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Civil Society and Freedom of Information Policy Localization in Nigeria's Subnational and Local Governments

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Article Information	Abstract
Received: September 29, 2024	This article examined the plausible interventions of civil society in the FOI policy localization in Nigeria's subnational and local governments. It is based on desk review, guided interviews, and stakeholders' engagement. Watt's federalism was reviewed to contextualize the discussion of FOI policy applicability in Nigeria, and Meijer's transparency was operationalized to derive eight sets of questions and codes for analysis. From the findings, factors of idea movement help understand subnational peculiarities in policy localization. The article classifies civil society as 'policy participants' in academia, ethnic-based groups, labor centers, media, and NGOs, offering unique but overlapping inputs. Strategies include research, advocacy, campaigns, storytelling, protests, and volunteering. Alliances and networks enable openness in subnational governments.
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Introduction

Interventions by civil society in Nigeria have led to behavioral changes in government, the redefinition of information exchange, and access to government information by individual citizens and citizens' groups (BudgIT Foundation, 2023). This follows the signing of Nigeria's freedom of information (FOI) law by President Goodluck Jonathan on May 28, 2011, after the longest legislative debate in the country's history (Lamidi, 2019). The Nigeria FOI Act (2011) approves the availability of public records and information, provides for public access to public records and information, protects public records and information to the extent consistent with the public interest and the protection of personal privacy, protects serving public officers from adverse consequences for disclosing certain kinds of official information without authorization, and establishes procedures for the achievement of those purposes.

The enactment of the Nigeria FOI Act (2011) presents civil society as policy advocates (Ubhenin, 2019a). This is in consideration of the nature of the Nigerian policy environment, defined by "dysfunctional state" (Lewis, 2006), inappropriate learning (Dostal, 2010), policy disruption (Ubhenin, 2017), and vested interests (Ubhenin, 2019a). Despite the anticipated good governance and better welfare, very little has been achieved in terms of the application of the Nigeria FOI Act (2011). This is particularly due to the little or no willingness to domesticate the law by the subnational governments. Therefore, there have been no cheers for the FOI law in Nigeria (Nwakunor, Salau, Agboluaje, & Aikulola, 2021).

Based on desk review, guided interviews, and stakeholders' engagement, this article examines the plausible interventions of civil society in FOI policy in Nigeria's subnational and local governments. Lessons learned may help civil society groups in other nations in fostering FOI at the state and local levels. The article starts from the fundamental premise that civil society is the organization of citizens outside of the state (Diamond, 1994), the remit of organized social life (Oyovbaire, 2001), and the space distinct from the state and market (McFaul, & Treyger, 2004). In Africa, civil society represents a significant milestone in restructuring the continent's political life (Ikelegbe, 2003). In particular, civil society contributed to Nigeria's democratization process, thereby increasing its visibility. However, Nigeria's dynamic and expansive civil society has also inspired the "fake society" or "briefcase" non-governmental organizations, summarily called "NGOs" (Page, 2021). This is explainable from the point of view that the NGOs have generally been the focus of attention in terms of the identity of civil society actors. Although the mere legal status of an NGO does not suffice, the quality of openness, respect for diversity and pluralism, or a shared set of norms are top considerations (McFaul, & Treyger, 2004). Apart from NGOs, the article considers other civil society segments (academia, ethnic-based groups, labor centers, and mass media) as policy participants in the FOI policy localization process.

We recognize the United Nations Educational, Scientific and Cultural Organization's (UNESCO) categorization of "constitutional, statutory and/or policy guarantees for public access to information." The core goal is "to provide public access to government information with a defined request process and disclosure standards (including exemptions)" (McIntosh, 2024). It will be suitable to use the terms, access to information (ATI), FOI, and right to information (RTI) interchangeably on debates within Africa, because the right to information is "the freedom of people to have access to government's information" (Udombana, & Quadri, 2020, p. 246). Despite the proactive measures in accessing public information, the emerging debates support the expansion of current international standards to include other crucial dimensions, such as availability, quality, stability, ethics, cultural appropriateness, agency, and usability. This inclusion leads to "information sovereignty," alluding to information ecosystem that is healthy and culturally

appropriate, as well as “where quality and diverse information is available, accessible and stable, and where it is collected, stored, managed and disseminated with ethics, meeting peoples’ information needs and preferences, for an open and plural public sphere” (Martins, 2024, note 2, p. 2).

The article also considers localization as all encompassing: “changing policies, processes, staffing, and funding decisions to support partnerships and programs that equitably empower local actors, strengthen local systems, and facilitate local leadership” (Fleischman, 2022, p.2). For our purpose, localization is the process of recognizing, respecting and strengthening the autonomy of subnational and local governments to achieve policy acceptance and effectiveness. Drawing on Save the Children’s (2020) approach, the FOI policy localization entails “as local as possible, as national as necessary.” The subnational governments were selected because of the need to improve transparency and accountability in the utilization of the huge monies allocated to the Nigeria federating units annually (Open Contracting Partnership, 2021). The inclusion of local governments hinges on the important role they play in delivering pro-poor services, such as agricultural extension services, basic healthcare, public education, as well as water and sanitation services (Boex & Edwards, 2014).

The framework

In building the framework of this article, we draw on Ronald L. Watts’ (2008) features of federalism to contextualize the discussion of FOI policy applicability across the Nigerian federation. We also offer a review of Albert Meijer’s (2013) analysis of transparency to draw eight sets of questions and a priori codes for analysis.

Watt’s features of federalism

Watts (2008) categorizes the normative federalism, the federal political systems, and the federations. In Watts’ views, federal political systems are a broad category of political systems in which there are two (or more) levels of government thus combining elements of shared-rule (or “collaborative partnership”) through a common government and regional self-rule (or “constituent unit autonomy”) for the governments of the constituent units. This contrasts with the single central source of political and legal authority in unitary systems. According to Watts, there are six generally common characteristics of federations, which we find applicable to the Nigerian federation. First, there are at least two orders of government, one for the whole federation and the other for the regional units, each acting directly on its citizens. In Nigeria, the orders or units of the federation were strategically re-arranged by the military - from four (in 1966), to 12 (in 1967), 19 (in 1976), 21 (in 1987), 30 (in 1991), 36 states (in 1996) (Adamolekun, 2018). The two-tier principle of federalism is a reflection of the opinion of some inter-governmental actors, regarding the constitution (Dada, 2024), although the 2024 Supreme Court judgment recognizes local governments as the third tier of the Nigerian federation (Ademola, 2024).

Second, there exists a formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government. This will ensure some areas of genuine autonomy for each order. Successive Nigerian military governments had made serial incursions into areas of prior exclusive importance to the regional governments, thereby “dismantling” their autonomy (Oronsaye, 1998). The Nigeria 1999 Constitution (as amended) permits the National Assembly to make laws for the federation (in subsection 2 of

section 4), and the House of Assembly to make laws for the state (in subsection 7 of section 4). The federal laws shall prevail, and the state laws shall be void, where inconsistency arises (in subsection 5 of section 4). Third, there is provision for the designated representation of distinct regional views within the federal policy-making institutions, usually allowed by the particular form of the federal second chamber. The Nigeria 1999 Constitution (as amended) is a guarantee of protection and representation in both houses, as well as significant representation in the Senate (Ubhenin, 2019b).

The fourth feature is the existence of a supreme written constitution, which is not unilaterally amendable, and requiring the consent for amendments of a significant proportion of the constituent units. The Nigeria 1999 Constitution has been amended, at least five times. Fifth, there is an umpire (in the form of courts, provision for referendums, or an upper house with special powers). This will ensure the resolution of inter-governmental disputes over the boundaries of their legal authority. The Nigeria 1999 Constitution (as amended) guarantees the existence of courts in the case of matters requiring adjudication. The listed powers in the constitution created a leeway for some of the federating units to either avoid, or resist, the FOI policy adoption in their domain. This helps to explain the different rulings on the FOI policy domestication by courts of competent jurisdiction until the Court of Appeal (Akure Division) made it clear that the Nigeria FOI Act (2011) is applicable to all subnational governments (Ogundipe, 2018). Further interpretation of the court ruling would help to push the FOI law to the local governments in Nigeria.

Sixth, there are processes and institutions to facilitate intergovernmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap. The Nigeria 1999 Constitution (as amended) has been associated with “over-centralization” or “over-robust centralization” (Amuwo, 1998). This tends to support uniformity in policy enforcement and program implementation, but the “dual sovereignty” is a guarantee of policy variation among the Nigerian federating units. The explanatory factors for variation in adoption of national policies and programs are differences in ruling political parties, independence of each governmental unit within its own sphere, and the challenges associated with movement of ideas from one governmental level to the next in political systems (BudgIT Foundation, 2019).

Meijer’s analysis of transparency

Transparency has been defined as “lifting the veil of secrecy” (Davis, 1998, p. 121) or “the ability to look clearly through the windows of an institution” (Den Boer, 1998, p. 105). According to Meijer, transparency ensures “the availability of information about an actor that allows other actors to monitor the workings or performance of the first actor” (Meijer, 2013, p. 430). We would like to add that transparency entails shedding light on the dark room of government. Meijer (2013) offers three explanations for the construction of transparency: “an institutional relation,” “information exchange,” as well as “workings and performance.” In terms of institutional relation, transparency entails one actor (being the object of transparency) that can be monitored, and another actor (being the subject of transparency) that can monitor the first actor. The relation between the two actors can be analyzed in terms of rules, interactions, and power. In application, civil society (as the subject of transparency) can monitor government (as the object of transparency). However, it will be important to understand the rules of engagement, the opportunities for advocacy, and the power relation between the two actors. This underscores the relevance of the context in which the actors relate. In particular, the political context must be considered when it comes to policy influencing (Fioramonti & Heinrich, 2007).

Second, the purpose of information exchange is to ensure that government information is available to the monitoring actor (in this case, civil society). According to Meijer, transparency is “the representation of reality,” which can be analyzed in terms of accuracy and completeness. Thus, “decisions, actions, and relevant circumstances are documented in a certain manner, and these documents form the basis for a subsequent reconstruction of these decisions, actions, and relevant circumstances” (Meijer, 2013, p. 430). This is helpful in explaining the role of civil society in the FOI policy formulation and implementation. A plausible question, therefore, is what civil society can do to achieve the FOI policy localization in Nigeria. Availability of information would make the workings (or “performance”) of government visible to the public. This pertains to the third explanation, focusing on decisions, actions, relevant circumstances, and responsibilities of government, among others. Thus, transparency refers both to how governments achieve results in terms of transformation processes (“the workings of government”), and what governments achieve, regarding inputs, outputs, and outcomes (“performance”). The “how” question falls under the rubric of policy, that is, a plan of action usually based upon principles. This leads to consideration of the extent to which powerful interests are impeding the capacity of subnational governments to support the FOI policy localization in their domains, even though such policy adoption would guarantee the general welfare of the citizens. Another consideration is the constitutional division of powers, which is a guarantee of individual liberty in a federation. This is particularly challenging for the FOI policy diffusion because of the centralizing trends in the Nigerian federation.

In practical terms, inputs comprise people and resources. Outputs entail the immediate results (that is, “deliverables”), while outcomes (or “impacts”) refer to the lasting changes resulting from specific decisions and actions. Thus, the “what” question presents FOI policy localization as an inter-governmental program. Plausible questions are the extent to which the federal government and its agencies were the early adopters of the FOI. It is also important to ascertain if there are peculiar conditions that may affect the policy acceptance in subnational governments. In principle, the FOI policy implementation suggests that provisions are made for people and resources as inputs. This explains the existence of about 105 freedom of information desk offices and units in the Nigerian federal institutions (Contact Details, 2018).

International instruments and adoption

The United Nations (UN) General Assembly Resolution 59(I), (1946) categorized FOI as “a fundamental human right,” and “the touchstone of all the freedoms to which the United Nations is consecrated” (UNGA, 1946). Article 19 of the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948 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” (UN 2015a). The UN Millennium Declaration adopted by the General Assembly Resolution 55/2 (September 8, 2000), in Section V, guarantees the freedom of the media in the performance of their essential role, and the right of the public to have access to information.

The 2030 Agenda for Sustainable Development (or “SDGs”), in Goal 16, seeks to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (UN 2015b, p. 28). Targets 16.5, 16.6, 16.8, and 16.10 of the SDGs are to “substantially reduce corruption and bribery in all their forms,” “develop effective, accountable and transparent institutions at all levels,” “broaden

and strengthen the participation of developing countries in the institutions of global governance,” and “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements,” respectively (UN 2015b, p. 28).

The African Charter on Human and Peoples’ Rights (the African Charter), in Article 9, adopted in 1981 states that “every individual shall have the right to receive information,” and “every individual shall have the right to express and disseminate his opinions within the law” (African Union, 1981). The scope and content of the African Charter (Article 9) was elaborated by the Declaration of Principles on Freedom of Expression in Africa (2002), now replaced by the Declaration of Principles of Freedom of Expression and Access to Information in Africa (2019), affirming the principles for anchoring the rights to freedom of expression and access to information in line with the African Charter (Article 9). The African Union Agenda 2063, in Aspiration #3, states “an Africa of good governance, democracy, respect for human rights, justice and the rule of law.”

There has been a concomitant spread in the adoption of constitutional, statutory, and/or policy guarantees for FOI or RTI. Of all 193 UN member states, about three-quarters (137) have adopted, and about one quarter (56) do not have, constitutional, statutory and/or policy guarantees for public access to information. The decade (2010-2019) was remarkable for the pace of adoption (that is, 4.4 approved laws per year). In contrast, the rate of adoption was slow between 2020 and 2023 (that is, 2.5 approved laws annually). Most of the 56 countries (without adoption) are in Africa while others are in Asia, with repressive governments and armed conflicts. Further categorization of the 56 defaulting countries shows that 30 have weak democracies, 17 are very small countries (below one million people), and only nine others (McIntosh, 2024).

Nigeria legal and policy provisions

Chapter II of the Nigeria 1999 Constitution (as amended) states the “Fundamental Objectives and Directive Principles of State Policy.” In section 14(1), the Nigerian state shall be based on the principles of democracy and social justice, and in section 14(2)(c), the peoples’ participation in their government is guaranteed. These provisions are consistent with the UN General Assembly Resolution 59(I), 1946, the UN General Assembly Resolution 55/2, section V (2000), SDGs Goal 16, and the AU Agenda 2063 (Aspiration #3). Section 22 of the Nigeria 1999 Constitution (as amended) obliges the mass media to freely uphold the responsibility and accountability of the government to the people. In section 39(1), there is a guarantee for the right to freedom of expression (including the freedom to hold opinion and to receive and impart idea and information without interference). In section 39(2), “every person shall be entitled to own, establish and operate any medium for the dissemination of information, idea and opinion.”

The above provisions also align with the Universal Declaration of Human Rights (Article 19), the UN Millennium Declaration, the African Charter (Article 9), the Declaration of Principles on Freedom of Expression in Africa (2002), and the SDGs (Target 16.10). From the listed powers in Part I of the Second Schedule of the Nigeria 1999 Constitution (as amended), the federal legislature is mandated to establish and regulate authorities for the federation to promote and enforce the observance of the Fundamental Objectives and Directive Principles of State Policy. The relevance of citizens in the FOI policy localization can be found in section 24, subsection (e) of the Nigeria 1999 Constitution (as amended), which mandates every citizen to support appropriate lawful agencies in maintenance of law and order. In section 14(4), the Constitution recognizes the diversity of the people within a state or a local government in the conduct of

governmental affairs. This is important in situating the role of ethnic (or “ethnic-based”) groups in the FOI policy localization.

The Nigeria FOI Act (2011) is a concise document of 32 sections. In section 2(3), the law authorizes a public institution to publish (a) description of the organization and its responsibilities, (b) a list of all classes of records under the control of the institution, operating manuals of its employees, and (c) a description of documents containing final opinion including concurring and dissenting opinions as well as orders made in the adjudication of cases. The process of requesting information under the Act is stated in section 1(1), establishing “the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution.” In section 1(2), the applicant does not have to demonstrate any specific interest in the information being applied for. In the case of information access denial, the applicant has a 30-day window for judicial review. In sections 4 and 5, the public institution must grant access to a request for records or information within seven days. An additional period of seven days is allowed for large enquiries.

The Nigeria FOI Act (2011) expects a public institution to convey notice of information access denial, and the grounds for such decision. Section 5(1) states that a public institution can transfer application when it believes that another public institution has greater interest in the information within three days but not later than seven days. In section 5(3), a greater interest means (a) the information was originally produced in, or for, the institution, or (2) the public institution was the first to receive the information. Finally, a public institution has 90 working days to respond to a request under the Act, with the option of extending this period for an additional 90 days, where necessary. There is an element of social inclusion under the Act because section 3(3) allows persons without formal education, or with disabilities, to apply for access through a third party. In section 30(1), the Act plays a complementary role to existing procedures for accessing public information. Thus, the Nigeria FOI Act (2011) does not, in any way, limit public access to normally available information.

Compared to other federations, there is no express provision for the Nigeria FOI Act (2011) at the subnational and local governments. For example, Canada’s Access to Information Act (1982) provides for a two-tier ATI. First, the provincial FOI regimes govern access to local authority information. Second is the provision for ATI held by governmental bodies at the federal level. The explanation for this practice is that Canada combines the characteristics of different kinds of political systems, evidenced by a constitution, which have some overriding federal government powers that are more typical of a unitary system. Therefore, Canada falls into the category of “hybrids” or “quasi-federations” (Watts, 2008, p. 11).

Another example is New Zealand’s Official Information Act (1982), complemented by the Local Government Official Information and Meetings Act (1987), providing a separate right to information held by New Zealand local authorities. In the spectrum of federal political systems, New Zealand is an example of a union wherein the constituent units are able to preserve their respective integrities primarily (or “exclusively”) through the common organs of the general government rather than through dual governmental structures (Watts, 2008). A plausible explanation for the lack of express provision for Nigeria’s subnational and local governments is that the constitution is aptly experimental. At different times, the Nigerian state has demonstrated the different constitutive institutional features, namely: unitary, federal, and confederal (Pehr, 2023). Although the subnational entities are similar across the federation, there are about 371 tribes (Vanguard, 2017), as well as over 500 languages, and many distinct religions (Green, 2023). It is,

therefore, important to consider the cultural differences that may affect the FOI policy localization among the ethnic groups and tribes.

Status of government transparency in Nigeria

In ascertaining the status of government transparency in Nigeria, we glean insights from the country's subscription to the Open Government Partnership (OGP), an international multi-stakeholder initiative focusing on improved transparency, accountability, citizen participation and responsiveness to citizens through technology and innovation. Nigeria became the 70th member-state (in the world) and the 12th African state on June 23, 2016. The OGP principles enable the creation of action plans by subnational governments, and Nigeria's OGP action plans provide a sub-national pathway that allows the participation of subnational and local governments in defining their own independent but related thematic areas. As of May 2023, 26 Nigerian subnational governments had subscribed, and nine subnational governments were yet to subscribe, to the OGP principles. As of April 2024, Anambra East was the only local government (out of Nigeria's 774) that successfully subscribed to the OGP principles (only 20 local governments in Africa, and 40 local governments across the world have been admitted to the OGP). It is worthy of note that the Anambra East's subscription was not achieved under a democratically elected local government (Odinye, 2024).

In terms of opening of fiscal books, the Nigeria Open Treasury Portal was launched in December 2019 to enable auditors, government watchdogs, NGOs, and individual citizens promptly access government's investments and public spendings (Holzman & Mugabi, 2021). However, there have been reported breaches of the financial transparency standards, which the government set for itself (BudgIT Foundation, 2023). Closely related is openness in public procurement. A significant revision of the Nigeria Public Procurement Act (2007) produced the Nigeria Open Contracting Portal in 2018, to ensure greater transparency, competition, and openness throughout the procurement lifecycle (Adeniran & Raifu, 2024). However, perceived non-disclosure of contract details is impeding the capacity of businesses and citizens to meaningfully engage in the procurement process (Suleiman, 2024).

Nigeria's subnational governments received support from the World Bank to embarked on open procurement systems. As of October 2021, almost all of the subnational governments were implementing procurement reforms, 26 state-driven open contracting portals across the states were publishing some form of contracting data, and seven were publishing validated data using the Open Contracting Data Standard format. Additionally, 32 subnational governments were implementing new e-procurement systems (Open Contracting Partnership, 2021). However, a 2023 investigative report suggests that the subnational governments' open contracting portals were not operational, and the portals were deliberately made inaccessible to hide details of awarded contracts from citizens (Hammad, 2023).

Another measurable point is the public disclosure of extractive sector contracts, licenses, permits, payments to government, and revenue streams. Nigeria became the first oil producing developing country to enact the Nigeria Extractive Industries Transparency Initiative Act (2007). NEITI published its oil and gas report for 2018 in March 2020, nine months ahead of the EITI's reporting deadline (The World Bank, 2020). NEITI has achieved remarkable feats through its audit reports (Okafor, 2019a), as well as production of a roadmap on disclosure of beneficial ownership and open data policy (Okafor, 2019b). It can be said that the Nigerian federal government lacks a firm grip on the extractive sector as evidenced by the huge revenues losses, due to pipeline

vandalism in the oil and gas sector (Nnodim, 2023), and the illegal dealings in the non-oil mineral sector (Egboboh, 2023). It should be noted that the extractive industry transparency is not applicable to the subnational and local governments because of the listed power for resource extraction in the Nigeria 1999 Constitution (as amended).

Another measurable point of transparency is the exposure of wrongdoing within an organization or institution by its employee or worker (Ojobo, 2023). In response to a lack of comprehensive policy for whistleblowing, the Federal Executive Council approved the Whistleblowing Stopgap Policy (2016), hinging on section 24 of the Nigeria 1999 Constitution (as amended), and aligned with section 27(1) of the Nigeria FOI Act (2011). However, there are fears of possible reprisals, attacks, and other attendant risks involved in volunteering information about suspicious activities in government. There is no clear indication that Nigeria would have a comprehensive whistleblower policy (Ojobo, 2023). And there is no recorded use of the whistleblowing stopgap policy by the subnational and local governments.

On the basis of applicability of the Nigeria FOI Act (2011) to the federating units, the subnational governments have shown limited willingness to domesticate the policy (Okereke, 2020). After a period of 12 years of enactment (May 2011-May 2023), at least 16 subnational governments were yet to either domesticate the FOI policy or establish similar and parallel guarantees that would promote transparency and accountability in government (Akinselure, 2023). From a 2021 report, the 16 subnational governments cut across Nigeria's six geo-political zones as follows: Adamawa, Bauchi, Taraba, Yobe (North-east); Akwa-Ibom, Edo (South-south); Anambra, Imo (South-east); Kano, Sokoto (North-west); Kogi, Nasarawa, Niger, Plateau (North-central); Ogun, Osun (South-west) (Olamilekun & Efobi, 2021).

Methods

The desk review covered existing reports (published and unpublished), government documents, specialized publications, journal articles, and blogs. Through desk review, we apprehended Watts' (2008) features of federalism to contextualize the applicability of the FOI law across the Nigerian federation. We also reviewed Meijer's (2013) analysis of transparency to derive eight sets of questions and a priori codes for analysis. The desk review was used to address the following set of questions:

- (1) What rules of engagement exist between civil society and subnational governments in Nigeria?
- (2) What is the constitutionally allowed diversity in policy formulation in subnational government?
- (3) To what extent has the FOI policy been implemented across the Nigerian federation?
- (4) What peculiar conditions may affect the FOI policy acceptance in the subnational governments?

Following desk review, qualitative insights were applied to design a guided interview instrument on the following set of questions:

- (1) What are the opportunities for civil society advocacy in FOI in Nigeria?
- (2) What is the power relation between civil society and subnational governments in Nigeria?

- (3) Is there any interest that is powerful enough to hinder the subnational governments from supporting FOI policy localization? What can be done to address such cases?
- (4) What can be done by civil society to achieve FOI policy localization in Nigeria's subnational and local governments?

The guided interview instrument was deployed through the Google Forms, the survey administrative software. In order to have access to information-rich key informants, the purposive sampling technique was adopted to draw a contact list of 89 practitioners (including scholars) in the broad field of open government. Where feasible, telephone calls were made, and WhatsApp, as well as, X direct messages, were sent. Of those, 13 persons (comprising three females and 10 males), indicated their willingness to participate and responded to the survey on Google Forms. By academic qualifications, two of the respondents had bachelor's degree, seven had postgraduates, and four had doctorates. This demonstrates the interviewees' knowledge of the research topic. Responses to the interviews were electronically collated on the Google Forms. The collated data were read line by line and segmented into meaningful analysis. The outcome of this exercise was compared with the a priori codes developed during the desk review. The data were further refined and revised to search for relationships

To ensure trustworthiness in interpretation, the information was cross-checked using multiple data sources. This was helpful in either corroborating or disproving the findings and conclusions. The interpretations and conclusions were discussed with rather disinterested stakeholders (including scholars and practitioners). We were motivated by the peer position of the "devil's advocate" to provide evidence for interpretation and conclusion. The peer reviewers of the 2024 NFOIC-Brechner FOI Research Competition were also helpful in assessing the overall quality of the article. In the course of analyzing the findings, we were self-aware and self-reflective on potential biases and predispositions that may affect the process and conclusions.

Analysis

In consideration of the most frequently used words among all responses to the guided interviews, compared with the a priori codes developed during the desk review, we focus our analysis on opportunities for civil society advocacy in FOI, power relation between civil society and subnational governments, powerful interests in subnational governments, and civil society (or "policy participants") in the localization process.

Opportunities for civil society advocacy in FOI

Opportunities for civil society advocacy in FOI include constitutional democracy, legal basis for information request, sanctions for public interest litigation, partnership with pro bono lawyers, ground for information sharing, right to freedom of speech, public institutions' information desks, civil society legitimacy, existence of the legislature, expanded media space, information technologies, existing coalitions on information access, public expenditure information, and engagement with international agencies. The practice of constitutional democracy presents a huge opportunity for information related freedoms. The FOI proponents in Nigeria were constrained by lack of transparency of the military government (Odinkalu, 2011). It was, therefore, not practicable to achieve Meijer's (2013) institutional relation under the military because of the nature of rules, interactions, and power. The emergent constitutional democracy

was both a product of, and a tonic for, civil society activism, including the advocacy for FOI because there were changes to the rules of engagement.

With the right to freedom of speech in the Nigeria 1999 Constitution (as amended), the civil society is appropriate to educate the citizens about their rights to information, thereby empowering them to request government information and hold public officials accountable under the law. This includes the utilization of innovative campaigns to clarify government information request processes. Therefore, the opportunity provided by the Nigeria FOI Act (2011) is central to civil society advocacy. The law establishes the legal basis for individual citizens and citizens' groups to request government records and information, monitor and follow up with public institutions to ensure compliance, engage with policy makers through courtesy visits to strengthen the law, address gaps in existing policy, and organize capacity building programs for public officials to enhance their understanding of their roles in the policy process.

The Nigeria FOI Act (2011) also sanctions public interest litigation, in the case of public institution's refusal to provide requested information. As stated by one interviewee, "although requests that stem from the FOI Act are on average ignored, the few that are honored show that the policy has the potential to be used more vigorously" (Guided Interview, August 2024). The civil society groups are opportune to partner with pro bono lawyers in using the law and court orders to advocate for compliance. All lawyers admitted to the Bar by the Council of Legal Education organize themselves under the Nigerian Bar Association to promote and protect human rights, rule of law, and good governance. This is a plus for civil society advocacy in FOI. However, some of the respondents averred that the hindrances to accessing government information must be addressed in full, to reduce the current cost of governance, and achieve democratic practices of fairness and equity. The opportunity for shared information between the civil society and government would lead to a harmonious relationship between the actors. This reinforces the need for Meijer's (2013) institutional relation, wherein governmental actors can be monitored by non-governmental actors.

The civil society groups are connected to the citizens through advocacy, and this is enhancing their acceptance. However, the credibility of civil society groups is being questioned due to poor compliance with extant laws and regulations on registration, tax, corporate governance, money laundering, and pensions. (Anthony, 2024). Provisions of the Nigeria 1999 Constitution (as amended) allow the proponents of the Nigeria FOI Act (2011) to work with many federal legislators in their advocacy. The state legislature also presents ample opportunities for civil society as policy advocates for the FOI. This explains the current advocacy campaigns by civil society groups to some state legislatures across the country. Additionally, the existing coalitions on access to information presents huge opportunities. For example, the Coalition of Whistleblowers Protection and Press Freedom in Nigeria shares common aim and interest in advocating for press freedom and media development in the country, and the Freedom of Information Coalition worked collectively to achieve the enactment of the Act. Collaboration can be extended to the academia and legal experts for the purpose of evidence-based advisories and legal opinions, respectively. It is also important to note the existing engagements with international organizations for strategic advocacy.

Power relation between civil society and subnational governments

The place of power relation in civil society organizations' (CSOs) policy influence has long been held by the RAPID framework, which was developed to improve the use of research and evidence in policy processes (Fioramonti & Heinrich, 2007). Power relation between civil

society and subnational governments is defined by collaboration, complexity, conflict, confrontation, cordiality, co-optation, and dynamism. The power relation is unequal because civil society is perceptively weak while the subnational governments are atop the power ladder. One interviewee described the power relation as that of “the cat and the dog.” Another respondent mentioned mutual suspicion because the subnational government actors may desire to keep certain financial issues away from the public glare.

In effect, the subnational government actors may not listen to the voice of civil society actors when they request information that would support advocacy for improved service delivery. Confrontation may arise when civil society actors seek clarification on public policies because governments are unwilling to open up their affairs to scrutiny (Adam, David-Barrett, & Fazekas, 2024). The hostile environment in which civil society operates is a negation of the information exchange, espoused by Meijer (2013). Even though government decisions, actions, and circumstances are documented, the civil society is confronted with the challenges of offering suggestions for policy reform.

It is obvious that the subnational governments wield significant power and influence in the political process. Subnational governments restrict freedoms through the use of force by security agents, as well as through mandatory registration requirements for CSOs operating in their domain. The actors in government see the actors in civil society as enemies who, instead of “minding their business,” are instigating the public against the government. One respondent called this “cynicism” by government against civil society. “The people in government prosper through stealing of public resources, occasioned by lack of transparency and accountability, corruption and executive fiat” (Guided Interview, July 2024). In particular, actors in the executive branch of government believe they can operate with impunity, and may ignore civil society advocacy whenever it does not agree with their agenda. Despite their power, influence and control, actors of subnational government may be lacking in legitimacy and popular support because the election of a governor may not be the true reflection of the peoples’ will and wishes. According to a 2023 study, citizens do not expect elections to be free and fair because of incidences of vote buying and selling, violence and disruption, as well as harassment and forcible participation. “For some, elections can be free and fair only if the process is as transparent as it can be, while others believe that there will always be malfeasance, considering the kind of electoral system that operates in the country” (Policy Alert, 2023, p. 46).

Civil society is well positioned to enjoy legitimacy and support because it is closer to the people, and can therefore leverage grassroots support for government policies. Through continuous engagement and mobilization of citizens, civil society wields the influencing power to cause a change in government policies and decisions. Public advocacy and awareness campaigns by civil society energize the individual citizens and citizens’ groups to demand accountability from the government. However, civil society legitimacy is being eroded by the perceptive switch of actors from the civic space to politics after gathering enough political clout. This causes a disconnection between citizens and civil society (Oxfam, 2020).

Despite the imbalance in power relation, a number of subnational governments have established harmonies in working with civil society by ensuring some form of civil society representation in state policy and decision-making. For example, some of Nigeria’s subnational governments have effectively constituted their OGP steering committees, comprising state and non-state actors. The OGP implementation also entails the co-creation of a state action plan. In Akwa Ibom, the government is boosting citizen participation in governance through local dialect version of its periodic publication (Akpan-Nsoh, 2022). To ensure active citizen participation in

the subnational and local governments' procurement, Bayelsa State enacted the Public Procurement Law, Fiscal Responsibility Law, and Debt Management Office Law (Folaranmi, 2020). In Cross River State, the Inclusive Forum for Accountability Society provides a platform for traditional leaders, security agencies, the judiciary, government, media, and CSOs to bridge the gap in government information, and ultimately empower citizens in governance (Obia, 2022). It is also possible to have a switch of balance of power, depending on the context and the interactions between civil society and subnational governments.

Powerful interests in subnational governments

Powerful interests comprise those who hold significant influence in subnational governments, with the potential to advance misdeeds. According to one respondent, corruption is the only deciding factor of powerful interests, and it can hinder subnational governments from supporting FOI policy localization (Guided Interview, July 2024). There could be resistance from the bureaucracies of subnational governments because some public officers would prefer opacity to maintain control and continue to operate in secrecy. Behind the activities of public servants are the elected and appointed politicians in government. Local politicians may fear that the FOI request could be used against them. This explains potential lack of budgetary allocation to enabling the FOI.

Some cultural norms in subnational territories prioritize secrecy or hierarchical decision-making, and the application of FOI policy may clash with such traditional practices. Private business entities with close ties to local governments may oppose the FOI policy localization. Leaders of private business entities might fear exposure of their business practices and contract dealings because of the unfavorable advantage they enjoy in the public procurement process. This reflects Meijer's (2013) "workings and performance" as the third explanation of transparency, focusing on decisions, actions, relevant circumstances, and responsibilities of government.

The governors also constitute powerful interests largely because of their resistance to local government autonomy, and continued stranglehold of the statutory allocations to local governments from the Federation Account. As a result, the governors might be unwilling to allow FOI policy localization. Therefore, a more fundamental consideration is the governors' role in the management of the subnational and local government affairs. According to one respondent, "the Nigeria Governors Forum is a powerful force strong enough to hinder the subnational or local governments from supporting the FOI policy localization due to their selfish interest" (Guided Interview, July 2024). The State Commissioners for Justice and Attorneys General can influence the legislature on the adoption of the policy or enactment of the state-specific law.

Civil society (or 'policy participants') in the localization process

The Nigeria FOI Act (2011) is the product of initial efforts made by three dedicated civil society groups: Media Rights Agenda, Nigeria, Nigeria Union of Journalists and Civil Liberties Organization. Since enactment, civil society has continued to play key roles in FOI policy implementation, through advocacy, opinion molding, ranking, reportage, research, shaming, and training. In view of the challenges facing the FOI policy localization, we classify civil society as "policy participants" in academia, ethnic-based groups, labor centers, mass media, and NGOs. The rationale for this classification is to draw on sectoral evidence-informed policy movement to achieve FOI policy localization in Nigeria. Research support will come from academia; local language will be deployed by ethnic-based groups; and labor centers will support the localization

through advocacy for funding. Mass media will support the process through infographics, media awards, news analysis, policy debates, public awareness, and opinion molding; and NGOs will use evidence from research to carry out advocacy and provide trainings that will shape policy localization. Understandably, research-policy engagement highlights the significance of interpersonal connections in forging “boundary-crossing” collaborations (Carroll & Crawford, 2024).

Table 1: Civil society (or ‘policy participants’) in FOI policy localization

Participant	Intervention(s)
Academia	Systematic policy process research, policy analysis, training Evidence-based advocacy, policy advisory, policy learning Mapping of existing freedom of information policies
Ethnic-based groups	Introduction of local languages, deep knowledge of belief systems Cultural vetting of advocacy messages to avoid backlash Community development framing through knowledge production
Labor centers	Funding advocacy, support mobilization, policy research leadership Facilitate cooperation among political adversaries to reach agreement
Mass media	Create infographics, media awards, news analysis, policy debates Raising public awareness, public opinion molding
NGOs	Coordinated political behavior for advocacy, policy influencing, training Shape localization process, public awareness, apprehend legal provisions Submission of petitions and write ups, formal presentation

Source: Author’s design (2024)

Table 1 illustrates civil society (or “policy participants”) in FOI policy localization. To ensure effective participation, civil society will deploy the strategies of research, advocacy, consultation, campaign, opinion molding, storytelling, peaceful protests, and volunteering. The veritable platforms of implementation would be distilled alliances and networks at the subnational and local governments. The alliances and networks can be deployed against unwilling subnational governments. The alliances and networks can also be extended to business watchdogs, media, and concerned citizens, to advocate support for transparency as an attraction of investment.

Academia

Academia constitutes university-based faculty with the three-mission strands: research, teaching, and service. By this tradition, academia has a mandate to contribute to the policymaking

process. Some university-based researchers also serve as policy advisers in research institutes and government departments. Academia will support the localization with policy process research, that is, “the study of the development of public policy over time and the context, events, and individuals surrounding this development” (Weible, Heikkila, deLeon, & Sabatier, 2012, p. 2). Research outcomes will be useful to NGOs in their advocacies, campaigns, policy advisories, and trainings. For example, a political economy analysis of the subnational governments will help to ascertain the layers of stakeholders and interests in each of the territories. This will include mapping of existing FOI policies at the subnational territories. The outcome of such analysis may be culminated in a policy brief that will be applied to convey the FOI policy localization ideas to enhance stakeholders’ understanding. The outcomes can also be applied to building capacity for effective advocacy on FOI policy localization.

Ethnic-based groups

An ethnic group is “a collection of people with a common sense of identity who seek to obtain the rights and benefits of citizenship in a larger society or state” (Stouffer, Opheim, & Day, 1996, p. 48). Ethnic groups are distinguishable by the communal character of their boundaries. “The relevant communal factor may be language, culture, or both” (Nnoli, 1980, p. 5). The ethnic group factors into civil society because they seek to influence government policies to the extent that their communities are affected by such policies. The relevance of ethnic groups draws on the Nigeria Constitution (as amended), which recognizes the diversity of the people that constitute the Nigerian federation. The ethnic groups are to dissolve into ethnic-based groups for the purpose of deploying local languages to mobilize support for FOI policy localization. Thus, the ethnic-based groups will be helpful in introducing local languages, shedding light on belief systems, and vetting messages that will be used in advocacy to avoid cultural backlash. The broader civil society can also help in the inclusion of local people to ensure that the messaging reaches rural or marginalized communities.

Labor centers

Labor is easily defined as an organized group of workers in a trade or profession for the purpose of protecting and furthering the rights and interests of the workers. The relevance of labor draws on the fact that some or most of their members are privy to the activities of government because they work for the government. Labor centers demonstrate strong research units that provide leadership in policy formulation and implementation (Ibeanu, 2008). As advocates, labor centers support the cause of public policy diffusion. Their rights to strikes, peaceful protests, and allied mechanisms, notwithstanding, the most appropriate contribution of labor centers to FOI policy localization process will be advocacy for funding, mobilization for support, and leadership for policy research. Labor can also facilitate cooperation among political adversaries to reach negotiated agreements on FOI policy localization.

Mass media

The media, particularly newspapers, are relevant because they draw a linkage between individuals, their private interests and those of others, by putting the same thought at the same time before a thousand readers. There is hardly any democratic association that can carry on without a newspaper (Hynes, 2018). The complexity of modern policy making also informs the need for communication channels between citizens. The mass media should serve as a platform for citizens

to access information about government policies and programs, as well as articulate their interests for the purpose of voicing them during elections, and participation in public life (Gosselin, 2005). There has been a revolution in technologies for information, particularly with the emergence and spread of the internet. Thus, access to public information is being facilitated by digitalization of public information, online portals and databases, remote access and convenience, and bridging the digital divide (Martins, 2024). The mass media should provide a veritable platform for civil society advocacy in FOI policy localization, through infographics, media awards, news analysis, policy debates, public awareness, and opinion molding. In particular, public awareness and opinion molding will help in changing the mindset of holders of powerful interests, regarding FOI policy localization across the Nigerian federation.

NGOs

The NGOs are practical innovators, service providers, and advocates with, and for, the poor (Young, 2005). Through coordinated political behaviors, NGOs can deploy advocacy to influence subnational government actors. With evidence from research, NGOs can create public awareness and provide trainings to shape FOI policy localization. In particular, awareness campaigns will require simplified local languages for communication, thereby positioning local citizens to demand FOI policy localization. NGOs can explore opportunities for working with legal experts (especially pro bono lawyers), to properly apprehend the provisions of the Nigeria FOI Act (2011) for adoption. This understanding may be extended to the interpretation of the relevant Court judgments, outlining the law as it applies to the subnational and local governments. Perhaps, an incremental adoption of the FOI policy should be the focus in local governments.

The NGOs, in close work with ethnic-based groups, can frame FOI as a community development tool. Through knowledge production, local communities can lend their voices to the campaign for FOI policy localization. The knowledge production should highlight successful stories of policy adoption by federal institutions. The framing should also explain how transparency aligns with broader societal goals. The NGOs should locate actors who played key roles in the successful enactment of the Nigeria FOI Act (2011), to remind them that FOI in Nigeria remains an unfinished business because of the compelling evidence of non-adoption, non-domestication, and non-implementation by some subnational governments. This strategy can be adopted by a centrally organized alliance or network with subnational and local government units. The alliance or network should present social networks required for reaching the key actors in subnational governments (such as state governors, as well as speakers and members of state legislatures), to convince them on the need for FOI policy adoption.

The NGOs should support their campaigns with the relevance of FOI, through explanations on a draft bill for policy localization. Through this measure, NGOs will be able to educate powerful interest holders on the relevance of information access in a democracy. Good enough, some NGOs in alliances and networks are already organizing peaceful protests at the subnational levels (Iduoze, 2024). This should be extended to volunteer staffing in support of FOI policy effectiveness. Thus, NGOs can work with subnational and local governments to provide FOI desk offices and units for ministries, departments, and agencies.

The NGOs should also work collaboratively with international agencies to extract commitments from subnational governments regarding FOI policy localization. However, the purpose of collaboration should be properly communicated to avoid possible accusation of working with foreign interests to undermine the Nigerian government. Further, available mechanisms in concurrent federalism, broadly represented by the Nigeria Governors' Forum

(NGF) should be explored. The NGF seeks to enhance cooperation among the governors of Nigerian federating states. Such consultations can be extended to the regional governors groups, including the Development Agenda for Western Nigeria (or “Dawn Commission”) in the South-west; the BRACED Commission, comprising Bayelsa, Rivers, Akwa Ibom, Cross River, Edo and Delta of the South-south; the South-east Governors’ Forum, and the Northern Governors’ Forum. Extension to the regional groups will require regionally organized policy alliances and networks.

Conclusion

This article examined the plausible interventions of civil society in FOI policy localization in Nigeria’s subnational and local governments. The article reviewed Watt’s features of federalism to contextualize the discussion of FOI policy applicability across the Nigerian federation. Additionally, Meijer’s analysis of transparency was operationalized to derive eight set of questions and a priori codes for analysis. Compared to other federations (such as Canada and New Zealand), there is no express provision for FOI policy at Nigeria’s subnational and local governments. Canada is a hybrid or quasi-federation, New Zealand typifies a union with preserved integrities for constituent units, and the Nigerian federation is “aptly experimental.”

Explanatory factors for variation in adoption of national policies and programs include differences in ruling political parties, independence of each governmental unit within its own sphere, and the challenges associated with movement of ideas from one governmental level to the next in political systems. These factors are helpful in understanding the peculiarity in subnational governments for policy localization. In ascertaining the context, the article considered the multi-ethnic nature (including differences in culture and language) of Nigerian society. Although the subnational political structures are similar, the level of acceptance of general principles of democracy varies across the federation. The subnational governments also display a variety of statutory regulations, which impede the operational environment of civil society within their jurisdiction. The article also discussed the platforms of interactions by identifying the opportunities, which can be explored by civil society to provide expert opinion on development issues, policy reforms, and capacity building.

In terms of power relation, the article found as concerning, the perceptive weakness of civil society, and the top position occupied by subnational governments. The article further discovered the existence of powerful interests that may impede the capacity of subnational governments to support FOI policy localization in their domain, even though such policy adoption would guarantee the general welfare of citizens.

In consideration of the powerful interests, and to achieve policy localization, the article classified the civil society as “policy participants” in academia, ethic-based groups, labor centers, mass media, and NGOs. Each of the policy participants offer unique, but overlapping, inputs to achieve FOI policy localization. The veritable platforms for civil society support for this inter-governmental program are distilled alliances and networks. This will lead to openness in subnational and local governments, thereby enabling their access to donor funds and foreign direct investments. Further research should address how the implementation will lead to more citizens’ participation and trust in government, as well as more citizen engagement in the governance process. Points of relevance may be extracted for policy learning to achieve a robust civic space in other countries and territories.

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