



Freedom of Information and Human Right Protection: An Exploration of Nigeria Specimen

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Abstract

Information is fundamental to peoples' interaction in any organised society across the globe. The amount of information that exists between the employer and employees determines the extent to which the goals and objectives of such organisation will be met in terms of service delivery and organisational productivity. Organisation irrespective of the reasons for its formation requires flow of information to function effectively. Part of the organisation that requires flow of information for its proper functioning is governmental institutions and establishments.

Keywords: Information; Human right; Freedom of information; Fundamental right

Introduction

It is imperative to note that government as an institution of the state is created to perform some basic functions including the protection of lives and properties as well as the provision of goods and services to the general public. In discharging these responsibilities, there is need for constant interaction between the government and the governed and information is required to maintain the relationship by keeping the citizens informed. While government on one hands, owes the citizens the responsibility of providing feedback on its operation, the citizens on the other hand can meaningfully contribute to the workings of government in terms of policy assessment and evaluation as a result of the information available to citizens. It is on the basis of this interaction that information becomes the stimulus of interaction between the government and the governed.

Furthermore, it must be established at this juncture that the amount of information available to the citizens depends largely

on the structure and nature of government in operation. For instance, the nature of interactions and flow of information between the government and the governed in an autocratic society is limited compared to a democratic society where citizens' fundamental right to expression and information are entrenched in the constitution. In a democratic system, one of the unique characteristics of democracy is the participatory nature of the citizens. The citizens' participation is therefore dependent on the amount of information available to them. Democracy can only flourish when citizens are actively engaged in the governance process. Though, in theory, it is the people that govern, but in practice, it is the representative of the governed that make decisions [1]. Cueing from the above, it is pertinent to realise that information is very essential to the sustainability of democratic governance. Information brings about open government, transparency and accountability in governance. Citizens' exposure to up to date information on the workings and activities of government gives them latitude to meaningfully contribute and advice the government on its policies and programmes [2].

The significant roles of information in a democratic system as well the recognition of the inalienable rights of citizens to know propelled government at various levels to initiate laws towards the protection of fundamental rights of the people to access information without any hindrance. One of the strategies to protect citizens' rights to access information is the enactment of Freedom of Information (FoI) Act. Freedom of Information Act has become an inalienable right of the citizens across all democratic societies. In recognition of this fact, several measures have been put in place across many developed democracies with a view to protecting citizens' rights and access to freedom of information. Prominent among the measures are the United Nations Conventions on the Right to Freedom of Information Act and European Union Information Act [3]. With this in place, many African countries including Nigeria have domesticated the

Act through enactment of Freedom of Information Act in 2011. The enactment came into force after age long agitations and clamouring from various concerned groups such as Mass Media Practitioners and Civil Society Organisations.

Existing studies have examined the implementations of FoI law in Nigeria; identify the prospects and challenges to the implementation of the law as well factors that could enhance speedy implementation of the law [4,5]. Other studies focused on the benefits of FoI law and identified that the implementation brings about open government, transparency and accountability [6,7]. This present study contributes to the existing discourse on the implementation of FoI law and the protection of fundamental human right taking a cue from Nigerian perspective.

Apart from the introductory section, the rest of this work will be dedicated to the implementation of Freedom of Information Act and the pursuit of the protection of fundamental human right in Nigeria democratic experiment. It will x-ray the success record in the implementation of the Act so far and the reality of the factors militating against the Act when seeking information from public sectors in Nigeria.

Review of the Literature

Freedom of Information has been regarded as the fundamental basis upon which all freedoms idea emanated [8]. It is the recognition of this fact that informed the adoption of Resolution 59 (1) by the United Nation General Assembly in 1946 which states that:

“Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated”.

Evidence of the term Freedom of Information could also be traced to the Universal Declaration of Human Rights in 1948 wherein the basic fundamental right to opinion and expression was originally enshrined. The document in the Universal Declaration of Human Right represent an important part of FoI that guarantee individual right to seek and receive information without any hindrance. Apart from the proclamation of fundamental human right in Article 19 of the Universal Declaration of Human Rights, several other international treaties have also attested to the freedom of Information as basic fundament human rights to be protected. Prominent among these are the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human Rights [9]. More importantly, Article 19 of the Declaration states that:

“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”.

Several sections of the international treaties have attested to the FoI as the fundamental human rights of the citizens that must be protected and guaranteed. For instance, Article 19 of the Universal Declaration of Human Rights, Article 19 (2) of the

International Covenant on Civil and Political Rights, Article 9 of the African Charter on Human and Peoples’ Rights, and Article 4 of the Declaration of Principles on Freedom of Expression in Africa. Though, study established that in Africa, the enactment of FoI would have been possible if not for the untiring efforts of the regional development and various advocacy campaigns [10].

Freedom of Information guaranteed direct accessibility without hindrance to government information and documents across all levels of government (Federal, State and Local Government). It also includes information from government braches such as Ministry, departments and parastatals. This means that FoI cover the private institutions in which government at any levels has controlling interest as well as those private institutions that are carrying out the public functions [11]. With FoI enactment, it has become imperative for all citizens to have unhindered access to government information, files, data and documents in any form. In some circumstances, implementation of FoI guarantees open government through interactions and debate with government functionaries for public scrutiny. Popoola [12] notes that the provision in the FoI Act equally allows an individual to have access to their files containing their information as long as the information is not used unauthorized.

Following the implementation of FoI in Nigeria, several scholars have examined the contents, implementation, prospects and challenges as well as modalities for ensuring successful implementation of the Act. The work of Sebina [13] focused on the accessibility to information and the enabling legislation of FoI Act as well as prospects and challenges for records mangers. The author found that accessibility to information as guaranteed by the Act would be meaningless where proper record keeping are lacking, accessibility to record is difficult and where modalities for record dismissal is cumbersome. In another perspective, Omotayo [8] undertook a critical review of the Act by identifying the challenges militating against the implementation of the Act and highlighted the possible way out to overcoming those challenges. The author concludes that the Act would be tantamount to a waste of efforts if the general public refuses to make of the Act. He therefore recommends adequate awareness and sensitization for the public to engage in the use of the Act to access government information and data for scrutiny and thereby enhance transparency and reduce corruption. In line with the above, some scholars including [14-18] have made reference to the benefits and shortcomings of the FoI Act. They therefore concluded that the benefits actually supersede the costs. On this note, the authors submit that FoI facilitates open government and give room for public accountability.

Furthermore, the historical development of FoI in Nigeria is a cumulative struggle and agitations from several concerned Nigerians including the efforts of Media Rights Agenda (MRA), Civil Liberties Organization (CLO), and the Nigeria Union of Journalists (NUJ). Number of researchers has contributed tremendously to the emergence of FoI law in Nigeria. Study revealed that an entrenched culture of government secrecy to the disclosure of classified information to the general public

right from colonial period constitute major constraints to the enactment of FoI Act in Nigeria [14]. By implication, citizens find it so difficult if not impossible to actively participate in governance. The age long culture of official secrecy also prevents citizens to make informed choices about who should govern them and hence, find it difficult to hold government accountable. The denial of citizens from accessing government activities also prevent government to benefit from citizens input that could meaningfully help government work and decision-making process [18]. The entrenched culture of secrecy on the part of government led citizens to rely on rumours and self-fabricated information on the activities of government with obvious danger for the media who are reporting objective news. Fabricated fake news is not only detrimental to media practitioners but disrupt the polity and social structure with its consequences on the political system such as riots, killing, and terrorism [8]. This is the consequence in a political system where official sources of information are controlled and undisclosed. Official secrecy has been identified as one of the major challenges faced by the FoI Act in Nigeria according to Ajulo [19]. Various legislations including Official Secrecy Ordinance Act were used to strengthening the government secrecy during colonial period that outrightly denied citizens from obtaining required information from government. Other researchers contributed to the FoI Act including Coker [20] who identifies human capital development as part of the challenges face by FoI Act in Nigeria. Odigwe [21] in his own contribution examines the FoI Act with its attendance consequences for record keeping in public service in Nigeria. The author identifies that the implementation of FoI Act give maximum protection to public servant from being prosecuted when disseminating government officials to the general public. Ojo [22] contributed to the FoI Act from the perspective of media and maintain that the Act places enormous responsibility on media practitioners to access information from government and publish it to the general populace.

Across different African countries, the definition of FoI laws differs depending on the items included into the Act. While some countries include private organizations, others exclude them. The reason for the inclusion is simply that some private organizations are performing public function such as provision of water, electricity and telecommunication [8]. The evolvement of FoI laws from conventional human rights frameworks which has conferred the responsibility of human rights protection on public institutions only is one of the reasons for the exclusion of private organizations. Having realized that some private sector now performs public functions, there is a paradigm shift from this convention. In the opinion of Siraj [23], "the removal of the private sector from FoI laws has detrimental effects on openness and transparency in public sector policy; thereby prevent the citizens from exercising their human". It is therefore become imperative for the FoI laws to be extended to private sector especially now that many of them are performing the public function. This is sacrosanct because substantial amount of information could be hidden in the custody of private sectors because of privatization and deregulation which subsequently sabotage the effort of the

general public in exercising their fundamental human rights to seek information without denial. With reference to Nigeria, the FoI Act partly covers private organizations that are providing public functions and this can be found in the Section 2 (7) of the FoI Act 2011.

The Nigeria Specimen of Freedom of Information Act, 2011

The struggle that led to the enactment of FoI law in Nigeria was the unrelenting efforts and campaign of the three organizations including Media Rights Agenda (MRA), Civil Liberties Organization (CLO), and the Nigeria Union of Journalists (NUJ) which began in 1993. After series of struggle and agitations from the past successive administration, President Goodluck Jonathan finally appends his signature and FoI became law on 28th May 2011. Apparently, the FoI bill was signed into law precisely 12 years after it was presented to the legislature. This invariably makes Nigeria the ninety seventh (97th) country in the world, the ninth (9th) nation out of ten in Africa, the sixteenth (16th) member of the Commonwealth, to sign the FoI legislation into law [24]. Study revealed that it was exactly 100 years after the Official Secrets Act (OSA) of the colonial order-in-council which was introduced in 1911 that FoI Act came into limelight [25]. It must also be established that the signing of FoI Act into laws will serve as succour to press freedom in Nigeria who has suffered tremendous suppression as a result of long term of military rule in the country which also enjoyed the bequeathed culture of government secrecy from colonial administration. In Nigeria, virtually all government information is tagged secrecy and classified as top secret that cannot be exposed to the general public as a result of classified information, confidentiality and restricted nature of the documents [26]. This has made it difficult for an individual if not impossible to request and obtain any information from government establishment. Notably, the Official Secrets Act make it an offence, not only for public servants to give out government information, but also for anyone to receive or reproduce such information, as well as other laws in the statute books that inhibit freedom of expression and freedom of speech. Other supporting documents that further restrict citizens from accessing government information are contained in the Criminal Code, the Public Complaints Commission Act and the Penal Code. To further strengthening the secrecy, public servants were usually subjected to swearing an oath of secrecy when employed or appointed so as not to divulge any government information and this will enable government to maintain culture of secrecy and continuing perpetuating arbitrariness in government institutions.

Adeleke [27] maintains that the rationale behind the idea of secrecy is to protect vital government information, but, it is ridiculous to later know that became aware that most of the government protected information are ordinary newspaper cutting that were already circulated to the general public. This impenetrable under the guise of secrecy equally prevent government department to withhold information for each other all in name of official secrecy. So many sectors of the society are affected by the

secrecy of government information. For instance, journalists are denied access to accurate information for reporting against corruption and embrace transparency in governance. Students also find it difficult to access relevant information necessary for their research endeavour to the extent of conducting research in relation to government policy and activities become very difficult and inaccessible due to lack of data and information for analysis as a result of entrenched culture of secrecy. According to Birkinshaw [28] apart from Nigeria that have adopted FoI law in 2011, various other African countries have also adopted some aspect of the law including Angola (2002, 2006), Ethiopia (2008), Guinea Conakry (2010), Liberia (2010), South Africa (2000), Uganda (2005), and Zimbabwe (2002, 2007). The Nigeria FoI law has 32 sections with its explanatory memorandum which states that:

“This Act makes public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes” [29].

Alluding from the memorandum of FoI law in Nigeria, it is glaring that the Act granted an opportunity for individual Nigerian to apply and access public records and information without the condition of demonstrating specific interest for the application. It equally granted opportunity for an individual to sue any government official who refused to allow to access to public information and the public official is equally protected for being prosecuted for the release of government information without authorization. The Act is a holistic approach to entrench culture of transparency as against the prior culture of secrecy in the public sector. In section (2) specifically, the Act made provision for direct access to public institutions records and their detailed description of all activities including profiles, programmes, functions, and records for public scrutiny. Similarly in Section (3), provision is made for illiterates and persons living with disability to access public information without any hindrance. Although, the Act is not without exemption as stated in Sections 11, 12, 14, 15, 16, 17, and 26 which provides stated that:

“No application for information shall be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause, that is, the exemptions are subject to public interest test (Section 11 subsection 2) that, in deserving cases, may override such exemptions. Public institutions may refuse to disclose any record requested under the Act, which falls under the exemption clauses. As safety value, it seeks to protect serving public officers from the adverse consequences for disclosing certain kinds of official information without authorisation (Section 27) and establish procedures for the achievement of those purposes thus emphasizing the fact that the Act supersedes the Official Secret Act” (Section 28).

Based on the provision of this Act as stated above, Enonche [30] concludes that there is no doubt the Act has provided

ample opportunity for Nigerians to hold the public officials and institutions accountable for their responsibility.

Implementation of FoI Law and its Benefits in Nigeria

It is an incontrovertible fact that citizens' denial to access information all in the name of official secrecy is no doubt harmful and inimical to the progress and development of society considering the cost and benefits attributed to government disclosure of information to the general public. It is on this premise that several scholars examined the cost and benefits associated with the introduction and implementation of FoI legislation. In the country such as USA, Canada, Australia, New Zealand and France, scholars have looked at the FoI legislation and they all concluded that the benefits significantly outnumbered the costs Guida [31], Hazell [32] The result of their study found that FoI benefits were significant for all parties affected by the legislation including civil servants, civil society organization, pressure groups, ministries, parastatals and member of the general public. Some analysts are of the opinion that the implementation of FoI Act serves as vital tool to the actualization of open and responsible governance in Nigeria. It is expected that FoI law will mitigate public officials' recklessness. It is also hoped that the implementation of FoI in Nigeria will serve as a catalyst to the eradication in the fight against corruption in Nigeria thereby brings out about transparency and openness as well as stimulating good governance in Nigeria's democratic experiment. According to Enonche [30], the implementation of FoI law would tremendously assist the various law enforcement agencies such as the National Human Rights Commission (NHRC), the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), among others in performing their statutory responsibilities. The law also facilitates open government since information can be readily available for public consumption despite the limited exemption granted by the Act. Contrary to excessive reliance on propaganda by political actors to misinform the electorates, the implementation of FoI will now make room for electorates to access relevant data and past records of the political actors and thereby prepare them to an inform decisions during elections.

Furthermore, the opportunity provided by FoI law for citizens to access public information according to Ossai-Ugba [17] will help in strengthening democracy because government has no hidden place again than to be directly accountable to the governed. With the implementation of the the law, the entrenched culture of secrecy must be altered and change in attitude will take place on the part of the bureaucrats who are always reluctant to release government information and hence promote objectivity and transparency in administrative process. From all indications, it is saved to conclude that effective implementation of FoI law in Nigeria will service as a litmus test for Nigeria democracy.

Brief examination of successes recorded in the implementation FoI law in Nigeria

Some progress has been recorded with respect to the implementation of the FoI law in Nigeria. Ever since the Act has been enacted, efforts have been made by various individuals and organizations making demands from government in pursuant of the provision of the Act. There have also been cases of reactions by public institutions with respect to the people demanding and subsequent outright denial and refusal or delays in granting requests to the general public. Many of these cases ended in law suits. But the major reports of the test of law came from civil society organizations. Study revealed that some civil society organizations such as National Human Rights Commission (NHRC), Legal Defence and Assistance Project (LEDAP), Progressive Shareholders Association (PSA), Socio-Economic Rights and Accountability Project (SERAP), Civil Society Network Against Corruption (CSNAC), Media Rights Agenda (MRA), Socio-Economic Rights and Accountability Project (SERAP), Citizen Assistance Centre, Right to Know (R2K), among others have been using the instrumentality of FoI Act to make series of demand for information, records, files, documents, accountability from public institutions in Nigeria but it is important to note at this juncture that the majority of these request end in litigations [33]. For instance, study revealed that immediately after the Act was enacted, R2K in June 2012 made a request on the investigation for the copy of air crash that was not currently available on the website of Accident Investigation Bureau Official Website. In the same direction, R2K equally made requests to Ministries, Departments and Agencies of government demanding the copies of their FoI statutory reports as stipulated by the Act in section 29 (1) which states that:

“On or before February 1 each year, every public institution must submit to the Attorney-General of the Federation a report on the Institutions implementation of and compliance with the FoI Act covering the preceding fiscal year. There were also requests made to the Attorney General for copies of all the annual FoI compliance reports that have been submitted to that office and a copy of the annual report submitted by the Attorney General to the National Assembly pursuant to the sections 29 (7) and (8) of the FoI Act 2011”.

All these were done by R2K to evaluate the implementation of the Act as well ensuring compliance to the Act by public institutions. In furtherance of this request, many cases were taken to court in the event of denial or total ignored for the request and positive results were recorded from judiciary. Clear case of victory of the law suit was first recorded by the Committee for the Defence of Human Rights (CDHR) against the Economic and Financial Crimes Commission (EFCC) in August 2011 in Abuja, seeking an order to compel EFCC to provide information substantiating an allegation made against it (Right to Know [R2K] Nigeria. In another development, the Nigerian Daily Trust Newspapers on July 31, 2012 reported that Nigerian National Petroleum Corporation (NNPC) turned down the request made by Daily Trust Newspapers. The Corporation responded that the newspaper was not bound by the FoI Act, as it was not a statutory corporation. Following series of examination and pressures from civil society organizations, the corporation eventually subsume to the supremacy of the law

and pledge to abide by the provisions of the FoI Act. In another situation, two civil society organizations namely: Socio-economic Rights and Accountability Project (SERAP) and Women Advocates Research and Documentation Center (WARDC) in January 2012, sued the governor of the Central Bank of Nigeria (CBN) over a failure to release information and documents on the authorization by the CBN of over N1.26 trillion as subsidy for 2011 after the statutory period for granting requests [34]. In the same vein, the victory of FoI law was also recorded through a judgment delivered by the Federal High Court in Abuja on June 25, 2012 when the Judge compelled the National Assembly to disclose information on the detailed earnings of members of the National Assembly. Prior to this time, Legal Defence and Assistance Project (a non-governmental Organisation) has demanded for the releases of details salaries and emoluments paid to all senators and member of the house of representatives from June to 2007 to May 2011 but the application was turned down by the National Assembly [35].

It is important to note that various request made by individual and civil society organization met with series of refusal but the institution of legal preceding later compel public institutions to grant the request and ensure strict adherence to the provisions of the Act. Taking from the foregoing court cases and victory recorded, it is important to establish that transparency and openness in governance is still lacking in as much the citizens will have to wait a long time to access public records as a result tedious process of court cases and litigation before information is obtained. Another setback apart from lengthy time it takes to secure justice is the financial implication of seeking justice from various litigations which is almost unavoidable by ordinary Nigerians. Consideration of all these factors usually discourage an individual from requesting information from any public institutions under the FoI Act knowing the fact it would end in litigations. The modest and easiest way to go about effective implementation of FoI Act is for both the government and ordinary citizens to wilfully comply with the [provision of FoI Act without being coerced or resulted to court to do so.

Freedom of Information Law (FOI) and Access to Information: The Nigeria Reality

Despite the celebration that followed the enactment of FoI Act and its implementation in Nigeria, it is not without challenges especially in the area of information seeking from public officials. This has a serious implication for the protection of human rights among the general public and record managers. The implementation of FoI Act is expected to entrench culture of openness, transparency and accountability in governance, in reality, however, little credible result has been achieved as a result of the several attendance challenges confronting the implementation of the Act, most importantly, in the area of information accessibility. The implementation of FoI Act commenced in 2011 and now is 9-year-old. It is therefore wise to pass objective evaluation on the implementation so far and the challenges therein.

To start with, it is imperative to note that the people to whom

the law gives access right have not being proactive in the usage of the law to demand for information. This could be attributed to low level of awareness and sensitization on the part of general public. Although, there have been enormous requests by number of advocacy groups and civil society organisation, yet there has been to celebrate about the law. In this regard, effort must be intensified to create public awareness on the existence and operation of the Act. Observation shows that most public institutions have not established mandatory Fol units as stipulated by the law therefore prevent many to seek information. Some institutions may be ignorant of the law or decided to disregard the directive of the law [36]. Whatever might be the situation, there is need for sporadic awareness for effective implementation of the Act. The general public equally lack information on the existence of law and how it can be sued to obtain information for public institutions. It becomes difficult to fight for the right you did not know it exists. This aspect confers responsibility on the media for effective sensitization and awareness campaign, this notwithstanding, most members of the public do not see the link between Fol and the different aspects of their lives and thus did not pay attention to its details. In the study carried out by Omotayo [8] on the awareness level of Fol on the part of public servants and the general citizens, it was revealed that only 39% of the 410 sampled respondents were aware that Nigeria has a Fol law and more than two third about 61% did not aware of the existence of Fol Act in Nigeria. This result is a testament that the Act can only be tested on the citizens who are familiar with it.

Another significant difficulty in accessing information despite the introduction of Fol law is the age long culture of secrecy that has become so entrenched in the public institutions. The secrecy culture has become so institutionalized among both civil servants and the public sectors in Nigeria. It therefore becomes difficult if not possible to shift from that culture to that of transparency, openness and accountability in government institutions. The origin of this culture could be traced to colonial period when British colonial government introduced secrecy Act as a guide to the operations of public servants to protect citizens from questioning the operations of British officials. This carryover mentality from colonial administration has significant effect on the operation of public servants in Nigeria today being one of the legacies of colonial administration. It is therefore constitute a major challenge to accessing information from public servants since the mindset has not really changed even among private sector mangers.

Furthermore, accessibility to information and data become problematic in a situation where record keeping is poor or non-available. Evidence shows most Nigerian government Ministries, department and parastatals lack up to date record of their activities and poor attitude to record keeping. Unfortunately, most MDAs still practice manual based method of record keeping in this computer age. In the opinion of Sebina [13], he maintains that the effort to seek legal redress in soliciting for information through Fol Act from public sector would be tantamount to exercise in futility where good quality record are lacking and accessibility to the record is problematic. An observation

from many public institutions in Nigeria reveals that records, documents and files containing vital information are still tied up in bundles making it difficult to access. Most of these documents must have been eaten up by insects and rodents. Although, few MDAs have computerized their documents and files for easy accessibility, majority are still lagging behind in this direction. The time limit required to access files and document must have been exceeded where records are to be accessed manually, thus, making it difficult to access information through the provision of Fol law.

Conclusion and Recommendations

This paper has established that the Fol Act is a fundamental human right of the citizens that guarantee accessibility to public records and information without any hindrance. The Act made provisions for individual and groups to request for government and even private organisation data, files and documents contained their activities for openness and transparency. The Act stipulates that the public are entitled to the truth and accurate information which is sacrosanct in forming an informed decision for the entrenchment of democratic values and norms. The Fol Act provides ample opportunities for the public to be part of the government activities which is good for democracy as participatory governance is one of its salient features. The Act brought an open government as against hitherto secret government all in the name of official secrecy, classified information among others that characterized the Nigerian public sectors. Some celebrated cases were recorded as a result of implementation Fol Act by different groups and Civil Society Organizations through court litigations and injunctions. The celebrations notwithstanding, there are several challenges militating the smooth implementation of the law especially at it relates to information accessibility. These include: the entrenched culture of secrecy among and public officials, lack of adequate knowledge and awareness of the Act among public officials and the general public, poor record keeping in the MDAs, and low level of literacy in the use of digital technology for record keeping.

The aforementioned challenges attested to the fact that it is not enough to adopt a Fol law to guarantee the fundamental human right to know, if the implementation of the law is faulty and the public is not favorably disposed to its usage. On the basis of the above evidence, it is concluded that Fol Act can only guarantee citizens' fundamental human right when effective information mind-reorientation is created for public officials and adequate awareness were put in place to sensitize the general about their rights to know.

To effectively ensure proper implementation of the law that will guarantee the protection of fundamental human rights of the citizens and to address the challenges identified, following recommendations were offered:

Instituting culture of openness as against the entrenched culture of secrecy in the public institutions in Nigeria and public officials

requires including the bureaucrats a fundamental change in mindset and attitude attitudinal changes to embrace the new development.

Also public awareness must be created among the public servants and the general public to cultivate right attitude to know. This can be achieved through regular workshops and seminars organized to enlighten the both the public servants and the general public. This is sacrosanct in view of the study carried out by Ogunesan who found that only one third of the Nigerian public servants has read the Constitution of the Federal Republic of Nigeria and have demonstrated awareness of the Fol law. On this note, copies of the Fol law should be circulated to all Ministries, Department and Parastatals for immediate consumption.

Culture of proper record keeping should be embraced to ensure that information and activities of government MDAs are secured to ease dissemination when requested for. In the same vein, modern digital technologies and ICT must be adopted to assist in record keeping which faster, efficient and easy to retrieve than manual record keeping.

Finally, the government could consider as a way of creating public awareness and change in the mindset of public officials integrating knowledge of Fol law into the secondary and tertiary institutions curriculum. This will go a long way to arrest the mindset of incoming generation into public sector towards openness and transparency.

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