







REGIONAL WORKING GROUP ON

Citizens, Civil Society, and Public Sector Reform in the Arab Region

Second Meeting

2 - 3 May 2006
Gefinor Rotana Hotel, Beirut – Lebanon

Workshop Report

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I. Introduction

Within the context of the initiative of *Good Governance for Development in the Arab Countries* (GfD) the Regional Working Group on *Citizens, Civil Society, and Public Sector Reform in the Arab Region* held its second workshop on 2 and 3 May 2006 in Beirut, Lebanon. This second meeting was convened by POGAR in cooperation with the Ministry of State for Administrative Reform (OMSAR), Lebanon and was attended by participants from nine Arab countries: Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia and Yemen.

II. Workshop Objective

The objective of the workshop was to further deepen the relations between the Arab ministries relevant to public sector reform, civil society representatives, and experts on the relations between citizens and public sector reform.

A number of researchers were selected to complete studies on the relation between public sector reform and citizens on the one hand, and between public sector reform and civil society on the other hand. The studies have focused on three dimensions:

- access to public sector services and to information,
- ways in which governments consult with citizens and the public sector, and
- participation of civil society in the delivery of public services.

The studies were conducted in nine Arab countries: Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia and Yemen.

The objective of the study was to present existing conditions and to analyze issues and challenges in the relation between the public sector and citizens on the one hand, and between the public sector and civil society on the other hand. Researchers focused on the legal and institutional frameworks and the existing practice and have used existing documents and interviews with key persons in the relevant sectors, on the basis of questionnaires. The studies constitute the first regional assessments of the relation between the public sector and citizens and civil society.

The workshop involved the detailed presentation of research results and the exploration of ways of enhancing the involvement of citizens and civil society organizations in public sector reform and of improving policies of public sector reform through the participation of citizens and the public sector. The studies were based on a single framework of analysis allowing the comparison of study results and the development of a typology of relations between the public sector and civil society on the one hand, and between the public sector and citizens on the other. They also included recommendations for improving these relations. These recommendations formed the basis for developing project proposals.

A draft platform of action for the next phase, which has been prepared by UNDP-POGAR on the basis of study results and discussions of the first regional workshop, was presented and discussed during this second meeting.

The workshop was organized in six sessions as follows:

- Session 1: Citizens, Civil Society and Public Sector Reform: National Assessment for Lebanon and Jordan
- Session 2: Citizens, Civil Society and Public Sector Reform: National Assessment for Morocco and Tunisia
- Session 3: Citizens, Civil Society and Public Sector Reform: National Assessment for Algeria and Yemen
- Session 4: Citizens, Civil Society and Public Sector Reform: National Assessment for Egypt and Palestine
- Session 5: Citizens, Civil Society and Public Sector Reform: National Assessment for Bahrain
- Session 6: Closing Session: Moving Forward on the Reform Agenda

The workshop was introduced by the Lebanese Minister of State for Public Administrative Reform (OMSAR) in his capacity as chairperson of the regional working group. He pointed out that reform initiatives in Lebanon have been fragmented and the anticipated results have not yet been achieved. According to him, public sector reform can only be successful with the participation of all of society.

His speech was followed by POGAR's Senior Advisor. He highlighted that Lebanon was chosen to coordinate this working group. The main objectives of the workshop, according to him, were to address the challenges of citizen-oriented public sector reform in the Arab countries and to explore ways of reforming relevant reform policies with the participation of all concerned.

Sessions one through five provide an overview of the most important research results in the nine participating countries. Results are grouped under specific headings in line with the *Terms of Reference*. Due to country-specific conditions not all issues raised in the *Terms of Reference* could be addressed by the researchers.

III. Sessions

Session One: Citizens, Civil Society and Public Sector Reform: National Assessment for Lebanon and Jordan

Lebanon

The first session was dedicated to presenting research results from Lebanon and Jordan.

The first speaker introduced his presentation on Lebanon by mentioning the challenges faced during his research. These included in particular the difficulty of accessing relevant existing information and the lack of available descriptions of current public sector reform initiatives.

The researcher maintained that the performance of the public sector can only be measured by its relationship between citizens and the public sector. The improvement of this relationship, according to him, would result in an enhanced overall rights situation of citizens.

He outlined the major findings of his study, as follows:

Citizens and public sector reform

Treatment of citizens by the public sector
The speaker highlighted that discrimination against citizens by the public administration continues to exist. This discrimination is based on the political affiliation of citizens, rather than on religion, ethnicity or gender. This, according to him has furthered the practice of some citizens, to resort to political backing, in order to accelerate the administrative procedure or to ensure access to public services.

Simplification of procedures
The speaker pointed out that the first attempts of simplifying administrative procedures have been made in 1995, in the context of the creation of the institution IDAL (Investment Development Authority of Lebanon), which aimed at attracting foreign investment. In order to reach its objectives, IDAL included among others the simplification of administrative procedures for obtaining approval for projects implemented by non-Lebanese in Lebanon.

In general, simplification of administrative procedures however has been, according to the speaker, less successful. He maintained that although further attempts have been launched in 2001 and 2002 to simplify procedures, only five per cent of all administrative procedures were simplified.

Access to information related to the public sector
According to the speaker, OMSAR has developed a website, which represents the information gateway of the Lebanese government and provides information on administrative procedures. In addition NGOs were established, such as the Lebanese Transparency Association (LTA) and the Lebanese Center for Policy Studies (LCPS)**,** to encourage researchers to conduct studies that consolidate democracy and transparency in various areas of the public administration.

Only a limited number of public sector departments have reception offices or counters. Among these reception offices, those at municipalities - created with the help of the New York University of Albany, USA, and with the funding of the USAID – were the most successful ones. Recently, according to the speaker, a law was proposed for the creation of reception offices at all public administration departments.

In general, means of informing the citizens about the working of ministries, projects of the public sector and ways of participating of citizens in the activities of public sector departments are limited and confined to posters and pamphlets and booklets**.** The speaker highlighted one prominent initiative which consisted of the initiative undertaken by the Lebanese Foundation for Permanent Civil Peace (LFPCP). This NGO produced in 1998 and 1999 two volumes of the *Relationship between the Citizen and the Public Administration*, explaining the ways in which the administrative procedures are implemented.

Conduct of public sector employees
According to the speaker, a charter of conduct for public sector employees outlines their rights and obligations towards citizens. This *Citizen Charter*, which was approved in 2001 by the Council of Ministers, aims at building a new relationship between the public sector and citizens, in order to deliver best services to them. There are also other charters which were issued by the Ministry of State for Public Administrative Reform (OMSAR) between 2001 and 2004, covering various areas such as education, health, environment, public property, public safety, and cultural heritage.

The duty of citizens to respect public property
The speaker maintained that efforts to increase the respect of citizens towards public property were limited to activities undertaken by NGOs. These activities have concentrated on calling for the respect of public property by citizens, without however providing relevant measures to this end.

Consultation of citizens
With regards to the level of consultation of citizens by a public administration unit or department the speaker pointed to the well-developed role of the *Consumers Lebanon*. This organization works

towards the adoption of a law on the protection of consumers and produces a monthly publication which is distributed for free.

Civil society and public sector reform
Cooperation among civil society organizations
According to the speaker, while cooperation among civil society organizations exists, there is a need for improving the mode of cooperation, in order to ensure that the independence of each NGO is maintained and any cooperation arrangement is not dominated by one or more NGOs. He outlined examples of cooperation, such as the coalition of NGOs monitoring the elections of 2005 or the NGO, YASA, which is concerned with the development of laws and means related to public safety. In its efforts, YASA has maintained close coordination with several ministries.

The speaker concluded that the most important feature of reforms in Lebanon is the lack of links among the various initiatives. According to him, within the Lebanese administration there are 'islands of reform' which need to be consolidated and integrated into a larger framework. He pointed out that there are some ministries that are well-developed, while others are characterized by high levels of underdevelopment. The speaker also maintained that there is a need to develop public awareness towards the issue of corruption which has both a political and administrative dimension.

Jordan

According to the speaker, reform initiatives in Jordan were launched in the mid 1990s and gained momentum when in October 2004 the Jordanian government issued a document on public sector reform: *Better Government Delivering Better Results 2004-2009*, which contained a reform plan of action for the period between 2004 and 2009. The plan of action envisaged strengthening the capacity of the Council of Ministers as well as that of the ministries, a review of the organizational structure of government institutions, the management of resources, the communication with the public and the improvement of public services in general.

The following provides an outline of the major study results:

Citizens and public sector reform
Access to information related to the public sector
According to the speaker, the right of access to information by citizens is confirmed in Article 17 of the Jordanian constitution. In addition, a law proposal has been submitted which would guarantee the right of access to data, in particular related to archived data and information. The proposed law would also give citizens the right to file a complaint to the Council of Information in cases where the requested information is not provided.

The speaker continued by stating that the public administration provides information to citizens through several means. The most important means is annual reports published by governmental institutions covering their financial and administrative activities. However, according to the speaker, these reports are often delayed or include information that is not relevant to citizens.

According to the speaker, most of the governmental institutions publish information on their projects and programs on their websites. In addition, various ministries and governmental bodies have reception offices for citizen inquiries. Information related to public services in particular is provided by the Ministry of Public Sector Development through its website, booklets and brochures. However, according to the speaker not all services are covered by this information service.

Simplification of administrative procedures
According to the speaker, the Jordanian reform action plan also includes the simplification of administrative procedures of a number of governmental bodies and the decentralization of services.

Right to citizen complaint
The speaker noted that the results of an opinion poll conducted by the Jordan Center for Social Research revealed that the number of citizens who feel they have been treated in a fair way when dealing with the public has decreased. According to the speaker, citizens have the possibility to go to court in case they felt that their right has not been met. Currently, a law proposal has been prepared for the establishment of the office of ombudsman which will be submitted to parliament.

Consultation of citizens
The speaker outlined several means that are being used by the public sector administration to consult with citizens. In addition to the participation in local and national elections of citizens, hearing sessions are organized by a number of governmental and non-governmental institutions for citizens in the various geographic areas of Jordan. According to the speaker, a major weakness is the lack of documentation of these hearings.

He added that public opinion polls and studies have increased in importance to assess the satisfaction of citizens and citizens' attitude of certain policies or laws. Furthermore, the information generated by the polls and studies has been used for the development of new laws and national policies. There are also an increasing number of institutions that have undertaken studies with the aim to evaluate the satisfaction of citizens about the services.

Civil society and the public sector
The speaker underlined that the Jordanian constitution has given the right for Jordanians to create institutions and political parties. According to him, there are three different sources that regulate the formation and work of civil society organizations. The most important legal reference for civil society organizations is the law of 1996, and 836 organizations base their work on this law. Various civil society organizations are also regulated by the law on trade unions and the labor law. The speaker pointed out that civil society organizations can appeal to the Higher Court of Justice.

Consultation of civil society
Jordanian laws have outlined three possible means through which the public administration can consult with civil society organizations, ranging from ad-hoc consultations with civil society organizations to the direct and permanent involvement of them by the public administration. One possible means of consultation results from the stipulation that the public sector administration should benefit from the experience of civil society organizations, as is the case of unions. According to another set of laws, the government can appoint representatives of civil society organizations for consultation purposes. The third option specifies that civil society representatives be on the administrative boards of some of the public administration bodies.

Cooperation with civil society organizations
The public sector administration seeks the cooperation with civil society organizations through a variety of special institutions, such as the National Center for Human Rights, the Higher Population Council and the National Committee for Women Affairs. According to the speaker, these institutions are semi-governmental organizations that play an intermediary role and constitute a forum for consultation and consensus-building on future policies.

The speaker highlighted that in many instances civil society organizations seek relations with the government and often plays a role by exercising pressure and by objecting to certain policies. He added that in certain areas, such as poverty, health, education, family and the disabled, civil society organizations have played an important role in the delivery of services.

The speaker concluded by maintaining that public services have experienced considerable improvement. He however highlighted that the major issue that needs to be addressed, is the lack of access to information by citizens. In general, according to him, while the Jordanian government has laid a lot of importance on providing quality services to citizens, its attention to the civic rights of citizens and their political rights in general has been more limited.

General Discussion:

One participant pointed out that the study of civil society and its role cannot be isolated from the study of the political environment. Another participant pointed to the protest movements that have emerged in some Arab countries. These are not organized, but in some countries are considered strong and have attracted a considerable number of citizens in fighting corruption or addressing public sector reform issues. Although informal movements without any legally defined organizational structure they should be taken into account when studying the role of civil society institutions, according to the participant.

Another participant pointed out that public sector employees in Lebanon cannot be made the sole responsible for the corruption that exists in the public administration there. According to him, the absence of an organizational structure in the public administration has contributed to complicated administrative procedures and has affected the quality of public services for citizens. Given the lack of organizational structure, public sector employees often base their decisions in relation to administrative procedures on their experience, rather than taking recourse to written codes of conduct. Only through such a written code of conduct, according to the participant, could the performance of a public sector employee be evaluated.

Finally, participants agreed on the need to address public sector reforms in a comprehensive way in order to ensure their independence from political interests.

Session Two: Citizens, Civil Society and Public Sector Reform: National Assessment for Morocco and Tunisia

Morocco

The speaker introduced his presentation by pointing out that there has been an increased demand of citizens and civil society organizations to participate in the public policy formulation. Current modes of participation, according to him, have taken various forms, ranging from voluntary arrangements to consultation and finally to participation.

Citizen and public sector reform
Access to information related to the public sector
According to the speaker, the right to access to information by citizens is not guaranteed by the constitution. Rather, several laws exist that regulate this right, such as the Moroccan press and audiovisual laws and the law regulating the justification of administrative decisions.

Right to citizen complaint
The speaker outlined the three existing means available to address conflicts between citizens and the public administration: administrative complaint units, administrative courts and the complaints office. The speaker pointed out that the weakest institution in terms of the official status of decision results is the complaints office. In contrast, administrative courts have been more responsive to citizens.

According to him, since the 1960s these courts have applied a more accommodating approach in ensuring the right of citizens towards the public sector administration.

Simplification of administrative procedures
The speaker highlighted the efforts that have been undertaken to simplify administrative procedures. Special focus, according to him, has been made to improve proximity of public services and the duration and fees of administrative services. According to him, there remains however a large disparity between the legally determined fees and the ones actually levied.

Participation of citizens in public policy formulation
According to the speaker, opinion polls which would measure the satisfaction of citizens are not being conducted. The only means through which public satisfaction with services is measured is through the services provided electronically and through telephone help-service centers, which involve a questionnaire on the feedback of citizens.

Civil society and public sector
The standard framework for establishing a civil society organization is, according to the speaker, adequate and the establishment of organizations and unions is guaranteed in the constitution. Since its independence Morocco has adopted a system of licensing for registering a civil society organization.

Consultation of civil society
The speaker maintained that there have been some structural changes of the institutional frameworks that regulate consultation. This is for example evident in the consultation of civil society organizations in relation to the Social Dialogue. Since the mid 1990s results of the Social Dialogue have been documented and agreements and statements jointly issued. This, according to the speaker, reflects a relatively advanced level of dialogue and consultation.

In general, according to the speaker, institutional frameworks for consultation have become a forum for the exchange of experiences between the private and the public sector. He further maintained that some of the existing institutional frameworks for consultation have also included elements of evaluation of public policies, as is the case of the Higher Council for Public Service.

The speaker concluded with some recommendations. According to him, an important issue is the inclusion of the right of access to information in the constitution, in line with Article 19 of the Universal Declaration of Human Rights of 1948. There is also need to amend Article 18 of the law regulating public services and to pay more attention to professional discretion. He pointed out that the Aarhus Agreement of 1998, which regulates among various issues the access to information by citizens, could be used as a model. The speaker also highlighted the need for a law that protects private information.

As to administrative courts, the speaker suggested to increase their number, in order for them to address the rising demand on administrative courts. He also suggested offering legal assistance to those with a limited educational level. In addition, he recommended the creation of legal guidance centers, which would offer free services or would levy a minimal fee and would be run by a civil society organization.

The speaker further highlighted the need to diversify access to administrative services; for example, through internet, telephone, voice service, sms on mobile phones, as well as the unification of internet access to administrative services through the development of one unified website, such as for example through www.maroc.ma.

The speaker also suggested supporting civil society organizations by especially consolidating and expanding the networking among them, on the basis of a legal or organizational structure. Strengthened networks would prevent the conflict of interests among the various organizations and

would assist them in forming a unified position towards public policies. Through a unified position civil society organizations could also play a more significant role in affecting public policy reforms.

According to the speaker, there is a need for local councils to play an enhanced role in the National Initiative for Human Development. He suggested further modifying the internal statutes of local councils, in order for them to play the role foreseen in Articles 14 and 15 of the Social Contract, i.e. the right of local council to participate.

The speaker also advocated the introduction of parliamentary hearing sessions which would allow the participation of civil society organizations. According to him, there is also a need for a larger level of transparency in lobbying practices. This could be achieved through a code of conduct regulating lobbying practices. He finally suggested the creation of a national committee for evaluating public services.

Tunisia

The speaker highlighted that the functions of the public sector in Tunisia have to be situated in the larger context of national development and its contribution to this development. She introduced her presentation by pointing out that the organization of the public sector is based on a series of legal texts, which have been subject to continuous review and modifications. She classified the functions of the public sector administration into five categories: planning, organization, recruitment, guidance and monitoring. According to the speaker, the Tunisian public sector is characterized by its objectivity, accessibility and by its willingness to listen to the citizens and its non-discriminatory treatment of citizens.

Citizens and the public sector
Simplification of administrative procedures
The speaker pointed out that the reform of the public sector dates back to the period following independence. While in the initial reform initiatives no attention was given to the simplification of administrative procedures, the sixth national development plan of 1982-1986 included a special focus on administrative reforms. In the 6th and 7th development plans, attention to simplifying procedures and to facilitating access to public services by citizens was integrated. As a result, a large number of 295 administrative procedures were simplified. In addition the simplification of procedures involved the removal of more than 600 administrative documents. In the 7th plan further improvements were introduced, such as the reform of methods, policies and procedures with the aim to improve the relationship between citizens and the public sector. Since then public sector reforms have continued and have focused on various issues. According to the speaker, the public administration has embarked on reviewing existing documents and on simplifying them.

Rights and duties of public sector employees
According to the speaker, the rights of both citizens and public sector employees are guaranteed in the Law 112 of 1983. The law outlines duties and rights of those active in the various public sector institutions.

Right to citizen complaint
The right of citizens to file complaints against administrative decisions and the recourse to the administrative court is guaranteed by law. Legal recourse is however, according to the speaker, not the only possibility offered to Tunisian citizens. They can also take recourse to the ombudsman as well as to other means which are offered by the public administrations. The task of the ombudsman is to look into citizens complaints about administrative procedures with public sector institutions. The ombudsman succeeded within his 12 years of operation to address 60,000 out of 150,000 files. The public sector administration on the other hand issued replies for 97% of these cases. In 81.50% the recommendations of the ombudsman were taken into account.

According to the speaker, the examination of the institution of the ombudsman raises two issues: the first one is related to the independence of the institution as well as that of the person in charge, both of which have not been lacking. The second issue, according to the speaker, is to protect the existence of this institution in the constitution, in order to guarantee its continuity. Both issues need to be addressed, in order to effectively ensure the reconciliation between the public sector administration and the citizens.

Access to the public sector by citizens
The public sector has created various communication channels between the public sector administration and the citizens, in order to facilitate access of citizens to public services. The first constitutes short telephone numbers that are published in the Tunisian newspapers. Through these numbers the citizens can contact public sector departments and inquire about administrative procedures. The public administration sector has also installed the administrative system SICAD, a guidance and communication system. This system was provided with 135 publications and offers access to 1517 administrative services.

Consultation of citizens
According to the speaker, citizens can participate in the formulation of public policy by making recommendations through the SICAD system, through the 'green numbers', and through suggestion boxes, which are set up in several public sector departments.

The speaker also maintained that the institution of the *Supervisor Citizen* constitutes one of the ways of involving citizens in the making of decisions related to public sector reform. The task of this institution is to undertake visits by designated citizens to public sector departments, in accordance with a time schedule prepared by the government. The group also visits public sector departments about which citizens have filed complaints. A confidential report is then submitted to the appropriate sides in the government.

Civil society and the public sector
The organization of civil society in Tunisia is regulated by the law of 1959 which has been reviewed several times since then. In 1988 an important modification of the law was made increasing the freedom to create an organization. The second important modification was undertaken in 1992 which classified civil society organizations in eight categories, among them women's organizations, development organizations, organizations of public interest, educational and artistic organizations, welfare and social organizations and professional organizations.

Relationship between civil society and the state
According to the speaker, the relationship of civil society organizations with the state can be classified in three categories. One category consists of those civil society organizations that have a complementary role to that of the state. The majority of civil society organizations fall within this category. A second category consists of civil society organizations that are entirely independent from the state and from political parties. A minority of civil society organizations form part of this category. The third group includes educational or development organizations and is in contrast to the other two categories characterized by the absence of any significant partnership with the state.

Consultation of civil society
The nature of consultation is determined by the relationship of civil society organizations with the state and ranges from consultation to its complete absence or even the marginalization of civil society organizations. According to the speaker, some civil society organizations are characterized by their proximity to the government and moreover are created by a ministerial decision, such as is the case of the Tunisian Union for Social Solidarity. These organizations are generally characterized by their frequent consultation by the state and constitute an intermediary between civil society and the government. Another example, according to the speaker, is the Higher Council for Human Rights. As

an intermediary institution, the Council has been recently tasked with addressing the concerns of civil society organizations, in order to bridge the gap between those that are completely independent from the state and those who can be considered close to the state. According to the speaker, given that this relationship was initiated in November 2005, it is premature for its assessment.

General Discussion:

Some participants had reservations about amending the Moroccan constitution, as suggested by the Moroccan speaker. According to them, it would be more useful to introduce legislation that would guarantee access to information, rather than to depart on a large project of amending the constitution.

One participant pointed to the international dimension and the role of international organizations in the reform of the public sectors in the Arab region. The more their role is viewed by citizens as an international interference, the more the suspicion towards reforms would increase, according to the participant.

Another participant maintained that reforms in Tunisia would be futile, given the absence of free media and political freedom. The Tunisian speaker in turn replied that reforms should be viewed as a process and highlighted that currently there are 7 political parties in Tunisia, in addition to the ruling party, all of which play a role in Tunisian society.

Session Three: Citizens, Civil Society and Public Sector Reform: National Assessment for Algeria and Yemen

Algeria

The speaker introduced his presentation of research findings by pointing to the historically forged social contract between the Algerian state and its people. In the initial years of the social contract citizens benefited from a number of free health and education and other services, which resulted in citizens equating the state with its distributive role. However, according to the speaker, the attitude of citizens towards the state changed with the increased inability of the latter to play this distributive role. Since then demands for the review of the social contract increased and concepts of a new social contract emerged. These concepts lay the foundation for the first generation of reforms, which were initiated in 1991 and 1992 and which form part of Algeria's move towards a pluralistic order. In a short period of time approximately 80,000 civil society organizations emerged, in addition to 70 independent unions, tens of political parties and of independent newspapers. According to the speaker, participation of citizens in civil society has been more significant in those civil society organizations formed at the national level than those active at the local one.

Access to information related to the public sector
The speaker maintained that while the Algerian constitution mentions a variety of rights, subsequent legislation has restricted many of these rights making the actual practice contradict constitutional provisions. Thus, according to him, access of citizens to information has not been ensured, despite the provisions in the laws that stipulate the participation of citizens and civil society.

Consultation and Participation of citizens and civil society
According to the speaker, the most prominent means of citizens' participation and consultation is through elections and referenda. While citizens have been consulted on a variety of issues in

referenda, results have been not publicized thus undermining the significance of this form of consultation. Generally, referenda are conducted in a restrictive atmosphere and as a result the credibility they enjoy by citizens has been low.

Participation of citizens and civil society in public sector reform, according to the speaker, can be considered weak and does not exceeded consultation. Such consultations are for example through specialized parliamentary committees that consult with civil society organizations with regards to a specific law proposal, without however guaranteeing that the results of this consultation are taken into account.

The speaker highlighted the increased demand for participation in public policy formulation. This is expressed in a variety of ways, the most prominent being protest and demonstrations by citizens, thus circumventing the potential role civil society organizations, unions or political parties could take in processing demands of citizens towards their government. Citizens also participate through opinion surveys that are conducted by national research institutes following a request by official institutions. Although these surveys are supported by public funds, the results have not been publicized widely and have remained unknown to citizens, civil society organizations and political parties. According to the speaker, the emergency law had also its effects on the participation of citizens and civil society in public sector reforms, in that it restricts freedoms and activities of political parties and civil society organizations.

The speaker mentioned several consultative institutions that were created in the form of higher councils, such as the National Economic and Social Council or the Higher Council for Education. However, according to him, a number of higher councils were dissolved after the elections of 1999, 2000 and 2001. He suggested a constitutional amendment which would protect these councils from being dissolved.

The speaker concluded with some recommendations. According to him, there is the need to bridge the gap between the rights that the constitution stipulates for citizens and civil society organizations and subsequent legislation that undermines those rights and prevents citizens and civil society from participating in the process of public sector reforms.

He further underlined the requirement for clear legal frameworks that would guarantee the right of citizens and citizen groups to participate in the process of reforms. He recommended a review of existing laws regulating political parties, civil society organizations and unions, in order to increase their independence from the administration and to provide adequate legal conditions for their operation.

The speaker finally advocated allowing freedom of expression in public and private media. Diversity of opinion on government decisions and public goods and interests would, according to him, provide citizens with the facts and would allow them to participate in public policy formulation in a more qualitative way.

Yemen

Citizens and the public sector
Access to information
The speaker highlighted that there is a need to distinguish between those laws that regulate access to information in general and those that regulate the right of access to information by citizens in relation to public services and the public sector. According to him, there are also laws that have an indirect impact on the access to information, such as the Law of Statistics No 28 of 1995, the Law of Documentation No 19 of 2002 and the Law on the Press and Publications 25 of 1990**.** He added that

most information however is not accessible to citizens on the grounds that it is considered confidential. Furthermore, available information on the programs of the public sector and public services for citizens is limited to a few booklets, which were funded by the UNDP or by other agencies.

Treatment of citizens by the public sector
The laws that ensure non-discrimination by public sector officials against citizens are few, such as, for example, the law regulating employment in the public sector. In practice the level of discrimination by public sector officials against citizens is relatively high, according to the speaker. The speaker further highlighted that generally neither citizens nor public sector employees respect existing laws.

Right to citizen complaint
The speaker maintained that citizens have a right to file a complaint at level of the governors or at the presidential level. There are however according to him no administrative courts.

Consultation and participation of citizens
The main means that the public sector uses to assess the opinion of citizens about public services is through workshops and conferences. In addition, according to the speaker, no legal or institutional frameworks exist that regulate the participation of citizens in policy making and their planning. According to the speaker, the only means available for citizens' participation is through parliamentary committees and through the Shoura Council, which according to the constitution, is required to consult with citizens and civil society.

Civil society and the public sector
Civil Society
The speaker emphasized that the creation of civil society organizations is largely based on international influence. According to him, the legal frameworks that organize civil society in Yemen are various and there are many organizations that are subject to more than one law. In general, it is the Ministry of Social Affairs that is in charge of civil society organizations. Further laws are the Law 1 of 2000 for civil society organizations, the Labor Law 5 of 1995, the Law of Labor Unions 35 of 2002, the Political Party Law 66 of 1991 and the Law 13 regulating the profession of lawyers. Activities of civil society organizations in Yemen are various and cover fields ranging from welfare, development issues and the environment as well as rights and gender issues. According to the speaker, the possibility for civil society organizations to seek legal recourse in case they do not receive registration is restricted and often legal decisions are in favor of the governmental side.

Consultation of civil society
According to the speaker, there are no institutional frameworks that regulate the consultation with civil society by the public sector. However, a trend has emerged to create a framework through which civil society organizations can play an intermediary role between citizens and the government. In this role civil society organizations assess citizens' attitudes towards certain policies and submit a proposal to the government. A prominent example is the Center for Information and Rehabilitation of Human Rights, which participated in developing an institutional framework in cooperation with the ministries for Human Rights and for Social Affairs and Labor as well as with other ministries. Consultation of civil society by the public sector however is not legally regulated. Further existing modes of consulting with civil society organizations are through parliamentary committees, the Shoura Council, and the Economic and Social Councils and other consultative councils. The speaker pointed out that the government has not yet determined the issues that civil society can be consulted about.

Relationship between civil society and the state
The speaker maintained that cooperation between civil society organizations and ministries in the delivery of social services is limited to a few cases. These include a few organizations active in the field of social welfare, which cooperate with the Social Development Fund in a number of programs, in particular in the fight against poverty. Activities of these partnerships are not publicized through for

example annual reports issued by the government, but only through the reports of the Social Development Fund.

The speaker concluded by suggesting a law that guarantees access to information, in addition to the legal framework that would regulate partnerships with civil society organizations.

According to the speaker, there is also need to develop mechanisms to identify issues and set priorities for partnerships between civil society and the public sector as well as to evaluate these partnerships.

General Discussion:

One participant pointed out that although each country has undertaken attempts of improving the relationship between the public sector and civil society organizations and has introduced to varying degrees legal frameworks, the real obstacle to reform is the absence of a true understanding of the concepts of institutions, society, the state and or that of good governance in general.

Another participant recommended the training of public administration employees in the field of communication with the public, with specific focus on human rights. This would encourage public sector employees to view services as a citizens' right rather than a favor rendered by public sector employees to citizens.

The speaker from Algeria highlighted that in some instances unsuccessful reforms are due to the fact that they have appeared to the public as if initiated by international agencies, rather than national ones. This has created some reservation of the public towards these reforms. The media, according to him, could also play a negative role in promoting the image of externally imposed reform initiatives.

Another participant added that the presentation on Yemen has omitted the reform movement that began in 1995 and which was undertaken in the context of the first comprehensive economic and administrative program. This program included several components and was a strategy to modernize the civil service and to improve the quality of services provided to citizens.

Session Four: Citizens, Civil Society and Public Sector Reform: National Assessment for Egypt and Palestine

Egypt

The speaker maintained that the public sector in Egypt has been characterized by its dominance and hegemony over citizens. Despite the pressure on the public sector to change its approach in their dealings with citizens, the public sector remains faithful to its behavior.

According to the speaker, the Ministry of State for Administrative Development has played a central role in the reforms of the public sector. The main role of this ministry has been the implementation of a national development plan for Egypt, with specific focus on improving the quality of public services and on simplifying the operation and procedures of the public administration. The Ministry has begun to simplify administrative procedures and to improve the technical administrative capacity of various ministries. Within these efforts it has established the Institute for Administrative Training and created websites for several ministries and offices for citizen services in each of the areas of Egypt.

Citizens and the public sector
Consultation of citizens
According to the speaker, several institutions were created that play an intermediary role between citizens and the various ministries or administrative units in channeling citizen concerns to the government. They constitute semi-independent institutions, such as for example the National Council for Women, National Council for Human Rights, the Higher Population Council and the Supreme Investment Council.

Right to citizen complaint
The government created a number of public offices at the national level, for example the office of complaints in the cabinet of the president and the complaints committee in the parliament as well as the offices for citizen services in the various ministries and the complaints office which has been temporarily suspended.

Access to information related to the public sector and the simplification of administrative procedures
Centers for public services were established in all provinces in order to assist citizens in completing their administrative procedures. Furthermore, according to the speaker, the Ministry of State for Administrative Development is currently examining the licensing of private sector initiatives to create institutions that provide services to citizens on the basis of fees determined by the government for each service.

Consultation and Participation of citizens
According to the speaker, citizens have only limited means for participating in the public sector reform, namely through mechanisms, which exist in particular to solve conflicts between tribes on the basis of customary laws. The second mechanism consists of opinion polls and surveys of citizens' opinions and needs in relation to specific relevant policy issues. Citizens are furthermore given the opportunity to submit their suggestions for improvement through suggestion boxes installed in public administration departments.

Civil society and the public sector
According to the speaker, a number of factors have contributed to the growth of the civil society sector. Between 1976 and 2002 the number of NGOs grew considerably, from 7593 to 16505, respectively. In addition to NGOs working in social welfare to NGOs concerned with social development to those active in the field of human rights, there are also social movements, such as the movements of *Kefaya* or of *Shayfeenkum*, and clubs, such as that of university professors or judges, that have played a role in demanding reforms.

The speaker highlighted that civil society in Egypt is suffering from weaknesses that prevent it to play its full role. These weaknesses are for example the restrictions which are especially imposed on civil society organizations active in the field of human rights. In addition, there is no rotation of civil society organizations presidents. Civil society organizations have also been unable to network among each other, in order to create a center of power in face of the government.

Palestine

Civil society and the public sector
According to the speaker, Palestinian society is characterized by its high capacity to organize itself in an informal way and to meet the immediate needs of society. The resulting high level of social cohesion has determined the continuous persistence in the face of the Israeli occupation. Civil society organizations which have emerged from Palestinian society have revealed similar high levels of organization. They continue to deliver important social services, such as 100% of educational services

and approximately 85% of the services for the disabled, while government institutions could cover only 60% of all the social services delivered to citizens

The speaker highlighted that the study of the relation of civil society with the public sector requires taking international factors into account, in addition to the Israeli occupation. More specifically, the funding of the Palestinian Authority to ensure its continued functioning has increasingly become attached to international interests and the political agenda of the occupying force. Part of the funding has been allocated to reforming the public sector with the aim to curb corruption. This focus has largely influenced the priorities in the reform of the public sector, according to the speaker,

The speaker pointed out that the most important civil society organization dealing with issues of public sector reform is the Union for Transparency Palestine (AMAN). Its significance lies in its ability to address accountability and corruption. It issued a number of publications on corruption in the various areas related for example to members of the Palestinian parliament, civil society organizations, the media and the judiciary. The Union also held a number of conferences to clarify the position of civil society in relation to the reform process.

Consultation and participation of citizens and civil society
The most prominent example of participation of citizens and civil society organizations in the process of reform was in the Palestinian elections of 2006, according to the speaker. Civil society organizations could through coordination bodies, achieve that major changes to the election law were made, from an election system based on electoral districts and simple majority to a mixed system based on proportional representation and districts. The speaker also highlighted that citizens and civil society organizations played an important role in the monitoring of these elections.

According to the speaker, despite the difficult political conditions, there have been efforts to involve civil society organizations in the reform of the public sector. More specifically, civil society organizations created a civil society committee for public sector reform. This committee held conferences and conducted studies and suggested a program for reform. Parallel to civil society efforts, the National Committee for Reform which began as a ministerial committee for reform has been created. Following the pressure from Palestinian and external sides, the civil society committee was integrated into the ministerial committee, which then included representatives from civil society and the private sector. The participation of civil society however did not continue and the representatives from civil society organizations withdrew from the national committee, as they viewed it as serving international rather than national interests.

Citizens and the public sector
Access to information related to the public sector and the right to citizen complaint
The speaker maintained that there are a number of laws that regulate access to information, but to date there is no law which guarantees the *right* of access to information. Information is made available by ministries on their websites, through which information can be accessed by citizens. The most advanced ministry is that of economics, in particular in relation to information for investors. In addition, the Ministry of Finance has provided information in the form of detailed monthly reports on the financial situation of the Palestinian Authority.

Other ministries such as the Ministry of Health, provide citizens with the possibility to submit complaints. According to the speaker, however, it is impossible to assess the effectiveness or the extent of use of this website.

Finally, the speaker mentioned the Independent Palestinian Body for Citizen Rights, which has been created in line with provisions of the Basic Law. This semi-governmental organization with close links to civil society receives and processes complaints of citizens, in particular those related to administrative and financial issues.

General Discussion:

A number of participants agreed that in addition to the reform of the public sector there is a need of reforming the civil society sector. They based their arguments on the fact that many civil society organizations lack democratic procedures and rotation of power.

One participant outlined some peculiarities of the Lebanese public sector reform, which are reflected in the delay of the implementation of laws. This is for example is reflected in the law regulating the office of the ombudsman which was issued two years ago and for various reasons no implementing decree has been issued to date.

Finally, the Palestinian speaker pointed to a certain distinct feature of the Palestinian civil society. According to him, there are several NGOs which emerged from committees that have initially been associated with political parties. With time the committees have become independent from the political parties and have in many instances become stronger and more influential in terms of their impact compared to political parties.

Session Five: Citizens, Civil Society and Public Sector Reform: National Assessment for Bahrain

Bahrain

Civil society and the public sector
The speaker introduced his presentation by pointing out that in the last four years the creation of civil society organizations in Bahrain has been promoted and civil society organizations have been able to undertake activities after informing the ministry, whereas previously civil society organizations required governmental approval. According to the speaker, however the impact of civil society has decreased to some extent lately and its previous role was taken over by new political organizations. The latter together with civil society organizations active in the field of human rights have begun to play a role in the fight of corruption, which has been part of a reform process.

Consultation and participation of civil society
The role of civil society organizations in the reform process depends on their nature. According to the speaker, especially rights organizations, such as the Bahrain Human Rights Society (BHRS), and the Bahrain Transparency Society, play a role in the discussion of law proposals and in the relationship of some of the governmental institutions with citizens.

Citizens and the public sector
Right to complaint
Recently a number of institutions and departments were created that deal with the complaints of citizens. They are attached either to the president's cabinet, the king or the Council of Ministers. Another type of institutions is a ministerial committee that deals with citizens complaints.

In cases where citizen complaints become public, dealing with them appears efficient and swift. In all other cases, however, it is difficult to assess the number of complaints as well as those addressed, according to the speaker. His study results showed that a minority of citizens covered in the study sample file a complaint, and only in 57% of these cases citizens were informed about the decision regarding their complaint.

Treatment of citizens by the public sector
According to the speaker, the majority of the research sample consisting of 160 families reported about obstacles in their relation with the public sector, in particular with the ministries of electricity and health. Moreover, the majority reported about discrimination in their dealing with the public administration and approximately three quarters of the interviewed maintained they know neither about their rights nor about the procedures in the administrative departments.

Consultation and participation of citizens
According to research results, opinion polls are rarely conducted to assess the opinion of citizens. The study also revealed that the most prominent government institutions or ministries, which conduct public opinion polls, are the Ministry of Health, followed by the ministries of electricity, municipalities, education, and of information.

Access to information related to the public sector
According to the speaker, his study revealed that a large number of administrative procedures can be completed online. However, although 70% of the interviewed persons are aware of this service, only a minority makes use of it. In addition to online services, specialized offices were recently created which assist citizens in the administrative procedures.

General Discussion:

A participant pointed out that in 2005 the Bahraini association law was issued on the insistence of political associations. The new law caused some problems as civil society organizations were forced to change their objectives and statutes in accordance with the new association law. Upon the input from civil society organizations a new law, which would address these problems, is currently being discussed in parliament.

Another participant suggested introducing e-government in Bahrain, given the low levels of illiteracy there. He also pointed out that the availability of information in Bahrain is generally restricted and treated as confidential.

Finally, the speaker pointed out that the issue of accountability has not been addressed in Bahrain. Giving the example of medical mistakes, he maintained that no law exists which would make the doctor accountable. As in the case of other Arab countries, doctors would unite against the patient who had filed a claim. He further mentioned that the government in Bahrain views rights of citizens as favors granted by members of government. This, according to him, is the result of the tribal organization of the Bahraini government.

Session Six: Closing Session: Moving Forward on the Reform Agenda

During this session, participants outlined several existing reform projects and initiatives and provided a number of recommendations which they suggested for further study and for their adoption as national priorities, depending on the conditions of each country.

Participants agreed that existing initiatives require swift implementation. This is particularly true for existing law proposals that would guarantee the right of access to information by citizens.

They also maintained that transparency on existing public sector programs should be increased and suggested including information on activities, programs, achievements and performance of the public

sector administration. Participants also highlighted the need for statistics and detailed information on a range of topics that are relevant to citizens.

Based on the discussions and the research results presented by participants the following recommendations were developed which lay the foundation for future projects to improve the participation of citizens and civil society in public sector reform initiatives in the Arab countries.

A. Strengthening the legal and institutional framework to improve the relation of the public sector and civil society

Promulgation of a law to guarantee access to information by citizens:
Participants highlighted the need to assess existing legal provisions in the Arab countries with view of citizens' right to access to information. Based on these assessments recommendations for reforms could be developed on the basis of good practice, such as is the case in Lebanon.

Law on managing personal and private data
Similarly, participants suggested supporting the review of existing practices of the management of data and information relevant to citizens. This need has been particularly expressed in the cases of Lebanon and Morocco.

Promulgation of a law to improve the interaction between citizens and the public sector
Need for supporting an initiative to improve the relation between citizens and the public sector has been expressed by several countries, in particular Morocco. This support could involve developing and improving the interface between citizens and the public sector and the modes of presentation and dissemination of information related to the public sector.

Creation of a special parliamentary committee for public sector reform
In order to garner government support and commitment for public sector reform, participants, particularly those from Lebanon, suggested creating a parliamentary committee. Assistance would be needed to assess requirements for the establishment of such a committee and to identify its role in the process of public sector reform. It could be in charge of coordinating with the state ministry of administrative development and could be in charge of supervising plans and programs of administrative reform, taking into account the suggestions and the recommendation of civil society, union bodies and the vocational bodies.

Consolidating procedures of complaints
Participants highlighted the need to promote and consolidate procedures of complaints by promoting the establishment of the relevant institutions, such as that of ombudsman and by strengthening administrative laws that would grant the right to objection and appeal by citizens.

Institutions that would receive citizen complaints could also be, according to participants, a central unit, the 'listening cell' in a public administration department which would be in charge of dealing with complaints of citizens. Participants underlined the importance for ensuring the independence of these institutions.

Improved coordination between the various sides in charge of citizens complaints
Currently complaints of citizens regarding services provided by the public sector are dealt with by various official sides. These range from judicial, administrative, parliamentarian to presidential ones. Participants expressed the need to further the coordination among these sides. Assistance could be extended to review current practices in the Arab countries and to develop a unified approach in dealing with citizens' complaints in each of the concerned countries.

Improving public service delivery to citizens
The delivery of public services in the Arab countries is often centralized resulting in inefficient modes of delivery. Support, according to participants, could be provided to promote processes of de-

concentration and de-centralization of public sector service delivery by strengthening the role and responsibilities of the regional departments and local bodies. This would create proximity and simplification of service delivery to citizens. Support could involve the review of current policies of service delivery at the national and local levels and the development of alternatives of efficient service delivery.

Improved quality of and citizen access to public services:
There is a need to simplify and unify administrative procedures. Participants suggested reviewing existing procedures in the various countries which would allow the removal of all bureaucratic procedures and conditions that constitute obstacles to the simplification of procedures. Participants also added that administrative procedures should be clarified through a citizen guide, publications, a website or brochures.

Furthermore, participants agreed on the need to improve the access of citizens. According to them, this can be achieved through reception offices or counters in various administrative units, public institutions and municipalities.

Participation of citizens in public service delivery through evaluations
In order for services to be improved, the assessment of public services by citizens is crucial. According to the participants, an effective way to assess the satisfaction of citizens is through a *Client Voice Center* which would offer citizens the opportunity to express their opinion about the service and to suggest recommendations for its improvement. Information gathered through this service could then be used to develop standards for quality which will be followed by public sector departments.

B. Improved communication between the public sector and citizens and civil society and consolidating efficient public service delivery

Improved means of communication between citizens and the public sector
Participants agreed that in several Arab countries relations of citizens with the public sector have been complicated by the absence of adequate communication tools. They highlighted the need to improve communication means by developing and consolidating the appropriate tools. Participants from Jordan in particular highlighted the need for a center, the *Client's Voice*, which would be located in every ministry. It would be in charge of receiving citizens' complaints and processing them to the concerned institutions.

In the case of Algeria participants expressed the need for supporting the consolidation of 'listening cells' which have been established in social security institutions.

Participants from Morocco suggested providing assistance for the establishment of centers for legal and administrative advice for citizens, which would be free of charge and operated by either a public side or by a civil society organization. They also pointed to the need for improving the communication between citizens and the public sector by including civil society in e-administration programs.

Participants from several Arab countries have also expressed the requirement to support and strengthen the use of opinion polls to measure the satisfaction of citizens. This support would include the strengthening of the role of independent bodies and institutions to conduct these opinion polls.

Improved monitoring of public sector performance
There was agreement among the participants that an important factor contributing to improved communication modes between the public sector and citizens is the monitoring of the delivery and quality of its services. This, according to them, can be done through relevant national monitoring centers which would study the nature of inquires and complaints of citizens. The Tunisian participants in particular expressed the need for the creation of such a center. Support, participants suggested,

could include capacity building and technical assistance required for the creation and operation of such a monitoring center.

C. Improved consultation and participation of citizens and civil society by Arab governments by establishing and strengthening relevant national institutions

Creation of national bodies for consultation and participation
Based on research results, participants recommended the establishment of national bodies that would allow the consultation and participation of civil society in public sector reform initiatives. Jordanian participants, in particular, suggested creating a National Council for Partnerships between civil society and the public sector. Similarly, researchers from Morocco advocated the establishment of a National Body for the Evaluation of Public Policies. In the cases of Algeria, Jordan and Lebanon the creation of a National Council for Statistics was endorsed.

Activation of existing relevant national institutions and mixed councils
In several Arab countries mixed councils have been created to allow the consultation and participation of civil society in public sector reform initiatives. In many cases, however, these councils have been inactive. In light of this, several participants have expressed the need to re-active these councils and to strengthen their institutional role. More specifically, support is required to activate and strengthen the following councils: the Economic and Social Councils in Lebanon, Morocco and Algeria, the Council of Competition in Morocco, the institution of the ombudsman in Lebanon and the Committees for the Coordination among Municipalities, Citizens and Civil Society in Algeria. Assistance could include, according to the participants, capacity building for the councils and other relevant national institutions and a review and improvement of legal and institutional frameworks governing their operation.

D. Promoting excellence and good conduct of public officials in their relations with citizens

Application of the code of conduct for officials
Several participants from Morocco and Lebanon have highlighted the need to support the application of the code of conduct for public officials. This support could include the revisions of the codes of conduct and the identification of ways and mechanisms to ensure their application.

Capacity building of public sector officials and employees towards better management
Participants from Morocco suggested providing training for public sector officials in order to improve their dealing with citizens. Training should focus on participatory planning and participatory management, on the basis of a detailed assessment of training needs and the design and implementation of training modules.

Promoting good public sector performance on the basis of incentives
Participants of several countries have highlighted that public sector performance would be improved considerably by creating the necessary incentives. Representatives from Egypt, Yemen and Bahrain suggested supporting the creation of a Higher Council for Excellence that will be in charge of rewarding outstanding work and projects with annual prizes. Rewards could be for example given to the best public institutions, the best director or the best website with services to citizens. Support for this initiative could involve assessing the legal and institutional requirements for the establishment of such a center.

Another request for support in Yemen has been the creation of an *Initiatives Fund*, supported from government resources and by foreign donors, which would fund projects that aim at improving the services and at simplifying administrative procedures for citizens.