

## **Communique of Stakeholders' Technical Meeting on FOI Amendment Bill and Reporting/Compliance Mechanisms**

### **Introduction**

The International Press Centre (IPC), in collaboration with the Policy and Legal Advocacy Centre (PLAC) and YIAGA Africa, with the support of the European Union, convened a two-day stakeholders' technical session on the proposed Freedom of Information (FOI) Act Amendment Bills with a view to addressing mechanisms for enhanced reporting and compliance standards.

The organisations, as implementing partners for the European Union Support to Democratic Governance in Nigeria, Phase II (EU-SDGN II), hosted the meeting on Monday, July 28 and Tuesday, July 29, 2025, at the BON Octagon Hotel in Abuja. The event was attended by participants from various stakeholder groups, such as the FOI Unit of the Federal Ministry of Justice and the Office of the Attorney-General of the Federation, the National Assembly, the Nigerian Law Reform Commission, civil society organisations, media professional bodies, media organisations, the legal profession, academic institutions, and others.

The EU-SDGNII initiative seeks to promote pluralistic, participatory, and representative democracy in Nigeria through five components that incorporate support for INEC, the National Assembly and Judiciary, the political parties, the civil society, the media, women, youths and persons with disability. One of the expected results of Component 4: Support to media of the initiative of which IPC is the lead implementing partner is to facilitate improved compliance and usage of the FOI Act.

The Abuja technical meeting therefore aimed to review the FOI Amendment Bills and create a Position Paper summarising key stakeholders' input from sectors like media, law, civil society, academia, and government. The objective was to support the effective implementation of the FOI Act to promote transparency in elections and governance.

At the opening ceremony, welcome remarks were given by Mr. Lanre Arogundade, Executive Director of the International Press Centre, followed by messages from Dr. Akin Akingbulu Centre for Media and Society (CEMESO), Ms. Nkiru Uzodi (PLAC), and Mr. Godwin Garuba, Head of the FOI unit from the Federal Ministry of Justice, who also represented the Attorney General and Minister of Justice.

### **Sessions**

After the opening ceremony, Mr. Arogundade presented an overview of the Amendment Bills at the first plenary session, followed by Mr. Edetaen Ojo of Media Rights Agenda discussing gaps in the FOI Act and potential amendments to enhance enforcement and compliance.

After the presentations, participants discussed key issues and then divided into groups to review the FOI Act section by section, identifying provisions and sections for proposed amendments to the National Assembly.

During the plenary session on Day Two, breakout groups shared their recommendations for amending the FOI Act. After a detailed discussion, it was agreed to form a committee of experts to consolidate these recommendations into a position paper.

Subsequent presentations discussed the legislative process and implementing meeting recommendations. Mr. Ojo (Media Rights Agenda) and Ms. Uzodi (PLAC) spoke on "Taking the Issues Forward: Engaging the Law-Making Process at the National Assembly".

The technical meeting concluded with participants adopting this communique containing their observations and recommendations:

### **Observations**

- The current Freedom of Information Act offers a framework for information access in Nigeria, but it also has limitations that have affected its overall impact. Additionally, there have been challenges with implementation and compliance by public institutions over the past 14 years.
- Regardless of the Act's inherent limitations, its effectiveness has been affected by a lack of compliance with several of its provisions and limited enforcement of existing sanctions. For example, while the Act defines wrongful denial of access to information as an offence, there have been no recorded instances of public institutions or officials being sanctioned for such violations. This may contribute to ongoing non-compliance among public institutions.
- Other key weaknesses in the Act include the lack of an independent oversight body for enforcement, the absence of administrative sanctions for violations, and overreliance on criminal penalties and a complex judicial process.
- The meeting commended the two Private Members' Bills in the House of Representatives, which aim to amend the Act by addressing limited issues, specifically poor compliance with annual reporting by public institutions and also propose adding criminal penalties for non-compliance, which could increase reliance on the courts and further criminalise administrative failures.
- The consistent submission of annual FOI implementation reports to the National Assembly by successive Attorneys-General of the Federation since 2011 is noteworthy. Nonetheless, notable deficiencies persist in both the format and substance of these reports, especially regarding the omission of non-compliant public institutions and the lack of detailed accounts of measures taken by the Federal Ministry of Justice to promote compliance with the Act among all relevant entities.
- The Supreme Court's April 11, 2025, judgment clarified the Act's scope and confirmed its application to records and information held by state-level public institutions. However,

this decision exposes the Attorney-General of the Federation's limited capacity to oversee a significantly expanded range of public institutions, now including those in all 36 states and 774 local government areas. It also raises concerns about effective compliance strategies and the enforcement of the judgment.

- Prior to the Supreme Court judgment and continuing to the present, the Attorney-General of the Federation has carried out some functions typically associated with an access to information oversight body, but has not performed others, such as collecting data on Act usage, promoting public awareness, investigating non-compliance complaints, or enforcing compliance through administrative sanctions or criminal prosecutions.

## **Recommendations**

1. It is recommended that stakeholders give due consideration to proposing a comprehensive amendment Bill aimed at addressing the principal gaps and implementation challenges present in the current Act. This Bill should be prepared for presentation to all the sponsors at the National Assembly for harmonisation with the two existing amendment Bills. By doing so, the shortcomings of the Act can be addressed collectively rather than through a fragmented, piecemeal approach.
2. The Act's enforcement mechanisms would benefit from enhancement by minimising excessive dependence on the courts and establishing a robust administrative sanctions framework. This should include clear procedures for enforcing non-compliance that do not constitute criminal conduct.
3. All public institutions are to be encouraged to establish a specific budget line in their annual budget proposals and allocate necessary funds for implementing the FOI Act. This includes funding regular training and capacity-building programmes for officials, particularly FOI Desk Officers; digitising records; and preparing, publishing, submitting, and disseminating annual FOI reports to the Attorney-General of the Federation and the public, as required by the Act.
4. Resources should be expressly allocated to the Federal Ministry of Justice and the Office of the Attorney-General of the Federation to enhance their capacity to oversee, monitor, and ensure compliance with the FOI Act by all public institutions, while also allowing them to fulfil their responsibilities and obligations as entities governed by the Act.
5. The annual implementation reports submitted by the Attorney-General of the Federation to the National Assembly would benefit from enhanced formatting. Improvements should include the identification and naming of all public institutions that do not comply with the Act's duties and obligations, the inclusion of recommendations for sanctioning persistently non-compliant institutions, and the provision of a detailed analysis regarding trends and patterns in usage, compliance, and non-compliance.

*Adopted in Abuja, this 29<sup>th</sup> Day of July 2025.*

Signed:

**Dr. Ruqqayah Aliyu, Bayero University Kano**  
*For Rapporteurs*

**Mr. Lanre Arogundade, International Press Centre**  
*For Conveners*