TransparentSea Access to Information Survey

Summary of methods and key findings

By André Standing
March 2012

In 2011 TransparentSea implemented an access to information survey to test levels of government openness on fisheries management. The survey was implemented in 12 countries. In this report we briefly describe the methods used and the key results. Note, further publications by the author will be published that provide a discussion on related policy implications – this document has been written to provide a quick summary of the survey only.

1. The TransparentSea access to information survey

The TransparentSea access to information survey is inspired by the "access to information monitoring tool" developed by the New York based Open Society Justice Initiative. Following this example, the survey was designed to show real world experiences of access to information. In some countries certain types of information is made available to privileged organizations and people, particularly those in international organizations and private companies. But we were concerned about *public* access to information – can NGOs, journalists, or members of fishing communities get information they need to monitor fisheries management easily? Our survey participants were instructed not to see this survey as an opportunity to show how resourceful they are in gaining access to otherwise confidential documents and information.

It was necessary to limit the scope of the survey, partly to avoid overburdening fishing authorities[1] with extensive questions and requests for information. We therefore focused on two related themes: First, we wanted to test whether citizens can get up to date and detailed information on 'fisheries authorizations' - which companies fish in their countries, where are these companies from, how much they pay for fishing access and what are the terms of fishing licenses. As part of this research theme we were interested to know if countries publish details of bi-lateral access agreements, including the value of these and the number of boats able to take up fishing opportunities. The EU publishes the contracts of its access agreements with African countries, so we were interested in information on non-EU access agreements, which includes those with China, Russia and Japan. Secondly, we wanted to test whether citizens can get up to date and detailed information on the financial management of their fishing authority, including budget documents and financial reports.

Both of these themes speak to critical issues in the governance of marine fisheries. This is basic information that allows citizens to be informed about fisheries management and contribute to policy debates and decision-making processes. Information on fisheries authorizations allows members of the public to monitor and scrutinize levels of commercial fishing and consider whether decisions on licensing are sustainable and fair. It is also important in policing illegal fishing, because knowledge on the legal status of vessels allows organizations and fishing enterprises to identify when a boat is operating without a license or in contravention of their licenses agreement. Financial information, including budgets, is essential for citizens to understand the performance of fisheries authorities, what

---

[1] The survey focuses on government transparency. In some countries responsibilities for marine fisheries are assumed by a dedicated Ministry for fisheries, whereas in others it is a department located in a larger ministry, such as the Ministry for Agriculture or Environment. Here we use "fishing authority" as a general term to refer to the main government agency or ministry responsible for marine fisheries.

activities they prioritize and whether resources made available to the fishing authorities are sufficient and used well. Indeed, playing a proactive role in the analyzing, commenting on or contesting the budget for the Ministry or department of fisheries is an important strategy for local organizations and members of the public to influence and understand how their marine resources are managed by the state. It may be particularly important in the African context where state resources for fisheries management can be scarce and significant financial investments and support to governments is provided by foreign donors and companies, who can have a strong influence in determining how resources are being used. It is possible to have extended the survey to look at other spheres of fisheries management, including transparency in fishing ports or in fisheries inspection and compliance. However, as a first attempt to test levels of government openness, we considered our two research themes sufficient.

Our survey was divided into two phases. The first involved participants surveying open source material, published by their fishing authority, to find out if certain key information was accessible to the public. This represents a straightforward desktop research exercise, and is probably what most people would do first if they wanted to find out something on the management of their marine resources. In particular we were interested in examining what information was made available through government websites and annual reports, and whether these exist at all. In the second phase of the survey, participants were instructed to write a letter to their fishing authority asking for some basic information. The letter was purposely kept short with only 5 key questions. The letters were the same for each country and in most cases these were sent by email. In two countries the letter was delivered by hand due to difficulty in identifying the correct email address to use. We then allowed 2 months for a response, although we kept the survey open for longer than this and were willing to include responses that came after two months, but this did not happen.

Identifying countries and participants
The survey was implemented successfully in 12 countries (although originally it was started in 14). The countries were: Senegal, the Gambia, Guinea-Bissau, Ivory Coast, Togo, Ghana, Nigeria, Gabon, Kenya, Tanzania, Mozambique and Mauritius.

In each country we preferred participants who are members of organizations representing the rights of small-scale fishing communities, or were independent journalists that have a longstanding interest in covering fishing news. In this respect we hoped the survey could help participants in their ongoing work, which is a benefit that would not have happened if we employed consultants or experts in governance surveys. Thus, we hoped the survey would have a capacity building spin off.

The profile of the participant is important to consider in this type of research. The Open Society's access to information monitoring tool was implemented by several different people in each country and the results showed that in some countries who asks for information has a bearing on whether they receive it. In our survey we only used one participant in each country and could therefore not control this variable. It is possible that in some countries the participant's job, social standing, ethnicity or gender made it less likely that they would receive information from their government compared to someone else. However, we assume that in a country with strong levels of public access to information, who asks for information does not matter.

A note on budget transparency:
Our survey takes a rather unsophisticated approach to budget transparency, and this should be rectified in any further attempt to replicate the survey. International best practice on fiscal transparency is based on citizens having timely access to key documents throughout the budget cycle – draft budgets, enacted budgets, mid year financial reports and end of year financial statements. To provide an assessment of how transparent fishing authorities are in their financial management and reporting would require assessing far more than we have attempted in our survey. We asked participants to locate the latest budget document and end of year financial report.

Also, the government department responsible for managing marine fisheries can be located within a larger ministry. In such cases budget documents should provide sufficient detail on the fisheries department, but they usually do not. Moreover, it is a feature of fisheries management in many countries that substantial funding is registered "off budget". This can be the case, for instance, for donor-funded projects or with financial support provided through foreign bi-lateral access agreements. We made no attempt to gain access to information on this "off budget" source of financing, although it is not unreasonable to expect fishing authorities to declare this in annual reports.

Asking participants to locate budget documents and financial reports for their fishing authority is also an extremely difficult challenge. In an ideal situation we expect this information to be published by the fishing authority, as it is in some countries – an example is New Zealand, where the Ministry of Fisheries' annual report contains the budget and detailed financial statements for the financial year.[2] In reality we know that many fishing authorities do not provide this information. However, budget documents are often made available through the Ministry of Finance (or equivalent) or on the website for the legislature. We instructed our participants to search on these other government websites to find the relevant documentation. But in doing so we appreciate that actually locating a budget document or financial statement for a specific Ministry can be extremely difficult (government websites containing budget documents can be extremely difficult to navigate and understand), and in some African countries budget documents are only published in hard copies. In other words, if budget documents are available, then locating these can require expertise and local knowledge about the structure and workings of the government. In future we think that our participants (and fisheries CSOs in general) require expert-led training on accessing and understanding budget documents, which is provided by organizations such as the International Budget Partnership.

It is therefore quite possible that some of our participants failed to get budget documents that are in fact publically available. But our survey is only a test of how accessible information is and it therefore highlights practical difficulties facing citizens in finding information. What is more, the most important question in our survey is whether a citizen, who cannot locate the budget document for their fishing authority (either because it is not available or they can not find it), would be supplied this information by the fishing authority upon request.

2. Survey results
Overall the survey suggested enormous shortfalls in most countries in levels of government transparency. Out of the 12 countries surveyed, it was only in Mauritius where results suggested good levels of government openness and accountability.

Phase 1: Desk-top review
In the first phase of the survey - where participants reviewed open source material published by their governments to locate information on fisheries access and financial management - in most countries participants found very little information.

o   In 5 of the 12 countries surveyed, the fishing authority does not have a website. Where there is a government website, it was found that in most cases these had limited content or had not been updated for over 4 years. In several cases links to key reports and documents were not working, and contact details for the fishing authority were no longer correct.

o   In 8 of the 12 countries, the fishing authority does not publish an annual report. In three countries where this was the case – Nigeria, Ghana and Guinea-Bissau, participants were aware that the fishing authority *does* produce an annual report, but these reports are kept confidential and only shared within government or with donors.

---

[2]

o   In the four countries where there are annual reports available to the public, there is a long delay in publishing these. The latest reports from Mauritius, Senegal and Mozambique were from 2009, and in Ivory Coast it was from 2008. The quality of the annual reports varied, but none contained information on the income and expenditure of the fishery authority or lists of fishing vessels authorized to fish in the country's waters.

o   In only 3 countries – Gabon, Ghana and Mauritius - could participants locate recent information on the *total number* of commercial vessels authorized to fish in their country's waters. However, in Gabon and Ghana the information was dated and only available for 2010. In Mauritius, the total of number of fishing licenses sold to both foreign and local firms is detailed in the Ministry of Fisheries annual budget document.

o   In only one country – Gabon – does the fishing authority publish a list of the individual fishing vessels that are provided government authorization to fish, and this list also contained information on the fees paid by each boat and what was their flag state. This information was available for 2010 only and was made available in a national newspaper (Gabon does not have a fisheries website or annual report).

o   Also Gabon is the only country where the fishing authority publishes recent information on the cost of each individual fishing license. In Kenya the Department of fisheries describe the cost of a purse-seine fishing license, although the information is more than 4 years old and there is no additional information on the cost of licenses for other types of fishing vessels, such as long-line boats.

o   Participants in five countries found some publically available information on Non-EU fisheries access agreements. However, the survey revealed no information whatsoever on the value of Non-EU agreements in any country, the contracts of these agreements and any form of evaluation of these agreements.

o   Finding recent budget and financial documents for the fishing authority was extremely difficult. There was no example where these documents were available on the dedicated website of the fishing authority. In 10 of our 12 countries participants failed to locate a budget document or end of year financial statement for their fishing authority at all. In Mauritius the website of the Ministry of Finance and Economic Development publishes the annual budget and end of year financial report for the Ministry of Fisheries. This also includes policy objectives for the fisheries ministry and key achievements. In Ghana the budget for the Ministry of Fisheries is available, but only in hard copy. Here the fishing authority told our participant that they will provide him with a copy of the budget, but the person able to do this was on leave during our survey, meaning that the participant was not able to get the document. We hope that a follow up visit will prove more successful. In Tanzania and Kenya there are budget documents available on government websites for the Ministry in which the fisheries department is located, but it is impossible to disaggregate the budget for the fisheries department specifically. Also in Kenya the website of the department for fisheries contains a 4-year strategic plan for fisheries management, which does contain quite a detailed budget. But this in fact is a proposal for funding, rather than an actual approved budget.

Phase 2: requesting information
In the second phase of the survey – where participants requested information in writing from their fishing authority – our results were again extremely disappointing.

o   In 7 of the 12 countries, letters written to the fishing authority went unanswered. Although participants were not instructed to undertake follow up work, in 5 countries participants

reported sending additional mails, phoning the department of fisheries and even visiting in person. None of this extra effort made any difference.

o In 5 of the 12 countries the written requests were acknowledged, but after a period of 2 months a positive response was only received in Mauritius and the Gambia. In Mauritius the fishing authority provided all requested information within 4 weeks. This included information on the value of fisheries access agreements and a copy of the terms of license agreements. In the Gambia, the Director of fisheries provided a list of current licensed fishing vessels to the participant, but information on the other questions, including financial information on the management of the fishing authority, was not provided.

o In the remaining 3 countries where the authorities acknowledged the letter, the authorities failed to provide any answers to the questions within 3 months, and did not explain why the requests for information were not successful. In each case the authorities requested further information from participants on why they wanted this information, which runs counter to the international norm of freedom of information being unconditional for members of the public.

In summary, if there is a view that fisheries management in Africa lacks transparency, then our survey provides *some* empirical evidence to support this. Out of 12 countries surveyed, in only Mauritius can we say that the fishing authority displays good levels of transparency. There are still ways in which the fishing authority here can improve, such as publishing its annual report on time, publically sharing a draft budget for comments and publishing a full list of licensed fishing vessels.

Gabon also stands out as being the only country that publishes detailed information on the list of commercial vessels that purchase fishing licenses, including the fees they pay, although it should be noted that Gabon has only done this for 2010, and so far has not provided an updated list. Gabon is therefore something of an anomaly in terms of government transparency in fisheries. We know, however, that the decision to publish this list of fishing vessels was encouraged by the World Bank through its lending support. Whether the World Bank is successful in promoting similar transparency in other African countries is a matter deserving of more attention.

However, in the remaining countries, access to information is minimal and in several countries non-existent. Our survey suggests that if a citizen in these countries wanted to find out basic information on which companies fish in their waters, how much revenue is being generated by commercial fishing, or what is the income and expenditure of their fishing authorities, then they are not able to find this in open source publications by their governments, and they probably wont get this information if they asked for it.

Our survey did not give us a good insight into why there is such poor levels of transparency in most the countries we surveyed. It is possible that the requests went ignored because there was no one in the fishing authority designated to act on public requests for information, or it may be the case that the authorities did not want to share this information. This appears to be the case in Nigeria, where the survey participant, who is a journalist, undertook further investigative work after the survey was completed and published an article in the Nigerian Sunday Independent (18th December 2011). During this follow up work the journalist was given data on the number of fishing licenses sold to foreign companies by a source in government (it is still not possible to say that this is publically available information), but an official at the Department for Fisheries explained all information on the cost of licenses and the revenues received from marine fisheries by the Nigerian state was 'classified'.

3. Summary of the survey results

	Senegal	Gambia	Guinea-B	Togo	Ivory Coast	Ghana	Nigeria	Gabon	Kenya	Tanzania	Mozambique	Mauritius
Gov website?	✓	✓	✗	✓	✗	✓	✗	✗	✓	✗	✓	✓
Recent annual reports	L	✗	✗	✗	✗	✗	✗	✗	✗	✗	L	✓
Total number of licenses issued?	✗	✗	✗	✗	L	✓	✗	✓	✗	✗	✗	✓
Cost of fishing license?	✗	✗	✗	✗	✗	✗	✗	✓	L	✗	✗	✗
List of licensed boats?	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗
Copies of actual license agreement?	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Non-EU access agreements	✓	✓	✗	✗	✗	✗	✗	✓	✗	✓	✗	✓
- Number of boats?	✗	✗	-	-	-	-	-	✓	-	✓	-	✗
- Value of agreement?	✗	✗	-	-	-	-	-	-	-	✗	-	✗
Recent annual budget document?	✗	✗	✗	✗	✗	L	✗	✗	✗	✗	✗	✓
End of year financial report?	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓
Positive response to request for information?	✗	L	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓

Note: L is used here to refer to 'limited information'.

For further information on the survey please contact André Standing:
andre.standing@transparentsea.co