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Access to environmental information: a driver of accountable governance in Morocco and Tunisia?

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Briefing Paper 10/2018

Access to Environmental Information: A Driver of Accountable Governance in Morocco and Tunisia?

Summary

In Tunisia, Morocco and other North African countries, environmental problems increasingly lead to political protest. Industrial pollution and a lack of clean drinking water adversely impact the living conditions and income opportunities of already marginalised groups and trigger unrest. Environmental governance in the region is often highly centralised, and takes no consideration of the needs of the citizens in the use of natural resources. In a political context that remains unstable following the 2011 uprisings, the double challenge of mounting environmental problems and related social unrest calls for new approaches. Reinforcing accountable environmental governance could help, not only by addressing environmental problems and needs, but by contributing to the overall transformation of societal relationships towards more democratic (i.e. transparent, accountable and participative) governance in the longer term.

Access to environmental information plays a crucial role in this regard: only if citizens know about availability, quality and use of natural resources, can they make informed choices and claim their rights. When public institutions address these rights, they can increase sustainable wealth for present and future generations. Institutions charged with strengthening accountability can also include citizens in their monitoring exercises, and help to hold public and private actors legally responsible for their decisions and behaviour. Related international standards can inform such reforms: the Universal Declaration of Human Rights, the Rio Declaration and the Aarhus Convention confirm the importance of access to environmental information. At national levels, environmental charters and Morocco's and Tunisia's new constitutions stress the need for participatory and accountable governance.

As recent assessments in Morocco and Tunisia reveal, governments and development partners can support access to environmental information and thereby accountable governance.

First, they can do this by strengthening accountable environmental governance and access to environmental information across sectors. This includes engaging democratic institutions in environmental issues and building up related capacities and know-how, supporting accountability organisations and rules, and improving citizens' and the administrations' understanding of new rights. It also entails empowering communities and forging new cross-sectoral coalitions, besides integrating the countries into international initiatives for accountable governance.

Second, governments and development cooperation can support accountability in the environmental sector, including by taking advantage of international initiatives, such as the Sustainable Development Goals (SDGs). Climate mitigation and adaptation policies also provide opportunities for strengthening accountable environmental governance. Moreover, policy-makers need to be more aware of the links between environmental governance and its potential impact on human rights and political stability. Access to environmental information, related legal frameworks and institutional capacities also need further backing, including support to articulate related claims. Finally, comprehensive and transparent environmental and social impact assessments of public and private projects, and engaging protest movements in constructive dialogues with the administration and the private sector can help in preventing and addressing related social unrest.

Environmental problems trigger political unrest

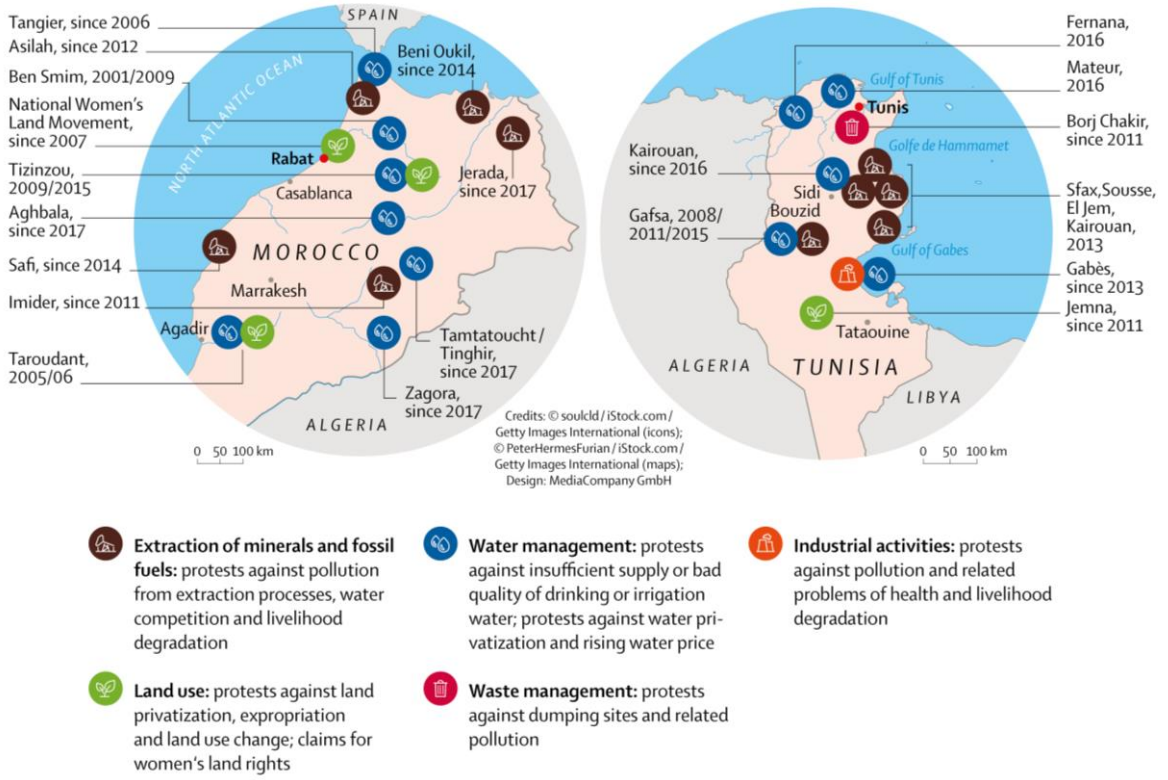
Environmental problems in North Africa are critical, and increasingly trigger social unrest. In 2017, violent clashes between demonstrators and security forces occurred in Morocco's city Zagora in reaction to the undrinkable tap water, combined with cuts in water supplies lasting hours or even days. In Tunisia, environmental and human rights organisations fight against industrial pollution and its devastating effects on health, agriculture and livelihoods in the oasis of Gabès and in the mining region of Gafsa. A lack of access to information about the degree of pollution and its effects contributes to widespread fear and suspicion and makes it difficult for the inhabitants to avoid harmful resources or products. As the 2016 United Nation's Global Environmental Outlook shows, environmental problems severely restrict human health and wellbeing in several North African countries. Climate change and its impact on desertification and water scarcity will further increase pressure on resources and likely also their pollution: when there is insufficient fresh water to dilute harmful substances, for instance, these can poison agricultural goods and cause health problems. Figure 1 shows some of the cases where protest and conflict around natural resource use and/or pollution erupted in Morocco and Tunisia.

Environmental governance in Morocco and Tunisia is still centralised, and often disregards local populations' interests, information needs and participation. Struggles over access to and use of resources are therefore also struggles over governance, participation and representation of citizens' interests. In many cases for instance, state-owned enterprises, such as those in the mining sector, and other rent-seeking actors are at the heart of the resource exploitation, but disregard the negative environmental impact they cause.

In a situation where the uprisings of 2011 increased awareness of a lack of political participation and unequal benefit-sharing, the readiness of civil society to complain about the negative impacts of bad environmental governance is high. Claims for effective access to information are among their key demands. Governments have partly reacted to these requests, such as with new constitutions in Morocco (2011) and Tunisia (2014), which promise more democratic governance, including participative, accountable and transparent decision-making. However, in many cases implementation is slow; socio-economic and environmental problems are persisting and, subsequently, the governments' legitimacy is at stake.

In the face of this double challenge – mounting environmental problems and the risk of political unrest – improving accountable environmental governance provides a double opportunity. Not only can improved accountability contribute towards alleviating environmental problems, but it can also support an overall transformation of societal relationships and potentially contribute to more democratic governance. For example, development cooperation in the environmental sector has, in many cases, sustained participatory approaches,

Figure 1: Moroccan and Tunisian areas where environmental problems led to social protest



Source: Authors

including in authoritarian settings. The German Agency for International Cooperation (GIZ), for instance, supported participatory regional environmental plans in Tunisia under President Ben Ali's regime, which defied the highly centralised and authoritarian political decision-making. However, the causal links between support for accountable or democratic sector governance and political stability or democratisation are assumed, but not empirically proven.

In the context of this debate, our analysis focuses on access to environmental information as a key component of accountable governance within and beyond the environmental sector. Its emphasis is on the conceptual links between accountable environmental governance and socio-political unrest, and their potential mutual influence; possible causal effects of related measures nevertheless need further empirical research.

Access to information: a precondition for accountable environmental governance

Improving environmental and resource governance to reduce and control resource pollution and overuse, as well as to enhance equal access, requires a fundamental shift in policy-making. Top-down and centralised decision-making needs to change towards accountable, inclusive and participatory governance that engages citizens and responds to their needs, while ensuring environmental sustainability. Access to environmental information plays a crucial role in this context. Without knowledge about the availability, quality and use of natural resources, for instance, it is difficult for citizens to make informed choices and articulate related claims.

In many of the conflicts over natural resource use indicated in Figure 1, access to environmental information was one trigger for the protests. When a private investor started constructing a plant for bottled water in Morocco's village of Ben Smim, local inhabitants were not informed, and blocking the construction site became the only option to avoid the water supply for their households and livestock being cut off. In Tunisia's highly polluted Gabès oasis, civil society is struggling to get access to information about the state of air, water and soil pollution and its effects on health and livelihoods. This lack of knowledge leads to fundamental suspicion by local populations of the state and private sector, severely hampering local development and contributing to social tension.

As interviews with local stakeholders conducted within the STRIPE project (Strengthening the Right to Information for People and the Environment) showed, in both Tunisia and Morocco there is a significant gap between strong legal foundations and their implementation. Recent frameworks such as the new constitutions are ambitious, but the implementation of sector-based strategies, regulatory and disclosure mechanisms, together with the institutional framework, are still far from securing transparent and accountable environmental governance. In the project's civil society public opinion survey, the majority of participants (67% of the Tunisian and 58% of the Moroccan participants) felt more tools and resources were needed to help the general public understand their right to access information. Only 31% of Tunisian participants and 9% of Moroccan civil society representatives felt people have opportunities to participate in environmental pollution decision-making. On both countries' environmental ministries' websites, basic information on environmental planning and monitoring is either outdated or not available.

But access to environmental information not only means that state entities need to gather this information and make it publicly available, it also requires the subsequent right and capacity of (civil) society to access and understand the relevant data. This can then help articulate related claims and hold public and private actors accountable for their behaviour to protect people and the environment from the misuse of public policies, funds and institutions. Civil society plays an important role in this context, since citizens can monitor public or private actors, spread information, articulate related claims and respective standards for reporting. However, their scope for action is strongly influenced by the overall political setting, including a regular vertical and horizontal flow of information.

The case of Morocco's Soulaliyate women's movement illustrates how important it is to build up related capacities: the association struggles for justice for thousands of women who were displaced when the collective land on which they were living and working was rented or sold. In contrast to the men, the women did not benefit from indemnities and now demand equal rights to ownership and compensation to avoid ending up in poverty. Together with the Democratic Association of Moroccan Women (ADFM), the Soulaliyate movement strengthens the women's knowledge about their social and economic rights, backs their complaints and provides for platforms to elaborate new regulations.

Supportive declarations and legal frameworks

The international context is supportive in strengthening transparent and accountable environmental and resource governance. The Universal Declaration of Human Rights and other international agreements emphasise the right of access to information. Several international frameworks, such as the Rio Declaration and the Aarhus Convention, point out the importance of informing societies about environmental issues and of their active involvement into related decision-making processes. The protocols of the Aarhus Convention endorse the empowerment of people through the right to access information in order to actively take part in the environmental policy-making process and to seek justice in cases where the human right to live in an adequate, safe and healthy environment has been violated. Unfortunately, neither of the two countries has ratified the convention so far, but these international frameworks, which include the Open Government Partnership and the Extractive Industries Transparency Initiative, are important reference points and a focus of mobilisation for local civil societies.

The implementation of the Sustainable Development Goals (SDGs) may provide new opportunities for action, since they not only insist on environmental sustainability but also, especially in goal 16, on the importance of inclusive decision-making and access to information. Moreover, policies for mitigation of and adaptation to climate change also assert these aspects. The Adaptation Finance Accountability Initiative (AFAI), for instance, calls for improved access to information about climate-finance processes to avoid the misappropriation of funds and ensure more targeted and sustainable adaptation planning.

Recommendations

At a time of a rising sense of exclusion, disappointment over failure to implement reforms after 2011, and increasing environmental problems, addressing both issues in a combined approach is promising. It aims to make better use of existing capacities and external support programmes, but also to use a governance-sensitive approach in environmental policies in order to promote societal transformation. Any project can, however, only respond to the citizens' needs if the latter can participate, and if the measures take the highly diverse capacities and resources within civil society, populations, and also administrations into account.

As assessments and interviews conducted with civil society organisations and local populations in Morocco and Tunisia reveal, governments and development cooperation could support them in the following way:

Strengthening accountable environmental governance and access to environmental information across sectors

- Encourage and support democratic institutions (e.g. parliaments, regional and municipal councils, courts) to embrace solutions for environmental issues and build up related know-how.
- Improve citizens' and administrations' understanding and effective implementation of new rights, such as the right to information, to increase knowledge about environmental challenges and become part of innovative and sustainable solutions.
- Empower communities to use their right to information and participation, including through joint activities with local and national governments, such as in environmental impact assessments.
- Support the inclusion of environmental governance objectives in existing national engagements and standards, such as in the Moroccan National Charter for the Environment and Sustainable Development.
- Support governments to engage in international initiatives for transparent governance, such as the Extractives Industries Transparency Initiative (EITI) or the Open Government Partnership (OGP).

Supporting accountability in the environmental sector

- Include access to environmental information in activities related to SDG16 and SDG 6 as a cross-cutting issue.
- Promote proactive disclosure of environmental information in climate adaptation and mitigation policies.
- Create a participatory space for key stakeholders (including protest movements) to co-develop, implement and monitor sustainable solutions for managing potential competition of short-term vs. long-term gains. Scenario development and cost-benefit analyses from different viewpoints may be effective tools in this respect.
- Support legal and other aid services for citizens, civil society organisations and journalists to articulate claims related to environmental problems.
- Protect environmental and democratic activists.

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