

Communiqué of a two-day Zonal Sensitization workshop for Civil Society Organisations (CSOs) in South Western Nigeria on the Popularisation and Implementation of the Freedom of Information Act (FOIA), held on March 12 & 13, 2013, at the Sunview Hotel in Akure, Ondo State.

Preamble

The sensitization workshop was organized by the Democratic Governance for Development (DGD-11) Project and its international partners - the EC, DFID, CIDA and UNDP in collaboration with Upline Resources Foundation (URF).

The objective of the workshop was to sensitize CSOs and the media on the provisions of the FOI Act, its utility and how to optimise its effective implementation in the states and local government councils in the South west region of Nigeria.

The workshop was attended by representatives of CSOs and journalists in the region. The keynote address was delivered by Hon. Justice (rtd) Dare Aguda while there were lead presentations on, 'The National, Continental and Global Context of FOI Development'; 'The Public's Right to Know (R2K) versus the Obligations of Public Officials under the FOIA'; 'Monitoring the use of Scarce Public Resources and Promoting Transparent and Accountable Governance in Nigeria through the FOIA' and 'The Role of Civil Society in promoting Transparency and Accountability in Nigeria using the FOIA'.

There were also plenary and group discussions on 'Advocacy for State Level Compliance with FOI in Nigeria'; 'Advocacy for States to Adopt FOIA'; 'Lessons from other Lands on the Implementation of FOIA' and 'Making FOI work in South-West Nigeria – the Role of Civil Society'.

Observations

Following exhaustive discussions of the keynote address and the lead presentations, the participants observed that:

1. The right of access to information is intricately connected with the right to life and is therefore crucial to the enjoyment of other rights.
2. Apart from Ekiti state, no other state in the Southwest has enacted a State level FOI Law. However, the Ekiti State FoI Law should be improved upon before actual implementation commences. Notwithstanding this and the possible enactment of FoI law by other states, the implementation of the FoI Act, 2011 should not be hindered in any of the states in the region.
3. There is relatively low level of awareness of the FOIA among members of the public in the region.
4. Many public institutions and officials are yet to fulfil their obligation under Section 13 of the FOI Act, requiring them to build the capacity of their workforce to ensure compliance with the provisions of the Act.
5. The free flow of essential public information as stipulated by the FoI Act is being hampered by the lack of official websites by some public institutions and lack of regular update of information by those who have.
6. Most private organisations including CSOs utilizing public funds, performing public functions or providing public services, erroneously believe that they are exempted from the ambit of the application of the FOIA.
7. There is skepticism among some CSOs about the safety and security of whistleblowers.
8. Although, the FOI Act contains Eight issued based exemptions, the provision of the Act which requires that decisions on such exempted information should be based on public interest is most welcome.

Resolutions

The workshop also resolved as follows:

1. That the non-passage of the FOI bill at the state level is not an excuse to hinder the implementation and compliance with the provisions of the FoI Act, 2011 in the region. Members of the public should therefore not entertain any fear in relying on the provisions of the FOI Act to seek information from the authorities at the state and local government councils.
2. That the CSOs should equip themselves with the requisite skills and embark on relevant activities to increase the level of awareness on the FOI Act among members of the public including those at the grassroots.

3. That the CSOs should engage with and lobby the law-makers in their respective states in drafting and passing acceptable state FOI laws in the Southwest region.
4. That the CSOs should encourage public institutions and private organisations to always update their websites to allow for greater access to information on their activities.
5. That the CSOs should take it as their social responsibility to create awareness on the implementation of the FOI Act in line with their mandate to promote transparency and accountability at all levels of governance in the country.
6. That Governments at all levels should demonstrate the requisite political will to fight corruption with the seriousness it deserves, by bringing to book anyone no matter his/her status found culpable in sleaze; the FOI Act is a good tool to fight corruption.
7. That the three tiers of government in the country should ensure that all institutions to which the FOI legislation applies, comply with the provisions of the law in order to promote the culture of transparent and accountable governance in Nigeria.
8. That CSOs should make FOIA requests on the annual budget, programmes and projects in their respective states a priority.
9. That the CSOs, as a matter of urgency, should start popularising the FOI Act in their respective states and at the grassroots level.
10. That the CSOs should focus on advocacy in their respective states to ensure that Ministries, Departments and Agencies (MDAs) of Government, are proactive in the disclosure of information in compliance with the provisions of Section 2(3) of the FOI Act.
11. That the CSOs should as a matter of priority establish a broad based partnership with the media, professional bodies, trade unions, security agencies, civil service unions, state houses of assembly, the office of the head of service, the judiciary as well as the Executive arm of government in their respective states to ensure effective compliance and implementation of the FOI Act.
12. CSOs should seek legal assistance from- institutions and bodies like the NBA, Legal Aid Council, National Human Rights Commission, Public Complaints Commission, and Office of the Public Defender in the various States etc to ensure that indigent individuals who might want to litigate in cases of non-compliance by public officials with the provisions of the FOI Act are assisted.

13. That in view of the challenges associated with FOI implementation, development partners, donors and foundations should support CSOs that are monitoring the implementation of the FOI Act in their respective states.

Appreciation

The participants appreciated the support provided by the UNDP's Democratic Governance for Development (DGD-II) and its international partners, the EC, DFID, CIDA to Upline Resources Foundation, Akure, which contributed to the success of the workshop.

Signed on behalf of the participating Southwest CSOs:

1. Prof. Albert Ilemobade, Upline Resources Foundation
2. Tola Winjobi – Campaign2015+ International
3. Folorunsho Moshood – EDUCARE Trust Nigeria
4. Ayo Adebuseye – Nigeria Network of NGOs (NNNGO)
5. Motunrayo Alaka – Wole Soyinka Centre for Investigative Journalism
6. Margaret Adedeji – Better Living Foundation
7. Franklin Oloniju – Life and Peace Development Organization