

**AFRICAN REGIONAL CONFERENCE ON
THE RIGHT OF ACCESS TO INFORMATION
February 7-9, 2010
Accra, Ghana**

COUNTRY WORKING GROUP PLAN

ANGOLA

The Angolan delegate joined the Mozambicans, given that the countries share a similar history and political problems. In Angola there is political will as there is a public decree for access to administrative documents, but there is no provision for implementation and the constitution does not endorse the right.

- There was a new constitution passed in Angola last week, and it needs to be reviewed to understand whether there right to information has been included in the document.
- Start public debate on the right to information.
- Evaluate the existing law on access to administrative documents.
- Build greater capacity among public servants responsible for implementing and providing information.

DEMOCRATIC REPUBLIC OF CONGO

The DRC's constitution has a broad right to information but no specific law. There is a certain political will on the part of the government toward transparency, and it has subscribed to the EITI. Even without a law, efforts from civil society are being supported by government. There was a recent national seminar in the Katanga province hosted by AMICUS with representatives of civil society, government and the private sector, and a draft bill was prepared. The group would like to do the following:

- Convene a multi-stakeholder group to push for the bill's adoption and convince parliamentarians of the importance of the law.
- Undertake extensive sensitization activity with lawyers, judges, and others beforehand in order for people to take ownership of the bill.
- Continue exchanging experiences with other conference participants, especially representatives of Mali and South Africa.
- Send the draft law by e-mail to other organizations present at the conference.

ETHIOPIA

The group looked through the text of the conference document and was in accordance with it. They recognized the need for strengthening the existing access to information legislation in Ethiopia and decided upon these action items:

- Summon stakeholders through a forum to create a concerted effort to evaluate the legislative framework related to access to information;
- Work as a group to consider the government-initiated law, specifically the impediments to implementation such as lack of capacity, and records keeping and technology challenges.
- Raise awareness on the value of access to information

GHANA

The delegation agreed that the draft conference document resonates well in the Ghanaian context. They agreed upon the following:

Government should:

- Adopt a cross-sectoral, pro-active disclosure approach and integrate areas like public health into this process.
- Support the legislation toward its passage.
- Make available opposition papers on the bill.
- Once the law is passed, establish independent sources of funding for implementation.

Civil society will:

- Disseminate the Accra Declaration widely;
- Strengthen public awareness;
- Expand the support base to include churches and community groups, and
- Engage the media.

KENYA

The situation in Kenya is troubling because there has been push-back against access to information. The fact that no Kenyan government representatives attended is disconcerting. The group agreed on the below points:

Civil society will:

- Request the Carter Center to sponsor a meeting in East Africa to work on sub regional norm building.
- Invite the Special Rapporteur for Freedom of Expression and Access to Information in Africa to push the issue in Kenya.
- Examine regional mechanisms and look at World Bank disclosure policies.
- Sensitize government, especially with regard to post election reconstruction.
- Engage directly to achieve a constitutional right to information so that a law may follow. There is a review process occurring in June.

- ICJ-Kenya, which sits on the African Union Assembly, will initiate discussions that bring together parties and link FOI to financial reform.

LIBERIA

As Liberia emerges from 40 years of conflict, it has pursued the sectoral approach and passed the LEITI bill. There are additional steps toward transparency being taken in the logging sector, by the General Auditing Committee, and people are being prosecuted for corruption. President Sirleaf has demonstrated political will by signing an order to protect whistleblowers. Civil society also has presented an FOI bill. Hon. Hodges' chamber in the House of Representatives was about to pass the bill, but decided to wait for suggestions from other organizations such as the Carter Center. The group determined that stakeholders in Liberia will:

- Ensure passage of the draft FOI bill. There is sufficient political will in the House, and Liberia will be the first country in West Africa to pass a bill.
- Disseminate information about the FOI project not as a media bill but as a bill that promotes economic development and that is important for all persons.

MALI

Unlike the comments that other French speaking delegates have made regarding Francophone Africa lagging behind, Mali has taken a number of initiatives and has made good progress in advancing access to information. There has been a law that related to access to information since 1998 and the voluntary disclosure strategy (SAISA) has been operational since 2006. The delegation decided upon the following:

- Government will generalize the strategy and support its expansion beyond the pilot agencies.
- An external evaluation to see how users experience the FOI system must be undertaken.
- The group will lead efforts to raise awareness around the Atlanta Declaration and the African Regional Findings and Plan of Action.
- Journalists will publish the documents on different websites and make them public through the press.
- All actors will increase and improve engagement with civil society.

MOZAMBIQUE

The group looked at the issues in the short and long term as well as at three levels: political will, institutional framework, and specific groups. The constitution provides for the right to information, and although a project was presented to Parliament in 2005 and publicly debated for four years, it never passed. The delegation agreed to the following:

- Bring the law into debate upon returning to Mozambique. The new parliament was just sworn in, and the process can be examined again to consider what has changed since 2005.
- Convene a range of stakeholders to review the law.
- There is a need to produce greater research on the legal standards and barriers to access to information.
- Civic education should be provided for public servants so that they learn to seek and proactively disclose information to the public.
- Booklets should be produced to supply basic skills about how to deal with information and topics such as what constitutes state secrets.
- Campaigns will be organized to educate communities about issues important to them.

NIGERIA

The group generally agreed with the content of the conference document. They agreed on five main action points:

- Complete an audit to assess federal and state legislation mandating information disclosure in different sectors to improve understanding of the existing state of affairs.
- Test the responsiveness of government bodies under existing law, although early cases show the response capacity of public institutions to be very weak.
- Tracking procedures and information sharing within institutions must be improved, as public officials' ability to keep records of meaningful information is very low.
- Increase awareness to stimulate demand for information covered by those laws.
- Define clearly national security in relation to restrictions and encourage the use of international standards to delimit what can be withheld.
- Recommend addressing and engaging the critical issue of access to information in the on-going development of a holistic National Strategy to combat corruption.

SENEGAL

The group agreed that an access to information law is essential because it is relevant to Senegal's economic and political problems. There are numerous initiatives promoting freedom of information from government, civil society and academia. At the government level there is a reform policy on communications and the press law, and civil society is drafting a bill on access to information. In Senegal, this issue is taken very seriously, especially as the Francophone world is lagging behind. The group's action points included:

- Clarify the distinction between freedom of the press and access to information within draft bills.

- Contextualize drafts to be consistent with existing laws related to information disclosure and the constitution.
- Continue working with the Ministries of Justice and Communication to speed up the law's adoption.
- Draw together all the issues and actors relevant to access to information for further discussions, especially within universities.
- Organize a team to work in French-speaking countries to contribute to regional efforts to document the work being done across the continent (such as is being done by the African Framework of Constitutional Law).

SIERRA LEONE

The group agreed that the conference action plan is very relevant to Sierra Leone's local context and provides a path for an FOI law and general access to information. The multi-stakeholder delegation decided on these items:

- The Ministry will work with civil society to review the existing draft FOI bill.
- The government has the political will and pledges to enact the freedom of information bill by the end of 2010.
- Parliament will conduct outreach to constituents and insure citizen participation in the process.
- The Government will continue and strengthen existing projects, including:
 - Proactive steps to disclose information to the public, including on finances.
 - Source funding to support the existing National Communication Strategy that creates dialogue between the Government and its citizens through town hall meetings and radio phone-in programmes.
 - Complete the process of transforming the State owned Sierra Leone Broadcasting service to a National Public Broadcaster called the Sierra Leone Broadcasting Corporation(SLBC)

SOUTH AFRICA

This year marks the 10th anniversary of the South African act, which applies to both public and private actors. Thus far, the challenges have been around the law's implementation and there is a need for review. Action items included:

- Parliament will undertake a review of the Promotion of Access to Information Act.
- Parliament will convene civil society and other actors on September 28th to coincide with Right to Know Day.
- The special rapporteur will host a meeting with different stakeholders to discuss implementation of the model law that her office is drafting.
- Group members will share the African Regional Findings and Plan of Action with all members of parliament in South Africa.

TANZANIA

In Tanzania, advocates are working on freedom of information and media access laws, although a previous draft FOI bill was not passed. The group suggested the following action points:

- Work toward a new, more progressive bill that is in line with article 18 of the constitution, Tanzania Policy, Commonwealth Principles and the Atlanta Declaration. This initiative to be led by the government and Media Council of Tanzania.
- Ask President Carter to contact the President of Tanzania to urge him to reflect these standards in the upcoming Bill.
- Non-state actors will support the government to enhance the public website, particularly www.mwananchi.go.tz and increase citizen-government interaction as well as publicize government reports. They will encourage MAELEZO to arrange for the President to launch the website and will undertake independent testing and analysis of the website responsiveness.
- Civil society and media organizations should lead by example and use an NGO code for accountability and transparency to make public financial and governance information.
- Both government and NGOs consider using new technologies to inform citizens more broadly (rather than just doing workshops and seminars that only reach a few). The government and these organizations will make more information available to the public through technology such as cell phones.

UGANDA

Uganda finds itself in a unique position because it already has a law and on-going initiatives to assure its effectiveness. Both Izama and Ken Kakuru are in court with litigation to advance the access to information law. The group made a number of recommendations:

- Model legislation is probably useful in standardizing what is happening at the sub regional level.
- Regarding the UNESCO press freedom conference, they would like to keep the venue open in hopes that Kampala would be considered as a location.
- The Minister agreed to expedite the completion of revisions to the access to information law, and the group intends to hold her to account.
- Civil society will raise awareness and undertake further reviews of legislation to ensure compatibility with the constitutional right.

ZAMBIA

An FOI bill is in consultation, and the World Bank is providing assistance by gathering input from civil society and the media. Following the consultative process, the bill will go to cabinet and then be tabled in Parliament, at which point the public will be invited to

make submissions before a parliamentary special committee. Action items for the group included:

- Government will raise awareness of the bill at different levels and make the document available to citizens.
- In the absence of an access to information law, the Government of Zambia will try to increase the categories of information to be made public for citizens, including budgets and expenditures.
- Government will encourage the bill to be considered by Cabinet and moved to Parliament in a timely manner.
- Civil society will :
 - Advocate for existing secrecy laws to be harmonized to limit exemptions in the draft bill.
 - Urge the national constitutional conference and the human rights committee to include the right to information in the new constitution.
 - Engage citizens directly through meetings and community gatherings so that the right is well understood as a developmental right and a leveraging right, recognizing that an absence of demand does not indicate an absence of need.

ZIMBABWE

The delegate from Zimbabwe joined the meeting with the Zambians. They agreed on the importance of the following items:

- CSOs and other players should sharpen and strengthen their strategies in advocating for the Repeal of AIPA, POSA and other laws that impede access to information
- CSOs engage in the ongoing Constitutional reforms to promote inclusion of access to information provisions and for it to be recognized as a fundamental right
- Need for actors in Zimbabwe to build a strong cross-sectoral National Coalition on Access to Information which caters for all sectors (health, environment and natural resources, media, religion, etc)
- Need to promote community awareness on international and regional best practices on access to information issues.