



R2K NEWSLETTER

Quarterly Newsletter of the Right to Know Initiative (R2K), Nigeria

R2K INFO MONITOR



Wishing you a warm and joyous holiday season

R2K is a dynamic organization established to champion the right to access officially held information at all levels of government and public institutions.

R2K is registered in Nigeria under Part C of the Companies and Allied Matters Act 1990, and has observer status at the African Commission on Human and Peoples' Rights.

MISSION:

To promote open and democratic government in Nigeria through advocacy for public access to information, participation in governance and vocal partnership with diverse constituencies, grassroots, civil society groups and government institutions

VISION:

An enlightened society where citizens are alive to their responsibility to constitute government and hold it accountable and are aware of their right to access information held by government and participate in governance in an environment of openness.

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Right to know Nigeria

The Right To Know Initiative (R2K), Nigeria with support from the MacArthur Foundation in an effort at ensuring effective implementation of the Nigerian Freedom of Information Act FOIA, 2011 stepped up its efforts by further translating the FOI Act and other related Information Education Communication (ICE) materials into Pidgin English, Ijaw and Tiv languages to bridge this gap.

The FOI is a legislation that not only cuts across every segment of society; it makes provision for all irrespective of class, status, race or colour. Its implementation can only then be said to be successful when the man on the streets especially those in the rural communities properly understand and utilize the Act effectively as stakeholders in the FOI community. These translations bring to bear, Sections 3 (3) and (4) of the Freedom of Information Act that recognises that every person has the right to access information, regardless of any form of educational and literacy challenge and even physical challenge/disability.

Translating the FOI Act into Pidgin English, Ijaw and Tiv Languages ensures a wider coverage and reach and as such, it makes the Law accessible to all as the Pidgin



English is spoken in all 36 states of Nigeria including the Federal

capital Territory, Abuja. Ijaw is predominantly spoken in 6 states within the Niger-Delta region namely; Edo, Rivers, Delta, Akwa-Ibom, Bayelsa and Ondo. The Tiv language is spoken in 3 states within the Middle Belt region of the country namely; Benue, Taraba and Nassarawa states. Indigenous languages are a unique aspect of promoting grassroots involvement in any advocacy crusade as its utilisation helps to bridge the communication gap that exists between the urban, semi-urban and rural areas.

R2K having translated the FOI Act into the 3 major languages in Nigeria (Ibo, Yoruba and Hausa), the Pidgin English and now with the Tiv and Ijaw languages clearly demonstrates that, the FOI law is not elitist, not targeted at a specific profession and thus places the Law in the hands of all Nigerians, bearing in mind the fact that Your right to know is your right to life.



(click here to view copies of these translations; <http://r2knigeria.org/index.php/downloads/publications>)

...Promoting the right of Access to Information in Nigeria

R2K TRAINS PUBLIC INSTITUTIONS ON THE FOI ACT, 2011

The Consumer Protection Council (CPC)

R2K conducted a two-day training on the Freedom of Information Act 2011 for the Consumer Protection Council.



The training held in Abuja on 15-16 June 2013 and was supported by the MacArthur Foundation in collaboration with Open Society Justice Initiative. Participants were drawn from the middle cadre officers of the CPC on the first day, including zonal officers from the Council's 6 zonal offices, and the Council's liaison office. Senior cadre staffs of the CPC were trained on the second day. In total, over 100 members of staff of the CPC were trained.

The training started with outlining the principles and historical framework of the FOI Act, and proceeded to consider the duties and obligations of public institutions under the FOI Act and of the CPC specifically.

In addition, the training also drew out the commonalities between FOI implementation and the indispensable role the CPC plays in the protection of consumer rights, and in the elimination of the scourge of consumers' rights abuse.

This included highlighting the core nexus between the Act's proactive disclosure mandate and processing of FOI requests under the FOI Act, and the CPC's mandate under the Consumer Protection Council Act to provide speedy redress with respect to consumer complaints, and to ensure that both the public,

and businesses and service providers are kept abreast of their respective rights and obligations, regularly.

The training also exposed participants to the utility of Information and Communication Technology (ICT) and the various social media platforms for robust implementation of the FOI Act, and to enhance the productivity of the CPC.

As a result of the training, the CPC has made considerable strides in public information dissemination by providing more regularly updated and up-to-date information online. The CPC has also explored various means for public enlightenment and education, including market visits and a radio talk show. While these efforts are commendable, R2K hopes that this is only the first step by the CPC in its journey towards full compliance with its obligations under the FOI Act.



Nigeria Prison Service



A one-day capacity building workshop on the Freedom of Information Act 2011 for Senior Officers of the Nigeria Prison Service (NPS) was organized by the Right to Know Initiative (R2K), Nigeria with support from the MacArthur Foundation. The Workshop was held in Abuja on 29 November 2013.

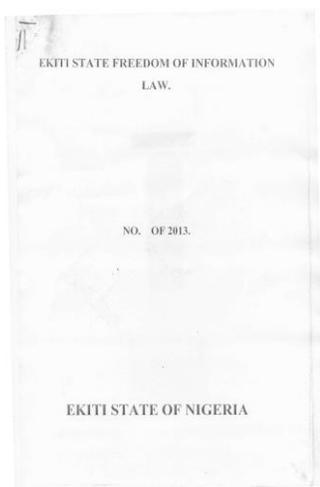
The objective of the training was to further promote and sensitize NPS officers on the rationale of the FOI Act, highlighting the Act's critical provisions and the institutional

obligations it creates. It also explored the implications of the FOI Act for the NPS including the overriding benefits of implementation, and cost of non-compliance.

During the training, the participants considered the application of the exemptions under the FOI Act, with respect to the particular mandate of the NPS. It was noted that the FOI Act gives adequate protections regarding security, law enforcement and investigations, among others. However, the application of the valid exemptions under the Act are not to be applied arbitrarily and in a blanket-manner, but must always be evaluated in context on a case-by-case basis.

The workshop had in attendance very high level officers of the Nigeria Prison Service, from the ranks of the Comptroller General to Comptroller, with other officers also present.





Engagement towards Amendment of Ekiti State FOI Law

R2K's advocacy in 2013 included working with the Ekiti State Government towards the crucial amendment of the Ekiti State Freedom of Information Law in collaboration with the Open Society Foundations.

The Ekiti State Freedom of Information Law was signed into law on 4 July 2011, following on the heels of the passage of the Freedom of Information Act on 28 May 2011.

While the passage of the Ekiti State FOI Law was seen as a welcome demonstration of the Ekiti State government's commitment to the principles of open government, the Law had some inconsistencies with the Federal legislation, and also had some inherent flaws that would otherwise hinder the State Law's implementation and enforcement.

Thus, R2K continued its engagement with the Ekiti State government towards the amendment of the law to correct its fundamental flaws, thereby strengthening the law. The engagement process had earlier commenced in collaboration with the Ekiti State Attorney General's Office and the Open

Society Justice Initiative with a preparation of a legal analysis of the Ekiti State law and proposed amendments thereof.

A subsequent mission to Ekiti State was made by R2K in June – July 2013 for engagement with the State Executive Council, including the Attorney General of Ekiti State – Mr. Wale Fapohunda; the Special Assistant to the Governor on Legislative Affairs and Allied Matters - Mr. Karounwi Oladapo, as well as other key stake holders in Ekiti State.

The mission proposed further courses of advocacy, including speedy passage of the amendments to the law; re- opened conversations with relevant offices and persons towards implementation of the law once passed; trainings on the law for civil servants, civil society and the media; and creation of general public awareness about the Ekiti State FOI Law, and its utility.

The stakeholders agreed in their recognition that the full and effective implementation of a well-drafted FOI legislation would aid in fostering good governance, open and participatory government in Ekiti state and Nigeria at large. Their affirmation of this was further demonstrated by the prompt passage of the amended Ekiti State Freedom of Information Law on 2nd July, 2013.

Ekiti State FOI Training For Legal and Information

Following the passage of the amended Ekiti state Freedom of Information law (ESFOIL) by the Ekiti state House of Assembly, an FOI Capacity Building Workshop was organised by R2K for Ekiti state Legal and Information officers on the amended Ekiti State Freedom of Information Law (ESFOIL). The training held on the 15th of August 2013 at the Delight Hotel and Suite, Ilawe Road, Ado-Ekiti, Ekiti State.

Participants at the workshop included the Ekiti State Commissioner of Information and Civic orientation, Mr Tayo Ekundayo, Permanent Secretary of the Ministry of Justice, Mr Dayo Apata, permanent Secretary of the Ministry of Information and Civic Orientation, Mr Kola Ajumobi, civil servants comprising of Information officers from the 19 Ministries in Ekiti state, legal officers, CSOs, CBOs and community participants and representatives of the media in Ekiti State.

The workshop focused on critical elements and provisions that would ensure the ESFOIL is fully implemented by all stakeholders. The training also addressed the inter-relationship between information and the realisation of fundamental human rights, noting that access to information is an essential tool for development as the ESFOIL is

Officers

one of the more progressive legislation by which the democratic institution in Ekiti can be strengthened in particular and Nigeria in general. The Workshop challenged the participants to provide a vehicle for driving the ESFOIL ambition and legal content of the ESFOIL.

The training also explored the utility of Information and Communication Technology (ICT) for robust implementation of the ESFOIL, to enhance compliance on the ESFOIL from public institutions as Ekiti state has a more robust and vibrant official website (www.ekitistate.gov.ng) when compared with other states in Nigeria. The workshop exposed the use of Information Technology as a tool to demand accountability from the government in Ekiti by members of the public thereby enhancing better participation of the governed in government.

Resource persons who attended and addressed the Workshop included: Maxwell Kadiri Legal officer, Open Society Justice Initiative (Africa Programme) and Diego Okenyodo Communications Officer, United Nations Office On Drugs and Crimes (UNODC). The workshop was held in collaboration with the Ministry of Justice with support from the Open Society Foundatons.

The training was the first of its kind since the amendment of the law in the state.



National Conference on the Freedom Information Act, 2011; The Journey So Far

R2K with support from the Open Society Initiative for West Africa (OSIWA) organized a two day national conference with the theme; "Nigeria's Freedom of Information Act Two Years After; Challenges and Prospects", aimed at evaluating the status of compliance and implementation of the Act by public and government institutions.

The National Conference held on the 30 – 31 of August, 2013 at the New Chelsea Hotel, Abuja with over 250 participants in attendance. Notable participants in attendance at the conference include; Hon Matthew Omegara Chairman House of Representative Committee on Reform of Government Institutions (FOI Committee), Mr Mohammed Bello Adoke Attorney General/Minister of Justice and Alhaji Bukar Goni Aji Head of the Civil Service of the Federation who were both ably represented. Other participants include; Dr Mairo Mandara Chairperson Right To Know Initiative and Toyosi Akerele a member board of trustees, R2k. Participants were drawn from various CSOs, members of both the press and academia, government ministries, departments and agencies, security agencies, military and para-military and the general public.

The Chair, Governing Council of the National Human Rights Commission, Prof Chidi Odinkalu, delivered the keynote address. Prof. Odinkalu stated in his address that the theme of the conference was an important one as it was a little over two years since the FoI Act was enacted at the end of May 2011. The idea of taking stock of what has happened since then was both basic and necessary.

He noted the passage of the FoIA in Nigeria was widely welcomed within and beyond Nigeria though implementation of the Act was always going to be challenging, stating that the Act enables everyone to avoid the assurance of mutual destruction that will ensue if electoral politics is played in such atmosphere. To get the full benefit of the Act he

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advised, work on its implementation must continue at all levels of civic, legislative, judicial, executive and the public administration as well as the private sector. The public-civic partnership between the office of the Attorney-General of the Federation who is responsible for its implementation within the Executive branch and civil society experts on the Act deserves to be enhanced and enriched he concluded.

The first presentation by Maxwell Kadiri legal Officer, Open Society Justice Initiative was titled "Implementing Nigeria's Freedom of Information; The Journey So Far". He enlightened and educated participants on the general overview of the Freedom of Information Act in Nigeria and gave a step by step analysis of the FoI process, examining the challenges, implementation status and implementation initiatives undertaken by both the executive and legislative arm of government as well as CSOs.

In the second session, Barrister Adetokunbo Mumuni, the Executive Director of Socio-Economic Right and Accountability Project (SERAP) spoke on the Session: "Experience of Public Institutions/Citizens on Utilising the FOI". He ruled the lack of urgency on the side of the MDAs and public officials in compliance with the FOI. In addition he advocated for adequate information of the FOIA to the general public.



Mr Ahmed Isah the founder of Brekete family Radio, a reality radio programme specifically designed to champion socio-economic rights of Nigerians; a participant at the conference contributed to this session and said that Nigeria lacks good leadership. He noted that, the disclosure of information is one way to bring about change and good leadership the country thereby making the FOIA important. Ms. Seember Nyaga, Procurement Program Coordinator, Public and Private Development Centre (PPDC), in sharing her organisation's FOI experience, she spoke extensively on the PPDC versus PHCN FOI litigation case in which the court ruled in favour of the PPDC.

Mrs Justina Suwa Head FOI Unit of the Ministry of Justice called for proper interpretation of the Act in the areas of conflict and that the Nigeria Bar Association should also put up a unit for the Act. She called on the CSOs to help in training some public officials and called on the 36 States of the federation to also participate in using of the law. She further called for synergy between the government and the private sector and to encourage the public to imbibe the culture of reading.

Mrs. Oti Ovwah, Director of Human Rights Institute, National Human Rights Commission in her paper titled, "The Role of Government Administrative Mechanism in Compliance In Public Institutions with the FOI Act" in her presentation underscored the importance of the human rights institutions around the world. She said the National Human Rights Commission has obligation to oversee the compliance of the FOI Act, and that in doing so the Commission must first and foremost comply with the FOI Act. She stressed that the National Human Rights Commission and the Public Complaints Commission have the right to investigate matters of non-compliance with the FOI Act and gave recommendations to the appropriate authorities. She further argued that it is the duty of the Commission to also protect, promote, and enforce judgments and complains that are brought before the Commission.

There were also other presentations on the second day of the conference by Kemi Okenyodo Executive Director CLEEN Foundation on "National Security and the Freedom of Information in Nigeria: The Quest for Open Governance". The presentation gave a brief expose on the term "National Security" as defined in different ways since the end of 2nd World War. According to her the FOI Act is a law that calls for harmony between the citizens and the government and encouraged the citizens to also take advantage of it. Lack of information, she pointed out, can lead to confusion in the nation.

Cynthia Mbamalu, the Program and Research Manager, Youth Initiative Advocacy, Growth and Advancement (YIAGA) in her paper titled: "Citizen and Their Government: A Convergence Point on the FOIA", emphasised the importance of the FOIA. She said the FOIA was created to checkmate the activities of both the civil and public servants and that the key to democratic society is credible elections that the citizens have the right to vote and know what their leaders are doing.

Other resource persons include; Chinedu Nwagu Senior Program Manager CLEEN Foundation, Barr. Bamidele Aturu and CSP Frank Mba, Force PRO.

The last session of the conference "The Way Forward on Implementing and Ensuring Compliance under the FOI Act" was facilitated by Mr Odoh Diego Okenyodo, Communications Officer of the United Nations Office on Drugs and Crime. He presented a schematic diagram of the supply and demand sides of governance and the interplay between demand and supply for there to be a balance.

Contributions to this session were passionate and torrential. Every participant in the Conference made a commitment to reach out to civil groups, such as faith- and community-based organisations to spread messages about the FOIA in conjunction with NGOs.

