

2012

ACCESS TO INFORMATION AT THE DISTRICT LEVEL: THE EXPERIENCE FROM THE SOUTHERN HIGHLANDS OF TANZANIA

Access to information is essential to democracy and development. Freedom of expression, including the right to access, receive and impart information, is enshrined in international law.

In Tanzania, the right to be informed, and to access and disseminate information, is recognized under Articles 18(1) and 18(2) of the Constitution:

In practice, however a study conducted by DARAJA in seven districts of the Southern Region of Tanzania reveals that, the extent to which citizens enjoy these constitutional mandates is unknown - making constitutional rights a practice in Tanzania remains a key challenge to local governance. In fact, putting the rule of law aside, even the freedom of speech is not well implemented. There is no law which can bind authorities to offer information. The current infrastructure, especially in rural areas, actively discourages the right to information.

Among other things the study reveals that a culture of unresponsiveness pervades in local governance in Tanzania, despite having ten years experience with a decentralised governance system.

That is why Policy Forum dedicated its May 2012 debate on the issue of the Access to information at the district level, the debate is titled: **Access to Information at the District Level: The experience from the southern highlands of Tanzania**

The debate included two presentations, one from **Mr. Eric Kalunga**, Monitoring and Research Officer of DARAJA who discussed about their study on the experience of citizens on the access to information at the district level, and **Advocate Mohammed Tibanyendera**, Managing Consultant of Star Chambers Advocates, who talked about Access to Information Campaign and Experience in Tanzania, which was Followed by the critics from the discussant, Mr. Ayubu Rioba, Lecturer of UDSM, College of Mass- Communication and Journalism.

The debate was facilitated by Alex Ruchyahinduru from Policy Forum

Mr Eric Kalunga was the first presenter, he started his presentation by giving a short introduction about DARAJA to the participants, he said DARAJA is an organization in Njombe, Iringa which works on local governance and has three major programmes namely Maji Matone, Kwanza Jamii and Research and Advocacy work on local governance.

He said that, Access to information in Tanzania is seen under Article 18(2) of the Tanzanian Constitution.

He also mentioned the Open Government Partnership as an international initiative of transparency which requires all government activities to be made public.

He said, seven participants in seven districts of Njombe, Makete, Morogoro town, Mbarali, Mafinga, Iringa district and Kilolo, went to conduct research on the access to information at the district level with a checklist, they also interviewed district officers whose responses were by way of a letters.

The team came up with the following findings: Notice boards were not an effective way of communication, he showed a picture of a notice board in Njombe which had torn papers and some papers on top of others, there were no clear guidelines on what should be shown on the noticeboard.

He said, the letters that they got from the district officers were not very pleasing. When the citizens were interviewed they seemed not to be pleased with the responses of their district officers who most of the time do not give them the information they want instead they are normally given a lot of excuses.

He added that, it was noticed that, the district officers were more accountable to the central government than they are to their citizens.

He concluded by saying that, access to information is still a challenge in our districts and that this study should also be replicated nation wide so as to get a wider picture.

The second presenter of the breakfast talk was Advocate Mohammed Tibanyendera who started by talking about the first introduction of the Bill of Rights in Tanzania and Zanzibar which came up with the introduction of Article 18 of the Constitution.

He said, the article was a claw back clause which led to a movement of various stakeholders and for the first time the constitution of Tanzania was

amended with Article 18 (a,b,c) giving the access to information right. The milestone of the access to information started with the elders who were fighting for the liberation of this country. We get the trace back in 1995 with organized movements like the human rights organized organizations.

He added that, with the establishment of the Media Law Reform Project we get different legal legislations which joined up to form the Media Law Reform Project which was lobbying and advocating for change.

He said, with the new policies and the establishment of the reform commission the media laws were changed and spurred with some achievements.

He added that, media laws now allow for the interference in investigations something which is still a challenge.

He said, the draft bill on access to information was made but it wasn't good enough due to lack of expertise so an alternative stakeholders bill was opted to be made so ideas were collected and both of the bills were improved and presented to the government but up to now there is no any tangible evidence that the government has done anything on the draft bills.

He said, activists of these bills are thinking of lobbying with some MP's so that they could present the bills to the parliament.

In his presentation he cited a case where Judge Honorable Juma extended matters of rewarding damages to matters of people accessing information.

He ended by giving a way forward as need to innovate new ways of advocacy and lobbying, maintaining campaign pressure, sensitizing awareness at the grassroots (villages) and engaging governments to comply with international and regional guarantees on human rights.

The discussant of the event was Mr. Ayub Rioba, who commented on the two presentations that were made which he said were very informative.

He gave a short story about his childhood, where he was told not to question God because he is the creator and referred the story to the recent case where we are cautioned that we should question the government.

He concluded by asking participants to reflect the following questions in their plenary discussion: what is the problem? Is it the culture, capacity, corruption? Or the contracts that our "creators" make that we are unaware of.

Comments and Questions from plenary discussion:

- From the study conducted by DARAJA, what kind of information and criteria's were posted in the noticeboard?
- What is the level of education of those who participated in the survey?
- How long should the information stay on the noticeboard?
- There is a need of community radios so as to get to the people.
- Students should be used as an entry point and should be used strategically so that they could not be seen as a reactive group.
- We should consider the new constitution as an entry point to address these issues.
- Lets be specific when we talk about access to information
- Did the findings go further to see why the district officers were reluctant to see why they did not give out some information.
- Tanzanians do not have a culture of reading therefore that's why they are not informed. People should be empowered at the local level and national level so that they could access information.
- Most of the Tanzanians do not know their rights concerning accessing information.
- After failing to access information at the district level what did you do?
- Some things are just a question of mentality its not a general rule that when you are in the government you should be aggressive.

Respond to the comments and Questions:

- They looked at the roles of the district officers , there was also a challenge on what should be on the noticeboard.
- Participants were capable and were well trained and provided with relevant information.
- Steps for lobbying and activism are still going on.
- The system as a whole is an issue .Students should not be used to push forward our ideas because they might not be perceived in a very positive way.

- We can also influence people in the rural area, media can be used as a way of addressing this issue.
- It is not true that the government is unaware.
- Access to information will bring more development to this country because now the people will be aware.
- Yes, there is a lot of information but very few people can access the information because very few people can access the internet, radios.

Alex Ruchyahinduru closed the discussion and he welcomed again participants for the next 7:30 Breakfast Debate.

