

**National Advocacy
Training Conference**
for the **Coalition on the
Right to Information**
in Ghana:

*Building blocks for the realization of the
Right to Information in Ghana*

June 19th – 20th, 2008
Kokrobite, Ghana

Coalition on the Right to Information, P.O. Box 1000, Accra, Ghana. Email: info@cotri.org

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FOREWORD

Freedom of information legislation is viewed as a potent tool for strengthening democracy as well as countering corruption and inefficiency in Government. In Ghana, the growth of democratic values as well as Ghana's rising reputation on the African Continent has ignited the idea among Ghanaians that government must be made more transparent and accountable in order to make democracy more meaningful. In fact, there is a global trend towards adopting freedom of information legislation, and this trend is slowly gaining momentum in Africa. It is on this basis therefore that the demand for right to information legislation as a facilitative component for an effective and functional democracy in Ghana has become a fundamental necessity.

Ghana has had a Right to Information Bill in place since 2002, but to date its passage has still not occurred. Executive commitment to the passage of the Bill has been deeply wavering, as evidenced by delays in fulfilling the promises to prioritise the Bill since 2005, and claims of inadequate infrastructure to implement the Bill despite progress in technological development in public offices. In reality these setbacks only operate to prevent the Ghanaian public from enjoying the full benefits of open and transparent governance. As such, the Right to Information Coalition in Ghana constantly calls for a legal regime which provides for and regulates freedom of information.

This report is a reflection of a workshop which was held on 19-20 June 2008 by the Right to Information Coalition. This workshop was presented with the primary aim of bolstering the expertise and capacity of its participants through sharing of knowledge, skills and techniques on right to information advocacy processes, as well as educating the participants on the actions that should be taken within their own communities to increase local advocacy programs. It was intended as a platform for participants to discuss and build consensus on advocacy strategies for pressuring the Ghanaian government into passing right to information legislation.

It is hoped that this report will encourage advocacy on the right to information, from people of all backgrounds and roles in society. This report is aimed at increasing public awareness of and support for freedom of information in Ghana, and at enhancing the capacity of people to call for freedom of information. The Coalition is dedicated to the goal of achieving freedom of information in Ghana, and this report is published as a reflection of that dedication.





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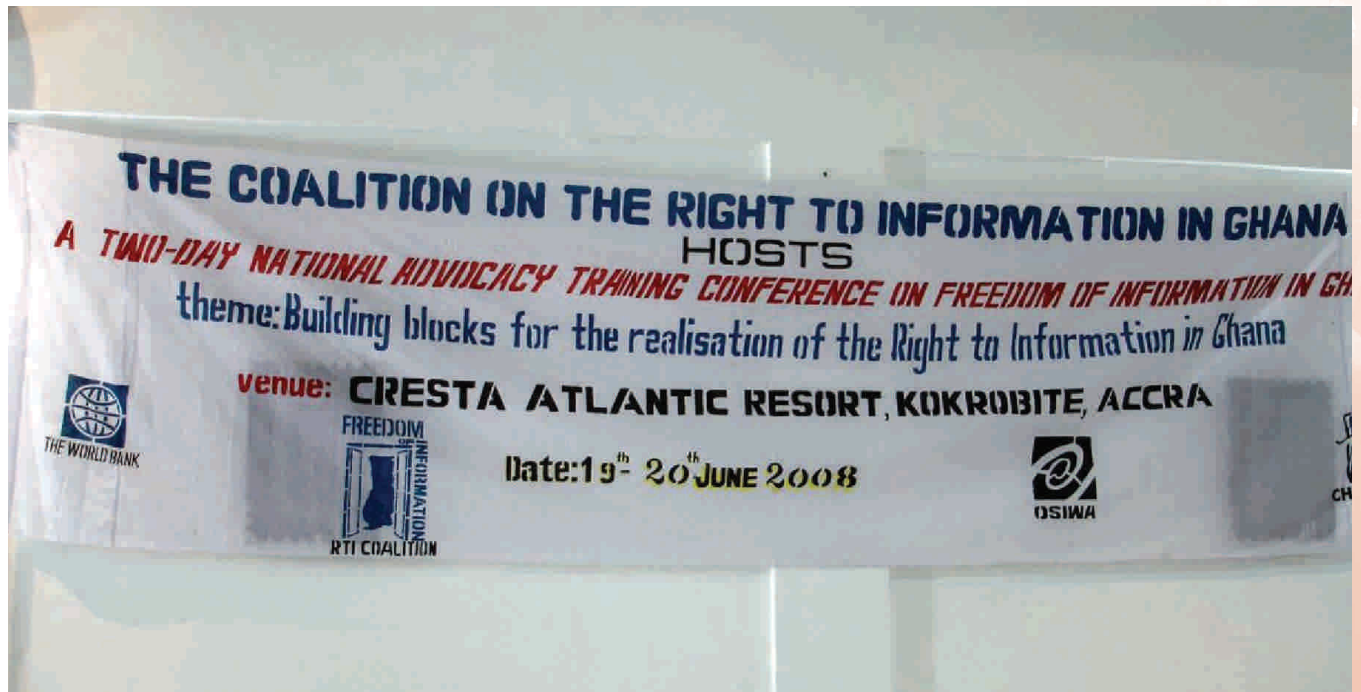
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Executive Summary



On June 19 – 20, 2008, the Coalition on the Right to Information in Ghana hosted a National Advocacy Training Conference on Freedom of Information under the theme, **“Building Blocks for the Realization of the Right to Information in Ghana.”** The Conference was funded by the World Bank and supported by the Open Society Initiative for West Africa as part of an undertaking to enhance social accountability measures in public offices.

The Conference was targeted for civil society members that constitute the Coalition. It brought together a cross-section of stakeholders including civil society actors of prominent Ghanaian non-governmental organizations, representatives from Ghana's Government, international delegates and advocates for right to information (RTI).

The goal of the Conference was to build the capacity and expertise of participants on RTI by sharing vital resources, knowledge and technical advocacy skills on the subject. Furthermore, to educate participants on key advocacy strategies specifically aimed at influencing the efficient passage of RTI legislation in Ghana as well as ensuring its effective implementation once passed into law. These objectives were achieved through numerous presentations by renown speakers from within the Commonwealth region including Ghana, South Africa, India and Nigeria who provided insight into advocacy initiatives, best practice laws and standards, civil society involvement and media engagement.

The Conference began with presentations on the legal basis of RTI as encapsulated under various international human rights conventions, regional and national instruments such as

the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and the African Anti-Corruption Convention. These instruments have emphasised the need to protect RTI through passage of specific legislation.

The discussion was harmonized with subsequent presentations on the correlation of RTI to the wider scope of human rights including health, water, food, child rights and adequate housing.

Supplementary discussions on the relevance of RTI to the ordinary citizen were made by reference to the provision of basic utilities such as water and the utility of FOI to the media profession, which often plays a "watchdog" role on behalf of the community and thus needs information to better serve the public good. From these discussions participants noted the unique contribution of RTI not only in promoting proactive disclosure of official information but also in protecting potential actors who may disclose information in the interest of the public, in light of the current Whistleblowers Act which has not effectively protected whistleblowers from harassment.

During the Conference, the goals of the Coalition were outlined to include building a strong network to mount pressure on Government to increase accountability and transparency, building partnerships with stakeholders to attract mass support, and mounting a public education campaign to promote public awareness and ownership of the law. Similarly, challenges faced by the Coalition were mentioned, most especially the complexities of the political process and the limited capacity to effectively build RTI awareness amongst diverse groups. As a multi-stakeholder forum, the Conference afforded a valuable opportunity for the Coalition to expand its influence by providing knowledge to participants who can disseminate it in different forums at the local level.

The relevance of RTI to the Ghanaian local community was reiterated by remarks from the World Bank referring to a recent report that revealed gaps in social accountability measures in Ghana that need to be redressed. A representative from the Government of Ghana echoed similar sentiments on the need for RTI, stating that "the necessity of transparency and accountability in government is unquestioned" and that "the Government is currently working with various stakeholders to improve the Bill." More emphasis was placed on the need for collective partnership between civil society and the Government in addressing the Bill stating that it is better to spend time revising the Bill to produce an effective law rather than hastening an inadequate Bill.

The utility of RTI was supported by practical examples of videos showing the application of FOI by local communities in South Africa referred to as "Access to Water and Housing in South Africa" and another "Development Project and Corruption in India state of Rajasthan." Both videos showed local villages and marginalized communities in other countries using RTI to gain access to documents to hold their local governments accountable.

Participants were put on an equal footing with their RTI contemporaries during a session on examining RTI laws, which provided critical insight on ideal principles and international best practice standards. These included outlining the difference between "freedom" and "right," determining the role of the people as owners of the information or stakeholders and including a minimum of narrow exemptions while ensuring that all approved exemptions also have "sunset clauses." These principles were brought into play by reference to key legislative examples from South Africa, India, Uganda and the Nigerian Bill.

A presentation on the legislative process was also made to assist participants in further appreciating how to make valuable inroads at different stages of the Bill. The necessity of gaining approval and support from

members of Parliament rather than attempting to introduce and pass legislation through the Private Members Bill process was also emphasized. Whereas two of such initiatives have successfully transformed into laws in the past, the Private Members Bill process is extremely difficult to overcome and was recommended to be of least priority to the Coalition.

Participants were also put to task to utilize the knowledge acquired during an interactive skill-building activity in which they were divided into nine groups. Each group was given a newspaper article to read and identify possible questions that they would ask government with an effective RTI law in place. This produced a great deal of feedback and practical enlightenment on utilizing RTI in practice.

An instructive presentation assessing the merits and weaknesses of the current RTI Bill prompted a great deal of discourse and constructive remarks from the audience. Similar enthusiasm was expressed during a presentation reflecting on the record-keeping practice in Ghana. The Public Records Archives and Administration Act of 1997 obligates all departmental heads to provide records. However, low budgetary allocations to the institutions have accounted for the prevailing inefficiency and poor practice in record-keeping. Still in the absence of credible practice and without binding obligation for record-keeping, the Bill could quite possibly be of no effective value to the ordinary citizen.

Advocacy ideas from initiatives conducted in India, South Africa and Nigeria were discussed. A common feature was civil society's leading role in influencing RTI laws. For instance, in India the first campaign was initiated by illiterate populations indicating RTI as a functional instrument that can be utilised by all irrespective of status. Essential advocacy tools outlined included: the use of text messages to continually lobby the members of the Nigerian Parliament, issuing of petitions, personalised letters and periodic memos, face-to-face meetings with legislators, and strong relationships with legislative aides.

The benefits of collective action in form of coalitions were also advanced as essential mechanisms to build the necessary mass to influence change, establish legitimacy, build a collective voice, enhance grassroots participation and add credibility to the group. Similar initiatives on transparency in the West African sub-region were highlighted by a representative from Oxfam under the 'Right to Know, Right to Decide' campaign on extractive industries.

Similarly, ideas on how to efficiently utilise the media as a channel of advocacy were examined. It was recommended that the Coalition provide strategic framework on how to engage with the media, develop a proactive attitude to work with the media as vital key players in the campaign and create a media and communications unit to coordinate this task. Additional strategies related to potential techniques of gathering information, the methods of communicating the message to the audience, linking RTI to practical and topical issues, disseminating easy-to-read publications, promoting working relationships with local media networks who will build awareness in the local communities and studying the political landscape and adjusting to it.

At the end of the Conference, participants translated the knowledge gained into practice by identifying relevant advocacy strategies to be applied in their spheres of influence to make RTI a reality in Ghana. Some of these included;

- Monitoring and partaking in media programs on radio and television
- Cultivating relationships with radio hosts
- Eliciting public input on the Bill
- Public campaigns using Billboards, brochures, flyers, and drama to demonstrate the relevance of RTI
- Sending mass text messages
- Educating the public by drama
- Packaging of information on RTI in briefs
- Lobbying politicians and Government actors
- Broadening the base and membership of the coalition
- Holding mass actions and demonstrations
- Directly communicating by letters to particular individuals
- Stakeholder consultation with various actors in Ghanaian society
- Increasing intra-network communication
- Collaborating with the media to reach out to the public and issuing news articles
- Advocating in particular Ghanaian languages
- Holding sensitization programs in the regions of Ghana and documenting them
- Lobbying various Ghanaian and international organizations and actors
- Spearheading a signature campaign on local, regional, and global levels
- Holding a public event on “Right to Know” Day to commemorate RTI, using “Information, Education and Communication (IEC)” to educate and promote RTI
- Issuing a communiqué of this National Advocacy Training Conference and its action points and resolutions.

By evaluating the effective and ineffective techniques and methods suggested during the Conference, the Coalition is poised to employ effectual strategies in its campaign to see the RTI legislation passed and implemented without further delay. A positive immediate outcome was the creation of an Implementing Committee tasked to set up a program based on this Conference’s findings. The member organizations include the Secretariat - CHRI, Ghana National Education Campaign Coalition, Media Foundation for West Africa, Ghana National Association of Teachers, Green Services, Ghana News Agency, and IBIS Ghana. Through this Committee, the Coalition will endeavour to bring to fruition and sustain advocacy strategies identified at the Conference with the objective of influencing the efficient passage of the legislation.

Acknowledgements

Commonwealth Human Rights Initiative, Africa Office on behalf of the Coalition on the Right to Information Ghana, wishes to extend its appreciation to the World Bank for sponsoring the Conference and Open Society Initiative for West Africa for the continued financial support to the Coalition's advocacy activities.

To all Coalition members, stakeholders and participants at the Conference many thanks for the valuable contribution you made at the Conference and your sustained commitment to making the right to information campaign a reality in Ghana by promoting public education campaigns.

The Conference was indeed a collective mission that has been truly rewarding and we hope that the seeds planted and the ideas provided will translate into practical value to all and more especially the Ghanaian populace that stands to directly benefit from the proposed right to information legislation.

Coalition Members

The Coalition comprises a host of different organisations from media rights specialists to religious societies, to legal interest groups.

- Commonwealth Human Rights Initiative (CHRI)
- Media Foundation for West Africa (MFWA)
- Centre for Democratic Development (CDD)
- Centre for Environmental Law and Development (CELD)
- Ghana Integrity Initiative (GII)
- The Ghana Bar Association (GBA)
- National Media Commission (NMC)
- Institute of Democratic Governance (IDEG)
- Third World Network (TWN)
- Amnesty International, Ghana
- Trade Unions Congress
- Ghana News Agency (GNA)
- Ghana Journalists Association (GJA)
- Foundation for Christian Workers International.

Subsequent expansion has contributed to the increasing strength of the Coalition and provided for increased involvement from other agencies and NGOs including:

- **ISODEC/Publish what you pay, campaign**
- **IBIS**
- **NetRight**
- **Civil Service Association (CSA)**
- **Islamic Council**
- **National Media Commission**

THE RIGHT TO INFORMATION: AN INTERPRETATION OF THE RIGHT

Nana Oye Lithur

Regional Coordinator, Commonwealth Human Rights Initiative, Accra Office

Ms. Lithur gave a presentation to the Conference on what the Right to Information (RTI) entails. She described its encapsulation in the Ghanaian Constitution and in several national and regional laws. She also presented documents from various Commonwealth Organisations highlighting the need for freedom of information in order to push forward developmental progress, to combat corruption, and to secure full and democratic governance:

Essentially, the Government of Ghana has an obligation to allow its citizens knowledge of what actions and policies it is taking. She demonstrated how the RTI has significant implications on other citizens' rights, such as the right to water, the right to adequate food, the right to health, the right to adequate housing, the right to education, women's rights and children's rights. She noted how the African Union Charter and the Economic Community of West African States (ECOWAS) Protocol both call for right to information. Several international human rights treaties also prescribe right to information implementation such as the Women's Rights Charter – CEDAW in 1986, Child Rights Charter – ICRC in 1990, Civil and Political Rights – ICCPR in 2000, Socio-Eco-Cultural Charter – ICESCR in 2000, Migrant Workers' Rights Charter – ICRMW in 2000, ICCPR - Optional Protocol 1 in 2000, and CEDAW - Optional Protocol in 2000. Finally, she explained that currently, there are 77 countries with information access laws worldwide, out of which 13 constitute Commonwealth countries. On this profile includes only 4 African countries which have so far passed FOI laws namely: Uganda, South Africa, Angola and Zimbabwe.

- **Public participation in the democratic and governmental process is most meaningful when citizens have adequate access to official information" (Communiqué from the Commonwealth Law Ministers' Meeting, 1980)**
- **"freedom of information enhances accountability of the government improves decision-making and provides a powerful aid in the fight against corruption" (Communiqué from the Commonwealth Law Ministers' Meeting, 1999)**
- **Report of the Commonwealth Expert Group on Democracy and Development, 2003**



Day **One** June 19, 2008

Session One:

Understanding the
Concept of
Right to Information



Venkatesh Nayak,

FOI Programme Coordinator, Commonwealth Human Rights Initiative, New Delhi Office

Mr. Nayak began his presentation by highlighting the importance of RTI as a fundamental human right. This principle, he explained is embodied in the Millennium Development Goals Declaration and is important for establishing good governance by reinforcing anti-corruption efforts. He continued to describe the Ghanaian political climate in relation to RTI. Specifically, within the Preamble of the Ghanaian Constitution there are several constitutional values that are fundamental to good governance, like accountability and predictability of government action, which are achieved by allowing public access to information in order to evaluate government action. In other contexts, Ghanaian laws also provide for freedom of information, such as a legal requirement that all statutes, orders, and regulations be published and made available to the public domain. In arrest situations, individuals have right to certain information. In the fair trial context, there are several requirements that entail RTI, including the accused being informed of the charge, a translator made available at trial if the accused or witness does

not communicate in English, and public trials for all prosecutions of criminal offences. Moreover, Ghanaian law requires a public declaration of government intent to take land before an actual taking of property occurs, managers to be accountable in execution of government duties, declaration of expenses by all political parties, and the provision of adequate opportunities for the public to participate in local government. Beyond these instances of RTI, Mr. Nayak called for specific statutory provision of RTI as a safe guarantee of effective implementation of the constitutional right.

PANEL DISCUSSION:

The Relevance of the Right to Information to the Ordinary Citizen

PRESENTATION: TURNING STONES FOR WATER

Al-Hassan Adam,

National Coalition Against the Privatisation of Water

Mr. Al-Hassan Adam gave a presentation on his organisation's efforts to combat privatisation of water provision, the difficulty of gathering information and the importance of protecting it. The stated aims of his organisation, the National Coalition against the Privatisation of Water, are to protect human rights, to increase government transparency, to secure the commons of the people, and to ensure equality in water supply in Ghana. In fighting against the privatisation of water, the National Coalition against the Privatisation of Water builds strong relationships of trust with workers and uses sources within the Ghanaian Government, public debates, and seminars to apply public pressure on officials. Mr. Adam noted that the danger of using moles is that exposure of that source usually results in the individual being terminated from their position, effectively halting information flow to his organisation and requiring the resource-intensive process of rebuilding internal sources. The National Coalition against Privatisation of Water handles its public advocacy by first analyzing legal and technical information and then simplifying that information for public consumption. The Coalition trains activists and provides them with materials and information. They also inform the public and stimulate debate by leafleting at workplaces and

publishing newspaper articles. Mr. Adam found that Government officials often respond by refusing to correct their mistakes or claiming that they are powerless to bring about change. In response to this, Mr. Adam advocated for more vigour in prodding government into action.

RIGHT OF INFORMATION AND CONCERNS OF ORDINARY CITIZENS

Raymond Archer, Editor & Investigative Journalist

Mr. Archer gave a presentation on the RTI from a journalists' perspective. He began his presentation by describing that democratic governance can only be secured by a citizenry that is empowered by being well-informed. He described three primary categories of information that are covered under the Bill and the effectiveness of the RTI Bill in guaranteeing disclosure. The first category is information on individuals themselves which they have a right to gain access to, including, social security information, travel and visa documents, and certificates for births, deaths, and marriages. The second category of information includes decisions of government and its agencies that will not cause embarrassment or shame to the Government. Businesses and organisations that will be influenced by a government decision will typically seek this information. Additionally RTI legislation will also be effective here because government officials will be more willing to disclose this information. The third category includes information on government actions that will damage its reputation. This type of information is frequently concealed either because it will expose a corrupt minister or a conflict of interest transaction that will embarrass the government. It is in such situations that RTI enforcement becomes a serious challenge since public servants aggressively fight against the release of self-damaging information. It is feared public officials are likely to weaken the impact of the legislation by initiating legislative delays and maintaining broad exemptions to the RTI Bill.

Mr. Archer continued his presentation by discussing how journalists have not taken full advantage of RTI legislation in their work. He explained that because of the nature of journalism in Ghana, journalists typically seek stories that will be immediately ready for publication and shy away from the longer-term stories that RTI legislation is most effective for. Furthermore, because of the exemptions of "almost anything sensitive" in the Bill, this RTI legislation will be particularly useless. In particular, Mr. Archer criticized the current exemptions which prohibit release of any information supplied to the President or Vice President. He noted that the current system of "oaths to secrecy" may make disclosure of some information a criminal act. Mr. Archer pointed to the faults of many journalists, who will not use RTI because they do not understand the implications of having RTI, do not interact well with information officers, and find the costs of information retrieval too high.

In concluding, Mr. Archer criticized the draft Bill as being insufficient. He said that RTI may result in disclosure of additional information, but it will not aid journalists who would prefer to rely on government leaks. In order to strengthen the RTI Bill, Mr. Archer suggested that journalists be educated on the principles and rules of RTI. He added that the Bill must address the efficiency of public recordkeeping, specifically in regards to the internal guidelines and rules of Ghanaian ministries and agencies. Furthermore, the broad exemptions in the Bill must be drastically diminished.



OPEN DISCUSSION

In open discussion, several comments and questions were fielded. In regards to Al-Hassan Adams' presentation, a participant asked how the whistle-blowing protection law was used, since Ghana is one of the few African nations with such a law. Mr. Adams responded by stating that in practice, the whistle-blowing law has been of no benefit. He cited a case where several government officers had disclosed sensitive and damning information, and once their identities were revealed, they were transferred to other regions in Ghana on the justification that the government was restructuring the institution. He stated that the bureaucracy knows how to circumvent whistle-blowing protections to silence moles. Furthermore, Mr. Adams' method of deconstructing and reconstructing analysis was questioned. In particular, a participant questioned what type of building of public knowledge on water privatisation the national coalition against water privatisation was doing? Mr. Al-Hassan Adams pointed out that deconstructing and reconstructing information is actually constructing a process of education for the public. This process is an attempt to expand the public forum of debate by making government and its agencies accountable to the people directly and not through party bureaucracy. Finally, Mr. Adams was questioned on how his organisation dealt with its responsibility to educate the people on technical aspects of water supply. Mr. Adams responded by stating that consumers are highly intelligent and not ignorant. Yet, because of other commitments they are more interested in learning the basics of water supply rather than the highly technical aspects.

In regards to Raymond Archer's critique of the possibilities of change in the RTI Bill, he was first questioned on whether the current Bill could be seen as a limited victory in that it will open the doors for public disclosure on Government actions. Mr. Archer responded by saying that there are too many exemptions that would cripple any journalist's information gathering objective; it is better to remove these problems now instead of attempting the difficult process of reforming an inefficient law later. Mr. Archer was asked if journalists take a narrow vision of RTI, where their

investigative efforts would be delayed while the government could release and manipulate limited information in order to "kill" a story. Mr. Archer commented that that concern is a serious loophole in the Bill because it allows for the government to be extremely selective and end up deceiving the public. Another participant agreed with Mr. Archer's observations that government authorities will still attempt to hide information by citing a recent case where the Ministry of Justice and other government ministries attempted to discredit a highly-critical PricewaterhouseCoopers audit of a school-children feeding program.

Other participants remarked that the people of Ghana, including in the various regions and districts, must be educated to become aware of the value of the right of information to their own lives.

One participant remarked that an RTI Bill is not a panacea, but that securing the RTI is a constant struggle against a government that will always oppose promulgation or implementation of such legislation.

OPENING CEREMONY

Welcome Address/Launch of Coalition's Critique

Professor Kwame Karikari

Executive Director, Media Foundation for West Africa

The Conference began with an opening ceremony led by Professor Kwame Karikari, the Executive Director for the Media Foundation for West Africa. He welcomed the participants and discussed the aims of the conference, the first of which was identified as creating a discussion of the Coalition's Critique of the RTI Bill. The second aim Prof. Karikari identified was the need to bring public participation into the parliamentary proceedings on the Bill as well as the need to extend such discussions into the regions of Ghana. Another aim was to discuss the infrastructure necessary to implement and enforce the RTI law. The final aim Prof. Karikari highlighted was the creation of strategies to improve the Bill and move it forward towards passage. Prof. Karikari then launched the Critique after thanking all the key people involved in its compilation.



Overview of the Coalition on the Right to Information and Status Update

Nana Oye Lithur,

Regional Coordinator, Commonwealth Human Rights Initiative, Accra Office

The session continued with an overview of the Coalition on the Right to Information and status update presented by Ms. Nana Oye Lithur. Ms. Lithur outlined the key aims of the Coalition including using a strong Coalition to mount pressure on the Government to increase its accountability and transparency measures. Partnership building, education, and publication of resources were all listed as integral to this process. Mrs. Lithur then went on to detail the Coalition's involvement with government and parliamentary agents, including the Attorney General, the Deputy Attorney General, Justice Crabbe, and other ministers, in the ongoing development of the Bill. Mrs. Lithur then emphasised the role of such relationships in achieving the goal of a getting the Bill passed with far fewer exemptions. Finally Mrs. Lithur articulated the need to broaden the base of the Coalition beyond Accra.



PURPOSE OF CONFERENCE: TARGETS, OBJECTIVES AND EXPECTATIONS

Jeanette Quarcoopome,
 Programme Administrative, Media Foundation for West Africa

Jeanette Quarcoopome then took the floor to highlight the targets, objectives and expectations of the Conference. Ms. Quarcoopome began by outlining the challenges faced by the Coalition, the greatest of which is building awareness of RTI in large numbers to diverse groups. She highlighted raising the value of RTI to the ordinary Ghanaian as a key aim of the Conference. Ms. Quarcoopome emphasised the diversity of the participants as a tool to achieve this aim stating that the information gathered and the common understanding reached at the Conference can be disseminated throughout the country through the participants. The collective and broad-based approach is also essential to remind the Government to honour its yearly promises. Ms. Quarcoopome ended by challenging the participants to consider how they themselves have extended disclosure within their own organisation's information management.



Remarks from the World Bank

Katherine Bain, Country Programme Manager, World Bank, Ghana

The floor was then given to Katherine Bain who began by stating the fundamental relevance of RTI to human rights, a weapon to fight corruption, empower the citizenry, improve the investment environment for foreign investors, and increase accountability at all levels of government. Ms. Bain made several points regarding the Coalition's work, emphasising the benefits of a multi-stakeholder platform that includes stakeholder organisations like the Media, and grassroots organisations. She went on to underline the need for an RTI law that follows international standards with few loopholes. Ms. Bain outlined the difficulties of implementation of such a law, saying the time and resources required would make it an intensive process, and expectations must be tempered, as complete freedom of information will not be reached by a single path.

Keynote Address

Dr Nick Fobih, President's Office

Dr. Nick Fobih, representing Mrs. Chinery Hesse, Chief Advisor to the President made the keynote address to the Conference. He began by outlining the government's focus on strengthening society by affirming human rights. Dr. Fobih demonstrated the importance of passing the Bill as a step on the road to public empowerment and social justice, allowing the citizens to take ownership of governance. He pointed out that while political parties come and go, governments remain, and for this matter a Bill which, a politician opposes today may tomorrow be of help to him/her, and thus government has as much vested interest in the Bill as the public.

He mentioned the FOI laws in India and Mexico and their special relevance to environmental issues and hailed them as good examples for Ghana to follow. He called for stakeholders to work with the Government in this effort towards passage of the Bill rather than fight against it. He discussed meetings with Coalition members and lauded the progress of Ghana politically, socially and economically. He warned against complacency and called for further improvements, citing a previous speech which appealed for the need for education on human rights. Dr. Fobih said that this sentiment was supported by the President of Ghana, who believes that government cannot improve without the help of civil society and is happy to participate with any organisation and country interested in helping Ghana progress. Dr. Fobih went on to highlight the challenges still faced by the Bill despite its impressive progress, and cited the Government's work with various stakeholders to overcome these challenges. Feedback from the Conference would be taken into account. Dr. Fobih addressed a key issue on the need for rapid improvement in record keeping. Dr. Fobih referred to an issue raised by Prof. Karikari, that of pressuring an already over-stretched Ministry of Justice. However Dr. Fobih underlined the need to focus on this issue in order to improve the system.

Dr. Fobih suggested that a summarised version of the Conference's findings presented by a united Coalition would be a helpful outcome of the Conference. He pointed out that criticisms and advice coming from many different voices were dramatically less effective than a unified critique. Dr. Fobih agreed that passing the RTI law would unify and strengthen the relationship of the Government with civil society, as transparency not only promotes good governance and counter corruption, but that citizens have a right to know how their money is spent. Dr. Fobih then took the opportunity to recognise the contribution civil society organisations have made to the advancement of democracy. He called for a partnership between Government and civil society organisations to have checks and balances on each other. Dr Fobih finished by highlighting the role of the media in the spread of democracy, but warned that good judgment should always be exercised by media houses and journalists.

Film: FOI, Housing and Water Supply in South Africa

Mukelani Dimba,

Deputy Chief Executive Officer, Open Democracy Advisory Centre

This video presented two cases of RTI use in South Africa. In the first case, RTI was used to gain information on a municipality’s housing plan for an informal settlement in Durban. The municipality was demolishing houses in the settlement and residents used RTI to review the housing plan to ascertain if and when they would be provided with housing. In the second case, the residents of a village lacked supply of water while other nearby villages were given access to water. After a long-fought battle, the residents were able to use RTI to determine when they would be added to the water grid. Until they were added to the water grid, the municipality trucked water into the residents as an interim solution. The video highlighted RTI as not being a “silver bullet” to end all problems, but as being a tool to gain access to information on government activities.

Film: FOI and Food Rations in India

Mukelani Dimba,

Deputy Chief Executive Officer, Open Democracy Advisory Centre

This second video dealt with RTI use and advocacy in rural India. There were several cases of government documents detailing money spent on materials, supplies, and labour for various public works projects. For instance, in one village, 80,000 rupees were documented as having been spent on the construction of a community building. However, upon physical inspection of the supposed building site, there was absolutely no evidence of any construction. The video emphasized the point that the poor can use RTI to check corruption in government.



Interactive Session/Discussion

Mukelani Dimba,

Deputy Chief Executive Officer, Open Democracy Advisory Centre

In open discussion, many participants highlighted the purpose and utility of RTI. Mukelani Dimba pointed out that RTI is a link between those formulating public policy and those affected by it, resulting in increased accountability of the Government. He mentioned how, in the South African case, RTI was used to correct some flaws that were shown in the municipality's long-term development plan for water supply in neglecting some villages' short-term need for water. A participant asked about the need for legal advice centres in helping to deal with excess documentation that may result from an RTI request. Mr. Dimba stated that drafting an RTI Bill was easy, whereas extensive work is required in monitoring implementation. He cautioned that legal assistance will be crucial to the success of RTI in Ghana. Another participant commented that all of the Coalition's members must work creatively to build public interest and support. Another participant stated that while some rights have immediate effect on people's lives, RTI is a mechanism that facilitates other rights. The participant advised the Coalition to help in empowering the people so that they can use RTI with ease.



Session Two:

Examining Right to Information Laws in Africa

Chair: Nii Osah Mills, Ghana Bar Association

The Ideal Right to Information Law: Principles and Underlying Framework of an Effective Law and International Best Practice

Venkatesh Nayak,

FOI Programme Coordinator, Commonwealth Human Rights Initiative, New Delhi Office

Venkatesh Nayak began his interactive session on the ideal RTI law by asking for participants' input on what components an RTI law should have. Participants first began with the issue of a title and Mr. Nayak responded that there are typically three types of titles: "Freedom of Information," "Right to Information," and "Access to Information." Mr. Nayak and participants jointly concluded that "freedom" of information is a more abstract ideal, whereas "right" more so implies a state's concrete obligation to citizens. In older European judicial interpretation, "freedom" of information granted to citizens did not necessarily impose a duty upon the Government. With this in mind, "access" was thought to be a more neutral and non-divisive term. Mr. Nayak pointed out that in comparison to the actual substance in the RTI law, the title is a miniscule detail.

Regarding the substantive matters of an RTI law, the ownership of information was discussed. Despite some dissent, Conference participants generally agreed that the people (i.e. the citizens) as ultimate holders of political power, and not the Government, which is a custodian of authoritarian power, should have control over Government information. Thus, an RTI law will result in or reinforce a change in the balance of power between people and Governments, falling in favour of the people.

As far as exemptions are concerned, Mr. Nayak argued that for the fewest possible since the people are the ultimate controllers of Government power and information. Justifiably information seriously implicating state security should not be disclosed. Mr. Nayak explicitly pointed out that this primarily refers to military information and not all information that is created or dealt with by the state. Furthermore, class exemptions should be removed because they are overly broad. These must be replaced by circumstantial exemptions, where information is limited to disclosure





if certain harmful consequences would occur. Additionally, Mr. Nayak argued that all information, including military information, should be subject to sunset clauses where information would be disclosed after a set amount of years.

In regards to health and tax information, participants argued about whether such information should be disclosed or kept confidential. Health information was generally thought to remain undisclosed, but there was serious disagreement about the appropriateness of releasing tax information. Mr. Nayak noted that good RTI laws should be concerned about protecting individual safety and well-being.

Yet even these controversial areas should be subject to disclosure upon an individual's freely given consent or an overriding public interest. Overall, a presumption of secrecy should be replaced by a presumption of openness. Mr. Nayak also described how India's Access to Information Act requires that all information made available to Parliament also be made available to the citizenry

Mr. Nayak concluded by pointing out that it was not the drafting of the law that was the most difficult part of an RTI law, but the implementation of the law. Thus implementation by the people in exercising RTI powers is necessary, as well as imposing an obligation on all government instrumentalities and an independent government authority to enforce RTI regulations. He pointed out that whereas the typical law is passed by a legislature, implemented by an executive, interpreted by a judiciary, and obeyed by the people, RTI laws are passed by a legislature, implemented by the people, and obeyed by the Government. These laws are useless unless the socially disadvantaged and marginalized are empowered to force Government to respond to their needs and concerns. With this in mind, there should be no requirement for citizens to give reasons for their requests of information.

Examples: South Africa, India, Uganda, Nigeria

South Africa's Promotion of Access to Information Act

Mukelani Dimba,

Deputy Chief Executive Officer, Open Democracy Advisory Centre

Mukelani Dimba gave a presentation on the South African Promotion of Access to Information Act. The South African Constitution provides for access to information of both public and private bodies to all persons and thus all individuals or bodies can request information. Individuals do not need to give a reason for a request to a public body, but applications sent to private bodies must state the information's utility to them. As far as exemptions are concerned, the Act does not apply to information from the Cabinet or its committees and judges in a court of law. Information that is limited from disclosure includes private information of other individuals (unless consent is given), records of the Government, commercial information on other individuals, and information given in confidence. The South African RTI law is remarkable in the sense that it has

a public interest override provision which cancel any disclosure exemptions if the public interest outweighs the exemption concern. This includes cases of serious environmental risk and danger or serious contravention of the law. Finally, fees are different for both private and public bodies. Most notably, private individuals with a yearly income below a threshold level need not pay any fees.

Uganda's Access to Information Act

Florence Nakazibwe,
Project Officer, Commonwealth Human Rights Initiative,
Africa Office

Ms. Florence Nakazibwe gave a presentation on the Access to Information (ATI) Act in Uganda.

Uganda is one of the 4 African countries that boasts of a specific FOI law. This right is guaranteed under Article 41 of the 1995 Constitution. A Ugandan Coalition on FOI was created in 2004 to advocate for a specific FOI law, which was finally passed in July 2005. This law became effective in April 2006 although its full implementation has been stalled by the absence of Regulations for which the oversight Minister is obligated to pass. Overall, the Ugandan RTI law is in some respects viewed as a good example of best practice on RTI.

The Act seeks to promote an efficient, effective, transparent, and accountable government by providing the Ugandan public with timely, accessible, and accurate information and by protecting whistle-blowers. It upholds the principle of maximum disclosure, which embodies a presumption in favour of disclosure of all information. Its scope of coverage includes any public body and covers all "information" and "Records" in any format. Moreover, the right to access of information is not affected by any reason the applicant gives for requesting the information. However, a key limitation and that, the right to information is only exercised by citizens.

The Ugandan Access to Information statute also imposes a proactive duty to disclose or publish on public agencies. This means that public organs must create and biennially update a manual detailing the public body and its function, the process for information request submissions, the categories of information the body has, and the contact information for information officers among others. Furthermore, the public body must inform the public of all opportunities to participate in that organ's decision-making process. Public officers also have a duty to assist, free of charge, those who request information, even if that involves information held by another public body.

INDIA'S ACCESS TO INFORMATION ACT

Venkatesh Nayak,
FOI Programme Coordinator,
Commonwealth Human Rights Initiative, New Delhi Office

Mr. Nayak limited his presentation to the actual advocacy and implementation of the Indian Access to Information Act. Unlike many other examples of RTI advocacy, there was massive grass-roots mobilization for ten years before the law was passed. The calls for RTI began in the rural areas and villages of India where pervasive corruption in local government had visceral negative effects on individuals and local communities. Frequently, government records would show that projects were undertaken, funds were spent, and wages were paid for work done by residents in local communities when in reality there were no public works in existence. RTI was used to combat this corruption. Mr. Nayak continued by discussing the implementation process of FOI. He noted that there are two aspects of RTI implementation, monitoring of RTI use and actually using RTI. Civil society organisations engage in both of these areas and they are equally crucial to RTI implementation.



Information that is exempted by the law includes cabinet meeting minutes, commercial trade secrets, information provided in confidence or relating to personal records of a third party, information that would endanger the personal safety of another, information that when disclosed would deprive a person of a fair trial, privileged information for legal proceedings, and information relating to national security or international relations. Nonetheless, all of these exemptions are subject to a public interest override test.

Requests for information can be made written or orally in cases of illiteracy or disability. Key safeguards include instances where information cannot be found, the applicant must be given written notification of this fact, including details of the steps that were taken to find the information. There is a 21-day waiting period for requests of information, and an additional 21-day extension for requests of a large number of records. If the applicant is not responded to after such period, then there is an automatic presumption of refusal of information, also known as ‘deemed refusals.’ Any denials for information requests must be responded to with information on appeal processes hence emphasizing due process procedures.

Finally, there are no application fees. Any fees assessed for information requests are only payable when the decision to grant access has been made eliminating possibilities of denying access at the application stage on grounds of non-payment of fees. Fees cover actual costs for retrieval and reproduction. The Act further specifies that all fees are determined by the oversight minister in a legislative instrument, which creates further clarity and consistency for potential applicants.

The Act, in accordance with best practice standards, also retains protection for persons who expose, in good faith, any wrongdoing posing serious risk to health, safety and environment. (Whistle blower protection)

Nigeria’s Freedom of Information Bill

Edetaen Ojo, Executive Director, Media Rights Agenda

Mr. Edetaen Ojo explained that in the Nigerian case, the RTI Bill has not passed through Parliament yet. The Nigerian RTI Bill gives all Nigerian citizens a legally enforceable right to access to information held by Government, Government agencies, and private bodies performing public functions. The Bill also covers all government ministries, departments, and agencies at all levels and extends to the executive, legislative, and judicial branches of Government. The Bill has some weaknesses in that despite best practice of not requiring a reason for request of information, requests for information must be supplied in writing. Mr. Ojo noted that this is problematic because a large percentage of Nigeria’s population is illiterate. The exemptions from disclosure include information that is personal information (which may be disclosed under certain circumstances), information pertaining to national security, or information that is harmful to the conduct of international affairs. Other exemptions are trade secrets and legal solicitor or client records. Furthermore, the Bill’s public override interest provision does not apply to all of these exemptions. All requests to information must be responded to within 14 working days of the application. If the request is refused, there must be proof that it is exempted and a court has the right to examine the records to verify that it falls under the exemption.

Applicants must pay reasonable prices for search, duplication, and transcription of information. The fees may be reduced or eliminated if necessary for public interest.

The Bill has various other specifications on access to government information. An applicant for information must not unreasonably interfere with the operations of government institution. Information can be accessed via physical inspection, duplication, arrangement to hear or view information, or transcription. But any access to information cannot be detrimental to the preservation of the record. It is a criminal offense to destroy any records in one's possession, punishable by three years in prison. Finally the Bill has whistleblower provision.

An Overview of Parliamentary Processes and Opportunities for Civil Society

Ebenezer Djietror,

Clerk Parliamentary Select Committee, Legal and Constitutional Affairs

Mr. Ebenezer Djietror gave a thorough presentation on the legislative process of the Ghanaian Parliament. He detailed the processes and procedures through which bills become laws as stipulated under Articles 106 (1) and 11(7) of the 1992 Constitution. There are 3 categories of Bills applicable in Ghana including Public Bills, introduced by Ministers of State for and on behalf of the President, Private Members Bills those introduced to the House by members but subject to stringent restrictions. For instance Private bills cannot impose financial burden on the Government and can only be legislated upon Government approval. In practice, no private member bills have passed. However, there are two public Bills that were passed that began as private initiatives, the Domestic Violence law initiated by various women's groups with heavy lobbying of the Attorney General and the Women's Ministry and the Whistle-blower's Bill initiated by the Institute for Economic Affairs (IEA). The last category is Hybrid Bills, which are a crossbreed of the latter 2 examples.

He went ahead to explain the actual process of legislative drafting, which takes place in phases firstly by initiation to the cabinet (in case of Public Bills), gazetting, presentation and first reading in parliament, second-reading, consideration and final reading. The procedure for initiating bills, in case of Public Bills, commences when a Minister of State, presents a Memorandum to the Cabinet on the need to enact or amend particular laws based on some considerations. The Memorandum sets out the principles and policies informing such a proposal, including the defects in an existing law as well as suggested remedies. If such proposal is approved by the Cabinet it is forwarded to the Draftsperson with written instruction to draft the bill. In the case of Private Bills, a Member may draft his own bill or give instructions to a draftsperson to do so for him. Private bills are not required to go through Cabinet before being introduced in Parliament.

At Parliament level, before its introduction in the House, the bill must be published in the national Gazette for at least fourteen days. The publication serves as notice to all citizens of the intention of the State to legislate on the matter in issue and to also solicit public input in the process.

The first reading stage basically entails introduction of the Bill in the House by a Minister or Private

Member at which the Clerk in accordance with Standing Order 123 of the House reads the long title. The bill is subsequently referred to an appropriate Committee of the House for examination and detailed inquiries pursuant to article 106 (4) of the Constitution and Standing Order 125 of Parliament. At this stage, the Committee may extend invitation to the Minister or Member responsible for introduction of the Bill to participate in its deliberations on the Bill. Stakeholders, Civil Society Organisations and Members of the general public may also be invited to assist the Committee in its deliberations. The Committee may also invite stakeholders to, in the alternative, submit memoranda on the bill. The process of lobbying by pressure groups and special interest groups is very strong especially at the Committee level. The outcome of such lobbying may culminate in the proposition of a number of amendments to the bill. The Parliamentary Committee is required to submit a report to plenary on every bill referred to it by House. Reports of parliamentary Committee constitute the bases for debate during the second reading of the bill.

The second reading stage, commences upon a motion moved by the Minister or Member responsible for Bill, which is usually seconded by the Chairman of the Committee or a representative of his/her committee who reads out the report of the Committee on the bill to the House. As a general rule, a motion for the second reading of the bill is normally moved forty-eight hours i.e., two sitting days from the date of presentation of the report to the House. The second reading stage is a very important stage in the passage of bills. It is at this stage that debate ensues in the House on the general principles and policy underlying the bill as well as its merits and possible defects if any, are debated at length. When a motion for second reading of a bill is agreed to by the House, the Clerk reads the long title of the Bill after which it is deemed to have been read a second time.

After the second reading of the bill, Standing Order 128 (1) requires that it passes through a consideration stage in the House which is also not taken until at least forty-eight hours have elapsed from the date of conclusion of the debate on the second reading.

At this stage, the bill is examined in detail clause by clause and amendments are proposed and voted on. There is informality of proceedings marked by the Marshal tilting the Mace towards the Chair (Speaker). This symbolic act implies that a Member may speak more than once to questions proposed from the Chair.

It is at this stage that Members propose other amendment in addition to those which may have been proposed by the Committee. At this stage also, every part of the Bill from long title to sub-clause is voted on and if accepted by the House, it becomes part of the Bill.

The presiding officer calls the number of each clause and the Clerk reads the corresponding heading or marginal notes. If no amendment is proposed, the presiding officer affirms whether every clause is assented to before the Bill proceeds to another stage.

The third reading is the final stage of the Bill in the House. At this stage, the rules do not permit the introduction of any amendment. Under Standing Order 131(1) the third reading is not taken until at least twenty- four hours have elapsed from the time of conclusion of debate at the consideration stage. If the motion for the third Reading is agreed to, the Clerk reads the long title to the House after which the bill is deemed to have been read the third time and passed. Before

the motion for the Third Reading of the Bill is moved, a Member may move that the bill is taken through a second consideration Stage either wholly, or in respect of some part of it allow some amendments. If the motion is agreed to, the Bill passes through a second consideration stage before the third reading. Where it is not rejected or withdrawn, the Bill is passed after the third reading. At this point, the Bill is sent to the President, who can approve or send the Bill back to Parliament. Parliament can only override a Presidential dissent by a two-thirds vote. This presentation was instructive on the legislative procedure in Parliament and assisting participants identify areas of potential engagement for advocacy.



Practical Skills-Building Exercise (Group work on newspaper clips)

Venkatesh Nayak,

FOI Programme Coordinator, Commonwealth Human Rights Initiative, New Delhi Office

In a skills-building exercise, Mr. Nayak directed the participants to break into nine groups. Each group took a newspaper clip on government action and was asked to identify what opportunities were present to make requests for information.

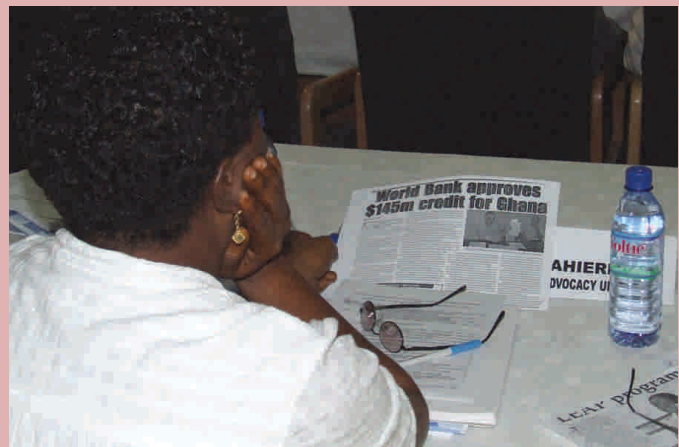
Group One received a story documenting improvements to Ghanaian agriculture and an announcement by the government to increase production by 2010. The group stated that they would try to find if farmers were aware of the announced policy and to discover which farmers were trained by the Ministry of Agriculture, as the Ministry claimed. The group wanted to find the budgetary allocation for the government's proposal and to discover which companies were contracted by the government in this effort, the contract agreement, and criteria used to select the companies.

Group Two was given a story to expand a poverty-reduction program called Livelihood Empowerment Against Poverty. A long list of requests was made by the group, including a mandate for the technical group that was to expand the program. The group was commended by the facilitator.

Group Three had a story about a World Bank credit of \$145 million in order to address rising costs of living, support poverty reduction and agricultural policy, and improve natural resource and environmental governance. The group wanted to know specifically the beneficiaries and number of beneficiaries of the credit, the measurements of success for the use of the credits, the government analysis done regarding specific allocation of credit use, mechanisms for implementation of credit, and the basis on which the World Bank provided an additional USD 20M.

Group Four's story dealt with a highly critical and controversial audit by PricewaterhouseCoopers of a school-children feeding program that was released and later denounced by several government officials. The group sought to find information on the status of the program, including guiding principles and establishment procedures, the criteria and processes of caterers, the number of beneficiary schools, the details of the PricewaterhouseCoopers audit and normal practice on government audits as well as measures taken to correct program deficiencies. Mr. Nayak advised the group to get information at the level of the ministry as the awarder of project benefits, schools as recipients of the benefits, and possibly any banks involved in the transfer of funds.

Group Five received a story on a company that was contracted by the government to aid in reducing land erosion by the sea but failed to fulfil its contractual obligations. The group sought information on the terms of the contract agreement, including who has the power of contract termination, short-term government action to stop sea erosion, the events during contract performance, and what monitoring programs were in place for monitoring contract performance.



Group Six received an article on allegations of maladministration by a member of the District Assembly. The group wanted information on money disbursement and its purposes, monitoring and evaluation programs in place, auditing specifics, and specifics about the legal basis and criteria for selection of projects by the District Assembly member.



Group Seven's article dealt with a number of issues, including the slow implementation of the national health insurance, road creation, and money spent on student & youth employment programs. Accordingly, the group wanted to know more about the effectiveness and progress of the national health insurance program, the burdens and costs of hospitals and clinics, the lack of hospitals in some districts. Regarding roads, the group wanted to know what companies were contracted and how much they were paid, the location and costs of the roads, and what farmers benefited from the roads. Concerning student and youth employment programs, the group wanted to know of money spent, beneficiaries of the programs, and what these beneficiaries received.

Group Eight dealt with an article on allegations of bloated voter registers and subsequent review by the Ghanaian Electoral Commission that placed blame on an operational error of a computer program. The group wanted to get records of the voter registry since its inception, any growth estimates made by the Electoral Commission, the estimated population growth of the area in question, any information on the computer program used and any past operational errors. Mr Nayak also suggested that all monitoring of elections take place in a non-partisan and equal manner.

Finally, Group Nine received a newspaper clip on an announcement made by the Ministry of Lands, Forestry, and Mines and the alarming rate of forest depletion. The group wanted information on the government's national policy on Ghanaian forests, regulatory enforcement mechanisms, deforestation monitoring systems and the extent of their coverage of all Ghanaian forests, and general data and statistics on Ghanaian forests.



Day TWO June 19, 2008

Brief Recap of Day One Proceedings David Sneed,
Yaw Asare Interns, Commonwealth Human Rights Initiative, Accra Office

To start off the day's discussions was an interesting recap of day one's presentations led by CHRI volunteers David Sneed and Yaw Asare.

Session Three:

Passing the Right to Information Law; Executive and Legislative Processes

Chair: Jeanette Quarcoopome, Programme Administrator, Media
Foundation for West Africa



ASSESSING THE RTI BILL OF GHANA

Akoto Ampaw,

Human Rights Committee Chair, Ghana Bar Association

Akoto Ampaw gave a presentation discussing the place of the RTI Bill in the Ghanaian political framework. He began by addressing the concept of sovereignty of the people and the government's corresponding obligation as a public institution to supply information to the people as the ultimate source of power and authority. He emphasized that the supply of government information to the people is central to the notion of self-governance. Furthermore, RTI serves an instrumentalist function in promoting effective participation in government, advancing accountability in the public sector, guaranteeing effective record-keeping and efficient public administration, fighting against corruption, and aiding the people to achieve social justice and secure their rights and freedoms.

In particular, Mr. Ampaw suggested the Bill be in line with the principle of maximum disclosure and the presumption of disclosure of information. Thus, the Government should automatically provide information on its policies and processes and should provide information and manuals on how to assess information. He also suggested that the only acceptable exemptions are those that can be justified by their necessity to protect the public interest or the rights and freedoms of others. These exemptions should however be narrowly written. All exemptions should be subject to a public override interest provision. As the Bill provides for in Section 67, the body claiming the exemption has the burden of proof in showing that the exemption is necessary.

Finally Mr. Ampaw gave a list of improvements and recommendations on the legislation and implementation of the Bill. He called for an independent body that would enforce and monitor the government's compliance with the RTI law. The agency would also train information officers and educate the public. Moreover, he called for inclusion of ministerial and agency capacity for internal review of RTI as well as legal appeals to an independent judiciary on denied requests. Regarding the time frame for information disclosure, Mr. Ampaw advised for an initial 7-day period for the government to decide if information is exempted or to be disclosed and a second 14-day period for actual disclosure. He called on civil society organisations to test the Government's commitment to this timeline. He suggested that fees should not be an obstacle to disclosure. Private bodies performing public functions or with activities that impact the rights and freedoms of others should also be covered by the Bill. He called for sanctions on those who obstruct the exercise of RTI. Mr. Ampaw ended by calling for the legislative memo to clearly spell out the political foundation of the law and the public good it advances. The long title of the Bill should be plainly representative of the main objects of the law. The Bill's language should be easy to comprehend and summaries of the Bill should be in common language.



Steps on How the Bill Gets Passed into Law and Advocacy Opportunities

Henry Tackie,

Principal State Attorney, Attorney-General's Department

Henry Tackie presented on the legislative process and opportunities for advocacy by the Coalition. First, a threshold requirement of determining if the issue needs a law must be met. If there is a law addressing the issue already in existence, it should be amended. Outside of revisions to existing laws, any proposed legislation must go before the Cabinet for approval or rejection only, without changes. The legislation is passed to the Attorney General's Office for finalization. After finalization, the public can comment on the Bill. Upon this public input, the Bill is sent back to the Cabinet for a second approval. The Bill is passed onto Parliament for additional changes and recommendations. The Bill is sent back to the Attorney General's Office which then includes additional Cabinet's recommendations. The minister of the area that the bill deals with then adds a memo describing the Bill. The Bill is sent to government printers and subsequently sent for publication, which must be for 14 days before sending it to Parliament although typically it is sent several months after.

Mr. Tackie went on to explain that the RTI Bill was put before Cabinet which proposed it needed more consultation. The Attorney General also removed the provision dealing with private bodies upon the suggestion, from one of the Ministry's advisors tasked to review the Bill, that private bodies should be free from invasion of public scrutiny. Currently there are serious concerns with the scope of exemptions and administrative organisation. There has been no real government action on the Bill despite proposals of new ideas. The Bill has been assigned to the Law Review Commissioner, who has made his own proposals, is aware of the prior plan of action, knows the Attorney General's objections, and is still receiving stakeholder input. Mr. Tackie concluded by saying that Government involvement is necessary to move the bill forward.

After finalization, the public can comment on the Bill. Upon this public input, the Bill is sent back to the Cabinet for a second approval

Reflection on the Record Management Situation in Ghana

Cletus Azangweo,

Director, Public Archives Administration and Records Department

Cletus Azangweo gave a presentation on the current status of government records management in Ghana. He highlighted the objective of the Conference, which was for participants to obtain technical and advocacy skills on FOI and urged for the need for civil society to work with government and policy makers towards the creation of systems that will promote sharing of information. The establishment of good and proper records management should be a prerequisite for an effective FOI law.



The Public Archives Administration and Records Department (PRAAD) Act of 1997 obliges all department heads to provide records. He gave a brief history of the history of PRAAD and its current incarnation as a manager of the records of public institutions. Following the Records Management Improvement Program of 1992, this led to the need for a new organisation to be created and charged with the responsibility of managing the entire Life Cycle of government records with the Mission of 'Preserving Ghana's collective memory by facilitating and overseeing effective records management in Ministries, Departments and Agencies (MDAs)'. Legislative Instrument No. 1628 of 1996- establishes PRAAD to operate under the Head of Civil Service-Records Class. The law, Act 535 of August 1997- defines the functions of the department as being "responsible for the proper and effective management of records in public institutions of government; ensure that public offices, institutions and individuals who create and maintain public records follow good record keeping practices; establish and implement procedures for the timely disposal of public records of no continuing value; advise on best practices and establish national standards in records keeping in the public services; establish and implement procedures for the transfer of public records of permanent value for preservation



in the National Archives or other archival repository as may be designated under this Act; and perform any function conferred on the National Archives under any other existing enactment.

He described PRAAD's record-keeping practices and development of training manuals on all of its work. Finally he commented on the international approval, particularly from the World Bank and the European Union, of PRAAD's work emphasizing its achievements such as having a fully functional records centre with a capacity of over 80,000 boxes, efficient information management systems and retrieval processes, retaining capable and competent staff who have utilised their expertise in assisting to establish record management systems in other countries such as Gambia and Tanzania.

Mr. Azangweo mentioned some of the benefits of good record management such as facilitating the rule of law, improving accountability, management of public resources and protection of entitlements. He gave an illustration using a life cycle for good records and file management as follows;

- **Capture:** Documents created or received in the course of official business are “ filed” in a record-keeping system.
- **Classification:** Records are classified using, for example, a file plan, to provide linkages between related documents, assist in retrieval and enable retention rules to be applied.
- **Storage and preservation:** Records are stored and safeguarded to ensure their reliability, authenticity and usability for as long as they are needed.
- **Access and use:** Access to records is controlled by policies and procedures regulating who is permitted access to which records and in what circumstances.
- **Tracking:** The movement and use of records is tracked, outstanding action is identified and an auditable trail of actions and use is maintained.

Disposition: Retention and disposition rules are applied to all records, governing their removal from operational systems, transfer to storage, destruction, or transfer to the Archives.

Mr. Azangweo emphasized the need for protection and security of records and explained that a major problem facing MDAs in Ghana is the congestion of their offices with semi-current records thereby clogging office space, cabinets and cupboards. PRAAD has done an instrumental job of decongesting several public offices, conducting sensitization and training on file management systems.





Open Discussion

Mr. Azangweo and Mr. Tackie took several questions after their presentations. A participant asked how Mr. Azangweo would let the government know of his organisation's importance to governance. He responded by stating that PRAAD is a government organisation and that politicians know of their dire need for help. Unfortunately, there has been no increase in budgetary allocation to PRAAD. PRAAD has done consulting work for government ministries, but this is paid for. Another participant asked Mr. Azangweo about the status of record-keeping outside of Accra. He acknowledged that in the regions outside of Accra is where the real need for improvements in record-keeping is. In fact, the regions are seriously handicapped because they lack basic resources for staff to function. Mr. Azangweo also noted that in light of technological advances, there should be evaluations on the legal value of electronic and digitized documents. Several participants commented about legislating the Bill as a private member bill. Mr. Tackie noted that although in theory it is possible for a private member bill to be legislated, but it is not a realistic possibility because of political obstacles. Mr. Tackie also noted that the Coalition must lobby the Office of President in order for the Bill to be presented before Parliament. One participant called for the Bill to include a requirement that every MDA publish a manual that will indicate opportunities for public participation in the decision-making process.

Session Four

Strategies on Advocating for the Adoption of Right to Information Legislation

Chair: Mr Ernest Abotsi, Lecturer,
Dr Kwame Nkrumah University of Science and Technology (KNUST)





Overview of the RTI Advocacy in Ghana: The Journey So Far

Nana Oye Lithur,

Regional Coordinator, Commonwealth Human Rights Initiative, Accra Office

Ms. Lithur described the progress made thus far in RTI advocacy in Ghana. After the Coalition for the Right to Information was formed, the Open Society Initiative for West Africa (OSIWA) gave a grant to the Coalition to help their RTI advocacy. The RTI Bill was first drafted by the IEA in 2002 at the same time as the Whistle-blower's bill, but unlike the Whistle-blower's Bill, the RTI Bill has yet to be passed into law. In 2002, the Government also drafted its own RTI Bill, with considerable input from the Attorney General/Ministry of Justice. In 2003, the Coalition issued a critique of the Bill. In 2004, the Africa Office for the Commonwealth Human Rights Initiative (CHRI) conducted

a study for the Open Society Justice Initiative on government openness which found that out of 142 requests to government ministries and agencies for information, CHRI was denied 70% of the time. President John Kufour issued a promise in 2005 in his State of the Nation address that he was committed to passing the FOI law. Only progress achieved was passage of the Whistle Blowers Act in 2006. In 2007, the Coalition met with Justice V.C.R.A.C. Crabbe to present the Coalition's position on the Bill. In 2008, Justice Crabbe asked for and received additional comments from the Coalition. Although no mention of RTI was made in the State of the Nation Address in 2008, the Attorney General commented that the Bill was in the advanced stages of legislation, but could not specifically say how far along it had progressed. The Coalition has continued to discuss the Bill with various political parties, cabinet members, and media outlets.

Ms. Lithur noted that the Coalition has weaknesses in its concentration in Accra and lack of grass-roots representation. This has inspired the goal towards broadening its national reach by including additional stakeholders and running a national campaign to publicize RTI.

Advocating for the Right to Information - Country Experiences

INDIA

Venkatesh Nayak,

FOI Programme Coordinator,

Commonwealth Human Rights Initiative, New Delhi Office

Mr. Nayak gave the first country experience discussing India's RTI Bill. The campaign for the Indian RTI law began ten years before it actually was legislated. The Supreme Court of India was the first government organ to push for RTI. Much of the RTI movement was spurred on by illiterate individuals in rural India who were contracted for work by the government but frequently not paid in full or at all. Additional stakeholders included another anti-corruption movement led by a former railway engineer, India's press, environmental organisations fighting against large dams, pollution of water, deforestation, etc., consumer rights groups, and intellectuals.

Mr. Nayak went on to note that a major impetus for RTI legislation and implementation often stems from preconditions to donor aid. Many donor agencies and countries require that recipient countries implement RTI before they receive funding. The first state in India to pass an RTI bill in India did so to receive outside loans and grants. He noted that the Ghanaian RTI Bill lacks a timeframe for implementation. In the case of India, the Supreme Court ruled that RTI had to be implemented, yet implementation took a long time in India, and he advised that the Coalition should take note of this. He advised that in this election year, the Coalition should push opposition parties to advocate for RTI in the event that they win elections and hold a majority in Parliament. Additionally, the Coalition should track all changes being made to the Bill and should monitor and lobby those who are actually on the Bill's drafting committee. Finally, Mr. Nayak said that the passage of an RTI is not the end of struggle, but that civil society organisations must actively monitor compliance amongst government departments and must forcefully advocate for use of RTI.

Nigeria

Edetaen Ojo, Executive Director, Media Rights Agenda

Mr. Ojo went on to discuss the RTI campaign in Nigeria. The campaign first began in 1999 and initially focused on coalition building and strengthening. He noted that the Nigerian coalition focused on advocacy training to develop skills for coalition members. Beyond this effort, the coalition actively lobbied legislators. They sent out personalized letters to all legislators, held face-to-face meetings with legislators and committee leaders, issued periodic memos addressed to legislators and legislative aides on specific issues on the RTI Bill. They also focused on legislative aides and administrative staff by holding RTI workshops for them. Mr. Ojo also described some more creative activities that the Nigerian coalition undertook. First, they tried a less confrontational approach by holding a cocktail reception where they invited all legislators to familiarize themselves with RTI and coalition members. Second, they compiled a listing of legislators' cell phone numbers and held a text message campaign where they asked supporters of RTI to send text messages to the legislators. Finally, Mr. Ojo detailed the coalition's effort to campaign in all media arenas.

South Africa

Mukelani Dimba,

Deputy Chief Executive Officer, Open Democracy Advisory Centre

Mr. Dimba rounded out the country experiences session by presenting on the South African experience with RTI. The campaign for RTI began with the struggle against apartheid and the passage of the 1993 Interim Constitution by Nelson Mandela and the African National Congress. After input from stakeholders, RTI was also included in the 1996 Constitution. The drafting of an RTI statute began with Deputy President Thabo Mbeki's commissioning of a task force on making an open democratic society that published four recommendations: RTI legislation must be passed, whistle-blowing protection is required, all public institutions must have open meetings, and privacy legislation must be passed. Only the first two recommendations have been legislated. Mr. Mbeki also got support from democracy groups, trade unions, the South African Council of



Churches, and the South African Human Rights Commission to create a broad-based coalition of groups with different needs and wants for government openness.

Upon submission to the cabinet and the President, there were many concerns that too much government openness could result in a powerless and ineffective government. Thus, several of the Bill's stronger provisions were removed and progress on the Bill eventually stalled. However, the South African Constitution contained a deadline for the passage of an RTI Bill and Parliamentarians were forced to work on the RTI Bill. At this point, NGOs were invited to participate because of their expertise on RTI and even drafted some portions of the Bill before it was finally passed.

Mr. Dimba advised the Ghanaian Coalition to build relationships with Members of Parliament in order to establish familiarity and credibility. He also suggested that they find partners and advocates within the Government to support RTI passage and implementation.

The Relevance of Coalition Strengthening

Edetaen Ojo, Executive Director, Media Rights Agenda

Mr. Ojo gave a presentation on the importance of coalition building and how to achieve a strong coalition. Mr. Ojo began by noting that the task of RTI advocacy is too difficult for just one organisation. Rather, by building synergy amongst multiple organisations, a coalition can be formed to more effectively handle RTI advocacy. The strength of the coalition lies in its large number of diverse coalition members who have different abilities and skill sets. Yet, members should clarify their similar interests and recognize any divergence of opinions or actions. Furthermore, internal debates must be handled internally and members must learn to politely disagree where their views diverge. In fact, members should listen to different points of view and additionally should not depend on one source of information but verify all information received. Mr. Ojo noted that in a coalition, most members are not active, but a minority of members are the driving force. Accordingly, areas and levels of decision-making should be clarified. The particulars of duties, roles, and meetings also should be sorted out beforehand. Moreover, Mr. Ojo advised participants to refrain from speaking on behalf of the coalition unless authorized to do so. Also, individuals from member organisations should keep their organisational membership separate from their coalition membership. When successes are made, credit should be shared amongst all member organisations.



OPEN DISCUSSION

During the Question and Answer session, a participant asked Mr. Ojo to explain how his petition drive for RTI was sustained in strength and not diluted in their attempt to involve other groups. Mr. Ojo explained that he got 10,000 signatures through their initial campaign. Some organisations participated by developing their own specific message in advocating for RTI. For example, a representative from an Islamic organisation found passages from the Koran that correlate to RTI. Another participant asked Mr. Nayak how grassroots involvement was sustained throughout the implementation period. Mr. Nayak gave a compelling anecdote on Indian superstition on tigers to say that once an individual uses RTI, they soon become active users of it. After their first usage, they begin to ask more and more expansive questions and request information accordingly. The key for the Coalition is to link the values of RTI to the plight of individuals. Mr. Nayak was also asked about the effectiveness of donor pressure for RTI. He noted that economic power leads to political power and the donor agencies want certain mechanisms in place to monitor the use of their loans and grants. Mr. Ojo was asked to give more detail on the cocktail reception he discussed in his presentation. He clarified that all legislators were invited although some were unable to attend. The cocktail reception was also funded by an international NGO that received funding from the European Union for RTI work. Finally, Mr. Dimba was asked a hypothetical about what would have happened to the South African RTI movement had the government not capitulated to trade union support. Mr. Dimba commented that a popular movement is required for RTI acceptance and the trade unions are an excellent vehicle to convey the use of RTI to ordinary people. Had the government not acknowledged the trade unions, they would have reaped heavy demonstrations.

Session Five:

Right to Information Advocacy in Practice in Ghana

Chair: Mr. Affail Monney, Vice - President Ghana Journalists Association



Reflecting on Civil Society Role in the Advocacy Process - Identifying Opportunities and Creating Effective Networks in Ghana

Dr. Yao Graham, Director, Third World Network, Africa

Dr. Yao Graham gave a presentation on his views on the current state of Ghanaian politics and how the Coalition must consider this when taking action. In his view, the political culture of Ghana is highly authoritarian and currently there is no entitlement to information. The traditional culture of chieftaincy and the vestiges of colonial culture work in combination to reduce the rights of citizens. Furthermore, although certain rallies are acceptable, such as religious rallies, rallies of a political nature tend to be disfavoured. With this in mind, mass membership organisations are essential in establishing the Coalition's political legitimacy. Dr. Graham also advised the Coalition to be respectful of those who are being lobbied, while firm in their advocacy of their rights. Individual member organisations should also implement RTI by emphasizing and integrating it throughout their work. Finally, organisations should use their special expertise in strengthening the Coalition.

Mr. Gideon Hosu-Portbuley, Member, Ghana National Education Campaign Coalition

Gideon Hosu-Portbuley also spoke on the issue of strengthening the Coalition. He pointed to the utility of the Coalition and civil society in giving people a “voice” in the political sphere. Based on certain schools of thought, coalitions tend to unite to tackle an impending crisis or to maximize resources. So the Coalition should focus on the problems and issues that will produce unity and prevent waste. Individual efforts will not be enough, rather Mr. Hosu-Portbuley advised the Coalition to mobilize grassroots participation in order to add credibility to the Coalition. The Coalition should also develop some type of leadership arrangement that will give structure and focus for the organisation. A set leadership will help to develop a clear chain of communication. In particular, members should know what they derive from the Coalition and what they can provide to the Coalition. In dealing with the government, the Coalition should not only confront but cooperate with government and establish strategic relationships with individuals in government in order to achieve RTI legislation and implementation.





Utilising the Media as an Effective Advocacy Tool for the Promulgation of the RTI Bill in Ghana

Professor Kwame Karikari,
Executive Director, Media Foundation for West Africa

Prof. Kwame Karikari gave a presentation on how to use the media as channel for advocacy efforts. He suggested that the Coalition set up a media and communications unit which would study and develop materials and packages for publishing in public relations and media outlets, including internet venues. This unit is essential to the Coalition because RTI is a new concept that must be fully explained to the media in order to persuade them to support the Bill. The unit should not focus only on major media outlets, but should also take advantage

of smaller regional outlets and should provide materials in local languages. In order to attract the media's attention, the unit should capitalize on the attractive qualities of more dramatic examples of RTI use. Prof. Karikari specifically mentioned the media's tendency to be attracted to large mobilizations of people and as well as displays of power and influence. This unit should have clear objectives in which issues are to be addressed. Moreover, there must be a procedure to allow this unit to speak on behalf of the entire coalition, while allowing individual member organisations to speak on specific issues. Finally, if the unit is to function properly, it must have a clear calendar of events to time and centre its publications around.

Kwesi Gyan Apenteng,
Coordinator, Cultural Initiatives Support Programmes

Additionally, Mr. Kwesi Gyan Apenteng gave a presentation about the effective use of the media in RTI advocacy. He advised the Coalition to recognise that media use is not a natural or spontaneous occurrence, but requires serious planning to effectively send out a clear message to the public. The media

can be a limited and rare resource. This requires study of the social landscape of Ghana, current events, concerns of Ghanaians, a realistic understanding of the how the media works, and a proactive attitude of engagement with media outlets. Thus, the Ghanaian media can be a powerful tool of political pressure.

Mr. Apenteng also gave specific suggestions to the Coalition. He recommended that the presentation of the Coalition's message be simple in size and language. The opening ceremony should be



loaded with the most important information as the media are more likely to cover that event. The message should be provided in a specific context. Thus, the Coalition should consider what issues people will discuss and try to present a message that will influence those discussions. Furthermore, the Coalition needs a more detailed understanding of Ghanaian media; particularly what types of media are most effective with what audiences. Messages should be tailored to different media formats and audiences. Another example of this detailed understanding is the Coalition recognising that journalists and media workers work and engage in certain activities, like finding new stories, at certain times of the day. The Coalition should take advantage of this knowledge.

Open Discussion

A participant suggested that there should be a forum where the Coalition can address chieftaincy issues, especially concerning where chiefs infringe upon the rights of citizens under their authority. Another participant also asked about the need to include chiefs, as custodians of land, in the Bill in order for the public to examine records on their land and resource management. Dr. Graham stated that there is a conflict between the hierarchical chief-subject relationship and the democratic notion of equal sovereignty of citizens. Chiefs should understand that before they are chiefs they are citizens. He noted that unfortunately, accountability mechanisms are weak and chiefs often abuse their offices. To solve this, chiefs must be treated as public officers and subject to RTI legislation. Another participant expressed concern about media unwillingness to cover events in the regions beyond Accra and to address the concerns of those in the rural areas. Prof. Karikari noted that even the larger media outlets have limited resources and prioritize their attention accordingly. The Coalition should look to correspondents of the Ghana News Agency (GNA), as many media houses, government agencies, foreign embassies, and donor agencies use publications from the GNA. He also cautioned that although the media may cover an event, they may not necessarily publish a report on it. He concluded by advising that member organisations refrain from paying the media to cover their events, and should instead try to cultivate a good relationship with local outlets. Another question centred on concerns of removing allegations of political favouritism and partisanship made upon certain groups. Prof. Karikari pointed out that many media houses have their own political biases and that many newspapers are very partisan. Mr. Apenteng advised the Coalition to be open to public response and critique because that is the nature of the media landscape. Certain media houses will respond to the Coalition in a certain manner. Finally, Dr. Graham advised media houses to try to deepen their professional standards of quality. As a former employee in the media industry, he noted that there is growing corruption within media houses, and that the Coalition should be cognizant of this fact. He warned against graft and corruption in the use of media.

Session Six:

Transforming our Society: What can we do to make information access a reality in Ghana

Facilitator: Prof. Kwame Karikari, Executive Director, Media Foundation for West Africa



Oxfam Presentation

Sophie Ly Sow, Oxfam America

Sophie Ly Sow of Oxfam America described their interest in working on the issue of RTI. She commented that a broad-based coalition is the best method to do this type of advocacy. In regards to Oxfam America joining the Coalition, she said that she can make no commitment on behalf of Oxfam America, but can only suggest the idea to Oxfam America directors.

Ms. Sow stated that Oxfam America is currently working on two major activities, a West African regional mining code and a campaign called "Right to Know, Right to Decide." In regards to the regional mining code, Oxfam America is working with ECOWAS to develop a draft and revise it. It is hoped that a regional mining code will contribute to stability in West Africa and replace the low, non-uniform mining standards and practices across West African countries. Moreover, Oxfam America aims to have the code adopted by governments, mining companies, and international financial institutions. The "Right to Know, Right to Decide" Campaign was launched in April 2007 in an effort to increase transparency and access to information on a global scale. The campaign aims to ensure that individuals and communities will be given the right to free prior-informed consent when firms and companies attempt to operate on their land. Currently, Oxfam America is lobbying the US Congress to support international transparency. Oxfam America also plans to launch a regional campaign in 2008 to provide communities with the capacity to decide how their land is dealt with.

Ms. Sow also fielded a critique that Oxfam America has an inappropriate role in creating a regional mining code for West Africa and that the ECOWAS Memorandum of Understanding on the issue makes Oxfam America the organizer of civil society groups, which is problematic regarding the sovereignty of the people in those West African countries. She responded by saying that Oxfam America consulted with West African civil society last year but unfortunately did not know about the Coalition to Right to Information or would have invited it to provide input. Oxfam will also be consulting civil society again after it receives input from public and private sectors. She pointed out that Oxfam was invited and accepted by actors in the region because of the demanding coordination and competence resources necessary to do the overarching work and organisation.

Group Discussion

RTI Advocacy: Adopting Campaign Strategies & Specific Ideas on Advocating Within Your Sphere of Influence

At this point in the conference, participants formed four small groups in order to develop specific strategies about furthering the advocacy of right to information in Ghana. They were specifically instructed to develop three key campaign strategies that the Coalition can adopt within this election year along with institutions that might be targeted. They were also asked to mention three advocacy ideas within each organisation's sphere of influence that can be implemented by the Coalition.

Sharing Your Ideas: Report Back to Plenary on Group Ideas for Future Advocacy

Concerning key strategies, Group One decided that they would create political awareness of RTI by pushing other civil society organisations to put forward their ideas and questions and question presidential and parliamentarian candidates on RTI (which can be done at national, regional, and district levels). They would additionally educate mass-based organisations to inspire some sense of ownership on RTI advocacy and support. Furthermore, they would occupy the media landscape by monitoring and partaking in radio and television programs, cultivating relationships with radio hosts, and receiving public input. Group One would furthermore target specific groups in attempting to broadcast information on RTI. These groups include the Ghana Medical Association and their monthly press releases on key national issues, journalists who could write or be supplied with articles on RTI, and NGOs and their ability to use billboards, brochures, flyers, and drama to explain RTI usefulness. Group One also would use mass education efforts specifically through cultivating relationships and sending mass text messages.



Group Two suggested several strategies, including education by drama, widening the base and membership of the Coalition, mass actions and demonstrations, direct communication by letters to particular individuals, media campaigns, and consultations with various actors in Ghana society. They would specifically target political parties, media outlets, the National Commission for Civil Education, traditional authorities (i.e. chiefs), and religious organisations. Their activities would include packaging of information on RTI in briefs, lobbying politicians and government actors, using commercial advertisements and media program appearances, and using drama and theatre.



Group Three suggested their key strategies as mass mobilization, building of the Coalition, and mass popular education. They would target various actors within the government, including the Office of the President, the Ministry of Justice, Parliament Leadership, and Parliament Central Committees, the private sector, and the media. As far as activities are concerned, the Coalition should engage in increased intra-network communication and media cooperation on media briefs, advocate in particular Ghanaian languages, hold events in the regions, and better document their efforts. The specific groups can develop articles on particular issues and relate RTI to specific and practical needs of common people.



Finally, Group Four's main strategies would be lobbying various Ghanaian and international organisations and actors, campaigning in the media to reach out the public, and using mass mobilization to educate the public about their rights and how they could use them in everyday situations. Group Four proposed to target the legislature, key Members of Parliament (MPs), political parties and especially opposition parties, faith-based organisations, traditional authorities, the Ministry of Justice and the Office of the president, grass-roots organisations, media owners, teachers' organisations, and student and youth organisations. Specific activities would include a signature campaign on local, regional, and global levels, to show support for RTI in Ghana, tapping into the resources available in civil society networks, holding a "Right to Information" Day to commemorate RTI, using "Information, Education and Communication (IEC)" to educate and promote RTI to the community via radio networks, posters, and flyers, and finally issuing a communiqué of this National Advocacy Training Conference and its action points and resolutions.

Way Forward: Adopting Plan of Action – Network Building

In open discussion, an Implementing Committee was created to set up a program based on this conference's findings. The member organisations that are on the committee are the Secretariat from CHRI, Ghana National Education Campaign Coalition, Media Foundation for West Africa, Ghana National Association of Teachers, Green Services, Ghana News Agency, and IBIS Ghana.

Appendix

NATIONAL TRAINING CONFERENCE ON RIGHT TO INFORMATION CONCEPT PAPER

***'Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life.'* (United Nations Special Rapporteur on Freedom of Expression, E/CN.4/1995/32 par.35)**

The Right to Information (RTI), or as it is usually interpreted: unhindered public access to information in public offices, is based upon the idea that 'information is a public resource, collected and stored by the government and its agencies in trust for the people and should be accessible to all unless it is lawfully exempted in the interest of the public'. The benefits of RTI are manifold; including promoting accountability and transparency in a nation's governance, removing opportunities for corruption, and improving governmental efficiency. It also means Ghanaians can have more say in how their government is run, make informed decision in elections, and ensures public servants are accountable for their actions. RTI is therefore a cornerstone in Ghana's democratic progress.

Recognising the need for Freedom of Information to be operationalised in Ghana as a democratic society, the Coalition on the Right to Information was established in 2003 to advance the need for a law on RTI to protect such freedoms. Spearheaded by CHRI (Commonwealth Human Rights' Initiative), the Coalition represents a group of various civil society organisations aiming at increasing citizen participation in governmental systems. The Coalition since its inception has undertaken a series of advocacy activities, published reports, media releases, lobbied Executive and Parliament members to support civil society demands to pass the Bill without further delay.

In 2005 President Kufuor, in his state of the nation address proclaimed Government's commitment to prioritise the Right to Information Bill, which guarantees the citizen's right to relevant public information, and the Whistle Blowers Bill to take the fights against corruption and graft to a new level. In addition, Article 21 (1) (f) of the Ghana's Constitution of 1992 explicitly states: 'All persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society'.

However despite these words, Ghana's RTI Bill has yet to become law. In spite of a Bill on RTI being drafted in 2002 and being reviewed on three subsequent occasions in 2003, 2005 and 2007, Ghana still has no legislation on the Right to information. Furthermore, concerns have arisen over the last review of the Bill in 2007, which included various exemptions and complex exceptions to the Right to Information, high retrieval fees, lack of timely access, the lack of independent enforcement body and poor penalty provisions.

It is important to realise that access to Information affects our daily lives and enhances visibility and openness in government dealings. It encourages free speech and comment, and ensures the most efficient handling of taxpayer's money.

It is through increasing public knowledge and advocacy for passing of the RTI Bill that we can ensure this matter becomes a pivotal point in this year's election. The public plays an essential role in the fight for RTI and it is through our combined efforts that we can strengthen our democracy and government.

On the 19th and 20th of June, 2008 the Coalition is holding a Conference on the Right to Information targeting representatives from civil society and human rights organisations working on good governance issues in different parts of the country.

The primary aim of the Conference is to bolster the expertise and capacity of the participants through sharing knowledge, skills and techniques on RTI advocacy processes. Participants will obtain further insight on RTI advocacy strategies that have been successfully applied in other jurisdictions by experts from Nigeria, South Africa and India. These speakers shall be joined by renowned local speakers with wide experience in public policy processes and effective advocacy techniques. This will educate the participants on the actions that can be taken within their own communities to increase local advocacy programs. The Conference will also provide an opportunity to broaden the base of the Coalition through creating effective networks from participants at the national and local level to utilize their skills and resources to collectively undertake a nation-wide advocacy campaign

In light of this, the Conference seeks to;

- Build demand and support for the right to information and an appreciation of its value and in the process enhance in-country capacity of civil society to assist in further promoting RTI.
- Demand government and all policy makers to adopt a participatory approach to governance through the creation of systems that will promote the sharing of information and provide an open platform on which to engage Government in dialogue with civil society actors.
- Raise public awareness on the value of RTI through a grassroots campaign spearheaded by a wide network of partners equipped with the necessary skills and expertise to work on issues such as the media, civil society organizations and community leaders
- Enhance the advocacy skills of participants and ensure consistency in the message delivered during the advocacy campaign.

Concept Paper

National Advocacy Training Conference for the Coalition on the Right to Information in Ghana:

"Building blocks for the realization of the Right to Information in Ghana"
June 19th - 20th, 2008

Day 1, June 19th

9.00 **SESSION 1: UNDERSTANDING THE CONCEPT OF RIGHT TO INFORMATION**

The Right to Information- An interpretation of the right

Nana Oye Lithur, Regional Coordinator, Commonwealth Human Rights Initiative, Africa Office.
Mr. Nayak Venkatesh, FOI Programme Coordinator, CHRI, Delhi Office.

9.30 **Panel Discussion: The Relevance of the Right to Information to the ordinary citizen.** **Chair: Rose Mensah Kutin, Executive Director, Abantu for Development**

Al Hassan Adam – Ghana National Coalition against Water Privatisation
Raymond Archer, Editor, The Enquirer/Investigative Journalist

Open Discussion

10.45 **OPENING SESSION**

Welcome address/Launch of Coalition's Critique – Professor Kwame Karikari, Executive Director, **Media Foundation for West Africa**

Overview of the Coalition on the Right to Information and status update – *Nana Oye Lithur*, Regional Coordinator, Commonwealth Human Rights Initiative, Africa Office

Purpose of conference: targets, objectives and expectations – *Jeanette Quarcoopome*, Programme Administrative, **Media Foundation for West Africa**

Remarks from the World Bank, *Ms Katherine Baine*, Country Programme Manager, World Bank, Ghana

Keynote Address: *Mrs Chinery Hesse*, President's Chief Advisor

11.30 **TEA BREAK**

11.45 **Film; FOI and Water Supply in South Africa** **Dimba Mukelani, Deputy Chief Executive Officer, Open Democracy Advisory Centre**

12.00 FOI and Food Rations in India

Mukelani, Deputy Chief Executive Officer, Open Democracy Advisory Centre

12.15 Interactive Session/Discussion

Dimba Mukelani, Deputy Chief Executive Officer, Open Democracy Advisory Centre

1:00 LUNCH**2.00 – 5.30 SESSION 2: EXAMINING RIGHT TO INFORMATION LAWS IN AFRICA**

Chair: Nii Osah Mills, President - Ghana Bar Association

2.00 "The Ideal Right to Information Law" – Mr. Nayak Venkatesh, FOI Programme Coordinator, CHRI, Delhi Office

(the principles and underlying framework of an effective law and international best practice)

2.45 Key Examples of Best Practice Provisions;

South Africa - PIAA,

Mukelani Dimba, Deputy Chief Executive Officer, Open Democracy Advisory Centre

Indian – ATI,

Venkatesh Nayak FOI Programme Coordinator, CHRI, Delhi Office (India),

ATI-Uganda

Florence Nakazibwe, Project officer, Commonwealth Human Rights Initiative (Uganda),

ATI-Nigeria

Edetaen Ojo, Executive Director, Media Rights Agenda (Nigeria)

3.15 An overview of Parliamentary processes and Opportunities for Civil Society

Ebenezer Djietror - Clerk Parliamentary Select Committee, Legal and Constitutional Affairs

3.35 Practical Skills-Building Exercise; Newspaper Clips (10 exciting stories) – Group work

Venkatesh Nayak FOI Programme Coordinator, CHRI, Delhi Office

4.00 TEA BREAK**4.15 Report-back**

Venkatesh Nayak FOI Programme Coordinator, CHRI, Delhi Office (Facilitator)

5.30 END OF DAY 1

Day 2, June 20th

9:00 Brief re-cap of day 1- Individual presentation of basic principles of a good law

9.15 **SESSION 3: PASSING THE RIGHT TO INFORMATION LAW; EXECUTIVE AND LEGISLATIVE PROCESSES**

Chair: Jeanette Quarcoopome, Programme Administrator, Media Foundation for West Africa

Assessing the RTI Bill of Ghana

Akoto Ampaw, Chair Human Rights Committee - Ghana Bar Association

Steps on how the Bill gets passed into law and advocacy opportunities

Henry Tackie - Principal State-Attorney, Attorney-General's Department

Reflection on the Record-management Situation in Ghana

Cletus Azangweo – Director, Public Archives Administration and Records Department

10.30 **SESSION 4: STRATEGIES ON ADVOCATING FOR THE ADOPTION OF THE RIGHT TO INFORMATION LEGISLATION.**

Chair: Kojo Asante, Legal Officer, Centre for Democratic Development

Overview of the RTI Advocacy in Ghana; the Journey So Far

Nana Oye Lithur, Regional Coordinator, Commonwealth Human Rights Initiative, Africa Office

Advocating for the Right to Information – Country experiences

India – Venkatesh Nayak, FOI Programme Coordinator, CHRI, Delhi Office

Nigeria – Edetaen Ojo, Executive Director, Media Rights Agenda, Nigeria

South Africa – Mukelani Dimba – Deputy Director, Open Democracy Advisory Centre

The relevance of Coalition Strengthening

Edetaen Ojo, , Executive Director, Media Rights Agenda, Nigeria

11.45 **COFFEE BREAK**

12.00 – 2.00 **SESSION 5: RTI ADVOCACY IN PRACTICE IN GHANA**

Chair: Mr. Ransford Tetteh, President Ghana Journalists Association

12.00 **Reflecting on civil society role in the advocacy process – Identifying opportunities and creating effective networks in Ghana**

Dr. Yao Graham, Director, Third World Network, Africa

Mr. Gideon Hosu-Portbuley – Member, Ghana National Education Campaign Coalition

12.45 Utilising the media as an effective advocacy tool for the promulgation of the RTI Bill in Ghana

Prof. Kwame Karikari, Executive Director, **Media Foundation for West Africa**

Gyan Appenteng – Coordinator, Cultural Initiatives Support Programmes

1.30 Role Play Session; Creative ways of skills-building (Activist V. Government)

Venkatesh Nayak, FOI Programme Coordinator, CHRI, Delhi Office

2.00 LUNCH

3.00 – 5.30 SESSION 6: GROUP WORK: TRANSFORMING OUR SOCIETY: WHAT WE CAN DO TO MAKE RIGHT TO INFORMATION A REALITY IN GHANA?

Facilitator: Professor Kwame Karikari, Executive Director, Media Foundation for West Africa

3.00 Group discussion – RTI advocacy: adopting campaign strategies

Specific ideas on advocating within your sphere of influence

3.45 Sharing your ideas: Report-back to Plenary on group ideas for future advocacy

4.30 Tea Break

4.45 Way Forward; Adopting Plan of Action – Network-building

C02 01

C02 02

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The right to information has attained global recognition as a vital tool in strengthening democratic governance, citizen participation in governance processes, ensuring transparency and accountability within public offices, curbing corruption and enhancing national development. Despite these apparent benefits, however, many states, especially developing nations, have not consistently upheld this right. Ghana has maintained a strong reputation as a leader on the continent but this door has not been well-timed for the freedom of information landscape, which is what is required only if Alliga-Kwesi will suit him.

In spite of the Constitutional provision guaranteeing the right to information in Ghana, this right has remained unexercised to the Ghanaian public who particularly expressed it in the absence of specific legislation. This is reflected by the prevailing scarcity of public offices which possess the web-based legislative systems or systems of data information systems. These and many related issues framed part of the discussions witnessed during the national conference on the right to information, which was organized to build awareness about freedom of information by providing knowledge and technical advocacy skills to the participants. The Conference, which was attended by over 30 participants including representatives from influential non-governmental organisations, Government, international bodies and some of the most notable speakers of the subject.

This report took the results of the discussions witnessed during the national conference, drafted key normative best practice standards on freedom of information, critical views and comments on Ghana's current Bill and other specific laws, as well as the report provides valuable insight on innovative advocacy tools that have yielded practical steps in other jurisdictions and therefore essential components of effective advocacy in Ghana and to doubt their status on the path towards enacting a freedom of information law.



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Ghana Bar Association



Ghanaian Journalists Association



Ghanaian Human Rights Foundation