

**Freedom of Information and Records Management:
A Learning Curve for Botswana**

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**Thesis submitted to the University of London for the degree
of Doctor of Philosophy**

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2006

Declaration

I, _____, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis

Abstract

Freedom of Information (FOI) legislation is mostly adopted on the presumption that good records management exists. However, it is pertinent that the functionality of records management in the creation, management and making records available for access internally within government and externally to citizens be established as the legislation is being planned for. Through the planning process, the capacities of records management in providing access to information will be known. This study employs a Grounded Theory based methodology on data collected from Botswana, Ireland, Malawi, South Africa and the UK to discern Botswana's preparedness for FOI legislation in line with the country's national aspiration, *Vision 2016*. It also uses the same data to unearth relationships that exist between records management and FOI legislation.

The study has established that constitutional guarantees on access to information are an inadequate measure to enable citizens to gain direct access to official information. As a result, countries which regulate access to information through the guarantees have to adopt FOI legislation so as to effectuate them. The adoption of the legislation should be founded on the democratic ideal of enhancing the capacity of citizens in developing and offering informed consent including improving their participation in their governance. The law should also be predicated on the obligation of government in accounting to citizens as well as empowering them to hold it to account. In addition, the law should be based on an environment which would enable citizens to formulate, develop and demonstrate trust in the governance process. Lastly FOI legislation should be built on a good records management system which will provide an assurance that the governance process is well documented, and its records can be availed for access.

Through the diverse case study countries, the study has established that Botswana is prepared for the adoption of FOI legislation. However, as the country works towards adoption of the legislation, it should strive to evaluate the efficacy of public sector records management.

Acknowledgements

Researching into and writing up this thesis would not have progressed the way it did without the encouragement and guidance of my supervisors, Dr. Elizabeth Shepherd and Mr. Geoffrey Yeo. The comments they made on this work were constructive throughout the period of my study and they have encouraged me in every aspect of the work.

I wish to also pay particular respects to the University of Botswana who granted me study leave as well as funded my studies; the School of Library, Archive and Information Studies (SLAIS) and the Graduate School of UCL in funding my initial fieldwork; and the International Records Management Trust for the support they have provided during the period of my study.

I wish to express my sincere thanks to my family nucleus and extended for encouraging me to go on through the years of this study. I single out: Dr. Jaone Jayson Sebina for running my affairs back home diligently during my absence, and all the support he has made available to me; Gaone Moagi and Mildred Gerieta Sorinyane for housing me when I needed accommodation. I thank also my colleagues notably, Justus Wamukoya, Shadrack Katuu, Segomotso Keakopa, Lekoko Kenosi, Isaac Mogotsi, Elizabeth Motswapong, Lesego Gabaitiri, Nathan Mnjama and David Luyombya for the support and discussions which kept me going. I am also indebted to Kago Ramokate, Pena Monageng, Shirley Masete, Didimalang Motshaba, Angela Mazhani, Topo Thebe, Kenaope Pule, Thembisa Maphane, John Hulela, Tlhabologo Piet, Leteng Sebusang, Thomas Rantsomakane, Dolly Basele and Kenole, and many more that I have not mentioned by name.

My sincere appreciation are also due to Susan Williams and Gervase Hood for their valuable friendship; Rick Snell for making himself available to read through my drafts and to discuss pertinent issues with me; Professor John McIlwaine for valuable comments on bibliographical formulations, and my respondents for their time and input into this work.

It would be huge omission on my part to forget to thank Tebogo for single-handedly raising Nkagisang-Boago during my absence. I also thank my grandmother for her prayers and Almighty God for His spiritual guidance and encouragement.

Dedication

This thesis is dedicated to the following souls who have since moved on:

My uncle Moruti, Dolvin Shanto Moagi; my aunties Maria Ntheipi Modimakwane; Gaokgang V. Sebina; my cousin-brother Refilwe Shimo Moagi; and my friend Kerileng Tshetlha Lere.

Your memories will live with us forever and I shall forever cherish and love you all.

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List of Abbreviations

ARMA	Association of Records Managers and Administrators (USA)
AU	African Union
AUS	Australia
BNARS	Botswana National Archives and Records Services
BOCONGO	Botswana Council of Non-Governmental Organisations
BW	Botswana
CAIRS	Co-ordination of Access to Information Request System
CAN	Canada
CHRI	Commonwealth Human Rights Initiative
CPA	Centre for Policy Alternatives (Sri lanka)
ECHR	European Convention on Human Rights
EU	European Union
FOI	Freedom of Information
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and People's Rights
ICT	Information Communication Technologies
IMF	International Monetary Fund
IRE	Ireland
IRMT	International Records Management Trust
ISO	International Standards Organisation
MAL	Malawi
MISA	Media Institute of Southern Africa
n.d.	No date
OECD	Organisation for Economic Cooperation and Development

SA	South Africa
SADC	Southern African Development Community
TI	Transparency International
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCHR	United Nations Commission on Human Rights
USA	United States of America

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