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ACCOUNTABILITY OF POWERFUL ACTORS FOR SOCIAL AND ENVIRONMENTAL  
OUTCOMES

AB AC 4

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## Abstract

This paper explores the principle of accountability, particularly the accountability of powerful actors for the social and environmental outcomes of their decision making about natural resources. Powerful actors are institutions with decision making powers and influence over management of forests, fisheries, land, water, and extractive resources. While it focuses on government and the private sector, accountability is a principle common to all governance systems. Accountability is the requirement for powerful actors to accept responsibility and answer for their actions; it could be vertical and characterized by a hierarchical principal-agent relationship, horizontal where accountee is not hierarchically superior to the accountor, or diagonal and inclusive of citizen initiatives to hold powerful actors accountable. When vertical, horizontal and diagonal accountability practices are primarily civil society or citizen driven, they are referred to as social accountability initiatives (SAIs). There are five dimensions or aspects to accountability namely transparency, liability, controllability, responsibility, and responsiveness. The main questions being asked by the paper are: why is accountability an essential principle for natural resources governance; how has it been recognized internationally and by whom; and what are the key challenges and good practices related to holding powerful actors around the world to account? The paper finds that government has primary obligation for accountable management of natural resources on behalf of its citizens who are right holders over these resources. However, government is often reluctant to unreservedly hold powerful actors to account, especially business, preferring to allow business to opt for voluntary mechanisms of accountability or to self-regulate. This has given rise to citizen driven SAIs as external means of holding powerful actors to account, while contributing to strengthening formal internal accountability procedures. Thus supporting citizen driven accountability practices in vertical, horizontal and diagonal accountability systems, is a reliable way to ensure that powerful actors in natural resources management are held accountable for the social and environmental outcomes of their decision making and actions.

## Keywords

natural resources, accountability, powerful actors, citizens, human rights

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## 1. Introduction

This conceptual paper is commissioned by the Natural Resources Governance Framework (NRGF), an initiative of the International Union for the Conservation of Nature (IUCN) Commission on Environmental, Economic and Social Policy (CEESP). Its objective is to provide *'robust, inclusive, and credible approach to assessing and strengthening natural resource governance, at multiple levels and in diverse contexts'* (Springer 2016, 1). A major work program of the NRGF is to provide a *'set of principles, standards and tools for assessing natural resource governance and promoting its improvement'* (Springer 2016, 1). Natural resources in this paper refers to forests, fisheries, land, water, and extractive resources.

This conceptual paper focuses on accountability of powerful actors for the social and environmental outcomes of their decision making about natural resources. Powerful actors in this context are institutions with decision making powers, or significant influence over decision making, about forests, fisheries, land, water, and extractive resources. While the paper focuses mainly on government and the private sector, accountability is a principle common to all governance systems. Powerful actors include governments, business, and influential civil society organizations. In societies with strong customary institutions, local chiefs are also powerful actors as they have significant influence over land, as is the case in many parts of Africa (see Nuesiri 2012). Powerful actors may also include multilateral and bilateral donors, private donors, and non-governmental organizations.

Following this introduction, the next section of the paper interrogates the question ‘why is accountability an essential principle for natural resource governance?’ Section 3 considers how it has been recognized internationally and by whom, while section 4 focuses on key challenges and good practices related to holding powerful actors around the world, to account for the social and environmental outcomes from their decisions about natural resource use and conservation. Section 5 concludes the paper with helpful recommendations going forward.

## 2. Accountability

Accountability is a central principle for good governance, including governance of natural resources, because it serves to prevent or mitigate negative social and environmental impacts, and protects against abuses of power (Ottinger 1969, Koppell 2005, Bovens 2007). A more positive approach is that accountability guides the actions of power-holders towards more socially and environmentally sustainable results, by ensuring that the voice of citizens and potentially-affected people enter the decision-making process.

Governments as primary decision makers over natural resources, often decide on natural resource use without being accountable to local people, resulting in negative outcomes. In Brazil, rubber tappers in the Amazon forest in the State of Acre protested against ranchers encouraged by government to set up operations in the Amazon, and this led to the assassination of their local leader Chico Mendes in 1988 (Rocha and Watts 2013, December 20). In India, the government in 1972 commissioned the ambitious Tehri Dam Project on the Bhagirathi River in Uttarakhand State. Construction commenced in 1978 and the first phase was completed in 2006 (Sharma 2009). The dam displaced close to 100,000 people leading to land alienation and loss of livelihoods. It also reduced the flow of the Bhagirathi with negative impact on religious practices associated with the river, and on biodiversity of the river ecosystem (Newton 2008, Sharma 2009). Despite strong citizens and international protest against the dam, the Indian government pushed ahead with its construction (see Sharma 2009, Rao 2013, Rana et al. 2007).

Even actions with a focus on environmental protection risk negative social impacts where they are not accountable to local people. The United States government after creating the Yosemite National Park in 1890, went ahead to empty the landscape of its people by 1905, with severe negative impacts on them (Brockington, Duffy, and Igoe 2008). This was the start of the idea of creating protected areas as landscapes without people, who are often forcefully evacu-

ated. In Kenya, the Masai embarked on a killing of wildlife in Amboseli National Park, in reaction to the loss of livelihoods resulting from the creation of the park by the government without consulting the Masai (Western 1994). Experiences like this led to calls for participation of local people in pro-

cesses of natural resource governance (Brockington, Duffy, and Igoe 2008, May 2008, 1753)

the citizenry (Unerman et al. 2006, Caddy, Peixoto, and McNeil 2007, Hale 2008, Thrandardottir 2013). Transparency and by extension accountability therefore enhances collaboration between local people and powerful stakeholders in natural resources governance, potentially improving conservation and sustainable use of natural resources (Darby 2010, United Nations 2011, Hsu 2016). Beyond legitimacy, accountability is important in preventing resource conflicts (see Brinkerhoff 2005, Darby 2010, Iwerks and Venugopal 2016), and this also contributes to improved conservation and sustainable use of natural resources.

Lastly, accountability underpins the relationship between 'duty bearers' responsible for the realization of rights (primarily governments), and 'rights holders' (citizens irrespective of status) (Campese 2009, OHCHR 2013). Accountability is therefore foundational to a rights-based approach to natural resources governance.

### 3. Accountability

International laws and standards identify States as the primary actors with accountability for natural resource use and environmental protection; States are also accountable for protecting human rights, and bear responsibility to establish appropriate accountability mechanisms. Principle 2 of the Rio Declaration of 1992 assert that 'States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage'. Furthermore, Principle 11 maintain that 'States shall enact effective environmental legislation' including 'environmental standards, management objectives and priorities'. Principle 13 adds that 'States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage' and develop 'international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.'

In addition, Article 15(1) of the UN Convention on Biodiversity (UNCBD) says '*Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.*' The Rio Declaration and the UNCBD establish that states hold primary obligations to manage natural use in a manner that do not cause damage.

Likewise, Article 21 (1) of the Universal Declaration of Human Rights 1948 (United Nations 1949) states that '*everyone has the right to take part in the government of his country, directly or through freely chosen representatives*'. Article

25 (a) of the International Covenant on Civil and Political Rights 1966 (United Nations 1976) also states that '*every citizen shall have the right and the opportunity... and without unreasonable restrictions... to take part in the conduct of public affairs, directly or through freely chosen representatives*'. The Rio Declaration in Principles 1, 10, 20, 21, and 22 recognize that citizens, including women, youths and indigenous people, supported by government, should participate in decision making over the environment (United Nations 1992). These international instruments establish that citizens, irrespective of social status and identity, are the principal right holders in the governance of natural resources.

Accountability of governments to their citizens is recognized in the Sustainable Development Goal (SDG) 16 to '*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*'.<sup>2</sup> In context of progress towards achieving the SDG 16, the UN asserts that '*Peace, justice and effective, accountable and inclusive institutions are at the core of sustainable development*' (UN ECOSOC 2016, 20). Additionally, the UN acknowledges the need '*to make national and international institutions more effective, inclusive and transparent*', especially the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) of the World Bank (UN ECOSOC 2016, 21).

The World Bank recognizes the role of accountability in ensuring good governance in member countries including responsive governance of natural resources. In this regard, the World Bank includes accountability as one of six global indicators it has been measuring in the past two decades as part of its long term monitoring of global governance.<sup>3</sup> The World Bank also includes accountability as part of its environmental and social standards to guide its clients as they execute projects funded by the World Bank (World Bank 2016b). The World Bank states that its environmental and social standards set out requirements that will among other things '*enhance non-discrimination, transparency, participation, accountability and governance*' in projects receiving World Bank funding (World Bank 2016b, 1).

The World Bank and other similar international financial institutions (IFIs) also recognizes the need for internal accountability mechanisms that would help them address complaints and grievances related to social and environmental outcomes from their funded programmes and projects around the world. These are referred to as the Independent Accountability Mechanisms (IAMs) of the international financial institutions.<sup>4</sup> The World Bank's IAM, is known as the Inspection Panel, and it investigates complaints it receives from citizens and civil society in a project host country (World Bank 2009, Jerve 2012, Lewis 2012, World Bank 2016a). In addition to its '*problem-solving or dispute resolu-*







and get away with it because citizens are often ill-informed about the full impact of business on the environment and the substance of governmental regulations.

In regards to transparency, Gray (2002) notes that business is very selective in reporting, and use their reports to boost their image. He argues that business will be more transparent and accountable only in response to strong enforceable regulations (Gray 2002). Voluntary approaches to incentivize accountability of business to communities is used for self-promotion in line with an ethics of narcissus – a strong inordinate concern over the self (Roberts 2001). The United Nations 'Guide to Business and Human Rights' (United Nations 2011), calls on governments to take a strong stance to compel business to be more responsive to social concerns.

#### • Transparency

Good practices for holding governments, business, international organizations and international NGOs to account include grievance mechanisms and ombudsman, citizen tracking of government revenue and expenditure<sup>1</sup>. The fact that 166 countries are not transparent and accountable to citizens is a major concern. The fact that 166 countries are not transparent and accountable to citizens is a major concern. The fact that 166 countries are not transparent and accountable to citizens is a major concern.

ger Delta to engage with government and the private sector, to understand financial reporting and to be able to produce and disseminate financial reports on state and local government spending for local people and communities.<sup>16</sup> Revenue tracking of the oil industry, enabled citizens to demand accountability for social and environmental impact of the oil industry in their communities.

On working with business, Pellegrini and Venugopal (2013, 16) state that 'BEITI membership included companies from the onset, making it possible to create a commitment to disclose company payments to the state government' and that 'company collaboration is necessary to align social expenditures with local development plans'. The NRG maintains that for the BEITI to work government had to show a willingness to engage with civil (Pellegrini and Venugopal 2013). The NRG also maintain that the initiative needed strong donor support, and success is dependent on such projects running for a duration of 3 to 5 years, as 1-2 year interventions will not produce sustainable outcomes. Furthermore, the NRG devoted a significant amount of time *'to building trust through meetings, ongoing communication and physical presence in project areas'* (Pellegrini and Venugopal 2013, 13).

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When an abundance of wildlife in adjacent protected areas threatened the livelihoods of the people of Garba Tula District in the Eastern Province of Kenya, they decided in 2009 to act to address the problem. The people chose a participatory approach *'to protect, conserve and manage their land, water, animals and plants so that they can use these natural resources to improve their lives'* (Kutegeka and Roba 2013, 32). Land rights in this district is held by the County Council, so the community appealed to customary laws, which favoured a more inclusive tenure regime to engage the council in dialogue over land rights. The community received assistance from biodiversity conservation NGOs (see IUCN 2011). In addition, communities can demand accountability *'through covert and subtle form of resistance'; 'through more rigorous political representatives'; and through decision makers adopting a 'culture of participation'* (Kutegeka and Roba 2013, 26, citing Gaventa and Robinson 1999). Where there is fear of reprisals for demanding accountability, interlocutors and community paralegals from civil society organizations, are helpful (see MBOSCUDA 2013, Fox 2014).



of the corporation with the legal and social obligations of the societies in which it operates, and how it accounts for those obligations' (Watts and Holme 1999, 3).

The chemical industry's Responsible Care initiative is one of the most comprehensive self-regulating and horizontal accountability mechanism (Berland and Loison 2008). Responsible Care was set up by the Canadian Chemical Producers' Association (CCPA) in 1984 and adopted by the American Chemistry Council (ACC) in 1988 (Moffet, Bregha, and Middlekoop 2004, ACC 2016a). Responsible Care was started in response to the very negative image of the chemical industry due to high profile incidents like the Union Carbide Corporation (UCC) Bhopal tragedy of 1984 in India, which killed at least 3,800 people (ICJB 2016).

Adopting Responsible Care is a condition for membership in both the CCPA and the ACC (King and Lenox 2000, Moffet, Bregha, and Middlekoop 2004). Responsible Care has 12 guiding principles, Principle 9 calls on Responsible Care members 'to communicate product, service and process risks to stakeholders and listen to and consider their perspectives'.<sup>25</sup> The ACC claims that from 1988 to 2014 Responsible Care companies reduced releases of hazardous waste to the environment by 74 percent, and from 1992 to 2016, has reduced their greenhouse gas intensity by 29 percent (ACC 2016b). In 2006, the Responsible Care Global Charter was launched at the UN International Conference on Chemicals Management, held in Dubai, by the International Council of Chemical Associations (ICCA) (ICCA 2009). Responsible Care has been adopted as a self-regulatory standard by the chemical industries in 65 countries around the world.<sup>26</sup>

**N**atural Resource Governance

Organizations like the International Work Group for Indigenous Affairs (IWGIA)<sup>27</sup> based in Copenhagen, Denmark, provide an international platform for groups in the northern and south hemispheres to collaborate in demanding accountability from powerful actors on issues of concern to indigenous peoples such as land grabs.<sup>28</sup> These types of alliances are critically important for civil society groups in the global south who are not as well-resourced as their northern counterparts (Brehm 2001). Other important groups that follow a decentralized network pattern of north-south alliances and bridge building for activism that hold powerful actors to account for the social and environmental impacts of their decision making include Friends of the Earth International (FoEI) and La Via Campesina – the international peasants movement widely recognized as an important voice in global food and agriculture sector protest movement.<sup>29</sup>

**M**edia Campaigns

Media campaigns to hold powerful actors to account for the social and environmental impact of their decisions have be-

come a regular occurrence given the plethora of media outlets today from the regular print media to innumerable internet based outlets. This has made it possible in recent times for a community forest group like the Ekuri Initiative in Cross River State, Nigeria, to oppose plans by the state government to build a super-highway that would negatively impact their community forest. Ekuri Initiative's campaign was quickly given global exposure through internet platforms like Facebook, Mongabay<sup>30</sup> and the New York Times.<sup>31</sup>

In the USA, the Standing Rock Sioux, a Native American tribe, have been protesting construction of a petroleum pipeline across their ancestral lands, showing how this will contaminate water resources on its path. Media coverage by the powerful major news outlets in the USA have quickly given their cause plenty of support in the USA and in Europe, which might not have been the case without big media coverage.<sup>32</sup> Media campaign is an effective instrument for engaging the public in support holding powerful actors to account.

**5. ACCOUNTABILITY**

Accountability requires powerful actors to accept responsibility and answer for their actions with respect to social and environmental outcomes that accompany their governance of forests, fisheries, land, water, and extractive resources. Powerful actors in the context of this paper are governments, big business, influential local and international NGOs, traditional chiefs, multilateral and bilateral donors, and private donor foundations. Governments are the primary duty bearers for human rights obligations and are responsible for ensuring against environmental damage, while local people or citizens are the primary right bearers to whom government should give account. Citizens can hold government to account either through vertical, horizontal or diagonal accountability processes.

The accountability practices that citizens can draw upon to hold powerful actors to account include formal and judicial accountability mechanisms and social accountability initiatives (SAIs for short). SAIs complement formal and judicial accountability mechanisms, especially where formal procedural downward accountability by government and other powerful is weak and or non-existent. Formal accountability processes work best where there is rule of law, and government is not hesitant to get tough in regulating the activities of other powerful actors in the natural resources sector especially big business. SAIs work best when there is a two-way dynamic participatory relationship between government and its citizens. If government is overly repressive, preferring a one way top down information flow relations with society, citizens and civil society would find it impossible to collectively demand for accountability.

The key challenges related to accountability of powerful ac-





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<sup>1</sup> The minority view is that diagonal accountability is 'administrative accountability, exercised primarily through quasi-legal forums, such as ombudsmen, auditors, and independent inspectors reporting directly or indirectly to parliament or the responsible minister' (Stapenhurst and O'Brien 2005, 4), this is different from vertical accountability because the administrative oversight body is not in a hierarchic relationship with the body it is monitoring and has no powers of sanction or power to enforce compliance; these oversight agencies assist the executive and legislative branches to more effectively control the bureaucracy (see also Bovens 2007).

<sup>2</sup> See United Nations (n.d.).

<sup>3</sup> See Worldwide Governance Indicators (World Bank 2017).

<sup>4</sup> See IAMNet (2017) for more information.

<sup>5</sup> The NDB was established on July 07, 2015 by the BRICS (NDB 2017).

<sup>6</sup> See Bretton Woods Project (2016, April 5).

<sup>7</sup> See Accountable Now (2017).

<sup>8</sup> See Independent Sector (2017).

<sup>9</sup> See WWF (2017b).

<sup>10</sup> See IUCN (2017a).


<sup>11</sup> See Open Government Partnership (2017).

<sup>12</sup> See <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan045180.pdf> and also <http://go.worldbank.org/Y0UDF953D0>

<sup>13</sup> See GPSA (2017).

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IUCN is a membership Union composed of both government and civil society organisations. It harnesses the experience, resources and reach of its 1,300 Member organisations and the input of some 15,000 experts. IUCN is the global authority on the status of the natural world and the measures needed to safeguard it.

CEESP, the IUCN Commission on Environmental, Economic and Social Policy, is an inter-disciplinary network of professionals whose mission is to act as a source of advice on the environmental, economic, social and cultural factors that affect natural resources and biological diversity and to provide guidance and support towards effective policies and practices in environmental conservation and sustainable development.

The Natural Resource Governance Framework (NRGF) is an IUCN initiative created for the purpose of providing a robust, inclusive, and credible approach to assessing and strengthening natural resource governance, at multiple levels and in diverse contexts. The NRGF is hosted by the IUCN Commission on Environmental, Economic and Social Policy (CEESP), working in close collaboration with the IUCN Secretariat and partners across the Union.