

THE RIGHT TO INFORMATION

GHANA'S JOURNEY

(1992 – 2019)

August, 2019
Accra

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ISBN: 978 - 9988 - 54 - 582 - 6

Design and layout: © PNAfrica

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“The Right to Information is an integral part of freedom of expression. Self-expression is an end in itself. Speech is undeniably an important way in which we fulfil ourselves as human beings. Secondly, freedom of expression enables us to participate in the processes by which our public affairs are managed, namely, government. Thus, in a sense, the right to information defines both our humanity and our citizenship.”

-Prof. Kofi Kumado (1997)

ABBREVIATIONS

CDD-Ghana	Ghana Center for Democratic Development
CHRI	Commonwealth Human Rights Initiative
CSO	Civil Society Organisation
CSOs	Civil Society Organisations
GHS	Ghana Cedi
GII	Ghana Integrity Initiative
IEA	Institute of Economic Affairs, Ghana
MP	Member of Parliament
MPs	Members of Parliament
NDC	National Democratic Congress
NPP	New Patriotic Party
OSIWA	Open Society Initiative for West Africa
PNAfrica	Parliamentary Network Africa
RTI	Right to Information
RTI Coalition	Coalition on the Right to Information, Ghana
STAR-Ghana	Strengthening Transparency, Accountability and Responsiveness in Ghana
UNESCO	United Nations Educational, Scientific and Cultural Organization
USD	United States Dollars

Foreword

Having served as the Secretariat for the Coalition on the Right to Information, Ghana (RTI Coalition) for over a decade and half, we at the Commonwealth Human Rights Initiative (CHRI), Africa Office have been interested in documenting the history of the struggle that led to the eventual passage of Ghana's long overdue Right to Information Act.

Noting that even before its passage, there were fragmented information and narratives on advocacy efforts, we commissioned this record to produce a clear chronology of events, capture the key roles of various actors, and more importantly, to showcase the vibrancy of civil society policy engagement in Ghana.

Although Ghana's 1992 Constitution made provisions for all persons living in Ghana to have the right to information as a fundamental human right, little is known on why the framers of the Constitution made provisions for this particular right. This research work is intended to answer this question, as well as satisfy other areas of interest such as:

- The role of the RTI Coalition and other Civil Society Organisations (CSOs), including the media, in the over a quarter of a century advocacy towards the passage of the Act,
- The role of the Executive branch of Government and other state actors in getting a Right to Information Act enacted, including documenting failed promises made at passing the Bill over the years,
- Documenting the legislative footprints of the draft RTI law while it was in and out of Parliament for over nine years, and also
- Recognising the efforts of key Members of Parliament during the debates, including taking note of legislators who opposed the law on philosophical and/or procedural grounds.

CHRI is proud to have initiated this commissioned publication and an accompanying video documentary to tell the untold story of the CSO RTI advocacy. This work will not only document the journey of the passage of Ghana's RTI law, but also record the lessons learnt from the journey. This is to aid easy referencing for use by academics, CSOs and other stakeholders, and to provide useful insight into legislative advocacy in Ghana.

This has been made possible with the support of the Open Society Initiative for West Africa (OSIWA), and we are eternally grateful to them.

We also thank the consulting institution that conducted the research and put together this publication and the documentary, Parliamentary Network Africa (PNAfrica) – a civil society parliamentary monitoring organisation.

Let me end by expressing our sincere gratitude to the President of Ghana, Nana Addo Danquah Akufo-Addo, for assenting to the Bill immediately it landed on his table. To successive Parliaments, and the current 7th Parliament which saw to the passage of the law; to Members of the various Parliamentary Committees charged with the Bill at various times and their respective Clerks and secretariats; to members of the Executive Committee of CHRI Africa, the CHRI Family of Offices, and the hardworking staff here at the Africa Office, especially those working on the Right to Information programme area, we say 'ayekoo'.

*Sam Okudzeto
Chairman, Executive Committee, CHRI Africa Office
August, 2019*

ACKNOWLEDGEMENTS

We are grateful to OSIWA, whose funding support has made this publication and the accompanying video documentary on the same subject possible.

We thank also the CHRI team, especially the Head of Africa Office, Mina Mensah and Esther Ahulu, RTI Programme Officer, for their invaluable contributions to this publication. The wealth of information available at their Office which has served as the Secretariat to Ghana's RTI Coalition since 2003 provided useful insight for this work.

Special thanks go to the Executive Director of PNAfrica, Sammy Obeng, who authored this script and led the production of the video documentary. Also to Benjamin Opoku Aryeh (Research Officer at PNAfrica), who coordinated the entire effort of producing this document and the video. To the entire team at PNAfrica including research interns who provided varied forms of support to make this project possible, we say thank you.

But for the professional review and critique of the earlier drafts of this publication by Dr. Franklin Oduro, Deputy Executive Director of the Ghana Center for Democratic Development (CDD-Ghana) who doubles as Board Chairman of PNAfrica; and his colleague, Dr. Kojo Pumpuni Asante, Director of Advocacy and Policy Engagements at CDD-Ghana, we will not have had such a well done piece.

The Institute of Economic Affairs (IEA), through its Founder and Chairman, Dr. Charles Mensah, opened their library of resources to us. We are also grateful to them for granting us permission to publish portions of the first draft RTI Bill in Ghana which was authored under their auspices.

The following RTI champions also provided their perspectives on the subject and greatly enriched this final work; Mr. Akoto Ampaw (Lawyer and leading member of the RTI Coalition), Mr. Alban S.K. Bagbin (Hon. MP for Nadowli-Kaleo and Second Deputy Speaker of Parliament), and Mr. Maxwell Kadiri, a Senior Legal Officer on the Africa Regional work of the Open Society Justice Initiative.

Our final thanks go to the Library of the Parliament of Ghana and its staff who opened their doors to us for the entire period of this research.

ABOUT THIS DOCUMENT

This publication is ultimately intended to document the journey of the passage of Ghana's RTI law, and the lessons learnt. It is to aid easy referencing for use by academics, CSOs and other stakeholders, and to provide useful insight into legislative advocacy in Ghana.

The roles of the Executive and Legislative Arms, CSOs and other stakeholders in the passage of the RTI Law, its legislative footprints, including highlights of the roles of some significant MPs during the law-making process, have been extensively documented in this publication

Many advocates and commentators prior to the passage of the RTI Act, pointed to a draft RTI Bill commissioned by the Institute of Economic Affairs (IEA) – Ghana's foremost public policy institute – in 1999 as the first step in the call for an RTI law. We set ourselves to identify other actions which preceded and succeeded the publication of this draft RTI Bill so the complete history will not be lost.

This publication has been funded by OSIWA, under a Project implemented by the Commonwealth Human Rights Initiative (CHRI) Africa Office on behalf of the Coalition on the Right to Information, Ghana. CHRI is an independent, non-profit, non-partisan, international non-governmental organisation working to ensure the practical realisation of human rights since 1987.

CHRI commissioned Parliamentary Network Africa (PNAfrica) – a civil society parliamentary monitoring organisation working across Africa and based in Ghana – to compile this publication and produce a video documentary on the subject.

INTRODUCTION

Several international and regional instruments and declarations that Ghana is party to, provide for the enactment of freedom of information legislation. The Universal Declaration on Human Rights and Article 19 of the International Covenant on Civil and Political Rights are examples. Article 9 of the African Union Convention on Preventing and Combating Corruption, which Ghana signed on to in 2003, impresses on all State Parties to adopt legislation and other measures that gives effect to the right to access any information that is required to assist in the fight against corruption and related offences.

Ghana attained Independence from the British on 6th March, 1957, and went on to become a Republic on 1st July, 1960. The country however experienced a Coup D'état that overthrew the First Republican Government in 1966. The Second and Third Republican governments established subsequently, were also toppled by the military until a new Constitution was promulgated in 1992 which ushered in the Fourth and current Republican dispensation. The 1992 Constitution provides for freedom of information as captured under Article 21(1)(f) which prescribes that;

All persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society.

An Act of Parliament to operationalise this constitutionally guaranteed right was not passed until 26th March, 2019, after over two-and-half decades of advocacy by civil society organisations and other non-state actors, including the media. This long period of wait included ten years of having four separate draft Right to Information (RTI) bills worked on by the national Parliament. The Parliament further delayed the implementation of the Act when it finally passed it, with the introduction of a Commencement Clause¹ which prescribed that the law comes into force at the commencement of the next financial year (January 2020).

The Object of the Act as passed by Parliament is:

An ACT to provide for the implementation of the constitutional right to information held by a public institution, subject to the exemptions that are necessary and consistent with the protection of the public interest in a democratic society, to foster a culture of transparency and accountability in public affairs and to provide for related matters.²



Nana Addo Danquah Akufo-Addo, President of Ghana, assented to the Bill on 21st May, 2019, 56 days after the House of Legislation had passed it, and within 24 hours from the time the law was placed on his desk. In a televised address which lasted under three minutes on the day of assent, the President explained his decision to sign it in the plain view of the Ghanaian people as he congratulated the 7th Parliament of the 4th Republic for “its courage, sense of responsibility and commitment to good governance” in passing what he described as “a significant piece of legislation.” He expressed happiness that the law was passed in his time as President, predicting that if “properly applied”, the RTI Act should enhance the quality of governance in Ghana and provide a critical tool in the fight against corruption in public life.

¹ Right to Information Act, 2019 (Act 989). Section 86

² Right to Information Act, 2019 (Act 989). Page 4

RTI ADVOCACY

IN THE 1990s

Akoto Ampaw, a prominent human rights and RTI advocate in Ghana, notes that the earlier constitutions of the Country provided for various fundamental human rights including free press but did not provide for right to information. He argued that the RTI provision were later added because “over the years, the right to information campaign and advocacy worldwide was getting traction and therefore the then framers of the 1992 Constitution saw the need of putting it in the Constitution.” On his part, Ghana’s longest serving legislator in the nation’s history, Alban Bagbin (MP), concludes that the framers of the 1992 Constitution included the RTI provisions due to “the realization of the importance of information to development and the history of the country.” He referred to the political unrest that hit the country between 1966 and 1993 and the volume of historical records and information that could help in the fight against corruption which were destroyed during that period as necessitating the RTI provisions in the Constitution.

B. J. da Rocha, a seasoned Ghanaian lawyer, academic and politician, in his article titled Freedom of Information³, argued that without a law to spell out in detail the qualifications alluded to by the RTI provision in the Constitution, “the courts will be confronted with formidable tasks of interpretation with only the vague provisions of Article 21(1)(f) as their guide.” He recognised that there could be interminable arguments about the meaning of ‘necessary in a democratic society’ used in Article 21(1)(f), as he also identified government’s tendency to be secretive as a cardinal reason for an RTI Act.

3 Da Rocha, B. J (1997). Freedom of Information, IEA Legislative Alert, Vol. 4, No. 3, pp.1-3

The early advocacy in the 1990s for an RTI Act was centred heavily on the importance of such a law to the media. For example, Yaw Boadu-Ayeboafah, a renowned Ghanaian journalist and current Chairman of the National Media Commission, in a feature⁴ published in October 1995, argued that a Freedom of Information Act is a must for Ghanaian journalism practice, as he pointed to the woes of journalist, especially those working for state-owned media, in their bid to access information from public officials to aid in their journalism work.

4 Boadu-Ayeboafah, Y. (1995). Freedom of Information Act: A Must For Ghanaian Journalism Practice, Media Monitor, October 1995, pp.15-16



Yaw Boadu-Ayeboafah
(Chairman of the National Media Commission)
@graphiconline

Prof Kofi Kumado, a revered teacher of the law, also noted in his two part series titled The Right to Information, which was published in October⁵ and November⁶ 1997 that, Ghanaian law is one of the most restrictive as far as access to official information is concerned. He enumerated what he described as “a whole host of statutes and regulations which seek to prevent unauthorised disclosure of official information and which make it an offence to do so” thus:

- Civil Service Law, 1993 (PNDCL. 327)
- Civil Service (Interim) Regulations, 1960 (L.I. 47)
- Armed Forces Act, 1962 (Act 105)

5 Kumado, K. (1997). The Right To Information (Part One), IEA Legislative Alert, Vol. 4, No. 4, pp.1-4

6 Kumado, K. (1997). The Right To Information (Part Two), IEA Legislative Alert, Vol. 4, No. 5, pp.1-4

- Armed Forces (Court-Martial Appeal Court) Regulations, 1969 (L.I. 662)
- Police Service Act, 1970 (Act 350)
- Police Service (Administration) Regulations, 1974 (L. I. 880)
- Prisons Service Decree, 1972 (NRCD 46)
- Prisons Regulations, 1958 (L.N. 412)

He further noted that the Oaths of Allegiance and Secrecy and the Official Oath which all civil servants are required to take, facilitates the operation of the laws enumerated above. On the flipside, he was quick to identify some existing laws which he described as “regulating access to information positively” including Article 135 of the 1992 Constitution, which was reproduced as Section 8 of the Courts Act, 1993 (Act 459); the Public Archives Ordinance, 1955 (No. 35); and the High Court Civil Procedure Rules which contain some techniques for accessing information such as interrogatories.

While Kumado recommended that all existing legislation restrictive of access to information should be repealed, da Rocha identified governments’ penchant for secrecy as “one of the most potent enemies of democracy” and “the best friend and protector of corruption, dishonesty, incompetence and abuse of human rights.” He indicated that, “since the concept of right to information is new, it is necessary that the proposals for any law on access to information should be widely publicised and a public debate generated before it is introduced into Parliament. A series of seminars and symposiums should be held countrywide so that the public interest is generated. In the face of public apathy, there may be no real incentive to pass such a law. It is unlikely that the government would be in a hurry to sponsor such a law. The pressure to have such a law passed must come from the people.”

At this stage, organised civil society was needed to initiate the process to activate the rights enshrined in the Constitution. This became the central story of the RTI struggle - a CSO fight to give full effect to the constitutional provisions. The IEA is identified as the foremost institution in the call for an RTI law in Ghana.



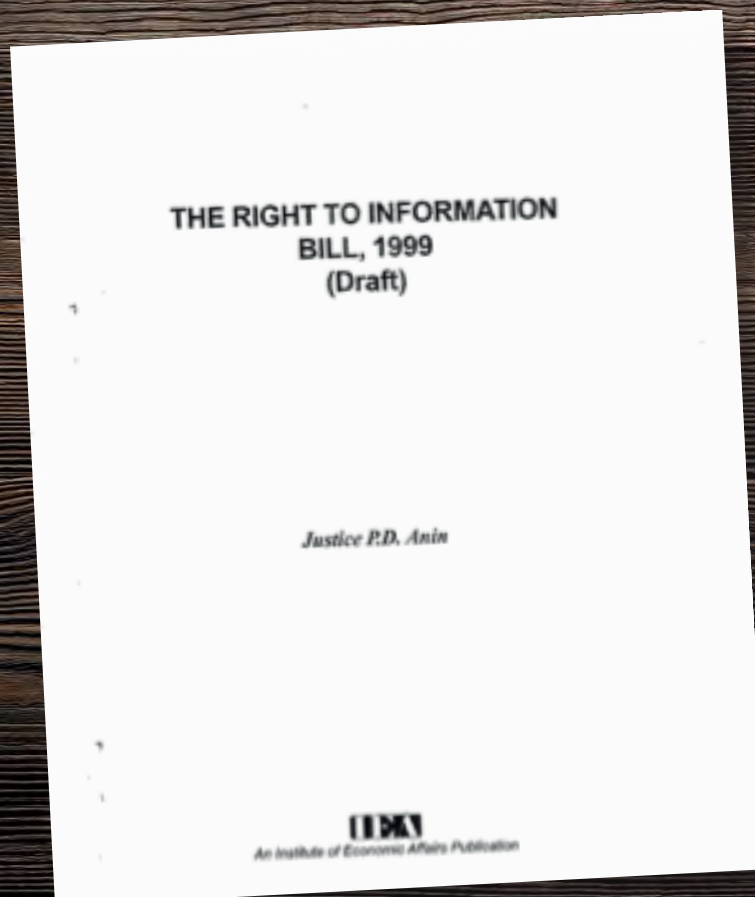
B. J. da Rocha

Prof. Kofi Kumado

EVOLUTION OF THE RTI BILL (1999-2010)

Unlike for other fundamental freedoms provided for in the Constitution such as the freedom of movement, freedom of association and press freedom which had all seen some case law development by 1999, there had not been any suit in the Supreme Court on the provisions on RTI.

Inspired by the refusal of the Bank of Ghana to provide IEA with information on interest rates, inflation rates and national debts citing national security reasons, the Board Chairman of IEA, Dr. Charles Mensah recounts that “we started asking questions about what could be done to compel them [Bank of Ghana] to give information to us. We got similar Acts from US, Australia and Sweden to use as signposts to draft the RTI Bill” which was published in full in its Occasional Papers Number 19 (cover page pictured below). The draft Bill was authored by Justice P.D. Anin, with contributions from B.J. da Rocha, Prof. Kumado and Justice Charles Coussey.



Justice Anin came in with lots of experiences having served as Justice of Ghana's Appeal and Supreme Courts, and also on the Gambian Court of Appeal where he served for fourteen years, eight of which he was President of the Court. He was also Gambia's first Law Reform Commissioner, drafting new Court Rules for their Supreme Court and Court of Appeals, and drafting 30 new laws which were all passed by the Gambian Parliament. He considered his work on authoring the first draft RTI Bill as a "modest attempt to give teeth" to the Constitutional provision on RTI.

The draft Bill came at a time the IEA recognized that "there was a general feeling that the passage of such a law is long overdue" while at the same time, indications showed that government was "not averse to the passage of such a law." Dr. George A. Apenteng, the then Executive Director of IEA, described the draft Bill as "a suitable law which Parliament may pass on the subject of Right to Information" subject to any necessary modification. He further disclosed the aim of the publication as one meant to direct the attention of Parliament to the need for a law governing RTI. This draft was developed in the form of a Bill ready for Parliament's consideration, with the hope that the model will "sharply focus Parliament's attention on the specific provisions... to move expeditiously in the direction of passing a suitable law on the Right to Information."

The draft Bill contained a Memorandum which highlighted RTI as a fundamental freedom and human right; touched on open government, access to information, exempt information, the law of privilege; and went on to provide some analyses of the Bill. It further identified the Official Secret Act, contained in Section 192 of the Criminal Code, 1960 (Act 29) as "inconsistent" and "diametrically opposed" to the draft Bill and ultimately the Constitution, and hence called for its repeal as part of the RTI law. The object of the draft Bill was;

*to regulate the production and disclosure of information, including official documents in evidence before Parliament and the National Security Council under Article 121 of the Constitution, and also before the Courts and Tribunals created by the Constitution and other enactments; and to regulate the resolution of issues and doubts arising therefrom in the Supreme Court vested with exclusive jurisdiction by Article 135 of the Constitution; and other auxiliary matters.*⁷

After the December 2000 General Elections that made way for the 4th Republic's first transition of power from

one democratically elected government to another, the New Patriotic Party (NPP) administration with H. E. John Agyekum Kuffour as President, took over from the National Democratic Congress (NDC) government led by H.E. Jerry John Rawlings. The new government visited the IEA draft Bill and developed a draft in 2002 which was reviewed in 2003. At this time, the Coalition on the Right to Information Ghana (RTI Coalition) had been established by civil society to coordinate their advocacy on the Bill.

Despite these efforts, the Bill did not find its way into Parliament before the first term of that administration ended on January 6th 2005. Considering that pressure from civil society and other stakeholders had gathered momentum at the beginning of year 2005, President Kuffour whose mandate had been renewed in the election of the previous year, promised in his State of the Nation Address delivered to Parliament on 3rd February 2005 that the RTI Bill "will be a major priority this year."

In that same year, the RTI Bill was reviewed the second time, and then a third time in the year 2007 without it finding its way into Parliament. In 2007, government appointed the venerable Justice V.C.R.A.C. Crabbe, a former Justice of the Supreme Court of Ghana and Government Statute Law Commissioner as Advisor on the Right to Information Bill. As part of its lobby efforts, the RTI Coalition engaged Justice Crabbe in a closed door meeting to present to him the Coalition's position on the Bill, just as they had done in presenting consolidated civil society critiques of the Bill during the 2003 and 2005 reviews.

Incidentally, the last State of the Nation Address of President Kuffour on 14th February 2008 was silent on the RTI – a subject he had promised to deliver on four years earlier. This greatly infuriated civil society, with the RTI Coalition leading the charges. The Coalition in a press statement issued on 21st February 2008 condemned the situation, describing it as "another failed promise by President Kufuor" and adding that "one would expect that President Kufuor, in his professed commitment to democratic, transparent and accountable governance, would pass the RTI law to fulfil these aspirations but sadly, this has not been the case."

The RTI Coalition's consistent advocacy in that election year of 2008 ensured that all the major

⁷ Anin, P.D. (1999). The Right to Information Bill, 1999 (Draft), IEA Occasional Papers (No. 19), p 1

political parties in the General Election captured the subject of RTI as part of their election manifestoes. In fact, the People's National Convention (PNC) candidate for that election, Dr. Edward Mahama, announced an ambitious promise to ensure that an RTI law gets passed in the first 100 days of his administration if elected President. He and the other candidates however lost that election to H.E. John Evans Atta-Mills.

President Atta-Mills' NDC returned to power with him as President on 7th January 2009. Just like his predecessor, he also promised in his first State of the Nation Address to Parliament on 19th February 2009 that "during this administration, we will address transparency through... ensuring the passage of the Freedom of the Information Act", a move that the RTI Coalition commended in a press release three days later. It however took 395 days from the day he was sworn in as President before the RTI Bill was laid in Parliament for the first time in the Country's history on 5th February, 2010. This period also saw a very spirited advocacy by civil society and other collaborators under the leadership of the RTI Coalition. Details of the sequence of activities have been provided in the next chapter of this publication.

The over a decade evolution of the RTI Bill from the draft IEA version of 1999 to the 2010 version laid in Parliament saw very significant changes to the content, provisions and even the Object of the Bill. Unlike that of the 1999 version, the Object of the first Bill that made way to Parliament envisaged;

An ACT to provide for the implementation of the constitutional right to information held by a government agency subject to exemptions that are necessary and consistent with the protection of the public interest in a democratic society, to foster a culture of transparency and accountability in public affairs and to provide for related matters repetitive.⁸

It is worth observing that only the term 'government agency' was substituted by 'public institution' in the above Object when compared to that of the Act that has now been passed by Parliament.

⁸ Right to Information Bill, 2010

THE COALITION ON THE RIGHT TO INFORMATION (RTI COALITION), GHANA

Established in 2003, the Coalition on the Right to Information, Ghana (RTI Coalition), played an extraordinary role in seeing to the passage of Ghana's RTI law. Parliament recognised this remarkable contribution as the Coalition was mentioned for praise multiple times in the Official Report of Parliament spanning the period 2010 to 2019 during which time the Bill stayed with the Legislature.

Mr. Joe Osei-Owusu, the Hon. MP for Bekwai captured the Coalition's contribution succinctly when he submitted on the Floor of Parliament in 2013 that "Mr. Speaker, I would end my contribution by offering a lot of thanks to the Right to Information Coalition. They travelled with us all throughout the country and provided a lot of assistance. Indeed, they practically acted as the alternate research team to the Parliament Research Group and they assisted us in coming to the conclusions we did."⁹



The founding members of the Coalition, which include the Commonwealth Human Rights Initiative (CHRI, Africa Office), Media Foundation for West Africa (MFWA), Ghana Centre for Democratic Development (CDD-Ghana), Center for Environmental Law and Development (CELD), Ghana Integrity Initiative (GII), the Ghana Bar Association (GBA), Commission on Human Rights and Administrative Justice (CHRAJ), Legal Resource Centre (LRC), Ghana News Agency

(GNA), Ghana Journalist Association (GJA), and the Foundation for Christian Workers International, worked hard to expand its base to a total of over 100 members by the time the Bill was passed. Membership has been open for free to all civil society organizations, identifiable groups - including professional bodies - and individuals in Ghana that accept the Coalitions' vision, mission and values.

The voluntary, non-profit making, non-partisan, membership based non-governmental Coalition set for itself a vision to have an informed society, where all citizens are able to access information on governance; and a mission to promote transparency, accountability and citizen participation through the mechanism of an effective right to information law.¹⁰ The CHRI Africa Office has served as Secretariat to the Coalition throughout the period of its existence, providing invaluable technical, human resource and logistical support for the implementation of the Coalition's activities.

Initiated by Mrs. Bernice Sam in 2003 while she served as Coordinator of the CHRI Africa Office, the Coalition cut its teeth under the leadership of human rights activist, Nana Oye Lithur, during her tenure as Africa Regional Coordinator between 2003 and 2008. Nana Oye went on further to serve as Convener of the Coalition after she left CHRI, until she was appointed Minister for Gender and Social Protection in 2013. The Coalition embarked on public awareness campaigns, media engagements, lobbying, research and advocacy activities, persisting and modifying its strategies along the way to suit the conditions of each period during the struggle for an effective RTI law. The Coalition has at various times since its inception to date, been led by a Steering Committee made up of highly respected civil society organisations and individual advocates in Ghana as listed in the Appendix.

During the period 2003-2010 that the Bill was not submitted to Parliament by successive governments, the Coalition published features, opinion pieces and other educational materials including fliers, brochures, and audio jingles translated in 5 local languages, to educate the general public about the importance of the law and to drum home the need for the passage of an RTI law. It organised series of news conferences, workshops and strategic meetings across the country, and leveraged on the significance of 28th September each year (Right to Know Day), which was later declared in 2015 by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as the International Day for Universal Access to Information, to engage in various forms of advocacy actions such as hanging banners in strategic places, engaging information service vans to carry out campaigns in communities across the country, public march and organising other public awareness programs.

⁹ Parliamentary Debates. Official Report, 30th June, 2013. Column 2011

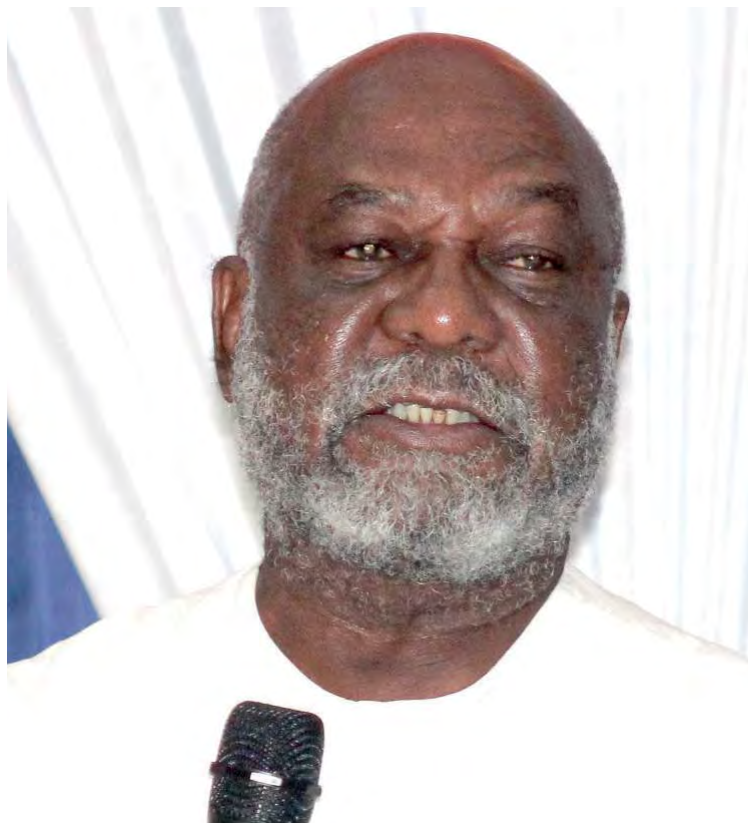
¹⁰ Regulatory Framework of the RTI Coalition, Ghana



Members of the RTI Coalition at a Press Symposium with Caroline Nalule (1st from right), Regional Coordinator of CHRI Africa Office in 2011



Nana Oye Lithur (Former Regional Coordinator, CHRI Africa Office)



Prof. Kwame Karikari (left) and Vitus Azeem (right), leading members and former Co-Chair persons of the RTI Coalition

Its Steering Committee, Regional focal persons and pool of members within its national and regional chapters, volunteered their time and expertise to hold dozens of meeting and engagements with various stakeholders throughout its 16 years of unrelenting advocacy that played a major role in the passage of the RTI law.

On 22nd and 23rd March 2007, the RTI Coalition, led by CHRI, met in Accra with its international partners from Open Society Justice Initiative and Media Rights Agenda to draft an advocacy strategic plan to ensure the passage of the RTI law. They identified the key challenges to implementing an RTI regime in Ghana as being “a significant lack of resources, government fear that the RTI will open the floodgates, and the need for consistency and persistency.”¹¹ This was at a time when only four out of the 53 African States (South Africa, Uganda, Angola and Zimbabwe) had passed a Freedom of Information legislation.

In January 2009, the RTI Coalition submitted a letter of congratulations to President Mills for winning the General Elections, and called on him and the Government Transition Team on Legal Affairs to prioritise matters of RTI, a move that got the Transition Team to promise to have a sub-committee to review the draft RTI bill left behind by the previous government. This move was followed by the submission of briefing papers to all members of the Appointment Committee

of Parliament in February, proposing questions to be asked of the Ministers-designate for Justice, Information, Finance and Local Government when they appeared before the Committee to be vetted. This yielded positive results as the Hon. Chairman of the Appointments Committee, Edward Doe Adjaho’s first question to Betty Mould-Iddrisu, the Attorney General and Justice Minister-designate was picked directly from the Coalition’s briefing paper, on a day that members of the Coalition showed up in the vetting hall clad in RTI advocacy T-shirts. This strategy of proposed questions to Parliament’s Appointment Committee members became a regular feature by the Coalition whenever there was ministerial vetting of significance.

On 18th March 2009, the RTI Coalition met with Betty Mould-Iddrisu and the Minister for Information, Zita Okaikoi, in what was considered a final consultative meeting before the draft Bill was presented to the Cabinet - which comprised of the President, Vice President and significant Ministers of State. The Bill eventually landed in Cabinet in May and was referred to a subcommittee

¹¹ CHRI Annual Report 2007. p. 42

which concluded its work and got approval for it in November for onward transmission to Parliament. While the Bill was at Cabinet, the RTI Coalition circulated a briefing paper on the Bill to all Cabinet Ministers in an attempt to get them to understand its importance and give their approval to it with dispatch.

On 27th January, 2010, the RTI Coalition in collaboration with Publish What You Pay, organised a major public march through principal streets of Accra with over 1500 campaigners participating in what was meant to increase public awareness on the RTI, mobilise support for passage and also to increase pressure on government to lay the Bill in Parliament considering that no action had been taken since the Cabinet approval in November of the previous year. The Organisers of this public march submitted statements to the Attorney-General and Minister for Justice and the leadership of Parliament. Records have it that the Bill was gazetted for onward submission to Parliament on 19th January 2010, the very day the RTI Coalition served notice to the Attorney-General of the impending public march.

The RTI Coalition partnered extensively with various groups and institutions including the National Commission for Civic Education (NCCE); student unions such as the National Union of Ghana Students (NUGS) and the Ghana National Union of Polytechnic Students (GNUPS); professional associations such as the National Association of Graduate Teachers (NAGRAT), the Ghana Journalists Association (GJA), the Musicians Union of Ghana (MUSIGA), the Editors Forum Ghana (EFG); and the Trades Union Congress (TUC) among many others to get multiple stakeholders involved in the call for an RTI law. For example, in 2009 alone, the TUC and the EFG Chairperson, Adjoa Yeboah-Afari, issued separate press statement to call for a roadmap from government to get the RTI Bill passed speedily. The RTI Coalition and TUC over the years, took advantage of the annual May Day Parades across the country to display placards on RTI.



Awardees at Stakeholders' Forum on the RTI Law (seated in front row), in July 2019

LEGISLATIVE FOOTPRINTS (2010 – 2019)



Chamber of Parliament of Ghana

(MP), on behalf of the substantive Attorney General and Minister, laid the RTI Bill in Parliament for the first time on that remarkable date of 10th February 2010, the Hon. First Deputy Speaker, Edward Doe Adjaho (MP), who chaired proceedings at the time, referred the Bill to the Constitutional, Legal and Parliamentary Affairs Committee of Parliament. Upon the intervention of the Hon. Member for Talensi Constituency, John Akologu Tia, the Communications Committee was added to form a Joint Committee to consider the Bill and report to the House.

The Joint Committee, chaired by Felix Twumasi Appiah (MP for Sene Constituency), announced to the general public a request for input to the Bill, a notice that was met with resistance from the RTI Coalition which cited the limited number of days allowed for input, thereby causing an extension to the deadline. The Coalition later responded to the request and submitted a memorandum detailing areas of the Bill that needed to be amended to meet international standard and best practises. The Coalition produced a brochure titled ‘Concerns on the RTI Bill’ which summarised the problematic clauses that needed to be revised. This document found its way to all

the MPs in Parliament including Members of the Joint Committee to guide their work on the Bill. The Committee also announced its intension to embark on a nationwide consultation exercise to engage Ghanaians from all walks of life to have their input factored into the law.

It was not until the period between 27th July and 8th August 2011 that the Committee was able to embark on this nationwide consultation exercise with funding support from the World Bank.

The consultations, which took the form of public hearings and presentations on the overview of the Bill, were conducted in English and the main local languages of the areas visited. It took place in six regional capitals out of the ten regions of Ghana, namely Ho, Koforidua, Tamale, Kumasi, Takoradi and Accra. Before the Parliamentary Committee arrived in each of these venues, the RTI Coalition had already engaged citizens in the area to school them on the content of the Bill so they could make meaningful input to the parliamentary delegation.

The Coalition in a press statement issued on that year’s Right to Know Day opined that “...the consultations



During one of the sessions of the MPs' Regional consultation on the RTI bill in 2011

were a commendable step forward as they indicate that Parliament is ready to take the Bill further for second reading.” They further hoped that “the Joint Committee will compile their report soon enough and be informed by the views expressed by the general public during the consultations so that the bill can be discussed on the Floor of the House when Parliament reconvenes in October 2011.”

Parliament reconvened and went on recess in December without the Joint Committee presenting its report on the Bill on the floor of the House. The Committee, realising that most of the inputs from the consultations are the same as the concerns raised on the Bill by the RTI Coalition, requested the Coalition to present solution/alternatives to the problematic clauses identified in the Bill. The Coalition with the help of Akoto Ampaw prepared a Zero Draft Option Paper with support from the World Bank and submitted to the Joint Committee.

A draft report prepared by the Joint Committee was not laid at plenary after almost 35 months from the date the Bill was referred to it, a situation that was in conflict with Article 106(14)¹² of the 1992 Constitution and Order 136¹³ of the Standing Orders of Parliament.

¹² Article 106(14) states that “A bill introduced in Parliament by or on behalf of the President shall not be delayed for more than three months in any committee of Parliament”

¹³ Standing Order 136 states that “No Bill introduced into Parliament by or on behalf of the President shall be delayed for more than three months in any Committee of the House”

The Hon Majority Leader then, Cletus Avoka, on May 16th 2012 in a press conference in Parliament, blamed the RTI Coalition for partly contributing to the delay of the passage of the RTI Bill, citing the Coalition’s calls for amendments to many portions of the Bill. The RTI Coalition rebutted this sharply with a press conference six days later to reiterate its call for a law that meets international standards and not one that will face implementation challenges just like those passed in some other African countries.

Succeeding the 5th Parliament, the 6th Parliament which was constituted on 7th January 2013 after the 2012 General Elections, could not automatically take over the Bill and work on it from where its predecessor had left off because the practices and procedures of Ghana’s Parliament does not allow for a new parliament to continue with the unfinished work of an expired tenure, unless the issue is re-laid.

It was not until 12th November, 2013, that the new Government of the NDC, under the presidency of H.E. John Dramani Mahama, laid the 2013 version of the RTI Bill in

Parliament through Dr. Dominic A. Ayine (MP), Deputy Attorney General and Deputy Minister for Justice at the time, on behalf of the substantive Minister. The Rt. Hon. Edward Doe Adjaho, who had at this time been elevated from a Deputy Speaker to the Speaker of Parliament, referred the Bill to the Constitutional, Legal and Parliamentary Affairs Committee for consideration and report.

The new Committee, chaired by the Hon. MP for Nadowli-Kaleo, Alban Bagbin, who coincidentally became the 2nd Deputy Speaker who chaired the Parliamentary Sitting on the night of the eventual passage of the Bill, completed its work 13 months after the referral to it with the help of the Coalition and some documents such as the Coalition's Zero Draft Option Paper and the African Union Model law on Access to Information in Africa. The Committee laid its report in the House on 17th December, 2014 but the report was not presented and discussed until 25th June 2015, by which time Bagbin had moved on from being Chairman of the Committee to become the Majority Leader of Parliament.

The discussion of the Committee's report and the clause-by-clause consideration of the Bill were therefore led by the Hon. MP for Yilo Krobo, Magnus Kofi Amoatey, who had taken over as Committee Chairman. In its report, the Committee acknowledged the RTI Coalition; Forum for Former Members of Parliament; the Office of the National Chief Imam and the Muslim Community in Ghana; CHRI Africa Office; Perfector of Sentiments (POS) Foundation; Persons with Disability in Ghana; Officials from the Drafting Division of the Ministry of Justice and Attorney-General's Department; and a former Chairman of that Committee who also served as Deputy Minister for Justice and Deputy Attorney-General, Kwame Osei-Prempeh acting as a resource person - for their contributions to the work of the Committee.



Alban S.K. Bagbin (Second Deputy Speaker, Parliament of Ghana)

Away from the norms of Ghana's parliamentary practices, the Second Reading¹⁴ of the Bill went on for four separate Sitting Days in Parliament within June and July 2015. Rt. Hon. Adjaho justified this situation when he directed that he will want to hear a good number of MPs speak on the matter, describing it as “a very important Bill” for which he will want MPs to take time to reflect on and make meaningful contribution. He conceded that “in my over 20 years here I have never come across this situation.”¹⁵

With over 158 proposed amendments to the Bill by the Committee alone and several others expected from individual MPs, the House began the clause-by-clause consideration of it on 9th March 2016, barely nine months to the next general elections and subsequent dissolution of that Parliament. In fact, the long break between July 2015 and March 2016 attracted petitions from various groups to the Speaker of Parliament as coordinated by RTI Coalition. This prompted Speaker Adjaho to draw the attention of MPs to these petitions and called for expedited action on the Bill.

After dedicating time during 14 separate sittings days to the exercise, MPs were overwhelmed with the volume of work that came with the proposed amendments, hence the decision to have the Executive branch withdraw the Bill and relay it after all the proposed changes have been integrated. As is common practice in Parliament, the idea behind the move was to have a ‘cleaner’ Bill re-presented so there would be very little work to be done as there was pressure to have the law passed before elections.

The Bill was withdrawn and re-laid on 18th October 2016 by Marietta Brew Appiah-Oppong, Attorney-General and Minister for Justice, and it was referred to the Constitutional, Legal and Parliamentary Affairs Committee again for consideration and reporting. Due to the fact that this new Bill had factored in the Committee's work from the previous consideration, the Committee produced a report in no time which was laid in the House a week after the referral – 25th October 2016 – although this new report also proposed as many as 82 amendments to the new version of the Bill. The next day, the Deputy Minister for Justice, Dr. Dominic Ayine (MP), moved the motion for the Second Reading, which was seconded by Magnus Amoatey (MP) who argued on behalf of the Committee he chairs that “considering the fact that a lot of work has already gone into the consideration of the Bill by the Fifth and the current Parliament and the time frame within which the term of this Parliament is expected to expire, it is just appropriate for the House to expedite action on the consideration of the Bill. The Committee therefore, recommends to the House to pass the Bill under certificate of urgency in accordance with article 106 (13) of the Constitution and Standing Order 119, subject to the amendments proposed in the Appendix attached.”¹⁶

The House zoomed into clause-by-clause consideration of the new Bill, dedicating time on 31st October, 1st and 2nd November to it. However, the 2nd November process was halted abruptly within 10 minutes after start when the Hon. MP for Adansi Asokwa, Kobina Tahir Hammond, noted the absence of a quorum and hence the constitutional injunction on the House to discontinue the consideration of the Bill or any other business. Parliament took a recess on 3rd November 2016 to allow MPs to prepare for the General Elections which was barely a month away. The House reconvened after elections and on 20th December, the Consideration of the Bill restarted, only to be arrested again by K.T. Hammond with his call for quorum as per Standing Order 48 – a tactic he continued to deploy on many days the RTI Bill was called even



14 Second Reading of a Bill involves the stage where a full debate on the principles of the Bill on the bases of its explanatory memorandum and report from the Committee charged with the Bill takes place (Order 127 of Parliament's Standing Orders)

15 Parliamentary Debates. Official Report, 25th June, 2015. Column 1783.

16 Parliamentary Debates. Official Report, 26th October, 2016. Column 1220

until 2019.

The Consideration of the Bill could not be concluded until the tenure of that Parliament expired on 6th January 2017.

Upon taking over the reins of government in 2017, President Akufo-Addo's NPP party having promised to "ensure the passage of the RTI Bill if the present Parliament delays in doing so" in their 2016 election manifesto, waited 441 days before a Bill was laid in Parliament on 23rd March 2018. This was at a time that CSO pressure for the reintroduction of the Bill had heightened with a countdown campaign launched to compel the President to keep to his promise.

A Deputy Minister for Justice and Deputy Attorney-General, Joseph Kpemka (MP), laid the Bill without taking it through the 14 day period of publication in the Gazette as prescribed by the Constitution. This gave room for a showdown in Parliament, a situation the Rt. Hon. Aaron Mike Oquaye, Speaker of Parliament, described as "not the ordinary atmosphere in a normal Parliament." The Hon. Minority Leader, Haruna Iddrisu, brought up the matter as he considered it a "faulty" procedure in the face of the nation's Constitutional rule. The Hon. Majority Leader, Osei Kyei-Mensah-Bonsu, rebated this accession as he argued that Bills that come to Parliament "need not be gazetted. If a Bill is referred to the appropriate Committee, the Committee might determine if it is of urgent nature. If it is, it need not be gazetted before consideration by that Committee." His argument gained favour with the Speaker who referred the Bill to the Constitutional, Legal and Parliamentary Affairs Committee for consideration and report.

The Minority Leader further proposed the addition of the Communications Committee to make up a Joint Committee, a proposal that gained the support of his counterpart, the Majority Leader. The Speaker then directed for the Joint Committee to handle the Bill but was quick to add that "principally, it is the duty of the Committee on Constitutional, Legal and Parliamentary Affairs. The Committee on Communication may assist them."

The Committee's report on Determination of the Urgent Nature of the RTI Bill, 2018, which was presented at an Emergency Sitting of Parliament on 26th April 2018, concluded that the Bill was not of an urgent nature and hence needs to be published in the Gazette before laying in Parliament, as the Hon. Chairman of the Committee who presented the report, Ben Adballah Banda, noted that "even though there is high public interest in the matter, the Bill should be taken through the normal legislative process in accordance with article 106 of the 1992 Constitution." It took this Joint Committee's report to reveal that the 23rd March laying of the Bill was simply a hoax, as it only allowed government to buy time in managing the excessive civil society pressure to have the Bill presented in Parliament. The Hon. Minority Leader put it succinctly during the debate on the Floor of Parliament that day as he blamed the Leader of Government Business in Parliament as "just responding to media effect... To meet that requirement, he was in a hurry to come and lay the Bill and announce to the public that the Bill had so been laid."

The non-Gazetted Bill was withdrawn and a new one properly Gazetted was laid the same day. This was when the one year and three days journey toward the passage of the law began in earnest.



Ben Abdallah Bandah (Chairman) and Inusah Fuseini (Ranking Member) of Constitutional, Legal and Parliamentary Affairs Committee of the Parliament at the time of passage in 2019

The Joint Committee organised a Stakeholders Conference to receive inputs from civil society, the diplomatic community, development partners and other stakeholders on 8th May; completed its work and laid final report before Parliament on 23rd May; and went ahead to take the Bill through the second reading stage on 7th June, all in year 2018. Committing 48 sitting days to the clause-by-clause consideration of the Bill spanning from 11th July 2018 to 26th March 2019 when the Bill finally passed, the 7th Parliament has been lauded as taking the bull by the horn and ensuring that the long standing draft legislation on people's right to information was passed.

Legislative Timeline of Ghana's RTI Law at a Glance



During the over nine year stay of the Bill in Parliament, many MPs dedicated time and effort towards discussing the Bill at both Committee and Plenary, thereby ensuring that Ghana has an RTI law that is hoped to stand the test of time, and we celebrate these hardworking legislators who stood for human rights.

In the same vein, the Hon. Member for Adansi Asokwa, K. T. Hammond, opposed the passage of the RTI Bill. On his part, the Hon. Member for Ningo Prampram, Samuel Nartey George, also had reservations about the timing of the passage of the law on philosophical grounds, as he felt other laws needed to be passed/amended first.

K. T. Hammond argued that ***“...you do not open the entire gamut of Government to the prying eyes of the public...one has to be careful that this Bill is not written on banana skins...we should be very careful what we do over here...as a House, we must be very conscious and as a nation, extremely conscious that there cannot be proper governance without a certain amount of secrecy.”***¹⁷ He further added that the Bill “undermines to a good extent a sensible government.” At a point, he alluded that the Bill had been in the House for about fourteen years and so another one year will not “kill” it. On his part, Samuel George maintained in an interview on an Accra-based radio station that “...the RTI is of no consequence... You are chasing an RTI bill that will not fix any problem. Today, what will an RTI do? If we pass the RTI bill and it comes into law, all it means is that there is a designated officer in an institution who we have termed in the bill, an information officer.” He remained consistent in his call for the Public Records and Archives Administration Act, 1997 (Act 535) to be amended if an RTI regime is to be effective.

To buttress their disagreement to the Bill, such MPs deployed many tactics to ensure it could not pass. K. T. Hammond boasted, “I was one of the conspirators who made sure that this Bill did not see the light of the day by way of a proper enactment. Very few of us did that, and I was one of them.”¹⁸

Aside the introduction of a Commencement Clause which seeks to extend the roll out date of the Bill to January 2020, another change to the Bill which never came up for consideration in the two decades journey until the very final days before its passage, was the change of the government Minister under which the RTI law’s preparatory processes and reporting to Parliament will be assigned. The Minister responsible for Information replaced the Minister for Justice and Attorney-General which has been the prescription of the various editions of the Bill that were developed. The Leader of Government Business in Parliament, Kyei-Mensah-Bonsu, justified this when he announced in Parliament that it was a Cabinet policy direction. It is however worth noting that successive Information Ministers have always been integral parts of the RTI work since inception as they have participated in civil society consultations, clause-by-clause consideration of the Bill at Committee levels among others.

17 Parliamentary Debates Official Report, 2nd July, 2015. Column 2124

18 Parliamentary Debates Official Report, 7th June, 2018. Column 1171

CIVIL SOCIETY LEGISLATIVE ADVOCACY (2010 – 2019)

Perhaps the biggest achievement by CSOs in the RTI struggle was their ability to push for so many changes to be made to what came to be known as “problematic clauses” in the original versions of the Bill. This was in the bid to have what CSOs will describe as a “credible RTI law” instead of one that is passed in a rush and not fit for purpose. Notable amongst the achievements was the push to have an Independent RTI Commission provided for in the Act when this was not envisioned by the sponsors of the earlier versions of the Bill.

The level of civil society advocacy targeted at the legislature during the about a decade that the Bill stayed with successive Parliaments was phenomenal. From coordinating strategic workshops, breakfast meetings and Parliamentary engagements; to calling press conferences and issuing press statements among many other local level activities in the regional capitals and districts. These made for a bouquet of strategies that eventually did the trick.

In 2011, the RTI Coalition and its collaborators picketed Parliament on February 2nd. The rather brutal encounter the picketers had with security officials caused some injuries to participants, as the police prevented them from going beyond the main gate to their destination which was the space in front of the Chamber. The Majority and Minority Leaders were however on hand to address participants. That same year, the Coalition engaged the Public Accounts, Subsidiary Legislations and Finance Committees of Parliament to expose them to the immense benefit of an RTI law to their committee works. This prompted the Chairman of the Public Accounts Committee, Albert Kan Dapaah (MP), to file a parliamentary question to ask of the latest on the Bill.

Parliament’s Joint Committee handling the Bill in 2012 requested the RTI Coalition to produce a “Zero Draft Options Paper” on the Bill in respect of the following specific areas identified by the Coalition and stakeholders during the Committee regional consultations: *Exemptions, Inclusion of Private Bodies, Creation of an Independent Information Commission, Fees, and Appeal Process. Others included Declassification of Information, and Accountability Measures for Collecting and Managing Internally Generated Funds. The 31 page document, generated under the leadership of Akoto Ampaw, proved to be very useful throughout the entire advocacy period.*

The campaign was also taken online when a website to increase the network and influence around the Bill lobby process, www.rticampaignghana.org, was launched, and subsequently a signature campaign which gathered thousands of signatures nationwide in both online and offline formats also took place in 2012. Considering that the year was for Presidential and Parliamentary Elections, civil society submitted joint request to the eight Presidential Candidates in the elections calling on them to pledge their support and that of their respective political parties/platforms to the passage of the RTI law.

Many video and audio documentaries and clips were produced, including songs to call for the speedy passage

of the RTI law. Notable amongst these were the audio documentary titled ‘Nsuo Ye Nkwa’ (meaning ‘Water is Life’ in the Twi language) which was aimed at throwing light on how access to information can promote access to citizens’ basic rights such as water; the video documentary titled ‘Breaking the Information Barrier in Ghana’; videos cataloguing the barrage of failed promises made by politicians towards the passage of the Bill, as well as conversations with citizens on the streets to explain to them and gauge their understanding of the importance of RTI in their lives. Many media houses also produced video and audio materials to drum home the need for the law to be passed.

One of the game-changing activities that did the advocacy a lot of good was the working visit to Ghana by the African Union Special Rapporteur on Freedom of Expression and Access to Information in Africa, Adv. Pansy Tlakula, from 1st to 3rd July 2014, at the request of the RTI Coalition.



CSOs engagement with Pansy Tlakula - AU Special Rapporteur on Freedom of Expression and Access to Information (Source: CHRI)



Pansy Tlakula's meeting with Government officials and MPs during his visit to Ghana

This came two months after the Coalition and other stakeholders had engaged extensively with the Parliamentary Committee responsible for the Bill in a workshop in Koforidua to lobby for changes to the Bill. Pansy and the team walked the various stakeholders in Ghana through the AU Model Law on Access to Information for Africa, as they held meetings with government Ministers; the Speaker of Parliament and Leadership of both caucuses of the House; as well as CSOs, donor partners and political party representatives.

Although the year 2016 looked like the breakthrough year for the passage of the Bill, the partisan underpinnings in Parliament frustrated the efforts, as the Minority NPP MPs succeeded in strangulating the process ostensibly to prevent their colleagues from the ruling Party from taking credit for the passage of the Bill as the General Elections was just around the corner. Despite several petitions to the President and development partners, and silent protests on September 28th and October 11th 2016 coordinated by the RTI Coalition, the passage of the law did not see the light of day.

Within two months of coming into office after the elections, the new government formed in January 2017, having promised to “ensure the passage of the RTI Bill if the present Parliament delays in doing so” in their manifesto, invited the RTI Coalition to review and submit comments and recommendations on the new draft Bill to be presented before the new Parliament through the new Attorney General and Minister for Justice, Gloria Akuffo. The Coalition also provided technical support to the Commission on Human Rights and Administrative Justice (CHRAJ) at a meeting to review the RTI Bill in March 2017. The CHRAJ had also been given a copy of the draft Bill by the Ministry to review and submit recommendations.

Not much was heard from the Executive branch of Government after these early signs, until the President, Nana Akufo-Addo, in his address to the nation to mark the 61st Independence Anniversary on 6th March 2018, assured citizens that “there is, however, one piece of the anti-corruption framework that is yet to be put in place; The Right to Information Bill. It would increase transparency and add another critical weapon to the armory in the fight against corruption. After many years of hesitation, we intend to bring a Bill again to Parliament and work to get it passed into law before the end of this Meeting of Parliament.”

This was immediately launched on by civil society when a well-coordinated social media countdown was initiated to put pressure on government to at the very least, ensure that the Bill is re-laid before Parliament by 23rd March – seventeen days after the President’s promise.

This campaign, which was a collaboration between the RTI Coalition and the GII Consortium made up of the



Countdown campaign to call for the laying of the Bill launched in March, 2018 with Chairman of RTI Coalition, Seth Ablosso (3rd from left) and other Coalition members (source: GII)

Ghana Integrity Initiative, Ghana Anti-Corruption Coalition and SEND Ghana, was christened the RTI Action Campaign. The Consortium later provided funding support to the Committee of Parliament to cover some costs in organising a Stakeholder Conference to engage on the Bill; funded the daily monitoring of parliamentary sittings to track the progress of the RTI Bill, among many other significant activities at district, regional and national levels including supporting some activities of what came to be known as the Media Coalition on RTI.

MEDIA COALITION

From Boadu-Ayebofo's article in 1995 to the postulations of Justice Anim that "...to instance but one professional group in society, media houses are deserving of reasonable access to official information, subject to necessary qualifications in the sensitive area of state security and national defence, in the discharge of their public duty of dissemination of information, education, and entertainment to the public; otherwise they stand in danger of peddling falsehoods and defamatory material"¹⁹ many argued that an RTI law will be of great significance to media practice in Ghana.

It is therefore not surprising that the media has been part of the RTI advocacy since inception. This is evident in how media associations and groups were among the founding members of the RTI Coalition. However, for a long time, the role of this forth estate of the realm in the RTI work was more focused on reporting activities of civil society and Parliament around the law, or participating in workshops to build capacity on how to effectively report RTI matters. Examples can be cited of how the RTI Coalition held a roundtable discussion on the Bill with media executives at the International Press Centre on 1st November 2011, and had capacity building engagements for the Parliamentary Press

Corp in 2011 and 2015 among many other.

However, Mr. Ransford Tetteh, speaking at an RTI Coalition Press Conference in 2007 in his capacity as President of the Ghana Journalists Association, underscored the need for "journalists to become more proactive, escaping the backseat role, to laud the RTI as a duty and not only a right." Perhaps the antidote to this backseat role was discovered in 2018 with the formation of the Media Coalition on RTI. The CHRI Africa Office put it neatly in its 2018 Annual Report that "after many years of trying to get the media to play a front-line role in the advocacy, the media finally identified with the campaign and a Media Coalition on RTI carrying out media-led and media-run activities was set up."

At a Press Soiree organised in Accra on September 27, 2018, by the RTI Coalition on the occasion of the International Day for Universal Access to Information (IDUAI), a discussion on how media personnel could use their platforms to support the RTI advocacy resulted in participants mooted the idea to form a Media Coalition to push for the speedy passage of a credible Bill. Following this, the RTI Coalition's Secretariat created a WhatsApp page for the participants to facilitate the formation of the group. The page, which started with 30 media personnel grew to about 230 members

plus nine additional regional WhatsApp pages with hundreds of other journalists practicing in the Regions joining by the end of 2018. These efforts were coordinated by PNAfrica which has since served as Secretariat to the Media Coalition. The



Media Coalition after formation, organised a strategic meeting in Accra to deliberate on and develop series of media-led and media-run activities aimed at increasing pressure on Parliament to accelerate the passage of a credible RTI Bill into law. It formed a seven-member Interim Steering Committee made up of Elvis Darko (Editor of the Finder Newspaper, representing the print media), Clement Akorloh (Managing Editor of Afriwake Online Radio, representing online media), Cecil Obodai Wentum (a Morning Show Host of Uniq Fm, representing state-owned media), Abednego Asante Asiedu (Parliamentary Correspondent for Adom Fm, representing the Parliamentary Press Corp/Electronic

¹⁹ The Right to Information Bill (1999 Draft). IEA Occasional Papers (No. 19). Memorandum (Pg. iii)

Media) and Vida Israel (Reporter at the Punch Newspaper, representing female journalists). Others were Gilbert Boyefio and Sammy Obeng both from PNAfrica which served as Secretariat to the Media Coalition.

The Media Coalition's actions immediately gained traction when it held its inaugural Press Conference on 29th October 2018 and picketed Parliament the next day with members clad in branded t-shirts to welcome MPs who were returning from their summer recess.

These moves dawned heavily on Parliament which had noticed a fresh energy in the RTI agenda. Inusah Fuseini, the Hon. Ranking Member on the Constitutional, Legal and Parliamentary Affairs Committee, revealed that the leadership of his Committee was called from a retreat where they were handling other Parliamentary assignments to abandon everything and make it to the Chamber to commence action on the Bill because the media had besieged Parliament.

The Media Coalition, working jointly with the mother



Some members of the Media Coalition in the lobby of Parliament

RTI Coalition and Occupy Ghana, launched an action to wear red clothes on Fridays, encouraging citizens and media persons to join in and post pictures of themselves in their red cloths to various social media platforms with the hashtag #RTIRedFriday. This caught up like wild fire as the media gave so much mileage to the campaign and also participating in the action (as pictured below) to the extent that #RTIRedFriday topped the Twitter trends in Ghana on the first day slated for the action – 30th November

2018. This continued on all Fridays in the month of December that year. The period alone saw hundreds of media interviews and on-air shows on television and radio stations across the country that focused on the need to pass the RTI law.



A second picketing of Parliament by the Media Coalition on the day the 2019 Budget was presented to the House, was



greeted with aggression by police and military personnel dispatched to Parliament House, who would not allow picketers anywhere close to the State House, and succeeded in ceasing phones and other recording gadgets used by Coalition members. As if that was not enough, members of the Media Coalition were picked up and detained at the Parliament Police Station for some time, all in the bid to break the front. All these happened at a time when Parliament had declared as ‘unparliamentary’ the wearing of T-shirts with RTI inscriptions on them in the Public Gallery of the Chamber, prompting Parliamentary Security to turn away members of the Coalition who appeared to observe proceedings in their T-shirts or any red attire.

Some MPs including the Hon. First Deputy Speaker, Joseph Osei Owusu; the Hon. Majority Leader, Osei Kyei-Mensah-Bonsu; and even the Speaker of Parliament, Rt. Hon. Prof. Aaron Mike Oquaye, also took turns to chastise the media and civil society for mounting undue pressure on the House while they boasted they will not be cowed into passing the law because of the pressure.

The Media Coalition in January 2019 organized sensitisation workshops in five regions of Ghana to bring together journalists from the host regions and neighbouring ones to discuss region-specific media actions to ensure that MPs feel the need to get the Bill passed both when they are in Parliament and when they are in their respective Constituencies. These workshops, which were held in Ho, Cape Coast, Kumasi, Sunyani and Tamale, were also used to train participating journalists on the content of the RTI bill and the changes sort in order to inform the line of questioning of these journalists when they host MPs on their respective shows.

Bagbin noted that “the Media Coalition is the pinpoint that the civil society coalition used to get us to do the work... we need to commend the media for that work.” This position was supported by Akoto Ampaw when he mentioned in an interview that “the involvement or emergence of the Media Coalition as a distinct group of media practitioners who were not simply providing coverage but actually being directly involved in the advocacy, was huge and critical. Without it I’m not sure we would have had the bill passed into law... one of the most significant lesson in this campaign was the emergence of a media group that saw itself as an active part of the advocacy process, and I think going forward we should strive to do that for other important campaigns.”



Other Civil Society Activities

In a landmark ruling delivered on 13th April, 2016, on what has come to be known as the ‘Bus Branding’ case, the High Court ordered the release of information under the rights provided for in Article 21(1)(f) when the civil society organisation, Citizens Ghana Movement (Lolan Kow Sagoe-Moses and others), sued the Minister for Transport and the Attorney General to make full disclosure on a scandalous contract in which 116 buses were re-branded for USD 3.6 million.

Another strategy adopted by the Coalition and its collaborators was the series of courtesy calls paid on media owners and major media associations like the Ghana Independent Broadcasters Association, the EIB Network and the Multimedia Group to solicit support for the media actions targeted at ensuring the speedy passage of a credible RTI law. Civil Society Heads and staff, clad in red cloths, worked together on a Street Advocacy campaign to distribute flyers and stickers to members of the public on principal streets across the national capital, while educating the people engaged on the importance of the RTI law and calling on the general public to join in the advocacy. These CSO leaders then made way to the Public Gallery of Parliament to observe proceedings and to send a strong signal to MPs about their united resolve to push for the passage of the law. All these activities, which took place on 30th November 2018, did not come without some resistance from Parliamentary security who indicated they were acting on the orders of their superiors in Parliament.



Advocates stopped at nothing in throwing the spotlight on MPs and Government Officials who came in the way of a smooth advocacy. For example, the Head of CHRI Africa Office, Mina Mensah, published an Open Letter²⁰ to the 1st Deputy Speaker, Joe Osei Owusu (MP), reacting to the MP's comment that there were more critical Bills that are still pending in Parliament such as the Property Rights of Spouses and Interstate Succession Bills, as he argued that the RTI Bill is not different from any other Bill. K. T Hammond (MP) who constantly spoke against the passage of the Bill had his claims fact checked on radio to expose the inaccuracies in those claims, forcing him to declare his unwillingness to comment on any matter relating to RTI. MPs who were absent in Parliament on days the RTI Bill was up for consideration were also named with actual headcounts of the number of MPs present in Chamber during the Consideration Stage of the RTI Bill. Cartoons and infographics such as the ones below, were used to support the advocacy. The Parliamentary Service also had its share of the strict scrutiny when its Research Department published a paper estimating the cost of implementing an RTI law for the first five years at GHS 750 million (approximately USD150 million). The Government, through the Minister for Information, and even the Parliamentary Committee working on the RTI Bill through its Chairman, dissociated themselves from these cost estimates, which had its methodology and conclusions heavily criticised by civil society. It was described as an attempt to shift the focus of members of the public



from the importance of the RTI law.

As noted, this Chapter has showed an interesting mix of collaborative works between Parliament and Civil Society, which also turned sore and adversarial at times. It also shows a campaign that involved all manner of persons and groups – traders, the youth, business associations, trade unions, local government structures, religious groups, market women, farmers, fishermen, persons with disabilities and the media.



L-R: Kojo Asante, Elvis Darko, Esther Ahulu and Mina Mensah of the Coalition in one of the RTI Engagement sessions with Ben Abdallah Banda (Chairman of Committee) in his office

20 <https://citinewsroom.com/2018/02/06/rti-bill-open-letter-to-1st-deputy-speaker-of-parliament-article/>

LESSONS LEARNT

Throughout the RTI journey, many lessons were learnt and various strategies adopted to yield the results. Below are our top 10 lessons and strategies which proved useful and can inform future advocacies, especially legislative advocacies.

1. THE BENEFIT OF AN EFFECTIVE SECRETARIATE

Having an effective secretariat with dedicated personnel that have their eye on the ball at all times has proven to be fundamental to effective legislative advocacy. This is because beyond the oral advocacy, media engagements and activities, an organisational base is needed to sustain the momentum. For campaigns that are not structured around a coalition, having effective project structures with dedicated project officers who have a good understanding of the subject and passion for the cause is required.

Such secretariat arrangements, when applied properly, results in building up a strong resource hub that other civil society organisations and collaborators in the advocacy can tap into its wealth of information, and this has proven to be useful.

2. TECHNICAL KNOWLEDGE OF THE SUBJECT MATTER

To have a team with the competency and relevant skills in the subject matter being advocated on, is critical to effectively working with the Legislature. The work of Parliament is very technical, and it was obvious from the RTI advocacy that officialdom and lawmakers take seriously advocates who speak and engage from positions of knowledge and authority in the subject area. Without this, you are disregarded.

An advocacy has to be informed by very strong technical base and a thorough understanding of the subject matter. An ability to conduct groundbreaking research, prepare documents that allows for lawmakers to digest different positions and alternatives easily, and in a simplified formats that conserves their time, cannot be over emphasised. Kojo Asante, Director of Advocacy & Policy Engagement at CDD-Ghana, who has been a leading member of the RTI Coalition over the years, reiterates the point above noting that “in doing that, Parliament took us very serious. We will present papers, we will send memos, have engagements with them where we make our points, and then they knew that we knew what we were talking about.”

The Parliament of Ghana just like many of its peers across Africa does not have very strong research staff that supports their Committee works and the technical needs of its Members. To this end, they take very seriously any group of advocates that fill in this gap by supporting them with the information needed and adding value to make their work effective. The RTI Programme Officer of CHRI Africa Office, Esther Ahulu, puts it this way, “I realised that throughout all our engagements, when you engage them [MPs] by just talking and sitting together to speak about what you think is needed, then nothing gets done. But if you engage them with a document - researched document - and sit with them to explain some of the things in the documents, it really helps.”

In the case of the RTI Coalition, this attribute landed them very important and rare access to closed-door technical meetings of the Committees of Parliament. This was in recognition of the premium Parliament placed on the technical value of the Coalition, its members and collaborators.

3. THE IMPORTANCE OF BUILDING RELATIONSHIPS

Identifying influential people in Parliament – MPs, staff of Parliament (especially those supporting MPs on the subject matter such as Committee Clerks), and other champions within government - whom you can build very good working relationships with is critical. Akoto Ampaw notes that having people “who can help you steer

your way through the abhorrent of parliamentary legislative making” is important. Friends and champions you can call overnight and you know you can get results.

This must however be a relationship of equals, one that is anchored on mutual respect. A relationship that identifies that although you as an advocate will criticise Parliament and its agents for their actions and inactions, and they also will come hard at you in defense, both parties identify each other’s worth and hence are not willing to truncate the relationship. Kojo Asante observes that when this is done effectively, “you can make your point as forcefully as possible and still walk away not feeling a certain personal conflict knowing that you can meet the next time and have another forceful debate. That helped us when at critical points we could come to a conclusion and say okay, I accept your point but maybe can we find a middle way.”

The other benefit of such relationships is when such friends push through some of your advocacy concerns even when their colleagues are unwilling to budge. Mina Mensah, Head of CHRI Africa Office describes them as, “people who are interested in what you are doing and to support [on the corridors of Parliament], so that if there are some tensions or issues that you are not agreeing on, at least you know that these people are there to see you on the side, to hear, and to also engage some of their Members on your behalf.”

4. NEED FOR SUSTAINED ADVOCACY

A touch-and-leave approach does not work in legislative advocacy. Working with Parliaments can be very long winding endeavors that take years to start yielding results. It is a process and not an activity - those who persist and not give up are those who succeed.

There are documents you may have to submit multiple times before you get results. There are appointments which will have to be rescheduled a dozen times and more. There may be calls that will not be returned by people in Parliament for several days. But in all these, one needs to soldier on, following up until results are achieved. It is common knowledge that having access to the political class can be very tedious, yet the good news is, it is not impossible either.

5. POWER OF THE MEDIA

The media is an important ally for successful advocacies, especially for campaigns that go to the heart of Parliament. Having the media talk about the cause you are engaged in, and getting them to give it the mileage it deserves, helps to ensure that MPs do not only feel the heat of the advocacy at the national level, but it follows them even to their constituencies and local communities because local media are also involved. This is as true with working with the traditional media as it is with using social/new media.

The media is a very powerful tool, and as politicians always want to look good, an advocate’s ability to leverage effectively on the media is critical. The RTI advocacy showed that engaging the media goes beyond simply having journalists call advocates for interviews or cover events and receive press statements; what works is building lasting partnerships with the media so they see themselves as part of the campaign rather than conveyors for information and news. This partnership involves respecting the media enough to involve them in the planning process, as you will also involve them in the implementation and review processes. The additional benefit that the Media Coalition on RTI as discussed in earlier chapters of this publication brought to the campaign confirms this.

6. THE POWER OF COALITION BUILDING

The benefits of partnerships and collaborations in advocacy cannot be over emphasised. Working with a team of people who have varied backgrounds and expertise that are important to the subject matter, ensures that their knowledge are tapped into and used effectively. This also includes not focusing only on national level organisations and partners, but involving local level organisations to ensure greater buy-in.

This is even more important for campaigns such as right to information, which affects the masses. We note that many of the legislations that are worked on by Parliament have similar attributes – they affect the larger

population. Nonetheless it is worth observing that managing a large group of partners and collaborators, whether in a formalised coalition or a loosely run one, is not an easy task. Although the benefits of a Secretariat as discussed in point 1 above comes in handy, advocates must also note the following;

- Coalitions are built on trust, hence all effort must be put into building and sustaining trust. It is good that coalition members constantly have ways to engage among themselves. The more you can sit together, the better you become familiar with each other and understand the likes, dislikes, strengths, trends, beliefs, capacities and endurance levels of each other.
- Coalitions must have internal arrangements to manage and resolve conflicts. There may be arguments on strategies to adopt; there may be major crisis; they may be foes trying to infiltrate the camp; hence having individuals that can always knit the group together and effectively resolve conflicts are important.
- The strengths of individual members and member-organisations must be leveraged and used effectively. Understanding that some people in the group are better at engaging the media while others are good for grassroots mobilisation, and the rest are effective in engaging and negotiating with MPs and political leaders, is important to allow for efficient deployment of your human and organisational resources. Remember also that the roles of all team members must be clearly defined, so that the negative energy that get brewed from some members feeling they are doing all the work while other do nothing, does not come up.
- Finally, managing the expectations of the Coalition and its members is key. As discussed earlier, legislative advocacy can be tortious and unyielding at times and similarly, the people you will work with will have different attributes. When expectations are better managed, it lessens the effect of such unexpected outcomes.

7. UNDERSTANDING PARLIAMENTARY PRACTICES AND PROCEDURES

Fact is, you cannot deal effectively with Parliament when you do not understand how parliament works. The legislature has its rules of procedure; politicians have their own manoeuvrings and tactics; and an advocate's ability to understand these, appreciate and deal with same is of immense importance. This is where working collaboratively matters and having partners in your team who have expertise in the matters relating to parliament comes in handy. The RTI advocacy leveraged on parliamentary monitoring civil society organisations and individuals with the requisite experiences who were on the team to help achieve the results.

Another angle to this issue of understanding how parliament works, is for advocacy leaders/collaborators to dedicate time to monitoring regular proceedings of Parliament so they are not taken by surprise by overnight decisions of Parliament that affect their advocacy. This includes keeping your ear to the ground on what goes on inside and outside the Chamber of parliament – at Committee levels, in the lobbies and offices. The RTI Coalition for example had Secretariat staff who sat through parliamentary proceedings on successive days and virtually moved their offices to Parliament. Engaging a parliamentary monitoring organisation that tracked the RTI bill and produced briefing papers for MPs on the subject matter was also adopted in the campaign and this proved useful.

8. COLLABORATION VERSUS CONFRONTATION

One of the important skills to master in such legislative advocacy campaigns is to know when to be collaborative and when to be confrontational with state actors, MPs and those within that category. As an advocate aspires to building very important working relationships with these people, it is critical to know that timing is everything when it comes to determining a line of action.

Esther Ahulu advises that “you criticise them when need be and commend them when need be also. So throughout the journey you hear us outside criticising Parliament but we also try as much as possible to engage

them behind closed doors, to provide them with the needed assistance and support to be able to get out from whatever problem it is that we criticised them on publicly.” Kojo Asante puts it this way, “when you felt the timing was right, then you need to be able to go out there and get the public on your side. It was one way of creating awareness, but it is also another way of asserting yourself and letting the political class know that you are claiming a right. Those kinds of agitations were needed at the right moments to give a push to the agenda.”

9. LINKING THE ADVOCACY TO EVERYDAY ISSUES

The ability to link your advocacy to everyday national or local issues is an important skill that needs to be cultivated if a campaign is to go well and will resonate with both the political class and the general public. In the case of the RTI struggle, campaigners linked it to many subjects that matter to the general public such as gender; availability of water to citizens; making it an election matter, including getting political parties to commit to it in their campaign manifestoes.

The RTI Coalition ensured that vetting of nominees for ministerial positions was linked to the subject of access to information, and they also embarked on campaigns in the local constituencies of MPs who needed to act on the subject but failed to do so. For example, in the year 2012, prior to a major presidential and parliamentary elections, the Coalition engaged the constituents of the then Majority Leader and Committee Chairman, Cletus Avoka and Twumasi Appiah respectively, to get their people to understand how integral their representatives were to the passage of the law.

This strategy also involves getting other voices who resonate with the everyday issues to do some of the talking. This ensures that not only the voices of the well-known public advocates are heard at all times, which has the tendency of getting the political class to dismiss them as a bunch of people who always complain, but fresh voices join in to ease the fatigue.

10. NO ONE-SIZE-FIT-ALL APPROACH

Advocacy is a very dynamic endeavor. It was interesting to learn from the RTI journey that a one-size-fit-all approach cannot be adopted even for the same subject matter. What worked with the access to information campaign in Nigeria did not work in Ghana and the opposite is true. The context of the campaign matters and strategies adopted will have to be context specific. Maxwell Kadiri, who has immense experience on access to information in various countries across Africa puts it pithily “you have to look at the context because you can’t use one size fits all solution and the solution must be context specific. So even though you have ideas about other country’s situations, you need to be guided by what the local content requirements are.”

This signifies also that these 10 point lessons espoused above are not cast in stone. The principles can be adopted in future advocacies but must be linked to the context of the specific advocacy.

This signifies also that these 10 point lessons espoused above are not cast in stone. The principles can be adopted in future advocacies but must be linked to the context of the specific advocacy.

OTHER CROSSCUTTING ISSUES

DONORS



FAILED PROMISES



The RTI advocacy in Ghana that lasted over a quarter of a century, could not have been sustained without the support of donors and other funding partners. Such a long campaign, laced with failed promises by government officials, lack of political will, and partisan underpinnings from the two main political parties in Ghana, resulted in donor fatigue at some point, causing the volume of support to dwindle.

The RTI Coalition recorded that “most of the donors engaged were not willing to provide financial assistance and the reason given was that there was no political will to pass the Bill.”²¹

The likes of OSIWA and STAR-Ghana stayed the course and supported many of the activities for many years. UNESCO also supported a number of activities over the years, and recently the USAID joined. The RTI story cannot be told without mentioning the contribution of the World Bank in Ghana, especially during the regional tours of 2011. The Center of Human Rights of the University of Pretoria facilitated the visit of Adv. Tlakula while the Open Society Justice Initiative also supported a number of activities. The Danish Government, through the Royal Danish Embassy in Accra and DANIDA are also credited for funding the publication of IEA's occasional paper that gave birth to the first draft RTI Bill.

A cardinal reason that motivated Development partners to lend their support to the RTI campaign was the fact that they deemed the legislation as one that can help bring sunshine to the areas that these donors support the government in, such as implementation of projects and even how loans and grants provided to government are administered.

Akoto Ampaw, who aside being with the RTI Coalition since inception, has also served on the governing body of a multi-donor pooled funding mechanism in Ghana had this to say: "Where there is impunity and corruption, the donors have an interest in having measures taken to address those problems. It seems to me that was and has been the fundamental interest that drove their support for the campaign. Taking all these things into consideration, notwithstanding the successive disappointment, they understood that this law was as important to us the citizens as it was to them - those who made grants and found out that grants they gave out of their tax payers' money was being used for other purposes, and that there was impunity. That was what I understood to be the reason that drove them to stay the course with us till we got here."

Over the period of the RTI legislation campaign, there were scores of promises from government officials aimed at assuring citizens and campaigners of the passage of the law. One after the other, these promises were not fulfilled, leaving many to throw their hands in despair and wonder whether the law will really be passed. Below are a dozen of the major promises made during the period.

21 RTI Coalition (2016). Activities Summary Report, pp 10-11



President Kuffour in his address on the State of the Nation delivered to Parliament on 3rd February 2005 promised that “the RTI Bill will be a major priority this year”

“Deepen political accountability and transparency, enhance the disclosure of budgets, public expenditure and procedures, [and] enact the Freedom of Information Act.”

NDC Election 2008 Manifesto



“During this administration, we will address transparency through... ensuring the passage of the Freedom of the Information Act”

President Evans Atta-Mills
State of the Nation Address to Parliament
19th February 2009

In 2011, the Government signed onto the Open Government Partnership (OGP) Initiative and made commitments in both the first and second action plans to lobby/engage Parliament to pass the RTI Bill by the end of 2013.



“Next NDC Administration will implement the Freedom of Information Act once it is passed by Parliament and will work with the Legislature to prioritise the passage of the Freedom of Information Act”

NDC Election 2012 Manifesto

The Government, through Deputy Attorney General & Deputy Minister for Justice, Dr. Dominic Ayine, at the 117th Session of the UN Human Rights Committee in Geneva in June 2016, announced that the RTI Bill will be passed by July 22nd 2016.



“On behalf of the Leadership of the House, I would want to say that whatever it would take for this House to get this Bill passed before this Parliament is dissolved, we would definitely do it. So, they should be rest assured that, every effort would be put into getting this Bill passed.”

Alhaji Mohammed-Mubarak Muntaka
Majority Chief Whip
26th October 2016 on the floor of Parliament



Vice President Mahamadu Bawumia promised on 2nd February 2017 at the Regional Meeting of Transparency International in Accra that government will facilitate the passage of the RTI Bill that year.

“When I said Isha Allah the right to information law will be passed this year, I meant just that. To assure you that per the calendar that we have sent to Parliament, it is in there that in the May to July [2017] Session of this Parliament, the Right to Information Bill shall be before them for debate and for passage. That is a given, It’s non-negotiable”.

Mustapha Hamid
Minister for Information
World Press Freedom Day 2017





On 25th July 2017, at a media forum to launch the website of the Media Foundation for West Africa, the Minister for Information, Mustapha Hamid, pledged that the RTI Bill will be passed before the end of the year, 2017

My government intends to pass the RTI Bill into law very soon. We know transparency protects officials and the public in dealing with the public purse. The public has the right to know what politicians are doing and the public officials do in their name”.

President Akufo-Addo
(In a speech read on his behalf by Planning Minister, Prof. George Gyan Baffour)
September 18 & 19 2017 Concordia Summit, New York, USA.



When we come back mid-May [2018] into when we shall adjourn again, which should be July [2018] ending, we would have dealt with it. We’ve been on this for quite some time, with a few issues, but I think that the important thing is that into next meeting certainly, whatever it takes, the Bill will be passed.”

Osei Kyei-Mensah-Bonsu
Leader of Government Business in Parliament

Addressing journalists in Parliament in March 2018

Below Are Excerpts Of Suggestions Made By Some Rti Advocates As The Steps To Be Taken Now That The Law Has Been Passed.

"About one-third of the work is done, we have another two-third to do. These are key moments because you can have a very nice legislation but if you don't put in place architecture to ensure that it is effectively implemented, it will just stay in the books and rot away. If we do not manage to get the population to take up the rights that seek to empower them and to change the relation of power in our political system, then we would not have gained all that we should gain from it."

Akoto Ampaw (Private Legal Practitioner & Steering Committee Member of RTI Coalition)



"The law has been passed, it is just the beginning, and we need to make sure that it is implemented to the benefit of all Ghanaians."

Mina Mensah (Head of Africa Office, CHRI)

"Now, we need to be able to find the laws that impede and interfere with it [RTI ACT], impede it, undermine it, weaken it and reconcile them. When we get the opportunity to amend then we can do those amendments and make sure that it is in sync with [and] it is consistent [with the RTI law]. There is a lot of hard work, technical work that has to be done in identifying those things - oath of secrecy, national security regulations, all kinds of laws that will interfere and in some cases people might not even recognize that they interfere"

Kojo Pumpuni Asante (Director of Advocacy & Policy Engagement, CDD-Ghana)



"The reality is, if you thought adoption was a challenge, implementation is even more challenging. So it's time for everybody to put their hands on the plough and actually set to getting the work done. But, being able to do that effectively needs a robust process of thinking through an implementation strategy. One that addresses, unpacks the law, breaks it down into bit sizes and work out a plan of how to move from point A to B in terms ensuring effective implementation. One that also brings in other stakeholders because there needs to be an expansion of the foot soldiers to drive this process. That means more work. The real test of effective implementation is not for the elite in Accra, it's for the old woman in the rural communities. Until they are able to use this law to demand accountability from the district authorities and local community authorities, and ensure popular participation in terms of governance at that level, we can't really say that this is successful. You can't leave it to government alone to do it. It's got to be a partnership and a partnership of likes, and it's not always going to be an easy process, but is one where there is give and take. One where there will be tensed moment but one where there will be mutual learning. Also involve all organs of government, not just the Executive. It's also [about] parliament and judiciary because all hands need to work together in term of the three arms of government to ensure that the good that this law was meant to deliver is actually delivered in effect."

Mr. Maxwell Kadiri (Senior Legal Officer, Africa Regional Work, Open Society Justice Initiative)



"Governments must try to empower CSOs. It's not only through the passage of laws but there are some policy decisions that can be taken that can take part of the cost of civil society. Developed democracies have done it. The State should provide some logistical support, if not money, to civil society including the media. I believe strongly that Parliament should lead the way in doing this, by looking at our work environment, by creating and attracting partners like civil society, particularly the media. If not, we will be operating in the dark [so] we need them."

Alban Bagbin (MP & 2nd Deputy Speaker of Parliament)





REPUBLIC OF GHANA

RIGHT TO INFORMATION ACT, 2019

(ACT 989)

BIBLIO GRAPHY

BIBLIOGRAPHY

- Anin, P.D. (1999). The Right to Information Bill, 1999 (Draft). IEA Occasional Papers, 19
- Boadu-Ayeboah, Y. (1995). Freedom of Information Act: A Must for Ghanaian Journalism Practice, Media Monitor, October 1995, pp 15-16
- CHRI Annual Report 2007.
- da Rocha, B. J (1997). Freedom of Information, IEA Legislative Alert, 4(3)
- Kumado, K. (1997). The Right to Information (Part One), IEA Legislative Alert, 4(4)
- Kumado, K. (1997). The Right to Information (Part Two), IEA Legislative Alert, 4(5)
- Parliamentary Debates. Official Report. (30 June, 2013), Column 2011.
- Parliamentary Debates. Official Report. (25 June, 2015), Column 1783.
- Parliamentary Debates. Official Report. (2 July, 2015), Column 2124.
- Parliamentary Debates. Official Report. (26 October, 2016), Column 1220.
- Parliamentary Debates. Official Report (7 June, 2018), Column 1171.
- Regulatory Framework of the RTI Coalition, Ghana
- Right to Information Act, 2019 (Act 989)
- Standing Orders of Parliament
- The Constitution of the Republic of Ghana
- The Right to Information Bill, 2018

APPENDIX

RTI Coalition Steering Committee from 2003 to 2019

2003 – 2017

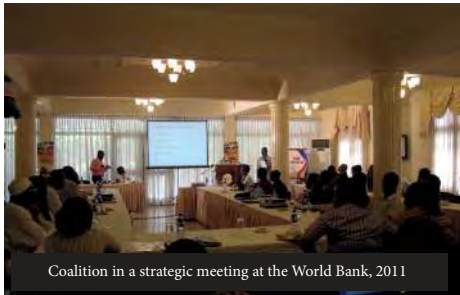
2017 – Date

Commonwealth Human Rights Initiative	Commonwealth Human Rights Initiative
Media Foundation for West Africa	Media Foundation for West Africa
Ghana Center for Democratic Development	Ghana Center for Democratic Development
Ghana Trades Union Congress	Ghana Trades Union Congress
Ghana Integrity Initiative	Ghana Integrity Initiative
Center for Employment of Persons with Disabilities	Center for Employment of Persons with Disabilities
Mr. Akoto Ampaw	Mr. Seth Abloso
Ghana News Agency	Human Rights Advocacy Center
Ghana Journalists Association	Ghana Journalists Association
Eanfoworld for Sustainable Development	Legal Resources Centre
Ghana Anti-Corruption Coalition (Joined in 2013)	Ghana Anti-Corruption Coalition
POS Foundation (Joined in 2013)	POS Foundation
	Ghana Independent Broadcasters Association
	Send Ghana
	Coalition of NGOs in Health

Leadership Of The Steering Committee From Its Inception To Date

Nana Oye Lithur	Head of Coalition Secretariat (2003 - 2010), Convener of the Coalition (2010 - 2013)
Vitus Azeem	Co-Chair (2013 - 2017)
Prof. Kwame Karikari	Co-Chair (2013 - 2017)
Seth Abloso	Chair (2017 -Date)
Mina Mensah	Vice Chair (2017 -Date)

GALLERY



Coalition in a strategic meeting at the World Bank, 2011



Coalition Members at May Day, 2012



Attendees at MPs regional consultation



Bernice Sam was Africa Regional Coordinator for CHRI from 2001 - 2004



Strategic Workshop On RTI



Participants at RTI Coalition workshop in August 2010 at Tamale



Participants at RTI Coalition Strategic Meeting



Coalition Members in a group photo with MPs after a Workshop



Mina Mensah facilitating a Workshop for Journalist in 2014



Seth Ablosa is current Chairman of the RTI Coalition



Ugonna Ukaigwe (right), one of the outstanding RTI Coalition team members



Regina Amanfo-Tetteh, Mina Mensah and others at RTI event



RTI Coalition protest in Parliament



Persons with disabilities were very integral in the RTI advocacy



Coalition members wielding placards

LIST OF SOME MEMBERS OF THE COALITION

The Coalition is made up of various organisations and individual members. Below is a list of active members at the time of this publication. The list is however not exhaustive

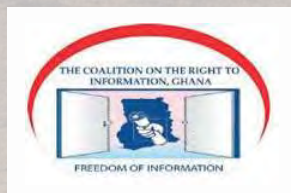
- Akoto Ampaw
- Seth Abloso
- Amnesty International
- Concern Health Education Project
- Centre for Popular Education & Human Right
- Ghana National Association of Teachers
- Network of Women In Growth
- Free World Foundation
- Private Enterprise Foundation
- Muslim Dialogue & Humanitarian Organization
- Ghana Pentecostal and Charismatic Council
- Ghana National Education Campaign Coalition
- Aid Effectiveness Forum Secretariat
- Action for Rural Education
- Integrated Social Development Centre
- Third World Network Africa
- Civil and Local Government Staff Association Ghana
- Network for Women's Rights in Ghana
- United Moslem Christian forum
- Institute for Democratic Governance
- Ark Foundation
- DW Akademie, Ghana
- Ghana National Coalition on Child Rights
- Fatale Rural Foundation
- Christian Council of Ghana
- Radio Emashie
- Media Coalition on RTI
- Penplusbytes
- PEN International
- Eanfoworld for Sustainable Development
- Ghana Federation of Persons with Disabilities
- Disabled Christian Fellowship International
- Women in Law and Development in Africa, Ghana
- Ghana News Agency
- Ghana Integrity Initiative
- Human Rights Advocacy Centre
- Ghana Center for Democratic Development
- Ghana Journalists Association
- Centre of Employment for Persons with Disability
- Media Foundation for West Africa
- Ghana Anti-Corruption Coalition
- Coalition of NGOs in Health
- POS Foundation
- Ghana Independent Broadcasters Association
- Legal Resource Centre
- Ghana Trades Union Congress
- SEND-Ghana
- Commonwealth Human Rights Initiative, Africa Office, Accra
- Parliamentary Network Africa
- Centre for Knowledge Management and Research
- Enlightening and Empowering Persons with Disabilities in Africa
- National Union of Ghana Students
- Sowers and Harvesters of Precious Seed

Also serving as Focal Persons in the various regions of Ghana are the following individuals with their corresponding organisations

NAME	ORGANISATION	REGION
Emmanuel Papa Assan	Youth Development Advocates Foundation	Western
Muftaw Mohammed	Journalist	Ashanti
Baaba Brew Fleischer	Foundation Builders Kids Club	Central
KingRalph Osei Agyeman	Radio Breezy	Central
Edmund Quaynor	Ghana News Agency	Eastern
Formerly represented by Gabriel Benarkuu Currently represented by Emmanuel Fugah	Brong Ahafo Network of NGOs	Brong-Ahafo
Zakaria Mahama	Journalist	Northern
Atia A. Norbert	Centre for Sustainable Development Initiative	Upper-East
Abubakar Sidiki Watara	Educational Development Fund for the Youth	Upper-West
Tenasu Kofi Gbedemah	Institute for Information and Development	Volta



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