



NDC is committing a blunder with ‘Rights to Information Bill’ – Asa Bo

(Prof Lungu says....)

Too much, too much, too much, too much, Mr. Politician
Are your Pickable?

Too much, too much, too much, too much talk, Mr. Politician
Are you Serious?

(FOIB-Are You Pickable? FOIB Song Lyrics, ©Prof Lungu2008)

It is refreshing that Mr. Stephen Asamoah Boateng, a former NPP Information Minister under the President Kufuor administration, recently addressed the conundrum surrounding the Freedom of Information (FOI) bill. This bill is currently in the lukewarm laps of the NDC government led by President Atta Mills. The CitiFMOnline report appeared on Ghanaweb 18th May 2012. (At bottom, in Item 7, we briefly address the comments by Mr. Cletus Avoka, the Majority Leader in Parliament, on the same subject).

Given the record and recent opinions of the ministers and others, here are 9 points worthy of note with respect to the FOI bill:

1. We are thrilled that the speedy passage of the FOI bill has now moved front and center into the Ghana public debate forum with little support from the NDC government.
2. As we've said previously, there is absolutely no need for Ghanaians (NPP, NDC, etc.) to invent the process or governing structure for the FOI bill. There are good practices and great lessons from the US, UK, Sweden, India, etc.. As such, any 3rd year law or public administration student, (even if they have to research using Google 2 hours a day, for 8 weeks), ought to be able to provide a draft proposal (or revision of the NPP version) that is citizen-centered and will bring civil society onboard, making all impartial Ghanaians proud.
3. Precisely, here is our take on the comments by Mr. Asamoah Boateng. It is good to have fewer turnover of Information Ministers in any government. However, Mr. Boateng will agree that it is more important to have a citizen-centered governance process (versus individuals as mouthpieces) that provides accurate, complete, and timely information to Ghanaians, even if they did not ask. (This is precisely what a strong Ghana-centered FOI bill is meant to consistently engender, when all is said and done).
4. In retrospect, the NPP document was a good start! But that document had numerous warts that would have rendered the law practically toothless during implementation. For reference, the NPP version did not bother to set up an independent agency, (arbiter), that would have the final say on what data could be reasonably withheld by government in the public interest. Further, the NPP bill obliged the requester to provide a reason for speed.

Frankly, a request at any speed under a FOI regimen is not be the business of a citizen-centered government. Further, an independent FOI agency is crucial in Ghana for more reasons than we have electronic space or ink. Consider that (a) the Minister (Lawmaker) and the President (Executive) are not independent under the

“normal” sense of governance, (b) the Minister of Justice also wears the hat of Attorney General, (c) a Minister in charge of a ministry is typically an elected official from a subservient political division, and (d) the “cult of personality” and unearned “respect” for people who just happen to be “officials” or “elder” persistently undermines democracy and enables arbitrary officialdom. This results in rule-making on the fly. Recall the Chinery-Hesse fly-by-night “ex-gratia” awards and pricey imported gold medals for ministers and presidents under the NPP? Remember the on-going Woyome-gate wahala under this NDC government? Our sense is, in these and other cases, an effective FOI process would have made a big impact in protecting the public interest.

5. We are reminded that the NPP had 8 years to enact the FOI bill, and failed. On the other hand, the NDC government, through Mr. Alban Bagbin and other NDC folks, told Ghanaians that they would swiftly pass the FOI when they won the election. Four years and counting, the NDC is still playing the FOI-Talk-Game, and another weak version, at that.

6. Without doubt, the NDC has done worse than the NPP. However, this has nothing to do with the rate of turnover of Ministers. Rather, this is because despite all the promises, the NDC has thus far failed to even enact the NPP proposal, with all those Mugabe-size loopholes. Indeed, the last we heard, the Mills-Avoka-Bagbin-Mahama group has not seriously consulted with independent bodies and persons with expertise and interest in the law for the purpose of public accountability. Yet, strangely, the NDC found time to enact a so-called “privacy” law. This, truly, is the “blunder” by the NDC government.

7. Unlike Mr. Avoka, we do not believe that the FOI law is any less important than the Petroleum Revenue law, the Presidential Transition law, or any other law that does not faithfully address an emergency situation in Ghana. Yes, the failure by the NDC to act is patently “feet-dragging” on the part of the Mills administration. If you truly believe that the NDC enacted the “privacy law” in the interest of the vast majority of the millions of Ghanaians with little to no birth certificates, credit cards, bank accounts, passports, reportable social security data, etc., please contact us immediately: We have the entire Achimota residential district for sale to you, dirt cheap. To cut to the chase, President Mills, Mr Bagbin, Mr. Avoka, and all the “responsible” ministers ought be able to chew gum and walk at the same time. Or must we remind them that it is precisely for effectiveness and efficiency reasons that Parliaments utilize committees to address important matters of public policy, in parallel?

8. Our Ghana-centered, Ghana-Proud verdict: President Mills and the NDC should, without further delay, strengthen the NPP proposal and swiftly enact the FOI bill for Ghana, if only to carry out, conceptually, what is a fairly easy election promise given the benefits for the rule of law.

9. In conclusion, we at GhanaHero.com want to encourage NGOs and Civil Society organizations in Ghana and abroad to keep on pushing for a speedy passage of the FOI bill. Recent efforts and articles by the Daily Graphic, CitiFM, Joy Online, Ghanaweb.com, FreedomInfor.Org, All Africa.com, the Ghana Center for Democratic Development, the Africa Freedom of Information Centre, the Media Foundation for West Africa, the Commonwealth Human Rights Initiative, and AFAG (Mr. Arnold Boateng, Mr. Bright Acheampong, Mr. Abu Ramadan, Mr. Kwaku Ohene Djan, in particular), etc., have been most inspirational. Please keep up the good work! (The reader can visit www.GhanaHero.com/FOIB for more information on our efforts in this matter).

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