

## Access to information gains ground in Africa

IDRC Communications

Access to information is widely recognized as a cornerstone of good governance and an important 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.

An IDRC-supported initiative launched in 2011 is looking at access to information (ATI) in three African countries — Ghana, South Africa, and Uganda — through an environmental and natural resource lens. Natural resources drive the national and household economies of these and many other developing countries. Thus, promoting transparency in this sphere is considered key to assuring healthy, prosperous societies.

The “ATI in Africa” initiative is investigating to what extent citizens are gaining access to information through environment and natural resource laws and institutions. The [World Resources Institute](#) (WRI), based in Washington, D.C., is working on the two-year effort with three leading research organizations: the [Ghana Center for Democratic Development](#), the [Open Democracy Advice Centre](#) in South Africa, and [Greenwatch Uganda](#).

“Africa lags behind on a whole series of indicators associated with access to information,” says Peter Veit, a senior fellow at WRI who is managing the project. “But the good news is there is huge momentum for reform in Africa right now. There are probably more countries discussing, debating, and negotiating ATI bills in Africa than anywhere else in the world.”

### Recent progress

Policies and practices to implement the right of access to information began to emerge in Africa only in recent years. The three project countries are at different stages of this process. In 2000, South Africa became the first country on the continent to pass an ATI law. Uganda's Access to Information Act was enacted in 2005 but has not been fully implemented. After years of debate and a national consultation, a proposed freedom of information bill in Ghana has yet to be passed.

The right of access to information is enshrined in many countries' constitutions. Even in the absence of comprehensive national ATI legislation, citizens and advocacy groups in Africa have used constitutional provisions or environmental laws to access information.

Research teams in the three focus countries are reviewing court cases and ATI laws, policies, and practices in the energy and natural resource sectors. Which issues arise most often? Which requests for information are most likely to be rejected? For example, is information on high-value natural resources such as oil and minerals more likely to be considered confidential than information on forestry and the environment?

## **Learning lessons**

The teams are also incorporating evidence from Ethiopia, Liberia, Nigeria, and Zimbabwe, as they review the status of ATI laws there. Says Veit: “There’s a real need across the continent for assistance to be provided South-South and North-South on how to draft ATI laws as well as those governing the extraction and use of natural resources — and how to create institutions that can deliver the functions prescribed to them in those laws.”

The researchers are making and monitoring citizens’ ATI requests, and trying to determine the extent to which particular groups can access information. They asked three types of requesters to seek information from governments: a freelance journalist, a so-called “poor citizen,” and an NGO advocate. Preliminary results from Ghana indicate that refusal rates were high for all types of requesters, especially journalists, who had the highest refusal rate of 60%.

Carole Excell, a lawyer and senior associate at WRI, points to another potential hurdle applicants face. “With two exceptions, every African country’s law refers a citizen who makes a request and is refused, to ultimately go to the courts for relief. This has really restricted the ability of citizens and journalists to seek a remedy.” In most cases, she says, having recourse to an independent ombudsman or information commissioner rather than the courts would be simpler, faster, and less costly.

## **Change on the ground**

The researchers hope their findings will be useful to many other countries — and to the African Union as it develops a model ATI law for the whole continent. They also want to help ensure implementation of the declaration approved at the 2011 Pan African Conference on Access to Information. The African Platform on Access to Information encourages African countries to become more transparent and was developed specifically to recognize the context and needs of African countries.

The research partners will make their work freely available to other researchers and governments, to support the creation of robust ATI laws throughout Africa. They also hope to encourage better information storage and retrieval in the region by fostering stronger and clearer laws on document archiving.

“Change on the ground is most important,” Excell says. “Our African partners want research that leads to results in policies, practices, and legal reforms.”

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### **ATI in Africa**

South Africa: Promotion of Access to Information Act (2000)

Angola: Freedom of information Law (2002)

Zimbabwe: Access to Information and Protection of Privacy Act (2002)

Uganda: Access to Information Act (2005)

Ethiopia: Freedom of Information and Mass Media Law (2008)

Liberia: Freedom of Information Act (2010)

Guinea: Organic law on the right of access to Public Information (2010)

Nigeria: Freedom of Information Law (2011)

Tunisia: Decree on Access to the Administrative Documents of Public Authorities of Tunisia (2011)

Niger: Charter on Access to Public and Administrative Documents (2011)