




Better Rule-making and Access to Justice for recovery

MENA-OECD Working Group on Regulatory Reform and the Rule of Law

 21 March 2022
Zoom

Summary note



MENA - OECD
Governance Programme



MENA-OECD
Governance Programme
Training Centre



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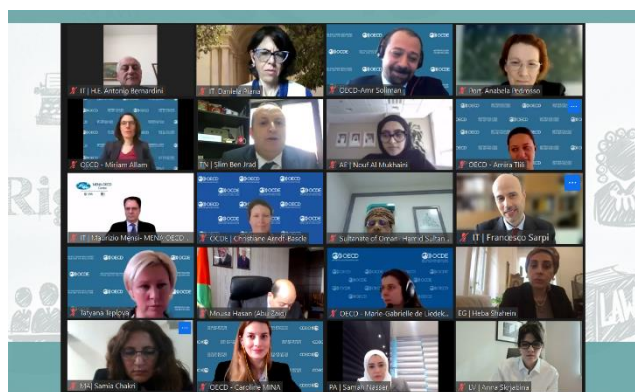
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Context and Objectives of the meeting

The [2012 OECD Recommendation of the Council on Regulatory Policy and Governance](#) acknowledges these specific circumstances and recommends that when designing regulations, governments need to be aware of the impact and burdens of regulations on businesses and citizens. Nonetheless, navigating the legal environment and complying with regulations tend to be cumbersome for small businesses which are also less resilient in the face of legal challenges when compared with large businesses. They face particular challenges to access the justice system including the navigation of the high level of complexity, costs and length, as well as lack of access to clear information that slow down their operations.



In this context, the Working Group IV meeting, organised by the MENA-OECD Governance Programme enabled participants to showcase challenges and opportunities and identify lessons learned about measures taken by governments to facilitate business through regulation and justice services during the pandemic. The exchanges focused on the impact of these efforts and allowed participants to reflect on areas where regulatory management tools and access to justice can be adapted and further improved.

The meeting brought together over 80 participants from 28 MENA and OECD countries and multilateral agencies. It was opened by H.E. Ambassador Antonio Bernardini, Representative of the Government of Italy and co-chair of the MENA-OECD Governance Programme, Ms. Anabela Pedrosa, State Secretary for Justice of Portugal and co-chair of the Working Group of the MENA-OECD Governance Programme Working Group on Regulatory Reform and the Rule of Law, and

Mr. Slim Ben Jrad, Director General for Governance Services, Office of Prime Minister of Tunisia, co-chair of the MENA-OECD Governance Programme. The first session focused on the importance of regulatory impact assessment to increase agility and quality of rule-making systems. The second session discussed how developing a justice system that addresses effectively the specific needs of businesses can foster socio-economic growth and ensure the respect of the rule of law. The meeting was closed by M. Maurizio Mensi, Executive Director of the MENA-OECD Training Centre – Caserta.

Key takeaways of the meeting

Participants highlighted:

The need to create a business-enabling environment and improve access to justice services to support the recovery from the COVID-19 crisis.

In doing so, governments should take into account the needs and challenges faced by small businesses when **developing and reforming their regulatory framework** to reduce administrative burdens.

The use of instruments such as **regulatory impact assessments** are crucial to better identify the potential economic, legal, and administrative repercussions on businesses and citizens, and especially on those have lower capacities and resources to navigate legal challenges.

A **change of culture** in the regulatory environment and a reinforced use of **digital technologies** in regulatory processes are essential to the development of a strong and agile regulatory governance.

The adoption of a **long-term vision for regulatory governance** is particularly helpful for governments to develop a structured use of good regulatory practices, instruments and tools.

Governments should aim at ensuring an **universal access to justice** and adopt tailored mechanisms to make justice more accessible; such as the strengthening the **use of digital tools (i.e. online**

dispute resolution (ODR) platforms and one-stop shops).

Better **access to justice for businesses** is a fundamental tool for inclusive growth, investment and a **solid recovery** from economic shocks.

Information sharing among peers and dialogue on good practices and exchange of lessons learned are crucial to ensure the adoption of **better-informed and adequate tools**.

Next Steps

The discussions provided strategic guidance to the MENA-OECD Governance Programme. The outcomes will also feed into the OECD forthcoming report “**Visions for Recovery in the MENA region**”, that aims to assess MENA governments’ strategic commitments and capacities to implement governance reforms.

Delegates encouraged the OECD to mobilize resources and develop studies on regulatory reform and access to justice in the region.

For more Information

- OECD (Forthcoming, 2022), Policy Paper on Access to Justice for SMEs
- OECD (2021), [Recommendation for Agile Regulatory Governance to Harness Innovation](#)
- OECD (2021) [Framework and Good Practice Principles for People-centred Justice](#)
- OECD (2021), [Regulatory Policy Outlook](#)
- OECD (2020) [Access to justice and the COVID-19 pandemic: Compendium of Country Practices](#)
- OECD (2020), [Regulatory Impact Assessment](#)
- OECD (2020), [Regulatory Quality and COVID-19 Note: Managing the Risks and Supporting the Recovery](#)
- OECD (2019), [Equal Access to Justice for Inclusive Growth: Putting People at the Centre](#)
- OECD (2019), [Legal Needs Surveys and Access to Justice](#)
- OECD (2018), [Regulatory Reform in the Middle East and North Africa: Implementing Regulatory Policy Principles to Foster Inclusive Growth \(Arabic version\)](#)
- OECD (2018), [Legislation and Good Governance: The Role of Legislative Drafting Manuals](#)
- OECD (2016) [Regional Charter for Regulatory Quality, MENA-OECD](#)
- OECD (2013) [Regulatory Reform in the Middle East and North Africa: Implementing Regulatory Policy Principles to Foster Inclusive Growth](#)
- OECD (2012) [Policy Recommendations of the Council on Regulatory Policy and Governance](#)