



Improving Civil Society Engagement at the League of Arab States

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1. Introduction

Over the last two decades, the relationship between civil society and governance structures and processes at all levels – local, regional, global – has radically transformed. In the past, civil society organisations (CSOs) were sometimes viewed as oppositional forces against which governments and the private sector had to defend themselves. It is now generally accepted, however, that CSOs are genuine stakeholders that deserve a seat at the table in governance processes and decision-making. As CSOs have become increasingly recognised and actively engaged in these spaces, they have come to be considered as integral to policymaking by both public and private actors. This includes high-level multilateral bodies such as the United Nations and G20.¹

Civil society also continues to evolve in impactful and dynamic ways. Not only have CSOs increased in terms of sheer numbers, but the rise of new, cost efficient and widely accessible communications technologies has also created new opportunities for CSOs to engage. Increased CSO activity online has facilitated the development of new networks, free from geographic barriers. Large scale examples of these new technologies serving as a driving force for binding people together include the Arab Spring revolutions and the Occupy Movement.²

While ‘civil society’ can be defined in a variety of ways, it is generally considered to be “the area outside the family, market and state.”³ The World Bank defines civil society as:

[T]he wide array of *non-governmental* and *not-for-profit* organizations that have a presence in public life, express the interests and values of their members and others, based on ethical, cultural, political, scientific, religious or philanthropic considerations.⁴

According to the World Economic Forum, the European Union (EU) defines CSOs to include a wide variety of organisations, including:

[A]ll non-State, not-for-profit structures, non-partisan and non-violent, through which people organize to pursue shared objectives and ideals, whether political, cultural, social or economic ... they include membership-based, cause-based and service-oriented CSOs. Among them, community-based organizations, non-governmental organizations, faith-based organizations, foundations, research institutions, gender and LGBT organizations, cooperatives, professional and business associations, and the not-for-profit media. Trade unions and employers’ organizations, the so-called social partners, constitute a specific category of CSOs.⁵

¹ World Economic Forum, *The Future Role of Civil Society*, 2013, pp. 5, 7. Available at: http://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf.

² *Ibid.*, pp. 5-6.

³ *Ibid.*, p. 8.

⁴ World Bank, *Consultations with Civil Society: A Sourcebook Working Document* (2007), p. 1. Available at: http://siteresources.worldbank.org/CSO/Resources/ConsultationsSourcebook_Feb2007.pdf.

⁵ World Economic Forum, note 1, p. 8.

The African Development Bank (AfDB) has a similarly broad definition of civil society:

Civil society encompasses a constellation of human and associational activities operating in the public sphere outside the state. It is a voluntary expression of the interests and aspirations of citizens organized and united by common interests, goals, values or traditions, and mobilized into collective action either as beneficiaries or stakeholders of the development process. Though civil society stands apart from the state, it is not necessarily in basic contradiction to it, and both ultimately influence each other.⁶

There are myriad reasons why it is important and useful for inter-governmental organisations (IGOs), including the League of Arab States (LAS), to engage with CSOs. There is a major democratic deficit problem among international and regional bodies, which urgently needs to be addressed to restore their credibility. In response to this, governments, businesses and civil society leaders have demanded greater social inclusivity in IGO governance models.⁷

In practical terms, many IGOs tend to operate at a level that is removed from the people and beneficiary communities that are actually affected by the policies and programmes they adopt and deliver. Civil society representatives often have experience and networks at the grassroots level and are therefore well placed to act as a bridge between IGOs and the people. Engaging CSOs in the work of IGOs is mutually beneficial inasmuch as it can help to improve the formulation of policies and strategies, as well as the way they are implemented on the ground.⁸ Involving a diversity of communities and perspectives in discussions and negotiations not only gives people a voice, but it also improves success. Grounding policies and practices in the everyday lives of people means that those policies and practices are more likely to take their reality into account, leading to better outcomes. And, giving local communities a voice also gives them a sense of agency and ownership over the policies and practices that directly affect them, which again increases the chances of success.⁹

The importance of engagement with civil society is also grounded in wider IGO principles. All LAS Member States are also United Nations (UN) members. One of the essential principles of the UN 2030 Agenda for Sustainable Development is the recognition that civil society is a key stakeholder in the development, implementation, follow-up and review of the Sustainable Development Goals.¹⁰ Paragraph 6 of the

⁶ African Development Bank Group, *Framework for Enhanced Engagement with Civil Society Organizations*, 2015, p. 6. Available at: https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/Framework_for_Enhanced_Engagement_with_Civil_Society_Organizations-06_2015.pdf.

⁷ World Economic Forum, note 1, p. 12.

⁸ *Ibid.*, p. 11.

⁹ United Nations Division for Social Policy and Development, *Strengthening civil society engagement at the UN*, 17 February 2016. Available at: <https://www.un.org/development/desa/civil-society/2016/02/17/strengthening-civil-society-engagement-at-the-un/>.

¹⁰ See Nilo, A., *Civil Society & Other Stakeholders: Leaving no one behind when implementing the Agenda 2030*, 2015, pp. 5-6, available at <https://sustainabledevelopment.un.org/content/documents/9486ANilo%20Civil%20Society%20&%20Other%20Stakeholders.pdf>; and United Nations Division for Social Policy and Development, note 9.

Sustainable Development Goals Declaration recognises the important role CSOs played in the development the Goals, while paragraph 39 recognises their role in implementing the Goals.¹¹ The key objective of this report is to highlight international standards and better practices around IGO engagement and, on this basis, point to possible changes in LAS behaviour to bring it more closely into line how this works at other IGOs.

This report starts by looking at some general standards for consultations, followed by a section outlining the experience and practices of different IGOs and describing their internal practices and policies in the area of engaging external actors, with a specific focus on CSOs. It focuses on IGOs which are similar in structure, stature and purpose to the LAS, namely the Council of Europe, Organization of American States, UN Economic and Social Council, and World Bank. It then reviews LAS policies and practices in this area, ending up with a set of recommendations that the LAS should consider to improve its engagement.

2. International Standards on Consultation

There is a wealth of material on how to conduct robust consultations with civil society. However, for current purposes we focus on the 2009 Council of Europe (COE) Code of Good Practice for Civil Participation in the Decision-Making Process. This provides a clear set of principles and guidelines for CSO participation in decision-making, especially around policy development.¹²

The Code sets out the four governing principles which are required to foster a good consultative relationship between public authorities and civil society:

- *Participation* – CSOs are able to collect and channel the views of citizens so as to shape the decision-making process;
- *Trust* – interactions between CSOs and public authorities are honest, transparent, respectful, mutually reliable and focused on the shared goal of improving the lives of people;
- *Accountability and transparency* – openness, clarity and responsibility are present at all stages; and
- *Independence* – CSOs are respected as independent bodies which are free to act independently and whose aims, decision and activities are respected.¹³

It also explains that there are four levels of participation:

¹¹ UN, *Transforming Our World: The 2030 Agenda for Sustainable Development*, 2015. UN Doc. A/Res/70/1. Available at:

<https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>.

¹² COE, *Code of Good practice on Civil Participation in the Decision-Making Process*, CONF/PLE(2009)CODE1, adopted by the Conference of INGOs, 1 October 2009. Available at: <https://www.coe.int/en/web/ingo/civil-participation>.

¹³ COE, *The Code in Brief*, p. 2. Available at: <https://www.coe.int/en/web/ingo/civil-participation>.

1. *Information* – A low level of participation consisting of the one-way provision of information from public authorities without any involvement of CSOs is required or expected.
2. *Consultation* – A level of participation at which public authorities ask CSOs for their opinion on specific policy topics or developments but the initiative and themes originate from the public authorities and not the CSOs.
3. *Dialogue* – This is when initiatives may be taken by either party and can be broad or collaborative. Broad means that dialogue that goes both ways, is based on mutual interests and potentially shared objectives, and ensures a regular exchange of views in public forums or through specialised meetings. Collaborative dialogue means dialogue that is built on mutual interests and focuses on a specific policy development. Collaborative dialogue is more high-powered than broad dialogue and often consists of joint, frequent and regular meetings where policy strategies are developed leading to outcomes such as a joint recommendations or legislation.
4. *Partnership* – This is the highest level of participation. CSOs and public authorities co-operate closely, while respecting that CSOs are independent and can campaign and act without the partnership being a constraint. Partnerships can include service provision activities, participatory forums and the establishment of co-decision-making bodies.¹⁴

The Code then covers how public authorities and CSOs should engage by explaining how they can interact along the cycle of the decision-making process, which consists of six steps:

1. *Agenda Setting* – At this step CSOs strive to shape the agenda through campaigns and undertaking specific lobbying based on the needs and concerns of a collective interest in a way that is complementary to other public debate.
2. *Drafting* – CSOs identify problems, propose solutions and provide evidence for the proposals they prefer to feed into the existing or established processes for policy drafting. Creating opportunities for consultation is a key element in this step in order to collect input from key stakeholders.
3. *Decision* – Decision-making processes may vary depending on the context but they typically involve bodies with formal powers adopting final policy directives or rules. At this level, draft documents should be open to input and participation of CSOs before public authorities take any decision.
4. *Implementation* – It is at this step when CSOs are the most active whether with respect to service delivery or project execution. This is the step at which the achievement of the intended outcome is fulfilled and it is important to have access to clear and transparent information about the expectations, opportunities and active partnerships at this step.
5. *Monitoring* – At this stage CSOs monitor and assess the outcomes of the implemented policy and effective and transparent monitoring systems that ensure the intended purpose should be in place.

¹⁴ *Ibid.*, p. 3.

6. *Reformulation* – Following implementation and monitoring changes in the needs of citizens or in the effectiveness of certain policies or strategies may have been identified so that a change of policy is needed. Reformulation will need to be based on both access to information and opportunities for dialogue to identify new needs and initiatives.¹⁵

The Code recommends practical tools that can enable civil participation throughout the whole decision-making process, such as providing e-participation mechanisms, increasing capacity through training courses and exchange programmes, creating structures such as co-ordinating bodies, and adopting framework documents such as bilateral agreements which lay out the basis for the relationship between public authorities and CSOs. Finally, the Code provides the Matrix of Civil Participation, shown below, which the COE considers applicable to any decision-making context, whether from local, national or international. It can be used in a number of ways, including to map levels of civil society engagement, to assess CSO participation, as a resource for CSO planning activities, or to identify ways to enhance participation by moving up a level.

MATRIX OF CIVIL PARTICIPATION

Levels of participation						
PARTNERSHIP	<ul style="list-style-type: none"> Working group or committee 	<ul style="list-style-type: none"> Co-drafting 	<ul style="list-style-type: none"> Joint decision-making Co-decision making 	<ul style="list-style-type: none"> Strategic partnerships 	<ul style="list-style-type: none"> Working groups or committee 	<ul style="list-style-type: none"> Working groups or committee
DIALOGUE	<ul style="list-style-type: none"> Hearings and public forums Citizens' forums and future councils Key government contact 	<ul style="list-style-type: none"> Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies 	<ul style="list-style-type: none"> Open plenary or committee sessions 	<ul style="list-style-type: none"> Capacity-building seminars Training seminars 	<ul style="list-style-type: none"> Working groups or committee 	<ul style="list-style-type: none"> Seminars and deliberative forums
CONSULTATION	<ul style="list-style-type: none"> Petitioning Consultation online or other techniques 	<ul style="list-style-type: none"> Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies 	<ul style="list-style-type: none"> Open plenary or committee sessions 	<ul style="list-style-type: none"> Events Conferences Forums Seminars 	<ul style="list-style-type: none"> Feedback mechanisms 	<ul style="list-style-type: none"> Conferences or meetings Online consultation
INFORMATION	<ul style="list-style-type: none"> Easy and open information access Research Campaigning and lobbying Website for key documents 	<ul style="list-style-type: none"> Open and free access to policy documents Website for key documents Campaigns and lobbying Web casts Research input 	<ul style="list-style-type: none"> Campaigning and lobbying 	<ul style="list-style-type: none"> Open access to information Website for information access E-mail alerts FAQ Public tendering Procedures 	<ul style="list-style-type: none"> Open access to information Evidence gathering Evaluations Research studies 	<ul style="list-style-type: none"> Open access to information
Steps in the political decision making process	AGENDA SETTING	DRAFTING	DECISION	IMPLEMENTATION	MONITORING	REFORMULATION

¹⁵ *Ibid.*, p. 4.

3. Better Practices of Other IGOs

IGOs' engagement with civil society varies depending on the type of IGO and the context in which it operates. Nonetheless, many similarities can be identified because most IGOs have similar values and vision around the significance and advantages of civil society engagement. This section reviews the relevant policies of the Council of Europe, the Organization of American States, the UN Economic and Social Council, and the World Bank.

A. The Council of Europe (COE)

The Council of Europe has adopted a very robust and active civil society engagement policy focusing in particular on granting these organisations 'participatory status' in leading policy and decision-making forums. The COE's relations with non-governmental organisations (NGOs) fall into two broad categories:

I. Relations with international NGOs (INGOs): this can be seen as the Council of Europe's statutory relations with NGOs. INGOs holding participatory status, known collectively as the Conference of INGOs of the Council of Europe, actively contribute to the decision-making process at the Council of Europe and to the implementation of its programmes, thus ensuring their relevance to the expectations of Europeans.

II Civil society programmes with partner NGOs: civil society co-operation programmes aim at strengthening the role of civil society in a pluralist democracy, in particular promoting public participation in decision making.¹⁶

The Conference of INGOs mentioned above is the chief body representing the over 400 INGOs that enjoy participatory status in the COE. The Conference makes policy decisions and adopts action programmes by engaging in dialogue (or 'quadrilogue', reflecting the four-way nature of the discussions) with the COE's Committee of Ministers, Parliamentary Assembly and Congress of Local and Regional Authorities. The goal is "to ensure that participatory status functions correctly, and so help to affirm the political role of civil society at the Council of Europe."¹⁷ While the grant of special status to INGOs dates as far back as 1952, it was only following the first 'Plenary Conference of INGOs' that the Committee of Ministers decided to recognise it as a body and grant it a secretariat and access to meeting rooms, as well as interpretation for its meetings.¹⁸ Now, the Conference meets twice a year in Strasbourg during the ordinary sessions of

¹⁶ COE, The Council of Europe and Non-Governmental Organisations: Promoters of democracy and active citizenship in Europe. Available at: <https://www.coe.int/en/web/ingo/overview>.

¹⁷ COE, The Conference of International Non-governmental Organisations of the Council of Europe. Available at:

<https://www.coe.int/en/web/ingo/the-conference-of-ingos-in-a-nutshell>.

¹⁸ COE, *The history of the Conference of INGOs of the Council of Europe*, 2016, p. 3. Available at: <https://www.coe.int/en/web/ingo/conference>.

the COE's Parliamentary Assembly¹⁹ and organises events linked to the priorities of the Council of Europe at different points throughout the year.²⁰

The Conference of INGOs, as part of its mission to help increase NGO participation in the decision-making process, also undertakes visits to Member States to meet local NGOs and public authorities in order "to introduce them to the Conference of INGOs, better understand the cooperation between NGOs and decision-makers and to discuss NGO participation in the public decision-making process." The Conference listens to both the NGOs and public authorities to gauge their use of participatory tools, follows up each visit with a report highlighting the important issues facing NGOs in that specific context and moment, and formulates recommendations to improve the effectiveness of cooperation.²¹ Since 2015, 12 country visits have taken place.

In its Resolution (2016)3, the Committee of Ministers set out the rules and conditions that must be met in order to obtain participatory status.²² INGOs wishing to obtain this status must submit a formal application and sign a declaration accepting the principles set out in the preamble and in Article 1 of the Statute of the Council of Europe. Each applicant INGO must also submit its statute, a list of any member organisations, and activity and financial reports for the previous two years.²³ Further, this status may only be given to INGOs which meet the following substantive conditions:

- a. which respect and defend the values and principles of the Council of Europe;
- b. which are able, through their work, to support the achievement of that closer unity mentioned in Article 1 of the Council of Europe's Statute;
- c. which are created on the basis of a constitutive act adopted according to democratic principles;
- d. which have a democratic structure and governance;
- e. which are particularly representative in the field(s) of their competence, fields of action shared by the Council of Europe;
- f. which are represented at European level, that is to say which have members in at least five member States of the Council of Europe;
- g. which were created and have implemented activities at least two years before the moment of applying for participatory status;
- h. which already have working relations with the Council of Europe;
- i. which are capable of contributing to and participating actively in Council of Europe deliberations and activities;
- j. which are able to make known the work of the Council of Europe to society.²⁴

¹⁹ COE, note 17.

²⁰ COE, Conference of INGOs: Participatory status. Available at: <https://www.coe.int/en/web/ingo/participatory-status>.

²¹ COE, Country visits of the Conference of INGOs. Available at: <https://www.coe.int/en/web/ingo/country-visits>.

²² Resolution CM/Res(2016)3 of the Committee of Ministers on Participatory status for international non-governmental organisations with the Council of Europe, 6 July 2016. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168068824c.

²³ COE, Conference of INGOs: Participatory status, note 20.

²⁴ Appendix to Resolution CM/Res(2016)3, note 22.

B. The Organisation of American States (OAS)

Founded in 1948, the OAS is the world's oldest regional organisation and has had a robust framework for civil society participation in its political bodies since 1999 when it adopted the Guidelines for the Participation of Civil Society Organizations in OAS Activities.²⁵ To date, 465 CSOs have registered with the OAS and nearly 600 cooperation agreements have been established with civil society.²⁶

The OAS's approach to CSO engagement is grounded in Articles 6 and 26 of the Inter-American Democratic Charter.²⁷ This provides that all citizens have a right and responsibility to participate in decisions relating to their own development, and that the OAS will carry out programmes and activities designed to promote democratic principles and practices and strengthen a democratic culture. It also commits the organisation to consult and cooperate on an ongoing basis with Member States and to take into account the contributions of civil society organisations. According to the OAS, since 1999, as confidence and understanding between CSOs and the OAS has grown, the presence of civil society participation has led to "reaching the hemispheric goals of strengthening democracy, protecting human rights, and promoting integral development and multidimensional security as well as other initiatives under way in the OAS that are a part of the inter-American agenda."²⁸

i. CSO Participation Opportunities

There are three ways in which CSOs can participate in the work of the OAS. The first is to register with the OAS. The second is to participate without registering by attending the meetings of the General Assembly, the Permanent Council, the Inter-American Council for Integral Development (CIDI) or other specialised bodies of the OAS as a 'special guest'. The third is to participate in specific OAS activities by signing cooperation agreements with the OAS General Secretariat to develop joint programmes.²⁹

When CSOs follow the first path and register with the OAS and are approved by the Permanent Council to participate, they are permitted to:

- Present recommendations and assist in effectively implementing the OAS resolutions adopted at each session of the General Assembly, as appropriate.

²⁵ Permanent Council of the Organization of American States, Resolution CP/RES. 759 (1217/99) Guidelines for the Participation of Civil Society Organizations in OAS Activities, 15 December 1999. Available at: http://www.oas.org/en/ser/dia/civil_society/index.shtml.

²⁶ OAS, Relations with Civil Society Organizations. Available at: http://www.oas.org/en/ser/dia/civil_society/index.shtml.

²⁷ Inter-American Democratic Charter, 11 September 2001. Available at: https://www.oas.org/charter/docs/resolution1_en_p4.htm.

²⁸ OAS, Relations with Civil Society Organizations, note 26.

²⁹ OAS, Manual for Civil Society Participation in OAS Activities, p. 21. Available at: https://www.oas.org/en/ser/dia/civil_society/manual.shtml.

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- Receive the calendar of OAS meetings and, when possible, the themes to be discussed in the meetings.
- Designate representatives to participate in public meetings of the Permanent Council, CIDI and their subsidiary bodies.
- Access virtual consultations on issues and initiatives promoted by the OAS.
- Contribute to the elaboration of the agenda of an annual meeting of the Permanent Council on a matter of special interest to registered CSOs for a broad and substantive dialogue.
- Attend closed meetings of the Permanent Council, the CIDI, and other organs with authorization from the Chair of the meeting in question, in consultation with the participating Member State delegations.
- Receive documents in advance of the meetings of the Working Groups and Special Committees of the Permanent Council or the CIDI.
- Distribute written documents before meetings of the Committees of the Permanent Council or of the CIDI.
- Present written documents, not exceeding 2,000 words, on questions that fall within its particular sphere of competence and appear on the agenda or order of business for the meetings of the Permanent Council, CIDI and their Committees. These documents shall be distributed by the General Secretariat to Member States.
- Receive the OAS resolutions adopted at each session of the General Assembly.³⁰

In addition, registered CSOs may:

- Participate in public meetings of the Permanent Council, the Inter-American Council for Integral Development (CIDI), and their subsidiary bodies.
- Provide input by means of written documents on questions thematically relevant to meetings of the Permanent Council or CIDI, preferably not to exceed 2,000 words (texts exceeding 2,000 words must be accompanied by executive summaries, which the General Secretariat shall distribute). Likewise, the CSO may give a presentation at the beginning of the deliberations, with prior approval from the relevant Committee of the Permanent Council or CIDI.
- Access draft resolutions and/or resolutions adopted by the General Assembly and authorization to comment on them.
- Receive the resolutions adopted by the OAS General Assembly at its annual regular session.
- With the Chair's authorization, participate in closed meetings of the Permanent Council, CIDI and their political bodies.
- Receipt of documents in advance of the meetings of the working groups or specialized groups of the Permanent Council or CIDI. With prior authorization, CSOs may make a statement and have it distributed to Member States in order to consider the issue.
- Apply for funding from the Specific Fund to Support the Participation of Civil Society Organizations in OAS Activities and in the Summits of the Americas Process.³¹

As a matter of procedure, CSOs seeking registration must send a letter to the OAS Secretary General. The letter must include:

³⁰ OAS, Civil Society status with the OAS. Available at: https://www.oas.org/en/ser/dia/civil_society/Status.shtml.

³¹ OAS, Civil Society Registry, available at: https://www.oas.org/en/ser/dia/civil_society/registry.shtml. See also, OAS, Manual for Civil Society Participation in OAS Activities, note 29, p. 22.

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- Official name, address, and date of establishment of the organization and the name(s) of its directors and legal representative(s).
- Primary areas of activity and their relationship to the activities of the OAS organs, agencies, and entities in which it wishes to participate.
- Reasons why the CSO believes its proposed contributions to OAS activities would be of interest to the Organization.
- Identification of the OAS work areas in which it proposes to support ongoing activities or to make recommendations on the best way to achieve OAS objectives.³²

Additionally, the request for registration should include:

- A notarised copy of the Charter or Constitution and Statutes of the CSO.
- The Most recent annual report of the activities of the organization.
- A signed Institutional mission statement (by a director or legal representative).
- The Financial statements for the previous fiscal year, including reference to any public and private sources of financing (signed by the financial officer or the public accountant of the organization).³³

Since 2002, as the OAS webpage dedicated to CSO activity and achievement attests, numerous meetings in which CSOs have participated have taken place. These meetings have had thematically varied agendas, ranging from poverty alleviation to the fight against racism to environmental protection. According to the OAS, CSOs have played very important roles in these settings, contributing valuable ideas and recommendations to the OAS Member States and the OAS General Secretariat during deliberations.³⁴

To follow the second path and participate in an OAS related meeting as an unregistered CSO, a request can be made to attend as a 'special guest'. The process for this resembles a request for registration. A letter must be sent, at least 30 days prior to the event in which the CSO wishes to participate. Once the request is approved, the CSO is granted observer status and classified as a special guest.³⁵

Finally, in relation to the third path, two types of cooperation agreements between CSOs and the OAS are possible. First, general cooperation agreements are intended for CSOs seeking to provide advisory services to OAS bodies and to disseminate information on its activities and programmes. Second, special cooperation agreements include agreements about the development of technical, administrative or financial programmes in OAS areas of activity, agreements about inter-American specialised organisations coordinated through the OAS, and agreements established directly by the Secretary General.³⁶ To enter into any of these special agreements, a CSO must first identify the department of the General Secretariat that handles the thematic area in question and submit a proposal with clearly defined objectives. Under a cooperation agreement with the OAS, CSOs are required to have the economic resources and

³² OAS, Manual for Civil Society Participation in OAS Activities, note 29, p. 23.

³³ *Ibid.*

³⁴ OAS, Civil Society Recommendations. Available at:

https://www.oas.org/en/ser/dia/civil_society/recomendations.shtml.

³⁵ OAS, Manual for Civil Society Participation in OAS Activities, note 29, pp. 25-27.

³⁶ *Ibid.*, p. 27.

sufficient staff to fulfil and follow up as necessary on the obligations and stipulations set forth in the agreement.

ii. Summits of the Americas

The OAS has been the institutional home and central organiser of the Summits of the Americas Process since 2001. Through these summits, the OAS has created many opportunities for CSO participation and dialogue. In particular, the OAS “supports civil society forums to formulate recommendations in relation to the Summit Process and inter-American agenda, holds special meetings with the SIRG [Summit Implementation Review Group] to exchange information on the Summit Process, and works with various civil society networks to exchange information and provide feedback on implementation and follow-up of Summit mandates among CSOs, governments, and the organizations of the inter- American and international systems.”³⁷

The Summits of the Americas Process is the most senior inter-governmental forum in the region, at which heads of government of Member States have met regularly every two to three years since 1994 to discuss the organisation’s agenda.³⁸ CSO participation is established as “a valuable and significant means of including social actors in efforts to bring about economic and social development and attain good governance” through the Summit process and multiple declarations of the Summit have recognised civil society’s important role and made commitments to creating greater opportunities for engagement with civil society.³⁹ As an example, at the 2009 Summit in Port of Spain, Trinidad and Tobago, it was agreed that encouraging the participation of citizens, communities and civil society in the design and execution of development policies and programmes, as well as providing technical and financial assistance and strengthening and building their capacity to participate more fully in the inter-American system, should be continued by the OAS.⁴⁰

C. UN Economic and Social Council (ECOSOC)

The UN Economic and Social Council (ECOSOC) is a key UN body that has a formal framework for engagement with NGOs.⁴¹ The formal process grants consultative status to NGOs and this gives them the right to participate in relevant international conferences at the UN, as well as meetings of the preparatory bodies of these conferences.⁴²

³⁷ *Ibid.*, p. 30.

³⁸ *Ibid.*, p. 29.

³⁹ *Ibid.*, p.30.

⁴⁰ *Ibid.*, pp. 31-32.

⁴¹ ECOSOC, Working with ECOSOC, and NGOs guide to Consultative Status, p. 6. Available at: <http://csonet.org/content/documents/Brochure.pdf>.

⁴² UN Division for social policy and Development, Strengthening civil society engagement at the UN. Available at: <https://www.un.org/development/desa/civil-society/2016/02/17/strengthening-civil-society-engagement-at-the-un/>.

Since its inception in 1945, ECOSOC has granted roughly 4,200 NGOs consultative status.⁴³ The relationship between ECOSOC and civil society is reciprocal and allows the Council to hear from organisations with expertise in important fields, while also allowing them to express their views on the international stage.⁴⁴

The granting of consultative status to NGOs is governed by ECOSOC Resolution 1996/31 which “outlines the eligibility requirements for consultative status, rights and obligations of NGOs in consultative status, procedures for the withdrawal or suspension of consultative status, the role and functions of the ECOSOC Committee on NGOs, and the responsibilities of the UN Secretariat in supporting the consultative relationship”.⁴⁵

Article 13 of Resolution 1996/31 lays out the formal requirements for NGOs to be granted consultative status:

An NGO must have been in existence (officially registered with the appropriate government authorities as an NGO/non-profit) for at least two years, must have an established headquarters, a democratically adopted constitution, authority to speak for its members, a representative structure, appropriate mechanisms of accountability and democratic and transparent decision-making processes. The basic resources of the organization must be derived in the main part from contributions of the national affiliates or other components or from individual members.

ECOSOC underlines the importance of democratic principles and transparency and stresses the need for NGOs seeking consultative status to be in line with the “spirit, purposes and principles of the Charter of the United Nations”.⁴⁶

There are three types of consultative statuses that may be granted by ECOSOC. The first is ‘General’ consultative status, which is reserved for large, established, international NGOs. The second, called ‘Special’ consultative status, is granted to NGOs with specialised expertise in certain areas of activity covered by ECOSOC. The third is ‘Roster’ status, which is granted to NGOs that do not fit into the other categories and generally have a narrow/specific focus to their work.⁴⁷ Once an organisation is granted consultative status and is in good standing with ECOSOC it may participate in a variety of events including ECOSOC’s regular sessions and those of its commissions and other subsidiary bodies, such as the Commission on the Status of Women or Commission on Sustainable Development, most of which take place at least once a year.⁴⁸ At those sessions, NGOs may submit prior written statements, make oral statements, meet and engage with other official or NGO representatives, organise and attend parallel events, and participate in debates, interactive dialogues, panel discussions and informal

⁴³ *Ibid.*

⁴⁴ ECOSOC, Working with ECOSOC, and NGOs guide to Consultative Status, note 41, p. 6.

⁴⁵ ECOSOC, Resolution 1996/31, Consultative relationship between the United Nations and non-governmental organizations, 25 July 1996. Available at:

<http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>. See also UN, Consultative Status with ECOSOC. Available at: <http://www.un.org/esa/coordination/ngo/about.htm>.

⁴⁶ *Ibid.*, Article 2.

⁴⁷ UN, Consultative Status with ECOSOC, note 45.

⁴⁸ ECOSOC, Resolution 1996/31, note 45, pp. 11-12.

meetings.⁴⁹ The extent of these activities, however, may differ from body to body and is dependent on the kind of consultative status the NGO has. For example, NGOs with general status may submit written statements of a maximum of 2,000 words, while those with special consultative status have a maximum of 500 words.

Importantly, ECOSOC's consultative status allows accredited NGOs to have observer status in sessions of the UN Human Rights Council, a body which is not a subsidiary of ECOSOC. To do this, an NGO with consultative status with ECOSOC must send a letter of request for accreditation to the Council.⁵⁰

D. World Bank

The World Bank Group (World Bank) engages with civil society through strategic communications, by building understanding and support for the Bank's goals, convening dialogue opportunities between the Bank and civil society, and facilitating access to relevant Bank units.⁵¹ In general, the World Bank interacts with two types of NGOs: *operational NGOs* that primarily engage in the design and implementation of development-related projects, and *advocacy NGOs* whose main activities centre around defending or promoting specific causes and trying to influence World Bank policy and practice to those ends.⁵²

The body responsible for overseeing the World Bank's CSO engagement is the Global Civil Society Team. Its mandate involves looking for organisations that "have a presence in public life, express the interests and values of their members and others, based on ethical, cultural, political, scientific, religious or philanthropic considerations," and then engaging with those CSOs through "information sharing, policy dialogue, strategy consultation, operational collaboration, and institutional partnerships".⁵³

With respect to policy dialogue and consultations, the World Bank has seen a rise in the participation numbers of CSOs attending both their spring and annual meetings. Notably, the Civil Society Policy Forum (CSPF) is held jointly with the International Monetary Fund (IMF), which takes a similar approach to CSO engagement, and also stresses the importance of transparency and fostering a dialogue with CSOs.⁵⁴

The CSPF is the main CSO engagement event, and is held annually just before the Spring Meetings of the Bank and the IMF. The CSPF provides a space for dialogue and an exchange views with the World Bank and IMF, as well as other CSOs, government

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, p. 18.

⁵¹ World Bank, Civil Society. Available at: <http://www.worldbank.org/en/about/partners/civil-society>.

⁵² Duke University Libraries, Non-Governmental Organizations (NGO): IGO-NGO Cooperation. Available at: <https://guides.library.duke.edu/c.php?g=289595&p=1930435>.

⁵³ World Bank, Civil Society, note 51.

⁵⁴ World Bank, Civil Society, note 51, and IMF, International Monetary Fund FactSheet: The IMF and Civil Society Organizations. Available at: <http://www.imf.org/external/np/exr/facts/civ.htm>.

delegations and other stakeholders on a wide range of topics. CSO representatives wishing to attend need to obtain accreditation which is done online. An initial review of applications to ensure that the applicants represent CSOs involved in international development policy operations and/or relevant work is done by the Civil Society Team. Then, a second review is done by the Executive Directors office based in the country where the CSO is based or mainly operates, or of the nationality of the requester. This is done within eight days at which point representatives are notified via email of the final decision. At the CSPF, CSO representatives can take part in a roundtable with World Bank Executive Directors and attend approximately 40 policy dialogue sessions that are predominantly CSO-organised.⁵⁵ The IMF and World Bank also make a commitment to continuing to modernise and improve the CSPF and, to that end, holds a final CSPF feedback session on the last day of the forum⁵⁶ and conducts a post-CSPF survey, the results of which are reviewed and published.⁵⁷

Operational collaboration and institutional partnerships between the World Bank and CSOs have continued to grow. By 2015, “project development of CSOs in Bank financed projects...increased from 21% in 1990 to 88%”.⁵⁸ The increased involvement of CSOs in World Bank funded projects and initiatives serves to demonstrate the trend toward increased collaboration between the World Bank and CSOs. CSOs and their representatives continue to be given a more substantial role in World Bank governance, including providing input on allocation of resources for projects and serving on multiple advisory bodies within the Bank.

In the most recent review of its civil society engagement practices, the World Bank highlighted its many efforts to continue to expand engagement at all levels. Between 2010 and 2012, a Civil Society Consultative Group (CSCG) on Health, Nutrition, and Population was created to provide mechanisms for dialogue related to health policy and programming, CSOs were actively engaged on matters related to the Bank’s environment and climate change programmes, and the Bank entered into a number of partnerships and conducted joint training working with CSOs on data collection, open data and project geo-mapping initiatives to aid with project monitoring, and disaster recovery. Also, significant efforts were undertaken to include CSOs in the decision-making processes of two large grant-making mechanisms, namely the Global Agriculture and Food Security Program, and the Global Partnership on Social Accountability.

4. Practices of the League of Arab States

⁵⁵ World Bank, Civil Society, note 51.

⁵⁶ World Bank, *Civil Society Policy Forum: Guide for Participants: October 10-13, 2017*, p. 4. Available at: <http://pubdocs.worldbank.org/en/398441507162124220/17AM-CSO-Participants-Guide.pdf>.

⁵⁷ World Bank, *Civil Society Policy Forum: Summary of CSO Registration & Post-CSPF Survey Results*. Available at: <http://pubdocs.worldbank.org/en/999171509575665176/AM17-CSPF-Data-and-Survey-Results.pdf>.

⁵⁸ The World Bank, Civil Society, note 51.

The LAS has a long way to go in terms of developing robust engagement policies and practices with CSOs in comparison to IGOs from other regions of similar size and mission. For civil society to be able to engage meaningfully, the League will have to become far more open and transparent, and introduce significant reforms to its internal procedures so as to ensure genuine consultation. It has been noted that even when CSOs have managed to engage somewhat closely with the League – such as during the crises in Darfur and Syria – there was neither a regular forum for CSO engagement nor a clear policy for how to engage. In addition, some LAS bodies have guidelines that display an antagonistic attitude toward civil society.⁵⁹

The Charter of the League of Arab States (League Charter), adopted on 22 March 1945, states, at Article 2, that the purpose of the LAS is to strengthen relations between Member States, to coordinate their policies in order to support co-operation, to safeguard their independence and sovereignty, and to promote cooperation on economic and financial matters, communications, cultural affairs, and social and health programmes, among other things.⁶⁰ In 2002, the LAS established a Civil Society Organizations Department that is supposed to serve as a point of contact between civil society organisations and the organs and mechanisms of the Arab League.⁶¹ According to the LAS, its Secretariat is working to expand cooperation and coordination with Arab NGOs, to develop strategies for partnership and strengthening its institutional capacities, to sensitise Arab societies to the role of civil society, and to create a wide network of CSOs active in the Arab region and facilitate interaction and cooperation between them.⁶²

The LAS's growing interest in this subject was reflected in several initiatives introduced by the former Secretary-General of the LAS, Amr Moussa, in 2002, which included the creation of the post of Commissioner of the Secretary-General for Civil Society. Several prominent Arab figures were appointed to this post, such as Taher al-Masri. It was later developed into the Envoy of the Secretary General to Civil Society, a post which was filled by Ambassador Nancy Bakir, then Ambassador Haifa Abu Ghazaleh. A department was also established for civil society affairs as part of the restructuring of the Secretariat and the development of the Joint Arab Action system.⁶³

Resolution 280 on the development of the Economic and Social Council, adopted at the Arab Summit held in Tunis on 23 May 2004, approved "the attendance of Arab civil society and non-governmental organizations, and civil society federations accredited to Member States, as observers at the sessions of the Council and its committees at the invitation of the Secretariat and in according with controls established by the Council

⁵⁹ Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, November 2015, pp. 4-5. Available at: <https://www.opensocietyfoundations.org/reports/league-arab-states-human-rights-standards-and-mechanisms>.

⁶⁰ Charter of the League of Arab States, 22 March 1945. Available at: <http://www.refworld.org/docid/3ae6b3ab18.html>.

⁶¹ LAS, Civil Society. Available at: <http://www.lasportal.org/en/Pages/default.aspx>. [Arabic only].

⁶² *Ibid.*

⁶³ Available at: <http://www.lasportal.org/ar/civilsociety/Pages/default.aspx>

and the Secretary-General". Accordingly, the Economic and Social Council approved the criteria and controls by which civil society organisations could participate in its sessions as observers by virtue of Resolution 1540 during the Extraordinary Session held on 6 January 2005. These criteria and controls were also included in the amended rules of procedure of the Economic and Social Council.

However, in practice there is very little interaction with CSOs. The relationship as gleaned from the goals set by the LAS appears to be one-way and rather hierarchical. The Arab Economic and Social Development Summit (January 2013, Riyadh), in activating the role of Arab civil society organisations, called on Member States to continue their efforts to attain a partnership between governments and civil society organisations, particularly in the process of economic and social development. It also called on civil society organisations to put forward more initiatives in the fields of social development and humanitarian assistance, thus contributing to more sustainable development in the Arab region.⁶⁴ In reality, there is no real partnership between governments and civil society organisations in most Arab countries. Civil society organisations are cautious about openness towards the Arab League, an indication that trust remains fragile between the two sides.

Calls to reform the Charter to include human rights protections have been longstanding and increased following the Arab Spring in 2011. That year, a reform process began that provided a rare opportunity for civil society engagement. CSOs mobilised quickly and acted in a coordinated and unified manner to make their recommendations for reform known to the League through sending private and public letters to relevant officials and engaging in direct advocacy through meetings with representatives of member States. The reform process led to the establishment of four committees for reform, including one on popular participation in the Arab League.⁶⁵ A final draft of proposed amendments to the Charter included many important amendments, such as a provision protecting human rights. However, these amendments have still not been adopted.⁶⁶

The top LAS body is the Council of Arab States, which consists of representatives from Member States that make decisions and formulate policy at the highest level when they meet during Arab League Summits, held once a year. The next level of decision-making happens during the meetings of the Council of Ministers of Foreign Affairs, which occur twice a year in March and September.⁶⁷ Ongoing decisions are made by the permanent representatives to the League. Major regional policy decisions are also taken at the Development, Economic and Social Summits that happen every two years, as well as the Arab-African and Arab-South American Summits that are held occasionally. The League also has a Permanent Committee on Human Rights that holds sessions twice a year and a Human Rights Department that provides the Committee with technical support such as preparing reports and agenda setting. The League structure also includes 13 Ministerial Councils specialising in a number of areas that have their own internal

⁶⁴ LAS link: <http://www.lasportal.org/ar/civilsociety/Pages/default.aspx>

⁶⁵ Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, note 59, pp. 15 and 30-31.

⁶⁶ *Ibid.*, p. 15.

⁶⁷ *Ibid.*, pp. 20-24.

regulations, meet regularly to make decisions, and adopt policies that may be put on the agenda for consideration and agreement by the Arab League Council.

CSO have no direct access to the Summits. They also cannot attend any of sessions held by the Council of Ministers of Foreign Affairs, and neither body publicly releases its agenda in advance.⁶⁸ On at least three occasions, however, CSOs have made attempts to influence Summit agendas and discussions by holding parallel forums. These took place in Beirut in 2004,⁶⁹ Rabat in 2006⁷⁰ and Cairo in 2009.⁷¹ Like the League Council, Ministerial Council meetings are also closed and agendas are not released prior to the meetings.⁷²

Arrangements at the Permanent Committee on Human Rights are better and CSOs are able to attend the sessions of the Committee if they obtain non-consultative observer status. On the basis of a Palestinian proposal submitted to the Arab Permanent Committee on Human Rights at its 32nd session in 2012, the Committee decided to grant human rights organisations that have observer status with it the right to make comments on each agenda item before a decision on it is taken. The Committee also accepted the recommendation that observer organisations may submit proposals for inclusion on session agendas two months prior to a Committee session. If the proposal is approved by one member of the Committee at the beginning of the session, it shall be included as an item in the draft agenda.⁷³

With these amendments, there was a theoretical change in the role of civil society organisations that have observer status, but these changes have not been reflected in practice in the work of civil society organisations which have, for example, refrained from putting forward proposals for the agenda. In addition, as of January 2015, only 23 organizations from 12 Arab countries have applied because of criteria that are based on often restrictive national association laws in some Arab countries, and because the organisations that did attend these sessions did not sense a real ability to influence governments given the sensitivity of representatives of Arab governments when it comes to dealing with internal human rights issues in countries in the Arab World. In addition, the Permanent Committee is a technical committee of the Secretariat that issues recommendations but lacks decision-making power. Moreover, participants in its sessions are not independent members but rather follow the respective governments in their countries.⁷⁴ CSOs who attend have limited access to relevant documentation and deliberations.

⁶⁸ *Ibid.*, p. 22.

⁶⁹ CIHRS, *Second Independence: Towards an Initiative for Political Reform in the Arab World*, 2004. Available at: <http://www.cihrs.org/?p=4722&lang=en%5D>.

⁷⁰ CIHRS, *The Final Statement of the Second Civil Forum Parallel to the Arab Summit*, 2006. Available at: <http://www.cihrs.org/?p=5758&lang=en%5D>.

⁷¹ APHR, *Parallel conference of Arab Summit*, 2010. Available at: <http://aphra.org.eg/en/?p=32>.

⁷² Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, note 59, p. 26.

⁷³ See link: <http://www.wattan.tv/news/10130.html>

⁷⁴ Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, note 59, p. 30-31.

With respect to the Development, Economic and Social Summit, there are no formal mechanisms for CSO engagement. However, decisions taken at these Summits have included statements that support and encourage civil society's involvement on economic, social and development issues in the Arab region. CSOs have tried to capitalise on this by engaging in advocacy to change the format of this forum to directly include them, so far without success.⁷⁵

The Arab Parliament, another LAS body that was established by treaty, has no mechanisms whatsoever in place for dialogue with CSOs. There may be room for advocacy to create appropriate mechanisms by appealing to national level Members of Parliament who are also members of the Arab Parliament.

There are two Arab world bodies, however, that have relatively better practices with respect to CSO engagement. The first is the Arab Human Rights Committee, a body made up of seven independent experts created by Article 45 of the Arab Charter on Human Rights⁷⁶ that oversees implementation of the Charter. This Committee encourages any CSOs to submit parallel reports and may itself invite any individual organisation to attend its discussions. In addition, when the Committee holds dialogues with State parties to discuss their reports, it also holds independent closed session dialogues with any CSOs that submitted parallel reports. The second body that has demonstrated more openness and engagement with CSOs is the Arab League General Secretariat, and for this reason it is the body to which CSOs have appealed and directed their efforts to obtain better engagement policies. The General Secretariat implements the resolutions and action plans adopted by the Council of Ministers of Foreign Affairs and organises sessions for the LAS inter-governmental bodies, such as for the Permanent Committee on Human Rights, which are usually accessible only to CSOs with observer status with that body.⁷⁷ However, the Secretariat is not itself limited to making contact with those CSOs and will frequently convene meetings to which it can invite any CSO.

The Arab NGO Network for Development (ANND), based in Beirut, has organised a number of parallel forums in preparation for different rounds of the Development, Economic and Social Summits. A forum was organised prior to the 2009 Summit in Kuwait⁷⁸ and again ahead of the 2011 Summit in Cairo.⁷⁹ In conjunction with the UN Economic and Social Commission for West Asia (ESCWA), the Arab Organization for Administrative Development (ARADO) and the Dag Hammarskjöld Foundation, ANND

⁷⁵ *Ibid.*

⁷⁶ Adopted 22 May 2004, entered into force 15 March 2008. Available at: <http://hrlibrary.umn.edu/instreet/loas2005.html>.

⁷⁷ Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, note 59, p. 61

⁷⁸ *Ibid.*, p. 36, citing ANND, Regional meeting for civil society in preparation for the Arab Development, Economic and Social Summit, Press Release, 8 January 2013.

⁷⁹ E-joussour Maghreb/Machrek Civil Society Portal, Open Invitation, January 6 and 7, 2011 - Regional Forum on Economic and Social Rights in Light of Global Crises, 3 December 2010. Available at: <http://demo.e-joussour.net/fr/node/6884>.

organised an Arab forum in July 2014, ahead of the 2015 Summit⁸⁰ in Tunisia (which was postponed to 2016). The CSOs involved have always invited representatives from the League to their parallel forums with the objective of discussing the Summit agenda and making appeals for greater participation. The following is an example:

The organization of a direct dialogue between the institutions of the Arab League and representatives of local, national and regional representatives of civil society organizations in the Arab region with the participation of the United Nations, in order to discuss the mechanisms that lead to the formation of a framework of institutional dialogue, cooperation and partnership. ...

[W]e call upon the leaders and presidents meeting at the summit to do an invitation to a high-level meeting held one year later and devoted to the social issue in Arab countries. Its recommendations should be submitted to the Third Economic and Social Summit held after two years and the following summits should stay committed to the balance between the social and economic dimensions.⁸¹

Civil society advocacy has made some impact, at least on paper, over the years. In 2004, a communiqué issued by the Council of the LAS at the Summit held in Tunis stressed the importance of NGOs and other associations for achieving sustainable development and supporting joint Arab action. The Tunis Declaration that came out of that Summit also underlined the important role that CSOs have to play in shaping society for the future. In 2005, the Declaration of Algiers, issued by the Council of the LAS, stated that the process of allowing civil society in the Arab World to engage in development would continue and, in 2006, the Council of the LAS adopted the Khartoum Declaration, which again highlighted the importance of expanding CSO participation by modernising its institutions and proceeding with development and reform efforts.⁸²

In 2008, Resolution No. 433 of the Council of the LAS even went so far as to call for the General Secretariat to coordinate with Arab CSOs whose right it was to participate in the meetings of the Economic and Social Council, so as to play effective and influential roles.⁸³ In 2009, Resolution No. 15, which came out of the Development, Economic and Social Summit in Kuwait, again called for support to be provided to Arab CSOs at the regional and international levels and the Plan of Action coming out of that Summit stated:

Civil society plays complementary roles and parallel government efforts to achieve further development, which requires:

Enhancing the role of civil society institutions to assume responsibility towards society

Developing legislation in Arab countries to enhance cooperation between governments and civil society institutions.

⁸⁰ ANND, Regional Forum on Addressing social and economic inequalities: The need for a new development paradigm, 14 June 2014. Available at: <http://www.annd.org/english/itemId.php?itemId=72>.

⁸¹ ANND, Arab NGO Network for Development Progress Report 2011. Available at: www.annd.org/data/item/pdf/38.pdf.

⁸² *Ibid.*

⁸³ *Ibid.*

Exchange of successful experiences among civil society institutions.⁸⁴

There was another statement of support from the League in 2013, following the Arab League Summit in Saudi Arabia. This Summit produced the Riyadh Declaration in which the League explicitly expressed support for civil society participation in development and highlighted efforts to develop mechanisms for greater engagement.⁸⁵ This eventually led to the General Secretariat declaring 2016-2026 to be the Decade of Civil Society, the objective of the decade being to increase participation and cooperation with civil society and other stakeholders.⁸⁶ However, these statements have not been accompanied by concrete action, at least at the level of the League of Arab States, towards increasing engagement opportunities for CSOs.

5. Conclusion

In 2012, 37 human rights organisations from around the Arab World, in a memorandum to the Head of the Committee for the Development of Joint Arab Action, set out both the barriers to good relations between the League and CSOs and the key elements of a solution:

[O]ne of the main building blocks upon which reform in general should be built is to reform the relationship between LAS and civil society, whereas this relationship takes in a new trend. Indeed, it is inconceivable that LAS takes on a new role in democratic transition, support civil society claims in the same vein and also consult with civil society on some important matters without effecting a real change in the modality of its relationship with civil society, and set forth mechanisms and unambiguous criteria based on transparency, to ensure a permanent relationship with all the League's bodies.

Herein, LAS should amend its procedures in order to create a bona fide consultative status to civil society organizations. This status would guarantee that civil society would be able to deliver its perception to all LAS bodies, including the Summit, Council, various Ministerial Councils, the Economic and Social Council, the Parliament and the International Secretariat. To ensure all this, it is necessary that LAS reconsiders the norms granting consultative status (rather than observer status, as is the case now, which does not provide NGO's with the opportunity to make any interventions or express their views during the meetings). It is also imperative for the new standards to depart from the norms prevailing at present in order to allow active human rights NGO's (or NGO's working in any other field) an opportunity to acquire this status without being subject to the approval of the State in question where the NGO is operating or stipulating that the said organization should be registered in accordance with domestic law. As you all know, a large number of Arab countries are widely restricting freedom of assembly and association in contravention to the

⁸⁴ League of Arab States – Civil Society. Available at:

<http://www.lasportal.org/en/civilsociety/Pages/default.aspx>. [Arabic]

⁸⁵ The International Center for Not-for-Profit Law, Civic Freedom Monitor: League of Arab States. Available at: <http://www.icnl.org/research/monitor/las.html>.

⁸⁶ Mervat Rishmawi, *The League of Arab States: Human Rights Standards and Mechanisms: Towards Further Civil Society Engagement: A Manual for Practitioners*, note 59, p. 37, citing the "Arab League begins drafting the 'Decade for Civil Society' Project", Yanair.net, September 2014.

obligations of the said countries pursuant to international law. It is noteworthy that the procedures in question are standard norms for granting consultative status within the United Nations and the African Union.

NGO's should also be allowed to attend official meetings and sessions of LAS bodies, to review the relevant material beforehand, and express their opinion and remarks about them. It is also necessary to devise mechanisms to ensure NGO's are heard on items on the agendas of various meetings.⁸⁷

Various organs of the LAS have made positive statements about the importance of engaging CSOs in the development process in general, and in the activities of the League in particular. It is now time to move beyond simply repeating those statements. The LAS now needs to take concrete action on this front. A good place to look to for guidance in this regard is the COE's Code of Good Practice for Civil Participation in the Decision-Making Process. Similarly, the League should look to the OAS Manual for Civil Society Participation for inspiration as to how it might craft its own procedural rules governing CSO registration and accreditation.

It is vital that the Arab League create real opportunities for civil society engagement if it wishes to improve its relationship with that social sector. Doing so would improve the policy-making process within the LAS, ease the process of implementing those policies and, very importantly, improve the credibility and stature of the organisation. In this way, the LAS can show leadership in the region, in the hope that, over time, its members will follow its lead. Below, we set out our specific recommendations for moving forward on this issue.

Recommendations for Reform

The following recommendations represent a general outline of the steps we believe the LAS needs to take to move forward in terms of engaging civil society.

1. Consulting about Consulting

As a first step, the LAS should put in place a framework for reaching out to Arab civil society to discuss the steps that could be taken to improve engagement opportunities for them. This should respect the following:

- The process should be one of partnership in the COE levels of participation, with the aim of the LAS working closely with civil society at least in terms of exploring options for a strong engagement framework.
- The process should be iterative in nature, with a series of steps building from brainstorming to concrete recommendations for reform.
- The process should be as transparent as possible, with civil society given insight into internal LAS thinking as the discussions take place.

⁸⁷ *Memorandum on the Development of Joint Arab Action presented by 37 Human Rights Organizations*, 20 March 2012. Available at: https://eipr.org/sites/default/files/pressreleases/pdf/arab_ngos_memorandum_development_of_league_of_arab_states_english_march2012.pdf.

- The LAS should make a commitment at the front end of this process to substantially revise its current approach to civil society engagement and, as part of that, to adopt a new policy or policy framework for this.
- Consideration should be given to creating a new, dedicated structure within the LAS to lead on this process, in an attempt to build trust with CSOs and to overcome previous tensions within the relationship.

2. Access to Information

Transparency is key to building trust, to facilitating any form of real engagement and to moving forward in any meaningful way in this area. The LAS should commit to far greater levels of openness than it has hitherto practised. Over time, it should adopt a dedicated information disclosure policy. In the meantime, it should at least start to disclose the following:

- LAS organs should publish, sufficiently in advance to be useful, the agendas of their key meetings, such as the Summit.
- They should also publish, again appropriately in advance, key background documents relating to matters that are going to be discussed on the agenda, subject only to legitimate grounds for secrecy, such as national security.
- Full advantage should be taken, when publishing information, of modern communications technologies, including the website, for example by creating dedicated information disclosure pages and portals.

3. Accreditation

Part of the approach to engagement with civil society should be to bolster the current observer status system into a consultative status approach, along the lines of other IGOs. When undertaking this transition, the following principles should be observed:

- The process of obtaining status should be streamlined and insulated from political or other irrelevant considerations. Status should be given to any organisation which meets the formal conditions for this, including by engaging in activities which reach a threshold level of relevance to the work of the LAS and committing to respecting certain standards.
- Consideration should be given to creating different levels of status, as at ECOSOC, so as to tailor this appropriately to the work and needs of different CSOs.
- To the extent possible, the grant of status should either apply directly to a full range of LAS bodies particularly those dealing with human rights and economic and social development, or be able to be used to obtain status easily with other bodies (as is the case with ECOSOC and the Human Rights Council, within the UN system).
- Status should give CSOs a broad range of engagement rights, and not merely the right to attend and listen to official actors.

4. Other Issues

Beyond formal accreditation, the LAS should consider a number of other modalities for supporting civil society engagement. This should include:

The Centre for Law and Democracy is a non-profit human rights organisation working internationally to provide legal expertise on foundational rights for democracy

Improving Civil Society Engagement at the League of Arab States

- Providing financing and other forms of support (such as training) for CSO engagement both before the LAS and in other contexts.
- Creating specific forums for civil society engagement, for example along the lines of the World Bank/IMF CSPFs.
- Creating a number of engagement options beyond full accreditation, such as applying on an *ad hoc* basis to attend a particular meeting, series of meetings or body, or working with the LAS to deliver policies (for example through service provision or other programmatic work).