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Middle East and North Africa CMI: Support to Open Government Reforms

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GGO23

MIDDLE EAST AND NORTH AFRICA



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Concept Note

Support to Open Government Initiatives

Promoting Accountability and Justice Sector Service Delivery
MNA Regional Program – Center for Mediterranean Integration (CMI)

Background

The Arab Spring launched a period of transition within the MNA region, which has allowed some governments to initiate reforms aimed at enhancing openness within the public sector. As governments in the Southern Mediterranean start to build new democratic foundations for their countries, citizens are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective. The current political transitions offer a unique opportunity to address these challenges, to which the Bank is responding.

In March 2012, a seminar on ‘Open Government and Access to Information’ was held in Tunis, in cooperation between the Bank, the Government of Tunisia and the European Union, and with participation by MENA governments and representatives from Canada, France, Morocco, Egypt, Mexico and Slovenia. The objectives of the workshop were: 1) to raise awareness among citizens of the rights included in the new Tunisian Access to Information Law, and the procedures for exercising these rights; 2) to raise awareness of public sector officials on their new responsibilities and duties; and 3) sharing international experience in implementing access to information regimes. In June of 2012, a workshop on good governance was held in Rabat, with participants from government and CSOs representing Morocco, Tunisia, Algeria and Libya.

Building on this opportunity, the Public Sector Reform Unit in MNA (MNSPS) and the Center for Mediterranean Integration (CMI) have developed an ‘Open Government Initiatives’ program. The program aims to support open government reforms that promote greater transparency and accountability of government operations, and enhance the delivery of public sector services. In particular, support will focus on issues of importance in the transitional phase. The basis for the support will be just-in-time technical assistance based on the priorities identified by key government and CSO counterparts. Activities will support and complement programs already underway through the Bank and other development agencies. Support will be targeted to members of the CMI (Morocco, Tunisia, Egypt, Jordan, Lebanon), Libya and West Bank & Gaza, with particular focus on countries under transition.

The program will be implemented in a manner to maximize cooperation with other international organizations. In particular, activities will be coordinated with the OECD-MENA Working Group on Open and Innovative Government, of which MNA governments are members, and with the OECD benchmarking of open government reforms, based on the criteria of the Open Government Partnership, in Jordan, Tunisia and Morocco. Additional cooperation is envisioned with the Council of Europe, the Basel Institute on Governance and the Open Society Institute. Efforts will be made to collaborate with GIZ and France, which are respectively partner and member of CMI. Civil society organizations will also play a role, both in terms of development and implementation of activities.

Development Objective

The development objective is to provide just-in-time, capacity-building TA in support of open government to key stakeholders, including public sector institutions and CSOs, in transition countries. Activities will be developed based on priority areas identified by stakeholders that result in further enhancements to open government, in particular those areas covering accountability mechanisms and delivery of justice sector services. These activities will also focus on exchanging knowledge within MNA and between CMI stakeholders and partners, as well as relevant experience from other transition events. Additional resources (trust funds, Bank budget) will be sought to further support areas where

the most traction is gained.

Alignment with CMI 2.0 Strategy

This program will further one of the aims of the CMI 2.0 strategy – to support participatory governance. Activities will focus on developing mechanisms to hold public sector agencies accountable and improving delivery of services to the most poor and vulnerable citizens, both of which will enhance local empowerment. Capacity will be built in key agencies, including in the justice sector, to manage and address complaints against the public sector. Citizens will gain tools to help address corruption and abuse within executive agencies. Improving delivery of justice sector services to the poor will have a considerable impact on poor women, who tend to be the most disadvantaged when services are not properly targeted or delivered. And officials will gain knowledge and experience from leaders that guided their own countries through transition.

Activities

Component 1: Targeted Technical Assistance to Accountability Institutions – The lack of accountability of public sector institutions, and their staff, prior to the Arab Spring led to a situation of poor delivery of services and unchecked corruption. Since then, transition governments have made attempts to improve accountability both by building capacity of existing institutions and creating new mechanisms to address complaints. Such institutions and mechanisms include ombudsmen, anti-corruption commissions and public sector complaints hotlines. To date the Bank has received two requests for targeted assistance.

The first request is to provide TA to the public sector complaints hotline established by the Government of Tunisia (GoT). The hotline receives complaints related to corruption and abuse in the public sector. The aim of its establishment was to provide a ‘quick win’ in addressing complaints against public sector institutions. However, it has only limited capacity to manage complaints and other ‘back office functions’. As a matter of priority, the GoT, through the Office of the Director General for e-Government of the Office of the President, requested TA to strengthen capacity of the hotline to ensure complaints are effectively addressed in a timely manner.

The TA will focus on the following activities:

- i. Establishing standard procedures for receiving and processing complaints
- ii. Building back office functions to support case management
- iii. Developing system for tracking complaints forwarded to other public sector agencies
- iv. Enhancing IT to support automated case management system
- v. Compiling and analyzing data to support effective planning and reform priorities
- vi. Developing model annual and thematic reports

These activities will build upon similar TA conducted by the Bank with accountability institutions in other countries, including Jordan (Ombudsman, Public Sector Complaints Hotline, Anti-Corruption Commission) and Iraq (Shura Council – administrative courts and civil service disciplinary system). This knowledge, as well as that developed in Tunisia, will be further disseminated within transition countries on a demand-driven basis. As resources permit, and based on demand from other institutions, similar activities will be conducted in other transition countries, for example with the Ombudsman in Morocco.

The second request is to provide TA to the Arab Council for Judicial and Legal Studies (ACJLS). Based in Jordan, ACJLS has board members from across the MNA region (Jordan, Egypt, Iraq, Palestine, Algeria and Lebanon). It is an initiative to develop to the justice sector from within the region, while at the same time introducing international experience. Its goals are to (i) support professional development and independence of the judiciary through training, (ii) facilitate interaction and coordination among judicial system institutions, and (iii) support the transparency of judicial systems and procedures. It aims to achieve these goals by enhancing information-sharing, developing and implementing capacity-building for justice sector institutions, and raising public awareness related to judicial transparency and accountability. The post-Arab Spring atmosphere has created an environment for ACJLS to gear up activities related to promoting accountability within the judiciary and ensuring judiciaries are able to hold executives accountable for violations of law and regulations, and for

poor delivery of services.

The TA with ACJLS would focus on the following:

- i. Developing the ACJLS interim strategy on capacity-building and analytical work to address the role of judiciaries in transition settings
- ii. Developing indicators for monitoring and evaluating judicial performance

Component 2: Enhance Access to Justice for the Poor – In FY11 CMI funded assessment of the demand-side of justice sector services for the poor in Jordan, Lebanon and Iraq. With funding from the Japan Social Development Fund (JSDF), the State and Peacebuilding Fund (SPF) and the Institutional Development Fund (IDF), the Bank has been implementing programs aimed at improving legal aid services (information, counseling and representation) and other services targeted to the poor (waiver/deferment of court fees, alimony funds, expedited child support and inheritance procedures). Programs were guided by the MNA GAC funded study ‘*Justice Sector Service Delivery to the Poor: How Are Middle East Governments Addressing Gaps?*’, which covered Egypt, Iraq, Jordan, Lebanon, Syria and West Bank & Gaza. Together these activities provide a solid basis for building capacity within the region to improve service delivery to the most vulnerable persons.

Building on these programs, this component will comprise of TA to interested counterparts along the following lines:

- i. Improving delivery of legal aid services (enhancing and expanding service providers, simplifying procedures and eligibility criteria, improving monitoring and evaluation) and other services targeted to the poor (alimony funds; simplified alimony, child support and inheritance procedures)
- ii. Capacity-building to institutions delivering services (courts, bar associations, CSOs, ministries of justice and judicial councils)
- iii. Assessing the demand-side of services for poor communities
- iv. Policy development to underpin improved service delivery, including building capacity to compile and analyze data to inform policy on reform and strategy development

Stakeholders in Morocco (Ministry of Justice, CSOs), Lebanon (Ministry of Justice, Family Courts, CSOs) and West Bank and Gaza (Family Courts, Alimony Fund) have already requested TA in this sector.

Partnerships

The CMI 2.0 strategy is articulated around multi-partner activities and cooperation with stakeholders from both rims of the Mediterranean including international organizations. This proposed program will be implemented in cooperation, to the extent possible, with a number of other organizations, including:

- Council of Europe (Anti-Corruption Directorate)
- Euro-Arab Institute (INSTEA)
- Basil Institute on Governance
- Ministry of Justice – Spain
- Open Society Institute – Rule of Law Program (Budapest)
- The European Commission for the Efficiency of Justice - CEPEJ

The program will be coordinated through CMI representatives from Morocco, Tunisia, Jordan, Lebanon and Egypt, allowing them the opportunity to provide input to the prioritization of programs. Opportunities for participation by GIZ and France will also be explored. Local organizations, such as CSOs, think tanks and universities, will be integrated in the process of implementation as feasible.

Monitoring and Evaluation

The program will be supervised by the Bank TTL. A status report will be provided six months after initiation of the program, and a completion report provided to CMI upon completion of the program. The CMI policy on M&E does not require a results framework at inception. Consistent with this

policy, the following additional steps will be taken in cooperation with CMI:

- Outputs will be monitored through the CMI logframe, which will be updated every six months
- Outcomes will be reported to CMI, based on the logframe, as part of the CMI standard completion report, and progress towards outcomes will be reported every six months
- Outcomes will also be reported as part of the CMI-wide results framework currently under development

Budget

The current budget is \$200,000 (\$150,000 from CMI MDTF, \$50,000 BB).

	Proposed Budget	
	MDTF	BB
Bank staff costs (time and travel)	\$30,000 (travel)	\$50,000 (time)
Consultant costs (time and travel)	\$70,000	
Goods/Services	\$30,000	
Administrative (translation, printing, dissemination)	\$20,000	

Timeframe

It is expected to have all activities completed within twelve months from the start of the program. A detailed schedule of activities will be provided to CMI once all partners and activities have been fully planned.

Rencontre Valmer
“Justice Sector services across the Mediterranean: Access for All”
Center for Mediterranean Integration
May 22-23, 2013 – Villa Valmer, Marseille

Citizen grievances driving the ‘Arab Spring’ stemmed in part from the lack of accountability of powerful executive branches of government and the non-delivery of basic service delivery linked with good governance. Justice sector services were heavily top-down in development and implementation, were often not targeted to demand, and remained mostly inaccessible to the most poor and vulnerable citizens. Courts were too often used against citizens, rather than to offer them protection or at least provide adequate levels of service to promote social and development.

The public discontent over accountability and service delivery has prompted some governments to initiate reforms aimed at enhancing accountability mechanisms and improving delivery of justice sector services. Such reforms can be difficult to implement under the most ideal circumstances – factors related to transition periods add additional complications, such as heightened expectations and the need to demonstrate quick results.

This Rencontre will provide an opportunity to take a step back from the developments of the last two years and to shed light on the continuing improvements taking shape with regards to services in the justice sector. Like services in other sectors, those in the justice sector may prove more difficult for poor persons to access. The obstacles they face include considerable lack of awareness of available services and the procedures they must undertake to access them, complicated procedures for accessing services, non-existence of services in practice, and the relatively high costs related fees. In recognition of these obstacles, governments in the Middle East and North Africa region have taken some steps to fill gaps in service delivery through the provision of legal aid services and waiver of court fees, and through the introduction of special services in family courts, which are of high priority for poor communities. These initiatives are achieving mixed results, and services remain weak and underutilized.

The main objective of this event is to provide a space for dialogue offering participants an environment within which to share knowledge and expertise and to be exposed to experience from other settings, notably Europe. By offering a space for government officials, representatives of civil society organizations, practitioners, academics and members of international development organizations to openly discuss issues related to their work, the event seeks to inspire and develop ideas for improving services and institutions, and identify key areas for prioritized technical assistance, including knowledge gaps to be addressed to inform policy development.

Such discussions will be expected to provide guidance to CMI as the Center is launching an ‘Open Government Initiatives’ program, aimed at supporting open government reforms that promote greater transparency and accountability of government operations, and enhance the delivery of justice sector services.

AGENDA

Day 1: Wednesday, 22 May

09:00-09:30 Registration of Participants. Morning Coffee

09:30-10:00 Official Opening of the Workshop and Overview of the 'Open Government Initiatives' Program

Welcome Remarks by Mats Karlsson, Director of the Center for Mediterranean Integration

- Salahideen Al-Bashir, Chairman, Arab Council for Judicial and Legal Studies, Jordan
- Christina Biebesheimer, Sector Manager, Legal and Judicial Reform Unit, The World Bank
- Paul Prettitore, Senior Public Sector Specialist, The World Bank

10:00-11:30 Session One: The Role of Civil Society in Legal Aid Services

10:00-10:30 Introductory Remarks:

- Hadeel Abdel-Aziz, Justice Centre for Legal Aid, Jordan
- Hayat Zirari, Researcher, Chairperson of the governance and gender department at the Euro-Arab Foundation, Former President and member of Moroccan Association to Combat Violence against Women
- Lotta Teale, Open Society Foundation, Hungary

10:30-11:30 General Discussion

Moderator: Rasem Kamal, Attorney, Palestinian Territories

11:30-11:45 Coffee break

11:45-13:15 Session Two: Improving Service Delivery for Personal Status Cases

11:45-12:15 Introductory Remarks:

- Taleb Jomha, Sharia Court, Lebanon

- Rasem Kamal, Attorney, Palestinian Territories

- Paul Prettitore, Senior Public Sector Specialist, Middle East & North Africa, The World Bank

12:15-13:15 General Discussion

Moderator: Zarona Ismailova, Public Sector and Governance Unit, Middle East & North Africa, The World Bank

13:15-14:15 Lunch Break

14:15-16:00 Session Three: Experimenting with Service Delivery Methods

14:15-14:45 Introductory Remarks:

- Salahideen Al-Bashir, Arab Council for Judicial and Legal Studies, Jordan
- Richard Zorza, Self-Represented Litigation Network, USA
- Roman Romanov, International Renaissance Foundation, Ukraine

14:45-16:00 General Discussion

Moderator: Rasem Kamal, Attorney, Palestinian Territories

20:00-22:00 Dinner

Day 2: Thursday, 23 May

9:30-11:45 Session Four: Effectively Managing Legal Aid Services

9:30-9:45 Introductory Remarks:

- Hadeel Abdel-Aziz, Justice Centre for Legal Aid, Jordan
- Victor Zaharia, National Council for State Guaranteed Legal Assistance, Moldova
- Anželika Banevičienė, Kaunas Service of Legal Aid, Lithuania

9:45-11:45 General Discussion

Moderator: Zarona Ismailova, Public Sector and Governance Unit, Middle East & North Africa, The World Bank

11:45-12:00 Coffee Break

12:00-13:15 Wrap-up and Development of Next Steps

- Lotta Teale, Open Society Foundation, Hungary
- Joaquin Duran, Euro-Arab Foundation, Spain

Moderator: Paul Prettitore, Senior Public Sector Specialist, Middle East & North Africa, The World Bank

13:15-13:30 Closing Remarks

- Mats Karlsson, Director of the Center for Mediterranean Integration

MNA Regional Legal Aid Workshop

Villa Valmer, Marseille

August 12 – 14 2014

August 12

9:00 am Introduction

Building a philosophy for sustainable innovation in legal aid and access to justice, by expanding services to reflect the needs of litigants and the complexity of cases and by analyzing assets, resources, and potential allies.

10:30 am Break

10:45 am Break-Out by Country: Focus on How Self-Help Service Innovation and Coaching fit into Legal Aid & Identifying Assets for Change

Faculty available to offer advice if requested.

12:00 pm Lunch

1:00 pm Developing Self-Help and Coaching Tools & Services

Speakers discuss the range of tools and services that support self-help services, including case studies of different service delivery models and how local conditions impact development.

3:00 pm Break

3:15 pm Establishing Effective Hotlines

Nuts and bolts of establishing effective hotlines, including best practices for equipment, staffing, policies, procedures and community collaboration.

4:15 pm Facilitated Discussion: How Courts Impact Self-Help and Coaching Services

5:00 pm Adjourn for the day.

August 13

9:00 am Delivering Legal Aid Services in Rural Areas

Speakers discuss specific challenges presented in rural and remote areas, including case studies that illustrate strategies to overcome limited infrastructure and linguistic, educational, economic and cultural variation.

10:30 am Break

10:45 am The Relationship of Criminal & Civil Cases (*Tentative*)

Speakers discuss the relationship between criminal and civil cases, and how case handling and program management can be improved by a focus on the relationship.

12:00 pm Lunch

1:00 pm Evaluation & Sustainability

Speakers discuss strategies for ensuring that innovations survive political and funding changes, with a focus on how implementing ongoing evaluation supports sustainability. Specific tools and strategies for data collection will be shared, as well as examples of leveraging data into sustainable practices.

2:30 pm Triage and the Continuum of Services

Speakers discuss how a comprehensive philosophy for service delivery can optimize resources, improve the advocate's experience, and provide meaningful access to justice. Speakers will offer a comparative analysis of strong and weak intake systems, and identify the necessary elements to build a robust continuum of services.

4:00 pm Break-Out by Country: Focus on Developing Clear Goals

Faculty available to offer advice if requested.

5:00 pm Adjourn for the day.

August 14

9:00 am Break-Out by Country: Develop Next Steps

Faculty available to offer advice if requested.

9:45 am Reporting to Group

10:30 am **Break**
10:45 am **Problem Solving**
11:15 am **Closing: Emerging Possibilities**
12:00 pm **Adjourn.**

Access to Justice Workshop, Marseille - 22-23 May 2013 -- List of Participants

MNA countries

Nr.	Name	Affiliation	Contact details	Notes
Morocco				
1	Mme Najia Rahali	Directrice de la DECM, Ministère de la Justice et des Libertés	nrahali@gmail.com	
2		Ombudsman Bureau		
3	Hayat Zirari	Association Marocaine de Lutte Contre la Violence a l'Egard des Femmes	hzirari@gmail.com	
Jordan				
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5	Dr. Salahideen Al-Bashir	Former Minister of Justice Chairman, Arab Council for Judicial and Legal Studies	sbashir@iblaw.com.jo	
6	Prof. Ahmad Mohammad Hlayyel	Supreme Judge, Sharia Court, Former Minister of Islamic Endowments	ahlayyel@rhc.jo	
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14			-	
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West Bank & Gaza				
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Non-MNA countries / organizations

Nr.	Name	Affiliation/Country	Contact details	Notes
1	Lotta Teale	Open Society Institute	lotta.teale@opensocietyfoundations.org	confirmed
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4	Victor Zaharia	Chairman Nationa Legal Aid Council / Moldova	vzaharia@irp.md	confirmed
5	Anželika Banevičienė	Director of Kaunas Service of Legal Aid	a.baneviciene@infolex.lt	confirmed
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