

FINDINGS ON ACCESS TO INFORMATION PROJECT PRESENTED AT A DISSEMINATION WORKSHOP FOR CIVIL SOCIETY ACTORS.

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Findings are presented under the following themes;

▶ **Institutional Assessment**

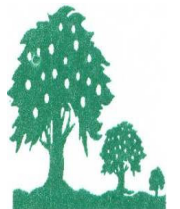
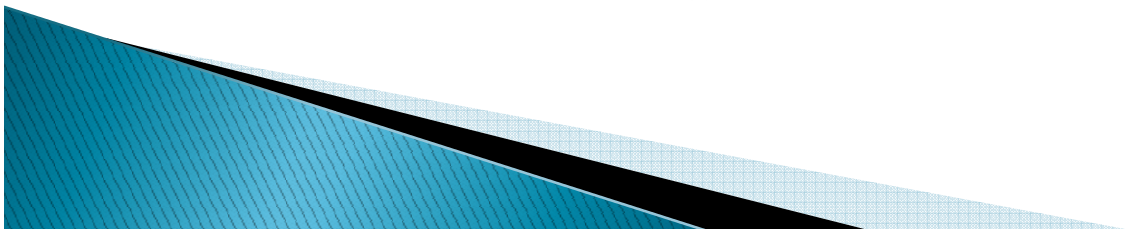
- The institutional infrastructure for ATI in the government environment and natural resource agencies

▶ **Proactive Disclosure**

- Proactive release of information by the various ENR agencies

▶ **Practice- citizens requests**

- What happens when a citizen requests for information from government agencies under the ATI law or the various sectoral laws.



1. Institutional Assessment

- ▶ An institutional assessment was conducted to collect data on the internal systems that need to be in place for the public agencies to meet their obligations in terms of the Access to Information(ATI) law and any sectoral provisions that provide that the public should have access to environmental information.

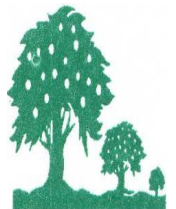
Five institutions linked to Uganda's natural resources were assessed.

- ▶ National Environment Management Authority (NEMA) (Environment Sector),
- ▶ National Forestry Authority (NFA) (Forestry sector),
- ▶ Uganda Wildlife Authority (UWA) (Oil Sector),
- ▶ Wetlands Management Department (Environment),
- ▶ Department of Geological Survey and Mines (Mineral sector)



What the institutional assessment revealed.

- ▶ Not all government agencies have policies in place for ATI.
- ▶ Each agency has its own internal procedure that should be followed by a member of the public seeking to access information. This usually entails writing a letter to the Executive Director of the agency and following up on the written request.
- ▶ The list of the categories of information held by most of the institutions is not always categorised into that which is available routinely, that for which a request is a requirement and information that cannot be disclosed to the public.
- ▶ The storage of records in the institutions is mainly manual, which is a challenge as certain requests or even records can be misplaced.



Institutional assessment cont'd

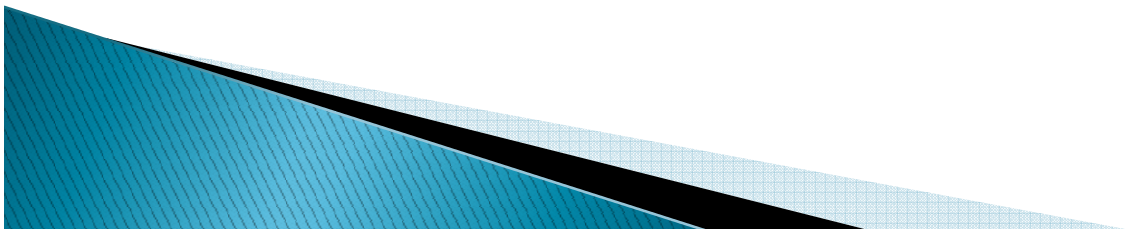
- ▶ What is consistent is that none of the institutions charge a fee for accessing the information. Rather, a requestor would be required to pay for photocopying of the information.
- ▶ None of the institutions has a manual on procedures to be followed when requesting for information. Each organisation has its own internal procedures that should be followed. But this does not guarantee that one will be availed with the information sought.
- ▶ Not much information is available on the appeals that have been made to the institutions or even complaints that have been received.
- ▶ There is also no guarantee whatsoever that the person making the complaint will not be victimised.



2. Proactive Disclosure

Freely accessible information in Uganda can be put in 3 categories namely:

- ❖ information obtainable as a legal requirement without use of ATI law;
- ❖ information released to the public by government as a development partner/donor requirement or other administrative requirement; and
- ❖ information released by government pro-actively, without any legal obligation.



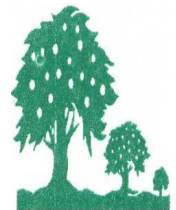
Proactive release of information

- ▶ Information released pro-actively by Government includes information :
 - i) deposited at designated depositories including Public registries (eg court registries, land registries) and or institutional libraries ,
 - ii) that posted on websites for government agencies and statutory bodies, Ministries.
- ▶ Most government departments have websites and lately, social media platforms like Face Book and twitter are being utilised as a medium through which information is made available to the public.
- ▶ Information posted on government websites may include :
 - i) respective government agencies and their operations;
 - ii) Ministerial Policies and recruitment brochures,
 - iii) bulletins directives and newsletters;
 - iv) Strategic action plans, annual reports, sector performance reports,
 - v) budget performances among others..



Proactive Disclosure cont'n

- ▶ Information also released in the gazette; for this particular type of information, this is a requirement by law.
- ▶ Information that is made public is released in English and also in written form, and is also technical.
- ▶ Information at depositories can be freely accessible by any member of the public. For instance Environmental Impact Assessments, annual and sector or budget performance reports among others.
- ▶ Costs for copying and searching may be paid for by the requestor.



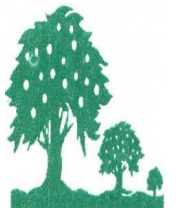
3. ATI in practice: citizens requests

Four categories of citizens made requests to the different government institutions

- ▶ A student
- ▶ A poor person
- ▶ A member of an NGO
- ▶ A journalist

Information requested for on Environment included

- ▶ Facility pollution report
- ▶ Inspector facility monitoring report
- ▶ Government enforcement notices
- ▶ Law enforcement statistics

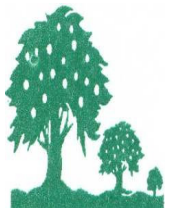


Information requested for on Forestry, Petroleum/oil and Mining

- ▶ Maps of licences
- ▶ Copies of concession agreements
- ▶ Government revenue collected
- ▶ Number of people displaced

Procedures for requesting information under ATI.

- ▶ Procedures are documented, both in the ATI law and in the sectoral laws.
- ▶ Findings revealed that the procedures at each institution vary.
- ▶ The process the researchers were told to follow was neither in the ATI law nor the various sectoral laws.
- ▶ Each institution has its own internal procedures.



- ▶ Different researchers got different responses for various reasons.
- ▶ Gender disparity is not a variable.
- ▶ Some of the institutions seem to be consistent in the procedure that they require a member of the public to follow when requesting for the information.
- ▶ No structured approach; but most institutions required the requestor to present a form of identification and then make a written request for the information to the Head of the institution.
- ▶ The onus of following up on a particular request lies on the requestor.

Note: even when the researchers followed the internal procedures required, they did not always get the information requested for.



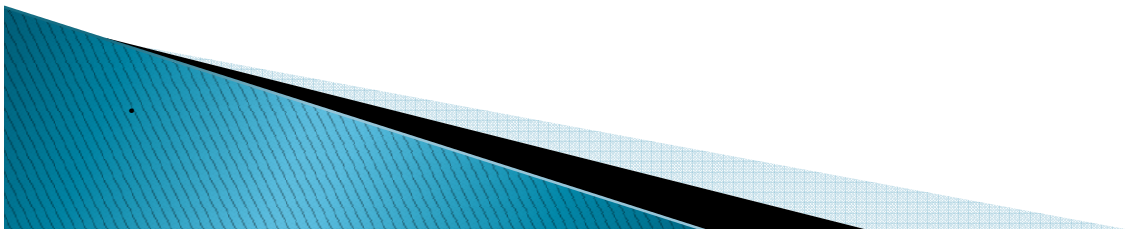
ATI in Practice: Citizen requests under ATI.

Student requestor: Used request forms as stipulated under ATI Regulations

- ▶ Was asked to make written request to Executive Director indicating type of information requested for and to get a licence.
- ▶ Was referred to different officers including Human Resource officer at NFA, did not get any response for all requests made at this institution.
- ▶ Got facility pollution report from Ministry of Water and Environment, an inspector facility monitoring report from NEMA, a map of licenses from PEPD, a map of licenses from Department of geological survey and mines, a copy of government revenue collected from Department of Geological survey and mines and was shown a copy of the concession agreements by this Department.

NGO requestor: Used request forms but was told to follow institutional procedure as well; make written request.

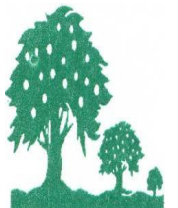
- ▶ Did not get any response to requests made even after following all internal procedures.



Poor person:

- ▶ Did not have prior knowledge of the research. Could communicate in English.
- ▶ Was told to report to DEO in home District at NEMA.
- ▶ Was manhandled and almost arrested at NFA when he requested for information on licencing in forest reserves. Only saved when he revealed that he was sent by Greenwatch to obtain information on their behalf.
- ▶ Did not get any information requested for, no matter how basic

NOTE: Verbal requests were denied across all requestors.



ATI in Practice: Results under Sectoral laws

Journalist requestors

- ▶ At UWA: Journalist was availed some information on forestry and referred to NFA as well.
- ▶ Journalist who made specific request on inspection facility reports was granted information right away from NEMA.
- ▶ Was granted a map of licenses from Ministry of Energy and mineral Development.

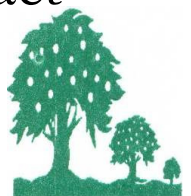
At NFA; Requests for information made under the Forestry law.

- ▶ Was not availed information at NFA on all 3 visits.
- ▶ Was asked to make written requests, which he did and was asked to wait for phone call; never came through.



Conclusion

- ▶ The government should ensure that every institution has a designated information officer as provided for in the law to act as the focal person to whom requests for information should be addressed.
- ▶ Institutions should classify the type of information that is readily available as well as that which cannot be accessed by the public.
- ▶ Natural resource and environment sectoral laws contain information provisions which enjoin the relevant sectors to collect, preserve and disseminate information related to the environment and natural resources.
- ▶ Many environment and natural resource laws encourage citizen participation in processes of determining the impact of particular activities on the environment.



THANK YOU FOR
LISTENING TO ME.

