



Between paper and practice: Civil servants' views on access to information and citizen participation

1. Introduction and Summary

It has been almost 15 years since Uganda adopted the Access to Information (ATI) Act (2005). The ATI act empowers citizens to scrutinize government decisions and hold public officials accountable, while also protecting whistle-blowers. The expectation was for this to be accompanied with citizen participation in public decision-making which, if active and sustained, would in turn build a culture of responsive government and accountable public servants.

Uganda is committed to the Sustainable Development Goals (SDG), including Goal 16 that seeks to promote peaceful and inclusive societies. To achieve SDG 16 targets, both

citizens and public servants have vital roles to play. In particular, while it is important that citizens should seek information, demand accountability from public officers and participate in decision making processes, it is also essential that public officers provide opportunities for citizens to participate, respond positively to citizen's seeking information and provide information in usable formats, among other things.

A number of studies¹ have paid attention to citizens' perspectives on these issues. However, few have documented civil servants' perspectives on access to information and participation.

1 CIPESA, 2017: The State of Access to Information in Uganda: A Position Paper, https://cipesa.org/?wpfb_dl=241, accessed 17 April 2019; ISER (2017); Are They Effective? An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda <https://www.iser-uganda.org/publications/reports/350-are-they-effective-an-audit-of-social-accountability-mechanisms-in-local-government-processes-in-uganda>

This study explores the extent to which Uganda’s civil servants uphold Article 1 of the Constitution which asserts that “All power belongs to the people...”. Do public officials perceive citizen participation to be a key part of their job? Is citizen involvement in public affairs inconvenient to public officials? Does it unnecessarily slow down government business? Is government too complicated for the ordinary citizens to understand? Or, do public servants feel duty-bound to simplify information and communicate it to the citizenry in accessible formats? Mindful of the spirit of the decentralization policy implemented through local government administration units, we explore whether *Barazas*, budget conferences, radio talk-shows and other spaces of citizen participation serve as (a) instruments of citizen participation, or (b) as mechanisms for entrenching elite preferences.

The findings presented in this brief were generated from a qualitative research study conducted by Twaweza between December 2018 and March 2019. The study targeted senior civil servants at national level in government ministries, MDA, Parliament of Uganda, selected higher local governments (district local governments) and officers at lower local governments (sub counties).



Key Findings:

1. All study participants agreed that, in principle, citizens have the right to access government-held information.
2. Proactive disclosure, driven by orders from the central government to all media houses to provide air time for government programmes, has improved the interaction between citizens and public servants. This has increased knowledge of government programmes, encouraged public servants to respond to citizens' concerns and receive feedback from citizens.
3. The majority of public servants (both elected and appointed) have limited knowledge of the ATI Act.
4. Civil servants reported that they have not been trained on access to information, or even received any relevant guidance when they took up their positions or while in post.
5. Most public officials do not know they are legally obliged to release information. They think they have discretion over what information to release to who.
6. Most communication / information offices do not have budgets to run their programs especially when compared to other departments – including security, works, health, etc. – which receive substantial funding from their parent ministries.
7. Most officials think that *Barazas* (open public dialogues) present an opportunity for citizens to interact freely with officials and get information on government work.
8. Citizens expect payment for attending government meetings and are negative if this is not provided.
9. Though the people participate and generate ideas, the proposals that ultimately count are those that come from the public officials. A tiny fraction of people-centred priorities are funded or implemented in any given budget year.
10. Citizens have been directly sending information requests to government ministries, departments, and agencies (MDAs) through the online portal, Ask Your Government (AYG) (www.askyourgov.ug).
11. Public officials, especially politicians, tend to announce government programs in their day-to-day interactions with the voter-citizens.
12. Civil servants (who often invoke the Official Secrets Act) are typically tight-lipped and prefer to use formal channels of information sharing.
13. The impact of the ATI Act on civil servants' processes of disclosing information to citizens is insignificant.



2. Methodology

The study adopted qualitative research methods - the quantitative analytics were limited to the tabulation of quantifiable responses - to understand and document civil servants' experiences/perspectives on access to information and citizen participation. Critical literature review and document analysis of relevant write-ups on access to information legislation, accountable governance, and citizen participation were reviewed. The data collection tools consisting mainly of Key Informant Interview Guides and Flash Cards were used.

Purposive sampling was used to select the study participants at the central government level and district local government level. Sixty two (62) civil servants participated in the study. A mapping of the macro-governance scenario at central government level was conducted, this included interviews with top civil servants (at the level of Commissioner and above, political leaders and MPs relevant to access to information issues in eight selected ministries, departments and/or agencies (MDAs). These are: Office of Prime Minister – which coordinates Government's business; the Ministry of Public Service; the Ministry of Finance, Planning and Economic Development; the Ministry of Gender, Labour and Social Development; the Ministry of Information, Technology and National Guidance – which coordinates the Barazas and right to information regulations as well as public information; and the Ministry of Local Government. Individual in-depth interviews were also conducted in the Parliament of Uganda and the National Council for Women, under the Ministry of Gender, Labour and Social Development.

At local government level, five districts were purposively selected across the country to allow a comparative case study approach guided by criteria. In each district one sub county was selected. This selection was guided by the need to capture important variations and/or similarities including:

- (a) wide regional representation
- (b) urban and rural districts/populations

- (c) inclusion of long-standing and newer districts
- (d) relative wealth variation

On this basis, five districts were selected for the study: Wakiso district (Wakiso sub county) in central Uganda; Buikwe district (Najja Sub county) on the on the shores of Lake Victoria; Hoima district (Buhanika) in the Western region (an oil-rich region with bustling public works/contracts); Kole district (Aboke Sub county) in the North (a newer district); and Kamuli district (Mbulamuti sub county) in eastern Uganda.

Multi-stage non-random sampling was used to select local government study participants. Of specific importance were the Chief Administrative Officer (who is the chief local government accounting officer); the District Chairperson; the Speaker of the District Council; selected Councillors (for example representing youth and women); and selected Heads of Departments. In-depth individual interviews were conducted with the relevant technocrats/politicians. At sub county level the aim was to assess the level and quality of citizen participation – or the lack thereof. The sub-county level interviews were geared to demonstrate what is working and what is not, as well as provide insight into what interventions can unlock the potential of citizen agency.

Since the data are qualitative, it was important to hold validation workshops which also served to help share the findings in each of the five study districts. In these sessions, participants endorsed the findings and worked with the researchers and Twaweza to distil lessons and ideas for going forward and spreading good practices.



3. Eight insights into civil servants' perspectives on citizen agency, participation, engagement

This study commenced from the optimistic starting point that Uganda's civil servants and politicians, at the level of central and local government appreciate that they are all public servants. The key assumption underpinning this study is that the existence of enabling legislation – particularly Article 41 of the Constitution, the ATI Act, 2005 and the Regulations of 2011 – could be promoting the substantive participation or even inclusion of citizens in public affairs. These findings reveal a mixed picture. Civil servants' perspectives are positive or non-committal in some cases, and unmistakably negative in other areas.

Insight 1: There is little data or statistics on information requests

On a positive note, the Ministry of ICT (with the backstopping support of the Office of the Prime Minister) launched the Ask Your Government (AYG) online platform (www.askyourgov.ug) in August 2014. This online portal permits citizens to directly send information requests to government ministries, departments and agencies. Responses come directly via email and are published on the portal, generating statistics on the demand for, and supply of, government-held information. However, the majority of requests on the platform appear to be about job opportunities.

With the exception of the Ministry of ICT (thanks to the www.askyourgov.ug online platform), no MDA reported having statistics on information requests. The absence of official records in Uganda's ministries, departments and agencies is inconsistent with the modern age. In addition, Section 12 of ATI Act creates a duty on officers to render such *“reasonable assistance ... as is necessary to enable citizens to access information.”*



Insight 2: No Minister's annual report to Parliament and no parliamentary sanctions for this lack of compliance

The Minister has not complied with the requirement of reporting annually to Parliament on implementation of the access to information act. At local government level, Chief Administrative Officers (CAOs) and Sub-County Chiefs indicate that there isn't a culture of routine reporting on access to information issues to local equivalents of Parliament, namely, the District Councils and Sub-County Councils.

Insight 3: Civil servants' have a low understanding of citizens' access to information and participation

Public servants (both elected and appointed) have limited knowledge of the Access to Information Act; only one public officer had a copy. While some claimed they had seen a copy on the internet, the majority had never read it. When probed about the Regulations that operationalized the law, an overwhelming majority reported that they had never heard of the Regulations nor read them.

More positively, all the study participants conceded that, in principle, citizens have the right to access government-held information and agreed that public information should be disclosed to citizens. Nonetheless, they still believe they have discretion over this disclosure not that they are legally obliged to share it. They believe they have a role in filtering what information should be released to citizens. In real terms, the culture of government is largely opposed to proactive disclosure of information to citizens.

And this position is supported by legal and contextual factors including

- The Official Secrets Act
- The Oath of Allegiance (which is taken compulsorily by all senior civil servants)
- Fear of the politicisation or abuse of disclosed information
- The protection of the powers of their position among public officials

Insight 4: There is weak citizen demand for information

Public officials are averse to sharing information and citizens do not demand that they do. The citizens in Uganda are predominantly peasant farmers who constitute 69% of Uganda's 40 million people. They typically have limited awareness of governance spaces beyond their localities. And civil servants indicate that they do not demand government information. This can be partly attributed to public officials themselves not proactively making citizens aware of the mechanisms for accessing public information

Insight 5: Politicians disclose and announce actively, civil servants use formal channels

Informally, public officials especially the politicians, tend to announce government programs in their day-to-day interactions with voter-citizens. However, civil servants (who often invoke the Official Secrets Act) prefer to use formal channels of information sharing.

A formal procedure exists in all government departments for availing information to citizens (for example, in response to a written request submitted to the permanent secretary, head of a

public agency or the head of a district local government). However, the procedure has remained unchanged despite the more recent ATI law. Business-as-usual continues unabated. The impact of the law on civil servants' processes of disclosing information to citizens is insignificant.

However, the Act seems to be working in the Ministry of Information and National Guidance, where a specific agency – the Government Citizen Interaction Centre (GCIC) – has been created to help citizens' access information. The Ministry has also directed all ministries and agencies to establish Communication Offices.

Nevertheless, apart from Parliament, the Communication/ Information Offices are under-resourced relative to other departments such as security, works, health and other units which receive substantial resource commitments from their parent ministries.

Insight 6: Existing platforms for interaction have limitations

Several mechanisms, processes, opportunities and spaces for citizen to participate in decision making process already exist. There is proactive disclosure, driven by orders from the central government to all media houses to avail air time for government programmes has improved the interaction between citizens and public servants. This has of increased knowledge of government programmes, encouraged public servants to responding to citizens' concerns and receiving feedback from citizens. Senior officers in central and higher local governments, as well as officers in lower local governments report that the *Barazas* (open public dialogues) have enabled citizens to get first-hand information from duty-bearers.

Second, these officials think that *Barazas* have enabled citizens to freely interact with government officials. They think this has helped bring officials closer to the people and removed the idea that government is aloof and distant. But the process by which citizens' recommendations made in *Barazas* are implemented is unclear, and officials seem unable or unwilling to act on much of the feedback.

Like the *Barazas*, radio talk-shows are seen by civil servants as having a liberating effect. The programs expand access to government information because of the wide reach of media and the associated call-ins empower citizens to engage directly with government officials. The problem, again, is in the processing of this feedback: there are no clear mechanisms to follow up on whether officials have acted on citizens' comments, complaints and questions received through media. In cases where the follow up is made, the response has not sufficiently addressed the citizens' concerns.

The annual budget conferences are also important spaces for proactive disclosure of information. The conferences take place in every parish, sub-county and district. During these conferences, ordinary citizens bring up all their views and priorities. Participation is open. The outcome is a set of budget proposals for each of those local government levels.

However, interviewees in all districts reported that budget conferences have increasingly become formulaic. They have not resulted in any increased focus on citizens' priorities or even improvements in service delivery. Budgets continue to be designed based on the recommendations of public servants with very few proposals and priorities from citizens being taken on board.

The low level of government responsiveness seems to be linked to the limited budgets given to local governments. Although public officials do need to be made more aware of their obligations to provide information to citizens and involve them in decision-making, this needs to be accompanied by opportunities to generate and collect revenue so they can finance these activities.

Insight 7: The legally embedded governance structures and increasingly free traditional and social media enable citizen participation

There are a number of factors that enable civil servants to encourage citizen participation, in essence these are the opportunities that exist to promote greater inclusion of citizens as well:

- Decentralised governance Uganda, since 1993
- Districts and sub-counties as statutory units of local government
- Local councils as spaces for citizen agency
- Proliferation of FM radios
- Rise of social media spaces
- Rise of e-governance
- An increasingly assertive citizenry that demands for accountable governance
- Assertive CSOs such as ACODE, Action Aid, Apac, Anti-Corruption Coalition
- Statutory representation of women and people with disabilities
- A free press



Insight 8: For civil servants, barriers to greater citizen participation are knowledge-driven

According to feedback from public officials, the major obstacles to the implementation of the access to information act and to encouraging citizen participation are about knowledge:

- No senior civil servant or politician in local government had a copy of the access to information law, many report not having heard of the regulations for the law.
- Civil servants have never been trained on the law and its implications for how they work. In addition, they do not receive general training on taking up a post and there is no in-service training. Many are learning on the job, meaning existing practices and norms get passed on despite new laws and procedures.
- Citizens also are not aware that they have the right to government information. Nor do they know where or how to get this information and there are no formal or easy means for them to do so.

A number of studies on the role of information in promoting citizen agency and participation show that awareness and knowledge are necessary but insufficient preconditions for agency. Public officials focus on knowledge gaps in delivering information and participation activities to citizens but perhaps there are other, more complex forces at play:

- The culture of government remains one of secrecy. Citizens respond to this posture with fear and acceptance – they quickly give up when faced with bureaucratic hurdles or unresponsive officials.
- Poverty creates barriers, in terms of even meeting the fee requirements for photocopying costs but also in terms of power dynamics.
- Not one of the respondents linked their job with providing citizens with information or ensuring they participate. Even communication officers see this as peripheral to their role which is mainly focused on public relations and internal coordination.
- There is direct unresolved conflict between the access to information (ATI) law and the Official Secrets Act such that public officials are left juggling between them and using their discretion to decide what to share with citizens.
- The formal mechanisms for requesting information are often used to delay, discourage or deny these requests. Citizens are instructed to write letters and then to wait patiently with no indication as to when their issue might be resolved. This can discourage them.
- There seems to be challenges associated with NGO culture. Officials often rush to respond to information requests from NGOs because they are partners with resources both for projects and for people (sitting allowances). As such, NGOs may have a false sense of government officials' levels of cooperation. At the same time, the payment of sitting allowances mean government meetings – where no allowances are offered – are then by-passed by citizens who would rather attend meetings for pay.



Recommendations by civil servants and politicians

Civil servants and politicians that participated in the study proposed several suggestions to improve citizens' access to information and participation in public decision-making:

The under-investment in citizen empowerment and information sharing permeates both central government MDAs and local government units. This largely arises from the fact that Uganda's public service culture and budgetary priorities place emphasis on tangible, hard infrastructure – such as roads, railways and oil pipelines – which are prioritized over intangible investments such as citizen empowerment.

- Information sharing should be mainstreamed. This will involve a new governance dispensation under which duty bearers have access to information as part of their official duties.
- To enhance its effectiveness, the Access to Information Act should be popularized through sensitisation seminars and the Barazas. Popular versions should be published and given to civil servants, political leaders and citizens.
- Recalibrating the budget priorities of the Ministry of ICT to allow reallocation of a substantial budget from the line ministry to the district local government communication/information departments will go a long way towards making these departments functional, reinforcing the spirit of Uganda's policy of decentralized governance (reinforced by the fact that most citizens live in local government units).
- There is a need to amend other public service laws, to harmonize them with the ATI legislation. It was recommended by interviewees that the Public Service Standing Orders, the Official Secrets Act and the Oath of Allegiance be amended/ revised.

- Budget conferences are commended as a good first step. However, the priorities identified by citizens at budget conferences should be ranked, so that only the realistic ones are taken up. This can help to manage citizens' expectations and limit disillusionment. This was reportedly already happening in Wakiso but not (yet) in other local government jurisdictions.
- Access to information issues and policies/laws should be part of the regular training of civil servants, including induction, refresher courses and seminars.
- The performance appraisal system for civil servants should be revised to include access to information and citizens' participation activities. This could then be the basis for performance-based pay, recognition, and promotion or demotion.
- In the same spirit, a system of rewards (for compliance) and sanctions (for non-compliance) should be put in place around sharing information and ensuring citizens participate. This should be focused on the lack of statistics on information requests collected by local governments and whether or not annual reports are submitted.
- Some civil servants recommended the return of the graduated tax system which supplemented the revenue of local authorities and allowed them to implement more local initiatives. We should consider re-opening the discussion on this because it can help provide much-needed revenue for local authorities and spark citizen interest in local government accountability for spending.