

# THE CARIBBEAN AND ACCESS TO INFORMATION RIGHTS



“Open government provides an essential foundation for economic, social and political progress, by strengthening the transparency of institutions. Releasing key information on public services also contributes to growth of new businesses and ensures accountability of government”

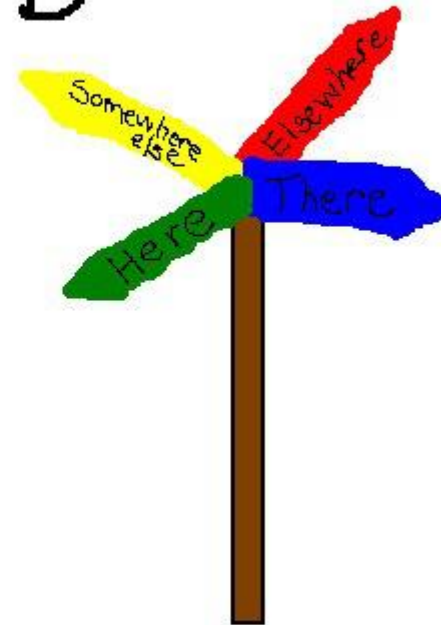
UK Cabinet Office National Action Plan on Open Government

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# DEMAND DRIVEN ACCESS

# DEMAND

I wish I had some evidence to inform my decision...



## PROACTIVE ACCESS

Access to official information is rapidly being transformed from a reactive to a proactive mode where agencies make their records publicly available without waiting for specific requests from the public.



let it go

## FREEDOM OF INFORMATION LAWS

Trinidad first to pass FOI into Law (1999)

7 countries in the region have general FOI laws in force ( excluding Cayman) Antigua and Barbuda, Belize, Dominican Republic, Guyana, Jamaica, St. Vincent, Trinidad

5 Bills exist – oldest 2006

-Bahamas, Barbados, Grenada, St. Kitts, St. Lucia

# WORLD WIDE RATINGS OF LAWS MEETING INTERNATIONAL STANDARDS

[HTTP://WWW.RTI-RATING.ORG/COUNTRY\\_DATA.PHP](http://www.rti-rating.org/country_data.php)

Country	World Rankings of 93 countries FOI laws
Antigua and Barbuda	6
Trinidad	36
Jamaica	38
Belize	45
St. Vincent	66
Dominican Republic	85
Guyana	Not yet ranked

# SPECIFIC RIGHTS TO ENVIRONMENTAL INFORMATION



No country has a very broad right to environmental information allowing requests for multiple types environmental information subject to limited exemptions with detailed proactive publication requirements



# NARROW RIGHTS TO ACCESS SPECIFIC DOCUMENTS

- **Public registers**

- Guyana :applications for environmental permits and permits, enforcement notices, records of incidents or occurrences that cause or threaten environmental harm and prosecutions for environmental offences (Section 36 Environment Protection and Management Act )
- Jamaica: Natural Resources Conservation (Permits and Licences) Regulations 1996, r. 21, requires the Natural Resources Conservation Authority (NRCA) to keep a public register of all permits and licences granted which should be available to the public for inspection free of charge.
- Grenada : The Physical Planning and Development Act 2002 :information relating to applications for developments including the decision and any enforcement notices served in respect of the development



# INTERESTING PROVISIONS ON ATI

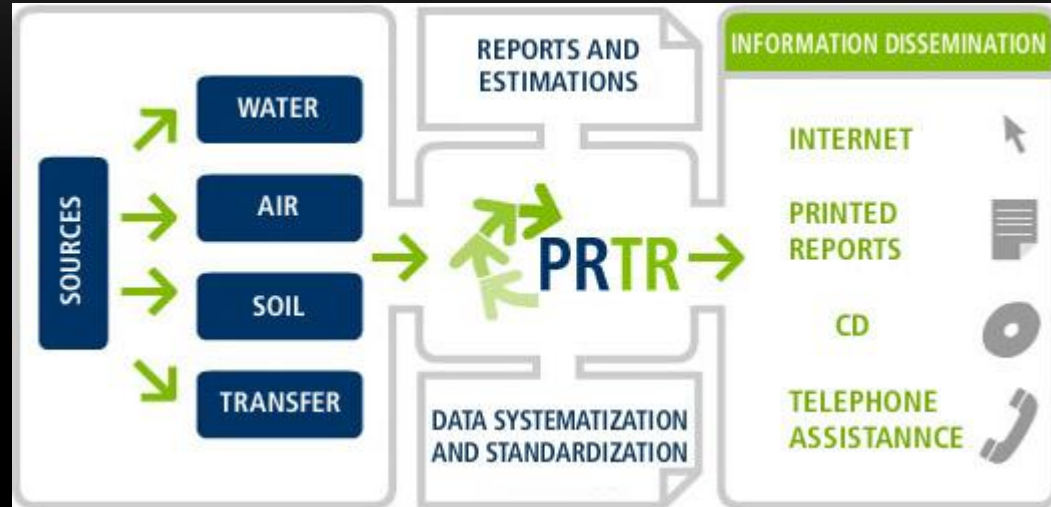
Guyana – Legislative requirements for publication and release of State of the environment reports

Belize -The responsible Minister is required to submit an annual report to the National Assembly on the enforcement and administration of the Environmental Protection Act (Section 43)

Dominican Republic Ley General Sobre Medio Ambiente y Recursos Naturales (General Law on Environment and Natural Resources) Law 64 of 2000 provides for the establishment of a national system of information relating to the environment that should be freely accessible to the public.



# POLLUTANT RELEASE AND TRANSFER REGISTERS



- No Country has established a legislated Pollutant Release and Transfer System that mandates disclosure of pollutant information to the public.
- Dominican Republic is the closest to establish a PRTR and Legislative provisions for collection by Government of this type of data exists in Jamaica, Belize and Bahamas.
- Bahamas prohibits the release of this information to the public without the consent of the person who gave the government the information.



CARIBBEAN FOIA NETWORK ESTABLISHED

# IMPLEMENTATION OF THESE RIGHTS

- For Countries with laws – Regular reporting of statistics of requests are not the norm
- Access to information implementation and enforcement institutions need increased capacity building and support e.g. Ombudsman and Information Commissioner Antigua and Barbuda ;Belize; Tribunal in Jamaica
- Education on Public right to Know - Critical
- Environmental Agencies must raise the bar to provide information proactively without a request.
- Collaboration , sharing and exchanges critical to improve implementation of these laws

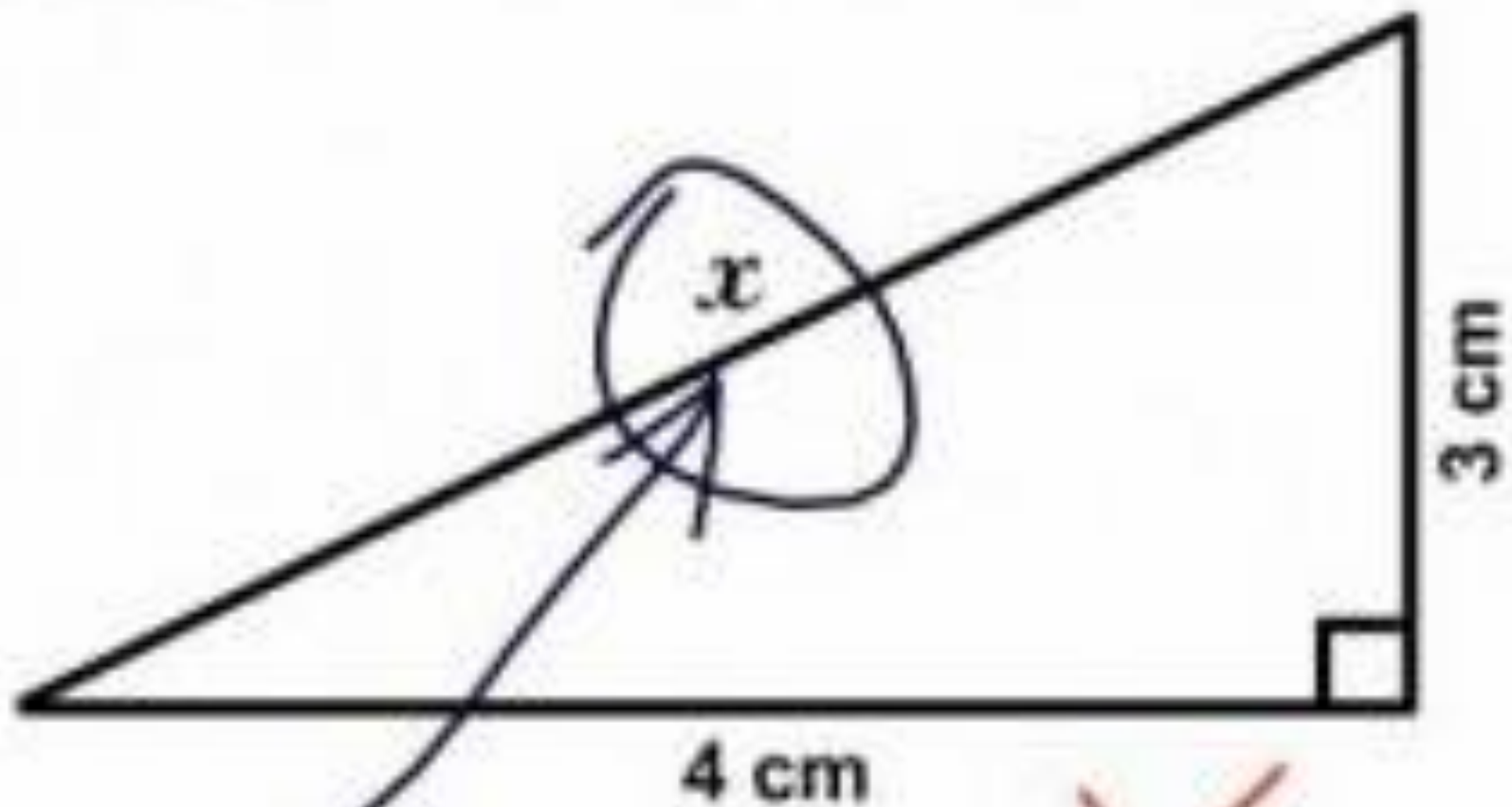
# BEST PRACTICES



- Demand Driven
- Passage and implementation of General and specific FOI laws
- Provision of environmental information on the web e.g. EIA's, <http://www.doe.gov.bz/EIAs.html>
- Environmental laws and regulations
- [http://www.nepa.gov.jm/symposia\\_03/Laws/Laws.htm](http://www.nepa.gov.jm/symposia_03/Laws/Laws.htm)
- State of the environment reports
- Pollution, air, water quality, soil
- Enforcement information
- Information on the use and extraction of natural resources
- Information before and after emergencies



3. Find  $x$ .



Here it is



- “Creating an open government regime does not happen in a political vacuum. Contexts matter, but so do the actors instigating the reform. The momentum to create an open government regime, therefore, needs to come from three separate groups of actors to ensure the most progressive results. There needs to be the political will and buy-in from politicians. There needs to be a competent and committed body of public bureaucrats that can implement and manage open government systems. And there needs to be a push from the bottom, from civil society, to put pressure on the government and to raise public awareness around the issues”.
- **Towards open and transparent government**
- **International experiences and best practice – Global Partners**