



31 January 2007

STATEMENT IN SUPPORT OF FREEDOM OF INFORMATION IN NIGERIA

Introduction

This statement provides an overview of recent developments affecting prospects for greater freedom of information and expression in Nigeria ahead of general elections scheduled for April 2007. The Nigerian House of Representatives and Senate both passed a Freedom of Information Bill (FOIB) in August 2004 and November 2006 respectively. A consolidation process largely expected as a formality to finalise the process has been long in coming. Immediate action is needed to forestall the elections overtaking the enactment of the Freedom of Information Bill, a major step forward for Nigeria's democracy.

Key Recommendation for Federal Government by April 2007

- Ensure the immediate consolidation and enactment of the Freedom of Information prior to the April 2007 Election

Context

With the advent of democracy through the constitutional review and then general elections in May 1999, it became necessary for Nigerians to have information about government processes to be able to participate in governance. In efforts to expand public access to information, a group of non-governmental organizations led by Media Rights Agenda, the Civil Liberties Organization and the professional group, Nigeria Union of Journalists (NUJ), began to mobilise for access to information and freedom of expression. A Bill was proposed in 2000 and by 2004 their efforts began to bear fruit. The lower House of the National Assembly passed a Freedom of Information Bill (FOIB) in August 2004 when it was transferred to the Senate and where it remained for over two years.

In November 2006, the Nigerian Senate also passed a Freedom of Information Bill by a consensus vote. There are many reasons for the Bill finally getting through the Senate. For one, there was great timing with the prevailing mood in the country against corruption. It meant that activists were able to promote FOI and openness as an anti-dote to a culture of secrecy under which corruption breeds. For example, promoters of FOI made the case that the Economic and Financial Crimes Commission (EFCC) would have

added impetus in its efforts to fight corruption as there would be access to records and a paper trail on which to hang corruption allegations and charges. Furthermore, it is widely believed that when the election campaign season kicked off, politicians and especially Senators wanted to be seen as promoting transparency and openness. Supporting and voting for the Freedom of Information Bill was a definite way to demonstrate this inclination. The FOI campaign also benefited from public education about the Bill. Through direct contact advocacy, the campaign was able to bring popular attention to the Bill so that Senators who agreed to radio and television talk show interviews were prodded by their constituencies to vote for Freedom of Information.

A quick view of the two versions passed by the National Assembly suggests minor differences. The campaign expects the two Houses to rapidly iron out their differences and harmonise the two versions. The advocacy focus would then shift to the Executive branch, which given the anti-corruption environment, may move quickly towards signing the Bill into law. In the past the President had expressed concern about the Bill. He expressed concern about the types of information that may be obtained under the Act, especially on intelligence related matters. The timing of the presentation of the Bill has its advantages and disadvantages. President Olusegun Obasanjo is on record as interested in signing an FOI Bill. However his other expressed concern is that the Bill has originated with pressure from external sources.

But some activists have suggested that on the twilight of his second term, President Obasanjo just may just be in the mood to sign the Bill as part of his anti-corruption legacy. But the President is also quite involved and focused on influencing the election process and who his successor might be that he may not be inclined to sign the FOI Bill. Should he refuse to sign after the National Assembly harmonises their versions, the Coalition believes it can muster a two-thirds vote by Federal legislators to override the President's refusal. The FOI Bill passed with a consensus in the Senate.

Activists are continuing to bolster public support for the Bill by increasing public awareness and fine tuning their engagement with the legislative process. Advocacy action for the Bill is coordinated by the Media Rights Agenda in a loose coalition including the Open Society's Justice Initiative and the Civil Liberties Organization (CLO). However, the FOI Coalition will need to re-design the campaign as focus shifts from advocacy for passage to implementation of the legislation. The efforts to mobilize public support and engagement during the National Assembly advocacy process have increased national dialogue about Bill and may help to further galvanize the public consciousness when implementation begins.

Future Advocacy for the Freedom of Information Legislation

The FOI coalition will need strengthening to increase its ability to shift from a lobby group with a campaign agenda to a force for implementation. The FOI Coalition will need to develop the mechanism and tools for implementation. Media Rights Agenda has reached out to the media, academicians, labour groups and women's groups to organise a core group of activists and stakeholders with the technical expertise needed to stir

political will. One of the strategies is to get the FOI law into the public domain by promoting it as an Act that will have a positive, direct impact on the lives of people. MRA and the FOI coalition members have embarked on raising the profile of the various issues as concerning various segments of the citizenry.

Media Rights Agenda and the FOI coalition are emphasising broad-based participation by all stakeholders for an effective organisation to get the imminent Act implemented. There are briefings being organised with government agencies to change the secrecy mindset and dialogue about how the Act works. There are advocacy and training seminars specifically for civil society organisations to increase their capacity to reach out to National Assembly members to promote cooperation in implementing the legislation. There are activities to create a buzz around the Act as a tool for rapid social development, because greater access will make the government more responsive to the public interest in making decisions. The Senate's passage of the FOI law had made news around the world giving the Nigerian image a much needed boost as an emerging democratic and free society.

While ARTICLE 19 is not specifically working in Nigeria at the moment, it does support the FOI legislation advocacy process in principle and through its partner, the Media Rights Agenda. Article 19 will need to do some preliminary investigation to be able to effectively support local partners in building the skills for FOIA implementation and to empower the media to be able to adequately cover and/monitor the 2007 general elections.

References:

AllAfrica/Global Media (allAfrica.com), Nigeria Reports

Gamji website: www.Gamji.com

Media Rights Agenda website, www.mediarightsagenda.org