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Access to Information in Benin: A Case Study

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Abstract

Transparency is nowadays at the top of the agenda for most governments. The number of countries that have adopted a law on access to administrative documents is on the rise. Access to Information laws do not provide a substitute for transparency, but may signal the willingness of a government to increase openness. So far, most studies have focused on states where such laws exist, especially in Europe and North America, while very little research has been conducted in Africa. This contribution is intended to capitalise on previous research to present the case of Benin. Research questions focus on the development of access to information, barriers to an introduction of a stronger law in that country, and the administration's expectations regarding transparency. Data are based on interviews with civil society organisations, an official in charge of access to administrative documents in Benin, and several employees of the national administration. Findings show how contextual and institutional differences shape transparency reforms, the importance of the issue of global awareness and access, and how current practices influence the approach towards access to administrative documents in Benin.

Keywords

Access to Information, transparency, Freedom of Information laws, Benin, West Africa

Introduction

The call for greater transparency within administrations is not particularly new. However, its current development worldwide shows that transparency is increasingly considered as a core component of good governance. According to Hood (2006a: 19), the notion has even reached “quasi-religious” status. Access to Information (ATI) laws have flourished across all continents and numerous initiatives, emerging from both governments and civil society, have attracted a growing number of participants. Depending on the cultural context, the concept may be either perceived as an intrinsic value, or positively regarded as a mechanism to ensure a strong instrumental value. The latter perspective assumes that transparency is needed to fulfil objectives such as increased citizen participation (Welch, 2012: 99) and trust in government (Mabillard and Pasquier, 2016: 75).

Nevertheless, little attention has been paid to Latin American, Asian, and African contexts. In this sense, there is a considerable deficit in transparency research in these regions; more than half of all studies identified in the literature review of Cucciniello et al., (2016: 37) were conducted in North America and Europe. The observation of this gap and the growing call for comparative research in Public Administration (PA) (Welch and Wong, 1998: 42) should lead scholars to increase their interest in other contexts. This study aims to move in this direction by exploring an under-commented case in the literature: few studies have investigated the situation in Western Africa. In our view Benin, a state with a well-established democracy in the region, deserves particular attention. Therefore, the goal of this article is twofold. On the one hand, it aims to put forward crucial aspects of access to information in the country; on the other hand, it sets out to reduce a significant gap in the literature from a geographical perspective.

This article starts with a panorama of ATI laws in the world, describing how they are classified, what are the main factors of emergence, and how implementation can be evaluated. It continues with an overview of the context in Benin. In this second part, the evolution of access to information in the country and existing laws will be presented. The methodology section will show how interviews have served to illustrate and enrich our case study. Finally, its findings will help to identify the challenges faced by Benin in adopting a more solid ATI law and, more generally, how access to information has evolved in the country over the past two decades.

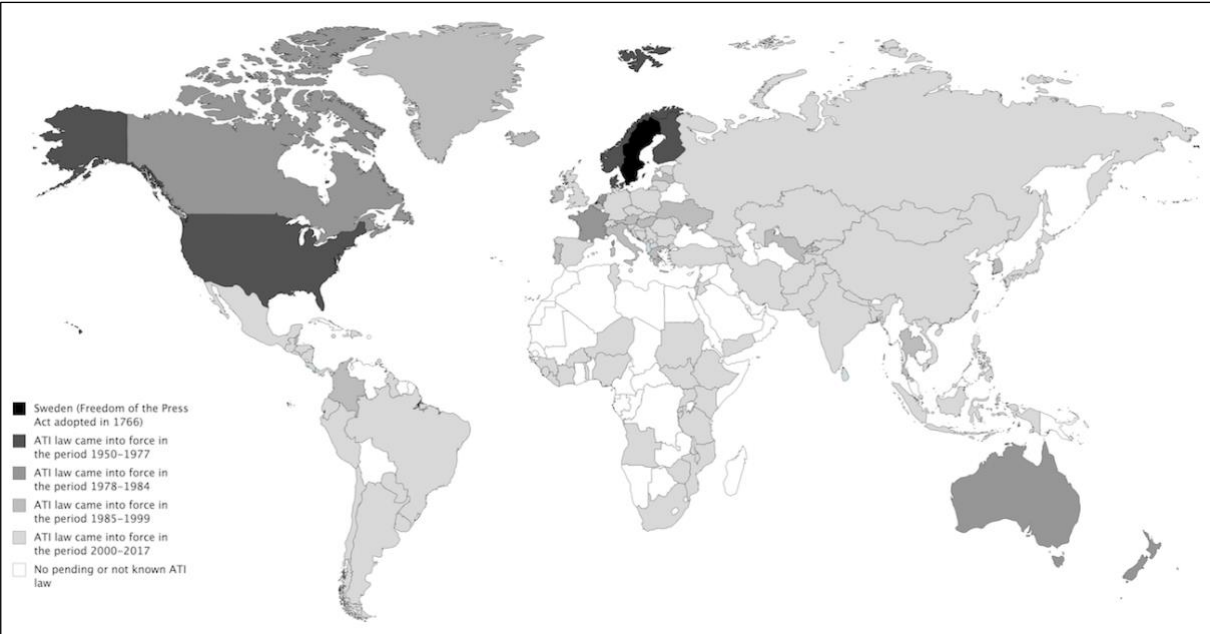
Access to Information laws in the world

ATI laws have been implemented in many regions. This evolution is quite recent, since most countries adopted legislation on transparency in the 1990s and at the beginning of the 21st century. Apart from Sweden (where a law was passed as early as 1776), Finland, and the United States (US), the principle of freedom of information (FoI) was first codified in several Commonwealth member states, in response to the question of “how to reconcile the Westminster principle of ministerial accountability with a statutory right to information” (Hazell, 1989: 189).

Counting methods diverge and the classification is the subject of intense debate, since country systems strongly differ in terms of FoI. Nevertheless, following a recent effort by Banisar (2015), four general categories have been created. **The first category refers to jurisdictions where a comprehensive ATI law has been enacted. It includes most Western European and North American countries, Mexico, India, Australia, New Zealand, among others. The second category consists of jurisdictions where a national regulation has been enacted (China, Hong**

Kong, Argentina, Niger). In the third category, recent initiatives to enact an ATI law can be observed. As of 2017, it is the case for instance in Vietnam, Lebanon, Namibia and, most interestingly for us, Benin. The fourth category includes jurisdictions where no pending effort to enact an ATI law can be found.

The map below shows that Africa remains the continent where the highest proportion of public authorities have not enacted such legislation. The strong presence of dictatorships in Africa is often cited as an important factor of explanation. The rationale behind this assumption is straightforward: FoI, considered as an integral part of the fundamental right of freedom of expression, is regarded as an essential pillar of democracy. However, several countries listed by scholars (see Vleugels, 2012; Banisar, 2015) are not considered as democratic regimes. In contrast, Benin does not appear on all lists and initiated the transition towards democracy in the early 1990s. As a result, other factors should be taken into account when trying to apprehend the reasons behind the implementation of ATI laws.



The development of ATI laws

This article will **first** focus on the diverse conditions of emergence of ATI laws, considered as one of the key ways of promoting transparency. The modern form of FoI stems from the Renaissance era and the Enlightenment in Western Europe (Darch and Underwood, 2010: 64) and shows that the public's right to access administrative documents is often promoted within institutions, although it would have been intuitively assumed to be a struggle initiated by citizens.

Worthy (2017) explains how FoI is increasingly popular among governments. It allows those in power to gain not votes but credibility. It holds strong symbolic value and sends a signal about the public affirmation of a social idea or a "statement of what is acceptable" in moral terms (Gusfield, 1967: 177). **According to Stubbs (2011: 79), there are four ways to address the diffusion of FOI law: reform advocate, single issue, explanation and "laundry list" studies. The principle of "laundry list" (Hood, 2006b: 215) refers to the inventory of a variety of factors, pointing why FOI laws have spread according to specific contexts. This approach is preferred here because it highlights concrete cases that can be relevant in a comparative perspective.**

Different trends can be observed in other countries. In Ireland, the law resulted mainly from a corruption scandal in the beef industry. Although political details are more complex, corruption and exposure have primarily driven the reform towards more openness. In the U.S., FoI was influenced by press interests, the principles of the United Nations, democratic ideals, and the willingness of both Congress and the executive to prevent the public service from becoming a fourth arm of government (Ackerman and Sandoval-Ballesteros, 2006). Strong

support for free speech and freedom of the press were combined in a justifying narrative aimed at establishing people's right to access information held by public bodies.

In India, the Right to Information (RTI) Act was enacted in 2005. The rationale for the law is the deepening of democracy; it seeks to reach a "democratic ideal" (Sharma, 2015). Although the legislation had been on the political agenda since the 1970s, grassroots organisations are said to have played a major role in the Indian case. The most important of these is the National Campaign for People's Right to Information (NCPRI), an umbrella coalition which had advocated for the Act since 1996. Other examples show that civil society organisations (CSOs) can influence the content and adoption of an ATI law. For instance, the new FoI legislation in Albania was jointly drafted by the Ministry of Justice and the Open Society Foundation in the country (Likmeta, 2014).

ATI laws emerge from a mix of symbolism, politics and principles, including political will and pressures for more transparency. **Most of the time**, the electorate is not directly involved in the process. On the one hand, the symbolic significance of FoI attracts more attention from organised groups such as the media and activists. On the other hand, politics plays a crucial role, since the shape of FoI legislation depends on internal battles, compromise, negotiation, and how parties position themselves for leverage on the matter (Worthy, 2017).

In conclusion, several factors can explain why governments pass ATI laws. It should be remembered that they often overlap. For this reason, it remains extremely complex to assess the weight of one dimension compared to another. **The first factor identified here is political actors. The potential beneficial effects of FoI may lead them to consider FoI as an opportunity to secure long term access to information in the future, or damage the credibility of an opponent. Political competition can also lead actors to neutralise any**

advantage, especially in the case of bipartisan politics. In this sense, FoI represents an “irresistible political advantage [...] to damage an opponent” as seen with Tony Blair in the UK (Worthy, 2017: 187). Individual initiatives may also foster ATI in some cases, as shown by the action of former California Congressman John Moss, who actively promoted anti-secrecy attitudes during the Cold War and “freedom of information”, which later became the U.S. Freedom of Information Act (Schudson, 2015: 43). In addition, a new law can be presented to the government by court rulings, as exemplified by South Korea in 1989, following the country’s passage to democracy. The Supreme Court ruled that there was a constitutional right to information (Youm, 1994: 13).

The second factor refers to the increasing pressure of a sophisticated network of non-governmental organisations (NGOs) with a strong interest in transparency, like the Carter Center and the Open Society Institute. For instance, the National Campaign for People’s Right to Information (NCPRI) in India played a major role by actively supporting the Right to Information Act. The influence of NGOs was important in Bangladesh too, although FoI was also impacted by historical, political and international issues (Sabharwal and Berman, 2013: 262).

The third factor highlights the importance of cultural aspects. A great cultural tradition of openness raises stronger expectations of transparency and may have an impact on how the state is run, paving the way for administrations to adopt these principles. For example, FoI in Sweden was influenced by liberal/libertarian ideals of individual freedoms and a free press, and by the Lutheran church (Ackerman and Sandoval-Ballesteros, 2006: 110).

Fourth, the national context also matters strongly. Information control can be severely eroded by scandals over secrecy and reinforce the case for FoI, sometimes accidentally.

Moreover, the reduced asymmetry between the government, other institutional levels, and citizens can increase the capacity and the effectiveness of information flows. This explains the gradual development of government receptivity to FoI over time in China (Weibing, 2012: 795).

Fifth, the regional context should also be taken into consideration. According to Berliner (2014), FoI passage is more likely “when the level of adoption is high in a country’s regional neighbourhood” (p. 488). For instance, Serbian experts involved in the drafting of the FoI bill not only examined the U.S. model but, due to a possible phenomenon of emulation, also paid attention to the laws enacted in Bosnia and Herzegovina and Slovakia.

Finally, the sixth factor that may explain the emergence of ATI in certain countries is the international environment. Roberts (2006: 110) has emphasized how pressure from international institutions and transnational activists has contributed to the establishment of transparency as a global norm. As a candidate country to the European Union (EU), the former Yugoslav Republic of Macedonia is for example monitored by an EU commission on freedom of expression issues (2016) and calls for a better implementation of the state’s current legislation on FoI.

→ Access to Information in Benin

In Benin, access to information is a fundamental right for all citizens guaranteed in the Constitution of 1990.¹ The *Official Journal of the Republic of Benin* is published twice a month to disseminate all legal texts and administrative notices to the knowledge of the public (Badet,

¹ Constitution de la République du Bénin. Loi n° 90-32 du 11 Décembre 1990 portant Constitution de la République du Bénin.

2013). However, the administration remained rather secretive in the first years following the passing of the new Constitution and the first step in favour of more openness was only taken in 1996 by the Council of Ministers. This measure involved the creation of users' guides and procedure manuals for the citizens to acquire a better knowledge about their access to administrative information, further confirmed by a decree in 2000.² Resulting from multiple meetings between press representatives, political authorities and international partners involved in development projects, the idea of a first draft legislation emerged the same year.³ After several years of waiting, and following strong calls from CSOs, a law was adopted in 2015.

As a result, freedom of information and access to administrative documents are currently governed by Law no. 2015-07 on information and communication.⁴ Articles 70-107 are especially significant here because they are directly related to ATI as defined in Chapter IV. Like other ATI laws, it specifies who has the right to access administrative documents (all citizens), and allows for administrative or judicial sanctions to be imposed on public agents or bodies that fail to provide grounds for their refusal to disclose requested information. A long list of exemptions is also provided. However, deadlines for answering a request are not clearly set out in the law; while public bodies have only five days to decide on the request, no timeframe for providing the document is explicitly stated.

² Décret 2000-616 du 7 décembre 2000 portant organisation des relations entre les services de l'Administration et les usagers.

³ Séminaire sur l'accès aux sources publiques d'information : actes et documents (Ministère de la Culture et de la Communication et Agence Canadienne de Développement International), 31 janvier au 3 février 2000.

⁴ Loi n° 2015-07 du 22 Janvier 2015 portant code de l'information et de la communication en République du Bénin.

From a theoretical point of view, it remains essential to distinguish the diverse approaches to ATI. A former colony of France, Benin belongs to the Francophone area, in which access to administrative documents is considered as part of a public-sector reform and the creation of a true administrative democracy (Calland and Diallo, 2013: 3). By contrast, such reform is much more motivated by the protection of citizens' right of ATI in Anglophone countries. Diallo (2013: 67) argues that "Copying from the outdated French legal system explains the growing gap between Francophone and Anglophone countries [...] The latter seems to understand better the virtues of a law for free access to information."

In Benin, administrative law is a direct heritage from the French legal culture, and has experienced little change since independence almost 60 years ago (Dossoumon, 2007). This case is no exception since all French-speaking countries and all areas of law have been strongly influenced by French colonisation. In line with Calland and Diallo (2013), the *Plan d'actions du gouvernement 2016-2021* insists on the need to modernise the administration and to structure the country's governance reforms based on the principles of transparency, accountability, and efficiency. By doing so, the action plan aims to improve the overall quality of democracy.⁵

However, it remains difficult to assess the direct relation between the French Law no. 78-753 (passed on 17 July 1978) and the situation in Benin. Official documents do not mention the French law, and the current legislation does not totally reflect the French approach to ATI. Moreover, the latest draft legislation submitted by deputy Eric Houndété in January

⁵ Présidence de la République du Bénin. Programme d'actions du gouvernement 2016-2021, pp. 38-40. <https://www.presidence.bj/benin-revele/download/>, accessed 12 December 2017.

2017 provides for a much more extensive law on access to administrative documents.⁶ The powers of the National Commission for the Public Access to Information (CNAPI) would for instance surpass those of the French Commission of Access to Administrative Documents (CADA). The new “information and communication code” would include 96 articles and reinforce citizens’ right to access documents held by the administration (Keko, 2017). According to Houdété, the existing law has granted only limited access and led to widespread adoption of secretive practices. It does not reduce corruption and poverty effectively, does not promote transparency and trust, and impedes the development of a stronger democratic culture. An improvement in the situation would also help citizens to better use their participation rights (Keko, 2017).

CSOs, which have been initially more active in Anglophone countries, are now more actively involved and support a stronger legislative framework regarding ATI. They have also repeatedly expressed concerns about the effective implementation of the legislation. In this sense, a bill was submitted to the national parliament in 2014 by the West Africa Network for Peacebuilding (WANEP-Benin), supported by the Open Society Initiative in West Africa (OSIWA), but has yet to be enacted. The text includes a precise list of exemptions; it also proposes the creation of a strong oversight body: the CNAPI. The latter would work as an independent and impartial mechanism of control over public access to administrative documents, and would be entitled to conduct mediation, impose sanctions, and promote the law. It would be required to report to parliament annually (WANEP-Bénin, 2014: 23).

⁶ Code de l’information et de la communication au Bénin. L’intégralité de la proposition de loi rectificative du député Eric Houdété. <http://news.acotonou.com/h/96028.html>, accessed 13 December 2017.

Currently, complaints can be addressed to the High Authority of Audiovisual Media and Communication (HAAC). Article 99 confirms the right of appeal to the HAAC, which can also set a deadline to an administrative body, invite witnesses to discuss a dispute, and investigate cases within the administration's offices (Article 100). According to Article 107, the HAAC has the power to bring a case to an administrative court. At the same time, the ombudsman's office was created for the first time in 2006. However, this body will not be considered here, because most complaints submitted to it involve broader problems and not only ATI: land disputes, public agents' careers, social affairs, relations between the State and private firms, and diploma equivalence.⁷

Implementation of ATI laws

If rules and procedures are institutionalised through ATI laws, they need to be implemented routinely to improve good governance. This is for instance not the case in Liberia, where “what is fine on paper remains a far cry from what is happening in the implementation arena. The government keeps harping on the FoI law to fight back criticisms of failings in good governance espousal” (Joseph, 2015: 15). ~~ATI laws may also grant more powers to the executive if they serve governments' political goals rather than the public interest (e.g. in Zimbabwe).~~

The *Global Right to Information (RTI) Rating* seeks to assess the overall strength of a legal framework for RTI. The ranking is limited to measuring the legal framework, which is considered as an essential prerequisite to the implementation of any ATI law (Global Right to Information Rating, 2017). Although the rating does not measure the quality of implementation of the legislation, it is worth noting that Benin does not appear on the list,

⁷ Le Médiateur de la République. Rapport d'activités 2015. Porto-Novo, Bénin, Février 2016.

unlike for example Togo, which is ranked 85th out of 110 countries in 2017. ~~This distinction between the legal framework and efficient implementation of a transparency law remains central. For instance, Albania scores high in the RTI Rating, but the law has been quite poorly implemented in practice so far.~~

Efficient implementation of the law requires the fulfilment of several factors. They range from domestic (regime type, levels of development and corruption, legal structure) and international factors (influence of international NGOs) to the content of the law—chiefly the list of exemptions and deadlines for responding to requests—and the scope of the law. This article focuses on two key questions related to the implementation of ATI in Benin: is there a strong oversight body? And is there motivation among public servants to comply with transparency reforms? This second aspect touches on an essential issue in the development of transparency in the public sector: a cultural administrative shift away from the traditional tendency of bureaucracy to remain secretive (Weber, 1980 [1922]).

The oversight body: indispensable to a strong legal framework?

The prerogatives of the oversight body are often regarded as a way to measure the strength of an ATI law and its implementation. The two kinds of bodies are an information commissioner (with or without data protection) and an ombudsman. Commissioners play a more specialised role since they do not handle all complaints regarding illegal or unjust administration; their competence is limited to ATI-related appeals (Holsen and Pasquier, 2012: 215). On the other hand, they assume additional responsibilities: they can provide guidance to administrative bodies and assess their compliance with the law.

Pearlman (2010: 130) argues that “if there is widespread belief that the legislation will not be enforced, this so-called right to information becomes meaningless.” Strong enforcement of

the law is thus needed to ensure efficient implementation. As a result, the status and powers granted to the oversight body are often referred to when measuring the strength of an ATI law. Fair treatment of the complaints submitted to the body is guaranteed by a high level of independence.

All in all, the position of information commissioner does not provide the “best disinfectant” but can significantly contribute to a strong legal framework. This issue is relevant here since many countries, including Benin, have not appointed an information commissioner. As underlined by Holsen and Pasquier (2012: 234), important questions should be raised before considering the creation of this type of authority: what exactly is required by the government in terms of function (mediation, education, promotion)? What kind of powers will be granted to the oversight body? How will its independence be ensured, and how many resources will be allocated to the functioning of the organisation’s work?

Facing implementation challenges: the commitment of civil servants to openness

In addition to the oversight body issue, all jurisdictions encounter numerous implementation problems after enacting an ATI law. Most involve insufficient administrative capacity: lack of resources and leadership, a bureaucratic culture of secrecy, and inadequate management of records. Poorly trained civil servants, low awareness of the new legislation, and fees may also create barriers to administrative openness.

This article sets out to give an overview of all these challenges in the case of Benin and concentrates on organisational barriers. The typology established by Pasquier and Villeneuve (2007) sheds light on five different forms of documentary transparency. The first two categories refer to non-transparency, ~~which can be legal in the absence of an ATI law~~. The third category describes cases of obstructed transparency, often using exemptions. The fourth

category is strained transparency, a situation in which insufficient resources are cited to justify the inability to cope with transparency. Finally, maximum transparency, ~~justified by reduced costs~~, means that all possible information is made available by the administration. The third and fourth types of transparency are of great interest here. Lack of resources and unfamiliarity with documents are budgetary and training issues, while obstructed transparency limits efficient implementation of an ATI law.

Therefore, if the enactment of ATI laws requires political will or calculation, their effective implementation depends heavily on the administration's level of commitment to greater transparency. **Regarding compliance with the law, Horsley (2009: 3-6) raises three additional challenges: other statutes (information is kept confidential in accordance to other laws); the deliberative exemption (internal deliberations); and the law enforcement secrecy (clash between the principle of openness and, for example, the protection of the confidentiality of police operations).** However, administrative bodies should see disclosure not only as an act of compliance with the law but rather as a shift towards more openness. Such a cultural change appears essential to prevent bodies from adopting secretive and obstructive practices, such as referring to exemptions (sometimes abusively) or extending deadlines.

Research questions

Following the theoretical and contextual parts, research questions (RQs) focus on three key features of any ATI legislation: the political and social environment, the content of the law, and implementation issues. As mentioned above, the context remains particularly important as it partially shapes the specific nature of the law. The content of the law is also central since it directly results from this environment, through processes that have been well documented

in several cases (e.g. the UK: see Hazell et al., 2010). Implementation also affects the strength of the legal framework and accordingly merits attention. Based on these three elements, RQs of this study can be formulated in these terms:

- **RQ 1:** Who are the political and civil society actors involved in ATI in Benin? What is their goal regarding the legislation on access to administrative documents?
- **RQ 2:** Is there an oversight body? To what extent can it enforce the law in practice?
- **RQ 3:** Regarding implementation, what are the expectations and attitudes towards transparency adopted by public sector employees?

Methodology

Exploratory research is preferred here due to the relative lack of knowledge about access to information in Benin. The single case study methodology as described by Yin (2003) will be used. Construct validity is based on the multiplication of sources, and reliability is ensured through standardisation of the procedures, which could be easily repeated in other cases. Both aspects are crucial, since they guarantee further replication of this study.

This research does not provide an explanation of the potential passing of ATI legislation in a specific country or region; this goal would probably prove too ambitious and not particularly relevant to such an evolving and multifaceted process. Indeed, states have adopted different laws, which diverge on many aspects: scope, appeal mechanisms, legal competence, etc. However, they all share similar elements. As a result, it would be possible in the future to establish a comparison by focusing on these characteristics.

Interviews with civil society activists and documents drafted by CSOs are used to respond to **RQ 1**. Theoretical aspects will be carefully examined and applied to the case of Benin. Features of the current legislation and an in-depth interview with the HAAC vice-president will provide data to answer **RQ 2**. Appeal mechanisms will therefore be scrutinised in this regard. Finally, interviews conducted with civil servants (**n=12**) will enable us to respond to **RQ 3**. Interviewees will be referred to as R₁ to R₁₂ below. These data will provide an insight into implementation issues faced by the national administration, and observations on the kind of expectations regarding transparency that are raised in the public sector.

Findings

First of all, the proposed legislation drafted by WANEP-Benin in 2014 shows that CSOs are fostering transparency reforms. This kind of support has in the past pushed several countries to pass or amend an ATI law or embrace the commissioner model. In Benin, the struggle for greater government openness has been mainly driven by the media (journalists facing problems to get access to information held by the administration). Their demands have been heard and included in draft legislation, which has developed into the new law on information and communication in the Republic of Benin.⁸ However, as in many other countries, numerous exemptions resulted from amendments proposed by members of parliament.

Although pressure from civil society networks does not directly lead to the passing of new legislation on transparency, it is often seen as an important factor. **For instance, Coronel (2001: 18) emphasises the fact that access to information in Southeast Asia cannot be considered separately from the struggle for democracy, launched by CSOs, more particularly**

⁸ Interview with the HAAC vice-president, Porto-Novo, Benin, 26 April 2017.

pro-democracy movements. Their influence can be enhanced by cooperation with other regional and international partners; this is the case in Benin, where WANEP has been supported by the EU, the **US** embassy, and the Swiss government cooperation programme.

The main goal of CSOs in Benin is to deepen ATI and empower citizens regarding access to administrative documents. This cause has been advanced through four channels:

- communication: press conferences, press communiqués and declarations;
- contact with the authorities: advocacy of ATI in meetings with state institutions;
- specific actions: draft ATI law, training sessions, information to raise awareness;
- research: analysis documents and expertise.

Interviews with WANEP-Bénin have clearly highlighted the need for regional cooperation to develop a global strategy on ATI. With this aim in mind, meetings have been organised in Ivory Coast, Niger, and other countries to consider how to draft the most effective ATI legislation, depending on the local environment. Recent discussions have also been held **on** the subject of implementation strategies, good practices, and assessment of the impact of draft legislation.

CSOs complain that measures in the current law are inadequate. In their view, sanctions are not properly enforced when the administration fails to disclose information; the existing code does not cover private organisations using public funds or performing public tasks; and the concepts of “public body” and “public interest” are not clearly defined. However, they recognise that the situation has changed positively at the institutional level. The situation now requires strong political leadership in favour of greater transparency to ensure that the law is implemented more effectively and that more complete, progressive legislation on ATI is enacted in the future.

Secondly, the in-depth interview conducted with the HAAC vice-president reveals that there is an ongoing paradigm shift, although in practice it remains barely implemented. There are currently no statistics about the volume of requests and/or complaints, and structures needed to ensure proper enforcement of the law (in terms of collecting, recording, and reporting) are still missing. **From a research perspective, this absence of statistics remains a major constraint on the analysis of implementation of the legislation on access to information and compliance with the law.**

Other implementation problems include the abuse of exemptions allowing the withholding of information, a lack of resources and training in the administration, extended timeframes to respond to the requests, and a low level of awareness among the population. Moreover, the body should be allocated a larger operating budget to reinforce its power of appeal and constraint.⁹ The creation of focal points to guarantee that requests are followed up and the provision of promotional material (in a much simpler form than the law) may provide an effective remedy to this implementation issue.

The HAAC vice-president points out the need for creation of a new code, for institutional changes, and for solutions to implementation problems. He is not urging for the creation of an alternative oversight body but rather for a strengthening of the existing one. An extension of legal competencies and an increase in the budget would ensure better functioning of the mediation process. This is particularly important, since the role played by the HAAC and more globally the development of transparency is expected to lead to positive outcomes such as increased citizen trust and a more efficient administration.

⁹ Interview with the HAAC vice-president, Porto-Novo, Benin, 26 April 2017.

In conclusion to this part on Q2, the HAAC vice-president stresses that the country's ATI is advanced in comparison with other countries. For instance, everyone can have access to documents according to the law; there is protection for public agents denouncing unlawful conduct within the administration; and citizens can appeal to an administrative court if the mediation procedure fails.

Thirdly, civil servants generally note a growing interest in transparency among citizens. According to respondent 1 (R₁), "the population's expectations in terms of transparency are rather high. This is also the case regarding a more participatory management of the governed." Most interviewees agree with this statement, although a few doubt whether it applies to the entire populace. At the same time, they agree that a large volume of requests come from specific groups like journalists and CSOs. In this sense, the media should play an important role as intermediaries between information disclosed by the administration and citizens. As expressed by two respondents, access to information is more likely to be used by groups for whom the data is professionally useful.

Public-sector employees surveyed in this study seemed enthusiastic about a more open administration and government. All identified transparency as a central pillar of democracy: "administrative transparency serves to reinforce democracy in that frustrations due to ignorance are limited with the end of secrecy" (R₁₂). At the same time, civil servants report a general lack of resources for dealing with the new legislation. This results in insufficient time to respond to requests, disorganised structures, and poor record-keeping.

Most interviewees agreed that modernisation of the public sector is necessary to face the new challenge of FoI, and "a major administrative reform is needed" (R₇). More resources should be devoted to the structures of the administration and better training should be provided to

civil servants, especially regarding the release of documents under the ATI law. In addition to the development of new structures, education should be strongly promoted to ensure fair access to and understanding of information, as mentioned by R₁:

“Problems related to access to information need to be solved. This will require more literacy, and the extension of radio and TV networks. The intensification of children’s education is a fundamental factor. Beyond simple access to information, it is necessary to ensure that information is well received, processed, and understood to induce a positive change in behaviours.”

Therefore, we would give a positive answer to Q3: public-sector employees surveyed in the present study adopt a positive attitude to the development of ATI. They generally have high expectations, which are not attainable because of the lack of resources at their disposal. At the same time, they encourage a broader reflection about accessibility and comprehension of information through a better, more extensive education system.

Discussion and Conclusion

Although this study focuses on an under-commented case in the literature, the construction and categories developed above are built around a universalist view based on Eurocentrism. This statement can be equally applied to the so-called “conventional doctrinalists” (Darch and Underwood, 2010: 6), often represented by NGOs and activist coalitions. ~~At the same time, international organisations, widely underpinned by Western principles, consider themselves as champions of human rights.~~ Further research should also take other perspectives into

consideration, for instance African scholars who promote cultural pluralism as an alternative approach (Darch and Underwood, 2010: 248).

From a methodological point of view, the single-case study could be enriched in the future and extended to a multiple-case study, including neighbouring countries. More systematic comparative research could build on the present findings to enlarge knowledge of ATI in West Africa. However, such a study would require large resources to cover the whole region. It would also require the involvement of scholars from all countries concerned and sustained collaboration between CSOs, universities, and partner institutions.

Another limitation of this study rests on the absence of citizens. The population has not been surveyed here but could bring additional and significant material to a subsequent study, providing central information about the implementation quality of ATI. Journalists may also play a central role by exercising a further crucial influence (Worthy and Hazell, 2013: 32). The next step would therefore include citizens' perceptions of access to administrative documents to observe the level of awareness and how ATI works in practice.

This article has shown that transparency-related developments are currently taking place in **Benin**, in spite of the gap observed in the literature and the absence of **the country** in most studies. Interviews conducted with WANEP-Bénin have shown that SCOs are mobilised and committed to defending the cause of ATI. They have created and organised themselves among networks to form a civil society coalition, and have joined with SCOs from other countries to reflect on necessary reforms to deepen access to documents in the region. They are currently pushing for renewed, more complete, progressive legislation in the matter. One of their main goals is to establish an independent, efficient oversight body to ensure citizens' rights to ATI.

The interview conducted with the HAAC vice-president has enabled us to identify implementation issues faced by Benin. Beyond the indispensable cultural shift, problems concern staff training, lack of resources and leadership, records management, low awareness, and the dissemination and understanding of information. In his view, improvement should naturally ensue from increased resources and the creation of focal points in administrative departments to deal with ATI.

Civil servants, although they are aware of the lack of preparation and training of staff, have shown their enthusiasm for transparency reforms. They call for more openness through a modernisation of the public sector and important reforms. More generally, transparency is welcomed and encouraged by civil servants, although its development depends on major changes being properly implemented and positive expectations (more participation, empowered citizens) being met. This phenomenon is interesting in that it is rarely observed in other places, where administrations tend to resist transparency in most cases.

This contribution remains a first step towards a more encompassing study of transparency in the whole region. West African and other scholars should continue to explore the cases of neighbouring countries to draw up a more exhaustive picture of transparency developments in this area. Indigenous approaches should also be preferred in order to avoid US- and Eurocentrism, although we think that partnerships and cooperation remain the best way to apprehend the phenomenon from a global perspective.

Further research may enable scholars to conduct cross-country and multiple-case studies.

Although West Africa cannot be considered as a meaningful spatial category for analysis, we believe that a comparative study in the region would prove useful and relevant. Despite cultural differences (for instance Anglophone vs. Francophone), all countries face similar

challenges, whether they have adopted an ATI law or not. Apart from the secretive character of the administration, issues related to administrative capacity and access barriers have been identified in neighbouring countries as well (Togo, Ghana, Ivory coast). Some of them are also prevalent in other parts of the world, like delays in response, refusal to accept requests or low awareness of the policy (for example in Canada and the UK). These problems are to be prioritised to ensure an efficient implementation of the legislation and compliance.

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