

ACCESS TO INFORMATION LAWS, ENVIRONMENTAL RIGHTS AND PUBLIC PARTICIPATION IN THE WILDLIFE SECTOR

LENIN TINASHE CHISAIRA¹

ABSTRACT

The wildlife sector is strategic in Zimbabwe for its economic, social and ecological purposes and hence the right to access information on wildlife governance and conservation is critical. Zimbabwe has many municipal and international law commitments on environmental information rights, and practitioners can utilise these to facilitate public participation in wildlife governance and conservation. Environmental information rights are fundamental to the prevention of environmental threats such as wildfire conflicts, corruption and lack of transparency. This essay analyses the law on access to information and especially State obligations at municipal and international law and the extent to which State practice acts to impede or enable the rights of the public to access information critical for transparency and open governance of the wildlife sector. The essay will make a comparative analysis of the environmental information laws in force within the European Union region since they seem more advanced than other regions in the world.

Keywords: *Environmental Law; Information Rights; Wildlife; Public Participation; Zimbabwe*

1. INTRODUCTION

The right to access information by the public and by practitioners is critical for the protection of the environment² and wildlife conservation, especially in regions where the wildlife sector plays a critical role for State revenue generation, cultural symbolism,

¹ LLM *Cand*, International Human Rights Law and Public Policy (UCC, Ireland); LLM, Economic Regulation (London); PG Cert, Environmental and Natural Resources Law (London); LL.B (Hons) (Univ. of Zimbabwe). Legal and Research Officer at Zimbabwe Environmental Law Association. Emails: info@leninchisaira.com; tinash.chisaira@gmail.com. Grateful for comments made on the initial paper by Prof Maeve McDonagh, School of Law, University College Cork, Ireland.

² See: Mason, M "Information Disclosure and Environmental Rights: The Aarhus Convention" in 2010 Vol 10 No 3 Global Environmental Politics 10.

economic leisure, social and ecological purposes. The right to access environmental information is therefore vital for environmental conservation, prevention of environmental threats and is an important element of the main environmental-related legislation in Zimbabwe and at the international levels. Scholars have highlighted that:

The right on the accessibility of the information relating to the status of the environment... owes its existence, in the contemporary form, to the long running genesis of the idea that the improvement of the accessibility of the information on the environment and on the activities that have adverse or damaging effects upon the environment is the key goal of the environmental law. The accessibility and the right of access to such accessible information are in the direct connection with one of the fundamental principles of the environmental law, the principle of preventive action.³

Access to information rights are therefore crucial for wildlife conservation and governance in Zimbabwe and Africa where the wildlife and general environmental sectors are associated with the occurrence of environmental and ecological threats, for instance, poaching, reports of elite corruption⁴ and related environmental injustice impunity, the latter usually instigated by private businesses.⁵ Wildlife and environmental rights can come under threat due to the reported rise of corruption, wildlife crime and general opaque environmental governance. Duarte in an observation on South Africa makes the following critical observation:

[W]ildlife crime poses a significant threat to biodiversity, communities and tourism. It promotes ecological degradation, counteracts conservation efforts and poses a threat to the sustainable development and use of natural resources. It also exploits socio-economically vulnerable communities.⁶

³ Vucic M "The right to environmental information as a technique for the protection of the environment" in 2011 Vol 63 No 3 *Medunarodni Problemi* 449-450

⁴ See, for instance: The Conversation, "How poaching claims against Grace Mugabe benefit Mnangagwa" in *The Star* (Kenya 16 April 2018) < https://www.the-star.co.ke/news/2018/04/16/how-poaching-claims-against-grace-mugabe-benefit-mnangagwa_c1744236> accessed 06 September 2018.

⁵ See Chamberlain L "Fighting Companies for Access to Information" in 2016 Vol 13 No 23 *Sur International Journal on Human Rights* 199

⁶ Gonçalves D "Society and the rhino: A whole-of-society approach to wildlife crime in South Africa" in 2017 Vol 60 *SA Crime Quarterly* 9

A legal analysis of the association between information and environmental rights and wildlife conservation is pertinent. Zimbabwe is a paradox wherein there exist reports of misuse of wildlife resources alongside strong provisions guaranteeing constitutionally-protected environmental rights⁷ and access to information rights.⁸ Studies carried on Zimbabwe's wildlife sector by researchers and conservationists also indicate the problems of lack of information as a hindrance to environmental and wildlife conservation. The lack of access to information has been linked to the general nature of the political environment in the recent past. Gratwicke and Stapelkamp, conservation researchers, highlight this environmental information problem in the wildlife sector:

Information about the conservation industry is scarce and anecdotal due to the corresponding break down in many of the wildlife management systems. Unlike the recent past, when more organized systems of efficient environmental management monitored and preserved large tracts of the country's flora and fauna, Zimbabwe's current political and environmental upheaval has created its own brand of natural catastrophe that threatens lives, both animal and human.⁹

Zimbabwe has good access to information and environmental rights laws at the municipal level and is a signatory to relevant treaties at international levels. At the domestic level, the rights to environmental information are provided in the Constitution and specific statutes, notably the Environmental Management Act.¹⁰ To some extent, the right to access information is also covered by the Access to Information and Protection of Privacy Act (AIPPA).¹¹ However, the AIPPA's controversy – mostly in political governance – seems to vitiate the very objectives of protecting the right to information for the public. The AIPPA, like freedom of information legislation around the world, was intended to secure people's rights to freedom of information. The Act, like the Official Secrets Act, has ostensibly achieved different results and has been vilified by civil and political rights advocates. Asogwa and Ezema add to the debate by stating the following:

⁷ Constitution of Zimbabwe Amendment (No. 20) Act, 2013, s 73

⁸ *ibid* s 62

⁹ Gratwicke B and Stapelkamp B "Wildlife Conservation and Environmental Management in an 'Outpost of Tyranny'" in 2006 Vol 3 *ZimConservation* Opinion 3

¹⁰ [Chapter 20:27]

¹¹ [Chapter 10:27]

AIPPA has been used more to suppress information than to make information available. The argument is that AIPPA is an instrument for government control of information and the suppression of opposition. For instance, reports have shown that in January 2005, five officials were arrested under the OSA for breaching the Act by revealing the internal disputes of the ruling ZANU PF party to foreign governments.¹²

The prevalence of such legal controversy at the domestic level should evoke some positives when Zimbabwe's record at international level is considered. The State is a signatory to some international treaties providing for the protection of both access to information and environmental rights. Treaties on environmental rights include the Convention on International Trade in Endangered Species of Flora and Fauna (CITES Convention)¹³ and the SADC¹⁴ Protocol on Wildlife Conservation and Law Enforcement.¹⁵ Regarding access to information, the State is a signatory to the African Charter on Human and People's Rights (Banjul Charter)¹⁶ and the Declaration of Principles on Freedom of Expression in Africa¹⁷.

This article presents a legal critique of the interaction between the laws governing access to information, environmental rights and public participation in the context of wildlife conservation and governance in Zimbabwe. The study outlines and debates access to information in the context of emerging environmental issues. The paper also makes an analysis, especially with European and international law provisions.

2. SIGNIFICANCE OF ENVIRONMENTAL INFORMATION RIGHTS

Access to information rights on wildlife conservation creates an atmosphere conducive to active and informed public participation in

¹² Asogwa BE and Ezema IJ "Freedom of access to government information in Africa: trends, status and challenges" in 2016 Vol 26 No 3 *Records Management Journal* 318, 331

¹³ Convention on International Trade in Endangered Species of Wild Fauna and Flora (Adopted 3 March 1973, entered into force 1 July 1975) 993 UNTS 243 (CITES)

¹⁴ Southern African Development Community

¹⁵ SADC Protocol on Wildlife Conservation and Law Enforcement (entered into force 30 November 2003)

¹⁶ African (Banjul) Charter on Human and Peoples' Rights (Adopted 27 June 1981) entered into force 21 October 1986 OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982) (Banjul Charter)

¹⁷ Declaration of Principles on Freedom of Expression in Africa (adopted 23 October 2002) African Commission on Human and Peoples' Rights, 32nd Session

environmental protection and policy decision making processes. Brunch and others, for instance, highlight that '*for the public to effectively advocate for environmental protection, access to relevant information is important; civil society needs to know of environmental threats and the origins of those threats.*'¹⁸ Effective information rights laws are therefore always critical for important advocacy in the wildlife sector and the broader environmental sectors.

The public, environmental rights practitioners, environmental justice groups and communities need information rights in order to express themselves on wildlife conservation matters. The right to access information for these groups needs to be sufficiently protected, respected and linked with practical and accessible remedy structures in the legal framework. The right of access to information enables societies that are dependent on wildlife conservation to participate and contribute to the decision-making process, and such participation is a vital element in any democratic society.¹⁹ Participation and the right to freely express views are necessary for the public and practitioners to gain traction. The right to access information has been "commonly recognized by international human rights treaty bodies as coming within the scope of the right to freedom of expression."²⁰ Thus there is an inseparable association between access to information and the ability for free and informed expression. The twin freedoms of information and expression are critical for the democratic participation of the public in wildlife and environmental governance and conservation.

When policy decisions are made by the State on wildlife and environmental rights issues that are not transparent or undesirable from the perspective of the public, the inherent trust that should exist between the governed and the leaders is threatened.²¹ Circumstances exist in the wildlife sector in Zimbabwe where State

¹⁸ Brunch C et al "Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa" in 2001 Vol 26 *Columbia Journal of Environmental Law* 131, 179

¹⁹ See, for instance: Byrne A "Report of the Work of the Committee on Free Access to Information and Freedom of Expression by the Chair" in 1999 Vol 25 No 5 *IFLA Journal* 299

²⁰ McDonagh M "The Right to Information in International Human Rights Law" in 2013 Vol 13 No 1 *Human Rights Law Review* 25

²¹ For further discussion on the concept of the social contract between the government and the governed, see: J Rousseau *Discourse on Political Economy and the Social Contract* Oxford Paperbacks, Oxford, 1999

decisions on wildlife governance have elicited protest from the public and environmental and wildlife practitioners. Media and civil society reports have exposed a system where wildlife policy decisions are reached with seeming lack of regard for the interests or participation of the public, for instance, as follows:

Zimbabwe's decision to export wild animals to China will... drive communities living near nature reserves deeper into poverty... Zimbabwe has in recent years come under fire from conservationists after it sold elephants to China under what was described as inhumane conditions. Environment minister Oppah Muchinguri-Kashiri recently said the country would export more wild animals.²²

Public participation should be taken into account within the contemporary political context where developing and developed States conflict with the nature of international environmental law. Zimbabwe has generally been known for its anti-West stance, and this reflects in policy positions including wildlife governance and conservation. Nickerson supports this thesis in the following passage:

Although Zimbabwe is party to numerous international environmental agreements, it should not be assumed that the country adopts entirely the prevailing, usually Western-oriented view of environmental issues. In fact, Zimbabwe, like many Third World nations, has voiced serious complaints about the degree to which international environmental law has been the product of primarily developed nations.²³

These reports are evidence of a State whose wildlife sectors suffer from lack of participation by concerned members of the public and environmental practitioners. For instance, consultations in decisions such as export of live wildlife, and curbing poaching through encouraging tip-offs. The growing problems of poaching have been raised in recent studies as follows:

Some of the illegally hunted species in the northern GNP (Gonarezhou National Park) are of conservation concern:

²² "Conservationist slams Zim wildlife exports" in *The Zimbabwe Independent* (Harare, 22 Jan 2016) <<https://www.theindependent.co.zw/2016/01/22/conservationist-slams-zim-wildlife-exports/>> accessed 16 October 2017.

²³ Nickerson, BJ "The Environmental Laws of Zimbabwe: A Unique Approach to Management of the Environment" in 1994 Vol 14 No 2 *Boston College Third World Law Journal* 189, 203.

crocodile is classified as lower risk; elephant, lion, cheetah, hippopotamus are classified as vulnerable, and leopard is classified as near threatened on the IUCN (the International Union for the Conservation of Nature) Red List (IUCN 2012).²⁴

The justification for environmental information rights in the wildlife sector in Zimbabwe and other parts of Southern Africa has never been more threatened than in the past decade. There has been growing harassment of practitioners and journalists and lack of transparency and public consultation in policy decisions making concerning, for instance, the export of baby elephants and other live wildlife species to zoos in countries such as the Peoples' Republic of China.²⁵ Government officials have been making decisions on matters concerning hunting, licencing, trade, conservation and export of wildlife species without explicit sharing of information or allowance for public scrutiny. On the other hand, investigative reporting on public officials implicated in an alarming rise in cyanide-poisoning and poaching of elephants and other wildlife species for ivory, trophies, medicine, food and accessories has been clamped down.²⁶

3. OUTLINE OF THE LAW

3.1 *Municipal Law*

Zimbabwe is highly dependent on its environmental and natural resources base²⁷ which is reflected in the country's laws. Many laws provide a foundation for freedom of information in the Zimbabwean natural resources and extractive sectors. However, there is a need to critique these regarding the right to information. The relevant legislation includes the 2013 Constitution of Zimbabwe, the Access to Information and AIPPA²⁸ and the Environmental Management Act²⁹.

²⁴ Gandiwa E et al "Illegal hunting and law enforcement during a period of economic decline in Zimbabwe: A case study of northern Gonarezhou National Park and adjacent areas" in 2013 Vol 21 No 3 *Journal for Nature Conservation* 133, 139.

²⁵ Op cit note 21

²⁶ See: Associated Press in Harare, "Zimbabwe journalists arrested for linking police with elephant poisonings" in *The Guardian* (London, 03 November 2015). <<https://www.theguardian.com/media/2015/nov/03/zimbabwean-journalists-arrested-for-linking-police-to-poaching> > accessed 12 August 2018.

²⁷ See, for instance, the 2013-2018 Policy blueprints, the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZIMASSET), Economic Blueprint, 2013-2017 (*Government Printers*, Harare, 2013).

²⁸ Access to Information and Protection of Privacy Act [*Chapter 10:27*]

²⁹ Environmental Management Act [*Chapter 20:27*]

The Constitution, as the supreme law in Zimbabwe, provides for both environmental rights and the right of public bodies to access information. The Constitution also includes the right of the people to measures that promote conservation, as follows:

Every person has the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that promote conservation.³⁰

The constitutional right of access to information tallies with the constitutional right to conservation promotion by the state. In order for society to enjoy the constitutional rights to wildlife conservation, all persons and groups must be able to access and receive reports from State and wildlife public bodies on how the environment is being progressively conserved. This provision makes an overview of the law on access to information necessary. On the right of access to information, the Constitution of Zimbabwe provides as follows:

Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.³¹

Provisions in the Environmental Management Act (EMA) strengthen the constitutional right. EMA provisions outline the principles of environmental management in Zimbabwe and the critical provision on access to environmental information in Section 4 (1) (b) states that:

Every person shall have a right to access to environmental information, and protect the environment for the benefit of present and future generations and to participate in the implementation of the promulgation of reasonable legislative, policy and other measures that prevent pollution and environmental degradation; and secure ecologically sustainable management and use of natural resources while promoting justifiable economic and social development.³²

Thus, access to environmental information is an absolute right and explicitly obliges the State to facilitate such access, in this case, to

³⁰ Constitution of Zimbabwe (n 6) s 73 (1) (b) (ii)

³¹ Ibid s 62 (2)

³² Environmental Management Act s 4 (1) (b)

information held by public bodies involved in wildlife conservation and governance. This access should be easily implemented by directives given to public bodies and agencies in the environmental and wildlife conservation and governance sectors.

3.2 State Obligations under International Law

Zimbabwe has several international commitments in the area of access to information, environmental justice and wildlife conservation. Both soft and hard laws that have been ratified should provide environmental practitioners and the public with the right to access to information on environmental matters within the wildlife sector. These include the CITES Convention³³, the Banjul Charter and the Declaration of Principles on Freedom of Expression in Africa.

Zimbabwe is also a signatory to the SADC Protocol on Wildlife Conservation and Law Enforcement. The protocol was adopted in 1999, and it obliges SADC member states to set up a SADC-wide wildlife management database. On information sharing, the Protocol directs that:

The States Parties shall establish a regional database on the status and management of wildlife. The regional database shall comprise data on all wildlife resources within the Region; and be accessible to States Parties and the general public.³⁴

While information on the wildlife species of Southern Africa can be gleaned from a visit to the website of various national parks, no comprehensive and updated database outlines verifiable estimates of wildlife populations and other vital statistics such as tracking changes in the populace of the various species. Neither is information on decision making behind export of live animals available whilst this is pertinent mainly to the rural communities living within the boundaries of various national parks, sanctuaries and game reserves.

4. LEGAL GAPS AND COMPARATIVE ANALYSIS OF LEGISLATION

Despite its status as signatory to various international conventions, Zimbabwe is not in full compliance with its obligations. The right of

³³ Zimbabwe joined the CITES Convention on 19 May 1981, and it entered into force by accession on 23 June 1981. The CITES Convention obliges Parties to enable public access to periodic reports prepared by such Party through CITES (n 12) art VIII (8).

³⁴ SADC Protocol on Wildlife Conservation and Law Enforcement (n 14) art 8 (1).

access to information is still restricted from members of the public civil society, communities and the media and this hinders public participation especially for poor communities living in wildlife-populated areas. Cirelli and Morgera argue that:

Public participation in decision-making and planning, as well as access to justice, are significant contributing factors in ensuring that governance of wildlife resources is transparent, authorities are accountable, and that the diverse interests of society – in particular, those of the poor, other disadvantaged groups, and of local and indigenous communities – are duly taken into account.³⁵

As a member of the African Union and signatory to the AU Declaration of Principles on Freedom of Expression in Africa, the public, communities and civil society are entitled to share information relating to wildlife, and environmental conservation. The Declaration provides protection against sanction for people who share information regarding potential environmental threats. The specific section states that:

[N]o one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society.³⁶

This is an extension of the Banjul Charter which provides for the right for all people to receive information as well as to 'express and disseminate' opinions.³⁷

In Zimbabwe, in 2015, following the cyanide poisoning of around sixty elephants by poachers, investigative journalists reported suspected links between the poachers, an international ivory syndicate and top government officials in the Zimbabwe Republic Police. The journalists were arrested for 'publishing falsehoods'³⁸ and in 2017, two years later, their cases were still before the courts. The persecution of

³⁵ Cirelli MT and Morgera E "Wildlife Law and the Legal Empowerment of the poor in Sub-Saharan Africa" in 2009 FAO Legal Paper Online #77 26

³⁶ Declaration of Principles on Freedom of Expression in Africa (n 16) art IV (2)

³⁷ Banjul Charter (n 15) art 9 (1) and (2)

³⁸ "Zimbabwe journalists arrested for linking police with elephant poisonings" in *The Guardian* (London, 03 November 2015) < <https://www.theguardian.com/media/2015/nov/03/zimbabwean-journalists-arrested-for-linking-police-to-poaching> > accessed 09 September 2018.

information-sharing media, civil society, individuals and activists in Zimbabwe is part of a more extensive and systematic clampdown on freedom of information in the broader natural resources sector and in the ultra-sensitive diamond mining sector³⁹.

Public bodies and the State must carry out the proactive duty of helping stakeholders to access to information on environmental justice. While the SADC Protocol on Wildlife Conservation and Law Enforcement states the need for proactive disclosure of wildlife information through the mutual sharing of such information amongst member states and with the general public, the protocol does not encourage or oblige member states to educate the public on ways of obtaining access wildlife information. In contrast, the UNECE⁴⁰ Aarhus Convention⁴¹ provides that:

Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.⁴²

Hence it is imperative that the SADC region comes up with measures to promote the education of environmentally affected communities and stakeholders to obtain access to information on wildlife conservation and decision making. These means may include training on accessing and interpreting data from the internet, making applications for wildlife reports from government departments, safari operators as well as from reputable research institutions, local government structures and civil society.

5. CONCLUSIONS AND WAY FORWARD

5.1. *Effective Utilisation of the Legal Framework*

The rights provided by the laws on access to environmental information and wildlife conservation will be better achieved when practitioners and the public can link up various tactics such as litigation, research, lobby and advocacy with clear campaigns and calls. These tactics can

³⁹ Human Rights Watch, *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe* (Human Rights Watch, New York, 2009).

⁴⁰ United Nations Economic Commission for Europe.

⁴¹ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (adopted 25 June 1998, entered into force 30 October 2001) (Aarhus Convention)

⁴² *Ibid* Art 3 (3).

effect the implementation of the constitutional and human right to access information. Professor Welshman Ncube and others state that the link between the various tactics is efficient:

Effective environmental protection and development not only requires guaranteed rights to access to information...and democratic ideals in an open, free and critical society, but also requires a strong, vibrant, active, and above all, vigilant civil society ... imbued with a strong culture of responsibility, accountability and transparency in relation to governance in general.⁴³

Interested stakeholders must utilise effectively the existing legal framework for access to information in the environmental justice and wildlife conservation movement. As the 2013 Constitution of Zimbabwe provides for constitutional environmental and information rights, environmental groups and stakeholders may also utilise the courts in cases where environmental decisions and information is not made reasonably available. The concept of *habeas data*⁴⁴ could be utilised to ascertain the extent; scientific justifications and political, personal or political motives behind wildlife decisions such as export of baby elephants.

Existing legislation, for instance, the country's notorious AIPPA, which has been viewed with hostility by various segments of the Zimbabwe human and media rights sectors since the law's inception in 2002, offers opportunities for the public and environmental rights practitioners. An interesting section of the AIPPA specifies that whenever there is policy advice on the state of the environment, such advice should be disclosed to members of the public. Hence while part of the Act gives information exemptions and detects that "[t]he head of a public body may not disclose to an applicant information relating to advice or recommendations given to the President, a Cabinet Minister or a public body,"⁴⁵ the Act goes on to make a proviso on environmental matters. The Act states that such exemption does not apply to, among a few other exclusions,

⁴³ Ncube W "Towards the Constitutional Protection of Environmental Rights in Zimbabwe?" in 1996 Vol 13 *Zimbabwe Law Review* 97, 122

⁴⁴ Brunch et al (n 17) 182. This is a "mechanism for obtaining access to constitutionally guaranteed information which has been utilised with success in Latin America

⁴⁵ Access to Information and Protection of Privacy Act (n 26) sec 15 (1)

“information relating to the state of the environment.”⁴⁶ Therefore the AIPPA also arguably provides an opportunity for the public and environmental practitioners to seek information on otherwise inaccessible policy advice concerning the wildlife sector. The information may be from the safari industry or pro-hunting research institutions or any another sector that may not be expected to sympathise with environmental justice or proper wildlife conservation.

5.2. Proactive Disclosure by Public Bodies

Access to information in the environmental sector depends on political will and the administrative framework.⁴⁷ Currently, environmental and wildlife information is hardly available, even on official websites of environmental and wildlife agencies in Zimbabwe. Specific public bodies dealing with environmental information such as the Zimbabwe Parks and Wildlife Management Authority, EMA and the Ministry of Tourism, Environment and Hospitality must ensure that reports and information on wildlife trade, license and population statistics are readily available to the public in electronic form.

By comparison, the EU is relatively up to date on this requirement. Directives⁴⁸ of the European Parliament and Council directs member states to ensure that “environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks”⁴⁹ and furthermore directs the regular update of information. The directive was timeously domesticated by member states, for instance in the Republic of Ireland through an updated statutory instrument.⁵⁰ Hence the commitment of European member states towards access to information and environmental justice can serve as a preliminary guide for access to information in Zimbabwe and Southern Africa.

⁴⁶ Ibid s 15 (2)

⁴⁷ See: Taylor J and Eleanor B “How do public bodies respond to freedom of information legislation? Administration, modernisation and democratisation” in 2010 Vol 38 No 1 *Policy and Politics* 119

⁴⁸ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (14 February 2003) L 41/26 Official Journal of the European Union.

⁴⁹ Ibid art 7 (1)

⁵⁰ European Communities (Access to Information on the Environment) (Amendment) Regulations 2014 [S.I. No. 615 of 2014]

⁵¹ Alexander J and McGregor, J “Wildlife and Politics: CAMPFIRE in Zimbabwe” in 2000 Vol 31 *Development and Change* 605, 624.

5.3. Transparency and Informed Public Participation

Enabling transparency, access to information and encouraging informed public participation in the wildlife sector is an advantageous position for society and the environment. Public participation is especially critical in strengthening the rights of people to participate in general governance and policy-making processes.

In the past, Zimbabwe's wildlife and community initiative the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) was introduced in ways regarded as lacking transparency by communities in wildlife-rich areas, and that resulted in a massive protest against the policy initiative:

Distrust and fear have been among the most important products of the Gwampa CAMPFIRE initiative... A development project with democratic potential had become the focus of resistance and fear. An intervention promising a restoration of environmental rights threatened eviction from the land.⁵¹

In that regard, it is imperative for government officials to lift the current secrecy around access to information on environmental justice and wildlife conservation to benefit democracy and promote trust in the space of wildlife conservation. Legal scholars have additionally observed that most governments have "the tendency of many states in Africa to treat natural resources as proprietary owners to the exclusion of their people who remain perpetually impoverished in the midst of plenty."⁵² This is a retrogressive mindset that will not result in any tangible gains for policymakers in Zimbabwe, Africa or worldwide. Secrecy and a patronising approach to environmental and wildlife information must be strongly discouraged.

5.4. CONCLUSION

In conclusion, environmental information laws in Zimbabwe based on the various pieces of existing legislation are comprehensive enough to provide a substantive legal right to access information on wildlife conservation, sales and governance. The main issues and impediments rest with the policy framework and the accompanying lack of political will. Concrete steps for the achievement of adequate access to

⁵² Murombo T "The Utility of Environmental Rights to sustainable development in Zimbabwe: A contribution to the Constitutional Reform Debate" in 2011 Vol 11 *African Human Rights Law Journal* 120, 132.