

SPOTLIGHT ON IRAQ, JORDAN, LEBANON,  
MOROCCO, AND TUNISIA

**JUNE 2021**



**ICNL**  
INTERNATIONAL CENTER  
FOR NOT-FOR-PROFIT LAW

**CLIMATE CHANGE** AND  
CIVIC SPACE IN **MENA**

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## LIST OF ACRONYMS

4C Maroc	Moroccan Competence Centre for Climate Change
AESVT	Association for Earth and Life Science Teachers
AMCDD	Moroccan Alliance for Climate and Sustainable Development
AMDH	Moroccan Association for Human Rights
ASEZA	Aqaba Special Economic Zone Authority
AYCM	Arab Youth Climate Movement
BAU	Business As Usual
CAN	Climate Action Network
CANAW	Climate Action Network - Arab World
CAT	Climate Update Tracker
CBOs	Community Based Organizations
CIS	Inter-ministerial Monitoring Committee
CO <sub>2</sub>	Carbon Dioxide
COP	Conference of the Parties
COVID-19	Corona Virus Disease 2019
CSOs	Civil Society Organizations
DRI	Democracy Reporting International
EENA	Enabling Environment National Assessment
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization
FES	Friedrich-Ebert-Stiftung
GDP	Gross Domestic Product
GEF	Global Environment Facility
GHG	Greenhouse Gas

GI	Gherbal Initiative
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
HLPF	High-Level Political Forum
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICNL	International Center for Not-for-Profit Law
ICT	Information and Communication Technologies
IGCO	Iraq Green Climate Organization
INDCs	Intended Nationally Determined Contributions
INGOs	International Non-Governmental Organizations
IRENA	International Renewable Energy Agency
IRM	Independent Reporting Mechanism
IYAF	International Youth Ambassadors Foundation
KP	Kyoto Protocol
KRG	Kurdistan Regional Government
LCA	Lebanon Climate Act
LEDS	Low Emission Development Strategy's
LULUCF	Land-Use, Land-Use Change and Forestry
MENA	Middle East and North Africa
MoE	Ministry of Environment
MoEnv	Ministry of Environment
MoP	Ministry of Planning
MoPIC	Ministry of Planning and International Cooperation
MoSD	Ministry of Social Development
MoWI	Ministry of Water and Irrigation
MRV	Measurement, Reporting and Verification
NAMA	Nationally Appropriate Mitigation Actions
NAP	National Adaptation Plan
NCCC	National Climate Change Committee

NCCI	NGO Coordination Committee for Iraq
NDCs	Nationally Determined Contributions
NDP	National Development Plan
NGOs	Non-Governmental Organizations
NWSS	National Water Sector Strategy
OGP	Open Government Partnership
OHCHR	Office of the High Commissioner for Human Rights
PPES	Policy Paper for Electricity Sector
PTRC-SM	Territorial Plan to Address Global Warming of Souss Massa
RSCN	Royal Society for the Conservation of Nature
SDGs	Sustainable Development Goals
SIGI	Sisterhood Is Global Institute
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDAF	UN Development Assistance Framework
UNDP	UN Development Programme
UNEP	UN Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNHLP	UN High-Level Panel
UPR	Universal Periodic Review
USAID	United States Agency for International Development
VAT	Value-Added Tax
VLRs	Voluntary Local Reviews
VNR	Voluntary National Review
WASH	Water, Sanitation and Hygiene
WEF	World Economic Forum



# 1. INTRODUCTION

## 1.1. REPORT OUTLINE

This report proceeds as follows: first, it provides an overview of current international laws and conventions related to freedom of assembly and freedom of expression, as well as civil society, highlighting best practices and guidelines for states.

Second, it moves to an overview of climate change activism and organizing generally in the Middle East and North Africa (MENA) region, as well as a brief introduction to the current (2015-onwards) situation concerning freedoms and civil society functioning and regulations.

Then the report highlights national laws, adoption of international treaties, regulations, and conventions concerning the above freedoms, followed by an overview of the current situation facing civil society and especially climate/environmental activism and organizations.

This is followed by findings from “the ground” which were collected through interviews with organizers and organizations, as well as media and observer reports.

The report will enable an understanding of the current gaps between international and national laws, as well as the gaps between national laws and current practices.

The report concludes with key findings from each country as well as recommendations for policy implementation and further research.

## 1.2. METHODOLOGY

The research was carried out in three phases. First, desk research was undertaken to understand the current legal and policy frameworks within each of the five countries, as well as existing climate-related civic spaces and social movements.

This included a review of national climate change agreements and strategies, changes in laws and policies related to freedom of assembly/participation/expression, and coverage of existing social movements, as well as national and international reports, media reviews, and other secondary resources.



Second, 34 virtual semi-structured in-depth interviews were conducted with Civil Society Organizations (CSOs), Non-Governmental Organizations (NGOs), activists, and other local organizations/organizers.

These interviews allowed for open-ended qualitative data collection while exploring the participants' thoughts, feelings, and experiences relating particular topics.

Such interviews delved into sensitive issues, including challenges related to their activism and relationship with regulators and the government which might be difficult to talk about, especially virtually.

Participants were selected based on their involvement in the climate movement, whether as activists or as part of organizations. Snowballing was used as a sampling approach. Furthermore, a qualitative survey tool was designed and deployed in Iraq, Jordan, Lebanon, Morocco, and Tunisia.

#### Questions focused on three main areas:

- 1  Previous and current climate-related movements and civic space in the country;
- 2  Relationship with government authorities (including access to permits and instances of harassment);
- 3  Challenges and opportunities faced by interviewees, specifically in relation to the regulatory environment, access to information and funding, ability to organize, and more.

A thematic analysis of both interview and secondary data was undertaken.

This method of analysis allowed for the identification of common topics, ideas, and patterns and exploration of meanings that people attach to their experience and the way it relates to the larger context.

This enabled further understanding of how these meanings and themes reflect the participants' lived experiences, the context they are in, both material and social, and how they limit or enable civic participation.

### 1.3. THE CLIMATE CRISIS

It is a reality rather than prediction that the MENA region is being hit hard by climate change. As a region already experiencing multiple and composite vulnerabilities, busi-

ness-as-usual will, especially in the second half of this century, result in unprecedented extreme heatwaves in the MENA region.

The social and economic consequences are expected to be will include magnified water and food insecurity, increased unemployment, decreased productivity, rural to urban migration, and a decline in Gross Domestic Product (GDP).

In 2018, the MENA region emitted 3.2 billion tons of carbon dioxide (CO<sub>2</sub>) and produced 8.7% of global greenhouse gas emissions (GHG) despite making up only 6% of the global population. These emissions are mostly generated by the energy sector and the use of fossil fuels.

For countries that are non-oil producing, their dependency on imported oil and gas and the fragility of their resources make them highly vulnerable to climate change.

The World Economic Forum's (WEF) 2021 Global Risk Report highlights the Middle East as especially vulnerable to climate threats.

The report observed that climate change should top the priority list for policymakers and that the Corona Virus Disease 2019 (COVID-19) pandemic shouldn't mask the long-term devastating impacts of climate change.

Despite the marked progress made by MENA countries in favor of the Sustainable Sevelopment Agenda, climate mitigation and adaptation strategies and actions remain fragmented and isolated within certain sectors.

In a region facing security and stability issues, mass migration, resource scarcity, and economic problems, climate change is still overshadowed by other priorities.

While mitigation actions are more visible than adaptation measures, the motives behind energy transition towards renewable sources and the energy efficiency trend may be mainly economic as they form appealing investment opportunities for local and international companies and banks.

Nevertheless, such a transition, when accompanied by good governance and social impact integration, would contribute to alleviating the economic and social burden as well as the environmental impacts of climate change.

As a recent example, renewable energy technologies attracted USD 11 billion to the Arab region in 2016, compared to USD 1.2 billion in 2008. The sector employs more than 11.5 million people worldwide, of which 32% are women.

The renewable energy evolution is mobilizing economic opportunities in most service and industrial sectors and triggering innovation, education, and upskilling programs worldwide. Morocco continues to lead the MENA region as it aims to meet the 52% target for 2030 and the 100% target for 2050.

Climate change is a multi-sectoral, multi-dimensional challenge with complex stakeholders' structures. Climate activism, justice, and governance should be explored within that complex context and never through an environmental lens alone.

The climate activism scene in MENA witnessed energizing initiatives during the past few years, mainly before the Paris Climate Conference which is also known as the 21<sup>st</sup> Conference of the Parties (or "COP") in 2015. One example is the launch of Climate Action Network (CAN)- Arab World (CANAW) under the CAN International umbrella.

CANAW is a network of nonprofit organizations founded in September 2015 to coordinate the climate change efforts of civil society in the Arab world. Another example is the Arab Youth Climate Movement (AYCM) which aims - through country chapters - at mobilizing more people around environmental issues and the climate crisis.

While CANAW forms a promising example for regional climate activism, it is struggling with its own institutional and governance structure and operations.

The action plan for CANAW still looks generic. Over the years, the experience of climate change movements has been

instructive on how to enable more impact and participation in climate action.

#### Lessons learned include:

- 1  Emphasizing the interconnection between climate change and other sectors;
- 2  Using evidence-based and science-supported arguments;
- 3  Allowing young people to take the driver's seat;
- 4  Collaborating on state, regional, and global levels on common priorities.

Understanding the complex nature of climate change issues and their consequences for the environment, society and economy is still an ambitious goal, especially in the MENA. The increased interest and commitment from governments and people would result in more civic participation, provided that civic space is protected.



CANAW Members at COP25. Source: [www.canaw.org](http://www.canaw.org)

## 1.4. CIVIC SPACE

In its 2019 ‘People Power Under Attack’ report, the CIVICUS Monitor concluded that eight out of ten people in MENA live in countries where governments violate the freedoms of association, peaceful assembly, and expression. Eight countries are rated as ‘closed’, six countries as ‘repressed’, and five as ‘obstructed.’

No countries in the region were in the ‘open’ or ‘narrowed’ categories. The 2020 CIVICUS Monitor findings indicate no major improvements from 2019. The five most reported violations in MENA were censorship, harassment, detention of journalists, detention of human rights defenders, and attacks on journalists.

In a region with huge international interest and a multifaceted flow of development aid, the role of international agencies and donors is crucial. Such aid comes in the form of technical assistance and financial support targeting most of the economic, social, and environmental priorities and reform needs within MENA countries.

While such aid channels have slowed down in the past year due to the pandemic, they remain a key driver for civil society development and reforms in the related enabling environment aspects.

Most if not all development cooperation agencies have their own set of indicators and policies for civic space management. However, obligations under international and multilateral agreements as well as project contracts were subject to various delays or changes in approach.

Follow-up on delivery and reporting commitments might have suffered from the lockdown, curfew, and reduction in manpower and work hours; all enforced by the activated defense law. More importantly, the perception of civic engagement requirements by donors is that they are limited to project reporting without creating the desired sustainable change in the long run.

## 1.5. COVID-19 IMPLICATIONS

Besides the disruptive health and economic consequences of the COVID-19 pandemic, it has created challenges for civic space and civil rights in MENA.

According to the International Center for Not-for-Profit Law (ICNL) COVID-19 Civic Freedom Tracker, at least 69 new measures in response to the COVID-19 pandemic affecting civic freedoms were identified as taken by governments in 17 MENA countries.

These include laws, orders and decrees, regulations, and other government practices that have not been codified. Tunisia, for example, declared a state of emergency, while Jordan activated a national defense law.

Lebanon and Morocco, on the other hand, declared a state of general mobilization and a state of a health emergency, respectively.

The COVID-19 pandemic proves that participation should not be compromised under emergency circumstances to avoid risks and costs associated with a lack of public representation in decision-making.

In addition, life under COVID expedited digital transformation worldwide allowing for more public participation, provided that access to information and communication technologies (ICT) is widely available.

In such tough times, most CSOs and NGOs managed to continue their work through the digital transformation of discussion and awareness events as well as technical training.

The details of the CSOs/NGOs' economic and operational challenges under the pandemic were not investigated or highlighted. Instead, several examples of increased pressure on civic freedom were captured, especially concerning freedom of expression and assembly as well as delayed funding approvals.

More importantly, governments took almost no steps toward

engaging civil society in any of the socioeconomic decisions that were taken across sectors.

Some of those decisions had drastic consequences which in turn affected the work and sustainability of many CSOs and NGOs.

Strategies for COVID recovery - so far - are no different when it comes to engaging civil society and ensuring that all voices are heard.

The economic recovery from COVID-19 is a timely opportunity to re-build in a just and sustainable way by focusing on climate-smart economic reform and development in sectors like agriculture, transport, energy, and urban development.

MENA countries need to work on streamlined policies and sector enablers to ensure their share of the recovery plans meets their people's aspirations and needs.

## 1.6. PUBLIC PARTICIPATION

To effectively address climate change, the international community recognizes the central role that civil society and local communities play in understanding local challenges and risks, drafting inclusive, and just policies and plans, and ensuring successful mitigation and adaptation.

To that end, both the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement include provisions and recommendations for engagement with civil society and NGOs.

Article 6 of the Convention rallies together governments, civil society, and other stakeholders to implement action that is collaborative, country-driven, interdisciplinary, and culturally sensitive.

It also puts socially inclusive climate policy and implementation at the heart of its work. It strengthens the role of traditional, intergenerational and gender-sensitive knowledge,

and people's participation in decision-making. Moreover, Article 6 makes climate change solutions everyone's business. It gives value and meaning to climate-smart actions, particularly actions by young people who will inherit the future.

Signatories to the Paris Agreement are also requested to uphold and promote regional and international cooperation to mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities, and indigenous peoples.

Relevant to the scope of this report are the United Nations (UN) Sustainable Development Goals (SDGs), and particularly SDG 13 and 17, which are concerned with climate action and partnerships, respectively.

Many countries in the region, including but not limited to Morocco and Lebanon, adopted the language and objectives of the SDGs as part of their national plans.

## 1.7. INTERNATIONAL LAWS AND STANDARDS ON HUMAN RIGHTS

International human rights laws and conventions recognize the freedom of expression and assembly as an important safeguard of human rights and democratic values.

Core to this is the role of civil society. Freedom of expression and freedom of assembly are often intertwined and inseparable, which necessitates dealing with them similarly. The barriers to one often impact the other.

Several key international laws and conventions outline the international and state responsibilities related to these two areas.

### According to Article 19 of the Universal Declaration of Human Rights:

- 1 Everyone shall have the right to hold opinions without interference.
- 2 Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.
- 3 The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - 3.1 For respect of the rights or reputations of others.
  - 3.2 For the protection of national security or public order (ordre public), or of public health or morals.

Furthermore, Article 21 of the International Covenant on Civil and Political Rights states that: “The right of peaceful assembly shall be recognized”.

No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

## 1.8. THE UNFCCC AND CIVIL SOCIETY PARTICIPATION

The UNFCCC entered into force on March 21, 1994, with the ultimate goal of preventing ‘dangerous’ human interference with the climate system.

Since the early days of the UNFCCC, NGOs have been involved by exchanging views with delegates and/or by attending the sessions.

The perspective and experience of civil society is well recognized as a source of new insights and approaches. The ‘observer’ role of the process granted to NGOs promotes transparency and mutual trust in such a complex global context.

In an attempt to harmonize the process and ensure effective participation of the ‘observers,’ the UNFCCC prepared guidelines for appropriate conduct during attendance at meetings of bodies of the UNFCCC. These guidelines are not exhaustive but seek to provide information reflecting current practice regarding the attendance of observers at sessions and meetings. They are in line with guidelines governing NGOs’ participation at sessions of other bodies in the United Nations system.

The main aspects covered by the guidelines are access, etiquette and safety, participation, and information material distribution.

Meetings of the Convention bodies are convened for negotiations between Parties to the Convention. According to Article 7, paragraph 6, of the Convention “any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, maybe so admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.”

In 2017, the UNFCCC COP23 responded to the request for input to the Report of High Commissioner on “Civil society space in multilateral institutions” sent by the Office of the High Commissioner for Human Rights (OHCHR).

The UNFCCC provided examples and concrete practices on four recommendations that revolve around civil society participation.

## 1.9. THE PARIS CLIMATE AGREEMENT

The Paris Agreement is legally binding, and it entered into force on November 4, 2016. While many consider that history was made as industrialized and developing countries jointly agreed on the same climate policy framework for the first time during UNFCCC COP21 (2015), others argue that the Paris Agreement is only as good as its implementation plans and review mechanisms.

The Paris Agreement and the process around it still demonstrate an exemplary model for global governance and policy advocacy. The question is whether this international governance breakthrough can trickle down to the national and local levels in various countries.

The Paris Agreement recognizes that the long-term goal of limiting the global average temperature increase to well below 2, preferably 1.5 degrees Celsius, compared to pre-industrial levels will be achieved over time. Therefore, it depends on the increased aggregate and individual ambitions of countries over time.

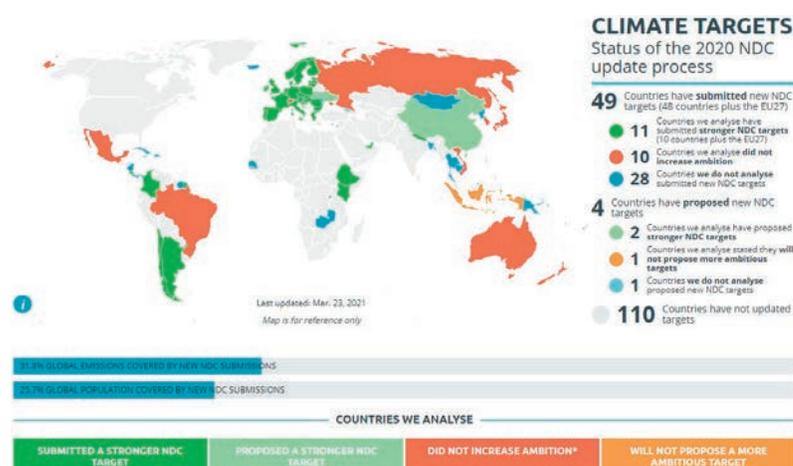
Nationally determined contributions (NDCs) are at the heart of the Paris Agreement and the achievement of its long-term goals. NDCs embody efforts by each country to reduce national emissions and adapt to the impacts of climate change.

The Paris Agreement requires each Party to prepare, communicate and maintain successive NDCs that it intends to achieve.

NDCs are submitted every five years and recorded in a public registry maintained by the UNFCCC secretariat. Parties were requested to submit the new or updated NDCs by 2020 and to

provide the information necessary for clarity, transparency, and understanding of their NDCs.

As illustrated in the next picture, Climate Update Tracker (CAT) 2020 map, the MENA countries - except for United Arab Emirates - have not submitted their updated NDCs, to date. The five Countries analyzed in this study did submit their first INDCs versions before the Paris Agreement in 2015.



Status of 2020 NDC update process. Source: CAT Climate Update Tracker

Despite being criticized as limited and vague, reference to human rights, indigenous peoples' rights, and gender responsiveness in the final text of the Paris Agreement may still have significant implications on the interpretation and further development of Parties' obligations in relation to climate change response measures.

While the UNFCCC already made generic reference to public participation in addressing climate change and its effects and developing adequate responses (UNFCCC, Article 6), the Paris Agreement specifically emphasizes enhanced public and private sector participation in the implementation of INDCs (Paris Agreement, Article 6.8).

This renewed attention to the role of non-state actors is also evident in the acknowledgment that climate change adaptation 'should be based and guided by,' amongst other things, 'traditional knowledge, knowledge of indigenous peoples and local knowledge systems' (Paris Agreement, Article 7.5).

Even though the role of traditional knowledge had already been recognized in UNFCCC COP decisions, a reference in the Paris Agreement potentially opens the way to greater inclusion of, and consideration for, traditional knowledge holders in international climate change governance. This potential is supported by the decision at COP21 to establish a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation of local communities and indigenous peoples (Decision CP.21, paragraphs 134-136).

While the operative part of the Paris Agreement makes specific references to gender-responsiveness, both in relation to adaptation and to capacity-building (Articles 7.5 and 11.2), there is insufficient connection between gender equality in climate policy-making and benefit-sharing.

For governments, accountability on NDCs would be established through the UNFCCC secretariat and associated mechanisms. For businesses, accountability mechanisms are fragmented, yet no less powerful.

Companies should expect to be held accountable not only to the government authorities in their host countries but by civil society organizations, as well as by increasingly aware customers, employees, and investors.

The Paris Agreement also subjects the implementation of developed Parties' obligations concerning the provision of finance (Paris Agreement, Article 13.6) to a review process for the first time.

One of the most important conceptual changes made in the Paris agreement is the shift from blaming one another for failure to comply with a legal obligation, to trying to outdo one another in addressing a shared challenge.

The transparency mechanism supports this shift by allowing journalists, activists, scientists, concerned citizens, and eco-businesses to engage in debates, publicize successes and failures, solicit help and advice, and offer support to other countries.

## 1.10. PUBLIC PARTICIPATION AND THE UN SUSTAINABLE DEVELOPMENT AGENDA

Public participation is protected by virtue of Article 25 of the ICCPR, which states that “Every citizen shall have the right and the opportunity, without any of the distinctions, ..., and without unreasonable restrictions (a) To take part in the conduct of public affairs, directly or through freely chosen representatives ...”. Effective participation is based on several universal principles including enabling the policy and legal environment, safety, equality and non-discrimination, empowerment and education, access to information, openness and transparency, and effective remedies for all.

Most countries in the MENA region refer to the right to public participation in their constitutions as well as affirming it in the 2004 Arab Charter on Human Rights.

Public participation in decision-making can take different forms, including the provision of information, consultation, dialogue, and active involvement.

Participation may be enabled using certain tools and approaches, such as designated websites or platforms, public campaigns, multi-stakeholder committees or councils/advisory bodies, public hearings, conferences and discussions, consultations, and working groups.

**Moreover, governments should ensure necessary measures are in place for effective and inclusive participation through:**

- Institutionalized framework/structures that are accessible to marginalized individuals and groups. Examples include coordinating bodies for participation in the government, participation coordinators or facilitators in ministries, joint councils with public institutions and civil society, committees or working groups and other bodies, and framework agreements between public authorities and civil society actors to support participation.

- Meaningful participation throughout various stages of decision-making, i.e., before, during, and after (including monitoring and evaluation of implementation).
- Use of ICT to strengthen participation following the same principles as offline participation. ICT should be used to create spaces and opportunities for the public to take part meaningfully in a variety of activities, e.g., submitting, commenting, and voting on legislative and policy proposals. Effective ICT measures can enable wider participation for women, persons with disabilities, older persons, persons living in rural areas, and indigenous peoples.

Zooming into public participation within the Sustainable Development Agenda, the UN issued its 2020 Common Minimum Standards for Multi-Stakeholder Engagement in the UN Development Assistance Framework (UNDAF).

These Common Minimum Standards reflect the UN system's universal commitment to the ideals of free, active, and meaningful participation embodied, among other things, in the 2030 Agenda for Sustainable Development and in the UN Common Understanding of a Human Rights-Based Approach to Development Cooperation (2003).

The overarching principle of those standards is that the voice of stakeholders at the country level should inform all stages of the UNDAF processes including design, implementation/co-creation, monitoring, and evaluation.

As MENA countries have already committed to the Sustainable Development Agenda and formed key implementation partnerships with the UN and other international bodies, they need to put in place all necessary policy, legal, and implementation mechanisms to ensure effective public participation.

Research shows that some countries made more progress than others and that CSOs' activities are a major contributor to that. When it comes to the Voluntary National Review (VNR), a voluntary follow-up and review mechanism that countries are encouraged to prepare as per paragraph 79, only a few MENA countries managed to submit to the High-Level Political Forum (HLPF).

Even those that have submitted once, may fall behind schedule in finalizing the second version. Jordan falls into that group, as will be further elaborated on in the following sections.

While the SDGs' overarching principles and objectives are unified across the globe, they allow for innovation by cities in response to their complex and localized needs. Innovation is triggered by endless synergies and interlinkages between the different SDGs to optimize solutions that address more than one priority.

Moreover, fiscal constraints that most cities face are triggers for innovation and deployment of technologies that further contribute to economic recovery and social justice. Like nation-wide VNRs, cities are preparing their Voluntary Local Reviews (VLRs) to report their progress on SDGs.

The VLR is also a practical platform to publicize knowledge and information and promote transparency and accountability as core sustainability values. Unlike the VNR, the VLR - to date - has no official status at the UN.

Therefore, there are no formal processes or standards in place for producing a VLR, leaving the door open for each city to create and customize a VLR to its own needs and priorities. There is no MENA VLR contribution submitted on the UN SDGs website to date, which may form an opportunity for more localized public advocacy and participation.

## 1.11. OPEN GOVERNMENT PARTNERSHIP (OGP)

Government leaders and civil society advocates came together to create a unique and powerful partnership that promotes transparent, participatory, inclusive, and accountable governance.

Since its launch in 2011, the OGP has been joined by 78 countries and a growing number of local governments that work

alongside thousands of CSOs. Every two years, each member submits an action plan co-created with civil society that outlines concrete commitments to enhance transparency, accountability, and public participation.

From the MENA region, Jordan, Morocco, and Tunisia are national members, accompanied by a few municipalities as local members. Since joining the OGP, the three MENA countries made over 129 commitments.

Both Jordan (joined 2011) and Tunisia (2014) fell behind in implementing their commitments, while Morocco's first OGP action plan is still being assessed by the Independent Reporting Mechanism (IRM).

Further country-specific details will be explored in the coming sections. Iraq and Lebanon are not members of the OGP, though some workshops organized by the government and UN agencies tackled the concept of open government at different levels.

The OGP is based on the idea that an open government is more accessible, more responsive, and more accountable to citizens, and that improving the relationship between people and their government has long-term, exponential benefits for everyone.

An IRM monitors all action plans throughout the two-year cycles to measure progress on commitments. The IRM data is used to further determine best practices and trends and then provide new perspectives for the OGP.

Civil society and OGP members, as well as citizens, use such information to reflect on their progress and prioritize future actions.

Environmental planning and policymaking have integrated public participation through the Environmental Impact Assessment (EIA) consultation sessions and the disclosure of selected sets of monitoring data.

The OGP is giving more attention to climate change mitigation and adaptation and to open data and access to in-

formation that can help drive innovation and identify high return-on-investment alternatives to GHG-intensive activities. Public participation in legislation, regulation, and planning for both mitigation and adaptation can increase public buy-in and improve awareness and risk response to unpredictable climate behaviors and consequences.

The OGP encourages linking actions to the Global SDGs and advancing community rights in land use issues.

In 2020, the OGP prepared ‘A Guide to Open Government and the Coronavirus: Green Transitions - Climate and Environment’ to avoid the ‘business as usual’ pathway and encourage countries to re-build more resilient economies and to shift toward more sustainable, healthy, and equitable alternatives.

The guide includes several recommendations followed by examples of good practices from around the globe.

## 1.12. ENABLING ENVIRONMENT FOR CSOS

For civil society to thrive and effectively participate, it needs an enabling legislative environment and a conducive political environment that honor the criteria outlined in the Universal Declaration of Human Rights, and respects the freedoms of association, assembly, and expression.

To understand civic space for climate action in the selected MENA countries, the enabling environment will be analyzed in light of international standards and guiding principles.

A comprehensive assessment of the enabling environment for CSOs, in general, was conducted for 16 countries around the globe under the Enabling Environment National Assessment (EENA) which is part of the Civic Space Initiative, implemented by CIVICUS and ICNL, in partnership with ARTICLE 19 and the World Movement for Democracy, with the support of the Government of Sweden.

The EENA methodology assessed up to ten dimensions, all of which affect the ability of CSOs to exist, function, and act, to determine whether the national environment is conducive for civil society.

Six of these dimensions are mandatory: formation, operation, access to resources, freedom of expression, freedom of peaceful assembly, and government-CSO relations. The four other dimensions are optional and can be applied depending on the national context: internet freedom, CSO cooperation and coalitions, taxation, and access to information.

In the MENA region, national legal and institutional frameworks governing CSOs and the aforementioned dimensions are quite variable. On the other hand, environmental CSOs are governed by the same framework as other CSOs, leaving the variance in implementation as a core element.

The analysis of the five countries under this study will shed light on common issues and priorities, as well as country-specific reflections and recommendations.



# IRAQ



**CLIMATE CHANGE  
ACTION ON  
NATIONAL AND  
STATE LEVEL**

## 2. IRAQ

### 2.1. NATIONAL CLIMATE CHANGE SCENE

Formally, Iraq ratified the UNFCCC and the Kyoto Protocol (KP) in 2009 and prepared a National Communication to the UNFCCC (2016).

Iraq signed the Paris agreement in 2016. Practically, Iraq recently embarked on the climate action scene. In January 2021, Iraqi's President approved the Parliament's September 2020 vote to accede to the Paris Agreement.

With this, Iraq - whose oil production accounts for 99% of exports and more than 90% of central government revenues - is embarking on a new era of economic diversity. But with the anticipated boom in population, fading oil prices, and growing water scarcity, this transition away from an oil-dependent economy will be extremely challenging.

The country is currently wrapped up with the preparation of its NDCs, climate adaptation plan, and other strategic reports and documents.

Iraqi civil society, on the other hand, is occupied with other priorities including security, fighting corruption, democratization, social justice, human rights, and many others.

NGOs that are active in the climate change sphere are few with a relatively limited presence on the national and local levels. However, environmental NGOs and experts are starting to realize and discuss the impact of climate change on other sectors and natural environment issues such as biodiversity, tourism, agriculture, and ecosystems in general.

These NGOs lack the technical knowledge and capacity to incorporate climate action into their civic space and activism efforts. Donors until recently have been more focused on humanitarian relief efforts and have not invested enough in empowering NGOs in development sectors.

Equally important are regional disparities within Iraq and the eagerness of communities to achieve equality in various sectors and services.

One of the key areas where climate impacts are visible is the Marshlands where cultural and natural heritage is at risk with no clear plans for rescue. The heavy dependence on oil and gas forms a major hurdle in the transition towards a cleaner environment.

Iraq still has a long way to go. It is worth mentioning that NGOs in the Kurdistan Region are extremely eager to find ways to work on the climate agenda. Climate security and justice should be high on the society's and the government's agenda just like human security and social justice.

The Ministry of Environment sits within the Ministry of Health and Environment, with some internal hopes to return as a standalone Ministry as part of the climate transition.

It is not clear how the economic and social dimensions of climate change could trigger wider and deeper civil participation and local action, in the presence of all other priorities. Following are the main highlights of the policy and legal framework for climate change in Iraq:



#### The Law to Accede to the Paris Agreement, No. 31 for 2020

In January 2021, Iraq's President approved the parliament's September 2020 vote to accede to the Paris Agreement. The advantages of ratifying the deal are twofold.

Iraq can now receive funding through the Green Climate Fund that will help with CO<sub>2</sub> production and stimulate the economy to jump from oil dependence to other energy sources. Ratifying the deal also encourages other countries to help Iraq make the transition.



### The Intended Nationally Determined Contributions (INDCs), 2015

The - relatively - brief Intended Nationally Determined Contributions (INDCs) document (submitted only in Arabic) was prepared before the Paris COP21 meeting in 2015 with emphasis on both mitigation and adaptation. Iraq aims to reduce its greenhouse gas emissions by 14% between 2020 and 2035 across all sectors.

In terms of adaptation, the INDCs document emphasizes the following sectors as severely impacted by climate change: water, agriculture, biodiversity, health, and tourism.

The document states that meeting these intended targets would be conditional on the availability of funding.

The Green Climate Fund website shows that Iraq has been receiving support as part of the 'readiness activities' which would result in preparing projects for potential funding.

Iraq is currently reviewing and updating its NDCs and hopefully with stronger civil society participation. Although the first INDCs report indicates that civil society consultations were conducted as part of the preparatory process, it does not provide any specific roles for civil society in the further review, implementation, or monitoring processes.



### The National Climate Adaptation Action Plan

In 2020, the Government of Iraq in partnership with the UN Environment Programme (UNEP) launched a process to develop a National Adaptation Plan (NAP) to build the country's resilience to climate change.

The NAP process aims to reduce vulnerability to the negative impacts of climate change through strategic planning based on projections of future climate change.

The NAP is expected to be ready in three years and it is not clear whether the process would follow a specific approach to engage civil society across the country and from various sectors.



### The National Development Plan - NDP (2018 - 2022)

This plan is published on the Ministry of Planning website which also contains a report detailing the progress made on the plan through April 2019.

The 5-year plan is nearly 264 pages and details challenges and priority actions for all political, social, and economic development sectors including the environment and climate change.

The plan also has targets for strengthening public participation in decision-making, human rights, rule of law, integrity and transparency, and decentralization, among others.



### Public Participation and the UN Sustainable Development Agenda

The UN SDG Knowledge Platform includes no reports from Iraq but indicates that a VNR is expected in 2021. The Iraqi Ministry of Planning (MoP) indicates on its website that the 2021 VNR will be the second report and that the first one was already presented to the UN High-Level Panel (UNHLP). The MoP is working with various stakeholders including NGOs on the second VNR.

The UN Development Programme (UNDP) Iraq states on its website that support from UNDP is extended to implement a community-led approach for three governorates (Basra, Anbar, and Karbala) to localize SDGs' targets and indicators, focusing on community consultations, effective participation of local academics, private sector, and non-governmental organizations, including youth and women and vulnerable groups such as farmers.

It would be a good testing platform for the approach, especially if climate change (SDG13) is prioritized by those communities.

An inspiring example in this area is the work of an environmental NGO in Kurdistan called 'Together for Human and Environment' which has developed a teacher's manual for integrating SDGs in education and is implementing a group of activities to raise awareness and engage local communities.

## 2.2. PUBLIC PARTICIPATION IN CLIMATE ACTION

CSOs or - as they are referred to in Iraq - NGOs are a relatively new concept in the Iraqi dictionary.

During the Ba'thist period and until 2003, civil society roles and functions were either repressed or incorporated into the public sector. The CSO/NGO sector has been growing so rapidly since 2003 that it cannot be fully measured.

Unofficial estimates indicate a range of 12,000 NGOs or more, although not all of them are registered formally. Geographic location is an important factor influencing the maturity and scope of NGOs in various Iraqi provinces.

This is not only due to differences in the nature of the population or local priorities but rather to the variable security climate in which NGOs have evolved and developed.

The way national and local authorities deal with NGOs is quite diverse and is still influenced by the culture of the pre-2003 regime.

Most NGOs are dependent on donor funding and support as - clearly - capacity building and empowerment of such CSOs would need years before they are self-sustaining.

The Arab Directory of NGOs shows only six environmental NGOs in Iraq, mostly concerned with wildlife conservation. It would be expected that there are many more dealing with climate action.

The majority of CSOs focus on the democratization process, social justice, anti-corruption, as well as human rights issues.

The National Development Plan (2018 - 2022) states that the percentage of public participation in priority settings is as low as 13% followed by CSO participation at 10% and local governments at 17%.

**The plan identified key challenges in this regard as follows:**

- 1 Low effective participation from the public, civil society, local governments, and ministerial management teams in priority identification, monitoring and evaluation, accountability, and corrective measures;
- 2 Weak awareness among citizens and local governments of the role of CSOs in strengthening effective participation. CIVICUS Monitor reports a notable decline in Iraq, which is downgraded from repressed to closed.

This comes after a popular protest movement began in October 2019 that has seen a heavy-handed response with an extensive crackdown on the freedom of expression and many human rights violations, which continue to be documented.

While it is extremely difficult to get a formal figure concerning environmental NGOs, it is obvious that the environment might not be among the top priorities at this stage - at least not as a standalone topic.

The environment as a human security issue has been gaining more attention and some Iraqi NGOs signed the joint statement on the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict (2018).

These include the Iraqi Civil Society Solidarity Initiative and Humat Dijla (Tigris River Protectors Association Iraq), among others.

More recently, Iraqi civil society is showing more rigorous attention to climate change as it magnifies the existing pressure on natural resources and human health and wellbeing.

NGOs dedicated to climate action are emerging and engaging in this new scene but still in fewer numbers and with less impact than needed. A climate-focused NGO, the Iraqi Green Climate Organization (IGCO) is a member of the National Climate Change Committee (NCCC) and has participated in the COP21 in Paris.



## Climate Change & Wildlife Conservation In Iraq- منظمة المناخ الأخضر العراقية

January 16 · 🌐

من الارشيف...

ساهمت منظمة المناخ الاخضر العراقية اسهاما فاعلا في مناقشات دخول العراق إلى اتفاق باريس للمناخ. وقد قدمت المنظمة مقترح من 37 فقره إلى وزارة البيئة العراقية وهي نقطة الإرتباط وممثل العراق في اتفاق باريس عام 2015. الصور ادناه تمثل مشاركة المنظمة الفاعله متمثله بمؤسسها ومديرها التنفيذي في مؤتمر الأطراف رقم 21 في باريس عام 2015. المدير التنفيذي الدكتور مختار خميس حبه يحمل شهادة الدكتوراه في علوم الحياة ..علم الحيوان، وله اهتمام كبير في الحياة البرية والنظم الطبيعية وله ما يقارب 43 بحثا اكاديميا منشور في المجلات العالمية الرصينة في هذا المجال. فريق التنسيق والتواصل الإجتماعي

### Archive

The IGCO had participated significantly in the discussion that facilitated the involvement of Iraq into Paris Agreement of Cilmate Change 2015.

The vital participation of the IGCO founder and CEO led toward vital participation of Iraq in Paris 2015.

The IGCO CEO Dr. Mukhtar K. Haba, is holding a Ph.D. in zoology with esteemed experience in the fields of wildlife conservation and natural ecosystems management. Haba have more than 43 secetific article in peer reviewed journals in this major.

Social Coordination Team



Source: Climate Change & Wildlife Conservation In Iraq Facebook page.

## 2.3. CLIMATE CHANGE AND ENVIRONMENTAL MOVEMENTS

Linking climate change to the evident deterioration in resources or special sites would be an effective mobilization tool in civic space. Two recent examples are of value here as they are made visible by the affected communities and international media.

One is the Iraqi Marshlands, a nationally important and globally significant wetland with a unique ecosystem formed by the Euphrates and Tigris rivers joining and flowing through the marshes to the Gulf coast.

The Marshlands are being affected by changes in climate patterns as well as human actions. Environmentalists and citizens can see the difference.



Source: The New York Times website.

The other case is related to the controversial practice of flaring (burning excess gas produced during the extraction of oil) which is a major contributor to the climate crisis. It is and a deadly threat to those who live nearby. The pollutants released have been linked to asthma, lung and skin diseases, and cancer.

INDEPENDENT

## The poisoned clouds that are suffocating the people of Iraq

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✉

**Bel Trew**

April 16, 2021 · 10 min read



Across Iraq, 17 billion cubic metres of gas are burnt a year

(Reuters/Alamy)

On the bad days, when the chimneys roar so intensely that the windows shake, families say thick soot appears in the air, killing plants and dusting everything a volcanic grey. For the inhabitants of Nahran Omar, a town in southern Iraq perched next to several oil wells, the flames rising from the

Source: The Independent.

In Kurdistan, several NGOs are tackling environmental awareness issues. One example is 'Together for Human and Environment' which provides awareness and discussion events around various environmental themes and for various public audiences.

This NGO, however, reported weak public awareness and a lack of support from donors to NGOs working in the environment and climate change field and highlighted the need for capacity building for all NGOs in Kurdistan.



## جمعية معاً لحماية الانسان والبيئة

April 10 · 🌍

تطلق جمعية معاً لحماية الانسان والبيئة تحدي يوم الارض Earth day challenge\_2021# هذا التحدي يتلخص في ان يقوم شخص او مجموعة اشخاص بعمل يهدف الى حماية البيئة ومنها:

1. زراعة عدد من الاشجار في منطقة ما
2. تنظيف مساحة محددة من الارض من النفايات وجمعها في اكراس نفايات
3. نماذج من اعادة تدوير مخلفات

على المشارك او المشاركين بالتحدي تصوير المكان قبل وبعد القيام بالحملة، تصوير النماذج المعدة من اعادة التدوير وارسالها الى الجمعية مع المعلومات المشترك ( الاسم الثلاثي والمحافظة والمدرسة والعمر والرقم الموبايل) في موعد اقضاه 18 نيسان الساعة 5 مساءً، وإرسال الصور الايميل التالي: Earthdaychallenge.2021@gmail.com

وسيتم عرض المشاركات على صفحتنا على الفيس بوك والمشاركات التي ستنال اعلى الاصوات سيتم تكريمها بجوائز وشهادات تقديرية في احتفالية تقام بعد عيد الفطر المبارك. ( او ب البيئة العالمي 6 حزيران ) وسيتم اعلان النتائج على صفحتنا على الفيس بوك (+20) Together for Human and Environment جمعية معاً لحماية الانسان والبيئة | Facebook

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## تطلق جمعية معاً لحماية الانسان والبيئة

### تحدي يوم الارض #Earth day challenge\_2021

هذا التحدي يتلخص في ان يقوم شخص او مجموعة اشخاص لجميع الاعمار بعمل يهدف الى حماية البيئة ومنها:

- 1) زراعة عدد من الاشجار في منطقة ما
- 2) تنظيف مساحة محددة من الارض من النفايات وجمعها في اكراس نفايات
- 3) نماذج من اعادة تدوير مخلفات

على المشارك او المشاركين بالتحدي تصوير المكان قبل وبعد القيام بالحملة تصوير النماذج المعدة من اعادة التدوير وارسالها الى الجمعية وعلى الايميل التالي: Earthdaychallenge.2021@gmail.com في موعد اقضاه 18 نيسان الساعة 5 مساءً

وسيتم عرض المشاركات على صفحتنا على الفيس بوك والمشاركات التي ستنال اعلى الاصوات سيتم تكريمها بجوائز وشهادات تقديرية في احتفالية تقام بعد عيد الفطر المبارك. ( او يوم البيئة العالمي 6 حزيران ) وسيتم اعلان النتائج على صفحتنا على الفيس بوك (+20) Together for Human and Environment جمعية معاً لحماية الانسان والبيئة | Facebook




## Together for Human and Environment

### جمعية معاً لحماية الانسان والبيئة

Community

[Learn More](#)

Source: Together for Human and Environment Facebook page.

All of the interviewed activists reported the need for more collaboration with NGOs in other MENA countries that are already active in the climate and environment sectors.

## 2.4. ENABLING ENVIRONMENT FOR CSOS

The Law on NGOs was adopted following years of joint consultation with civil society and other stakeholders and based on international best practices and standards.

Law No. 12 for 2010 is considered by many a real victory for civil society as it provides a clear and straightforward registration process, lifts barriers to foreign and domestic funding, creates a judicial check on the state's ability to suspend an NGO, and removes criminal penalties from being affiliated with an improperly registered NGO.

The law defined one set of organizations as NGOs and thus avoids conflicting definitions that may arise from using different terminologies/types of CSOs.

The Law on Non-Governmental Organizations in the Iraqi Kurdistan Region (Kurdistan Regional Government Law No. 1 of 2011) is a significant milestone for Kurdish and Iraqi civil society and lays the groundwork for a new era in civil society-government relations in Kurdistan.

The law simplifies the registration process, clarifies conditions for NGOs' financial sustainability, and adds greater transparency to government funding of NGOs, among other progressive provisions. Practice is usually different from what is on paper. Iraqi NGOs can be dragged into political affiliation which may compromise their registration or funding approval.

On another level, local councils, while having no formal role in NGOs governance and approvals, vary in their approach towards NGOs. Some local councils show cooperation and support to NGOs, whereas others may form hurdles to registration.

As a reflection from the ground, civic space in Iraq is quite occupied with priorities that evolve around security, fighting corruption, democratization, social justice, and human rights.

NGOs active in the climate change sphere are very few with a relatively limited presence on the national and local levels.

However, many environmental NGOs and experts are starting to realize and discuss the impact of climate change on other sectors and natural environment issues such as biodiversity, tourism, agriculture, and health.

These NGOs lack the technical knowledge and capacity to incorporate climate action into their civic space and activism efforts.

Donors until recently has been more focused on humanitarian relief efforts and have not invested enough in empowering NGOs in the environment sector.

On the local level, the disparity between Iraqi regions and the eagerness of communities to achieve equality (political and economic) is core to climate action.

Climate security and climate justice should be high on the people's and government's agenda just like human security and social justice. The understanding of such linkages between climate and social justice and human rights is still very weak across the regions.

As far as participation in climate change policy development and planning is concerned, some NGOs indicated that they were invited to contribute to specific reports and plans such as the SDGs progress report (NVR).

One NGO mentioned that there are working groups formed by the government to engage NGOs and experts in specific environmental issues, mainly education and awareness. The only NGO that highlighted its institutionalized participation was the IGCO as it is a member of the NCCC.

IGCO attended the COP21 in Paris as part of the Iraqi delegation. The IGCO founders are all university professors with a visible commitment to further engage in climate action and to create a national climate movement with other NGOs.

The below analysis applies to environmental and climate change NGOs as well as other NGOs.

## 2.4.1. FREEDOM OF ASSOCIATION

### Prior Approval Requirement

According to Article 8 of the NGOs Law, the responsible Department shall decide about the application for registration within seven days of the date of registration with the Department.

Otherwise, the application is considered approved. Also, if an application for registration or application for establishment is denied, the Department must state the reasons for refusal and notify the applicants in writing.

ICNL Iraq's Civic Freedom Monitor indicates that the NGO Directorate requires all aspiring organizations to obtain approval from the Supreme National Commission for Accountability and Justice before they may register.

Branches of foreign NGOs that seek to register in Iraq must provide a copy of the Iraqi nationality certificates and civil status identity cards of their Iraqi staff as well as copies of the passports and residence documents of their foreign staff (Article 25).

This provision has been criticized as a barrier to the registration of foreign NGOs, which may have concerns about the security of their staff if their identification information is required to be shared. In Kurdistan, the NGO Department requires foreign organizations to renew their registration every year.

### CSOs Formation

There is a single legal form available for registered, not-for-profit organizations in Iraq: the Non-Governmental Organization (NGO).

An NGO is defined as “a group of natural or legal persons that have registered and obtained legal personality according to the terms of this Law to pursue not-for-profit purposes” (Article 1 of Law No. 12 of 2010). A foreign NGO is defined as “a

branch of an NGO that has been established according to the laws of another country” (Article 1 of Law No. 12 of 2010).

NGOs are free to pursue any not-for-profit purposes. NGOs seeking to “achieve a public interest” can apply for “public utility” status (Article 17 of Law No. 12 of 2010). If granted, such NGOs “shall be exempted from income tax, value-added tax (VAT), customs duties, and sales tax” (Article 17 of Law No. 12 of 2010).

Public utility status is granted by “a decision of the Council of Ministers based on a proposal by the Secretary-General of the Council of Ministers” (Article 17 of Law No. 12 of 2010).

### Operations

Iraqi NGOs are free from oppressive state control and obstructive registration requirements. Law No. 12 of 2010 provides NGOs with a proper space to operate within various sectors.

However, NGOs require institutional and human capacity building to be able to operate effectively and to lead and sustain change on regional and national levels.

Some of the areas that demand capacity building within the climate change field are: policy development and advocacy (across sectors affected by and impacting climate change), strategic planning, networking and community mobilizing, monitoring and evaluation (for public policies and organizational programs and projects), international negotiations, evidence-based communication, research, and data analysis, climate change scientific and technical topics, climate justice and social and economic implications, and administration and financial management.

As mentioned earlier, the geographic disparities between different provinces remain a core problem that will need to be tackled urgently and creatively to boost action within the sustainable development agenda in general and climate action in specific.

One of the key challenges facing NGOs established originally to work on the environment is that funding and support for the environmental sector have been very weak and thus, most NGOs, regardless of their scope or name, are doing relief projects since the funds are channeled in that direction.

As a reflection from the ground, the formation of NGOs in Iraq is enabled by the Constitution and by the NGO law. There is clearly no shortage of NGOs but rather a lack of sectoral focus as most of the work of such organizations was directed toward other priorities dictated by the political and security scene.

This was aggravated by the focus of external donors which also lacked an environmental or climate change dimension. Some of the interviewees indicated that even NGOs registered with an environmental scope converted to implementing humanitarian programs as they could find no support to other sectors.

There is little focus on NGOs collaboration (network formation) in the environmental sector. Such consolidation of efforts would assist in building national and local movements in climate action areas.

## 2.4.2. FREEDOM OF ASSEMBLY

The Constitution guarantees, in Article 38, the freedom of assembly in a way that does not violate public order and morality, while freedom of assembly and peaceful demonstration shall be regulated by law.

This, however, does not protect protestors from the risk of violence or arrest. In 2019 - 2020, such risks became more prominent during the protest movement.

Security forces used curfews, tear gas, and live ammunition to suppress demonstrations in Baghdad and other southern cities that began in October 2019 and focused on corruption, poor infrastructure and government services, and high unemployment.

Provisional Order 19 of 2003 provides a framework regulation for public assemblies and demonstrations. In addition, the Ministry of Interior issued several regulations to restrict assemblies in specific circumstances.

Article 4 of Order 19 prohibits “any march, assembly, meeting or gathering on roadways, public thoroughfares or public places unless an Approving Authority has been given notice in writing of the location, the maximum number of persons participating, and the names and addresses of the organizers of any such march, assembly, meeting or gathering, its route, and its time of inception and duration at least 24 hours before such inception.”

The Order does not provide specific grounds on which authorities may reject the notice, as such they appear to have broad discretion to do so. Article 9 of Order 100 of 2004, which amended parts of Order 19, granted the right for organizers to appeal to a federal court if denied the opportunity to assemble, if such denial is “arbitrary, capricious, or otherwise contrary to law.”

Article 3 of Order 19 includes constraints on the timing, duration, and location of assemblies. It provides, for instance, that assemblies cannot be held in public places for more than four hours; cannot be held during peak traffic hours - i.e., from 7:30-9:00 am and 4:30-6:00 pm on business days - unless approved by authorities beforehand; and cannot be closer than 500 meters to embassies and their regional offices.

The Order also prohibits assemblies on roadways unless they are limited to a size that “will not unreasonably obstruct pedestrian or vehicular traffic,” as determined by authorities.

The Order provides that in such a case, within 12 hours of receiving notice of the planned assembly, authorities will inform the applicant group of the maximum number of authorized participants.

Finally, the Order prohibits groups from holding public assemblies or marches in more than one location or municipality, on the same day, unless authorized beforehand. The

authorities thus appear to have broad discretion in limiting the location, timing, and size of assemblies.

Article 7 of Order 19 stipulates “that any individual violating this Order may be detained, arrested, prosecuted and, if convicted, sentenced to up to one year in prison.” Accordingly, any person who organizes or participates in an unauthorized assembly may be subject to imprisonment for up to one year.

While climate-related cases were not recorded, such risks may repress potential activism in the environmental sector.

As there is no real climate activism in Iraq, there are no freedom-related cases reported. However, the suppression and repression that activists and journalists face in civic space form visible risks to any type of activism. The COVID-19 related orders have magnified these challenges and limited the freedom of assembly.

Arrests, violence, and suppression are quite common in civic space, especially during 2020. One of the NGOs reported ‘there is no room for climate activism in light of the repression and murders used against those who demand the freedom of their homeland’.

### 2.4.3. FREEDOM OF EXPRESSION

The Constitution allows free expression with certain limits to preserve “public order” and “morality.” Journalists are following a self-censorship approach to avoid legal repercussions or violent retaliation.

Media outlets face restrictions and obstructions in response to their coverage. Social media posts on controversial topics sometimes result in retribution.

Certain topics, including corruption and, to a somewhat lesser extent, criticism of Iran, are considered to be off-limits and at times prompt arrest, salary deductions, torture, and criminal lawsuits.

In 2020, several anti-government activists were kidnapped as

the protest movement continued. In October and December, activists were arrested in the Kurdistan region for calling for and engaging in protests against the region's ruling parties.

In terms of digital platforms, experts and activists expressed serious concerns over the draft Information Technology Crimes Act and described it as vague, overbroad, and overly harsh. Iraq's Parliament responded to these concerns and discussed potential amendments with key stakeholders in November 2020.

While climate change-related cases were not reported, such signs of the potential consequences of expression of views might jeopardize any form of activism. Again, the status in Iraq is that there are no climate-related cases but rather a general threat to journalists and social media activists who report negatively on government decisions and practices.

#### 2.4.4. ACCESS TO FUNDING

Iraqi NGOs may seek funding from several sources including the Iraqi political system which is often politically compromised and difficult to access for independent NGOs.

The Law states that some civil society work is to be funded by the Iraqi government, but implementation standards are unclear and could be politically compromised as there is no shortage of NGOs with links to the dominant political parties in Iraq and their networks of patronage and/or corruption.

Another funding stream is domestic fundraising and member contributions. This is challenged by the lack of trust between the Iraqi public and the NGO community and the public's limited financial resources.

The most successful organizations at securing domestic contributions in their fundraising tend to be rooted in religious or family networks. International donors remain the most reliable source of funding for independent NGOs and a viable option for the continuation of an independent civil society sector in Iraq, at least for now.

However, external funding for NGOs in the climate change sector is still extremely limited and the majority of funds are still targeting relief and human security issues.

The main issue related to funding is the availability of external funding for climate action. The interviewed NGOs highlighted the lack of funding for such programs as most donors are focused on relief efforts.

Domestic funding is quite tricky if it is channeled through political agendas that would compromise the independence of NGOs and hinder public funding that is already scarce. Having healthy and effective climate activism and civic space will require access to funding but also technical assistance and capacity building on all levels.

Regional projects might be a good way to exchange knowledge and experience across borders, as suggested by some of the respondents.

### 2.4.5. ACCESS TO INFORMATION

The Iraqi Parliamentarian Presidency pledged in 2018 to legislate an Act for the Right to Access Information. In 2020, the government submitted a draft law for discussion on the legislative body level.

In the past years, several policies that promote openness were adopted, including rules requiring public officials to disclose their assets. However, the government does not generally operate with transparency, especially within the oil and gas sector and the Extractive Industries Transparency Initiative.

The public procurement system is nontransparent and corrupt, with no legal recourse available for unsuccessful bidders.

Iraq has not yet passed a comprehensive law on access to information although the government recently announced that it has submitted one to the legislative body for review.

The draft law seems to be an issue for many activists and journalists who have been holding discussion sessions around the issue for the past few years.

In the Kurdistan Region of Iraq, and after three years of negotiations among various parties, a law regarding the right to information was adopted in 2013.

The anticipated law on access to information would still benefit from NGOs' input and consultations. More specifically, the climate change angle to this needs to be developed and explored as the issue of data transparency and disclosure would form a major challenge. The energy (oil and gas) sector and non-sustainable practices will be at the heart of climate action.

### 2.4.6. COVID-19 IMPLICATIONS

Authorities in Iraq, particularly in Kurdistan, used the COVID-19 lockdowns to ban protests and restrict the ability of individuals to reach protest sites.

In May 2020, Kurdistan Regional Government (KRG) security forces in Dohuk opened fire and arrested protesters who were demanding improvement in living conditions, an end to corruption, and payment of unpaid state salaries.

Some social media users and bloggers have faced defamation lawsuits for criticizing local authorities' poor response to the COVID-19 pandemic.

### 2.4.7. CSOS AND GOVERNMENT COOPERATION

When it comes to NGOs active in the climate change field, the relationship with the government is still being shaped.

**This is probably a three-dimensional evolution:**

- 1 The existence and maturity of the NGOs themselves,
- 2 The environmental agenda and the political and public support for climate commitments, and
- 3 The government willingness to deploy needed reforms concerning transparency and access to information (especially in controversial sectors like energy).

For the very few NGOs that are already in the environment and climate scene for a few years that have managed to gain some knowledge and expertise through participating in international conferences, the relationship with the government might be more positive. International NGOs are probably in a better position as they are potential partners/donors.

The huge number of NGOs that potentially have a stake in climate change makes relationship-building more complex. The geographic variations and de-prioritization of climate issues compared to other important reforms demand multiple interventions.

The Ministry of Health and Environment website does not have any civil society angle or information request mechanism, besides the complaint form. However, some of the interviewed NGOs (from Kurdistan) confirmed that they were invited to consultation group meetings held by the Ministry of Planning regarding the SDGs and other national environmental reports.

The ongoing planning efforts for NDCs update and the NAP should form a timely opportunity for strengthening cooperation and expanding the NGOs contributing to the climate agenda.

In Iraq, cooperation between the government and the NGO community on climate change issues is limited as the whole climate action scene is in its early ages.

Having the IGCO as a member of the NCCC is a good sign and should lead to mobilizing more civil society participation. The respondents and interviewees emphasized the need to have more awareness and support for the climate change agenda from decision-makers and the Iraqi public.

This engagement could make a huge difference as several policy and strategy documents are in the making, such as the NDCs and the NAP. Several NGOs might be more ready than others, for example, those working in the Marshlands and those that are already doing some environmental activities in Kurdistan can form a nucleus for a civil society climate network.

## 2.4.8. CSOS COOPERATION AND COALITIONS

Obviously, Iraq has many active NGOs that operate in various locations and sectors. The NGO Coordination Committee for Iraq (NCCI) is a member-led organization established in 2003 to coordinate principled, collective NGO action to foster development, address humanitarian needs, and promote respect for human rights in Iraq.

NCCI has offices in Geneva, Baghdad, and Erbil and receives support from several donors. NCCI serves around 180 local and international NGO members and observers with coordination, advocacy, government liaison services, and NGO capacity building.

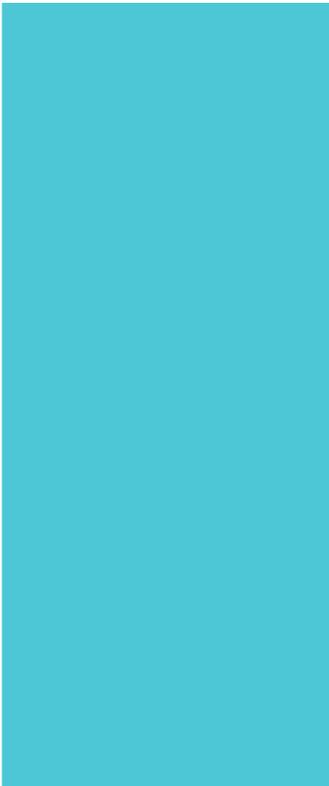
NCCI collects information in a standardized format about active NGOs on annual basis and publishes a booklet with the profiles of Iraqi NGOs. From looking at the profiles compiled in 2019, there is little, if any, specialization in the scope of programs and activities implemented by NGOs.

There are no climate-focused NGOs within the NCCI and a few scattered environmental, agricultural, or Water, Sanitation and Hygiene (WASH)-related projects are implemented by some NGOs. Other networks for Iraqi NGOs exist with a focus on child rights and peace and safety.

The interviewees and respondents emphasized the importance of having a network of NGOs that build knowledge and strongly contribute to climate change policymaking and implementation efforts. The current status of fragmented and weak climate activism necessitates a clear plan of action to organize and empower NGOs across the different regions.

## 2.4.9. OGP

Iraq is not a member of the OGP, however, its NDP may be a good base to tackle the principles of OGP and apply for membership.



# JORDAN



**CLIMATE CHANGE  
ACTION ON  
NATIONAL AND  
STATE LEVEL**

## 3. JORDAN

### 3.1. NATIONAL CLIMATE CHANGE SCENE

Historically, Jordan has been one of the most active countries in the region with regard to involvement in international environment and climate change efforts. It was amongst the first group of developing countries to ratify the UNFCCC and make an accession to the KP in 1994 and 2003, respectively.

It was the third Arab country to submit its INDCs prior to Paris COP21, in addition to being the first Arab country to address climate change and its implications on vital sectors through a national policy (2013 - 2020).

The legal and policy framework for climate change in Jordan is evolving with time with the support of several international partners such as UNDP and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

At the heart of climate change agenda in Jordan is the impact it has on the existing fragile environment and scarce natural resources, especially water. Moreover, Jordanians are witnessing and suffering from the climate change consequences such as severe droughts, heatwaves, and flash floods.

Some innocent lives were lost a few years ago in the floods that swept through the Dead Sea area, and daily productivity is impacted across sectors, most visibly in the agriculture sector.

Following is an analysis of relevant policies and legislation, as well as strategic institutional arrangements, that directly influence climate action in Jordan:

### 3.1.1. ENVIRONMENT PROTECTION LAW NO. 6 FOR 2017

The Environment Protection Law No. 52 of 2006 was amended in 2017 for multiple purposes including the integration of a climate change's concept and mandate.

Prior to that, the Ministry of Environment (MoEnv) exercised its authority as a national climate change focal point without any legal base.

The need for a strong mandate and authorization to coordinate across sectors and governmental bodies demanded such an amendment.

This has also demonstrated that Jordan is embedding international commitments into domestic laws and policies.

#### Key climate change provisions that were added are:

**Article 2:** the definitions of climate change and Green House Gases were included.

**Article 4, paragraph (c):** The MoEnv shall coordinate national efforts that aim to forecast climate change, define sectors impacted by climate change, control and mitigate GHGs and providing financing and technology transfer, as well as reallocating available financing and distributing it among climate change activities.

**Article 4, paragraph (d):** to follow-up on any environmental agreement that Jordan is party to, such as the UNFCCC and any other relevant agreements or protocols ratified by the Kingdom.

Moreover, and from a civil society angle, **Article 14** states that: Entities authorized to license societies and non-profit private companies operating in the environmental domain shall obtain the Ministry of Environment approval for issuance and/or renewal of the license.

### 3.1.2. CLIMATE CHANGE REGULATION NO. 79 FOR 2019

This regulation provides a legal framework for climate change planning and execution efforts and is a much-needed step to affirm and strengthen the MoEnv's role on the national level.

The regulation defines key climate change terms and concepts and delineates national obligations under various international agreements. The process of drafting and finalizing the regulation is seen as a positive experience as it involved several consultation sessions and eventually a relatively short period for public comments.

The selection criteria for those to engage from day one versus others who would be invited to a consultation session and then those that are able to comment on the final draft, are unclear.

From a public participation angle, the regulation includes 'relevant entities' as part of the definitions in Article 2 but then the definition is limited to referring to entities mentioned in Annex 1 and 3 of the regulation. Each of those Annexes include a diverse list of public, private and civil society organizations and even provides room for 'non-defined representatives, from civil society and private sector.

Throughout the regulation, the 'relevant entities' term is used within different contexts. For example, in Article 3 (h), the MoEnv shall coordinate with relevant entities to create a national climate financing plan that defines priority projects, programs, and plans. Article 3 (I) states that the MoEnv shall coordinate with relevant entities regarding climate change market instruments.

The highest coordination body for climate policy and the most important component of the climate governance framework both nationally and internationally is the NCCC, which was established, long before this regulation, through a cabinet of ministers' decision in 2001.

Article 4 of the regulation details the members of the NCCC.

The NCCC is chaired by the Minister of Environment and includes 16 members, 14 of which are Secretary Generals of MoEnv and line Ministries, in addition to the Mayor of Amman and the Commissioner for Environment at Aqaba Special Economic Zone Authority (ASEZA). The article includes a provision that allows the NCCC to invite expert(s) but without granting them any voting rights.

NCCC decisions are made based on majority rule and if there are equal votes, the Chair (the Minister) vote prevails. Article 6 (a) states that the NCCC shall form ‘technical teams’ of experienced and specialized persons from public, private, scientific research or civil society organizations or from any of the entities listed in Annex 1 (which already included representatives of the aforementioned sectors).

Article 7 (a) requires that all entities in Annex 1 (which includes ‘non-specified’ entities and representatives) to nominate a focal point within one month from the date this regulation enters into force. Other obligations like submitting an annual report are also mentioned.

Under Article 7, the regulation puts clear responsibilities on other Ministries such as the Ministry of Local Administration (to coordinate with municipalities and local councils and governorates to integrate climate change in local plans), the Ministry of Education (to integrate climate change concepts into school curricula and teachers’ trainings), the Ministry of Finance (on incentives and procedures), and the Central Bank of Jordan (on green financing instruments).

### 3.1.3. THE NATIONAL CLIMATE CHANGE POLICY (2013 - 2020)

The MoEnv launched Jordan’s Climate Change Policy (2013 - 2020) with technical assistance from UNDP. The policy emphasizes, through its sector strategic guidance framework, the importance of cascading climate change adaptation and mitigation efforts on a sectoral level. The policy and strategic framework requires further detailing of action plans on

a sector level with clear roles and responsibilities and time-frame for implementation.

Priority interventions would require mobilization of resources and unlocking potential partnerships with the private sector. The policy is only available in English.

Currently, the policy is being reviewed with the aim of producing an updated version before the end of 2021, also with UNDP support. The policy pays attention to 'vulnerable groups' and to gender imbalances. Stakeholder involvement and its importance in sustaining actions and ensuring proper implementation of climate mitigation and adaptation, are also included.

The policy defines key stakeholder groups as local governments, municipalities, local communities, local associations and societies, NGOs, academic and research institutions, private sector, and other civil society organizations.

The policy puts the responsibility on the MoEnv and the NCCC to secure the required platform and network for active stakeholder participation in all aspects of sustainable development activities.

Members of the NCCC bear the major responsibility in securing effective and prompt feedback from their respective sectors and institutions, while the MoEnv works to maintain communication mechanisms with stakeholders not presented in the NCCC.

As owner of the Climate Change Policy, the NCCC should maintain communication with decision makers, especially on progress made on policy implementation. The impact of climate change should be considered by planners at all levels (national, regional, and local). MoEnv should coordinate with other relevant Ministries at the national level. The regional directorates of the MoEnv, in addition to NGOs that are active on a regional level, should get more involved in regional and local activities.

The MoEnv should work with NGOs to ensure the active involvement of local communities by creating cooperation

networks with local associations and societies with due consideration given to gender aspects. The role of associations of local communities in planning and implementation of development projects should be increased, as climate actions and impacts are locally determined.

Moreover, awareness campaigns, specialized workshops and training sessions targeting local communities should be held in all governorates. In addition, the climate change policy emphasizes the role of media in awareness raising and in informing and engaging various stakeholders on mitigation and adaptation activities. Specialized training for media actors and journalists should be conducted.

### 3.1.4. POLICY FOR BUILDING RESILIENCE TO COMBAT CLIMATE CHANGE'S IMPACT ON THE WATER SECTOR (2016)

This policy was prepared by the Ministry of Water and Irrigation (MoWI) as part of the National Water Strategy. It responds to the strong link between water and climate change and to the need to combat the potential consequences on water scarcity.

The policy refers to other entities that are relevant for implementation and update of the policy. These include the ministries of environment, energy, agriculture, planning, municipal affairs, as well as Greater Amman Municipality and the Department of Statistics.

The National Committee for Climate Change is also mentioned as a potential need-based collaborator.

### 3.1.5. THE INDCS, 2015

The INDCs were prepared prior to the Paris COP21 meeting in 2015 and were submitted to the UNFCCC. Due to its

participatory and bottom-up approach, Jordan's process of preparing its INDCs was perceived as a good case study by the GIZ/UNDP international partnership on Mitigation and Measurement, Reporting and Verification (MRV).

The process started by soliciting technical input and conducting national consultations, which consequently led to wide political support.

The INDCs process was the first climate change process in Jordan that included a national target for reducing GHG emissions.

An inter-ministerial breakthrough was claimed during the process by bringing together four Ministers and five officials from the Secretary General level to the INDCs validation meeting.

Within its INDCs, Jordan commits to 14% reduction in GHG emissions by 2030 compared to "business as usual" (BAU) projected emissions, 12.5% of which is conditional upon the availability of finance and enhanced support.

The two targets will be achieved based on implementing at least 70+ projects. USD 5,700,000,000 is the total financing needs from which the government has already secured USD 542,750,000 to meet the unconditional target, which means Jordan is in need of USD 5,157,250,000 to fulfill its conditional target.

Sectors covered within the INDCs include: energy (including transport), waste, industrial processes, agriculture and land-use, land-use change and forestry (LULUCF) and solvents. Thus, a large share of the measures will be implemented through sectoral strategies under the responsibility of the sector's ministries (energy, water, agriculture, health, and others).

The process which was described as participatory and bottom-up included consultation sessions with government institutions, local authorities, donors and international partners, major private sector chambers and associations as well as key environmental NGOs.

Jordan is reviewing and updating its NDCs to be submitted to the UNFCCC to reflect more ambitious targets and the progress made since 2015. Jordan has completed the NDCs action plan in line with national priorities and as per the sectoral targets defined in the NDCs.

### 3.1.6. THE NATIONAL CLIMATE CHANGE ADAPTATION PLAN - 2021

The final draft is published for public comments until April 15, 2021 on the MoEnv website. This is the first Climate Change NAP of Jordan, building on continuing efforts of the Ministry of Environment to address climate change in the country's development policy framework, including the Climate Change Policy document, Jordan's communication reports, sectoral climate action plans and the NDCs.

The NAP provides a clear vision for adaptation and identifies measures to be addressed in several sectors aiming to establish a solid partnership between the government of Jordan with academic institutions, community based organizations (CBOs), and private sector entities. It addresses vulnerabilities identified by the Climate Vulnerability Assessment provided in the Third National Communication Report and adopts the values and principles of the NAP Framework.

#### The NAP defines six strategic objectives:

- 1 Strengthen institutional framework, governance, policies, strategies and legislation;
- 2 Support the coordination mechanism between public, private community-based organizations and other relevant stakeholders and ensure mainstreaming NAP in their strategies in Jordan;
- 3 Improve knowledge, awareness and communication tools for an effective NAP implementation process in Jordan;

**4** Build a dynamic and sustainable funding instrument for NAP implementation in Jordan;

**5** Support research and capacity building programs in the climate adaptation field; and

**6** Develop a data management system for climate change adaptation.

Gender and youth mainstreaming was tackled in the document as well to ensure gender sensitivity, and as youth represent future decision makers and key stakeholders whom will aid the implementation of adaptation measures, enhance resilience and decrease vulnerabilities toward climate change.

Under the NAP communication strategy, civil society stakeholders are included as one of the target audiences, including: media, religious organizations, schools and universities, social movements and advocacy groups, trade unions, and national and international NGOs.

**The main communication objectives for this group are:**



Increasing ease of access to relevant information about climate change adaptation and the NAP process.



Stimulating dialogue over climate change adaptation and its implications for the work of CSOs in Jordan.



Providing key messages and communications materials that can inform the work of CSOs.

A set of concrete activities has been identified for an effective integration of gender and vulnerable group concerns within the NAP process in Jordan:

**I** Provide technical guidelines, based on the National Machinery to Promote Gender Equality, on how to integrate gender and vulnerable groups in each sector in planning and budgeting for adaptation to climate change.

- 2 Assess the degree of integration of gender and vulnerable groups' concerns into existing climate change documents within all sectors and identify potential entry points.
- 3 Develop and apply "gender and vulnerable groups" sensitive criteria for selecting and prioritizing adaptation options.
- 4 Ensure data creation and accessibility to all relevant information for mainstreaming gender and vulnerable group considerations into climate change adaptation planning.
- 5 Collect data and develop gender and vulnerable groups' analysis for each vulnerable sector.
- 6 Consider gender and vulnerable group in climate change vulnerability assessments and socio-economic scenarios.
- 7 Target communities that have been identified as particularly vulnerable to climate change and develop specific strategies to empower them.
- 8 Define gender and vulnerable group sensitive indicators for climate adaptation monitoring and evaluation, that are easy to monitor, report against and showcase in line with UN SDGs.
- 9 Establish a transparent reporting mechanism and measure the progress and impact of the consideration of gender and vulnerable groups' issues into adaptation planning.
- 10 Learn from good practices and behavior change and make adjustments where needed.

The NAP pays special attention to the role of youth and their engagement through several means including: awareness

raising, capacity building and training, advocacy and community mobilization, engaging with institutions, adapting policies and strategies to youth needs and requirements, and financial allocations.

### **3.1.7. THE MOENV PUBLIC PRIVATE PARTNERSHIP COUNCIL (FORMED IN 2019)**

This is a high-level committee chaired by the Minister of Environment that includes members from the public and private sector, research institutions, business associations, in addition to civil society representatives.

While the full list of members and the mandate/functions of the council are not accessible, the main angle to be highlighted is the selection process/criteria for the civil society representatives and the tools those representatives use to communicate key discussion topics to the other NGOs and CSOs.

### **3.1.8. THE UNFCCC, PARIS AGREEMENT AND CIVIL SOCIETY PARTICIPATION**

Jordan is a signatory to the UNFCCC and all associated agreements and protocols. It is considered among the most active states in the MENA region when it comes to meeting international obligations relevant to policy development and reporting.

The public participation dimension in the climate agenda might be challenged within the complex climate context, not only for Jordan but for most countries.

Jordan is participating in the COP through the national focal point (the MoEnv - Climate Change Department as well as the Minister and Secretary General).

The negotiating team is usually comprised of MoEnv staff members in a relatively small number - compared to other countries- due to limited financial allocations from the Government.

In recent years, staff members from line ministries such as the Ministries of Energy and Water started to join as climate change is strongly connected to those sectors and their technical input would be needed to strengthen the national approach. Environmental NGOs and climate activism groups are also seen at the COP sessions, but not necessarily inside negotiation rooms.

### **Key elements to consider as CSOs seek to participate in climate negotiations:**

- Understanding the climate negotiations and power dynamics and the national approach/policy towards various issues. This would require continuous engagement with the MoEnv and the key actors and would build over time and with exposure.
- Solid technical and scientific knowledge within one or more of the climate change thematic areas.
- Financial resources to cover travel and accommodation.
- Following the UNFCCC guideline for participation and the needed accreditation to access the sessions.
- Being proactive in pursuing needed support from the MoEnv, donors, or other stakeholders.
- Accessing the relevant documents and preparing for effective participation.

Donors are usually keen to support delegates from civil society based on their potential role and engagement. Several Jordanian NGOs managed to send representatives to one or more COP meetings and to effectively engage and participate on various levels.

Youth specifically have been outstanding participants and could mobilize action before, during and after the meetings.

As far as the Paris Agreement is concerned and the non-state actors' role, Jordan is still at an early stage of developing this

concept further and reflecting it in implementation mechanisms and governance framework.

The multisectoral and complex nature of the climate agenda would need efficient coordination and communication mechanisms among all stakeholders, including civil society.

The NCCC is the starting point and its membership and structure as well as the technical teams proposed underneath should be reviewed to ensure more inclusive and diverse participation. The NAP, on the other hand, forms a good framework for civil society participation in climate adaptation.

It must be backed with institutionalized tools to ensure it is being implemented. Publishing the final draft of the NAP on the MoEnv's website for comments is a good step.

The climate change policy, the NDCs, and the UNFCCC related reports are all under review or update, which forms a great opportunity to do effective public participation at different stages: before, during and after.

Most of these efforts are supported by donors and international partners who follow international standards and guiding principles and are expected to walk the talk and support more creative approaches. There is no clear evidence of an announced inclusive public participation strategy/mechanism.

### **3.1.9. PUBLIC PARTICIPATION AND THE UN SUSTAINABLE DEVELOPMENT AGENDA**

Jordan's formal commitment to the UN Sustainable Development Agenda is undoubted. The leadership, government, business community, and civil society are all aware of the importance of this concept. However, the depth of understanding of each of the 17 SDGs and how they relate to local and national priorities is still emerging.

Youth-led organizations are the most active and enthusiastic about the SDGs, but their knowledge of the sub-goals and objectives as well as indicators may be limited.

The sustainability agenda cannot be separated but a technical knowledge and know-how should be developed for each SDG accompanied by an integrated comprehension of the linkages between SDGs.

Many of the SDG focused organizations - such as the International Youth Ambassadors Foundation (IYAF) - would be good to include in the climate change civic space.

Jordan has submitted its first NVR to the HLPF in 2017 and it was supposed to submit an updated version reflecting progress and changes in 2020. It seems that the COVID-19 pandemic is causing a delay in such submittals.

The overall sustainable development framework is coordinated by the Ministry of Planning and International Cooperation (MoPIC). Line ministries and relevant institutions are leading and contributing to individual SDGs through a process with multiple working groups that is managed by MoPIC.

The first NVR was prepared through 17 task forces whereby each task force included members from all relevant stakeholders. The exact list of stakeholders per SDG as well as the criteria for selecting them are not publicly available.

SDG 13 is about climate action and the national priorities under that goal would typically come from the MoEnv. It is not clear, however, how this alignment is happening and how the relevant stakeholders are engaged on both ends.

### 3.1.10. OGP

Jordan joined the OGP in 2011 but has fell behind in terms of implementation. Jordan has used the OGP action plans to address challenges in implementing its 2007 Access to Information Law, which was the first in the MENA region.

The law was reviewed recently but with no clear amendment proposal. In the meanwhile, Jordan has focused on creating the administrative procedures and monitoring tools necessary to implement the law as it stands.

In the OGP 2018-2020 action plan, for an unknown reason, Jordan eliminated a commitment on climate change 'Develop Transparent and Participatory Policies Regarding Climate Change' that was part of the 2016-2018 action plan.

**The key milestones were:**

- 1 Policies developed based on international best practices through cooperation with scientific and research centers in Jordan in accordance with the Climate Change Policy of 2013.
- 2 Knowledge made available to citizens through the publication of relevant information, in a manner that facilitates its comprehension, by cooperating with the daily newspapers and other media outlets and through strengthening the framework governing the national publication of the national notification on the emission of greenhouse gases in Jordan.
- 3 Requisite legislative measures defined, in collaboration with the Parliament, related to prevention.

## 3.2. PUBLIC PARTICIPATION IN CLIMATE ACTION

According to Jordan's Sisterhood Is Global Institute Jordan (SIGI), 6,491 societies were registered in Jordan under the enacted Societies Law (No. 52 for 2008 and its amendments) through the end of 2019, of which 62% fall under the Ministry of Social Development (MoSD) and around 42% are within the Amman Governorate jurisdiction.

The share of environmental societies is around 134 with a marked increase in registration applications. Moreover, the regulation for unions (No. 67 for 2010) has allowed groups of societies (up to ten) with common objectives to join forces and form unions.

Many describe the associations landscape as confused and scattered between groups acting like charities, implementing development projects, advocating for policy and legal reforms, and providing professional services.

The environmental side of this landscape is no different as people call for more tailored regulatory instruments to suit the diverse nature and scope of environmental societies.

Some amendments in this regard - among others - were discussed between societies with ICNL's guidance when the MoSD attempted to revise the societies law and published an online draft for comments in 2016. However, the revision process was suspended since then.

In March 2021, the MoSD announced that the Societies Law will be amended and that the process will be participatory to ensure CSOs are sufficiently consulted.

**The interviewees highlighted three main aspects that influence public participation in climate action:**

- 1  Government support and enabling approach;
- 2  The CSOs themselves and their ability to contribute to climate change agenda; and
- 3  The donor community's approach to civic engagement beyond a 'checklist' for project monitoring.

The comprehension of the national climate policies and sectoral targets by CSOs and by the public is quite varied. Many of the respondents and interviewees indicated that their awareness and engagement is limited because they are either unaware of the existing policies or lack understanding on how these policies cascade to the project and local activity levels.

Most policy documents and reference studies on climate change are available in only English, including national pol-

icies and reports, which hinders the contribution of CSOs and local communities.

Civil society organizations in Jordan have not managed to raise their individual and collective influence in climate change issues to the level that is required from them as voices echoing the concerns of societies and as a partner in the implementation of climate change policies and strategies.

There is no single civil society organization in Jordan that is specialized and competent in climate change issues. But as with other trendy issues, many CSOs are finding their way through this topic driven by different motives and thematic focuses.

CSOs with sectoral links to climate change (such as those working in agriculture, water, etc.) are most likely to operate outside Amman and are probably not directly linked with MoEnv.

The exposure of such CSOs to climate policies and available funding is relatively limited. An inclusive mechanism to engage and empower CSOs outside the capital can create momentum for more climate action.

From the youth perspective, some of the interviewed activists were very proud to have taken part in a youth assessment of energy policies in the MENA region which was funded by Friedrich-Ebert-Stiftung (FES).

In general, young climate activists are more inclined to action based participation whereby they are able to do projects on the ground and to walk the talk in terms of reducing their carbon footprint.

One example of such an initiative is the 'Gega Tonne Challenge' implemented with the Complexity University. Such models need to scale up on the national level, a challenge that youth understand and hope to overcome by mobilizing more external funding.

### 3.3. CLIMATE CHANGE AND ENVIRONMENTAL MOVEMENTS

Environmental activism and advocacy had its golden era - according to those who were part of the movement - in the 1990s and the first decade of this century.

That was the period during which the environmental protection legal and institutional framework was shaped and strengthened.

Since then, there has been a lack of momentum not only among activists and NGOs but also in the official positioning and support for the MoEnv as the umbrella and reference point for the whole sector.

Since 2012 and until recently, the message of merging the Ministry of Environment into another Ministry/body was directly and indirectly communicated to the public without any regulatory impact assessment or national consultation.

In parallel, the same period witnessed frequent changes in Ministers of Environment and in many cabinets. The environmental Ministry was given to another Minister in addition to his (not her) other duties (e.g. Minister of Tourism, Minister of Agriculture, and others).

This has all been happening while the world was advancing the sustainability agenda and climate action and while youth around the world were marching for climate action.

On the other hand, Jordan has been approving the registration of environmental NGOs and allowing this sector to grow from 22 NGOs in 2008 to over 134 in 2019.

While this would typically be an indicator of a thriving civil society in the environmental space, reality may suggest otherwise for several reasons explained in the next sections.

All of the surveyed and interviewed NGOs have a strong desire and passion to participate in climate action whether

on a policy development level or by implementing projects on the ground.

The motives, power, capacity, and enabling environment are all important variables that impact the level and effectiveness of CSOs participation.

The history of environmental advocacy and activism is encouraging, but is seen declining in the past decade, despite the increasing number of initiatives and NGOs.

Designing effective civic actions and sustaining them to make a tangible impact are key challenges facing civil society and international partners operating in the climate space.

There appear to be two different generations of activists that currently operate; the first is the older generation that witnessed and led environmental activism in its early stage (1990s and 2000s), and the second is comprised of the younger generation that has become more engaged since 2014.

While the older generation recalls the success of environmental movements that put environment on the national development agenda a legal framework, a standalone ministry, civil society organizations, public awareness, and many other achievements, it also feels the difference in momentum when it comes to civic participation.

The younger activists seem to have identified a new path for activism which is focused on implementation to test and inspire action.

The tools and platforms as well as ideas used by youth are different and more creative, with a global angle in most cases.

This picture should inform the re-shaping of civic space for climate and environmental action. Common challenges will continue to exist, but the value added of both generations should be the focus of any reform related to civic space.

**الشحادة لـ "رؤيا": دمج وزارة البيئة بوزارة الزراعة "تجربة ناجحة" .. فيديو**

12:20 23-07-2020 آخر تحديث: 21:32 15-10-2019 نشر: محليات



وزير الزراعة المهندس ابراهيم الشحادة

أكد وزير الزراعة والبيئة المهندس ابراهيم الشحادة، أن دمج وزارة البيئة بوزارة الزراعة كانت "تجربة ناجحة"، مشيراً الى استمرار هذه التجربة خلال السنوات المقبلة.

وأشار الشحادة في حديث لـ "نبض البلد" عبر "رؤيا" مساء الثلاثاء، الى ان هنالك ارتفاع في قيمة الصادرات الزراعية الاردنية خلال الربع الاول من العام الجاري، وهو مؤشر ايجابي، مشيراً الى ان القطاع الزراعي يساهم بأكثر من 30٪ من الناتج المحلي.

Source: Roya TV news website

آخر تعديل: الأحد - 12:21 - 27-09-2020

**مخاوف من دمج أو إلغاء وزارة البيئة**

Like 110 Follow Gains

طباعة طباعة مع التعليقات



الربط

A+ A A-

كتب - طارق الحميدي  
يتخوف القطاع البيئي الأهلي، من دمج وزارة البيئة أو إضعافها إلى الحد الذي تتحول فيه وزارة بروتوكولية لا تمتلك أي صلاحيات.

Source: Alrai daily newspaper website

## 3.4. ENABLING ENVIRONMENT FOR CSOS

The overall policy and legal framework are the same for all societies regardless of the sector or scope. A thorough assessment of the laws and policies governing CSOs in Jordan is available in the EENA for Jordan conducted as part of the Civic Space Initiative. In this section, enabling environment issues that are more specific to climate change or environmental CSOs are highlighted and assessed.

### 3.4.1. FREEDOM OF ASSOCIATION

#### **Prior Approval Requirement**

In addition to the requirement stipulated in the Societies Law, which violates Article 22 of the ICCPR, the Environment Protection Law No. 6 for 2017 states in Article 14 that: Entities authorized to license societies and non-profit private companies operating in the environmental domain shall obtain the MoEnv's approval for issuance and/or renewal of the license.

This is another layer of control and bureaucracy since the MoEnv is already a member of the Societies Registrar of the MoSD and it is possible to streamline approvals and procedures through existing institutional and legal mechanisms.

#### **CSO Formation**

A common difficulty concerning the formation of environmental societies is related to the fact that the Societies Law and associated regulatory and procedural instruments handle all types of societies similarly.

Many environmental CSOs (or NGOs) have a unique scope and interrelations with national and international commitments, in addition to a multidisciplinary technical and scientific dimension.

Some of the societies meet most criteria of business associations and contribute to strategic and niche advocacy and enabling environment efforts. Others are focused on project implementation, training, or awareness-raising.

A smaller number of NGOs are delegated by the government to perform certain functions on its behalf, which may influence the role that such NGOs can play within civic space. In addition, the number of working CSOs/NGOs in the environment sector is increasing at a rapid rate and the existence of around 134 societies, of which less than 10% are considered active, is not positively influencing the climate action or environmental sustainability efforts.

This is an indication that the formation goals/objectives need to be more specific, and needs-based. The multiple approvals upstream should be adjusted to support more effective operations and stronger impact down the road.

Moreover, the affiliation of a CSO with a specific ministry should be based on its objectives/programs and not the general goal/name of the society. CSOs tend to direct such affiliation towards entities that can serve them better.

Not-for-profit companies that wish to register with a climate change advocacy scope/goal face difficulty as the existing categories of goals/services for registration do not include this sector. For example, such companies had to choose 'training' a few years ago, as there was no other appropriate option.

When it comes to climate change which is - as elaborated in previous sections - a multisectoral topic, CSOs registered under ministries other than MoEnv that have climate-related objectives and programs would need to be included in the overall MoEnv NGOs database. It is obvious that the affiliation issue is considered territorial with hardly any real examples of cross-ministerial coordination on CSO-related aspects.

## Operations

A major challenge hindering the active participation and impact of CSOs is weak internal institutional and financial management and sustainability tools. Moreover, preparing leaders for the future should be part of the investment in sustainable civil society participation.

Such hurdles, especially financial sustainability, make it even harder to dedicate time, effort, and team members for advocacy and activism. Most CSOs depend on external funding (grants and sponsorships) to survive.

Activism and advocacy are usually considered non-income-generating activities that would be supported through project overhead or out of people's commitment to the cause.

Other operational challenges such as those associated with the legal requirements for funding approval are not easing regardless of the type/scope/function of the CSO.

One of the interviewed climate NGOs brought up unexpected recent difficulties related to commercial banks refusing to open an account for the NGO. The NGO is still revolving circles between banks, the MoEnv, the MoSD, and even the Central Bank of Jordan. None of those entities can provide the reason or legal basis for not opening an account.

While there is a shortage of environmental NGOs registered under the Associations Law in Jordan, some of the interviewed activists expressed concern around the upcoming amendments to the law that the MoSD is working on.

It is anticipated that the amendments would hinder operations and funding approvals, things that already cause discomfort to many NGOs. When it comes to the environment and specifically climate change, most of the available funding is external and would be subject to legal requirements and an approvals process that involves more than one public entity.

One interviewed NGO complained about serious challenges it is facing with commercial banks as they refuse to open a bank account for the NGO.

The MoEnv is not able to help with this matter and the NGO is without recourse. Such operational problems should have a clear reference point within the government and more designated a clear and announced process and conditions.

The registration of non-profit companies that would operate in the climate change sphere should be reviewed to ensure there is a clear and suitable category/scope that such companies can register under. Non-profit companies operating in the climate space should also be identified and included in any national dialogue or consultation.

### 3.4.2. FREEDOM OF ASSEMBLY

Before the COVID-19 pandemic, any assembly would require prior approval from the Ministry of Interior. Generally speaking, there were very few public assemblies in the climate change space in the past few years as digital platforms are becoming a more efficient tool. The Earth Hour annual event still takes place as part of the global Earth Day celebrations.

More recently, public and even small-scale assemblies are required to comply with the Defense Law activated over a year ago in response to the COVID-19 pandemic. The annual climate march organized by the Arab Youth for Climate Movement was canceled in 2020, and it is expected to happen in late summer 2021.

In Jordan, climate-related assemblies do not occupy a significant place within the overall civic space. Very few climate activities that involve public or large groups of people took place in the past few years. The most popular event that the Youth for Climate Movement Network organizes is the annual climate march.

This event has been taking place with security approvals, except for last year due to the pandemic. ‘We had an interesting and nice conversation with the policemen at the police checkpoint that we passed by as we marched. They inquired about climate change and expressed that it is an important

issue that lacks the right and simple language to mobilize public support,' said one of the young activists.

Other assemblies related to NGOs' annual meetings or elections take place upon prior notification of the MoEnv and the MoSD. The MoEnv then sends a representative (or several) to attend as an observer.

### 3.4.3. FREEDOM OF EXPRESSION

While probably less visible in the environment space, CSOs and activists face challenges related to the freedom of expression. Compared to other sectors, environmental activism is intermittent and usually ends before a response or decision is made.

The more critical activists are usually proactive in raising their voices, others engage on a lower profile and without making a scene. Again, the stand taken by CSOs is related to the individual CSO's type/positioning within civic space and the relationship it enjoys with MoEnv and the government.

Social media is the primary platform for expressing opinions across sectors. Activists within the climate change space are practicing freedom of expression on Twitter and Facebook without any reported interference from authorities. One of the interviewed CSOs reported that they were contacted by a public institution regarding a comment made by the CSO on social media concerning a press release issued by an international organization.

Several informal comments and discussions among environmental experts and activists took place on Facebook resulting in heightened awareness and sometimes in more organized advocacy sessions.

A recent example is the online dialogue organized by EDAMA and the Royal Society for the Conservation of Nature (RSCN) with the MoEnv and the President of the Environmental NGOs Union, to shed light on the government direction regarding the delegation of some of the MoEnv's reg-

ulatory functions to a new entity. The dialogue came after dozens of comments and posts about this issue on Facebook.

An environmental journalist reported that an online post about the lack of influence and weak collaboration among environmental NGOs resulted in several negative comments from some of the NGOs' leaders.

Most of the interviewees and respondents indicated no serious issues concerning freedom of expression. Using on-line social media platforms is quite popular for expressing views, sharing news, or even soliciting public interest in certain issues.

One of the interviewed activists who confirmed freely enjoying a the freedom of expression in climate change issues, raised a question: 'Does this mean climate change is not taken seriously by the authorities? Climate activists are not really under the radar'.

This brings things back to the original question, are environment and climate change issues a priority for the government? Do we have enough integration of climate change within social and economic sectors and goals?

#### 3.4.4. ACCESS TO FUNDING

In addition to the common funding approval delays faced by most CSOs, climate-related CSOs may face additional challenges. As highlighted in the previous sections, the Environment Protection Law and the Climate Change Regulation grant the MoEnv authority to control the available climate financing and reallocate it as per national priorities.

The MoEnv is the national focal point for climate change and can heavily influence CSOs' fundraising activities. From another angle, access to climate funds is not an easy task and CSOs would benefit from capacity-building activities through MoEnv and its international partners and from being informed of potential calls for proposals.

An institutionalized platform for such an endeavor would help, especially if maintained jointly by the government and civil society. So, will the MoEnv, as it is claiming authority over fund distribution, be able to facilitate the funding approvals and/or develop a performance-based Golden NGOs/CSOs list that can enjoy expedited approvals?

Administrative processing of CSOs' applications for funding approval continues to be a challenge. The access to climate financing will be more complex as it requires coordination with the MoEnv and NCCC and usually requires a specific level of knowledge and competency in applying for international climate funds.

Most of the CSOs that participated in this study indicated a severe need for more support and training in this area. They also aspire to more donor coordination and support to build CSOs' capacity and to introduce - with MoEnv - a mechanism for timely sharing of opportunities for NGOs in the climate change adaptation field.

Financial sustainability for NGOs is a cross-sectoral challenge that demands creative interventions from MoSD, MoEnv, and donors to upgrade financial sustainability models for local NGOs. The MoEnv in particular - as it is the climate change focal point - would need to come up with streamlined processes for climate action funding that are efficient, transparent, and impact-driven.

### 3.4.5. ACCESS TO INFORMATION

Access to information did not improve significantly after the passing of the Law on the Protection of the Right to Access to Information (Law No. 47 of 2007).

The law allows for a lot of restrictions and exceptions and Jordan - through its OGP action plans - is trying to overcome some of those by enhancing administrative procedures.

From an environmental lens, access to information is both an old and new challenge for all stakeholders, including civil

society. Climate change forecast, vulnerability, impacts, and solutions are not possible without data-generated evidence and credible information.

The MoEnv does not enjoy a history of open data sharing, even at the EIA level. The below pictures were taken from the information request form page on the MoEnv website. Real-life experience in using this form is not very encouraging nor is the complaint mechanism.

The language of the points included in the disclaimer at the end of the form makes the 'no response' option sound more likely/easy. In addition, the form requests a Jordanian ID to be uploaded which implies that this right to access information is not granted to non-Jordanians.

As indicated in the mapping section, the MoEnv would benefit from a review and improvement in its access to information form and response process. One of the interviewed CSOs indicated that requesting information through the online form is a 'hopeless case' as no response is the most probable result.

This topic is worth addressing based on a stakeholder consultation to address all issues and concerns and propose a process that expedites climate action.

Another important point that was raised by some of the interviewed CSOs is the language barrier. Most - if not all - of the climate change policies, guidelines, and best practices are available only in English.

Even the national policies and action plans are prepared in English with possible translation to Arabic upon finalization. This is a clear hurdle for public participation and could be addressed by the MoEnv and donors that usually oversee such a process.

## ► The Right to Obtain Information

Home ◀ The Right to Obtain Information

Application Date 2021/06/15

### The Applicant Category

- Natural Person  
 A Legal person

### Full name \*Required Field

First Name      Name Of The Father      Grandfather Name      Family Name

### National number \*Required Field

National Number

### Copy of personal ID \*Required Field

Drop files here  
 Please select file(s) to upload.

\* Allowed file types (jpeg, jpg, png, doc, docx, pdf), maximum

- I am hereby obligated to use the information for the purpose originally obtained for, and indicate the source of the information obtained and the bibliography information according to duly established scientific and legal principles.
- The application is answered or declined within 30 days as of the following day to the application date.
- Withholding reply within the specified period shall be deemed a rejection.
- In case you do not obtain the information, you are allowed to submit a complaint to the Board of Information via the information delegate/ The General Manager of The National Library Department.
- Note: Make sure to take your request number

I hereby confirm that the mentioned information is correct and shall commit to using the information for the purpose they were originally obtained for, and to indicate the source of the information acquired and the bibliography information according to duly established scientific and legal principles.

OK

Source: MoEnv website

### 3.4.6. COVID-19 IMPLICATIONS

Orders issued under the Defense Law during the COVID-19 pandemic are impacting all kinds of assemblies and gatherings, as well as economic activities. Young climate activists indicated that they did not face issues with obtaining approvals for climate events before that. However, the climate march was canceled last year due to the lockdown and related COVID-19 precautionary procedures.

Many of the NGOs organized their annual general assembly meetings virtually- such as the RSCN - and a few others held

them physically - such as the Jordan Green Building Council - with full compliance with COVID-19 precautionary orders.

Some positive environmental initiatives were launched during the pandemic, mainly concerning waste management and the disposal of masks and gloves.

Such projects are supported by international agencies such as the one implemented by EDAMA with United Kingdom Embassy funding. The MoEnv - through its Environmental Fund - launched a call for proposals dedicated to COVID-19 related ideas.

More specific implications of COVID-19 were reported by NGOs that are managing ecotourism sites, such as RSCN. The limited domestic and international travel and lockdown orders under the Defense Law adversely impacted the financial revenues generated by tourists' visits to the natural reserves across Jordan.

Despite being delegated to manage natural reserves on behalf of MoEnv, RSCN did not receive any financial compensation for damage under the pandemic.

### 3.4.7. CSOS AND GOVERNMENT COOPERATION

Zooming into the climate and environment CSOs, state of confusion, frustration, or disconnect: one can assume that this are caused by a wider lack of focus. The environmental ministry has been under the threat of getting merged with another ministry since 2012. The frequent changes of ministers since then have contributed to the discontinuity and weakening of the national environmental direction.

To get more specific, the MoEnv has been struggling to fulfill its mandate and international obligations due to the ambiguous plans concerning its status. Only recently, the MoEnv started preparing a national environmental policy/strategy that shapes the specific environmental direction and targets for each of the economic sectors.

An institutionalized communication and coordination platform for MoEnv and CSOs is lacking. A recent attempt to form an NGOs Committee (it is not clear how the members were selected) to meet with the Minister on a monthly basis could not survive the frequent change in ministers. Such a mechanism would be most valuable if it considers diversity, equality, and inclusion principles when nominating CSOs members.

Another need is to clarify what the MoEnv considers as a requirement/obligation as per the applicable laws and regulations. The regulation would benefit from a review of the civil participation dimension, especially as the term “relevant entities” is used in more than one way within the regulation and is ambiguous.

In the absence of a performance-based classification and monitoring system for civil actors, the MoEnv is expected to stand at an equal distance from all CSOs and to follow a transparent and non-biased approach in engaging them in various activities.

The relationship between CSOs and government authorities could be looked at from three different angles: a regulatory role from MoSD, a supervisory role from MoEnv, and aspiration for partnership and collaboration from CSOs. It is a complex relationship because control and supervision are combined with the need to open the space for more engagement and expression of views.

The participatory culture is not well anchored in individuals' mindsets nor within institutions. The Ministry of Environment - as the national focal point for climate change - invites selected CSOs to some of the policy and legal development meetings. This does not follow a systematic or institutionalized approach and results in many CSOs feeling left behind with weak input from civil society and a lack of ownership of many of the policies and plans.

Many CSOs feel that the challenges with the MoEnv are purely related to ‘personalizing’ issues (i.e., it is about who is representing a certain CSO versus the scope and focus of the

CSO). Lack of response information requests is another issue where ‘personalization’ plays a role.

Regarding another challenge, MoEnv calls for public comments on specific legal or policy instruments via online consultations or by mail/email circulations. Even that process - according to most of the interviewed NGOs - lacks inclusiveness and transparency since not all CSOs are informed or included in the circulations, and even those CSOs that provide comments do not receive any feedback on whether their input was considered or not.

The timeframe given for public comments is not always sufficient which adversely impacts the ability of many CSOs to review and provide proper feedback.

The MoEnv dedicated a unit for NGOs which mainly focuses on maintaining a file for each NGO with relevant contact information, legal documents, and the goals and programs that the NGO is seeking to achieve/implement.

This Division attempted to develop a framework for NGO classification to differentiate the active NGOs from non-active ones and to better understand the technical areas/themes that each NGO is working in.

The framework is not published but insights from the NGOs indicate that the criteria are not impact-based but rather project/funding oriented, which demands a review and discussion on a wider scale.

When it comes to advocacy, only a few NGOs/CSOs are active in climate change advocacy and justice issues. An example is Dibben for Environmental Development which developed awareness and advocacy campaigns on forest protection and linking this to climate action.

EDAMA Association, which is a business association for private sector enterprises operating in clean energy and environmental issues, is acting as an advocacy group at levels of decision making and advocating for more private sector engagement in a green economy.

Such efforts would provide an added value through a stronger presence in the social and economic policy-making context. Regarding climate change regulation, several CSOs mentioned this as a positive example of consulting with a wider CSO audience compared to previous experiences with MoEnv. CSOs that attended the consultation meeting collectively chose/nominated the representatives from the CSOs community to join the relevant committees formed as per the regulation. However, one of the interviewed CSOs pointed out a lack of follow-up from the MoEnv side as the committee has convened only once so far.

It is worth mentioning that the Chairman of the Environmental NGOs Union (a specific union with ten member NGOs) is usually present in most committees and meetings as a representative of civil society. Other unions are not active in the scene, and unions - in general - are not utilizing their membership base to formulate strong collective positions.

The government, whether MoSD, MoEnv, or other entities, does not allocate any financial support to CSOs. Access to international funds is something the MoEnv tries to help with on a limited scale.

In principle, once an environmental NGO is established, it is on its own until it manages to secure some external support. NGOs that fail to fulfill the legal requirements on an annual basis (administrative and financial reports) are warned and might get suspended based on MoEnv recommendations. One of the suggestions made by NGOs includes a special induction program designed and facilitated by MoEnv and MoSD for newly registered CSOs to equip them with needed knowledge and skills for establishing and running a CSO.

These two ministries can develop a capacity-building program for all environment and climate change NGOs with defined topics and budgets to cover newly emerging needs. Such a program could be implemented jointly with donors and international partners but should be demand-driven and up-to-date to cover climate-related topics as well as institutional strengthening and leadership issues.

Other suggestions evolved around the institutionalization of CSO-MoEnv cooperation and consultation, developing an efficient and transparent classification scheme for environmental NGOs, and enhancing MoEnv's culture and capacity in responding to CSOs' inquiries, requests for information, and comments.

### 3.4.8. CSOS COOPERATION AND COALITIONS

Within the environmental field, several unions were formed to join forces to have a stronger influence, especially in policy advocacy. There is a lack of understanding of the different types and legal aspects of such coalitions/unions. As far as the government is concerned, engaging and inviting one person on behalf of ten CSOs is the preferred option, especially in light of the large number of CSOs and the lack of proper classification.

Such favoritism, even if justified, is causing sensitivities, and jeopardizing the trust between MoEnv and civil society. Further assessment and definition of the types of unions that the law allows to be formed are needed. Moreover, a more transparent and inclusive engagement approach is required from the MoEnv side to encourage proper representation of CSOs whether members or non-members of any unions.

When it comes to union formation, the understanding of the different types of unions and their respective roles is still limited among NGOs (and maybe the MoEnv staff).

All of the participating NGOs in this study agreed that unions are a good tool to consolidate efforts and magnify impact. However, they also referred to some obstacles that hinder the formation of unions due to the 'competition-oriented' mindset prevailing across the NGO community. Moreover, CSOs demand the right to choose their representatives in any formal committee or consultation process.

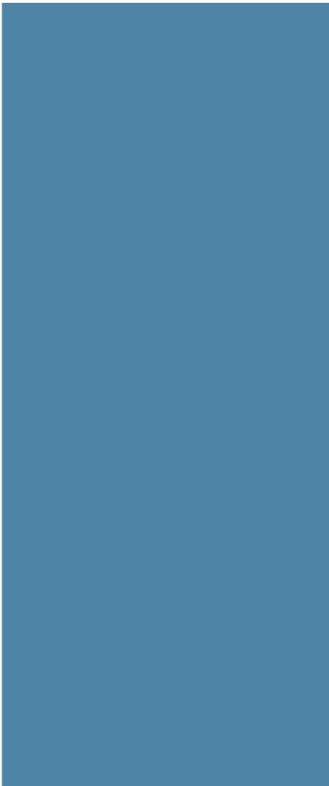
‘The Union of Environmental NGOs does not represent me as it has only ten members and it should not be the only civil society representative in various MoEnv committees,’ said one of the interviewed CSOs.

The NGOs unit at the MoEnv could be further strengthened to be able to manage and enable this important angle of civic participation.

Building trust and accountability, as well as partnerships between the MoEnv and the CSOs, are major steps that can improve overall sector performance and more specifically bridge the gap within civil society itself. All of the participating CSOs indicated the need for a CSO classification system that is based on thematic areas of activities, outcomes, and impact, institutional and financial sustainability, etc. This would not only help clarify and support civic space but also recognize and encourage good performance and effective participation towards a healthy climate action civic space.

The non-active or newly established CSOs/NGOs expect to be guided and coached by the more well-established ones, beyond competing on visibility and funding. ‘Complementarity and collaboration is a culture that needs further anchoring within the environment and climate change civic space,’ according to one of the interviewees.





# LEBANON



**CLIMATE CHANGE  
ACTION ON  
NATIONAL AND  
STATE LEVEL**

## 4. LEBANON

### 4.1. NATIONAL CLIMATE CHANGE SCENE

Lebanon signed the Paris Agreement at a UN Ceremony in New York in April 2016. It also ratified the Paris Agreement on March 29<sup>th</sup>, 2019.

The country submitted its NDC in 2015 and provided an update in 2020. Lebanon's NDC targets and implementations are synchronized with the 2030 Agenda for Sustainable Development, as well as other related conventions to maximize efficiency and partnerships.

Lebanon committed to unconditionally reduce its greenhouse gas emission reduction target relative to the BAU scenario from 15% to 20%, and conditionally increasing its GHG emission reduction target relative to the BAU scenario from 30% to 31%.

Furthermore, Lebanon commits to unconditionally generate 18% of its power demand (i.e., electricity demand) and 11% of its heat demand (in the building sector) from renewable energy sources in 2030, compared to a combined 15% in 2015.

Moreover, Lebanon conditionally commits to generating 30% of its power demand (i.e., electricity demand) and 16.5% of its heat demand (in the building sector) from renewable energy sources in 2030, compared to a combined 20% in 2015.

**In addition to these targets, Lebanon set the following adaptation priorities:**

-  Strengthening the agricultural sector's resilience;
-  Sustainable use of natural resources;
-  Developing sustainable water services;
-  Managing terrestrial and marine biodiversity, reducing the vulnerability of coastal zones
-  Ensuring public health safety and reducing disaster risk.

**With these plans, the country aims to:**

-  Achieve food and water security through the sustainable management of resources;
-  Enhance the resilience of the infrastructure, urban and rural areas to withstand climate-related disasters;
-  Ensure and protect public health, well-being, and safety of all communities through climate-resilient systems;
-  Incorporate Nature-Based Solutions as the first line of defense from adverse impacts of climate change;
-  Combat desertification and land degradation by achieving Land Degradation Neutrality;
-  Substantially reduce the risk of climate and non-climate related disasters to protect lives, the economy, and physical and natural assets.

These principles and priorities are in line with the relevant national sectoral strategies and will inform Lebanon's NAP.

Lebanon has shown a commitment to the SDGs, has submitted voluntary reports, and established an SDG committee. Of the SDGs, the NAP underscores the importance of five main goals for successful adaptation.



SDG 5: Gender equality



SDG 13: Climate action



SDG 16: Peace, justice, and strong institutions



SDG 17: Partnerships for the goals

The country submitted its updated NDC in 2020, which outlines the current changes and challenges facing the country, primarily the economic crisis. However, the report underscores the importance of economic recovery as a priority area.

With that, the Lebanon's government is prioritizing the ease of doing business as depicted in its financial recovery plan, hoping to increase contributions from the private sector. However, this also indicates Lebanon's commitment to its goals while ensuring the consideration of the socio-economic status of the most vulnerable, adopting a gender-responsive approach to ensure a just green transition.

The report also identifies the role of both the private sector and CSOs in NDC plans and goals. This includes maintaining and up-scaling partnerships with these non-state actors, as they are referred to, and increasing their involvement in mitigation, adaptation, and advocacy.

To that end, consultation meetings were arranged with civil society, the private sector, youth, and academia for the 2020 NDC update. The NDC also underscores the importance of capacity-building for government institutions and non-state actors.

Furthermore, as part of the country's list of actions Lebanon included within its third communications to the UNFCCC the establishment of feedback systems to better involve citizens, communities, and NGOs in policies for mitigation and adaptation. Likewise, the country has undertaken a national level greenhouse gas emissions inventory, has implemented a Nationally Appropriate Mitigation Action (NAMA) focusing on the transport, energy, waste, forestry, and industry sectors.

Despite Law No. 359/1994 and Law No. 738/2006 relating to the ratification of the UNFCCC and the KP, Lebanon has yet to set a national climate change policy. However, it has several institutions and policy frameworks to address climate change and environmental issues.

The Ministry of Environment (MoE) is the focal point for all climate-related policies. The MoE also is the focal point for UNFCCC and coordinates with domestic stakeholders. Also, the MoE chairs the National Council for the Environment which guides policy and planning. Within that, the National Climate Change Coordination unit serves as a technical advisory. However, Lebanon still lacks a comprehensive national monitoring system with a cohesive climate research framework.

From a legal and policy standpoint, the Environmental Protection Law (Law No. 444/2002) is considered the overarching legal instrument for environmental protection and management.

The law provides the framework for environmental protection and regulation, with a focus on environmental planning; the Environment National Council; financing environment protection through the establishment of a national environmental fund; and the mechanism of environmental pollution control.

The law also provides the requirement for Environmental Impact Assessments, as well as responsibilities and penalties. The law also touches on participation in environmental protection and management and refers to the creation of an Environment Information System.

Importantly, within the law, Article 6 of section two refers to the creation of a national environmental committee that would include environmental organizations and labor unions. The committee would assist in setting priorities and goals, suggesting policies, and providing recommendations. In addition, Article 18 puts forward a requirement for open access to environmental data while also having national and local level consultations which include environmental NGOs and citizens.

The country has drafted a Low Emission Development Strategy (LEDS) for 2050, the objectives of which are in line with the vision of a circular economy, enhanced research and development, and decoupled economic growth and GHG emissions.

The country also reports mainstreaming climate action, whereby many of the proposed actions of the NDC are endorsed in different strategies and plans, including but not limited to the Policy Paper for Electricity Sector (PPES) 2019, the 2020 National Water Sector Strategy (NWSS), the 2020 Ministry of Agriculture Strategy, the Oil and Gas Strategic Environmental Assessment, and the 2020 International Renewable Energy Agency (IRENA) Renewable Energy Outlook: Lebanon, and the NCP.

It's worth mentioning that one of the main initiatives launched is the Lebanon Climate Act (LCA). This platform is meant to bring together the private sector and widen the climate change community to create partnerships, solidify commitments, and to contribute sustainably and profitably to a strong and effective response to climate change.

This is envisioned through different initiatives and multi-stakeholder approaches. The initiative is led by the Green Mind, in partnership with UNDP and the Central Bank. LCA also hopes to bring together the private sector and active NGOs to build support for their climate projects.

Likewise, Lebanon reportedly created a National SDG Committee which includes 34 members of public institutions, two civil society representatives (Caritas Lebanon and Hariri

Foundation for Sustainable Human Development), and two private sector representatives under the theme of SDG 17 (partnerships for the goals) focused on Planet, People, Prosperity and Peace.

The goal of this inter-ministerial committee is to coordinate the implementation of the 2030 agenda and SDGs.

## 4.2. PUBLIC PARTICIPATION IN CLIMATE ACTION

According to the third biennial communication to the UN-FCCC, the Lebanese government is strongly committed to engaging all stakeholders in implementing the SDGs, hearing their challenges and needs, visions and priorities so that no one will be left behind in Lebanon's SDG strategy and to ensure sustainable development is assured in Lebanon. In addition to the committee, a task force for statistics and data collection has been established

In terms of its commitment to the SDGs, Lebanon submitted its Voluntary National Report in 2018. The report includes details on CSOs engagement with SDG commitments, including three workshops that were conducted with government officials, the private sector, and CSOs to raise their awareness of the SDGs in preparation for the VNR.

The report details the varying involvement of CSOs, which includes regional consultations on a national website for SDGs. Furthermore, CSOs were consulted by the Prime Minister's office before several international conferences.

Reportedly, more than 300 CSO representatives from all over the country were consulted for the development of the VNR to raise their awareness and include their contributions.

These consultations were meant to define an inclusive follow-up process for civil society actors to engage in the implementation of the 2030 Agenda, monitor the progress of the SDGs, and provide support to the national committee.

However, only two CSO representatives were involved in these processes apart from consultations.

This is an example of the gap between consultation efforts and implementation. While there are efforts to involve CSOs in environmental and climate change action, this involvement is limited and only extends to a few specific organizations.

The VNR also indicates that there is a large gap between the information published about SDG projects and the amount of work on the ground.

Some of the main challenges facing the country concerning environmental issues include corruption of public institutions, lack of basic services, and lack of infrastructure. In addition, there is a lack of awareness about responsible consumption.

Governments do not involve or engage CSOs in decision-making. Other recognized gaps include the need to enhance participatory activities, especially as they relate to research into climate change's impacts on the local community.

Also, the lack of data availability and accessibility limits the ability of research bodies and other organizations to cooperate and plan. Besides, initiatives such as the LCA that are meant to create bridges between non-state actors do not address CSO, or NGO involvement and are more business and private sector-oriented, yet the LCA does make a recommendation to connect and engage and partner with NGOs.

Moreover, much of the official documentation lumps CSOs and the private sector together as nonstate actors, making it difficult to recognize activities involving CSOs and their role and engagement in state climate action and related policies.

Currently, the situation in the country has been incredibly difficult due to the financial crisis and COVID-19 pandemic. Accordingly, some interviewees shared that the conversation on climate change now feels irrelevant and unnecessary. But before 2020, specifically between 2015-2019, there were active movements around the idea of climate justice or climate action.

For example, Kohl, a journal wrote some pieces on climate justice that tied some of the ideas, and some grassroots campaigns reacted to environmental pollution. But there aren't often ties between environmental pollution and climate change. Therefore, it became clear that in terms of environmental and climate work, there are limited issue linkages or comprehensive agendas on a national or civil society scale.

### 4.3. CLIMATE CHANGE AND ENVIRONMENTAL MOVEMENTS

In recent years, Lebanon has had its fair share of environmental movements. It is difficult to disentangle the different protests, marches, and civil disobedience as either environmental/climate-related or political/socioeconomic.

The #youstink movement launched in 2015 against the deteriorating waste management crisis is seen as a catalyst to later uprisings. That period saw several social mobilizations with environmental goals, as well as the involvement of CSOs and NGOs in addressing environmental crises, such as the wildfires of 2019.

Many of these movements link environmental issues to the rampant corruption in the country.

In 2015, a grassroots online organization called You Stink!, along with civil society groups, organized several protests in response to the waste crisis in the country. Trash was piled high in the streets of the city due to the closure of the Beirut and Mount Lebanon landfills and the suspension of waste pickup.

After a series of small protests, in August 2015 there was a larger demonstration attended by thousands of people. The demonstration resulted in clashes with the police, and army units were deployed to respond to altercations between law

enforcement and protesters, with reported acts of destruction by some protesters.

The Lebanese Red Cross said it treated 402 people in that protest. About 40 people were taken to hospitals.

The “You Stink!” campaign brought the issue of environmental pollution to the forefront. Lebanon more than most countries in the region faces huge challenges relating to environmental pollution, air pollution, marine pollution, and water access due to pollution.

As one interviewee shared, there is so much privatization that environmental issues are dumped on the private sector. There isn’t enough state intervention to make sure these issues are dealt with properly. Lebanon stands out in the region in terms of environmental pollution, especially related to policies.

Because of this different groups began to speak out on these issues, including intersectional feminist groups advocating to connect issues of environmental pollution to intersectionality and climate justice.

The past few years saw the redrafting of policies and the establishment of NGO strategies on climate action. In addition, environmental concerns sparked several uprisings and protests because they put a spotlight on rampant corruption.

However, there is still a limited connection or awareness of the role of climate change specifically. Issue linkages continue to be a limitation. Also, in 2020 “people got to the point where they didn’t have money to eat, so it became an issue of why we are talking about environment pollution/climate change.”

The Save the Bisri Valley Campaign began in 2017 in response to a project funded by the World Bank to construct a dam in Bisri valley. The dam reportedly would have harmed the environment, archaeological sites, and agriculture. The dam project is subject to opposition from civil society, political parties, adjacent municipalities, and also internationally. The campaign included several protests, and civil disobedi-

ence events (such as interrupting the World Bank Vice President's talk at the American University of Beirut and setting up a protest camp in the valley).

One of the main organizations involved was the Lebanon Eco Movement, which first brought attention to the negative effects of the proposed dam.

The campaign also highlighted opposition to the clientelist networks that have been at the center of popular protests. It also was successful in bringing environmental issues into the political discussion.

The campaign was successful in using different tools, including scientific and expert information on the issue, raising awareness across social media, and civil disobedience, including setting up camps in the construction site and World Bank offices. Also, the protest elevated the national discussion on the environment and development, as well as on corruption and government decisions.

Also, it was part of a larger contestation of the use of public space, as indicated by protesters reclaiming public land in Riad El Solh and Martyrs' Square in Beirut, as well as Nour Square in Tripoli.

These movements showcased the necessity of politicizing environmental issues in the country, whereby concerns over the environment were linked to larger political and economic problems.

In terms of climate-specific movements, there has been some mobilization on the ground, for example, "Extinction Rebellion Lebanon," a branch of the environmental movement established by youth activists.

This was the first branch of the movement in any country in the Arab world. The movement, which has 40 members, launched with a workshop introducing the Extinction Rebellion Lebanon, its systems, and its agendas in August 2019. Afterward, the movement planned several local climate marches in Beirut in September 2019 in solidarity with Fridays with the Future and Global Climate Strikes.

Extinction Rebellion Lebanon has also joined the mass protests happening in Beirut which relate to ongoing socio-economic and political grievances. Such movements have since joined other socioeconomic and political mobilizations given the severity of the situation in Lebanon.

Climate-specific mobilization is limited. Lebanon is unique in its mass environmental and social mobilization which spotlights climate action.

CSOs and NGOs in Lebanon are especially active, given the extraordinary political conditions in the country, which often result in the near absence of the government. Because of this, civil society attempts to fill the existing gaps. Generally speaking, Lebanon's civil society is considered one of the most active in the region. The country is no stranger to social movements, strikes, and protests focusing on a range of different topics and issues.

Although, several NGOs are working on environmental issues, some interviewees states that there are no opportunities for climate-related environmentalism, environmental movements, and mobilizing.

Environmentalism is often portrayed as something for the upper middle class and elites. Interviewees add that there is no enabling environment for this kind of work, not from organizations, individuals, or even government. The government might give activists accreditation to join in international conferences, but there is no capacity building for them to be fully involved or engaged in these international conferences or delegations, and therefore they do not learn about the process. "You are there to be there."

However, another interviewee shared that there haven't been any challenges to talk about environmental policies and issues in public spaces.

As one interviewee added: a green recovery plan could provide economic opportunities which make it easier to work. Several interviewees reflected that environmental issues are seen by public authorities as "cuter" issues to deal with, and

therefore, non-threatening. Because of these perceptions, it's easier to support such causes.

However, when they targets money or specific developments and construction projects (like waterfront projects), the opposition becomes very violent. Such opposition is not necessarily purely based on environmental concerns, although they are still very relevant.

The Bisri Valley Campaign was brought up by all interviewees as a successful example of environmental mobilization, which linked economic, political, and environmental justice issues together. Accordingly, the Bisri dam was used as a symbol of environmental work following the revolution.

However, several interviewees mentioned that activists on the front line were arrested or harassed during the Bisri Valley campaign. They added that there is some integration between political and economic issues and the environmental issue (for example the biodiversity concerns of Bisri).

The protest movements against the dam show that the larger opposition also relates to general corruption in the country and goes beyond just environmental issues. That is why, beyond environmental activists, there was support for this movement.

Activists were sleeping in the area, built tents, stayed for a month, and sent letters to the World Bank. This shows that the public can be very influential if they are united on a certain issue.

Some interviewees added that the uprisings were ignited by the different forest fires that took place in October. People were angry already because of the financial crisis, and that anger evolved into questions of why such fires weren't handled better and why wasn't there any infrastructure (institutional and physical) to curb such environmental crises? These protests held that these fires were caused by the state's negligence.

However, while CSOs in Lebanon are politicized and many are very critical of the state, they have managed to sur-

vive even if they were bullied or targeted. Accordingly, it is not a burden for NGOs to be politicized when it comes to climate issues.

An interviewee shared that there is a lot of politicization of environmental and climate issues. CSOs are critical and blame everything that is happening on the state. By doing so, we are missing the larger global issue.

It is seen as government mismanagement, instead of also focusing on technical and scientific possibilities and/or solutions.

#### 4.4. ENABLING ENVIRONMENT FOR CSOS

The Lebanese Constitution incorporates the Universal Declaration of Human Rights (UDHR) into its provisions and its preamble. This means that international human rights norms and standards have constitutional status, which in turn gives them a higher standing than the national law.

Lebanon is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the UDHR.

Generally speaking, those interviewed found that civil society is highly active in Lebanon, especially when compared to other countries in the region. Interviewees shared that civic space and activism in the country is quite good. There is repression of liberty, but in Lebanon opposition movements are more widespread. For example, civil disobedience is possible in Lebanon as opposed to other countries and can also be successful, as in the case of Bisri Valley.

To that end, civil space in Lebanon is seen as largely open, with space for contestation and opposition, more than anywhere else in the region.

One interviewee shared that CSOs are very critical of the state. When they are bullied, they continue to exist and voice their critiques, which reflects their strength and commitment to the issues they are working on.

One interviewee added that “in Lebanon, we can express our political views, we can create political parties freely, we can express opposition but, in the end, you cannot influence unless you are in Parliament.”

This sentiment was shared by others: while there is a vibrant civil society, involvement of CSOs in decision making is limited. One interviewee shared that laws related to civil society are very democratic and NGOs have a sufficient space to talk on any platform. They can raise their voices, but civil society is not seen as a stakeholder in decision making. Adding that the perception is that “these CSOs are ‘cute’ and give ideas but then they are excluded from decision making, and that’s why some choose to enter into politics.”

However, it was repeatedly mentioned that civil society actors and organizations often take on responsibilities to make up for the lack of state capacity. And due to multiple failures of the state and crises in recent years, CSOs and communities are seeing ways to prepare for the current and future consequences of this, in addition to climate unpredictability.

Therefore, civil society is heavily involved now in filling the gap created by the weak state. As some interviewees shared, after the explosion, CSO and civil society actors, along with the public, were the ones responding and rebuilding.

“The only thing the state did was to violently oppress the resulting protests.” “Before the October 17<sup>th</sup> uprising, the role of civil society was better, afterward, there were rumors that these organizations get funding from embassies and foreign entities, and that their agendas are foreign. And there was this portrayal of CSOs as foreign tools.”

However, others shared that the uprisings brought CSOs together and gave them a more united voice. Furthermore,

in the uprising in 2019, activists brought up environmental concerns and climate change, such as the Bisri Valley issue.

According to one of the interviewees, the dam campaign and uprisings showed that “we cannot allow the state to govern what happens with our environment [and] we need to decide on this ourselves.”

It is worth mentioning that the private sector wasn’t seen as particularly present as either enabler or hindrance. However, some interviewees mentioned that there are large lobbies and cartels for oil and gas, and these are hard to bring into this because it’s against their interest.

One interviewee said that the private and the public are one. If we look at how the private sector is set up and who has the biggest shares or where the profit goes, they are either directly connected to, or friends, of those in power. These projects that are driven by the private sector, such as Ramlet al Baidha or cement factories, are owned by civil servants who have access to the government, so protesters will eventually end up with security or police forces deployed against them.

#### 4.4.1. FREEDOM OF ASSOCIATION

Civil society organizations are governed by the 1909 Ottoman Law of Associations. The law describes associations as “a group of several persons permanently unifying their knowledge or efforts for non-profit objectives” (Article 1) and requires newly formed associations to notify the government after creation (Article 2).

Moreover, it outlines prerequisites for establishment (Articles 4, 5), organizational structure and procedures (Articles 6, 7, 8), and requires associations’ purposes and practices to comply with the Lebanese law (Articles 3, 10).

Article 13 of the Constitution guarantees the freedom of opinion, expression through speech and writing, the freedom of the press, the freedom of assembly, and the freedom of association.

While Lebanon is a signatory to multiple human rights laws, several interviewees highlighted the existing gap between law and implementation. Some reflections seemed to indicate that there is whitewashing of the country's image through laws and declarations, but implementation is a challenge.

Also, in practice, one interviewee shared that, it is not easy to establish an organization. It depends on signatures, and it has to be signed by the Minister of Interior. You have to be well connected to expedite the process. It can take years to get it signed.

On paper, it shouldn't be a slow process, but with bureaucracy and government inefficiency, it is indeed slow. No matter how many NGOs there are it eventually depends on who the minister is and who is behind an NGO. There is a lot of "was-ta" to deal with.

CSOs face challenges concerning different bureaucratic systems and unpredictable administrative delays. For example, some CSOs reported that they had to wait for more than six months to receive their registration documentation, even when in compliance with local laws.

#### 4.4.2. FREEDOM OF ASSEMBLY

In addition to the Constitution, a 1911 Ottoman law still governs the freedom of assembly in Lebanon. According to the Public Assemblies Law, prior authorization is not required for public assemblies, which are allowed if the participants are unarmed. Yet, in practice, prior notification is necessary for the exercise of the freedom of assembly.

Requests related to assembly or demonstration notification are settled by the Department of Political Affairs as mandated by the Ministry of Interior.

Article 2 of the Public Assemblies Law requires that the organizers prepare a statement paper to be submitted before the assembly and outline the cause and purpose of the assembly. The paper must be submitted to the Ministry of In-

terior or administrative authority of assemblies. It must also include the place, date, and time of the activity.

The paper must also be signed by two residents of the locale where the meeting will take place, indicating their names, positions, and status. Furthermore, Article 3 of the Ottoman law indicates that the Lebanese government may prevent the holding of a public assembly that would disturb public security, public order, or public morality or that would go against the regular course of public interests. This is according to a Council of Ministers' decision.

Article 4 of the Ottoman law states that the notification should be submitted at least 48 hours before the date of the assembly. Moreover, Article 6 and 7 of the Ottoman laws provide general restrictions related to the place and the time of the assembly.

The public assembly shall not be organized in open spaces located within a distance of three kilometers from the presidential palace or the parliament when it is convened. It also cannot be held on public roads intended for traffic and crossing. The public assemblies, organized in open places, can last from sunrise to sunset.

According to the regulations, a "notification" is considered as received upon the submission of the paper. The law allows for some flexibility in cases where notification is not delivered.

The organizers shall, in that case, draw up minutes explaining the reasons, which must be signed by two of the participants. However, the government forbids and punishes any meetings organized without the submission or notification of minutes. In these cases organizers may be subject to imprisonment ranging from one week to one month or the payment of a monetary sanction.

While the Ottoman law does not include any provisions in the case of spontaneous or urgent assemblies, the Lebanese authorities have the responsibility to facilitate and protect such assemblies if they are peaceful. On the other hand, riot assemblies are defined by Article 346 as any rally or parade

organized on public roads or venues, open to the public and composed of at least three persons, one of them at least having a weapon, with the intent to commit a felony or a misdemeanor or of at least seven persons intending to protest against a decision or measures taken by the public authority to put pressure on it, or of around twenty persons suspected of disturbing public peace.

Such riot demonstrations and assemblies are criminalized according to the Penal Code, this includes criminalizing yelling, and anything that could incite riots or disturb public security or that could potentially lead to unrest, with the potential of imprisonment or a fine.

In terms of planning a public event, one interviewee said that “you just need to notify or inform authorities. You have to say who is planning it, etc. But it’s easy. Sometimes they can intervene and say no: for example, it’s a restricted area or sensitive topic, but if you don’t hear from them, you can go ahead. It is fairly easy indeed. You only need to tell them a few days in advance. And even individuals can do it, but you need a minimum number.”

One interviewee said that permits are needed in advance so that the police and security forces can protect protesters from those who might infiltrate to cause harm, so notifying the state of a demonstration or protest is important. When does disorder happen? When there are very angry people who want to enter the parliament or other administrative/state buildings, and resulting in clashes.

Therefore, some interviewees expressed that laws for CSO formation, expression, assembly are flexible and accessible. Others found that policies for organizing events make it difficult to get a permit, as you need to define the place and purpose. Due to the uprising, it is now even more difficult. The government can use the excuse of fearing for the safety of the protesters, and even if they do give a permit, they decide on the location.

In terms of authority response and dealing with protests and public mobilization, one interviewee said that it is very ran-

dom when it comes to how the authorities “attack.” Very often they go after those who are in the headlines or vocal to send a message to others, and on particular topics, like the army or president, as opposed to more general issues. In the past few years, there has been an increase in how many people are called in for questioning.

Not to mention the torture and arrest cases after the revolution. Concerning the environment specifically, the 2015 protests were related to the environmental justice issue of closing the landfills and the response was very violent to those on the front lines (including the use of tear gas and water cannons). Also, the response to the Save Bisri Valley movement was often very violent. Sometimes the authorities do not send the police or army, instead, they send informal security forces dressed in civilian clothing to attack protesters.

Is it safe to engage in protests? Do people fear joining movements? One interviewee answered that the question isn't about fear, but more on whether it is productive to join. Is it part of the value system? However, they added that it also depends on the location within Lebanon.

In Tripoli, the response was much harsher, and in areas less connected (compared to Beirut) there is more fear of joining, given the fact that these communities are more forgotten.

Filmmakers or activists on the frontline of protests were injured and harassed by authorities, while others were arrested, as mentioned by some interviewees. This was mostly during the uprisings but also the Bisri Campaign. There were also some bullying and harassment issues related to quarrying projects and salt mining, and journalists were prevented from covering some relevant issues.

Interviewees added that there has been more harassment and bullying and increasing use of legal actions and martial court. These cases of harassment, bullying, and arrests sometimes extended to those working on environmental issues. The prime example is Roland Nassour who was involved in the Bisri Campaign.

In general, current assembly laws and related penal codes are vague, and often without clear parameters or definitions. Besides, the attempts to silence, prevent or criminalize assemblies which criticize or oppose government decisions or action, are against the democratic essence of the freedom to peacefully assemble as enshrined in the ICCPR and the UDHR.

### 4.4.3. FREEDOM OF EXPRESSION

Article 13 of the Constitution is the main law on freedom of expression. Lebanon also has laws related to media and the press. However, Lebanon abstained from signing the Global Media Coalition statement in support of media freedom.

The existence of anti-defamation laws, as well as limitations on the press, and cybersecurity challenges, threaten freedom of expression within the country.

Article 3854 of the Penal Code criminalizes libel and slander against public officials, while Article 3845 may result in imprisonment for up to two years whoever insults the President, the flag, or the national emblem. Furthermore, starting in September 2018, individuals must register their International Mobile Equipment Identity number.

Most recently, the country witnessed and is still witnessing a series of national protests. In 2019, the protests began as a response to planned tax hikes, given the deteriorating economic conditions.

It escalated to reflect wide denunciation of sectarianism, corruption, poor economic conditions, and the lack of accountability, compounded by a failure to provide basic services. The protests were met with force, including water cannons and tear gas, with several protesters injured as a result.

#### 4.4.4. ACCESS TO FUNDING

Many of the CSOs working on environmental or climate-related issues are volunteer-based, and this limits their capacity to do the work that is needed. Due to competing needs and priorities, there are limited resources available to some NGOs, which in turn makes the work very donor-driven.

According to one interviewee, “it is all about funding if a donor has a renewable energy agenda, the organization shifts its project to renewable energy.” Therefore, much of the agenda is set by donors and thus organizations base their agendas on the calls for proposal not what is needed on the ground. Accordingly, organizations change their focus which limits the continuity of long-term projects.

The limited availability of funds increases competition between organizations which in turn affects their ability to collaborate and coordinate together.

One interviewee reflected on the fact that within the current space and due to limited funding calls, organizations often want to feel like a “one-man show” and thus try to find projects and activities that have high visibility rather than high impact.

As several interviewees shared, the challenges facing civil society have been exacerbated by the financial and political crisis, which has limited NGOs’ abilities to access funding from abroad through local banks which eventually limits their ability to work.

The increasing deterioration of the relationship and trust of civil society in government and state authorities also results in a host of challenges. For example, some CSOs are also requesting that their funds do not go through the government due to large-scale corruption, and not all donors allow for that.

Concerning the state of civil society after the October 17<sup>th</sup> uprising, interviewees provided some reflections on the impact of the protests, and that the uprisings witnessed more scrutiny on CSOs from the authorities. Additionally, since the

2020 explosion, more CSOs are distancing themselves from the government and political parties due to a lack of trust.

Funding is a general challenge for CSOs, especially given the different priority areas, the large number of organizations, and donor requirements. However, in Lebanon CSOs face additional challenges in accessing their funds which are now frozen in bank accounts due to the financial crisis. This has resulted in CSOs having to limit their activities.

Because of the liquidity crisis, many Lebanese people have been unable to access money in their bank accounts, whereas banks reduced the limit for foreign currency withdrawal.

#### 4.4.5. ACCESS TO INFORMATION

In 2017, Lebanon adopted the Access to Information Law. The law stipulates the right to expression and information, in line with Article 19 of the UDHR and the ICCPR.

The law also aims to ensure the development of effective, transparent, and accountable institutions at all levels, according to United Nations Sustainable Development Goal 16, and to implement high standards of transparency, as well as fight corruption.

Another issue is data and information accessibility. Civil society is unable to access parliamentary meetings or their minutes and also cannot review draft laws before ratification. According to interviewees, there is no way to access draft laws. Although there is the access to information law that has been ratified, it does not extend to these documents and the speaker of the parliament is blocking this as well and stands in the way in any transparency. This means that CSOs are unable to review their impact on the environment or to know governmental plans in advance.

This extends to the public, as people are not aware of their rights to access such documents. This lack of transparency has become embedded in the culture.

Additionally, environmental monitoring data is unavailable due to funding issues and maintenance costs. Ground monitoring stations were shut down which leads to a lack of data availability. As for the existing data, it is inaccessible because of archaic websites and archives and the need for personal connections to navigate the bureaucracy.

While laws such as the access to information law are considered a step forward for the country, Human Rights Watch maintains that authorities have not complied with the law nor has the government established a designated body to oversee its implementation.

According to a 2020 joint report, human rights activists, as well as those calling for reform and government accountability, face threats and wide-ranging harassment, including physical attacks, reprisals, and death threats for engaging in legitimate and peaceful advocacy.

First, how the law is set up gives large discretionary power to the authorities which can be used to prevent assemblies deemed illegal. Besides, non-compliance with Lebanese laws can result in bans, excessive penalties, or even imprisonment. These issues undermine the ability of CSOs, journalists, and individuals to criticize the government or work on advocacy.

According to HRW, there has been a pattern of pressing criminal charges and prosecuting even those who peacefully critique government authorities.

Furthermore, CIVICUS reports that the state is repressing activist voices, while also using the penal code to incriminate individuals over mere jokes, sarcastic comments, or any criticism of government officials and religious figures. Moreover, due to the restrictions on freedom of expression, in 2020, several Lebanese and international entities formed the “Coalition to Defend Freedom of Expression in Lebanon” to fight back against the authorities’ attempts to suppress free speech and opinion in the country.

In terms of adherence to the Access to Information law, a study by the Gherbal Initiative (GI) and Democracy Report-

ing International (DRI) found that only 31% of the central government's bodies responded to requests for information and only 45% of those did so within the legal deadline.

A survey by DRI underscored the existing inconsistency between what is required by the access to information and what is practiced. For example, the results showed that only half of the municipalities and all unions stated that they publish all the needed information. Instead, they prefer to selectively provide information without previous planning. This lack of transparency further complicates the ability of environmental CSOs to access the information they need to continue with their advocacy.

#### 4.4.6. COVID-19 IMPLICATIONS

There is no denying that the COVID-19 pandemic and the resulting lockdowns have had disruptive impacts on all aspects of life, extending to civil society work, activism, as well as governance, and institutional arrangements and programs. The subsequent state of emergency due to the pandemic has raised some concern related to human rights and especially as to whether such laws are used to silence opposition and halt activism.

In Lebanon, COVID-19 was one of several crises facing the country in the last few years, including the August explosion, wildfires, financial crisis, and several uprisings. According to DRI, the authorities have used martial law regulations which are highly controversial, including the General Mobilization Plan and the State of Emergency.

Such measures are considered unprecedented and highlight ongoing concerns over the status of the rule of law in the country. However, it would be misleading to think of these laws as COVID-19 related, since they also coincide with different protests and uprisings, especially after the explosion. Yet, imposing lockdowns could be used to limit any further protests or demonstrations.

#### 4.4.7. CSOS AND GOVERNMENT COOPERATION

The extent to which civil society is consulted or engaged in in ministry and government decisions related to the environment or climate action is limited. Several interviewees indicated that the problem in the country isn't speaking out but being involved in decision-making.

"They [government] will hear you out, they don't prevent you from expressing your voice but the decision making is stuck between the different political parties and their interests and that is a big obstacle because they are very interest focused and there are high levels of corruption."

This is especially true concerning environmental decisions that relate to the economy. According to one interviewee, there is space for activists to talk and to discuss reports with the public and Parliament, but in the end, it boils down to who makes the decisions.

Another added that the government does not engage the public or CSOs in laws and decrees. For example, a decree related to fisheries and fishing was changed in recent years, but there was no public or CSO participation or consultation in setting these laws and policies.

Similarly concerning waste management laws, where the waste management coalition worked on a law that was designed to be inclusive and holistic. It was presented to ministers and parliamentarians, but was not implemented. "They want just an audience to applaud them, but they don't engage."

Several interviewees said that while there are written rules on public participation in decision making, this is much more of a box-ticking exercise. One added that it is not clear what it means to "engage civil society" and it often depends on the minister and how they approach this, but it is not a clear or established process.

When asked whether civil society is a stakeholder at the table, one interviewee said: "There isn't a table to be invited to when

it comes to the environmental projects. Take the Bisri project for example, at some point they asked for opinions, this was done by the World Bank, and was more of a civil society consultation thing. But in other cases, it is not clear if they were invited or if there was even any public participation.”

However, the level of engagement with CSOs on the ground in funded projects and strategies often depends on the kind of donor. Some donors are more flexible and are more likely to fund CSOs directly, but others, like the UN, have to align with ministries and the government. But ministries are not necessarily the state, and they rely on International Non-Governmental Organizations (INGOs) to develop strategies.

One interviewee said that when stakeholder mapping meetings are conducted, they bring in CSOs that are well known already. Smaller groups are often not present because they do not have visibility or they do not want to sit at the same table with ministries. Consequently, it’s always the same NGOs that show up or get represented. On the other hand, it is worth noting that many CSOs do not want to work with the government, they are disengaged, especially after 2015 and more so after the explosion.

Interestingly, it was mentioned several times that given that there is no public sector accountability, it is CSOs that lead and push to be involved in projects. They are more proactive than the public sector. Especially recently, civil society now is monitoring all projects to ensure that the public sector is held accountable.

The public is also pushing to access more information and to know about everything that is happening. Some CSOs are pushing for public participation laws, as well as pushing to attend parliamentary sessions and access the minutes of each session, something they are currently unable to do.

As one interviewee shared “after the 2019 revolution people were craving for more information and details about everything, what is going on, what role citizens can play, what decisions makers are doing, and also, decision-makers seem to want to listen more, whether to show they are more

engaging or if it's an honest drive to engage civil society is not clear yet."

The lack of transparency remains a challenge, as does the ability to participate in an institutionalized way. For example, Article 134 of the Parliament's bylaws stipulates that parliamentary sessions are to be held in secret unless the head of the committee decides otherwise. There is an absence of laws on public consultation.

In addition to the different issues discussed in the preceding sections, the following challenges faced by the environmental civic space were shared.

One of the major challenges brought up repeatedly is whether the competing crises and environmental issues can be linked to social and human issues. Others shared sentiments related to public perceptions of climate change. In the MENA region, the public still doesn't link pollution with climate issues, for example.

Climate action is still not integrated into individual views of environmental issues. Citizens don't see climate change as their reality, even if they are aware of other environmental issues. They simply don't see it impacting their life, especially in the long term.

As one interviewee shared, there are plenty of good laws, but they are not implemented because of political differences between parties. Parliamentary elections complicate this since politicians are always thinking about how they will win/compete. Thus, the citizens' demands are usually lost between election cycles.

In terms of the issue of trust between civil society and the government, one interviewee expressed that there is a long road to building a trusting relationship.

Furthermore, political parties are seen as a hindrance, and they only involve CSOs close to them, and this decreases trust. There is also the challenge of collaboration and establishing sustainable partnerships with other CSOs, which is often time consuming.

According to one interviewee, types of CSOs involved in environmental/climate issues fall into two broad categories: local grassroots organizations who are on the front line (like the ones involved in Bisri) and others that are more connected, and politicized (even if they claim not to be), and work with the state and international organizations. This impression was echoed by others too.

On the types of CSOs working on these issues, one interviewee reflected that “the most radical people are environmentalists, but not all environmentalists are radical.”

In terms of the politicization of the environmental/climate civic space, on whether these organizations are political or neutral, most responses indicated that it depends on different factors, such as connection to government or political parties, as well as the nature of their funding.

However, this also depends on what is going on in the wider country context. For example, following the 2015 uprisings, some organizations said that they were against what is going on with the government, but it is not clear what that means in reality.

However, another added that asking what kind of environmental solutions are we thinking about is important. Is it the “UN type” of solutions? How are solutions shaped? And who shapes them? For example, are they business-based/private sector-based?

Some NGOs and INGOs work on this through SDGs and greening the economy, as opposed to core and structural and grassroots and bottom-up solutions. These NGOs have more money than the grassroots organizations. “And what’s the point in recreating the same unjust solutions?”

Therefore, the issue of engaging grassroots and local civil society and the public in plans and solutions is crucial.

Further reflections on current climate movements included that the language of climate protest was mostly adopted by younger people.

One interviewee shared that activities like Fridays for the Future do not work in the region. “The tactics and tools for these types of movements work in Europe, but do not work in our region.”

One of interviewees wondered how to mobilize on climate change when there are so many other more directly visible issues. The effects of climate change are a bit more latent and not explicit, and that is a challenge. As one interviewee said, “you don’t need someone to tell you there is an issue with greywater when you see sewer pipes destroyed in the streets.”

Most of the issues are attributed to government mismanagement. There is the problem of climate impacts, but these impacts are largely worsened due to mismanagement.

Climate issues are tied to political issues in these protests, and protest movements are rarely only related to the climate or environment.

These pure climate protests are very class-specific and use a western model, rather than grassroots originating among rural communities.

Therefore, while there is activity on climate action, the way that it is presented in public spaces, even in the most connected communities, climate change is absent as an issue or a threat.

For example, the wildfires were climate-related and triggered protests. They were caused by climate change, but people did not talk about the fires as related to climate change, since it is perceived that the authorities have caused more harm to the land than climate change.

Some argue that talking about climate change diminishes the role of politicians and businessmen which contributed to the deterioration. Therefore the discussion is lacking in its attention to of the impact of climate change.

According to one interviewee, the environment isn’t a priority because of the trauma of the explosion, COVID-19, and the financial crisis. “We can’t think about the environment

given these issues that exist due to the 'designed' instability in the country."

However, there is some activism being done, in addition to examples like Bisri. One interviewee said that in the environmental field there is a robust civil society. They are empowered and have strong programs. They do play an important role.

There have been examples of successfully advocated for more comprehensive strategic environmental assessments, public consultations, and recommendations.

This shows the high capacity of environmental CSOs. However, this only happens after large campaigns driven by CSOs that include public and political mobilization.

Finally, it was made clear that most environmental CSOs face challenges because environmental issues are repeatedly politicized.



# MOROCCO

**CLIMATE CHANGE  
ACTION ON  
NATIONAL AND  
STATE LEVEL**



## 5. MOROCCO

### 5.1. NATIONAL CLIMATE CHANGE SCENE

Morocco is considered a leader in the MENA region in its commitments to mitigating climate change.

The country was ranked second on the Climate Change Performance Index in 2018. Additionally, Morocco launched Plan Maroc Vert, national green growth and agricultural policy which includes ambitious climate change mitigation and adaptation goals combined with socioeconomic growth objectives.

Morocco's National Climate Change Strategy focuses on investing in renewable energy and energy efficiency and a range of sectoral strategies, including Plan Maroc Vert.

Morocco recognizes climate change as a multisectoral, and cross-cutting issue, and critical attention is paid to water, agriculture, fisheries, shorelines, forestry, and health. Moreover, the country has ratified the Paris Agreement and committed to reducing its greenhouse gas emissions by an additional 17% by 2030.

Morocco was the first Arab country to submit its INDC and has shown a steadfast commitment to renewable energy through the Noor Power Station, which is considered the world's largest solar power complex.

Furthermore, Morocco hosted COP22 in 2016, which spurred an increase in climate change and environmental organizations and initiatives. During this period, several Moroccan cities saw an increase in awareness-raising activities, as well as engagement from youth and CSOs/CBOs. Although

post-COP22 public events related to climate change have decreased, many continue to work, to raise awareness on these issues and to hold the government accountable.

The country has several institutional and policy frameworks in place to facilitate its ambitious climate plans. Additionally, there are administrative bodies involved in climate-related activities. One of the main entities is the NCCC which is chaired by the Department of the Environment and acts as the focal point for the UNFCCC.

Additionally, an Inter-ministerial Monitoring Committee (CIS) composed of national experts (from public agencies, universities, and consulting firms) was established. Furthermore, a National Adaptation Committee was created by the Secretary of State for Sustainable Development, including two focal points from each of the CIS institutions.

The Moroccan Competence Centre for Climate Change (4C Maroc) provides a capacity-building and information-sharing platform on climate change, bringing together different stakeholders, including CSOs, and containing databases and other related policy documents.

Furthermore, the National Commission on Climate Change and Biological Diversity, established in 2020, is composed of representatives of government authorities, public institutions, and environmental research institutions, as well as three representatives from leading CSOs working in the field of climate change or biological diversity.

On a policy level, the Moroccan Climate Change Policy is an instrument to combat climate change by 2030.

The policy is based on four pillars: combining competitiveness and sustainability; ensuring human development and social cohesion; systematizing the consideration of environmental issues in national and sectoral planning; and creating effective governance for sustainable development.

The Moroccan Climate Change Policy brings together different stakeholders, including civil society, and includes databases and other related policy documents.

The goals of the policy include awareness, empowerment, and capacity building of communities, as well as public and private enterprises, as one of its cross-cutting strategic pillars. The policy also iterates a commitment to a participatory approach. Civil society, however, is not explicitly mentioned in the policy.

Nonetheless, Article 136 of the Constitution promotes public participation and references the contribution that civil society may have on sustainable development. Additionally, Framework Law No. 99-12 on the Environment and Sustainable Development (Article 3) underscores the importance of public participation in the environmental decision-making process and access to environmental data.

Law No. 81-12 on Coastlines (2015) enhances the legal framework for the protection of the coastlines, integrating the private sector and civil society in decision-making for coastal management.

**Moreover, the 2015 NDC sets in place 2020 and 2030 adaptation goals, which center on:**



Protecting populations in the most vulnerable areas through a risk prevention approach.



Utilizing ecosystem-based adaptation to protect natural heritage, biodiversity, and forestry resources.



Leveraging integrated water resource management and other strategies to protect climate-sensitive production systems particularly in agriculture.



Building awareness of climate change across the country.

Morocco's NDC does not include any mention of civil society, CSOs, or public participation. The document briefly mentions undertaking a two-year stakeholder consultation process, without adding further details on who was included or how they were selected.

## 5.2. PUBLIC PARTICIPATION IN CLIMATE ACTION

Morocco's steadfast commitment to climate change mitigation and adaptation involves several large-scale projects, such as renewable energy farms, as well as policy interventions. The country's approach to climate action involves mega-projects and large-scale programs and interventions.

To maintain a participatory approach as outlined in both UNFCCC and the SDGs while also maintaining a just approach to climate and environmental action and related projects, the full engagement of civil society and local communities is critical. However, this commitment often appears to be merely a box-ticking exercise.

Some projects, such as the Territorial Plan to Address Global Warming of Souss Massa (PTRC-SM), reported that stakeholders' consultations with civil society were undertaken concerning projects and activities, including institutions, private economic structures, and civil society.

Reportedly, these actors, who represent all sectoral and transversal themes, were called upon throughout the process (launch, oriented interviews, local workshops, and validation of deliverables). However, the report does not elaborate on the recommendations of civil society or provide additional details on how they were engaged.

Moreover, several consultations and workshops have been reportedly conducted in the preparation of the NCCP, yet a list of these consultations, the stakeholders involved and minutes for these consultations are not readily available.

Similarly, other studies that sought to map or understand climate risks and vulnerabilities, such as those carried out by the World Bank, the United States Agency for International Development (USAID), the Food and Agriculture Organization (FAO), and other international research institutes do mention in their reports the process of engaging civil society but do not elaborate further on the process, the actors, and

their feedback. The reports describe the essential nature of such engagement.

Importantly, repeated recommendations to the government, whether in response to communication reports to UNFCCC or other reviews, mention limited public and civil society participation.

According to a report by UNDP, UN Environment, and Global Environment Facility (GEF), a challenge facing the implementation of the NCCP is the lack of existing governance structures that can provide the foundation for participatory implementation of these strategies.

The report indicates that discussions with climate-active NGOs as well as civil society are also necessary. Additionally, the World Bank reports that one of the research gaps within the country's national plans relates to increasing the participation of the public, scientific institutions, women, and local communities in planning and management, accounting for approaches and methods of gender equity.

As indicated by a report published by Social Watch and developed by the Arab NGO Network which looked at the implementation of Morocco's 2030 Agenda, there is limited engagement with civil society concerning the implementation of the agenda.

For example, the report indicates that during the 2016 National Consultation that was undertaken to identify the national priorities as they relate to the SDGs, only one day was dedicated to civil society organizations and local government.

Only 100 individuals from civil society participated, a tiny representation, given that the country has over 90,000 CSOs. The report goes on to indicate that CSOs' inputs are often not included in reports or recommendations. The lack of effective engagement is due to the fragmentation of local CSOs, the lack of expertise and capacity, and the lack of resources.

The difficulties that CSOs and other actors face concerning access to information and data and the lack of transparency further limits their ability to be fully engaged.

This lack of access to information also makes it difficult for CSOs to develop plans and projects or provide evidence for their recommendations and positions. Civil participation in climate action is further restricted due to the general restrictions placed on CSOs in the country, these are further discussed in the following sections.

Also, it is worth noting that Moroccan civil society is still fragmented: for example, no national civil society platform on the SDGs has been established.

However, through 4C Maroc, regional workshops were carried out on how to operationalize and set up the civil society platform. Yet, there are no reports on these workshops available on the platform.

Respondents to a study carried out by the Friedrich Ebert Stiftung on CSO engagement in NDCs across different countries found that in Morocco even though the country has strong climate commitments there is a marked lack of government efforts to engage with CSOs substantively in decision making on climate policy and territorial plans.

An example of this is that revision processes for national plans limited CSOs' role to participate in workshops and international meetings only. The only exception seems to be the Moroccan Alliance for Climate and Sustainable Development (AMCDD), which was included in the development of the NDC, climate policy, as well as other workshops and events.

It is worth noting, in spite of the perceived political nature of climate change activities, some CSOs working in this space can continue their work undeterred.

Especially during the lead-up to COP22 held in Morocco, climate change-related activities were seen as adding to the country's positive image. However, the same cannot be said about more controversial issues such as land use, mining, and industry.

Moreover, illustrative of the nature of civil society participation and engagement is the recent call by CSOs to be included in the response plans for COVID-19.

In a letter addressed to the Minister of Health, CSO representatives highlighted the importance of mobilizing all available resources as well as creating synergies to minimize the impacts of the crisis.

In recent years, the Moroccan Youth Climate Movement has paused its operations in the country. The movement was active during COP22 and was one of the first of its kind in the region.

**Some of the main barriers to public and CSO participation include:**

-  Access to information that enables public/civil society participation in climate action;
-  Public and civil society consultation and transparency of processes and selection;
-  Strength and capacity of climate organization;
-  Lack of issue linkages and greenwashing concerns.

### 5.3. CLIMATE CHANGE AND ENVIRONMENTAL MOVEMENTS

One of the largest events to take place recently was the September 2019 climate march in Casablanca, which was attended by at least 600 students. This and several similar marches in Moroccan cities were organized by the Association for Earth and Life Science Teachers (AESVT), Greenpeace, and other NGOs.

Such public events are allowed to take place with prior authorization by the state administration. General climate and environmental activism are not usually regarded with suspicion by authorities, given that it is viewed as a non-political or state-related issue.

According to Moroccan activists, such events can even bolster the image of the country as a climate leader.

Greenpeace has become an active presence in the country, with volunteer coordinators working on the ground and with local partners. However, the organization follows a different approach to environmental activism in the region generally and Morocco specifically than the radical activities it undertakes elsewhere. Because of local laws and regulations, as well as crackdowns on non-sanctioned protests and activism, Greenpeace adjusted its approach.

According to one of its volunteer coordinators: the radical actions Greenpeace takes elsewhere aren't possible here, activities cannot take place without permission.

Other public activities include participating in the global "Break Free-Go Solar" campaign, supported by Greenpeace and local NGO partners including the AMCDD. Participants created a sun-shaped human banner in Casablanca.

While on the surface Morocco allows space for climate and environmental activism, it seems that this is not the case with grievances that involve state/state-related activities.

There is a demand that the state protect environmental activists fighting state-owned polluters. Activists working against the mining industry in the country receive different treatment than the aforementioned "climate activists".

The nature of these protests became political due to the close ties between industry/holding companies and the monarchy/government. An example of this is the fight for water rights in Imider.

Protests against the Société Méetallurgique d'Imider focus on mining activities have endangered the areas' water wells. Peaceful protests in Imider have been ongoing for eight years, during which the authorities have arrested and imprisoned 33 activists on reportedly groundless and fabricated charges. The demands of the community (access to clean water, environmental regulations, and reducing pollution) remain unanswered.

Morocco has seen several social movements during the last few years, particularly in the Rif region. These rural movements (Hirak) have centered around grievances related to socioeconomic issues, political repression, and discrimination.

While these movements and protests do not specifically focus on climate or environmental concerns, these concerns are still present and intertwined with socioeconomic issues. Morocco has already begun to experience the real impact of climate change which has added pressure on dwindling resources and worsening livelihood conditions, especially in rural areas.

Therefore, it is difficult to disentangle the different grievances in Morocco specifically and the MENA region generally into discrete categories of environmental vs. social/political concerns.

While many urban climate-related public assemblies proceeded without any disruptions, the same cannot be said concerning other social movements and protests/gatherings in the country.

Several instances of arrests, use of force, and denial to permit assemblies and gatherings have been reported. For example, the use of force in Jerada following protests in 2018 illustrates that not all movements are treated equally.

The protests resulted in the death of two workers in the coal mining town of Jerada and show the intertwined nature of environmental and economic concerns.

According to the Arab Network of Human Rights Information, the fallout from the Rif Hirak still impacts the freedom of opinion and expression in the country, including baseless rulings against protesters and activists.

Similar cases are being reviewed in the courts, including that of the “contractual teachers” and it is unlikely that a strategic and satisfactory decision will be made.

## 5.4. ENABLING ENVIRONMENT FOR CSOS

Morocco is a signatory to several international covenants and treaties concerned with the protection of human rights. These include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights both of which recognize freedom of assembly and freedom of expression.

Likewise, the country amended the Constitution in 2011. The Constitution includes three key articles about civil society, expression, and assembly.

There are also enablers for environmental civil society. The main ones include the country's openness to collaborate with international organizations and be part of conferences and activities. Furthermore, interviewees mentioned that there is more volunteerism and awareness in the youth, who want to be involved in civil society.

Additionally, legal frameworks and state-run renewable energy organizations help environmental activities as well. The commitment to renewable energy and its development and the momentum from that helps amplify the work of environmental groups which can be built on further.

Also, the monarchy's commitment to the environment, as well as the agreements and commitments that came out of COP22, facilitate environmental work.

To that end, COP22 also aligned the different goals and visions of hundreds of organizations across the nation to work on these goals.

This indicates that there is room for collaboration and coordination between CSOs and there are some successful cases. This is important because while one organization might fail in opening certain doors, a large alliance or coalition that is fairly managed has greater visibility and strength.

Regarding private sector involvement, it appears to be limited. One interviewee said that the private sector is involved through CSR.

However, there are some CSOs trying to get industry on board. And when there is opposition to environmental groups, it is muted without clear confrontation.

The private sector instead might sponsor some events, as long as they do not impact their work directly.

Most interviewees agreed that the environmental civil society space in Morocco is one of the largest and most organized in the region. As is apparent in regional meetings, there aren't similar networks and alliances of this scale in other Arab countries.

From 2015 until the present, there has been more climate action happening since COP22. There is a consultative committee between the government and civil society, but civil society still lacks a strong voice in policymaking.

It was made very clear that COP22 and the lead-up to it was a major enabler for civil society in general and environmental civil society in particular.

According to an interviewee, "after COP22 a lot of CSOs engaged more with environmental issues, along with those working on human rights and local development. So COP22 caused an awakening of CSOs on climate action to show that they can be involved."

Another reflected that, since climate change issue isn't controversial, it didn't face any challenges in being allowed to hold meetings or plan marches. If anything, this helped boost the image of the country as committed to climate action.

It is worth noting that Morocco has a large number of alliances, committees, platforms, and networks dedicated to the environment and climate work.

These are often integrated into global networks and even lead in some regional and international forums. An example shared by one interviewee is that before and during COP22

there were really good opportunities, through the UN small grants fund to mobilize CSOs to participate. Networks of CSOs were formed which then led to the establishment of the AMCDD which became a CSO delegate in many conferences and consultations.

Given that the alliance represents a large number of CSOs (more than 500) as a single entity, it is able to prepare reports and recommendations on an annual basis which are shared with the government.

Additionally, different studies are being done by the alliance on various themes to prepare reports which then becomes a strategic document/declaration to be used and developed for advocacy and public awareness and presented to different councils (national/parliamentary level and international).

While these reflections offer an optimistic view of the environmental and climate action civil society space, they were not shared by all interviewees. A couple of interviewees commented that post-COP22 things died down and it felt that climate activism had only been a trend.

Another revealed that climate activism is considered by some as a luxury or a curriculum vitae filler. It's all a new concept too. Many privileged people are not used to going into the streets to ask and fight for their rights.

One interviewee disclosed that civic space on climate-related issues is disastrous, it is the most disorganized space. When COP22 was happening in Morocco, a lot of NGOs and initiatives were created and launched, which was great.

COP22 created a big climate action agenda because of the scale of the event and there were many channels to work through. However, some political movements used the environmental and climate cause for political goals because it had high visibility with the media and others, and because funds were made available for the cause.

There was a misuse of the environmental agenda and movement which caused some CSOs to step away because they wanted to remain neutral and depoliticized, but the en-

croachment of political actors into the civil society space made it much more political.

There was a fear of misuse of the agenda and having to collaborate with political movements, which is against many of the activists' core values to remain neutral and not serve political agendas.

Some other interviewees noted that politically involved environmental CSOs have more space in the overall civil society arena. Those who have ties with political parties are more included in the decision-making process, rather than those who are not connected.

CSOs have to use political channels to deliver recommendations and to make their voices heard. Some interviewees added that there is limited space for those who do not want to work on/with political agendas. "There are political parties that create NGOs and then take on climate action, but it doesn't come from having any background or expertise, they are more opportunistic."

It was made clear that CSOs do face some political pressures and that some activists are harassed or bullied and feel afraid to continue advocating on certain issues that are controversial in the eyes of the government or special interests.

One example that was shared related to members of NGOs trying to take their organization into the political sphere by bringing it under the umbrella of a political party. They tried to use the fact that they had brought funding as leverage. There was a concern that this would be a pattern.

"Political parties use associations to serve their aims and election goals."

In terms of environmental activism beyond that related to climate change, interviewees shared that some activist movements are taking place, for example, in Jerada. There were intense protests against mining companies which resulted in clashes and arrests.

Additionally, in the north of the country, areas that face drought had protests and there were clashes with the authorities and legal actions in response. One interviewee revealed that in areas with mining, there are environmental justice concerns that have sparked movements to obtain government intervention to develop these areas, which have suffered from the extractive industry in the last few years.

Another example was the protests to protect the Mendoubia gardens against the construction of a car park within it. According to an interviewee, people were mobilized to stop the project, and the local authority resisted. And there were some confrontations with the construction team.

However, people stayed on the site and slept there in an act of civil disobedience. In the beginning, political parties were silent, but after meeting with them they also declared their support. When one politician declared support, others wanted to join too as they wanted to be seen as pro-community/environment.

After a lot of negotiations and mobilizing, the project was canceled. Those protests were permitted because there was enough lobbying power to get permission as they were affiliated with a strong and well-connected organization. "So, the more well connected and respect a CSO has, the more it can do."

However, the disparity in responses to these mobilizations highlights the reflection of one interviewee, which is that there is no issue with organized marches permitted in advance.

The problem is when an organization tries to call out a private company that is harming the environment or a company that is affiliated with the state or authorities. Then they might face some backlash.

One interviewee reflected on what would happen if an organization revealed information or data that is critical for climate action, and what would the reaction of the public be? Adding that environmental civil society needs to focus

on the hot spots of organizations and industries that might be working against the environment even if they have an economic role or political connections and consider justice issues and impact on local communities. However, they added this might be difficult.

One noteworthy example was an incident, whereby there were some wildfires in one of the city's green areas that some felt was set on purpose to clear the land to construct a project. The Governor of the city was sued for the incident. This was the first time in Morocco that a CSO sued an authority representative. People were sent to pressure the CSO to drop the case, and when it wasn't dropped, they stopped funding for the CSO (for 5 years). However, there was not much media coverage on this.

Several interviewees shared that public perceptions and lack of awareness on climate change are challenging to their work.

As one interviewee said, "the problem in Morocco now is the issue of awareness and public mindset and perceptions of climate change. The public hears about climate change, but they don't know what it means, but not the large-scale impacts."

This has meant that climate change is not prioritized. Climate change and the environment aren't connected to larger economic and social issues, like employment. Therefore, issue and agenda linkages are largely missing.

Lastly, the issue of public perception on climate and environmental issues was mentioned repeatedly, especially the lack of linkages between issues on the ground and macroclimate impacts, as well as public awareness of these issues.

One interviewee shared that for example, renewable energy projects like solar projects are not seen as connected to the environment or beneficial to society, but are the monarch's project making them important for that reason.

### 5.4.1. FREEDOM OF ASSOCIATION

Article 12: The associations of civil society and the non-governmental organizations are constituted and exercise their activities in all freedom, within respect for the Constitution and the law.

They may not be dissolved or suspended, by the public powers, except under a decision of justice. The organization and functioning of the associations and the non-governmental organizations must conform to democratic principles.

A few interviewees reflected that the public freedom law makes CSO registration and establishment very easy and flexible. Two to three people can apply and register and get a permit. However, being well connected helps this process. Knowing people in the municipality or the government helps to speed up the process and make it easier.

Moreover, the goals, agenda, and scope of work need to be very clear. Another positive aspect of the law and practices is that an organization can be established through a temporary permit which allows the CSO to begin working until the permanent one arrives in a few months (although another interviewee said it could take years).

One interviewee shared that creating and running an NGO is possible in Morocco as long as the authorities are aware of every single step.

Moreover, it requires significant paperwork and fees to get a temporary permit. Years later you can get the permanent one. In terms of other administrative procedures, it was revealed that even if you want to hold a small meeting of five or more people (public and NGO general assembly meetings) this has to be declared and permitted.

So, there are bureaucratic procedures. NGOs are allowed as long as the authorities permit them to work, but at any time they can restrict those NGOs. It is not impossible but time-consuming to register or plan anything, as it is an old-fashioned administrative system. One must write and show up in person and representatives might not be available.

Also, a representative of the authorities has to attend planned meetings and sometimes they show up late, or never, and instead request a written report of what happened in the meeting or minutes of meeting and that is time-consuming and creates additional work.

Because of these procedures, some interviewees shared that there wasn't any instance where they weren't permitted to do an event, but at times people working in civil society decide not to do certain actions or activities because it will take too long to get permits. Therefore, these procedures can act as a deterrent.

Currently, Morocco has around 160,000 registered CSOs and NGOs. However, many of these organizations are subject to legal harassment, travel restrictions, intrusive surveillance, and other impediments to their work. While the government has taken some steps to strengthen coordination and collaboration with CSOs and NGOs, civil society in Morocco still faces several barriers and limitations to its work. However, the main challenge facing CSOs is their capacity to take part in the public decision-making process.

For instance, in Jerada – as is the case in the rest of Morocco – the bulk of CSOs in the last few decades related to the implementation of micro socioeconomic development projects, while their role as active participants in the decision-making process is rather limited.

CSOs face several bureaucratic obstacles such as delays in providing legal recognition, or delays in receiving approval from authorities to organize public events.

Additionally, the issue of administrative hurdles extends to the ability to register organizations for civil society to continue its work effectively.

The UN Universal Periodic Review (UPR) conducted in 2017 recommended that Morocco develop procedures for registration of CSOs and bringing registration mechanisms in line with international standards. According to CIVICUS, this was partially rejected.

Reportedly, the authorities often deny the registration of NGOs that work on the rights of marginalized communities. A good example of this is the frequent targeting of the Moroccan Association for Human Rights (AMDH).

According to the HRC the following challenges limited the functioning of civil society in the country: (a) the State party continues to arbitrarily prevent or hinder the legal registration of certain associations and trade unions; (b) civil society actors are increasingly subjected to harassment and restrictions in their work, are the victims of arbitrary detention, torture, and ill-treatment and are prevented from moving about freely; and (c) attempts are made to discredit or intimidate civil society activists, including journalists in part through selective prosecution. Other hurdles facing activist and civil society include: (1) the lack of genuine change within the political system, as well as (2) the authorities' repeated judicial harassment of activists, (3) the regime's unwavering repression of protesters in Al Hoceima, Jerada and elsewhere, and (4) police forces' brutal shutdown of scattered protests across urban centers. Additionally, there have been cases where the Moroccan government dissolved cultural CSOs resulting in a lack of trust for the government, as well as some CSOs boycotting initiatives meant to create a dialogue with the state.

### 5.4.2. FREEDOM OF ASSEMBLY

**Article 29:** The freedoms of reunion, of assembly, of peaceful demonstration, of association, and syndical and political membership [appurtenance], are guaranteed. The law establishes the conditions to exercise these freedoms. The right to strike is guaranteed. An organic law establishes the conditions and the modalities of its exercise.

**Law No. 76 of 2002 guarantees freedom of assembly with the following requirements:**

**I** Authorities must be notified in advance. This notification must include the date, subject, and exact time and

place of the meeting, as well as the names, professions, and addresses of the organizers, and a certified copy of their national identity cards. Additionally, three organizers that reside in the same province where the assembly will take place must sign the notice. The completed notice is then submitted to the government of the province where the meeting will take place.

- 2 Meetings are not to be held on public roads, go beyond midnight or occur before the announcement of the meeting.
- 3 The organizers must also make sure that the meeting does not violate any public order, public morals, or laws.
- 4 Discussions of topics that are considered not included in, or outside the subject described in the notice are not allowed.
- 5 The administrative provincial authority may appoint an employee to attend the meeting to monitor discussions. This person will also have the right to dissolve the meeting if it results in clashes among the participants.
- 6 Violators are punished by a fine of 2,000 to 5,000 Moroccan dirhams. Repeat offenders are punishable with a term of imprisonment of one to two months, a fine of 2,000 to 10,000 dirhams, or both.

Several organizations, including the HRC, find that the requirement of prior authorization is concerning and a potential hindrance in maintaining freedom of assembly, especially since such authorization is at times unjustifiably stalled.

According to Freedom House, such systems of prior notifications that require a detailed list of names of organizers and/or participants, are common in the region.

In Morocco, the law extends the ability to organize a public demonstration only to legally registered associations, trade unions, or political parties.

The Ministry of Interior controls the system of notification. The information provided by the organizers, including full

names, personal addresses, and national ID numbers in addition to the purpose, date, time, and location of the demonstration are published by the Ministry.

The presence of this law can hinder the ability of Moroccans to assemble or demonstrate freely, given that it restricts this right to legally registered entities, while also requiring a prior authorization which means that the government can decide whether or not to allow certain gatherings or assemblies to take place based on the subject matter that they care about.

The government is also able to delay the issuance of these authorizations based on technicalities or as a tactic to limit public opposition.

According to the UN High Commissioner for Human Rights, the best practice is that protests should not be subject to prior authorization. If prior authorization is needed, it should be used as a measure to protect protesters.

Additionally, spontaneous and simultaneous assemblies should be regulated by the same procedure and should also be protected. In any case, organizers should not be criminalized for not requesting authorization.

HRW reports that authorities frequently impeded events organized by local chapters of the AMDH by denying access to planned venues and refusing to process administrative paperwork.

The limitations on public meetings and street demonstrations, including the necessity to request permitting in advance from the government, a process in which the activities and goals are detailed, might result in censorship of activities that directly oppose certain political interests.

In this sense, environmentalists planning activities in opposition to government decisions might face restrictions on their work or be deterred from organizing and mobilizing.

These administrative processes that create challenges for registering CSOs and permitting their activities might curb the ability of activists to institutionalize environmental

movements. Also, since many of the environmental activists work on a volunteer basis with limited funding, such hurdles might deter environmental work.

Force has been used primarily on unauthorized peaceful gatherings, while in some cases this was extended also to authorized ones.

The HRC reports that the Ministry of Justice and Freedoms issued a circulate in October 2015 stating that police intervention is justified only in the presence of an armed mob and/or when a crowd has gathered that is likely to disturb the peace (Articles. 7, 9, 19 and 21).

HRC has found that there has been an excessive and disproportionate use of force to disperse unauthorized peaceful gatherings. This finding is also in line with reports from HRW and Amnesty International, as well as other organizations.

Several civil and human rights organizations, as well as media outlets, report gross misconduct by the state in response to peaceful demonstrations and protests.

In fact, according to CIVICUS and Amnesty International, the government arrested hundreds of protesters in 2017 in response to mass rural mobilizations in the Rif region.

The authorities sometimes use excessive force and violence to disperse protests and harass activists involved in organizing demonstrations that express criticism of the government. The Secretary-General reported that, according to various sources, Moroccan authorities continued to routinely prevent or disperse gatherings focused on the right to self-determination, discriminatory employment policies, and other socioeconomic issues.

Law enforcement officials also blocked access to demonstrations and often used excessive or unnecessary force in repressing demonstrations.

The use of force is also reported on activists protesting mines and other environmentally harmful projects that might be

connected to authorities. Such use of force is a deterrent for environmental activists.

In addition to the use of force, arrests and sentencing of protesters and activists has been an area of concern in the country.

The regime has displayed a pattern of repressing activists through judicial proceedings, sometimes under false pretexts. These acts usually target activists and individuals who are “critiquing” the regime by commenting on the current socioeconomic conditions or airing political grievances.

On April 6, an appeals court in Casablanca confirmed the first-instance verdicts against Hirak protest leaders in the Rif region of Morocco, who were sentenced in June 2018 up to 20 years in prison, largely based on statements that were made under police torture.

After arrests, according to HRW, the Code of Penal Procedure gives a defendant the right to contact a lawyer after 24 hours in police custody, extendable to 36 hours. But detainees do not have the right to have a lawyer present when police interrogate or present them with their statements for signature.

In several cases, protesters and activists were allegedly subjected to arbitrary arrest, unfair trials, and imprisonment on ostensibly trumped-up charges.

Some persons were reportedly injured during demonstrations and did not receive equal and timely access to medical treatment.

One interviewee shared that striking and protesting in North Africa is difficult, as the right to do so is often undermined. This is apparent in how the authorities responded to the teachers’ protests recently.

Even during legal protests, you can be faced with brutality. Others shared that there is no space or ability to have civil disobedience or radical actions such as those being done abroad to pressure the private sector and the state to adhere to their commitments.

Radical environmental action won't work here, so even for organizations like Greenpeace, it's better to work with the government and within the legal framework and institutions. One activist shared that "everyone in the region is scared for their safety, we are not safe to talk about our rights." However, there was not much more shared about protests, as they are seen as something allowed if permitted but otherwise not done.

As one interviewee disclosed, in Morocco you can do anything but with a permit, you have to go through the legal framework, which is not a bad thing, as long as you are following the law. But if there was a leak of confidential information that pertains to a certain company or its activities there might be a problem.

Others reported that you could plan different events and marches, even protests, but you need to get a permit. There must be a clear plan for the activity its goals. In terms of FFF marches, the authorities and security would help in organizing and keeping the marches organized. If these plans are clear and well-controlled, the state authorizes and supports these plans.

In COP22, many activities and organizations became involved in climate action, and this was encouraged. Therefore, it's easier to plan events and more feasible for civil society to be active in climate change and environmental issues in Morocco compared with other countries in the region since these topics fit into the country's direction.

Others added that having connections with the authorities makes the process of permitting easier. The state doesn't like CSOs to work outside the legal framework or assemblies planned on social media. When CSOs don't informing the state of their activities, the state would stop such activities or plans.

Another interviewee added that it is not very easy to plan actions because it's very bureaucratic and takes time and you have to run around a lot. Therefore, it is better to plan

through a well-established NGO partner, because a registered NGO will be better connected.

Yet it was made clear that in Morocco you cannot engage in civil disobedience, especially since the public does not perceive any actions that critique the state or the monarchy positively, and this causes backlash.

Consequently, the challenge in Morocco is very much in working with authorities and work to get necessary permits. It was highlighted however that before COP22, the country was very restricted. But due to COP22 and the attention on Morocco, the government loosened restrictions and there was much happening positively around that time.

### 5.4.3. FREEDOM OF EXPRESSION

The Constitution of Morocco guarantees both freedom of the press and freedom of expression. It provides that the press may not be censored and that Moroccan citizens have the right to express their ideas and opinions freely.

**Article 15:** The citizens [feminine] and citizens [masculine] have the right to present petitions to the public powers. An organic law determines the conditions and the modalities of the exercise of this right.

**Article 25:** The freedoms of thought, of opinion, and expression under all their forms are guaranteed.

**Article 28:** The freedom of the press is guaranteed and may not be limited by any form of prior censure. All have the right to express and to disseminate freely and within the sole limits expressly provided by the law, information, ideas, and opinions. It guarantees access to these means respecting the linguistic, cultural, and political pluralism of the Moroccan society.

While the Constitution includes protections on the rights to form civil society groups, the freedom of assembly, and freedom of expression, there are several gaps and loopholes

within the law, as well as incongruencies with international best practices and standards.

Furthermore, reports and assessments carried out by third-party organizations point out that both the freedom of expression and freedom of assembly are frequently undermined in practice.

According to the latest UN Human Rights Committee observations on the sixth periodic report of Morocco (2016), there are several gaps and areas of concern concerning both the laws related to assembly and expression and their application.

This is echoed in several reports from human and civil rights organizations indicating that existing laws are limiting and not in keeping with international standards. Additionally, there have been several instances of the breach of both international and local laws.

The HRC recommended that the Moroccan state should ensure that laws related to peaceful demonstrations are in line with the ICCPR and that the exercise of that right is not subject to restrictions other than those that are authorized under that treaty.

Furthermore, as stated in reports from Freedom House, Amnesty International, and Human Rights Watch, there have been multiple instances of arrests, surveillance, and the forceful dispersal of peaceful protests. Furthermore, reports indicate delays in processing permits for protests. And while there is relative freedom related to private discussions and conversations, online activities and personal communication is monitored to a concerning degree.

This, along with continual arrests of journalists, bloggers, and activists for speech considered critical of the government act as a deterrent to uninhibited debate and limits freedom of expression within the Morocco.

#### 5.4.4. ACCESS TO FUNDING

Funding is another challenging issue. For many CSOs the lack of funding limits their capacity to work, and because of this much of the work is volunteer-based, which can diminish its reach and sustainability. Furthermore, the reliance on donor funds and calls for proposals creates donor dependency.

As one interviewee shared: “We also depend largely on calls for proposals from INGOs and this, in turn, doesn’t allow all CSOs to be able to get funding. CSOs do not get to choose what projects they want to work on, it is donor-driven and sometimes this turns some CSOs more into implementers rather than the ones who work on projects set on an external agenda rather local needs.”

National funding is available every few years on varying thematic areas through a call for projects/proposals. However, not many CSOs have the capacity to apply and win these funds and projects.

While public funds are available, they are limited in amount and not always used for the most impact. According to one interviewee, the local funding structure is as follows: internal funding (local and regional) and the authorities set a budget for civil society (a limited amount), but it is not often given to projects that have a return on investment to the public. The funds are given to NGOs that apply (around 1,000-5,000 Euro).

However, interviewees revealed that these funds are at times spent or invested politically or given to those connected politically, especially during election periods. There needs to be a better framework for funding to ensure that it is used properly.

One of the challenges for civil society is how to engage with the government yet also remain politically neutral. As one interviewee observed, the political sphere has noticed the trust placed in civil society by the public and that the authorities should engage more.

Yet, civil society has to maintain neutrality and transparency to keep citizen trust and not be involved in political parties or taken over by them. “Politics and civil society need to remain separated.” Other interviewees found that there isn’t a large distinction between civil society and politics, and this interference causes issues. Political entities might prefer to fund/support CSOs that will guarantee some benefit to their election, for example.

Several interviewees shared the need to improve participation to achieve what the Constitution promises. Currently, there is a gap between the Constitution and practice.

According to one interviewee, the excuse used to be that civil society did not have the capacity to engage in policymaking, but now they are building their capacity which has greatly improved. CSOs now have the capacity to participate in policymaking, so space for this needs to be created.

However, it was noted that there is a lack of responsibility by authorities and the public sector. It is difficult to know who is accountable, which complicates the civil society and activism space.

Capacity was a recurrent challenge. Interviewees underscored that civil society must improve its ability to communicate and negotiate, but because currently many CSOs have limited capacity, this might lead to setbacks when trying to advocate or mobilize.

The limited capacity results from the fact that much of this work is volunteer-based, which limits the ability and time available to dedicate to this.

This other issue is that CSOs need to also develop their expertise on climate change and climate action to increase trust in their work. Some CSOs are not willing to collaborate and want to work on their own because they want visibility for themselves, which in turn makes collaboration difficult. But given a large number of CSOs now working together in alliances and networks, this is improving.

Several interviewees reflected that there is limited space in environmental civil society for indigenous people and those on the front line impacted daily by climate change.

In addition, it is those who are privileged who have the most visibility in this space.. Therefore, civil society needs to be more inclusive, making sure the voices of minorities are included and heard. This was especially directed towards CSOs with resources and connections who should leverage these resources to support marginalized communities further.

Additionally, to be more inclusive, one interviewee suggested the need to decentralize climate action, the environmental and renewal energy decision-making process, and policies.

COVID-19 lockdowns have been challenging. Most things moved to social media and digital, but these virtual vents are not as powerful and do not convey what is happening on the ground as much as in-person work.

#### 5.4.5. ACCESS TO INFORMATION

The Constitution guarantees the right of Moroccan citizens to access government information, including information held by public administrators, elected institutions, and government bodies.

An exception is information related to national defense, the internal and external security of the state, or the private life of persons. Additionally, a person who requests access to government information must complete a form that includes the applicant's first and last name, mailing address, and national identity card number (or residency card number for foreign residents).

The requestor must include a description of the requested information. The government body then has 20 working days from the date of receiving the request to respond.

Another challenge that was repeatedly mentioned was the lack of adequate data access and transparency. One interviewee disclosed that while ground monitoring stations are

present and data is being collected, it is not shared with the public or accessible and is very expensive. Others shared that while there are laws, including Articles 31-13 on access to information, information does not get shared on an organized and consistent basis.

This is exacerbated by the limited infrastructure for gathering and publishing information. Interviewees maintained that CSOs should have better access to information to maintain transparency and improve the situation on the ground.

#### 5.4.6. COVID-19 IMPLICATIONS

There is no denying that the COVID-19 pandemic and the resulting lockdowns have had disruptive impacts on all aspects of life, extending to civil society work, activism, as well as governance and institutional arrangements and programs.

The subsequent state of emergency due to the pandemic has raised concerns related to human rights, and especially on whether emergency laws are used to silence opposition and impede activism.

In Morocco, the government adopted a state of health emergency in March 2020, resulting in lockdowns, closure of educational institutions, and public transport.

According to EuroMed Rights, the government also passed a bill that gave it more control of the use of social media and media networks.

The provisions within Bill 22-20 include restrictions on calls for boycotts using social media, as well as penalties for the publication of false information.

In addition to concerns on how this law will limit freedom of expression, it is worrying that the law was not discussed or published. Relevant organizations, such as the Human Rights Council were not consulted. A backlash against the law halted its passing, for now. However, a peer-reviewed study published in December 2020 found that countries like

Morocco have used the state of emergency to further entrench the regime's control.

For example, Articles 59 and 74 in the Constitution give the King broad powers during a state of exception and emergency, including the power to suspend the exercise of rights and freedoms.

On the other hand, an analysis on whether Morocco's COVID-19 response complies with international human rights law found Morocco compliant. However, this study was conducted at the beginning of the pandemic response.

Therefore, the author highlighted the necessity to continually monitor the situation to ensure that no violations occur under the guise of a state of emergency.

#### 5.4.7. CSOS AND GOVERNMENT COOPERATION

On the issue of public participation and the relationship with the public sector, there were differing inputs. Generally, it seems that while consultation does take place, involvement in decision-making remains limited.

"There are dialogues and consultations done by the book but if they [the authorities] wants to pass something they will do it without discussion, and we will find out about it after," some interviewees shared.

The new Constitution and the framework for participatory democracy created a process for participation and thus has helped civil society. Yet, there was the question of who gets to be involved. Thus, the inclusion of CSOs in strategies and visions remains restrictive and selective.

It became clear that sending memos and having discussions with the public sector is possible, but getting recommendations accepted is more difficult, though not impossible.

One interviewee disclosed that both the government and CSOs only engage with entities that they trust and have a

relationship with. However, with the creation of larger alliances, there is a wider umbrella for CSOs (and strength in numbers) that they can use to engage.

Therefore, for example, an alliance of more than 800 NGOs is a more legitimate representation of civil society. However, one interviewee shared that public participation in decision-making is much more of a box-ticking exercise.

Beyond the alliance, stakeholder consultations with select CSs are based on the CSOs' relationship with the government. "Relations are where trust is built." But a few interviewees added that there is no institutionalization of dialogue with civil society concerning public consultations and decision-making, and civil society is seen as marginal rather than a core component of strategies and plans.

On the other hand, one interviewee maintained that the new laws and Constitution enables civil society to be part of the development of policies, and civil society can present petitions to the government and elected bodies.

For example, there were some petitions related to the management of household waste, based on the environmental impacts on how waste was managed and suggesting recommendations on how to deal with waste management.

These were presented to and considered by the municipal council in some cities. In addition, while there are no restrictions on CSOs, authorities are not proactive, only reactive when they engage civil society.

Thus, the level of engagement can be improved upon, since now it's the role of CSOs to push to be involved. However, civil society and the public do not feel they have ownership over the projects that are being done because they are not involved in planning or evaluating them.

Some interviewees added that there is a vision for participatory democracy on the regional, local, and national levels. The benefit is that civil society is closer to the citizens and more trusted Civil society is more aware of the conditions on

the ground as compared to the political sphere, so including civil society is important.

Each elected council must establish an advisory body. Civil society is being empowered to be part of these advisory bodies to convey concerns and priorities to elected councils.

For example, civil society actors can be part of advisory bodies on water management to advise on projects and help prepare plans and strategies to combat climate change.

Civil society is present and shares recommendations and participates in setting these plans. However, there is room for improvement. One of the issues is the continual change in representatives so that civil society needs to be able to lobby and inform new representatives and have the capacity to do so.

Furthermore, public policies are changing in response to socioeconomic conditions that the country/localities face. Civil society needs to be able to adapt and respond to these changes.

Civil society needs to constantly improve and build the capacity to advocate and, in some cases, even confront as interests may clash. Yet, civil society needs to ensure that it remains close to the public and citizens.

According to one interviewee, politicians pay lip service to civil society but, when it comes to decision making, they prefer to make decisions based on how they will benefit and what they can get and they leave a small margin for the civil society and the public. That is why trust in politicians and government institutions has been weakened.

Generally speaking, there were some conflicting perceptions and narratives around the state of civil society within the country. Interviewees shared that many CSOs are working on a variety of topics with disparate capacities, connections, and resource access.

However, the situation of civil society has been improving, according to some interviewees. As one interviewee shared, civil society has a voice in the country, even human rights,

women's rights, and environmental CSOs. Civil society is on the right path, compared to previous years and in the past.

It became apparent from discussions that the new Constitution of 2011 has enhanced civic space. However, another interviewee shared that some laws and policies are not helpful.

Most notably CSOs have to pay taxes similar to the private sector. Most grassroots organizations work voluntarily and don't have staff or offices, they are registered or hosted by other organizations or public entities. Therefore, most have limited capacity and reach.

As one interviewee reflected, in the past there was a mistrust between civil society and government, primarily because it was perceived that civil society was outspoken and not working on the same agenda as the government.

While this dynamic still exists, it has improved. However, the relationship between civil society and government differs from one organization to another. Factors such as locality of work and thematic areas also impact this relationship.

However, one interviewee shared that civil society tries not to be seen as influenced by political parties so that they do not lose the trust of the local community.

CSOs were described as belonging to two broad categories by one interviewee: one is local grassroots groups which are often not connected to the government, while the other is extremely involved with the government so that their agendas are merged.

The better connected CSOs have a stronger voice and are more visible. There is no middle ground of having a strong voice but not being enmeshed with the government agenda.

Those that are grassroots do not have a strong voice or presence because of their limited resources and reach. Regardless, most interviewees said that CSOs are active and dynamic compared to the rest of the MENA region.

Furthermore, many added that there are good laws to organize and available funds for initiatives. There seems to be a

decent level of representation, but almost all interviewees said that a lot of work needs to be done to strengthen civil society capacity and make their voices more heard.

However, as some interviewees reflected, it is clear that the relationship between civil society and the public sector has not reached a point that allows civil society to have a larger scale or impact related to its work.

While the country has the framework of participatory democracy, it has yet not implemented or activated such a framework.

Further, the unpredictability and inconsistency of access to resources needed by civil society further limits their work.

One interviewee stressed that many CSOs do not have resources and they cannot guarantee the continuity of these resources if available.

Accordingly, many do not have the human resources and capacity to continue their work on a consistent and larger scale.



# TUNISIA

**CLIMATE CHANGE  
ACTION ON  
NATIONAL AND  
STATE LEVEL**



## 6. TUNISIA

### 6.1. NATIONAL CLIMATE CHANGE SCENE

Tunisia is on a race track to combat climate change. The government is working on several policies and strategies that will guide national and local efforts, while CSOs and activists are gradually plugging into the process. Environment and climate change issues cannot be handled in silos.

Understanding how climate change affects economic productivity and wellbeing is key to putting such issues on the political and reform agendas for the government and people.

To date, although it doesn't appear to receive the attention it deserves, climate change continues to hit Tunisia very hard.

Floods, heatwaves, and droughts are causing severe damage to communities and economic activities, but such causality is not made evident or visible to the public. More data analysis and research is needed to inform public opinion and policy-making in this regard.

Tunisia ratified the UNFCCC in 1993 and the KP in 2002. Tunisia has prepared two National Communications to the UNFCCC (2001, 2014) and submitted its first biennial report in December 2014.

Tunisia signed the Paris Agreement in April 2016 and ratified it in February 2017 with entry into force in March 2017.

Several climate change policies and strategies are under preparation, including the NDCs and the national adaptation plan, which form a great opportunity to do effective public participation at different stages: before, during, and after.

Most of these efforts are supported by donors and international partners who abide by international standards and guiding principles and are expected to walk the talk and support more creative approaches.

There is no clear evidence of an announced public participation strategy/mechanism. The regional dimension (urban and rural) is of extreme significance in the Tunisian scene and requires effective tools in line with the decentralization direction that was adopted.

Following is an analysis of relevant policies and legislation as well as strategic institutional arrangements that directly influence climate action in Tunisia.

### 6.1.1. THE 2014 CONSTITUTION

In 2014, Tunisia celebrated the signing into law of its new Constitution. The Constitution puts Tunisia in an exclusive group of countries that recognize climate change as a constitutional issue.

The new climate clause under Article 45 obliges the state to guarantee “a sound climate and the right to a sound and balanced environment,” and to “provide the necessary means to eliminate environmental pollution.”

”The opening preamble also notes “the necessity of contributing to a secure climate and the protection of the environment.” Such groundbreaking a high-level commitment still remains to be joined within national and local commitments, as well as with the minds of Tunisian people.

### 6.1.2. THE INTENDED NATIONALLY DETERMINED CONTRIBUTIONS (INDCS), 2015

The INDCs were prepared before the Paris COP21 meeting in 2015 with great emphasis on mitigation through deploying

low-carbon energy technologies. Tunisia aims to reduce its greenhouse gas emissions across all sectors (energy; industrial processes; agriculture, forestry, and land use; and waste) to lower its carbon intensity by 41 percent in 2030, relative to the base year 2010.

Mitigation efforts will particularly concentrate on the energy sector, which alone account for 75 percent of the emission reductions contributing to the decrease in carbon intensity.

As part of the energy transition policy advocated by the state, it is estimated that the energy sector will reduce its carbon intensity in 2030 by 46 percent compared with 2010.

Implementation of the Tunisian contribution towards mitigation requires substantial funds to be mobilized – an estimated 18 billion US dollars – to cover investment needs and financial capacity-building programs. This comes at a critical phase in the country's political and economic development.

Considering Tunisia's deteriorating natural resources, specifically water, and the increase in climate-related conditions (variability, aridity, desertification, and flooding), future Tunisian economic development should use new models of production and consumption compatible with climate change adaptation objectives that will ensure long-term sustainability and prosperity.

More importantly, stronger policy coordination and mainstreaming of sustainable development within various sectoral policies are to the success of both mitigation and adaptation efforts.

Tunisia is currently reviewing and updating its NDCs with some level of civil society consultation. The INDCs document indicated that the preparatory phases for the INDCs in 2014 involved a series of consultation workshops bringing together the main stakeholders involved in the climate change process (public administration, civil society, private sector, and industry experts).

### 6.1.3. THE STRATEGIC DEVELOPMENT PLAN (SDP), 2015

An example of a sector that has strong linkages to the environment and economy is the tourism sector.

Tunisia benefits from a generally diversified and open economy, as the tourism, industry, services, and resource extraction sectors all contribute a non-negligible share of national GDP. However, growth has stalled since the 2011 revolution.

This is exacerbated by the impacts of the COVID-19 pandemic and the lockdown procedures followed around the globe.

Tourism sector influenced the development of a sustainable growth trajectory which resulted in the adoption of the SDP in 2015.

This five-year plan proposes a series of major reforms and public works projects across five strategic areas: public administration reforms and anti-corruption measures for improved governance; human development and social inclusion; higher-added-value economic activity; mitigation of regional disparities; and the development of a green economy.

While the plan forms an essential step in Tunisia's transition towards a low-carbon society, it still requires actions and approaches through which the numerous environmental problems could be tackled, considering the regional imbalances across sectors.

The Tunisian President announced an extension of the state of emergency for six months, starting from December 26, 2020. A state of emergency has been in effect since a suicide attack on a police bus in November 2015.

It is not clear if the SDP is being reviewed or updated during the COVID-19 pandemic. Such update and review would benefit from the various ongoing planning efforts concerning climate change such as the NDCs update, the low carbon strategy development, and the national adaptation plan.

#### 6.1.4. CODE OF LOCAL AUTHORITIES NO. 29 FOR 2018

This is probably one of the most important legal instruments, as it addresses regional planning and operations. Regional disparities and inequalities were a key trigger of the revolution and continue to top people's priorities during the transition phase.

In Chapter III – Land Use Planning, Urban Planning, and Sustainable Development, the Code gives local governments the mandate to ensure that all plans and operations are in line with sustainable development principles.

While this is an important step, it will not be sufficient to achieve the necessary transformation of Tunisian institutions, especially when it comes to certain areas of sustainable development.

Further reforms are needed in the political and administrative spheres, as well as more targeted legislation to address the people's needs when it comes to basic services on the path towards a green economy.

Municipalities need to step up and expedite reforms to become the prominent actors leading the decentralization process.

The role of CSOs within regions needs to be fostered within the overall process, with special emphasis on sustainable development principles, policy development, and implementation.

#### 6.1.5. OTHER POLICIES

Tunisia is in the process of preparing several climate change-related strategies and plans such as the NDCs update, the National Climate Change Adaptation Plan, and the Low Carbon Strategy.

Moreover, other relevant sectoral strategies are also being drafted including the water strategy. The extent to which CSOs are involved in these processes varies from selective/ad-hoc consultation to institutionalized engagement.

Some of the interviewed CSO representatives were not aware of the ongoing efforts, while others confirmed their participation in consultative meetings/workshops but not on all strategies.

The regional CSOs have been invited to regional consultative workshops organized for some of these strategies.

## 6.1.6. GOVERNANCE AND INSTITUTIONAL COORDINATION STRUCTURES

Due to the relatively large number of CSOs, the lack of policy integration, and competing reform priorities, there is a clear governance and implementation crisis when it comes to climate activism and civil society engagement.

There are several governance and institutional coordination initiatives that would be promising if deployed effectively. One is the advisory forum under the Commission for Sustainable Development and the Rights of Future Generations, which is established as per Article 129 of the Tunisian Constitution.

This advisory body is still not activated - according to the people interviewed for this research - and is supposed to include representatives from civil society and other stakeholders. The purpose of this platform is to advise the Commission/Parliament on sustainable development policies and the legislative framework, including how Tunisia is to meet its international obligations and commitments.

It is not clear why such a strategic step is on hold but some CSOs are working to push for this forum to see the light. The

question remains as to how the members of the Forum will be selected.

Some CSOs think such representatives should be elected by CSOs to ensure proper representation. Generally speaking, such a wide scope for the Commission and Forum would require an effective and efficient structure to ensure all topics and sectors are well represented and prioritized.

The other initiative is project-driven (at least for now) and is supported by GiZ capacity building for the climate change adaptation project.

This project is assisting the Climate Change Unit at the Ministry of Local Affairs and Environment in establishing a Forum for non-state actors to build their capacity around climate adaptation.

The Forum has four specialized forums: civil society, the private sector, the media, and municipalities. The Forum's governance framework is well defined as is its process and criteria for selecting its members.

A National Forum Management Committee is formed comprising elected members from the four specialized forums. The committee will ensure effective coordination between the four forums and will monitor the implementation of activities. The committee will also act as the interface between the forums and the climate change adaptation project.

The governance and operational frameworks for the Forum were discussed in a three-day national workshop. An application process was designed to ensure transparency and inclusiveness. Application forms (for each of the forums) are available online and the the Climate Change Unit at the Ministry of Local Affairs and Environment would do the review and selection.

An interesting angle is that competent and active individuals are requested to apply, so it is about having the right people in the room regardless of their affiliations.

This is positive since it reduces the unhealthy competition between CSOs and encourages individual activists and experts to join.

While all of this sounds promising, many argue that this is only a project-driven effort and that the selected CSOs will not necessarily be the most relevant. This requires further evaluation as the Forum is operationalized.

### 6.1.7. THE UNFCCC, PARIS AGREEMENT, AND CIVIL SOCIETY PARTICIPATION

Tunisia is participating in the COP through the national focal point (a division of the Ministry of Local Affairs and Environment).

In recent years, NGOs active in climate action and advocacy started to secure the needed accreditation to attend the COP. With time, the Ministry started to facilitate such participation (not financially though).

As far as the Paris Agreement and the non-state actors' role, Tunisia is still at an early stage of developing this concept further and reflecting it into implementation mechanisms and the governance framework.

The only visible national effort is the GiZ Adaptation Forum which is still very new and will need to be further tested, expanded, and sustained.

### 6.1.8. PUBLIC PARTICIPATION AND THE UN SUSTAINABLE DEVELOPMENT AGENDA

Tunisia's position concerning the adoption of the SDGs is published by the Ministry of Foreign Affairs, Migration and Tunisians Abroad.

UNDP in Tunisia is working with various ministries to integrate the SDGs within the planning process. Nevertheless, civil society engagement is not clearly defined in the process.

The online information states that Tunisia has actively contributed to identifying and elaborating the 2030 SDGs mainly through the organization of a large national consultation, in collaboration with the UN in Tunisia, and participation in various meetings, particularly “The Open Working Group” on the 2030 Agenda.

The UN SDGs Knowledge Platform includes no reports from Tunisia but indicates that a National Voluntary Review is expected in 2021.

Considering the other reports and strategy documents under preparation, it is not clear how these will align with the reporting on SDG 13 (climate action) and how the relevant stakeholders are engaged.

### 6.1.9. OGP

Tunisia joined the OGP in 2014 but has been falling behind in terms of implementation. Tunisia has used the OGP action plans to address several challenges including Access to Information and created an Access to Information Authority.

Although this authority provides grievance mechanisms in case a request for information is denied, the ultimate goal to fight corruption and improve the delivery of public services was not realized as civil society is not empowered to detect violations and speak up about corruption risks.

The End-of-Term Report 2016 – 2018 prepared under the IRM indicated that Commitment: Enhance the transparency in the environment and sustainable development sector) was completed to a ‘limited’ extent although the midterm review showed a ‘not started’ status.

The Ministry of Civil Service, Governance, and Anti-Corruption, which was assigned to this commitment, was dissolved in 2017.

The Ministry of Environment and Local Affairs then became the institution in charge of implementing this commitment. This change of leadership altered the commitment's implementation starting date.

The government states that by the midterm assessment, the implementation of the first and second milestones was complete. The IRM researcher, however, could not verify this.

In the OGP 2018-2020 action plan, this commitment was eliminated. But it was replaced by a whole section (Axis 2: Promote Transparency in Natural Resources Management Field) which includes three commitments: 1) improve water resources governance, 2) enhancing transparency in the extractive industries sector by joining the EITI initiative, and 3) apply the principles of open contracting in the hydrocarbons field.

While this may seem like a progressive development and increased commitment, it missed commitments to improve the overarching environmental management framework, i.e., the Ministry of Local Affairs and Environment.

The observations on the ground reflect a need for assessing and improving governance structures on all levels and ensuring that the ownership of the environment and climate change mandate is well defined vertically and horizontally, especially considering the 2018 Local Authority Code.

On the public consultation around the OGP action plan and progress review, the report indicates that the process followed OGP standards and that it included several stages of consultation.

Direct civil society participation through workshops and meetings, online consultation, and regional consultations were among the tools used to enhance participation. However, it is not clear whether climate change CSOs and networks were among the groups that were invited to meetings or asked to provide input and comments.

One specific CSO with a focus on energy and extractive industries was deeply knowledgeable of the transparency as-

pects related to this sector. However, it indicated that it is not a member of the OGP consultative group.

Tunisia has witnessed an evolution in the freedoms of speech, expression, and assembly since the 2011 Revolution. However, civic space continues to face substantial restrictions.

CSOs are still subjected to complex registration requirements and are often unable to access tax exemptions or banking services.

Protests during the COVID-19 pandemic have been dispersed using excessive force, and social media users and influencers have been arrested.

Tunisia should address these restrictions on civic space in its upcoming action plan, by: (1) revising restrictive provisions limiting assemblies on public order grounds; (2) imposing appropriate limits and accountability mechanisms regarding the use of force in policing protests; and (3) liberalizing legal and regulatory provisions criminalizing online expression.

Climate change activists are faced with further challenges and feel left behind when it comes to access to information and policy dialogue. The OGP process can provide them with the needed platform to voice their concerns and engage in the wider development planning scene.

## 6.2. PUBLIC PARTICIPATION IN CLIMATE ACTION

There is no doubt that Tunisia has embarked on a whole new era of civil participation following the Arab Spring revolution. Tunisia adopted a progressive constitution and held free and fair elections at the parliamentary levels, which included 70 political parties.

Civil society was instrumental in the drafting of the 2014 Constitution as well as Tunisia's enabling decree on associations.

While the majority of CSOs emerging after the revolution were naturally focused on elections, over 23,000 CSOs exist today with multiple reform missions and development objectives. One of every five are said to be in Tunis.

The story of the civil society-enabled transition in Tunisia is a key guide to understanding the Arab Spring's motives and drivers. Nevertheless, civil society is looked up to as a key actor to sustain change and pursue people's aspirations.

During the 23 years before the revolution, CSOs existed in Tunisia but enjoyed limited space and independence to operate.

Most associations were service-oriented and initiated by the regime without fostering any civic culture through individual membership.

Moving forward, the main problem that will slow Tunisia's transition in the medium term is unemployment and economic underdevelopment associated with development disparities between urban and rural areas. When it comes to CSOs, many still struggle with political parties, attempt to make use of CSOs to build local support.

On the other hand, people's priorities seem to focus on social justice and sustaining progress on civic freedoms.

Any other topic would require adapting its mission and messages to include social and economic reform while maintaining political neutrality, a task far from easy. Several assessments highlighted the need to build the internal capacities of CSOs to enable them to become change agents and progress protectors.

Such capacity building includes aspects related to governance, technology, finance, networking, policy advocacy, and lobbying.

Special attention should be given to tools and skills needed to integrate development issues and social and economic rights alongside the political and human rights agenda.

During the transition, the Ministry of Environment underwent changes in its own status, merging with Ministries of

Agriculture and Equipment and Infrastructure and others, until ending up as part of the Ministry of Local Affairs.

Environmental activists and experts believe that the absence of a standalone environment ministry weakens the position of the sector within the overall national agenda.

The Ministry of Local Affairs and Environment will provide attention and support to local affairs instead of the environment, and this is reflected in the weak integration of the environment and climate change message within public policy and decision makers' speeches.

Earlier this year, a huge issue with serious international and local implications caused the arrest of the Minister of Local Affairs and Environment for importing household and medical waste from Italy.

Such a case attracted much local attention and activism as it has multidimensional claims of corruption, mismanagement, and abuse of the environmental cause.

Over 430 environmental CSOs are trying to deal with issues of political influence and lack of capacity to tackle key sustainability challenges.

They also face challenges with the public that sees social justice as a top priority with a narrow lens on environmental justice. Still, around 20 of those CSOs are determined to put climate action on the map for both politicians and local communities.

The responsible Unit at the Ministry of Local Affairs and Environment – as the national focal point for climate change – invites selected CSOs to some policy development meetings.

This does not follow a systemic or institutionalized approach and results in many CSOs feeling left behind with weak input from civil society and a lack of ownership of many of the policies and plans.

More recently, regions are being brought to the process through regional nodes and local governments. Consultative workshops are taking place outside Tunis whereby local CSOs are invited to participate.

## Tunisia minister sacked and arrested in scandal over illegal waste from Italy

**Mustapha Aroui held along with 22 others after 200 containers of decaying household and medical waste discovered in July**



▲ Mustapha Aroui has denied his involvement in the case. Photograph: Courtesy of Ministry of Local Affairs and the Environment

Tunisia's environment minister has been arrested following the attempted importation of household and hospital waste from Italy.

Mustapha Aroui was dismissed from his post and **subsequently arrested** on Sunday, along with several other people, **including** senior customs officials, members of its waste management agency, Agence Nationale de Gestion des Déchets (**ANGed**) and a Tunisian diplomat based in Naples.

Source: The Guardian newspaper.

Again, it is not clear if this is done according to a systematic approach and defined criteria/principles. Youth activist groups are specifically frustrated and feel unrecognized by the Ministry.

CSOs that are already active within the UNFCCC framework and are securing accreditation to attend the COP meetings said that the relationship with the Ministry was 'critical' at the beginning but started to improve after the Ministry understood the role of CSOs as observers and contributors in the process.

Several CSOs believe that forming networks would give them more power and influence within the policy development and advocacy area.

Some of the interviewees expressed concerns around the Forum under the Constitutional Commission for Sustainable Development and the Rights of Future Generations being inactive.

The idea is for it to be a platform for stakeholder consultation in policymaking. Some CSOs indicated that they are lobbying to get it activated soon.

Tunisian youth are profoundly engaged with the climate crisis and the need to act quickly and aggressively. The youth interviewed showed a great deal of understanding of their right to express views and demand action.

While some international NGOs provide support and visibility to young activists, their energy and passion are still underutilized on the local level.

Youth can be the outreach, mobilization, and communication arm for civil society across the country. They feel that their voice is not heard.

When it comes to the core of the Tunisian revolution, social and regional inequalities are extremely important. The level of public participation in climate action outside Tunis is very low even in areas with visible environmental challenges.

The link between climate change and social justice and economic prosperity is very weak, according to all interviewees and respondents.

There is a need for more education, research, and data analysis to make the case for stronger political and public commitment to climate action.

All of the participating CSOs indicated a strong need to build the CSOs' capacities in climate change topics and best practices.

The linkages between climate and other sectors like water, energy, agriculture, and biodiversity need to be analyzed within the Tunisian context and CSOs should be made aware of such issues to effectively participate in climate action.

### 6.3. CLIMATE CHANGE AND ENVIRONMENTAL MOVEMENTS

Despite the multiple reform priorities that trigger public participation and action, several civil society organizations and networks adopted the climate change challenge as their mission, acknowledging its connection to social justice, economic prosperity, and human rights.

Young activists know no fear when it comes to defending their rights to a healthy and sustainable future. Under COVID-19 restricting regulations, climate campaigning and calls for action are all over the social media pages for those CSOs and activist groups.

In Gabes, environmental CSOs and activists skirted the some rules and protested the drastic consequences of longstanding industrial pollution.

Equally significant is the regional disparity within Tunisia and the eagerness of communities to achieve equality in various sectors and services.

Merging the environmental ministry with the local affairs ministry might be a positive step to support regional equality and decentralized climate action. However, there is still a long way to go when it comes to climate awareness and knowledge outside Tunis.

Civil society participation dynamics and capacity differ between Tunis and the rural areas. The gap is large as some Tunisian CSOs are already participating in the COP meetings, while others are probably ignorant of the climate change relevance to their basic demands. Politicians – on the other hand – are still focused on political reform and fighting corruption.

Some CSOs are getting stuck in the middle and get compromised for political purposes. Tunisian people and civil society actors are fighting to protect the achievements made

since the revolution and will raise their voices against any practices that would jeopardize that.

More Tunisian CSOs want and should be aware of their role in climate action and need to have the knowledge and capacity to participate.

CSOs are joining forces through the formation of networks and the Ministry of Local Affairs and Environment, on the other hand, is trying to increase citizen participation and consultation. Both sides need to observe international standards and guidelines to harness and institutionalize such efforts.

## 6.4. ENABLING ENVIRONMENT FOR CSOS

In 2011, Decrees 87 and 88 replaced the old restrictive laws governing civil society and created very liberal founding criteria to promote political diversity.

Civil society is creating a space not only for electoral monitoring, policy advocacy, economic reform, human rights protection, and democratization but also for community outreach and dialogue.

There is a variety of local and international NGOs/CSOs operating under a broad spectrum of activities including social justice, economic development, good governance, anti-corruption, political reform (including women's participation), environmental sustainability (including climate change), and democratic transformation.

Since the revolution, the surge of external funding for civil society has increased in a way that might have made the NGOs sector very appealing compared to small business.

This is seen by many as a potential risk to the sustainability and productivity of the economy. A thorough assessment of the laws and policies governing CSOs in Tunisia is available in the EENA for Tunisia.

In this section, enabling environment issues that are more specific to climate change or environmental CSOs are highlighted and assessed.

All of the surveyed and interviewed CSOs have a strong desire and passion to participate in climate action whether on the policy development level or by implementing projects on the ground.

Most of the respondents and interviewees indicated an improvement in the government approach to consulting and engaging with CSOs on policy development since 2020.

Nevertheless, they also highlighted key enablers that are still missing from the climate activism space that would make it more effective.

Some of those enablers are related to the CSOs capacity and awareness when it comes to climate change's impact on social and economic development, while others are linked to the government's commitment – both on national and local levels - to the climate change agenda and to enhancing the role of civil society in its design and implementation.

## 6.4.1. FREEDOM OF ASSOCIATION

### Prior Approval Requirement

The Associations Law was adopted following a national consultation with civil society and unprecedented meetings between CSOs and legislators to discuss draft provisions.

It provides broad protections for the exercise of freedom of association and support for a free and independent civil society sector, including provisions for public funding and prohibitions on state interference in organizations' operations.

Under the Decree, an association in Tunisia is legally established once it has submitted a registered letter of notification to the Prime Minister's office and a copy of the letter to the Official Gazette of Tunisia for publication.

According to the law, an association is considered legally established if the registered letter receipt is not returned within thirty days of the date of its mailing. However, it only acquires legal personality once the notification is published in the Gazette, and the law requires that the Gazette publish the notification within fifteen days of receiving it.

Until all these steps are completed, an association may not open a bank account, enter into contracts or agreements, or undertake activities.

A major challenge to some of the CSOs and networks interviewed in this study is the issuance of the notification (and official certificate of establishment) which took over three months in one case (submitted in December 2020 and still pending).

Even if this final step is delayed, this does not significantly restrict associations' activities as the law specifically guarantees associations' rights to engage in other activities, including the right to access information; evaluate state institutions and submit recommendations to improve their performance; organize meetings, demonstrations, conferences, workshops, and engage in "all types of civil activities"; publish reports and other informational materials; and conduct opinion polls (Article 5).

Another potential hurdle is that the Prime Minister's office is located in Tunis and has no branch offices around the country. Thus, CSOs outside of Tunis must travel to the capital to convey the notification letter.

This might form a challenge as sustainable development and climate-related CSOs in the regions are becoming key players in the decentralization process.

### **CSO Formation**

Tunisian civil society regulated by the Decree/Law on Associations (No. 88 for 2011) encompasses associations as well as many other organizations.

The 2015 Nobel Peace Prize awarded to Tunisian civil society was received by representatives from a diverse group of NGOs including the Tunisian General Labor Union; the Tunisian Union for Industry, Trade, and Handicrafts; the Tunisian Human Rights League; and the National Bar Association of Tunisia; which reflects the huge spectrum of organizations regulated within this framework.

The Tunisian legal framework is more progressive than those in other MENA countries. The proliferation in the CSO domain will need to be deeply assessed down the road to ensure real impact and proper representation of civil society and its needs.

## Operations

Tunisian CSOs are now free from oppressive state control and obstructive registration requirements, while CSO donors and funders are relatively free from state pressures.

The law limits the government's ability to suspend a CSO without a court order. However, CSOs need institutional and human capacity building to be able to operate effectively and to lead and sustain change on the regional and national levels.

Some of the areas that demand capacity building within the climate change field are: policy development and advocacy (across sectors affected by and impacting climate change), strategic planning, networking and community mobilizing, monitoring and evaluation (for public policies and also for own programs and projects), international negotiations, evidence-based communication, research, and data analysis, climate change scientific and technical topics, climate justice and social and economic implications, and administrating and financial management.

Moreover, the youth in Tunisia are becoming more interested and engaged in climate activism. But there is a lack of avenues for civic engagement for such youth if they are not part of an influential CSO or network.

Civic education among youth is low and their political awareness is insufficient. Additionally, social entrepreneurship is not a well-known concept among youth.

Anchoring such a concept and providing an enabling space would empower youth to address local challenges and productively expand their civic space.

As mentioned earlier, the disparities and discrimination between urban and rural Tunisia remain a core problem that will need to be tackled urgently and creatively to boost operations within the Sustainable Development Agenda in general and climate action in specific.

To reflect on the ground, there are almost no constraints on association formation and operations. However, some of the interviewees referred to specific challenges from their own experiences such as the delay in issuing the authorization certificate for new CSOs and networks.

#### 6.4.2. FREEDOM OF ASSEMBLY

This right is guaranteed by the Constitution without restrictions. It was exercised before 2011 in defiance of unfair laws on peaceful assembly. Though this right has been constitutionalized, exercising it requires regulations.

The ruling authorities have not so far enacted a law that regulates this freedom following international standards, using instead the 1969 law whose provisions are in plain violation of the right to peaceful assembly.

When it comes to climate assemblies, CSOs need to request prior approval for any public assembly from the Ministry of Interior.

Authorities are not hindering the climate-related assemblies as long as they do not have a political or religious angle. Issues occur when approvals are not secured beforehand, as happened in Gabes last March.

Activists assumed that the authorities would not approve any assembly due to the pandemic (emergency law) and because of the complex nature of the Qabes industrial pollution problem. Therefore, they protested the longstanding problem but this has not triggered any real action from the government or the industrial leaders in the area.

Activists call this a ‘taboo subject’ that is being ignored while destroying an invaluable coastal oasis that could have become a model for green economic development.

A few examples reported by the interviewed CSOs and activists: 1) the climate march organized by several NGOs was blocked in 2015 and 2017 for security reasons, 2) an outdoor protest by young climate activists took place under the state of emergency in 2020 and was allowed to continue by the security forces as it was classified as peaceful and relatively short, and 3) authorization gets harder when the case involves mining industries or investors, such as the ‘Gabes’ case in 2021.

A large public protest occurred despite the COVID-19 related orders in response to a recent explosion in a factory.



WAR ON SCIENCE

**Industrial pollution is destroying a Tunisian coastal community — but no one wants to talk about it**

Once a pristine Mediterranean oasis, the Gabès region has been devastated by local chemical factories and health problems are soaring

BY LAYLI FOROUSHI 18 MARCH 2021 DISPATCH

Source: CODA Story.

### 6.4.3. FREEDOM OF EXPRESSION

Freedom of expression is governed by several laws and legal provisions. The Associations Law does not create barriers to speech or advocacy by CSOs, including on political issues.

On the contrary, the Decree expressly protects the right of an association “to express its political opinions and positions vis-à-vis issues of public affairs” (Article 4).

Other Tunisian laws, however, prohibit certain speech that is critical of public authorities. Article 125 of the Tunisian Civil Penal Code calls for up to one year in prison and a fine for insulting public officials who are executing their duties, while the Tunisian Code of Military Justice broadly prohibits the defamation of the military, attacks on its honor, and the undermining of morale (Article 91).

Most of the interviewed CSOs indicated a sufficient level of freedom of expression. However, they also mentioned that CSOs with loud voices and strong positions need to convey their messages properly to avoid being alienated from consultation meetings.

Using online platforms to express opinions and positions and to call for action does not create problems. Social media is proving to be an effective tool, especially during the pandemic.



Source: Youth for Climate Movement Tunisia Facebook Page

Tunisian activism is happening both on the ground and virtually. Social media is a key enabler that is used quite effectively by environmental CSOs and young climate activists. Online campaigns that call for action or uncover mismanagement of environmental issues are quite popular. Petitions are also used to gather public positions on hot environmental issues. No specific cases were reported concerning climate change, although many social media users faced arrests during 2020.

#### 6.4.4. ACCESS TO FUNDING

According to the Law of Associations, associations that receive donations or grants from foreign entities must inform the Secretary-General of the source, value, and purpose of the funding within one month of the decision to request or accept the funding. Associations may not receive funding from a country that does not have diplomatic relations with Tunisia, or from organizations that “defend the interests and policies” of such countries (Article 35). The law also states that the government will allocate funds from the public budget to assist and support associations.

The observations from the ground, however, indicate that such public funding is not readily available to all CSOs, and even when available, the amounts given are not substantial. Many of the CSOs expressed the need for more support to cater to basic needs such as office space and overhead.

In principle, once an environmental NGO is established, it is on its own until it manages to secure external support. Using CSOs to gain public support for political purposes is a common issue that compromises CSOs’ independence and access to funding.

One of the interviewees suggested that the government create a basic support mechanism to provide office space and running costs for CSOs so that they can focus on project implementation and monitoring. Generally speaking, some CSOs are already very successful in partnering with international organizations to implement climate change projects, but these are mostly related to awareness-raising.

### 6.4.5. ACCESS TO INFORMATION

Tunisia’s Access to Information Law of 2016 requires all government bodies, public institutions, and any institutions that receive public funding to make a range of information public upon request, including organizational charts, legal texts, state agreements, public policies and programs, procurement processes, statistics, and “any information relating to public finances including detailed budget-related data at the central, regional and local levels.”

This law is the first in the Arab region to establish an independent commission to oversee compliance, the Access to Information Authority. While this body provides grievance mechanisms in case a request for information is denied, the actual challenge is in the understanding and implementation levels of public authorities, as well as the ability of citizens and CSOs to monitor and report on compliance. Climate CSOs are facing serious challenges when requesting access to information from the Ministry.

As per the law, if a request was denied or ignored, some CSOs filed cases at the Access to Information Authority and won them. Those CSOs state that the relationship with the Ministry became more distant and tough after the cases.

They also believe that public authorities do not understand the requests and information related to climate change and thus, their staff members are unable to provide the needed access.

Other young activists claimed that the website of the Ministry is not up to date and difficult to navigate. It is an issue of cultural shift and trust-building when it comes to public servants and CSOs, in addition to more awareness on climate-related information and data.

As stated in the mapping section, the law on access to information is not helping change things on the ground. “The Ministry of Local Affairs and Environment staff are not fully aware of the type and importance of information requested by CSOs,” said one of the interviewees.

The complaint mechanism, while useful, is causing some tension between the Ministry and the CSOs. "We want to propose special standalone legislation for access to environmental information," said one of the interviewed activists. Cultural change is very important when it comes to open access to information. In addition, digital platforms should be enhanced to support such a process and allow for open data sharing with the public.

#### 6.4.6. COVID-19 IMPLICATIONS

The state of emergency status that was announced during the COVID-19 pandemic, imposed limitations and restrictions on public gatherings and protests. Generally speaking, protests during 2020 have been dispersed using excessive force, and social media users and influencers have been arrested. As far as climate-related protests are concerned, the COVID-19 situation provided an excuse to reject the requests submitted by CSOs to the concerned authorities.

The 'Gabes' protestors convened in March 2021 without prior approval to call for action to stop industrial pollution after an explosion in a factory resulted in five casualties. Moreover, delays in obtaining the final registration certificate for new CSOs are partially attributed to the pandemic.

نظم اهالي ولاية قابس اليوم الارباء مسيرة حاشدة ندد خلالها المحتجون بالأوضاع الاجتماعية والصحية والبيئية المتردية كما رفعوا شعارات منددة بما حدث في المدينة من تلوث نتيجة مخلفات المنطقة الصناعية بقابس حيث كتبت لافتة عملاقة: " في قابس الالم اختلط الزفت بالدم" في اشارة الى ضحايا الانفجار الاخير في محطة بمصنع الاسفلت بالمنطقة والذي خلف ضحايا. وطلب المحتجون بضرورة ايقاف نريف التلوث الذي غزا مدينة قابس وساهم في انتشار الامراض وفق تعبيرهم.



Source: Al Chourouk.

### 6.4.7. CSOS – GOVERNMENT COOPERATION

When it comes to CSOs active in the climate change field, the relationship with the government is improving but is still nascent.

This is probably a three-dimensional issue: 1) the knowledge and maturity of the CSOs themselves is quite diverse and the number of CSOs is quite big, 2) the environmental agenda is still fluctuating between ministries and lacks the political support needed, and 3) the climate change targets and strategies are still in the making and the link between climate change and political and social reform is lacking.

For CSOs that have already been in the climate scene for a few years and that have managed to gain some knowledge and expertise through participating in international conferences and/or implementing funded projects on the ground, the relationship with the government has passed through the challenging phase towards some level of trust and collaboration.

For younger CSOs, dealing with the government on any front seems to be a huge burden and puzzle. Young activist groups think the government does not take them seriously and even does not recognize them as part of civil society.

International NGOs are probably in a better position as they are a potential partner/donor. The huge number of CSOs that potentially have a stake in climate change makes relationship-building more complex.

While there are around 20 CSOs in Tunis that are active in the climate space, many others in the capital and beyond should be informed and involved.

The Ministry of Local Affairs and Environment might be challenged to do such outreach and engagement, but it could propose a governance structure and coordination mechanisms that would pave the way for more citizen participation and less regional discrimination.

The time could not be more appropriate as the government is working on several climate policies and strategies that would benefit from effective civic participation.

The increased tendency of CSOs to form networks and unions could be a positive sign that should be leveraged in the process. The only structured platform for non-state actors seems to be the GiZ adaptation project (described in the previous section).

Some CSOs proposed elections within civil society to choose representatives for various forums/committees/topics within the climate change field. At a minimum, donors and international partners should seek to enable an effective and open civic space for climate action.

The relationship between CSOs and government authorities could be looked at from three different perspectives: a regulatory and censorship role from authorities, an involvement/consultative role from the Ministry of Local Affairs and Environment, and the desired partnership with local governments as part of the decentralization process.

The role and involvement of local governments is still limited and will need to further develop if Tunisia is to make real progress in climate action.

Many of the interviewees highlighted the opportunity for such local engagement since the environment and local affairs are managed by the same minister.

Others demanded that the environment portfolio get a standalone ministry with full authority and political support. In either case, civil society needs a clear strategic direction for climate change in Tunisia and more political support to achieve climate targets.

In general, CSOs feel that the consultation approach followed by the Ministry is a selective one. One CSO suggested enabling CSOs to elect their representatives in various committees, in light of a large number of CSOs and the inability of the ministries to identify and include the relevant ones.

The access to information issue is still a challenge as reported by several interviewees. Nevertheless, several CSOs mentioned some positive changes since 2020 concerning consultation on some of the ongoing policy development efforts, though this needs further anchoring and institutionalization.

#### 6.4.8. CSOS COOPERATION AND COALITIONS

The new networks of associations developed amidst the revolutionary transition are institutionalized in new Tunisian laws of association. Tunisia has codified a unique set of legal provisions for association networks.

Article 26 states that two or more associations may establish an associations network; Article 29 that any network acquires legal personality independent from the personality of its member associations; and Article 30 that the network may accept branches of foreign associations in its membership.

Activism is evident in publicly challenging the coalition government and advocacy in support of government changes. Such networks are seen by many CSOs as a means to strengthen citizen participation and increase impact.

They could also be a good way to overcome the challenge of consulting and engaging with thousands of CSOs.

However, several insights came up while discussing the effectiveness of networks: 1) experience shows that too much control and organizing of the network might adversely affect its impact, 2) networks driven by a cause and/or specific mission are more effective and successful on the ground, and 3) internal leadership, support, and governance are detrimental to the sustainability of the network.

These lessons were shared by CSOs that are already members of networks or that have worked with networks in the past. An example of successful network efforts is a campaign related to the Rades Forests (which has an environmental and symbolic value for Tunisians).

A campaign by the Green Tunisia Network saved the forest from deforestation due to road construction in the middle of the forest. The campaign included advocacy sessions with the municipality, posters and online messaging, and strategic communication with the funding agency.

The funding agency provides financing for mitigation projects and when it found out that this project would harm the environment and was rejected by the local community, it canceled the funding.

This pressure that the coalition managed to put on the government and the donor is something that other coalitions can learn from.

**#Radès**  
رادس

مسختو بحرنا ...  
سيبو غابتنا

**Sauvons la forêt de Radès**  
UN AIR PROPRE ET UN CLIMAT VIVABLE  
SONT DES DROITS HUMAINS INALIÉNABLES

**NON**  
**AU CISAILLEMENT DE LA FORÊT DE RADES !**  
**AU MASSACRE DU PARC FARHAT HACHED**

Un chantier de construction de route SECONDAIRE transperçant la forêt de Radès, unique poumon de la banlieue sud, risque d'assassiner le Parc Farhat Hached en sacrifiant 30 hectares d'espaces verts, ce qui constitue une violation flagrante de l'équilibre environnemental dans la région et de nos droits de citoyen à un environnement durable.

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Sources: Green Tunisia Network Facebook Page

The impression one gets from Tunisian CSOs is that they want to work together and solidify their position towards climate issues.

Several CSOs are trying to register networks to formalize their partnership. This is clear at least among the active climate CSOs in Tunis.

Such spirit needs to spread around the country and include a regional element. Such a positive sense of collaboration needs to cascade from the well-positioned CSOs to the emerging ones, especially those led by youth.

A room for exchanging information and experience exists and needs to be leveraged. The success stories mentioned in previous sections, whereby coalitions and networks managed to change things on the ground, should be documented and communicated on a wider level.

## العدول عن إنجاز الطريق السيارة بغابة رانس

بمقدم الفريقان منشور - 15 مارس 2019 في أخبار



0 15  
عدد المشاركات عدد المشاهدات



شارك على تويتر

انشر في الفيسبوك

أعلن وزير التجهيز والإسكان والتهيئة الترابية، نور الدين السالمي، الجمعة بتونس، عن قرار الوزارة العدول نهائيا عن إنجاز مشروع مد الطريق الرابطة بين الجهوية رقم 33 والطريق السيارة المارة بغابة رانس بعد التشاور مع السلط الجهوية ونواب الشعب والمجتمع المدني، وذلك مراعاة للجانب البيئي وحق الأجيال القادمة في محيط سليم.

Source: African Manager.





# CONCLUSION



**CLIMATE CHANGE**  
ACTION ON  
**NATIONAL AND**  
**STATE LEVEL**

## 7. CONCLUSION

### 7.1. THE ROLE OF MEDIA

The role of media is very important and critical in civil society, environmental, and climate action. Within the MENA region, there is a diverse landscape of media and mass communication platforms.

Unfortunately, environmental topics are not seen as a priority, unless it's a hot topic, the current coverage on the environment and what CSOs are doing is minima. The media frames environmental issues in a very depoliticized way. However, in recent years there has been a rise in alternative media platforms combating mainstream narratives.

Whether on social media or through investigative reporting, there is a lot that alternative media is doing to combat what some interviewees referred to as media connected to the authorities that does not represent the people and re-enforces perspectives against grassroots movements.

Civil society has been actively building partnerships with the media and there is a large potential in such partnerships to raise awareness, cover abuses, and help in protecting freedoms.

### 7.2. CONCLUSION

This study provides an initial mapping on the landscape of climate change and environmental activism in Iraq, Jordan, Lebanon, Morocco, and Tunisia, including brief reflections and a preliminary understanding of the challenges, barriers, and enablers that civil society faces.

The countries in this report face similar challenges and contexts.

It is important to note that, to differing degrees, on the ground, civil society and activism cannot be solely categorized as climate-driven vs. “social” mobilization. The nature of climate and environmental issues in the region are by nature intertwined with socioeconomic and political conditions.

Climate activism, as defined or practiced in the west does not apply or is irrelevant for the region, as was pointed out by most interviewees. On the other hand, it would be remiss to say that there are successful and influential environmental movements taking place at different levels and through differing forums.

However, many of those working on the ground have been able to contextualize their work to create effective change within the existing limitations. **Some of the main limitations and challenges that CSOs and activists face related to five main themes:**

- 1 The gap in law and policy implementation;
- 2 The lack of engagement in decision-making and ability to access decision-making spaces;
- 3 Too many competing socioeconomic and political priorities and failing to link environmental issues to wider social consequences;
- 4 The lack of resources and funding;
- 5 Donor dependency resulting in unsustainable projects and challenges in agenda-setting.

For Morocco, the situation differs because of the country’s commitment to leading on climate action and renewable energy.

This, in addition to hosting COP22, served as a catalyst for environmental civil society, resulting in an increase in initiatives and organizations, as well the formation of alliances and committees.

To that end, Morocco has the institutional mechanisms and infrastructure, as well as the CSO capacity to work on climate

issues nationally, as well as be part of groups and networks internationally. While this high level of institutionalization has bred several committees and organizations, it raises the question of redundancy and the extent to which these are effective and complementary.

Furthermore, there is a divide between grassroots environmental work lobbying against extractive industries and regional and national level climate action and environmental groups that work mostly on awareness-raising and policy recommendations.

There is also a gap between the policies and laws regulating civil society in general, which may impact climate action organizations to a lesser extent due to the less controversial nature of the topic. Nonetheless, Morocco has the potential to set a model of collaboration and organizing among smaller CSOs to create a lobbying power.

In the case of Lebanon, the country is characterized by highly politicized public space and civil society, as well as social movements and mass mobilization on several topics. The recent protests and uprisings provide a prime example of the politicization of environmental concerns and crises.

While the issue of climate change remains abstract, activists have been a bit more successful in terms of issue linkages.

**This is noteworthy given:**

- 1 The failure of the state;
- 2 The lack of institutionalization of climate action;
- 3 The multiple crises facing citizens.

The country has a less restrained civic space, mostly out of necessity rather than permission. There is still a gap in legal implementation as it related to public freedoms with the situation worsening in the last few years.

Yet, activists have managed to succeed in organizing protests, petitions, and civil disobedience campaigns in Bisri.

Both countries are signatories to international conventions and the Paris Agreement. Some view this as whitewashing and performative, which it may be.

It can be argued that even if performative these international commitments can provide a basis for accountability and awareness-raising.

They can also facilitate discussion and provide the language for CSOs to talk about these issues.

Caution should be taken in understanding what discourse and which solutions get privileged and whether they fit the local context and are just and intersectional.

Furthermore, there is the risk that by their design, there is an incentive to maintain CSO donor dependency and relegate their spheres of influence to education, awareness-raising, and/or macro level environmental discussion rather than focusing on the local political economy that is relevant to environmental concerns.

Furthermore, it is crucial to ensure the inclusion of grassroots, rural, and indigenous movements: as was revealed in this mapping, often it is those actors or CSOs that face the most limitations, due to limited resources or visibility, but also because often their grievances and demands may directly or indirectly challenge state interests (such as extractive industries).

Justice movements are often more difficult to whitewash than climate marches. They exemplify the tensions between state interest and civil society freedoms.

### 7.3. RECOMMENDATIONS

- I The mapping reveals that there is a clear need to embed and institutionalize public consultation and participation in environmental decision-making and climate action on a national and local level. This is something that ICNL has already begun to work on with partners, including work-

ing on public consultation laws in some countries. This is important and needed, and it is recommended to do similar efforts in Morocco. Equally important is that such laws provide a transparent basis on which civil society is engaged/consulted, and provides notice as to why and how they were selected, allowing unregistered CSOs and activists to be involved. Law should also ensure there is a timeline for consultations, published minutes, and clear plans for the integration of feedback and recommendations.

- 2 Additionally, if countries support the freedom of information, expression, and assembly laws, there needs to be a mechanism ensuring their implementation, as well as a review of the parliamentary bylaws, criminal codes, and other policy and legislative mechanisms that might limit these freedoms indirectly. As was revealed for Lebanon, access to parliamentary sessions, minutes, and draft laws continues to be a hurdle for civil society and activist work.
- 3 It is clear that the region's environmental activism is organized differently than in the west, and any research on this topic needs to look at the macro and micro justice and socioeconomic movements because that is more likely where one will find environmental activism.

## 7.4. STUDY LIMITATIONS

By their nature, discussing topics related to civil freedoms, activism, and the relationship with government entities and authorities is complex and often difficult. Such conversations require a basis of relational trust and researchers must ensure they provide the conditions for the safety and comfort of interviewees.

Given the current conditions that necessitate that such conversations take place in a virtual space, the complexity of the research increases, including interviewees' tendencies to self-censure or avoid talking about certain issues.

To overcome such limitations, often multiple interviews are needed to allow rapport building and space for different interview approaches.

Further, it requires communicating examples to ease concerns of the interviewees that their comments will be singled out. Such a limitation is not present only in this study, but many of its kind that touches on these sensitive topics.

These challenges were overcome by ensuring anonymity and conducting semi-structured interviews that allow space for reflection.

Further, for some interviewees, there was a difficulty in readily linking the issue of climate change to civic participation and civil society.

There is still a perception of climate change as a technical or scientific issue removed or unrelated to civil society. Therefore, the discussions can sometimes veer towards technicalities.

**Other limitations include:**

- 1 Lack of availability of published information on the topic;
- 2 Difficulty reaching grassroots organizations and scheduling interviews remotely;
- 3 Due to the issue of reach and access, the interviews tend to focus on urban-centric civil society (for example in Lebanon most of the CSOs were based and working in Beirut). Therefore, more needs to be done to include the grassroots and rural perspectives.

However, given that this is the first step, the mapping revealed various potential points of follow-up relevant to the topic, as discussed in these recommendations.

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