

Nigeria

The Constitution of Nigeria includes the “freedom to . . . receive and impart ideas and information without interference” as part of its protection of freedom of expression. The President of Nigeria signed the Freedom of Information Act into law on May 29, 2011.¹

This law was enacted more than eleven years after the first Freedom of Information Bill was submitted to Nigeria’s National Assembly. Civil society organizations such as Media Rights Agenda, Right to Know Initiative, and Open Society Justice Initiative were at the forefront of the long drawn advocacy efforts for the adoption of the Act.

Nigeria is federal republic comprised of 36 states. Both the National and the State legislatures are competent to make laws relating to public records under the Concurrent Legislative List mentioned in the Constitution (Second Schedule, Part II). However Nigeria’s jurisprudence states that under the doctrine of “covering the field”, in the absence of a specific State law on an issue included in Concurrent Legislative List, the Federal Law applies. Even where States seek to enact their own State level legislation, they are not permitted to enact a law that is lesser in scope than the Federal Law on the same subject. Additionally, where there are any conflicts between the provisions of the Federal law and State law on a subject that is on the Concurrent Legislative List, the Federal Law prevails.

The State of Ekiti in Southwest Nigeria is the only State that has so far enacted its own access to information law. On 4th July, 2011, the Governor of Ekiti assented to the Freedom of Information Law adopted by the State Legislature.

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[http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_papers/nigeria/FREEDOM%20OF%20INFORMATION%20%20BILL%20EXPLANATORY%20MEMORANDUM%20-%20ORIGINAL%20COPY\[1\].pdf](http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_papers/nigeria/FREEDOM%20OF%20INFORMATION%20%20BILL%20EXPLANATORY%20MEMORANDUM%20-%20ORIGINAL%20COPY[1].pdf)