggests that justice is applied in an inequitable manner, supporting literature on the key issues in governance especially in African countries. According to Olowu and Sako (2002), there is a general disregard for the human rights of people in the process of criminal and civil justice, often leaving people who cannot afford adequate representation or do not know influential people to be unfairly prosecuted. However, it also supports the Elite theory that is based on the premise that elite are those who are considered to have resources or affiliations with influential people in society (Dye & Zeigler, 2006). The elites

easily manipulate the system to get their way or to avoid getting into trouble and finding themselves on the wrong side of the law.

Participants also observed that the system of governance is quite centralised despite a decentralisation policy being in place. A centralised system of governance undermines the democratic process because it implies there is very little or no power sharing between other levels of government and the central government. This suggests that all decision-making rests solely with central government thus indicating limited participatory mechanisms in the system (UN, 2007). Centralised government has been stated as an issue that affects governance in the literature, they represent a lack of participatory mechanisms and a high dependency of others on the decision-makers. This also means that there is lack of skills transfer when those at the lower ranks of bureaucracies are unable to experience leadership or having power to make decisions. It also means that they cannot perform autonomously, without the influence leadership as they are merely being told to carry out the decision made high above. The importance of officials in government to act autonomously is emphasised, especially in the case of handling transparency and access to information issues, they would serve in the best interest of the people rather than based on political influence or influence of their superiors.

The governance system was also described as evolving, characterised mainly by regular elections where citizens participate in choosing their leaders, the amendment of the constitution, the increase in political parties and the increase of media houses. This would suggest that the country is in indeed practising democracy by upholding its pillars, which literature states are upholding the rule of law through the constitution, citizen participation through voting and allowing other actors such as political parties to exist and supporting transparency by allowing the increase of media houses (Unit, 2008). There is, however, a different view shared by some respondents, that as much as all this has happened, the election process is the only time citizens participate in the decision-making process. Although there are more political parties there

seems to be less tolerance for those who are seen as potential competition to the ruling party. Regarding press freedom, there are cases where media houses have been closed when they have expressed views that are seen as being in opposition to the government. According to some of the respondents, "media space is shrinking, we do not have a safe reliable space where civil society can air their views without feeling threatened or expecting consequences." These aforementioned issues are among some of the changes that have occurred in the last decade in the governance system. It is also based on these issues that respondents believe that people are not at the centre of the rule of democracy in the country and therefore question how Zambia calls itself a democratic nation when the system does not prioritise the people. There is a shared view by some respondents that the system was comparatively better ten years before because although some changes have been positive as indicated in the findings in Table 3, the negative changes seem to be increasing and their impact has affected society negatively. For example, while there has been an increase in media houses the respondents feel that the media space for expression is shrinking because the rise of some of these media houses has been called into question. The majority of them seem to be either controlled by someone in power or affiliated to those in power and their reporting is in favour of the government. This may be in part due to fear of closure or prosecution for speaking out against those in power. Another example is that while people are participating more in decision-making through elections and consultative processes around policies, there is a view that their views are hardly, if ever, taken into consideration and they do not receive feedback on which views were included or whose views were overlooked or why. Respondent 14 observed that, "of course submissions for policy development and budgeting are called for but to what extent are they taken into consideration and if they are excluded is there an explanation as to why? Decisions are made but we don't know about them and yet when you govern on behalf of the people there must be a two-way flow of information but we do not see that." According to the United Nations (2006), a democracy should accommodate citizens to be part of procedures and processes that will enable

them to express effective preferences regarding alternative policies at all levels of governance. However, according to the respondents, this is contrary to what actually takes place in the country. A deeper look at these responses in relation to the conceptual framework, as depicted in Figure 3 above, reveals that the majority of participants say that democracy is but a theory. Media houses are not allowed to exist independently without the influence of the current government, while others are controlled by the elite while those who strive to report independently are constantly harassed by those in power. Citizens are left out of the decision-making process or fed the illusion that they are actually participating, and civil society feels threatened to speak against those in power. Using a bottom up approach, figure 3 shows us that the above mentioned are responsible for vertical accountability which entails scrutinising decisions and holding officials accountable and thus contributing to upholding the pillar of accountability in Democracy. Unfortunately, with their ability to do so being stifled, it also means that government is not being transparent in its functioning and if two of the three pillars of democracy as indicated in Figure 3 are failing, this gives rise to the question of whether Zambia is a democratic nation or a failing democracy, as claimed by some participants.

The nature and direction of this discussion led to the question of challenges faced by the democratic system in Zambia. Although a few of them have been mentioned in the discussions above, other recurring challenges mentioned include tribalism, illiteracy, poverty, lack of understanding of democracy and the lack of operationalisation and promotion of legislature and the institution of democracy. Concerns were expressed by respondents at the growing trend of tribalism in the governance system, as it appears people are not voting based on the manifesto of the parties but based on the political party that is ruled by people of the same or a similar tribe. Respondent 13 noted that, “we do not have issue-based politics or campaigns any more, people are voting based on ethnicity, this is what we saw in the recently ended elections. Part of this is also attributed to the fear that if they do not vote for their tribal member,

they will face consequences once this individual or party wins. This also supports the challenge that democracy is misunderstood."

Respondent 13 noted that "the majority of citizens view government as their bosses and not as elected representatives of the people, this make politicians feel that they are not answerable to the people." Such a view is likely to result in a society that cannot question its leadership and a leadership that does not feel they need to be accountable to the electorate, which undermines transparency and accountability. This is unfortunate because it is easy to see how government being viewed in such light tends to see itself as superior to citizens and as making themselves inaccessible to the public. They fall into a pattern of elitism as they now have power over the people, they no longer represent the public and instead make their personal decisions paramount rather than the people's decisions, a situation they appear to be comfortable with. The lack of understanding of democracy by the people easily renders them victims to elitism and an unequal society where their needs are not met while those in power gain more resources. This is further cemented by the lack of civic education by the government and a lack of constituency leadership. This is effectively a system that does not support any of the pillars of democracy as outlined.

Poverty and illiteracy are considered to be at high levels by the respondents, and poverty is linked to the low literacy levels in the country. This supports the literature in section 2.5.6 which discusses poverty as one of the key issues that affects governance, especially in African countries. Although it has been noticed that there are more children enrolled in the education system, the government has declared free primary education and bursaries for some students in tertiary education, and more schools have been built in Zambia, there is still a significant number of children who drop out along the way. This is because parents/guardians cannot afford the costs associated with schools and there are limited opportunities for children out-of-school to improve themselves, resulting in people who are illiterate and whose opportunities to

escape poverty very limited. People who have not been afforded an education are unlikely to fully understand their rights to demand information or participate in the governance of the country if they are unable to read or write or have basic knowledge. The complex system of governance and their rights as citizens would need to be explained to them.

Furthermore, regarding the operationalization of policies and institutions, an example was given of the decentralization policy that was developed and approved some years ago but is yet to be implemented. Some respondents also shared that one of the positive items included in the amended constitution is the establishment of the human rights commission. However, efforts to ensure this is done have neither been seen nor mentioned. This is an important institution that would be critical in promoting the rights of citizens, one of the rights being access to information which is the focus of this study. How this can be assured in the absence of the bill and such an institution remains unclear.

5.2.3. Access to information

As reported in the findings, all the respondents are aware of what the access to information bill is, its definition and what its foundation comprises. It is an instrument that supports the provision of information to citizens for the purpose of increasing participation, public scrutiny of the government and judgement and evaluation of its functioning (Michener, 2014). The Zambian access to information bill has not been passed into law and remains a work in progress that requires further consultation to be conducted and for the bill to be harmonized with existing laws. Respondents have knowledge of how this bill was developed and when it was developed in 2002, and this supports the information provided in the literature review above. The exact steps in developing the bill are not explained. Some respondents have some information about what the steps are, while others know them well, mainly

because they have taken part in the process of developing a bill or this specific bill.

The process of developing a bill is similar to the process of formulating policy, and commences with either the government or civil society. Based on information shared by respondents, a need arises or problem is noticed or a gap is identified in the system. In the case of the information laws, the need for freedom of the media to be upheld was identified. At the time, the affected parties, the media fraternity, decided there was the need for a law to protect them and uphold their freedoms. With broad consultation from civil society and government, they developed what was then known as the freedom of information draft bill, then lobbied some members of parliament to give them support in parliament when it was presented. The access to information bill was thus an initiative of civil society and “when a bill is introduced by an individual or group who is not a member of parliament, it is called a private members bill” as explained by a respondent. The bill is then presented in parliament where it is debated, it goes through the first reading then goes for further scrutiny to the second reading and is then sent to the government to respond to it. After that it goes to the third reading and if parliament approves it, it finally goes to the executive for acceptance.

The current draft bill is yet to be tabled by government, although the feedback received is that it reached the second reading stage and was sent to the government ministry in charge of the bill which is the Ministry of Information and Broadcasting. It was adopted by the government and was no longer a private members bill. This means that the ministry of information being the obligated institution of information is now driving the process. However, according to respondents, it remains unclear which ministry in government has the bill, whether the ministry of justice or the Ministry of Information. Some respondents suggest that it is with Ministry of Justice, because they have to ensure the appropriate legal language is used, and also to harmonise it with other laws. Other respondents believe that it is with the Ministry of Information.

However, some of the respondents interviewed from civil society have made efforts to contact the Ministry of Justice to establish the status of the bill and have been told that they have worked on it and it is no longer in their possession. There seems to be a discrepancy or rather misinformation regarding the status of this bill which is leading to speculation and assumption as to the government's intentions. This statement is supported by the fact that the respondents from government also seemed unsure of the status of the bill; according to respondent 11, "the fundamentals of access to information are found in the bill of rights, but as we saw in the elections recently, the bill of rights was voted against and rejected by the people, which means we don't know if there will be access to information legislature." This respondent could not give further clarification but implied that no action would be taken yet. However, another respondent from the government said there was hope the bill would be tabled in the next parliamentary sitting. The fact that there is uncertainty about the status of bill and government is making no efforts to clear them is also another way of denying people access to information. According to (Commonwealth Human Rights Initiative, 2007), one of the ways that government in which governments can curb such issues is by proactively providing informing citizens about the bill and to honestly state their intentions.

This uncertainty and mixed messages on the current status of the bill has drawn the attention of different groups who have been involved in the process of developing the bill. Some of these groups are largely media but also civil society organizations working on or advocating for the bill, the churches and international bodies and donors who have shown support through funding efforts for actions on the bill. As stated in the literature review, the efforts regarding this bill commenced with the media fraternity, who came together and formed a coalition called the Media Liaison Committee which consisted of actors from media unions, radio stations, television stations, newspapers and some organizations that address media freedoms. Figure 2 in the literature clearly shows us that coalitions are a component of governance and the members of coalition stated above are considered as actors. A draft bill was

developed and submitted to the government by this coalition. When government was unresponsive to their efforts, they took a different approach by including other members of the governance system such as civil society organizations, academics and the legal fraternity. The focus of the bill also changed to include access to information for all citizens. This strengthened the call for action and caught the attention of government, resulting in the formation of a bigger coalition called the access to information task force in 2011. Exploring this coalition was necessary to understand the nature of the network theory as one of the theoretical frameworks for this study. According to Dedeurwaerdere (2005), the purpose of a network is to bring together diverse skills, knowledge and competencies to work on a complex issue in the governance setting, emphasizing the importance of other actors in society. The media sector realised they could not address the issue of access to information alone, and that working with other organizations with the same interests would strengthen their efforts, drawing on organizations that had more resources to invest in the process and expanding it to include human rights issues and not only media freedoms. One of the aims of the coalition was to draw on best practices from countries that had enacted information laws on the continent, including South Africa, Malawi, Mozambique, Kenya, Uganda, Ethiopia, Cameroon, Senegal, Democratic Republic of Congo and Madagascar. This enabled them to provide comprehensive recommendations to government. Forming such a network helped to combine resources, efforts and ideas so that even the small organizations that could not afford to act independently due to lack of human and or financial resources were now able to contribute through the coalition. It also enabled larger organizations such as donors and others in the international community to commit to holding leadership accountable especially to international treaties supporting these laws and fundamental human rights. This is the premise upon which the network theory is based, (Koliba, Meek, & Zia, 2011) defined networks in governance as “inter-organizational networks comprised of multiple actors, often spanning sectors ad scale, working together to influence the creation, implementation and monitoring of policy.” One of the studies discussed in the literature review

where Bertoni (2011) states that forming coalitions with civil society and media helped broaden advocacy campaigns on access to information laws; however, he also cautions that in some cases it may be helpful while in other cases it may be counterproductive. Similarly, Borgatti and Halgin (2011) states that networks can be challenging because sometimes actors who are perceived to be more important are given more attention, leaving out those who are actually important in the process. The researcher did explore the dynamics of the coalition and some respondents mentioned that often there was general consensus on decisions made in the group except when strategies for outreach were decided upon. The coalition mainly used the top-down approach of lobbying leaders while others thought the best way would have been the bottom-up approach. This would involve educating the communities and local leaders so that once they are aware they can demand enactment of the bill as their constitutional right.

Despite the disagreements encountered by the task force, the coalition made progress and developed another draft with the input of government and for the first time they thought there was hope that the bill would finally be sent back to parliament. To their dismay, the process was stalled again when the bill was sent to government. A few respondents from the media explained that they had believed that some civil society organizations thrive on constantly challenging government's decisions and that is why they joined the coalition, therefore blaming them for stalling the process. In some instances, respondents thought that some members of the group had different agendas. (Koliba, Meek, & Zia, 2011) reminds us that members of networks should be chosen based on the same agenda, disagreements between members is inevitable as is in any case where diverse people meet. However, when agendas of members begin to vary vastly then it might be best to re-strategize to and focus the group back to the main agenda or to split the group. Perhaps this would have been helpful to them as precautionary measure. Other members stated that government does not trust the media to use the bill responsibly in reporting, and this lack of trust also gave them the impression

that government may have had some people recruited into the coalition to ensure that they were informed about the intentions of the coalition. This was supported by statements from government officials that the media is irresponsible, hence the reluctance of the government to act. This was repeated by a number of respondents during the interviews. Respondent two said “in the past, a minister of information has publicly said if we give you the bill it is difficult to control what you are writing”. Such a statement raises the question of why government wants to control what the media reports especially in a democratic state where the rights and freedoms of the people should be respected.

There seems to be a high degree of distrust of the media in the country, where respondents from government emphasised the need for responsible reporting by the media while respondents from the media noted that government believes that this law will allow media to report on their private lives as well. This leads to speculation that despite all the information available about access to information laws, there is a lack of understanding of the access to information law and how it includes more than the rights of the media. While government may be affected by the implementation of the information bill, it seems clear that the general public will also experience the impact. The literature review indicates that the bill is important for many reasons other than media freedoms, as it enables people to be educated, to develop and express informed opinions that can influence policies that affect their lives (Commonwealth Human Rights Initiative, 2007).

The majority of the respondents felt that government has not been responsive to the efforts of other actors and the evidence is the lack of action over the years on the bill, excuses have been given over the years such as an irresponsible media fraternity, the need to harmonise the bill with other legislation and the need to ensure that the bill does not give access to information that is considered to relate to national security. Respondents also noted that when the draft bill was submitted with recommendations to the

government, they had not received feedback on what was included or removed with explanations. The majority of the respondents noted that despite having different leaders in the past fourteen years, each government's response to a call for action on access to information laws has been similar. When they are in the opposition they make promises to ensure the enactment of the bill into law and they are even part of the advocacy groups calling for action1 but once they come into power they take a different stance. Some of the respondents recognized that going as far as the second reading was a commendable effort on the part of government. Respondent 9 observed that "last year the bill went as far as the first reading and it was supposed to go to the second reading after 45 days, unfortunately the 45 days fell after the life of parliament." The general view was that there is still room to do more to move the bill forward. It should be noted, however, that the reasons provided by government as justification for stalling action on the bill are valid reasons to ensure they have a good law in place. It was conceded that there is a need for consultation and research to learn from other countries but that fourteen years is a long time for a democratic country to be without a law that protects and ensures the rights of people to information. Even more concerning is the lack of a clear plan or communication about the future of the law. Although there has been less discussion about the bill in recent years, respondents from civil society organizations are hoping to reinstate advocacy for the bill to ensure that it is tabled in the next parliamentary sitting. It may be that the diverse intentions of the various players in the coalition have also contributed to the delay as well as internal tensions within the civil society groups. Respondent 8 noted that, "the media should continue to engage government but without civil society, because some members in civil society are always criticising government decisions and policies so when government realises these organizations in the coalition they will not act. The network all came together with the same goal supposedly, but the different views of the respondents communicates otherwise."

It was necessary at this point to establish what respondents think needs to be done in order to move forward on the access to information bill. A number of respondents indicated the need for political will, stating that if the government wanted this bill in place, the country would have had a law in place by now, and although their reasons are justified, they should not find excuses to stall the process. Respondents noted that government needs to take steps to address their concerns and to consider a plan for operationalisation of the bill because they could foresee this as being another reason for delayed enactment. Some respondents mentioned that there is a need for civil society and the media to hear the concerns of government and take steps to regain their trust and assure them that bill will serve the right intentions.

5.2.4. Use of information for accountability

According to the respondents the bill should enable citizens to access whatever information they need. Some examples were given in section 4.5.1, and the general view was that it is difficult to limit the information one may need because each citizen has a need for different information that affects their lives directly. For example, the information a farmer, a teacher, a health care worker or an unemployed youth may need varies greatly. The youth may want information about educational or job opportunities, while the farmer may need information about fertiliser and farm loans. The respondents agreed that there is certain information regarding national security that should not be disclosed but there is also a need to clearly demarcate what is considered under national security concerns. Respondent one noted that the information such as funds used on the purchase of food supplies or uniforms for the army should not be considered as information that citizens should not be able to access. The inability to distinguish what should be under national security could lead to a situation where expenditures are hidden and classified as state secret only to hide corrupt activities. Some respondents observed that information was in the public domain so they did not understand how it was difficult to access the information or why there was a need for the bill. Other respondents felt that

although this may be true, the ability of the individual citizen to access this information depended on who the individual is, the institution they represent or who had referred them to that office. This suggests that the status of a citizen influences their ability to get information which is supposedly in the public domain. Regarding the use of the information, citizens mainly want to use the information to participate in the development of the country, by knowing what is going on, how government is making its decisions, and what government's plans are, because information enables them to form an opinion and contribute positively, it enables them to demand better service delivery and greater accountability and to provide feedback to the government. It also enables those who want to participate in the political arena to have an understanding of the system. Respondent 8 noted that "a number of Zambians want to participate in politics but they lack the information and the financial resources to do so."

Although there are measures in place to hold officials accountable as previously explained, the recommendations and judgements are rarely followed through except in situations where a member of the opposition is found guilty of abuse of office. It should also be noted that the human rights commission referred to is not yet operational. The available institutions provide corrective measures and because judgments are not followed through there is no motivation or factors that serve as a deterrent to prevent an official from repeating the offence. The access to information law in this case would help serve as a preventative measure that government can use. If government proactively discloses information, placing obligations on institutions to provide information to those citizens who seek it, then public officials' actions or inactions will be made available to all and will be open to public scrutiny, thereby allowing vertical accountability to take place. These measures will also mean that horizontal accountability which implies oversight within the system will be taking place, because officials have to provide information proactively, they will always ensure that that they are using their resources efficiently and effectively. Junior staff and legislators will now have the legal backing to call in

to question superiors or other arms of government who abuse their powers or offices. This will contribute to creating a transparent system where public officials are less likely to abuse funds or offices because they know that at any given time their decisions could be called into question and they will be asked to explain their decisions. Enforcing disciplinary action on all those who are found to be guilty of abuse of office regardless of political affiliation or influences will also go a long way to show that the rule of law is upheld and no-one is above it. When these three attributes; accountability, transparency and the rule of law are respected and carried out effectively, it can be said that a country is making strides to be democratic and thus a considered a functioning governance system as indicated in the conceptual framework.

5.3. CONCLUSION

This chapter has discussed the findings which indicate that as country, Zambia is struggling with its governance system. Having come a long way since independence, there is a general view that it seems to be taking steps backwards rather than progressing, and although there is a common perception that the democracy of the country is still evolving, there also seems to be a general concern about the freedoms of the people being stifled. Positive changes over the years are undermined by a similar number of negative changes that have arisen. However, the country still enjoys a democratic governance system where citizens can vote for their leaders at all levels of government.

The country is making progress towards a decentralised system of governance as a way to ensure power sharing between government and the people. However, the country lags behind in ensuring one of the important fundamental human rights of people, the right to access information. It has been argued that citizens have access to information that is in public domain; however, in the absence of legal frameworks to compel institutions to provide this information, the ability to access such information is at the discretion of a public official.

Literature and the findings indicate that information plays a number of roles for citizens. It is a source of opportunities for development, a source to ensure access to equality and fairness in justice and service provision, and an opportunity for participation in the governance of a country. Unfortunately it seems to have been made a luxury that can only be utilised by a select few who have resources and access.

CHAPTER SIX
CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

This chapter provides a summary of this study by linking the content of each chapter to the conceptual framework of the study. It explains how the study has answered the research questions, the conclusion and provides recommendations.

Chapter one provided a background to the research by exploring access to information laws from three different levels, which are global, continental and regional, giving an idea of what kind of laws they are and experiences and processes that other countries have had to undergo to have them enacted. It shares information on the research setting of this study which is the legislature and its function in the governance system with a focus on the process of access to information legislation. The purpose of the research was to investigate factors leading to problems experienced in the governance system in the management of access to information legislation in Zambia. The primary question for the study was what are the challenges for Zambian access to information bill?" The secondary questions related to the factors leading to problems in the governance arrangements of the information legislation, the trends in the governance arrangements that support the implementation of the information legislation, and the strategies for consideration in governance arrangements for the information legislation.

Chapter one identified governance as the field of study for this research, on the basis that the research problem was identified as the lack of accountability by public officials. It examined the legislature of Zambia as a body that plays an important role in the making of policies and laws in the country and as an instrument of accountability and provided the history of the legislature including

changes that have taken place over time. This included changes in the names, structure, number of members and the roles and responsibilities of the legislature, to make it more responsive to citizens (Caritas Zambia, 2014).

Studies on access to information laws in Zambia were limited and provided a strong justification for the study. A key aim was to promote the accountability of public officials and the empowerment of citizens to demand accountability from their leaders. Citizens should be aware of actions and inactions of their leaders and access to information for citizens would assist in providing the necessary information to question leaders. Accountability, transparency and accessing information are all components of governance. These three components were discussed as justification for the study, as they contribute to the success of a good governance system, therefore it is important to understand how they are influenced by information laws.

Chapter two discussed the main concepts of this study using existing literature. It examined the legislature of Zambia as a law-making body, its evolution over the years, its composition as well as its roles and responsibilities. It examined access to information laws and the pillars that underpin them: transparency, accountability, and participation which are commonly found in a democratic system of governance. Democracy is a concept that is explored in this chapter as the system by which Zambia is governed.

Access to information legislation as a right was discussed as well as its role and the benefits of information. This chapter examined the Zambian access to information bill, giving an account of its history and the process it has undergone, with the aim of attempting to clarify current status according to existing literature.

Ten studies that have focused on similar research topics in different countries in the region, on the continent and globally were discussed. The studies were categorised into three groups; studies analysing existing information bills,

comparative studies on access to information laws; and studies on access to information and Information Communication Technology (ICT). These studies were useful as literature for the research with regard to access to information in other countries. They share experiences of how countries enacted these laws, and the challenges, successes and failures. Outcomes after implementation of the laws were outlined. These studies helped the researcher in selecting the research methodology for the study, supported by those that worked well in these studies. These ten studies further support the need for access to information laws in Zambia.

Chapter two describes governance according to different authors and provides information on why governance exists and its importance. The major components and the processes of governance are discussed, including key issues that are often a cause for debate in governance and the established facts of governance. Theoretical frameworks used by the researcher to guide the study and aid the understanding of the concepts of the study were explained. The network and elite theories were selected as the frameworks for this study. In concluding the chapter, the researcher explained the conceptual framework that would guide the study.

Chapter three focused on methodology and selecting the research approach. The study was a qualitative study because it is best suited to explore issues attached to subjective meanings such as opinions, behaviours and feelings. This gave an indication that the data collection and analysis methods that would be used would be qualitative in nature too. The research design chosen for the study was the case study method, and in this case the focus was the information laws in Zambia. The aim was to contribute to existing literature on access to information in Zambia and contribute to facilitating further action on the bill. Research procedures were discussed further, and each procedure selected was supported by three studies that had used similar procedures as the study. The sampling method chosen was purposive sampling, because the researcher required information from experts in the fields of governance

and access to information. The data collection method chosen was interviews using the semi-structured interview schedule. It contained open ended questions that required respondents to share their responses in detail. The data storage and processing and techniques were explained.

The method of data analysis selected was content analysis, as explained by Bryman (2012). The chapter also discussed the ethical issues that would be taken into consideration to ensure the study did not result in harm to any of the respondents. The ethical issues included confidentiality, voluntary participation, debriefing, informed consent, anonymity and protection from harm. Consent forms were signed by all respondents.

Chapter four presented the findings of the study in both theoretical and visual form. The findings showed that 15 respondents took part in the study, the majority of them male and only three women. All participants had completed some form of tertiary studies, with the lowest qualification being an undergraduate degree and the highest being a master's degree. Findings with regard to the governance system in Zambia show that the respondents have an understanding of the system as a democratic form of governance. As experts they are aware that the majority of Zambian citizens do not understand these concepts, and perhaps even leadership did not fully understand the concepts. Furthermore, the delays in the process of the bill over the previous ten years or more had a negative impact on the governance of the country.

In term of access to information, the respondents are aware of what access to information laws and most of them have taken part in some form of action to advocate for or in the development of the access to information legislature. While they were able to utilise their knowledge and experience, the average citizen was not necessarily aware of the laws. Findings showed that respondents think this is due to the lack of civic education by government, the high illiteracy levels which make it difficult for people to understand complex concepts of democracy and what they are entitled to. There has been a

shutdown of media houses in the country, and respondents from the media felt that they are compromised by government which makes it difficult for them to do their job of keeping people informed. Discussing access to information is seen as controversial not only for the media but for other members of civil society.

The stages that a bill such as the access to information bill goes through in order to be enacted into law were explained. It is unclear what the current status of the bill is due to conflicting information provided to stakeholders and members of the public by the different ministries. There is a general indication that the respondents think this is a vital piece of legislature. This is informed by, *inter alia*, the Commonwealth Human Rights Initiative (2007) and the United Nations Declaration of Human Rights, which state that everyone has the right to seek, receive and impart information and ideas. Information plays many roles for citizens such as empowering citizens to demand their rights, fight corruption, be aware of public expenditure and engage government on policies.

Chapter five presented the analysis and discussion of the findings. The lack information is seen to be an important right of the people and serves a critical role in the development of the country. For a country that is said to be democratic, this piece of legislature will strengthen the governance system. The legislature supports accountability and transparency, which are two important pillars for any democracy (Maina & Hillary, 2011). Although the findings indicated that there are measures of accountably in place in Zambia, the enforcements of measures or penalties is rarely followed through especially in cases where those found guilty of maladministration are part of the elite societies. In other cases, accountability is demanded only from members of the opposition parties or those lacking in access to resources and suggests that there is inequitable treatment under the law. Further concerns related to tribalism and unfair justice systems. This suggested that citizens are not seen as equals in the country and the elite theory thus applies in the

country. Poverty and illiteracy are seen as challenges since people are not empowered to demand their rights. Further concerns included disregard for the rule of law, lack of understanding of democracy, centralised government and lack of operationalising and strengthening of institutions which indicate a fragmented system of governance in the country that is not responsive to the needs of the people.

While some thought that government has made deliberate efforts to include other stakeholders in the process of developing the access to information bill, stakeholders feel that more could and should be done to ensure enactment of the bill. Although the government has given good reasons for delays these should not be used as justification to wait another decade for the bill to be enacted.

6.2. CONCLUSION

The results of the study indicate that Zambia does not have access to information legislation for a range of reasons including concerns from government that such legislation can be manipulated by citizens and may compromise state security. There is a view that an implementation plan has not been laid out or envisioned as to how the law will be operationalised, simply implying that capacity and resources have not be thought through. (Gissendanner) 2003 has communicated the improtance of capaity in the process of legislation, the lack of an implemenation could be seen as the result of inexperience and lack of knowledge by the experts who have been tasked to work on this. An implementation plan developed while making the bill saves time, money has the input of joint efforts, however, if this is not done it will result in anouther few years of working on the bill and thus giving government further reason to delay action on the bill and as result avoiding scrutiny from citizens. This also contributes to the lack of structures such as Human Rights Commission that can champion this legislature. This is supported by (African Platform on Access to Information, 2013) in the case studies shared in chapter

2 where they empasise that there is need for such a structure that is independent of government and works to esure the rights of citizens are upheld. Plans on this bill tend to focus on the possible negative outcomes rather than the positive benefits of the law once it is enacted. It is recognized that significant strides were made to ensure that a bill is enacted, networks were established for joint and strengthened action on the bill and although it drew enough attention to take a draft to a second reading. Unfortunately, this necessary legislation has still not yet been enacted into law. There is contradictory information about the reasons for the delays but there is a general agreement from respondents that the bill needs to be enacted. This may provide a shared goal for all stakeholders in promoting a democracy that incorporates the participation of citizens, equal access, transparency and accountability, which are the fundamentals that underpin the right to access to information.

Factors that would support the implementation of this law are to promote an open-door policy by the government, a willingness to include the people in the governance system, a system that responds to the needs of people, that is fair, equal and just and respects and upholds the rule of law. For a country that prides itself as being a democratic nation, the fundamentals mentioned above are necessary to take the bottom up approach to governance as illustrated in figure three. It all begins with government listening to the people who elected them, having a relationship with that fosters trust and a feedback process on each side. Government can achieve this through members or parliaments and constituency leaders. At that level, they can interact with citizens but are also able to provide oversight on government's actions or inactions and citizens are also able to demand accountability through. Together these two actors can influence government's obligation to account for the decisions. This would go a long way in ensuring that the political component of governance is being achieved or at the very least there are efforts to achieve this. The political component entails creating political institutions, setting policies, creating

processes for participation in governance, for the rule of law, socioeconomic consensus, fundamental human rights and equity (Olowu & Sako, 2002).

6.3. RECOMMENDATIONS

It is suggested that open and honest engagement from all parties is the starting point for taking the process forward. Central to this is the education and engagement of citizens on the benefits of the access to information laws, utilising a bottom-up approach that will include all citizens.

6.3.1 Strategies for the way forward

Some of the strategies for consideration in the governance system are those used to enact the bill in Mexico in 2002. Mexico had failed to enact their bill on three occasions due to a complex relationship between media and government, but by the fourth time the media took a different strategy that involved mass civic education on the transparency laws and advocacy to gain support for the bill (Bertoni, 2011). Such a strategy was explained in chapter 5 by the access to information coalition members but it was a strategy that was not agreed upon. It worked in the case of Mexico, and it will also be a way to ensure that people understand what the law is about and equip them with enough information to demand it.

Another strategy would be for the different actors to make another attempt at the coalition that is based on authentic support of the interests and goals for the governance system that is transparent. This should involve all the important actors including government, based on honest engagement between the media and government that excludes differences, misconceptions and fears on all sides. This would be an important step in regaining trust and engaging in open dialogue.

Another strategy is to develop an implementation plan that can be used once the law is enacted, a comprehensive plan that will address issues of capacity, processes and procedures and provide penalties for failure to comply with the law. This could be a starting point in addressing some of the fears government may have and when the law is enacted this plan can be used. As stated by one of the respondents, it is not inflexible but provides a starting point to build on, and can always be amended based on experiences that occur once it is enacted.

On the continent, it is necessary for countries that have enacted their access to information bill, like South Africa, to take on the role of guiding other countries on best practices in the process of developing the bill as well as implementation of the bill to ensure it serves its purpose. This can also be done through continental institutions like the African Union, where countries should be called to account for human rights treaties signed that are meant to ensure that citizens have the right to access information held by public bodies which will result in their participation in the governance system of the country.

At the international level, more action must be taken by international bodies such as the United Nations to ensure that countries that do not have access to information bills like Zambia undertake to enact them. Funding such advocacy efforts has not been successful as governments have not been persuaded. Therefore, international bodies need to develop strategies that include enforcing sanctions on countries that do not have access to information laws. It should be noted that sanctions on enacting a law alone will not be enough, and there should be sanctions to ensure that countries implement these laws and ensure that they are responsive to the needs of the people.

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APPENDICES

APPENDIX 1: CONSENT FORM

CONSENT FORM
Name (optional)
Department

Purpose of the study

Description of the procedure
If you agree to participate in this study the researcher will set up an appointment with you at your convenience in a setting that suits you. The researcher will have an interview schedule with a list of questions which will guide the interview. The interview s expected to last for an hour. Once the interviews have been completed, the researcher will analyse data with the help of the supervisor and record the results from which conclusions of the study will be drawn. This information will be included in the final research paper and submitted to the University of Witwatersrand for assessment. Once it has been the approved the thesis can then be shared with the participants.

Confidentiality
All information obtained from the interview will be kept confidential by the researcher and the supervisor of this study.

Risk of harm
The researcher does not intend to share your identities in the results of the final product of this research, this a caution that will be taken due to the sensitivity of the issues to be discussed. If you wish to remain anonymous by not sharing your name on the interview schedule the research will oblige. Although risks are unknown, there are no other foreseeable risks.

Sharing and publishing of results
The researcher will analyse the data collected to come up with results of the study. This information will be included in the final product which is the thesis. This information will be shared with you once it has been approved the University of Witwatersrand.

Payments
Kindly note that the researcher will not provide any kind of payment as an incentive of pay for participation in the study.

Participation and withdraw

Participation in this study is strictly voluntary and therefore you have the right to refuse to take part in the study. If you have agreed to participate and change your mind at a later stage you can inform the researcher and withdraw from the study.

Consent

Your signature at the bottom of the page confirms you have agreed to volunteer as a research participant and that you have read and understood the information provided above. A signed copy of this consent form will be given to you.

Signature of participant: Signature of the researcher:

Date : Date:

APPENDIX 2: INTERVIEW SCHEDULE

DEMOGRAPHIC INFORMATION

Gender:
Qualifications:
Institution:
Position:
What are your responsibilities?

Governance Arrangements

1. Generally, what is your comment on the Zambia's governance system?
2. Looking back ten years ago, what, if any changes have occurred in the governance system?
3. In a democracy, it is said that people are at the centre of rule, would you say this applies to Zambia?
4. What do you think are the challenges faced in a democracy?

Access to information

1. Tell me about the Zambian access to information bill?
2. What does access to information mean to you in relation to governance?
3. Do you think citizens in Zambia have access to information?
4. Tell me about the process of coming up with a bill?
5. Have you been involved in the process of coming up with the access to information bill?
6. Who was involved in the process of coming up with the bill and how were they selected?
7. Are you aware of any coalitions formed to act on the bill and if so how were they formed?
8. How responsive was government to the views of other actors?
9. What would you say are the main requirements to enact this bill?
10. How do you think the current and the past regimes of governance influenced the existence of the bill?

Use of information

1. In your opinion, what sort of information do you think citizens should be able to access in the event that the bill is enacted?
2. How would you use that information?
3. Do you think they may be room for abuse of that information?
4. What are your recommendations for the way forward on the bill?