



World Library and Information Congress: 69th IFLA General Conference and Council

1-9 August 2003, Berlin

Code Number: 150-E
Meeting: 145. Government Information and Official Publications
Simultaneous Interpretation: Yes

Government Information and Democracy: African Concerns and Perspectives¹

Petrina Amonoo

Chief Librarian and Team Leader,
Library Services in Development Group

Abraham Azubuike

Information Resources and Systems Librarian

Development Information Services Division
United Nations Economic Commission for Africa
Addis Ababa, Ethiopia

Abstract

Efforts at democratic liberalisation falter in many nations of Africa due to lack of availability of systems that support participatory political discourse and actions. Freedom of information and freedom of expression, which should ensure mass awareness and participation in the democratic process are severely hampered. When the enactment of freedom of information laws is used as an indicator of political openness, only two countries in Africa were found formally aligned with international norms. Implications for designing strategies to deal with the situation are highlighted.

Democracies in a Flux

Major trends affecting political freedoms in Africa tend to advance and retreat in decade-long cycles since the end of World War II. The first trend was liberation struggles lead by single-

¹ Prepared for the World Library and Information Congress: 69th IFLA General Conference and Council Access - Point Library: Media, Information, Culture; 1 - 9 August 2003, Berlin, Germany.

mindful nationalists, focused on freeing African peoples from the shackles of colonialism. For Africans, this was a period of great expectations for both national and personal political freedoms. The next decade's (1956 to 1965) trend was attainment of political independence along with Africa's first experiments in democracy. Thirty-five new states emerged with independence during this period and adopted liberal democratic constitutions. This was a decade of what may be termed "forced democracy", because the political elite who had anchored the demand for national freedom on colonialism's undemocratic nature, could not object to the departing colonialists' insistence on liberal democratic criteria for the right to rule (Yaffu, 2000).

However, the democratic model that came with independence showed obvious lack of strong foundations for open, disciplined and enlightened political discourse and governance. In one country after another, violent opposition met with high-handed government security machinery. By the end of the decade (1966 to 1975) authoritarian military regimes and one-party oligarchies had replaced democratic regimes in at least half of all the independent states. The Cold War exacerbated this trend, as emerging despots were backed and legitimized by the East, or the West, as Africa became a proxy battlefield. This situation continued through the decade ending 1986, by the time only about 10% of Africa's 52 states retained the basic elements of liberal democracy, with the rest of Africa infested by corrupt autocrats presiding over crumbling economies and crisis-torn states.

Pressures for Change

As the Cold War started to relent in the second half of the 1980's with the emergence of leaders in the East preaching openness, a new wave of democratic liberalisation started as African governments were suddenly asked to become accountable for their actions. Good governance defined essentially as an open, transparent and competent rule in accordance with the values, procedures and institutions of liberal democracy, was demanded by institutions and nations of various inclinations that hitherto sustained the corrupt and despotic rulers. This also coincided with the resurgence of opposition groups demanding regime change by force or elections, all over Africa. The pressures for change in political leadership and demand for good governance, combined to bring about Africa's second wave of democratisation efforts, with multi-party politics and competitive elections reinstated in country after country. By 1997, change of leadership by elections had taken place in 40 African countries. Yaffu (2000) illustrated the magnitude of this change as follows:

"In 1990, nine out of the 19 African members of the Commonwealth were under either a military or one-party rule. By February 1997, when the heads of government and opposition leaders from the African Commonwealth countries held a Democracy Conference in Botswana, only Nigeria had still not held democratic elections." Nigeria itself returned to full electoral democracy in 1999."

Currently, it seems a new ominous cycle has turned up once more, as a trend of reversal of democratic gains is gradually gathering momentum. Despotism is gaining grounds in spite of the strong global support for democratisation. The warning signs started flashing since the second half of the 1990's, with a dozen cases of military coups, civil wars rooted in power tussles or corruption, suppression of opposition groups, curbing of civil liberties, and bitter after-election unrests. This is hardly surprising as much of what has been hailed as a new wave of democratic

liberalisation has actually been merely electoralism, as was the first wave that ended in the 1970's. Electoralism is the use of elections to lay claim to democratic legitimacy by a regime that is operationally undemocratic; just a way of acquiring power with the cover of electoral process which may be neither free nor fair (Munck, 1993; Sandbrook, 1996). This practice is possible only because the social situation in Africa today is suitable for political manipulation rather than individual participation in the democratic process. In a real democracy, the voice of the people is heeded and their wishes prevail. This is not the case in much of Africa today.

Information, Participation and the Democratic Process

One of the most important problems of democracies is that it is only when the citizens of a political entity are able, and dedicated, to participate in the political process that democracy takes root. This is why, in reality, every population, no matter how sophisticated it may be, needs to be afforded full opportunity, even encouragement, for meaningful participation to take place. Besides, participatory democracy requires a high level of informedness that must be gained through dedication, an intensity of involvement that is achievable only when there is some specific and tangible interest for the individual and the group (Catanese, 1984). And this motivation to dedicate is preceded by the full awareness of issues, resources and values that are at stake. Thus, it is only when the average African becomes aware of what is at stake, that he/she would cherish honest and dedicated participation in democratic process as a means of changing his/her social and material well being. When that happens, the value placed on democracy would increase and the determination to fight to preserve it would become resolute.

As meaningful democratic process requires greater expanse and depth of mass participation and dedication, possible only through deep awareness of the workings and activities of government, wider availability and access to government information is critical for democracy. It is only when such a critical level of awareness and participation is attained that it becomes difficult for the political elite to manipulate, buy or intimidate the people. In today's Africa, the main concern is that the average person cannot easily obtain and use information to good political effect. It is therefore of paramount importance for the press and other forms of mass media to be on the side of the democratic process, so as to fill the wide vacuum created by the inability of the vast majority of the population to meaningfully dedicate themselves to influencing the course of political events that may affect them. Free and full access to government information is therefore important for the individual as well as the mass media. Civil society organizations, as engines of the political process, also need access to government information to be able to articulate the needs and want of their constituencies.

Universalization of Democracy and Freedom of Information

It has never been taken for granted in any place in the world that those in power will grant full political freedom to any person, hence the efforts made at international, national and local levels to devise conventions and enact laws to enunciate and protect various types of rights of the individual. Along this vein, in June 2000, the foreign ministers and other representatives of 107 countries from around the world that have committed themselves to a democratic path came together in Warsaw, Poland to meet in a historic conference entitled "Towards a Community of Democracies", and adopt the Warsaw Declaration on democracy on 27 June. They affirmed the

universality of democracy, recognized the interdependence between peace, development, human rights and democracy as well as its fragility in emerging democracies, and committed themselves to its development (Warsaw Declaration, 2000). Twenty-two (22) of the 53 African countries were represented.

Other international declarations and instruments that represent major efforts to universalize democracy, freedom of access to information, and freedom of expression include the United Nations' Universal Declaration of Human Rights (Article 19), the United Nations International Covenant on Civil and Political Rights (Article 19), the African Charter on Human and People's Rights (Article 9), the [European] Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10), the International Covenant on Economic, Social and Cultural Rights, and the Commonwealth Human Rights Initiative.

The best-known statement of all the conventions is Article 19 of the United Nation's Declaration of Human Rights. It reads:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

The UN Universal Declaration's provision for the freedom to hold and impart opinions constitutes the one side of the freedom of expression, while the other side consists of the freedom to search for and access those opinions - the freedom of information. This in turn means the right to be able to get hold of what is being published by virtue of the freedom of expression. By ratifying the Universal Declaration and other instruments, nation states commit themselves to its provisions that must then be reflected in the law and practice of the nation (Ristarg, 2000). In modern democracies, public access to government information is assured in two ways. First, limits are placed on the ability of a government to censor those who would report on its activities, and second, legal measures are available to enable individuals to obtain government records of various types. In neither case is the individual's freedom absolute, but in both, there is a strong presumption that government action should not be shielded from public view (Goldberg, 1994).

Freedom of Information Law: An Indicator of the Commitment to Openness

Enactment of a Freedom of Information Law by a State is the most practical way to demonstrate its commitment to freedom of access to information and freedom of expression, the cornerstones of democracy. The main features of a freedom of information law are:

- a) There is a statutory presumption that all government records are open to the public;
- b) Only those records specifically exempted in advance by the Act or other statutes may be withheld;
- c) Individuals are empowered to request to see that government records about themselves are accurate and are not being misused;

- d) No matter how embarrassing or inconvenient a disclosure might be, an agency cannot withhold information from a legal person who requests it; and
- e) Legal persons can ask the courts to compel a government body to release information illegally withheld.

Freedom of access to government information goes beyond the media's desire to play watchdog, the lawyer's interest in representing clients, the librarians need to be supportive of inquiring patrons, or the historian's desire to learn more about the workings of government. It goes to the heart of democracy. It is the best protection individuals have against rulers, the best way of knowing that the laws are enforced honestly, evenhandedly, and efficiently (Susman, 2001). Freedom of access promotes citizen participation and empowerment in the following specific ways:

- a) Those affected by regulations or rules will be more apt to understand and obey them if they were accessible and had been developed through a public process.
- b) The quality of government decisions usually would be better if they admit public input along the way.
- c) Legalization of access confirms public ownership of government information, and that it is gathered or created, maintained and used for public purposes.
- d) Greater access to government information is pragmatic, as more information means more efficient resource allocation.
- e) Secrecy, which allows corruption to flourish, is reduced. Corruption in government invariably carries adverse social and economic consequence for the population.

In addition to its democratic value, individuals and organizations use the freedom of information (FOI) laws for various economic and social purposes, including access to information on government contracts, regulatory enforcement data, health and safety reports, and even community historical materials. Public sector information plays a fundamental role in the proper functioning of markets and the free circulation of goods and services to people. Without user-friendly and readily available administrative, legislative, financial and other public information, economic actors cannot make fully informed decisions.

Government officials may want to argue that even without legislation on the freedom of information, interested person can still have access to government information. Yes, there may be plenty of publications sent out to depository libraries, rains of press releases, reports and statements from government officials, and piles of rules and opinions and orders and manuals that are made available through various government agencies, but without FOI legislation, access would be limited to what government official are willing to release (Susman, 2001; Goldberg, 1994).

State of Freedom of Information in Africa

How has Africa fared in the area of Freedom of Information legislation? Predictably, not well. To date, only Nigeria and South Africa have enacted FOI laws, that is, acts that have been debated and passed by elected parliaments.

Nigeria's *Freedom of Information Bill, 1999*: makes provisions that public records and information be made more freely available; provides for public access to public records and information; protects public records and information to the extent consistent with the public interest as well as and the protection of personal privacy; and covers the legal treatment of other related purposes (Nigeria. Official Gazette, 1999).

South Africa's *Promotion of Access to Information Act 2000*: The objectives of this act are to provide for public access, as swiftly, inexpensively and effortlessly as reasonably possible; provide for access to information held by governmental bodies without jeopardizing good governance, personal privacy and commercial confidentiality; to provide for the disclose of information contained in records held by governmental bodies to which the public have access under this Act; to require governmental bodies to make information available that will assist the public in understanding the functions of governmental bodies, their operation and the criteria employed in making decisions; to provide individuals with access to information concerning themselves held by governmental or private bodies; to provide a mechanism for individuals to correct inaccurate information about themselves held by governmental or private bodies; to protect individuals against abuse of information concerning themselves held by governmental or private bodies; to protect individuals who make known evidence disclosing contravention of the law, mal-administration or corruption in governmental bodies; and generally, to promote transparency and accountability of all organs of state by providing the public with timely, accessible and accurate information and by empowering the public to effectively scrutinize, and participate in public affairs.

Both pieces of legislation are comprehensive and comply with most aspects of the international standards on rights laws on this nature. The two nations have now demonstrated their commitment to democratic liberalization. However, enacting a disclosure law is just the beginning. Producing tangible results through it will require a change of attitude and constant effort from the government and the public has to dedicate itself to intensive but disciplined and honest scrutiny of government activity.

Challenges Posed by Government Information in Africa

There is no gainsaying that access to African government information pose enormous challenge to librarians and other concerned professionals and citizens. First, the standard operational and administrative framework for effective production, organization and dissemination of official information is lacking in most Africa countries, so even if FOI laws are enacted, information may still not be accessible due to non-legal reasons.

The Library of the United Nations Economic Commission for Africa has first hand experience in trying to acquire, organize and disseminate African official documents and publications. Its activities includes the publication of *Index to African Official Publications*, a semi-annual bibliography of documents and publications of national governmental and regional inter-

governmental organizations. The Library finds it extremely difficult to obtain the materials from the organizations even when the benefits of their documents being listed in the bibliography were made known to them. The publishing and dissemination arrangements existing in most countries make acquisition and bibliographic control very uncertain.

One would think that the Internet should help, but it is only South African Government that has an e-government activity which is worth mentioning. A couple of other governments have Web portals of very limited scope and value. This is another challenging aspect of the African information poverty.

How do we get the rest of the African nations to enact FOI laws? It is a long road to travel, as bad habits are tough to break. Concerted efforts of a coalition of political, professional and business interests would be required to accomplish this.

Implications for African Libraries, Library Associations and Other Groups

The foregoing analysis has implications which may be summarized as follows:

- i) It should not be taken for granted that the value of free access to information to the democratic process is widely recognized. This value should be demonstrated to the public as often as possible, and calls for efforts from library associations to develop strategic frameworks to educate potential allies and with the public.
- ii) Libraries and library associations in Africa should recognize their mission as catalysts of the process of democratic liberalization by developing programmes that directly address this issue. In this respect, they should participate in projects that further awareness of the need for freedom of access to information, especially government information.
- iii) There is a need for Government Libraries in Africa to play central and visible role in developing systems and processes for increasing the availability of government information and official publications. To play this role effectively they need to be supported with the relevant training and financial resources. To stimulate political backing to these libraries, regional and sub-regional organizations such as the Inter-Governmental Authority for Development (IGAAD), African Union, and The United Nations Economic Commission for Africa should engage them and help them form local and regional networks to share experience and learn best practices. Regional initiatives such as the African Virtual Library and Information Network (AVLIN) could also include government information and FOI issues in their programmes of work.
- iv) IFLA-Africa and national library associations in Africa should develop and vigorously advocate a legislative agenda for FOI and other information rights issues, in conjunction with media professionals, parliamentarians and other civil society organizations working on information rights-based issues. The framework may include legislative provisions for public records management which establish the structures for selecting, conserving, processing and giving access to records and documents of all levels and branches of government.

Conclusion

Certainly, the transition from a totalitarian state to a genuine democracy is an enormous struggle in many ways. Overwhelming economic, social, political, cultural, and even emotional and mental hurdles challenge the citizens and governments of emerging democracies. As often is the case in Africa, somewhere along the path to real democracy, a nation may backslide to a totalitarian form of government (Pinhey, 1996). If electoral democracy in Africa is to become liberal democracy, mass awareness must be developed through dedicated participation of the citizens. This will happen only when freedom of information and freedom of expression become widespread political rights.

References

- Catanese, Anthony James. 1984. *The politics of planning and development*. London, Sage.
- Goldberg, Steven. 1994. Public access to government information. *Freedom Papers* No. 6., September 1994. (Available at <http://usinfo.state.gov/products/pubs/archive/freedom/freedom6.htm>)
- Munck, G.I. 1993. Beyond electoralism in El Salvador: conflict resolution through negotiated compromise. *Third World Quarterly*, 14 (1): 75-90.
- Nigeria (Federal Republic of). *Official Gazette (Extraordinary issue)*, Volume 86, No. 91, 8 December 1999.
- Pinhey, Laura A. 1996. Libraries and democracy. *ERIC Digest*, December, 1996. (Available at: <http://www.ericfacility.net/ericdigests/ed414211.html> Accessed: 25 June 2003).
- Ristarp, Jan. 2000. Libraries and the Intellectual Freedom. A keynote paper at the conference "Literature to Politics – Politics to Libraries", Copenhagen, 19-11 November, 2000.
- Sandbrook, Richard. 1996. Transition without consolidation: democratisation in six African cases. *Third World quarterly* 17(1): 69-80
- Susman, Thomas M. 2001. The good, the bad, and the ugly: E-government and the people's right to know. *Vital Speeches of the Day*, November 1: 38-43
- Warsaw Declaration: Towards a Community of Democracies. June 27 2000. (Available at <http://www.meadev.nic.in/speeches/warsaw-dec.htm>. Accessed: 25 June 2003)
- Yaffu, Saw. 2000. Patterns of Income and Expenditure of African Political Parties: Time to Reform Political Financing in Africa. In *Proceedings of the International IDEA Conference: Towards Sustainable Democratic Institutions in Southern Africa*. Gaborone, May 8-10, 2000, 169-189. (Available at: http://www.idea.int/ideas_work/22_s_africa/Botswana_report.pdf Accessed 2 July 2003)