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**FOLLOW-UP ON PRIORITY ISSUES IN THE FIELD  
OF SOCIAL DEVELOPMENT IN THE ESCWA REGION**

**CIVIL SOCIETY PARTICIPATION IN PUBLIC POLICY PROCESSES**

**Summary**

This report draws a portrait of civil society in ESCWA member countries, addressing conditions affecting the performance of civil society organizations, factors contributing to the development of their role and recent trends in their work. It highlights the areas of intervention of those organizations and their impact on public policy which is developed and implemented by national governments. The report also tackles political, legal, social, cultural, administrative and organizational obstacles faced by civil society organizations in the course of their work. It highlights indicators of their active participation with governments, notably their influence on State agencies, transparency, democracy, networking and institutional capacity-building.

The report concludes with an overview of the mechanisms of participation of civil society organizations with governments, and proposes a set of key areas and prerequisites to enhance their role and their ability to participate.

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## Introduction

1. The term civil society refers to a relatively ambiguous reality made of a group of free voluntary organizations which occupy the public space between family and the State. They strive to achieve the interests of society as a whole or of selected marginalized groups. Furthermore, they often endeavour to serve the interests of their members, committed to the values and standards of peaceful conflict management, tolerance and acceptance of others.<sup>1</sup> In spite of the different definitions of civil society in ESCWA member countries, a consensus has been reached on its core features, namely citizenry and voluntary, contractual and non-profit participation. A consensus has also been established on the goals of civil society, which are social justice and equality, primarily in civil rights, and the right to participate in public life.

2. Civil society organizations play a key role in voluntary organizational social work, which aims to protect the rights of individuals and groups. A number of organizations, such as humanitarian and cooperative associations, constitute frameworks for public participation in addressing economic and social issues, and in the provision of services and welfare. Some organizations contribute to public advocacy, oversight, and public opinion mobilization on a range of pressing development issues and policies, while others are engaged in the defence of political and civil rights; the human rights of women, children, persons with disabilities and other vulnerable groups.

Civil society in ESCWA member countries is still in the formative stage and in the process of identifying its role and responsibilities. It is bound by legislation, procedures and pressures which limit its growth, reduce its powers, and impose upon it a number of secondary roles which States were compelled to abandon.<sup>2</sup> Nonetheless, a number of organizations have emerged during the past decades, exercising major roles and gaining a wide margin of autonomy at times.

## I. PERFORMANCE OF CIVIL SOCIETY

3. The performance of civil society organizations varies in the countries of ESCWA region, depending on the political, cultural and legal conditions in which they carry out their activity. It also varies depending on their size, sources of funding, regulatory and administrative structure, goals, diversity of functions, geographical coverage (local, national, regional or international), and also financial and administrative independence. In spite of such diversity, the performance of civil society organizations in Arab countries is generally affected by the following:

- (a) Ambiguous understanding of the concept of civil society and its role in development;
- (b) Overlap between their functions and those of the government in the provision of public services;
- (c) Subordination to donors;
- (d) Weak institutional structure and lack of sustainability;
- (e) Representation of ruling parties and bias in favour of communal groups or electoral interests;
- (f) Predominance of philanthropic and welfare aspects on their activity;
- (g) Prevalence of bureaucratic practices and influence of the personality of founding members;
- (h) Scattered expertise of human rights and advocacy organizations and their poor follow-up mechanisms.

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<sup>1</sup> Amani Kandil, "The indicators of Arab civil society organizations' effectiveness", Cairo, 2010.

<sup>2</sup> See the archives of the Lebanese daily An-Nahar. Article by George Corm, 11 June 2004.

4. In spite of the above, civil society organizations are increasingly expressing the views of their society and implementing a variety of tasks in the social sphere in particular. They are considered to be the most knowledgeable entities about development projects, even though they are mostly active in welfare provision. The impact of development projects on social problems is minor, as those are usually small-scale projects which face difficulties in administration, finance and continuity, and in the use of comprehensive approaches, appropriate technologies and modern mechanisms.

## II. EVOLUTION OF THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

5. Due to their flexible institutional structure and direct relationship with their grassroots base and local communities, civil society organizations are increasingly able to take initiatives, respond to social needs and problems, and participate in the process of change. During the last three decades, a number of external and internal factors have contributed to the development of civil society organizations and their role in ESCWA member countries, primarily the following:

(a) *External factors*

- (i) The growing role of global civil society;
- (ii) The impact of such global issues as globalization and climate change;
- (iii) The promotion of modern cultural values and human and legal principles at the global level;
- (iv) The adoption of international resolutions on human rights, democracy, transparency and accountability;
- (v) The commitment to provide development aid through civil society organizations.

(b) *Internal factors*

- (i) Strengthening institutional capacity-building and activating multi-level working networks;
- (ii) Encouraging the participation of civil society organizations upon the request of a number of governments;
- (iii) Enhancing sources of funding; and involving target groups and the private sector;
- (iv) Adoption of economic reform policies, and decline of State support for public services;
- (v) Increasing poverty, unemployment and social exclusion;
- (vi) Growing local development trends which are driven by capacity-building and resource mobilization approaches;
- (vii) Evolution of communications technology and dissemination of information;
- (viii) Poor representation of parties and trade unions, and inability to reflect the interests of groups and individuals.

6. Therefore, the development of civil society organizations and their role requires a greater focus on public awareness programmes, particularly in relation to rights and duties, capacity-building and empowerment, participation and advocacy. Such areas are complementary and not contradictory and they must be linked with each other so as to strengthen the position of a number of civil society organizations. For the sake of accuracy, a set of factors must be taken into consideration, notably: the diversity of civil society organizations and of their experiences, working conditions, values, visions, objectives, strategies and achievements. For example, institutions concerned with the provision of social services and welfare are different from those concerned with awareness raising, counselling, capacity-building and empowerment, and also from those concerned with human rights and advocacy.

### III. NEW TRENDS IN THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

7. The role of civil society organizations has been continuously evolving, witnessing new trends in major areas, even though the effectiveness and impact of such trends require further examination. They can be summarized as follows:

- (a) Direct or indirect influence on decision or policymaking;
- (b) Control over governments;
- (c) Support for citizenry and promotion of civic culture;
- (d) Reverse of negative trends; and growing public interest in a range of development issues;
- (e) Dissemination of information and exchange of expertise;
- (f) Development of coordination and networking;
- (g) Support for reform and election monitoring processes.

### IV. PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS AND ITS IMPACT

8. Until recently, the participation of civil society organizations consisted of providing a variety of services in different development areas. In addition to traditional services, such as the provision of shelter for the disabled, orphans, the poor, and persons with disabilities, such organizations carried out activities aimed at poverty reduction, women empowerment, environment protection, provision of health and education services, job creation, vocational training, and rural development. The role of a number of organizations has significantly changed, as they have shifted towards awareness-raising, advocacy, and human rights defence, with a view to improving the quality of life of citizens. Civil society organizations are increasingly implementing programmes and activities aiming to build capacities, defend the rights of marginalized groups and, to varying degrees, influence public policy. Such new trends are revealing indicators of the progress of Arab civil society towards achieving sustainable social development.<sup>3</sup>

9. Civil society organizations in a number of ESCWA member countries have contributed to providing data and information on the phenomenon of poverty, its spread and intensity, and thus to identifying needs, priorities and areas of intervention. Under programmes jointly implemented by United Nations organizations and the public sector, civil society organizations also contributed to the development of national poverty reduction policies and achievement of the Millennium Development Goals (MDGs). They have also contributed to the dissemination of an objective image of the suffering of women, and to compelling governments to adopt the Convention on the Elimination of All Forms of Discrimination against Women, in parallel to endeavours aimed at lifting reservations made by countries to a number of provisions. They have contributed to the amendment of a number of personal status laws and family codes, which should improve the situation of women and alleviate injustice against them, primarily in the areas of honour killings and female genital mutilation.

10. Therefore, even though public policy design and implementation are the sole responsibility of governments, the objectives of such policies, the interests they serve, and the institutions, systems and resources they require have been falling under the influence of other actors which are increasingly participating in the work of governments. The most important areas of influence and participation are related to institutional linkages between the government and society, on the one hand, and the ability of governments to promote participation while maintaining public order, on the other hand. Actors participating with governments and influencing policy processes directly or indirectly are the business, commerce and professions sectors; civil society organizations; the press and media; and the influence of developed countries and international organizations. Their level of participation or influence is determined by the

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<sup>3</sup> Economic and Social Commission for western Asia (ESCWA), E/ESCWA/SDD/2003/13 (in Arabic).

change in varying political culture, social organization and governance; and by the decline of institutional capacity due to conflicts, wars and lack of resources.<sup>4</sup>

11. The following general observations could be drawn in relation to the contribution of civil society organizations to policies set out and implemented by the governments of ESCWA member countries:

(a) An increasing number of governments in ESCWA member countries welcome the participation of business and trade associations, such as economic and professional associations, chambers of commerce and industry, and other associations which exert their effects through their ability to organize and reflect their interests. Such trends prevail in Bahrain, Egypt, Kuwait, Lebanon and Saudi Arabia;

(b) The participation of a number of civil society organizations consists primarily of supporting democratic transition, by monitoring electoral processes, such as in Iraq, Lebanon and the Sudan. In Palestine, for example, civil society organized a public opinion poll on the performance of the Government and the Legislative Council, and on elections;

(c) The impact of media has increased as a source of information on issues addressed by public policies; and on programmes, projects and mechanisms of action provided for under such policies. Such growing impact raises issues related to the freedom of media and its role in public life.

Despite attempts made by a number of civil society organizations to devise a development vision for the follow-up on and assessment of public policies, and despite the evolving trends and roles of such organizations, they still lack the required technical and regulatory capacities to participate effectively in decision-making.

## V. OBSTACLES TO THE WORK OF CIVIL SOCIETY ORGANIZATIONS

12. Civil society organizations seeking to carry out their functions face a variety of obstacles. Furthermore, their areas of action and the limits of their influence vary depending on their relationship with their country, as follows:

### A. POLITICAL AND LEGAL OBSTACLES

(a) Weak belief, at the decision-making level, in the role of civil society organizations. Such role remains unrecognized in the provision of social services and welfare, and also in the promotion of political and civil rights;

(b) Failure to control the arbitrary use of State power to restrict the fundamental freedoms of civil society organizations, abolish the election of their governing bodies, veto their candidates and select State appointees;

(c) Restricted freedom to organize civil society, due to such persistent controls as the right of the authorities to merge civil society organizations; shut down their headquarters and disrupt their work; and require them to obtain prior approval to accept donations, gifts or grants;

(d) Absence of pluralism and political parties;

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<sup>4</sup> ESCWA, "Towards Integrated Social Policies in Arab Countries, Framework and Comparative Analysis", New York: United Nations, 2005.

- (e) Failure to recognize the rights and fundamental freedoms of citizens;<sup>5</sup>
- (f) Poor partnership mechanisms between civil society and public sector institutions.

#### B. SOCIAL AND CULTURAL OBSTACLES

- (a) Overlap between official and civil bodies. Former government officials and ruling party members preside over a number of civil society organizations;
- (b) Poor culture of public participation, a weak sense of citizenry, and prevalence of negative trends such as suspicion of and little trust in others;
- (c) Predominance of family, sectarian, tribal or ethnic ties; and prevalence of patronage and clientelism;
- (d) Unequal distribution of political resources (power and empowerment), as business associations and religious organizations are significantly influential within civil society organizations;
- (e) Varying sizes and capacities of civil society organizations, and the inability of small organizations to access funding sources, as they fail to meet requirements imposed by donors, particularly in rural areas.

#### C. ADMINISTRATIVE AND STRUCTURAL OBSTACLES

- (a) Complete reliance of organizational structures on State laws and regulations;
- (b) Weak internal organizational structure and prevalence of administrative neglect;
- (c) Absence of a *reference* model for *grassroots*, and thus poor membership and weak contribution in decision-making and implementation;
- (d) Poor voluntary work; lack of effectiveness; and inability to meet the requirements of organizational work, mobilize energies or monitor financial resources;
- (e) Insufficient or tied funding, and complete reliance on voluntary contributions;<sup>6</sup>
- (f) Failure of civil society organizations to adopt such required values and standards as integrity, transparency, accountability, delegation of power and respect for the freedom of opinion.

In general, the relationship between the governments of ESCWA member countries and civil society organizations is ambiguous. It is a tense relationship affected by implicit conflict over the legitimacy of working for the people and representing their interests; and over who should enjoy such legitimacy. Repairing such relationship is required to improve mutual understanding, consolidate trust, facilitate cooperation and thus enhance participation.

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<sup>5</sup> Ezzeddeen El-Asbahi on civil society in Arab countries and its role in reforms. Presentation made at the Arab Countries and Regional Seminar on the Role of Civil Society in Reforms in the Arab World, Alexandria, 21-22 June 2004.

<sup>6</sup> Atiah Afandi on the role of non-governmental organizations in managing the State and society, 2001.

## **VI. INDICATORS FOR ENHANCING THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN PUBLIC POLICY PROCESSES**

### **A. IMPACT ON GOVERNMENT DECISION-MAKING**

13. In the ESCWA region, it is difficult to identify civil society organizations which can impose their will on the State or influence its decisions in the area of development, as is the case in a number of countries in East Asia, Europe and Latin America. Civil society organizations and networks are particularly active in a number of ESCWA member countries, including Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Palestine and Yemen. They conduct direct consultations with governments, and participate in conferences and forums which influence government policies to some extent. It would be relevant to follow-up such efforts in order to examine and evaluate their impact on public policy and related programmes and projects. The following are some practices which could enhance such participation:

- (a) Contribution to building civil service capacity;
- (b) Contribution to discussions over laws and legislation;
- (c) Promotion of a culture of consultation, communication and expression of different positions;
- (d) Contribution to the provision of health, education and welfare services, through contracts with governments and other national and international bodies;
- (e) Adoption by civil society and government representatives of charters or codes of conduct;
- (f) Consultation with citizens through various frameworks, such as consumer protection associations.

### **B. TRANSPARENCY**

14. Principles of transparency promote openness to society and other partners. Organizations can achieve such goals by adopting a variety of standards and measures, including declaring their objectives, beneficiaries and funding sources; approving the right of society to access their financial and technical reports; and implementing monitoring, follow-up and accountability mechanisms.

### **C. DEMOCRACY**

15. The practice of democracy within civil society organizations is a key indicator of the effective role played by those organizations in public participation. A number of standards and scientific methods permit the measurement of such democratic practice, including the following:

- (a) Mode of election or designation of members;
- (b) Rotation of power in decision-making positions;
- (c) Average number of board members, and number of meetings of the board of directors and assembly during a certain period;<sup>7</sup>
- (d) Discussion of programmes with members and constituencies, and performance assessment;
- (e) Women representation on boards of directors and assemblies.

16. Even though the members of a board of directors of a civil society organization are often elected, election rates have decreased in most countries of the region. In Lebanon, Palestine and the Sudan, the percentage of elected members is 33.4 per cent, 27.5 per cent and 23 per cent, respectively. With regard to

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<sup>7</sup> Paper submitted by Shaheeda El-Baaz on Arab non-governmental organizations at the dawn of the twentieth century: current times and future perspectives at the Conference of Arab Local NGOs, Cairo, 1997.



rotation of power, presidents of civil society organizations usually remain in office for a long duration, which might last for a lifetime, making mechanisms for rotation of power in such organizations far from democratic. In Egypt and Lebanon, in particular, heads of boards of directors remain in office for a relatively long duration. With respect to the average number of board members, it tends to be high in Palestine and the Sudan, and somehow low in Egypt.<sup>8</sup>

17. The following conclusions could be drawn in relation to the practice of democracy within civil society organizations:

- (a) Democratic practices remain poor notwithstanding the holding of elections on a large scale;
- (b) Boards of directors and assemblies meet regularly, while keeping participation to a minimum;
- (c) Civil society organizations face problems resulting from monopoly over power and decision-making, and the prevalence of formal democratic practice.<sup>9</sup>

#### D. NETWORKING

18. A network linking civil society organizations is called a union, a platform, a rally or an assembly. Such a network offers civil society organizations plenty of opportunities and possibilities to participate, which promotes their role as well as frameworks and mechanisms of action in the area of development. Interaction and exchange of expertise and information amongst civil society organizations at the national, regional and international levels provide avenues to coordinate efforts, identify common trends, build capacities, receive technical and financial support, and rationalize the utilization of resources.

#### E. INSTITUTIONAL CAPACITY-BUILDING

19. The concept of institutional capacity-building within civil society organizations refers to the process of their empowerment and the development of their human and material resources, so as to serve their goals and interests. It also refers to determining their vision and reinforcing their relationship with the social, economic, political and cultural framework within which they carry out their tasks, in order to ensure the effective utilization of their resources and achieve their sustainability. Institutional capacity-building within civil society organizations faces a funding problem associated with their autonomy and the need to strike a balance between their external and internal funding sources.

An organized civil society shall be complementary to the State, rather than a substitute for it. Its existence is a prerequisite for and an expression of democracy. Civil society is an intermediary between the State and society, a key actor for good governance, and is one of the best means to promote community participation.

### VII. MECHANISMS OF PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS WITH GOVERNMENTS

20. Participation is predicated upon principles of trust, cooperation and complementarity. It requires equality between the parties and equal distribution of roles amongst civil society organizations. The participation of such organizations with governments extends to the private sector and financial institutions. In spite of the availability of necessary resources to enhance the role of the private sector in supporting those organizations in ESCWA countries, such role remains highly limited.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

#### A. PARTICIPATION IN PUBLIC POLICY DESIGN AND IMPLEMENTATION

21. Public policy design and implementation constitute key points of intersection between the areas of intervention of public institutions and those of civil society organizations. Public policy design and implementation in accordance with the top-down approach, which civil society organizations consider to be contrary to their bottom-up intervention approach, is no longer feasible. This issue is one of the major problems straining the relationship between public institutions and civil society organizations.

#### B. INTERACTIVE FRAMEWORKS

22. National councils, such as economic and social councils, specialized councils, dialogue forums, and other regulatory frameworks which deal with policy design and implementation constitute the most effective mechanisms for the exercise of partnership between governments and civil society organizations.

23. Effective mechanisms for strengthening civil society participation include the following:

(a) *Decentralization*: In principle, decentralization frameworks, such as municipalities, local government institutions, and regional administrations, are interactive frameworks; they constitute forums for coordination and integration between public administration institutions and civil society organizations;

(b) *Joint councils*: They allow the participation of governments, civil society organizations and various concerned groups in the process of decision-making in relation to providing public services; correcting imbalances; strengthening the capacity of public administration to respond to needs; improving the quality of services, and facilitating their provision efficiently and impartially;

(c) *Media*: Media in general, and visual media and the Internet in particular, constitute major platforms for the promotion of the participation of and dialogue amongst social actors, primarily civil society organizations and governments. Media constitutes a platform for the exercise of and respect for the freedom of expression and opinion. It is also an integral part of democratic processes; civil practice mechanisms; and participation and interaction promotion.

#### C. ACCOUNTABILITY

24. Given that relationship with beneficiaries of services is the key link between civil society organizations and society at large, the right to hold those that have responsibility for implementation accountable becomes a fundamental right, which constitutes a pillar in the activity of civil society organizations. Accountability strengthens trust between civil society organizations and beneficiaries, on the one hand, and amongst government agencies, on the other hand, which reflects positively on participation, the mobilization of domestic resources and the organization of volunteers' efforts.

#### D. MONITORING THE IMPLEMENTATION OF PUBLIC POLICY PROJECTS AND PROGRAMMES

25. A brief review of the nature of programmes and projects currently implemented under public policies in the countries of the region shows that a number of negative factors affect the social and economic rights of vulnerable groups. Therefore, civil society organizations should be responsible for monitoring the implementation of such programmes and projects, and intervene to correct irregularities. Key areas of intervention are related to social security, employment, poverty, marginalization, the status of women and the environment. In particular, such organizations could monitor the implementation of local development programmes and projects which contribute positively to enhancing participation and positive interaction between the various actors involved in development.

### **VIII. LEGAL FRAMEWORK FOR THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS IN DECISION-MAKING<sup>10</sup>**

26. The legal frameworks for the participation of civil society organizations are being increasingly organized. This highlights the status of such organizations and their role in promoting political development, establishing democratic systems, instilling principles of justice and rule of law, and enhancing public administration functions. The participation of civil society organizations in decision-making has the following main features:

(a) Arab constitutions provide for the right to participation, which is also provided for under the Universal Declaration of Human Rights and other international instruments;

(b) Legal regulations and administrative practices in most Arab countries obstruct the establishment, management and dissolution of civil society organizations;

(c) Public freedoms and the right to information are expanding in most Arab countries, along with the proliferation of communication tools and the growing role of information as a prerequisite for accountability and thus participation;

(d) Depending on the country, members of the boards of directors of local organizations in most Arab countries are fully or partially elected;

(e) The participation of civil society organizations in the legislative process in a number of Arab countries is limited as they merely discuss control regimes and laws. By contrast, such organizations have been actively involved in the defence of human rights and public freedoms, the advancement of women rights and the protection of the environment;

(f) In a number of Arab countries, civil society organizations are represented within official bodies, such as economic and social councils, and national media councils.

Not all Arab countries have constitutional political regimes and not all constitutions provide for democratic guarantees and human rights. Furthermore, not all the rights provided for under the Universal Declaration of Human Rights or other international instruments are integrated into their constitutions or consecrated under positive law.

### **IX. PROPOSED AVENUES FOR THE ACTIVATION OF THE ROLE OF CIVIL SOCIETY ORGANIZATIONS**

27. Civil society organizations must enjoy the freedom to design and promote their development vision. They need to participate in the design of public policies, and monitor and assess their implementation. In order to carry out those tasks, the following conditions must be met:

(a) Enhancing the freedom of civil society organizations, and adopting laws which protect them against State interference and monopoly over power;

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<sup>10</sup> ESCWA, Technical Paper, Legal frameworks regulating civil society participation in decision making, (E/ESCWA/SDD/2009/WG.1/2/Rev.1).

(b) Strengthening their capacity to benefit from globalization and improve their development visions; assisting them in the promotion of such visions, by involving them in the audio-visual media and the Internet; organizing more polls and establishing focus groups;

(c) Supporting frameworks which ensure the participation of civil society organizations in public policy design, notably joint boards, dialogue forums, municipalities, local government institutions and media;

(d) Enhancing government tolerance for civil society organizations and interacting with them as key actors in the State;

(e) Supporting cooperation between civil society organizations and the private sector, in order to advance development policies and rationalize the utilization of resources;

(f) Encouraging interaction between Arab and global civil society organizations, primarily on such issues as climate change and food security;

(g) Ensuring that the role of civil society organizations is not limited to the provision of services to marginalized groups, and that it involves defending such group and raising their awareness;

(h) Monitoring the implementation of public policies and assessing their performance, through the establishment of joint committees comprising both beneficiaries and service providers.

A number of civil society organizations endeavour to design a development vision for public policy follow-up and assessment. Despite the evolution of their orientations and roles, such organizations still lack the technical and organizational capacities required for effective participation in decision-making.

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