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**ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)**

**AN ACCOUNTABILITY FRAMEWORK FOR THE  
POST-2015 DEVELOPMENT AGENDA:  
AN ARAB REGIONAL PERSPECTIVE**



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This paper is based on the consultancy report prepared for ESCWA by Mr. Talaat Abdel-Malek. It was presented and discussed during the Arab Consultative Meeting on an Accountability Framework for the Post-2015 Development Agenda, organized by ESCWA and partners in Tunisia, during 15-16 September 2014.

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## Foreword

At the 2010 High-level Plenary Meeting on the Millennium Development Goals (MDGs), the United Nations General Assembly requested the Secretary-General to make recommendations for further steps to advance the United Nations development agenda beyond 2015.<sup>1</sup> Subsequently, the Secretary-General launched a number of processes in support of the formulation of a Post-2015 Development Agenda,<sup>2</sup> expected to be adopted during a United Nations summit in September 2015.

In July 2013, a report by the Secretary-General<sup>3</sup> outlined the following “four building blocks” of the new development agenda: (a) a far-reaching vision of the future firmly anchored in human rights and universally accepted values and principles; (b) a set of concise goals and targets aimed at realizing the priorities of the agenda; (c) a global partnership for development to mobilize means of implementation; and (d) a participatory monitoring framework for tracking progress and mutual accountability mechanisms for all stakeholders.<sup>4</sup>

With respect to the fourth building block, the President of the General Assembly convened a dialogue on “Elements for a monitoring and accountability framework for the Post-2015 Development Agenda” on 1 May 2014. The dialogue reaffirmed the importance of an accountability framework at the regional level, as countries in the same region shared similar challenges and were likely to make greater progress by collectively addressing them. As a result, the President of the General Assembly invited the United Nations entities to facilitate further discussions. In response, the Secretary-General requested all United Nations Regional Commissions, including ESCWA, to convene and organize a regional meeting to discuss regional views.

In response to that request, the Arab Consultative Meeting on an Accountability Framework for the Post-2015 Development Agenda was organized by ESCWA in Tunisia, during 15-16 September 2014, in cooperation with the League of Arab States, the United Nations Department of Economic and Social Affairs (DESA) and the United Nations Environment Programme (UNEP), and with the collaboration of the United Nations Development Group (UNDG).

The Consultative Meeting sought regional views and proposals from a wide spectrum of stakeholders in the Arab region, including ESCWA member States, civil society, the private sector and regional organizations, regarding the elements of an accountability framework for the post-2015 development agenda. In particular, the meeting explored the potential for a regional framework for accountability, anchored at the national level and feeding into the global level. The present paper was prepared to inform this meeting by providing a detailed review of existing national, regional and international experiences in the area of accountability. The meeting resulted in a Chair’s Summary, which was submitted to DESA to inform the ongoing intergovernmental deliberations on the post-2015 development agenda. Meeting documents may be accessed at: <http://www.escwa.un.org/information/meetingdetails.asp?referenceNum=3510E>.

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<sup>1</sup> A/RES/65/1, para. 81.

<sup>2</sup> Notably the establishment of a United Nations System Task Team, the launching of a High-level Panel of Eminent Persons and the appointment of a Special Advisor on Post-2015 Development Planning. These processes were complemented by global and national consultations facilitated by the United Nations Development Group.

<sup>3</sup> Report entitled “A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015”, A/68/202.

<sup>4</sup> A/68/202, para. 75.



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## I. INTRODUCTION

*“The norms and values embedded in the Millennium Declaration and international human rights instruments must continue to provide the foundation for engagement, in particular the key human rights principles of non-discrimination, meaningful participation and accountability”*

**Ban Ki-moon, UN Secretary-General**

*"The MDGs have been useful in moving human rights and development discourse together and in highlighting the need for greater accountability at all levels."*

**Mary Robinson, President Realizing Rights, 2010**

*“The idea that the people are at the base of a society and should be protected by justice is not new and is not the intellectual property of any specific region. It was articulated in the 14th century by the Arab philosopher ibn Khaldun, the father of modern sociology”.*

**Roberto Bissio, Social Watch Coordinator<sup>5</sup>**

1. This discussion paper focuses on accountability for sustainable development. The concept of accountability is central to any discussion of sustainable development and to efforts made to meet the post 2015 Development Agenda. We discuss this concept, how it has evolved and the stakeholders expected to be involved in its processes later in section V under “Building national accountability mechanism”. Briefly, the definition used throughout this paper is that of *inclusive accountability*, where the State and other development actors are held accountable for their actions to their constituents through well established processes and procedures. Key stakeholders comprise parliament, civil society, private sector, academic and research institutions, and citizen-based groups focussing on development issues.
2. Accountability has regional and international dimensions in that the State is held responsible for meeting its obligations under conventions and agreements to which it is a signatory as well as the voluntary commitments it has made. Regional accountability serves many functions which are discussed in more detail later. An important function is facilitating the exchange of experiences and contributing to the development of more effective accountability frameworks at regional and international levels. While regional consultations on accountability are voluntary in nature (i.e. non-binding) this does not negate the State’s responsibility to meet pledges made under these consultative meetings. At the heart of such consultations is the emphasis on their prime objective, namely to support the State in its efforts to achieve the level of sustainable development to meet its citizens aspirations and demands.
3. This paper is organised to address some issues which are dealt with reviewing a wide range of existing national, regional and international experiences in accountability, identifying their advantages and shortcomings. These experiences include State-led reviews by international institutions such as the OECD and UNECE and reviews of implementation and progress measurement such as the African Peer Reviews (APRM), ECOSOC Annual Ministerial Reviews (AMR), Development Cooperation Forum (DCF), and UN Human Rights Council Universal Periodic Reviews (UPR).
4. In addition, this paper examines Peer Reviews of sustainable development frameworks adopted by the EU and IFDD-IOF<sup>6</sup>, and assesses accountability mechanisms related to implementation,

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<sup>5</sup> See Social Watch, Roberto Bissio, presentation General Assembly interactive dialogue on monitoring and accountability, 1 May 2014.

<sup>6</sup> Institut de la Francophonie pour le Développement Durable/*Organisation Internationale de la Francophonie*.

including OECD Mutual Accountability for Aid Effectiveness, Citizen-driven Independent Accountability Mechanisms, WTO Trade Policy Review Mechanism (TPRM), and Trade Sustainability Impact Assessment (TSAIs). Available Arab countries' practices under some reviews and mechanisms will also be examined. Country review analyses are placed in Annex A. No sharp distinction should be made between these reviews as they all deal with accountability from one perspective or another. Some are conducted through international institutions; others concentrate on implementation aspects of sustainable development policies; others are citizen-driven mechanisms. Together, they serve to enhance our understanding of accountability approaches.

## **II. ANALYSIS OF SUSTAINABLE DEVELOPMENT AND PEER REVIEW MECHANISMS**

### **A. OECD ENVIRONMENTAL PERFORMANCE REVIEW (EPR) PROGRAMME**

5. This programme was launched in 1992 with three objectives in mind, (a) to help countries assess progress in improving environmental performance, (b) promote policy dialogue and peer learning, and (c) stimulate greater accountability to other countries and their public. Each review requires country-based data collection, a review mission to meet with government and non-government entities, preparation of a review report outlining assessment findings and recommendations, and a peer review organised by the OECD Working Party on Environmental Performance.
6. The review methodology identifies national goals and targets and a country's international commitments, and relies on sound national and international data as evidence to assess progress. The report is subsequently published after endorsement by the Working Party. A mid-term review is scheduled to assess progress in implementing agreed recommendations. These reviews are conducted in cycles of 8-10 years<sup>7</sup>. Over sixty reviews have been completed covering OECD member countries as well as some non-members. None of the Arab countries took part in the OECD review. However, Morocco, participated in the review conducted by the UNECE in cooperation with UNECA. Highlights of that review are given in Annex A.

### **B. OECD INVESTMENT POLICY REVIEW (IPR) OF SELECTED ARAB COUNTRIES**

7. Four Arab countries have gone through the OECD IPR in recent years, including Tunisia, Morocco, Jordan and Egypt. OECD reports that dozens of countries with different levels of development have used this Review mechanism since its inception in 1993, with priority of use accorded to countries showing potential adherence to OECD investment instruments. In 2006, a Policy Framework for Investment (PFI) was introduced as the "most comprehensive and systematic approach for improving investment conditions ever developed. It emphasises the fundamental principles of rule of law, transparency, non-discrimination and the protection of property rights but leaves for the country concerned the choice of policies, based on its economic circumstances and institutional capabilities. It helps governments to design and implement policy reforms to create a truly attractive, robust and competitive environment for domestic and foreign investment".<sup>8</sup> A review of the findings and recommendations of Review reports for the first three countries is outlined in Annex A. The Report for Egypt was not available at the time of writing.

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<sup>7</sup> Brendan Gillespie and Jane Ellis, OECD Environmental Performance Review (EPR) Programme, [www.oecd.org/env](http://www.oecd.org/env) [www.oecd.org/env/cc/mrv](http://www.oecd.org/env/cc/mrv) ; see also OECD, Reviewing Environmental Performance, [www.oecd.org/env/countryreviews](http://www.oecd.org/env/countryreviews).

<sup>8</sup> OECD, The Policy Framework for Investment, <http://www.oecd.org/daf/inv/mne/pfi.htm>.

### C. PEER REVIEW MECHANISMS OF NATIONAL SUSTAINABLE DEVELOPMENT STRATEGIES

8. Peer review mechanisms have gained in recognition as an effective means of facilitating the exchange of experiences and providing powerful incentives to improve outcomes of existing national sustainable development strategies (NSDS). We review below the EU mechanism. The IFDD-IOF peer review mechanism is virtually identical to the EU's<sup>9</sup>.
  - a- EU Voluntary Peer Review Improvement through Mutual Exchange on Sustainable Development (PRIME-SD):
    9. Although most EU Member States had developed or revised their NSDS in the early years of this century, they faced some common challenges and applied diverse approaches. To help meet these challenges, a Guidebook was issued by the European Commission to pool experiences and improve vertical links between national NSDSs and EU SDS by undertaking “a light peer review process, focussing on themes, and in particular seeking to identify examples of good policies and practices that could be implemented by all”<sup>10</sup>. It also aimed at encouraging Member States to use similar approaches to help generate EU-wide lessons. Following EU definition, the Guidebook referred to peer reviews as a “systematic examination and assessment of the performance of a State by other States, with the ultimate goal of helping the reviewed State improve its policy making, adopt best practices, and comply with established standards and principles.”<sup>11</sup>
    10. The EU framework for mutual improvement was based on certain principles. It was designed as a practical, efficient and effective mechanism for peer learning, voluntary, participatory by involving key stakeholders including peers taking part in the review process. It assigns an important role to monitoring and evaluation of progress, and to ensuring a vertical linkage by adopting a set of common core issues by all Member States while allowing each to attend to its own priorities. Peers have been extensively involved, and their selection depended on their availability and on striking a balance between government and non-government (civil society, academics, private sector, etc.) as well as between developed and developing countries/actors. For example, the pilot peer review of France's NSDS (2004) involved the UK, Belgium, Mauritius and Ghana. The expertise in carrying out peer reviews required engaging an independent consultant, working closely with the review country and its peers.
    11. The first step in peer reviews is to initiate the process. To be successful, strong political support and commitment, and adequate resources, are essential. A scoping meeting involving key actors is recommended to discuss important review aspects and reach consensus on the plan going forward. Attention has to be given to political sensitivity in order to avoid reluctance of participation in peer reviews if these become overly critical, thus requiring flexibility and drafting of positive recommendations.
    12. Review preparation goes through a number of steps starting with formulating a strategy and its contents, defining its expected outcome, and putting in place a monitoring and evaluating mechanism. Relevant information gathering and background is a key to any successful review and should involve inputs by various stakeholders and peers whose participation from the early stages is critical to ensure transparency and active support. The findings and recommendations of the peer review are submitted to the review country but the peers retain the responsibility for the final report.

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<sup>9</sup> See Organisation Internationale de la Francophonie, *Strategie Nationale de Developpement Durable : Orientations pour la Mise en Œuvre d'Une Revue par les Pairs*, by Nadine Gouze'e et Arnold Jacques de Dixmude, Les publications de l'IEPF, 2007.

<sup>10</sup> See EU, *A Guidebook for Peer Reviews of National Sustainable Development Strategies*, February 2006, p.1.

<sup>11</sup> *Ibid*, p. 5.

EU experience with peer reviews strongly suggest that these mechanisms should not be threatening to a review country and recommendations presented to inform rather than require a response. Mutual learning, not “naming and shaming”, is by far the preferred approach. EU experience indicates that the whole process typically takes two years from start to monitoring implementation of review recommendations, though this could vary from case to case.

13. Peer reviews are one of several NSDS monitoring approaches. Among these may be mentioned internal reviews, external auditing, parliamentary reviews, budgetary reviews, and international monitoring (such as progress reports to the United Nations for example). Each of these has its pros and cons. Relative to others, peer reviews are voluntary, can be tailored to a country’s needs and conditions, usually deal with the full set of strategy elements, and enable experience sharing. On the cons side, peer reviews are demanding in terms of required resources, and can turn out to be shy of passing judgement on the review country and less robust in recommendations for improvement.<sup>12</sup>
14. In any case, these different approaches are not exclusive but can be used as a mix applied in different or overlapping time frames to complement one another or achieve specific review objectives, as is the case in most developed economies. For countries with little or no experience with more elaborate and demanding approaches (especially those involving external review mechanisms), a less threatening approach would be to conduct an internal review which invites the participation of as many NSDS stakeholders as feasible and engages a genuinely independent professional entity to carry it out.

#### D. LESSONS LEARNED FROM THE FOREGOING MECHANISMS

15. Only a few ESCWA Member States have taken part to-date in the ECE EPRs, and OECD IPRs or in the Peer Reviews of NSDSs referred to above. The lessons outlined below draw on the experiences of participating ESCWA members as well as the broader experiences of other countries adopting these mechanisms. To start with, a brief general comment is in order. The rapidly changing economic/political development setting, globally, regionally and nationally, and the substantial progress made by many countries which have achieved middle income status during the past 15-20 years have underlined the urgent need of other countries – developing and developed - to reconsider their development strategies. This has become necessary if these countries are not to be left behind.
16. An assessment of any NSDS raises a number of key questions: does the strategy have well defined goals and a time frame? How was the strategy arrived at: how participative was the process, how transparent and inclusive, were different level government involved, how evidence-based was the analysis which led to strategy formulation and approval, was an effective monitoring and evaluation mechanism put in place as an integral part of the strategy? These are among the core issues typically addressed in efforts to design and implement **sustainable** development strategies. Even countries which have applied successful NSDSs continue to seek improvements if only to “stay ahead of the curve”. The rationale, if not urgency, of subscribing to these mechanisms has become all too obvious.
17. What are the main patterns and lessons emerging from experience? Looking at Arab States (Morocco, Tunisia, and Jordan) that took part in the OECD IPRs, a common pattern becomes clear despite significant differences among them in external factors affecting national performance, particularly the impact of calls for political and social change in several countries of the region. First, reform efforts (liberalisation, free trade agreements, actions to improve investment climate, and Tunisia’s emphasis on good governance) and their positive outcomes have been recognised as

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<sup>12</sup> See Barry Dalal-Clayton and Steve Bass, A Review of Monitoring Mechanisms for National Sustainable Development Strategies, International Institute for Environment and Development (IIED), Environmental Planning Issues No. 27, July 2006, for an extensive treatment of various review approaches.



promising measures; but these are not yet sufficient to provide a solid base for a sustainable national development strategy. The “absence of vision” and lack of policy coherence have been cited as important weaknesses. This suggests the need to review existing strategies in light of the questions typically raised in NSDS formulation and to do so in a more participatory approach than has been the case at the moment.

18. Second, weak institutions have been underlined as critical. Even where appropriate policy frameworks were put in place, implementation and compliance have been disappointing due to shortage of qualified human resources and/or absence of effective monitoring and evaluation mechanisms. These have been replaced with a “culture of negotiating” with enterprises to encourage compliance rather than adopting a firm system in which compliance is the rule if penalties are to be avoided and available incentives accessed. The lesson learned from these reviews and from experiences of countries such as Singapore, Thailand, Chile, South Korea (among many others) is that institutional capacity development is a core priority without which progress toward sustainable development would yield limited returns. The challenge of developing viable national institutions is multifaceted. It requires political commitment, bold decisions, careful selection and grooming of institutional leaders, and adopting a robust accountability mechanism to assess performance.
19. Third, legal and regulatory regimes suffer from complexity and discriminatory treatment, as in the case of incentives exclusive to export-oriented enterprises for example, causing distortions in resource utilisation among sectors. While a country may wish to promote the development of given sectors/activities or support low income families through commodity subsidies, other policy means are available to accomplish this goal than resorting to distortive measures. At stake here is the crucial issue of efficient utilisation of the country’s resources. Related to this point is the extensive use of restrictions (as in the case of foreign investment and other economic activities). These have placed Tunisia and Jordan high on the OECD FDI Regulatory Restrictiveness Index, discouraging investment inflows and undermining business confidence. According to the latest available figures, Jordan ranked 54<sup>th</sup>, Tunisia 49<sup>th</sup>, Morocco 31<sup>st</sup> and Egypt 30<sup>th</sup> in that Index as of September 2013.<sup>13</sup>
20. The lesson learned in this regard is the importance of seeking other means of achieving public policy goals to avoid the costs of restrictions and discriminatory treatments. The 2012 OECD Recommendation on Regulatory Policy and Governance may serve as the latest guide to policy makers in redesigning their policies in accordance to internationally accepted standards. These have been formulated in light of various countries’ experiences and aim at assisting countries to improve regulatory quality. The Recommendation advocates a whole-of-government approach to regulatory policy, adherence to open government, ensuring transparency and participation to inform legitimate interests affected by the regulations, establishing mechanisms for oversight of policy procedures and goals, and promoting regulatory coherence among various levels<sup>14</sup>.
21. Fourth, corruption is a characteristic malaise which remains to be tackled effectively and which has hindered the efficient mobilisation and allocation of domestic and external resources to achieve sustainable development. In its various forms, corruption is a serious drain on any country’s resources. Transparency International’s Corruption Perception Index (2013) is presented as a “reminder that the abuse of power, secret dealings and bribery continue to ravage societies around the world”. It scored 177 countries on a scale from zero (highly corrupt) to 100 (very clean). The four Arab States reviewed have scored relatively high. These ratings are based on “perceptions” of how corrupt the public sector seems to be and should be read accordingly<sup>15</sup>. Tunisia’s stress on

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<sup>13</sup> See OECD, FDI Regulatory Restrictiveness Index, September 2013. While not a full measure of a country’s investment climate, OECD considers FDI rules as a critical determinant of its attractiveness to foreign investors.

<sup>14</sup> See for more details, OECD, Recommendation of the Council on Regulatory Policy and Governance, OECD 2012. The Annex of this document provides tools to enable countries to assess existing regulatory policies and a guide to improve their quality.

<sup>15</sup> See Transparency International, Corruption Perception Index 2013.

establishing good governance reflects the transitional authorities' determination to deal with corruption and promote open and transparent government. Still in its infancy, this initiative is nevertheless promising not only for Tunisia but other ESCWA Member States as well.

22. Fifth, ESCWA Member States may benefit by applying the principles of the EU (or IFDD-IOF) Voluntary Peer Review Improvement mechanism outlined earlier on. The Guidelines, including comprehensive questions, which are applied to review NSDS have been tested and need not be reinvented though they can be modified to suit special needs. Arab States are members of a well-established U.N. Regional Commission which has the potential and means to offer an ideal venue for supporting this type of peer reviews. ESCWA has links with other UN Commissions and international organisations willing to share NSDS knowledge and concrete experiences. A preliminary start could be to pool actual practices of Member States and prepare a compendium for review and exchange of experiences among them.
23. This could lead to the design of a tailor-made, flexible mechanism which meets the varying needs of each Member State while incorporating certain core elements to facilitate comparisons across countries. However, it is prudent to make realistic estimates of the cost (in terms of qualified expertise, financing, and time) of launching a preliminary NSDS monitoring approach and investing "at the front end" of such a process to minimise difficulties and ensure a smooth implementation. Prime among success conditions is the mobilisation of high level political commitment and support.

### **III. ANALYSIS OF STATE-LED REVIEWS OF POLICIES' IMPLEMENTATION AND PROGRESS MEASUREMENT**

24. Even well designed NSDSs can meet with difficulties in implementation and in measuring progress toward approved goals. These difficulties have given rise to a number of methodologies to address them. In what follows, a review is made of key approaches in use, including the Annual Mechanism Review with ECOSOC, African Peer Review Mechanism, and Human Rights Council Universal Periodic Reviews. With emphasis on accountability mechanisms applying to implementation, this paper next discusses the OECD/DAC Mutual Accountability for Aid Effectiveness, leading Independent Accountability Mechanisms conducted with development banks, WTO Trade Policy Reviews, and EU Trade Sustainability Impact Assessments.

#### **A. ECOSOC ANNUAL MINISTERIAL REVIEWS (AMR):**

25. These Reviews, launched in 2005, focus on progress in implementing internationally agreed goals (IAGs). The General Assembly has recommended holding National Voluntary Presentations (NVPs) during the annual ministerial meetings, based on implementation of various countries' development strategies, to facilitate faster pace of progress through the exchange of lessons and sharing of successful practices. NVPs are expected to be based on a multi-stakeholder consultative process through a workshop in which government, civil society and the private sector would participate<sup>16</sup>. Five ESCWA Member States have undertaken seven NVPs in the past five years and highlights of review findings are given in Annex A.

##### **a- Emerging Patterns and Lessons Learned:**

26. The foregoing account of participating Arab States' NVPs offers many insights and brings forward some lessons for consideration by policy makers. No particular pattern seems evident at first except for the obvious contrast between countries of the region where some countries have the resources and means to formulate NSDSs as well as to put in place implementation mechanisms and to show

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<sup>16</sup> UN ECOSOC, National Voluntary Presentations (NVPs), 2014nvps-in-a-nutshell-ecosoc.pdf.

evidence of a reasonable if not excellent performance. While other countries, on the other hand, suffered difficulties beyond being without such a resource. The search for common patterns does not fail to recognise that each State has its own distinct profile in terms of resource endowment, history, geopolitical standing, approach to national sustainable development and political stability and will in addition to its institutional capacity.

27. These differences emerge on further reflection of how each has tackled the challenges facing it and what measure of success it has achieved. But one clear common and positive feature is that all seven participating ESCWA Member States have made remarkable progress in shifting from *ad hoc* and often haphazard development approaches they tended to pursue 15-20 years ago to adopting a more systematic and integrated approach to *sustainable* development. This is a healthy sign which augers well for the future though it alone does not mobilise Arab States' potential as modern well functioning members of the international community<sup>17</sup>.
28. Given the above, eight lessons could be learned from the NVPs highlighted above:
  1. The quality of NVPs (and of development planning as a whole) is a function of the depth of analysis (looking at sectors and development themes), use of reliable evidence (quantitative and qualitative) and objectivity in deriving findings and making recommendations. Some NVPs have done better than others in terms of these criteria. Differences could be partly due to inadequate data bases or expertise – factors referred to in some NVPs, suggesting the need to invest more in cultivating relevant skills and knowledge as well as in information systems and technologies.
  2. All seven countries have probably done their best to formulate their respective NSDSs and plans. While critical, these are not sufficient to ensure smooth implementation. Evidence suggests strongly the importance of translating these into “executive plans” as Qatar has put it at individual ministry and agency levels and sub-levels. Without such actions it is extremely difficult to assess these units' performance and take corrective measures to improve implementation. This is not an easy process as it requires, among other things, the availability of qualified skills at lower levels and an incentive system that encourages staff to perform according to plan. It also requires decentralisation of authority and responsibility, with genuine delegation to take important decisions at appropriate levels and be held accountable for their outcomes.
  3. Although some NVPs referred to the use of monitoring and evaluation (M&E) mechanisms in a few cases, there is much work to be done in instituting an effective M&E system as one of the drivers pushing for more efficient and more effective delivery of results, even in the cases where a good start has been made. It is difficult to overstate the importance of M&E mechanisms not only for preparing reliable and objective progress reports but as a pillar helping to create a “culture” of accountability and professional management of the development process as a whole. The technical design of an M&E system may be challenging, as designers have to take into account society's political and socio cultural norms and how these influence behaviour within and outside work units. A crucial prerequisite for success is a strong and determined political will at the top supported by well trained and motivated lower echelons to make the system work.
  4. Legal and regulatory frameworks for investment (domestic and foreign), use of natural resources, environmental protection, export promotion and the like are one of the fundamental foundations of any modern society. All seven participating States are apparently paying much attention to improving their frameworks, recognising how important these are to promote FDI inflows and assure businesses of transparent and fair treatment. Here again, much work needs to

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<sup>17</sup> See The Economist, The Tragedy of the Arabs, July 5<sup>th</sup>-11<sup>th</sup> 2014, which gives too pessimistic but in many places fairly realistic assessment of the predicaments facing the Arab world.

be done. Experience of many middle income countries shows that progress in this area requires simplification, non-discrimination, and transparency. Reforming these frameworks does not necessarily mean compromising on important national goals to support certain sectors or activities; it does mean, however, the use of tools recognised internationally (refer to the OECD Guidelines) which avoid the shortcomings of systems that do not meet these three key criteria. Egypt's recent decision to do away with fuel subsidies (as a first step to stopping other commodity subsidies) was a bold step by the government which recognised that these were becoming unsustainable, though more need to be done to strengthen pro-poor policies and address other sustainable development issues.

5. Environmental issues have become more urgent world-wide. Debates are no longer centred on whether climate change was an urgent issue, but stress mitigation and adaptation measures to combat its ill effects and pursue green economy policies. The UNEP defines the Green Economy as “one that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities”<sup>18</sup>. It cannot be treated in isolation from mainstream economic policies and should become an integrated part of the policy framework. Countries are urged to take actions without delay to help minimise potentially tremendous costs of inaction. In response, the UAE launched a long term national initiative to build green economy in the UAE under the slogan “A green economy for sustainable development”.<sup>19</sup>

Kuwait's NVP reflects the urgency and actions taken to successfully eliminate CFC emissions. Other NVPs, however, do not reflect the urgency warranted to take measures necessary to integrate environment into mainstream NSDSs as urged during and endorsed by the UN Rio+20 Conference on Sustainable Development<sup>20</sup>. There is much to be learned from exchanging experiences and adopting practices that proved successful. The role of ESCWA as a UN Regional Commission needs to be underlined as a venue facilitating such exchanges and providing links with other UN agencies mandated in this field.

6. Institutional and human resource capacity building is a common theme and challenge underlined in all seven NVPs. These capacities are so essential for sustainable development. It is not realistic to expect sustainability of development outcomes without considerable and sustained investment in them. The key lesson learned in this area from surveys carried out by OECD and other international organisations is that effective capacity development cannot be achieved as a series of piecemeal measures; it has to be based on a systematic survey of needs at various levels and sectors, and on a well-thought out plan that takes into account political commitment, availability of resources, development priorities, and a relatively long term time frame within which progress is monitored and action plans are adjusted in light of implementation experiences.<sup>21</sup> Whether the issue pertains to the environment, health, education, investment and trade or gender, there are capacity development questions to be addressed.

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<sup>18</sup> See [www.unep.org](http://www.unep.org) for a comprehensive list of conferences and announcements related to the green economy.

<sup>19</sup> See Moshe Terdiman, The Launch of the Green Economy Initiative in the UAE, in General Articles & Excerpts, Green Economy in Action, UNDP August 2012. A more modest initiative is Egypt's “Green Food from Green Roofs” launched with FAO assistance in 2011. See Catriona Knapman, Egypt: A New Roof Top Revolution Emerges, in UNDP General Articles reference cited.

<sup>20</sup> See U.N., Rio+20, United Nations Conference on Sustainable development, Rio de Janeiro Brazil, Outcome of the Conference, article 25: We acknowledge that climate change is a cross-cutting and persistent crisis and express our concern that the scale and gravity of the negative impacts of climate change affect all countries and undermine the ability of all countries, in particular, developing countries, to achieve sustainable development and the Millennium Development Goals and threaten the viability and survival of nations. Therefore we underscore that combating climate change requires urgent and ambitious action, in accordance with the principles and provisions of the United Nations Framework Convention on Climate Change.

<sup>21</sup> See Global Partnership for Effective Development Cooperation Outcome Document, Busan December 2011, available at the GPEDC and OECD Websites.

7. Reference has to be made to the challenges of the occupation and conflicts (internal and cross-border) which are having disastrous consequences on efforts to attain sustainable development. The most obvious case in the present context is Palestine. However, other countries of the region are currently, facing instability and uncertainty due to conflicts and terrorism. Palestine represents by far the most tragic case and its progress has been described as miraculous and should be recognised as such. Nevertheless, there is an urgent need to mobilise more support and actions by the international community to end the occupation and help the government deliver essential services.
8. Finally, governance issues rank high on any sustainable development agenda. Some NVPs have referred to governance and actions taken by Member States to improve their governance standing. Without going into detail, there is a consensus among development practitioners and international agencies on certain qualities/features which the governance of a State needs to meet in order to support efforts to achieve sustainable development that is equitable and fair. Inclusive development is one feature which calls for the active participation of all key stakeholders in development planning and in sharing monitoring results. Inclusiveness of participation creates a sense of true ownership of the development agenda. Transparency of government actions is another feature which strengthens the public's confidence and support. The rule of law is another requisite which ensures due process and provides guarantees of fair and equitable treatment to the business community and citizens at large. Accountability is a capstone which facilitates monitoring of implementation and evaluating outcomes, and creates a culture that promotes responsible behaviour by holding people and agencies accountable for their actions through an incentive system which deals with positive as well as negative performance<sup>22</sup>.

## B. AFRICAN PEER REVIEW MECHANISM (APRM)

### a- APRM Origins and Process

29. The African Union (AU) launched the African Peer Review Mechanism (APRM) in 2003 as “a mutually agreed instrument voluntarily acceded to by the Member States of the AU as an African self-monitoring mechanism. The APRM is a bold, unique and innovative approach designed and implemented by Africans for Africa”<sup>23</sup>. Its objectives are to promote policies, standards and procedures that lead to political stability, sustainable development and regional and sub-regional economic integration among members. Membership of the APRM is voluntary and open to all AU members, and the process is initiated when a member expresses interest in joining the Review and signs a Memorandum of Understanding (MOU) with the APRM Forum. The Review deals with four themes: political governance, economic governance, corporate governance, and socio-economic development. A base review is conducted within 18 months after a member joins, and periodic reviews follow after 2-4 years. Members contribute \$100,000 annually each to the cost of the review.
30. In terms of structure, the APRM has three main bodies to manage the process: an APR Forum, consisting of participating AU Heads of State and Government that have acceded to the APRM; a Panel of Eminent Persons exercising oversight to ensure independence, professionalism and credibility of the process and oversees the selection of and appoints the Review teams; and the APR secretariat to provide technical, coordinating and administrative support. The APRM has special support agreements with the African Development Bank, UN Economic Commission for Africa, and the Regional Bureau for Africa of the UNDP. Each review country appoints a focal point to manage the process, facilitate self-assessment and liaise with the Review Team throughout. The country also

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<sup>22</sup> See [www.un.org/en/ecosoc/n](http://www.un.org/en/ecosoc/n) e-discussion: Addressing ongoing and emerging challenges for meeting the Millennium Development Goals in 2015 and for sustaining development gains in the future. Summary report for Part II: Sustaining development gains through inclusive development. 17 February – 2 March 2014.

<sup>23</sup> See African Union, African Peer Review Mechanism, [www.aprm.au.org](http://www.aprm.au.org).

appoints a national commission or national governing council (NGC) to provide strategic policy direction in implementing the APRM, a national secretariat for technical and administrative support, and technical research institutions for administering the APRM questionnaire.

31. The review process involves participation of the executive, legislative and judicial branches of government as well as the private sector, civil society and the media. It consists of five stages:
  - (a) The Review Country prepares a National Programme of Action and the EPR Secretariat prepares a study of the political, economic and corporate governance and development environment in the country;
  - (b) A country review visit is carried out to ensure the Review Team has access to required information and stakeholders;
  - (c) The Review Team prepares a draft report based on consultations with stakeholders and research carried out earlier in preparation of the Review; the draft is discussed first with government of the Review Country and feedback received is appended to the Team's report;
  - (d) The Review Report is submitted to the APR Panel which reviews the findings and recommendations and communicates the Forum's decisions to the review country Head of State or Government;
  - (e) The final stage is to make public the Review Report and table it in key regional and sub-regional organisations including the AU, Pan African Parliament, among others<sup>24</sup>.

The main purpose of the exercise has been to urge member countries to improve governance in the areas of focus in the APRM and follow up report findings and recommendations with actions in the short, medium and long runs. Progress is monitored through the periodic reviews referred to above.

#### b- Assessment of APRMs Undertaken

32. The APRM is an innovative and ambitious initiative and the most comprehensive approach to peer reviews to-date. Credit has to go to the African Union leadership and technical experts who designed the Mechanism in the face of many technical, economic and political challenges. The APRM celebrated ten years of operation in 2013 since its launching. As is the case with similar new initiatives, it has had to deal with numerous shortcomings, some of which emerged during implementation and others had been underestimated. The APRM has been the subject of a number of evaluations, and the following comments draw on these. The difficulties encountered, which were many, in no way belittle the value of the APRM as a worthwhile approach to be refined in light of the experience gained and specific needs for which its application may be considered.
33. Under the Africa Canada Partnership, an assessment was carried out to review the application of the APRM to seven countries, six of which had completed the process by January 2010: South Africa, Burkina Faso, Nigeria, Kenya and Benin, while Ethiopia had yet to be reviewed<sup>25</sup>. Twenty-nine countries signed up to join, of which 15 started the preparatory stage, and 25 had yet to accede. The following are some of the main findings of this assessment and questions that deserve consideration in adopting the APRM model:

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<sup>24</sup> *Ibid*, and African Peer Review Mechanism: Organisation and Processes, NEPAD/HGSIC-3-2003/APRM/Guideline/O&P,9 March 2003.

<sup>25</sup> See Adotey Bing-Pappoe, Reviewing Africa's Peer Review Mechanism, a Seven Country Survey, Partnership Africa Canada, March 2010.

- a. Focal points: Appointments to APRM focal points consisted mostly of serving ministers. This had the advantage of easier access to political leadership, but what about assurances of independence from government influence?
- b. Public Consultations and Stakeholders' Participation: Two national consultations were adopted in most cases in addition to the use of the media to increase public awareness and engage stakeholders. Considering that the APRM was a new initiative, to what extent was the approach adopted sufficient? How genuine was the participation of non-government entities in view of the dominance of officials in review meetings?
- c. National Plans of Action: In many cases, some of the actions listed were already included in existing government plans and budgets. While this facilitated the financing of these actions, what is the value-added which APRMs have contributed through initiating changes beyond those programmed?
- d. Size of the National Governing Councils (NGC): This varied considerably among the countries reviewed, ranging from 7 to 250. Size matters, but some guidelines would be useful to strike a balance between broad participation of stakeholders and efficiency considerations.
- e. Selection of Implementing Institutions: These were trusted with carrying out APRM surveys. Most reviewed countries selected four professional institutions, one for each theme, and this practice was considered working well.
- f. Civil Society Organisations (CSOs): Many CSOs were critical of the limited scope for participation through selection of who should take part in meetings, short advance notice before consultations to study self-assessment reports and limited time allowed (1-2 days) for dialogue and feedback. To what extent has this practice undermined the transparency and multi-stakeholder involvement in the process?
- g. Review of Country Review Reports: Responsibility for undertaking this crucial task of the APRM was, by design, given to Heads of State and Government of participating countries' (the APR Forum) meeting at AU summits. It was meant to give the utmost priority to the APRM, but time constraints on these top level leaders have necessitated relegating this crucial task to lower levels. Is there a more pragmatic alternative to satisfy the need for senior political involvement and address these time limitations?
- h. Monitoring Implementation: Assessing progress in implementing National Plans of Action requires adequate and accurate data bases, which in some cases was lacking or of insufficient reliability, making it difficult to reach definite conclusions about progress. What measures are necessary to establish a more adequate data base?
- i. Progress Reports: These were originally to be submitted once every six months but later became annual to give more time for their preparation. Nevertheless, reports were often delayed as less than half the review countries submitted them. Some reports did not conform to the prescribed format, by failing to address certain aspects and/or using information not directly relevant to the APRM. What should be done to improve information availability and accuracy which have become pressing challenges?
- j. Emphasis on Self-assessment and Action Planning: While due attention should be given to these two aspects of the APRM, experience shows that such emphasis has not been combined with the necessary attention to implementation issues and APRM outcomes. How can better balance be struck in management priorities attached to various stages?

34. Another, more comprehensive, evaluation was published earlier in 2008<sup>26</sup> which underlined important points about the political aspects of the process. Its authors argued that:
- a. The APRM leads to high profile reporting which can cause embarrassment to politicians (even though this initiative was not meant to be used as a scorecard); changing the allocation of resources which could affect election results; influencing the selection of who gets consulted and appointed to positions in the APRM structure; marginalising non-government stakeholders as the executive branch tends to take a proprietary approach to the whole process; and mistrust among various actors as civil society and others question what government might do with the process.
  - b. Space must be given to enhance a constructive dialogue among stakeholders to build trust and address issues of national importance requiring consensus on actions to deal with challenges. Size of the NGCs must be set to avoid excesses, and their meetings should follow clear decision-making rules to avoid unilateral actions by the Chair or secretariat.
  - c. Lack of information, and extensive public consultation and transparency are other issues which deserve more attention to deal with shortcomings and help build trust among APRM actors. This issue of mutual trust is made more serious by the virtual absence of communication between government and non-government stakeholders – which can only lead to more suspicion all round.
  - d. Success of the APRM approach relies on effective planning of the various stages of the APRM; rushing the planning process under time pressure inevitably leads to adverse consequences in implementation and outcomes. Planners have to keep in mind the potential/aspired benefits from the whole exercise: improved governance, building national consensus and trust, strengthening national institutions, and promoting growth. More attention needs to be given to APRM outcomes.
35. Another review of the APRM experience was conducted during an *ad hoc* expert group meeting organised by the UN Economic Commission for Africa (ECA) in 2010, to which scholars, academics and practitioners involved in APRM activities were invited to share their views and suggestions<sup>27</sup>. The meetings stressed the contributions of the APRM to improving the political environment as Africans were opening their borders and books to other Africans to review governance practices. It is also a mechanism that served as an early warning system to avert crisis and their ripple effects on neighbours. APRMs are also helping to institutionalise a culture of accountability, domestic and continental.
36. Four challenges were underlined by the meeting: (a) how to mobilise citizen participation to prevent APRM fatigue and bureaucratisation; (b) how to ensure that the countries reviewed appropriately acknowledge APRM reports and recommendations and make these readily available to the public; (c) how to sustain the process by ensuring that the momentum behind its launching is not lost, and by revisiting its structure to deal with issues that emerged; and (d) how to revise the self-assessment and questionnaire tools which are cumbersome and repetitive and which ignore important governance issues such as climate change and media freedom for example<sup>28</sup>.

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<sup>26</sup> See Ross Herbert and Steven Gruz, *The African Peer Review Mechanism: Lessons from the Pioneers*, South African Institute of International Affairs, revised edition, 2008. See especially Part III on Lessons and Recommendations. The points listed in the text are illustrative of the book's insightful analysis and observations.

<sup>27</sup> See UN ECA, *Capturing the 21<sup>st</sup> Century, African Peer Review Mechanism (APRM) Best Practices and Lessons Learned*, 2011.

<sup>28</sup> Many of the weaknesses and suggestions reviewed above were anticipated in Ravi Kanbur's article, *The African Peer Review Mechanism (APRM): an Assessment of Concept and Design*, [www.people.cornell.edu/pages/sk145](http://www.people.cornell.edu/pages/sk145), January 2004, which is worth reading.



37. In concluding this summary of assessments, four points are worth special attention:

1. The peer review mechanism is a viable accountability mechanism relevant to monitoring and assessing national sustainable development strategies and plans. The APRM offers valuable lessons of experience which need to be heeded in design and implementation of a similar mechanism for the ESCWA region.
2. A key challenge is how to deal with political sensitivities associated with the application of such a mechanism, requiring solid political support and sustained commitment to address issues of a political nature which could – if not properly handled – derail the whole initiative. Part of this challenge is the genuine embracing of participatory multi-stakeholder approach if political and economic governance is to improve. Civil society is reported to have been marginalised in many cases despite their (at least officially) role as an active and independent development partner<sup>29</sup>. Another part is ensuring transparency and openness throughout.
3. While an ambitious peer review mechanism is laudable, over ambition can be counterproductive. There is merit in starting “modest” to test the waters and build on achievements, including mutual trust and stronger institutions, rather than starting with grandiose visions and plans only to experience disappointments in implementation.
4. Careful planning and pre-testing are difficult to over-emphasize. Planning requires, among other things, building more adequate and more reliable and timely data bases to serve the peer review purposes as well as the formulation and implementation of NSDSs. Institutional and human resource development is critical as a cross-cutting requisite for success. This point has already been underlined in the context of NVP reviews, and is a common denominator cutting across development issues.

### C. HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW (UPR)

#### a- Basis and Stages of the UPR

38. In contrast to the comprehensive APRM, the Human Rights Council UPR is a more specific peer review tool as it focuses on measuring a country’s improvement in its human rights record. It became operational in 2008 and is designed to “prompt, support, and expand the promotion and protection of human rights on the ground”.<sup>30</sup> The UPR offers assistance to help countries enhance their capacities to deal with human rights issues and share best practices with other countries. The UPR covers all 193 UN Member States; currently 42 States are reviewed each year. The Human Rights Council of 47 members constitute its Working Group which conducts the reviews, and any Member State can join the dialogue.
39. The review process goes through several stages: (a) the country being reviewed presents an assessment of its human rights record; (b) members engage in an interactive dialogue with the country concerned and make recommendations for improvement; the discussion considers the country’s presentation and other information drawn from reports of treaty bodies as well as comments submitted by other stakeholders including CSOs (c) a Troika Group (selected by drawing of lots among Member States) facilitates the process and prepares a draft Outcome Report based on

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<sup>29</sup> The South African Institute of International Affairs has launched a special project to empower civil society in Southern African APRM States to track the implementation of the APRM in their respective countries. See SAIIA, African Peer Monitoring Project, [www.saiia.org](http://www.saiia.org).

<sup>30</sup> See UN Human Rights Council, Office of the High Commissioner for Human Rights, Basic Facts about the Universal Periodic Review, <http://www.ohchr.org/en/hrbodies/upr/pages/BasicFacts.aspx>.

the dialogue, in collaboration with the review country and the recommendations made; (d) the review country informs the Council whether or not it accepts these recommendations and gives its comments; accepting the recommendations implies agreeing to implement them and to submit a progress report to the Council. Each reviewed country has to subsequently submit a report of progress in implementing accepted recommendations.

40. Country reviews are based on (a) the Charter of the UN; (b) the Universal Declaration of Human Rights; (c) human rights instruments to which a State is party; and (d) voluntary pledges and commitments made by the State, including those undertaken when presenting their candidature for election to the HRC. Country reviews also take into account applicable international humanitarian law. The UPR monitors the implementation of the Report's recommendations, which is the responsibility of the State under review. If that State consistently fails to implement, the Human Rights Council decides what measures to take. Due to delays and inadequate reporting, the Council decided in its second cycle (started in 2012) to focus more on implementation issues.
41. A recent example of a country progress report is that submitted by the Sudan which had accepted the Council's recommendations. This report classifies actions according to degree of its acceptance of these recommendations and extent of implementation. A detailed listing of actions follows indicating entity charged with implementation and related comments. Another example is Morocco's report which classified its actions to implement recommendations under specific themes including consolidation of democracy and the rule of law, continuation of commitment and cooperation with the UN human rights systems, institutional framework of the protection and promotion of human rights, etc.<sup>31</sup>

b- Assessment of the UPRs:

42. The UNHRC initiative to launch the UPR approach was based on a strong desire to encourage member countries to honour their human rights commitments, including voluntary pledges. Opinions are divided on the effectiveness of UPRs in achieving their objectives. It has met with criticism and opposition from some quarters who have described the UPR approach as "soft" in addressing human rights violations and acts much like a "mutual admiration" society in which members are reluctant to be truly critical of human rights violations of a fellow member on the tacit understanding that, when other members' turns come, a reciprocal treatment would be expected.
43. These critics appear to be in favour of a more confrontational or forceful approach to get member States to take corrective actions<sup>32</sup>. In a testimony at the UN in February 2010, the UN Watch<sup>33</sup> referred to its study "Mutual Praise Society" in which it evaluated 300 speeches by 55 countries and concluded that the majority of participating countries have failed to achieve UPR purpose: a majority acted as a mutual appraise society, misusing the process to legitimise human rights abuses instead of holding them to account; many respected democracies chose to ask soft questions. They shied away from pointedly addressing violations; "block" affiliations such as the 57-member Islamic countries tended to praise each other's human rights records. NGO comments and information on human rights situations were often ignored, leading the UN Watch to recommend that NGO information play a far greater role in these reviews.

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<sup>31</sup> See UNHRC, UPR Implementation <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx> - Reports by the Sudan and Morocco.

<sup>32</sup> See the article by Elvira Domínguez Redondo, The Universal Periodic Review - Is There Life Beyond Naming and Shaming in Human Rights Implementation?, New Zealand Law Review (2012, vol. 4). The author makes a fairly comprehensive review of the issues for and against confrontational approaches to human rights violations.

<sup>33</sup> See UN Watch, Ways and Means to Strengthen the Effectiveness of the UPR, Testimony at the UN, UN Watch written statement, 16 February 2010.

44. In defence of the UPR, the effectiveness of confrontational approaches has been questioned by many as the means of dealing with human rights issues. Many Member States have voiced strong objections to confrontation and coercive measures as a viable solution with no lasting impact and to the difficulties of implementing sanctions. These States have responded positively to the UPR approach, as all of them had taken part in the first cycle reviews and 98% presented a written report<sup>34</sup>. They argued that UPRs are cooperative not confrontational, non-coercive, and treats all members as equal. What is not in doubt is that the UPR has generated a valuable database on human rights and led Member States to make commitments which in fact constitute legal obligations.
45. In an attempt to refine the UPRs for the second cycle, the Council introduced guidelines to help the member States in drafting their national reports. These reports are to state the methodologies and consultations used in gathering information for the report; give an overview of developments in promoting human rights since the previous review; provide information about implementing human rights obligations; identify achievements and challenges regarding the implementation of accepted recommendations; and indicate capacity building needs.
46. It is likely that the controversy about UPRs will continue for the time being and until more conclusive and objective evidence either supports or dismisses UPRs' effectiveness in bringing about tangible and sustainable improvements in human rights performance of Member States. One may venture to say that, ultimately, a balanced combination of cooperative and confrontational approaches may emerge, with the latter reserved for extreme violations not responding to cooperative dialogues, *as long as countries are assumed to be treated equally and without the blind support sometimes given to a violating country by groups to which it belongs*. But how realistic are these assumptions in a world characterised by serious imbalances in global governance? This is an open question.
47. In the meantime, the UPR approach offers elements and lessons that deserve attention in considering the design of an Arab regional accountability framework.
- a. First, focus on a few well-defined issues offers a distinct advantage in terms of clarity of purpose and relative ease of monitoring and assessing outcomes.
  - b. Second, the less the political interference in implementation and reviewing results, the better the credibility and sustainability of outcomes. A given measure of political involvement is necessary for the launching of an accountability mechanism, mobilising required resources, and taking remedial actions in light of assessing the results. Going beyond these limits is bound to create difficulties which may tarnish the objectivity of the mechanism.
  - c. Third, the UPR experience has shown that a sound information base is at the core of monitoring and evaluation. Availability is necessary. But the proper use of information is equally important. This suggests investing in a user friendly set of guidelines listing what questions to be addressed in progress report preparation and monitoring, what information is needed, and how it should be used.
  - d. Fourth, an open multi-stakeholder involvement based on access of information and transparent procedures is critical. This point has been repeated more than once before, and deserves as much emphasis as possible, especially in view of the "less-than-full" mutual trust between government and non-government actors.

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<sup>34</sup> *Ibid*, p. 28.

## IV. FOCUSING ON ACCOUNTABILITY FOR IMPLEMENTATION

### A. MUTUAL ACCOUNTABILITY FOR AID EFFECTIVENESS

#### a- OECD/DAC Paris Declaration for Aid Effectiveness

48. The Paris Declaration for Aid Effectiveness (PD) was the outcome of the OECD/DAC second High Level Forum in 2005. Delegates recognised that concrete commitments had to be made by both sides of aid if progress was to be achieved. Previous attempts were partial in scope and driven mostly by aid providers, i.e. DAC members, showing little positive results. The PD comprised five inter-related principles: country ownership of its development agenda; alignment of aid to recipient countries' development priorities; harmonising aid among providers; managing aid for results; and mutual accountability for meeting commitments.
49. The PD Declaration had an annex listing indicators of progress, measured at the country level and monitored internationally<sup>35</sup>. A key feature of the PD is reciprocity of mutual commitments to implement agreed actions, replacing previous practices where most of the blame for lack of progress had previously been placed at the door step of recipient countries. Adhering to the PD is voluntary, though consultations among members led to agreed commitments and obligations (legally non-binding) by both sides to honour them and jointly monitor progress.
50. Progress was monitored through national surveys which required data gathering by means of elaborate questionnaires administered by focal points in recipient countries, working closely with national entities and country offices of aid providers; additional information was obtained directly from data bases of international organisations such as the World Bank on a few aspects of the survey. The draft survey response was vetted by each recipient country which had to verify it with its aid providers and edit it as it sees fit. The first survey was carried out in 2006 to establish a base line, and subsequent surveys (2008 and 2010) assessed progress.
51. The focus of this paper is on mutual accountability (MA) that is relevant to the region, to which we will attend momentarily. To start with, two points are worth noting. First, accountability issues are part of a broader framework and should not be considered in isolation. In the PD context, ownership, managing for results and accountability are closely inter-related: a country's ownership, i.e., determining its own development goals and priorities, and managing its resources to achieve these goals are necessary conditions for the proper functioning of accountability (domestic, regional and international). The second point is that monitoring of progress can be costly in terms of human resources, financing and time spent. A sound design of a monitoring mechanism must balance these costs against expected benefits – not an easy decision but necessary to avoid excessive costs or the disappointments associated with unmet or partially met (perhaps unrealistic) expectations.
52. Twelve indicators and targets for PD principles were established to monitor progress toward meeting the PD goals. For example, monitoring ownership required looking into how many countries had “put in place national development strategies with clear strategic priorities”. The target of 75% of countries which endorsed the PD had been expected to meet this requirement by 2010. For mutual accountability, 100% of these countries were to institute “regular reviews to assess progress in implementing aid commitments”.<sup>36</sup>

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<sup>35</sup> See OECD/DAC, The Paris Declaration on Aid Effectiveness, Second High Level Forum, Paris, 2005.

<sup>36</sup> See OECD/DAC, The Paris Declaration on Aid Effectiveness: Five Principles for Smart Aid, [www.oecd.org/dac/effectiveness](http://www.oecd.org/dac/effectiveness).

53. As a result of extensive consultations among the OECD/DAC Working Party on Aid Effectiveness (WP-EFF), the MA principle has evolved in its definition and practice. Whose accountability? Initially, it was “government-to-government” accountability since governments were the key (if not sole) Official Development Assistance (ODA) actors. This narrow definition was broadened to recognise that ownership of a country’s development strategies should be more inclusive, consisting of other leading stakeholders including civil society, parliament and the private sector as well. Consequently, accountability should involve these stakeholders whether within a country (domestic accountability), or with external partners or globally.
54. These consultations also clarified the roles of domestic and external accountability. Both are essential and complement each other. A solid (and inclusive) domestic accountability mechanism is critical for holding government accountable for its development policies and decisions toward its citizens as represented by parliament, by civil society interventions<sup>37</sup> and dialogue with the business sector. Also critical for its smooth functioning is the availability of an adequate and reliable data base to monitor progress and enhance transparency. Meanwhile, MA with a country’s external development partners focuses on how each side meets its aid commitments as agreed in an action plan. Recognising the institutional and human resource capacity deficits in most recipient countries, the PD (and other High Level Forums that followed) urged aid providers to provide technical and financial support to strengthen development institutions and systems, based on plans drawn up and led by recipient countries. The prime responsibility for reform plans rested with recipient countries.
55. Similarly, aid providers are held accountable for aid policies and results to their citizens through parliament and other stakeholders. The term “value for money” was coined by the UK to stress that tax payers expected a return on public funds disbursed to developing countries – a return set in advance spelling out specific results to support development efforts in target recipient countries within a given time frame. Both domestic and external mutual accountability mechanisms, if administered properly, reinforce each other, assuming that development goals and priorities for which aid has been received are mutually agreed in advance. Difficulties arise whenever these suffer from inconsistencies or ambiguities. One of the difficulties has been the use of aid as a means of exerting political economic influences on recipient countries, particularly those in highly vulnerable positions due to high aid dependency and acute imbalance in power with key aid providers<sup>38</sup>.
56. Results of the latest pre-Busan survey (2011) showed that “progress has been made, but globally, donors and developing countries have fallen short of the goals that they set themselves for 2010”.The timing for some targets “was not realistic. Indeed, many of the changes foreseen in the Paris Declaration are profound and their implementation requires sustained commitment and efforts”: “Sustained political commitment to follow through on important – and often difficult – changes in behaviour is fundamental to address the unfinished business”<sup>39</sup>.
57. These brief excerpts highlight key challenges in implementing the PD, including its MA component. An Oxford Policy Management study reported that while progress on both sides has been slow in

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<sup>37</sup> Civil society has an important role and a responsibility to serve as an active development partner, provided its members play by the principles and rules established in Istanbul in September 2010 as outlined in International Framework on CSO Development Effectiveness. These principles apply to both local and international civil society organisations. Examples of politically-motivated interventions and the pursuit in a confrontational manner of objectives contradicting stated national development goals have tarnished the reputation of some CSOs and aggravated the sense of mutual suspicion, causing tougher restrictions on their activities to the loss of both sides. See [www.cso-effectiveness.org](http://www.cso-effectiveness.org).

<sup>38</sup> See Talaat Abdel-Malek, Changing Donor Mindsets: aid for development, not influence, in U.N. Association UK, Global Development Goals 2014 – Funding Development, (forthcoming – September 2014).

<sup>39</sup> See Talaat Abdel-Malek and Bert Koenders, Progress towards More Effective Aid: What Does the Evidence Show, Fourth High Level Forum on Aid Effectiveness, November 29-December 1, 2011. Co-Chairs’ Summary, OECD/DAC, October 2011. See also OECD/DAC, Aid Effectiveness 2005-2010: Progress in Implementing the Paris Declaration, Executive Summary 2011.

terms of setting up effective annual joint reviews, improvements were noted in the provision of more information on aid and in greater evidence of greater accountability to and through parliaments<sup>40</sup>. The study argued that the process of mutual accountability is influenced by imperfect compatibility between goals and accountability standards, and a power imbalance between aid providers and recipients. A case study by Sweden of Mozambique found that its MA mechanism functions mainly because the country has reached a broad agreement with stakeholders on a common agenda developed over more than a decade of consultations, there is a degree of national answerability supported by political will, increased transparency, and growing involvement of civil society and the media<sup>41</sup>.

58. The most comprehensive MA studies were conducted by the ECOSOC Development Cooperation Forum (DCF). A key finding was that progress on MA has been limited, with a few countries established “important foundations as a basis for future progress”<sup>42</sup>. Future progress rests on improving participation by non- executive stakeholders as a top priority; encouraging non-DAC aid providers to participate in national MA mechanisms; sharply improved transparency on aid information; and urging major aid providers to give more support to national-level MA. It was noted that progress to-date “*would not have been possible without the existence of a strong global-level mutual accountability process, as represented by the Paris Declaration indicators and survey; ..... It is essential that a strong and comprehensive global framework be continued, or the gains already made at national-level could easily be lost*”.
59. The findings of these studies have much in common in terms of conclusions and reasons behind progress or lack thereof. Some studies have acknowledged the “work-in-progress” in advancing MA mechanisms but others tended to focus to the “finished product” (i.e. well-operating MAs). The latter has seriously underestimated the tremendous efforts and interim results achieved, as numerous interventions revealed during the WP-EFF sessions which gave special priority to accountability issues<sup>43</sup>. The Paris Declaration targets set for 2010 turned out to be overly optimistic for many reasons.
60. Among these, five issues proved more challenging than had been anticipated:
  - First, demand for MA was weaker than anticipated by both aid recipients and providers; underlying this was the desire to avoid coping with political sensitivities in dealing with unsatisfactory findings and potentially engaging in a confrontational dialogue;
  - Second, the cost factor of setting up MA mechanisms and operating them was considered not worth paying in return for uncertain outcomes;
  - Third, difficulties were expected in mutually agreeing on measurable outcomes that could be attributed (or more accurately contributed) to aid inputs;

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<sup>40</sup> See Stephen Jones and Clara Picanyol , Oxford Policy Management, Mutual Accountability – Progress since Accra and Issues for Busan, 4 July 2011.

<sup>41</sup> See Swedish Agency for Development Evaluation, Mutual Accountability in Practice – The Case of Mozambique, SADEV Report 2012-6.

<sup>42</sup> The DCF has conducted reviews of mutual accountability since 2008 and is launching a survey in 2014 to assess progress in this important aspect. See UN Development Cooperation Forum (2010a), Review of Progress in International and National Mutual Accountability and Transparency on Development Cooperation, [http://www.un.org/en/ecosoc/newfunct/pdf/analytical%20background%20study%20\(mutual%20, accountability%20and%20aid%20transparency\).pdf](http://www.un.org/en/ecosoc/newfunct/pdf/analytical%20background%20study%20(mutual%20, accountability%20and%20aid%20transparency).pdf), and United Nations Mutual Accountability for Development Cooperation Results: Where Next? Draft study, 2012.

<sup>43</sup> This statement is made in my former capacity as co-chair and then chair of the WP-EFF and is supported by summary of its meetings during 2009-2011.

Fourth, lacklustre progress by many aid providers in improving aid predictability and transparency in their aid policies and procedures which discouraged many recipient countries from investing in MA mechanism until these issues were resolved; and

Fifth, – not least of all – weak or non-existent culture of evaluation and accountability at various levels and chronic weak institutional capacity in many recipient countries were serious obstacles to move forward.

61. While some guidelines were available in OECD/DAC documents and in monitoring survey guides, these were not intended to provide a standard format for setting up MA mechanisms but offer broad MA principles and objectives. There is no single universal structure that is “ideal”; in fact, flexibility is recommended in designing MA mechanisms depending on the country’s priorities and circumstances. However, some essential features of a viable MA mechanism are clear and widely recognised: well-defined aid policies and priorities; mutually agreed goals and targets within a given time period; development of reliable and timely data base; identifying the institutions (and personnel) responsible for participating in the MA dialogues; political endorsement and support of the MA mechanism and how it functions; and open discussions to identify reasons behind success and failure in achieving agreed results.
62. Once these essentials are satisfied, the MA mechanism has good prospects of functioning smoothly to the satisfaction of all sides. This could be labelled as the “basic model” in that it meets all necessary requirements. A more “inclusive” version is one in which multi-stakeholders become active in MA dialogue, adding experiences and observations that can only enrich the outcome though not without the difficulties of coping with diverse and at times more controversial inputs. Emerging good practices in MA were reviewed which referred to Vietnam, Ghana, Rwanda and Mozambique<sup>44</sup>. Others are “in the pipeline” making progress. Domestic accountability may be exercised at national, sector and micro (programme or project) levels.<sup>45</sup>
63. The role of parliament is paramount in the MA process in view of its oversight responsibility, yet parliaments in many countries have a long way to go before they are able to exercise this responsibility. This is mainly because of the imbalance in power structure where the government has a dominant role, lack of technical knowledge among parliamentarians and weak institutional capacities. Reforms in some countries have achieved progress in addressing this issue, but parliaments need to strengthen their capacities (technical and financial) to perform this task. Likewise, civil society has been marginalised in many recipient countries as a result of long standing mutual suspicion about the intentions of each and the threat civil society may pose to uncover and expose malpractices by the executive branch.
64. Is there “competition” between different forms of accountability? There should actually be no competition or conflict among these, as long as there is a clear vision and an integrated strategy guiding a country’s MA priorities. As just stated, the minimum viable MA form is government-to-government. While it has the “advantage” of simplicity of structure, it suffers from lack of inputs/participation of other key stakeholders who have a right to join if the MA process is to be more inclusive. Each has a defined role to play, based on their mandate and comparative advantage. The proximity of civil society to society grassroots gives it access to progress and difficulties “on the

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<sup>44</sup> See Liesbet Steer and Cecelie Wathne, Mutual Accountability at the country level: emerging good practice, Background Note, Overseas Development Institute (ODI), April 2009.

<sup>45</sup> Egypt introduced MA at the micro level with some noted success. This required political support first, open discussion and negotiation with the aid providers’ group to spell out the objectives and procedures, and a pilot phase in which projects were mutually selected and joint teams appointed to engage in MA sessions and provide jointly prepared reports of the outcomes. These were discussed at joint meetings involving aid providers and the lessons learned were adopted for each side to take actions to improve effectiveness. Unpublished memoranda, Ministry of International Cooperation, Cairo (2010-2-12).

ground”, and Parliament’s oversight duties scrutinise government actions and results in an independent manner. Both contribute perspectives which would otherwise be missed. The real challenges are how to bring these parties together to contribute, respect their respective roles and devise a mechanism for settling differences in a transparent and non-confrontational manner.

65. The foregoing analysis focused on country-level accountability and monitoring mechanisms. This is the foundation for regional and global accountabilities. These two levels of accountability enable the regional/international development communities to gauge to what extent have aid recipients and providers met their commitments, identify good practice, and consult how to address emerging challenges to achieve greater effectiveness. These tasks would not be possible without an adequate accountability mechanism anchored at the country level. A major lesson learned from the OECD/DAC experience is to avoid cumbersome structure at the global level and replace it with what the Busan Outcome Document called “country-level focus and global light” structure. The Global Partnership for Effective Development Cooperation (GPEDC) has adopted this modality, using ten carefully selected monitoring indicators to summarise and highlight country-level results. This is still in its initial phase and might have to be modified in light of experience, without a return to scores of indicators<sup>46</sup>.

## B. CITIZEN-DRIVEN ACCOUNTABILITY THROUGH MECHANISMS OF IFIs AND DEVELOPMENT BANKS

### a- Origin and Nature of Citizen-Driven Accountability (CDA)

66. Citizens have a right to have a say in monitoring and evaluating development outcomes through their elective representatives in parliament and – less formally – through interventions by civil society organisations. This is the case where there is a functioning parliament and a civil society able/allowed to voice concerns. Another venue launched in the early 1990s is what is called *citizen-driven* independent Accountability Mechanisms (IAMs) by international financial institutions (IFIs) and development banks giving citizens adversely affected by projects funded by these institutions recourse to present their grievances to IFIs’ senior leaders and demand remedial actions. All regional development banks have since established similar mechanisms with slight variations in procedures.
67. A 2012 presentation at Rio+20 Conference concluded that “Twenty years of experience ...have shown that ‘citizen-driven accountability’ works, and is critical for an effective institutional framework for sustainable development”.<sup>47</sup> The most important features of this type of accountability is the existence of clear procedures and rules whereby complaints about social and environmental damage by IFI-funded projects can be submitted and investigated, leading to the development of findings which in turn have caused IFIs to review and tighten their criteria for assessing project feasibility and environmental impact. These efforts were initiated by the World Bank in 1993 and were followed soon afterwards by other development banks to establish similar policies<sup>48</sup>.
68. As of April 2012, IAMs addressed more than 260 cases from 72 countries which dealt with diverse development issues in sectors including extractive industries, agribusiness, infrastructure, water

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<sup>46</sup> See Talaat Abdel-Malek, The Global Partnership: what next? Published in German Development Institute (d.i.e.) Current Column, May-June 2014.

<sup>47</sup> See Citizen-driven Accountability for Sustainable Development: Giving Affected People a Greater Voice – 20 Years After”, a contribution by the Independent Accountability Mechanisms to UNCSD 2012. IAM Contribution to Rio Plus 20.docx; see also Alf Morten Jerve, Participation and Citizen-driven Accountability 20 Years after Rio, Guest article 11, International Institute for Sustainable Development, 15 June 2012.

<sup>48</sup> For details about differences among IFIs and how their approaches have evolved, see Richard E. Bissell and Suresh Nanwani, Multilateral Development Bank Accountability Mechanisms: Developments and Challenges, Manchester Journal of International Economic Law, Volume 6, Issue 1: 2-55, 2009.



projects and regulatory reforms. Of total cases, 30% came from Europe and Central Asia, 25% from Latin American and the Caribbean and 17% from sub-Saharan Africa. Only 3 percent of complaints have been filed from the Middle East and North Africa, despite the large regional portfolios of some IFIs and the IAMs' own outreach activities.

69. The reasons for this regional diversity in number of complaints could be explained in light of feedback from external stakeholders suggesting that lower numbers of complaints in some regions is due to “minimal awareness of the IFIs as financiers of the projects, little awareness that options for recourse exist as well as a lack of trust in the credibility of those options by those who know about them, insufficient civil society capacity, and political and cultural barriers of various sorts”.
70. Citizen-driven accountability is guided by several core principles: independence, impartiality, transparency, integrity and professionalism, accessibility, and responsiveness<sup>49</sup>. These are clearly fundamental principles which apply to any genuine accountability mechanism, whether national, regional or global. Adhering to these principles requires clear rules and procedures accessible to all groups involved in these disputes/complaints. For details about how to submit complaints and when to use accountability mechanisms at various IFIs, a leaflet was published recently by BankWatch<sup>50</sup>.

#### b- Cases from the Arab World

71. A case from the Arab world was launched by the citizens and businesses of Noweiba, south Sinai, Egypt in 2009 challenged the environmental and social impact of a natural-gas fired power generating plant, following a petition to the Egyptian Government which argued that the project was in the national interest. The EIB which was to finance the project investigated the complaint and concluded that it was well founded and decided not to go ahead with funding. The Government contested the finding but later withdrew its objection. A new project in another location was subsequently approved by the EIB.
72. Seven other cases from ESCWA Member States lodged complaints using citizen-driven accountability through IFIs, including Egypt (cited above), Jordan (2001) on general infrastructure project, Yemen (2009) on advisory services, Lebanon (2010) on municipal infrastructure, Morocco (2010) on transport infrastructure, Tunisia (2011) on energy infrastructure, and the West Bank (2011) on municipal infrastructure. These cases are at various stages ranging from initial assessment to action plan implementation<sup>51</sup>. The European Investment Bank Complaints Mechanism (2009-2012) listed several claims by Tunisia, Egypt (same claim cited earlier), Lebanon, and Morocco, with Tunisia having the lion's share of these claims<sup>52</sup>. The EIB is a member of IFIs and at the same time is bound by the Charter of Fundamental Rights under the Lisbon Treaty and implements the EU model of accountability comprising two tiers: an internal complaints mechanism and the European Ombudsman; the latter is a fully independent mechanism and part of the EU institutional framework.
73. The results of Citizen-driven accountability mechanisms show that they have put more pressure on IFIs to ensure strict compliance with its environmental rules (and amend them as needed), provided checks and balances within these huge institutions through the complaints procedures and citizens

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<sup>49</sup> See Kristen Lewis, Citizen-driven Accountability for Sustainable Development, 2012. Box 1 of the paper lists IAMs members. [http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Rio20\\_IAMs\\_Contribution.pdf](http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Rio20_IAMs_Contribution.pdf).

<sup>50</sup> See Unlocking Accountability: Complaint Mechanisms at the International Financial Institutions, April 2014, [www.bankwatch.org](http://www.bankwatch.org).

<sup>51</sup> See Office of the Compliance Advisor Ombudsman for International Finance Corporation and Multilateral Guarantee Agency (MIGA) in collaboration with other agencies, Civil Society Engagement with the Independent Accountability Mechanisms: Analysis of Environmental and Social Issues and Trends, June 2012.

<sup>52</sup> See European investment Bank (EIB), Complaints Mechanism Activity Report (2009-2012), EIB December 2013.

access, and enhancing the credibility of IFIs. This type of accountability is making significant contributions to the process and outcomes of sustainable development by raising public awareness of their rights and involvement to contest projects threatening safety of environment or livelihood. However, these mechanisms are not without their challenges. Handling cases is a lengthy process and procedure-bound, with no guarantee of successful outcome. It requires careful preparation by claimants and provision of evidence supporting their case. There is also the issue of trust which cannot be assumed to prevail in handling cases, and does take time to be reinforced as more cases are settled to the satisfaction of the parties concerned, providing full transparency and integrity of investigation.

74. To further improve citizen-driven mechanisms, some proposals were advanced which are outlined in Bissell and Nanwani.<sup>53</sup> Features suggested to be maintained or improved include “clarity of purpose; user friendliness; independence; powers of investigation; impartiality, competence and fairness; efficiency and cost-effectiveness; and effective management of issues presented”. Another proposal stressed “transparency; fairness and objectivity; professionalism; accessibility; and effectiveness”. There is an obvious overlap among these and other principles/criteria that should guide the functioning and management of these mechanisms. These principles are relevant to ESCWA’s proposed regional accountability mechanism, which will be addressed later in this paper.

c- Corporate Social Responsibility (CSR) in Arab Countries

75. Although not citizen-driven accountability in the strict sense, CSR has assumed more importance in recent decades, promoted by the UN Global Compact and similar initiatives. Its essence is to encourage business enterprises, large and small, national and multinational, to adopt and conform to a code of behaviour supporting the efforts of the country/countries in which they operate in achieving sustainable development goals. Some aspects of this behaviour are voluntary; others are becoming increasingly mandatory such as those requiring enterprises to meet environmental and competition rules enacted by the competent authorities. Increasingly also, the role of government has become crucial in formulating policies and procedures that govern the relations between the state and society at large as well as with key stakeholders including the business sector<sup>54</sup>. The most effective rules are those formulated in light of open and extensive consultations with stakeholders to reach mutually acceptable and feasible rules. Only in this way can a genuine and lasting “partnership” basis be built between the state and society to pursue sustainable development goals as a “win win” approach. Academic institutions are becoming more active through research and capacity building activities to strengthen philanthropic foundations in their efforts to promote civic engagement in development<sup>55</sup>.
76. There are many examples of CSR practices in the Arab world, showing an upward trend in numbers and scope of coverage. The list of signatories of the UN Global Compact from the MENA region has grown from just three in 2003 to 262 by the end of 2012: one each in Algeria and Bahrain, 36 in

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<sup>53</sup> *Op.cit.* Bissell and Nanwani, p. 44.

<sup>54</sup> See, for example, Rima Jamali, Corporate Social Responsibility (CSR) for Social Development in Arab Countries, MOST Policy Brief, UNESCO, [www.unesco.org/new/uploads/media/Dima\\_Jamali\\_En\\_02.pdf](http://www.unesco.org/new/uploads/media/Dima_Jamali_En_02.pdf) for more on the role of government. See also Cameron Thibos, Islam and Corporate Social Responsibility in the Arab World, reporting and discourse, in Handbook of Islamic Marketing, Edward Elgar, 2011 2011 for the role of Islam in promoting CSR.

<sup>55</sup> See for example the American University in Cairo John D. Gerhard Center for Philanthropy and Civic Engagement, established to strengthen the culture and effectiveness of philanthropy in the Arab region; Annual Report 2012-2013.AUC Press, <http://www.aucegypt.edu/research/gerhart/Pages/default.aspx>.

Egypt, 61 in Iraq, 21 in Jordan, 7 in Kuwait, 8 in Lebanon, 11 in Morocco, 3 in Palestine, 9 in Qatar, 4 in Saudi Arabia, 32 in Syria, 27 in Tunisia, and 41 in the United Arab Emirates (UAE)<sup>56</sup>.

77. We quote in what follows a few examples of CSR practices and initiatives from a publication by Booz & Co survey in many Arab countries. These are a small sample which does not do justice to the rapidly growing “population” of initiatives which are making significant contributions to sustainable development efforts across Arab countries.
- a. *“WesternZagros Limited is a Canadian company exploring and developing oil and natural gas in the Kurdistan region of Iraq. The company included CSR in its operations from the beginning, thinking about community needs before commencing operations. It takes into account the sustainability of the surrounding community and of its own business operations.”*
  - b. *The Saudi Telecom Company (STC) has CSR programs in healthcare, education, training, and employment. STC’s Al Wafa (Fidelity) healthcare program is a unique partnership with the Ministry of Health that builds facilities and equips healthcare centers across the kingdom.*
  - c. *Hewlett-Packard (HP) Middle East has incorporated principles of pollution prevention, resource conservation, legal compliance, and performance measurement, in managing the impact of its operations on the environment.*
  - d. *Social entrepreneurs (hybrids of conventional business and charity) have pioneered efforts in the health sector. In Egypt, Care with Love has created jobs for almost 1,000 unemployed, marginalized people to provide healthcare to housebound elderly and chronically ill patients.*
  - e. *The Abdul Latif Jameel Group in Saudi Arabia established the Abdul Latif Jameel Community Initiative (ALJCI) in 2003 to integrate operations and govern all of the group’s CSR programs.*
  - f. *The Emirates Foundation re-launched itself under the name of Emirates Foundation for Youth Development, having identified youth development as the most pressing challenge. It has embraced the concept of venture philanthropy, investing in organisations and initiatives with the expectation of social returns.”*

### C. WTO TRADE POLICY REVIEWS

78. Trade has long been recognised as a potentially powerful engine for growth and development<sup>57</sup>. But trade has been riddled with tariff and non-tariff restrictions for decades, causing adverse consequences for the international trade system and trade flows, particularly for developing countries. Successive rounds of multilateral trade negotiations have taken place in the post World War II period which have brought about fairly substantial trade liberalisation by disposing of most tariffs and addressing some of the more challenging non-tariff barriers. The gains from these measures have not been shared equally among countries, and estimates varied about developing countries’ actual benefits. Efforts continue to deal with lifting trade restrictions under the Doha Round of Negotiations (the Development Round) which have extended over a decade without a successful conclusion yet.

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<sup>56</sup> See Booz & Co., *The Rise of Corporate Social Responsibility: A Tool for Sustainable Development in the Middle East*, Booz & Co 2013.

<sup>57</sup> Trade can also help in restoring peace and security to fragile and post-conflict states. See Talaat Abdel-Malek, *Trade and Security: a vital link to sustainable development in a troubled world*, in Fabrice Lehmann & Jean-Pierre Lehmann, editors, *Peace and Prosperity through World Trade*, Cambridge University Press, 2010, pp. 175-179.

79. A breakthrough, however, occurred when the WTO Ninth Ministerial Conference reached agreements in four areas: trade facilitation, agriculture, cotton, and development & LDC issues. Briefly, these agreements will, among other things, help streamline customs procedures, lower import tariffs and agricultural subsidies, and simplify rules of origin and qualifications enabling Least-developed countries to access preferential treatment<sup>58</sup>.
80. The World Trade Organisation (WTO) is an international inter-governmental organisation responsible for organising multilateral trade negotiations for the purpose of liberalising world trade and helping settle trade disputes. It operates a system of trade rules agreed under international agreements reached through various rounds of negotiations. These rules provide legal ground rules for international trade. WTO's key objective is to help liberalise trade by removing obstacles as long as there are no undesirable side effects. "Surveillance of national trade policies is a fundamentally important activity running throughout the work of the WTO. At the centre of this work is the Trade Policy Review Mechanism (TPRM)".<sup>59</sup>
81. These reviews are essentially peer-group assessments introduced as a result of the Uruguay Round agreement in 1988. Their purpose is "to contribute to improved adherence by all Members to rules, disciplines and commitments made under the Multilateral Trade Agreements and, ...hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members". The review mechanism "enables the regular collective appreciation and evaluation of the full range of individual Members' trade policies and practices and their impact on the functioning of the multilateral trading system. It is not, however, intended to serve as a basis for the enforcement of specific obligations under the Agreements or for dispute settlement procedures or to impose new policy commitments on Members".<sup>60</sup>
82. While reviews can and should be rigorous, reviews *per se* do not imply legal enforcement but rely on peer pressure to urge members to adhere to legally binding commitments under the trade agreements to which they became parties. At the same time, all members are required to adapt their legal systems to WTO law. Issues raised by members at review meetings can be challenged through the WTO Dispute Settlement Body, and areas of concern rectified. As a result, WTO is able to ensure enforcement of its laws and influence national trade policies.
83. A WTO Trade Policy Review Body is responsible for conducting these reviews based on a policy statement presented by the member concerned and a report prepared by the WTO Secretariat giving its perspective on the member's trade policy. The two documents are published following the review meeting together with the Chair's concluding remarks. Major trading countries are reviewed once every two years; others every four years. The number of reviews per year has steadily increased with the increase in WTO membership, from 15 in 2000 to 24 scheduled in 2014. Participating ESCWA members in TPRs since 2005 include Oman, Qatar and Bahrain, Egypt, Jordan, Morocco, Saudi Arabia, Kuwait, and UAE.
84. Some critics have suggested that, to improve the effectiveness of TPRs, it is important to enhance candid comments during the reviews and resist the adoption of an optimistic air by the study group "whereby the group barely highlights the economy's worst problems in an effort to encourage the country to move forward (often by saying what the country would like to hear)." The TPR could

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<sup>58</sup> See WTO, Ninth Ministerial Conference, Bali, Indonesia, 3-7 December 2013, Ministerial Declaration and Decisions, 11 December 2013.

<sup>59</sup> See WTO, Trade Policy Reviews: Overseeing National Trade Policies, [www.wto.org](http://www.wto.org).

<sup>60</sup> See Annex 3, Marrakesh Agreement, [www.wto.org](http://www.wto.org).

also be improved “through three channels: (1) the expansion of data sources and presenting newer data series; (2) wider dissemination; and, last but not the least, (3) better follow-up”.<sup>61</sup>

85. A more robust criticism suggested that “the TPRM should be redesigned from scratch. It should follow a standardized analytical grid that improves readability, allows easy comparison across time and countries, and asks all countries of similar levels of development the same tough questions.... it should rigorously analyze trade and welfare effects....also inspect policymaking processes, applying best practice benchmarks... The process of writing reports should become more transparent and participatory. Last but not least, the discussion and dissemination of the reports should be geared up and turned into an interesting public event”<sup>62</sup>. In an earlier publication, Hoekman and Kostecki underlined that dissemination of TPR reports is limited and are not analytical “in the sense of determining the economic effects of national policies....this task is left for national stakeholders to undertake (think tanks, policy institutes)”<sup>63</sup>.
86. In looking at the WTO peer review mechanism, the foregoing analysis suggests that it should not be considered as a standalone instrument. Its impact has to consider its links to other WTO tools, including the Dispute Settlement mechanism and other enforcement instruments used to ensure that members comply with WTO rules and meet the commitments they made under trade agreements. It is a venue for reviewing and critiquing a country’s trade policy which has a built-in implicit negotiating element through peer dialogue and pressure to urge the country under review to amend policies in line with its commitments and WTO rules, and avoid referral to the Dispute Settlement Mechanism which is a WTO enforcement tool.
87. It is also evident that, while the TPRM is contributing to greater transparency and compliance and has been refined over the years, there is still scope for doing more to achieve greater effectiveness, technically in terms of more in-depth analysis and process-wise to avoid “soft handling” of tough issues. The commitments to handle the rising number of TPRs annually are taxing the capacity of the Division responsible for the reviews, particularly with demands for improving the process.

#### D. TRADE SUSTAINABILITY IMPACT ASSESSMENTS (TSAI)

88. TSAI is another instrument to assess economic, social and environmental implications of the likely outcome of a trade negotiation. It was first introduced in 1999 for WTO-Doha Round of negotiations, and was later adopted by the EU in all its multilateral, regional and bilateral negotiations. TSAIs are carried out by independent consultants and involve consultations with stakeholders to ensure transparency and invite their inputs. TSAs analyse the issues being negotiated from a sustainable development perspective, inform negotiators of possible impacts and offer guidelines to draw up measures beyond trade policy to maximise expected benefits and reduce likely negative effects on the three key dimensions of development: economic, social and environmental.<sup>64</sup>

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<sup>61</sup> These suggestions were quoted in Julien Chaisse and Debashis Chakraborty, *Implementing WTO Rules through Negotiations and Sanctions: The Role of Trade Policy Review Mechanism and Dispute Settlement System*, *Journal of International Law*, Vol. 28, 2007.

<sup>62</sup> See Valentin Zahret, *The WTO’s Trade Policy Review Mechanism: How to Create Political Will for Liberalization?*, European Centre for International Political Economy (ECIPE) Working Paper, 11/2009.

<sup>63</sup> See Bernard Hoekman and Michael Kostecki, *The Political Economy of the World Trading System*, 2<sup>nd</sup> edition, Oxford University Press, 2001.

<sup>64</sup> European Commission, *Trade Sustainability Impact Assessments*, <http://ec.europa.eu/trade/policy/policymaking/analysis/sustainability-impact-assessments/>.

89. The European Commission's Handbook<sup>65</sup> on the subject detailed the methodologies and procedures used. It adopted the definition used in the 1987 Brundtland Report which stated that sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". It is well known that trade liberalisation generates benefits and costs, whether trade negotiations are multilateral, regional or bilateral. Trade policy makers have therefore to weigh both sides of these effects (economic, social and environmental) and consider best possible trade-off options.
90. There are four steps in conducting a TSIA: screening to determine which potentially significant issues negotiations should focus on; scoping to draw up the terms of reference (what and how); assessment to determine the likely impact associated with each issue; and flanking; i.e. measures to enhance positive and mitigate negative consequences of trade liberalisation being negotiated. Impact assessment is guided by a set of core indicators, including average real income, employment, net fixed capital formation, equity and poverty, health and education, gender inequality, environmental quality of air, water and land, biological diversity and other natural resource stocks.
91. TSIA's make use of a mix of assessment tools including a range of quantitative and qualitative assessment tools, case studies, modelling, statistical estimation and expert opinion. Reliance on any single tool is unlikely to provide the quality and scope of analysis desired. Selection of the particular tool mix depends on the issues to be examined, data availability and time frame set for completing the assessment. On receipt of the consultants' assessment report, the Commission prepares a position paper identifying points of agreement and responding to points of disagreement stated in that report. It also decides if more analysis is required and what policy actions should be taken. The TSIA is a process which continues throughout the negotiating period and may go on after concluding negotiations, as one of its aims is to propose an *ex-post* monitoring mechanism to follow up on implementation progress.
92. The TSIA approach is undergoing continuous refinements to improve its quality (better data, more developed analytical tools, more emphasis on the multi-stakeholder participation, etc.); improving the consultation process; and further integration of the results into policy-making. Meanwhile, the EU has adopted the TSIA assessment for the "Deep and Comprehensive Free Trade Agreements" (DCFTA) between the EU and four ESCWA Member States: Egypt, and Jordan (under preparation in 2014), and Morocco and Tunisia (2013). A review of these TSIA's, starting with the case of Egypt, is outlined in Annex A.

#### A critique and some conclusions

93. An interesting study by Dreyer<sup>66</sup> of the EU's trade policies toward EU Neighbourhood countries is critical of some aspects of these policies. She contests the applicability of the EU *acquis communautaire* (i.e. the body of common rights and obligations which bind all Member States together with the European Union) especially with reference to technical and sanitary standards to Neighbourhood countries which are much poorer than any EU member and for which the legal and technical adjustments to comply will be costly and may fail. Dreyer also argues that the EU needs to promote investments in target DCFTA countries particularly in low and middle skill manufacturing industries and regional industrial production networks for which these countries are best equipped.

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<sup>65</sup> European Commission, External Trade, Handbook for Trade Sustainability Impact Assessment, March 2006.

<sup>66</sup> See Iana Dreyer, Trade Policy in the EU's Neighbourhood: Ways Forward for the Deep and Comprehensive Free Trade Agreements, May 2012, [www.note-europe.eu](http://www.note-europe.eu).

94. Another aspect of EU approaches toward Arab countries in the aftermath of the recent events in the Arab region is whether the use of political conditionality by the EU as a prelude to reach DCFTA agreements. The efficacy and advisability of such an approach has been questioned on several grounds as discussed by Rosa Balfour in a recent article<sup>67</sup>.
95. In concluding this review of TSIA, three conclusions are worth underlining. First, trade has become increasingly important in any sustainable development strategy, even though its significance varies widely from one country to another. The globalisation of trade and investment demands adjustments to national policies to take advantage of opportunities (based on a country's comparative advantages) and minimise adverse consequences. The TSIA methodology can make a significant contribution to policy-making, provided its assumptions are realistic and reflect a country's economic and social settings, and also bearing in mind that assessments are estimates subject to a margin of error and unanticipated changes in the global environment, requiring periodic revisions.
96. Second, TSIA is not only about trade but incorporates investment issues as well. DCFTA studies of the four ESCA member states have consistently recommended revision and improvement of national regulatory frameworks governing investment (domestic and foreign). This is consistent with similar suggestions made earlier, especially those advocating removal of sector and industry-specific discriminatory treatments.
97. Third, while the four TSIA studies referred to impact on third countries, there is room for a study to consider in more depth the impact of DCFTA agreements with the EU on the prospects of an Arab Common Market (ACM). To what extent do such agreements add to the challenges of (or contribute to) of establishing a viable ACM?

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<sup>67</sup> See Rosa Balfour, *EU Conditionality after the Arab Spring*, European Institute of the Mediterranean, June 2012.

## Annex

### **Analyses of Country Reviews under Specific Accountability Mechanisms**

#### ENVIRONMENTAL PERFORMANCE REVIEW (EPR) PROGRAMME

##### Morocco's EPR Report (2014)

This Review was conducted in 2012 at the invitation of the Government of Morocco and carried out by the UN Economic Commission for Europe in cooperation with the UN Economic Commission for Africa. It tracks progress since 2003 on environmental protection and recommends how the country could improve environmental management and deal with challenges. Following an assessment of Morocco's economic performance, the Review dealt with key issues which EPRs address. Starting with the policy framework for environmental protection and sustainable development, the Report refers to three laws enacted in 2003 to protect the environment which, despite progress made, suffered from under-developed legal framework. To speed up progress, several environmental programmes have been launched, and a National Charter for Environment and Sustainable Development was adopted in 2011. The constitution, adopted the same year, stipulates sustainable development as a right of every citizen.

The Review pointed out that Morocco is experiencing difficulties in compliance and enforcement of the environment framework. Some laws are outdated; there are no environmental inspectors; no system of monitoring; and self monitoring is just starting in very few industries. Compliance is dependent on a culture based on negotiation and consensus building, but this fails to address environmental challenges. A system of monitoring is being developed but lack of coherent legislative framework hampers progress. Morocco uses subsidies as the main economic instrument to promote a shift to less polluting modes of industrial production. Fines and sanctions for non-compliance are rarely applied and the Report considers this as a major missing incentive. State subsidies of petroleum products aimed to help the poor are actually harmful by maintaining overconsumption of these products and negating efforts to improve the environment.

Morocco is seeking foreign assistance to develop programmes required to meet the commitments under global and multilateral environmental agreements (MEAs) to which the country has acceded. An added challenge is lack of implementation and enforcement capacities. The Report goes into various sources and areas of pollution (air, water, waste management) and points out key issues requiring attention. These include lack of a strategic vision to deal with air pollution, limited availability of water resources combined with wasteful use and discharge of untreated of waste waters, poor performance of solid waste management, and absence of a waste monitoring system. Various aspects of the country's rich biodiversity areas remain uncertain due to lack of knowledge, illegal forest exploitation and hunting, difficulties in streamlining existing data for monitoring, and weaknesses in enforcement and implementation.

In terms of sectors, current laws do not link health and environment, though the National Charter for Environment and Sustainable Development sets a foundation for dealing with this issue. Industry's economic development does not appear to be pursuing a sustainable development path and it is not clear yet how industry can be motivated to follow less polluting practices. In energy, Morocco's growing consumption of fossil fuel adds pressures on the environment. However, its potential to generate energy from



alternative energy sources (wind, solar and hydro) underlines the government strategy to increase green energy share in installed electricity generating capacity to more than 42% by 2020, but incentives are not in place to help achieve this goal. Uncontrolled use by Morocco's agriculture of phosphate and nitrates is harmful to the soil, water and biodiversity and threatens to reduce soil fertility and add to water scarcity. To deal with these issues, an agricultural strategy "Green Morocco Plan" was issued in 2008 which started producing positive outcomes. The results of the review are mixed, with some encouraging actions to deal with environmental challenges but stress the need for more measures to address these more effectively.

## OECD INVESTMENT POLICY REVIEW (IPR) OF SELECTED ARAB COUNTRIES

### a. Review Report for Morocco (2010)

Morocco's report acknowledged the country's reforms undertaken since the 1990s to liberalise the economy through progressive withdrawal of the state from economic activities, privatisation measures and more openness to the outside world through promoting more private sector involvement and international investment. Morocco announced its intention to adhere to the OECD Declaration on International Investment and Multilateral Enterprises. These reforms led to positive results as reflected in higher growth, balance of payments surplus, lower unemployment, and a rise in FDI inflows. The 2008 global financial crisis has necessitated more actions to attract new investments and to reconsider the country's restrictions on foreign investment in certain sectors (maritime and air transport, farming) and the requirement of including Moroccan nationals on the board of directors in certain sectors including banking. In addition, several sectors remain under public monopoly (phosphate, rail transport, postal services, for example). Morocco signed free trade agreements with the USA, EU, Turkey and several Arab countries and was negotiating a deep and comprehensive free trade agreement with the European Union

### b. Review Report for Tunisia (2012)

Tunisia's report pointed to the difficulties the country has been experiencing during its transition following the January 2011 revolution. Tunisia has been attempting to design and implement an approach to development which is fair and based on good governance and citizen participation to address serious unemployment problems, social disparities and corruption. A roadmap for political reform was drawn up and successive governments have launched initiatives to improve the business climate as a means of improving confidence of domestic and foreign investors. Tunisia has been pursuing a dual system of incentives aimed at supporting exporting enterprises, but this has adversely affected other sectors subjected to strong restrictions. Recent efforts to retain and attract new foreign investors appeared to be producing encouraging results.

The country's privatisation programme, launched in 1989, led to the privatising of 219 state enterprises, and to foreign investment accounting for over 80% of total privatisation proceeds. Cognizant of the negative effects of the asymmetrical treatment between exporting and domestic-oriented enterprises, recent measures are being taken to mitigate these effects while efforts continue to promote local development and employment of skilled labour. Specific regulations also apply to the financial sector, mining and hydrocarbons, but these do not discriminate against foreign investors. Agriculture and fisheries are subject to restrictions on foreign investors' participation. Nationals are required to be represented on the boards of enterprises in credit institutions, fishing, periodic press, wholesale and retail trade and some professional

services. Public monopolies continue in energy, tobacco, alcohol and posts and railways. As a result, Tunisia ranks high on the OECD FDI Regulatory Restrictiveness Index, standing 9<sup>th</sup> in terms of restrictiveness out of 51 countries. The report recommends that Tunisia lift “restrictions on foreign investment in sectors usually open in other countries and when alternative, non-discriminatory measures make it possible to meet legitimate policy objectives of public authorities”.<sup>68</sup>

The new authorities are reported to be planning an overhaul of the investment incentives system involving eliminating or simplifying administrative authorisations and discriminating measures against foreign investments. Tunisia has no comprehensive national policy to promote responsible business conduct. The Centre for Corporate Governance (2009) published a Manual of good practices, and CSOs have been playing a stronger role since the revolution by demanding a redefinition of the rules to be followed by local businesses and measures for greater transparency and shareholders’ access to information about companies’ activities. The authorities are also acting to improve adherence to human rights and drafting a new constitution to guarantee fundamental liberties and human rights. Actions are being taken to enforce OECD Guidelines on corruption issues, with OECD assistance. Tunisia has ratified all major international conventions on environment and has issued regulations to combat various types and sources of pollution. Recent measures aim to give higher priority to adhering to these regulations. These are to be considered as “work-in-progress”.

Tunisia’s 1993 code on national investment earned it a favourable position internationally. But complexities and frequent amendments introducing restrictions have undermined that position. Adhering countries have suggested the need to improve and simplify existing practices and rules, using OECD tools for regulatory impact assessment. The investment promotion system suffers from complexities and is costly and hard to manage. It discriminates among enterprises depending on export orientation, involvement in regional development and environment protection. There are moves to review the system to reflect the country’s new priorities.

Trade policies have favoured export sector and integration with EU, Arab and African countries. Tunisia has maintained an open trading regime which is being supported by measures to improve logistics and infrastructure. Competition policy has established a solid legal and institutional framework but shortage of technical capacity and lack of autonomy have undermined its effective application. The new authorities have recognised the importance of pursuing pro-sustainable development economic policies and introduced initiatives to preserve the environment. The study on green economy under preparation is expected to lead to the formulation of a national strategy to adopt this goal.

#### c. Review Report for Jordan (2013)

Jordan’s report refers to reforms initiated since the 1990s which led to macroeconomic stability and improved human development indicators. But the country continues to suffer from regional instability (Iraq and Syria) which, together with the global slowdown since 2008 have adversely affected the economy. Jordan’s legal investment regime is “complex” as the Report put it, with different overlapping regimes, zones and preferential areas. An Investment Promotion Agency was created in 1995 and a one-stop shop was established to facilitate company registration but does not have full authority

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<sup>68</sup> See OECD Investment Policy Reviews: Tunisia 2012, p. 15.

of approval. Several restrictions apply to foreign investment in sectors including telecommunications, transport, wholesale and retail trade, and construction. These restrictions have placed Jordan high (54<sup>th</sup>) on the OECD FDI Regulatory Restrictiveness Index, well above the average for adhering countries.

The government recognises the need for a unified and improved investment framework. The existing framework suffers from “inefficient bureaucracy, complex administration procedures and inconsistent enforcement of regulations. As a result, Jordan is not well positioned in international business climate rankings.”<sup>69</sup> Meanwhile, Jordan has signed 53 bilateral investment treaties and is a member of Of Bilateral Investment Treaties (BITs) Settlement of Investment Disputes. Its trade policy promotes integration with the world economy and the country has acceded to the WTO in 2000 and signed free trade agreements with the USA in 2001 and Association Agreement with the EU in 2002.

Laws have been enacted to deal with corruption but more needs to be done to develop rules to properly implement legislation and strengthen accountability of the Judiciary. Jordan adheres to the OECD Guidelines for Multilateral Enterprises, but policies for promoting responsible business conduct remain scarce. Further work is required to guarantee respect for human rights by enterprises and address issues of freedom of association, forced labour and social dialogue. In terms of environment, the National Energy Strategy aims to increase the share of renewable energy in the energy mix to 10% and reduce energy consumption by 20%.

#### ECOSOC ANNUAL MINISTERIAL REVIEWS (AMR):

##### a- Qatar (2012, 2014):

Qatar made two NVPs in recent years. The 2012 NVP presented the country’s vision2030 with a focus on its 2011-2016 National Development Strategy, which was prepared for the first time. It was the culmination of an extensive consultative process involving government, civil society and the private sector, and emphasised across-the-board reform. The vision aims “to transform Qatar to an advanced country, ensuring sustainable development and providing a high standard of living for the current and future generations”. A total of 14 sector strategies were formulated and specific outcomes and targets identified.

These programmes address issues pertaining to youth development, health, education, regulatory and legal framework, environmental protection, manpower needs (including the expatriate workforce), women empowerment, building knowledge and skills, and institutional development and modernisation, diversification of the economy, among others. These were to be implemented while preserving Qatar’s traditions. Qatar recognised the challenges faced in achieving its development plan goals. Its NVP outlined these challenges under each key sector. Implementation mechanisms were being put in place under a Supreme Committee charged with monitoring progress<sup>70</sup>.

Qatar’s 2014 NVP reaffirmed the country’s commitment to an economically, socially and environmentally sustainable future and to the post-2015 Development Agenda. The Report focused on the results of the mid-term review of the development plan and referred to an improved human development index as ranking went up from 57 out of 187 countries in 1997 to 37 in 2012. It also outlined Qatar’s integrated planning framework for the 2014-16 national plan, using the country’s substantial wealth from

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<sup>69</sup> See OECD Investment Policy Reviews: Jordan 2013, p.14.

<sup>70</sup> UN ECOSOC, Qatar’s National Report, 2012, E/2012/55.

hydrocarbon resources to build world class infrastructure. In terms of accountability, a Supreme Committee for Implementation Follow-up was established to assess progress and improve implementation.

The Report devotes much space to detailing plans and achievements in human development, and it discusses the challenges resulting from Qatar's rapid expatriate population growth and fuelled by ambitious infrastructure projects. These challenges include social, cultural and economic, environmental and security issues which have to be addressed. The report was based on well-presented quantitative data to support its findings and the recommendations that followed. An important feature of the report is the section outlining the lessons learned from the mid-term review. They are listed below.

- (a) Good governance requires ministries and agencies to develop their respective executive plans, mainstreaming outcomes and targets into their management systems and an efficient system to ensure all staff are accountable for delivery;
- (b) Coordination among sectors and agencies is critical, as well as cooperation with the private sector and international organisations;
- (c) Capacity building in project skills and subject matter is a precondition for successful implementation; and
- (d) Need to develop a comprehensive communication strategy to reach stakeholders in order to ensure transparency, increase awareness and support for the national development plan.

These lessons echo those learned from experiences with national planning elsewhere and are worth emphasising as cross-cutting lessons regardless of the country's socio-economic or political setting.

b- Algeria (2012):

Algeria's NVP referred to successful policies pursued since 2010, for which it was ranked among the top ten countries in terms of improved human development index, and to earlier reforms and accelerated development of infrastructure which resulted in a more stable macroeconomic framework. Its national development strategy comprised two main components: economic growth and promotion of human development. Economic policies aimed at developing the financial sector, restructuring the private property market, enhancing competition, and promoting economic growth through increased private and foreign investments, improving public sector enterprises' performance, and encouraging scientific research and innovation.

Human development policies aimed at improving infrastructure (roads, rail, housing, education, health and better access to water); in addition, attention was to be given to job creation, reforming labour market policies, boosting productive capacity, and further women empowerment and participation in national development. Algeria's main challenge was how to sustain economic and human development in the long term through economic diversification and job creation. The NVP detailed actions planned to address these challenges, building on progress already made during the past 10 years<sup>71</sup>.

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<sup>71</sup> See for more details, UN Economic and Social Council, Algeria National Report 2012, E/2012/53.

c- Kuwait (2014):

Kuwait's NVP re-iterated its commitment to the MDGs particularly MDG 8 and to assisting other countries by providing Official Development Assistance (ODA) which reached 1.32% of GNI in 2011-2012. The Report reviews the country's progress in achieving each MDG, some of which were reported to have been met fully. Notable was the progress in closing the gender gap (MDG3), with 46% of women employed in 2013, progress was recorded in achieving "equal pay for equal work", and four women became members of the Legislative Assembly. Progress was also reported for MDG7 on the environment, including elimination of CFC emissions in 2010. Kuwait exceeded the targets for MDG8 by contributing ODA well over the 0.7% goal and through substantial lending to fund infrastructure and other development projects through the Kuwait Fund.

The Report provided detailed analysis of achievements under each MDG and listed challenges and lessons learned. A major challenge is dependence on oil which led to the adoption of a medium term plan to diversify the economy and stimulate the growth of the private sector including small and medium enterprises. Other challenges include improving the quality of the educational system to reach international standards, mainstreaming gender into development planning, expanding coverage in reproductive health, primary health care and family planning clinics, developing plans to ensure safe waste water disposal and carbon dioxide capture, and conserving drinking water and building water distillation plants. The Report concludes by recommending the adoption of a flexible post 2015 agenda in line with the country's aspirations and the creation of country-specific monitoring indicators<sup>72</sup>.

d- Palestine (2014):

The State of Palestine is a special case in view of the Israeli occupation and frequent attacks which disrupt efforts to attain a state of sustainable development. The recent attacks on Gaza (July-August 2014) have dealt yet another blow to any hopes of a lasting settlement and continue to undermine efforts to meet the MDGs, although Palestine had already drawn up a strategy to meet these goals by 2015. Some progress has been achieved despite these exceptional restricting circumstances in areas including education, health, gender parity and women empowerment – areas over where the State has some control. These achievements were described as miraculous by some foreign observers.

Achievements in respect of other MDGs have been modest, restricted by inadequate financial, legal, and political capacities. Restrictions on the movement of goods and people and depriving them of resources as a result of the geographical split of their land, with Israel having full control of what is referred to as Area C which represents over 60% of Palestinian land and has the most promising potential as an economic resource) are additional inhibiting factors. Regional disparities have widened between the West Bank and Gaza due to political differences between the two regions, causing the situation in Gaza to deteriorate further. These pressures have undermined development efforts and caused a rise in unemployment and poverty levels and paralysed the ability of State institutions to perform their responsibilities. The settlements built on Palestinian lands have aggravated an already serious situation. Meanwhile, food insecurity levels are once more been on the rise after a brief respite, caused by the occupation and limited donor funding. The Report underscores that independence and sovereignty of the State are prerequisites to achieving sustainable development.

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<sup>72</sup> See UN Economic and Social Council, Kuwait National Report 2014, E/2014/76.

Given the above, the government announced it will pursue certain priorities in the next three years: (a) adopt a rights-based social protection system to provide decent living conditions; (b) continue to provide rehabilitation to prisoners and martyrs' families; (c) bridge the development gap and regional disparities; (d) develop institution building, legal frameworks and governance in the social protection sector; and (e) invest in environmental and natural resources to improve waste management systems, strengthen climate change adaptation measures, and update the institutional framework regulating the environmental sector. Palestine is highly dependent on foreign assistance which represented 31% of GDP in 2010. However, most of it is allocated to the security and justice sectors and is intended to provide additional security guarantees to Israel, rather than address Palestine's development priorities. The report calls on the international community to do more to protect Palestine's resources and provide technical and financial assistance to support its development efforts<sup>73</sup>.

e- The Sudan (2009, 2014):

The 2009 Report of the Sudan referred to both long term (2007-2031) and medium term (2007-2011) national strategies. The vision underlying the latter was to build unified, secure and peaceful Sudan founded on pluralism, federalism and equitable distribution of wealth. The Sudan had achieved double digit growth rates in 2006-2007 (10-11%) which allowed the country to make progress in school enrolment, adult literacy, child health, maternal mortality, Malaria control and access to safe drinking water. Sudan is dependent on foreign aid to finance its development initiatives, has moved away from direct budget support and is paying more attention to improving aid management. It is also amending the Investment Act and proceeding with other economic reforms to create a more conducive business environment, leading to an increase in FDI flow from \$900 million in 2004 to \$3200 million in 2006.

Major challenges include the urgent need to deal with urban-rural and regional disparities due to conflicts and displacements as well as lack of essential services, particularly health. Poor quality health services have been attributed to several reasons: unpredictable and inadequate foreign financing; inadequate qualified skills in quantity and quality; weak coordination among sectors and poor accountability; poorly coordinated foreign assistance; and weak monitoring and evaluation systems due to gaps in knowledge and lack of information. Meanwhile, there is a need to improve interventions to promote gender equality and women empowerment, based on a better understanding of socio-cultural beliefs.

In conclusion, the Report argues that the key to boosting Sudan's potential to achieve the MDGs is to enhance micro-economic efficiency by developing an effective global partnership for foreign assistance, address the country's mounting external debt, and resolve issues of sustaining peace and security across the region. The country is emerging from an era of conflict and has to meet the costs of implementing three peace agreements in addition to finding resources to address development challenges. Donor support is reported to have had minimum impact so far<sup>74</sup>.

The 2014 Report indicated that the Sudan has made "remarkable progress" in achieving a number of MDGs, particularly health, education, gender equity, and social protection (continuing the progress outlined in the 2009 Report), despite internal and external

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<sup>73</sup> See UN ECOSOC, National Report of the State of Palestine 2014, E/2014/60.

<sup>74</sup> See UN ECOSOC, National Report of the Sudan 2009.

challenges including the eruption of violent conflict. Good progress is also reported in governance and reforms and peacemaking. The exploitation of oil since 1999 contributed resources which have altered the economic structure that had hitherto been dependent on agriculture. Oil has also led to a major shift in the Sudan's foreign policy, forging new partnerships with Asia led by China, India and other countries. But the cessation of South Sudan in 2011 has created a new situation with far reaching economic and other consequences, including massive population movements, political instability, and loss of substantial oil revenues. The cost of cessation was estimated to be a loss of 75% of oil production, 50% of budget revenue, more than 65% of foreign exchange revenue and 80% of total exports. The resulting decline in growth rates hit negative values in 2012 and showed modest recovery since.

The Report highlighted the challenges facing the country in meeting the MDGs. First, the conflict which arose from the cessation of South Sudan caused displacement of hundreds of thousands of people, destruction of physical and human capital and a deteriorating institutional capacity which discourages the flow of foreign investment. Second, the economic crisis has led to serious cuts in government spending and its ability to provide essential services, leading among other things to a rise in an already high unemployment rate and heightened socio-economic instability. Third, wide gender and regional disparities, as reflected in development indicators, have accelerated migration from rural to urban areas and is reported to have adversely affected agricultural productivity. Fourth, accumulated huge external debt is said to be crippling the country's development ability and efforts, and is considered by the World Bank and the IMF to be unsustainable until debt relief is provided. Fifth, the economic sanctions imposed on the Sudan are causing serious damage to the economy, with adverse social and political consequences. Other challenges include high unemployment, environmental degradation, massive population movements, weak human and institutional capacities, and ineffective development partnerships. These have been stated earlier and remain serious challenges seeking resolution in very difficult socio-economic and political conditions<sup>75</sup>.

#### TRADE SUSTAINABILITY IMPACT ASSESSMENTS (TSAI)

##### a- EU-Egypt Inception Report (2014)

The consultant's (ECORYS) Final Inception Report for the EU-Egypt DCFTA negotiations<sup>76</sup> (2014) was triggered following initial discussions in June 2013 between the two sides on how to deepen trade and investment relations through a possible DCFTA agreement. The Report outlined the methodologies used in conducting the TSIA, exploring economic, social and environmental impacts on both sides as well as from a regional perspective. These methodologies comprised both quantitative and qualitative tools of analysis. Using certain selection criteria, the scoping phase of the study identified four sectors for in-depth analysis of possible impact, comprising grain and crops; vegetables, fruit and nuts; other agriculture and forestry products; and fish products. The report concluded with a set of proposals for policy recommendations.

A consultation plan identified relevant stakeholders in Egypt and the EU, explaining how selection was made, and organised them under several categories: government agencies, private sector, CSOs, social partners (such as trade unions), research institutes, international agencies based in Egypt, and

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<sup>75</sup> See UN ECOSOC, National Report of the Sudan 2014.

<sup>76</sup> See ECORYS, Trade Sustainability Impact Assessment in Support of Negotiations of a DCFTA between the EU and Egypt, Final Inception Report, 27 March 2014.

others. The list is quite comprehensive to ensure wide scope consultations. Analysis of the civil society “landscape” in Egypt reflected weak structures and limited financial means. This posed a risk to stakeholder engagement due to “unawareness, political sensitivity and/or lack of capacity”. Both sides have been studying the consultant’s report to decide how to proceed further.

b- EU-Jordan Inception Report (2014)

The case of Jordan<sup>77</sup> is similar to that of Egypt, in that Jordan and the EU have reached recent agreements on certain trade issues (including dispute settlement) and started preparatory talks on DCFTA negotiations in March 2012, with prospects of starting the negotiations in the first half of 2014 with the aim of integrating Jordan into the EU single market. A Final Inception Report was issued by the consultant using the same methodologies, assessing possible impact of a DCFTA agreement in light of Jordan’s particular economic and social circumstances, engaging in stakeholder consultations and concluding with recommended policy measures.

c- EU-Morocco Final Report(2013)

The EU-Morocco Report<sup>78</sup> outlines a more advanced stage of study as compared to Egypt’s and Jordan’s Inception Reports. It is more comprehensive in coverage, addressing methodologies, analysis of sustainability impact which included selected sectors, a synthesis of the main economic, social and environmental impact, and policy recommendations based on such impact and a summary of stakeholders’ extensive consultation process. The consultant used the same mix of methodologies as in the case of Egypt, using a set of assumptions adjusted to Morocco’s conditions and recent trade agreements with the EU (2012). Quantitative estimates of the economic effects were given (income, prices, wages, imports and exports), indicating positive gains especially for Morocco. Modest negative impact on third countries were expected due to trade diversion but considered minimal. The report goes on to outline expected impact on social aspects and environment.

Consultations for the study used electronic media, public meetings, workshops and attendance of conferences in addition to telephone interviews. These produced many suggestions and points of view which were noted in preparing the study’s final report. The study stated that “the Overall, the long term impacts of a DCFTA will be positive in terms of economic and welfare benefits to Morocco. However, there are some medium to longer term concerns with respect to social and environmental impacts. In order to mitigate these negative effects, pro-active strategies and measures are needed”.

Certain recommendations were put forward to enhance positive and mitigate negative impacts. These included, for example, measures to facilitate technical assistance and capacity building, stimulate more improvements in the business climate, encourage public-private dialogue, support more flexibility in labour markets, improve regulatory and institutional environment and links between education and labour markets, create incentives for better use of water resources, and upgrade waste collection and management.

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<sup>77</sup> See ECORYS, Trade Sustainability Impact Assessment in Support of Negotiations of a DCFTA between the EU and Jordan, Final Inception Report, 27 March 2014.

<sup>78</sup> See ECORYS, Trade Sustainability Impact Assessment in support of negotiations of a DCFTA between the EU and Morocco, Final Report, 25 November 2013.



d- EU-Tunisia Final Report (2013)

The Tunisian study<sup>79</sup> proceeded along similar lines to those followed in the Moroccan case, in terms of methodologies, assumptions (adjusted in light of Tunisia's economic and social settings), stakeholder consultation, TSIA assessment and recommended measures to mitigate negative and enhance positive expected outcomes. In fact, many of the recommendations are virtually the same as those suggested in the case of Morocco.

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<sup>79</sup> See ECORYS, Trade Sustainability Impact Assessment in support of negotiations of a DCFTA between the EU and Tunisia, Final Report, 25 November 2013.

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