

23rd February, 2022: Media Statement by the CSOs Access to Information (ATI) Coalition

The Members of the CSOs Access to Information (ATI) Coalition Present;

The Media - All protocol observed;

May I simply say distinguished ladies, gentlemen welcome to this media briefing by the CSOs ATI Coalition.

It is in three (3) parts: The introduction, the main body or issues and the conclusion.

1. INTRODUCTION

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It was upon **acknowledging** the need for a strong, stable, efficacy and professionally managed not- for- profit civil society organizations whose work is primarily orientated and focused on and around one of the fundamental Human Rights element of Access to Information that this coalition was founded and continue to exist in Zambia;

Cognisant that access to information which is the ability for an individual to seek, receive and impart ***information*** effectively, is a human right, which is provided for under the international law and which must be enjoyed by everyone, CSOs through the ATI Coalition have pledged to ensure their participation in the formulation, validation and further scrutiny of the ATI Bill at all levels including monitoring its implementation after its enactment.

We note with gratitude that our continued existence as a Coalition in Zambia, demystifies the notion and an entrenched misconception that Access to Information (ATI) legislation is associated with journalists only. Whereas

journalists and the media generally have a duty of informing the public, access to information is inevitable for everyone as it enhances citizen's participation, decision making, builds on transparency and accountability while fighting corruption among many things. For instance, in order to ensure increased access to children's rights, it is imperative that community members, children and other stakeholders become aware of children's rights and participate in governance processes at both district and national levels. This can only be enhanced by the provision of a legal framework that guarantees access to information.

2. MAIN BODY/ISSUES

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What is the Purpose of Access to Information?

The purpose of access to information is as follows:

1. To encourage effective participation of citizens in political, social and economic processes. Efficacy participation in governance is expected from well-informed citizens as the possibility of them being interested would be high, while those lacking information would be disinterested with their participation being ineffective and not guaranteed.
2. To promote a culture of transparency and accountability. In a democracy, these two aspects are key to realizing good governance. Unaccountable and opaque public institutions cannot earn trust from the public. Transparency, for instance, about how decisions that affect the public are reached and accountability about how public resources are accrued and used become critical for the public. In Zambia, it is important, for example, that information about public funds meant for development projects in each Constituency is made available. The very

sharp and unprecedented increase in the Constituency Development Fund (CDF) from a K1.6 Million Zambian Kwacha to K25.7 Million Zambian Kwacha is in itself justification for the enactment of the ATI law in Zambia. There is greater need that the public should have information on project selection criteria and how they can access the funds if they are to effectively participate in the development of their areas. Transparency and accountability may not only apply to public institutions but also to private institutions that conduct business with the government. Transparency is demanded from leaders both in the government and the private sector.

3. To enable beneficiaries obtain what is due to them. As citizens' participation in governance increases with access to information, citizens begin to make demands that public resources be directed towards intended goals.
4. To help curb corruption. With access to information, there is a likelihood that any public officer with the intention to solicit a bribe or abuse their office in any way, will be scared that members of the public will obtain such information and call them to account. Thus, national resources will be used prudently and only for intended purposes towards achieving national development outcomes.

While we note with dismay that it has taken two decades of campaigning for the ATI law in Zambia (which work stems as far back as 2002), our consistency as the ATI Coalition is not only motivated by the people's resolve to access information critical for their decision making but also by the people's quest to consolidate and entrench good governance and democracy in Zambia.

Over time, several pronouncements and promises had been made by successive governments to deliver the ATI law through Parliament. However, those pronouncement and promises have always fallen short of requisite political commitment necessary to take the ATI Bill through the legislative process.

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Politicians and political parties in the opposition have over time tended to sound optimistic and pledge to deliver an Access to Information law rendering them on the side of the people and CSOs but only procrastinate and deliberately with impunity shelve the ATI agenda. For instance, ascending into power in September 2011, the Patriotic Front (PF) Party raised public expectation about a number of laws including the enactment of the Access to Information law as this was among its campaign promises contained in the party's manifesto. Other factors that rekindled people's hopes include: The establishment, in 2012, by government a Taskforce on ATI with a remit to draft the Bill and to produce the Draft ATI Bill. Disappointingly, up to the end of the PF's 10 years rule there was not any significant progress on the matter. The UPND has also come on the pretext of enacting the ATI Bill into law with a number of progressive pronouncements in addition to the issue being a campaign promise. Some positive strides (such as seeking input on the ATI Draft Bill from stakeholders – a situation that we as CSOs are of the conviction that it was thinly and not widely conducted, and the validation of the ATI Draft Bill by the Ministry with some stakeholders) have been done. While we – the ATI Coalition know that politicians have the tendency of saying one thing and do

the exact opposite we give the current administration of the UPND a benefit of doubt that they would deliver on the ATI law.

Despite the foregoing, the CSOs ATI Coalition has continued and will continue to rigorously advocate for enactment of the ATI law in Zambia. Beyond awareness and sensitization of the CSO fraternity and the general public, the Coalition will continue engaging the government to enact the ATI law.

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Realizing the importance of access to information for all Zambians, and concerned with wasted two (2) decades of push and pull that eventually drag process of enactment of this very important law, we, the CSOs in the ATI Coalition expect nothing short of the following from the UPND Alliance:

- i) Beyond the validation exercise, the government should consider widening the consultation spectrum and employ more inclusive consultative mechanisms especially at the stage of the Parliamentary Select Committee as the background is such that very few CSOs and stakeholders generally were consulted and the timeframe given to Civil Society Organizations of 24 hours, was too short making it almost impossible to make meaningful submissions to the Draft ATI Bill.
- ii) The Government should in collaboration with CSOs come up with practical ways to make citizens aware of the current content of the ATI Draft Bill before presentation to Parliament to ensure that it speaks to the purpose of the cause that citizens have for years been yearning and that anything falling short of transparency shall face stakeholder's resistance.

- iii) Further, in considering the consultations, the current ATI Draft Bill should be reviewed with gender lenses and with marginalized groups in mind for the benefit of women and girls and the youth and persons with disabilities and other groups who are often left behind to ensure that the law will be accessible and usable to them.

- iv) The Government should do everything possible not to divert from its pledge of enacting the Access to Information law especially that it's among the reasons that Zambians entrusted them with power. As a Coalition we are of the conviction that the ATI law can and should be enacted before June 2022.

- v) After promulgating the ATI into law, Government working with stakeholders that include CSOs, cooperating partners among many should simplify the law and translate it into the 7 major local languages for a robust public awareness of the law.

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Should there be further delay from Government to enact this ATI bill into law, we the ATI Coalition and other stakeholders will ensure the following:

- i) Sustained robust advocacy to see the legislation of the ATI law in Zambia as it is demanded by the Zambian people as a prerequisite to attaining other socio-economic and civil rights.
- ii) Unrelenting mobilization and galvanizing of the critical mass of the citizenry, to join in demanding the government to deliver on its election

campaign promises to enact the ATI law as key tool in the fight against corruption.

3. CONCLUSION:

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In conclusion, it must be laid bare that to access information is both a human right and a social need. It is a necessity particularly in a democracy where every citizen has a role to play in the governance of the country. ATI promotes transparency and accountability; it helps in the fight against corruption and generally leads to open governments and to effective democratic participation by the members of public. Government has an obligation to make access to information possible as a duty-bearer, while the public is entitled to demand that their right is fulfilled. When there is no legal channel to do so, the enjoying of this right is greatly impaired. Thus, the duty-bearer and the rights-holders have a responsibility to play their part in ensuring the enjoyment of access to information. Concerted efforts from the wider civil society and the public can ensure there is an ATI law in Zambia, just as is the case in several African countries. With the foregoing the ATI law is inevitable for Zambia and it must become a reality now.

Further, the CSOs in the ATI Coalition are confident enough that the UPND Alliance Government has no reason to and will not delay the enactment of the ATI law any further. The Coalition is also of the considered view that Government will find it necessary to give to our growing democracy the ATI law, as this is not only a desire of all Zambians but also that it is an inevitable ingredient to good political and democratic governance, economic

governance and management, corporate governance and socio-economic development.

I thank you.

For and on behalf of the CSOs ATI Coalition

Fr. Alex Muyebe

Chairperson

CSOs ATI COALITION