

Minutes and conclusions

Of the Sub-regional Workshop for the Levant states on

**“Development effectiveness in the Arab world between responsibility and accountability:
Commitments and rights of the parties involved”**

24, 25 January 2015

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General Introduction: The Arab NGO Network for Development (ANND) organized, in cooperation with the CSO Partnership for Development Effectiveness, a sub-regional workshop held in the Lebanese capital Beirut on January 24 and 25, 2015 for the Levant states.

This workshop, titled **“Development effectiveness in the Arab world between responsibility and accountability: Commitments and rights of the parties involved”**, aimed to assess and determine the mechanisms and prospects of accountability for the various parties involved in development, be they governments, donors, civil society organizations or the newcomer, i.e. the private sector. Sessions focused on two issues, accountability and the civil society working environment.

The workshop was attended by representatives of organizations from Lebanon, Syria, Jordan, Bahrain, Iraq and Palestine. A similar workshop shall be held on January 30 and 31 for North African countries in partnership with Morocco’s L’Espace Associatif. In cooperation with its partners, ANND intends to build upon these two workshops and their results to come up with a practical guide on accountability and civil society, which offers mechanisms, concepts and a case study promoting and improving involvement in development effectiveness and the means of putting it into practice.

I. Opening session and key remarks:

In this respect, the opening session monitored and discussed the progress made with regard to accountability in keeping with development effectiveness and the consultations aiming to determine development objectives for the post-2015 period (known as the post-2015 Development Agenda).

- Mr. Toufic Osseiran, head of the National Union of Civil Society Organizations affiliated to the Ministry of Social Affairs in Lebanon, opened the workshop with an address on the Arab NGO Network for Development (ANND). Osseiran lauded ANND's early-on involvement in development effectiveness and highlighted its efforts to spread this course among member organizations and networks for greater accountability effectiveness. The debate on accountability, he argued, acquires greater importance as Millennium Development Goals (MDGs) are about to expire, especially since most MDGs have yet to be achieved. In order for civil society components to adhere to the Istanbul Principles (Principle 5 on transparency and accountability), he stressed the need for an enabling environment, technical capacities and methodical visions.

- The first intervention by UN-ESCWA Food and Environment Policies Section Chief Ms. Reem al-Nejdawi focused on the situation and status of accountability within the framework of the post-2015 development plan and explained that accountability is a corrective course aiming to assess the adopted policies and help to correct them, one that requires the effective participation of all parties involved. Nejdawi said that accountability plays a pivotal role especially since it was one of the deficiencies of the Millennium Development Goals (MDG) and one of the reasons why some states lagged behind in meeting their commitments. Accordingly, accountability is the basis of the world partnership, which the post-2015 is seeking to establish. Within the framework of preparations for the post-2015 agenda, the report of the open action team on MDGs mentioned as Goal 16 the need to "build effective and accountable institutions." The Secretary-General's Synthesis Report called for adopting general principles in the process of measuring new dynamics (broader, deeper and more precise metrics, developing alternative measures of progress with regard to achieving MDGs, beyond GDP, and the need for measurable targets and technically rigorous indicators). As part of the process of setting targets and metrics, Ms. Nejdawi stressed the importance of consultations with experts through dialogue between the parties involved, of known and easily accessible transparency and of participative monitoring that is not limited to the government. She also reviewed some of the results of the Arab consultative meeting on accountability, which was held in Tunisia. These include capacity building for all the parties involved, assessing the cost of building a comprehensive accountability framework and holding the UN system and regional institutions accountable. In conclusion, she emphasized the need for accountability to be a regionally-born product due to the specificity of the Arab world.

- Mr. Arkan El Seblani, manager of UNDP's Regional Project on "Anti-Corruption and Integrity in the Arab Countries," tackled accountability, its implementation in the field of development action and its status in the Arab region, linking it to the exercise of power. He thus said that accountability started to be tackled within the context of development during the 1990s and was linked to the concept of good

governance. The past few years witnessed the emergence of anti-corruption instruments, including the UN Convention against Corruption, not to mention the current trend to blend accountability within the post-2015 agenda through Goals 16 and 17. Seblani argued that accountability is divided into two parts, first disclosure and then calling into account. In practice, accountability is linked to securing the right to access to information (this is not only limited to potential access to information, but also extends to the automatic dissemination of information), separation of powers, independent judiciary and control authorities, e-government, professional media and protection of civil society against state interference. He concluded, stressing the need to steer away from the prestige and sanctity of the judiciary to enable accountability, since the judiciary is used to impose power, highlighting the positive development in the role of the media and calling for a concrete link between the anti-corruption and development agendas in the Arab region.

- Mr. Anas al-Hasnawi, member of Morocco's L'Espace Associatif and an expert in development effectiveness, covered the various stages of development effectiveness and its approach to accountability and transparency. The 2000 Millennium Declaration conceded that a successful achievement of these objectives is linked to good governance and the existence of sound governance and transparency in financial, monetary and trade systems. The 2002 Monterey Conference on development effectiveness also emphasized the participants' commitment to promoting national and world economic systems based – among other principles – on transparency and accountability. The 2005 Paris Declaration represented a quality leap with regard to mutual accountability as a development effectiveness principle and called for promoting accountability for donors (providing transparent and comprehensive information regarding aid flows) and the partner countries (promoting the participative approach) involved towards their citizens and parliaments. The 2008 Accra Agenda approved the need for deeper participation with civil society organizations as independent developments players per se (holding them accountable for the Paris principles, cooperation with governments and providing the enabling environment for their action). Hasnawi concluded by mentioning the Busan agreement on equality and the approach to social genre in relation to accountability, whereby states reasserted their commitment – as per paragraph 22a – to enabling civil society to play its multiple roles as independent and effective parties to the development process while focusing on the conducive environment.

II. First session: Accountability of governments

- Lebanese Transparency Association (LTA) member Mr. Yehya Hakim explained that accountability emerged about 4,000 years ago and gradually evolved into its current form. Monotheistic religions tackled the issue when they spoke of good, evil and judgment. Treaties and legal documents, especially those pertaining to human rights, are not being respected today, not to mention the challenges and deficiencies with regard to the law and to respecting the existing regulations, leading to rampant corruption. Hakim asserted that the lack of accountability can be linked to unclear procedures and duties. Accountability is thus impossible since one cannot hold a civil servant who does not know his/her duty accountable. The same holds true for the private sector. One of the main reasons behind the lack of government accountability is the difficulty of access to information, the inexistent or deficient independence of the judiciary and its repercussions on accountability and transparency.
- Bahrain Transparency Society member Sharaf al-Mosawi tackled the issue of transparency in government performance and shed a light on the importance of budgets in this respect. He started his intervention, saying that the dissemination of information is more important than the mere potential access to information and pointing out the Gulf experience with regard to aid efficiency and transparency. Gulf countries are the largest contributors to humanitarian aid but at the same time, there is still no dissemination or sharing of data and information on how funds are being used and who is benefiting from them. For instance, the Bahraini budget for 2012, 2013 and 2014 fails to disclose the means quantity and destination of humanitarian aid (reservations on the issue), and this calls for greater budget transparency. Things are further complicated by the fact that control offices and representative councils have but limited accountability and scope of action regarding payments and the budget. Mosawi put forth many recommendations, including approving transparent aid, adopting the law on the right to access to information, including the quantity and allotment of aid funds in the budgets of donor and aid-receiving states, and adopting clear government policies on budget-related issues, such as procurement, in addition to laws punishing civil servants in the event of dereliction of duty.
- Commenting on the “role of civil society in promoting general budget accountability,” The Legal Agenda’s Ms. Ghida Frangieh said that such accountability reflects government priorities as it allows for the implementation of policies, hence the role of civil society since citizens are entitled to follow up on government contributions. The role of civil society is promoted, she added, as the gap between citizens and the state grows wider. Few organizations in Lebanon are involved in budget action and rights organizations do not link the rights for which they work to the need to include them in the budget in order to earmark funds for them. The experience of the Lebanese Physical Handicapped Union is the

sole example illustrating this point, as it has put forth a special mention in the budget and conducted a study on how to provide for handicapped–friendly schools, thus helping to include this in the budget. The means to contribute to the budget occur either at the preparation or the control stages. The main obstacles preventing civil society from controlling the budget are of a legal nature (the lack of official participation mechanisms), the lack of transparency and access to relevant information, ignoring civil society expertise in the budget preparation stage, and the lack of independence of the organisms in charge of monitoring budget implementation (Court of Accounts, etc.), as well as the lack of budget–related knowledge and the need for specialization (cultural obstacles). In conclusion, Ms. Frangieh deplored the fact that politicians are not convinced of the importance of serious civil society action. These, in addition to the spread of corruption and patronage and a weak administration (vacant positions), are all obstacles hindering the process of accountability and effective development partnership.

- **The debate:** The participants argued that accountability and follow–up regarding government financial policy call for expertise, quality specialization and a participative approach on behalf of the government. They went on asserting that the current situation in the Arab world does not provide the adequate environment for accountability tools, which presuppose the existence of democratic societies. On another level, it is necessary to focus on and provide for the means of corruption reporting (whistleblowers) and to seek consultations since, far from being limited to access to information, accountability is also linked to other methods.

III. Second session: Accountability of donors

Mr. Anas al–Hasnawi, moderator of the session, said that donors’ accountability was discussed based on the Busan agreement, which underscored the need for holding all parties accountable, and wondered about the will to launch multipartite dialogue.

- Diakonia member Rodolphe Gabriel first took the floor and discussed the steps taken by donors in order to boost transparency and accountability, which has become a right for the people affected by stakeholders’ decisions knowing that accountability has acquired a broader scope nowadays as it now aims at quality management. Gabriel covered the humanitarian accountability criteria adopted to assess and follow up on humanitarian aid, and highlighted the intention to adopt principles governing the action of all organizations regardless of their missions and purposes. The Humanitarian Accountability Partnership (HAP) standard is aimed at local and international organizations, which provide either direct

or indirect aid (financial, moral or technical support) and includes six main benchmarks: 1) The organization sets out the commitments that it will be held accountable for; 2) The organization ensures that staff have competencies; 3) The organization ensures that the people it aims to assist have access to timely, relevant and clear information about the organization and its activities; 4) The organization listens to the people it aims to assist (incorporating their views); 5) The organization enables the people it aims to assist to raise complaints and receive a response; and 6) The organization learns from experience to improve its performance.

- Nahwa al-Muwatiniya's (Towards Citizenship) Samer Abdallah focused on the dialogue of policies with the European Union, the objectives of which are unclear. The behavior and action of Arab organizations with regard to European Union involvement in the region still amount to a reaction, hence the need to move to the frontlines and adopt a pioneering position that reflects Arab priorities. Some challenges include the need to pay attention to the need not to make do with advocacy visits to Europe, to take action on the national level and proceed to exchanges with EU delegations in our states and to realize the dialogue with the European Union is not to be dissociated from the dialogue with national authorities. Some of the proposed dialogue development means include adopting clear and specialized dialogue courses in keeping with the specialization and distribution of missions within the European Union, determining objectives and priorities in order to achieve results and developing a regional agenda covering the Arab states' joint issues and concerns.
- For her part, Arab NGO Network for Development (ANND) Program Manager Zahra Bazzi shed a light on the role and scope of commitment of the European Union with regard to development effectiveness. The European Union is actually one of the most important funders in the region, hence the need to focus on holding it accountable. In 2015, the EU launched the European year for dialogue in order to raise awareness on cooperation for development. Yet it remains necessary to highlight several remarks on European aid. In terms of quantity, the aid remains outside the right course to reach the set target of 0.7% of aid for 2015. A minor improvement has been registered quality wise with the dissemination plan to implement IATI. However, only 9 EU member states are disseminating information as per the agreed standards. As for civil society participation mechanisms, the EU did put forth an advanced concept of its role and of partnership with it, but this does not mean that these objectives have been achieved. There is still a need to promote a work environment for CSOs and the EU can indeed play a role in this respect. Furthermore, its approach is taking place on a national level to the detriment of the regional framework. The European Union has also issued a declaration on the private sector role in the field of development. Positive though this is, the private sector still needs organizational frameworks in

order to remain committed to effective development principles and human rights criteria knowing that this approach should be development as well as profitability oriented.

- ANND researcher Hassan Sherry explained that the IMF and the World Bank have played a key role in influencing – and often outlining – the socioeconomic policies of member states. These two institutions noticeably impose certain restrictions or conditions on the member states wishing to obtain loans. The conditions often include the need for these states to adopt policies allowing them to adapt to world economic requirements, which affect the socioeconomic structures of borrowing countries.

Nevertheless, the social cost of these programs is all too clear with fragility becoming widespread and the unofficial sector growing noticeably. This is added to the fact that social sectors, especially education and health, suffer from public expenditure pressure due to advised austerity. Poverty is spreading and the purchasing power of vast swathes of citizens is crumbling as essential materials are unsubsidized. This deterioration has led to growing popular anger across the Arab world and to hunger uprisings in several Arab countries, such as Egypt, Tunisia, Morocco and Jordan.

Achieving comprehensive and effective development thus calls for monitoring and holding all stakeholders accountable. Yet the dialogue channels made available by these institutions remain symbolic and more like channels to listen to the proposals of stakeholders, such as CSOs. Moreover, some Arab countries are the scene of restrictions on the action of civil society and civil organizations. This, however, does not prevent international financial institutions from pursuing their cooperation with and funding of governments in these states. This is likely to hinder the course of effective development and represents a violation of the partnership ratified in Busan. It is necessary, first and foremost, to promote partnership action among stakeholders in order to achieve comprehensive and effective development. This is likely to allow development players of various trends to take part in outlining socioeconomic policies of importance and to impact on socioeconomic development and the life of the Third World population in general and the Arab region in particular.

- **The debate:** The participants tackled the donors' moodiness and aid cuts, the priorities and trends imposed by donor institutions upon civil society, and the danger inherent to the private sector role in development, especially given its profitability-oriented approach.
- Gulf states are rich countries, which prevents CSOs from obtaining foreign funding even though there is no financing sources on a national level. This represents a major obstacle to the role of CSOs and to development effectiveness by and large.

IV. Third session: Accountability of CSOs

– Jamal al-Jawahiri: Mr. Jawahiri listed all the conditions and criteria, which influence and take part in determining the work environment of the civil society, and which play a great part in determining the scope of civil society involvement in the accountability process, be it towards governments or donors. He thus mentioned many rights and freedoms that contribute to defining the work environment of civil society. In addition to the right of associations, i.e. the right to establish and work within associations, the availability of freedom of expression, peaceful gathering and the right to access to information are all factors that enable CSOs to undertake their activities. Moreover, development effectiveness calls for considering civil society a partner in the reform and development process, hence the need to adopt mechanisms for dialogue and exchange of expertise and to use them in the various stages of policy and decision-making.

– Ali Murad underscored transparency in civil society organizations based on the example of the Lebanese Association for Democratic Elections (LADE), which was locked in a long struggle with the Lebanese authorities during which time it was banned from official registration. However, it secured registration in 2005 and the Interior minister even tasked it with monitoring the elections. Murad argued that the hardships to which LADE was confronted, the sensitive nature of its action and its repercussions on political life called on it to abide by the highest transparency standards as follows: Financial transparency (annual financial report to absolve the general committee, scrutinized reports sent to donors, banning any member of the administrative board from reaping any financial advantage from LADE, rejecting funding from any domestic or foreign party involved in the electoral process or from the private sector, abiding by an employment policy posted on LADE's website) and domestic accountability (periodical elections).

V. Fourth session: Enabling environment of CSOs

Three case studies from Arab countries, namely Palestine, Iraq and Lebanon, were discussed, with each intervention focusing on the following:

– Lebanon, Shaden El Daif: Civil society organizations in Lebanon face no key legal obstacles to their establishment and action. Indeed, the law currently in force, namely the 1909 Ottoman Law, is a liberal one and adopts an information, rather than registration, system. There are increasing challenges to freedom of expression as political authorities and some parties are taking advantage of some legal texts to put pressure on activists, which calls for the amendment of these texts. CSOs in Lebanon suffer from the lack of access to information and the ensuing hindrances to transparency and

accountability, in addition to the lack of political will to strike a partnership with civil society with regard to policy and decision-making. This has a negative impact on the effective action of civil society whose role is limited due to the fact that competences and expertise do not translate into decision-making. Some media and the judiciary, especially the State Shura Council, have been playing, as of late, a key role in consolidating democratic practice in Lebanon, whether by protecting public rights and freedoms and forcing the state to abide by them, or by shedding a light on the activities and expertise of civil society against a backdrop of the growing gap between citizens and the state. Some recommendations pertain to the need to institutionalize exchanges and dialogue between the various development players, create and consolidate accountability mechanisms, which guarantee mutual accountability and transparency (adopting transparency and disseminating information), and adopt a code of conduct for and among CSOs based on the Istanbul Principles so that they become in conformity with and responsive to national reality.

– Palestine, Mr. Mohsen Abu Ramadan: “Modern” civil action organizations emerged in Palestine as part of the fabric of CSOs, which is formed of political parties that are taking part in power and of unions and professional associations. CSOs, including the network and human rights organizations, rose against many freedoms-restricting measures, the State Security Court (which they cancelled), political arrests and the curbing of the freedom of association, of peaceful gathering, of opinion and of expression. Lobbies and influence groups were formed in order to adopt fair policies and laws in favor of the poor and the marginalized in keeping with the idea of social protection rather than relying on market mechanism alone. The control and scaling of civil institutions and the democratic and civil state in general was institutionalized and methodical. The occupation state tried to highlight that the reason underlying stability and tensions is the lack of administrative and financial reforms in power rather than the prolonged occupation, which is depriving the Palestinian people of its right to self-determination, national sovereignty, return and control of natural resources and sources, including the movement of merchandises and individuals. Accordingly, the purpose of post-reform civil society was to build a transparent, pluralistic and democratic Palestinian political system as a means to empower and strengthen the Palestinian people to achieve its liberation objective. Many obstacles still impede the action of civil organizations, mainly the political and administrative level, which is still non-unified and in the throes of divisions. Moreover, the bureaucratic and sectarian mentality is biased in favor of the ruling political party within the framework of a mentality of patronage or “spoils”. This undermines participation chances and the capacity to influence policies in order to steer Palestinian society along the path of tolerance and coexistence based on the principle of primacy of the law and respect of public freedoms, and in keeping with the interests of the poor and the marginalized.

Furthermore, the environment imposed by the international community, including donors, is a non-enabling environment, as it is not built on partnership and is based instead on hegemony and imposing a foreign agenda. This environment is not playing any key role in exerting pressure and influence in order to confront the Occupation's policies, which are the main impediment to the development process¹.

– Iraq, Abbas al-Sharif: The civil society's origins in Iraq goes back to the beginning of the 20th century. The Iraqi civil code, No 40 of 1951, defined in some of its articles a civil society organization as "a group of a permanent nature formed by multiple persons, natural or moral, for non-profit purposes". These organizations faced serious challenges until 2003 where the situation changed due to the formation of democratic governments leading to some main achievements i.e. liberty of expression, peaceful assembly and the right of association. Nevertheless 2003's law was not an exemplar one since it adopted the registration regime and allowed the government to administratively dissolve an organization in case it violated the law. In 2010, the law No 12 was adopted as a result of joint efforts of the civil society, parliament and government. Though the law kept the registration regime (instead of adopting the notification regime), it offered many improvements since it abolished the right of administrative dissolution of an organization and it gave CSOs full access to internal and foreign funding.

It can be noted that the parliament and government are increasing their work and partnerships with civil society e.g. some organizations are taking part of some commissions which are responsible of drafting policies and CSOs participate in the composition of national human rights institutions. On a social level, it can be said that the population still does not trust civil society components and some consider them as affiliated to political parties or following foreign agendas. Starting 2010, the image of CSOs enhanced thanks to some important campaigns. However, the foreign funding for CSOs is shrinking; this will have bad consequences on CSOs in Iraq knowing that the internal and governmental funding is weak. Some of the major challenges to civil society in Iraq are related to terrorism and instability, the lack of institutionalized governmental funding and the lack of a strategy to deal and to develop civil society...

VI. Closing session: Results of the workshop and recommendations

– ANND's Zahra Bazzi presented the conclusions of contributions and debates. Accountability is linked to the exercise of power and is a key element of good/democratic governance. The

¹ Mr. Mohsen Abu Ramadan's integral paper is available on:

accountability outlook is bleak on various levels, be it nationally (difficulties with regard to the enabling legal environment, CSOs capacities, dialogue mechanisms, political will of various players, lack of information, of access to information and of resources available to organizations) or internationally (lack of will and non-empowered enabling environment). The participation of the private sector in development creates challenges, the most important of which is the difficulty to blend the intention of profitability and the rights approach.

Despite this bleak picture, there are chances to promote accountability, and these chances amount to introductions rather than to full-fledged solutions: 1) accountability of governments: this coincides with the emergence of international instruments pertaining to accountability (such as the UN Convention against Corruption) and of successful experiences regarding codes of conduct and a cooperation charter between the state and CSOs; 2) accountability of donors: international commitments within the framework of the Busan agreement and a trend to incorporate accountability into the post-2015 Development Agenda, the existence of the IATI criteria and of dialogue mechanisms with some donors; 3) accountability of civil society organizations as per the Istanbul Principles; 4) accountability of the private sector: international trend to set binding standards for the private sector.

Therefore, the question is: Is there a need for a guide that conveys accountability experiences and promotes mutual accountability among various parties? What are the components of this guide and who shall contribute to its elaboration?

- Mr. Anas al-Hasnawi offered guiding elements to elaborate a guide for CSOs to undertake accountability for the sake of effective development.
 - o **Internal accountability:** The references are the Istanbul Principles and the Siem Reap International Framework, whereas the issues are internal democracy, administrative and financial transparency, equality, effectiveness, pluralism, diversity and participation. In parallel to the elaboration of the guide, he also mentioned the development of capacities both before and after its completion.
 - o **Foreign accountability:** The references are the Busan commitment to the ceiling represented by the post-2015 Development Agenda and the UN Convention against Corruption, whereas the parties involved are governments, control and accountability institutions, parliament, the judiciary, donors and the private sector. This coincides with research that takes advantage of ANND's experiences on advocacy with the European Union and others.
 - o **The enabling environment for accountability, advocacy elements:** The legal environment, the political environment, financing and follow-up and dialogue mechanisms.

- **The debate:** This section lists the main suggestions voiced by the participants in the workshop. Most of them hailed the idea of preparing a guide on accountability and the work environment of CSOs, and viewed it as an important and necessary step to reflect the opinion and expertise from the Arab world.
 - The need to discuss the accountability of intermediaries rather than the donors or beneficiaries.
 - The need to shed more light on internal accountability, such as the concept of good governance.
 - The need for developing a code of conduct.
 - Simplify the post-2015 Development Agenda to pave the way for deeper integration of organizations from the Arab region.
 - The need to highlight once again the role of civil society institutions towards the government and donors.
 - Move from advocacy to pressure and the need to build upon this.
 - The need to elaborate a guide that can be turned into practice, hence the need to focus during the elaboration phase on its added value.
 - Will the state and/or donors take part in the elaboration of the guide?
 - The need to organize dialogue sessions to discuss the enabling environment of CSOs.