

RAO CONVENTION 2006

Towards Strengthening State - Civil Society Relations

Right to Information Bill Implications for State - Civil Society Relations

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As many of you may be aware, there is a global movement towards the adoption of Freedom of Information (FOI) laws and this movement has obviously made significant inroads in Africa. The African Commission on Human and Peoples Rights has laid a strong basis for FOI laws on the continent and set the standards for member states of the AU by the adoption of the Declaration of Principles on Freedom of Expression in October 2002. This Declaration affirms that "public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information".

The right of access to information has also been reinforced by the Statutes of ECOWAS specifically in Article 1 (h) of the Protocol on Democracy and Good Governance.

At the international level there is also the UN Convention against Corruption which came into force on 14th December 2005. It has been ratified by 14 states as at June 2006. Now the adoption of this international Convention was preceded by the adoption of regional Conventions by OAS, AU and others. The AU Convention on Preventing and Combating Corruption for example entered into force on 6th March, 2006.

I have made reference to these laws because they require State Parties to adopt measures that guarantee access to information and therefore they are useful instruments for making government bodies accountable. They also promote social and human rights.

At least four countries in East and Southern Africa have adopted FOI laws of varying strengths and credibility. Some can be commended for their progressive provisions. For example, South Africa's extension of the RTI to private bodies is ground breaking. However, others have serious shortcomings.

Countries in the West African region have not made much progress. Some Anglophone countries in the region are in various stages in the process of enacting FOI laws, but the issue is at best, only a topical subject in the Francophone countries.

In all the countries in the region where there are initiatives towards the adoption of FOI laws, the move is being led and driven by civil society organisations and

coalitions, and they are doing this with a great deal of enthusiasm and interest, and doing all that it takes to ensure that they remain in the forefront of the advocacy for FOI laws in their countries.

Nigeria: Refer to power point notes.

Ghana: Refer to Open letter to the President.

Implications for State-Civil Society Relations

FOI legislation is based on two key concepts: the right and the ability of the public to request for information and the duty of the government to provide information both proactively and on request. Freedom of Information underpins all other human rights and is essential for good governance, democracy, social stability, security and economic development. It is a fundamental universal right (just like the right to speak), and there should be no justification for exercising this right.

Democracy thrives on the active participation of civil society and mass participation. Civil society organisations need to be active and they require information to better develop their strategies and work effectively

With an FOI law the relations between state and civil society will be less suspicious. And when there is the need to confront government and authorities, it must be done on the basis of accurate, factual and up-to-date information.

Civil society can take legitimate actions if their basis for protest is backed with accurate information. We should be able to mobilise people to protest or even go to court for litigation. But all of this can be done with the right and necessary information.

Many of us are working in areas that involve monitoring, doing research, conducting surveys etc. We need to have different kinds of information to use as benchmarks for the work that we do.

Then when we engage government we do so from a positive position and government also can be comfortable that nothing is being done on the basis of mere speculation or rumour or hearsay.