

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)

**COMPARATIVE ANALYSIS OF CIVIL SOCIETY
PARTICIPATION IN PUBLIC POLICY FORMULATION
IN SELECTED ARAB COUNTRIES**



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Preface

The Social Participatory Development Section (SPDS) at the Economic and Social Commission for Western Asia (ESCWA) prepared this comparative analysis based on four case studies about Jordan, Lebanon, Palestine, and Yemen. Researchers were assigned by ESCWA to collect information, conduct interviews, and review reports of civil society organizations in those countries in order to analyse the activities and decision-making influence of civil society organizations. Case studies were based on a theoretical and research framework developed by SPDS at ESCWA. Following an overall review of civil society activities in the four countries, researchers focused on active organizations having influence on policymaking and policy implementation. They tackled the activities and work patterns of those organizations including their previous advocacy campaigns and social movements as well as their tangible achievements in policy influence in the four countries covered by case studies.

The case studies introduced some experiences which, albeit limited, elucidate a myriad of ideas, methods and approaches adopted by civil society organizations in the Arab region. Moreover, they include the best practices used by civil society organizations to influence policymaking, and explain the decision-making process in the four countries. Finally, the case studies reach a set of conclusions and recommendations to enhance the role of civil society organizations in policymaking.

While developing the case studies, researchers used a research toolkit to conduct interviews with representatives of decision makers in the concerned ministries and parliaments, and with volunteers in campaigns and lobbying movements to capture their opinions on the effectiveness of civil society action. Researchers used the available literature related to civil society organizations such as periodic and annual reports, programme leaflets, and desk research related to civil society action and decision-making. Besides, when drafting the case studies, researchers followed the theoretical framework developed by SPDS at ESCWA, although it was not fully applicable in some cases, as in Yemen. The case studies include valuable research information, and arrived at conclusions addressing the following issues:

- Understanding decision-making processes and their complexities which vary depending on the capacity of civil society organizations;
- Identifying the national and local role of civil society organizations, particularly their capacity to change local policy;
- Understanding the socio-political environment and knowing how to deal with it in order to influence decision-making, notably in rural and conservative communities;
- Realizing the need of most civil society organizations for scientific expertise and specializations to influence policymaking in the Arab region;
- Identifying the qualitative change introduced in their capacity-building initiatives over the past few years by civil society organizations which helped to create political, international and regional conditions conducive to a policy change.

This comparative analysis aims to review, analyse and compare acquired skills in order to draw out practical and applicable recommendations to enhance and mainstream the performance of civil society organizations in order to influence policymaking effectively.

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I. CIVIL SOCIETY IN THE ARAB REGION

Should civil society thrive in order to ensure political and economic reform, development and participation in policymaking? This is an important question currently raised in the Arab region, especially around two decades after the evolution of the concept of civil society and its capacity to lead public participation in policymaking, achieve democracy and strengthen good governance, participatory development and other principles.

Prior to answering that question, it is important to review some concepts related to civil society action that are still ambiguous and need to be clarified through extensive research and discussion. This comparative study tackles the emergence, definition, evolution and classification of civil society organizations, but only seeks to give a general overview without delving into details.

A. EMERGENCE OF CIVIL SOCIETY

At a first stage, civil society developed in the nineteenth century. Its role grew in the Arab region with the expansion of charities, religious organizations, specialized associations and educational institutions. During the long colonial period, civil society organizations evolved as new ideas gave birth to cultural clubs, secular associations, trade unions and indirect political action followed by associations involved in direct political action. Under the Arab renaissance era, new political elites were determined to develop civil society action and generate innovated ideas such as creating humanitarian assistance and education institutions which contributed to the formation of new generations and political elites.

At a second stage, the nationalist sentiments grew stronger as nationalists called for using civil society organizations to resist colonialism. In the post-colonialism era, civil society made a progress but receded again in the 1960s through late 1990s, mainly because its action was not accepted by Governments and new political elites.

At a third stage, civil society organizations were exposed to the most severe forms of oppression and persecution in the light of post-independence reshuffling of political regimes, when new political elites having a military background started viewing civil society organizations as a direct threat to their monopoly of power. As such, those organizations were banned or tamed in many countries. The situation prevailed through late 1980s when Arab regimes started to recognize the important role and participation of civil society in developing and promoting social policies. That openness was further increased by the collapse of the Berlin Wall and the wave of liberalism which swept the entire world including the Arab region. As a result, the action of civil society expanded to a wide range of specializations and domains. Following the 1990s and the decreasing practice of hegemony and oppression by the State, a strong civil society was needed, that is at least integrated into the State as a service sponsor and provider. In view of this growing need, civil society organizations have become widespread in the Arab region as a result of domestic and international factors.

B. DEFINITION OF CIVIL SOCIETY

The definition of civil society with its specifications and organizations remains debatable. However, defining civil society as a third component of the State-market-society triangle is not subject to controversy. Hence, civil society stands at the same distance from State and market, and may have the role of a mediator between them. Civil society is different from the market as it represents non-profit organizations, and is different from the State as it does not pursue political action and does not seek public political and administrative positions.¹

¹ Larry Diamond, *Rethinking Civil Society. Toward Democratic Consolidation*, Journal of Democracy, Volume 5, No. 3, (July 1994), p. 5.

Some researchers and schools of thought incorporate political parties into civil society as non-governmental and non-profit organizations.² Contrary to that liberal view, others believe that the main objective of political parties is to access power and political action, and cannot therefore be part of civil society. The same controversy applies to religious institutions and charities. If secularism is one of the most important values of civil society, and non-discrimination is one of its core principles, how can religious institutions, notably those serving specific groups or communities, be part of civil society? It is worth noting, however, that some religious institutions provide social services without discrimination, and are therefore serving public good and can be considered as an integral part of civil society, while religious proselytizing institutions would not find a place in civil society.³

It is not possible to collect all definitions that classify civil society according to its different dimensions and give it an accurate description. It is not also convenient to find one theoretical definition of civil society as there is no single perspective that draws out the various dimensions and political trends of that society. In the Arab region, some consider civil society as a western cultural heritage which does not pertain to Arab societies dominated by tribal ties and sectarian fanaticism. For instance, the use of “local community” to refer to civil society is sometimes preferred because local communities or demographic groups (based on confessional, racial, ethnic affiliations or others) are outside the public and private sectors, defending their interests and promoting principles that may include, inter alia, political participation. Therefore, they are known as “local community” akin to civil society.⁴

The tribal and local structures, coupled with the lack of democratic values, raises doubts about the presence of a civil society in the Arab region. Democratic values were prerequisites for civil society in the West or in Eastern European and Latin American countries where democratization movements yielded political environments that encouraged, and even expedited, the creation of civil society organizations capable of keeping pace with democratization.

The relation of every individual with society and with the State is one of the major factors that contribute to an effective civil society. When this relation and relevant variations are followed up to monitor the growth and evolution of civil society in the Arab region, comparison seems hard to be established with the concept of civil society in the West.

In western societies, a considerable weight is given to individuals and their role in society. Besides, the relation of individuals with civil society depends on their individual role and commitment, while the role of individuals in the Arab region does not constitute the corner stone of society and its relation with the State. In the Arab region, it is the family, community, confession, or tribe which play the main role in defending public interests and issues, and create a framework to define the role of individuals in society. Therefore, the concept of civil society or local community in the Arab region is different from that of western societies where liberal movements, followed by post-communism movements, created a liberal framework for individuals who can guarantee, through their commitment, the growth of civil society.⁵

Strengthening the role of civil society or individuals in society requires an inducing political environment that provides the basic requirements of legislative stability, ensures freedom of individuals and communities, and consolidates the principles of good governance, particularly rule of law and social justice. Such an environment is lacking in many Arab countries which still suffer from instability.

² Nasser Sheikh Ali, *Role of Civil Society Organizations in Strengthening Political Participation in Palestine*, Palestinian Center for Research and Cultural Dialogue (PCRD), Beit Sahour, Palestine, 2010, p. 16 (Arabic).

³ Ziad Abdel Samad, *Civil Society in the Arab Region: Its Necessary Role and the Obstacles to Fulfillment*, The International Journal of Not-for-Profit Law, Volume 9, Issue 2, April 2007, p. 4.

⁴ Sa'ed Karajah, *Civil Society in the Arab World: the Missing Concept*, The International Journal of Not-for-Profit Law, Volume 9, Issue 2, April 2007, p. 2.

⁵ Nawaf Salam, *Civil Society in the Arab World: The Historical and Political Dimensions*, Islamic Legal Studies Program, Harvard Law school, Occasional Publications 3, October 2002, p. 2.

Furthermore, civil societies in the Arab region cannot be compared with civil societies in the West. In the Arab region, most activities of civil society organizations are limited to services, while entrepreneurship is still weak. As a result, the culture of volunteering and individual commitment declines and civil society loses an important pillar of its growth and maturity.

Civil society often becomes more effective when it aims to reduce oppression and power monopoly, monitor the good implementation of laws, prevent abuse of power, defend rights, advocate important issues, and is integrated into the State as a service sponsor. Nevertheless, in some Arab countries, power monopoly was coupled with the growing authority of confessions and tribes, which served as a balance against State monopoly to defend the rights of their members, strengthen their affiliation and keep them away from citizenship and civil society which was basically prevented from seeing the light.

Confessions, ethnicities, and minorities did not resist against the State authority, hegemony, and tyranny until that authority collapsed, as in Iraq, or due to their weaknesses as in Lebanon and Palestine. On the other hand, during its hegemony, the State could not incorporate those groups which remained idle in the face of State legitimacy in terms of their composition, culture and presence. In this case, defence of tyranny becomes a pretext for maintaining stability and preventing sectarian disintegration. This concept, rooted in religious considerations, becomes a core component of the social structure and composition including the civil society and the State.

One definition describes civil society as “a set of organized and effective social formations that aim at, voluntarily and informally, achieving overarching community objectives through good governance and legal frameworks ensuring transparency and freedom of assembly”.⁶ This definition is based on principles that are not far from the concept of civil society in the West, namely entrepreneurship, freedom, independence, volunteering, transparency, as well as a suitable legislative framework conducive to civil society growth. In this context, independence refers to independence from the State, and freedom refers to freedom of assembly and to act. When the rule of law prevails, the role and programmes of civil society organizations are strengthened. Civil society needs to be protected by a strong authority, and it stands at the same distance from the State and citizen. Additionally, it helps organize the relation of the citizens with the State. Some define civil society as a set of non-profit voluntary initiatives organized outside the family and State, and serving public interest.⁷ Some also define civil society as a collective space outside the realm of family, market and State, that includes private, volunteering, non-profit, and State-independent institutions defending a common interest, value or case.⁸

C. EVOLUTION OF CIVIL SOCIETY

Over the past few years, multiple international and regional initiatives were taken to urge national Governments and civil society to move forward on reforms and democratization, through statements of principles and action plans that did not translate into real action due to the lack of practical steps and strong implementation will. It is worth mentioning here that civil society played a significant role as an implementation tool of all those statements and plans. Statements, which cannot be all reviewed in this comparative analysis, began in Sana'a in 2002 and were subsequently replicated in Alexandria, Amman, Beirut, Doha, Rabat, Tunisia, and other Arab capitals. The most important of all is The Alexandria Statement⁹ which was a turning point in reform-related discussions in the Arab world, albeit formally, as it created a new discourse on reform with special emphasis on civil society roles.

⁶ Sa'ed Karajah, op. cit., p. 3.

⁷ Amani Kandil, *The Indicators of Arab Civil Society Organizations' Effectiveness*, The Arab Network for Non-Governmental Organizations, 2010, p. 22.

⁸ Salim Nasr, *Arab Civil Societies and Public Governance Reforms: An Analytical Framework and Overview*, United Nations Development Programme, Good Governance for Development (GfD), February 2005, p. 5.

⁹ Bibliotheca Alexandrina, *The Alexandria Statement*, conference on Arab Reform Issues: Vision and Implementation, 12-14 March 2004.

The common denominator of all statements and international initiatives such as Partnership for the Mediterranean, Forum for the Future, Broader Middle East Initiative, Dialogue for Democracy, is the call for dialogue between civil society and authority with an emphasis on partnership in the process of change and reform. In parallel with the maturity and awareness of civil society that change can be introduced through partnership and not only through opposition and confrontation, many Governments and regimes have been convinced of the necessity to relinquish oppression and violence, to be open to dialogue and negotiate on reform. Therefore, the situation has evolved since the 1970s and 1980s when civil society activists, particularly defenders of rights, used to be treated with severe oppression and violence, and exposed to imprisonment and forced disappearance.

Many initiatives collapsed as quickly as they were launched, such as the Broader Middle East Initiative or Dialogue for Democracy, and are hardly mentioned today. There are no studies that have so far tackled the impact of those initiatives on democratization or civil society growth. Those initiatives, particularly Rabat Declaration, underlined the main role of civil society in maintaining dialogue with ruling authorities and effective participation in change. Since 2004, a series of workshops were organized in the Arab region to explore frameworks of participation of civil society organizations in the dialogue with Governments and in reforms.

In addition to statements and documents, international requests were issued by the United States of America, the European Union, the World Bank, and other international parties, supported by generous funding to strengthen civil society. As a result, the number of civil society organizations increased but the quality of their activities, particularly their direct impact on policy and Governments for the sake of change, did not necessarily improve. Besides, their activities were focused on women empowerment, citizenship, and social movements calling for the respect of rights and good governance, without attaching equal importance to development-related activities or organizations and to educational policies outside the framework of education. Building on the foreign pressure exerted on Arab Governments and on the decrease of suppressive practices, civil society was able to expand its scope of action. Despite a remarkable decline in civil society action in 2010, which peaked during 2004-2008, Governments seem more convinced that the role of civil society organizations is too important and effective that they need not only to change their opposing discourse into a welcoming approach but also to take appropriate action, albeit cautiously.¹⁰

Even in 1993, the United Nations Development Programme (UNDP) used to refer to entities that are not related to the business sector or governmental bodies as “non-governmental organizations” until they adopted the term “civil society organizations”. UNDP defines those organizations as players outside State institutions that do not seek access to authority or financial profit and mobilize citizens to promote common goals and interests. UNDP considers that the roles of civil society organizations can be distributed into three main categories: First, advocating and mobilizing support to gear public opinion towards a particular case necessitating control and reform, following up the implementation of main conference resolutions, networking with other institutions to mainstream efforts, and conducting research on civil society issues; second, coordinating efforts with other organizations to defend particular issues; third, forming unions of associations to create an impact on a certain issue¹¹ (as achieved by Lebanese civil society organizations prior to participating in the United Nations Climate Change Conference in Copenhagen, 7-19 December 2009).

The term “local community” has always been associated to services and social role. However, this term bears a new and broader meaning today as it covers the role of civil society organizations in politics, economics and other domains.

¹⁰ Marina Ottoway Julia Choucair-Vizoso, *Evaluating Middle East Reform: Significant or Cosmetic? Beyond the Façade: Political Reform in the Arab World*, Washington, D.C., Carnegie Endowment for International Peace, 2008, p. 9.

¹¹ United Nations Development Programme, *UNDP and Civil Society Organizations: A Toolkit for Strengthening Partnerships*, 2006, New York, p. 18.

D. CIVIL SOCIETY AND POLICY: GROWTH FACED WITH CHALLENGES

Why were civil society organizations unable to lead change and reform in the Arab region as achieved by their Eastern European counterparts following the collapse of socialism?

Growth of civil society in the Arab region was delayed by several factors, namely security, instability and ongoing conflicts in the region which contributed to an unstable environment as well as increased State oppression of freedom of association and political action. Instability, in turn, yields unbalanced spending policies focused on armament, for instance, to the detriment of health, education and other social policies. In many instances, civil society organizations surrogate the State in the provision of services, gearing most of their efforts towards vital domains without heeding socio-economic reforms.

In Arab countries, civil society activity is hampered by weak political, legal, educational, socio-economic and cultural reforms. In spite of recurrent calls for reform and multiple reports sounding an alarm about development rates in Arab countries as well as the required public freedoms and global reforms, many Arab countries did not cease to monopolize authority and suppress freedoms, despite announcing reform projects on many occasions. In the light of religious and political extremism coupled with a weak middle class, people failed to be open to civil values and civil society organizations, and retreated again into the shell of the family, confession and tribe. The growth of civil society was further throttled and the centralized role of State was further consecrated by legislative and regulatory frameworks.

In spite of the above-mentioned factors hindering their action, civil society organizations are not blameless for their weak structure which is attributed to the lack of organizational visions, human potential and knowledge about management and governance. As such, many organizations simply remained groups of individuals and could not aspire for an organizational status. Therefore, it is hard to talk about the role of civil society organizations in influencing policymaking, and this role remains, at best, insignificant.

Influencing policy does not depend on actions taken in favour of the public good or on the organizational capacity of civil society organizations alone, but on acquiring knowledge and providing quantitative and qualitative information through specialization and ongoing research. Nevertheless, intellectual and field research was generally the first victim as civil society organizations focused on social services and humanitarian assistance. Only few think tanks were established in the field of policy; they enriched discussions, provided information, and developed public good issues based on knowledge and corroborative arguments. Research work, however, remains weak and limited to academic and university centres in addition to few modern civil society organizations that conduct policy research but their presence is still shy compared with other parts of the world. The Arab region is the weakest in this field as it contains only 3.99 per cent of think tanks in the world, ranking last after Africa which has 7.76 per cent of think tanks worldwide.¹²

E. CIVIL SOCIETY ORGANIZATIONS: CLASSIFICATION AND EFFECTIVENESS

The definition of tools classifying civil society organizations in addition to civil society concept and term is still subject to controversy. Undoubtedly, due to civil society specificities in terms of family, confessional and tribal affiliations and the ensuing fanatic tensions, civil society organizations should be cautiously classified. If those organizations constitute an independent space from the family, market and State, what about family ties and organizations based on the solidarity of confessional or tribal groups? knowing that those organizations play an effective role in representing and defending group interests as well as in providing services in a highly effective fashion. Therefore, "civil society" is not necessarily a liberal term stressing the independence of civil society organizations from the State, market and family only, but it is also a space encompassing all non-governmental entities.

¹² James G. McGann, *The Global Go-To Think Tanks*, The Think Tanks and Civil Societies Programme, University of Pennsylvania, January 2010, p. 11.

As civil society action evolved, many ad hoc sectors emerged as focus areas of civil society organizations, including: (a) religious associations which provide, among others, medical and educational services, and are among the oldest non-governmental organizations in many Arab countries; (b) service organizations which provide all kinds of humanitarian assistance and are integrated into Governments; (c) labour unions, syndicates and membership organizations which provide economic services and defend the interests of their members; (d) fraternities which focus on solidarity and support of friends and colleagues, and provide technical and pastoral services; (e) civil society organizations which focus on democratization, reform, and peaceful democratic change; the last are the most recent and most vulnerable organizations as they undertake direct political activities which expose them to prosecution in some cases. These ad hoc sectors are widespread in Arab countries depending on the type and nature of Arab regimes. Strict regimes do not authorize the freedom of assembly, and their civil society organizations provide services and educational support, while in liberal political regimes with power segregation and stable parliamentary elections, all kinds of civil society organizations are largely widespread.¹³

Civil society organizations are sometimes classified under five categories, as follows: (a) social and recreational activities such as clubs and associations; (b) provision of social services as in the case of development organizations; (c) knowledge dissemination as in the case of cultural organizations and think tanks; (d) activities representing societal interests such as professional associations, women or youth unions; (e) public interest activities such as organizations defending human rights, democracy and good governance.¹⁴

Given that Arab civil society is not homogeneous and shows inter-country and even endogenous discrepancies, and given that it is influenced by prevailing political, legislative, cultural and economic environment, it is harder to classify active organizations and identify their effectiveness indicators. As a result, some researchers point out specific indicators to measure the capacity of civil society organizations to achieve their goals, including human, physical, environmental, cultural and social capacities in addition to political and legislative environment.¹⁵

Civil society organizations in Arab countries are different from those of Eastern Europe or Latin America which are still going through democratic changes similarly to some Arab countries. In Eastern Europe and Latin America, civil society played a crucial role in toppling dictatorships, developing societies, and reducing the State oppression and sway, as it effectively contributed to democratic reform, reconciliation and development. In the Arab region, in spite of the sustained progress of civil society organizations since 1995, any discourse about Arab civil society as a leader of democratic reform in the 1990s was still viewed as overrated.

However, that progress aroused the interest of researchers, academics, experts and even Governments and international organizations. In parallel, the World Bank focused on the importance of good governance and the fundamental role of civil society in promoting it. Recently, civil society proved itself as guarantor of global stability and partner of State and market, knowing that market role has declined since the recent global financial crisis. Besides, civil society is a main contributor to democratization and response to challenges related to development, fight against poverty, women empowerment and other developmental issues.

F. CIVIL SOCIETY: ROLES AND FUNCTIONS

Civil society and its organizations have the following functions and roles: monitoring and assessing State policies and performance, observing the sound implementation of laws, fighting corruption and power

¹³ Amy Hawthorne, *Middle Eastern Democracy: Is Civil Society the Answer?*, Middle East Series, Carnegie Endowment for International Peace, Carnegie Papers, Number 44, March 2004, pp. 6-8.

¹⁴ Salim Nasr, op. cit., p. 8.

¹⁵ Amani Kandil, op. cit., p. 90.

abuse, advocating and defending issues, raising awareness, influencing public policy, informing public opinion and decision makers, working in an integrated manner with the State in terms of service provision such as training and humanitarian services.

Civil society needs a democratic environment conducive to its growth and optimal fulfilment of functions and roles. The more civil society performance is strengthened, the stronger are the pillars of governance, namely democracy, openness and liberalism. However, is this equation valid in the Arab region? The experience of civil society organizations in Arab countries shows that the functional relation between civil society growth and enhanced democracy is not necessarily positive and requires a civil society analysis from a different perspective. If one of the main roles of civil society is fighting oppression and power abuse, this role is the weakest in the Arab region or rather predominantly absent on the map of civil society action.¹⁶

Some consider that civil society action in the Arab region, albeit purely developmental, indirectly disseminates the values of volunteering, civil action and other values and principles that are necessary for democracy and participation in policymaking. Although civil society organizations do not directly address democratization issues, they undertake awareness-raising activities for generations on the importance of participation. Influencing policy is the core element of laying the foundations of democracy, change and citizenship.¹⁷

Moreover, as civil society seeks to grow, it needs a strong State which orients development by fulfilling its centralized role. Experiences in some Arab countries, such as Lebanon, Palestine and Yemen where civil society is maintaining a steady progress, show that the centralized role of State is not necessarily strong. Nevertheless, civil society organizations are active and substitute the State in specific sectors. The functional relation between civil society and the centralized role of State reveals that when State performance declines, the role of civil society organizations is boosted. Therefore, the strong centralized role of State is not a prerequisite to civil society growth. Besides, civil society organizations, especially in those countries, suffer from legislative instability, at least in terms of laws regulating civil associations and institutions, but are effectively fulfilling their work.

Civil society action depends, first and foremost, on individual initiative and entrepreneurship. It also relies on two main values which constitute the pillars of democratic societies, namely individual action and equality under the law. Both are absent in Arab societies where family, tribe, confession and other societal components are prevailing, and where individual initiative is valueless in the light of collective fanaticism.

Civil society action cannot be analytically framed without taking into consideration substantial differences between Arab society, its own culture and governance regimes on the one hand, and Western societies where civil society is developed based on the values of freedoms, democracy and individual initiative on the other hand.

Studies did not reach conclusive results about civil society influence on democratization. The theoretical and analytical framework for civil society progress through democratic transition to liberalism and market liberation does not apply to civil society organizations in the Arab region. The same goes for civil society influence on citizenship, participation and functional correlation between civil society growth on the one hand, and the well-engrained citizenship as well as affiliation to the civil State away from partisan and tribal affiliations on the other hand.

Many observers and researchers prefer using the term “local community” to refer to non-profit and volunteering organizations dedicated to defending public interest outside the State and official institutions.

¹⁶ Naomi Sakr, *Civil Society, Media and Accountability in the Arab Region*, Human development Report Office, Occasional Paper 2002/15, Background Paper for the Human Development Report, UNDP, p. 5.

¹⁷ Amy Hawthorne, op. cit., p. 10.

Local community action does not directly or indirectly develop citizenship and affiliation to the State away from partisan divisions, as this requires a holistic cultural change and societal transformation that is not necessarily possible for the moment or not considered as a prerequisite to civil society action and growth in the Arab region. Case studies of selected countries reflect a situation with specific cultural and societal conditions that are different from the prevailing situation of civil societies in the world.

G. CIVIL SOCIETY PERFORMANCE

In order to analyse the roles and functions of civil society in Arab countries, in-depth research, field studies and scientific experiences are needed but are still lacking in the region although many literature and research have covered this topic since 2005. Therefore, there is a pressing need to establish intellectual centres and think tanks in the Arab region and encourage their cooperation with other civil society organizations to defend public interest, raise awareness and influence policymaking. Cooperation promotes the role of civil society organizations and makes it more convincing by applying scientific arguments and serious research to any change sought by organizations. When action is based on scientific grounds, the performance of civil society is upgraded and trust increases in its capacities. As such, civil society will be considered as a benchmark and legitimate source of information.

The electoral system reform in Lebanon is an example. Research centres proposed electoral laws tailored to the situation in Lebanon, and submitted them to public opinion, decision makers and civil society organizations, and was able to forge a temporary partnership with legislators and policymakers. Besides, civil society organizations, including think tanks, provided the National Commission for Electoral Reform with research and many legal paradigms. This experience did not produce a law as required to trigger democratic change, yet the mechanism and practical steps followed should be commended to pave the way for their institutional endorsement.

Recently, the widespread attempts to promote the culture of corporate social responsibility have represented a real opportunity to promote and give strong impetus to the performance of civil society organizations in the Arab region. Companies have become a driving force to move away from purely charitable activities and forge real partnerships with civil society organizations concerned with important development issues in the Arab region. For instance, Egypt is currently playing a leading role in this field, especially with regard to partnership. In fact, businessmen clubs were created in Egypt and some giant companies created new partnerships with civil society organizations under the banner of corporate social responsibility. Those initiatives are suitable for bringing civil society closer to the private sector and engaging the latter in public good advocacy which requires a political and economic weight having a policy influence. This new trend towards corporate social responsibility may have a positive impact on civil society funding and political influence owing to the valuable status given to the private sector by decision makers and Governments in the Arab region.

However, the progress of civil society is hindered by multiple obstacles that are not limited to organizations and their legislative frameworks, to the absent culture of volunteering or to other conventional obstacles which reduce civil society effectiveness. Those obstacles are also coupled with structural challenges that prevent an environment conducive to civil society, and include disrespect of freedoms, low education levels, high rates of unemployment, poverty and exclusion, absent factors of good governance, decline of health-care sectors and other social sectors, and the absent political stability which is directly affecting civil society growth, development, functions and role. The weak culture of citizenship, supported by personal status laws which promote civil life with secular values, is another obstacle to an environment conducive to civil society. All those obstacles are behind capacity inequalities between civil society organizations and other active social institutions in the public and private sectors. Therefore, civil society organizations are torn between their limited capacity to mobilize supporters and trigger partial change and their strong reliance on the whims and interests of authorities.

Democratic breakthroughs have certainly occurred in the Arab region, albeit temporarily and with differentiated outcomes in countries. In parallel, human rights organizations and semi-political organizations have emerged and focused on advocating social issues, supported by advertising campaigns and documents which all had an impact on official environment and discourse pertaining to civil society. Moreover, many Governments in the region worked in cooperation with civil society organizations to draft development plans covering many issues including the Millennium Development Goals and European Partnership. Economic trends contributed to market liberation and State withdrawal from social provision and support of public services. As a result, civil society had more available opportunities to fill the gap and ensure an implicit and indirect recognition of its multiple important roles.

Any discussion about civil society and democracy should also address participation and its mechanisms which use civil society as mandatory pathway between the citizen and State, and reaffirm that development cannot take place without participation, and no participation can be guaranteed without civil society organizations which provide a minimum of clear frameworks.¹⁸ Besides, participation requires minimum political awareness which, if absent, often becomes a structural cause of civil society weakness. However, participation and State response represent a fundamental aspect of social contract between the citizen and State. Here lies the importance of Arab civil society roles in policymaking.

**Experience of Iraqi civil society
Law No. 12 of 2010 on Non-Governmental Organizations***

Iraq offers an interesting experience about the capacity of civil society to influence policymaking. In 2008, a coalition of Iraqi civil society organizations, including Al-Amal Association, Dar El-Salam, international institutions as well as local and international experts, lobbied and advocated for the amendment of a draft law regulating the establishment and work of civil society organizations. Following a series of activities, multilateral dialogue sessions, multi-sectoral alliances in Iraq and awareness-raising campaigns about the importance of the new law as a liberal instrument consecrating the freedom of establishment, funding, networking and work for civil society organizations, efforts were crowned with tangible success when amendments proposed by associations were introduced into the final draft. In March 2010, after two years of continuous efforts, a new law regulating civil society organizations in Iraq saw the light. That law was considered among the most democratic laws in the Arab region as it complied with international standards of good practice. Success came as a result of intensive lobbying led by Iraqi non-governmental organizations with the support of experts and international institutions. The major amendments introduced by associations into the new law are as follows:

1. Paragraphs limiting the access of civil society organizations to foreign funding and networking with international institutions were removed; those two items were liberated from any constraint or condition after they were subject to the prior approval of authorities.
2. Non-governmental organizations are now registered according to a centralized mechanism organized by the executive authority in accordance with article (2)-III of Law No. 12 of 2010, where article (8) provides for ways to deal with registration requests and give moral personality to the registered organization.
3. Article (23) of the new law provides that the executive authority is entitled to suspend the work of an association for a certain period in the event of violation, but provided that associations are only dissolved pursuant to a judicial decision taken by official authorities.
4. Membership in Iraqi associations is open to foreigners, who also have the right to establish their own associations in Iraq, and open to those under 18 years of age.

Besides, civil society organizations removed some amendments related to auditing in the final draft law.

¹⁸ ESCWA, Report of the Expert Group Meeting on Participatory Local Community Development, Manamah, 12-14 October 2009.

Iraqi organizations began by learning more about international experiences and good practices in laws on non-governmental organizations and reflected them in drafting the final draft law. Al-Amal Association then mobilized other associations, experts, parliamentarians and Government officials to endorse the law at the National Assembly.¹⁹

Advocating for the new law and required amendments, Iraqi associations organized dialogue sessions among different stakeholders including representatives of Government, Parliament, Iraqi civil society, funding parties, international institutions and others. The first session, held in northern Iraq in March 2008, marked the outset of public-private cooperation, and represented an opportunity for civil society organizations to express their concerns about the draft law.

* Law No. 12 of 2010 on Non-Governmental Organizations, Library of the National Institute for Human Rights, developed by the Non-Governmental Organizations (NGOs) Directorate/ Information Technology Division, NGOs Directorate website: <http://www.ngoao.gov.iq/>.

¹⁹ Interview with Mr. Jamal Al-Jawahiri, Secretary of Public and Financial Relations, available at: <http://www.ncciraq.org>.

II. CIVIL SOCIETY IN POLICYMAKING: CASE STUDIES

A. GENERAL OVERVIEW

Policymaking varies in the Arab region, especially in the four countries covered by the comparative analysis, according to the prevailing political regime which affects civil society environment. In some cases, policymaking may be influenced by eminent figures and their interests; in other cases, it may be less flexible and only allows for a formal, or rather folkloric participation in decision-making. This comparative analysis reviews four policymaking pathways in Jordan, Lebanon, Palestine and Yemen in order to compare and understand the turning points of policymaking in the four countries as well as explore the influencing factors and initiatives taken by civil society to exert pressure and push forward reformist policies.

Due to the diversity of policymaking processes and techniques, civil society organizations find it difficult to interfere in policymaking and adopt a clear way of dealing with Governments. In fact, organizations are obliged to identify and respond to every stage of policymaking using different methods according to several factors such as the critical topic of policymaking and the capacity of organizations to manoeuvre and exert pressure. As discussed in the comparative analysis, methods used to influence policymaking, albeit different, remain sporadic and dependent on the political will to accept this kind of participation and discuss policymaking. The following case studies reveal that authorities generally welcome and rely on the intervention of civil society organizations in social policy issues. However, they become reluctant and resistant when policymaking is relevant to the political regime development such as electoral laws and regulations, judicial reform or fight against corruption.

The other challenges preventing civil society organizations from making a breakthrough and influencing decision-making are the lack of long-term vision, institutional factors and required specializations to influence policymaking.

With a long-term strategic vision about future change and its form, organizations or associations can participate in and influence decision-making based on a clear methodology tailored to their scope of competence and to their organized monitoring, planning and mobilization capacities. Vision is the long-term policy perspective which allows organizations to plan and anticipate the unexpected ways of authorities in proposing policies. Without that vision, organizations are obliged to have a reactive and sporadic response to decision-making instead of making a pre-emptive and calculated movement.

When institutional factors are available for civil society organizations to exert pressure on, influence and participate in policymaking, they can learn from previous experiences and identify preset pathways to lobby for change. Institutional capacity is the result of accumulated expertise and awareness of the importance of developing a methodology based on intra-organizational participation.

When individuals are specialized in the proposed issues, they can support the political rationale with scientific arguments that convince authorities of the important participation of civil society organizations. The level of specialization may be upgraded by developing the form and governmental structure of organizations so that decision-making is based on democratic and participatory values commensurate with the organizations' interests and not subject to their leadership whims.

Over the past few years, civil society activities and the following case studies show that civil society organizations in Arab countries have various specializations which pave the way for a professional, in-depth and scientific follow-up of public issues. Nevertheless, experiences also show that Arab civil society still needs further in-depth specializations in many fields; otherwise, its capacity to change will remain limited.

Furthermore, civil society activities in the four countries show that international and local support is provided by donors and countries that are interested in civil society endeavours. In the past five years, a growing international consensus was reached on electoral reform, media freedom and women

empowerment, and was coupled with growing activities and specializations of Arab civil society organizations in those fields. In addition, a funding boom allowed some civil society organizations to have unprecedented growth, prosperity and access to decision makers. The international interest in civil society affairs in Arab countries have affected some Governments which used to be more strict with civil society organizations and have now become more lenient and open to international support to political reform. As part of the new prevailing environment in the Arab region, regional and international forums were dedicated to reforms.

This study reviews four experiences of civil society organizations in Jordan, Lebanon, Palestine and Yemen. Each experience is preceded by an introduction of its context and frameworks.

B. EXPERIENCE OF JORDAN

1. *Context and general framework*

Over decades, the relation of civil society organizations with the authority in Jordan was laden with doubts and confrontation. Successive Governments, supported with security bodies, allowed for a limited margin of freedom for those organizations. Early in the 1990s, the suppressive treatment was loosened and many political, media and human rights activists were released from prisons. A new era began where civil society was called to play a greater role in public issues. From the first Gulf war in the early 1990s until the collapse of the Iraqi regime in 2003, the progress of Jordanian civil society was slow but it accelerated in the last five years, especially after realizing the important role and contribution of civil society organizations to local development projects, empowerment of marginalized groups and anti-poverty initiatives.

The Jordanian civil society has recently evolved when a youth movement, supported by the authority, emerged and mobilized youth in Jordan to engage them in policymaking. In parallel, Jordan hosted a high number of international organizations operating in Iraq and Palestine. The Jordanian civil society has further developed as a result of funding opportunities that became available in the past five years. It is worth noting that the private sector in Jordan is involved in public issues, particularly local development and funding of civil society activities.

Civil society organizations in Jordan face many difficulties, including:

- Strict security conditions that do not allow organizations to expand their scope of action and undertake extraordinary collective action. Civil society organizations, including political parties, are still subject to red lines that cannot be exceeded or tackled without negative consequences;
- Weak expertise and experience in collective action covering political issues and aimed at influencing policies; advocacy and lobbying campaigns are rarely launched by civil society organizations;
- The family aspect of political relations in the Jordanian tribal society, thereby hindering the growth of civil collective action in critical domains such as anti-corruption, electoral reform, parliamentary action and other policy fields;
- The political domination of non-governmental (but semi-official) organizations that directly report to a pro-governmental leadership and to the Royal Diwan. Those organizations are highly influential and provide good quality of services with ongoing professional efforts that prevent the establishment and development of new associations.

Despite structural difficulties facing civil society in Jordan, new local associations have emerged at the national level. Those associations, which are concerned with local development and youth projects, have become widespread in Jordan and are strongly welcomed by the Government. Besides, they were able to

have unique cooperation with the private sector which co-funded their activities and participated in implementing their projects and engaging Jordanian youth in public issues. In many activities, their efforts were integrated into governmental efforts to implement development and incentive plans in poor streets in Amman.

2. *Summary and outcomes*²⁰

Jordan paper highlights the activities of two associations which develop social policies and encourage societal development, namely the Young Entrepreneur's Association (YEA) and Hamzat Wasel. The case study of Jordan does not give examples of multifaceted and continuous campaigns launched by Jordanian civil society organizations, but summarizes the experience of both associations with the Jordanian Government. It also sheds light on complications hindering the access of organizations to decision makers and reducing their policy influence, especially at the local level.

YEA convinced authorities to provide care for marginalized and poor areas in Amman by supplying them with public services that were not available to the local community. Moreover, YEA convinced the Ministry of Education to authorize the Jordanian private sector to fund extracurricular initiatives in many poor parts of Amman. This is an unprecedented achievement of civil society and gives significant indicators about the future relation of associations with the Government, and about partnership between civil society and the private sector.

The paper evaluates activities undertaken by both associations to meet local community needs and manage local affairs through a mechanism that probes the opinion of society about proposed issues prior to defending them. Once the targeted group is interested in the case, the association will identify demands and advocate the case before the concerned governmental authorities, usually ministries. As a result, an interactive process will begin whereby both associations exert pressure until the desired goal is met or, at least, until some demands are achieved. Issues are mostly related to development and do not pose a threat to decision makers or centralized authorities. However, the pressure exerted by both associations to change some practice or plans does not represent a real change in social or development policies in the remote areas of Amman. The paper reveals that cases advocated by Hamzat Wasel Association are sometimes controversial as the Association faces more difficulties and complications than YEA to introduce change and is obliged to intensify lobbying campaigns and efforts to increase the number of people influencing decision-making or programme amendments. Hamzat Wasel uses many tools such as petitions, direct letters, press releases and e-mails sent via non-official media and the Internet (such as Facebook), in addition to personal contact between the Association leaders and Government representatives.

The paper discusses how YEA can enrich policy debate by providing technical and social information about intervention areas and targeted groups in addition to training and awareness raising. As such, the relation of YEA with decision makers is mostly positive as the proposed cases are not usually controversial. The paper significantly notes that the positive relation of YEA with decision makers becomes complicated when intermediate employees are involved. This reflects the heavy bureaucracy and administrative hierarchy governing relations with civil society.

Conversely, the relation of Hamzat Wasel Association with the authority was not as positive and based on understanding as in the case of YEA. First, because the topics and cases of Hamzat Wasel are not always related to development only, and second, because it maintains equilibrium between lobbying decision makers and cooperating with them in other cases. Eventually, both associations have good relations with the Government, concerned ministries and targeted groups which appreciate and respect their work. The

²⁰ Based on the working paper of Mr. Yassar Al-Qatarina, *Civil Society Participation in Policymaking in Jordan*, June 2010 (Arabic only); this paper was developed in preparation of the Expert Group Meeting on Comparative Analysis of Civil Society Participation in Public Policy Formulation in Selected Arab Countries, Beirut, 1-2 December 2010.

Government believes that YEA represents the private sector and has, therefore, a positive opinion about it, while Hamzat Wasel is still a source of confusion to some decision makers.

Both associations consider that, with regard to social policy, the Government does not deal seriously with change and the required consultations between the Government and civil society. The paper sheds light on those consultations in an interview with a Government employee who noted that consultations have always been spontaneous and not based on preset policy or plan. The employee also believes that slow openness to a greater policy influence by civil society is attributed to the doubts of officials in civil society intentions and ambitions. The employee notes that the Government, in its debate over social policies and others, does not recognize the legitimacy of civil society organizations and keeps its debate confidential. Finally, the Government employee says that effective participation of civil society in policymaking is still very weak.

The vision of both associations about the weak participation of civil society does not contradict with the employee's perspective, but this weakness is attributed to a set of factors including weak specialization and technical capacity, strict limits on organizations, lacking financial and human resources to conduct research, collect information, negotiate, represent and control. Besides, both associations believe that infrastructure is not suitable to facilitate civil society influence on policymaking, and that the public sector does not have an equipped administrative structure to participate or cooperate with civil society organizations, such as the capacity to form inter-ministerial or joint committees with civil society.

The civil society participation in the development of new plans or amendment of existing plans was not based on existing mechanisms, frameworks or structures, but was rather random. Besides, both associations were not official members in a committee, and the Government did not assign any contact person to deal with civil society. The authority was considered as a receiver rather than a seeker of initiatives, and it maintains a non-official relation with civil society organizations which are considered as a vector of technical information. Although this relation is random, non-official and lacks governmental recognition of the legitimacy of civil society organizations, it was crowned with a series of achievements such as providing governmental services to disadvantaged areas by building a health-care centre, police station, sports stadium and others.

Both associations attribute their success in Jordan to public response and confidence in their capacity to change and in their important participation, as well as to their sound personal and professional relations with decision makers which allowed them to raise awareness about the important participation and opinion of local community representatives. The case study of Jordan reveals that both associations have accumulated expertise from which lessons could be learned to launch new campaigns and adopt practical and clear plans.

C. EXPERIENCE OF LEBANON

1. *Context and general framework*

The Lebanese civil society builds on experiences and expertise accumulated over the past decades especially during civil war (1975-1990). In wartime, when State institutions were almost absent, associations used to implement development, relief and social projects in several parts of Lebanon on a self-reliant basis and through external funding and cooperation with international institutions. The role of civil society organizations evolved in the post-war period which was marked by reconstruction and Taef Agreement including constitutional reforms which, if applied, would change the regime structure in Lebanon. In the light of reshaped political forces and implementation of construction projects as well as reconciliation, economic and political reforms, among others, there was a growing need to expand civil society contribution, especially through organizations which were active in wartime and gained experience that could be invested in the post-war period to help rebuild the State and its institutions.

Civil society interest areas included environmental concerns, reconciliation, electoral reform, reconstruction and balanced development. Besides, associations were created to advocate the rights of women, persons with special needs and children, as well as compliance with international conventions. At the same time in the 1990s, the Ministry of Interior, in charge of non-governmental organizations and associations, tried to restrict the work and freedoms of civil society organizations. As such, civil society was dragged into confrontation through courts and constitutional frameworks to loosen restrictions, and achieved success in most cases. The collective action strengthened the capacity of civil society organizations to intervene in policymaking and encouraged them to be specialized in fields that often lacked expertise. The major success of civil society organizations was achieved in environment, judicial and electoral reform in addition to civil peace, as they submitted proposals and recommendations and conducted reforms that paved the way for new laws bearing the fingerprints of civil society. Although the Lebanese civil society achieved progress in contributing, through its experience and expertise, to decision-making and policymaking, it is still hindered by many obstacles, including:

- The sectarian environment and system controlled by conservative religious and confessional traditions that pose an obstacle to the development of laws (such as civil marriage law, personal status law, law on refugees and law on foreign workers) and to the creation of civil culture;
- The whimsical control of political authority, knowing that the will of reform and support given by ministers and members of parliament to participation and reform moves civil society forward, and vice versa;
- The work environment controlled by security and military tutorship or unstable political and security conditions that hinder strenuous work; and the dominating culture of deals among political blocks that makes it difficult to find institutional and secure grounds for policy influence.

Civil society organizations in Lebanon have built on their capacity of action and relatively wide margin of freedom to forge alliances and establish networks and unions of associations to launch national campaigns lobbying for specific reforms. As in other Arab countries, Lebanon shows integration between associations and the State in social issues as well as confrontation, in some cases, in political issues. Besides, as in neighbouring countries, religious institutions in Lebanon still resist civil society intervention and influence, and their authority cannot be changed, reformed or shared with other stakeholders despite the wide margin of freedoms.

2. *Summary and outcomes*²¹

In the paper of Lebanon, the Lebanese Association for Democratic Elections (LADE) and Kafa Organization against gender-based violence are taken as examples to review experiences aimed at influencing policy in Lebanon through electoral system reform and enactment of a law on the protection of women against domestic violence. It is currently difficult to judge the success or failure of those experiences as associations are still launching campaigns and advocating reform plans.

With regard to electoral reform, the paper focuses on the 2006-2009 period that represented the climax of civil action towards electoral reform. The Government issued a resolution for the creation of the National Commission for Electoral Reform as a first serious attempt to enact a modern, fair and democratic law which guarantees fair and sound representation. The Commission largely relied on cooperation with civil society organizations and benefited from their experience, particularly LADE (subject of this case study) and other institutions participating in the civil campaign for electoral reform. The paper reveals areas of success and

²¹ Based on the working paper of Mr. Karam Karam, *Civil Society Participation in Policymaking: Comparative studies of selected Arab countries: Case study of Lebanon*, August 2010 (Arabic only); this paper was developed in preparation of the Expert Group Meeting on Comparative Analysis of Civil Society Participation in Public Policy Formulation in Selected Arab Countries, Beirut, 1-2 December 2010.

failure in electoral reform. Reliance on civil society is the result of mostly successful cooperation with civil society organizations, particularly LADE. In many instances, LADE emulated the Lebanese authority, represented by the Ministry of Interior. Although the Minister of Interior was the former general secretary of LADE, at that time, and a human rights activist with long experience in civil society action, the opening of a civil society office within the ministry for the purpose of coordination and partnership is considered, in this paper, as a smart attempt to attract and control associations. This point of view was further corroborated by the debate on elections and promulgation of the 1960 Law that proved to be lagging behind democratic standards. In fact, the authority appeared to have submitted the law to civil society for adoption rather than the opposite. Therefore, failure of electoral reform can be attributed to many reasons, including: (a) the polarization of civil society organizations by the Government; (b) failure of civil society organizations to maintain a clear distance with authorities; (c) focused efforts of civil society organizations on electoral surveillance to the detriment of other domains; (d) international community pressure on civil society organizations to comply with, accept and support the authority law.

The other experience of Kafa Organization seems brighter but is also far from political sensitivity which characterizes electoral issues in Lebanon, or at least it does not tackle sectarian and political interests and balances which have always dominated the political landscape in Lebanon, especially elections and political reform.

Kafa experience draws a pathway that is completely different from the electoral reform approach. In fact, it was Kafa which first called for a law on protection against domestic violence and formed a committee of judges and lawyers who formulated the draft law. Kafa held discussions with stakeholders about the promulgation and amendment of the law until it was approved by the Council of Ministers in 2010 following three years of strenuous work. Kafa seems to have mastered the use of mass media and recruitment of media professionals in support of the fight against domestic violence in Lebanon by organizing educational workshops and calling upon media stakeholders to cover the campaign as well as monitor and disclose scandalous violence acts in newspapers.

Moreover, Kafa established networks with other organizations through meetings and workshops, and dealt with forensic physicians concerned with gender-based violence. Kafa also corresponded with consecutive Governments and ministries, not only to inform them of the draft law but also to incorporate the fight against gender-based violence into official discourse. Consultation and former dialogue with stakeholders, especially in religious courts and institutions, proved to be useful for the law promulgation albeit with a substantial concession. In fact, the draft law legalizes, in its first article, the intervention of courts and maintains their control over marital affairs. It also allows applying this article to domestic violence against women. As such, the law seemed incomplete and incapable of preventing domestic violence against women.

D. EXPERIENCE OF PALESTINE

1. *Context and general framework*

The case study of Palestine focuses on feminist and social affairs movements to shed light on civil society action and response of authorities. The study is presented in the light of special, unstable and volatile political conditions prevailing in Palestine compared to other Arab countries. Civil society in Palestine is a globalized society which is controlled by special conditions that surrounded its emergence and evolution. On the one hand, it is a strong society that previously substituted the State and its institutions on many occasions; on the other hand, it is a weak society which lacks a full-fledged political authority supporting its activity with clear public policies. The Palestinian situation is even more peculiar due to internal divisions that generate ongoing instability aggravated by the lacking sovereignty of the Palestinian Authority, perpetuated occupation and colonization. As such, the Palestinian civil society inevitably emerged as a result of growing social needs that could not be met by occupation authorities or the new Palestinian Authority.

The culture of resistance to occupation, which was led by the political left wing in Palestine, also contributed to the formation of Palestinian civil society.

Historically, civil society in Palestine was purely development-oriented, but in 1987 it was among the founders of the first non-violent uprising (Intifada) which paved the way for negotiations and eventually for the establishment of the Palestinian Authority. The Palestinian civil society was able to strengthen the resilience of Palestinian people against occupation authorities and their suppressive acts. Thus, it has become essential and gained significant weight in its dialogue with the newly established authority to which it offered leaders having long experience in collective action. Moreover, it has acquired multiple qualifications and specializations, and has strengthened its capacity to form networks and unions, thereby contributing to building the State and paving the way for the new authority.

In the first phases after the Palestinian Authority was established, Palestine Liberation Organization and civil society launched dialogue and cooperation which allowed associations to push for the enactment of a law on civil society organizations which is among the best in the Arab region. The converging interests and mutual need allowed the Palestinian civil society to achieve a series of successes. Some consider that as a result of dialogue and joint action at that time, civil society organizations seemed to emulate the new authority in Palestine. That ambiguity and confusion of prerogatives was particularly due to the unclear orientation and policy of the Palestinian Authority. Nevertheless, the Palestinian Authority obviously benefited, in its early days in the mid-1990s, from the experience and capacity of civil society organizations, notably from their academic figures and leaders.

However, close cooperation between civil society and the newly established authority soon turned into repulsion and confrontation following attempts by political leaders to contain and control civil society organizations. As a result, all stakeholders had confusing and unclear roles in that period but relations stabilized again in the aftermath of the first legislative elections in Palestine in 1996 when associations conducted intensive civil action through workshops, awareness-raising, mobilization and advocacy. Besides, attempts of change and calls for a new social contract have become based on the usual tools and methodologies of civil society. In that period, civil organizations and the Palestinian Authority maintained a good relation of understanding and cooperation.

However, as in all times of crises, a relapse occurred during the authority formation in 2000 when the so-called second uprising (Intifada) took place, causing chaos and decline in the activities of governmental institutions and shaking the rule of law. In parallel, civil society resumed its action depending on the prevailing situation in the crisis management periods, and focused its activities on relief as well as social and humanitarian services. That period also witnessed the emergence of new Islamic movements which entered into competition with secular civil society organizations in terms of their type and quality of services, and called for a role to play in reform. At that time, the authority needed to work with civil society organizations which were also polarized, thereby enabling many of them to access and influence decision makers.

When the Second Intifada occurred, policymaking in Palestine experienced severe turmoil as the legislative council lost ground as a main reference in policymaking, thereby increasing the executive authority role in policymaking and implementation and eventually restoring centralized decision-making. That situation prevailed until 2006 elections and the ensuing divisions among people, when the main activity of civil society became limited to the West Bank. An unprecedented cooperation occurred there between the new Government and civil society which started to assign representatives in most committees and groups in charge of developmental policymaking.

Experience of Palestine, particularly the feminist movement call for a female quota in the parliament, offers a success model of the access of Palestinian civil society to decision-making and its policy influence in Palestine.

2. *Summary and outcomes*²²

The paper of Palestine sheds light on civil society experiences in influencing policymaking, particularly the issuance of a female parliamentary quota pursuant to the legislative framework of parliamentary elections in Palestine.

Attempts were made to issue a legislative article on female quota following the first legislative elections in 1996 where the female voting turnover was high but without successful access of female candidates to the parliament. To overcome discrepancies between voting and candidature, a group of female unions and associations organized campaigns to raise the awareness of women about electoral systems in parallel with a lobbying campaign calling for a 20 per cent female quota in parliament and 30 per cent female quota in electoral lists of parties.

Feminist organizations in Palestine have engaged in this experience led by the General Union of Palestinian Women with the participation of a myriad of civil society organizations and political parties. The three-year experience, which lasted from 2002 to 2005, allowed feminist organizations to achieve unprecedented success given the new experience of Palestine in building authority and working with civil society.

The Palestinian civil society campaign was conducted in several stages starting with coordination meetings and introductory workshops to consult, exchange information, build alliances with civil society organizations, maintain contact with political forces and parties, and expand the scope of participation with human rights organizations and youth associations among others. Through those meetings, the scale of participation was broadened, the efforts and will to move forward with alliances were gauged, and the awareness and potentials of member organizations in the General Union were raised to pave the way for the campaign.

In the second stage of meetings, a current of civil society organizations, political parties, human rights movements and unions, such as the Union of Journalists, which participated in the first stage workshops, saw the light to lobby for a female quota mechanism. As a result, a committee was formed to prepare a document including the most important demands agreed by participants in the relevant sessions. The main demand was to allocate a minimum of 20 per cent of the legislative council seats to women in addition to other demands such as organizing timely elections, adopting a proportional national system where all lists are nationally represented in legislative elections and in every city for municipal elections, adopting a female quota, and identifying female candidates in electoral lists. The document reflects the campaign evolution with its snowball effect as meetings continued to be held and committees to be formed to establish a mechanism of action based on the document. The committee strove to communicate the memorandum to higher decision makers including the head of national authority, head of the legislative council, members and head of the legal committee in the legislative council.

The campaign was further developed as organizers adopted a decentralized fashion of work. At a later stage, tasks were distributed, through workshops and meetings, and working groups in charge of media, training and mobilization were formed and led by different female associations. Afterwards, signature campaigns were launched and collected around three hundred signatures of political forces, civil organizations and national figures on the memorandum calling for electoral reform. Moreover, the follow-up committee members held meetings with the central committee and presidency of the revolutionary council of Fatah movement to identify the stance of Fatah and its representatives in the legislative council regarding the

²² Based on the working paper of Mr. Nader Said, *Comparative Analysis of Civil Society Participation in Policymaking (Case of Palestine)*, August 2010 (Arabic only); this paper was developed in preparation of the Expert Group Meeting on *Comparative Analysis of Civil Society Participation in Public Policy Formulation in Selected Arab Countries*, Beirut, 1-2 December 2010.

document. Meetings were important as they allowed for other movements to grow and for testing the acceptance of a female quota.

In parallel with campaigns, organizers formed a civil committee to oversee elections. The committee developed its working regulations and standards using international standards for overseeing elections as a framework for its intervention. The civil committee elected its secretariat to prepare for the oversight of elections. While the overseeing committee was strengthening its capacities, follow-up committees continued to prepare the national campaign through massive mobilization of women, education and awareness-raising. The campaign continued to hold education and awareness workshops, and meetings continued with officials by forming committees of national figures, eminent personalities and opinion leaders.

The campaign immediately became operational upon a decision to prepare for local elections. In a meeting with the local governor, the follow-up committee called for an open female quota of 30 per cent in local councils. The committee followed the progress of the campaign which started to yield positive outcomes and dedicated a session to incorporate the recommendations on electoral law reform into the legislative council agenda. However, the deteriorating political and security conditions prevented the session.

Further movements, which progressively gained relevance, continued and reached extensive meetings of delegations with decision makers, including large and various segments of the Palestinian civil society, once the will was announced to hold legislative elections in 2004. In parallel, the campaign organizers maintained the decentralized scope of activities and branches by cooperating with Gaza committee and forming committees to develop female participation in governorates. The campaign leaders decided to engage female organizations in governorates, develop awareness-raising and social mobilization programmes, and hold meetings with legislative council members in governorates. Besides, a decision was taken to continue meeting with the local governance and interior committee, while the committee coordinator continues cooperating with the Minister of Women's Affairs who is a campaign member charged by the president of the Council of Ministers to follow up the matter, in order to submit the demands of women to the Council of Ministers.

With regard to media, the committee decided that a media kit would be produced by every women's organization by affixing the campaign name or slogan to activities related to women and elections.

The campaign generated a severe divergence of opinion about quota in the legislative council. The security and interior committee in the council refused the quota principle and considered it as non-constitutional and against democracy principles. As such, the campaign exerted pressures that led to a draft law which provided for a female quota but was cancelled in the second parliamentary session. As a result, the campaign intensified efforts and conducted an opinion poll about quota which resulted in a high popular support that was used by the campaign to change opinions of legislators. All those movements, including a direct call to the Palestinian Authority President, led to re-voting and enacting the law which provided for a 20 per cent female quota. The law had a direct impact on women representation which grew from 5 per cent to 13 per cent in the Palestinian Legislative Council.

The experience of Palestine is a success model of civil society organizations calling for the electoral law amendment through a multi-levelled and multifaceted strategy of action. On the field, organizations raised awareness, mobilized supporters and recruited volunteers to the campaign. In parallel, interviews were conducted, during the campaign, with representatives of political elites and eminent figures who participated in the campaign (such as the Minister of Women's Affairs) as a direct attempt to convince them of reform. Besides, tasks were accurately distributed in the campaign to specialized committees (in media, education and advocacy), and an opinion poll was conducted to support the campaign views and calls for reform. The most important method of this campaign is decentralization as several local committees were formed in regions and operated at local and national levels to reach the desired reforms.

E. EXPERIENCE OF YEMEN

1. *Context and general framework*

Civil society organizations in Yemen are influenced by a tribal and regional socio-political environment as well as the developmental situation of Yemen which highly requires their intervention in public services. Most researchers, especially in the paper presented on Yemen, monitor the evolution of the civil society in the country, and refer its development to the post-unification of north and south Yemen, and to the political control of the two parties that were behind Yemen unification, namely the General Public Conference and the Socialist Party. Under those circumstances, political pluralism extended to civil society which began witnessing diversity and increase of organizations. At the same time, unions and networks of associations advocating public issues were formed. Early in the 1990s, political parties and newspapers thrived until the ruling party tightened its grip, therefore putting an end to bipartisanship. The tribal and mostly rural structures of the Yemeni society (more than 70 per cent of the population) marked the modus operandi of civil society organizations that were geared towards development, charity and social work heedless of other recent issues related to rights and politics.

With regard to democratization, the experiences of Yemen serve as interesting examples of civil society transformation and development following the north-south unification and under the closed political system. In the post-unification period, a democratization discourse emerged but was not translated into real action on the ground. On the contrary, both ruling parties at that time (which were behind unification) shared political power and influence that led to the 1994 war. As a result, the General Public Conference tightened its fists on power and put an end to the ephemeral political diversity that prevailed during unification.

The experience of Yemen showed that obstacles to policy-influencing activities of civil society organizations are attributed to several factors, such as:

- The non-conducive political and security environment suppressing civil society organizations either through direct restriction of action or through containment and control of funding by creating semi-governmental or fictitious associations that undertake the same activities;
- The dominating tribal society where tribal relations are given top priority in the network of political interests. Therefore, any political understanding based on tribal and clannish agreements contradicts with civil values that withhold discrimination on the basis of family, tribal or other affiliations;
- The prevailing restrictive legislative environment which proved its efficiency in reducing civil society action through a set of laws and decrees that legalize State intervention at any time through many legal loopholes;
- Hegemony of executive power and confined circle of consultation on policymaking, thereby making it difficult to break through the confined circle, exert pressure and influence policymaking.

The ruling authority adopts a superior attitude towards civil society in Yemen and considers it as an opposition pole or at least fears any potential alliance between civil society and opposition parties. Furthermore, the authority does not easily accept civil society action and always seeks to restrict its activities especially when they are related to right demands or when activists are human rights defenders, media activities and others who have influence on public opinion. The success of many civil society organizations in Yemen is attributed to a set of internal and external factors that allowed some civil associations to access decision makers and lobby for change, benefiting from a brief openness generated by regional and international pressure.

The conditions for establishing associations in Yemen are very difficult and subject to many constraints. Their activities are often closely monitored and contained by authorities through the creation of

associations that are similar or conduct identical activities. These are old tactics practiced by suppressive regimes. As a result, associations often struggle alone to make a breakthrough and defend themselves by resisting, at the same time, against the giant authority and the dominating religious and traditional forces that control ways to influence public opinion and society.

2. *Summary and outcomes*²³

The paper of Yemen focuses on the activities of the Human Rights Information and Training Centre, established in 1995 and considered as one of the most important non-governmental centres defending human rights and influencing policy. It conducts its local, regional and international activities through its membership in many networks and unions including the International Federation for Human Rights and the Arab Non-Governmental Organizations Network. The Centre, as a scientific and intellectual authority, represents a human rights-oriented database which is active in awareness-raising, training and advocacy. It aims to raise awareness about human rights and related concepts, and provide training among other objectives.

The Centre has been influencing policy since the year 2000 when legislative frameworks of the Yemeni civil society were based on double standards and were unstable. Until 2001, the registration and action of civil organizations were not subject to any law, and organizations used to be registered with the ministries of social affairs, culture, health and sports. In alliance with other civil organizations such as the Forum for Civil Society and the 20th Century Forum, the Centre organized seminars, workshops and meetings with donors, decision makers, advisory members of parliament and stakeholders to unify the efforts of official authorities in charge of registering organizations and amending the law. Media also played an influential and positive role in the alliance-led campaign known as “No” fight.

The lobbying campaigns led by the alliance suggested amending some legal articles. As a result, articles related to the prior authorization needed for associations to receive funding were amended, and organizations can now obtain donations and aids but the Government reserves the right to review reports. Furthermore, articles related to registration were introduced whereby the competent administration should proclaim the association or institution within a month as of receiving the registration request unless refused by the competent administrations pursuant to a resolution.

It is true that alliance-led campaigns did not produce a democratic law regulating civil society, yet the amendment of those two articles is considered as a historical success in Yemen where legal double standards as well as multiple powers and regulatory authorities prevail. The success is attributed to the concerted efforts of civil society and to the official will to show to the international community that Yemen has a democratic orientation.

Besides, Yemen paper reviews the faltering experiences of the Human Rights Centre and others, showing the poor capacity to influence policy and the control of initiatives by authorities whenever a request calls for a political change. In 2007, the Centre formed an alliance with civil society organizations such as the Social Forum, the Yemeni Observatory for Human Rights (YOHR), Women Journalists Without Chains (WJWC) and the National Organization for Defending Rights and Freedoms (HOOD) to amend the law on media. The alliance held a series of meetings and workshops with media professionals, decision makers, activists and officials that led to a draft law submitted for discussion. Despite the good media coverage, the alliance could not make a breakthrough, thus the Centre resorted to a member of parliament who advocated the draft law but a parliamentary majority rejected it again. This setback cannot be attributed only to the Government and its constitutional methods aimed at putting a spoke in wheels (as it imposed its opinion through parliamentary majority under the control of the ruling party), but also to civil society organizations

²³ Based on the working paper of Mr. Ezzedine Al-Asbahi, *Civil Society and Policymaking in the Republic of Yemen: Assumed role, emergence and field of action*, August 2010 (Arabic only); this paper was developed in preparation of the Expert Group Meeting on Comparative Analysis of Civil Society Participation in Public Policy Formulation in Selected Arab Countries, Beirut, 1-2 December 2010.

which lacked coordination and communication, and absence of backing from the Syndicate of Journalists who were not for the enactment of law in the Parliament.

The paper reviews another experience led by HOOD, a non-profit organization, established in 1998, that raises awareness about human rights and legal issues, improves the legislative and legal environment and defends human rights.

In 2002, HOOD launched a campaign to abolish the house of obedience which is a concept in the draft Code of Procedure that forces women, through the police and court, to stay in the marital house. HOOD requested amending the relevant article in the draft law through a campaign involving governmental and non-governmental women associations, demonstrations and meetings with decision makers and officials. The campaign received a broad media coverage that initially led to the concept abolition from the law. It is worth mentioning here that the President of HOOD, at that time, was a representative of the Yemeni Congregation for Reform and a Member of Parliament; thus, the issue was addressed seriously. Besides, the prevailing political conditions in that period including the political balance of power in the parliament were more stable and democratic, facilitated action away from the domination of a particular political power or exclusion of party members.

The paper includes some important observations about civil society organizations in Yemen. Individual initiatives without pre-planning and individual campaigns in newspapers through press releases are noted. Based on the response of other institutions, collective measures are taken but one organization often bears responsibility. That was the case of the campaign against house of obedience which was first launched by HOOD but was then supported by a myriad of figures, organizations, civil authorities and others. In spite of a lacking pre-planned strategy, HOOD benefited from a contextual margin of freedom and from an official will to display a new democratic orientation against extremism.

Moreover, the paper reviews two interesting experiences that failed due to several reasons. In the first experience, namely the amendment of law on civil organizations, HOOD presented an alternative draft law. Following a series of meetings and workshops with many civil organizations, HOOD submitted the draft law to governmental authorities through official correspondence. At a later stage, the draft law was incorporated into the Constitutional Committee list to discuss it in the parliament. The Government suggested amendments and submitted the enforced law to the parliament. At the same time, another Yemeni association submitted another draft law. Therefore, the parliament received three laws on the same issue. This setback is attributed, on the one hand, to lack of coordination among civil society organizations which should submit a unified law reflecting their aspirations and collective support, and to the authority attempt to skirt the new proposed law by amending the enforced law on the other hand.

The second failed experience in Yemen, discussed in the paper, was led by the Democracy School Organization. A campaign was launched to amend the law related to the age of marriage for girls by increasing it to 17 years instead of puberty age. The campaign mobilized political support and the President of the Republic pledged to raise this issue; however, it was soon hindered by the conservative values of traditional, tribal and religious forces that were stronger and more organized as they mobilized mosques, held demonstrations and released newspaper articles to counter the campaign and reject the law amendment.

Finally, the paper concludes that Yemeni civil society action is very often a non-coordinated reaction even if it is later incorporated into a collective framework of action. Civil society seems to lack ongoing communication and maybe mutual confidence, as every organization launches individual initiatives and then seeks to work collectively. As such, apprehension does not stem from authority alone but from organizations as well. The paper reaffirms that multi-organizational action is limited to participation in meetings and some workshops that give the impression of collective work but are, in fact, scattered and sporadic. According to the paper, the direct cause of a weak civil society stems from absent or poor professionalism of activists and organizations on the one hand, and from the strong traditional and religious movements which are capable of restricting official action on the other hand.

III. IMPACT OF CIVIL SOCIETY POLICY INTERVENTION

A. GENERAL OVERVIEW

This comparative analysis of civil society experiences and achievements in all four countries does not aim to reveal the edge of an experience over others or to identify the most advanced society in the four countries, but rather to review the points of similarity and difference and try to identify some ways to influence policy.

This chapter of the comparative analysis starts with some questions to be raised about the usefulness of comparing the four civil society experiences. In Lebanon and Palestine, for instance, civil society operates in a politically unstable environment and in the aftermath of internal conflicts that prevent civil society from benefiting from the State support and protection. Nevertheless, Lebanon and Palestine present unique and rich experiences of successful policy-influence attempts by civil society. On the other hand, experiences of Jordan and Yemen seem to contradict with Lebanon and Palestine as they involve an overriding use of State tools to limit its freedom of action and capacity to influence policy. Besides, Jordan and Yemen experiences are different given the tribal social structures prevailing in both countries and dominating the political, cultural and social environment with a direct impact on civil society attempts to spread civil culture. This does not apply to Lebanon and Palestine where the clannish and tribal structures are less influential, despite the sectarian nature of Lebanese society.

While political divisions and internal instability affect the continuity and pace of civil society action in Lebanon and Palestine, we note that the State indirectly supports civil society as it highly needs its various contributions to supplement the activities of State institutions. In Jordan and Yemen, outside the framework of development, civil society still raises the concerns and doubts of authorities as its action is considered as a luxury usually driven by foreign interests. In Jordan and Yemen, civil society activities are sometimes subject to direct and multi-faceted restrictions either by interrogating activists, suspending funding and closing associations, or through other abusive practices which are quite absent in Lebanon and Palestine, especially in the last five years.

The four case studies reveal that the relation of civil society organizations with the authority in Lebanon and Palestine evolved into partnership, cooperation and continuous dialogue, whereas organizations in Jordan and Yemen could not make the same progress in their relation with Governments and officials except for specific issues and within a short time span. The type of relation affects the mutual confidence between Governments and civil society in those countries. In Lebanon, for instance, civil society organizations won the confidence of members of parliament and cooperated with the Administration and Justice Committee on several issues such as electoral reform. In Palestine, civil society organizations forged partnerships with the ministries of health and social affairs. Conversely, mutual confidence, cooperation and partnerships are inexistent between organizations and the Government in Jordan and Yemen where a considerable number of civil society organizations are still suffering from the State attempts to engage them in fictitious initiatives or in networks and unions that are seemingly civil and independent but are, in fact, closely linked to the regime. Although civil society organizations were exposed to similar attempts in Lebanon and Palestine in the mid-1990s, their relation with the authority has radically evolved and the Government no longer manipulates or polarizes them. Besides, some important figures of civil society in both countries reached important ministerial positions, supported by their long struggle and history of collective action.

However, it is worth mentioning here that Lebanon and Palestine lack guarantees for an open civil society action and for a relatively positive relation between civil society and the authority. In fact, cooperation may be suspended whenever the legislator or minister decides not to cooperate and whenever the open political environment changes according to the whims of officials. Those developments, albeit positive, do not guarantee an ongoing cooperation between civil society organizations and the authority as their relation is not based on an institutional mentality in accordance with a policy of openness regulated by a

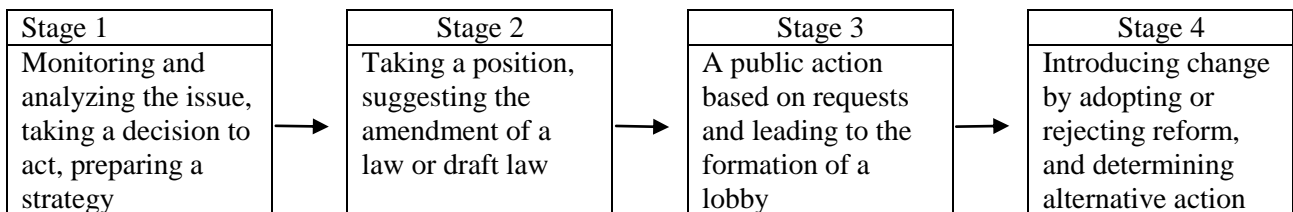
specific legislative framework. As such, those highly important gains remain exposed to relapse and decline, and may remain hostage of the ruling regime.

In the last decade, the growth of civil society role in the Arab region was severely inconsistent, especially in the countries covered by this study. The so-called war on terror led to a confusing reality which served as a double-edged sword for civil society. On the one hand, authorities used the requirements of this new war to tighten their grip on opposition forces, including civil society organizations, but on the other hand a wave of mandatory democratization swept the region through a boom of funding and international support to civil society organizations. From 2003 to 2007, Arab civil society witnessed a growing demand on its services and partnerships, and even carved up an unprecedented important position in its dialogue with Governments. However, following that shining period, civil society success faded when security issues and war on terror outweighed any other attempt to turn civil society into the main driver of reform. Nevertheless, inconsistencies certainly created significant precedents as Governments resorted to civil society expertise and considered civil society as a partner in serious and important debates which provided its organizations with access to decision makers, although Governments were very often forced to do so by external pressures.

The legislative framework regulating civil society in all four countries, regardless of its liberal forms, remains as a tool used to impose restrictions on the scope of action of civil society. Such restriction may be more difficult in Lebanon and Palestine where laws are originally liberal, while it remains as a threat to non-governmental organizations and associations in Jordan and Yemen.

B. CONCLUSIONS ABOUT THE IMPACT OF CIVIL SOCIETY INTERVENTION AT DIFFERENT STAGES

The figure below summarizes how civil society responds to and proposes public issues:



Details of stages may differ from one country to another, but the stage related to civil society lobbying and policymaking influence is the same.

The first stage consists of monitoring the political status quo and possibility of proposing the issue to public opinion, followed by analysis and close scrutiny. A decision is then taken to act or postpone final settlement. When the decision to act is taken, it is important to develop a plan or strategy or to survey the situation with other organizations, activists and stakeholders, before moving to the next stage.

The second stage involves examining the stance to be taken regarding the issue at stake and undertaking action either in the association or with some experts and stakeholders, or in coordination with several associations through a network, alliance or consultative framework that allows for in-depth and substantial analysis to reach a unified position. At this stage, associations communicate with authorities involved in decision-making, policymaking or change-making to explore and incorporate their opinion into a plan of action or draft law, or for information purposes only. Communication with the media and concerned authorities may begin at this stage especially that early media communication strengthens the necessary media coverage later or even educates media professionals who, once convinced, will be the first to call for change. When this stage is crowned with a unified and agreed proposal expressing the opinion and interests of several groups, associations move to the third stage, namely field and public action and lobbying for change.

The third stage requires using advocacy and defence tools and methods which often include launching campaigns in many locations based on partnerships and alliances with other sectors, public sector partners as well as political and legislative bodies, and based on smart and effective use of media outlets, in addition to mass mobilization which may be most effective through media awareness-raising, consultative meetings and workshops. Besides, decision makers at this stage are increasingly pressured to bring changes via networking with several sectors such as the private sector or syndicates and cooperating with renowned political, artistic and media figures, among others, to advocate the case. This stage can create enough impetus to mobilize the necessary public support for more lobbying.

Lobbying is followed by a stage where reform is adopted or rejected through its discussion by decision makers. This stage is often the most difficult as civil society organizations need all strength, support, specialization and experience to convince politicians and reveal the advantages of change. Organizations often benefit at this stage from the international support of donors and can highlight the interests of sectors benefiting from change. Organizations also continue at this stage to exert pressure, cooperate with the media and hold meetings with politicians and decision makers. Moreover, civil society organizations reap the fruit of their work in the first three stages as they would have built a network of relations, accumulated scientific experience, and more importantly gained specialization that makes them more credible in defending the case.

Case studies show that Arab countries have cross-cutting civil society actions, such as the use of the above-mentioned model, albeit very differently and without continuous commitment to different stages. As such, capacity to change and reach the final stage is faced with challenges that are not only attributed to suppression of civil society action by authorities but also to the capacity of civil society organizations to reach that stage despite its complications and requirements such as the need for long-term commitment, specialization, networking, ongoing funding, and required interest of stakeholders and targeted groups in campaigns.

Although civil society organizations did not achieve historic and astounding success in influencing policy, they tried one way or another to use the above-mentioned model but with difficulty sometimes. Building on past experience, Arab civil society became an expert in the first couple of stages, namely monitoring and proposal, but is still weak in the next stages especially lobbying and achieving the desired change. It can represent a power of proposal, monitoring and analysis more than a power to lobby and change. The capacity to move reform forward lacks accumulated experience, specialization and cooperation of authorities. But lobbying and follow-up campaigns leading to reform cannot be assumed by civil society alone. In fact, it requires a minimum margin of freedoms and a capacity to manoeuvre that is not available in many Arab countries. In those two stages, civil society achievements remain limited to holding meetings and workshops as well as submitting memoranda to officials without using other lobbying tools such as demonstrations, media campaigns and other activities to mobilize public opinion towards change.

When activities, capacity and margin of action of Arab civil society organizations are examined, it seems that they, first and foremost, need capacity-building and increased use of their proposals resulting from their monitoring and problem analysis. Besides, those proposals need to be turned into an integrated lobbying and advocacy campaign with sound objectives, strategies and partnerships that pave the way for significant change. At a second stage, developing civil society organizations should focus on benefiting from lobbying and advocacy campaigns, using the appropriate progress and timing and cooperating with stakeholders. Authorities, for their part, should understand the importance of civil society action and accept its intervention by broadening the scope of freedoms, dealing with civil society and providing it with the required political support.

Civil society organizations, especially those concerned with rights and democratic reform, are not opposition forces and do not seek to overthrow or change the ruling regime but to enhance the quality of political life, participation and human value. It is essential to cooperate with authorities to reinforce civil society capacity to change. This stage of policy influence is a bidirectional pathway as civil society cannot hope for change by taking one way without authorities taking the other.

C. CONCLUSIONS ABOUT THE IMPACT OF CIVIL SOCIETY INTERVENTION IN THE DIFFERENT CASE STUDIES

Case studies show complications facing policymaking in the Arab region. In fact, policymaking in this region is ambiguous and almost absent; thus, it is worth discussing it in the four countries. The main assumption behind this comparative analysis is that policymaking follows a particular process of consultation based on clear frameworks of participation and institutional factors that enable access and influence. On the other hand, case studies reveal that policymaking, which is supposed to be integrated, is merely a very complicated trajectory that varies from one policy to another depending on the importance attached to issues at stake. This trajectory is affected by the policy and culture of deals that are often stricken by key political actors who play their role within a very confined decision-making circle that is not necessarily limited to a particular (legislative, executive or even security) authority. In most cases, decision makers are a myriad of authorities with multiple and intertwined interests that are hard to understand from a civil and reformist perspective. As such, it is difficult to explore specific trajectories to analyse and prepare policy projects. Here lies the fundamental role of personal relations between policymakers and civil society activists to facilitate the access of the latter to decision makers. Case studies clearly show that individuals, who were able to communicate their proposals and participate in political debate, had often personal relations with some authority representatives.

With regard to policy, a fundamental question can be raised about the “public” nature of policies. Case studies show that public issues eventually represent the interests of elite groups, and thus become closer to private issues as they no longer represent interests of all people.

As a conclusion, understanding policy is further complicated by the prevailing and surrounding culture and social environment of civil society organizations. The tribal or sectarian structure in all four countries dominates any policymaking, marginalizes the principles of civil society and weakens the capacity to change a policy towards establishing a democratic system or changing the policies of ruling authorities. Authorities obviously take advantage of this structure in the four countries, albeit differently, and use it to defend their vital interests by rejecting and resisting against civil society demands, supported by the traditional nature of Arab societies, notably in the four countries covered by case studies. Although urban areas have high urbanization levels, societies which are mostly rural or semi-urban are dominated by traditions as well as family and hierarchal structures. As such, civil principles are permanently and implicitly torn between tradition and modernity that lacks popular support. Undoubtedly, such contextual environment reduces potentials of change and deprives the political elite, which extracts its legitimacy from traditional and confessional societies, of the necessary motivation for change.

In that vague environment coupled with a traditional heritage that substantially contradicts with the will of change in civil society, activists and civil society members are confronted with severe pressure that requires huge potential coupled with high professionalism and the capacity to understand the socio-political context in order to affect change. Are the issues tackled by the civil society and the way they are tackled suitable for the environment and culture of the local community? For instance, when civil society activists in Lebanon and Palestine suggest laying the foundations of democracy in the electoral system or approving an electoral female quota, the question raised becomes not about its acceptance by elites but rather about its suitability for the local culture and socio-political structure where change is desired.

Are civil society organizations unable to perform in a very complicated and traditional environments that are resistant to change towards modernity? It is early to reach such a conclusion even if analysis reveals preliminary discrepancy between real practice and civil society proposals. The lack of popular response to civil society calls or inability of civil society to change and form new social movements or trends may be attributed to the gap between civil society advocated ideas and the traditional, tribal, sectarian or family legacy heritage. Other factors prevailing in the four countries can be added to that situation, such as poor financing, limited capacity and inadequate mobilization of resources which weaken civil society action in the Arab region.

If the tribal and hierarchal structures seem to be prevailing in most Arab societies, then any possibility of change requires cooperation with the head of hierarchy or traditional leadership of the society, but this was not achieved by the experiences discussed in case studies. Away from local development policies, particularly in the context of democratic reform, civil society organizations proved unable to win the support of traditional leaderships in mobilization and advocacy or did not even try to adopt this direction. Participation and civil action contradict with traditional leaderships which are based on tribal and family structures and do not allow participation and freedom of opinion. Civil society organizations seek in vain to explore ways of bottom-to-top participation but are hindered by Arab society structures. Successful partnerships of civil society with authorities in development demonstrate that cooperation with traditional leaderships in local communities is inevitable to pave the way for popular participation. However, the culture of change from bottom to top is still a missing link.

Compared with civil society organizations in terms of facilitating change, local community organizations seem the best way to lead change in societies with traditional socio-political structures. It is hard to reach a conclusion about this issue based on the four case studies but the cases of Jordan and Yemen point out to the importance of that duality. In Jordan, civil society organizations, covered by the study, have thrived as they are local community organizations that operate in a limited scope and represent substantial interests in their surroundings. In Palestine, local community and local elections began to witness change with the support of the local Government minister. In Yemen, the setback of civil society organizations is partly attributed to their inability to conduct decentralized work, reach remote areas and cooperate with local communities.

An in-depth analysis of case studies highlights the issue of recognizing the legitimate presence and action of Arab civil society. That issue is physically linked to the credibility and capacity of civil society to perform efficiently and give a model of transparency, good governance and accountability. The four countries that are discussed in the comparative analysis show discrepancies in terms of recognizing the legitimate action of civil society organizations. In Palestine, for instance, the role of associations shrank from participatory to a purely consultative role that is inefficient and unable to influence policy. In Jordan where authorities still consider civil society organizations as a group of amateurs, the two organizations, mentioned in the case study, were unable to influence local policies. Besides, any achievement or capacity to change in projects prepared by competent ministries remained controlled by personal relations and mutual confidence. Therefore, civil society in Jordan remained outside the political, social and security structure of decision-making. Civil society legitimacy is further shaken by the fact that authorities classified civil society organizations as opposition forces in Palestine and Yemen (and to a lesser extent in Jordan, and earlier in Lebanon in the 1990s). Hence, it was hard for organizations to get closer to authorities and both parties remained fearful of each other. This situation is further exacerbated by attempts of some civil society organizations to use opposition platforms as a way to convey messages or demands. For instance, Yemeni associations used opposition newspapers to release press information, and some Jordanian associations used the Internet or the so-called social media to express their demands.

Some States are trying to anticipate or control the action of civil society organizations and even to adopt their discourse without commitment to its content. As such, organizations do not enjoy a high level of freedom to move from active organizations to continuous and inclusive social movements. On the one hand, reform issues were partly addressed by organizations but without global and long-term vision. On the other hand, many organizations made shy achievements which, if repeated, may introduce long-term change.

The decision to launch a campaign or propose a law or policy amendment is not automatically taken or is not the result of a civil society reaction. Decision-making should be integrated, based on clear methods to influence policy, and coupled with an organizational capacity to explore or even impose and pre-plan future changes. Organizations should coordinate and cooperate with decision makers in the early stages of policymaking. When a group of activists, intellectuals and associations share the will of reform with political leaders, this does not necessarily mean that reform is accomplished. In fact, civil society should strive to prevent authorities from polarizing, containing or divesting civil society of its leaders until its legitimacy is irreversibly recognized.

This study shows that time context as well as local, regional and international political developments are highly important to prepare the environment and necessary context for civil society intervention and contribution to policymaking. The so-called war on terror early in the third millennium represented a severe blow to civil society and the capacity of activists and intellectuals to propose innovative ideas about reform. That war contributed to muting opposition voices and discouraging any serious attempt to call for reform. Regional declarations and initiatives that had emerged under international pressure and support since 2002 but faded again in 2007, revived civil society action. In Jordan, Lebanon and Yemen, most experiences benefited from regional momentum and international support that was coupled with a boom of civil society funding. When international support receded, activity declined after it gained the support of authorities to satisfy international community demands or to obtain a certificate of good democratic conduct at that time. However, when satisfying international community was no longer needed, Governments started again to ignore civil society in the best scenarios and even tried to throttle it.

Following the boom in civil society action in the first decade of the third millennium, civil society organizations made a quantum leap in their performance and capacity to voice their calls for change. Nevertheless, that improved performance was countered by attempts of authorities to contain civil society and divest it of the necessary human potential. In the four countries discussed in the comparative analysis, authorities adopted a new method to attract civil society leaders and activists by appointing them in ministerial, administrative and diplomatic positions. However, they were unable to incorporate civil society demands into the programmes of action of governmental policy.

The recent period of civil society action was laden with many advantages such as the base of expertise and specialization it created in all four countries, albeit differently. This base now represents a significant intellectual power that is capable of achieving further qualitative transition and upgrading civil society action. Case studies show that in many instances, civil society activists, especially those who won the State confidence, have gained a special status as technical advisors and specialized experts working with authority members and institutions. On the other hand, that development involved setbacks as civil society organizations heavily focused on the technical and consultative aspects of cases, thereby overlooking the political aspect and capacity to lead change through lobbying, advocacy and defence campaigns. As such, civil society faced two options, either emulating authorities through its consultative capacity and technical expertise, or showing opposition and resistance to authorities thereby losing chances to introduce change. Civil society was unable to establish and maintain a certain distance with the authorities whereby it can use objective and scientific standards in proposing issues. Save in few cases, the civil society was not able to maintain a relation with the authorities based on objectivity, scientific thinking, mutual respect and driven by integrity of collective action.

Therefore, civil society organizations are called to focus on their institutional capacity-building, strengthen their cognitive tools and competences in negotiation and proposal of alternatives, and move from the stage of monitoring and analysis to the stage of action and lobbying for development and change. They should not limit themselves to only develop and change laws or policies but also to ensure effectiveness of these changes.

D. GENERAL CONCLUSIONS

Policymaking in the region varies from one country to another depending on local conditions and civil society action. In Yemen, for instance, authority and decision-making are held by a very small circle of rulers, thereby making it impossible to identify, address or influence public issues in a methodological way. Besides, the ruling party exercises its full control over security, legislative, executive and judicial institutions. As such, the issue of a strong democratic regime, which is a pillar of civil society action, is not currently laid on the table. Structural difficulties hindering civil society in Yemen may not apply to the other countries of this comparative analysis. The Yemeni civil society is further unable to make continuous achievements due to its incapacity to bridge the gap hindering mutual confidence with the Government. Most achievements discussed in the paper of Yemen were undertaken with the support of an elected member of parliament who advocated or helped to put the issue on the agenda of the parliament.

In reference to the four-stage model and its implementation in Yemen, civil society organizations seem to have gained significant experience in the first two stages but were unable to lobby for change in policy. Civil society used traditional methods such as holding workshops and seminars, conducting interviews, publishing press releases and organizing shy demonstrations about certain topics.

If socio-political structure has an active impact on building a strong civil society, this is mostly felt in Yemen where the weak political culture affects civil society capacity to meet its needs. That weakness and miscommunication between civil society organizations and the State are further exacerbated by the re-emergence of traditional powers and distribution of positions to representatives of clans and tribes. Such power distribution poses an obstacle to strengthening civil society role and establishing a new civil and democratic culture in the Yemeni society. As such, tribes and clans in Yemen, and not the State, become the convergence point of demands as well as the hub of project implementation and service provision. Moreover, civil society is regulated by several legislative and legal references which give the authority to more than one official party to dismantle and deactivate civil society at any time.

In Palestine, the situation is different from that in Yemen as political and security instability in addition to the absent role of State are the most important factors behind the volatile role of Palestinian civil society. The significant transformation of civil society role from a street opposition force to negotiator and ally of authorities had a negative impact, not only on the independence of civil society organizations but also on the quality of their intervention. Instead of using common advocacy methods such as demonstrations, petitions and campaigns, the role of civil society organizations became limited to providing technical consultancy and information. As such, organizations pulled away from their supporters and lost their capacity to organize and launch social movements after they became closer to authority. This structural transformation in the role of civil society organizations adversely affect their capacity to participate in policymaking. Between providing services and offering technical advice and consultation, organizations were unable to contribute to policymaking although their representatives are members in ministerial and parliamentary committees as well as other decision-making authorities. Besides, the participation of Palestinian civil society organizations remains whimsical and not subject to a legal framework regulating their affairs or providing them with an institutional character and sustainability.

It is worth noting that in Palestine, as in Lebanon, access of civil society leaders to ministerial and critical political positions did not introduce any change into policymaking methods. In fact, access did not contribute to amending or incorporating civil society issues into decision-making programmes of action. On the contrary, in Palestine, former civil society leaders became among the strongest defenders of governmental policy as they were polarized and civil society was divested of its leaders.

The scenario is quite different in Lebanon where the high number and specialization of associations have upgraded the level of Lebanese civil society and enabled it to impose policy priorities on governmental programmes of action. As such, the Lebanese civil society achieved many important successes in terms of lobbying for change in some policy aspects or turning marginalized and ignored issues into public issues within a new policymaking framework. Furthermore, Lebanese civil society activists were able to act at the different intellectual, programming and media levels, thereby proving their high specialization and deep knowledge on the state-of-play.

In the 1990s, civil society activists in Lebanon maintained a clear distance with authorities, but that distance faded as time elapsed. Recently, civil society has started to emulate the authority as in the case of Palestine. After civil society played an active role in all policymaking stages, its role is now limited to consultative and technical aspects in the light of the growing role of political authority representatives.

The Lebanese civil society is facing a unique situation as public issues are highly politicized and sectarian culture is deeply rooted. Therefore, it is hard to bring up civil ideas and proposals without clashing with sectarian values and fanaticism. Civil society thinkers and activists find themselves in confrontation with old traditions and cultures that can hardly be eradicated or substituted.