

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This study was an investigation into the reasons why there is lack of freedom of information in Zambia. To achieve this objective, the study targeted various media institutions and members of the public. The study looked at the opportunities, challenges and lessons attached to having a Freedom of Information Act. This chapter provides the general background to the problem of the study, its significance, the problem statement, as well as its objectives. It goes on to present the research questions and the scope of the study.

1.1. Background

The media is one of the most important tools of communication in society. At present, news channels such as radio, television and newspapers are platforms for exchange of information on social and other issues. The media in society usually helps in promoting the right things at the right time. It gives exposure to the mass audience about what is right or wrong and helps to inform people about the realities. Most opinion formation takes place when people listen to news, read newspapers, and watch television. Societies are largely dependent on regular contacts with the mass media for information, entertainment, education, opinions, various ideas from different people in society, and many other vital issues all of which are connected to their capability of making informed decisions.

Whether people want it or like it, the mass media is a part of all their lives. From the time they rise in the morning until the time they switch off the lights at night, they are intermittently and sometimes constantly interacting with the mass media. Adding up the number of hours they spend with the media would be a staggering amount, almost a second lifetime (Daniel, 1982; Thomas, 1972).

The media is usually considered the strength of any developing nation by its people. It is also one of the important channels for the propagation of news to do with issues such as culture, ideas, and opinions in a country. Even though the media plays these important roles, one of the major issues that negatively affect it in Zambia is lack of access to information from government

offices because of the absence of a Freedom of Information Act (FOIA). Currently, there are no laws that specifically promote and govern freedom of information in this country. Due to this, journalists and members of the public find it extremely difficult to access important information that is of public interest.

Freedom of information gives people the right to access records held by government departments and certain public bodies. Freedom of information is vital to the proper functioning of a modern representative government. It is an indispensable concomitant of modern democracy and is, therefore, an effective tool for attaining the democratic goals of transparency, accountability and good governance. (Matibini, 2010).

According to Evan (2000), freedom of information, and specifically access to information held by public authorities, is a fundamental element to the proper functioning of a democracy. The quote makes clear that democracy cannot be fully enjoyed in a country without freedom of information.

The free flow of information is necessary for people to know about what is happening around them and a lot more other vital events taking place worldwide. There is no country that can develop successfully without information flow. This is because an informed nation usually makes informed decisions if information is flowing freely from the sources to the media and from the media to the general public.

The role of a free press in the creation of a system of governance in which accountability, transparency, rule of law, and public participation in governmental decision making cannot be overemphasised. This is because in any society, the media is expected to play roles such as, to serve as a watchdog to the three organs of government which are the judiciary, the legislature and the executive; to inform the public about issues which are of national interest; to serve as a medium of communication that guarantees free, open debate, and discussions among members of society; to influence public opinion through impartial, balanced and fair analysis of issues that are of national interest; and last but not the least, to serve the economic system through sponsored advertisements designed to bring buyers and sellers into contact with each other.

Zambia does not yet have a Freedom of Information Act. Although media lobby groups initiated a private member's Freedom of Information Bill in Parliament in February 2002, the government speedily invoked article 81 of the Constitution, which stipulates that bills with financial implications need the consent of the President, or the minister of finance before they can be tabled in parliament. The Freedom of Information Bill (FOIB) was first presented in parliament on 22nd November 2002, by then Information and Broadcasting Minister, Newstead Zimba, who described the legislation as the backbone of a representative government. Later, on 28 November, 2002, the Minister presented the Bill for second reading. During the second reading, the Minister pointed out that the Bill sought to accomplish the following:

- (a) establish the public Information Commission and define its functions;
- (b) provide for the right of access to information;
- (c) set out the scope of public information under the control of public authorities to be made available to the public in order to facilitate more effective participation in the good governance of Zambia;
- (d) promote transparency and accountability of public officers; and
- (e) provide for matters connected with the foregoing (Matibini, 2010).

A month later, however, the bill was withdrawn, citing the need for further consultation. In January 2008, the then President Levy Mwanawasa assured the nation that the FOI Bill would be presented in the House again and passed before the end of that year. His illness and death in August 2008 were given as the reason why this did not happen and government then set 2010 as the new deadline for re-tabling the bill. During the September 2009 ceremonial opening of Parliament, the new president, Rupiah B. Banda, said consultations on the Freedom of Information Bill had reached an advanced stage. He called upon members of the public to take keen interest in the development so that the proposed law meets their aspirations.

On 16th August 2010, then minister of Information and Broadcasting Lt. Gen. Ronnie Shikapwasha was quoted as saying that Zambia was not yet ready for the Freedom of Information Act. The minister added that there was need for more consultations over the matter (*The Post Newspaper*, 16th August 2010).

With the coming in of the Patriotic Front (PF) government, various media institutions such as the Media Institute for Southern Africa (MISA), Zambia Union of Journalists (ZUJ), and the Press Association of Zambia (PAZA) had continued advocating the enactment of a freedom of information law in Zambia. These media institutions had continued discussions with other stakeholders such as Friedrich Ebert Stiftung (FES) and Non-governmental Organisations (NGOs) on the importance of having a Freedom of Information Act in Zambia and how it can help journalists in being proactive, effective, and efficient in their operations.

Former MISA Zambia chairperson Daniel Sikazwe was quoted on December 18, 2011, main news on Radio Phoenix as saying that it has become a major concern for the media and members of the public that it has taken Zambia more than 10 years from initial attempts at enacting the FOIA. He said that the reasons that were given for the delay in the enactment of the bill by the previous government under the rule of the Movement for Multi-Party Democracy (MMD) party were that firstly, there was need for more consultations over the issue and secondly, there was need for more funding on the programme because the government could not afford to sponsor the projects that were related to the FOIA due to insufficient finances.

Former Minister of Information, Broadcasting and Tourism, Mr. Given Lubinda was also quoted in the same news item saying there was need for the enactment of the Freedom of Information Bill in Zambia. He said that the bill would help journalists in the country operate freely without interference from the government and other powerful institutions that hinder them from doing their work appropriately.

Mr. Lubinda added that there was need for putting logistics in place to make sure that before the bill is enacted, all important issues are considered. Almost continually, Mr Lubinda was constant in assuring the media fraternity and the public at large that the PF government would allow the media unfettered freedom to function, as any media should in a democracy.

One of the major hindrances of freedom of information in Zambia is the policy environment, which is laden with various laws and acts that inevitably suppress these freedoms. The Constitution of Zambia provides for freedom of expression, including receiving, imparting and communicating information and press freedom. Notwithstanding, these remain largely on paper

since, in practice, there are laws and other pieces of legislation such as the 1931 Penal Code Cap 87 of the laws of Zambia, the Official Secrets Act and the Printed Publications Act Cap 161 of the laws of Zambia, among others which prohibit free access to information, freedom of expression and media freedom (African Media Barometer, 2011).

Even though Zambia is a signatory to international Accords that guarantee access to information, media freedom and freedom of expression such as the African Charter on Human and Peoples' Rights of 1981, there is no political will to implement and enforce these important freedoms. Instead, the government continues to tactically control the media, through maintaining past repressive laws that contravene people's rights to access information (African Media Barometer, 2011).

1.2. Statement of the problem

At the time of the study, the media had been freed and the issuance of radio, print and television licenses accelerated (Phiri, 2000). However, lack of freedom of information continued to be one of the major challenges Zambia faced for a very long time despite the efforts by Government to liberalise the media. In 2013, there were over 60 private and community radio stations and 10 private television stations on air countrywide. Although, the process towards the enactment of the Access to Information Act seemed to be under-way yet it was in limbo. This was because government puts it on and off for reasons best known to itself. There were no freedom of information laws in Zambia that sufficiently provide for freedom of the media, freedom of information and good governance. Journalists and members of the public found it difficult to access files from government offices because of the nonexistence of a Freedom of Information Act that guarantees access to information.

According to (Soese, 2009), ideal democracy hinges partly on the ability of the media to disseminate qualitative information that can guide citizens in making rational decisions. At the time of writing, government offices usually had information in files marked "confidential", "secret", "top secret" and the like, meaning that the information was protected by the state and therefore, that particular information was almost impossible to be given to journalists and members of the public. Sources of information were usually not cooperative and willing to provide information to journalists. Some declined to collaborate, and others said that they could

not give out certain information to the media concerning a particular subject in order to protect their jobs. Due to this, journalists failed to disseminate information to the public because of the same lack of access to files in government offices.

With the enactment of a Freedom of Information Act, people would be able to access information without difficulties (African Media Barometer, 2011). This study sought to examine the hurdles which had led to the lengthy delays in the creation of Access to Information Act in Zambia, as well as other related issues. Without Access to Information Act, the liberalisation of airwaves and the proliferation of newspapers was as good as blindfolding the people; painting a picture as if there was freedom of information while in actual sense it was not there.

1.3. Justification of the research

Information acts as a basis of comparing performance and as a reference of set targets. Freedom of information is important to Zambia because it can help in contributing to government openness, transparency, inducing disclosure, accountability, prevent and combat corruption, thereby enhancing good governance.

A Jesuit Centre for Theological Reflection (JCTR) online article observes that promoting the right to freedom of information is one of the ways of preventing corruption. This right facilitates participation and it is significant to all the efforts people enlist in their fight against corruption. Government should then make certain that free flow of information is allowed. This would encourage people to denounce corruption cases (JCTR, 2011).

If the people have a right of access to public information, they can know what is going on in their society and hence be able to freely and actively participate in the fight against corruption. It is for this reason that the Freedom of Information Bill should be enacted into law. Information is also a basis for providing checks and balances and holding people in government offices accountable for their actions. In today's globalising world, people can agree that the media plays an important role in providing information to the public.

1.4. Objectives of the study

1.4.1. Main Objective

To determine the reasons why there is lack of freedom of information in Zambia, and discuss the struggle to resolve the problem.

1.4.2. Specific objectives

1. To identify the barriers that affect free flow of information from government or private sector to the public.
2. To briefly make reference to developments in other African countries, particularly South Africa, that have a Freedom of Information Act.
3. To examine the advocacy efforts made by media organisations such as MISA-Zambia for freedom of information.

1.5. Research questions

1. Why is there lack of Freedom of Information in Zambia?
2. What kind of barriers affect free flow of information to the public in Zambia?
3. What lessons can Zambia obtain from countries that have Freedom of Information Acts?
4. What communication strategies do media institutions in Zambia use in fighting for freedom of information?

1.6 Scope of the study

The scope of this study was to find out why there is no freedom of information in Zambia, and discuss the struggle to resolve the problem. In order to achieve this, the research was conducted both in urban and rural areas in order to bring out balanced views on how freedom of information affects the Zambians. The study was conducted in two Provinces, which are Lusaka, and Western Provinces. From these two provinces, Lusaka and Mongu districts were chosen. Lusaka was chosen because it has an advantage over other cities as it has many media institutions with a population being heterogeneous. Mongu was chosen because the researcher wanted to ensure that there was a representation of views for people living in a more rural province on how lack of freedom of information affects them.

CHAPTER TWO

THE MEDIA IN ZAMBIA

2.0 Introduction

This chapter looks at the brief history of the media in Zambia, as well as the important role it plays in society. It also looks at issues surrounding media legislation and regulation in this country and how they affect its operations. This chapter also looks at the need for having a FOIA in Zambia and how beneficial it can be to this country.

2.1 Brief history of the media in Zambia

Zambia, formerly Northern Rhodesia, is a land-locked Central African country that won its independence from Britain in 1964. It was then that its name was changed from Northern Rhodesia to Zambia.

Broadcasting in this country officially started in 1941 with the make-shift government station at the old Lusaka Airport. However, as early as 1939, experimental broadcasts were conducted on the Copperbelt by the Copperbelt Amateur Wireless Club (Banda, 2001; Makungu, 2004).

Kasoma 1990 wrote that the Lusaka Station carried out transmissions for an hour, three days in a week to Africans and once a week to Europeans. The purpose of the broadcast was primarily to inform both the Africans and the Europeans of the territory about the progress of World War II.

In those early broadcasting days, radio receivers were very few and the majority of the people were not tuned into radio. According to a report of the Information Department, this problem was partly solved when 100 listening facilities were placed at suitable centres throughout the territory (ibid.). A report on the development of broadcasting to Africans in Central Africa noted in 1949 that by this time, Africans needed to listen not from community receivers, but from their homes, as was the case of the Europeans. The scheme to equip natives with radios in their homes was initiated by the then Director of Information, Harry Franklin (ibid.).

Harry Franklin, Director of Information, designed a special sauce-pan radio set which was subsequently manufactured in England (Kasoma, 1990). The first batch of 2000 of “The Sauce-pan Special,” as the cheap, green radio set was popularly known arrived in

the country in September, 1949 (ibid.). By February, 1950, all the sets had sold out (ibid.). Sales averaged at 425 per month. A big step towards providing Africans with radio listening facilities within their homes had been achieved, and the time was ripe for government to begin its propaganda campaigns on radio (ibid.). They included improved agricultural methods and better hygiene.

In 1949, the colonial government began to transmit radio programmes in English and four of the seven official Zambian local languages which are Bemba, Nyanja, Lozi and Tonga. Services in the three remaining Zambian languages, Lunda, Luvale and Kaonde, were added in 1967. (Open Society Foundation, 2010 & MISA, 2010).

According to a report by the Information Department of 1950, the Central African Broadcasting Services (CABS) was established in March, 1950, covering Northern Rhodesia and Nyasaland. In 1957, the service was extended to include Southern Rhodesia and was renamed Federal Broadcasting Corporation (FBC) of Rhodesia and Nyasaland. In January 1964, with the break-up of the Federation, the name changed to the Northern Rhodesia Broadcasting Corporation.

The government of newly independent Zambia established two distinct radio stations: Radio one, known as the 'Home Service', for Zambian languages, and Radio two, the English language 'General Service' (OSISA, 2010). Radio three was introduced shortly afterwards, designated 'Radio Freedom' (ibid.). This was also an external service broadcasting on short-wave and used for broadcasting by Zambian based African freedom fighters from neighbouring countries then still under colonial rule. Radio three was eventually disbanded when these countries became independent, but the original numbering remains to the present day, with Radio four, an entertainment channel broadcasting in English, added in 1989 (ibid.). A privately owned international company, London-Rhodesia Company (Lonrho), started television services in 1961. The station was bought and nationalised by the Zambian government in 1964 and became part of the Zambia Broadcasting Corporation (ZBC) (Chirwa, 2010).

By 1965, the UNIP government had bought the *Zambia Daily Mail* (formerly Central African Mail). By the late 70s, the UNIP government had also bought off the *Times of Zambia* and the *Sunday Times* newspaper (Makomani, 2011).

In 1966, ZBC was renamed Zambia Broadcasting Services (ZBS). The name was again changed in 1988 to Zambia National Broadcasting Corporation (ZNBC) (Taylor, 2006:35). The Zambia National Broadcasting Corporation Act of 1987 established ZNBC as a government-owned statutory corporation (OSISA, 2010). ZNBC is, at least on paper, a public broadcaster (ZNBC Amendment Act, 2002) which has two TV stations and three radio stations. ZNBC second TV channel, TV₂ was officially launched on 15th January 2010.

During the Federation of Rhodesia and Nyasaland, the federal government controlled radio and television outlets, which were used to demonise black nationalists and to tout the views of the federal government (Makomani, 2011). In practice, ZNBC followed in the path trodden by other broadcasting outlets in most African countries. It became a state-run institution that tended to report news only from the government and ruling party's perspective. Opposition views were absent from ZNBC radio and television news. Zambia's first republican president Kenneth Kaunda and the ruling party saw the broadcast media as handmaidens of the government and UNIP to propagate and spread, uncritically, pro-government views and policies. In Kaunda's view, which was shared by many African leaders, opposition parties were enemies whose views should never be published or spread by the media (ibid.).

Kaunda became a fixture on ZNBC news, regardless of what he was doing. His speeches, even at political rallies, were repeatedly shown on television, often uncut and unedited (Kasoma, 1997). Some of those speeches were repeated a number of times during the broadcast cycle. As president, Kaunda could and did appoint and fire the ZNBC Director-general, the person with the responsibility for the daily programming.

The Movement for Multi-party Democracy (MMD) that came into power in October 1991, under the late President Frederick Chiluba liberalised and deregulated the airwaves by enacting the ZNBC (Licensing) Regulations Act (1993), the Telecommunications Act (1994) and the Radio Communications Act (1994) (Chirwa, 2010).

Government's intentions towards liberalisation of the broadcasting industry in this country can be gleaned from 1996 (Matibini, 2006). As a result, in the mid 1990s, three privately owned radio stations went on air and another thirty private, community and religious stations started

operating over the next decade. Other television stations such as Muvi and Mobi TV also started broadcasting, and the number of stations kept rising.

In the independence Constitution, there was no provision that specifically guaranteed the right to access information held by public bodies. Since then, successive governments have sought through various Constitution Review Commissions to consolidate democracy in Zambia. In the context of the Constitution Review Commissions, attempts have been made to enact freedom of information legislation (Matibini, 2010).

However, 14 years after the government information and media policy was drawn, Zambia's media landscape is still fraught with numerous legal pitfalls which impact negatively on press freedom and freedom of expression in general (MISA, 2007).

2.2 The Role of media in society

The media plays a very significant role in society. The media is all around people, from the shows they watch on television (TV), the music they listen to on radio, to the books, magazines, and newspapers they read each day. Without the media, people in societies would be isolated, not only from the rest of the world, but from governments, lawmakers, and neighbouring towns and cities.

The flow of information is important for the development of communities and the media facilitates this. Without a wide array of information, people's opinions and views would be limited and their impressions and conclusions of the world around them stunted.

Early in history, the most common form of the distribution of information was word of mouth, with the news often beginning with the words, "Did you know...?" Indeed, word of mouth is still one of the most powerful tools in the sharing of information even now, particularly in tourism. However, over the years, technology has allowed for this exchange to take place in an instant, forging the way for improved media houses with the instant access to information and gratification factor.

Media workers are in essence interpreters of information. They do not just provide pages of facts and statistics that the average person might not understand. Journalists help in providing the six basic areas of information which answers the Who, what, where, when, why, and how questions

most of the time which people need to know about. They bring out important issues and points, putting them in a context that the average reader, viewer and listener can make sense of in order to form their own opinions. In this way, the media keeps people focused on the issues that matter in a surveillance-type way. Some aspects of media surveillance include the latest stock report, sports scores, entertainment news, progress and results of an election, and so forth.

The media acts as a watchdog in society for the benefit of the people. While the media has historically been viewed as being overly aggressive and insatiable in their plight for the latest and hottest news, their watchdog-type function is essential in a democratic society where people must know what their governments are doing (Butler, 2005; Devrani, 2008).

Olutokun and Seteolu (2001), add that the media has a role of a watchdog that intently observes the proceedings and gives prominence to allegations and irregularities. These scholars observe that the media has the capacity to hold governments accountable, forcing them to explain their actions and decisions, all of which affect the people they represent. In a democratic society, people should know all their options if they are to govern themselves and the media are a vehicle for the dissemination of such information. One of the most powerful strengths the media has in any democratic society is the ability to effect change, both on government and non-government levels.

The role of a public service broadcaster as a vehicle through which objective information and diverse perspectives are transmitted into the public domain cannot be overstated. African countries which have made significant gains in building democratic systems of governance that are based on popular control of decision-making and in which citizens are treated as equals owe it partly to the media. Availability and access to information by a greater number of citizens is a critical part of a functioning democracy and a country's development. Development and democracy cannot thrive without open and free public space where all issues concerning people's lives can be aired and debated and which gives them room and opportunity to participate in decision-making.

2.3 Media legislation and regulation in Zambia

It is important to understand that media regulation and legislation does not only protect the functions of the media, but also involves and affects people in society. The Zambian draft constitution published in June 2010 by the National Constitutional Conference provides for the guarantees of freedom of expression and the media, access to information and the regulation of the media. While some of the proposed new provisions are commendable, others are cause for concern. For instance, the first two sub-clauses of Article 59 of the draft constitution reveals a fairly limited understanding of the concept of access to information. In this article, the draft introduces a new provision on access to information:

- (1) Every person has the right to demand the correction or deletion of untrue or misleading information affecting that person.
- (2) The State has the obligation to publicise any important information affecting the welfare of the nation.
- (3) Parliament shall enact legislation to provide for access to information.

The wording of clause (2) leaves wide room for interpretation and thus the possible withholding of information. In the absence of a clear provision that everyone has the right of access to any information held by the state, it is left to the state to decide what is 'important' and what affects the 'welfare' of the nation (Chirwa, 1997).

Some of the sections of the Penal Code should also be looked at critically by Parliament and be changed for the Zambian people to have, and enjoy freedom of information in Zambia. Sections 53, 54 and 55 of the Penal Code empower the President to ban publications.

According to Section 53, if the President is of the opinion that there is in any publication or series of publications published within or outside Zambia, by any person or association of persons matter which is contrary to the public interest, he or she may, in his or her absolute discretion, by order published in the Gazette and in such local newspapers as he or she may consider necessary, declare that that particular publication or series of publications, or all publications or any class of publication specified in the order published by that person or

association of persons, shall be a prohibited publication or prohibited publications, as the case may be.

Section 54 states that, Any person who imports, publishes, sells, offers for sale, distributes, or reproduces any prohibited publication or any extract there from, is guilty of an offence and is liable for a first offence to imprisonment for two years or to a fine not exceeding three thousand penalty units or to both, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to the President on behalf of the Government.

Section 55 states that, any person to whom any prohibited publication or any extract therefrom is sent without his knowledge or privities or in response to a request made before the publication was declared to be a prohibited publication, or who has in his possession any prohibited publication or extract therefrom at the date when the publication is declared to be a prohibited publication, shall forthwith if or as soon as the nature of the contents thereof have become known to him, or in the case of a publication or extract therefrom which is in the possession of such person before an order declaring it to be a prohibited publication has been made, forthwith upon the making of such an order, deliver such publication or extract therefrom at the nearest police station of which an officer of or above the rank of Sub Inspector is in charge or to the nearest Administrative Officer, and in default thereof he is guilty of an offence and is liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a period not exceeding one year, or to both, and such publication or extract therefrom shall be forfeited.

Sections 69 and 71 give special protection to the President and foreign dignitaries against alleged defamation. According to Section 69, any person who, with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter, whether by writing, print, word of mouth or in any other manner, is guilty of an offence and is liable on conviction to imprisonment for a period not exceeding three years.

Section 71 states that, any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or

contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Zambia and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of a misdemeanour.

If the Penal Code is not reviewed, the media will not be able to publicise important information that is of public interest simply because it involves the president, or foreign leader. According to the African Media Barometer (2011), the setback with the current Constitution is that it looks good on paper, but in practice, freedom of information is limited and not supported by regulation or legislation. Legislators tend to suppress freedom of the media and there is no other legislation in Zambia that protects it.

The government acknowledges in its Fifth National Development Plan of 2006 that the existing legislative framework within which the media operate does not sufficiently provide for freedom of the media, freedom of information and good governance. It consequently sees the need for a review of the current media law regime and the enactment or enforcement of new laws that would actually promote these rights, freedoms and the role of the media in support of democratic governance. This acknowledgement by government gives a firm indication for positive and speedy action to put in place new progressive media legislation and repeal existing laws that impede freedom of the media and freedom of information.

Civil Society Organisations must consider alternative and more intensive strategies to exert stronger pressure on government to enact the FOIB. The Zambia Media Council (ZAMEC) should be established immediately, regardless of opposing views or actions of government, and be fully supported by all the media. It must put all its efforts into convincing the public and media that a non-statutory, voluntary and self-regulating media council can exercise discernible authority and win the confidence of the nation.

2.4 The need for a FOIA in Zambia

Many African countries have made deliberate efforts to implement Freedom of Information laws (Ojo, 2010). According to the Promotion of Access to Information Act, No.2. of 2000, some of the countries that have adopted various forms of the FOI law include: Ghana (Right to Information Bill, 2003); Kenya (Freedom of Information Bill, 2005); Liberia (Freedom of

Information Bill, 2008); Malawi (Access to information Bill, 2004); Morocco and Mozambique respectively (Right to Information Bill, 2005); Nigeria (Freedom of Information Bill, 1999); Sierra Leone (Freedom of Information Bill, 2006); Tanzania (Right to Information Bill, 2006); and Zambia (Freedom of Information Bill).

Among the countries that have not passed the FOI law are Malawi, Botswana, Tanzania, Ghana and Sierra Leone. Some of the reasons for this are; lack of commitment from the governments to strike a balance between national security and the right to have access to information; lack of devotion amongst government officials to enact the Bill; lack of time frame within which the enabling act would be passed; old policies and laws with severe penalties for disclosure of state secrets and low levels of formal education amongst the people which hinder meaningful demand for the right and access to information by the citizens (OSISA, 2013). Other reasons are poor records management and the absence of FOIA in those countries (Ojo, 2010);

Some of the African countries that have passed the Freedom of Information Legislation are Nigeria, Liberia, South Africa, Zimbabwe and Uganda. There are a number of lessons Zambia can obtain from these countries. For instance, in South Africa, every person has the right of accessing all information held by the state or any of its organs in any sphere of government (Dimba and Calland, 2002). However, when accessing information, no person should be unfairly discriminated against, directly or indirectly, on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language.

Nigeria's Freedom of Information Act was passed into law on May 28, 2011, and in the Act "information" includes all records, documents and information stored in whatever form, including written, electronic, visual images, sound and audio recording (Ngozi, 2012). The Act applies to all public bodies and private bodies performing public functions. The public has a right to receive information in the possession of any institution funded by the public and private bodies performing public functions, such as water and electricity providers.

A Freedom of Information Act provides for an open yet responsible information sharing regime, guaranteed by law, and is an essential characteristic of a people-centred democracy and

development (Wignaraja & Gebrehiwot, 2011). The responsible two-way flow of information helps citizens to articulate and exercise their rights and to make informed political and economic choices, and for a state to dialogue, receive feedback and provide a response.

A Freedom of Information Act makes it easier to hold politicians accountable for their actions and allow people to exercise their individual and collective rights more effectively. It also gives ordinary people the true ownership of information (Lane, 2011). The Act provides better and timely access to reliable information, facilitates fact checks and encourages investigative reporting. This enables the media and civil society organisations to perform their roles as vigilant watchdogs, with credibility and professionalism.

Since the adoption of the United States of America (USA) Freedom of Information Act, millions of Americans including scholars, journalists, and private citizens have made use of the law to monitor the government's activities and hold it accountable for its actions. By giving the public an enforceable right of access to government information, a FOIA has enabled American citizens to be informed of the government's actions and to participate more effectively in the public debate that is vital to a strong and vibrant democracy (Sikes, 1997).

With a FOIA, Zambians can be free to access vital information such as serious adverse effects of drugs, Agriculture Department inspection reports of meat packing facilities and the chemicals that are present at hazardous waste sites. People can be able to access information on health matters and safety issues. They can also serve as government watchdogs depending upon their ability to obtain government information.

Greater openness permits more public understanding of the government's actions. It also makes it more possible for the government to respond to criticism and justify those actions. It makes free exchanges of scientific information possible and encourages discoveries that foster economic growth. In addition, by allowing for a fuller understanding of the past, it provides opportunities to learn lessons from what has gone before making it easier to resolve issues concerning the Government's past actions and helping prepare for the future.

Freedom of information legislation has historically been perceived in Zambia as a law for the media, despite its application and relevance to other sectors of society. The right to information

is a right that is capable of benefitting citizens across all sectors of society. Examples of its implementation in South Africa and India demonstrated that the major users of freedom of information legislation are not the media, but individual citizens.

In Zambia for example, the Right to Information (RTI) could be used by individuals to gain access to their own personal information held by public bodies. It could also be used to ensure that public service bodies are proactively providing information to individuals on what sort of services they can receive (JCTR, 2011).

RTI legislation is a crucial step on the road to improved development in Zambia. At the local as well as the national level, RTI could enable the exposure of corruption and wrongdoing by ensuring transparency across issues of public interest. In addition, by ensuring the provision of information on major decision-making processes, RTI laws can play a significant part in enabling Zambian citizens to engage in important discussions affecting the development of the nation.

According to a 2002 report compiled by Zambia Independent Media Association (ZIMA), now Media Institute of Southern Africa (MISA), the purpose of the FOI legislation is to encourage a more open and transparent government where members of the public, including media, can have access to some information about government operations upon request. With this legislation, members of the public would have access to reports of commissions of enquiry, audits of various government offices and reports held in government offices.

In 2001, the government published the Freedom of Information Bill for stakeholder input but did not proceed to enact it into law. However, in March, 2011, the latest draft failed to win a two-thirds approval in Parliament and thus the process has stalled (African Media Barometer, 2011). Due to lack of commitment by the Zambian government to media legal reform in the ten years up to the writing of this report, ZIMA (which later became MISA), in conjunction with Press Association of Zambia (PAZA), Zambia Union of Journalists (ZUJ), Zambia Association of Media Women (ZAMWA) and Society of Senior Zambian Journalists (SSZJ) joined hands to advocate for the enactment of a FOIA.

CHAPTER THREE

LITERATURE REVIEW

3.0 Introduction

This chapter focuses on the importance of a Freedom of Information Act in Zambia. It looks at studies that other people have done in the field of study. The chapter looks at factors inhibiting the effective implementation and enforcement of a FOIA in this country. The chapter looks at how other countries in Africa that have the FOIA are benefiting from it. It also looks at the Protection of Information Bill of South Africa with the view of seeing the severely limited ability of media organisations to hold government accountable in working for a better life for all people.

3.1 The media and the Freedom of Information Acts

According to the Freedom of Information Bill of 2002, every person has the right to access information, which is under the control of a public authority. Freedom of information is generally understood to convey the notion that there is a right to access information held by the government (Matibini, 2010). Freedom of information is essential for every country that has media institutions because it helps to convey important information to the public.

Article IV(1) of the Universal Declaration of Human Rights (UDHR) states that, “public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law”.

According to Folkerts & Lacy (2004), the governments around the world have become increasingly active in trying to withhold information from journalists. They do this by regulating the media in various ways. Regulation exists to mediate conflicts between the rights of two individuals or between a government or corporation and an individual.

Media regulation negatively affects journalists because certain information cannot be accessed due to the rules or controls attached to it. Journalists find it almost impossible to access information especially if it has to do with issues of bad governance. Usually, sources of news do not give out information that would display bad actions of government. There are some subject matters that affect society but are not allowed to be discussed openly because they are censored materials.

The legal environment of most African countries is one that severely restricts the ability of journalists to source information about government's policies and activities, and properly inform the public. The environment is one in which investigative reporting is either impossible or extremely dangerous because it is difficult to obtain information.

In some countries, it is an offence for public officers to give information to the public, including the media. This creates a serious problem for the investigative journalists seeking information, as public officers are usually unwilling to produce information. The journalists can, therefore, hardly secure any information through official sources.

Although there is the option of getting information through unofficial sources such as drivers and general workers, this can be extremely dangerous because most African countries do not have laws that have full protection for journalists. Confidential sources and journalists enjoy no immunity regarding disclosure of their sources. They can therefore be compelled by judicial or legislative bodies to disclose where they got their information from even when such sources were confidential. This obviously affects the willingness of public officials to give information to journalists anonymously or confidentially.

According to Kasoma (1990), it must be made absolutely clear that journalists from time to time deal with confidential information from government offices. It is only when a source of the so-called confidential information, for genuine reasons agreed upon with the journalist, requests the journalist to keep his or her identity unknown, that the need to keep the source unknown arises.

Kasoma notes that the performance of the mass media largely depends on the cooperation sources of information give them. Without co-operation between the two, it would be almost impossible to listen or read any kind of news or information that the media disseminates to the general public because there would be no news at all.

According to Berger (2007), the right to freedom of information is recognised as a human right under Article 19 of the Universal Declaration of Human Rights (UDHR) and recognised in international human rights laws in the International Covenant on Civil and Political Rights (ICCPR). The ICCPR recognises the right to freedom of expression as the right to hold opinions without interference. Article 19 of the UDHR, adopted in 1948 states that "everyone has the right

to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”

Apart from article 19, freedom of information is also recognised in European, inter-American and African regional human rights law (UNHRC, 1998). To justify suppressions of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the evil to be prevented is a serious one (Pember, 1927).

Lesotho was one of the few countries that enjoyed considerable freedom of information in Africa (Kasoma 1992). The editor of the independent newspaper called Lesotho Mirror in that country Mike Pitso, believed that the press was free although it exercises some self-censorship. He pointed out that journalists were able to bring out shortcomings and bad administration in their own government.

However, by 2012, the situation had somewhat deteriorated. A report written that year lamented the lack of sufficient access by media to monitor public offices. Access to information must be improved in order to enhance full participation and efforts to monitor public officeholders. Civil society organizations find it very challenging to obtain access to information that they deem essential in the advancement of their cause. It is therefore a huge challenge for government to open the processes of decision-making and enact legislation on providing access to public information (Bertelsmann Stiftung Transformations Index BTI, 2012).

According to the South African Promotion of Access to Information Act, No.2 of 2000, there are a variety of reasons that have been advanced for the slow pace of the adoption of Freedom of Information laws in Africa, these include, lack of political will on the part of leaders who ideally have the responsibility for putting such laws in place and a culture of secrecy in government which makes the notion of public scrutiny an alien concept. Therefore, there is need for massive public education to enlighten both those in power or authority and the public service as well as the larger society about issues to do with the FOI Laws.

Other reasons for the slow pace of the adoption of the FOI laws in Africa are: a ‘messiah complex’ among political leaders who believe that they are there to save the people and therefore know what is best for them, limited capacity within civil society to advocate for the adoption of freedom of information laws, other competing priorities in countries where there are fears that requisite institutional arrangements and resources necessary to adopt and implement freedom of information laws would be too costly, low levels of awareness among members of the public which severely limits public demand for the adoption of freedom of information laws (Evan, 2000).

One of the negative factors that inhibit the effective implementation and enforcement of the freedom of information laws in Zambia are low levels of awareness within the general population about the importance of enacting a FOIA and how useful it is to them. Many people especially those living in rural areas have less information about freedom of information. With widespread ignorance about the existence of FOI laws, only an insignificant number of people end up using them. Even among relatively well-educated and otherwise sophisticated members of the society, there is only very superficial knowledge of the law, what it seeks to achieve and how they can take advantage of it. Much of the public discussion about freedom of information laws gives the impression that it is no more than a guarantee of media freedom.

Among other obstacles, freedom of information is undermined by weak mechanisms for access and enforcement, the bad state of record-keeping and archive management systems and poor monitoring of FOI implementation. Those requesting information, who are actually a minority in every country, often face excessively formal requirements to present requests, significant delays or high fees, burdensome systems for disputing FOI requests’ responses and thus often give up their quests. Exceptions to access through FOI laws are particularly controversial (Evan, 2000).

With the enactment of a FOIA, journalists would make significant use of FOI laws, finding them especially relevant for investigative journalism. Besides journalists themselves, the positions of media outlet owners toward freedom of information, and the level of ownership independence and concentration are essential.

According to Edetaen (2004), one of the tactical blunders in the FOI advocacy efforts in a number of countries, with regard to the media's involvement, has been the tendency for the media to join or lead the campaigns in a proprietary manner. The messaging coming from the media has tended to appropriate the FOI issue as if the question of access to information is essentially a media issue.

For purposes of clarity, it must be stated that the media has not appropriated the campaign for itself in order to deliberately exclude other sectors of society from the issue. Besides, it must be conceded that the media deal with information, perhaps more than any other segment of the society, and that the media frequently act on behalf of the wider society when they seek information.

Zambia needs a FOIA because it allows people to know and observe everything including the government. It lets one to go to a meeting and see what the leaders are doing. It allows people to look closely at documents to obtain a better idea of what is happening in the community. It helps people to get enough information as well as decide whether or not they want to vote for their leaders when they run for office.

A Freedom of Information Act also requires action taken at a meeting to be recorded for posterity. The written record of action at a meeting, known as minutes, must record what happened at the meeting and how each member voted. The minutes then must be filed with the town so that people who could not attend the meeting can find out what happened (Evan, 2000).

Often, important information about government business, town or state and even about people is kept in government records. The records can be on paper or stored on computers and are usually found in town or state offices. These records are public records under a FOIA and should be available for all citizens to see. To look at important records, one does not need to identify him or herself or say why they want the records. People only have to go to where the records are kept and ask to look at them (ibid).

3.2 The public interest

It is important to understand the meaning of public interest. This is because this study was done to benefit the people who are the end users of a FOIA when it has finally been enacted.

According to Morrison and Svennevig (2002), Public interest refers to the ‘common well-being’ or ‘general welfare’ of people. Public interest is central to policy debates, politics, democracy and the nature of government.

There are different views on how many members of the public must benefit from an action before it can be declared to be in the public interest. At one extreme, an action has to benefit every single member of society in order to be truly in the public interest. At the other extreme, any action can be in the public interest as long as it benefits some of the population and harms none.

Put simply, to be in the public interest, a matter might have the potential to adversely affect any person at any time in their life in any situation if a core matter is not put into the public arena or handled in a more reasonable way when the problem clearly becomes evident as symptomatic of an underlying unreasonableness.

It is possible for acts in the public interest to be bad for given individuals and vice versa. This definition allows people to ‘hold constant’ private interests in order to determine those interests that are unique to the public (Morrison and Svennevig, 2002).

The broad concept of ‘the public interest’ is familiar to large proportions of the public. However, there is no one firm definition of the term. Regulators, media personnel, trade associations and others in the industry do not have a precise definition of the public interest either. Nonetheless, all can say in what areas public interest might be considered to operate, such as in the areas of crime, health and national security (Russ-Mohl & Nazhmidinova, 2010).

There are issues and media stories which are not felt to be public interest per se, but which nevertheless are of great interest to many members of the public. These include coverage of celebrities’ lives (and deaths) and may well involve emotional responses on the part of the audience. These stories are also regarded by some people as being part of the role of the media, in addition to clearing public interest matters.

Where something might affect a single individual, it can be in the public interest if that effect involves some general principle that, in turn, has impact upon a wider population, such as the abuse of power or a serious crime (Whittle & Cooper, 2010).

Equally, media practitioners are aware that their audiences look for more than just the public interest, they also look for material in which they are interested. The media try to maximise their audiences and this is where attempts to 'liven' stories can overstep regulatory guidelines. The public in their turn are perfectly aware or even cynical about this (Downie & Schudson, 2010).

There is a recognition that different publics, or communities with differing interests exist. The possibility of something being in the public interest for one section of the population but against the interests of another is a matter of some debate.

3.3 The Protection of Information Bill of South Africa

One extreme reaction to the struggle for freedom of information has been attempts at the creation in South Africa of a Protection of Information Act. At the time of writing the bill had been passed by majority members of parliament (November 2011), but it had to go through some further steps before it could become law. Ironically, it came after South Africa had already passed a Freedom of Information Act. However, the United Kingdom also has a protection of information act, although it seems to be less prohibitive than the South African equivalent.

The South African government introduced the Protection of Information Bill in 2010. This Bill focuses on the protection of information by the South African government. The Bill provides for the protection of certain classified information from destruction, loss or unlawful disclosure, to regulate the manner in which information may be protected, to repeal the Protection of Information Act of 1982, and to provide for matters connected therewith.

The objectives of this Bill are to:

- (a) regulate the manner in which State information may be protected;
- (b) promote transparency and accountability in governance while recognising that State information may be protected from disclosure in order to safeguard the national interest of the Republic;

- (c) establish general principles in terms of which State information may be handled and protected in a constitutional democracy;
- (d) provide for a thorough and methodical approach to the determination of which State information may be protected;
- (e) provide a regulatory framework in terms of which protected information is safeguarded in terms of this Act;
- (f) define the nature and categories of information that may be protected from destruction, loss or unlawful disclosure;
- (g) provide for the classification and declassification of classified information;
- (h) create a system for the review of the status of classified information by way of regular reviews and requests for review;
- (i) regulate the accessibility of declassified information to the public;
- (j) harmonise the implementation of this Act with the Promotion of Access to Information Act and the National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996);
- (k) establish a National Declassification Database of declassified information that will be made accessible to members of the public;
- (l) criminalise espionage and activities hostile to the Republic and provide for certain other offences and penalties; and
- (m) repeal the Protection of Information Act, 1982 (Act No. 84 of 1982).

Journalists or other parties who violate the act may face imprisonment of up to 25 years.

According to the two Non Governmental Organisations (NGOs) which are SECTION 27 & TAC, who posted an Article on the internet on June 1st, 2011, the Protection of Information Bill is unconstitutional and anti-democratic.

Transparent governance, free expression and a free press are essential components of democracy. They are the means by which all people in South Africa, especially the vulnerable and poor, can hold the government to account. People's effectiveness at getting the state to implement important issues such as HIV treatment and prevention programmes has been dependent on the Constitution being upheld, especially the Bill of Rights. The South African citizens believe that the bill is unconstitutional and could have disastrous consequences for democracy should it be passed in its current form.

Corruption, lack of accountability and service delivery failure permeate every level of government, at national level, in all nine provinces and in most districts. This Bill would protect corruption and lack of accountability by granting a wide range of public officials the right to classify information as secret and by criminalising whistle-blowing and imposing jail sentences on those who publish classified information. Instances where repelling threats to South Africa depend on the secrecy of state documents are extremely rare. On the contrary the vast majority of people in the country would benefit from greater access to state documents than currently exists. People need laws that further open government, not laws that entrench secrecy and unaccountability.

The protection of information Bill would allow officials in almost all state organs to classify information. This means that everyone from the National department of Health right down to local municipalities would be able to bury reports exposing health service delivery problems or investigations into failing hospitals. This would lead to an even greater lack of accountability in the health system than there is at present. In addition, the lack of information would make it much harder for civil society to respond to problems in the health system whether it is to support the Department of Health or to hold it accountable.

Seokoma (2010) argues that the proposed Protection of Information Bill and the Media Appeals Tribunal would mark the end of critical, independent and investigative journalism in South Africa. If enacted, the Bill would not only discourage investigative journalism, but also promote censorship, leaving the media with no room to report on stories that are not pro-government. In addition, restrictive media laws could be used by government to punish citizens and civil society

organisations in future. Clearly, journalists, media personnel and practitioners in South Africa would not enjoy and exercise freedom of information if the Bill is enacted.

As it stands, this Bill would restrict media freedom. It would also severely limit the ability of media organisations to hold government accountable or to support government in working for a better life for all. It would also drive a wedge between the state and the people it is supposed to serve.

Seokoma (2010) argues that even in countries where the right of access to information is recognised and entrenched in the national constitution, the right can hardly be exercised in the absence of a comprehensive freedom of information law. Citizens of countries that do not have freedom of information laws do not have a right of access to information, at least within their national legal frameworks.

CHAPTER FOUR

CONCEPTUAL AND THEORETICAL FRAMEWORK

4.0 Introduction

This chapter looks at the theories, particularly the democratic participant media theory which is the most ideal and the supporting social responsibility theory, that have been used in order to achieve the objectives of the study. Other theories relevant to the study have also been included. The chapter also looks at the most important conceptual and operational definitions that have been used in the study.

4.1 Theoretical framework

4.1.1 Democratic Participant Media Theory

This theory vehemently opposes the commercialisation of modern media and its top-down non-participant character. The need for access and right to communicate is stressed. Bureaucratic control of media is decried. Democratic-participant theory was proposed in recognition of new media developments and of increasing criticism of the dominance of the main mass media by private or public monopolies. From the 1960's onwards, call could be heard for alternative, grass-roots media, expressing the needs of citizens.

The theory supports the right to relevant local information, the right to answer back and the right to use the new means of communication for interaction and social action in small-scale settings of community, interest groups or subculture. This theory challenges the necessity for and desirability of uniform, centralised, high-cost, commercialised, professionalised or state-controlled media.

In their place should be encouraged multiple, small-scale, local and non-institutional committed media which link senders to receivers and favour horizontal patterns of interaction (Brecht, 1983).

The theory was used because it has some application to democratising Zambia. Public participation and active citizenship are important to well functioning democracies. In order to participate, citizens need access to information. Only when citizens are informed about their

rights and responsibilities can they take part in policy decisions that affect their lives. When people are able to access timely, and accurate information about their government's policy-making processes and resource allocation, they are empowered to scrutinise the rationale and impact of these policies and suggest alternatives more effectively suited to their needs.

4.1.2 Social Responsibility Theory

The social responsibility model was practiced in the United States of American in the 20th century (Siebert et al., 1956). The theory is an outgrowth of the libertarian theory, which rejected the excesses of libertarian journalists. However, social responsibility goes beyond 'objective' reporting to 'interpretive' reporting. The main purpose of this theory is to inform, entertain, sell, but also to raise conflict to the plane of discussion. In this system, ownership is private.

This theory was required in this research because media in Zambia, partly subscribe to the ideals of social responsibility. Furthermore, ideas about freedom of information all generally border on social responsibility and the public interest.

4.1.3 Authoritarian Theory

According to *The Four Theories of the Press* (Siebert et al., 1956), in the authoritarian system, mass media are owned by the state, which also tends to seek control of mass media. This theory explains some of the media in 16th and 17th century in England, as well as many Asian and African countries including Zambia, particularly before the winds of change of the late 1980s and early 1990s. In the authoritarian model, the media acts as a mouthpiece of the government.

This theory was used in this study because it partly explains the operations of Zambian media organisations such as ZNBC that were, at the time of the study, owned and controlled by the government.

4.1.4 Libertarian Theory

The libertarian theory is essential to journalism (Siebert et al., 1956). In this theory, there is complete freedom of expression and ideas with no controls. Core ideas forming the basis of this theory started developing in England after 1688, and, later, in the United States of America. This theory is also influential elsewhere in the world. The purpose of the journalist in this theory is to inform, entertain, sell, as well as discover the truth, and check on government. Ownership in the

libertarian model is chiefly private. This theory takes the philosophical view that man is rational and able to discern between truth and falsehood and, therefore, can choose between a better and worse alternative. Man is capable of determining his own destiny, and given all the facts will make the right choice.

This theory was relevant to this study because it helped to explain how mass media, including those in Zambia, got affected by lack of freedom of information.

4.1.5 Soviet Communist Theory

This theory explains how media in the former Soviet Union operated. The Soviet system is, like the authoritarian system, characterised by state-owned media. The difference is that the Soviet system is centred on the philosophy and ideology of communism. It is also anti-capitalism (Siebert et al., 1956).

The purpose of Soviet communism was to contribute to the success and continuance of the Soviet socialist system and especially the dictatorship of the party. With the death of the Union of Soviet Socialist Republics (USSR) and its satellites, the remaining major users of this system , at the time of writing, were Cuba and North Korea.

The theory was particularly relevant to this research because it helped explain vestiges of Zambian journalism, particularly during the days when the country followed Zambian Humanism and the one party system.

4.1.6 Public Interest Theory

Public interest theory is a theory that was first developed by Arthur Cecil Pigou. The theory holds that regulation is supplied in response to the demand of the public for the correction of inefficient or inequitable market practices. Regulation is assumed initially to benefit society as a whole rather than particular vested interest. The regulatory body is considered to represent the interest of the society in which it operates rather than the private interests of the regulators (Pigou, 1932).

Morrison and Svennevig (2002) wrote in a British Broadcasting Corporation (BBC) report that for everything to capture the attention of readers, listeners and viewers information that is of

public interest is essential. New technologies, particularly the internet, are identified as driving forces redefining the private sphere in society. Issues to do with sex and sexuality, health, family life, personal correspondence and finance continue to be spheres essentially viewed as private except where public money is concerned.

Public Interest Theory also looks at the media's role of educating, informing and entertaining the public. Even though the media play these important roles, they have to be cautious of what kind of information is good for public consumption, and whether, there is restricted access to public interest information.

This theory was used because the concept of public interest clearly involves matters that are held to affect a considerable number of people, as is the case with the search for a Freedom of Information Act in Zambia.

4.1.7 The Knowledge Gap Theory

The Knowledge gap theory is concerned about the increasing gap between higher and lower educated people. Tichenor and others first proposed the knowledge gap theory in 1970. The scholars believed that every member of society did not evenly acquire the increase of information in society. Weng (2000) also noted that people with higher socioeconomic status tend to have better ability to acquire information. This leads to a division of two groups: a group of better-educated people who know more about most things, and those with low education who know less. Lower socio-economic status (SES) people, defined partly by educational level, have little or no knowledge about public affairs issues. They are disconnected from news events and important new discoveries, and usually are not concerned about their lack of knowledge.

Human populations are usually not homogenous. Therefore, when random samples are selected from a population, it is not uncommon to find individuals with different socio-economic status. The Knowledge gap theory was, therefore used in this study because the samples of respondents in the quantitative survey were more likely to have people with different socio-economic status.

4.2 Conceptual and operational definitions

4.2.1 Mass Communication

This is communication which involves the gathering, organising, and dissemination of news and other information to a wide, heterogeneous, and undefined audience, using technological means. It involves the use of radio, television, pamphlets, books, brochures and newsletters. It is generated by professionals for the consumption of the mass audience (Dearing and Rodgers, 1996).

4.2.2 Freedom

Freedom means the right to do things without hindrance. People can speak their mind, live anywhere they want, practice any religion of their choice, they have the right to vote for the men and women who will lead their towns, state and national governments (Freedom of Information Commission, 2000).

4.2.3 Regulation

To regulate is to control by rules, to adjust to a certain order or rate. In short, regulation is a rule or order (Chambers Dictionary).

4.2.4 Freedom of Information Act

A Freedom of Information Act is an Act of Parliament that asserts the public's right to know about the activities of government. That right to know is the foundation of accountability in a democracy and in fact preserves democratic government. Such a Freedom of Information Act gives people the right to ask any public body for all the information they have on any subject of their choice (Ferroggiaro, 2006).

4.2.5 Freedom of information legislation

These are rules that guarantee access to data held by the state. They establish a "right-to-know" legal process by which requests may be made for government-held information, to be received freely or at minimal cost, barring standard exceptions (Makomani, 2011).

4.2.6 Freedom of speech

This is the freedom to speak without censorship or limitations, or both. The synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but also any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations (Smith, 2006).

4.2.7 Public

Of or pertaining to the people, belonging to the people, relating to or affecting a nation, state, or community. Open to the knowledge or view of all, general, common and public report. Open to common or general use, as a public road (Morrison and Svennevig, 2002).

4.2.8 Public Interest

Public Interest means welfare of the general public (in contrast to the selfish interest of a person, group, or firm) in which the whole society has a stake and which warrants recognition, promotion, and protection by the government and its agencies (Morrison and Svennevig, 2002).

4.2.9 Media

Media are channels of communication that serve many diverse functions, such as dissemination of news and information, entertainment, sport with either mass or specialised appeal. The types of media include print and electronic (Taylor, 2006).

4.2.10 Audience

The word audience is a collective term for the receivers in the simple consequential model of mass communication process involving source, channel, message, receiver and effects (McQuail, 2004).

CHAPTER FIVE

RESEARCH METHODOLOGY

5.0 Introduction

This chapter discusses the methods used to collect data for the research. The researcher triangulated both quantitative and qualitative methods. The purpose of triangulation in research is to increase the credibility and validity of the results. Triangulation is an attempt to map out, or explain more fully, the richness and complexity of human behaviour by studying it from more than one standpoint (Cohen and Manion, 2000).

5.1 Methods

5.1.1 Quantitative survey

Quantitative survey used self-administered questionnaires. This was done to ensure that the respondents had enough time to read through and understand the questions. The questionnaire had both closed and open ended questions to help the respondents to fully and freely express their views.

5.1.2 Qualitative survey

In this approach, the researcher used in-depth interviews and focus group discussions. An interview guide was used for in-depth interviews, and a prompt list of questions was used for focus group discussions. These methods helped the researcher to make follow up questions when certain important issues were omitted or when the respondent gave out information that needed more clarification.

In-depth interviews

In-depth interviews were done with various media institutions in both Lusaka and Western provinces. In Lusaka, the institutions that were interviewed are Media Institute for Southern Africa (MISA), Press Association of Zambia (PAZA), and Friedrich Ebert Stiftung (FES). In Mongu, interviews were done with Oblate Radio Liseli, and Zambia News and Information Service (ZANIS).

Focus Group Discussions

The researcher conducted two focus group discussions. One was done in Lusaka where 10 participants were invited and seven attended. However, the researcher wishes to state that after a few failed attempts to bring in a cross section of media personnel from different organisations, it was only possible, in Lusaka, to have such a discussion within one organisation, the *Times of Zambia*. For Lusaka, the other organisations also had representation in other qualitative data gathering (In-depth interviews).

In Mongu the focus group discussions were more diverse in representation. In that case, 10 participants were also invited, and eight attended. The participants that were on the focus group discussions are journalists from Zambia News and Information Service (ZANIS), National Agriculture and Information Service (NAIS), Oblate Radio Liseli and Radio Lyambai. The discussions helped the researcher to find out how much knowledge journalists have about the proposed Freedom of Information Act in Zambia.

5.2 Target group

The population on which this research was done consisted of people living in Lusaka and Western provinces. Lusaka was chosen because it is one of the provinces in the country that has many media institutions that are affected by lack of freedom of information. Mongu, in Western province was also chosen because it was thought important to get the views of people living in a more rural province on how lack of freedom of information affects them. For village representation, the researcher interviewed people in Limulunga. This was considered sufficient, because, in any case, media access in far-flung villages is generally poor, and issues of freedom of information mainly remain topical in urban areas where the information flow is better.

In 2011, one of the radio stations in Mongu called Radio Lyambai was closed for nine months because of disseminating information to the public that the government felt was negatively affecting them. Therefore, the researcher saw the need of getting the views from people of Mongu district on how lack of FOIA affects them.

The two provinces helped the study in acquiring all the necessary information to complete the research. In both provinces, the main targets were people living in high, medium, and low-density areas.

5.3 Sample size

The sample size for the research was 150 respondents. For Lusaka district, 30 questionnaires were administered to each cluster bringing it to a total of 90. For Mongu district, 20 questionnaires were administered to each cluster bringing it to a total of 60. The total number of questionnaires distributed to both provinces was 150.

5.4 Sampling procedure

The researcher used multi-stage cluster sampling from the population through the use of statistical theory. The following steps were used in the sample.

Step 1: Provinces chosen purposively from the sampling frame were Lusaka and Western provinces.

Step 2: Districts chosen from the sampling frame are Lusaka and Mongu districts.

Step 3: Groups of clusters identified in both Lusaka and Mongu districts were; High, Medium and Low density areas.

Step 4: One cluster was randomly selected for each group using a random number picker on the internet.

- Lusaka district
 - ✓ High density area – Kaunda Square
 - ✓ Medium density area – Chainama
 - ✓ Low density area – Kalundu
- Mongu district
 - ✓ High density area – Kapulanga
 - ✓ Low density area – Boma
 - ✓ Medium density area – Limulunga south
 - ✓ Rural village – Limulunga

Step 5: Households were randomly selected through systematic random sampling. The first step was to create a sampling frame of the roads available in the area. Secondly, the average number

of households per road was established. This determined the number of roads to be sampled and also the number of households to be sampled per road. The first road was picked randomly. The periodicity of the next road to be sampled was dependent on the number of roads in the area. The households to be sampled followed the same procedure as that of the roads.

5.5 Data analysis.

The quantitative data collected was analysed through the use of the Statistical Package for the Social sciences (SPSS) software. This software helped to produce a descriptive analysis. The qualitative data was analysed through the use of paradigm interpretive. This is a method that involves having interviews with the personnel in a particular field to get opinions based on their professions, social life and past experiences.

5.6 Limitation of the study

The short period of time and limited resources available only permitted a survey of 150 from both provinces. However, the triangulation approach mitigated the shortcoming by allowing the use of qualitative methods as well. Further, some journalists who were supposed to turn up for the focus group discussion did not show up, they argued that they had busy schedules at their offices. The total number of journalists from both provinces that were invited to attend the FGDs was 20, but only 15 managed to attend. However, the number of respondents who showed up at the scheduled FGDs was still satisfactory enough for the discussions to take place.

CHAPTER SIX

PRESENTATION AND ANALYSIS OF FINDINGS

6.0 Introduction

This chapter presents the findings of the study, analysis and interpretation of the data collected by means of questionnaires, interview guides and purposively selected stakeholders as research methods and instruments. There were three sets of respondents who were targeted during the study. These were randomly selected members of the public who answered the main questionnaire, media organisation management officials who responded to the in-depth interviews and journalists from various media organisations who attended focus group discussions. Each group gave vital information that forms the findings of this study.

6.1 Presentation of findings from the Quantitative research

6.1.1 Sample of members of the public

All the 150 respondents who were randomly selected answered the questionnaires representing a positive response rate of 100%. The respondents for the quantitative aspect of this research were drawn from different spheres of life. These respondents were purposively sampled depending on the availability and willingness to give information. Below is the presentation and analysis of data collected by means of questionnaires.

6.1.2 Profile of the respondents

Sex of respondents

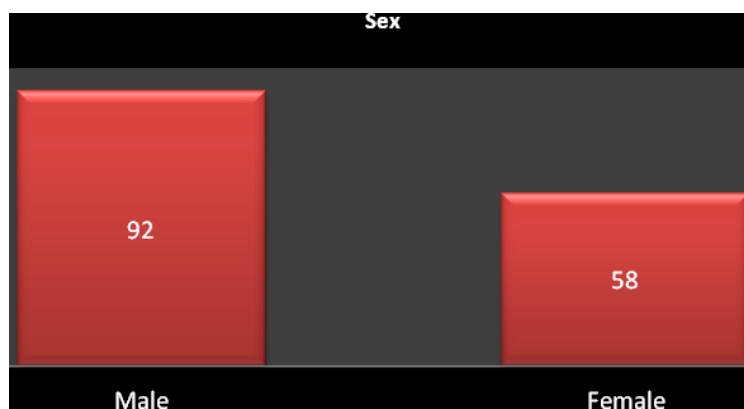


Figure 1: Sex of respondents who were interviewed.

Of the respondents who were interviewed, 92 were male representing 61.3% while 58 were female representing 38.7% of the total number of the respondents.

Age of respondents

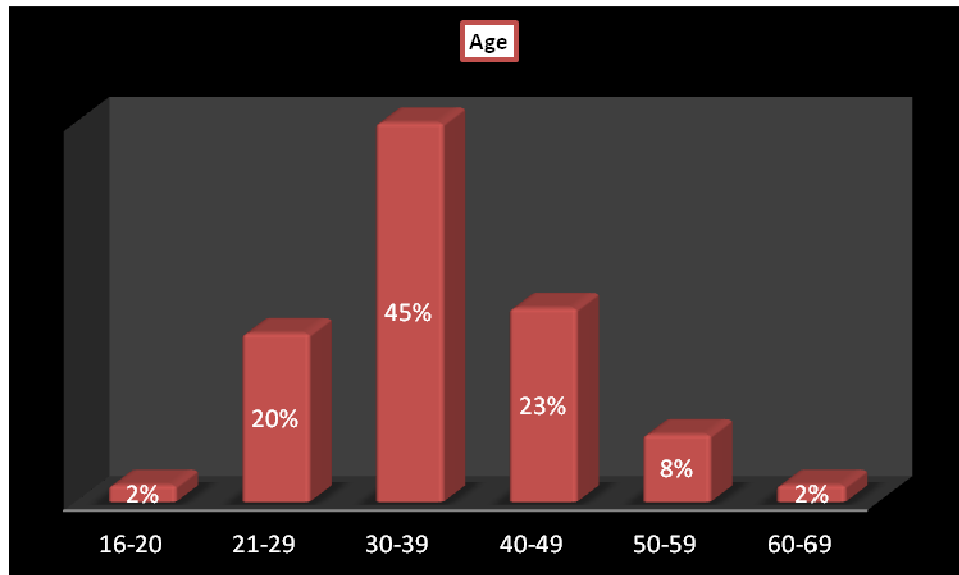


Figure 2: Age distribution of respondents

The age of the respondents varied from 16-69 years. The majority of the respondents (about 45%) fell within the age range 30-39 years; followed by respondents aged between 40-49 years who made up 23% of the respondents; while the age group 21-29 formed 20%; the age group 16-20 contributed 2% at par with the age group 60-69 years old as shown in figure 2 above.

The first relevant question asked was whether the respondents had heard of the freedom of information bill. This was important because people could not be expected to discuss what they had not heard about.

Table 1: Responses to whether respondents had heard of the FOI Bill or not, according to sex

Sex	Have you heard of the freedom of information Bill?		Total
	Yes	No	
Males	65	27	92
Females	24	34	58
Total	89	61	150

Table 1 indicates that the proportion of men who had heard of the Freedom of Information Bill was more than that of women. From the respondents interviewed, 65 (70.7%) men said they had heard about the freedom of information bill while 27 (29.3%) said they had not. In contrast, only 24 (41.4%) of the females said they had heard of the bill while 34 (58.6%) said they had not.

Table 2: Response of people of various Education Levels on whether they had heard of the Freedom of information Bill

Education Level	Have you heard of the freedom of information Bill?		Total
	Yes	No	
Primary Level	4	8	12
Secondary Level	22	19	41
College Level	43	23	66
University Degree	18	10	28
University Masters Degree	3	0	3
Total	90	60	150

All the 150 (100%) respondents gave valid answers to this question. From the results in table 2, it is clear that the level of education had an effect on the responses given. Only four (33.3%) of people with primary education had heard of the Freedom of Information Bill, while 22 (53.7%) and 64 (66%) of the people with secondary and tertiary education respectively had heard of the

bill. There are significantly more people with Secondary or tertiary education who had heard of the Freedom of Information Bill than those with primary education.

Among the people with tertiary education, there was no significant difference in the proportion of people with college education [43 (65.2%)] and university degree [18 (64.3%)] who had heard of the Bill. The number of respondents with university masters degree who had heard of the Freedom of Information Bill was 100%. The number of respondents with this degree was very low and thus was not included in the comparison of the responses among the people with tertiary education. The higher the level of education of the respondents the more likely it was that they had heard of the bill.

Table 3: Effect of employment status on Newspaper reading

		Do you read Newspapers?		Total
		Yes	No	
Are you in employment?	Yes	89	16	105
	No	30	14	44
Total		119	30	149

The question whether the respondents read newspapers, and whether they were in employment or not were also investigated. From the results in Table 3, it is clear that more people who read newspapers are those in employment [89 (74.8%)]. Interpreting these results in combination with those in Table 2, it is evident that the people with tertiary education are more likely to be in employment than those with primary or secondary education and therefore more likely to have read and heard of the Freedom of Information Bill. However, it is mostly the people who have attained tertiary education who have heard of the Bill. These are the people who were most likely to be in employment and regularly read newspapers were stories and information about the Bill are written.

6.1.3 Substantive responses from members of the public

Have you ever heard of the Freedom of Information Bill?

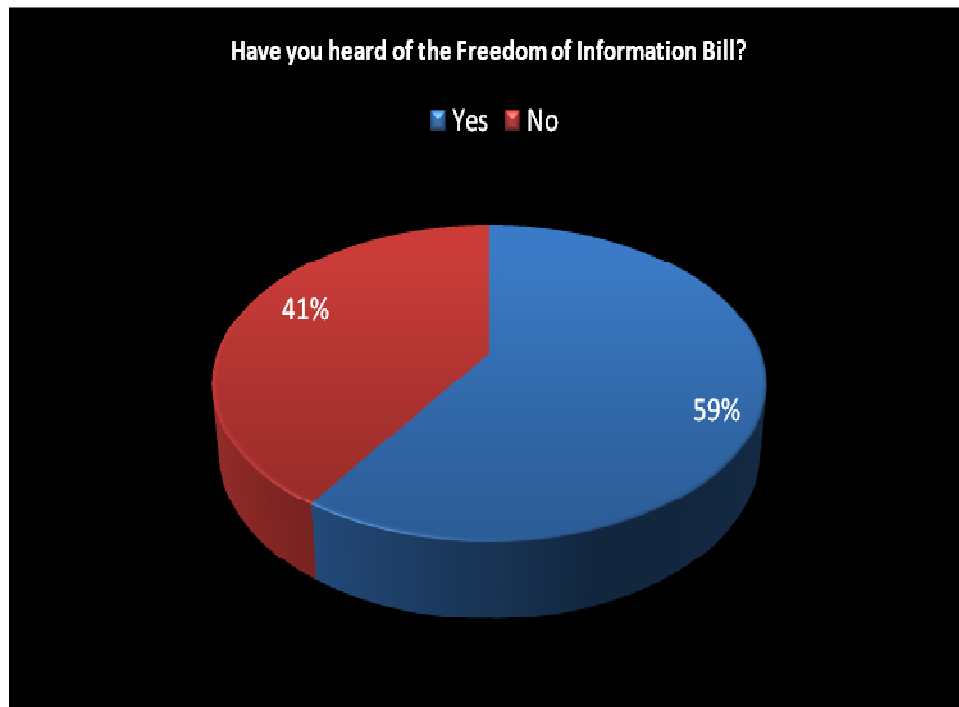


Figure 3: Responses to whether respondents had heard of the FOI Bill or not.

In responding to the question “have you ever heard of the freedom of information bill?” 59.3% of the respondents said they had heard about the freedom of information bill, while 40.7% said they had never heard about it. Figure 3 above shows that the number of people who had heard of the freedom of information Bill was more than the number of those who had not.

How useful do you think a Freedom of Information Act is to Zambia?

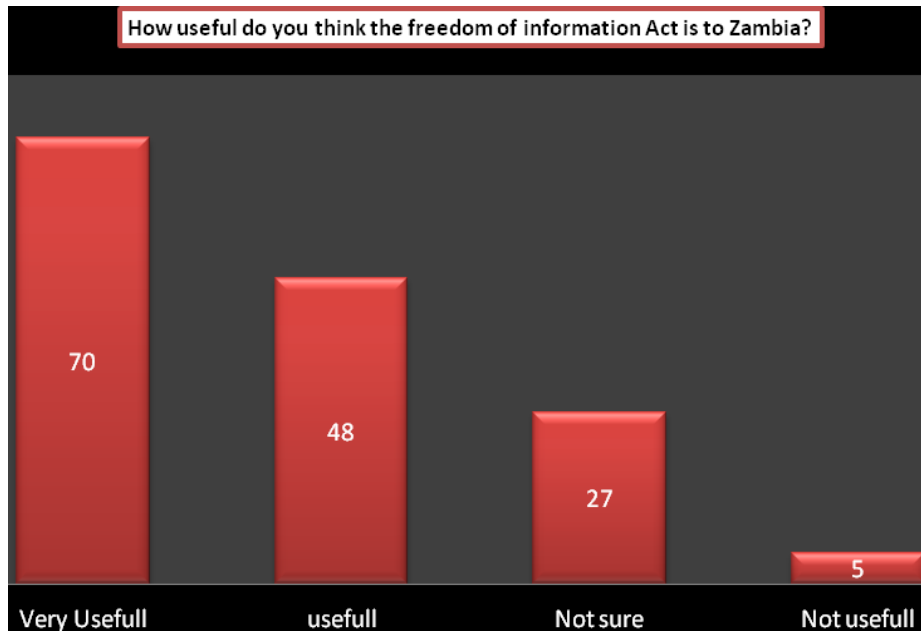


Figure 4: Usefulness of a FOIA to Zambia.

It was noted that it is very useful for Zambia to have a Freedom of Information Act. This would enable citizens to access information more openly either through the media or through direct methods.

There was a common belief among most respondents that a Freedom of Information Act would help to restore confidence in the government institutions. The Act would also inspire confidence in public workers since they would now know which pieces of information they have are secret and which are not. However, there were concerns raised about confidential information. The general feeling was that most of what government classifies as confidential information is in actual fact information which should be accessible to the public.

How possible is it for Zambia to have a Freedom of Information Act?

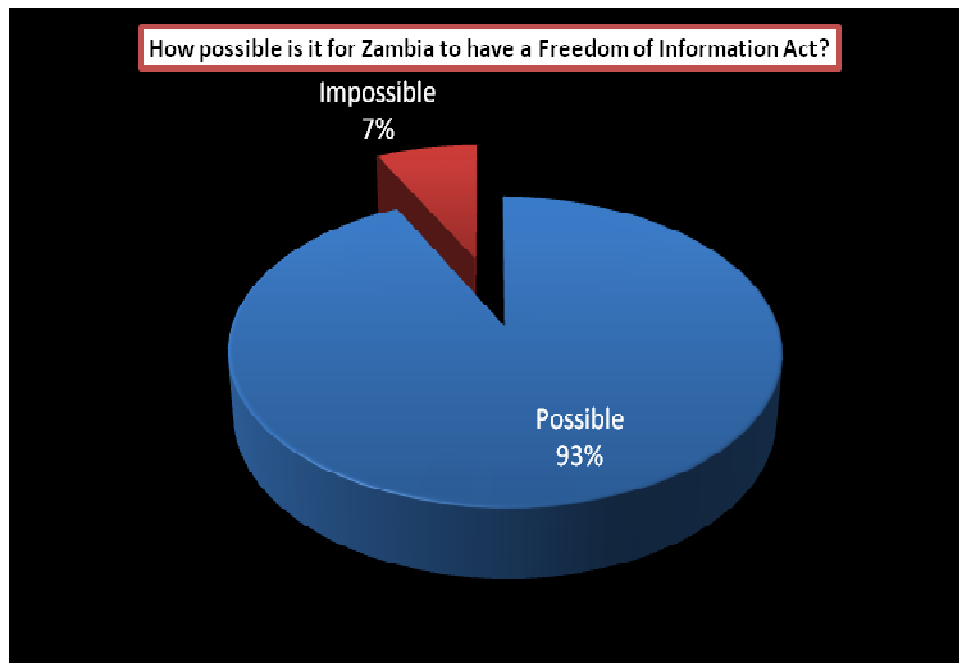


Figure 5: Responses of how possible it was for Zambia to have a FOIA.

The process of coming up with a FOIA in Zambia has taken over ten years. There have been shifting positions at different times from the government claiming they needed to do more consultations. When the question was put to the respondents as to how possible it was for Zambia to come up with a FOIA, there was a lot of optimism as 93% of the respondents said it was possible while only 7% said it was not possible.

However, there were major concerns that were raised by the stakeholders, in as much as it was possible to have a FOIA in Zambia, most media practitioners pointed out that the government was very shrewd and elusive in giving the people the Act. They said that those in government were scared to implement this Act because they believed their privacy would be violated and that they would be under constant scrutiny of the public eye.

Table 4: Effect of sex on the response of whether it was possible for Zambia to have a Freedom of Information Act

	Very possible	Possible	Not sure	Impossible	Totally impossible	Total
Sex Male	32	47	6	3	2	90
Female	15	32	7	1	0	55
Total	47	79	13	4	2	145

Of the 150 people interviewed, 145 gave valid responses to the question, representing 96.7% of the respondents. Out of the 145 Valid respondents, 126 (86.9%) think that it is possible to have a Freedom of Information Act (table 4). Ninety (62.1%) of the valid responses were males while 55 (37.9%) were females. From the males that responded to this question, 79 (87.8%) said it is possible to have a Freedom of Information Act while 47 females (85.5%) agreed that it is possible. There was no significant difference in the proportion of males and females who think that it is possible to have the Act.

Have you ever heard of the results of the government inquiry into the Gabon air disaster?

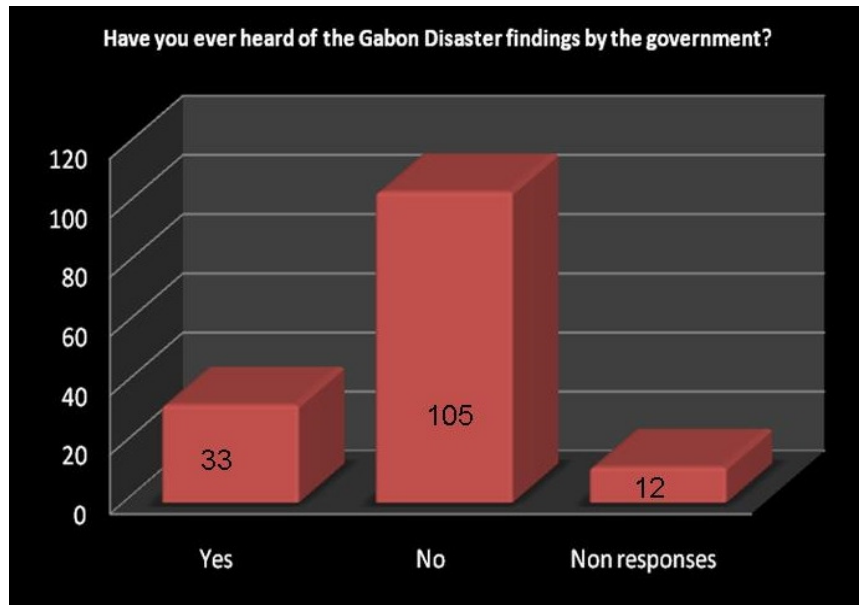


Figure 6: Responses to “have you heard of Gabon air disaster findings by government.”

As a way of finding out how easy it was for the public to access information from government institutions, the researcher put the question of the Gabon air disaster to the respondents, and Figure 6 above presents their responses.

The Gabon air crash that claimed the lives of the entire Zambia national soccer team and all the coaching and support staff still stands as one of the most well guarded secrets in Zambia's history. What has come to be known as the Gabon Disaster happened on April 28, 1993 shortly after the Buffalo Zambia Air Force plane the national soccer team was using to fly to a 1994 FIFA World Cup qualifier against Senegal crashed shortly after a refuelling stop in Libreville, Gabon. All who were on board the plane were killed. It took ten years before the government released a report through parliament. Furthermore, most stakeholders have described the report as doctored and economical with the truth. The report was not disseminated to the public.

From the respondents interviewed, 105 said they had never heard about the findings of the Gabon air disaster while only 33 said they had, and 12 did not attempt to answer the question.

How easy is it for journalists and members of the public to access information from government offices on matters of public interest?

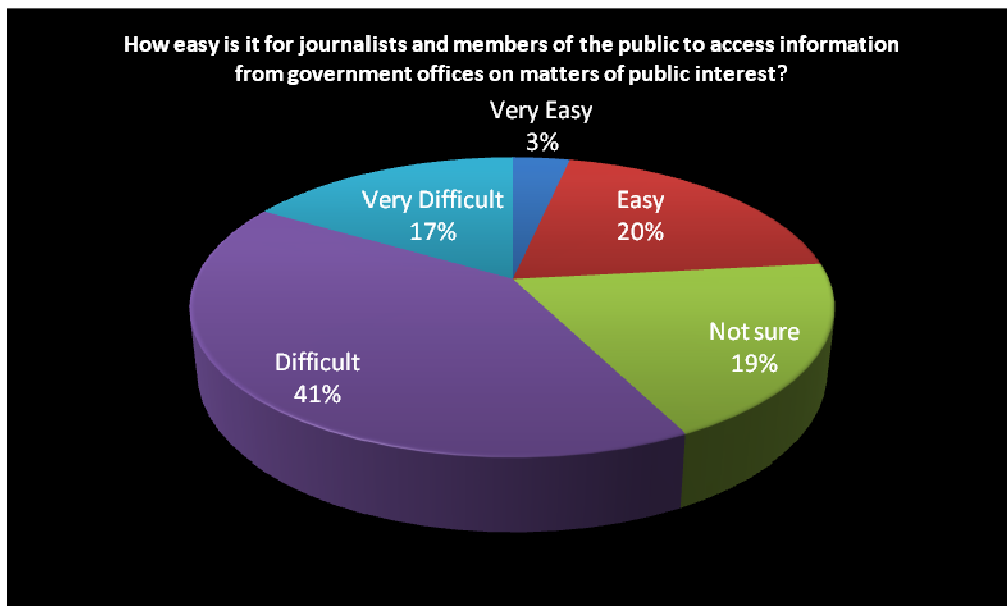


Figure 7: Responses on possibility of access to information from government offices.

The Chart above (Figure 7) shows the responses from the members of the public that were interviewed during the research period. As discussed earlier about the Gabon air disaster report, it was evident during the course of the research that accessing information from public offices is very difficult not just for the members of the public but journalists too. When the question of how easy it was for journalists to access information from government offices was put to them, 84 respondents noted that it was difficult while 34 said it was easy and 28 said they were not sure and four absconded.

The respondents revealed that journalists find it very difficult to access information that is of public interest from government offices and institutions. It was further discovered that in most instances even information that was not classified as being confidential was regarded as such by most public workers. In some instances, the respondents said journalists even face aggression from some overzealous government workers who threaten them for asking for “confidential” information. From the chart it is clear to see that only 23 % of the respondents thought that it was easy to access information from public offices. There was a clear demonstration that there still exists a huge challenge in as far as accessing information from public institutions is concerned in Zambia.

How easy is it to access information on corruption when it is in government hands?

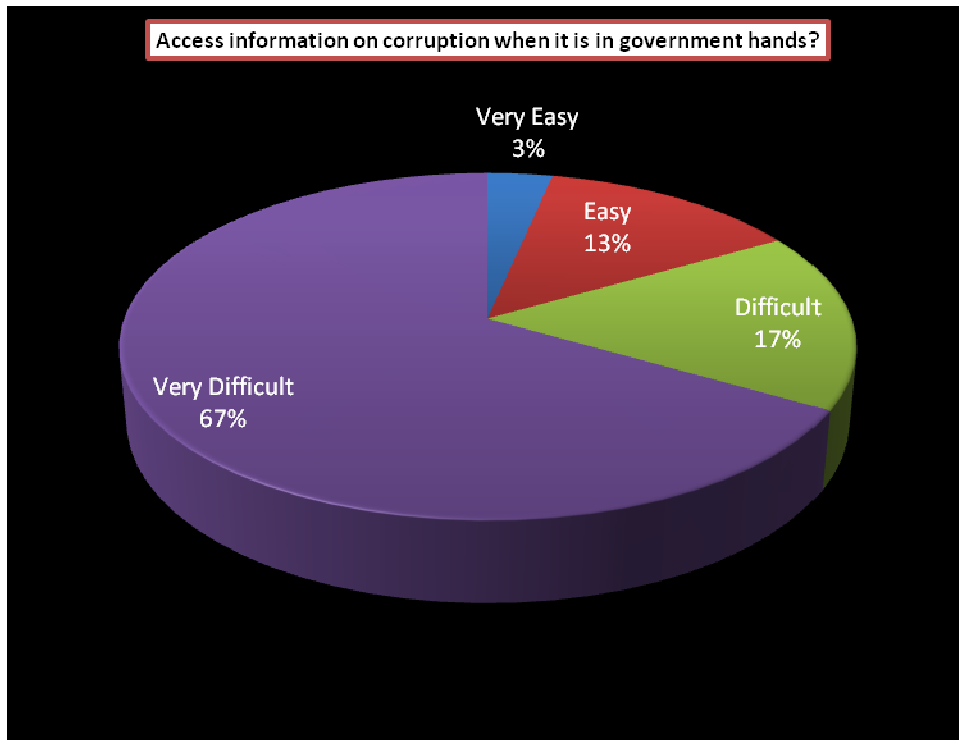


Figure 8: Responses on access to information on corruption cases.

Corruption reporting is one area of the media industry that still remains shrouded in mystery and it is a dangerous pursuit for journalists. From the interviews done in both Lusaka and Mongu, it was observed that it was extremely hard to access information about corruption especially when it is in government hands. Figure 8 shows that of the 150 respondents interviewed, only 25 said it was easy to access information on corruption from government hands. 125 respondents said it was difficult to access information from government offices and officers on corruption.

It was pointed out that accessing information on corruption is very difficult. Most media houses that have reported on corruption do not use direct government sources, rather they found insiders who gave them information in confidence. There are no official sources quoted as sources of most of these stories. The sources usually remain anonymous and give information on condition that they will not be quoted.

Is Zambia ready for a Freedom of Information Act?

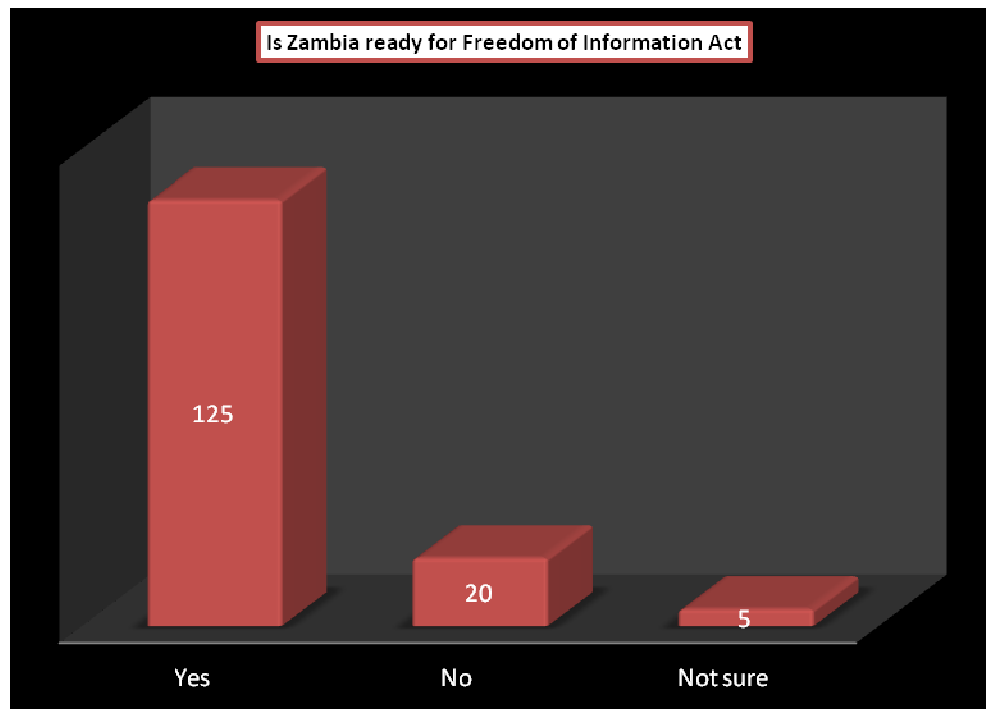


Figure 9: Responses to whether Zambia is ready for a FOIA or not.

Figure 9 shows responses on Zambia's readiness for a FOIA. It was observed that majority of the respondents said that Zambia was ready to have a FOIA. Of the 150 respondents, 125 said Zambia was ready while 20 said it was not ready and five were not sure.

During the interviews, it was strongly felt that Zambia has been ready for a FOIA for a long time though the government had been dragging its feet to enact it. Some respondents suggested that the government should not delay anymore but go ahead and enact a FOIA without reservations. There was equally strong feeling that the leaders in government were not transparent hence their continual rejection of a FOIA which has been to Parliament more than once.

Is there lack of freedom of information in Zambia?

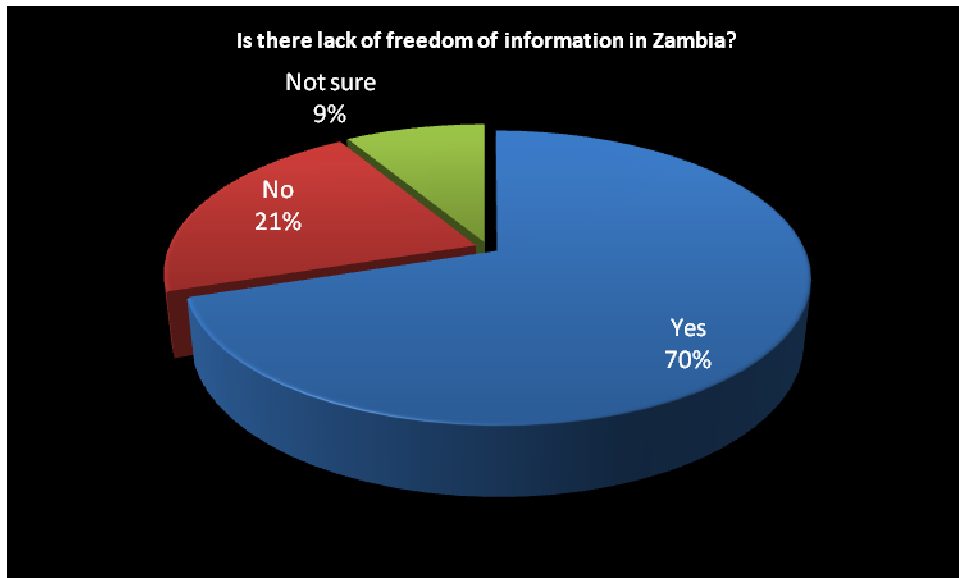


Figure 10: Responses regarding lack of FOI in Zambia.

The chart above (figure 10) shows responses to lack of freedom of information in this country. The members of the public who were interviewed expressed similar sentiments. From the 150 that the researcher interviewed, 105 said there was lack of freedom of information in Zambia while 32 said there was freedom of information and 13 were not sure. Generally, it was felt by most respondents that Zambia lacks freedom of information and that this has led to people committing offences with impunity knowing they would not be discovered and revealed. The Auditor General's report was cited as one such report that gives information on glaring irregularities committed by civil servants during their course of duty. However, due to lack of information flow and transparency, these abuses are not reported until a year or more later when the report is done, that is when people become aware of the abuses and very little can be done to prosecute the perpetrators of these abuses.

The media practitioners who were interviewed also highlighted the costs that come with information gathering, processing and dissemination as being very high thus hindering freedom of information. The issue of government holding back information however stood out to be the most critical concern for most of them.

Does Zambia need a Freedom of Information Act?

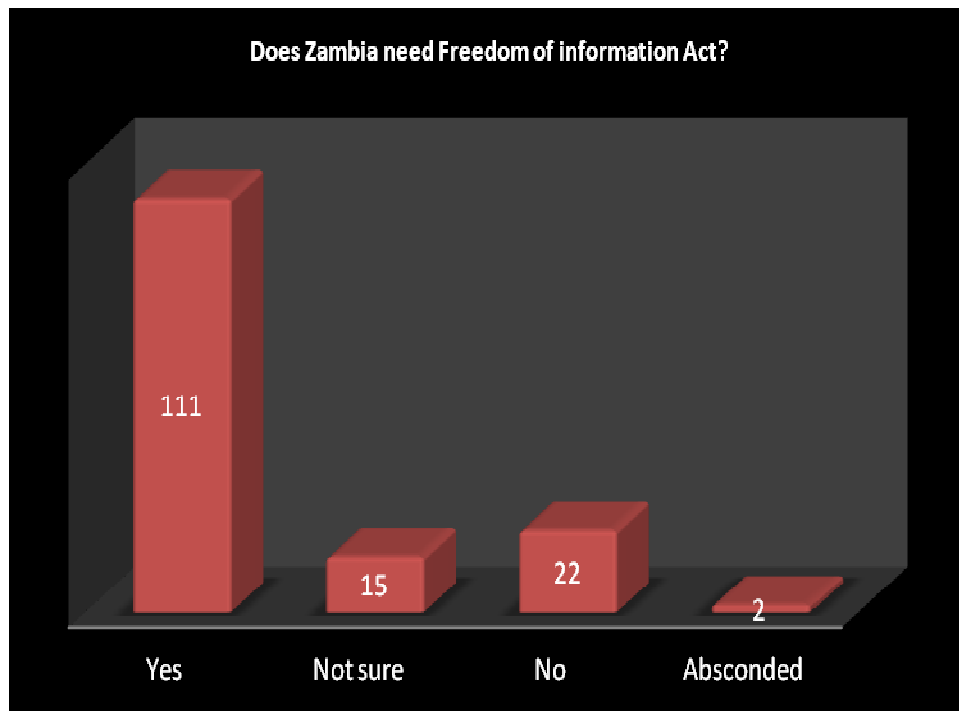


Figure 11: Responses to Zambia’s need for a FOIA.

The researcher asked the question “*does Zambia need a FOIA*” in order to determine whether this country really needed the Act or it is something that could be done away with. From the responses, it was noted by majority of the respondents that Zambia really needed a FOIA to help both the general public as well as the journalists to have access to important and pertinent information that is of public interest. Of the 150 respondents, 111 said Zambia needed a FOIA while 22 said they did not think the country needed the Act and 15 said they were not sure while two absconded.

Is the media in Zambia free from government interference?

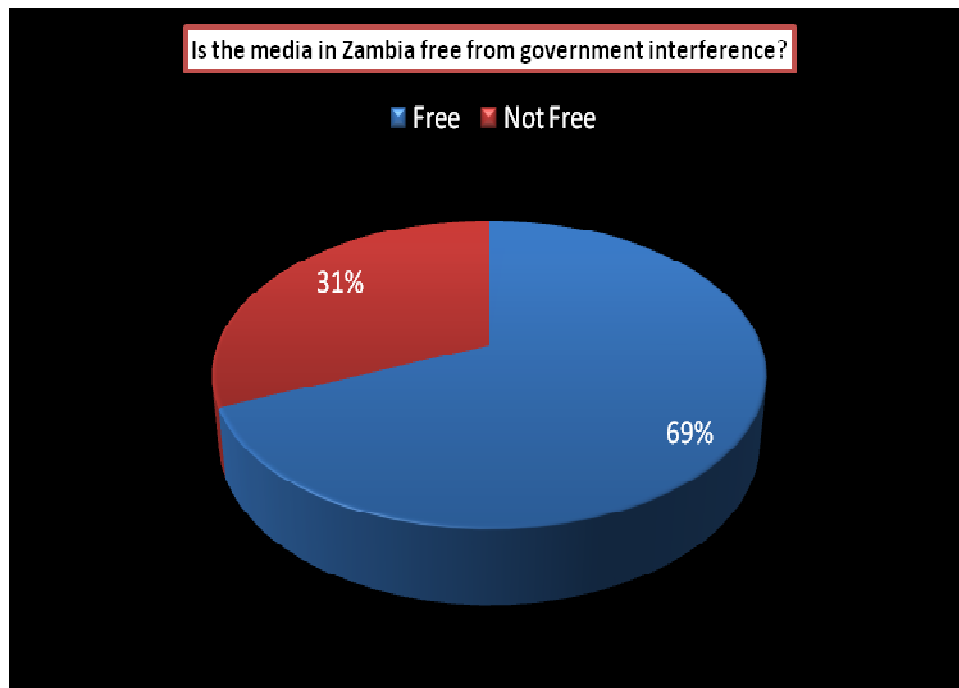


Figure 12: Responses regarding media being free from government interference.

Figure 12 above shows responses to whether the media in Zambia is free from government interference or not. The media in Zambia has for a long time been said to be under constant government interference, especially the state owned media that is controlled by the government. When the question was put to the respondents as to how they felt about the independence of the media from government interference, 103 (69%) of the respondents said the media was not free from government interference while 47 (31%) said the media was free.

Table 5: Responses on whether the FOIA can be a powerful tool for inducing disclosure by the government

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly agree	38	25.3	26.2	26.2
Agree	65	43.3	44.8	71.0
Not sure	24	16.0	16.6	87.6
Disagree	12	8.0	8.3	95.9
Strongly disagree	6	4.0	4.1	100.0
Total	145	96.7	100.0	
Missing	5	3.3		
Total	150	100.0		

Table 5 shows results of 145 valid responses to the question as to whether a FOIA can be a powerful tool for inducing disclosure of information by the government.

It is evident that from the majority of the respondents, 103 (71.0%) agreed that this is true. There is a general indication that the majority of the respondents feel that it is possible to have a FOIA in Zambia and that this Act can be a powerful tool to induce disclosure of information by the government.

6.2 Presentation of findings from the Qualitative research

6.2.1 In-depth interviews with media organisations management officials

In Lusaka, three in-depth interviews were done with people from the following organisations; Press Association of Zambia (PAZA), Friedrich Ebert Stiftung (FES), and the Media Institute for Southern Africa (MISA). In Mongu, two in-depth interviews were done with people from the following organisations; Zambia News & Information Service (ZANIS) and Oblate Radio Liseli.

Advantages of a Freedom of Information Act

During in-depth interviews, the respondents said that a Freedom of Information Act is an Act of Parliament that promotes access to information held by public offices that is of public interest. The respondents stated that such an act helps the media and people in society to have access to information in government offices and hold those in government offices accountable for their own actions.

The representative of Oblate Radio Liseli (ORL), also underscored this aspect saying that such an act would help in bringing transparency to Zambia and safeguard people's rights to know what is happening in government. The representative also argued that a freedom of information act enables them voice out views, opinions and concerns of the public.

The ORL station representative mentioned that there was lack of freedom of information in Zambia because of two main reasons. These are policy and regulatory issues. He said that people who are in charge of making policies do not want to give out information that would negatively affect them. Therefore, they come up with policies that would only benefit them and not the public.

The ORL interviewee argued that those in leadership wanted to hide critical information from the public because they did not want to be monitored on what they were doing. The respondent added that there were restrictive laws existing in Zambia such as the State Security Act which classifies state information as secret. Almost every government office has files and documents labelled "classified," "secret" or "top secret."

The Press Association of Zambia (PAZA) representative also noted that there was lack of free flow of information because government believed that access to information opened up many doors for people to see its weaknesses. The other reason is that most organisations do not trust journalists. They usually think that they are sometimes irresponsible and irrational in the way they handle certain cases and information they give out to the public. He mentioned that this is not true because journalists are very responsible people who follow codes of ethics.

The Friedrich Ebert Stiftung (FES) said that there was no public access to information in Zambia and that was a hindrance to democracy. Media Institute for Southern Africa (MISA) said that

government did not appreciate that freedom is a catalyst to democracy and economic development.

The professional respondents argued that government officials did not give out information to the media and the public because they only wanted to protect themselves from being caught if they were involved in corruption, or other misdeeds. They would hide information that might negatively affect them and only release that which they knew would make them look good in the eyes of the public.

Opportunities attached to having a Freedom of Information Act, according to the interviewees, include good governance, transparency, accountability and participation from the public. With a FOIA, people would know how much money has been used from the national budget, for what purposes, and how much has not been used. People would also know if there has been misappropriation of funds because there would be wider checks and balances against abuse, and such an act would help people to make informed decisions. The respondents said that a FOIA could also help in monitoring development in rural areas, for instance, new roads, agricultural development, and bridge construction.

Challenges in the struggle

An interviewee argued that the absence of a FOIA was a great challenge to journalists. He said that journalists from time to time find it extremely difficult to access government documents that have information that is of public interest.

The respondents argued out that lack of access to information makes journalists fail to conclude stories as sources of information would usually not be willing to give out all required information. Without co-operation between the two, it would be almost impossible to listen or read any kind of news or information. The respondents added that without co-operation between sources of information and journalists who have deadlines to meet, they end up producing half-baked stories that make them look incompetent or inefficient in their operations.

Radio Liseli's representative mentioned that, journalists are sometimes accused of siding with the public, or other political parties and being against the government due to lack of freedom of information. He said that journalists are usually not able to obtain more accurate and reliable

information that would enhance the relevance and reliability of the media. This makes the general public not to have confidence in journalists. They said that media practitioners from time to time fail to conclude some important stories because sources of information are not willing to avail information. They are usually not able to package information that is good enough for the people. This makes them frustrated and end up abandoning the stories or articles they are working on.

The respondents said that the capacity to educate people is limited in Zambia. Journalists have a responsibility of developing a culture of informing people through news dissemination. Without a FOIA, there is no culture in news that promotes openness, inquisitiveness, and transparency regarding what is happening around people. In short, journalists are unable to package information good enough for the public.

However, the respondents also said that journalists were not the only ones faced with the challenges of lack of freedom of information. The general public was also affected as people were sometimes unable to visit government offices and access information that they needed for various reasons. They said that the absence of a FOIA makes the public not to have access to information because of the centralised type of government where officials hold on to information. Usually, there is information blackout and politicians take advantage of the situation because there are no checks and balances being done by the citizens on government.

The respondents suggested that lessons that Zambia can learn from countries with FOI Acts such as South Africa include knowledge that a FOIA creates an open society, increases citizen participation in decision making, and generates a peaceful society.

Oblate Radio Liseli's representative said that other countries with a FOIA such as the United States of America (USA) and the United Kingdom (UK) enjoyed freedom of information. They suggested that people living in those countries were more confident in national structures because they know that the government is accountable to them.

The PAZA also gave a specific example of Australia where the government had waived research fees that were paid in exchange for information. Initially, certain information was supposed to be

paid for before being given to anyone. The government saw the need for people to start accessing information without a fee because they realised that knowledge is power.

The MISA representative added that democracy without a FOIA is a far-fetched idea. She said that if information is restricted, people would not know what is happening around them or participate fully in the economic development of a country.

Strategies used in the quest for a Freedom of Information Act

According to one source interviewed, media institutions advocate for a FOIA through professional bodies such as MISA Zambia to send messages to the government. He said that radio stations such as Radio Liseli uses adverts produced by MISA which promote the idea of a FOIA to educate people about the importance of the Act.

According to another media source, media institutions had been lobbying through members of parliament so that the Freedom of Information Bill can be sent back to parliament and be enacted into law. The institutions also lobby through Non-Governmental Organisations (NGOs) who work hand in hand with the media for the same end. Another explained that there are Media Liaison Committees incorporating members from the Trade Unions that have come together to contest power within the government structures so that there can be FOI laws. He also added that individual associations have been appearing with PAZA to assist in lobbying for the enactment of freedom of information laws to the government.

He said that PAZA took advantage of important days such as the World Press Freedom day by making banners promoting the idea of the FOIA. The organisation also organised workshops, conferences and Seminars for members of parliament and civil society organisations in order to promote the goodwill for freedom of information in Zambia. These efforts bring tremendous pressure on the government to respond to queries and serious agitation for reform. This is evident especially now with the coming in of the PF government where a FOIA is being talked about more often in the news.

The in-depth interview with PAZA also revealed that the organisation used radio and TV phone-in programmes to discuss the planned FOIA and that this helped in educating the public of its importance. The representative noted that his organisation has formed press clubs in provinces.

He added that journalists were able to join these to bring out their concerns about what they think of the FOIA.

Other issues

When answering the question as to whether government agencies should classify documents and withhold information requested by the media, all the respondents replied in the negative. They argued that information is for the public and not for government to hide, and that information in the public interest should not be denied but given out to the media and the public.

According to the respondents, non security issues should not be classified because the role of the media is to disseminate information to the public. They said that withholding information is retrogressive, primitive and nondemocratic. They added that unless the information may endanger society, it should not be kept away from the people. They added that the Act can also help in inducing disclosure by public institutions.

The interviewees also suggested that a FOIA could enable the media to access financial reports, receipts and Bank Statements in cases of suspected corruption. They said that this was almost impossible under conditions prevailing at the time of the interview because of the culture of secrecy that had been created by the government.

They pointed out that important information sometimes never got revealed or took many years before it was disclosed. On examples of vital information that is of public interest, the interviewees also gave the example of the Gabon air disaster over which it took Zambia ten years for people to hear, through a presentation by then Vice-president Nevers Mumba to parliament about what happened. One of the respondents underscored that it was unfortunate that it took the government so many years for people to be informed when the country had lost many lives in the disaster.

During the in-depth interviews, most of the respondents said that the government has not put this report in the public domain. Several reasons were advanced among them that the government feared outrage from the people of Zambia for the government to have been so negligent as to let the team travel on a military plane that had not been serviced for close to six months. Another reason advanced was that the government feared blame for having used a military plane on such

a trip, as there were speculations that the plane may have been shot down. Others even speculated that the government may have sacrificed the national team to maintain its grip on power. Another respondent suggested that lack of information can cause people to react irrationally and bring tension in a country and because of speculation and pain they were going through during the long wait, people could have organised war.

On the lack of progress in the struggle for a Freedom of Information Act, a number of reasons were given. The FES said that the barriers that affected free flow of information to the public included the previous government's lack of political will to make the necessary changes. It was suggested that politicians were a stumbling block shooting down the Freedom of Information Bill so they could continue practicing corruption.

According to the respondents, media organisations had not yet done enough in the fight for a FOIA. This was because of the limited capacity and pre-conceived ideas of some government officials who thought that they would be charged and prosecuted by the media through the use of the Act. MISA revealed that they were now changing strategies in the manner of engaging with the government on the adoption of a Freedom of Information Act.

It was also suggested that the media was not strong enough to fight for a FOIA because of divided interests, and lack of unity among media personnel. Public and government institutions on the one hand, and church and private institutions on the other, usually had divergent stances on issues. FES revealed that it would soon be bringing in experts from their Malawian office to help in the fight for a FOIA in Zambia.

6.2.2 Focus Group Discussions with journalists

In Lusaka, a focus group discussion was done with journalists from *Times of Zambia*. In Mongu, the discussion was done with journalists from Zambia News and Information Service (ZANIS), National Agriculture and Information Service (NAIS), Oblate Radio Liseli and Radio Lyambai.

According to the journalists, a Freedom of Information Act is an act of Parliament that allows media practitioners to have access to information. It is an Act that allows journalists and other people to access information. It is a law that guides media personnel on how to conduct their work. The journalists said that there was lack of freedom of information in Zambia because

people in government offices usually want to conceal information to protect themselves especially in issues to do with corruption.

The journalists gave a number of answers concerning what a Freedom of Information Act could do for Zambia. They said that it can help strengthen democracy and bring economic development. The journalists also disclosed that there must be interaction among the media, sources of information and the general public in order for democracy to prevail in a country.

They further said that access to information is essential to the health of democracy. It ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation. Information serves a “checking function” by ensuring that elected representatives uphold their oaths of office and carry out the wishes of those who elected them.

In answering the question whether they had ever attended a meeting where the Freedom of Information Bill was discussed, only two journalists from *Times of Zambia newspapers* out of the total number of seven participants from Lusaka had. In Mongu, from the total number of eight participants, only 1 journalist from Radio Lyambai attended the FOI meeting. This shows that there is need for more meetings where journalists and other stakeholders can come together and discuss the importance of having a FOIA in Zambia. When asked if they had ever seen a pamphlet, brochure, newsletter or billboard promoting the idea of a FOIA, all the respondents’ answered “yes”.

A journalist from Radio Lyambai said that government agencies should not withhold information requested for by the media that is of public interest because if the government is working for the people, then there is no need for hiding information from them.

The journalists from Mongu acknowledged that Zambia is ready for a FOIA. They said that there is nothing that the government should be afraid of because journalists have laws that govern them and they also have a sense of responsibility within themselves not to harm the public. Journalists from Lusaka also said that Zambia is more than ready for a FOIA. The only problem delaying the enactment of a FOIA are politicians who keep on shooting down the idea for their own selfish benefit.

The respondents from both provinces gave out information that the media are not free from government interference in their operations and acknowledged that there is a lot of censorship from the government. The journalists observed that it does not matter who the owner of the media outlet was. Be it public, government, private or church owned, the government always finds a way of interfering with their operations through media regulation and censorship.

According to a journalist from (ZANIS), there is a lot of censorship from government. Regulation and interference is killing the media because it is difficult to monitor the actions of government. The respondents gave an example of Zambia National Broadcasting Corporation (ZNBC) where the government usually interferes with the operations of the firm. They said that most of the stories that are usually broadcast on ZNBC are pro-government and therefore, the media acts as a mouthpiece of the government of the day. They added that it does not matter who owns the media in this country, whether government or privately owned, the government usually finds a way of interfering and regulating the media. They gave an example of Muvi and Mubi television stations that are privately owned but face many challenges where access to information from private and public offices is concerned.

The respondents said that a lot needs to be done in order for this country to have the long awaited Freedom of Information Act. These are, to create awareness and sensitisation programs on freedom of information; interpret issues using different communication strategies; NGOs and other stakeholders should have campaigns that promote the enactment of a FOIA; meet ordinary people and explain the importance of the Act; and members of parliament should come on board and support the cause.

The respondents said that, media workshops should be conducted. There must be massive interactive Radio and TV programmes conducted every now and then. They mentioned that a FOIA must be mainstreamed. It must be advertised, dramatised and sung about so that many people can get to know and appreciate it. They further said that there must be a clear time frame on when and how the FOI Bill would be enacted so that government completes the task on time.

6.3. Discussion of findings

The study first sought to establish among other things, whether the knowledge, attitudes and practices of the audience were such that the respondents understood the topic under discussion. To do that the question, “What is freedom of information?” was asked. From the responses, it was clear that the respondents understood what freedom of information was. The audience’s explanations were in line with Matibini (2010) that “freedom of information is generally understood to convey the notion that there is a right of access to information held by the government.”

The study also tried to establish from members of the public whether there was really lack of freedom of information in Zambia. The majority of the respondents (70%) agreed that there was lack of freedom of information in Zambia. The respondents in both the In-depth Interviews and Focus Group Discussions also indicated that there is no freedom of information in Zambia. One of the major hindrances of freedom of information in Zambia is the policy environment, which is laden with various laws and acts that inevitably suppress these freedoms. Although the Constitution of Zambia provides for freedom of expression, including receiving, imparting and communicating information and press freedom, these remain largely on paper. In practice, there are laws and other pieces of legislation that prohibit free access to information, freedom of expression and media freedom. Notable among these laws are the 1931 Penal Code, Cap 87 of the laws of Zambia, the Official Secrets Act of 1968, Cap 111 and the Printed Publications Act, Cap 161 of the laws of Zambia (African Media Barometer, 2011).

The main objective of this study was to determine the reasons why there is lack of freedom of information in Zambia. In addressing this objective, the research question “Why is there lack of Freedom of Information in Zambia” was asked. The first reason was the absence of a Freedom of Information Act in Zambia. In such a scenario, the media, as well as the public find it difficult to access information from public and private offices because sources of information are usually uncooperative or unwilling to give out information. All participants in both In-depth Interviews and Focus Group Discussions indicated that it was difficult for them to obtain information of public interest from public and private institutions, making the media ineffective in informing the

public about what is going on in the nation. Kasoma (1990) explained that the need for more access to information can only be guaranteed by introducing such an act. He further noted that the performance of the mass media largely depended on the co-operation of the sources of information. In addition, favourable interaction between the custodians of information and the media is necessary to foster democracy in the country. Brecht (1983) also indicated that in a democracy, the media should link senders to receivers and favour horizontal patterns of interaction. Therefore, lack of interaction between the sources of information and the media leaves the people uninformed thereby making the fight against corruption difficult. This can weaken democracy in the country. In this regard, the Democratic Participant Media Theory can be a powerful tool of promoting democracy in Zambia. This theory recommends that concerned parties move the media from one that is directed or even overtly controlled by government or private interests, to one that is more open and has a degree of editorial independence that serves the public interest (Brecht, 1983). The Public interest theory also underscores the need for freedom of the press, accountability and transparency in the governance of a country (Pigou, 1932). These are not achievable without freedom of information legislation to underpin such positive attributes.

The other reason for the lack of freedom of information is that the state has maintained its grip on a large part of the mass media. The in-depth Interviews and Focus Group Discussions also confirmed this problem. Under such a scenario, it is inconceivable that there would be more freedom of information. The *Times of Zambia*, *Zambia Daily Mail*, and the Zambia National Broadcasting Corporation (ZNBC) still operate as government departments with the Minister of Information playing a role in their governance. There are media personnel who continue to act as if they were government officials, or civil servants serving the master who pays their salaries. Such media will rarely advocate for freedom of information because they operate from an authoritarian outlook. In the authoritarian perspective, the media are subservient to the ruling government elite whose desires, aspirations and deeds become the cornerstones of the news reporting (Siebert *et al.*, 1956). ZNBC should have become a public corporation with effect from the passing of the 2002 ZNBC (Amendment Act), and the 2002 Independent Broadcast (IBA) Act, but this is yet to be achieved as government after government continued to keep these media under their tight leash.

Another reason for the lack of freedom of information in the country is that Zambia had its origins in the dictatorial British South Africa Company, and then British colonial office rule as a “protectorate”. This created an atmosphere where freedom of information was never a priority over the need for state secrecy. Even after independence, Kenneth Kaunda’s government in 1972, specifically introduced a one party state which forced media to toe the government line. Again, media independence and freedoms were never seen as a priority, and were in fact seen as a threat from the West.

Ignorance is yet another reason for lack of freedom of information in Zambia. The quantitative survey showed that the level of education had an effect on whether people had heard or had not heard of FOI laws. There are significantly more people with secondary or tertiary education who had heard of the FOI laws than those with primary education. The Knowledge Gap theory suggests that people who are more educated are also better informed due to better access to media. People will not ask for what they do not know (Weng, 2000; Tichenor *et al.*, 1970).

The quantitative findings also clearly show that many people in Zambia, especially those living in rural areas, were not aware of the need or importance of a Freedom of Information Act. This may be due to low media coverage and therefore low levels of advocacy for enactment of a FOIA in most rural areas in Zambia. Evan (2000) observed that low levels of awareness among members of the public severely limit public demand for the adoption of freedom of information laws. Only a small segment of people in Zambia were advocating for the enactment of a FOIA. Therefore, there is need for massive public education to enlighten the society about issues to do with the FOI laws.

It is also clear that most people who read newspapers are those in employment, with tertiary education and, therefore, more likely to have read and heard of FOI. These people were most likely to be in employment and regularly read newspapers, and listen to radio and television broadcasts. Stories and information about parliamentary bills are disseminated through the broadcast and print media. The findings also showed that despite the low levels of education and unemployment playing a major part in people’s lack of knowledge of the idea of freedom of information, the respondents indicated that the Act could be very useful to Zambia. They asserted that this country needs a Freedom of Information Act, and it is possible to enact it.

Another objective of the study was to identify the barriers that affect free flow of information from the government or private sector to the public. To address this objective, the question “What kind of barriers affect free flow of information to the public in Zambia” was asked. The respondents clearly outlined a number of barriers that affect free flow of information to the public. The greatest barrier identified was that people in leadership did not want to come up with media policies and regulations that would expose them. Policy makers often make policies that would only benefit them and not the public. The leaders want to hide critical information from the public because they do not want to be monitored on what they are doing. Other barriers include the restrictive laws existing in Zambia such as the State Security Act, which classifies all state information as “secret,” as well as fear by government that access to information would open up many doors for people to see its weaknesses. Journalists also disclosed that most public and private organisations do not trust them with information. These organisations usually think that journalists are irresponsible and irrational in the way they handle certain cases and information they are giving out to the public. They added that because of this, their freedom to information is infringed. In a democracy, such barriers ought to be tackled, failure to which citizens’ participation will continue to be hindered and curtailed.

Another objective was to briefly make reference to developments in other African countries that have a Freedom of Information Act, particularly South Africa. This objective was there to show developmental lessons that Zambia can obtain if a FOIA was enacted. The question “What lessons can Zambia obtain from countries that have Freedom of Information Acts” was asked. In response to this question, respondents gave an example of South Africa that has demonstrated that freedom of information or right to information is essential to enabling other human rights, such as the right to food and water, right to shelter, let alone freedom of expression.

Apart from these rights, freedom of information in South Africa is guaranteed through its Constitution of 1996. Section 32 of the 1996 South African Constitution states:

(1) Everyone has the right of access to – (a) any information held by the state, and; (b) any information that is held by another person and that is required for the exercise or protection of any rights;

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

This shows the South African government's commitment to fostering a culture of transparency and accountability in public and private bodies by providing the right of access to information as well as actively promoting a society in which the people have access to information to enable them to fully exercise and protect all their rights.

The In-depth Interviews revealed that a FOIA could help in monitoring development in rural areas, for instance, new roads, agricultural development, and bridge construction as it is the case with South Africa. People of that country can attend meetings of public agencies to voice out their opinions on matters of importance to them. Citizens are able to enjoy the benefits of the democratic system. They can view police and financial reports as well as monitor their government's behaviour.

The Libertarian and Social Responsibility theories both suggest that freedom of the press is essential to the media. They also discuss the prominent role of private ownership in society. In other words, democratic governance goes with movement away from state centralism and ownership of media. Siebert *et al.*, (1956) observes that the purpose of the journalist in these theories is to inform, entertain, sell, as well as discover truth, and check on government. The respondents mentioned that the absence of a FOIA in Zambia makes it difficult for journalists to carry out the responsibilities mentioned above. This is true because at the time of the research, the situation that was prevailing in the country was one where people could not have full access to information of public interest. The In-depth interviewees from various media organisations gave an example of Muvi TV that is privately owned but still faces many challenges where access to information in government offices is concerned.

Another objective of the study was about the communication strategies media institutions in Zambia use in fighting for freedom of information. In answering this objective, the following question was asked: what communication strategies do media institutions in Zambia use in fighting for freedom of information? This research objective was addressed by responses from MISA-Zambia and the PAZA through the In-depth Interviews. From the interviews conducted,

participants indicated that media institutions in Zambia use different communication strategies to fight for a FOIA. Media institutions advocate for a FOIA through professional bodies such as MISA Zambia which lobby the government on their behalf. Radio Liseli, for instance, uses adverts produced by MISA, which promote the idea of a FOIA. These adverts were created to educate people about the importance of the Act.

PAZA and other individual associations joined hands to lobby through members of Parliament so that the Freedom of Information Bill can be tabled in Parliament and be enacted into law. MISA lobbies through NGOs such as the FES who work hand in hand with the media for the enactment of the Act. At the time of the study, the FES was going to organise a meeting for the media personnel from Malawi to attend where issues of enacting a FOIA would be discussed. Media Liaison Committees also incorporate members from the trade unions to contest power within the government structures so that there can be FOI laws. Media organisations take advantage of important days such as the World Press Freedom day by making banners promoting the idea of a FOIA. The organisations also organise workshops, conferences and seminars for members of Parliament and civil society organisations in order to promote freedom of information in Zambia. These efforts bring tremendous pressure on the government to respond to queries and serious agitation for media reforms. The organisations use radio and TV phone-in programmes to discuss the planned FOIA. This has helped in educating the public on the importance of the FOIA. Media organisations also formed press clubs for journalists in provinces where they bring out their concerns about a FOIA.

One of the important issues raised by the respondents is that information of public interest must not be concealed from the people, but rather be availed to interested parties. According to the Public Interest Theory, the media have a role of educating, informing and entertaining the public (Pigou, 1932). The results from both quantitative and qualitative findings show that it was not easy to access information of public interest from public offices. This made it difficult for journalists to execute their roles. At the time of writing, journalists and members of the public found it extremely difficult to access information of public interest especially if that information had to do with issues of bad governance and corruption. However, if the Public Interest Theory

were implemented, it would enable people to closely monitor the government and its activities, resulting in a more honest government.

A FOIA prevents the creation of secret laws and regulations; through it, the public can have access to documents. The respondents mentioned that freedom of information laws provide a legal mechanism for disclosure of information by the government, and improve credibility to the public. Ferroggiaro (2006) states that, a Freedom of Information Act ensures the public's right to access government records and is an important component of ensuring the government's accountability to the people it serves.

The qualitative findings established that there was a lot of regulation, interference and withholding of information by the government. Folkerts & Lacy (2004) noted that governments around the world have become increasingly active in withholding information from journalists. They do this by regulating the media in various ways. At the time of writing, there was considerable government interference with media operations in Zambia. For example, as indicated earlier, the Gabon air disaster report was yet to be made publicly available to society almost 20 years after the tragedy which took the Zambia national soccer team, coaching staff and air force crew. A report was released to parliament in 2003, by then Vice-President Nevers Mumba but never to the public at large. The study showed that, most Zambians still did not know the findings contained in the report because of media regulation and withholding of information by the government.

The respondents also gave an example of Zambia National Broadcasting Corporation (ZNBC) as one of the media institutions in Zambia that was at the time of study still not free from government interference in their operations. It would appear that the Authoritarian and Soviet Communist theories are the models ZNBC is using. In both models, the mass media are state owned and tend to be state controlled.

The In-depth Interviews and Focus Group discussions also revealed that ZNBC did not fully enjoy freedom of information because government owns and controls it. The operations of ZNBC are therefore interfered with. There are moves, however, to change the status of ZNBC

and other state controlled media from a state owned to a public owned organisation through provisions in the new draft constitution.

CHAPTER SEVEN

CONCLUSION AND RECOMMENDATIONS

7.0 Introduction

This chapter looks at the major findings of the research and draws a conclusion from information that has been obtained. It also looks at the recommendations and further research that has not been covered in this study.

7.1 Conclusion

This study was able to confirm that Zambia does not have freedom of information and is still far from achieving it. At the time of writing, there were no freedom of information laws in Zambia that sufficiently provided for freedom of the media, freedom of information and good governance. Among the factors inhibiting the effective implementation and enforcement of freedom of information laws in this country are low levels of awareness within the general population about a FOIA and how useful it is. Citizens are not aware of their legal right to information, and, in some cases are reluctant to assert it.

Countries which are still in the process of adopting the freedom of information laws need to ensure that the texts are not excessively legalistic or technical. At the time of the research, it would be extremely optimistic to expect that many people would have read the abortive Freedom of Information Bill. The finding of the research is that there is lack of freedom of information in Zambia. This is because of the absence of a Freedom of Information Act that allows people to have access to information held by public offices. The much awaited launch of the Freedom of Information Bill keeps being postponed indefinitely every time the date has been set. This shows that government is not actively supportive of the right to information as well as lack of political will of the leaders to pass the Freedom of Information Bill.

The media and members of the public find it extremely difficult to access information in government offices because sources of information are usually not willing to give out information to the public. Due to lack of a FOIA in Zambia, the capacity of public bodies to provide information is weak, and officials are unaware of their obligations.

Public access to information would help reduce or enhance the fight against corruption in Zambia as this would force government to do things openly and also be obliged to act in a transparent manner. With a Freedom of Information Act, people would be able to attend meetings of public agencies and voice out their opinions on matters of importance to them or ask why something was or was not done. They can also view police and financial reports as well as monitor their government's behaviour.

Although a FOIA requires dedication, financial resources and policy implementation, Zambia can really benefit from it as the country can develop economically, socially and politically. FOIA can help in contributing to government openness and accountability, and also prevent and combat corruption, thereby enhancing good governance.

7.2 Recommendations

1. There is need for more open discussions and awareness campaigns in the country. This would help in educating the public on the importance of freedom of information and how beneficial it could be to Zambia.
2. There is need for positive and speedy action to put in place new progressive media legislation and repeal existing laws that impede freedom of the media and freedom of information.
3. Civil society organisations must consider alternative and more intensive strategies to exert stronger pressure on government to pass the Freedom of Information Bill.
4. There is need to translate the FOIB into local languages so that people who do not understand the English language very well could be able to read in the languages they understand. This would make them understand the contents and appreciate the importance of the Bill.
5. The Zambian government should seriously look into the issue of financially supporting freedom of information programmes so that the FOIB can be passed and concluded soon for the benefit of the people and the country's national development.
6. Media organisations should conduct research from time to time on the subject matter as this could help in identifying the factors that would affect the implementation of a FOIA in Zambia.
7. Government should give more freedom to the media and not interfere with their operations. This would enable the journalists fully inform the public on a wide range of issues objectively.
8. Media organisations should come up with more conferences and workshops and invite civil society organisations, members of parliament, journalists and members of the public to attend and discuss the importance of the enactment of the FOIB. These efforts could help in putting tremendous pressure on the government to respond to queries and serious agitation for reform.

7.3 Further Research

There is also need for more research on the subject matter as this would help in identifying the issues that affect the implementation of Freedom of Information Act in Zambia.

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APPENDICES

Appendix I: Questionnaire

SECTION 1: GENERAL INFORMATION (Please tick in the space provided)

1. What was your age last birthday?

2. Sex

1. Male

2. Female

3. Marital status (Please tick one applicable option)

(1) Single

(2) Married

(3) Divorced

(4) Widowed

(5) Other (s) specify

4. Religion

5. Highest education qualification attained (Please tick one applicable option)

(1) Primary level

(2) Secondary level

(3) College level

(4) University Degree level

(5) University Masters Degree level

(6) University PHD level

(7) Other (s) specify

SECTION 2: OCCUPATION AND INCOME LEVELS

6. Are you in employment now?

(1) YES []

(2) NO []

7. If your answer to question 6 is NO, explain why?

.....
.....

8. If your answer to question 6 is YES, on what basis?

(1) Permanent []

(2) On contract []

(3) Temporary []

(4) Self employed []

(5) Other (s) specify

9. What is your income after tax per month?

(1) K999 or less []

(2) K1,000 to K2,999 []

(3) K3,000 and above []

(4) Other (s) specify

SECTION 3: ACCESS AND EXPOSURE TO THE MEDIA

10. Do you have a radio set at your home of residence?

(1) YES []

(2) NO []

11. If your answer to question 10 is NO, where do you listen to the radio from?

(1) At a community centre []

(2) At a member's club []

(3) At a friend's place []

(4) At a work place []

(5) Other (s) specify

12. If your answer to question 10 is YES, how often do you listen to the radio?

(1) Very often []

(2) Often []

(3) Rarely []

(4) Not at all []

13. Do you have a television set at your home of residence?

(1) YES []

(2) NO []

14. If your answer to question 13 is NO, where do you watch television from?

- (1) At a community centre []
- (2) At a member's club []
- (3) At a friend's place []
- (4) At a work place []
- (5) Other (s) specify

15. If your answer to question 13 is YES, how often do you watch television?

- (1) Very often []
- (2) Often []
- (3) Rarely []
- (4) Not at all []

16. Do you read newspapers?

- (1) YES []
- (2) NO []

17. If your answer to question 16 is NO, explain why?

.....
.....

18. If your answer to question 16 is YES, how many days in a week do you read a newspaper?

(1) 1 to 3 times []

(2) 4 to 6 times []

(3) Everyday []

(4) Never []

19. Which one of the following best describes the persuasive power of the media in Zambia?

(1) Very powerful []

(2) Powerful []

(3) Moderate []

(4) Weak []

(5) Very weak []

SECTION 4: KNOWLEDGE OF FREEDOM OF INFORMATION ACT

20. Have you heard of a freedom of information Act?

(1) YES []

(2) NO []

21. Have you ever attended a meeting where the Freedom of Information Bill was discussed?

(1) YES []

(2) NO []

22. Have you ever seen a pamphlet, brochure, newsletter or billboard promoting the idea of a Freedom of Information Act?

(1) YES []

(2) NO []

23. How useful do you think a Freedom of Information Act is to Zambia?

(1) Very useful []

(2) Useful []

(3) Not sure []

(4) Not useful []

(5) Worthless []

24. How possible is it for Zambia to have a Freedom of Information Act?

(1) Very possible []

(2) Possible []

(3) Not sure []

(4) Impossible []

(5) Totally impossible []

25. Have you heard of the findings of the Gabon air disaster investigations by government?

(1) YES []

(2) NO []

26. If your answer to question 25 is YES, briefly explain what caused the Gabon air disaster in the space provided below. If your answer is NO, please go to the next question.

.....

.....

.....

How easy is it for journalists and other people to do the following?

Question	Very easy	Easy	Not sure	Difficult	Very Difficult
27. Access information in government offices on matters of public interest?					
28. Access classified information that is of public interest?					
29. Access information on developing stories that is of public concern?					
30. Access information on corruption when it is in government hands?					

Rate what your opinion is with regard to the following statements.

Question	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
31. Zambia is not yet ready for a Freedom of Information Act.					
32. There is lack of freedom of information in Zambia.					
33. The media in Zambia need a freedom of information act.					
34. The media in Zambia enjoy freedom of information.					
35. The media in Zambia is free from government interference in their operations.					
36. There is need of changing local legislation governing freedom of information.					

Tick your response to the questions in the table below.

Question	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
37. Do you think government agencies should classify documents and withhold information requested by the media?					
38. Do you think Court Agencies should give some cases special treatment and withhold information that is of public interest?					
39. Do you think a Freedom of Information Act can be a powerful tool for inducing disclosure by government?					
40. Do you think a Freedom of Information Act can be a powerful tool for government's commitment to openness, accountability and transparency?					
41. Do you think information to do with corruption is easily accessed by the media?					
42. Do you think important information such as the Gabon air disaster should have taken 10 years for Zambians to be informed of what happened in detail?					

THANK YOU VERY MUCH FOR YOUR PARTICIPATION IN THIS STUDY.

Appendix II: In-depth Interview

1. What is a Freedom of Information Act?
2. Why is there lack of Freedom of Information in Zambia?
3. What kind of barriers affects free flow of information to the public in Zambia?
4. What opportunities are attached to Freedom of Information Act?
5. What challenges do media personnel face due to inadequate flow of information in Zambia?
6. What lessons can Zambia obtain from countries that have the Freedom of Information Act?
7. What communication strategies do media institutions in Zambia use in fighting for freedom of information?
8. Do you think government agencies should classify documents and withhold information requested by the media?
9. Do you think Court Agencies should handle some cases with special treatment and withhold information that is of public interest?
10. Do you think a Freedom of Information Act can be a powerful tool for inducing disclosure by government?
11. Do you think a Freedom of Information Act can be a powerful tool for ensuring government's commitment to openness, accountability and transparency?
12. Do you think information to do with corruption is easily accessed by the media? E.g reports, receipts, Bank statements and financial documents?

13. Do you think important information such as the Gabon air disaster should have taken 10 years for Zambians to be informed of what happened in detail?
14. Why have media organisations such as MISA not succeeded in achieving freedom of information up to now?
15. Do you think MISA and other media institutions are doing enough to lobby for a Freedom of Information Act?
16. What kind of barriers affects free flow of information to the public in Zambia?
17. What do you think are the main problems that media organisations are faced with to convince government on the adoption of a Freedom of Information Act?

Appendix III: Focus Group Discussion

1. What is a Freedom of Information Act?
2. Why is there lack of Freedom of Information in Zambia?
3. Why does Zambia need a Freedom of information Act?
4. What can a Freedom of Information Act do for Zambia?
5. Have you ever attended a meeting where the Freedom of Information Bill was discussed?
6. Have you ever seen a pamphlet, brochure, newsletter or billboard promoting the idea of a Freedom of Information Act?
7. Do you think government agencies should withhold information requested by the media that is of public interest?
8. Do you think Zambia is not yet ready for a Freedom of Information Act?
9. Do you think the media in Zambia is free from government interference in their operations?
10. What needs to be done in order for this country to attain the long awaited Freedom of Information Act?