Economic and Social Commission for Western Asia (ESCWA)

REPORT

EXPERT GROUP MEETING ON GOOD GOVERNANCE AND THE ESTABLISHMENT OF THE INSTITUTION-BASED STATE
CAIRO, 8-10 SEPTEMBER 2012

Summary

The Expert Group Meeting on Good Governance and the Establishment of the Institution-Based State was held in Cairo, 8-10 September 2012, and was organized by the Economic and Social Commission for Western Asia (ESCWA), the United Nations Development Programme, the Arab Administrative Development Organization of the League of Arab States, the Organisation for Economic Co-operation and Development, Transparency International and the World Bank.

The development of good governance practices at the State level has proven to be a very demanding endeavour in the Arab region. Good governance is not a free standing phenomenon, but one that lives in an endogenous relationship with participation, transparency, responsiveness, inclusiveness and accountability. It is crucial to introduce good governance practices as a means to facilitate the development and reform of the public sector.

To ensure the establishment of a transparent, cohesive and efficient public sector, several different areas need to be developed and strengthened. Administrative procedures and processes must be simplified, the delivery of basic services during times of transition and political instability must be strengthened and the involvement of civil society in the public sector needs further development.

Participants made a number of recommendations pertinent to ESCWA member countries that are currently witnessing a drive for reform and transition towards a more democratic form of governance. They highlighted the need to move forward on mainstreaming good governance practices within public sector institutions, the private sector and civil society organizations. This report summarizes the deliberations of the meeting and relates the main ideas related to attaining good governance and establishing institution-based States.
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Introduction

1. Governance is a complex concept that has multiple layers with profound implications on development and stability. Common elements of the basic definition of good governance include the emergence and conduct of capable, productive and efficient State institutions. Good governance encompasses the exercise of authority, the selection and the management of government, rule of law, provision of publicly supported goals and services including citizen’s safety, accountable public institutions, public participation and the rights and obligations of citizens.

2. In the Arab region, the expectations of the general public regarding the performance and deliverables of the public sector, including the delivery of services at the national and local levels, have risen drastically. The most pressing challenges include the need to modernize and simplify outdated administrative practices and fight corruption and waste within the public sector.

3. Those challenges have been the subject of governance-centered debate in the region as exemplified by the sixteenth Arab Summit held in Tunis in 2004 and the conference on Good Governance for Development in the Arab Countries held at the Dead Sea in 2005. In addition, an increasing number of Arab countries have become signatories to the United Nations Convention against Corruption (UNCAC).’

4. The good governance deficit, including corruption and an underperforming public sector, has negative ramifications on development. Arab countries exhibit sharp disparities in per capita income, health and education and in their overall achievement of the Millennium Development Goals (MDGs). Many Arab countries have attained economic growth over the past two decades, but that progress has not adequately trickled down to the people. That situation continues to be a major source of instability for the region, as shown most recently by the events of 2011.

5. The emerging consensus, however, stresses that responding to the current developmental challenges will require concerted efforts to establish and strengthen transparent and accountable governance systems. In the context of the 2011 uprisings, academics and practitioners alike have had to revise their existing perceptions of governance in the region. Indeed, in a number of countries, Arab citizenry and their representatives are currently renegotiating their social contract. The process of accountability plays a key role in the relationship between the State and the citizen, placing them on an equal footing in terms of the mandate of the State to get things done and be responsive to needs of citizens. In development parlance, the obligations of the State are the supply side of governance. Accountability, by contrast, implies the right, but also the obligation of citizen’s groups, civil society and private firms to remain vigilant and engaged and to demand better service provision from their leaders. The obligations of citizens are often called the demand side of governance. Therefore, good governance is not a free standing phenomenon. It is the result of an endogenous relationship between States and citizens, characterized by participation, transparency, responsiveness, inclusiveness and accountability.

6. Those principles have also been explored through the lens of private sector involvement in public life. The successful design and implementation of development policies and programmes and the provision of an efficient, cost-effective and responsive public sector would create a sustained environment to facilitate the emergence of a strong and vibrant private sector and a civil society that are able to address development challenges in the region.

7. In the light of the socioeconomic and political development challenges in the region, in addition to conflict and political instability in some countries, the development of good governance practices at the State level has proven to be a very demanding endeavour. In the region, countries affected by instability have also

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* Arab countries that that are States Parties to UNCAC are: Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Tunisia, the United Arab Emirates and Yemen. Saudi Arabia, the Sudan and the Syrian Arab Republic have signed the Convention but have yet to become States Parties.
suffered a depletion of physical and human resources and stagnation if not regression in public administration management practices.

8. Reform and improvement initiatives have been launched in a number of countries, but the interference of interest groups that aimed to capitalize on resources for communal or narrow political interests, which were not necessarily compatible with the national or common interests of the country, had a significant impact on those efforts. Hence, it is crucial to introduce good governance practices as a developmental means, which would facilitate the development and reform of the public sector. Thus, simplifying administrative procedures and processes, delivering basic services during times of conflict and political instability and involving civil society in the public sector are areas that need to be developed and strengthened in order to ensure the establishment of a transparent, cohesive and efficient public sector.

I. RECOMMENDATIONS

9. The meeting concluded with a number of recommendations for governance practitioners, decision makers within governments and multilateral organizations such as the World Bank, the Organisation for Economic Co-operation and Development (OECD) and the United Nations, including the Economic and Social Commission for Western Asia (ESCWA) and the United Nations Development Programme (UNDP). Participants made the following recommendations, organized by theme.

(a) Challenges and best practice in advancing good governance reform in the Arab region

(i) Review the institutional architecture of the State to balance the distribution of power and strengthen oversight mechanisms;

(ii) Reduce the politicization of public sector reform and civil service, especially the processes related to restructuring, employment and exclusion for reasons unrelated to efficiency or integrity;

(iii) Enhance the role of legislative bodies, such as parliaments, in promoting good governance in cooperation with specialized regulatory systems, and enhance the accountability mechanisms of such systems.

(b) The role of civil society in enhancing good governance

(i) Consolidate media freedom and competition tools, which require transparency and accountability, to enhance the role of civil society organizations (CSOs);

(ii) Disseminate information on the general budget, in terms of availability and accessibility, to allow more effective allocation of available resources in the light of strong pressures exerted by interest groups;

(iii) Facilitate the participation of civil society in legislative reforms, which, if effectively implemented, would support rule of law. To be effective, CSOs must have legal protection;

(iv) Emphasize the role of whistle-blowers to detect corrupt practices and inefficiency, and provide protection mechanisms through local legislation to prevent discrimination or retaliation against them;

(v) Adopt the “Code of Arab Conduct” for good governance as a reference to adjust institution performance and achieve the pillars of good governance.

(c) Anti-corruption and transparency in public services

(i) Draw upon religious and ethical values, in addition to the use of education and the media in consolidating those values among civil servants and the public, to contribute to the creation of an anti-corruption environment;
(ii) Act decisively on corruption to prevent it from becoming further entrenched, from fostering the emergence of new patronage networks and driving countries into instability and violence;

(iii) Launch more initiatives between the League of Arab States and the United Nations in that field with reference to the methodologies proposed to address corruption in sectors that deliver basic public services;

(iv) Implement the 2003 UNCAC fully in the 15 Arab countries that have ratified the Convention and urge those that have not ratified it yet to do so as soon as possible;

(v) Expand the work of the Arab Anti-Corruption and Integrity Network and deepen its cooperation with the League of Arab States, especially the Arab Administrative Development Organization.

(d) Public governance and better economic performance

Recognize that good governance reforms will inevitably strengthen the private sector, particularly small and medium enterprises (SMEs). Consultation and engagement between public and private sectors are strongly encouraged to achieve better economic performance.

(e) Challenges and best practice in advancing public sector reform in the Arab region

(i) Promote greater transparency, particularly budget transparency. Make the budget more comprehensive and involve parliaments in budget formulation. Expand the role and independence of audit institutions and other accountability mechanisms;

(ii) Support the capacity of Arab Governments to formulate and apply the rule of law and anti-corruption legislation through the assistance of regional and multilateral organizations, particularly in countries that seek to build a new system of governance.

(f) Measuring good governance progress

(i) Develop good governance indicators through regional and international dialogue to be able to monitor progress on governance reform;

(ii) Increase the use of scorecards in accordance with good governance perceptions, oriented to specific events and activities such as municipalities, health services, water and education;

(iii) Develop and implement guiding principles for the internal and external evaluation of public and private institutions;

(iv) Release a periodic publication on good governance perceptions in all countries, similar to Corruption Perceptions reports issued by Transparency International, reports on progress towards the Millennium Development Goals and other international reports;

(v) Establish a regional forum to monitor progress in governance reforms. Organizations based in the region should start a systematic discussion on this matter with Arab Governments.

II. TOPICS OF DISCUSSION

10. During deliberations, participants emphasized that although revolutions change regimes, it is the practice of good governance that needs to be advanced within State administrations so that countries do not fall into a recurrent cycle of revolutions. Good governance needs to be included in any redrafting of the constitution.

11. The Arab governance system should focus on human beings and shared values to ensure that participation in the decision-making process is solidly based on information, sound principles and shared values.
12. There was a perception among some participants that the Arab world lacked operators or executers who have the necessary skills to implement ideas.

13. Participants emphasized that taking part in the decision-making process needs to be firmly embedded within good governance principles that in turn need to take firm root within homes and schools to become part of the general culture.

14. Participants noted that to achieve good governance, challenges must be confronted, including threats to democracy, sustainable development, rule of law, the welfare of citizens, health and the environment. Transnational organized crime and all illegal practices that constitute a threat to security, integrity of the State and a decent living must be overcome.

15. It was noted that many Arab States are facing the challenges of instability, the depletion of their financial and human resources and the deterioration of public management. Those challenges impose a dire need for good governance at the country level. In that regard, the participants recognized that the agendas of different interest groups, whether tribal, racial, ethnic, sectarian or political, may contradict national interests and complicate reform and development initiatives and undermine trust between citizens and governments.

16. Participants agreed that achieving transitional justice and rule of law, offering basic services at times of transition and instability and including the private sector and civil society in the development process require the highest levels of transparency and accountability within the public sector. The public sector must develop its ability to respond to citizens’ needs efficiently. In turn, accountable public institutions would improve financial and economic administration, enhance auditing and statistics capacity and improve human resources and public services (health, education, energy, and so on).

Challenges and best practice in advancing good governance reform in the Arab region

17. Participants observed that recent regional events have strongly emphasized the inadequacy of the previous social contract in which governments were not accountable and narrow power networks resulted in a “bad governance trap”. Thus, participants maintained that the inability of the government to meet the basic needs of citizens increases their vulnerability to economic, social and health risks.

18. An enabling environment for viable reform requires political stability. Societies must combat sectarianism and narrow power networks and prevent marginalization and exclusion.

The role of civil society in enhancing good governance

19. Participants agreed that CSOs play an active role in promoting good governance practices, namely in combating corruption, influencing public policies and mobilizing and managing resources that promote transparency within the government and its various administrations. Whistle-blowers were seen as strengthening the accountability and transparency of the political system, including rule of law. Whistle-blowers were also described as putting pressures on legislatures and governments through increasing public awareness, and public awareness enhances the role of CSOs in combating corruption.

20. It was argued that successful experiences and practices in countries that underwent political and economic transitions have shown the need for social charters that support the establishment of the rule of law and open governments based on the principles of transparency and accountability. Those conventions reflect the social consensus of the citizens, which should be strongly supported by civil society.

Anti-corruption and transparency in public services

21. There was consensus that overcoming current development challenges, including achieving MDGs, requires the establishment of transparent, accountable and participatory governance systems.
22. The adoption and implementation of adequate governance measures in different sectors was discussed as a means to reduce the risk of corruption. It was also seen as a means to ensure that scarce resources are allocated properly and that performance improves, which would enhance quality of life, reinforce State legitimacy and strengthen citizen trust in government.

23. Participants recognized that success in reducing corruption in public service delivery depends on the active engagement of various stakeholders, and in particular, government officials must cooperate with non-governmental stakeholders such as the business community and civil society.

Public governance and better economic performance

24. Boosting sustainable economic development is strongly tied to good governance practices and depends on an enabling environment that enhances business in accordance with efficient and sound regulatory practices.

25. Participants agreed that an efficient regulatory management system leads to significant economic benefits in terms of open and fair competition, innovation and entrepreneurship. However, regulation can become excessive and burdensome for businesses. Inconsistent and discretionary implementation of regulations coupled with barriers to markets and competition could create an uneven playing field that encourages the emergence of preferential opportunities for interest groups. This in turn can discourage investment and reduce the national economic potential.

Challenges and best practice in advancing public sector reform in the Arab region

26. Poor governance and preferential treatment of politically connected individuals also limits economic opportunities for many, creating a perception of exclusion and lack of a level playing field. Moreover, citizens consider corruption and conflict of interest to be at the heart of the governance issues in the region. While most countries in the region have ratified UNCAC, there is often a considerable gap between the legal framework for fighting corruption and its actual implementation.

27. Discussions tackled public sector reform efforts and ways to increase their efficiency. It was noted that such efforts remain weak in Arab countries and that reform programmes are not systematic or stable, lacking a comprehensive strategy. There was concern about the lack of methodology and well-established concepts in many Arab countries, which is a reflection in the imbalanced relationship between citizens and States.

28. Legal reform was seen as an important component of good governance, with civil affairs, human rights and the rights of women identified as priorities. Interventions reflected the need for new laws to facilitate nation-wide economy management, protect private investment and privatization of public enterprises, while respecting and implementing international agreements. The existing gap between regulations and their implementation was noted; the latter requiring innovative mechanisms supported by new tools of knowledge and skills, such as mainstreaming integrity, transparency and accountability.

29. Participants highlighted the need for strong systems to enhance due process between the public and private sector officials, including codes of conduct, rules of financial disclosure, inspection and information availability.

30. Experts maintained that government accountability towards the citizens or the parliaments in the Arab region was weak by international standards. Executives enjoy vast control over political discourse and policymaking, and there are limited checks and balances.
Measuring good governance progress

31. A number of speakers focused on the governance deficit in the region, pointing out that such governance indices as Global Integrity indicate that the Arab region lags behind other parts of the world on many governance dimensions. The gaps are particularly pronounced in transparency, participation and social accountability. As a consequence, overall government accountability is weak. Moreover, existing mechanisms to monitor progress on governance reform, particularly in countries undergoing transition, remain inadequate. There is a need to advance the regional debate on the best modality to monitor progress in good governance through an indigenous and scientific process that is de-politicized and objective.

III. OBJECTIVES

32. The objectives of the meeting were as follows:

(a) Present concepts and experiences of good governance practices in development, transition, conflict mitigation and peacebuilding in the Arab region;

(b) Assess and build on past experience as a means to institutionalize good governance practices;

(c) Highlight challenges and constraints at the national and regional levels that hinder the achievements of good governance;

(d) Articulate pragmatic interventions to enhance future good governance practices in the region;

(e) Examine national and regional policies that would facilitate collaboration between international, public and civic entities to support good governance practices.

IV. ORGANIZATION OF WORK

A. VENUE AND DATE

33. The Expert Group Meeting on Good Governance and the Establishment of the Institution-Based State was held at the Intercontinental Citystars Hotel in Cairo on 8-10 September 2012.

B. ATTENDANCE

34. The meeting brought together a wide range of multilateral organizations, including the World Bank, UNDP, OECD and Transparency International in addition to experts in the field of good governance, development and peacebuilding. Participants included civil servants from Arab countries, ministries of planning and national economy, and parliamentary committees along with representatives of the following entities: chambers of commerce and unions of business people; national and regional funds; academic and research centers; and the public and the private sectors. The list of participants is annexed to the present report.

C. OPENING

35. The meeting opened by Mr. Nabil Al Arabi, Secretary General of the League of Arab States, who underscored the need to review the charter of the League by introducing the concepts of Human Rights and Democracy.
D. AGENDA

36. There were seven panels of experts that deliberated on the following themes:

(a) Challenges and best practice in advancing good governance reform in the Arab region;
(b) The role of civil society in enhancing good governance;
(c) Managing transition: anti-corruption and transparency in public services;
(d) Public governance and better economic performance;
(e) Challenges and best practice in advancing public sector reform in the Arab region;
(f) Measuring good governance progress.
Annex*

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F. ACADEMIA
Umm AlBawaki University
Mr. Mabrouk Sahli
Algeria
Annaba University
Ms. Houda Azzaz
Algeria
State Oum El Bouaghi
Mr. Bilal Khroufi
Algeria
National High School of Management and Governance
Mr. Breish Abdelkader
Algeria
Blida University
Mr. Mansouri Al Zain
Algeria
Warqala University
Mr. Bin Nasser Boutayeb
Algeria
Moaskar University
Mr. Sabeti Al-Habib
Algeria

Mr. Ben Abbou Jilali
Algeria

Khamis Malyana University
Ms. Manna Alaljh
Algeria

University of Beni Suef
Mr. Amin Ahmed Lotfi
President
Egypt

Nahda University
Mr. Sadik Afifi
President
Egypt

Assiut University
Mr. Ali Sadik Mohammed
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Menoufia University
Mr. Mustafa Mahmoud Mustafa Abu Bakr
Egypt

Al Kadisiyya University
Mr. Habib Ammar Al Madani
Iraq

Al Kufa University
Mr. Hakem Muhsin Muhammad
Iraq

Babel University
Mr. Abdel Azim Rahif Al Soultani
Iraq

Baghdad University
Mr. Mustafa Jalil Ibrahim
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Faculty of Education - University of Baghdad
Ms. Mona Haidar Abdul-Jabbar al-Tai
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Diyala University
Mr. Khalifa Ibrahim Odeh-Tamimi
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Dohuk University - Faculty of Administration and Economics
Mr. Darman Suleiman Sadeq
Iraq

Dujla University
Mr. Raed Abdul El Kholok Abdullah
Iraq

Tikrit University
Mr. Ahmed Ali Hussein
Iraq

Mr. Siham Hussein Abdul Rahman
Iraq

Mr. Saddam Mohamed Mahmoud
Iraq

Mr. Adnan Karim Farhad
Iraq

Mr. Ali Ibrahim Hussein
Iraq

Mr. Ghassan Feisal Abd
Iraq

Mr. Qasim Ahmed Handal
Iraq

Mr. Hashim Fares Abdoun
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Mr. Menem Ahmed Khudair
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Mr. Mohamed Hussein Manhal
Iraq
Mr. Hashim Fawzi al-Abadi
Iraq
Mr. Naji Abd Sattar
Iraq
Mr. Ali Razak Abedi
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Mr. Omar Abdel nabi Omar
Libya
Zaytouna University
Mr. Aldwyne Mohamed Ahmed el-Sheikh
Libya
Tripoli University
Mr. Mustafa Ali Ijmali
Libya
Naser University
Mr. Ibrahim Abdel Aziz Salim Ben Achour
Libya
University of Marqab
Mr. Maatouk Ali Aoun
Libya
Dammam University
Mr. Abdul Aziz bin Abdul Hadi Al Mansouri
Saudi Arabia
Alzaiim Alzhari University
Ms. Fatima Omar Aqub Ali
The Sudan

Dilling University
Mr. Awatif Abdullah Abdul Hamid
The Sudan
Mr. Awatif Abdullah Abdul Hamid
The Sudan
Shanda University
Mr. Ehab Abdullah Abbas Saad
The Sudan
Mr. Khaled Abdel Aziz Hassan Mohamed
The Sudan
Sudan University
Mr. Ikram Mohamed Ahmed
The Sudan
Mr. Tayeb Hussein Mahmoud
The Sudan
Police Sciences Academy of Sharjah
Mr. Sarhan Hassan Al Moaini
United Arab Emirates
Ibb University
Mr. Akram Mohammed Ali Alwashla
Yemen
Naser University
Mr. Muhammad Ali Ezzedine
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Mr. Fouad Salahi
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