

## Zambia's secret freedom of information bill

If a decade of stalled attempts to enact Zambia's Freedom of Information bill seems comical, there is underlying tragedy in how politicians have fallen short of their free speech rhetoric, writes Dominic Burbidge.

"WHAT MAKES YOU THINK YOU CAN  
COME FROM YOUR IGNORANT VILLAGE  
AND DEMAND INFORMATION !?"



In 2002, the Zambian government presented the Freedom of Information (FOI) bill to parliament to give its citizens the right to request information from public institutions. Despite support during the bill's second reading, the government [withdrew](#) the legislation citing fears that the country's security would be compromised if the bill passed. 10 years on, Zambian citizens are suffering déjà vu in a new attempt to secure freedom of information.

What is the problem? In many ways the struggle between civil society and the Zambian

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government over freedom of information repeats a cliché of African politics: everyone says they support something and then nothing happens. The newest FOI bill comes from the Patriotic Front. Voted into parliament in 2011, this government promised the legislation as a move to strengthen accountability and increase the effectiveness of democratic participation. In November 2011 then-Minister of Information Given Lubinda [described](#) on two separate occasions how the government would put forward the FOI bill in the next six months. Just as the deadline for this promise was approaching, President Michael Sata paradoxically [announced](#) that citizens needed to be better informed before they could demand freedom of information.

If pundits thought President Sata's chicken-and-egg dilemma was comical, it got even more ludicrous when Amos Malupenga, Information and Labour Permanent Secretary, backpedalled in response to critics and defended the president as having merely highlighted a need for countrywide inclusion. After [appealing for funds](#) to help print the FOI bill, Malupenga promised it would still be presented to parliament, this time between July and August 2012. This eagerly awaited re-launch was again postponed when Minister of Information Fackson Shamenda [left Zambia](#) for a family funeral without leaving anyone in his stead to propose the bill to parliament. Malupenga then announced a further delay, [explaining](#) that the attorney general, also abroad, needed to sign the proposal. Zambia's FOI bill seems to be following a script that even the directors of the television series *Yes Minister* would have rejected for being too unrealistic. But is this merely a case of hopeless inefficiency?

Agnès Callamard, Executive Director of Article 19, [notes](#) how common it is for African states that sign international declarations of rights to information and free speech to fail to turn such values into national legislation. As she says, "Transparency reforms have hardly begun in most of Africa." This assessment holds true in Zambia, a country with support for freedom of expression and information in its [constitution](#) and a signatory to the [African Charter on Human and Peoples' Rights](#), which makes provision for freedom of information in Article 9.

If failure to enact the FOI bill is a comedy, there is underlying tragedy in the way politicians have fallen short of their rhetoric. Nowhere is the hypocritical nature of Zambia's secret FOI bill more acutely displayed than with Mr Malupenga, the civil servant masterminding Zambia's freedom of information debacle. Malupenga was a journalist before entering public service, working as a managing editor for *The Post* and [writing several editorials](#) to demand the FOI bill's implementation. Now, as part of the government, he has helped strangle the legislation.

What accounts for this turn around? Malupenga's change in attitude began when, at the beginning of 2012, he [turned his attention](#) to processing legal suits against the state-owned *Times of Zambia* and the *Zambia Daily Mail*, holding them to account for their bias in favour of the 2011 election's incumbents. Then, in August 2012, Malupenga held a workshop with journalists and deplored how the Zambian media were promoting a culture of politicians insulting one another by giving space and headlines to "politicians whose sole aim is character assassination". Malupenga's turnaround was complete when he then [threatened](#) to close a local radio station for "championing partisan

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interests” even though the development of community radio stations had been one of his key points of advocacy. Perhaps only the last of these episodes constitutes a definite case of stifling free expression; taken together, however, they point to a growing pessimism in Malupenga’s attitude towards the capacity of Zambia’s media to contribute to the country’s governance.

Thus is the tragedy lurking behind Zambia’s otherwise comical “top secret” information bill. There seems to be something about the lives of early career African politicians that transforms idealism into contempt, a Machiavellian realisation that, in order to get things done, rules must be bendable. Recalling each episode in which the Zambian government has discussed the FOI bill, it quickly becomes evident that positive signs of the bill’s progress only occurred at events with international attendees. When Zambian citizens are the ones watching, the government has been content to present delays and reassessments. In his calls that the media “should always aim at promoting national unity”, Malupenga’s journey epitomises that of many African politicians: idealism gives way to the need to get things done, and the need to get things done requires keeping the public in the dark.

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