

Accessing government information in Africa through the Right to Know: the role of the library

Oludayo J. Bamgbose

Ajayi Crowther University, Oyo, Nigeria

Imaobong A. Etim

University of Uyo, Uyo, Nigeria



Copyright © 2015 by Oludayo John Bamgbose & Imaobong Aniefiok Etim. This work is made available under the terms of the Creative Commons Attribution 3.0 Unported

License: <http://creativecommons.org/licenses/by/3.0/>

Abstract

From the provisions of African Charter, Resolution 167 XLVI of the 48th Ordinary Session of the African Union and most recently, Lyon Declaration of about 512 signatories, Africa has demonstrated its resolve to avail public information accessible to its citizens, being the bed rock of accountability, good governance and transparency in governance. Hitherto, public information were shrouded in official secrecy and impenetrable bureaucratic difficulties that denied access to public records. Besides the Model Law on Access to Information in Africa, one quarter of countries in Africa have enacted the law to guarantee easy access to public information not in the prohibition list. This study employed the use of content analysis of the African Model Law, various national laws as well as various judicial authorities on the provisions of the law on freedom of access to government information. The study revealed unprecedented opportunity of access to public information including legal information and legislative data. Also, despite a handful of judicial decisions validating the obligation on the part of the government to make disclosure in this regard, regrettably, the law has not been fully utilized by Africans. This study further underscored the role of the library in the post 2015 SDG era to transcend mere provision of information to its information seekers. Rather, the library's mandates include, empowering its patrons to be able to access public information including legislative data even beyond the walls of the library. Libraries could therefore organise outreaches, exhibition and public awareness activities. Interpretation and repackaging of the law in easy to read expression will also be essential. Mobile Apps and other IT compliant models in line with the Lyon declaration can all be championed by librarians while the library itself as a corporate organisation can seek information request which would be useful for its clients.

Keywords: Government, Right to know, Library, Africa, Information repackaging.

INTRODUCTION

Information is the stimulus of all the thoughts and actions of living creatures. No doubt, it is a prerequisite for the functioning of the modern society because success in every area of human endeavour is premised on its intelligent use (Omotayo, 2015). Since information is a basic raw material in any decision making process, all citizens must therefore seek for and utilize the right information to enable them make informed decisions in every facet of their lives. Commenting on the impact of access to information in the life of persons, Sobalaje and Ogunmodede (2015) opined that the ability of the people to participate in economic, political, and cultural life depends more on their ability to access and use academic libraries as sources of information services.

Regarding politics and governance, access to detailed and accurate data and information on the activities of government will be beneficial to citizens by making them contribute meaningfully to the debate on appropriate strategies for socio-economic planning, growth and development (Omotayo, 2015). This invariably transforms the society from an information economy to an information democracy (Doctor 1992). With this transformation of the society, the citizens will be empowered to become key stakeholders in the governance and administrative structures of the society. Therefore government of many nations on realizing this fact, should establish more public libraries to serve as a repository of information where everyone can approach and satisfy their information needs.

FREEDOM OF INFORMATION (FOI) LAW AND THE LIBRARY

The Freedom of Information (FOI) Law, also referred to as “Right to Know” or “Right to Access”, could be referred to as a piece of legislation that provides for access to public information or records by all categories of persons such that when the release of such information is unnecessarily withheld, the applicant can make recourse to litigation. The Freedom of Information Law guarantees access to government information for everyone including libraries and its users (Bullen, 2008). Being a cornerstone of good governance, access to information is a very essential law and an anti-corruption tool. Almost 100 countries, including 10 in Africa, have national laws or decrees that recognize the public’s right to access information or records from government (CRDI).

Access to information Law is a departure from the norms in the public sector, limiting the release of information to persons who request for the information. The law provides that public institutions shall proactively disclose information without it being requested for and where such information has not been published, it shall upon request be released except it could otherwise be proved that the information is in the prohibition list. Access to information also provides for the protection of whistle blowers would have released or caused information to be released in good faith, even without seeking the approval of the appropriate spokesperson for the release of information in that public ministry.

Comparatively, the progress of the making of the FOI legislation in Africa was slower in relation to other continents of the world. Prior to 2011, the number of countries with FOI legislation on the continent stood at five, representing just 9% of the continent; this number has increased to 13, representing 24% of all countries in Africa. Currently, South Africa, Angola, Zimbabwe, Uganda, Sierra Leone, Côte D'Ivoire, Nigeria, Niger, Ethiopia, Rwanda, Tunisia, Guinea and Liberia have all adopted FOI laws (Karen, 2015) while many other nations are in the process of making their own laws.

The African Union during its 48th Ordinary Session held from 10 to 24 November 2010, by Resolution 167 (XLVII) commenced the processes that gave birth to the drafting of a Model Access to Information Legislation for Africa coordinated by the Centre for Human Rights, University of Pretoria (Preamble to the Model Law). The law which is a model law for African nations sought to harmonize existing laws, which although in bits, provided for access to information. It was also to serve as a blueprint for the rest of Africa yet to pass the FOI bill into law. There are however certain laws which may not be released to applicants due to its sensitive nature. Such information include information that can undermine a nations security, information relating to on-going investigation, information provided in the course of professional-client relationship like (Medical Doctor- Patient relationship, Lawyer-client relationship), and under the Nigerian Freedom of Information Act, the records of library users. It must however be borne in mind that FOI Law is an important piece of legislation for libraries and librarians in particular since the purpose of the library itself is to make information available to the public at large (Bullen, 2008).

Underscoring the importance of access to information, IFLA as the foremost world body of librarians across the globe gave its support to access to information as key towards achieving sustainable development goals through its Lyon Declaration of August, 2014. The legal document at present has 515 signatories representing several organizations from different walks of life. The Declaration recognizes that having access to information will help citizens to:

1. exercise their civil, political, economic, social and cultural rights.
2. be economically active, productive and innovative.
3. learn and apply new skills.
4. enrich cultural identity and expression.
5. take part in decision-making and participate in an active and engaged civil society.
6. create community-based solutions to development challenges.
7. ensure accountability, transparency, good governance, participation and empowerment.
8. measure progress on public and private commitments on sustainable development (IFLA, 2015).

It suffice to state unequivocally that people cannot obviously play their full part in society without access to information, neither can they exercise their rights and claim their entitlements without information, nor can they participate fully in democratic processes in the modern society (Omotayo, 2015).

WHAT LIBRARIES CAN DO?

As posited by Osundina (1973), the role of modern library transcends mere storage and preservation of documents. Therefore any library that seeks to be relevant in this era must think of the box by devising strategies to meet the varying needs of the users.

The on-going efforts towards increasing global campaign on access to information hinged on the use of FOI Law by IFLA is an eye-opener of the pivotal roles that libraries and other information centres can play towards the realization of the goals of the FOI law.

Some of roles librarians can play towards making the role fully utilized by Africans include:

1. Awareness Creation

Central to the success of the FOI Laws in Africa is its ability to increase awareness on the law by projecting particularly the applicability of the law, its usage, benefits and limitations. In achieving this, the scope of the awareness campaign of the library can be restricted to its clientele or the generality of the people within a targeted population via the following programmes:

a. User Education on FOI Laws

Libraries can embark on enlightenment campaigns for its users. This can be in many formats depending on the budget of the library. The awareness could range in the different areas where information request can be useful. It could be in the area of Legislation, budget implementation and other areas of governance as it affects the citizens.

b. Exhibitions

There could be exhibitions within and outside the library premises specially dedicated towards the FOI Law. Such exhibitions could give background information on the law and its applicability. It can further go as far as displaying decisions of court mandating full disclosure of information given by court. Library displays made with the use of paints and graphics, placed at strategic positions in and around the library could be a useful model intended to make the images stick to the minds of the people.

c. Outreaches

This is basically reaching the “not reachable” or those who ordinarily might not have been reached

due to certain limitations. This is usually the case for those living outside urban areas in Africa. The reality being that larger percentages of its people live in these “not reachable” areas and ordinarily would be excluded except affirmative actions are taken to address this problem. This effort would entail advancing beyond the urban cities into the hinterland and rural settlements where these perceived “not reachable” persons are. Ironically, these are people who have more questions to ask regarding why development has not gotten to them but are unable to do so due to certain limitations.

2. Repackaging Information

a. Although, a number of the FOI Laws in Africa are not too technical to understand, it can still be more helpful if the languages can be explained more readable and friendlier versions, particularly for those without advanced education. This will eliminate the use of grandeur expressions in the FOI laws. Law librarians in particular, being very familiar with the technicalities of the language of the law, can be of help in simplifying the language of the law into easily readable formats which could help a layman easily digest. This is essential because a law which the people cannot understand is of no use and would not achieve its intention.

b. There is still a high percentage of Africans who cannot communicate in the language officially adopted as the lingua franca. In Nigeria alone, there are 250 different linguistic groups, though with three dominant languages. These persons who are only lettered in indigenous languages would obviously have been excluded if there was no arrangement to translate the law in readable formats. While it may be difficult to translate the law into all the languages in Africa, the library can help translate the laws into various major languages so that those who cannot speak either English or French could be able to find this in their respective languages.

c. For the interest of persons living with disabilities, having the FOI Law in formats that are accessible to them is necessary if the law is to achieve the desired result. The law can be repackaged in formats like sounds, Braille etc for the purpose of this category of users. In many countries in Africa, reproduction of information in certain formats by way of fair use is permitted. It is the humble view of varied authors that publicly enacted laws repackaged not for the purpose of profit making but to increase access of persons living with disabilities can be situated in the web for fair-use.

3. Interventionist Role

a. Enlightenment of Public Officials

Many public officials are yet to fully recover from the stereotyped attitude of restricting access to public information. This is understandable. Ordinarily, people find it difficult to adjust to changes. Also, every public office holder is concerned with what is done with the information released by him. Hence the reason for operating in an environment of secrecy. The political class can be better oriented because access to information can actually be a better tool for projecting their activities to their citizens.

b. Training of Information Officers

Many FOI Laws in Africa provide for the designation of information officers in all government Ministries, Departments, Agencies (MDAs) and Parastatals with a view to meeting the information requests from the generality of the public. Interestingly, the roles of the information officer is usually multifaceted and demanding that anyone who is saddled with such responsibilities should be properly trained. Librarians as trained information professionals, whose duties include disclosure of information are in a better position to educate and train the information officers. Librarians can also provide on the job training for the information officers.

c. Engage in Referral Service

Some times, information requests are wrongly addressed to persons/ institutions that are not in the position to attend to such requests. Although a number of laws provide that even where an information has been wrongly addressed to a wrong recipient, the recipient of such information could redirect it to the intended recipient of such query, but in reality, this is not always the case. There are a number of reported cases across Africa where information requests have been denied this technical ground.

Also, a request may be poorly couched that it is incomprehensible to understand what the applicant actually requests. These two factors may technically delay the prompt release of information requested. To this end, librarians can provide referral services as to where requests should be sent to so as to avoid delay in the release of such information. Librarians can also provide direction as to support groups which can help those whose information requests have been denied. The library as a reference point is a position to refer and direct its users on how to meaningfully utilize the laws.

d. Making of Specific Demands

The hallmark of the FOI Law is that information can be sought using the law from institutions that ordinarily may not want to release such information. In order to realize this noble objective, Libraries can provide huge support to persons who desire to have information but without the ability to make such request. This can be achieved by the Library making specific information demands on behalf of its clientele.

It must be borne in mind that most FOI Laws do not have restrictions as to those who can seek information. While any individual can make information demand, organizations can make same also without having to show special interest or the reason for making such request. On its own as well, libraries can make specific information which the library anticipates may be of use or importance to its client. Where users of the library have guarantee to their information needs, it increases the faith and trust of the people in the library.

e. Deployment of ICT

The use of ICT provides a platform to all-inclusive access to the scheme of things. Libraries worldwide in the realization of this have in the last two decades undergone significant metamorphosis – from a purely traditional modeled manual service delivery system to a more dynamic technologically driven system (Ogunsola, 2008) thereby bringing to the modern society a wave of change in the way people live and interact (Omotayo, 2015). Also, with 65% of its total population below the age of 35 years and over 35% between the ages of 15 and 35 years (African Youth, 2015), the library can leverage of this high percentage of technology-driven youths to develop mobile applications, programmes and interactive online platforms where youths can connect and share ideas that will promote and widen access to information in Africa. These platforms can also serve as avenue to download the laws, instructional materials, Information Communication and Education (IEC) materials and video tutorials. The platform can also be an avenue to share ideas and experiences.

4. Formation of Networks

Successful implementation of the FOI Law requires partnerships and networks with well meaning individuals and organizations. These persons can provide support for the applicants who may be denied request for information made to public institutions. Some identified stakeholders in the formation of such networks include Lawyers, Media Practitioners, Non Governmental Organizations (NGOs), Community Based Organizations, Faith Based Organizations, Pressure Groups and Trade Unions.

CONCLUSION

The library's role in making information in the twenty first century accessible will be more meaningful if its users are empowered to be able to access information using the Freedom of Information Law. It is recommended that librarians should form formidable allies with government in the drafting of the FOI Laws with a view to building their capacities on the provisions of the FOI Laws in their respective African nations. It is after they have built their capacities that they can now help their users.

REFERENCES

- African Youth (2015) A Youthful Continent! Africa's Position on Youth, AFRICAN YOUTH Retrieved April 20, 2015 and available at <http://www.africa-youth.org/>
- Bullen, K.A.(2008). Freedom of Information Act and Libraries, B. SIDES. Retrieved April 10, 2015 and available at <http://ir.uiowa.edu/cgi/viewcontent.cgi?article=1019&context=bsides>
- Doctor, R. D.(1992). Social Equity and Information Technologies: Moving Toward Information Democracy. In M. Williams (ed.) *Annual Review of Information Science and Technology*, 26 (4): 43-96.

Karen M. (2015). FACTSHEET: Freedom of information in Africa. Retrieved April 15, 2015 and available at <http://africacheck.org/factsheets/factsheet-freedom-of-information-laws-on-the-african-continent/> .A Model Access to Information Legislation for Africa coordinated by the Centre for Human Rights, University of Pretoria.

Lyon Declaration by IFLA (2014).

Omotayo, F.O (2015). The Nigerian Freedom of Information Law: Progress, Implementation Challenges and Prospects.*Library Philosophy and Practice*,1-6.

Sobalaje A.J.& Ogunmodede T.A.(2015). Roles of Academic Library in the National and Economic Development of Nigeria. *Greener Journal of Social Sciences*, Vol. 5(2) : 036- 041

Ogunsola L. A.(2008). The Role of Library Facilities I the Public Policy Making in Nigeria, *Ozean Journal of Social Science*. Vol. 1 (1).

Osundina, O. (1973). The Relationship between Information Science and Librarianship: A Viewpoint *Nigerian Libraries*. Vol.9, 1&2 : 47.

Access to information gains ground in Africa, CRDI. Retrieved April 8 and available at <http://www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=1079>