

Data Sharing Policy of Ministry of Environment, Forest, and Climate Change (MEFCC)

1. Policy Statement

The 1995 FDRE Constitution of Ethiopia has the environmental objectives of ensuring provision of clean environment for all Ethiopians; protection of the environment from damage due to design and implementation of development projects; and ensuring the rights of people to full consultation during implementation projects that directly affect them. To implement these broad environmental objectives, the government has developed various tools, like issuing legal provisions. One of the tools to implement these constitutional environmental objectives is ensuring the right of citizens to access to information on environmental issues by the authority that is in charge of environmental matters, the Ministry of Environment, Forest, and Climate Change.

Accordingly, the Ministry is required under the Forest Development, Conservation, and Utilization Policy and Proclamation “to establish a continuous information exchange network with the concerned federal and regional bodies on the current forest status of the country” in order to avail information to the people and stake holders.

Article 13 (2) (c), of the Freedom of the Mass Media; and Access to Information Proclamation No. 590/2008 also provides that a public body is required “to publish or communicate to the public generally or those who would be affected or likely to be affected by a project, the relevant facts available to it or to which it has reasonable access regarding the impacts of the project before initiating a project.”

The right to access to information is one of the fundamental rights guaranteed under international and regional human rights laws, like the UDHR and IPCR and African Human Rights Charter which clearly require governments to make information accessible to the public.

Furthermore, the United Nations Climate Change declarations and agreements that Ethiopia is a party require state parties to make information on environmental issues accessible to people that affect them. Especially, Decision 12/CP.17 of the UNFCCC Durban Outcome and the previous Cancun Agreements require “countries undertaking REDD+ activities to establish a Safeguards Information System (SIS) to provide how safeguards¹ are protected and respected”.

The United Nations Declaration on Environment and Development (Rio de Janeiro, June 1992), Principle 10, points out that “environmental issues are best handled with the participation of all concerned citizens, at the relevant level; and at national level each individual shall have appropriate access to

¹ The Cancun Agreement of the UNFCCC in 2010 provides for the promotion of seven safeguards: Consistency with objectives of national forest programs and relevant international conventions and agreements; transparent and effective national forest governance structures; respect for the knowledge and rights of indigenous peoples and members of local communities; the full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities; conservation of natural forests and biological diversity and enhancement of other social and environmental benefits; actions to address the risks of reversals; and actions to reduce the displacement of emissions.

information concerning the environment that is held by public authorities and the opportunity to participate in the decision-making process. States shall facilitate and encourage public awareness and participation by making information widely available.”

Ethiopia as a country undertaking REDD+ activities and which is on the process of developing Monitoring, Reporting and Verification (MRV) system for its forest resources needs to establish an information system including data sharing policy to enable it to establish a sustainable forest governance and mechanism of protecting the rights of citizens, especially communities whose lives depend on forests. Access to information is an important ingredient to solicit the Free, Prior, Informed Consent (FPIC) of forest dependent communities when decisions affecting them are to be made. This data sharing policy is a reflection of the efforts of the Ethiopian government to protect citizens’ right of access to information; and its intentions to comply with international agreements.

2. Definitions

- 2.1** Data: means a representation of information, numerical compilations and observations, documents, facts, maps, images, charts, tables and figures, concepts in digital and/or analog form.
- 2.2** Data classification is broadly defined as the process of organizing data by relevant categories so that it may be used and protected more efficiently. The classification process not only makes data easier to locate and retrieve – data classification is of particular importance when it comes to risk management, compliance, and data security.
- 2.3** Data Generation– Initial generation/collection of data or subsequent addition of data to the same specification.
- 2.4** **Data set** – A named collection of logically related features including processed data or information.
- 2.5** Geospatial Data – All data which is geographically referenced.
- 2.6** “Information” means any material recorded in any form
- 2.7** Information system - set of institutions and processes through which information s collected, verified, assessed and published.
- 2.8** Metadata – The information that describes the data source and the time, place, and conditions under which the data were created. Metadata informs the user of who, when, what, where, why, and how data were generated. Metadata allows the data to be traced to a known origin and know quality.

3. Objectives

This data Sharing Policy has the objectives of:

- Create a forest resources information/data structure; and provide a platform for proactive open access to forest related information;
- Organizing forest related database;
- Making forest related information accessible to interested persons and stakeholders;
- Making accessible forest related information to people whose lives depend on forests;
- Establish regular public information and awareness campaigns as part of the access to information activity; and

- Enable the Country establish a Safeguards Information System (SIS) to fulfill its REDD+ obligations

4. Goals of the Policy

The Goals of the Policy are:

- Enable the Ministry clearly locate the forest resources of the country; and understand their status;
- Enable the Ministry track activities that cause deforestation or afforestation; or determine the causes of land use change; and reform its forest policy and legal framework;
- Establish a sustainable forest governance system in the Country;
- Enable communities whose lives depend on forest participate in decision making processes that affect them;
- Assist researchers easily acquire forest related information;
- Avoid forest related data duplication, contradiction, and gaps;
- Enable Ethiopia benefit from the resources available to developing countries fulfilling REDD+ requirements.

5. Establishment of a data management system or information center (Determining the institutional set up)

The Ministry of Environment, Forest, and Climate Change should establish an information center that will serve as a repository and manager of all data other institutions provide; and the Ministry generates. The center will also be disseminating information under its control to all who need to access to information under the control of the Center (Ministry). The detailed powers and functions (for instance, what data to receive or reject; what to release and not release;) of the Center should be determined once the type of the data infrastructure; and other policy issues are determined by the MEFCC.

6. Principles on which the Data Sharing Policy is based include:

- **Openness:** Generally, data generated with public fund should be openly available to the public without restriction unless there is justifiable reason to restrict.
- **Free to end users:** Cost for access impedes poor people from accessing to information. The principle is therefore to provide information free of charge.
- **Quality:** Data should be of known integrity and should be accurate and correct.
- **Timely:** Once datasets are determined to be sufficiently accurate/correct and informative, they should be released as quickly as possible.
- **Easy to find and access/flexibility:** In order to deal with technological challenges and connectivity problems, different means of publication need to be considered to promote ease of access.

- **Interoperability:** “If data from datasets are likely to be combined with data from one or more other datasets (e.g., in geospatially referenced research), special attention should be given to making such data technically, semantically, and legally interoperable.” (Principle 6, Nairobi data Sharing principles in developing countries).
- **Sustainability:** Data should be available for long term use. Valuable datasets should be intelligible for longer terms and should not be lost. Here funding to preserve data for longer is the issue to be addressed.
- **Legal conformity:** Data contributors should be given credit and the intellectual property rights of researchers should not be violated. Properly citing and attributing contributors of data is an ethical and legal obligation.
- **Security:** Data should be secured where national security is to be compromised as a result of the disclosure.
- **Privacy:** The rights of privacy should be protected and personal information of individuals, or their property shall not be disclosed without their consent.

7. Scope of the Policy

The data sharing policy applies to the sharing of all forest related data and information collected, generated and archived by the Information Center (Ministry of Environment, Forest, and Climate Change).

8. Access and types of access

- 8.1 Open Access:** Access to forest related data received from other institutions by the Center; and data generated by the Ministry should be disseminated without any process of registration or authorization.
- 8.2 Access through agreement:** Certain types of data could be made accessible, usually to other institutions through agreement between the Center and the recipient.
- 8.3 Restricted Access:** Data which is classified as restricted by the government will be accessible through authorization only.
- 8.4** Information that falls within the exemptions clause under the Freedom of the mass media, access to information Proclamation No.590/2008 shall not be disclosed.

9. Data sharing methods

Data sharing methods to be adopted by the Center should take the end users in to consideration. The forest related information seekers are organizations and institutions; individuals who have access to the; individuals and communities who have no internet access; and communities who are illiterate. Furthermore, rural communities do not have access to TVs and other media outlets. The Center has to therefore apply the following methods to reach all seekers of forest related information:

- Dissemination of data through the web;
- Publish leaflets, tracts, quarterly or bi-annual journals; etc. on important facts that are relevant to the readers
- Develop videos; CDs; and films; etc.; that could be shown to rural communities through outreach programs;

- Hire television and radio programs to disseminate important forest related information to those who access to such media;

The Center has to organize Public Information and Awareness (PIA) campaigns to reaching rural communities out to inform them on their legal rights and other important facts that affect their lives.

10. Language

The publications; radio and TV programs; video, film and cd productions; and outreach programs that the center launches should be conducted in the languages of target communities.

11. Collaboration

The Center should closely work with regional government bureaus when conducting outreach programs to local communities.

12. Legal Framework

Data shall remain the property of the institution that generated it. The Intellectual Property and other property laws of Ethiopia shall be strictly observed when accessing data under this Policy.

13. Data classification

The Information Center should classify the different types of data (geospatial, non-spatial, and statistical) it receives from other institutions; and it generates to facilitate access efficiently.

Implementation

The implementation of this Policy depends on several factors:

- **Forest policy and legal framework:** The current forest policy and legal framework does not clearly establish an enforceable forest tenure. The Forest Development, Conservation, and Utilization Proclamation provides that there are individual and state forest tenures. But neither individuals nor communities are recognized as forest owners and registered in practice.
The Proclamation also considers communities as individuals as regards forest ownership, which is totally contradictory with other property laws of the country. In the property laws; and land laws, land could be held under three forms of tenure: private; communal; and state. Individual and communal tenures are different in many respects. Communal is a tenure form where the owners are traditionally identifiable; and the right of use is equally accessible to all members of the community. New comers in the community also could claim equal access. A person leaving this community may not claim his/her share in communal tenure form. The communal property is transferred only to subsequent generations. The rules of management of the communal property are governed by customary law and practice. In the legal terminology, the property is indivisible. This is the prevalent form of ownership in most forest communities in Ethiopia. In private tenure, the owner could be one or more individuals. Where several individuals jointly own a property, their share is

clearly identifiable by contract or law. Any member of the group has therefore the right of claim of his share. The property is divisible.

The forest law has ignored this fact and equate communal ownership with individual ownership. The practice also shows that government is expropriating communally owned property even without compensating user communities in many instances. It is therefore not meaningful to talk about accessing information on their rights to communities where their rights over the forests they use is not legally recognized.

- Code of conduct for employees: the Ministry has to establish a strict code of conduct that requires all directorates to submit every spatial and non-spatial data including maps; activity reports; back to office reports; workshop proceedings; research outputs; survey results; etc.; to the IT Directorate. Currently, the forest related data does not seem to be readily accessible; and it is in the hands of individual employees. The Forest Resource Identification, Registration and Management Department has organized forest related data that will be ready for submission to the IT Directorate.
- Data management system: The Policy and the annexed Guideline require a data management system to be implemented. The Ministry needs to strategic plan on the development and establishment of a data management system if this policy and the Guidelines have to be implemented. Developing a data management system has several advantages. It helps to integrate spatial and non-spatial data from different sources; facilitates data access; and data sharing among ministries and agencies. Currently, the IT section of the Ministry is under construction; and the plan is to make data accessible to internal users of the Ministry; and to share data to outside users upon request. (personal Communication). The Environmental Information Node (EIN) that was established by the Environment Authority previously which is no more functional could have been renovated and used in the current effort; but the whereabouts of the data is unknown to the current IT personnel.
- Coordination: The data sharing policy will not be effective unless institutions generating forest related data regularly and sustainably provide data they gathered to the Ministry. This coordination has to be created by law or agreement. Currently, the government is launching the development of a national land use policy and integrated land use plan that guides all federal and regional government institutions. This initiative will require the creation of a national/central information hub which is necessary to track land use policy and plan implementation. The government's political will in this regard could help in the creation of a mandatory coordination between ministries and agencies and regional offices in forest related data sharing.