



**GOODWILL ADDRESS**

**BY**

**MR. MOHAMMED BELLO ADOKE, SAN, CFR**  
**Honourable Attorney General of the Federation**  
**and Minister of Justice**

**AT THE**

**SOUTH EAST ZONAL WORKSHOP ON ACCESS TO INFORMATION AND**  
**DEMOCRATIC GOVERNANCE**

**HOLDING AT**  
**BLUE ISLANDS HOTEL**  
**ENUGU**

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## Courtesies

I am delighted at the opportunity to share my thoughts with you on the very important issue of access to information. I must also place on record our gratitude to His Excellency Governor Sullivan Chime and the good people of Enugu state for hosting this zonal summit.

2. The Freedom of Information Act (FOIA) came into operation on 1<sup>st</sup> June 2011. His Excellency President Goodluck Jonathan, GCFR instructed at the signing of the Act that "*The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails.*" Indeed, whenever a Public Institution determines that it cannot make full disclosure of a requested record, it must consider whether it can make partial disclosure. Public Institutions should always be mindful that the Act requires them to take reasonable steps to segregate and release non-exempt information.

3. It is gratifying to note that some states are in the process of enacting their Freedom of Information Laws using the FOIA as a model. I hope that participants at this workshop will learn key lessons in the course of interaction during this workshop.

4. The right of access to information derives from the guarantees of freedom of expression found in Article 19 of the Universal

Declaration on Human Rights 1948, and in the case of Nigeria is to be found in Section 39 of the Constitution of the Federal Republic of Nigeria, 1999. Section 1 of the Act guarantees a right of access to information whether written or not which is in the custody of a public agency or official.

5. Permit me to say a few words on the relationship between the Official Secrets Act, Cap O3 LFN 2004 (OSA) and the FOIA. Both legislation have different objectives. The former is concerned with among other things securing public safety by restricting the disclosure of classified or security related information while the latter seeks to make public records and information more freely available, in a manner consistent with the public interest and the protection of personal privacy.

6. It is worth recalling that the implementation of the Freedom of Information Act is one of the cardinal strategies of my office that are being pursued under the aegis of the Panel on the Implementation of Justice Reforms (PIJR) chaired by Justice Ishaq Bello. The sixth platform of my reform plan outlines as priorities the development of FOIA guidance manuals for all government agencies training programs for all the government agencies and the facilitation of desk officers for the management of FOI information and privacy issues

7. Section 29 (6) of the Freedom of Information Act entrusts the Office of the Attorney General of the Federation with the responsibility of ensuring compliance by MDAs. It in particular requires Public institutions to submit to the Attorney General, annual reports of dispositions made by them under Act in the preceding year.

8. Public institutions are required to answer requests for information promptly. They are also to practise good records management to ensure information is identified and retrieved. The kinds of record covered by the Act are all recorded information held by, or on behalf of a public institution. The legislation applies regardless of the age, format, origin or classification of information. However, certain records are exempt.

9. An application under the Act would generally be in writing. However, illiterate or disabled applicants can still apply for information under the Act by making an oral application for information to any public institution. It is important in this regard to note that the disclosure obligation under the Act is not absolute. The Act provides exemptions to protect, for example, national security, personal privacy, privileged records, and law enforcement interests.

10. There are no doubt significant challenges that confront the seamless implementation of the Freedom of Information laws. One

instance relates to the transition required on the part of public officers to shift from a culture of secrecy to one of transparency. It is gratifying to note that the Office of the Head of Service of the Federation has made training in the implementation of the Freedom of Information Act regime a priority for the Federal Civil Service.

11. Conscious of the need to have a participatory approach to the FOIA process I initiated a process of updating the guidelines through a participatory process with the hope of publishing the revised version later this year. This process is supported by the Democratic Governance for Development (DGD) II Project, a joint donor-funded project with the overall aim of strengthening the democratic character of Nigerian political processes and promoting outcomes that consolidate and advance democratic governance and accountability to achieve the country's stated development priorities and goals specified in the Federal Republic of Nigeria and the United Nations Development Assistance Framework (UNDAF) and the Country Programme Action Plan (CPAP).

12. I am happy to inform you that the review process has been concluded and the final text will soon be published for dissemination. It is worth mentioning that as part of the participatory process the revised draft Guidelines were in November 2012, subjected to deliberations by stakeholders from the public sector as well as members of civil society. To this end the revised draft is much

improved and will be widely acclaimed as a successful example of public-private sector partnership.

13. The revised set of guidelines builds upon the fulcrum of transparency on which the Freedom of Information Act rests and incorporates lucid explanatory material on the provisions of the Act. The revision has also introduced a glossary of technical terms; guidance on standard fees, proactive disclosure and incorporates more templates to facilitate correspondence with the requesting public.

14. There is no doubt also that programmes like this as well as sustained dialogue between all stakeholders should be further encouraged as we collectively engender a culture of transparency and accountability in governance.

15. I would like to seize this opportunity to thank the UNDP and its partners for supporting this initiative and wish you a fruitful discussion

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