Workshop 2: Institutional Reforms and Sustainable Development

Narrative Report
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March 5-8, 2000 in Cairo, Egypt

March 6, 2000 - *Session One: The Need for Institutional Reforms in the MENA Region*

The session addressed various issues related to the reformation of the judiciary systems and the role of information data banks in assisting judges and researchers in locating the necessary information. Improvement and adaptation of new methods of managing the judiciary systems in the Arab World was one of the main topics discussed by a panel of lawyers and university professors.

The panel included Mr. Wassim Harb of the Office of Informative Legal Research and Studies, Dr. Enid Hill, Professor of Political Science at the American University in Cairo and Dr. Ali Oumlil, professor at the University of Mohammed in Rabat, Morocco. Dr. Yahia El Gamal, former Minister and Professor of Constitutional law at Cairo University, served as moderator. Dr. Salim Nasr, General Director of the Lebanese Center, introduced the panel for Policy Studies in Lebanon.

In his presentation titled "Improving the Administration of Justice in Arab Countries; Recent Experiences," Dr. Wassim Harb gave a brief introduction on the history of judiciary systems in the Arab World and their evolution under the Ottoman Empire and British and French mandatory rule. He also referred to the similarities and differences among the Arab countries as far as the functioning of their judiciary systems is concerned. Similarities can be found in the steps a judgment passes through before it is finalized, primary judgment and the court of appeal and the use of what is known as specialized trials as in financial, managerial, or exceptional cases. Differences relate to the various roles that a ministry of justice plays, from planning to granting asylum to juvenile children.

One point that Dr. Harb raised and was agreed upon by everybody attending the workshop was the importance of Information Technology and the creation of data banks. He said that information technology helps judges refer to previous similar cases in order to make reasonable decisions, related to the case at hand. Harb said that because of the huge flow of information within the Arab World and from all around the globe, the need for such data banks is becoming greater, due to the difficulty of finding or locating any legal information required. Harb added that it's a cheap and efficient way to help researchers in the field of social legal research to retain the information that would help them to conduct their studies.

Harb also outlined the goals of judicial management, such as ensuring the safety and implementation of the law, mobilizing the economy and production of laws, upgrading and renewing the legal system and the phrasing of new regulations, refining the management and setting the basis on which judges would rule.

Concerning the freedom of expression and association, Dr. Enid Hill, in her presentation "The Constitutional Court and Expansion of Individual Freedoms in Egypt," discussed eight cases in Egypt that were ruled unconstitutional. She said she was very impressed with the activity of this court, an opinion shared by Dr. Yahia El Gamal, who agreed that "the Egyptian Supreme Constitutional Court is a very strong judiciary institute and without it, the constitution would have been a useless piece of paper."

On the relationship between the law and human rights, Dr. Ali Oumlil pointed out the law itself has to be based on the Human Rights Article, or else it would make people suffer, stressing that the law has to abide by international amendments. Dr. Oumlil added that reforming and improving the performance of the judiciary system is the main bridge to manage social peace and to modernize and guarantee prosperity.

In the ensuing discussion, Counselor Tarek Ziadah of the First Chamber in Lebanon suggested that reform has to reach all levels and members of a judiciary system to root out corruption in its ranks.

March 7, 2000 - *Session 2: Judiciary Reforms and the Rule of Law*

The main themes of this session revolved around the reconstruction of laws, the involvement of the legislative authorities and the respect of human rights when setting new laws, as well as the ways to improve the qualifications of judges in the MENA region.

The session was moderated by Counselor Tarek Ziadah, the First Chamber at the Lebanese Court. The panelists were Dr. Camille Mansour, Director of the Law Institute at Bir Zeit University in Palestine and Mr. George Assaf, Director- Lawyer at the Human Rights Institute at Bir Zeit University in Palestine. The panel also included Ms. Asma Khader, Director of MIZAN, the Jordanian Branch of the International Commission of Jurist, and Dr. Majeed Ben Cheikh, former Dean of the Law School at Algiers University, Paris, France.

Dr. Mansour presented a paper titled "Rule of Law and Reestablishment of the Judiciary in Palestine". He first gave an introduction about the situation in Palestine under Israeli occupation, and how the Israelis manipulate and issue laws to serve their own purposes, failing to abide by the human rights amendments. Other problems, Mansour stated, related to the traditional nature of Palestinian society, which prompts people to solve problems in traditional ways, using middlemen, and rarely resorting to courts to solve these problems. Even judges get mixed up between their traditional feelings and duties.

Ms. Asma Khader agreed that the high costs and the long duration of trials are also some of the reasons why people don't go to courts. Khader also questioned whether judiciary institutions adequately prepared to produce well-qualified judges. She also suggested that law should be taught in schools like the other sciences.

In a paper on judiciary reforms and post-war reconstruction in Lebanon, George Assaf differentiated between the implementation of authority and the legislative authority and the functions of each. Assaf also discussed the main issues involved in the project of reforming the judiciary authority.

Dr. Majeed Bin Cheikh said that in the MENA region, there is a tendency among the people not to accept their own law and to discredit it. He also added that reform in the Arab World has to start at the local level and lessons from the past must be learned.

on the issue of democracy, Ben Cheikh said "facial democracy tries to make us look for the real democracy that allows plurality which in turn faces all the barriers that block the road to real democracy."

In the discussion period, Mr. Wassim Harb from the Office of Informative Legal Research and Studies in Lebanon remarked that the MENA region is looking at independent judiciary systems as a goal, while it should be the means to achieve a goal.

In response to a question by Counselor Ziadah asked about the democracy of the Israeli courts, Dr. Mansour classified three types of courts in Israel; military courts, the High Court of Justice Court, which deals with the acquisition of land to build settlements and the Israeli Court. He said that although Palestinians are familiar with all three types, they never know what
is going on inside them.

March 7, 2000 - *Session 3: Municipal Innovation and Good Governance*

The main points at this session were the innovation of municipalities and the decentralization of power, as well as the issue of democracy. The topic of local government and how essential it is becoming was also raised in this session.

The panel comprised of Dr. Ali Sedjari, professor at the University of Mohammed V in Rabat, Morocco, Ms. Rola Majdalani, Human Settlement Officer at UNESCWA, Mr. Sami Attallah, economic researcher at the Lebanese Center for Policy Studies at Lebanon, Mr. Taha Mohammed from Arab Urban

Development Institute in Saudi Arabia and Dr. Florence Eid, Assistant Professor at the American University in Beirut (AUB). The session was moderated by Dr. Carlos Alba from the Autonomous University of Madrid, Spain.

In his presentation titled "Political Reforms and Municipal Initiatives: The Moroccan Experience," Dr. Ali Sedjari gave examples of the Moroccan structure and said that since 1976, there have been attempts to centralize and strengthen the power of the suburbs. He also mentioned that the late King Hassan attempted to meet with all the parties that "would participate in the reform movement in the monarchy."

Local communities do not have the strategic plans and they are under the indirect control of the government, Sedjari asserted. He also added that the ministry of interior interferes in local governance and whoever resists this role faces problems. Sedjari also noted that there is "tied up democracy and that political parties did not do their role in spreading the awareness among the people and get them involved in the local governance." He concluded his presentation by saying that the challenge still exists and that there has to be support for local governance.

Ms. Rola Majdalani, in her paper titled "Municipal Governance and Expanded NGO's Role in Selected Countries in the Middle East," noted that urban government refines the management process not only by allocating resources but negotiating the use of those resources, which adds a dynamic aspect to the negotiation process. Majdalani listed four factors that are shaking the urban government. The first factor relates to urbanization changes, or the migration of labor to the city. The second factor is globalization, and the third is the reform movements and the "embarking" on decentralization. Fourth is the pressure from regions and NGOs.

Majdalani also said that more duties are being given to the local governance absence the political power to implement them. She also stressed the need to develop information systems, because they assure accessibility of information to those who need them and so they are used as tools for negotiations.

Mr. Sami Attalla, citing Lebanon as an example, used a case study of three types of municipalities of different sizes. He said Lebanon has dismissed the decentralization idea, because of fear of the breakup of the state. He also stressed that the organization of civil society is a good way of getting projects implemented, but there must be civil society in the first place. He added that for small-size municipalities, leadership is very important and formal involvement is essential.

He finally listed some of the problems that were faced by the three types of municipalities, such as weak administration, excessive regulations, and the inability to manage complex organization with areas that need sophisticated services.

Mr. Taha Mohammed, who substituted for Mr. Ahmed Al Salloum of the Arab Urban Development Institute in Saudi Arabia, said that there is hope for every city to be improved "no matter what the situation is." He added that "the twentieth century left behind it a broken city, rich and poor, employed and unemployed." He also agreed with the previous speakers about the need for information, asserting that "without the indicators, we cannot put a strategy and follow it."

Florence Eid said that innovation can only be done at the local, not at the central level. However she added that the unity of information and power is the best way to innovate. She used the examples of Germany and Chile to demonstrate what she meant by the diversity and informity concepts, pointing out that the Germans have been good at keeping information, and Chile, after 50 years of dictatorship, had a high centralization of information controlled by the state. She explained that having the information is a centralizing force. However some notice it and others don't, which, according to the speaker, is good news news, because decentralization implemented without losing control of the periphery.

Eid also said that we should not replicate the successful experience of one municipality everywhere; rather we should learn how to tailor the process to suit the needs of other municipalities.

March 7, 2000 - *Session 4: Municipal Leadership and Strategic Planning*

The speakers at this session based their discussion on their experience of their own governments and municipalities. Using these examples, the discussion revolved around the major achievements made and the problems faced.

The panel comprised of Dr. Abdel Rahim Shehata, Cairo's Governor, Mr. Jean Louis Cordahi, President of the Municipal Counsel of Byblos- Lebanon, Mr. Own Shawwa, President of the Municipal Council of Gaza, Palestine, and Mr. Habib Boutaleeb-Joutei, President of the Municipal Council of Agdal-Rayad in Rabat, Morocco. The session was chaired by H.E. Mr. Mustafa Abdel Kader Egypt's Minister of Local Development.

Jean Louis Cordahi discussed his own experience in the city of Jubail in Lebanon, where a group of young people was elected to run the city and how this fit exactly with the theme of the third MDF "Voices for Change". He said that the main challenge that faced those young people, who came mostly from the private sector and aimed to improve their city, was that they needed to set a well organized plan that the local counsel could follow to face up the political barriers.

Concerning democracy, Cordahi said that "democracy is practice and we (in the Arab World) need that practice." However, he added that he is not convinced that we should take the case of success in one city or district and apply the same format to the other cities and districts. Cordahi also suggested that to enhance the municipality work and improve the local governance, there must be commitment from the officials to join the public in the decision making process, to sense the public opinion before taking any decision, and finally to enhance the institutional work.

Mr. Own Shawwa spoke about the Gaza experience, its situation after the Israelis left it and what has changed ever since. He explained how a unit of awareness and instruction was set up to visit houses, mosques and clubs to inform people and make them aware that whatever is being built in the city is their property and they should care for it. He mentioned that the municipality had to play the additional role of getting involved in the sport and cultural aspects, which was not permitted under the occupation.

Then Mr. Habib Boutaleb-Joutei presented the Moroccan situation. He said that there is group work in Morocco, not local governance, and that it is a "voluntary, non-paid job" besides one's own job. Boutaleb then spoke about the municipal council of Agdal-Ryad and its functions. He said that the council maintains a continuous relationship with the public and issues an annual magazine of the accomplishments of the council during the previous as well as the budget and the accounts. He also said that there is an annual meeting with the public at the Rabat Festival.

Finally Dr. Abdel Rahim Shehata gave a transparency presentation on the history of Cairo. He provided detailed information and figures about the various projects in Cairo, such as the infrastructure, the metro, the plantation and cleaning of Cairo and the Nile preservation project.

Dr. Shehata said that in Cairo alone there are 29 municipalities and that there is great centralization in the city, as it is the major attraction for education and employment and hence a destination for migrant labor from all the other cities.

In response to a question about transparency in the Palestinian society, Shawwa said that there is an emergency plan that has been based on transparency and that was how "we were able to win the trust of the Palestinian public."

March 8, 2000 - *Session 5: National Campaigns for Accountability*

The main theme of this session was corruption and the various ways to eliminate it. The speakers also touched on the media's role in exposing corruption.

Dr. Ghanem El- Naggar, Professor of Political Science at Kuwait University, moderated the session. The panelists were Mr. Osama Safa, President of No-Corruption-Lebanese Transparency Association in Lebanon, Mr. Farid Zahran, Director of Al-Mahroussa Center for Publication and Information, Egypt, Mr. Haitham Hourani, Executive Director of the Jordanian Forum for Economic Development, Jordan, and Mr. Jihad El-Zein, Senior Editor of Al-Nahar Daily in Lebanon.

Mr. Osama Safa gave a presentation titled "The 1999 Official Campaign Against Corruption in Lebanon", in which he discussed the history of Lebanon and the situation in the country under different presidents. The speaker pointed out that, in Lebanon, there's a lack of finance to study corruption, even though the problem of corruption in Lebanon is an alarming syndrome. He noted that to fight corruption, there needs to be top to bottom and bottom to top dual approach. Another way to fight corruption is to make the public aware of campaigns that aim to fight corruption or at least minimize it.

"We need to understand the social and political causes of corruption in order to fight it," Safa stressed. He suggested three ways to fight corruption: firstly, through prevention by being able to institute a legal and systematic framework; secondly, through reforming judiciary systems in the selection of independent judges, and; finally, through public awareness campaigns aimed at gaining the support of the public. Safa said that one of the positive aspects of the new regime in Lebanon has been the development of the office of complaints, which has given a "glimmer of hope."

In a presentation titled "The Egyptian Media and The Uncovering of Corruption Mr. Farid Zahran," reviewed the history of the media, especially the press, in Egypt. He said that the role of TV is very small and that it treats political issues sensitively and from a distance. However, in the past couple of years, television started producing some programs that touch on corruption cases and other related programming. He added that the most successful trials of corruption exposure are those that take on an artistic form like TV series.

Concerning the press, Zahran distinguished between three types of press in Egypt. First the state-owned national press, which although they owned by the government, still enjoys a certain degree of independence. The national press is a good reflection of public opinion, and is used for public debates. Most of the corruption cases exposes are successful in courts or in getting the government to take action. Second is the opposition press, owned and published by the various political parties. The major concern of the opposition press is to accuse the government and all its officials of corruption, but it does not have the capabilities to follow up on these cases. Third, the independent press, which is mainly characterized as the yellow press, and which, for the most part, operates outside Egypt, mainly from Cyprus or London. The independent press does not play a major role in exposing corruption, and only carries flashy headlines.

Zahran then discussed some of the major factors affecting the role of the press. He said that "there is a traditional belief that problems should be handled internally so the others would not take a bad impression about us." He also mentioned that the relationship between the government and the press is a "push and pull one;" the government either issues laws to arrest journalists or to block information from them in one way or the other.

Haitham Hourani, a discussant, commented on the high economic and social costs of corruption.

One of the attendees shared Jordan's experience in fighting corruption by establishing a specialized division at the ministry of intelligence service for corruption, which has to some reduced corruption.

March 8, 2000 - *Session 6: The Role of NGOs and Business Organizations in Anti-Corruption Campaigns*

This session focused on the role of NGOs and business organizations in fighting corruption. How NGOs are formed, whom do they deal with, and how they could assist in fighting corruption were the main focus of the discussion.

Mr. John Sullivan, Executive Director of the Center for International Private Enterprises, chaired the session. The panel comprised of Mr. Paul Salem, Director of the Fares Foundation in Lebanon, Mr. Ali Belhaj, President of Maroc 20/20 in Morocco, Mr. Armand Phares, President of Rassemlement Des Chefs d'Entreprises Libanais, in Lebanon.

Mr. Paul Salem presented the various ways to fight corruption. He suggested spreading awareness among the public, research and studies about where NGOs could operate, especially in the areas where governments do not pay full attention to, as important ways to fight corruption. He added that there must be intertwined networks that could co-operate to fight corruption, and that people should ask for change and reform and act as a watchdog on society that would voice an alarm when there is corruption.

He also mentioned some key strategies such as prevention, reform and simplification of procedures, awareness and consensus building, openness and objectivity, and, finally, targeting gradual and long-term changes.

Salem said that an important step is to admit there is corruption in the first place and spread awareness about its costs to society. He added that an important thing to do is "to change people's behavior towards corruption." Salem also discussed how NGOs should be formed, who their members should be and who they interact with.

Mr. Ali Belhaj then shared his experience of fighting corruption in Morocco. He said that Morocco has been known to be a very corrupt country; however there has been a campaign against corruption for the past five years. He said that they even designated January 6 as an official day for fighting corruption. Belhaj stressed that to break the taboo of corruption, workshops were organized to deal with issues such as ethics.

Belhaj added that an anti-corruption campaign has to go through stages, short-term, mid-term and long-term. Citing the Moroccan example, he said that the first deals with breaking the taboo and getting the media involved, the second concerns reforming the bureaucratic source of all corruption, while the third is achieved through wider authority.

Mr. Armand Phares discussed some of the factors that cause corruption, such as civil isolation and social inequality. Stressing that corruption is relative, and differs from one country to another, Phares addressed the ethical side of corruption and talked about the need to apply transparency to one self first and to come up with a code of ethics for each profession.

An attendee from Morocco, Mohammed Farkat, suggested defamation as a means to shame corrupt people. Mr. Charles Adwan from the Lebanese Center wondered where to start in fighting corruption. Do we need political reform to be able to fight corruption?" he asked. Belhaj responded to this question by saying that "political reform is a prerequisite for fighting corruption, they go together." In response, Mr. Phares said that we have to start with ourselves to check if our businesses are transparent or not.