



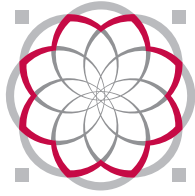
UNDERSTANDING ACCOUNTABILITY

Mutual Accountability Manual on Roles
of Various Stakeholders in the
**2030 AGENDA FOR SUSTAINABLE
DEVELOPMENT**



annd

Arab NGO Network for Development
شبكة المنظمات العربية غير الحكومية للتنمية



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The Arab NGO Network for Development (ANND) is a regional network, working in 12 Arab countries with nine national networks and 23 NGO members. THE Networks work focuses on Social and Economic Rights in the Arab Region. ANND was established in 1997 and its headquarters is located in Beirut, Lebanon since 2000.

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FORWARD

Accountability is considered one of the fundamental principles of governance. Hence its absence has a negative impact on both the policies and activities, as well as on the officials and individuals that are targeted to implement it. A number of processes are connected to accountability that contribute in directing the routes toward the pre-agreed priorities and the desired objectives and goals. At the top of these processes comes accountability. Hence holding officials accountable for their actions is one of the important tools that protect the rights of all parties concerned. When the authorities in charge of planning or executing have a growing sense of responsibility, the guarantees to carry out the appropriate planning in accordance with the desired priorities increases, and with proper implementation according to the adopted specifications and standards. In order for accountability to be achieved properly and be based on accurate and available data, it must be accompanied with exposure (in other words transparency) based on disclosure and access to information to all stakeholders. Hence the mechanisms of accountability on any particular issue are disrupted if the necessary data is not available even if at a minimum.

The absence of governance from the authorities concerned with the legislative and executive decisions and the bodies responsible for them leads to a waste of the resources and public property, keeping in mind that it is one of the citizen's rights. The absence of questioning in turn leads to lack of accountability which contributes to hindering of governance and the persistence of officials in violating these rights. This limits the control ability of the citizens, which is considered one of the tools of protecting their rights and part of their public responsibilities.

In terms of the triangular relations between donors on one side, and the bodies entrusted with the implementation process, governmental or non-governmental organizations on the other side, and the benefitting citizens on a third side, comes "the principle of mutual accountability" as an expression of the shared responsibility within the framework of participation in placing policies and facing developmental challenges. The principles of mutual accountability is considered one of the fundamentals of the effectiveness of development aids adopted in Paris in 2005, and the high-level conference in Busan / South Korea in 2011 re-emphasized on it as one of the basic principles of effectiveness of development. In commitment to the importance of accountability in the development process, the Secretary-General of the United Nations allocated in the document presented to the General Assembly in 2015 on sustainable development action plan for 2030, a chapter which focused on "monitoring and accountability mechanisms" in order for the implementing bodies to execute in the best ways and the most effective and at the least cost possible.

In the scope of its daily work in the field of control and accountability of the adopted national policies at the level of development, "the Arab NGO Network for Development," gives importance to questioning of developmental policies in terms of sustainability and its aspect on rights. This also includes the creation of an enabling environment for civil society to play this role in order to ensure access to the necessary information and ensure the independence, transparency and freedom of expression.

This guide is the result of a collective effort by the network to provide assisting tools for the civil society to play its role within the framework of accountability of the parties concerned with the developmental process, from the public sector as a key partner in the development process and its basic point of reference in the context of policy-making and ensuring the proper implementation and protection of the rights of the citizens, to the private sector as a partner who is supposed to adhere to international standards of human rights, and the donors who are committed to providing the necessary resources for the implementation of the development process and achieving the goals of civil society.

Regards to the experts and colleagues who participated in this effort for it to reach to the development partners

Beirut on March 22, 2016

Ziad Abdel Samad

Mutual Accountability Manual

Arab NGO Network for Development

This manual is published as a resource tool for civil society and development practitioners. It intends to play a useful role in their monitoring and advocacy in the development effectiveness process. It seeks to best inform their work towards enhancing the implementation of mutual accountability principles for different stakeholders, particularly in the post-2015 development framework.

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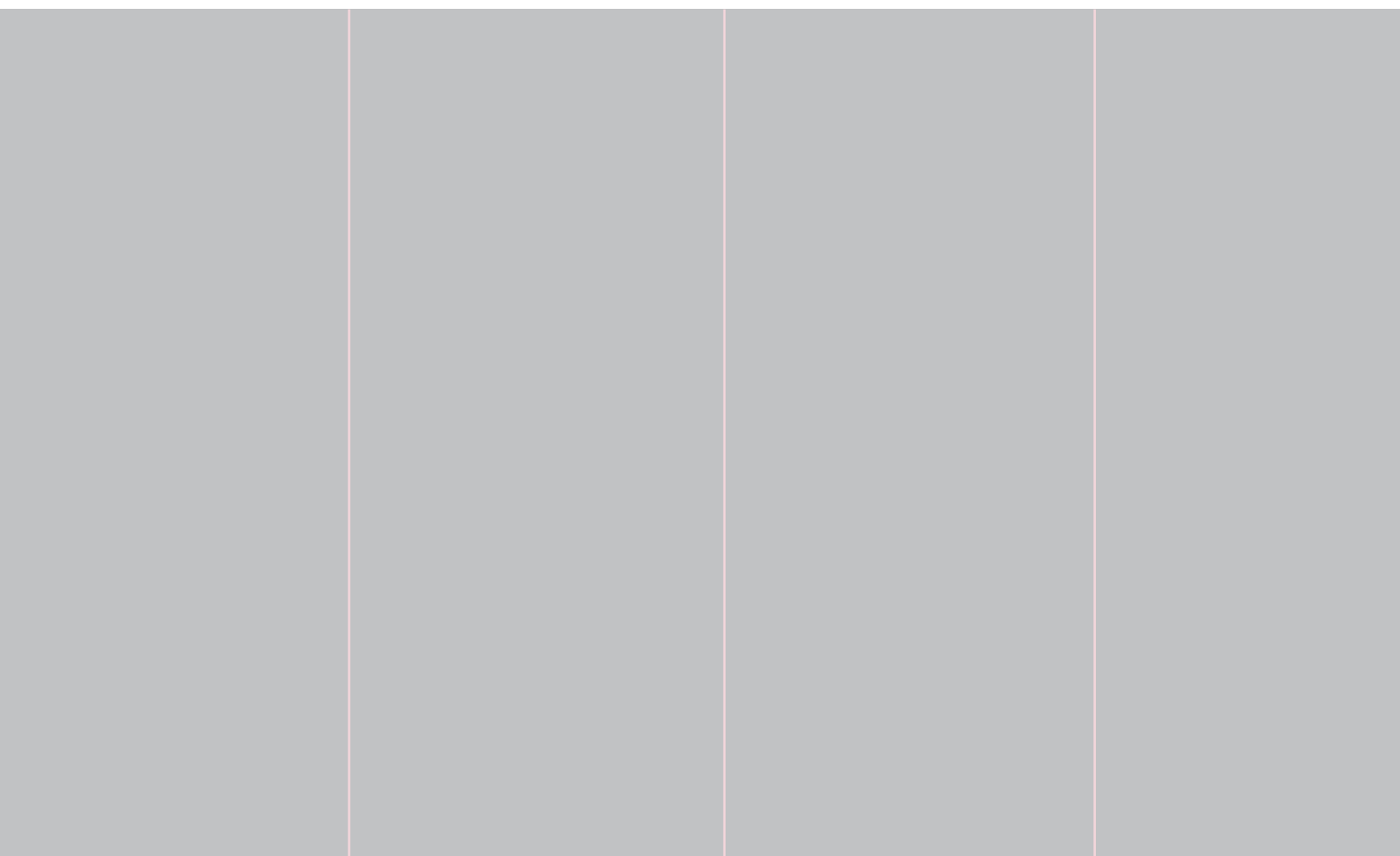
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Introductory Chapter



INTRODUCTORY CHAPTER

When the dust of the Second World War settled, Europe emerged as a sheer spectacle of rubble and desolation. Its subsequent reconstruction surfaced as a thorny issue, as nations looked back to the dramatic consequences of the punitive economic humiliation imposed on the defeated in the wake of World War I. With newfound tact, they decided the path to lasting peace was, from this point forward, relief and repair. The subsequent rebuilding of the continent was mainly financed by the United States of America (USA), and notably through the creation of the future Organisation for Economic Co-operation and Development (OECD). Reassured and inspired by success in Europe, governments realized on a new scale the power of economic interdependences. Further aspirations on the global stage started to be

considered, paving the way for a hitherto unseen era of cooperation.

Later on, with the monumental achievements of the reconstruction and the swift end of the Cold War in the early 1990's, aid started to be redirected towards the poorer countries of the South. This evolution was inherently linked with the rise of a new paradigm targeting development and the alleviation of poverty. Soon thereafter, donor countries and aid agencies realized that progress was slow, uncertain, and that the sending of aid was not efficient enough: it appeared imperative to ensure the maximum impact of aid through various mechanisms.

The concept of aid effectiveness was born and the notion of accountability became central.

ACCOUNTABILITY

Accountability, in general terms, denotes the set of effective operational mechanisms and practices destined to assign responsibilities, but also to monitor performance and allow the provision of results information. It is based on mechanisms to report on the usage of public resources and consequences for failing to meet stated performance objectives. Until recently, accountability has been designed as a one-way vertical relationship between the two parties involved: the donor remains in a position to demand accountability- to somehow buy compliance- to the recipient of aid for the use of resources that were allocated.

Thus, accountability can be encapsulated through two key components: answerability and enforceability.

Answerability: The obligation of power-holders to justify their decisions and actions. It requires information to be available for external actors to monitor the performance of decision-makers, and their capacity to carry out such analysis.

Enforceability: The existence of mechanisms destined to control and punish inefficiency and deviations from planned results. It requires mechanisms for sanctioning abuses of power or poor performance in power-holders' agreed commitments.

Within the context of aid effectiveness, accountability is crucial in both the short and long terms: it embodies the remedy for fraud and market manipulations. It is the assurance that funds are protected against corruption, nepotism or clientelism and used wisely. Moreover, in addition to giving substance to shareholders' rights by providing the information essential to their exercise, accountability forestalls the feeling of mutual distrust. It also undeniably improves the evaluation of policy choices. Furthermore, with regards to the recipient's action, it generally facilitates a transparency with which it remains intrinsically linked.

Below is a non-exhaustive list of the main processes involved in the implementation of accountability:

• Transparency imperatives

Transparency has been defined by the Committee of Experts on Public Administration (CEPA) of the UN Economic and Social Council (ECOSOC) in these terms: the “unfettered access to timely and reliable information on decisions and performance...”¹. Indeed, as before mentioned, without accountability, transparency would be of little value. Hence, the general consensus is that transparency is a necessary but insufficient condition for accountability². The existence of both conditions remains a prerequisite to effective, efficient and equitable management in public institutions.

In addition, despite the creation of a number of governance mechanisms at the international and national levels, a significant transparency gap still exists between public pronouncements and how decisions are made about the delivery of aid. At the country level, transparency is often lacking in how public finances are spent, how contracts are procured, and how results are monitored.

On the donor side, communication around the earnestness of conditionality and decisions regarding the use of country systems are still weak.

• Structure of mechanisms

The need for structured mechanisms within the frame of aid effectiveness is essential, and especially for inclusive partnerships: dialogue and engagement cannot be ad hoc, but require structured mechanisms so that their impact to be concrete. There are already meaningful examples of institutionalized, inclusive dialogue mechanisms across different countries and regions – so this is possible.

Institutionalized dialogue is also important on moving forward on engaging country systems. Continued and structured dialogue is necessary to facilitate the trust that is needed to deal with risks jointly among development partners, and to adopt and maintain a longer term approach to strengthen local systems.

• Predictability and intrinsic commitment

Predictability is an important feature of aid effectiveness. Aid is more efficient when regular, precise and chronologic information on volume and allocation is accessible.³ It allows recipient countries to develop their own adequate strategies, to plan development initiatives in accurate accordance with budget and to arrange the most commensurate use of resources.

Predictability is affected by unpredictable funding flows on the donor side, perhaps caused by shifting priorities and international commitments, and difficulties experienced by partner countries in meeting conditionality demands or complex project execution modalities⁴.

1 United Nations Economic and Social Council, 2006, “Definition of basic concepts and terminologies in governance and public administration”, E/C.16/2006/4, 5 January, available at:

<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan02232.pdf>

2 Fox, J., 2007, “The Uncertain Relationship Between Transparency and Accountability”, *Development in Practice*, 17.4: p.663–71

3 Organisation for Economic Co-operation and Development, 2012, “Report on Aid Predictability : Survey on donors’ forward spending plans”, available at: http://www.oecd.org/dac/aid-architecture/2012_DAC_Report_on_Aid_Predictability.pdf

4 Organisation for Economic Co-operation and Development Assistance Committee, 2008, “Scaling Up: Aid fragmentation, aid allocation and aid predictability, Report of 2008 Survey of aid allocation policies and indicative, forward spending plans”, p.35-38, available at: www.oecd.org/dac/aid-architecture/40636926.pdf

Furthermore, it is pertinent to recall that predictability cannot be absolute. However, absolute predictability is not desirable, as inflexibility would jeopardize reactivity to crises. Besides, within this notion, the issues of trust and commitment and their diverse implications are latent.

• An Enabling and Propitious Environment

On a wider scale, the overall operational condition of the environment in which aid transits has to be propitious to aid effectiveness. Hence, it should be inclusive of disclosure and transparency policies, adapted policies, legal frameworks, institutional development and strengthened managerial systems⁵.

In addition, in order to facilitate CSOs and other development actors to engage in budget processes in a sustained and efficient manner, the environment must enable participatory budgeting. Participatory budgeting is a different way to manage public money, and to engage people in government. It is a democratic process in which community members directly decide how to spend part of a public budget⁶. This rests upon a diverse set of interrelated conditions which gathers legal, bureaucratic, fiscal, informational but also political and cultural aspects.

Hence, at the brink of the second millennium, a complex process began to be instituted to target aid effectiveness. It was officially presented as the course towards “ensuring the maximum impact of development aid to improve lives, reduce poverty and help achieve the Millennium Development Goals (MDGs)”⁷. Nowadays, this intricate work is led by the Working Party on Aid Effectiveness at the Development Assistance Committee of the OECD (OECD-DAC).

The first step of the longwinded process was taken during the International Conference on Financing for Development in Monterrey, Mexico,

5 United Nations Publications, 2002, “Capacity-building for Poverty Eradication: Analysis Of, and Lessons From, Evaluations of UN System Support to Countries’ Efforts”, p.204-205.

6 Participatory Budgeting Project. “What is PB?”, available at: <http://www.participatorybudgeting.org/about-participatory-budgeting/what-is-pb/>

7 Aid effectiveness portal; www.aideffectiveness.org/busanhlf4/en/about/about-busan/439.html

in 2002⁸. The international community recognized that increasing funding for aid was necessary, but not enough. Overall, it was crucial to ensure that these funds were used as effectively as possible. Thus, the OECD-DAC organized a series of High Level Forums (HLF) related to the improvement of aid effectiveness.

AID EFFECTIVENESS, PRACTICE AND EVALUATION OF THE CONCEPT: FROM ROME TO BUSAN

The term accountability has gained widespread use in recent years within more general development debates around democratization, human rights, participation and governance. The first High Level Forum (HLF) was held in the Italian capital, Rome, in 2003. This meeting brought together heads of multilateral and bilateral development institutions and aid recipient countries, in addition of representatives of the International Monetary Fund (IMF). Hence, the Rome Declaration on Harmonisation, resulting from the encounter, was the first document to outline concrete commitments that donor and recipient countries should both agree on. It also produced aid effectiveness founding principles. For instance, although hazily, it answered an essential issue regarding the hierarchy of priorities: “development assistance is delivered in accordance with partner country priorities”⁹.

8 The International Conference on Financing for Development (Monterrey, Mexico, 18-22 March 2002) signaled a turning point in the approach to development cooperation by the international community. It was the first UN-sponsored summit-level meeting to address key financial and related issues pertaining to global development. More than 50 heads of state and governments and over 200 ministers of foreign affairs, trade, development and finance gathered in Monterrey, the largest ever participation of finance officials at a UN-sponsored event. The Conference succeeded in placing financing for development firmly on the global agenda. Access the report of the conference at: http://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.198/11&Lang=E

9 Organisation for Economic Co-operation and Development, 2003, Rome Declaration on Harmonisation, available at: <http://www.oecd.org/dac/effectiveness/31451637.pdf>

Yet, at this point, accountability was still conceptualized as a one-way vertical relationship between the two parties involved: the donor remains in a position to demand accountability- to somehow buy compliance- of the recipient of aid for the use of resources that were allocated. These dynamics promptly underwent deep theoretical modifications, notably with the innovative subsequent HLF in 2005, which resulted in the Paris Declaration on Aid Effectiveness¹⁰.

MUTUAL ACCOUNTABILITY

The main role of this process is to ensure trust between partners in a common commitment. The distinguishing dimension of this concept compared to 'accountability' lies in the fact that donors engagements and responsibilities towards the beneficiaries are recognized and highlighted too. And, in principle, they can be held to their commitments.

The Overseas Development Institute (ODI) proposes this definition of the process:

“Mutual accountability is a compact that aims to create a more balanced partnership between donors and recipient governments by binding members together through shared values and commitments in a voluntary process. It is a collaborative framework that involves partnerships between peers pursuing shared aid effectiveness and developmental objectives.”¹¹

It is crucial to draw attention to the fact that the relationship concerned is not always straightforward: donor agencies do not only relate to recipients but they are also accountable to their domestic constituencies and institutions. Likewise, when donors integrate the domestic arena in the recipient countries, it has implications on horizontal accountability commitments and notably between the executive, parliament and civil society activists. Undeniably, the scope of mutual accountability is vast. Furthermore, the uneven relationship between donors and beneficiaries makes mutual reliance all the more important in targeting progress¹².

Arising at a time when global discussions on financing for development became louder, the concept of mutual accountability is nowadays witnessing a growing consensus around its importance. As explained previously, its proper implementation is challenging but essential: based on voluntary implication and responsible involvement, it results from the necessary setup of a framework of assurances enabling aid effectiveness.

¹⁰ Organisation for Economic Co-operation and Development, 2009, The Paris Declaration on Aid Effectiveness (2005) and Accra Agenda for Action (2008), available at: <http://www.oecd.org/dac/effectiveness/34428351.pdf>

¹¹ Steer, L. and Wathne, C., 2009, “Mutual Accountability at country level: Emerging good practice”

¹² United Nations Development Programme, 2010, “Fostering Social Accountability: From principle to practice”, Norway

As one of the five pillars of aid effectiveness enshrined in this declaration, accountability evolved from targeting relations from a unilateral perspective to a comprehensive bilateral one. The concept of mutual accountability had emerged.

However, even when the Paris Declaration is coupled with the complementary contents of the Accra Agenda for Action (AAA) of 2008, the mechanisms ruling mutual accountability remain often hard to define in international measuring tools¹³. Although these two commitments are good results and crucial to boost performance, a lack of progress in the implementation of mutual accountability is very real.

As a matter of fact, during the third HLF, held in the Ghanaian capital in 2008, an unprecedented coalition of actors broadened the stakeholders within the process of aid effectiveness. In order to strengthen and deepen implementation of the Paris Declaration, the AAA came up with a set of recommendation destined to improve in particular the areas of ownership, partnerships and delivering results.

The founding principles put forward in the Paris Declaration and the AAA will gradually gain support across the development community. Yet, later on, it will be argued that the progress induced by these two Forums was “uneven and neither fast nor far-reaching.”¹⁴

A turning point was reached in the international dialogue on aid and development at the Fourth HLF on Aid Effectiveness, which took place in Busan, South Korea, in winter 2011¹⁵. This resulted in the signing of the ‘Busan Partnership for Effective Development Co-operation’ by ministers of developed and developing nations, emerging economies, providers of South-South (SS) and triangular co-operation, and also civil

society. This declaration establishes for the first time an agreed framework for development co-operation that embraces traditional donors, South-South co-operators, the BRICS, civil society organizations and private funders. In fact, this HLF was a revolution for civil society organizations: they participated as full and equal stakeholders in aid effectiveness negotiations alongside governments and donors.¹⁶

Busan can be considered as a new milestone for effective co-operation in development and the MDGs, while reaffirming a certain commitment to mutual accountability:

“Mutual accountability and accountability to the intended beneficiaries of our co-operation, as well as to our respective citizens, organisations, constituents and shareholders, is critical to delivering results.”

Busan Partnership for Effective Development Co-operation, §11d

Yet, despite these different attempts to target more accurately aid, the implementation of mutual accountability remains highly demanding. Considerable challenges remain at political, institutional, and conceptual levels. Those challenges will be discussed briefly below.

¹³ Organisation for Economic Co-operation and Development, 2009, “Aid Effectiveness: Survey on monitoring the Paris Declaration”, The OECD Journal on Development, V. 8, No. 2, available at: <http://www.oecd.org/dac/effectiveness/39112140.pdf>

¹⁴ Organisation for Economic Co-operation and Development, 2011, Second draft outcome document for the Fourth high level Forum on Aid Effectiveness, Busan, Korea, 29 November-1st December, p.4 - Available at: <http://www.publishwhatyoufund.org/files/Second-draft-busan-outcome-document.pdf>

¹⁵ Organisation for Economic Co-operation and Development, 2011. Busan High Level Forum; Proceedings, 29th November-1st December

¹⁶ Arab NGO Network for Development, 2012, Getting to know the ‘Aid Effectiveness Process’, p.3

MAIN CHALLENGES

• Lack of coherence

Focusing on the internationalization of aid, it is important to highlight the fact that the multiplicity of donors weakens coherence around targets and enforcing benchmarks. In addition, it notably tends to undermine the accountability of international community in regards to overall funding levels, particularly given severe fiscal constraints.¹⁷ Thus, coordinated programs and funding are essential to counter fragmenting accountability.

On the other hand, if recipient governments are to successfully negotiate with donors, their strategy needs to be coherent. Inconsistency within governments e.g. between ministries of finance and other related ministries, limits recipients' ability to affect and improve donor behavior.

Coherence mostly comes from the sort of formal and informal incentives created by domestic institutions and practices¹⁸. It is relevant to underline the fact that with the emergence of the mutual accountability process, government policies have gradually become more coherent, and there is increased ownership of the reform agenda.

Strong coordination has proven crucial in promoting such coherence.

• Coordination / Communication

Mutual accountability requires inter-institutional coordination to develop mechanisms for monitoring the impact of overlapping policies, mutual assessments of progress in implementing agreed commitments, common procedures for justifying actions and decisions, and mechanisms for addressing poor performance.¹⁹ A lack of coordination, intrinsically linked with a lack of communication, has detrimental consequences on mutual accountability.

• Corruption and trust

When under-performance on the part of recipient governments is coupled with corruption the situation is aggravated. Trust in the partnership, as well as dialogue, can be lost. It does not only waste funds, but also the donors' domestic constituencies lose trust. Interestingly, if the Paris Declaration addresses corruption as a dangerous threat to development, it fails to include any mechanisms to address it in practice- it relies on faith in the general accountability mechanisms and in the actors' commitments. This omission is a grave imperfection, as aid cuts may be triggered by corruption cases that break down trust. While the Paris Declaration extols the virtues of partnership and seeks to improve accountability relationships, it does not prescribe analyses of the risks involved. Some donors have begun making risk assessments through political economy assessments. It is particularly pertinent when the recipient is defined as a fragile state. Similarly, risk analyses are most crucial in the build-up phase of mutual accountability relations, when country-owned systems are not yet fully capable of dealing with and absorbing large inflows of aid.

¹⁷ Byrd, W., 2012, "Mutual Accountability: Lessons and Prospects", United States Institute of Peace - Peace Brief, July 27th, available at: www.usip.org

¹⁸ Paolo de Renzio, 2008, Promoting Mutual Accountability in Aid Relationships, Overseas Development Institute - ODI, Synthesis Note

¹⁹ Bernstein, S. and Hannah, E., 2011, The WTO and Institutional (In)Coherence & (Un)Accountability in Global Economic Governance, International Studies Association Conference in Montreal

• Multiple accountability strands

The relationship between donor and recipient governments is surrounded by a range of actors, all with different characteristics and accountability frameworks. For example, bilateral aid agencies often pursue a range of objectives that go well beyond humanitarian assistance and poverty reduction. In the same way, multilateral agencies have more open governance structures, but in many cases formal voting power is held by those who contribute most in financial terms, limiting mutual accountability.

Mutual accountability between donors and recipient governments, indeed, is not the only accountability relationship that affects aid delivery. In fact, both donors and recipient governments are first and foremost accountable to their own citizens. Hence, the outcomes may be paradoxical.²⁰ If domestic accountability is weak in recipient countries, mutual accountability may reinforce their accountability towards donors, rather than to their domestic constituencies. Similarly, donors might be more preoccupied with satisfying their home constituencies (taxpayers and voters), especially in times of austerity or financial crisis when aid funds are in short supply.

• Asymmetrical Relations

There is a clear asymmetry of power in aid relationships. The persistence of power imbalances between donor and recipient is a problem. As mentioned above, the Paris Declaration turned a blind eye to that reality. Yet, mutual accountability was introduced precisely to reform the asymmetrical power structures of traditional aid approaches where donors hold ultimate power. In this state they can reduce allocations, or suspend disbursements, to countries. They can use conditionalities and define modalities.²¹ In addition, they often have greater capacity for analysis and policy dialogue

than partner countries. Furthermore, the aid relationship is also often one element of a wider bilateral relationship, covering commercial and diplomatic issues, in which the donor country is more influential.²²

These key challenges continue to garner more and more attention. Addressing them is crucial to enhancing aid effectiveness. Striving to answer these challenges will also have broader positive repercussions, particularly concerning development.

In 2006, the World Bank (WBG) co-published with the International Monetary Fund (IMF) the annual Global Monitoring Report. It noted mutual accountability as the “key driver” in linking improvements in aid and development practice to the achievement of the MDGs²³. Still relevant nowadays, the implementation of mutual accountability also applies directly in helping to achieve the ambitious Sustainable Development Goals (SDGs) of the post-2015 era.

In this context, this manual will highlight the responsibilities of the different stakeholders involved in mutual accountability mechanisms (Chapter I), before focusing on the implementation of accountability in the Arab world (Chapter II). Lastly, it will describe the environment of the post-2015 development framework and offer relevant policy recommendations for civil society to ensure accountability is implemented therein (Chapter III).

Hence, this manual has the ambition to be the embodiment of a resource tool for civil society and development practitioners. It intends to play a useful role in their monitoring and advocacy in the development effectiveness process. It seeks to best inform their work towards enhancing the implementation of mutual accountability principles for different stakeholders, particularly in the post-2015 development framework.

20 Hechler, H. and Tostensen, A., 2012, “Is Mutual Accountability feasible? A conceptual discussion with policy implications”, Anti-Corruption Center, Michelsen Institute, independent centre for research on international development and policy

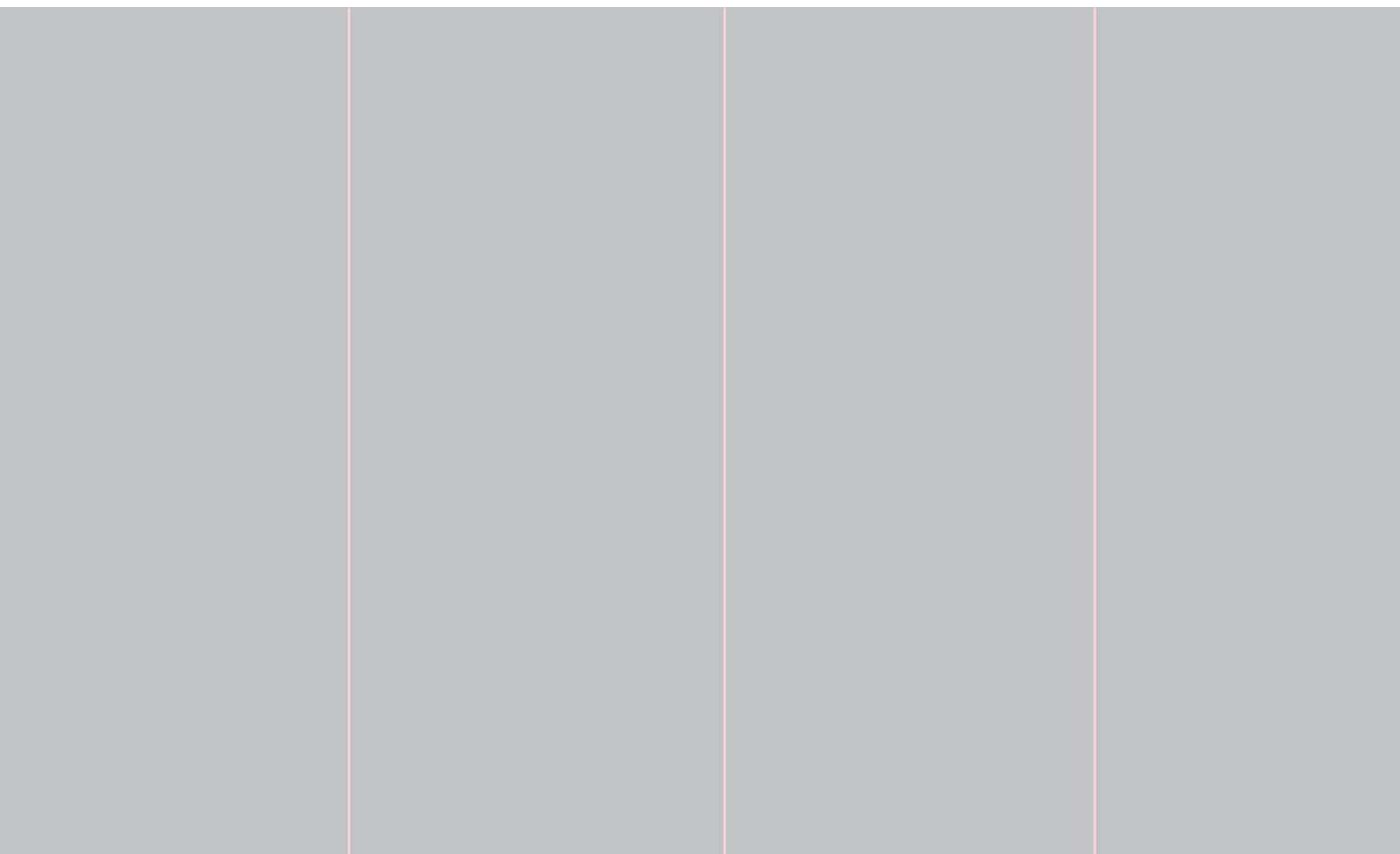
21 Droop, J., Isenman, P. and Mlalazi, B., 2008, “Paris Declaration on Aid Effectiveness: Study of Existing Mechanisms to Promote Mutual Accountability (MA) Between Donors and Partner Countries at the International Level”, Final Report: March 2008, Oxford, UK: Oxford Policy Management

22 Swedish Agency for Development Evaluation, 2012, “Mutual Accountability in practice - The case of Mozambique”, Sweden, available at: www.sadev.se

23 The World Bank and the International Monetary Fund, 2006, “Strengthening Mutual Accountability - Aid, Trade and Governance”, Third Annual Global Monitoring Report on the Millennium Development Goals (MDGs).

Chapter I

Accountability of diverse stakeholders



ACCOUNTABILITY OF GOVERNMENTS

REGIME ACCOUNTABILITY

Background:

Recent Arab uprisings, which resulted in Arab peoples calling for their rights through protests in the streets, helped strengthen the role of civil society and citizens in opposing unjust policies of ruling regimes by imposing various options regarding the relations between the authorities and public administrations on the one hand and citizens and civil society on the other.

Civil society played a major role in proposing a democratic system based on equal relations between the authorities' various parties and their citizens. An example is what happened in Tunisia, where oversight and accountability mechanisms were enhanced, leading to the people's restoration of their role as a primary source for authority.

Such positive developments in some Arab countries are not always the case, while conditions in many countries of the world are not better. Democratic regimes still have equivocal relations between the state and society, and correction is only possible through better transparency and accountability. Although this seems obvious, experiences show that best democratic regimes still violate citizens' rights to access information and fail to practice disclosure policies.

In recent years, two former French presidents were tried on charges of corruption while in office;²⁴ this shows that accountability measures depend on the right to access information, which is a pillar of transparency.

Specialized courts, CSOs and media play a key role in accountability, but the main role hereof is played by general elections, which are a key action of accountability. Protests are an action tested by Arab peoples after they failed to resort to other actions. International conventions underscored peoples' rights to participate in the administration of public affairs; this is especially seen in clauses 1 and 3 of Article 21 of the Universal Declaration of Human Rights:

24 The presidents are respectively Jacques Chirac (1995-2007) and Nicolas Sarkozy (2007-2012). A French court convicted Chirac of corruption, while Sarkozy awaits a ruling on corruption charges.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.²⁵

These rights were also stated in many international and regional texts, including Article 24 of the Arab Charter on Human Rights. It should be noted that some countries in the region have not endorsed this charter, including countries where people staged uprisings to gain their rights.²⁶

Arab regimes are upset by CSO reports on human rights conditions to UN contractual committees regarding international conventions and charters, such as the Convention against All Forms of Discrimination against Women (CEDAW), or UPR reports to the Human Rights Council. These reports subject national governments to accountability mechanisms of the UN and the Arab Charter's commission at the Arab League. In many cases, regimes restrict CSOs that write these reports.

These reports are one of the most important protection tools used by CSOs to hold governments accountable for their commitments to endorsed agreements and treaties.

National CSOs sometimes draws on international human rights organizations, such as Human Rights Watch and Amnesty International, to shed light on violations of political and civil rights in contradiction with international treaties. This is also a means of pressure and accountability.

So far, the Arab League has not issued any text stressing accountability or delineating its practical bases. This gives an idea about the nature of regimes in the Arab region, in contrast to CSOs seeking

25 [http://www.un.org/ar/documents/udhr/Article 21.](http://www.un.org/ar/documents/udhr/Article%2021)

26 States that signed and ratified the Arab Charter on Human Rights after it was updated are listed here:

to develop domestic accountability mechanisms, as well as accountability mechanisms regarding donors and recipient governments. Hence, working on an Arab joint action document under the Arab League's tutelage is necessary to promote a culture of accountability in the region.

This part of the guide will deal with the relations between the state and society, based on the principles of transparency and accountability as a key pillar; it will also discuss forms and levels of accountability.

What we mean by accountability of a ruling regime:

Any human order cannot be devoid of a system of accountability. There is a need for an authority to regulate the behavior of individuals and groups and hold accountable anyone who violates effective laws. Authority and responsibility are two sides of the same coin: there can be no authority without responsibility and responsibility without authority, and there should be a balance between the two.

Responsibility is expressed through a system for holding authority members accountable whereby society directly or through certain channels, monitors authority's performance and determines responsibilities about violations. When access to information is obtainable and litigation chances are available, and when conditions are optimal where the right for free and honest elections is guaranteed and respected, an effective mechanism for holding officials – decision-makers and decision-enforcers – accountable can be deemed existing.

Accountability is related to democracy. In political thought, accountability governs relations between the rulers and the ruled, even in non-democratic regimes. As a principle, accountability is a product of legal thought; in practice, it means the subjugation of the authorities to law in all legislative and executive actions, including administration, which is part of public authorities. Holding authorities accountable is an expression of peoples' right to hold decision-makers in legislative and executive authorities accountable about their responsibilities about wasting public money, failing to protect public

property, and failing to administer public affairs in ways protective of citizens' rights.

Levels of accountability:

The concept of accountability is still in its infancy at the global level. However, it is taking a fast track, especially at the international level where importance is attached to establishing a culture of accountability. Since its inception in Rome and then in Paris, the effective development track underscored the concept of accountability. Clauses 47 and 48 of the Paris Declaration (2005), which deals with aid effectiveness, stressed the need to adopt special accountability measures:

47. A major priority for partner countries and donors is to enhance mutual accountability and transparency in the use of development resources. This also helps strengthen public support for national policies and development assistance.

48. Partner countries commit to:

- Strengthen as appropriate the parliamentary role in national development strategies and/or budgets.
- Reinforce participatory approaches by systematically involving a broad range of development partners when formulating and assessing progress in implementing national development strategies.²⁷

The ongoing debate about the post-2015 development plan also adopted the principles of transparency and accountability. Since the principles are important, especially in Goal 17, special indicators of mutual accountability are being proposed, while governments are being encouraged to adapt policies and measures to enhance the involvement of citizens in public affairs by overseeing public policies and measures and holding them accountable.²⁸

International experiences in legislating accountability concepts show that targetable levels are complicated and as much difficult as the political and legislative structure of the regime in any country. Yet, one cannot talk about accountability if main elements are not available. Obviously, accountability is related to various levels, some of which are beyond the nature of the political system. These levels must respect

27 <http://www.oecd.org/dac/effectiveness/34428351.pdf>.

28 <http://www.un.org/sustainabledevelopment/globalpartnerships/#903f872f9b693736c>.

international conventions and agreements; some experts believe that these conventions are obligatory even to non-signatory states because they have become part of the culture and behavior of the world's peoples. Accountability can be summed up in four elements:

1. Political accountability

It is the most effective forms of accountability in democratic principles. It relates to cases when the freedom and fairness of the electoral process are protected and respected. It means the imposition of oversight on the performance of responsible politicians. The first and foremost oversight is that of the people and is expressed in elections. Through this process, the people give legality to their representatives to oversee the executive authority as a whole.

2 - Administrative accountability

This is the traditional pattern of accountability, which imposes oversight on administrators. An administrator in a public administration focuses on the priorities of his/her superiors. This requires an implementation of a system for administrators' accountability. Subordinates should carry out the orders of superiors without discussion, while a strict system for administering performance and standardizing work should be implemented. In such a system, the accountability of administrators is carried through administrative strategies or rules or through a revision of budgets or performance administration systems.

3. Accountability by citizens

A citizen can hold any government official accountable through participation mechanisms and consultation forums. In most Western countries, accountability pressures, exerted by citizens on government employees, is an indirect power because employees are appointed, not elected.²⁹ However, countless innovations, which develop alongside information and communication technology, contribute to citizens' ability to directly assess administrative information, monitor government actions, and provide timely information about public services.

²⁹ The election process is a basic tool for citizens to hold political personalities and government officials accountable.

When targeting demand, these tools encourage the development of accountability by citizens.

4. Legal accountability

Legal accountability depends on relations between government members and legislators. These relations are independent, contrary to administrative relations between superiors and subordinates; relations between government members and legislators are not hierarchical but parallel. A legislator can impose legal sanctions or official contractual arrangements, according to a legal agreement between legislators and government employees.

In this regard, there is a number of judicial authorities, whose prerogatives and functions allow their dealing with legal issues, including:

- Administrative courts: These courts deal with cases related to public administrations at all levels.
- Council of State: This is the court of appeals for all rulings by administrative courts, the court of appeals and cassation in administrative cases seen by special courts set up by law, and the court of first instance and cassation in some cases.
- Courts for presidents: These courts deal with cases related incumbent and former presidents and ministers. They do not exist in many Arab countries. Many countries included special clauses for such cases in penal and criminal laws.
- Special courts: A special court is created to look into and decide on specific cases or crimes, to try people of a specific category, or for a certain period (once the period is over, the courts' jurisdiction is over). Such courts abide by laws and proceedings upheld by ordinary courts, unless the law provides for otherwise.

National laws and regulations regulate the proceedings of each of these courts and ensure integration, not conflict among jurisdictions.

How accountability works:

It may be useful to ask who does not have the right to hold the political regime in a certain country accountable. People have an established right to protect their rights, either through legal frameworks (through their representatives, litigation or election) or through pressure frameworks leading to changing government forms – this happened in Arab Spring countries. Accountability frameworks should be regulated to

allow everyone to hold any official responsible for his/her actions through specific constitutional or legal channels. Such channels can be narrowed down to four:

Litigation:

Citizens, as individuals or groups, can file individual or collective lawsuits against those who violate their rights by misusing their public posts. The capacity of "the affected" in many countries in the Arab region does not give citizens or CSOs the right to litigation. Some measures allow "taxpayers" to resort to courts; this makes the citizen a key element in the accountability process. Constitutions in many Arab countries, such as Lebanon and Egypt, allow for trying presidents and ministers, but forms and mechanisms vary. In most cases, this right is limited to a restricted group of elected bodies, ministers and a number of public positions, and this shows a significant gap in the judicial system, especially since laws and actions by officials affect by default the lives of citizens, who become definitely among "the affected."

Complaint:

This mechanism is applied in departments and public utilities, where citizens file complaints through various mechanisms ranging from oral complaints, handwritten complaints, and emails. Complaints include objection to a measure or a behavior. However, when citizens file complaints, processing mechanisms should be serious and transparent; when citizens follow up their complaints, they should easily receive answers or outcomes.

Many believe that this accountability mechanism, though important, has not become serious enough to target measures and behaviors, especially in the Arab region and non-democratic states. The reasons are many, including:

- Governments adopted this procedure in order to show many things, including a professional façade of administration, a commitment to serving citizens, and an appearance of "good governance." However, rampant corruption at all administration levels make this procedure useless. Furthermore, most governments embarking on this action did so after receiving financial grants aimed at enhancing transparency and accountability.

- Civil society and free media do not play a role

in pursuing this matter and giving complaints enough importance and serious treatment; this role requires following up citizens' complaints to make sure they take a transparent path.

Parliamentary accountability:

This is the mechanism most used in democratic systems, especially when it comes to the performance of the government combined or one of the ministries. In most cases, the mechanisms holds policies of governments and ministries accountable. The Arab region has seen many public and private interrogation sessions of prime ministers and ministers about their performances and decisions.

Although important, this mechanism is more subject to the dynamics of political action and its influence on lawmakers' choices and interests than it protects citizens' rights. The Arab region has known many such experiences. In Lebanon, for example, parliamentary accountability is subject to many factors, including political blackmail; often, it is overcome under political compromises struck outside constitutional institutions.

Popular accountability:

It is inherently of two types:

Accountability through elections: Citizens vote for those who represent their dreams and interests at the expense of other candidates. This polling process is an assessment of deputies' performance in meeting peoples' ambitions and interests. Citizens have the right to depose from office those who do not represent them and their ambitions and interests through ballot boxes. This is a climax of civil and democratic awareness.

Yet, this awareness in our region takes various forms, which are mostly passionate and ideological. Traditional affiliations – tribal and religious – overpower national affiliations. The nation's interests becomes congruent with that of the "group;" this brings in a major flaw to electoral accountability. This was seen, for example, in Tunisia's most recent elections in 2014, when Tunisians generally voted differently compared to the 2010 elections. This means that Tunisians in their collective awareness decided to hold those they voted for in 2010 accountable; they expressed their discontent by stripping incumbents from their popular confidence.

Case Study

After Lebanon's political impasse deteriorated and had negative repercussions on living standards and urgent living issues, tens of thousands of citizens took to the streets, calling for the resignation of the environment minister and holding accountable anyone responsible for the worsening waste crisis. The political authority had not expected a crisis such as that of waste would encourage citizens to act differently and rebel in the streets. The authority had to change its discourse and deal with the waste crisis in a more serious manner. It even had to listen to and try to redress the grievances of protestors. Although the crisis is still there, qualitative achievements were reached, and the authority changed its behavior in service of public interests³⁰.

Key achievements include the government's adoption of an integral plan to treat solid waste, including a restoration of the role of municipalities in waste administration and consequently a restoration to municipalities of a source of financial income for the first time since the early 1990s. Not less important was a revocation of contracts with private companies; the contracts had been renewed every time they expired in a clear violation of the law, which requires holding new tenders for new contracts.

Yet in spite of these achievements, the waste issue is not a priority anymore, although nothing changed on the ground and no official, responsible for the crisis, was held accountable. The reasons are many, especially the fact that the number of citizens who took to the streets was too small to exert serious pressure on the political authority.

Protests: In recent years, the Arab region witnesses protests, which culminated in regime change; this is the so-called Arab Spring. Such actions are included under popular accountability. In addition to elections, protests are key accountability actions.

Protests can take various forms, including monitoring, issuing reports, rallying and mobilization. Such forms do not reach the extent of regime change. In Tunisia, for example, "I Am Attentive," a CSO, launched a watch to oversee the performance of former Prime Minister Mahdi Jumaa, while in office, to assess his commitment and adherence to his pledges before the Constituent Assembly and the Tunisian people. For this end, it launched a website called Jumaa Meter.³¹

The commitment of the executive and legislative authorities, with their apparatuses and agencies, to effective regulations and laws, to the standards

of transparency and integrity, and to prioritizing public to private and individual interests, and public and popular awareness and attentiveness to public interests are the solid foundation of accountability processes and a prelude to the formation of authorities on more integral and democratic bases.

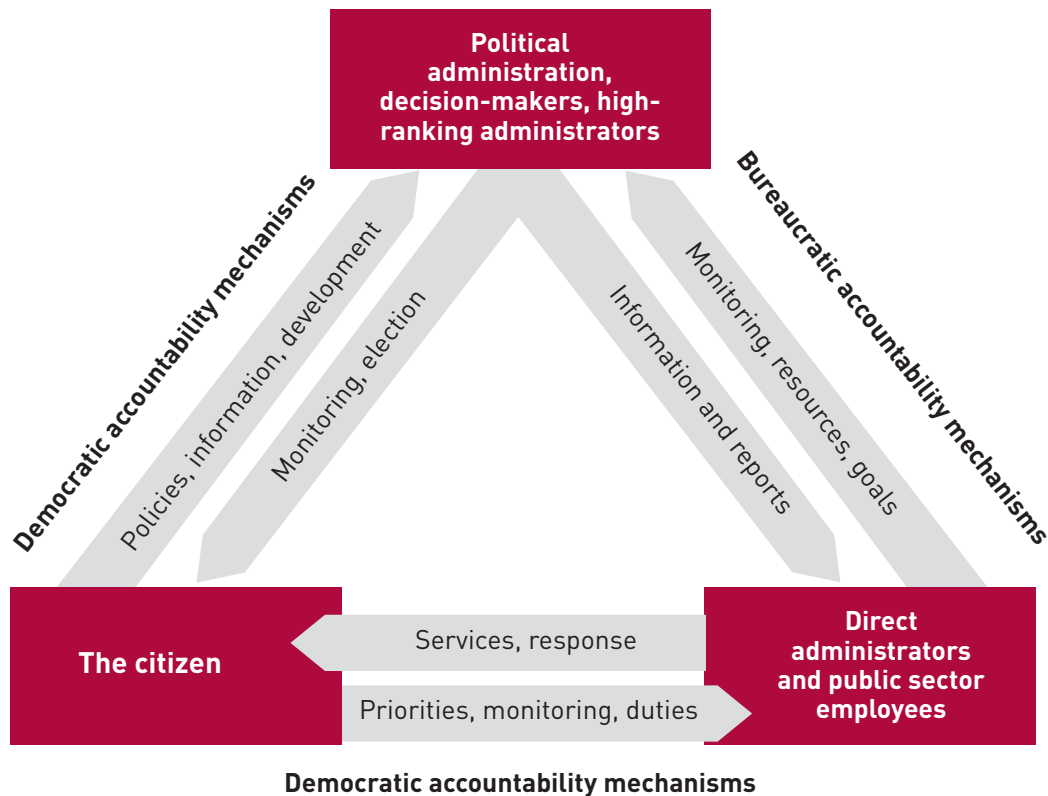
Who is entitled to hold governments accountable?

Parties eligible to hold governments accountable have been discussed, but it is necessary to set a general framework and the necessary prerogatives for practicing this task/right. Accountability mechanisms must be regulated by specific and clear laws, which discriminate between internal and external accountability mechanisms.

Some researchers propose different names for these mechanisms, calling internal accountability mechanisms "bureaucratic" and external accountability mechanisms "democratic." These names reflect the typical culture of pro-state thought and performance. Bureaucratic accountability mechanisms can be just as they should, but external accountability mechanisms must be democratic to be fruitful.

³⁰ <https://www.facebook.com/tol3etre7etkom>, <https://www.facebook.com/BadnaNhaseb>, <https://www.facebook.com/3alshare3>, <https://www.facebook.com/august22movement?fref=ts>.

³¹ <http://jomaameter.org/>.

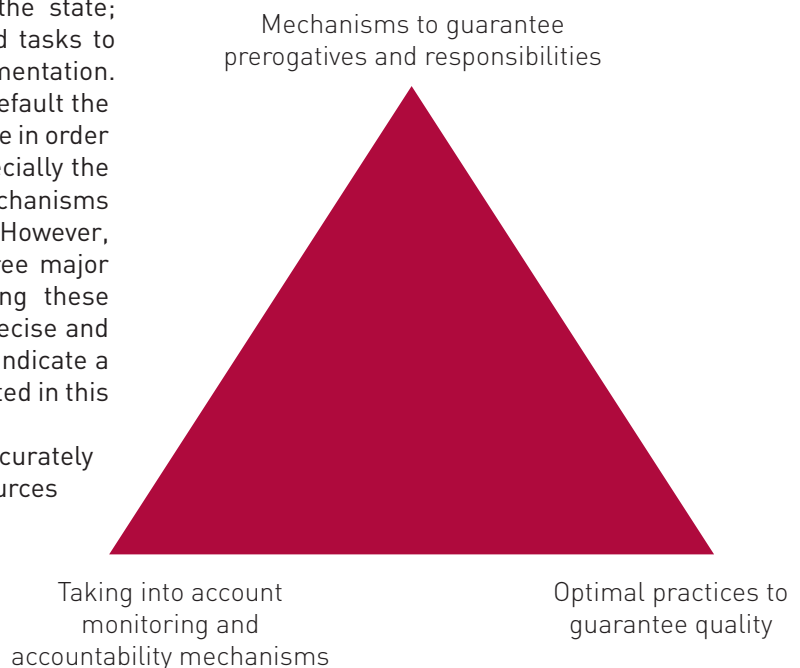


Internal accountability mechanisms:

An accountability process that takes place within the institutions between superiors, subordinates and official oversight bodies. It must be emphasized that the concept of accountability is significantly correlated to determining responsibilities within any sector of the state; it is not possible to find non-delegated tasks to people who are responsible for implementation. The responsibility system requires by default the existence of a superior and a subordinate in order to ensure a number of key issues, especially the identification of decision-making mechanisms and task-identification mechanisms. However, this responsibility system respects three major dimensions, and in order for ensuring these dimensions, it is necessary to adopt precise and transparent procedures. Many reports indicate a number of procedures that can be adopted in this regard:

1. Defining roles and responsibilities accurately
2. Administering construction and resources
3. Procedures for quality assurance

4. Deciding professional technical responsibilities
5. Transparent and professional workflow and audit reports, which take into account the systems of accountability adopted in the administration.



Case Study

Iraq's Integrity Commission announced that more than two thousand people accused of corruption were referred to justice, including ministers and officials in the state; it said more than 1,000 court judgments were issued against them. The Iraqi judiciary issued an arrest warrant against former Minister of Higher Education and Scientific Research, Abd Dhiyab El-Ajili.

The commission's head, Hassan El-Yassiri, said during a press conference, the report of integrity for the first of 2015, referred 2,171 suspects to courts, including 13 ministers and officials who have a minister's rank, while more than 80 defendants of special grades and general administrators were also referred to justice.

6. Active administrative control and financial inspection in following up the progress of work. Some people may believe that these procedures only suit government administrations; however, researchers into accountability believe these measures can be effective at all levels, especially if elected representative councils are attentive and follow up closely enough the performances of governments, ministries and even administrations and departments.

A quick look at the Arab region shows that most of its countries adopt an integrated system of administration; all departments have internal systems, job systems and operations system respecting the administrative hierarchy in decision-making and therefore in responsibilities. Laws regulate apparatuses of internal monitoring and administrative and financial inspection. The problem is with the enforcement of these laws and internal regulations. In addition, the hiring system in our region in most cases is based not on vocational efficiency but on quotas and favoritism, making the ultimate loyalty of employees of different ranks not to their superiors at work but to the party that secured their appointment.

Administrative and monitoring systems need a lot of updating to keep up with new concepts, especially with growing focus on efficiency and transparency and accountability concepts, in addition to the role of computerization in developing employment systems and thus in monitoring performance.

Mechanisms of external accountability:

As said before, external or democratic accountability is an expression of the ability of citizens and civil society to monitor and follow up all legislative and executive authorities through many democratically available methods, such as complaints, litigation and election. However, civil society has other methods, including international pressure through periodic reports and shadow reports, which are influential at the level of international relations.

Researchers believe that peoples in nascent democracies have not discovered yet the efficiency of accountability and its ability to activate self-incentives, which are very influential on the general performance of government administrations. International experiences show that many factors contribute to the activation of accountability systems; the most important among these factors are a deep feeling of citizenship and bondage with the state, and a judicial system allowing citizens to protect their rights.

Possible forms of external accountability have been discussed, but peoples' experiences and the international law make other tools available, especially international protection mechanisms provided by contractual mechanisms and the Human Rights Council. In some cases, it is possible to resort to international courts, such as the International Court of Justice and the International Criminal Court (Rome Statute). Other regional courts are available, such as the European Criminal Court, the Arab Human Rights Court and the African Court.

Case Study

A number of Arab satellite channels are a space for active criticism of the political elite and government administrations. The show, hosted by Bassem Youssef on CBC, contributed to exposing behaviors of former Egyptian President Mohammad Morsi and helped create a large public opinion against exclusionary policies by the Muslim Brothers.

Lebanese satellite channels, especially LBC and New TV, dedicated full shows for this purpose. On LBC, 7ki Jales showed good capability to collect information and documents to discuss corruption cases in the state. New TV has long

dedicated a show called Corruption to discuss corruption cases in the public sector. Investigative reporters in Under the Arm of Responsibility, which is a series of investigative documentaries, collect information about corruption and social phenomena in Lebanon and then show corrupt personalities there evidence in order to expose them and their practices. The show targeted leaders, politicians, employees and protégées, followed them into their hideouts, exposed them and held them fully responsible.

In some cases, international litigation, a key external accountability mechanism, does not allow civil society to take part in filing and discussing suits, especially in economic, financial, commercial and political cases. When these mechanisms ask the Security Council to take action, the council often takes punitive decisions and measures, such as ultimatums, sanctions, embargoes and even military inference as a last resort, civil society usually does not have any role in follow-up and monitoring.

Challenges:

Transparency and accountability are modern concepts in the Arab region. Although the Arab Spring contributed to the quick spread of these concepts pushed some regimes in the region to adopt some reforms to enhance transparency, the problem still lies with nature the social contract applied for state-building. Any social contract, which adopts a form of democracy, such as elections, and gives up other pillars of state building, such as transparency, the right to access information and the accountability of decision-makers, is incomplete and non-democratic. Since a regime expresses the form of the state, a regime ensuing from a defective social contract is undemocratic. A number of international organizations have developed an indicator of democracy and an indicator of transparency. All indicated that 85% of the Arab countries come in lower grades. Sudan ranked 173/175 globally, Iraq 170, Libya 166, Yemen 161, Syria 159, and

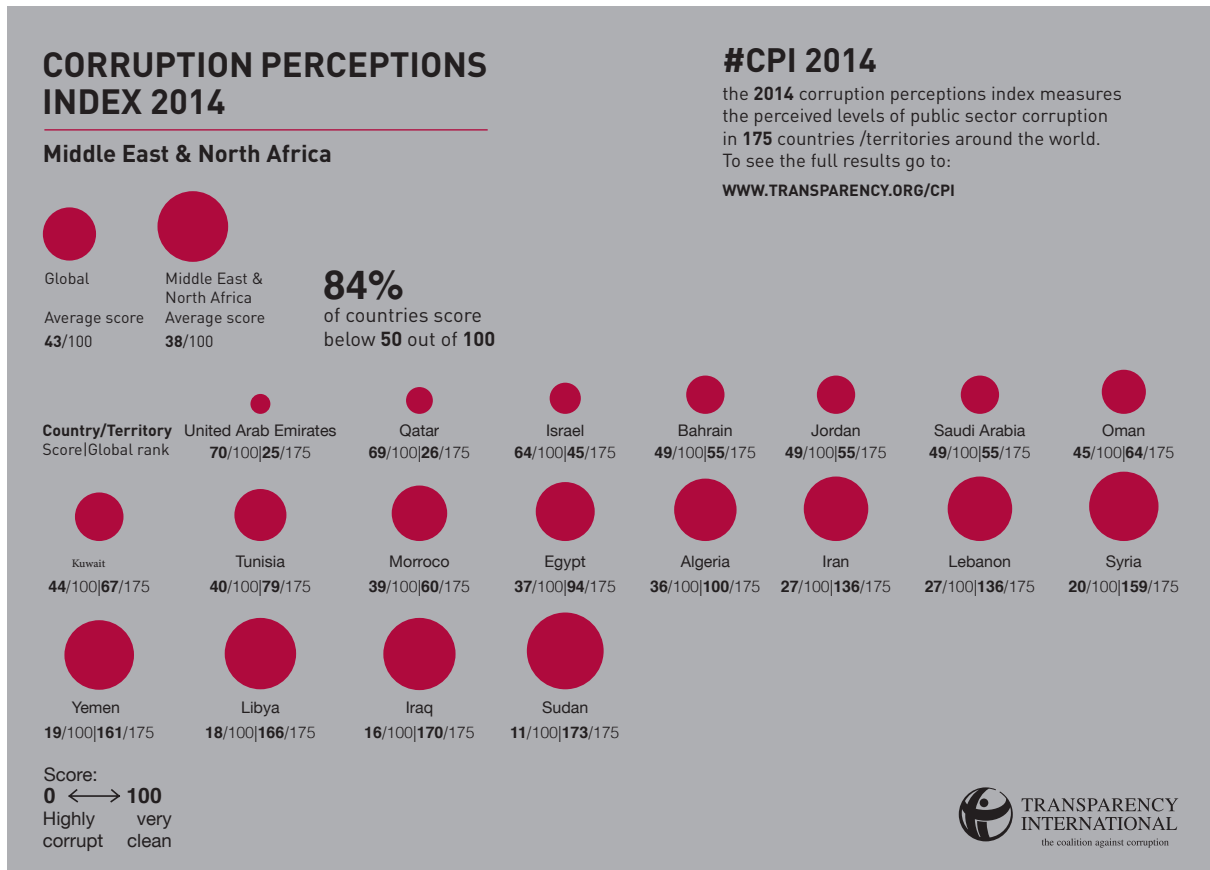
CSOs are among the most important external organizations tasked with external accountability, thanks to institutional commitments to produce comprehensive cases about issues of public nature. In many instances, Arab civil society proved capable of external accountability; it managed to establish strong ties with information media, which it uses to express its views when it is denied access to courts. Media of all forms can be a very effective tool if employed properly.

Lebanon 136. The best Arab countries, according to the internationally applicable indicators, are the UAE and Qatar, which ranked 25 and 26, according to Transparency Index for 2014.³² According to the Democracy Index for 2014, Tunisia ranked 70/167. This was of course a natural result of the path of the revolution there. Then came Lebanon (98), and the bottom of the list included Syria (163), Saudi Arabia (161) and Sudan (13).³³

These numbers confirm that a deep understanding of the democratic state generally means respecting all democratic concepts and tools without selectivity, hence the main challenges facing the region's ascent in performance towards democracy, can be summed up four:

³² <http://www.transparency.org/cpi2014/infographic#compare>.

³³ <http://www.sudestada.com.uy/Content/Articles/421a313a-d58f-462e-9b24-2504a37f6b56/Democracy-index-2014.pdf>.



1. Legislations:

Arab countries need real efforts to review and reform legislations, regulations and internal systems at the national level, to respect hierarchies always topped by the citizen and in line with international conventions on the matter. It is not allowed to underestimate international obligations under signed conventions and treaties, especially the Universal Declaration of Human Rights. These legislations must give enough attention and respect to CSOs.

2. The right to access information

Relations between accountability and the right to access information are causal: there is no accountability without transparent information. Access to information is one of the most complex issues in this regard; any social contract that does not guarantee freedom and transparency of information flow is incomplete. Here rises the need to establish a different culture in administration and the state before talking about legislative reform. This is true in spite of the latter's importance.

3. Mechanisms to determine national priorities and concepts of democratic development

Disrupted relations between the state and the citizen fail to take into account the many things that the citizen represents at individual and institutional levels. In addition, failing to consider the citizen an active partner to the methods and goals of development processes also disrupts relations between the citizen and the state. Narrow communication and participation channels decrease confidence between the state and society. Hence, activating coordination and communication channels between the state and society, and opening up administration to civil society to allow the latter to learn national challenges and contribute to deciding national priorities, give all parties a chance to have a deeper understanding of roles and performances and make the accountability process more objective.

4. Citizens' awareness

The biggest bet is on the citizen's awareness and deep consciousness of their role. The image of the citizen's relations with the state and the structure of their relations with the administration are marred by many impurities. Therefore, devoting greater efforts to correct the erroneous image of roles is imperative in achieving true accountability by the citizen.

Accountability Of Private Sector

In order to address the inadequacies of the traditional resource pool for development, the post-2015 agenda has focused on the **private sector as a key partner** in financing and driving development. The technical skills, management, innovation and efficiency of the private sector has been emphasized by states, donors, and International Financial Institutions (IFIs). In the Arab region, the outsourcing of public services, public-private partnerships (PPPs), and privatization has become increasingly popular as a means to finance and operate infrastructure projects and public services.

In reality, private sector involvement in development has had a **mixed track record**. There are many cases of PPPs (in which infrastructure or public services are provided by the private sector), for instance, that have poorly prioritized and squandered development resources. Many have harmed the best interests of local communities rather than involving them in meaningful sustainable development.

In the current environment, regulation of the private sector falls largely legally on the state. The absence of legal, civil and administrative mechanisms in many nations to hold the private sector accountable is troublesome. In light of a lack of democratic oversight and regulatory frameworks throughout the states of the Arab region, time and time again exploitative private sector initiatives have failed to deliver a satisfactory benefit to the public. Issues adverse to development goals have arisen, including labor exploitation, gender inequality, landgrabbing, profiteering, misinformation, limited appraisal impacts (e.g. economic and social impacts

assessments) and the neglect of indigenous peoples, amongst others.

Many projects that involve little regulatory oversight have **failed to guarantee basic standards for social services** that the state is obligated to provide to its citizens. For example, the delegated management contract (a short-term contract in which the private operator is paid a fee to perform the public service³⁴) signed with Sukleen and Sukomi in Lebanon has proved a costly and wasteful engagement of the private sector (*refer to Case Study*).

Transnational corporations (TNCs) in particular have often operated with disregard to human and environmental rights with relative impunity. The NGO FoodFirst Information and Action Network (FIAN) has highlighted a lack of cooperation between states in order to regulate, monitor, adjudicate and enforce judicial decisions regarding abuses perpetrated by TNCs.³⁵

Furthermore, **resources and profits have often been shifted away from those most in need into the hands of corporations and corrupt elites**. Unfortunately, in this environment financial paybacks outweigh the desire to hold the private sector accountable to citizens. As government is the channel, without a democratically functioning and resolved government, it is difficult to hold the private sector accountable. In this regards, major efforts should be directed at campaigning for policy change from governments.

Without mechanisms for private sector accountability, the Arab region will continue to be burdened with projects that fail to produce real development benefits and fail to promote democratic ownership of development, human rights, and socioeconomic equality.

³⁴ Body of Knowledge on Infrastructure Regulation, 2010. "What are the different types of PPP arrangements?", available at: <http://regulationbodyofknowledge.org/faq/private-public-partnerships-contracts-and-risks/what-are-the-different-types-of-ppp-arrangements/>

³⁵ FIAN International, 2015, Written submission for the first session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, available: http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session1/FIAN_International.doc.

Case Study: Sukleen and Sukomi in Lebanon

Lebanon initiated several contractual PPPs during the 1990's, including outsourcing agreements with Cellis and Lebancell (1994) and Leban Post (1997). However, it was the municipal solid waste (MSW) servicing in Beirut and Mount Lebanon that was thrust into the international spotlight by the protests of the "You Stink" campaign that began in July 2015. The tender of Sukleen and Sukomi (SS) on MSW emerged as a striking example of private sector engagement gone wrong. The private sector failed to deliver certain standards and contribute meaningfully to development. The companies are owned by a Dubai-based parent, averda International, the largest environmental solutions provider in the Arab region. Contracts were signed with the Lebanese Government in 1995 for Sukleen and 1998 for Suklomi.

When the latest renewal deadline for contracts passed on 17 July 2015, the Naameh landfill site, already a year overdue on closure due to extreme overfilling, was shut down by the Government. The site had originally been designated for 2 million tons of trash but by this time had received over 15 million tons. Pressure from protestors, consisting mainly of local residents of Naameh, forced its closure. For weeks SS stopped collecting trash from Beirut and a sanitation crisis emerged in the city. Citizens were seen wearing face masks to combat the smell and disease, resorted to burning garbage piled on their doorsteps. As trash accumulated in the streets, municipalities began to dump in valleys and forests. Hundreds of forest fires were recorded, most of them starting in makeshift dumps.

Both the Government and the private partners in the agreement shifted blame, but in reality both were at fault. The failure of the Government to negotiate a new landfill site was simply the straw that broke the camel's back. The crisis clearly illustrated that ineffective policy from the Government to encourage responsible practices from private business will lead to protracted situations of private profiteering, undermining citizen's rights in development.

There was a clear lack of competitive bidding for the service originally. SS therefore were only the best candidates because they were the only candidates. The monopoly held by SS on the service has contributed to a lack of efficiency and accountability, which has translated into exorbitant rates. Lebanese pay one of the highest per ton of garbage costs in the world. It is far from a competitive rate and there are alternatives, for example decentralization into local municipalities. The current MSW service costs the Lebanese population twice the amount that the municipalities would have charge: rising from an original \$3.6 million contract to a \$150 million contract. In fact, since 2002 the cost of the MSW service has been increasing by 5% a year on average. Details of the contracts remain confidential, making it more complicated for civil society to hold the companies accountable.³⁶

SS have failed to implement sorting, recycling, composting, waste to energy, and technologically innovative procedures. There has been an overemphasis on collection and disposal and a clear lack of a sustainable policy. Lebanese plants even import plastics in the face of a shortage of domestic plastics, most of which ends up in landfill³⁷. According to a solid-waste management expert, Marwan Rizkallah, the companies fail to sort organic matter, which constitutes more than 50% of its garbage, for composting.³⁸ This has drastically reduced the projected lifetime of the sanitary landfill built under the Plan.³⁹ The

36 Atallah, S., 2015, "Garbage Crisis: Setting the Record Straight", Lebanese Center for Policy Studies, August, available at: <http://www.lcps-lebanon.org/featuredArticle.php?id=48>

37 Issa, P., 2015, "Is Lebanon Ready to Recycle its Garbage?", The Daily Star, 3 August, available at: <http://www.dailystar.com.lb/News/Lebanon-News/2015/Aug-03/309416-is-lebanon-ready-to-recycle-its-garbage.ashx>

38 "Lebanese Protest Against Waste-disposal Crisis", 2015, Al Jazeera and agencies, 26 July, available at: <http://www.aljazeera.com/news/2015/07/lebanon-beirut-trash-rubbish-crisis-150725060723178.html>

39 United Nations, Lebanon Country Profile (Johannesburg Summit), 2002, p.39, available at: <http://www.un.org/esa/agenda21/natinfo/wssd/lebanon.pdf>

Lebanese state has done nothing to address this inefficiency. As an alternative, there are many examples of initiatives launched by municipalities to process and properly dispose of waste.⁴⁰

The implementation of long overdue anti-corruption laws and practices in Lebanon that could provide a more transparent regulatory regime and alleviate concerns about political favoritism are paramount. SS has reportedly benefited from close ties with Lebanese politicians⁴¹ and some have stakes in private waste collection. These vested interests were manifested into political stalemate in renegotiating contracts due to division in the Cabinet. Politicization and political indecision has so far prohibited the implementation of a comprehensive plan for SWM in Lebanon. Successive governments have only adopted and prolonged emergency measures and failed to reform institutional oversight and regulatory laws.

Weak regulation by the Government in demanding accountability on standards of operations has been a highly significant contributing factor in this case. Especially outstanding is the lack of a comprehensive PPP law. A Higher Council of Privatization had been set up to fix the terms of public subscriptions, but the law did not give any details on exact tendering procedures, sharing of responsibilities or monitoring performance.⁴² Institutional oversight and legislation has proved heavily insufficient: several legal instruments exist but approach MSW through other issues, including public health protection, natural sites, the Mediterranean Sea, etc.

Failure by the companies to provide a minimum standard in MSW has had striking adverse effects on development results, as well as leading to civil unrest. Neither one public figure nor the cleaning companies have been held accountable so far by the state. Without clear accountability for both partners, private and the state, these contracts cannot be efficient or beneficial.

With no clear accountability measures coming from the state, the "You Stink" campaign was initiated by civil society to demand a remedy. It brings a renewed hope that there is widening space in Lebanon for civil society to organize and realize its potential to implement change for accountability. By lobbying governments for greater regulation on profiteering and corruption in regards to MSW, reform can be made a national priority. Encouraging peaceful citizen mobilization is one such means of lobbying. Citizens are increasingly realizing that improved development infrastructures and services are not only essential for reducing the cost of living and fostering growth, but are basic rights for the Lebanese people and the environment. They must be supported in this regard.

40 Nassar, J., 2015, "Refugee Crisis Highlights Need to Address Lebanon's Waste Disposal Deficiencies", July, available at: <http://www.lcps-lebanon.org/featuredArticle.php?id=45>

41 PGI Intelligence, 2015, "Lebanon: Refugee Crisis Threatens Political Stability", 5 August, available at: <https://pgi-intelligence.com/news/getNewsItem/Lebanon:-Refugee-crisis-threatens-political-stability/544>

42 World Bank, 2006, Private Sector Participation (PSP) in Urban Public Services: Comparison of Laws and Institutions in MENA Countries, April, available at: <http://siteresources.worldbank.org/INTINFANDLAW/Resources/SchrammPSPframeworkmena.pdf>

In the context of private sector actions being largely regulated by the state, CSOs play a vital role for accountability of the private sector, as they link can link businesses, citizens, communities and governments. As the relationship in the Arab region between governments and the private sector is not fully developed to ensure accountability of private and public-private practices, it will be up to CSOs to mobilize and hold all stakeholders accountable on all levels. .

A range of voluntary initiatives for business self-accountability exist. On the other hand, international initiatives that ensure that companies submit to human rights and environmental sustainability standards, have meaningful sanctions applied in case of HR violations, and undertake remedial action, but are still infantile. On another level, the international system is working on a comprehensive binding mechanism to hold corporate actions accountable to Human Rights standards.

For the moment, the following are some of the possible means under the international framework to improve accountability for the above stakeholders:

Private Sector: Raise awareness and educate businesses regarding Corporate Social Responsibility.

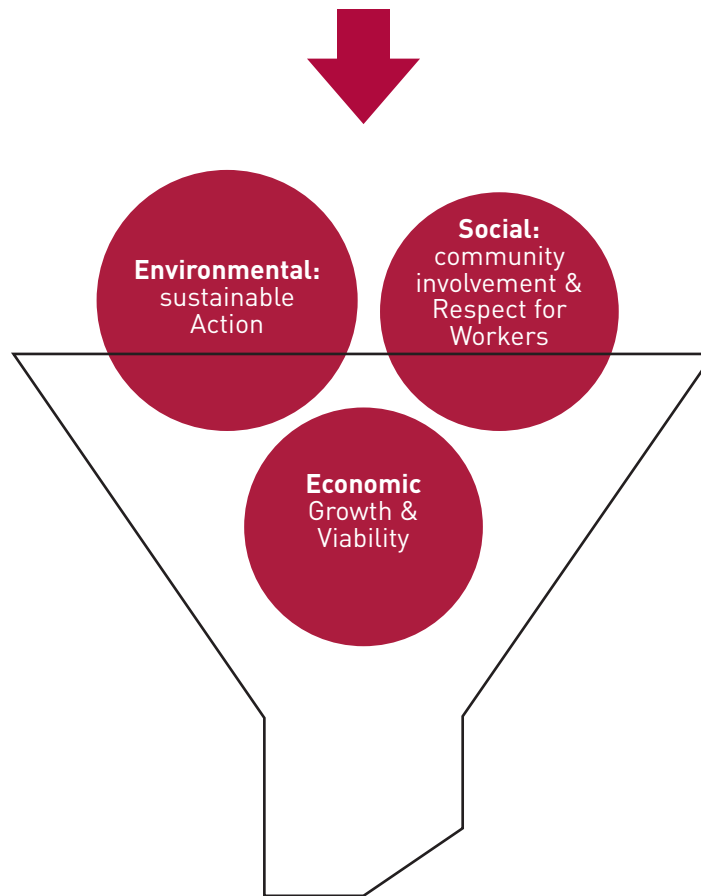
Appealing directly to the private sector is challenging. There are a number of broad goals regarding improved practices that CSOs should try to achieve when encouraging the private sector:

- Inclusive and responsible business practices.
- Introduction of effective CSR policies and programs, including meaningful plans for their implementation and review.
- Membership of the UN Global Compact.
- Active and effective internal auditing controls.
- Transparent reporting.
- Collaboration with CSOs in advocating to the government the adoption of laws, policies and practices consistent with international conventions and the introduction of monitoring mechanism for conventions.

The concept of **Corporate Social Responsibility (CSR)** is concerned with treating the stakeholders of business, both inside and outside companies, ethically and in a responsible manner⁴³. The application of CSR into sustainable development can broadly fall under social, economic and environmental components. When businesses practice CSR and include community involvement, economic growth and environmental sustainability action, wholesome sustainable development can be achieved. There are many benefits for companies of implementing CSR practices, including minimizing damage to reputation, minimizing legal sanctions, and decreasing the risk of unsustainable practices that increase the price of doing business in the long run. Corporations should be encouraged to elaborate their own responsibilities and follow these regardless of national laws.

⁴³ Hopkins, M., 2012. The Planetary Bargain: Corporate Social Responsibility Matters. London: Routledge, p.1.

Corporate Social Responsibility



Selected Strategies:

1. Information sessions: organize meetings with businesses with presentations on CSR.
2. Multi-stakeholder conferences: discuss best-fitting practices of CSR in local context.
3. Community campaigns: mobilize the public to pressure businesses into adopting CSR frameworks.
4. Understanding the SDGs
5. Assessing impacts and defining priorities
6. Setting goals
7. Implementing and forming partnerships
8. Reporting and communicating commitments

There are a number of CSR initiatives available to assist businesses pursuing this tract. **The SDG Compass** is a tool launched by the UN Global Compact, the Global Reporting Initiative (GRI), and the World Business Council for Sustainable Development (WBCSD). The Compass is a guidebook for business action to advance the SDGs by examining their practices and implementing steps to positively impact sustainable development through their operations. The text includes five components⁴⁴:

The manual is a brief, but clear and practical guide for businesses to initiate voluntary commitments in line with accountability practice. The Compass recommends that businesses consider carefully their contribution towards advancing the SDGs, as well as monitor and report all actions in this regards. It may be accessed here: (<http://sdgcompass.org/>).

A second tool for businesses is **the UN Global Compact**, launched in 2000 and now the world's

44 GRI, UN Global Compact and WBCSD, 2015. "Second

Draft for Public Comment- SDG Global Compass", available at: <https://sdgcompass.files.wordpress.com/2015/05/sdg-compass-second-draft-for-public-consultation-8-july-20152.pdf>

largest corporate citizenship initiative. The Compact aims to establish a culture of integrity through just practices by business to ensure sustainability in development. The Compact is a voluntary network of mainly large multinational corporations that commit to fundamental responsibilities in human rights, environmental, labor and anti-corruption principles. The UN Global Compact's Ten Principles are derived from: the Universal Declaration of Human Rights, the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the UN Convention Against Corruption. The Global Compact postulates that business should support and respect the protection of international human rights and that business must not be complicit in human rights abuses.⁴⁵ CSOs therefore, should actively promote membership to increase CSR. The application form is available here: (<https://www.unglobalcompact.org/participation/join/application>).

Governments: advocate for the implementation of increased monitoring and accountability frameworks for the private sector.

Despite a range of channels, **the government is the most tangible channel for holding the private sector accountable.** It should provide an enabling environment for a complaints mechanism, as well as regulations to keep the sector in check.

Selected Strategies:

1. Engaging in inter-state mechanism (UPR, individual complaints, UN Guiding Principles).
2. Contact relevant national institutions.
3. Lobby, network with, and disseminate information to politicians.
4. Trade union and public mobilization.

The inter-state system keeps some controls on human rights practices of nations. For instance, **the Universal Periodic Review (UPR)** is an evaluation by the UPR Working Group of the UN

Human Rights Council. It provides an opportunity for civil society to comment on the state of human rights practices by nations. UPR submissions should be sent to: [⁴⁶uprsubmissions@ohchr.org]⁴⁷.

Individual complaints are a means of drawing attention to violations. Relevant contact points include:

- The Committee on Elimination of Discrimination against Women (CEDAW) may consider individual communications alleging violations of the Convention on the Elimination of All Forms of Discrimination against Women by States parties to the Optional Protocol to the Convention on the Elimination of Discrimination against Women
- The Committee on the Elimination of Racial Discrimination (CERD) may consider individual petitions alleging violations of the International Convention on the Elimination of All Forms of Racial Discrimination by States parties who have made the necessary declaration under article 14 of the Convention
- The Committee on the Rights of Persons with Disabilities (CRPD) may consider individual communications alleging violations of the Convention on the Rights of Persons with Disabilities by States parties to the Optional Protocol to the Convention
- The **Committee on Economic, Social and Cultural Rights (CESCR)** may consider individual communications alleging violations of the International Covenant on Economic, Social and Cultural Rights by States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

States have moral obligations under the UN Guiding Principles. CSOs should vigilantly monitor, identify and report breaches to citizens and governments. Where appropriate, compensation should be demanded for violations.

⁴⁵ The North-South Institute, 2008, "Human Rights and Private Sector Development: A Discussion Paper", p. 25, available at: <http://www.nsi-ins.ca/wp-content/uploads/2013/01/2008-Human-Rights-and-Public-Sector-Development.pdf>

⁴⁶ Guidelines/deadlines for submission of reviews are available at: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

⁴⁷ Guidelines/deadlines for submission of reviews are available at: <http://www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>

In June 2011, the first corporate HR responsibility initiative endorsed by the UN was the UN **Guiding Principles on Business and HR (UNGPs)**:

(http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

This initiative involved three guiding principles:

1. States' obligations to respect, protect, and fulfill HR and fundamental freedoms.
2. The role of business enterprises to comply with all applicable laws and respect all HR.
3. The need for rights and obligations violations to be matched with appropriate and effective remedies when breached.

In the same month as the UNGPs were endorsed, the UNHRC passed a resolution to establish a **Working Group on the issue of human rights and TNCs and other business enterprises**. The Working Group consists of five independent experts of balanced geographical representation and in 2014 its three-year mandate was extended to 2017.

The Working Group has strongly urged states to adopt National Action Plans (NAPs) on business and human rights. Seven European states have produced NAPs, whilst twenty-one states from around the globe (including Jordan as the only Arab representation here) have committed to or are in the process of developing their own NAPs. NAPs are vital as they provide a chance to define

development priorities and practices that include considerations of local communities, who are often marginalized by private sector motives, and initiate steps towards legislation to hold violations accountable. **For these reasons, CSOs should demand the formulation of National Action Plans (NAPs) by states and contribute constructively to their drafting.**

In 2014, the Working Group released a document entitled "Guidance on National Action Plans on Business and Human Rights": (http://www.ohchr.org/Documents/Issues/Business/UNWG_%20NAPGuidance.pdf). It included four key principles for NAPs:

1. The foundation of NAPs on UNGPs.
2. NAPs need to be context specific and address actual and potential adverse corporate effects on human rights.
3. NAPs need to be developed in a transparent and inclusive process.
4. NAP process need to be regularly reviewed and updated.

Additionally, National Contact Points (NCPs)-independent offices located within an NAP nation- have been put forward as a real channel to discuss private sector activities. There are currently no NCPs based on NAPs for the Arab Region. However, NCPs exist under the auspices of the OECD for three nations:

MOROCCO	TUNISIA	EGYPT
<p>Agence Marocaine de Développement des Investissements 32, Rue Hounaïne Angle Rue Michlifen Agdal Rabat</p> <p>Tel: +212 5 37 22 64 65 Fax: +212 5 37 67 34 17 Email: principes_directeurs@invest.gov.ma Web: www.invest.gov.ma</p>	<p>Mr Abdelmajid MBAREK, Directeur Point de contact national Avenue Mohamed V 1002 Tunis</p> <p>Tel: +216 7184 9596 Fax: +216 7179 9069 Email: a.mbarek@mdci.gov.tn</p>	<p>Ahmed Kamaly National Contact Point Ministry of Investment Office of the Minister 3 Salah Salem Street Nasr City 11562 Cairo, Egypt</p> <p>Tel: +202 240 55 452 Fax: +202 240 55 425 Email: kamaly@aucegypt.edu</p>

In order to address the complex role of TNCs in development, CSOs should demand states ensure human rights practices of TNCs by adopting legislative and administrative frameworks to monitor and redress human rights abuses occurring abroad, including legal mechanisms for redress. On the other hand, in a state where TNCs are committing undesirable practices, bring this to the attention of their host state government(s) or their consumers, so that they may be held accountable.

In 2011, a consortium of 40 international law experts from around the world issued the “Maastricht Principles on Extraterritorial Obligations in the area of Economic, Social and Cultural Rights” (**Maastricht Principles**): (http://www.etoconsortium.org/nc/en/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23). These principles were recognized in the Guiding Principles on Extreme Poverty and Human Rights, adopted in 2012 by the Human Rights Council.

Extraterritorial Obligations (ETOs) deal with the jurisdiction and responsibilities of states outside their own borders with regards to TNCs. They are enshrined in various soft laws at the UN. The Committee on Economic, Social and Cultural Rights has repeatedly mentioned states’ extraterritorial responsibilities over TNCs. Similar confirmations have been made by the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination

of Discrimination against Woman, and the Human Rights Committee.

The Maastricht Principles sought to clarify ETOs as a missing link in the universal human rights protection framework. They argued that states have responsibility for non-state actors, such as TNCs and other enterprises, when they are empowered to operate (registered) by a state. Where the harm or threat originates in a state, extraterritorial violations by corporations should be made accountable by that state. The state has an obligation to regulate the TNCs to prevent violation of economic, social and cultural rights. This provides a vital extra layer of protection: not only are the states where TNCs operating responsible for monitoring and accountability, but also the home states of these TNCs. This is important as the host stay may be developing and not have sufficient mechanisms or will in place. **Cooperative actions are required beyond borders as human rights are boundless** and often violations by TNCs cannot be sufficiently addressed without concerted efforts. An example of ETOs practices in action is states, as well as TNCs themselves, monitoring supply chains to prevent labor abuse and child labor. CSOs should demand these Principles be followed.

In **discussions with political institutions or politicians**, the following **demands** should be emphasized to increase the functioning capabilities of the system overseeing private sector accountability:

- Transparent and inclusive (of other actors) dialogues with private sector.
- Strong regulatory frameworks – on private sector and PPPs- which enhance development outcomes.
- Preventing the misuse of procedures regarding private companies (e.g. subsidies and preferential licenses).
- Preventing conflicts of interest and corruption.
- Mandatory independent social and environmental assessments for private sector activities in development.
- Support for PPPs based on local engagement and local context.
- Joint and transparent standards for measuring development impacts of private sector.
- CSR policies as a precondition for PPPs.
- Membership of the UN Global Compact as a precondition where relevant.
- Formulation of National Action Plans (NAPs) and National Contact Points (NCPs).
- Holding TNCs operating in the country accountable and ensuring they are not above the law.
- Tax justice.
- Independent and functioning court system.
- Independent ombudsman’s for public institutions involved with the private sector.

It is vital to engage other actors – such as trade unions and the public- for a coalition in pressuring governments for reform concerning the private sector.

Trade Unions: Engaging unions and educating the organizations on mechanisms available to hold the private sector accountable.

Selected Strategies:

1. Strikes.
2. ILO complaints.

Complaints to the International Labor Organisation (ILO) cannot be filed by an individual.

Trade unions of the country represented in the ILO, however, are able to file complaints against their government. For instance, complaints prompted Myanmar to curb forced labor and forced Poland to grant legal status to one of their trade unions.

Public: The public is a powerful actor in reminding the government of their responsibilities concerning accountability of the private sector.

Selected Strategies:

1. Engage media tools - interviews, press releases, social media, etc.
2. Community conferences.
3. Logistical support for grassroots movements.

The future of the international framework:

CSOs should join the efforts to support and encourage a just and comprehensive, legally-binding international treaty on accountability for private sector practices.

The soft-law approach of the UNGPs led to a coalition of countries from the Global South, including the Arab Group, to push for a **legally-binding instrument for business enterprises and human rights**. Their efforts were supported by a coalition of over 600 CSOs and 400 prominent individuals under the **Treaty Alliance** movement. They argued that the UNGPs required a complementary international standard to

strengthen national capabilities in the domestic sphere. As a result, a resolution was passed in the UNHRC to establish an **Open-Ended Intergovernmental Working Group (OEIWG)** tasked to develop such an instrument in the form of a treaty⁴⁸. The OEIWG has consulted and developed a draft report that includes discussion from panelists and CSOs: (<http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session1/Draftreport.pdf>).

Whilst in the early stages, this commitment to developing an internationally binding treaty to lay rules and means of redress for corporate violations to human rights is an important step in ensuring accountability for business. As it stands, the OEIWG faces tough challenges in addressing key issues in the context of an internationally binding framework for corporate accountability- including- are the duties only on states or on companies too? Will the treaty also apply to not just TNCs but local companies? How will extraterritorial liability be managed?⁴⁹

In 2015, approximately 900 CSOs and individuals signed a **joint statement by the Treaty Alliance** in support of the binding instrument and calling on the ICWG to take specific measures to deliver effective HR protections to prevent and remedy corporate abuses: (<http://www.treatymovement.com/statement/>).

Some of the important measures this statement called for in developing the treaty include:

- A. Requiring state legislation for the private sector, aimed at preventing, stopping and redressing adverse human rights impacts.
- B. Clarifying what actions by companies will give rise to legal liability (civil, criminal and administrative). Through this international instrument, states will have the obligation to translate these standards into national legislation and enforce them. Provisions for legal and judicial cooperation among countries should facilitate the investigation and trial of cases of transnational nature.
- C. Allowing people access to judicial remedies, not only in their own home state, but in all

⁴⁸ Human Rights Council, 2014, “Elaboration of an international legally binding instruments on Transnational Corporations and other Business Enterprises with Respect to Human Rights” (A/HRC/26/L.22), available at: <http://www.ihrb.org/pdf/G1408252.pdf>

⁴⁹ Pitts, C. “Ready, Steady, Debate!: Treaty Talks Begin at UN”, Business and Human Rights Resource Centre, available at: <http://business-humanrights.org/en/ready-steady-debate-treaty-talks-begin-at-un>

other states that have jurisdiction over the concerned business enterprise.

- D. Providing for an international monitoring and accountability mechanism.
- E. Including provisions requiring States to respect, protect and facilitate the work of human rights defenders and whistle-blowers.

Lastly, CSOs may appeal to **overseas donors** to demand that conditionalities are set on their funds that require partner governments to choose private-sector partners based on the level that their activities positively and effectively contribute to development objectives. In this regards, for engaging IFI instruments please refer to this manual's chapter on IFIs.

In summary, to push for private sector accountability, as CSOs, endeavor to:

- Improve channels to private sector accountability by lobbying the government to implement mechanisms.
- Vigilantly monitor, identify and report breaches to citizens and governments. Where appropriate, demand compensation for violations.
- Educate companies on the benefits of CSR practices.
- Mobilize a coalition involving trade unions and the public.
- Join efforts to support and encourage a just and comprehensive, legally-binding international treaty on accountability for private sector practices. Join the Treaty Alliance or form complimentary regional or international coalitions to have a voice in the process.

Accountability of International Financial Institutions

(specific focus on WB, IMF, EBRD and EIB)

Established after World War II, initially for the reconstruction of Europe, international financial institutions provide financial support, technical assistance and policy advice to developing and transition countries. They play a significant role in shaping the world economy. Their policies and

programs cover a wide range of issues, including macroeconomic policy, the private sector, labor regulations, social protection, health, education, and environmental concerns, among others.

IFIs are well committed to poverty reduction in their official discourse. For instance, the WBG's two goals to achieve by 2030⁵⁰ are: (1) to end extreme poverty by decreasing the percentage of people living on less than \$1.25 a day to no more than 3%, and (2) to promote shared prosperity by fostering the income growth of the bottom 40% for every country. Indeed, all the IFIs refer consistently to "development", "poverty eradication" and "shared prosperity".

Only before the Third International Conference on Financing for Development (FfD), IFIs pledged to extend more than \$400 billion in financing over the next three years and to work more closely with private and public sector partners to help mobilize the resources needed to meet achieving the SDGs. With their "resources" and "influence" they could have been considered as key actors in achieving sustainable development. Nevertheless, the results of policies/programs implemented and projects funded by the IFIs do not always bring positive developmental results nor addresses inequalities and poverty that stand at the very center of the SDGs. Accordingly, there remains a lot of questioning on the effectiveness of the IFIs, conditionalities attached to aid, and their lack of transparency and democratic legitimacy. In parallel, there is a growing demand for reforming the IFIs to enhance their legitimacy and effectiveness and to ensure their human rights responsibilities and accountability.

Accountability of the IFIs is based on their human rights obligations. It is true that the state is the main duty-bearer in the protection, respect and fulfillment of human rights. Yet, there is a large correlation between the IFIs' activities and the enjoyment of human rights. While states, being party to International Covenant on Economic, Social and Cultural Rights, become bound individually on Covenant's obligations, it would be misleading to consider that through forming IFIs (members of these organizations are states) and undertaking actions that they may ignore

⁵⁰ The World Bank Group, "What We Do", available at: <http://www.worldbank.org/en/about/what-we-do>

and violate their human rights responsibilities. Given the lack of “human rights considerations” in the Articles of Agreement establishing the WBG and the IMF, one may argue that there is no applicability of these obligations in the work of the IFIs. However, the UN Committee on Economic, Social and Cultural Rights, the body that interprets and monitors the implementation of the Covenant, involves considerable references to the obligations of states as part of inter-governmental organizations, thus pertaining to IFIs.

UN Declaration of Human Rights Article 28 is significant to address this dichotomy. It reads: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” Since the first establishment of Bretton Woods institutions to date, their increasing and key role within the international order confirms that not only the acts of states but also acts of international organizations- i.e. IFIs- are at the center of enabling this “order”; an order that fosters the universal enjoyment of human rights. In other words, IFIs, as non-state actors are duty-bearers as well. There has been several articulations of this responsibility, including:

- **The Tilburg Guiding Principles on the WBG, IMF and Human Rights**⁵¹: drafted by a group of experts meeting at Tilburg University in the Netherlands in October 2001 and April 2002, the principles put forward that “as international legal persons, the World Bank and the IMF have international legal obligations to take full responsibility for human rights respect in situations where the institutions’ own projects, policies or programmes negatively impact or undermine the enjoyment of human rights” (p.5). The principles clarify that the IFIs having Relationship Agreements with the UN is an indication of their international legal personality separate from their members, which carries with it rights and obligations according to international law.
- In 2002, the International Law Commission included in its programme work the responsibility of international organizations

(in addition to responsibility of states), appointing Mr. Giorgio Gaja as Special Rapporteur for the topic⁵². Following several reports of the Special Rapporteur, with resolution 66/100 of 9 December 2011⁵³ the General Assembly took note of the “**Draft Articles on the responsibility of international organizations**”. These confirmed that intergovernmental organizations, such as IFIs, are subject to international law obligations. Through the resolution, the Assembly “commended them [these draft articles] to the attention of Governments and international organizations without prejudice to the question of their future adoption or other appropriate action.”

- The 2012 **Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights** (see section on private sector) articulate states’ human rights obligations, including when acting through intergovernmental organizations, i.e. IFIs.

These articulations provide a strong base for the responsibilities of IFIs. They bring together the very fact that “rights and obligations demand accountability⁵⁴.” In addition, as the IFIs are publicly owned, the need to hold them accountable is obvious.

The following sections will elaborate on the IFIs accountability, answering the following questions: Which issues should be considered with respect to IFIs accountability? What are the available accountability mechanisms? What can CSOs do to enhance IFIs accountability?

The section does not focus on “to whom” the IFIs are accountable to, but rather adopts the understanding that the IFIs accountability needs to be comprehensive- moving from solely accountability to nation-state shareholders (who are in turn accountable to their citizens) to a

51 “**Tilburg Guiding Principles on World Bank, IMF and Human Rights**”, available at: <https://www1.umn.edu/humanrts/instree/Tilburgprinciples.html>

52 See Procedural History at <http://legal.un.org/avl/ha/ario/ario.html>

53 United Nations General Assembly, 2012, “Responsibility of International Organizations” (A/RES/66/100), available at: http://www.un.org/ga/search/view_doc.asp?symbol=a/res/66/100

54 “**Tilburg Guiding Principles on World Bank, IMF and Human Rights**”, paragraph 17, available at: <https://www1.umn.edu/humanrts/instree/Tilburgprinciples.html>

broader definition of stakeholders including civil society and the so-called “beneficiaries” of the projects funded by them.

Key issues to be considered in relation to IFIs accountability:

Governance: Promotion of good governance in their client countries is common in the IFIs work. Yet, with their own governance structure they fall short. In fact, both Bretton Woods Institutions’ governance structures favor developed countries, while most of the policies, projects and programs they fund have direct impacts on developing country member states. Therefore, those who are impacted most have limited say in those decisions affecting their lives. The 2002 Monterrey Consensus of the International Conference on the Financing for Development pointed out the need to “broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting.”⁵⁵ The outcome document specifically called upon the WBG and IMF to “continue to enhance participation of all developing countries and countries with economies in transition in their decision-making... as they address the development needs and concerns of these countries.” While the governance question is directly linked with the legitimacy of the IFIs, research on lending practices of the two revealed the influence of the commercial and the financial interests of the US and, to a lesser extent, of the EU⁵⁶.

To respond to criticisms regarding their governance structure, both institutions agreed to initiate good governance, yet in reality there is still long way to go for ensuring what they have been promoting. The IMF reform package of 2010 that proposes a shift of voting power to dynamic emerging markets and developing countries, an all-elected, more representative Executive Board, and IMF quotas to double to \$755 billion, is yet to be implemented as the US Congress refuses to ratify the agreement. On the other hand, the leadership of both institutions based on the

“gentlemen agreement”, according to which the IMF managing director is European and the WBG president American, is hardly democratic. Indeed, lately at the Addis Ababa FfD conference, heads of states voiced their commitment to an open and transparent, gender-balanced and merit-based selection of IFIs heads, as well as enhanced diversity of staff. Considering this, its genuine implementation in practice should occur.

Civil society, in their accountability call for the IFIs, should emphasis the need for reforming the leadership structure of the IFIs to be more democratic and transparent. CSOs should demand especially that the quota formula implemented by the IFIs ensures adequate voice to borrowers, particularly the poorer ones.

Transparency: Enhancing transparency is key for accountability of the IFIs. Indeed, the right to access to information, enshrined in Article 19 of the United Nations Universal Declaration of Human Rights, which guarantees the right to “seek, receive and impart information and ideas”, applies to IFIs without exception. Based on this notion, a civil society network named the Global Transparency Initiative (GTI) since 2006 has called for openness in the IFIs and put forward the Transparency Charter for IFIs that includes: (1) the right of access (2) automatic disclosure (3) access to decision-making (4) the right to request information (5) limited exceptions (6) appeals (7) whistleblower protection (8) the promotion of freedom of information, and (9) regular review. Transparency in development cooperation was confirmed later in 2011 at Busan. At this HLF all stakeholders agreed on making developing cooperation more transparent by implementing a common, open standard for aid information by December 2015.

“Implement a common, open standard for electronic publication of timely, comprehensive and forward-looking information on resources provided through development cooperation, taking into account the statistical reporting of the OECD-DAC and the complementary efforts of the International Aid Transparency Initiative and others. This standard must meet the information needs of developing countries and non-state actors, consistent with national requirements. We will agree on this standard and publish our

55 United Nations, 2003, Monterrey Consensus of the International Conference on Financing for Development of March 2002, available at: <http://www.un.org/esa/ffd/monterrey/MonterreyConsensus.pdf>

56 Faini, R. and Grilli, E., 2004, “Who Runs the IFIs?”, Centro Studi D’Agliano, available at: http://www.dagliano.unimi.it/media/WP2004_191.pdf

respective schedules to implement it by December 2012, with the aim of implementing it fully by December 2015.”

Busan Partnership for Effective Development Cooperation, p.23 (c)

While certain steps and reviews are undertaken by the IFIs in terms of enhancing transparency (see Box), according to the Aid Transparency Index, the IFIs do not present a promising picture, except the WBG's International Development Association (IDA), contrary to the WBG's International Finance Corporation (IFC). The index, born out of the global campaign on aid transparency, namely

Publish What You Fund⁵⁷, assesses organizations' overall commitment to transparency, as well as the information they publish at the organization level and for individual activities.

⁵⁷ <http://www.publishwhatyoufund.org/>

WBG IDA: Very Good
WBG IFC: Poor
IMF: Poor
EIB: Poor
EBRD: Poor
Aid Transparency Index, 2014

Box: Revision but a Step Backward: EIB's New Transparency Policy

The European Investment Bank's (EIB) approach to transparency and stakeholder engagement is defined under its Transparency Policy. Through a public consultation launched on 4 July 2014, the EIB undertook a review process and adopted a new version on 6 March 2015. Despite this, the new policy still does not ensure full openness and is highly criticized given that the Bank plays a vital role in the new EU investment plan that amounts to 315 billion euros⁵⁸. The European Parliament⁵⁹ has highlighted flaws in the new policy, pointing at the vagueness that surrounds the publication of information on EIB projects. The statement of the EP Intergroup on Integrity, Transparency, Corruption and Organized crime reads as: "Still not all projects have to be published on the website...It is in the interest of the EIB itself to inform citizens about its projects, since they often have a direct impact on society. Mere summaries do not suffice. Moreover, whenever there are indications that projects do not deliver value for money, or worse, that there have been irregularities, such as fraud, corruption or abuse of the projects for tax evasion, citizens want to have full access to the documents concerned. Cases of maladministration and corruption should not be covered-up, more secrecy is not what people want."

⁵⁸ CEE BankWatch Network, 2015, "EIB's New Transparency Policy Allows for More Secrecy", 11 March, available at: <http://bankwatch.org/news-media/for-journalists/press-releases/eibs-new-transparency-policy-allows-more-secrecy>

⁵⁹ Statement by European Parliament's Intergroup on Integrity, Transparency, Corruption and Organised Crime, available at: <http://bankwatch.org/news-media/blog/european-parliament-intergroup-itco-condemns-new-transparency-policy-european-invest>

On the other hand, whereas stakeholder engagement is considered key for transparency and accountability of the Bank, the policy stays timid on taking responsibility with regard to ensuring the engagement of local stakeholders. Accordingly, it notes that the latter is the primary responsibility of the client. This means that particularly on private lending and through intermediaries there is no real assurance that the local communities concerns will be taken into consideration. In this respect, the Bank, rather than only facilitating these meetings if deemed necessary, should ensure that these meetings are organized as a prerequisite of lending and the local authorities and the community-based organizations are involved in those meeting. As noted in the policy, local communities would contribute to positive developmental objectives of the projects and would act as monitors of the outcomes, thus reflecting on the overall performance of the EIB. Yet, as stated, being "well-informed" is key and requires EIB to ensure that timely, adequate, up-to-date and relevant information is released and made available to all local stakeholders at each stage of the project cycle.

Read more:

<http://www.eib.org/about/partners/cso/consultations/item/public-consultation-on-eibs-transparency-policy-2014.htm>

ANND input to the EIB Transparency policy:

http://www.eib.org/attachments/consultations/eib_group_tp_comments_annd_20150109_en.pdf

Joint submission supported by ANND:

http://www.eib.org/attachments/consultations/eib_group_tp_comments_joint_cso_submission_20150109_en.pdf

Lack of transparency in the IFIs engagement within the Arab region has long been criticized by civil society groups, most recently when the negotiations for a potential loan from IMF to Egypt was on the agenda following the January 2011 uprisings in the country. Although the negotiations toward a loan for the amount of \$4.8 billion were halted, investors still refer to IMF loans as superior, and that they “offer a stronger platform for reviving the economy than the Gulf money currently keeping it afloat.”⁶⁰ Nevertheless, the initial negotiations were contested by local CSOs, including a case in the local court by the Egyptian Center for Economic and Social Rights⁶¹ (ECESR) that pointed out that “loan negotiations between the IMF and the Government of Egypt lack the minimum standards of transparency”. The Center highlighted that the public social consultancy process, which the Prime Minister of Egypt announced to be taking place, is exclusionary, inaccessible, and unrepresentative of the Egyptian public. In response, ECESR raised a court case against the Egyptian government, requesting the disclosure of the loan conditions in accordance with the right to information for one, and second, in aspiration for a real public social consultancy dialogue.

Civil society in their call for accountable IFIs, should emphasis the need for more openness, which will ensure access to information and public disclosure but as well access to decision-making. They should refer to the IFIs score in ATI as an indicator and ask for a genuine implementation of the Busan commitment of implementing a common, open standard for aid information by December 2015.

Conditionality:

Conditionality (structural conditionality) has been an essential instrument of the IFIs according to which the debtor country is required to meet certain provisions and criteria for receiving assistance. Yet, reforms prescribed to “restore

60 Feteha, A., 2015, “Even with Gulf Billions Pouring in Egypt May Still Turn to IMF”, Bloomberg Business, 27 May, available at: <http://www.bloomberg.com/news/articles/2015-05-27/even-with-gulf-billions-pouring-in-egypt-may-still-turn-to-imf>

61 Read more: Why We Reject the IMF Loan to Egypt : Position Paper by ECESR, available at: <https://www.facebook.com/notes/egyptian-center-for-economic-social-rights/why-we-reject-the-imf-loan-to-egypt-position-paper/460992900610943>

macroeconomic stability” and “growth” ignore the democratic ownership of aid and restrict the “policy space” of the recipient countries. Given the asymmetrical power within the governance structures, this is a hefty challenge for development effectiveness.

Economic and social policies of the Arab countries have been highly influenced and shaped by the IFIs since 1980s. Policy advice resulted in increased debts, higher unemployment, poverty and inequality, and have promoted “the reorientation of macroeconomic policies to focus on combating inflation, attracting foreign direct investment, and greater openness to trade and capital flows, while marginalizing employment and equitable income distribution.”⁶² While the development level on the ground degraded, the IMF continued postulating the same policy advice. For instance, just before the start of people’s uprisings in Tunisia, the Executive Board of the IMF was describing a positive picture of Tunisia, noting its success in weathering crisis thanks to its sound macroeconomic management and structural reforms over the last decade.⁶³

Although the IFIs policy advices’ negative impacts were severely felt by Arab countries⁶⁴, it is important to note that “contesting foreign conditionality on economic and social policy-making has been increasingly absent from public spheres in these countries...due to political repression and limitations on public participation in shaping policies, as well as the preoccupation of opposition political parties and civil society groups with fighting for their right to exist.”⁶⁵

62 Read more: Ziad Abdel Samad and Kinda Mohamadieh, available at:

http://ps.boell.org/sites/default/files/downloads/Perspectives_02-17_Ziad_Abdel_Samad_and_Kinda_Mohamadieh3.pdf

63 IMF, 2010, Public Information Note issued following Executive Board conclusion of Article IV Consultation with Tunisia, September, available at: <http://www.imf.org/external/np/sec/pn/2010/pn10121.htm>

64 Read more at ANND research paper 6, IMF’s Trade and Investment Related Policy Advice to Arab Countries: Trends and Implications, available at: <http://www.annd.org/english/list.php?programId=3&doctypeId=2>

65 Read more: Ziad Abdel Samad and Kinda Mohamadieh, available at: http://ps.boell.org/sites/default/files/downloads/Perspectives_02-17_Ziad_Abdel_Samad_and_Kinda_Mohamadieh3.pdf

In the Arab region, conditional aid was tackled by civil society once again following the G8 meeting in Deauville. During this meeting, the Deauville Partnership agreed to aim to “develop an economic agenda that will enable reforming governments to meet their populations’ aspiration for strong, comprehensive growth and help facilitate a free and democratic outcome to the political processes under way”. The Partnership called the IFIs and multilateral development banks “to strengthen governance and bolster the business climate”. CSOs from the region reacted⁶⁶ to the Deauville Partnership, noting that the positive change pursued by the peoples of the region is not to be achieved by an increase in aid that comes tied with recipes for further liberalization of trade and investment, deregulation under the umbrella of “bolstering the business climate”, and frameworks of conditionality linked to macroeconomic stability objectives.

Conditionality clauses are directly linked to the IFIs accountability and yet with lessons learnt and reviews implemented by the IFIs, they are trying to respond to criticisms.⁶⁷ However, an analysis undertaken by Eurodad⁶⁸ on the IMF shows that despite IFIs “review” discourse, the number of policy conditions per loan has risen in recent years.

The need for the adoption of development-oriented economic policies- that was clearly heard in people’s uprisings- is clear in the Arab region. This necessitates enhancing productive capacities and reversing depression of wage, in order to empower locals economically. As this in turn necessitates “policy space”, CSOs in challenging such policy implementation should call for enhanced accountability of the IFIs and their structural conditionalities imposed.

Consultations with stakeholders:

Linked directly to transparency and access to information, consultations organized by the IFIs, if undertaken effectively, could contribute to achieving multi-stakeholder dialogue and receiving direct input of interested local communities interested and those people directly affected. This is essential to enhancing the accountability of IFIs. “Listening and learning” became a common practice of most IFIs (see Box), yet given the lack of inclusive, transparent dialogue processes at the national level, a restricted enabling environment, and a limited role for civil society to provide alternatives in policy-making processes, the outcomes remain unsatisfactory.

IFIs provide certain channels of engagement for CSOs. These include public consultations undertaken by the IFIs on policies and key strategy documents, contacts of managements/board of directors with civil society representatives, and the Civil Society Policy Forum.

66 A Call of Civil Society Organizations from the Arab Region and International Groups Against Diverting the Revolutions’ Economic and Social Justice Goals Through Conditionalities Imposed by the IMF, WB, EIB and EBRD, available at: <http://www.annd.org/data/item/pdf/135.pdf>

67 IMF, 2015, “Fact Sheet: IMF Conditionality”, available at: <http://www.imf.org/external/np/exr/facts/conditio.htm>

68 EURODAD, “Conditionally Yours: an analysis of the policy conditions attached to IMF loans”, 2014, available at: <http://eurodad.org/files/pdf/533bd19646b20.pdf>

Box: IFIs and channels available for stakeholder views⁶⁹

IMF	<ul style="list-style-type: none"> • contacts between IMF management and CSO representatives, in both small meetings and larger forums; • public consultations on the Fund’s policy and strategy papers; • meetings and seminars with IMF staff—and Executive Directors—at Fund HQ and worldwide on specific policy or country issues; • invitations by the IMF to contribute to reviews of its policies, by attending seminars or by providing comments to papers posted on its external website; • a Civil Society Policy Forum organized jointly with the WBG, which runs in parallel with the Annual and Spring Meetings of the IMF and WBG; • participation in the CSO Fellowship Program during the Annual and Spring Meetings; • The Independent Evaluation Office (IEO) also maintains regular contacts with CSOs, which have been among the most active providers of feedback, comments, and suggestions to the IEO’s evaluations.
WBG	<ul style="list-style-type: none"> • Civil Society Policy Forum during the Annual meetings; • CSO Roundtable with Executive Directors; • Consultation on Country Assistance Strategies; • Consultations on Safeguard policies; • CSOs have been invited to serve, for the first time, as advisors and/or full partners on the governance structure of several funding mechanisms such as the Global Agriculture and Food Security Program (GAFSP), Climate Investment Funds (CIFS), and Global Partnership for Social Accountability (GPSA); • A dedicated civil society team.
EIB	<ul style="list-style-type: none"> • public consultations on selected corporate and important multi-sector policies, which typically are of interest to all EIB stakeholders; • EIB Board of Directors meeting with civil society; • A dedicated civil society division, as the first interface with stakeholders at large; • simplified web-based consultation or informal stakeholder meetings.
EBRD	<ul style="list-style-type: none"> • consultations on project Summary Documents for a period of at least 30 days and for public sector projects 60 days before consideration of the project by the Board of Directors; • providing comments for revision of Country and Sectoral strategies (periodically)-open for individual comments for a period of 45 days; • Consultation workshops organized by Civil Society Engagement Unit for draft country and sectoral strategies; • Meetings of the EBRD President and Bank’s senior management with the representatives of local and international CSOs; • The Bank’s Board Directors frequently undertake Board Consultation Visits to countries of operations, during which particular importance is placed on meeting with major national and international CSOs active in the country concerned; • Civil Society program during EBRD Annual meetings.

⁶⁹ This is not an exhaustive list and is retrieved from the civil society section of each IFI presented to give an overview of channels available for CSOs engagement.

While the space created within the IFIs – even limited- must be engaged; CSOs should continuously remind the IFIs about their agreement in Busan; recognizing the vital role played by CSOs in “enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation”. In this regard, their role should not be limited to “consultations”, but extend to providing alternatives.

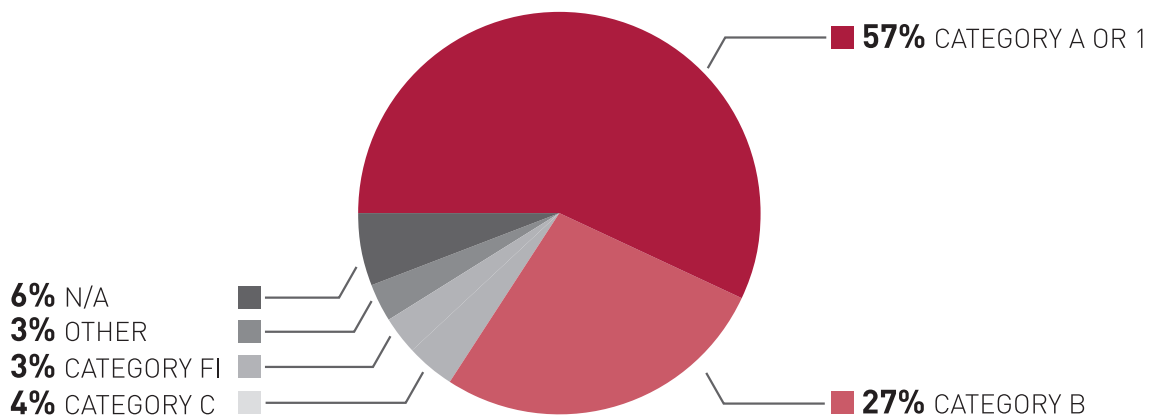
Environmental impacts:

Achieving sustainable development- a balance between economic development, social development and environmental protection- is a global struggle. IFIs are part of this struggle. Their actions have not necessarily made it easier to support investments with long-term comprehensive development, but on the contrary have often funded projects that result in environmental degradation. This includes development projects involving large-scale infrastructure and natural resources, amongst others, that entail serious violations of human rights, including, but not limited to, the right to health, the right to water, the right to housing, the right to land and the right to food.

This is despite several initiatives taken by each IFI, and/or jointly, in line with their stated commitment to addressing climate change and achieving sustainable development and “green growth”. Below is a non-exhaustive list of such initiatives of the IFIs concerned:

- Adopting environmental and social policy frameworks.
- Independent experts advising on environmental issues, i.e. Environmental and Social Advisory Council of EBRD who advise the EBRD on environmental issues such as policy, international standards, technical development, emerging trends and future opportunities.
- Conducting environmental and social impact assessments.
- Consulting with affected communities about potential project impacts.
- Developing joint reports on climate financing, to track and report financial flows that support climate change mitigation and adaptation.

Environmental Categorization of IFI Projects in Complaints



Yet the outcomes of all these initiatives do not always entail results; as shown in in the Figure⁷⁰. Despite the undertaking of environmental risk assessment on projects, a large proportion of complaints are received for projects designated as environmentally challenging. Over half (57 percent) of IFI projects cited in complaints to the independent accountability mechanisms (refer to following section) are Category “A” or “1” projects, meaning that they have been identified as having potentially significant adverse environmental and/or social impacts. Another 27 percent are Category “B” or “2” projects with potentially limited environmental and social impacts that can be mitigated. Category “C” or “3” projects (minimal or no impacts) account for just 4 percent of complaints and financial intermediary projects account for only 3 percent of complaints. Thus, the IFIs identification and categorization of precarious projects, coupled with the continuation of complaints regarding these after implementation, highlights that IFIs remain funding projects knowing full well that adverse environmental impacts will occur.

Negative impacts of the IFIs projects/policies are most visible on environmental degradation, a space that civil society should continuously monitor. CSOs should call the IFIs to undertake prior and posterior rights-based impact assessments in an independent, participatory way, allowing all voices to be heard, including gender, youth, and disabled peoples’ concerns.

Current status of accountability: available mechanisms of IFIs

While questions on the accountability of IFIs around these key issues persist, IFIs have responded with certain measures, including establishing accountability mechanisms. WBG has been the pioneer among the IFIs in establishing an independent accountability mechanism (IAM), namely the Inspection Panel in 1993. The Panel was established in the wake of the Earth Summit in Rio de Janeiro and in response to widespread concerns voiced by civil society about the social and environmental impacts of projects financed by the Bank. This positive leading example of “citizen-driven accountability” was followed later on by other IFIs (See box⁷¹)

⁷⁰ Independent Accountability Mechanisms Network, 2012, “Citizen driven accountability for sustainable development”, available at: http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Rio20_IAMs_Contribution.pdf

⁷¹ This chart is based on the Leaflet developed by CEE Bankwatch Network, entitled Unlocking Accountability: Complaints mechanisms at the international financial institutions available at <http://bankwatch.org/sites/default/files/leaflet-unlockingaccountabilityEN-Apr2014.pdf>

IFI	Mechanism	Unlocking Accountability
WBG	The Inspection Panel is an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by projects or programs financed by the IBRD or IDA.	<p>World Bank Inspection Panel</p> <p>1818 H Street NW, Washington DC, 20433 USA and/or P.O. Box 27566 Washington, DC 20038</p> <p>Email: ipanel@worldbank.org</p> <p>Phone: +1 202 458 5200</p> <p>Fax: +1 202 522 0916</p>
IFC	The Compliance Advisory Ombudsman (CAO) allows communities affected by projects of the IFC and MIGA to submit complaints while serving as an arbitrator and advisor on issues relating to a project's social and environmental outcomes. As its name suggests, the three main functions of the CAO are compliance, advisory and ombudsman.	<p>Office of the Compliance Advisor/ Ombudsman (CAO)</p> <p>2121 Pennsylvania Avenue, NW, Washington, DC 20433, USA</p> <p>Tel: + 1 202 458 1973, Fax: + 1 202 522 7400, E-mail: cao-compliance@ifc.org</p>
EBRD	The Project Complaint Mechanism (PCM) can help individuals, groups and organizations in two ways: 1) with problem solving to resolve a dispute and 2) reviewing compliance of the EBRD with its environmental and social or information policy.	<p>Project Compliant Mechanism Officer</p> <p>European Bank for Reconstruction and Development</p> <p>One exchange square, London EC2A 2JN, UK</p> <p>Tel: + 44 207 338 2813</p> <p>Fax: + 44 207 338 7633</p>
EIB	Complaints must be lodged within one year from the date on which the facts upon which the allegation is grounded could be reasonably known by the complainant. In the case of complaints concerning access to information, a complaint must be made within 20 working days from the date of the correspondence which is the subject of the complaint.	<p>Appeals should be addressed to the Secretary General</p> <p>100 boulevard Konrad Adenauer, L-2950 Luxembourg.</p> <p>e-mail: complaints@eib.org</p> <p>or through web:</p> <p>www.eib.org/infocentre/complaints-form.htm</p>

In addition to the above mentioned initiatives, IFIs came together and established the Independent Accountability Mechanisms (IAM) network to foster cooperation and share ideas and best practices in the work of accountability in development. Accordingly, in 2012 for Rio+20, an assessment undertaken by the IAM Network⁷² revealed that:

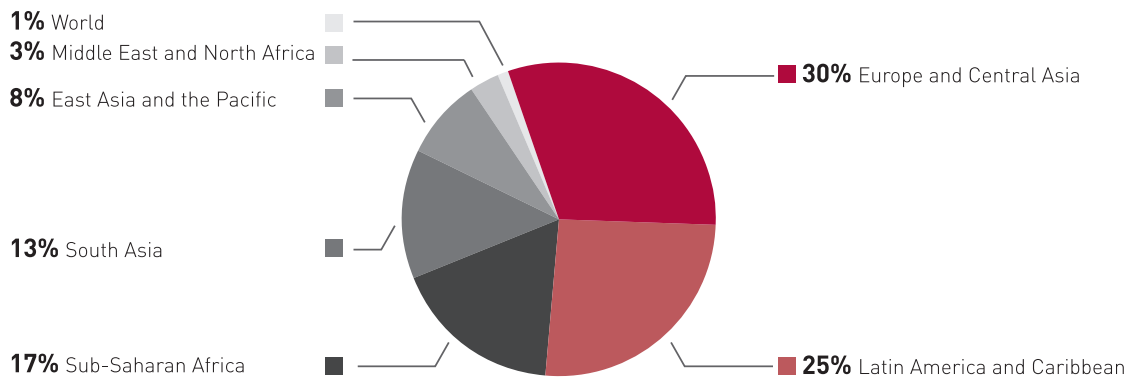
- ❖ Only 3 percent of complaints (see Figure⁷³) have been filed from the Arab region (Middle East and North Africa), despite the large regional portfolios of some IFIs and the IAM’s own outreach activities.

As the analysis puts forward, limited use of accountability mechanisms in the Arab region “may be explained in part by the level of mobilization of national and regional civil society networks, awareness of the IFIs and their projects and awareness of the IAMs themselves”⁷⁴.

72 Independent Accountability Mechanisms Network, 2012, “Citizen driven accountability for sustainable development”, available at: http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Rio20_IAMs_Contribution.pdf

73 Ibid
74 Ibid

complaints by region



world denotes compliance cases that are cross-regional

Case: Making IFIs more accountable

The description of the below case is retrieved from the work of IAM Network, whereby the case is presented as a good-practice (IAM used to prevent harm from occurring). Yet, through related information retrieved from Bank Information Center, the case will be extended further to highlight remaining challenges even after the IAM's so called "preventive" engagement.

On May 19, 2009, the European Investment Bank Complaints Mechanism (EIB-CM) received the first of twenty-four distinct complaints about the proposed construction of a natural gas-fired power generation plant in Nuweiba, Egypt, a town on the west coast of South Sinai about 200 kilometers north of Sharm-el-Sheik. The proposed site for the plant was a pristine stretch of beach along the Aqaba Gulf. Known as the "Pearl of the Gulf of Aqaba," Nuweiba's beach is among the most beautiful in Egypt, boasting silvery sands, mountain scenery and shallow coral reefs.

Those challenging the environmental and social impacts of the project were the citizens of Nuweiba, hotel owners, owners of scuba diving centers, beach-side camp owners, local NGOs, tourist operators, and two of the areas major Bedouin tribes. An online petition to the Egyptian government demanding that the project stop garnered 2,300 signatures. Complainants alleged serious deficiencies in the process, among them a lack of proper public consultation; insufficient consideration given to local economy, tourist resources and local communities; and disregard for the preservation of local biodiversity and marine habitats.

The Egyptian Electricity Holding Company (EEHC), which was to implement the project, argued that the project was in the national interest, as it would address insufficient electricity supply, reduce the risk of blackouts, and balance the overall electricity grid. They identified the project site in part because of the existence of a gas pipeline, an electricity substation, and transmission lines along the Gulf of Aqaba.

The EIB-CM conducted its initial assessment,

which included extensive stakeholder engagement and an on-site fact-finding visit to determine the appropriate next steps, namely either a mediation process or a compliance review. The visit made clear that the concerns raised by the claimants were grave. EIB-CM commissioned independent expert reviews in three areas: the project's impact on marine biodiversity; the economic impact of the project on the local tourist industry; and the social impact of the project on local communities, particularly the Bedouins.

The EIB-CM, supported by the three independent experts, concluded that the complainants concerns were well founded and that, should the plan go ahead, the damage to the environment and the local tourist industry as well as the negative social impact on local communities would be serious and likely irreparable. Moreover, the EIB-CM took the view that these impacts could lead to conflict and even violence. For these reasons, the EIB concluded that it could not fund the project. EEHC and the Egyptian authorities contested the findings, but nonetheless withdrew their request for EIB support. A new project, Giza North II power plant, was approved by the EIB Board on September 20, 2011. This project is adjacent to an already-existing power plant in an area without human occupation, a solution that addresses Egypt's power needs without undue harm to people and the environment.

While the above text presents a rosy picture in which the EIB is accountable to citizens demands, it is still misleading in concluding that there was a new project approved without any harm to people and the environment. The fact that Giza North II power plant is in itself an expansion of an already problematic project is omitted.

Indeed, the Giza North Power Plant itself was a Panel Case for the World Bank Inspection Panel, submitted by the Egyptian Association for Collective Rights and seven other non-governmental organizations (NGOs) on their behalf and on behalf of 17 owners of agricultural holdings and 18 agricultural laborers and/or tenants belonging to the villages of Alqata and Abu Ghalib in the Imbaba area of Giza Governorate, who claim to be impacted by the Project. Various concerns have been raised by communities and civil society organizations surrounding the Giza North Power Plant project, including:

• *Water:* Giza North Power Plant is built in an agricultural area in between the Rashid branch of the Nile River and the Baheiry canal, which are both part of the important water supply that irrigates the agricultural land in the Nile Delta. The Rashid Branch and the Baheiry canal also represent an important livelihood for fishermen and farmers living and working in the surrounding areas. The Giza North Power Plant, when operational, will draw water from the Baheiry canal for cooling purposes and will return the water to the canal downstream at a higher temperature. During construction of the intake and output structures, which themselves obstruct part of the canal, the canal's flow was disrupted. Local fishing communities have reported significant impacts to their livelihoods due to decreased availability of fish in the waters surrounding the plant, and due to damages to their nets and boats from construction equipment. Farmers whose lands border the Giza North Power plant project reported a significant reduction in the groundwater feeding their wells during the construction of the power plant, and were not properly compensated according to the size of land and the losses of each landowner and farmer.

• *Land:* The 72 feddans of the project site were purchased by the implementing company from the owner of the land who had put the parcel of land up for sale. Tenants and laborers who had

been residing and working on the land who had customary contracts to work the land were forced to leave the land and lost their livelihoods without compensation at the time construction on the plant began. The construction of this power plant converts a significant plot of scarce agricultural land to industrial land, when the site at the outer edge of the fertile Nile Delta land and is within 20 kilometers of desert land. The construction of the plant is also drawing increased numbers of people to housing, shops, and other buildings on the land surrounding the plant to feed on the increased traffic to the area, which will increase the total agricultural land lost.

• *Compensation and consultation:* Affected farmers and landowners report that negotiations about compensation for losses of land and water were conducted individually and without transparency or common methodology, in such a way to create competition between those receiving compensation.

• *Right of way:* After some farmers refused compensation for their land to be used for construction of towers for electricity transmission lines, the Egyptian government issued an official decree declaring that the land could be taken by force, which goes against the World Bank's Safeguard policy on involuntary resettlement.

Enhancing accountability of IFIs: The role of civil society

Since their inception to date, accountability of the IFIs evolved: new initiatives developed to answer questions on governance, legitimacy, transparency, conditionality, overall in enhancing accountability. Yet there is a lot to be done, and as the heads of states and governments gathered in Addis Ababa acknowledged, there is need to "strengthen regulatory frameworks at all levels to further increase transparency and accountability of financial institutions."⁷⁵ (para. 25)

Civil society, as a development actor, plays a key role in ensuring accountability of the IFIs. This can be achieved in various ways:

⁷⁵ Outcome document of the Addis Ababa conference is available at: http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf

1. Build capacity and raise awareness on the "accountability of IFIs"

Accountability is a complex term; when it comes together with IFIs it necessitates further clarification, especially for local communities directly/negatively affected by IFIs projects and programs. They should be informed about accountability mechanisms available regarding each IFI and how to use these tools to redress any human rights violations. In this regard, CSOs should:

- Clarify concepts and produce simplified language resource tools for local community use.
- Monitor continuously the IFIs engagement and policy advices in the country and disseminate the outcome of their research/

analysis to all relevant stakeholders.

- Organize workshops and capacity building sessions to enable a platform for discussion and sharing lessons.
- Introduce to the public and civil society “accountability mechanisms” available concerning IFIs, as well as encouraging and supporting those affected in submitting complaints and during complaint follow-up

2. Mobilize groups, build coalitions, endorse global initiatives and actively engage in civil society spaces available regarding IFIs to “strengthen voices”

At national, regional and global levels CSOs work towards mobilizing groups and building coalitions in their demand of accountability for IFIs. A larger volume and more coherently raised concerns in this respect would have a larger impact on the international level. For instance, the power of mobilization demonstrated by the online petition to the Egyptian Government that gathered 2,300 signatures, demanding the halt of the above-mentioned Nuweiba project, cannot be denied. In this regard, CSOs should:

- Endorse global initiatives like “Transparency

Charter for International Financial Institutions: Claiming our Right to Know”.

- Include gender, youth, and disabled people’s perspectives in terms of the IFIs accountability and bring related cases to IFI accountability.
- Engage media in highlighting human rights violations generated by the IFIs projects and programs.
- As a CSO, participate in and encourage civil society participation in IFIs’ civil society forums, to raise key concerns from your region, or on the specific issue you work on.

3. Continuously advocate/lobby for strengthened accountability of IFIs

While each organization, in line with its mission-vision, can define priorities in relation to the IFIs accountability and advocate for them, below are 5 key asks that CSOs can advocate/lobby for in order to achieve strengthened accountability:

- Stress the importance of the translation of key documents for local communities to ensure increased access to information and transparency (see Box) and call for public disclosure of all consultations/negotiations with governments.

Box: Expansion of mandate without ensuring access to information

With the Deauville Partnership, the mandate of EBRD was expanded to cover Southern and Eastern Mediterranean countries, namely Egypt, Tunisia, Jordan and Morocco. Yet, the Project Summary documents, in which

interested parties can actually “learn” about the engagement of EBRD in their country, are available only in English. This remains a key challenge for access to information and hinders accountability of the Bank.

- Stress that IFIs should respect and encourage “national ownership” of development plans which should be adopted through inclusive national dialogues with all relevant stakeholders, including civil society. Respecting “policy space” of the countries is integral in this regard.
- Highlight that IFIs “consultation” exercises at national level must be undertaken in a transparent, inclusive and participatory way

and these consultation processes ought to be associated with the effective disclosure of information. This applies especially in the planning phases, as well as when promoting specific regulatory and legislative changes. Documents related to the consultations ought to be made available at least 45 days before the consultation meeting or consultation deadline⁷⁶. (see Box)

⁷⁶ See full proposed model for consultation between EBRD and CSOs; developed by ANND and Bankwatch: <http://bankwatch.org/sites/default/files/comments-EBRD-CSO-MENA-05Apr2012.pdf>

Box: Consultations: are they simply ticking-the-box exercises?

The EBRD organized an open consultation meeting for interested CSOs in Amman, Jordan on May 22, 2012. The aim of the meeting was to introduce the EBRD, its mandate and business model, and to receive civil society comments on the “Concept Note”; a basis for the Country Assessments and Operational Priorities document. While this exercise is welcome, it is important to note that

“CSO representatives in Jordan received the concept note on the afternoon of Friday, May 18, leaving factually one working day to prepare for the meeting, which itself lasted merely two hours”.

Read more at: <http://bankwatch.org/news-media/blog/ebd-should-listen-better-civil-society-arab-spring-countries>.

- Given that IFIs policies and projects lead to extensive TNCs practices, call for the adoption of an international legally-binding instrument to regulate, in international human rights law, the activities of TNCs and other business enterprises and stress that this instrument should “include provisions on the obligations of international and regional financial and economic institutions. It must require at a minimum that these institutions contribute to the implementation of the treaty and refrain from taking measures contrary to its objectives and provisions⁷⁷.”
- Lobby for the establishment of monitoring and accountability framework within the post-2015 development agenda to introduce mandatory, independent assessments and periodic public reporting of the cross-border human rights and sustainable development impacts of the IFIs.

⁷⁷ Written contribution of Global Campaign to dismantle corporate power and stop impunity to the first session of the intergovernmental working mandated with the elaboration of an international legally binding instrument on TNCs and other business enterprises with respect to human rights, available at: <https://www.tni.org/files/publication-downloads/written-contribution-of-the-global-campaign.pdf>

Accountability Of Civil Society Organizations

There is no absolute, categorical and consensual definition of Civil Society Organizations (CSOs). For the purpose of this manual, we will use the definition of the ADVISORY GROUP ON CIVIL SOCIETY AND AID EFFECTIVENESS Synthesis of Findings and Recommendations – August 2008

CSOs can be defined to include all nonmarket and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. They cover a wide range of organizations that include membership based CSOs, cause-based CSOs, and service-oriented CSOs. Examples include community-based organizations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organizations, labour unions, cooperatives, professional associations, chambers of commerce, independent research institutes, and the not-for-profit media."⁷⁸

Over the past decade, guided by the rise of globalization, CSOs greatly expanded in terms of size, scope and capacity. Around the globe, fostered by the soaring notions of democratic governance and economic integration, as well as by the evolution of communications, they have been rapidly emphasized on an unprecedented scale.

CSOs substantially and exponentially amplify peoples' pleas for their civil, cultural, economic, social, political and human rights. A great strength of CSOs rests, in addition to the freedom given by their relative autonomy, in their multiplicity and great diversity. From the mobilization of grassroots communities, to building coalitions or leveraging financial and human resources in North-South CSO partnerships, many central activities undertaken by CSOs can be viewed through the lens of monitoring of accountability in the framework of aid effectiveness. Yet, within this rich mosaic of different goals and ambitions, they're still bound by a shared common defining identity: social solidarity.

⁷⁸ http://www.ccic.ca/_files/en/what_we_do/aid_consult_group_2008-08_ag_synthesis_and_recs_e.pdf

Since this report focuses on aid effectiveness and more specifically on mutual accountability, it is crucial to highlight the significant role CSOs play in the international aid system.

CSOs participate actively in development co-operation and humanitarian activities on the three components of the aid process: as aid donors, channels but also recipients.

- As donors, they collect and redistribute a substantial amount of money. They actively contribute to development thanks to resources raised from private sources.
- As channels, they become intermediaries, ensuring the connection between Official Development Assistance (ODA)⁷⁹ and other CSOs.
- As recipients, CSOs are provided with aid supporting their own initiatives, priorities and vision⁸⁰.

This omnipresence within the aid process has brought opportunities but also intrinsically linked challenges. Because of this posture of CSOs in the frame of international development policies, inevitably, their effectiveness will be called into question. Traditionally, accountability practices regarding civil society were given very little attention. The 1990's radically changed the situation and in this, several factors were involved. First of all, CSOs proliferated and, as exposed previously, their role increased dramatically. In addition, scandals surrounding Non-Governmental Organizations (NGOs) concerning mismanagement of funds arose and some fundraising practices were also controversial. Furthermore, conflicts of interest,

⁷⁹ The Development Assistance Committee, in its measurement of flows to developing countries, gave a particular attention to the official and concessional share of this flow: it has been defined Official Development Assistance (ODA). It embodies the key measure used in most of aid targets and assessments of aid performance. See: <http://www.oecd.org/dac/stats/officialdevelopmentassistancedefinitionandcoverage.htm>

⁸⁰ Organisation for Economic Co-operation and Development, 2009, "Better Aid : Civil Society and Aid Effectiveness – Findings, recommendations and good practice", p.55-7, available at : http://www.ituc-csi.org/IMG/pdf/Civil_Society_and_Aid_Effectiveness_2_.pdf

corruption accusations, skepticism about non-profit effectiveness, and questions regarding the relation with for-profit organizations proliferated⁸¹. As a result, CSOs became increasingly scrutinized over accountability. Thus, new monitoring mechanisms tailored to CSOs started to emerge.

Several main mechanisms to hold specifically CSOs accountable are identifiable. In general, as CSOs depend heavily on external funding, it is particularly relevant to apply a fiscal control. This includes not only the conditions a financier may impose regarding activities, but also consideration of the legal framework, whether national or international, applying to funds management. Moreover, legal accountability, in a broader sense, also holds CSOs accountable since they have to be registered according to national law and honor the terms of any contract signed with other aid actors.

Indeed, as CSOs are active within a constellation of diverse actors, this environment often implies close, cooperative relationships to maximize their scope of actions. Hence, they are accountable to peer groups in their initiatives, results and means of implementation. The widespread proliferation of CSOs has led to an intense competition among them, especially for recruiting and keeping members. The required credible reputation that they must have to attract members dictates the extent to which CSOs must address internal accountability. Furthermore, in the competitive NGO market, market accountability is crucial as it controls the means by which funds or memberships are obtained.

Another type of accountability concerns the supervisory system, used by those who have delegated authority to the CSOs. Such authority can be withdrawn when instructions are not followed. To finish, CSOs might also regulate themselves through the internal accountability mechanism of hierarchy. Officers and agents of a CSO are held accountable to standards established by the NGO's management and organizational structure. Failure to abide by the NGO's own standards may result in salary cuts or firing and therefore can prevent undesirable behaviors.

Dealing with these diverse accountability obligations is a genuine challenge for CSOs as stakeholders have varied and sometimes even contradictory interests. As a matter of fact, CSOs, due to their breadth of action, are accountable to many stakeholders: to donors for their resources, to beneficiaries for the delivery of goods and services, to members who expect representation, to allies who cooperate with them, to their staff, to government agencies for complying with regulations, and last but not least, to the people⁸². By representing citizens, they also hold governments accountable in their commitments in development.⁸³

Hence, being fully accountable to all of them is difficult. Ethical problems arise as CSOs have to determine who to prioritize. In many cases the most influential actors, such as donors or regulators, assume precedence over beneficiaries.

81 CSO Partnership for Development Effectiveness (CPDE), 2014, "CSO Accountability Documentation Project", , CPDE working group on CSO development effectiveness and voluntary action network – India, p.71, available at: <http://www.csopartnership.org/wp-content/uploads/2014/11/CSO-Accountability-Project-edited-2.pdf>

82 David Brown, L. 2007, "Civil Society Legitimacy And Accountability: Issues And Challenges". Civicus.

83 Better Aid, OECD, 2009 "Civil Society And Aid Effectiveness", ituc-csi.

Regardless, if these mechanisms of CSOs accountability are today commonly accepted as standards in enhancing aid effectiveness, the subject has come a long way. The implementation of CSOs in the aid effectiveness process, much like Rome, was not built in a day. Notably, it is in this Italian capital that aid effectiveness started to represent a goal in itself. This, of course, refers to the first HLF, held in Rome in 2003. Yet, at the beginning of the OECD-DAC processes, the perspectives of CSOs were largely absent from the discussions. In response, CSOs began to combine their efforts to systematically organize their engagement in the aid effectiveness processes⁸⁴. The importance of CSOs in the aid effectiveness process was only properly recognized by the international community at the 3rd HLF on Aid Effectiveness, held in Accra in 2008. Before that, discussions on aid effectiveness were mostly directed toward donors and partner governments. If the Paris declaration started to talk about the role of CSOs, it failed to provide guidance on how they could increase their impact and improve their effectiveness. Also, it did not recognize them as independent agents of development with their own objectives and priorities. The AAA stated the recognition of CSOs and outlined recommendations to enhance their effectiveness: *“We will deepen our engagement with CSOs as independent development actors in their own right whose efforts complement those of governments and the private sector. We share an interest in ensuring that CSO contributions to development reach their full potential. To this end:*

a) We invite CSOs to reflect on how they can apply the Paris principles of aid effectiveness from a CSO perspective.

b) We welcome the CSOs’ proposal to engage with them in a CSO-led multistakeholder process to promote CSO development effectiveness. As part of that process, we will seek to i) improve co-ordination of CSO efforts with government programs, ii) enhance CSO accountability for results, and iii) improve information on CSO activities.

c) We will work with CSOs to provide an enabling environment that maximizes their contributions to development.”⁸⁵

In the wake of the AAA, diverse CSOs worldwide created the Open Forum for CSO Development Effectiveness in 2009. Its goal was described as the improvement of the effectiveness of their development work through defining sharing principles and developing guidelines to implement these principles. The establishment of the Open Forum was a result of pressures by the other stakeholders on CSOs to sign up to the Paris Declaration. Instead of signing it, CSOs decided to generate their own forum to determine how, as independent development actors, they could reach their own standard of development effectiveness.

The first Global Assembly of the Open Forum was held in Istanbul in 2010 and led to the establishment of the Istanbul Principles for CSO Development Effectiveness. Eight principles served as guiding values for CSOs in enhancing their effectiveness:

1. Respect and promote human rights and social justice.
2. Embody gender equality and equity while promoting women and girls’ rights.
3. Focus on people’s empowerment, democratic ownership and participation.
4. Promote environmental sustainability.
5. Practice transparency and accountability.
6. Pursue equitable partnerships and solidarity.
7. Create and share knowledge and commit to mutual learning.
8. Commit to realizing positive sustainable change.

⁸⁴ Arab NGO Network for Development, 2012, Getting to know the ‘Aid Effectiveness Process’, p.2

⁸⁵ OECD, 2008, “The Paris Declaration On Aid Effectiveness And The Accra Agenda For Action”

Significantly, transparency and accountability were then considered as a surefire way to improve

CSOs aid performance: *“CSOs are effective as development actors when they demonstrate a sustained organizational commitment to transparency, multiple accountability, and integrity in their internal operations”*⁸⁶.

A year later, the Second Open Forum Global Assembly was held. This assembly resulted in the International Framework for CSO Development Effectiveness which provides guidance on implementing the principles, as well as the enabling environment conditions required by governments and donors. The key document is divided into three main sections:

“I. Guidance for the implementation of the Istanbul Principles for CSO Development Effectiveness by CSOs;

II. Strengthening Mechanisms for CSO Accountability; and

III. Critical Conditions for Enabling CSO Development Effectiveness: Government Policies and Practices” (p.3) 87 (*Istanbul principles, §5*)

The design of this CSOs accountability framework has had several positive consequences on CSOs' work and remains undeniably crucial for the integration of CSOs in the effectiveness process.

Firstly, it improves the image of the organizations: accountability mechanisms contribute to greater awareness of the actual work of CSOs, thus improving CSOs' reputations. By postulating the message that these organizations are committed to professional standards, it increases CSOs' credibility with the donors. The framework demonstrates the willingness of CSOs to improve their performance, as well as to respond to stakeholders. Furthermore, it displays the CSOs as ethical, as accountability mechanisms are seen as a way for the sector to demonstrate legitimacy, transparency and effectiveness as development actors.

Secondly, it bolsters the stakeholders' trust in CSOs: by giving a positive image of the CSOs it consolidates trust. As a result, it reinforces the relationship between CSOs and other stakeholders and hence improves the effectiveness of their cooperation.

Thirdly, it improves their organizational effectiveness: the implementation of accountability mechanisms compels CSOs to measure their progress and results. By focusing on their performance, it encourages them to work more efficiently in order to deliver concrete results. Accountability makes also CSOs more responsive to the needs of whom they are accountable to⁸⁸.

However, this accountability of CSOs faces many challenges, raised concretely during the Advisory Group on Civil Society and Aid Effectiveness (AG-CS) consultative processes. The AG-CS is a multi-stakeholder group which was established by the DAC Working Party on Aid Effectiveness in January 2007. Its mandate was to strengthen dialogue in advance of the Accra HLF, and to that end it has led several international, regional and national consultations.⁸⁹ These consultations revealed that developing country governments were particularly concerned by the lack of information on donor funding that flows to CSOs and the lack of mechanisms for measuring the impact of CSO activities on development. For their part, CSOs may consider that the tools for reviewing results are used more as an instrument of control by donors than as a way to assess progress in development outcomes. A better way to view this, however, is the development of mutual trust and a commitment to providing best results.

⁸⁶ Open forum for CSO development effectiveness, 2008, “Istanbul CSO Development Effectiveness Principles”. Interpeace.org.

⁸⁷ Open forum for CSO development effectiveness, 2011, “The International Framework For CSO Development Effectiveness”. mofa.

⁸⁸ CPDE, 2014, “CSO Accountability Document Project”. csopartnership. Web.

⁸⁹ Aideffectiveness.org, 2015, “Advisory-Group-On-Civil-Society-And-Aid-Effectiveness | Civil-Society | Partnership-For-Development | Themes”.

This stage included questions about the types of results that are most relevant to measure CSOs work. For instance, greater attention should be given to indicators of institutional and social change, such as *“improvements in gender equality and women’s empowerment, the reduction of social inequalities, the improvement of human rights and democratic practice and other qualitative indicators of social progress.”*⁹⁰

The mutual accountability principle as unprecedentedly described in the Paris Declaration was also a matter of controversy. The AG-CS consultations considered that the implementation of mutual accountability would be effective only if there are greater institutional commitments to transparency and a more inclusive processes. They also considered that CSOs have a role to play in the establishment of mutual accountability at national and global levels. However, the lack of access to information regarding aid flows and policies prevent them in working efficiently.

In the AAA, CSOs were invited to think about how they can apply the Paris Principles of aid effectiveness from a CSO perspective, notably the ‘managing for results’ and ‘mutual accountability’ components. These two notions are linked, as accountability for results is the most important type of accountability in the development sector. In this context, the AG-CS made recommendations in order to help CSOs implementing these principles. These recommendations include:

- *“The adoption of a more meaningful approach to results that includes greater attention to indicators of institutional and social changes and to sex-disaggregated data of importance to CSOs operating as agents of change.”*
- *“The reinforcement of accountability systems in country for all development actors (donors, government and CSOs.)”*

- *“Donors and international financial institutions should commit to delivering timely and meaningful information to other stakeholders on their aid flows and policies, including official aid flows to CSOs.”*
- *“Developing country governments should work with elected representatives and CSOs on how to achieve increased transparency of both official and non-official aid flows and improved accountability for development results.”*⁹¹

Further recommendations for CSOs for self-accountability:

Accountability for CSOs can be ensured by a number of key commitments and advocacy work. Operations should target accountability capabilities, practices and culture. In this regards, the following are a few strategic measures that should be given attention:

1. Implementing effective internal hierarchy systems that enforce accountability practices (reports, audits, monitoring and evaluation).
2. Ensuring fiscal controls are thorough and well-negotiated, in order for donors to monitor organization’s performance.
3. Supporting the international CSO accountability principles, for instance adopting the Istanbul Principles and aligning practices accordingly.
4. Including commitments to transparent reporting on all aspects of work.
5. Promoting an enabling environment for effective CSO operations (which has implications on accountability)⁹².

90 Better Aid, OECD, 2009, “Civil Society And Aid Effectiveness”. ituc-csi, p.36.

91 Better Aid, OECD, 2009, “Civil Society and Aid Effectiveness”, ituc-csi, p. 36-7.

92 IBON International, 2014, “Accountable and Effective Development Cooperation in the Post-2015 Era”, p. 7, available at: http://www.un.org/en/ecosoc/newfunct/pdf13/dcf_germany_policy_brief_2_cso_accountability.pdf

A few more practical recommendations to implement such goals include⁹³:

- Peer reviews
- Third party certifications
- Reporting frameworks
- Operational standards
- Learning groups
- Conflict of interest policies
- Complaints mechanisms
- Whistleblower policies
- Performance reports
- Stakeholder panels
- Ethics codes
- Transparency policies
- Impact assessments

93 Lloyd, R., 2010, "Presentation: Promoting CSO Accountability", available at: http://foundationforfuture.org/en/Portals/0/Conferences/Accountability/Presentations/Session%201/Pres-3-One_World_Trust_English.pdf

Chapter II

Current practices of accountability tools
and mechanisms in the Arab region

Current practices of accountability tools and mechanisms in the Arab region

There are a variety of major review tools and mechanisms in place to address accountability in the Arab region. These are state-led and based on internationally agreed commitments, both voluntary and mandatory. Their implementation is supported by regional organizations and the UN apparatus. The experience gained from these review systems on development, trade, investment, and environmental and human rights provided a sizeable platform for the upcoming implementation of accountability in the post-2015 development agenda. Through these mechanisms, civil society has opportunities to make a real impact on accountability of Arab states. Nonetheless, the full inclusion of civil society in these processes and the implementation of enforceability will be key concerns in the post-2015 transition period.

MDG Implementation Reviews

National Reviews: Voluntary presentations on progress towards various aspects of the MDGs, through the Annual Ministerial Review (AMR) under ECOSOC, have been presented by only five Arab countries. Although this year there will be no further presentations from Arab nations, the following presentations have occurred since the onset of the AMR in 2007⁹⁴:

Year	States	Theme
2014	Kuwait, State of Palestine, Sudan, Qatar	Addressing ongoing and emerging challenges for meeting the MDGs in 2015 and for sustaining development gains in the future.
2012	Algeria, Qatar	Promoting productive capacity, employment and decent work to eradicate poverty in the context of inclusive, sustainable and equitable economic growth at all levels for achieving the MDGs.
2011	Qatar	Implementing the internationally agreed goals and commitments in regard to education.

Nineteen Arab nations have also prepared national MDG progress reports to the UN Development Programme (UNDP), assessing achievement towards the MDGs⁹⁵.

Regional Reviews: Regional contributions from the Arab region reported to the AMR have included preparatory meetings organized by ESCWA in partnership with the League of Arab States. Topics have included, in the Arab regional

context, sustainable urbanization (2008), the challenges to sustainable development from non-communicable diseases and injuries (2009), innovative approaches to reaching women, girls and the marginalized (2011), and science, technology and innovation for sustainable development (2013). In 2014, contribution to AMR consisted of preparations and output from the Arab HLF on Sustainable Development.⁹⁶ Furthermore, the UNDP has also received three regional reports for the Arab region (2005, 2007 and 2010).

94 United Nations ECOSOC, 2014, "List of National Voluntary Presentations (NVPs)", available at: http://www.un.org/en/ecosoc/newfunct/pdf14/list_of_nvps_2014.pdf

95 UNDP, 2013, "The Arab Millennium Development Goals Report: facing challenges and looking beyond 2015", available at: <http://www.undp.org/content/undp/en/home/librarypage/mdg/mdg-reports/arab-states.html>

96 For a summary of the forum activities, visit: ESCWA, "Arab High Level Forum on Sustainable Development", available: <http://www.escwa.un.org/information/meetingdetails.asp?referenceNUM=3315e>

Trade Policy Reviews

The trade policy review process, under the WTO, was established by the Uruguay Round (1986–1994) and originally operated under GATT. The reviews focus on trade policies and practices, taking into account wider economic developmental needs of nations, national policies and objectives, and the external economic environment. The reviews are “peer reviews” undertaken by WTO members and serve to provide an understanding of a country’s policies and circumstances, as well as providing feedback to the reviewed country on its performance.⁹⁷ Reports have been allowed by Djibouti, Qatar, Oman, Bahrain, the UAE, Kuwait, Saudi Arabia, Mauritania, Morocco, Jordan, Tunisia and Egypt. However, most of the nations outside of the Gulf seem largely disinterested in the reviews. For instance, Egypt’s last review was in the late 1990’s and Tunisia’s in 2005. This perhaps can be attributed to the weakness of sub-regional agreements outside of the Gulf and the privileged trading position the Maghreb enjoys with the EU⁹⁸. Additional contributions to the WTO review process include mandatory reports when trade policies change and annual updates of statistical information.

Trade Sustainability Impact Assessments (TSIA)

The Dutch consulting company responsible for reviewing FTAs with the EU, Ecorys, has reviewed some agreements with the Arab nations. These are: the GCC (2004), Libya (2009), Morocco and Tunisia (2013), and Jordan and Egypt (2014).⁹⁹ As the EU Commissioner for Trade has indicated extending the proposed Deep and Comprehensive Free Trade Area (DCFTA) to Morocco and Tunisia¹⁰⁰, Arab nations will have to consider how to best manage relationships with Ecorys.

97 WTO, 2015, “Trade Policy Reviews: ensuring transparency”, available at: https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm11_e.htm

98 UN ESCWA, 2015, “Harvesting Knowledge on Accountability in the Arab Region”, available at: <http://www.regionalcommissions.org/escwaharvesting.pdf>

99 European Commission, 2015, “Assessments”, available at: <http://ec.europa.eu/trade/policy/policy-making/analysis/sustainability-impact-assessments/assessments/>

100 Malmstrom, C., European Commission, 2015, “Modernising Trade Policy – Effectiveness and Responsibility (speech)”, available at: http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153621.pdf

OECD Investment Reviews

Four nations have had their investment policies reviewed by the OECD through a peer examination process. Egypt (2007), Morocco (2010), Tunisia (2012) and Jordan (2013) have all had their investment policy, investment promotion and facilitation, competition policy, trade policy, tax policy, corporate governance, public governance, human resources, infrastructure, and responsible business conduct reviewed through this mechanism¹⁰¹. The main objective of this process is to adhere to the OECD Declaration on Investment and Multinational Enterprises (1976), a key principle of which is transparency. The four Arab nations are guest parties to the Declaration and its annex, the OECD Guidelines for Multinational Enterprises, which is a comprehensive set of guidelines for responsible business conduct.

Environmental Performance Review (EPR)

The EPR is an OECD and UN Economic Commission for Europe (UNECE) mechanism that reviews progress nations have made towards reconciling environmental and economic targets and meeting international environmental commitments.¹⁰² It is a key means of promoting environmental accountability to the public. In 2014, the first EPR of Morocco was completed, undertaken by UNECE in cooperation with the Economic Commission for Africa (ECA). The ECA has plans to expand the EPR to further countries in Africa. Furthermore, in Tunis at the 2014 Arab Consultative Meeting on an Accountability Framework for the Post-2015 Development Agenda, members of Arab governments called on the UN Economic and Social Commission for Western Asia (ESCWA) to launch a similar EPR initiative in cooperation with UNECE.¹⁰³ Such a mechanism would allow the Arab region to benefit from European experience.

101 OECD, 2015, “OECD Investment Policy Reviews”, available at: <http://www.oecd.org/investment/countryreviews.htm>

102 UNECE, 2015, “Environmental Performance Review”, available at: <http://www.unece.org/env/epr.html>

103 UN and League of Arab States, 2014, “Report: Arab Consultative Meeting on an Accountability Framework for the Post-2015 Development Agenda”, available at: <http://css.escwa.org.lb/SDPD/3510/report.pdf>

The Universal Periodic Review (UPR)

The UPR is an instrument of the UN Human Rights Council (UNHRC) that reviews the human rights records of all UN member states. Since 2008, many of the countries in the Arab World have been reviewed, most recently Lebanon, Oman and Kuwait in 2015. Next year the UPR will address Sudan and Syria for a second time. The mechanism provides a valuable opportunity to tackle issues at the heart of society in individual Arab nations, particularly to “defend human rights in the country, protect public and private freedoms, and develop citizenship”¹⁰⁴. The process involves reporting from civil society and represents a vital opportunity to hold governments and countries accountable in their operations.

104 Abdel-Samad, Z., 2015, in “Universal Periodic Review: Lebanon 2015, Civil Society Reports” | “Opening Word”, p.6.

Chapter III

Mutual Accountability Within The
Agenda 2030 And The Way Ahead

By 2015, after fifteen years of implementation of the Millennium Development Goals (MDGs), it was clear that the lack of monitoring and accountability mechanisms at the national, regional and global levels presented a significant challenge to their fulfillment. The MDGs proved that an accountability system based on a set of goals is not sufficient to ensure that commitments will be honored and a mutually agreed vision of development achieved.

The accountability framework in the MDGs contained shortcomings in each steps of the process:

Targets:	“One-size-fits-all” national targets neglected the context of diverse countries at different stage of developmental pathways, setting unrealistic performance targets and constricting ownership of the development process.
Stakeholders:	The specific responsibilities of actors were not identified and delimited.
Monitoring:	Placed emphasis on statistical information and neglected more in-depth analysis of actions taken.
Review:	Country presentations proved less of a peer review exercise and more as a showcase of country experience – providing limited constructive debate on improving performance.
Enforceability:	The process had no measure of non-voluntary enforceability.
Context:	All of this was further complicated by the existence of large inequalities in power in the global governance system, enriching a select few at the expense of the population at large.

The post-2015 development agenda provided a critical opportunity to reevaluate monitoring and review mechanisms and harness experience gained from the MDGs into formulating a new accountability framework. Although the outcomes of this process are far from ideal, more advanced channels have begun to open for CSOs to campaign and enhance accountability for a range of actors.

Voices of the UN:accountability for post-2015

Kofi Anan, UN Secretary-General (2010): “But the shortfalls have occurred not because the goals are unreachable, or because time is too short. We are off course because of unmet commitments, inadequate resources and a lack of focus and accountability.”

Navi Pillay, UN High Commissioner for Human Rights (2013): “We treasured what we measured- and perhaps that was the wrong way round. It seems to me we should measure what we treasure.”

UN High-Level Panel report (2013): “Each participant in the global partnership has a specific role to play... since this partnership is built on principles of common humanity and mutual respect, it must also have a new spirit and be completely transparent. Everyone involved must be fully accountable.”

UN Open Working Group proposal (2014): “...take into account different national realities, capacities and levels of development and respect national policies and priorities.”

UN Secretary-General synthesis report (2014): “All voices have asked for a rigorous and participatory review and monitoring framework to hold Governments, businesses and international organizations accountable to the people for results, and to ensure that no harm is done to the planet.”

Addis Ababa Conference on Financing for Development outcome (2015): “A focus on quantitative and qualitative data... at the national and sub-national level will be especially important in order to strengthen domestic capacity, transparency and accountability...”

Key accountability themes in the post-2015 agenda:

The “Global Partnership”:

The post-2015 development agenda recognized a more inclusionary approach for all actors, namely a “global partnership”. Whilst developed countries maintain their position that the global partnership is primarily about state responsibility and relations and that non-state actions are complimentary¹⁰⁵, all actors have been incorporated into the development vision. This includes representative governments, international political organizations, IFIs, regional groups, CSOs, philanthropy groups, academia, citizens and the private sector. In this cooperative contract, “partnership” entails mutual accountability between the partners in order to develop trust and learning.

- *SDG 16.8: Broaden and strengthen the participation of developing countries in the institutions of global governance.*
- *SDG 17.9: Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation.*
- *SDG 17.16: Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries.*
- *SDG: 17.1: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.*

¹⁰⁵ Muchhala, B., 2015, Post-2015 development agenda debate on means of implementation (31 July). Third World Network. New York, available at: <http://www.twn.my/title2/unsd/2015/unsd150721.htm>

“Participatory Monitoring”:

In order to better hold nations accountable, “participatory monitoring” by citizens, CSOs, and other stakeholders on the ground in partner nations is vital to generating a feedback loop. This role involves local assessment and evaluation on development actors’ performances. Development policy should take into account those who projects affect most and be responsive to civil society that represents the people. In this regard, the Secretary General’s synthesis report emphasized the need for the national mechanism of review to be the most robust, as it is “closest to the people”.¹⁰⁶ It also mentioned that “... institutions of civil society must have the capacity to carry out their critical, independent roles.”¹⁰⁷

- *SDG 16.6: Develop effective, accountable and transparent institutions at all levels.*
- *SDG 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.*
- *SDG 16.b: Promote and enforce non-discriminatory laws and policies for sustainable development*

Data Provision:

The UN has focused on the availability of a global, multifaceted, comprehensive, accurate and timely aid data service to enhance the capacity and accuracy of review mechanisms. In order to ensure that no citizens and minorities get left behind, the availability of disaggregated data by gender, age, ethnicity, migratory status, disability, geographic location and other characteristics relevant to national contexts has been noted as crucial.

¹⁰⁶ United Nations General Assembly (2014). The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet: Synthesis report of the Secretary-General on the post-2015 agenda (A/69/700, 4 December). Available: <http://www.un.org/en/development/desa/publications/files/2015/01/SynthesisReportENG.pdf> p.30.

¹⁰⁷ Ibid, p.27.

- *SDG 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.*
- *SDG 17.9: Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation.*

The post-2015 Monitoring and Review Mechanism:

The UN plans to use a range of instruments for monitoring and review on local, national, regional and global levels. According to the finalized post-2015 text, *Transforming Our World*¹⁰⁸, the process consists of:

- 1. Voluntary reports and reviews at national and subnational levels:** to assess progress and identify challenges to inform recommendations for follow-up. Although country-led, reviews will draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments, as well as other institutions, are well positioned support the process. The outcomes are to be transferred for review to regional organizations and also the High Level Political Forum on Sustainable Development (HLPF).
- 2. National voluntary reviews to be followed up and analyzed at regional and sub-regional levels:** to provide opportunities for peer learning, sharing of best practices and discussion by multi-stakeholders on shared targets. The process will draw in the cooperation

of sub-regional commissions and organizations. States are encouraged to identify the most suitable regional forum to engage. Outcomes of regional discussions are afterwards contributed to the HLPF's global review.

- 3. Under the UNGA Resolution 67/290 mandate, the HLPF to oversee a network of follow-up and review process:** to provide political guidance to promote system-wide coherence and coordination of sustainable development policies. The HLPF will work with the UNGA, ECOSOC and other relevant organs and forums. It will keep the agenda relevant and focus on new and emerging issues. The HLPF is to meet under ECOSOC annually and the UNGA every four years. It will examine voluntary submissions by countries, thematic reviews on cross-cutting issues, and submissions by a variety of UN agencies. Submissions will include:

- The SDGs Progress Report to be prepared by the Secretary-General annually.
- The Global Sustainable Development Report (SDGR), an annual science-policy report.
- The recommendations of the annual ECOSOC Forum on Financing for Development.
- The recommendations of the UN Interagency Task Team on Science, Technology and Innovation for the SDGs.
- The recommendations of the Global Partnership on Sustainable Development Data, a coalition of more than twenty organizations.
- A Secretary-General report for the 70th UNGA, to outline critical milestones towards coherent, efficient and inclusive follow-up and review at the global level. It will include a proposal for organizational arrangements for state-led reviews, guidance on themes for the reviews, and institutional responsibilities.
- The global indicator framework, to be developed by the Inter Agency and Expert Group on SDG Indicators, will be agreed by the UN Statistical Commission by March 2016.

108 United Nations General Assembly (2014). *Transforming Our World: the 2030 agenda for sustainable development*. (1 August) Available: <https://sustainabledevelopment.un.org/content/documents/7891TRANSFORMING%20OUR%20WORLD.pdf>

Focus areas to bolster accountability under post-2015:

- *As it stands, the framework is based on voluntary accountability reports. CSOs may operate in this context by lobbying for cooperation.*

The accountability of the post-2015 framework is essentially a self-accountability, where motivation stems from conscious and peer pressure. However, history has shown not all nations like to play ethically and often pick and choose their level of engagement towards voluntary commitments. For this reason, an ideal system should involve some compulsory mechanisms, considering countries with weak civil society- for instance those with authoritarian regimes- may not feel pressured to act in a responsible manner for the benefit of their citizens.

“Despite the 11th hour alternations to the text, and the many imperfections and shortfalls, there is still a lot in the SDGs and the post-2015 development agenda outcome document overall that we can all work with over the next 15 years”

– Third World Network (TWN)
6 August 2015¹⁰⁹

This necessitates lobbying for “enforceability” at the regional and international levels.

However, working within the constraints of the current voluntary framework, CSOs must¹¹⁰:

- **Encourage a culture of universal participation** where all states assume responsibility to report to HLPF and conduct internal monitoring and reviews.
- **Lobby for regional cooperation** to encourage voluntary peer-reviews and the integration of an independent investigation and review body into the relevant regional mechanism.

109 Muchala, B., Sengupta, R., and Yoke Ling, C. (2015). Consensus on Post-2015 development agenda struck behind closed doors: Compromises in the final 48 hours (6 August). Third World Network. Available: <http://www.twn.my/title2/unsd/2015/unsd150801.htm>

110 Amnesty International, Center for Economic and Social Rights, Center for Reproductive Rights, and Human Rights Watch. Accountability for the post-2015 agenda: a proposal for a robust global review mechanism. Available: https://www.hrw.org/sites/default/files/related_material/Post2015GlobalReviewProposal.pdf p.2.

- **Pressure all states and development actors to uphold human, social and economic rights.**

- *The rise of non-traditional donors, including Brazil, China, Turkey and the Gulf States, presents new challenges. New actors in South-South Cooperation (SSC) development need to be monitored and encouraged to align practices to mutual accountability principles.*

SSC has brought about several challenges stemming from institutional and technical capacities. As an emerging donor industry, improving the quality of information for transparency, reinforcing results-orientation and better aligning practices to national systems and development is required. There must be a push within the MICs donor nations to ensure stronger transparency and mutual accountability practices, as practices are rarely transparent.

- *Empowering “social accountability” by campaigning for increased participatory national accountability mechanisms.*

The post-2015 process overestimates the self-accountability of governments to their citizens – particularly relevant in the Arab region where rights systems are weak or non-existent.¹¹¹ During the OWG formulation of the SDGs, civil society observed that minimum social and economic rights were not embedded as human rights. ANND has recognized that “Without effective accountability for human rights, progress will continue to be hampered and people will continue to get left behind.”¹¹²

111 Arab NGO Network for Development (ANND) reaction to HLP Report. Available: <http://www.annd.org/english/data/post/file/10.pdf> p.2-3.

112 Joint Statement: OWG inches closer to human rights for all post-2015, but still a long road ahead. April 30, 2014. Available: <http://www.annd.org/english/data/post/file/14.pdf> p.1.

In order for sustainable development to work, people to hold their states accountable on human rights and social justice. In this context, CSOs are the main means to channel civic participation into the accountability process. Bolstering participatory national accountability mechanisms requires pressure by CSOs on states to practice good governance, democracy, the separation of power, the empowerment of an independent judiciary, the pursuit of sound economic policy, social justice, and promotion of an enabling space for CSOs to operate and monitor their actions. CSOs will only be empowered in the accountability process through correct legal framework, rights to information, resources and access to functioning accountability mechanisms.

“Governments are primarily responsible to their own citizens through oversight bodies such as parliaments, and so it will be up to civil society to demand and promote regular reporting on national progress.”

- Roberto Bissio, Third World Institute
6 August, 2015¹¹³

CSOs should continuously campaign for an enabling environment for themselves to better contribute to national dialogue.

All the while, CSOs should be contributing to an interactive dialogue which incorporates all stakeholders in providing recommendations for states to implement, for instance, utilizing CSOs progress assessments and citizen scoreboards. National reviews for submission to the HLPF also provide an important opportunity for CSOs to contribute meaningfully.

In a wider sense, this involves the **encouragement of and participation in open, participatory, and transparent forums including various stakeholders.**

- *CSOs need to ensure that countries provide relevant data and that independent sources of information are available.*

States should be encouraged to provide information on all aspects of public policies, including economic, social, financial and environmental fields. These areas directly affect people’s enjoyment of sustainable development.¹¹⁴

In reviewing and analyzing development, care should be taken to not over-prioritize specified outputs and statistics, but involve demonstrations of improvements in people’s lives.¹¹⁵ By this means, aid can be tailored to unique areas of need and become results-based according to qualitative assessment stemming from localized knowledge.¹¹⁶

Data should be regarded as one part of a complimentary relationship involving legislative provisions by states to encourage independent sources of information and review from the press, media and CSOs. Citizen-led monitoring furthers the involvement of people in development policies and provides a more comprehensive picture.

113 Bissio, R. (2015) Briefing 26: The “A” word: monitoring the SDGs (February). Future United Nations Development System. Available: http://futureun.org/media/archive1/briefings/FUNDS_Brief26_Feb2015_Bissio.pdf p.2.

114 Joint Statement: OWG inches closer to human rights for all post-2015, but still a long road ahead. April 30, 2014. Available: <http://www.annd.org/english/data/post/file/14.pdf> p.6.

115 Gurumurthy, Ravi, and David Miliband, “Improving Humanitarian Aid: How to Make Relief More Efficient and Effective”, Foreign Affairs. Vol. 94 No. 4 (2015): p.127.

116 Barnett, Michael, and Peter Walker. “Regime Change for Humanitarian Aid: How to Make Relief More Accountable”, Foreign Affairs. Vol. 94 No. 4 (2015): p.137.

Thus, CSOs have a few priorities regarding data:

- To ensure qualitative data is available for policy makers.
- **To push for citizen access to disaggregated data at all levels.**
- **To contribute to comprehensive reporting for reviews on all levels:** including CSO reports, member state reports, multi-stakeholder reports compiled by the HLPF on national and regional progress, UN reports summarizing assessments of UN agencies, and other relevant reviews (for instance, human rights treaty monitoring bodies and the UPR).
- Efforts should be made to monitor private sector involvement in the development process.

Despite important initiatives like the IATI, the SDGs agenda does not clearly demand mandatory compliance from the private sector in enforcing universal standards in human, social and environmental rights. Legitimate concerns about labor exploitation, gender equality, landgrabbing and profiteering must be followed closely in light of a persisting lack of corporate social responsibility.

Measures include preliminary and follow-up reviews on the private actor's human rights track record, potential to deliver sustainable development, conflicts of interest, corruption history and whether the actor is transparent in financial reporting and tax responsibilities.

CSOs, in this context, should strive for concerted efforts to monitoring the private sector and encourage firms to engage in transparent reporting. A channel to achieve accountability is to campaign for national legislative procedures that ensure private sector accountability.

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