

Civil Society Dialogue Network

Middle East and North Africa: The Role of Civil Society in Institutional Reform

Key Recommendations

This document gathers some of the key recommendations made by participants at the CSDN meeting 'Middle East and North Africa: The Role of Civil Society in Institutional Reform' held on 1 December 2011 in Brussels, and collated by *rapporteur* Laura Davis. The meeting was held under the Chatham House Rule; the following recommendations may not be attributed to any participating individual or institution, nor do they necessarily represent the views of the organisers.

Panel 1: The EU's Response to Events in the MENA Region: An Overview

Participants recommended that the EU:

- Should not support stability at the expense of democracy. The events of the Arab Spring demonstrate that this approach is counter-productive (as well as being ethically questionable). In light of this, the EU should assess the impact of its past funding and policies towards the region, including the Southern Mediterranean Partnership.
- Adopt a consistent approach, which prioritises anti-corruption, ensures meaningful engagement on human rights and democracy, and includes extending democracy promotion to the Gulf and Saudi Arabia.
- Be flexible enough to respond to the uncertainties in the region, including having a mechanism for dealing with those previously labelled as 'terrorist' or 'radical'.
- Support economic development in light of the economic crises developing across the region.

Participants recommended that the EU support democratisation in the region by:

- Developing meaningful and long-lasting civil society support and consultation in all levels of engagement by supporting civil society directly as opposed to funding them via the governments.
- Supporting and facilitating dialogue between state authorities and civil society, including where possible requiring state authorities to consult civil society in a meaningful manner and conditioning support to governments such as the SPRING programme on their cooperation with civil society (for example by building civil society involvement into all support provided to government).
- Assessing state/civil society dialogue through the use of indicators which take the context into account, including factors such as: the regulatory framework in which NGOs operate; the extent of freedom of association; the persecution of human rights activists and watchdog organisations; freedom of the media; the influence of consultations on policy and practice.

Participants recommended that civil society organisations:

- Seek to be inclusive and representative, particularly of young people who make up a sizeable part of or even majority of the population in many countries in the region.
- Present their demands to governments in such a way that the EU can also hear these demands.

Panel 2: Civil Society and Reform of Law Enforcement Agencies

Participants recommended that institutional reform initiatives supported by the EU, civil society organisations or EU-based NGOs:

- Be context-specific; inclusive, whereby particular attention should be paid to marginalised groups; conflict-sensitive; be based on the rule of law and human rights; and result in agencies which defend human rights.
- Engage CSOs which have a key role to play in pushing for and informing reform processes, representing all groups in society, contributing to local ownership and accountability and ensuring application of international standards.
- Are driven by a shared vision (from the security forces and population) of the role of the security agencies in society and are understood as long-term processes which do not yield 'quick wins'; it is therefore important to support participatory processes which allow all citizens to contribute to the ideas for the future of the country. This should be prioritised over technical reform and the ideas developed should be used to inform technical assistance.
- Include reforming the justice sector as well as other security institutions as without a functioning justice sector new laws and reforms will not be implemented and enforced;
- Acknowledge the human side of institutional reform, by creating space and providing support for reformist officials within institutions and addressing problems faced by police officers (such as lack of resources and low salaries) which make them susceptible to corruption.

Participants recommended that the EU:

- Use 'smart design' to develop a new framework for its relationships in MENA: engaging with civil society as equal partners and developing a smart way of designing policies and operational steps together with partners in the region.
- EU Member States should stop exporting arms to unstable situations; the Code of Conduct on Arms Exports should be legally binding, and the EU could take the lead at the UN level in the process of developing an Arms Trade Treaty with teeth.
- Combine technical assistance to police reform (e.g. interviewing techniques without using torture) with conditions under More for More as well as incentives (e.g. Free Trade Agreement) to generate political will within the police to genuinely reform.
- EU Member States could support the emergence of an independent business class and the disentanglement of the military from the economy by not awarding contracts to businesses connected to undemocratic regimes.

Participants recommended that the EU and EU-based NGOs:

- Find ways to engage with all parts of society, not just civil society elites, as the protest movements were led by people outside traditional civil society structures.

Participants recommended that civil society organisations:

- Use the opportunity of the new constitutional review processes to debate the vision for the future role of the security services in the societies in the region, to push for more control over the security forces, the independence of the judiciary and for guarantees of citizens' rights.
- Develop cooperative strategies for working with the security institutions and not only act as watchdogs or protest movements (Morocco, Tunisia).

Panel 3: Civil Society's Role in Reform and overall Governance of the Security Sector

Participants made the following recommendations:

- Civil society organisations should share experiences with CSOs in other countries which have had transitional justice/national reconciliation processes. Each situation is different, but there are experiences (positive and negative) to draw on.
- National reconciliation includes reconciling the people with each other, with the state, and with the past; regional reconciliation involves improvements in relationship between countries and peoples within a region. National reconciliation and reform processes must be inclusive, which will require empowering women to participate.
- Reforming the judiciary and separating the executive, legislative and judiciary are important for transitional justice. However, those with power do not just leave but may set up a dangerous parallel state. A realistic assessment of how far reform is feasible is crucial.

Participants recommended that the EU:

- Member States should apply the provisions for conditionality on human rights grounds in their relationships in the region, support civil society monitoring of these conditions, and act accordingly.
- Consult widely with civil society via the delegations in programming the Neighbourhood Civil Society Facility and encourage tripartite consultations between the EU, civil society and the government concerned.
- Be fully transparent in its dealings with the government, so that civil society can prepare for engagement rather than be presented with a *fait accompli* by the government.

Participants recommended that EU-based NGOs:

- Recognise the strength and expertise of civil society across the region, seek to engage with civil society without being condescending and defer to regional civil society in their engagements in the region. Where requested – for example in the case of Libya – help civil society organisations develop their capacity in order to be able to develop, fundraise for and implement good projects meeting the needs of the community.

Participants recommended that civil society organisations:

- Take the initiative to engage with the EU (via the delegations) in developing new ENP Action Plans in the region, and participate in the implementation and monitoring of the Action Plans.

Panel 4: Civil Society's Role in Institutional Reform (by country: Libya, Tunisia, Egypt, Jordan, and Morocco).

Participants recommended that:

- EU delegations should host meetings – possibly under the CSDN - with a wide range of civil society in-country to consider in depth the needs and civil society recommendations for EU policy in each country.

The recommendations from each working group are listed by country. Participants felt that many of the recommendations from other countries were also relevant for their own and so did not repeat them. The following recommendations should not therefore be read as solely applicable to the country named.

Libya

- Libyan civil society organisations are very new and need funding and technical support (including resources and training) to create strong CSOs which implement good projects.
- There is a need for a database of CSOs across the country, and for developing links between CSOs in the east and west.
- International NGOs tend to work with the same partners; they should rather work with a broad range of CSOs.
- Women's rights and empowerment is a very pressing issue.
- Transitional justice and reconciliation are important questions; the kind of mechanisms/approaches that would be most suitable are under discussion
- Civil society, the government, the EU and other international actors have to develop a strategy for disarming civilians and addressing the proliferation of weapons as a priority; incentives (e.g. scholarships, work) need to be provided to disarm revolutionaries.

Tunisia

- A thorough assessment of the needs of civil society organisations, and a strategy to support strengthening civil society is needed to ensure that Tunisian civil society can provide a balance to the conservative discourses around politics and the role of tradition and religion in the state;
- There is a pressing need to reform the police and education system including raising awareness of citizenship and rights.
- The media also needs reform as it appears to support those in power.

- The EU should establish a budget line or facility to support entrepreneurship, as this is lacking in Tunisia and could have a positive impact on economic development.

Egypt

- The EU should support civil society, including through helping to guarantee a safe environment for NGOs to work in, and pushing for a new regulatory framework.
- The EU should be stronger in conditioning its aid.
- The EU could help raising awareness and understanding in Egypt of the EU institutions, and the roles of the different EU institutions and Member States.

Jordan

- The EU should support mapping of civil society to help identify who is doing what and to clarify the confusion between traditional civil society structures and civil society more broadly. This should be a continuous process which is regularly updated.
- The EU should engage directly with civil society and start fresh dialogue with civil society in parallel to negotiations with the government, and then bring government and civil society together later in the process.
- The EU should support new social media initiatives to engage young people.
- EU-based NGOs can support Jordanian civil society organisations by exchanging information and experience (especially with Eastern Europe), engaging in twinning and joint projects which would be mutually beneficial and a two-way learning process. These processes should be based on mutual learning as there is much that European civil society could learn from civil society in the MENA region.
- Civil society activists should be included as a category to benefit from increased mobility between MENA and the EU.
- The EU should bring civil society organisations to the table as independent, equal partners that participate in programming from A to Z: design, implementation, monitoring and evaluation.
- EU and EU based NGOs should raise awareness of international human rights standards and best practice in Jordan where the legislative environment is detrimental to NGO activity.

Morocco

In broad policy terms, the EU should:

- Support the outcome of the elections and ensure that the cabinet has real executive power.
- Move away from the predominantly positive perception of Morocco to a more realistic view that recognises the shortcomings in the political context.
- Only meet with formal representatives of the cabinet and parliament and not informal, influential figures which could hamper democratic control of the security sector.

- Encourage the adoption of independent legal mechanisms to uphold the rule of law and human rights, including ensuring the independence of the new National Council of Human Rights.
- Increase financial support on condition of democratisation and the implementation of the distributions of power and the independence of the judiciary, as stated in the new Constitution.
- Encourage the Moroccan authorities to implement the recommendations of the truth commission report of 2004 and to pursue gender equality through the implementation of the 2003 Family Code.
- Enhancing criminal justice and addressing corruption within state institutions.

In relation to engaging independent civil society, the EU should:

- Encourage an independent media and free speech by supporting and meeting independent journalists.
- Create a formal process through which civil society actors are consulted when EU representatives deal with government authorities and encourage dialogue between the state and civil society.
- Reach out to civil society in Arabic and have regular and institutionalised meetings with civil society actors in different fields.
- Raise important environmental issues by supporting awareness-raising campaigns and projects, and by encouraging Moroccan authorities to make environmental concerns a state priority.
- Support capacity building of civil society through the financial instruments.

Regarding security sector reform, the EU should:

- Call for the security institutions to be controlled by the parliament and formal institutions of the state.
- Ensure that an independent Ministry of the Interior has the legal and administrative control of the secret agencies and push for civilian monitoring of the military and secret services.
- Encourage the Moroccan authorities to remove the secret agencies from the judicial police as this gives them de facto immunity under the new Constitution.
- Address corruption in the military and push for a disengagement of the military from business and the economy.
- Support reform initiatives from within the military institutions through training for officers.

Civil Society Dialogue Network

The Civil Society Dialogue Network (CSDN) is a three-year project funded by the European Commission aimed at facilitating dialogue on peacebuilding issues between civil society and EU policy makers. It is managed by the European Peacebuilding Liaison Office (EPLO). For more information please visit the [EPLO website](#).