

The status of Access to information laws in Africa and the experience with Uganda's Access to Information Act and Regulations 2011.

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Introduction

- The right to information is key to all other rights.
- It is among the most important instruments to effectively empower those to whom power should belong in democracy- the people.
- The United Nations has called it the “touchstone of all freedoms”.
- The importance of access to information has been increasingly recognized worldwide in the last 50 years or so.

Introduction

- Countries have gone ahead to enshrine this right in their constitutions.
- The first Right to Information law (RTI) was enacted in Sweden in 1766.
- The interest in RTI, took a leap forward from 1974, which from then saw several western democracies adopting Access to Information laws.
- By 1990, the number of countries with RTI/FOI laws had risen to 14.

Current status

- As of September 2012, at least 93 countries had nationwide laws establishing the right and procedures for the public to request and receive government held information.
- These include population giants of China, India, and Russia, most countries in Europe and Central Asia, more than half of the countries in Latin America, more than a dozen in Asia and the Pacific, ten countries in Africa, and three in the Middle East.

Access Information in Africa

- The development of ATI in Africa is a relatively recent phenomenon. The momentum for adoption of RTI laws is gradually building up.
- South Africa's Promotion of Access to Information Act (PAIA) 2000, was the first ATI law on the continent.
- Eight countries in Africa so far(Angola, Ethiopia, Guinea Conakry, Liberia, Nigeria, South Africa, Uganda, Zimbabwe) have access to information laws, and two have actionable ATI regulations (Niger and Tunisia).
- Other countries like Burundi, Egypt, Kenya, Botswana, Malawi, Ghana, Rwanda, Senegal, Mozambique, Sierra Leone, South Sudan, Tanzania and Zambia have bills pending adoption.

The Uganda Experience

- The 1995 constitution of Uganda guarantees the Right of access to information under article 41.
- The Access to Information Act (ATIA) was passed in 2005 to put effect to this article.
- It received Presidential assent on July 7th 2005. It became operational on April 20th 2006. The President's Office issued the commencement instrument on March 3rd 2006 notifying the commencement to all Government Ministries, Departments and Agencies.

Who does it apply to?

- The Act applies to all information and records of government Ministries, Local Governments, Statutory Corporations and bodies, Constitutional Commissions and other governments agencies unless specifically exempted.

What is its purpose?

- The Act is meant to promote an efficient, effective, transparent and accountable government.
- Promote transparency and accountability in all organs of the state by providing the public with timely, accessible and accurate information.
- Empower the public to effectively scrutinize and participate in government decisions that affects them.

Implementation Process

- The Act is currently in its sixth year of implementation.
- The Government of Uganda, under the Act, designated the Minister in charge of information to manage implementation activities. The Directorate of Information and National Guidance, in the Office of the Prime Minister is the lead agency spearheading this task under the supervision of the Minister of Information and National Guidance.

Processes undertaken

- Compilation and preparation of the draft bill that was eventually passed into a law began way back in 2004. This process was initiated through civil society lobby.
- Bill presented by Minister of Information-office of the President.
- Law was passed by Parliament in 2005, received Presidential assent on 7th July 2006.

Processes undertaken

- All Public bodies notified in a commencement instrument issued by President's office.
- A statutory instrument was developed i.e. the ATI Regulations as per section 47(i) of the ATIA.
- After a consultative process and cabinet approval, the regulations were gazetted in April 2011.
- All Ministries have appointed Information officers.

Processes

- Sensitization has been undertaken to various stakeholders. Gov't has benefited a lot from partnering with civil society organizations on this matter.
- Manuals according to section 7 of the Act have been complied by some public bodies while others are still in the process of doing so. Recently one ministry published its ATIA manual
- Networks established both local and international- India, south Africa
- Implementation programme drawn.

Challenges

- Political will- challenge of keeping political will strong.
- Utilization/ sensitization. There is need for massive public education to enlighten both those in power, the public bodies and the larger society.
- A deeply embedded secrecy culture.
- Institutional building/ record keeping
- Inconsistent laws
- Logistical challenges.

Challenges

- Processes for responding to requests under the ATIA law are considered by some officials to be cumbersome and stringent.
- Many of our citizens don't know how to read or write. For those who can read the reading culture still low.
- Citizens may not be fully aware of their right to information and where they are, may be reluctant to assert it because of prevailing circumstances. (cultural or social)

Factors to consider for effective implementation.

- Good application of all management processes involved.
- Good communication – right from top to bottom.
- Clear organizational structures and responsibilities.
- Well designed and monitored work plans
- Maintaining accountability thru compliance and monitored reporting.

Conclusion

- Access to information has the unquestionable effect of strengthening accountability .Knowledge is power and democracy depends on a knowledgeable citizenry whose access to a broad range of information enables them to participate fully in public life.
- Meaningful participation in democratic processes requires informed participants hence the need for increased access to information.
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