

Utilisation of the Freedom of Information Act for Public Communication by Civil Society Organisations in Lagos, Nigeria

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Abstract

The study was carried out to determine the extent of utilisation of the Freedom of Information Act (FoIA) by some Civil Society Organisations (CSOs) in Lagos, Nigeria. The study was anchored on Social Responsibility and Public Sphere theories. The objectives, among others, were to determine the extent of utilisation and application of the judicial provisions of the Freedom of Information Act for public communication. Interview schedule was used to elicit information from three CSOs – SERAP, CLO and MRA purposively selected. Findings indicate that some of the CSOs in Lagos state have applied the provisions of the FoIA to access information for public communication, but majority have not. The study thus, recommends amongst others, that the CSOs should, painstakingly, utilise the FoIA to access information, with a bid to increasing the frequency of use, detecting flaws and areas of difficulty, so as to proffer appropriate solutions germane for expanding the human right to know.

Keywords: Civil Society Organisations, Freedom of Information Act, Public Communication, Utilisation

Introduction

Public communication is the communication of ideas to a broader public. It is similar to, but different from, other areas of communication, such as customer communication, organisational communication and mass communication (Macnamara, 2010). It is also said to happen when an organisation, individuals and/or groups engage in dialogue in the public sphere, in order to deliver a message to a specific audience. Public speaking events, newspaper editorials and billboard advertising, among others, are a few forms of public communication. It should be noted that entertainment, education, politics and issues pertaining to governance, among others, are all potential subjects of public communication (Macnamara, 2010).

In Nigeria, a lot of groups engage in public communication, for example, the media, Civil Society Organisations (CSOs), and change agents. And one of the challenges in engaging in public communication is how to obtain information and/or information of public interest. The custodians of public-interest information are the government as well as the private corporations, which hold information that can be of interest to the public. So, accessing these pieces of information from the government and private corporations have not been easy, in fact, it is herculean.

This is despite the constitutional provision of the right to freedom of expression, association and to receive information enshrined in sections 39 and 40 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and the fact that Nigeria now practices democracy. This difficulty in accessing information has continued unabated even since the dawn of participatory democracy in Nigeria.

It is also unclear whether the introduction of Freedom of Information Act 2011 (FoIA) - A law credited to the untiring effort of the media and Civil Society Organisations (CSOs), particularly, the Civil Liberties Organisation (CLO), Media Rights Agenda and Socio-Economic Right and Accountability Project (SERAP). Adjudged by scholars as a blessing and access to information tool, has truly or greatly

enhanced the CSOs' capacity to access information for public communication, which, among others, were the reason for championing the enactment of the Freedom of Information Act (FoIA). The researcher asserts that an implemented Freedom of Information Act would exterminate secrecy in government, which Thomas Jefferson (1787) described as the breeder of evil and corruption in government, obliterate ignorance, and encourage participation of citizens in the governing-process of their country, hence the need to ascertain the level of utilisation of the Freedom of Information Act (FoIA), for public communication, by the CSOs in Lagos state.

After these enormous sacrifices, the struggle, and the high expectations expressed by the Civil Society Organisations, captured aptly by Ene (2012), in his response to the emergence of the Freedom of Information Act 2011, thus, that "with the Freedom of Information Act 2011 now in place that Nigerians, finally, have the vital tools to uncover facts, fight corruption and hold officials and institutions accountable" (p.2). Have the CSOs utilised the FoIA to access information and to what extent have they utilised the Act to access information for public communication, especially, government-held information, stored in government agencies and parastatals. To this end, this study aims at finding out if the CSOs in Lagos state have utilized the Freedom of Information Act to access information for public communication.

Objectives of the Study

The objectives of this study are to:

1. Find out the extent the CSOs in Lagos state have utilized the Freedom of Information Act (FoIA) to access information for public communication.
2. Investigate the extent the CSOs have applied the judicial provision in the FoIA to access information.
3. Ascertain the medium the CSOs utilised in communicating or disseminating information elicited to the public.

Research Question

1. To what extent has the CSOs in Lagos state utilised the Freedom of Information Act (FoIA) to access information for public communication?
2. To what extent have the CSOs applied the judicial provision in the FoIA to access information?
3. What medium was utilised by the CSOs to communicate or disseminate the information elicited to the public?

Theoretical Framework

The study was anchored on two theories – Social Responsibility Theory and Public Sphere. The Social Responsibility Theory (SRT) is an off-shot of Libertarian Theory propounded by F.S. Siebert, T.B. Peterson and W. Schramm in 1963. Historically, it owes its origin to the Hutchins Commission on Freedom of the Press, set up in the United States of America, in 1947, to re-examine the concept of Press Freedom. The Commission's work became what is known as the Social Responsibility Theory. Peterson interpreted SRT thus: that freedom carries obligation and the press which enjoys privileged position under the government (Constitution) is obliged to be responsible to the society". He further listed the following as what constitute social responsibility: Servicing the political system by providing information, discussion and debate on public affairs; Enlightening the public so as to make it capable of self-government; and Safeguarding the rights of the individuals by serving as watchdog against government (p.20). Plausibly, the above also encapsulates the role of the CSOs in the Nigerian society.

From the foregoing, one could rightly state that it is the social responsibility of the CSOs in Lagos state, and others alike, to utilise the Freedom of Information Act for public communication, and to sensitise the Nigerian society on the usefulness and the positive effect of the Freedom of Information Act 2011.

Importantly, too, to educate the people on the need to fully implement and utilise the Act, for the benefit of the Nigerian society; and possibly, if any, draw attention of the people and relevant authorities to the area(s) that may require intervention and amendment.

On the hand, public sphere theory was propounded by Jurgen Habermas in his work "The Structural Transformation of the Public Sphere" in 1962. He defined the public sphere as "a civil arena where public opinions take shape, and that same, with strong circulation (of public opinions), can pressure authority groups and limit their actions" (p. 57). He further said public sphere now serves as "a regulatory institution against the authority of the state" (p. 27). In agreement, Benhabib (1992) asserts that the study of public sphere centers on the idea of participatory democracy, and how public opinion becomes political action. He quipped further that the basic ideal belief in public sphere theory is that the government's laws and policies should be steered by the public sphere and that the only legitimate governments are those that listen to the public sphere" (p. 73).

Hauser (1999) amplified it further "as a discursive space in which individuals and groups associate to discuss matters of mutual interest and, where possible, to reach a common judgment about them" (p. 61).

Flowing from the above, the researcher asserts that Public sphere, as an area in social life where individuals come together to freely discuss and identify societal problems, can, through discussion, influence political action, criticize and form opinions that eventually, may become policy/or policies of government. This is akin to the activities of the CSOs, who, oftentimes, provide the sphere for debate and discussions on topical issues affecting governance and the society, and also, on issues pertaining to Freedom of Information Act 2011 and its utilisation. This sphere serves as a platform for building consensus amongst the citizens and the civil society. Similarly, also, these activities of the CSOs tandem with this theory (Public Sphere) in many ways, and forms the justification and predication of this study on it.

Review of Related Literature

Public communication, according to Macnamara (2010), is the communication of ideas to the broader public. It is similar to, but different from, other areas of communication, such as customer communication, organisational communication and mass communication. Oftentimes, organizations hold press conferences, stakeholders' meetings and public enlightenment campaigns, amongst others, wherein information regarding to a particular public interest issue or issues are disseminated to the public. These form part of public communication. It (public communication) is also said to happen when an organisation, individuals and/or groups engage in dialogue in the public sphere in order to deliver a message to a specific audience.

This captures and adumbrates the method, usually, adopted by the CSOs in communicating or disseminating information to the citizens and the society. Such information may be the one elicited or accessed from government through the application or utilisation of the Freedom of Information Act 2011, and/or information generated by and from the Civil Society Organisations meant to educate, galvanize, mobilise, and ginger the citizens to take actions that force government to be accountable to the people.

Coffman (2003) listed two types of public communication campaigns available, namely:

- i) Individual Behaviour Change Campaigns: this try to change individual's behaviours that lead to social problems or promote behaviours that lead to improved individual or social well-being;
- ii) Public Will Campaigns: this attempt to mobilise public action for policy change. A Public Will Campaign attempts to legitimize or raises the importance of a social problem in the public eye as the motivation for policy action or change.

This (later) type of public communication campaigns is usually employed by the CSOs to carry-out their public communication. Example of the CSOs' employment of the Public Will Campaigns can be found in the 2012 mass action initiated and carried out, principally, by the CSOs, over the removal of petroleum subsidy policy of the Federal Government of Nigeria.

However, the modality utilised by the CSOs in carrying-out its public communication usually commences with elicitation of the public interest information or identification of the idea (ideology) sought to disseminate to the public, selection of tools and target audience, and application of public communication strategy, amongst others. These are often leveraged by the civil society organisations, and can, also, be employed to disseminate information regarding to access to information, highlighting the positive impact or the importance of the Freedom of Information Act and its implementation.

Scholars are yet to agree on whether there is difference between civil society and civil society organisations. The concepts of ‘civil society’ and ‘civil society organisation’ are used interchangeably by most scholars without giving consideration to the differences between the two distinct, but inter-related concepts. This also made scholars to use other common terms such as: non-profit organisation, charity, NGO, third sector, voluntary sector and so on to mean civil society organisations as they are most widely understood internationally.

It is arguable that civil society is broader than civil society organisations. The former entails the entire territorial polity, which include all citizens who either officially belong to any civil group or not; while the latter entails those individuals that consciously and actively participate in civil group activities. This analysis depicts that the collective people, in its entirety, living in a defined territory, made up of families, is seen as a civil society of such nation, while those that consciously come together to form a formal organisation to promote specific public interest and meet up with the characteristics of civil society organisations.

Empirical Review

Job B. Guyson, Eric Dung Jamo, and Ismaila M. Yakubu (2017) conducted a study on the utilisation of the 2011 Freedom of Information Act in selected States of North Central Nigeria. The study revealed that the Act is not utilised in the region, despite the journalists’ enormous knowledge of the legislation. The study also showed that journalists in the north central region have not benefited from the Act.

Similarly, Agbo (2015) conducted a study on the utilisation of the Freedom of Information Act (FoIA) among print media journalists in South –East, Nigeria. The study showed that journalists in the print media in the South-Eastern Nigeria are yet to effectively utilise the provisions of the Act in their practice of journalism.

Further, University College London’s Constitution Unit (2009) conducted a research on the United Kingdom Freedom of Information Act 2000 and Journalists’ use of the Act. Equally, the study showed that Journalists in United Kingdom, though, happy to have Freedom of Information Act, find the response and appeal process frustrating. It further concluded there were significant disappointment with the operation of the Act, frustration centered on delays, liberal use of exemptions and longer periods of waiting during the internal review and appeal processes were also part of their findings.

Method

The study adopted qualitative research approach. Interview schedule was utilised to elicit responses from the CSOs. A sample size of 3 was drawn, purposively, from the population of registered CSOs in Lagos State, which according to the Education Sector Support Programme in Nigeria (ESSPIN) Report, stood at 30. The 3 CSOs purposively selected are CLO, MRA and SERAP. They were selected based on their contributions to the enthronement and enactment of a legal regime that encourages freedom of access to information. The national offices of the CSOs were contacted for the personal interview. Because, this is where to find the officers, who have the requisite information sought. At the respective national offices, the CSOs appointed representatives, were interviewed with questions from the interview schedule.

Data Presentation and Analysis

Response from the interview with the CSOs regarding to research question one:

Table 1: Awareness of the FoIA

Question	Response: SERAP CLO MRA
1. Are aware of any law that guarantee access to information, particularly, government-held information?	SERAP – Yes, Freedom of Information Act CLO - Yes, Freedom of Information Act MRA - Yes, Freedom of Information Act
2. How did your organisation become aware of the Freedom of Information Act?	SERAP – Through the Act (FoIA) CLO - The media MRA - instrumental to the enactment FoIA

Table 1 show that the CSOs are aware of the Freedom of Information Act, but through different means or channels.

Table 2: Aspects of the FoIA conversant with

Question	Response: SERAP CLO MRA
3. Is your organisation conversant with the provisions of the Freedom of Information Act 2011?	SERAP – Yes CLO - Yes MRA - Yes
4. Which area of the FoIA is your organisation conversant with?	SERAP – All the sections of the FoIA CLO - Sections 1,2,3 and 7 of the FoIA MRA - All the sections of the FoIA

The Table indicates that the CSOs are conversant with the relevant sections of the FoIA.

Table 3: Employment of the FoIA

Question	Response: SERAP CLO MRA
5. Have your organisation employed FoIA in accessing information for public communication?	The CSOs – CLO, SERAP, and MRA said that they have employed the FoIA in accessing information.
6. How many times has your organisation accessed information under the FoIA?	SERAP – 25 times CLO - 11 times MRA - 30 times

The Table above indicates that the triumvirate of SERAP, CLO, and MRA have utilised the FoIA to access information 25, 11, and 30 times respectively.

Response from the interview with the CSOs regarding to research question two:

Table 4: Knowledge of FoIA’s provisions for application to court

Question	Response: SERAP CLO MRA
7. Does your organisation know that the FoIA has provisions requiring for application to court upon denial of access to information?	The CSOs - CLO, SERAP and MRA answered in affirmative that they know and are aware that the FoIA has provisions requiring a requester of information to apply to the court for release of information upon denial.

The above Table shows that the CSOs know that the FoIA has provisions requiring for application to the court, when access to information is denied

Table 5: Application to court for access to information

Question	Response: SERAP CLO MRA
8. Have your organisation applied to the court for release of information after denial?	The CSOs – SERAP, CLO, and MRA quipped, affirmatively, that they have applied to the court for release of information after denial of access to information.
9. How many times have your organisation applied to the court for release of information?	SERAP – 15 times CLO - 7 times MRA - 15 times
10. How many times has your organisation accessed information without application to the court?	SERAP – 10 times CLO - 4 times MRA - 15 times
11. Upon denial of access to information, what action did your organisation took?	CLO and SERAP said that upon denial of information, they complained to the relevant authority and applied to the court as well, while MRA quipped that it did not complain to the relevant authority, but only applied to the court.

Table 5 shows that the CSOs have applied to the court for release of information severally. The significance of the above answer is that some of the information accessed by the CSOs was accessed without applying to the court or without the order of court. The import of the above response is that the CSOs took action or did something and was not docile.

Response from the interview with the CSOs regarding to research question two:

Table 6: Channel of dissemination of information elicited under the FoIA

Question	Response: SERAP CLO MRA
12. How do you communicate and/or disseminate the information accessed under the FoIA to the public?	<p>CLO: Workshops, Seminars, Facebook and Twitter.</p> <p>SERAP: Newspapers, Facebook, Twitter, Television, Workshops, Seminars, Bulletins and other soft publications like pamphlets.</p> <p>MRA: Newspapers, Facebook, Whatsapp, Twitter, Blogs, Websites and Training workshops.</p>

Table 6 shows that the CSOs employed several channels to disseminate information accessed under the FoIA to the public, including public communication channels.

DISCUSSION OF FINDINGS

Findings showed that the CSOs in Lagos State are aware and conversant with the provisions of the FoIA. It was also found that the CSOs became aware of the FoIA through different means and channels. The findings also indicate that the CSOs are conversant with all the relevant sections of the FoIA and have employed the FoIA to access information for public communication severally. The findings further buttress and support the assertion of Schattschneider (1960), who argued that groups like the CSOs are agenda setters, and that they successfully describe a problem and also proffer solutions to it. The above assertion is in tandem with the history and emergence of the FoIA, and further kowtows to the roles played by the CSOs in the enactment and utilisation of the FoIA.

This positive response result indicated in response to the extent of utilisation of FoIA in accessing information, audaciously evoked the sentiment echoed by the CSOs that they have utilised the FoIA for the purpose of accessing information for public communication. This result is in all fours, contrary to the findings of a similarly studies reviewed in the empirical review of this study, particularly, the research conducted by Agbo (2015) and Job B. Guyson, Eric Dung Jamo, and Ismaila M. Yakubu (2017) on the utilisation of the Freedom of Information Act (FoIA) among print media journalists in South –East, Nigeria; and .on the utilisation of the 2011 Freedom of Information Act in selected States of North Central Nigeria, which revealed that journalists in the respective region did not utilise and benefitted from the FoIA.

This response result from the CSOs further confirms and bolsters the age-long aphorism that Lagos State is the doyen of CSOs' activities in Nigeria, and tandems with the views expressed by several scholars that a FoIA will aid elicitation and dissemination of information, engender, in no small measure, good governance and rule of law, which the FoIA promised to entrench, through unfettered access to information. The researcher asserts further that unfettered access to information, by extension, will promote participatory democracy; transparency and accountability in government, and effective and equitable distribution of wealth and resources of the nation.

This severalty (SERAP 25, CLO 11, MRA 30 times, respectively) in the utilisation of the FoIA to access information for public communication is by far, an improvement on the data from the journalists in

Lagos state in a related study conducted by the researcher. And attest to the dexterity and disposition of the CSOs to implement, utilise and test the efficacy and potency of the FoIA in making government-held information accessible to the people. So as to initiate and engender, at all times, in the public sphere, positive debate and discussions germane to nation-building. Thus in agreement with Hauser (1999) who sees public sphere as a discursive space in which individuals and groups associate to discuss matters of mutual interest and, where possible, to reach a common judgment about them (p. 61).

The implication of this outcome is that the CSOs are more predisposed to utilising the FoIA to accessing information for public communication. And by extension, acted in line with the argument and position it advanced, while leading the campaign for the enactment of the FoIA. The CSOs had heaped the enthronement of a better Nigeria, obliteration of secrecy in government and free flow of information on the enactment of a freedom of information law regime. Also, these information accessed and disseminated will improve discuss leading to a better society, and banish ignorance hitherto bedevilling the Nigerian Society.

Relatedly, data elicited from the interview regarding to the issue of application of the judicial provisions of the FoIA, indicated that the three CSOs applied the judicial provisions of the FoIA to access information for public communication. The findings supportably showed that the CSOs applied to and accessed information from the court several times (SERAP 15, CLO 7, MRA 15 times respectively), upon denial of information. The import of the above response is that the CSOs are aware of the judicial provision in the FoIA that requires application to the court, and that the judicial provisions were extensively leveraged to obtain information severally. It further shows that the CSOs were not docile upon denial of access to information, but took action by complaining to the relevant authority, and also, made application to the court.

These results, as beautiful as it appears, cumulatively, reflect lack of ubiquity and cannot lay the solid foundation upon which the public's right to "discover what the Federal government was up to" as asserted by Dominick (1999) in support of the American Freedom of Information Act. The researcher further asserts that it is only when the FoIA is tested in a gargantuan proportion and found to be a reliable law or platform, upon which, demand for access to information can be made, that we can, indeed, say that there is a statutory authority that guaranteed freedom of information.

Juxtaposing these results to the research question under study, one can posit that the CSOs in Lagos state performed its social responsibility obligation to the society, as stated in one of the theories upon which this work is predicated. Aside from the above, the information elicited by these CSOs end-up becoming useful and helpful to the discussion at the public sphere - referred to, also, by Hauser (1999) as a discursive space in which individuals and groups associate to discuss matters of mutual interest. To this end, this result conforms to the theory of public sphere used for the study, and disagrees, visibly, with the grim and bleak picture presented by the World Library and Information Congress held in August 2003 in Berlin regarding to implementation of the Freedom of Information Legislation in Africa.

The implication of the findings x-rayed above is that the FOIA has the potency to aid or make information available to the people. There is no gainsaying the fact that with the era of FOIA and the evidence of application of the provisions of the FoIA to access government-held information, shown by the finding of this study, speculative reporting should now be a thing of the past. This also implies that the onus to access information for public communication now rests on the CSOs, the citizens and any other group interested in accessing information, as they have no excuse to make spurious and unverifiable reports.

In the same vein, response from the CSOs regarding to channels of communication or dissemination of information accessed under the FoIA, the data showed that CLO disseminated information accessed through the FoIA to the public via a combination of: Workshops, Seminars, Facebook and Twitter, while SERAP communicated same information to the public through a combination of Newspapers, Facebook, Twitter, Television, Workshops, Seminars, Bulletins and other soft publications like pamphlets. Similarly, MRA after elicitation of information under the FoIA

disseminated the information to the public via Newspapers, Facebook, Whatsapp, Twitter, Blogs, Websites and through Training Workshops.

The import of these results is that the CSOs in Lagos state employed several public communication tools to disseminate information accessed under the FoIA to the general public. This is in tandem with the position of several scholars that public communication is a campaigning force, and now, plays a growing role at the strategic level of the organisation's management and the society, especially, with the advent of the social media channels. It also conforms to the role of public communication highlighted by Dijkzeul and Moke (2005) that public communication may, among other things, help organizations to react more professionally to growing public scrutiny and achieve better communication with the general public.

Furthermore, one suspect that the use of these multiple or several channels to disseminate information elicited by the CSOs may have been the reason the Nigeria society, eclectically, keep abreast of the goings-on with its elected officials and the malfeasance in government.

Conclusion and Recommendations

Based on the findings, the study concludes that the CSOs in Lagos State have utilised the FoIA to access information, but the extent of this utilisation is low. It, therefore, recommends that the CSOs should painstakingly utilise the FoIA to access information with a bid to increasing the frequency, detecting the areas of difficulty and nipping same in the bud, while making appropriate suggestions on the way forward.

Further, based on the findings, the study concludes that the CSOs in Lagos state have applied the judicial provisions of the FoIA. Therefore, it is recommended that the CSOs in Lagos state should intensify efforts towards utilising the judicial provisions of the FoIA to access information for public communication, whenever, information is denied.

Also effort should be geared towards sensitizing other Civil Society Organisations on the need for the application of the judicial provisions of the FoIA, requiring application to the court, once information is denied.

The study, also based on its findings, concludes that the CSOs employed multiple channels, including public communication channels to disseminate information accessed. To this end, it, further, recommends the use of multiple channels, including public communication channels in disseminating information to the people.

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