

Why a Public Sector Manager Should Embrace Open Government



Nigerian Electricity Regulatory Commission (NERC)

Dr. Sam Amadi
Chairman and CEO

Presentation at
Freedom of Information, South-South Zonal
Sensitization Workshop, Benin City.

25th - 26th February 2013

Characteristics of an Open Government

- **Transparent**- governance is not a cult; citizens know what leader (elected or appointed) do on their behalf and how the do it (process)
- **Accountable**- policymakers and managers report to the people on what they have done and its consequences
- **Feedback**- the people have opportunity review what the leaders do and express their opinion
- **Responsive**- leaders adapt governance to respond to the concerns of the people
- We need quality information to make governance transparent, accountable and responsive



FOIA enactment was in ultimate fulfillment of a Constitutional Right

- Section 39(1) of the Constitution of the Federal Republic of Nigeria 1999 provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference
- The FOI Act is a piece of legislation that has therefore improved Nigeria's image and standing in the comity of nations and more importantly, elevated Nigeria to the league of progressive nations in the area of accessibility to public information.
- The passing of the Act is without doubt a giant stride taken towards entrenching and consolidating democratic principles in Nigeria.

FOI and Open Government

- Freedom of Information is not the only indicators of open government but it is a critical indicator
- The freedom of citizens to receive and share information is an indispensable component of democratic governance
- The FOI Act is an enablement for the exercise of the right to freedom of information
- The FOI places a burden on public officials to make information available and grants citizens the right to receive such information



Why Open Government Matters

- ***Inherent value***: in a democracy citizens ought to know what their leaders do in their name it is a fundamental right. It is the essence of representation
- ***Instrument Value***: even the smartest leaders don't have all the best ideas. They need to hear from those who are impacted by their ideas and policies to know how these policies work
- Amartya Sen, the Nobel Winner in Economics, argues that where there is no good information flow from leaders and followers, governance is compromised and development is weakened



Myths about against Freedom of Information

- Access to information may threaten the integrity of governance- this is false. Secrecy does not promote integrity of process. Openness ensures that if something is wrong it can be easily dictated
- Access to information will lead to disorder- this is not true. Sharing information with those who need it does not destabilize systems and institutions
- Access to information will rupture hierarchy- it is false. We can maintain reasonable hierarchies while empowering people with information
- Free information may weaken effective governance. This is false as evidence show that where systems are enriched by free flow of information, programs and decision are more effectively implemented
- It is not their business what we do- this is false. Public policymaking is public business. Every citizen in a democracy has a right to know how policies are made and deserve an opportunity to give feedback on how policy implementation impact on public welfare

Why Should a Public Manager Embrace FOI

- FOI encourages transparency which is at the heart of good governance. Without good governance it is difficult to sustain democracy
- FOI provides quality input for more implementable policies
- FOI is a positive enabler of anticorruption thereby reducing the cost of oversight and strengthening state institutions
- FOI helps build public legitimacy for programs and policy by mobilizing public support
- Helps dispel false rumors



Experience of FOI in NERC

- NERC as a regulator in Nigeria has obligations to consumers and to producers
- As a regulator we need to protect the credibility and legitimacy of regulatory intervention
- As a regulator we need information which may not be available to us at the time of proposed action.
- As a regulator we need to disclose to stakeholders the decisions we make and how we make them



How NERC Embraced the FOI

- NERC is the first public agency to fully embrace the requirements of FOI
- Initially the Commissioners were apprehensive about the need for disclosure but were reassured when I pointed out the benefit of information disclosure to credibility and effectiveness of regulatory actions
- We opened a link on our website containing the documents that the FOI required to be declared
- We have also trained two staff designated as FOI officers to process request for information and to ensure commission is compliant with FOI rules
- We are legislating full compliance with FOI requirements for all regulated entities in the Nigerian electricity market



Huddles to Overcome in Embracing FOI in the Public Sector

- Conception Huddle: make people to understand the values that FOI brings to effective governance
- Resources Huddle: train persons who understand how to handle requests for information and make critical decision
- Leadership huddle: engender the buy-in of political leaders (boards, Governor, etc)
- cultural huddle: build a new culture of openness and transparency in the organization before full implementation of FOI
- Proceedings of our Commission meetings go on display.
- To take advantage of the new social media, rather than be intimidated by it, NERC have set up accounts on email, twitter, facebook, my space, bebo, etc.
- NERC has dedicated a staff to man these new media, & the response is great.

We must all work towards the objective of the FOIA

- The key goal of the FOI Act, is to make public records and info freely available and to also protect public records and info to the extent consistent with the public interest and protection of personal privacy.
- also, the FOIA seeks to protect public officers from adverse consequences of disclosure of certain kinds of official info without authorization and establishes the procedures for the achievement of these purposes.
- In a nutshell, the Act creates the right of access to info in the custody of or under the control of public bodies & establishes a legal regime for the exercise and/or enforcement of this right

Conclusion

- FOIA is your permanent indemnifier against blame
- FOIA clears misconceptions about public office.
- Thus we must willfully comply
- Anyway, we have no choice as the social media age has caught up with us.
- Information is power
- Information is a right
- Information is an enabler
- Information is a positive constraint
- Information provides legitimacy
- Information provides empowerment

