



Viewpoint

Public sector information management in east and southern Africa: Implications for FOI, democracy and integrity in government

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ABSTRACT

Sound management of information contained in records and other information systems in the public sector is the sine qua non of democratic governance. For effective access to government held information, Freedom of Information (FOI) legislations impose significant duties and responsibilities on public authorities to give access to information. FOI legislation is premised on the principle that effective records management enables authorities to enforce wider government agenda to increase openness, transparency, trust and accountability in the public sector. Effective access, management and exploitation of official information are the means by which governments can demonstrate accountability and transparency in the use of public resources, expose corruption and fraud, protect citizens' rights, as well as improve overall service delivery to citizens.

This paper reviews management of public sector information contained in records and implications for enhancing freedom of access to information, democracy and integrity in governments within east and southern Africa. The authors point out that as democracy and good governance gain momentum especially in developing world, governments in east and southern Africa have one critical factor that is yet to receive adequate attention, namely the role played by information management in enhancing democracy, transparency, accountability and integrity in government. Besides, though constitutions of most east and southern African countries provide for the right and freedom of access to information as a tool to enhance democracy and good governance, state interference from time to time hampers such rights and freedoms to be exercised. The authors proffer the way forward for east and southern Africa.

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1. Introduction

The business of government is to protect the public good through such mechanisms as efficient and effective governance, protection of rights, demonstration of accountability and transparency in its activities and that of its public officers. These roles and tenets of government are predicated upon efficient management, access, and use of information. The motivation for sound management of information in custody of government is borne out of concerns and the need for (OECD, 2003) efficiency and productivity; sharing of information by different units in government; reaching out to the public; and increased pressure on government to demonstrate accountability and transparency in the use

of resources. Principles of good governance namely accountability, transparency, rule of law and others depend to a large extent on the free flow of information within government. It is also important that information in custody of government is not only available but also should be made accessible to the public. The onus is therefore on governments to put in place effective national and institutional frameworks including adequate capacity to harness, facilitate and enhance information capture, organization, maintenance and use. This framework can similarly be used by citizens and civil society groups to monitor various aspects of the governance process including the government's own administrative efficiency and effectiveness in achieving its stated service-related objectives and targets. The availability of relevant and timely information empowers citizens' and civil society groups, enabling them to effectively participate in the governance process as well as hold government accountable.

The United States government and its allies after the terrorist attacks on its soil on September 11, 2001 put in place mechanisms for sharing intelligence on terrorism. This action has contributed

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positively to the fight against terrorism. In Europe and North America, the concept of information management as a broad subject contributing towards corporate governance is significantly gaining acceptance. Moreover, information is a vital resource for the growth and in safeguarding the interests of institutions, business organizations, nation states and individuals (OECD, 2003).

Records management although a relatively new discipline among other information professions has emerged in recent years to become a major player in the management and protection of corporate information resources both in paper and electronic formats. Sound records management is expected to enhance service delivery, promote efficiency accountability, good governance and integrity in government.

2. Conceptual framework and context setting

Records management is concerned with the creation, receipt, maintenance, use and disposition of records. The Australian Standard AS 4390 (1996) and the ISO Records Management Standard 15489-1 (2001) highlight issues of accountability and evidence in their respective definitions. The Australian Standard defines records management as “the discipline and organizational function of managing records to meet operational business needs, accountability requirements, and community expectations”. Meanwhile the ISO Records Management Standard defines records management as “the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes of capturing and maintaining evidence of and information about business transactions in the form of records”. These two definitions give recognition to the use of records as valuable sources of evidence and to their role as the cornerstone of accountability and transparent governance in public as well as corporate organizations.

The term ‘public sector’ is used in this paper to refer to institutions and/or organizations under state control that are established to serve the needs of the general public. Public sector tend to be used loosely to refer to government related corporations and agencies. However, the term is used in contradistinction with ‘private sector’, which generally refers to institutions and/or organizations or business enterprises whose activities are almost wholly financed through private shareholding or equity. The public sector usually encompasses the core civil service, state and quasi-public or state corporations. On the other hand, Neumayer (2006) defines governance as the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises the mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal and human rights, meet their obligations, and mitigate their differences. Governance encompasses political legitimacy and accountability, administrative accountability, financial and budgetary accountability, transparency, openness, and the rule of law. Governance therefore entails various things, among them, that those who hold public trust should be able to account for the use of the trust to citizens or their representatives. This signifies the superiority of the public interest over the private interest. Secondly, it presupposes the competence of the state to exercise administrative and political power in a fair, transparent and equitable manner, including the protection of personal rights and the rule of law. Thirdly, it implies that no manner of accountability can be realized unless there is the rule of law, transparency and the free flow of information among all stakeholders in the governance process.

Transparency being a major component of governance means that decisions taken and their enforcement are executed based on

clearly stipulated rules and regulations that are known to all stakeholders. This requires that the institutions of governance in both public and private sector including civil society organizations interact and engage with citizens in a manner that contributes to good governance. Governance can be both good and bad depending on whether it brings positive benefits to the governed or the benefits merely serve to benefit the personal interests of a few individuals in government. Therefore, the government as the major actor in the governance process must create a conducive environment for citizen participation in the decision making process and service delivery systems.

Components of good governance may include: political accountability exemplified by the existence of political pluralism, state funding for all political parties, equal access to the media and asset declaration; competitive private sector supported by government policies that promote private investment, incentives for private sector investment, availability of information on investment opportunities and transparency in corporate governance such as the awarding of tenders; separation of powers in the government structure with demonstrable respect and dependence of the three arms of government namely: the executive responsible for formulation of sound policies and ensuring effective functioning of the public service; legislature responsible for the formulation of prudent laws; an independent judiciary that adheres to the rule of law; effective public sector management supported by a professional civil service; prudent and transparent management of public expenditure including budget preparation, financial accounting, procurement, and audit; and a vibrant civil society able to protect the interests of citizens especially the feeble and poor in society by educating them about their rights and the workings of government.

The term democracy comes from the Greek words ‘demokratia demos’, meaning ‘rule by the people’. In the context of this paper, democracy is taken to mean ‘liberal democracy’, a form of representative government that encompasses free and fair elections, protection of minorities, the rule of law, separation of powers, and protection of liberties of speech, assembly, religion, and property (Raaflaub et al., 2007). Democracy is therefore a form of government in which supreme power is vested in the people and exercised by them directly or indirectly through a system of representation. Modern democracy is founded on the principle of Universal Human Rights that was adopted by the UN General Assembly in 1948. By adopting the Universal Declaration of Human Rights, the international community demonstrated its commitment to democracy by proclaiming that “the will of the people shall be the basis of the authority of government” (Hamelink, 2003). This was followed by the adoption in 1966 by the UN General Assembly of the International Covenant on Civil and Political Rights. This was yet another important step in the protection of individual human rights as it guaranteed everyone (at least in principle) the rights for effective political participation as well as providing the legal status of the right of individuals to participate in the processes that constitute the conduct of public affairs, including the protection of other participating rights and freedoms. Over the years, these democratic principles have been ‘exported’ to most parts of the world. While the UN Charter on Human Rights and the International Covenant on Civil and Political Rights provided a strong normative foundation for a United Nation’s role in promoting democracy, the onset of the cold war effectively stalled UN support for democratization. It was not until the end of the Cold War that the drive for democratization gained momentum, bringing with it renewed prospects.

The term information management is used in this paper to refer to the means by which an organization or government efficiently plans, collects, organizes, maintains, uses, controls, disseminates and disposes of its information, ensuring that the value of that information is identified and exploited to the fullest extent to meet its business objectives as well as to support business activities.

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