



## **Mills-Rawlings NDC on Track to Passing NPP Dud of RTI Bill?**

..... Problem is, up till now, the Mills/Rawlings/NDC crew has failed to see the most important FOI-bill-linkage. They have not talked about linking the FOI bill to the Asset Declaration law. Won't the reader agree that a FOI-Asset Declaration linkage is truly the most expedient road to take considering Mr. Mills is telling us day after day that he is interested in accountability, transparency, and good governance?.... The other big question is why Mr. Rawlings is totally mum on the FOI bill? Does Mr. Rawlings recognize that this a fundamental test of the NDC, compared to exposition of abstract theories about land reform in foreign lands when he is not using the other side of his mouth to tell Prof Mills that Chiefs and the military must also fall under the purview of the FOI law (Prof Lungu, 8 May 09)....

Recent revelations in the British and Ghanaian press show the remarkable promise of the Freedom of Information (FOI) bill. We now know that Mr. Gordon Brown who recently hosted Prof Mills in London, and other UK officials, may not have been all that truthful and accurate with their public expenses over the years, thanks to a FOI request. In fact, according the BBC, "full details of all MPs' expenses dating back four years, running to 2.4 million receipts," will be published in July under the UK "Freedom of Information" law.

With respect to Ghana, it appears the people will need the FOI bill to find out for sure what the Mills administration has squandered when he allowed extra people on the trip, some of whom over-stayed British funding. Notable is the fact that this "Junketing and Party-Here, Party-There" brouhaha is being instigated by the people at the Statesman paper, who it appears, have conveniently chosen to ignore telling the people how much Mr. Kuffour and his crew blew on all those junkets and "Party-Here, Party-There" per diems all those 8 years. But we digress!

This paper is about passing a strong FOI bill to allow the people to dig to the bottom of such cases. You see, dear reader, while we've been in travel status the past 3 weeks in the States, we've been dismayed by news reaching us about "efforts" by the Mills/Rawlings/NDC crew to "pass" the Freedom of Information bill. First came the "worries" expressed by the Majority Leader, Mr. Alban Bagbin, (with some side-kick shots by the Minority Leader, Mr. Osei-Kyei Mensah-Bonsu), that the Mills administration is taking too long to pass the FOI bill. (Why the Majority Leader and Parliament cannot act is baffling, frankly). Next came reports the Mill/Rawlings NDC is on a super-fast-track to passing the FOI bill, after all. But our analyses show Mr. Mills must be thinking the people are asleep, dumb, or crazy to allow Kilimanjaro-sized-loopholes and broad categorical exclusions in the FOI law. (Looks like the NDC has taken the dud of the Joe Ghartey/NPP draft bill left behind in the looted government drawers, bungalows, and public accounts a few short months ago and are polishing it as their own).

In fact, we've been so aghast by the Kilimanjaro-sized-loopholes that we are now concluding that as far as the FOI bill is concerned, the best and most important development since Prof Mills took over the administration is the number of words uttered by so many officials. The Information and Justice Ministers come to mind. So does Mr. Bagbin with his talk about the NDC swiftly passing the FOI bill long before the first vote was cast in the last elections. Yes,

there has been a lot of words and talk from the NDC. However, what is now staring Ghanaians in the face is a Mugabe-type RTI bill with so many loopholes it will not be worth the ink and paper the bill will be written on. This is deplorable!

Here are 4 reasons why we say what we say:

1. For a Mills administration that came to power proclaiming transparency and accountability, and with all the talk about enacting the FOI bill, we are bothered that they have not already set up a website dedicated to the FOI bill. What, we ask, is so hard about quickly setting up a FOI website for the people given all the good governance talk?

2. Shockingly, we are told that Mr. Mills wants to ask all persons requesting information under the law to wait 70 days before the relevant government official is compelled to act. Is Mills joking? Is he serious? Do they understand that 70 days is 20% of an entire year? Why, we ask, does an “information officer” require 21 days to “consider” a FOI request, 14 days to produce the information, and 35 additional days, if the information officer does not “feel” like giving out the information?

In practical terms, why must it take a Ghanaian official 70 days to tell a FOI requester why a person got a government bungalow, why others were disqualified; how many people were considered for university admission, what scores the “lucky ones had, which regions they hailed from; how much was collected in taxes on a vehicle imported into the country by the a politician, compared to the same vehicle imported by Ms/Mr. Janeakos/Kwazofi Ghanaba? Why must it take Ghanaian officials 70 days to tell the people how much was paid to Minister X when the Minister travelled overseas, or how much was paid to a “foreign” agent to represent Ghana in London or the UK, why, and who else was considered for the task order/contract?

3. Equally unnerving is the issue of broad categorical exemptions to protect all manner of corrupt officials. Why does the Mills administration want to exempt the military, the security services, and the chieftaincy institution from the FOI law? What is the point? Is Mr. Mills saying those institutions are so important that public employees and stewards of public resources within cannot cheat, steal, lie, or otherwise break laws that a FOI request can assist in exposing, and/or arresting? Why must Mills and the NDC try to invent here? Should not FOI exemption depend on the case, and not on the governmental function?

Our position is this: The FOI law should apply to all agencies, services, and quasi-public organizations in which the people of Ghana have any interests, however small. This would certainly include the military, the security services, and the chieftaincy institution.

4. We will tell Mr. Mills and his team that while they are talking a lot, they are exposing their behinds and showing the people that they may actually lack the foresight, Ghana-centeredness, and sense of leadership on this matter. Polishing the NPP draft is not good enough. More important, up to this point, the Mills/Rawlings/NDC crew have failed see the most important FOI-bill-linkage. They have not talked about linking the FOI bill to the Asset Declaration law. Won't the reader agree a FOI-Asset Declaration linkage is trully the most expedient road to

take considering Mr. Mills is telling us day after day that he is interested in accountability, transparency, and good governance?

The other big question is why Mr. Rawlings is totally mum on the FOI bill? Does Mr. Rawlings recognize that this a fundamental test of the NDC, compared to exposition of abstract theories about land reform in foreign lands when he is not using the other side of his mouth to tell Prof Mills that Chiefs and the military must also fall under the purview of the FOI law.

In conclusion, we have argued on these pages over the years that there is nothing for Ghanaian officials to invent when it comes to the FOI law. FOI laws and its institutional processes pre-date the birth of Ghana. The people must ask for a strong Ghana-centered FOI law that will truly hold government officials accountable and promote good governance as a result. Thirty (30) days is long enough for Ghanaian officials to provide answers to FOI question, if the administration is smart and sets up a website to collect, collate, store, and serve FOI responses. No agency or institution has a right to be exempt under the law, unless Mr. Mills wants to tell us he has been joking and does not know what he's been telling us the past 5 months.

It is time Mr. Rawlings spent some of his People-Guaranteed-Capital on this Ghana-centered fight!

**NOTES (3+1):**

1. Special thanks and appreciation must go Ghanaweb.com for putting the Ghana FOI/RTI bill law up-front on its pages and "editorial" agenda.
2. Visit [www.GhanaHero.com](http://www.GhanaHero.com) for more Ghana-centered information and ideas about the FOI program. While there, send is email from a copy of the hit MP3 release, FOIB.
3. To get up to speed on the Ghana FOI fight visit [www.GhanaHero.com](http://www.GhanaHero.com);  
[www.ghanaweb.com/GhanaHomePage/features/columnist.php?S=Prof Lungu](http://www.ghanaweb.com/GhanaHomePage/features/columnist.php?S=ProfLungu);  
[www.ghanaweb.com/GhanaHomePage/features/columnist.php?S=Lungu](http://www.ghanaweb.com/GhanaHomePage/features/columnist.php?S=Lungu), Prof.
4. Following publication of the piece on Ghanaweb on 11 May, it's been announced that the draft bill has been sent to the Mills Cabinet. We still stand by our positions!

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