

COMMEMORATION OF INTERNATIONAL RIGHT TO KNOW DAY, 2008 IN GHANA

Background

Sunday September 28th 2008 marked International Right to Know Day, a day celebrated worldwide out of the recognition of every individual's right to know and access public official information from governments and private bodies exercising public functions.

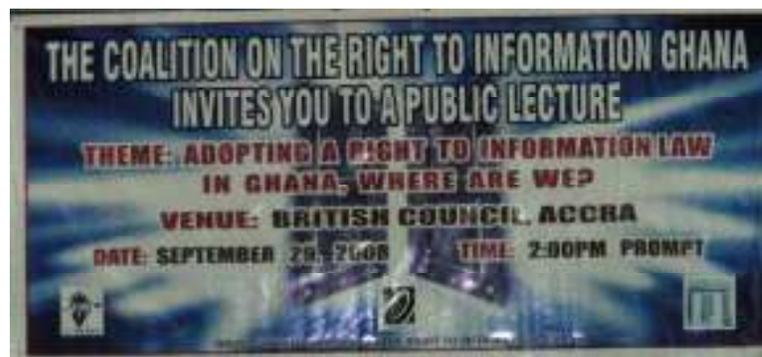
In Ghana, the Coalition on the Right to Information Ghana is spearheading the advocacy campaign for the passage of the Right to Information Bill and has since 2005 commemorated the Right to Know day through various activities taking cognizance of the peoples' sovereignty as the premise of the nation's democratic governance.

The Coalition on the Right to Information, a group of various civil society bodies that have come together to promote the right to information and to ensure that this right is protected by law, was established in 2003 to promote enhanced accountability and transparency of Government, as well as greater participation in the democratic process through the mechanism of the right to information legislation in Ghana. The Coalition observes that whereas Ghana has a Constitutional provision on the Right to Information, the absence of a law to determine how this right can be exercised practically undermines the full exercise of this right. This has thus compelled the Coalition to embark on an increased public campaign to advocate for the protection of the right to information through passage of the pending Bill.

Activities to mark Right to Know Day, 2008

Public Lecture

As part of the activities scheduled to mark the day, the Coalition on the Right to Information, Ghana, through its secretariat the Commonwealth Human Rights Initiative, hosted a public lecture on September 29, 2008 under the theme; **'Adopting a Right to Information Law in Ghana, where are we?'** Invited guests came from different institutions and organisations throughout Ghana to share information and views on the importance of Freedom of Information in enhancing good governance in Ghana.



Welcome and Opening Session

The afternoon's lecture began with a welcome note and prayer by Mrs. Nana Oye Lithur (Regional Coordinator, CHRI). This was followed by introduction of speakers by Ms. Lin Tamufor, Programme Officer of Third World Network, a key member organization of the Coalition.

The programme was chaired by Ms. Katherine Bain (World Bank, Ghana). Other speakers included:

- Honourable Yaw Baah (Chairperson, Parliamentary Legal and Constitutional Committee),
- Mrs. Nana Oye Lithur, Mr. Akoto Ampaw (GBA)
- Mr. Vitus Azeem (GIT), Dr. Steve Mantew (ISODEC)
- Mr. Cletus Azangweo (PRAAD)

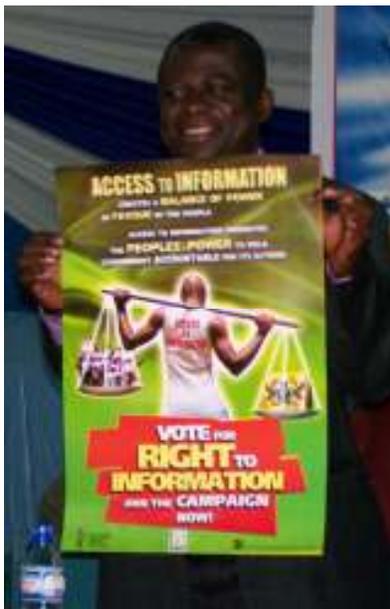
Ms. Bain first welcomed students of Labone Secondary School, to lead the audience in singing the national anthem.

She proceeded to give a short speech where she expressed her passion for the enactment of legislation on Freedom of Information (FOI). She further stated that according to the WDR Annual publications, there can be no poverty reduction unless people have access to public information for empowerment. She then mentioned the need to be realistic in the people's expectations to have a perfect legislation since in reality, there can never be a perfect law. The Chairperson also told participants of the need to focus on the implementation of the FOI Bill even though it may be difficult, time consuming, and costly to guarantee implementation. The chairperson closed her remarks by commenting on Ghana's rapidly changing pace- she believes as more resources such as oil are being discovered people will see the need, importance, and value of FOI laws. Ms. Bain pointed out FOI's relevance not only to Ghana today, but also to the work of the World Bank and the world at large.



Presentations

Hon. Yaw Baah, Chairperson –Constitutional Legal and Parliamentary Affairs Committee, Guest of Honour



The first speaker and Guest of Honour, Hon. Yaw Baah, is Chairperson for the Constitutional Legal and Parliamentary Affairs Committee. Hon. Baah addressed the topical issues relating to the Bill that has been pending, stating that ideas on FOI in Ghana and all around the world are cherished. He further mentioned that the UN has encouraged FOI for all people and that democracy is government of the people, for the people, by the people. Hon. Baah also reiterated that those elected to govern are expected to account for their actions and are subject to public scrutiny. The honourable guest referred to Article 21(1) (f) of the Constitution of Ghana which states that all persons shall have the “right to information, subject to such qualifications and laws as are necessary in a democratic society”. He added that Article 2 of the Constitution states that the Supreme Court has the power to force the government (including the President) to redress any contravention of the Constitution, pertinently any contravention of the right to information. The speaker noted

that such persons under the law are expected to submit to public scrutiny. It was highlighted that corruption is an issue which needs serious attention, and emphasized that the issue of secret actions of corrupt leaders needs to be adequately addressed with urgency. Hon. Yaw Baah commented that the lack of FOI laws results in misconduct by officials and assured the audience that once the Bill is passed issues regarding assets and

liabilities shall be effectively addressed. The honourable guest ended by emphasizing that the right to information is important and we should all ensure that Parliament understands the importance of passing the Bill as soon as possible.

Ms. Nana Oye Lithur, Regional Coordinator of CHRI

The second speaker, Ms. Nana Oye Lithur, Regional Coordinator of CHRI, spoke about the activities of the Coalition, which is the leading civil society group advocating for the right to information in Ghana. Ms. Lithur stated that the Coalition is made up of civil society groups in Ghana who are aware of the importance of FOI and promote awareness of it. She stated that currently there are Coalition members in the various regions in Ghana who are attending live radio programs to speak about issues relating to FOI. She further stated that since the day marked International Right to Know Day and with elections around the corner, it was the best day to host this public lecture on the importance of the passage of the Bill on the right to information.



Ms. Nana Oye Lithur, CHRI, Africa Regional Coordinator

Ms. Lithur also informed the invitees on the trend of the current Bill stating that the very first draft Bill on right to information in Ghana was presented by the Institute of Economic Affairs (IEA) in 2001. This subsequently inspired the Government through the Ministry of Justice to adopt a similar Bill by 2001 and presented it for public input.

The speaker informed the audience that there have been several drafts, amendments and reviews of the Bill since 2001. The Coalition has been on the forefront in providing suggestions in critique documents, on behalf of civil society, for reviewing sections in the Bill on 4 occasions that is in 2003, 2005, 2007 and most recently in 2008. These critiques have played a significant part in the formulation of the current Bill, which however still retains weak provisions that civil society should demand for further review.

She further mentioned that the Bill is comprised of several components and elaborates on Article 21 of the Constitution of Ghana. She gave examples of the kind of information which should be available for public access and that which should be exempted from public access, such as information related to national security and the Office of the President. Ms. Lithur also mentioned that request for public information should be in writing, and that government agencies have 21 days to state if they will allow public access to that information or not. She mentioned that if one is refused access to information, there is an appeal process which can be sought out and in that appeal the consequence of nondisclosure of information can be included. She ended her presentation by expressing the need for the government to provide information to the public quarterly.

Mr. Akoto Ampaw (GBA)

The third speaker, Mr. Akoto Ampaw (GBA) presented information on the critique of the Bill and the concerns of the Coalition. He highlighted that the Coalition believes that it is more desirable to achieve a good Bill that meets human rights norms rather than to have a Bill that will later affect the democratic process and human rights practice in Ghana. Mr. Ampaw stated that government officials are never in a haste to provide access to information and reiterated that there is a need for a Bill that will encourage maximum involvement of civil society in demanding information from public and private

offices to enforce their rights. The speaker highlighted another concern of the coalition is that it is taking too long for the Bill to be passed. He mentioned that RTI deals with the principle of sovereignty of the people which is set out in Article 1 of the Constitution of Ghana. He also stated that government is an elected and mandated agent of the people which therefore means that any information in the hands of government or government agency by that very fact makes the people its owners.



Mr. Akoto Ampaw, Head – Human Rights Committee, Ghana Bar Association addressing the audience

Mr. Ampaw pointed out that FOI facilitates and gives full effect to citizen participation in governance and highlighted that FOI is an important mechanism for securing social justice. The speaker stated that information is power, it prevents marginalization and corruption, and it goes hand in hand with a system of record keeping and administration. He expressed that we should strive for the principle of maximum disclosure since it is the obligation of governments to be

proactive in providing information to its citizens. The speaker further added that timely access to important information is very necessary and that international best practice requires that fees should not prevent access to information. Mr. Ampaw made note of Article 12 which enshrines every person's entitlement to their rights, regardless of race, religion or socio-economic status, and also that the government must respect and protect these rights.

He emphasized that there should be no blanket exemptions in the Right to Information Law and that the provisions must show in clear wording the protected rights. Mr. Ampaw reiterated that there is no room for poor drafting and bad legislation- for example, people should have running water, and when they do not, explanations should be provided. He noted that the present provisions are repetitive and allow for abuse. Mr. Ampaw added that the provisions state that all information of the President and Vice President are exempted and these exemptions are negligent. The speaker highlighted that timing for disclosure is another critical issue since it takes 21 days to decide if information will be given, 14 days to give information, and a further 21 days in case of extension. Reference was made to section 18 of the Bill which seeks to make provision for disclosure even when it falls under the category of exempted information, is poorly worded and suggests an obligation upon the requestor to prove why information should be disclosed instead of otherwise. Mr. Ampaw ended by stating that the Bill makes no provision for the coverage of the law on private bodies. He noted that private organizations should also be held accountable for failing to disclose public information.

Mr. Vitus Azeem of GII

Mr. Vitus Azeem of GII addressed the issue of good governance in Ghana and highlighted that participation; accountability and transparency are necessary pillars for good governance. He mentioned that corruption needs to be addressed and that RTI assists in identifying leakages and difficulties in the system. Mr. Azeem stated that if one does not know what goes into the decision making process there is no way that one can be fully involved in it. Further, he stated that one needs to have information so that they will be knowledgeable of what the process involves. It was mentioned that FOI allows us as citizens to demand the scrutinizing of individuals within the government and allows

for transparency. Information must be accurate, timely, comprehensive and written in a way that is easily understandable by each person. He emphasized that FOI is vital against the struggle in Ghana's economic downslide since mere suspicion is not enough for whistleblowing and that passage of the FOI Bill is an effective anticorruption tool.

Role Play

The session was supported with a role-play by some staff, interns, and volunteers working with the Commonwealth Human Rights Initiative. The play sought to highlight how FOI can aid as an empowerment and anti-corruption tool in cases of mass corruption and leakages in the system.



Al Hassan Adams (NCAP)

Mr. Al Hassan Adams from NCAP opened his remarks by comparing the dissemination of information in Ghana to that of a black box. The presentation, entitled Water Provision and Transparency in extractive industries, employed the use of an informative slide show, and centered on the government's inability to account for the cleanliness of 53% of Ghana's water supply.



According to the contract signed in 2005, between the Government and Aqua Vitens Rand Limited (AVRL) contracted to provide water supply on behalf of Ghana Water Company, the percentage of non-revenue water should have been reduced by AVRL to at least 5% each year. However to date, as revealed by the independent FiCHTNER Report,

no progress has been made. High levels of iron and/or manganese are occasionally bypassed or simply absence of aeration/filtration step and the resulting water being directly fed into the distribution system. Adams revealed during his short seminar that the Public Lecture is the first time such information was released to the public. By using the current state of clean water's inaccessibility in Ghana, Adams effectively drove home the importance and significance that FOI laws hold for Ghana. According to the NCAP member, the current bill still has too many exemptions, including the enforcement of chieftaincies and private institutions. Timeliness is largely ignored as well, as the government is still allowed the "21 + 14 + 21 day procedure". Adams effectively concluded his presentation by explaining that good governance in the decision-making process must be comprised of three main pillars: transparency (among agencies), participation (of the average citizen), and accountability (to hinder corruption).



Dr. Steve Manteaw from the ISODEC

Dr. Steve Manteaw from the ISODEC commenced his presentation by stating that the

social and economic progress of Ghana will result from good governance practices. Dr. Manteaw further pointed out that most of the countries that score poorly by the World Bank standards are those nations that lack FOI laws. For example, research suggests that in 2004, when mining extraction increased in one such nation from 5% to 15%, the human development indicators worsened significantly. Furthermore, countries lacking this pertinent legislation are oftentimes at a disadvantage in receiving foreign direct investment, as entrepreneurs prefer to invest money in countries where information is accessible, reliable, and available. The ISODEC Director said, it is instructive that the poorest third world countries have poor access to government information. In 2004 the EIT initiative, which Ghana joined in 2006, was launched in order to identify leaks and produce receipts; unfortunately, it was difficult for the auditor to produce any definitive results, without the ability to access contract documents. Dr. Manteaw concluded by reiterating the ability of FOI to reduce risk and increase accountability and definitively remarked, that “accountability is a necessary component of good democratic governance”.

Mr. Cletus Azangweo (PRAAD)

PRAAD seeks to enhance Ghana’s recordkeeping process by organizing, preserving and maintaining over 70,000 records, files, and other important datum. Via power-point, Mr. Cletus Azangweo used photographs to compare cluttered, disheveled offices to neat and tidy ones, thus illustrating the large scale mismanagement of public information. Most recently, Azangweo’s dedicated staff created the Electronic File Classifications System in order to manage email and internet downloads in specific public offices. Mr. Azangweo also presented ministry documentation to prove the successful decongestion of several large institutions, including Barclays Bank and the Presidents’ Special Initiative.



Discussion and Participant Involvement

Ms. Bain graciously thanked all speakers for their public lecture and then opened the discussion for participation from invitees from the different organizations. One participant urged others to remember that corruption rests not only in the government, but also among the people as well. The guest encouraged attendees to foster Ghana’s FOI solution through greater external participation. Another guest expressed confusion in relation to the FOI laws, asking whether there was disagreement over information being withheld from the public by certain institutions, or whether the dissemination of information to the general public was being contested. This question was answered by Mr. Ampaw, one of the invited speakers, in an attempt to bring clarity to this public concern. He mentioned that the choice of terminology used varies from country to country. In Ghana, the use of the term ‘right’ to information implores an impending positive obligation upon Government to protect this right by taking measures such as enacting legislation on the right to information. The benefit is the recognition of information access by the public as a right and not a privilege for a few choice individuals. Currently the practice in Ghana indicates clearly that free access to information can not guaranteed hence justifying the need for a specific legislation.

Closure

Ms. Katherine Bain (World Bank, Ghana) stressed the need for invited guests to assist the public in understanding their rights and responsibilities in the passing of the RTI law. She then called the public lecture to a closure at 17:25 hours after a launch of the FOI posters on anti-corruption, accountability, and transparency. Speakers and invitees were thereafter invited for refreshments whilst informal discussion continued on the need for FOI laws in Ghana.



LAUNCH OF RTI REGIONAL CAMPAIGN IN GHANA

This year's Right to Know Day also provided a new dimension in the Coalition commemorative activities. It served as a platform to launch advocacy activities into the regions whereby Coalition members in all the ten regions participated in radio and TV discussions in various media houses and hoisted banners in significant locations. The highlights of these activities are as follows:



GREATER ACCRA

As the main location where the Coalition's activities have been predominant in the previous years, this year's commemoration activities were geared towards strengthening the existing profile by engaging further with the general public. The Public Lecture formed the principal activity for the day, supplemented by selected media representations. Ms. Jeanette Quarcoopome, Media Foundation for West

Africa participated in a media program on Choice FM's Morning Show on September 29, 2008 where she represented the Coalition by elaborating on the Coalition's activities, concerns on the Bill and its current status. Mr. Akoto Ampaw, a key active member of the Coalition also participated in a Public Lecture at the School of Communications, University of Ghana on October 2, 2008 and discussed with the students essential details regarding the Right to Information Bill.

Activities of the Coalition in Accra received considerable media coverage on TV3 and TV Africa and news articles including;

- 'Ghana marks Right to Know Day on September 28', www.ghanaweb.com,
- 'Concerns over Right to Info Bill', Daily Graphic Oct. 1, 2008
- 'Coalition touches on the Right to Information', The Statesman, Oct. 3, 2008
- 'Kufuor Urged to Ensure Passage of Right to Information Bill', Public Agenda - Oct. 20, 2008
- 'Adopting the Right to Information – Where are We?', Daily Graphic Oct. 11, 2008
- 'Adopting the Right to Information – Where are We?', Daily Graphic Oct. 13, 2008 (Contn)

ASHANTI REGION

The coalition member, Mr. Muftaw Mohammed was hosted on Kapital Radio on the 29th of September, 2008 in Obuasi. He expressively expatiated on the issue of the right to information. Some public officials including both the Minister and Deputy Ministers of Information, the majority leader in Parliament, Abraham Osei-Aidoo, Kwadwo Armah, chairman of the Parliamentary Committee on Communication and NPP Member of Parliament for Asutufi South, Stephen Balado-Manu had the opportunity to comment during the discussions. Their presence signified a positive impact made on public officials particularly now that the Bill is proceeding to be tabled before cabinet. On the contrast, responses had from them gave the impression that the need to pass the Bill is of no urgent importance particularly in an election year. Feedback from listeners indicated that, although knowing about the right to information will be more than helpful, they apparently have hitherto not realized its importance. Majority of them considered the subject as rather technical.

On the 2nd of October, 2008 another discussion was held at Shaft FM. Mr. Richard Ellimah the coalition member from WACAM, had the privilege of having Dr. Arthur Kennedy, Communication Director of the Nana Akufo-Addo Campaign Team, representatives from the Democratic Freedom Party and the Ghana Bar Association on the discussion panel. The essence of having the bill passed, practically took on a political zest when these politicians attempted to critically



consider it. Public response was up beat. Report reaching the Secretariat prevail the impression created that if people in the region were well-versed with the knowledge of the Bill, they will keenly join in the campaign, having realized that the mandate to demand answers on how revenue accrued from royalties and other forms of funds are being used by the Chiefs and District Assemblies, lies in the passage of the bill in to law.

WESTERN REGION

The discussion was held at Melody FM on 29th of September, 2008. Nana Oduro, from Life Relief and a coalition member for the region, touched on pertinent issues concerning the whole campaign. Having clearly spelt out the urgency of having the Bill promulgated, a positive response was received from addressees. Persistently, the concern to have the campaign re- strategised to intensively engage civil society participation in the activities of the coalition to have the Bill passed was raised. It was however noted that, it will be very prudent to conduct these activities within a familiar social context.



UPPER WEST REGION

Radio Progress on the 6th of October, 2008 at 3: 00pm hosted Ms. Helen Koranteng from CERWED as the representative of the Coalition on the Right to Information in the Upper West Region. Away from delays in the delivery of the banners, the synoptic on the Right to Information and questions to be asked by the radio station, the discussions was generally instructive. Prior to the discussions listeners considered the subject quiet ambiguous. Having expressed the interest to join in the campaign, listeners emphasized that building the capacities of other civil society organisations based in the region will ensure that, the campaign will not end with the current activity commemorating the day.

BRONG –AHAFO REGION

At the Sky FM and Space FM radio stations at Sunyani, coalition members in the Brong Ahafo region, Mr. Annin Frimpong and David Owusu Ansah endeavored to stress the need to have the Right to Information Bill passed since it serves as a requisite right to realizing all the other rights enshrined in the 1992

Constitution of Ghana. Similarly, the concern to fight corruption and to ensure probity, accountability and transparency has need of the right to information law as its linchpin.

The coalition members noted that, the Bill when passed will validate any form of information brought into the public domain, since anybody can access the same information, thus decreasing the spate of unwarranted suspicion and confusion. Again in the discussions it was mentioned that, passing the Bill into law will protect all persons who will disclose information on the basis of performing their responsibility, from jeopardy, as it would have been without the Bill. The effectiveness of legislative provisions like the Whistle Blower’s Act for instance, profoundly depends on the accessibility and disclosure of information. Public institutions capacity will also need to be strengthened and enhanced to meet the requirements of the Bill. Members also acknowledged that this is simply not a human rights issue but more importantly a critical subject of development.

EASTERN REGION

Prior to the discussions held on the Right to Information Bill at the Polytechnic FM radio station on the 29th of September 2008, Mr. Edmund Quaynor, a Coalition member and Journalist based in the region, met with fellow media personnel at the Koforidua Office of the Ghana News Agency to sensitize them on the Right to Information Bill. At the Polytechnic FM radio station he had the opportunity to expatiate extensively on the subject. The coalition is encouraged to forge ahead, since reports reaching us indicate that, some media personnel are embarking on similar activities in the region to strengthen the advocacy.

NORTHERN REGION

A street campaign was held by the coalition member, Baba Ali Adam from JIDA on Wednesday, the 3rd of October, 2008. In the presence of representatives from the traditional authorities, political parties, religious organisations he touched on the pertinent areas regarding the Bill.

On the 5th of October, 2008, an orientation - Seminar was organized to climax activities commemorating the Right to Know Day. The response received from the general public pointed out that, majority of the people lacked enough knowledge about the Right to Information as a right enshrined in the Constitution of Ghana. In order to be more proactive in the sensitization exercise, the coalition member printed handouts which carried information on the day, for distribution. The activity was however bedeviled with difficulty in getting some other civil society organisations and non-governmental organisations to join in the campaign. Not to mention that, the high rate of illiteracy made it quit tedious for the local community to appreciate the urgency in accepting the mandate to demand for the right to information. However, consistency in undertaking activities to create awareness on the Bill will intensify engagements with other civil society organisations, particularly in the regional districts.



VOLTA REGION

Initial arrangements to hold discussions on the right to know day at the Ghana Broadcasting Corporation regional station in the Volta Region fell short of expectation due to a few technical problems. However, the Coalition member for Volta Region, Mr. Tenasu Kofi Gbedemah, the Executive Director of the Institute for Information and Development (INFODEV) on September 24th through to 1st October, 2008, had the opportunity to touch on all

the areas relevant to the Bill in the presence of civil society, religious organisations and sections of the General Public during a number of conferences held by (INFODEV). Prior to these presentations, a banner was raised at the Civic Centre. An important observation made, pointed out that, students from the basic and second cycled institutions can serve as a strong force for advocacy, particularly since people from all walks of the society are needed in the campaign to have the Right to Information Bill passed and more importantly as the key players who will vehemently demand information from District, Municipal and Metropolitan Assemblies once the Bill is passed to enhance democracy.

CENTRAL REGION

On Saturday, the 27th of September, 2008 the banner was strategically positioned on the main streets of Cape Coast municipality to expand the target audience of the coalition. This was followed up with representations on media space. Mrs. Baaba Fleischer, the Regional Head of the Ghana National Child Rights Coalition also member of the RTI Coalition and Mr. Ebenezer Aggrey, the Head of the Public Education Unit of the Commission of Human Rights and Administrative Justice regional office, were hosted on Radio ATL on the University of Cape Coast Campus on October 8, 2008 to deliberate on the salient issues concerning the Right to Information Bill. Mr. Ebenezer Aggrey again had the opportunity to be on Coastal television at 8:00pm on the same day. The discussion caught the attention of listeners who attempted calling in. It however came to the notice of coalition members that although the activities were noteworthy, more can be achieved when social bodies like the church are engaged in the campaign.

UPPER EAST REGION

Ms. Florence Bombande of Bawku Literary Society and Mr. Samuel Akarikiya from CENSUDI (Centre for Sustainable Development Initiative) were hosted at GBC Radio in Bolgatanga. They discussed the topic of RTI and addressed issues such as the current political environment that has not aided civil society members to exercise proactively their monitoring role over political and economic activity. The programme ended with a call to the public to take a more active position in the campaign.

CONCLUSION

The wide participation of Coalition members in public awareness activities in all the regions demonstrated a growing network of partners whose combined efforts will garner the needed public support for the campaign. The issues discussed and the concerns raised regarding limited public understanding of the Bill as well as the arising public interest has provided a significant breaking point and momentum for increased public awareness activities especially at the regional level. The activities conducted were in all forms instructive and will form a key guide on future progress of the campaign in Ghana while working towards effective passage of a Bill that meets best practice standards for a public that has the necessary capacity to operationalise it.