



Droits et Démocratie  
Rights & Democracy

Centre international des droits de la personne et du développement démocratique  
International Centre for Human Rights and Democratic Development

# **Democratic Development in the Middle East and North Africa**

A Report Based on Field Research and Consultations

September 1, 2001 – March 31, 2002

by  
Rachad Antonius, Ph.D.  
Consultant

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Centre international des droits de la personne et du développement démocratique  
International Centre for Human Rights and Democratic Development

1001, de Maisonneuve Blvd. East, Suite 1100  
Montréal (Québec) H2L 4P9, Canada  
Tel. (514) 283-6073/ Fax. (514) 283-3792/E-mail [ichrdd@ichrdd.ca](mailto:ichrdd@ichrdd.ca)

Visit our Web site at [www.ichrdd.ca](http://www.ichrdd.ca)

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## EXECUTIVE SUMMARY

This project included three phases that were carried out between September 2001 and January 2002.

*During the first phase* (September – October 2001), the Consultant undertook preliminary research and conducted consultations in Canada to obtain the views of key actors on the issues investigated, including the organization of a think-tank session in Montreal on October 13, 2001, with over 30 participants. The intention of Rights & Democracy (International Centre for Human Rights and Democratic Development) to develop some initiatives on democratic development in the Middle East and North Africa (MENA) region was welcomed with enthusiasm and encouragement by those consulted, particularly by IDRC, CIDA, and DFAIT.

*During the second phase* (November 18, 2001 – January 7, 2002), the Consultant conducted field research in Lebanon, Jordan, Palestine, Egypt, and Morocco. In each of these, the Consultant met with Canadian Embassy officials, local observers and analysts, and non-governmental organization (NGO) representatives and activists.

*During the third phase* (January 8 – 14, 2002), the President of Rights & Democracy visited the region, accompanied by the Consultant. They visited Egypt, the West Bank in the Occupied Territories, and Israel.

This report does not seek to reflect the reality of the entire region, but rather the situation as observed in the countries where the consultant performed field research. However, a few general introductory remarks do apply to the broader MENA region.

## **Democratic Development in the Middle East and North Africa**

### **General considerations**

There are common cultural, political, and historical constraints across the region. The State in the MENA region tends to be authoritarian, with governments that consider the independence of civil society to be a threat to their security. Republics do not differ much from monarchies in this respect. In three of the Arab countries there is a new generation of rulers, but limited signs of change have been seen so far. In the countries visited, there exists a set of national institutions (parliament, the judiciary, the legal profession, a national press, the party system, and the laws governing associations) that have the potential of forming the social infrastructure of a national democratic life. However, in most countries and to varying degrees, these institutions are not functioning as they should. The situation in Palestine is unique due to the occupation, with human rights violations coming from both the Israeli military occupation and the Palestinian Authority.

While there is a great variety of historical situations, similarities do exist between Lebanon and Morocco, where there is clearly a margin of maneuver for working with national institutions. In Egypt and Jordan, the State is becoming more and more controlling, increasingly so through the use of law. There, it is more advisable to work exclusively through civil society. In Palestine, the military occupation, while recognized as such by most Western democracies, nevertheless continues. It should be noted that Canada does not recognize Israel's permanent control over lands occupied in 1967, and considers the settlements illegal. The support this military occupation has in North

America, however, makes the work there very complex. Advocacy on the need to find a just solution to the conflict, based on international law, stands out as one of the major priorities.

While the field of human rights activism is quite developed in the Arab countries, the work to promote democratic development is less advanced. There is a pool of well-informed, sophisticated human rights activists who are part of the international network of human rights activism, usually financed by foreign donors.

The Palestinians get significantly more foreign funding than diplomatic support from Western governments. Many observers have noted that the Palestinian question is central to almost every issue in the Middle East. The absence of a just solution to the conflict puts the Arab governments on the defensive with respect to their own societies.

The rise of political Islam is a double-edged sword. While it has precipitated the emergence of large sectors of Arab society into the political arena, at the same time the ideology proposed by these popular forces includes aspects that are repressive toward those who do not believe in it.

In some areas, women's rights are protected by law, mainly as part of family laws, some of which are in fact contrary to international human rights standards. There exists a very high deficit in terms of giving women full status as citizens. Education on women's rights is therefore a crucial activity. Advocacy – both local and regional – is needed to change the actual laws that are discriminating against women.

The human rights situation has deteriorated since September 11, 2001.

## **Egypt**

Egypt has a long tradition of a centralized State. With Mubarak's arrival to power in 1981, the trend toward political liberalization was accentuated but did not produce genuine pluralistic political institutions. Individual liberties were expanded, compared to the era of Nasser and Sadat. Civil society associations did flourish with the help of foreign funding, but are under constant threat of being closed down. Law 32, which allows the government to severely control civil society organizations, is still in effect. A new, more repressive law was passed in 1999, but it was struck down by the Supreme Constitutional Court. While there has been a qualified increase in the freedom of the press since Mubarak came to power some 20 years ago, there are still a lot of 'red lines' that should not be crossed, and the electronic media suffer clear interference. The trade unions are clearly controlled by the government, and professional associations tend to be controlled by the Islamic opposition. Strategic issues at the level of civil society include the struggle around the legal framework governing associations, the administrative and strategic capacity of human rights organizations, and foreign funding (which has been a mixed blessing). Strategic issues at the level of national institutions include the issues of governance and the independence of civil society from narrow governmental control. The Israeli-Palestinian conflict is having a direct effect on the political processes in Egypt, as it drives a wedge between a government forced to comply with US policy and a population that would like to see a just solution to the conflict.

**Conclusions.** While there is the appearance of political liberalization in Egypt, in reality there is serious government control over the political process. Work with the government on parliamentary or electoral reform is not conducive to effective results.

On the other hand, as a result of the legal framework, activists have tended to form non-profit civil companies. This strategy frees them from certain forms of government control, but also undermines the notion of accountability within the organizations. This situation has led to abuses, and should be examined and seriously addressed.

There is an urgent need to support and strengthen the capacity of civil society associations – especially advocacy organizations – to connect with the grassroots and develop partnerships outside their immediate circles. Women’s associations have been innovative in this area, particularly the large coalitions formed to follow up on the recommendations of the Beijing World Conference on Women and on the application of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Three specific areas stand out as priorities: (1) support for initiatives that seek to reform the provisions of Law 32, which run counter to freedom of association and have a negative impact on the accountability and democratic mechanisms of civil society associations; (2) legal education and legal aid for women, and (3) educational work on the creation of a democratic culture and on the rule of law.

## **Lebanon**

Lebanon is unique in the Middle East due to its ethnic/religious composition, its political history, and the variety and richness of the cultural currents it hosts. Its ‘confessional system’ (the distribution of political power among the many religious groups) is enshrined in the National Pact of 1943. While this system has ensured political plurality and favoured the emergence of a strong civil society, it has also had negative consequences on citizenship and the building of a common public space. Regional factors, such as the presence of Palestinian refugees and the unresolved Israeli-Palestinian conflict, caused the system to break down and triggered a civil war in 1975. The Taïf agreement (1992) put an end to the war, but reinforced both the Syrian presence in Lebanon and the confessional system.

Two regional factors have strongly influenced Lebanese politics: (1) the 1948 influx of large numbers of Palestinians expelled by Israel, and (2) the Syrian presence in Lebanon.

Confessional communities have created social institutions that are independent of the State. The Bar Association is one of the most important actors in the advancement of human rights. Syrian control over the Lebanese parliament makes it very difficult to work on reforms within parliament. The most important and difficult issue is the confessional system. Most observers feel that it should be transcended, but that in the present situation, it is a guarantee of plurality and puts a limit to the arbitrariness of political power.

**Conclusions.** Of the five countries studied, Lebanon has the strongest civil society. A specific political culture, coupled with a tradition of autonomy from the State, make it possible to find opportunities for useful work in support of human rights and democratic participation, in spite of the Syrian presence. The most interesting actors we met work in one of two fields: (1) legal training, legal advocacy, and legal reform, where the Human Rights Institute of the Bar Association is undoubtedly the most important player, and (2) education on democracy and human rights, whereby the autonomy of the universities and the strength of the human rights movement permit a culture of rights.

## **Jordan**

Jordanian society is a traditional society with a strong tribal component. The expulsion of Palestinians from Palestine in 1948, and later in 1967, led to a large number of them becoming Jordanian citizens. Many still have the status of refugees, and the majority of those still live in refugee camps. Modernization means that there has been a growing urban society that has lost its tribal character; there is now a middle class, with workers, unions, demands for equity by marginalized groups, women's associations, and political parties. The 1989 elections gave hope for real democratic change, that never took place. In June 2001 Parliament was dissolved, and a set of 'temporary laws' gave sweeping powers to State Security Courts. This caused a serious setback at the level of the political space. Formal democratic institutions exist, but they are not functioning as a result of direct political control by the Palace.

The only bright spot is the creation of the Royal Human Rights Commission, which could have a long-term impact on the political culture of the country through its educational activities and its consultative role on legal issues. While prospects for political change seem remote, *some* of the rights of ordinary citizens are being promoted, as long as they do not involve direct political activity. There is no democratic participation in determining the policy orientations of the Jordanian government, either on internal issues or foreign policy. Civil society organizations are deprived of an advocacy role. They can deliver social services without too many hurdles, as long as they are not too vocal. Civil society as a whole is being marginalized by the impact of the policies which derive from the process of globalization.

**Conclusions.** There is very limited space in Jordan to promote authentic citizens' participation in the political process or reforms of national institutions such as the parliament. There are, however, some areas where it is possible to promote democratic participation and human rights. The first involves creating a culture of human rights and democracy. There is the possibility of doing serious educational work on universal human rights and democratic participation that may have a long-term impact. The second area is strengthening civil society actors. Support is needed to strengthen the NGOs that do advocacy work, especially on women's rights, as well as on globalization and human rights. Capacity building in research is also needed, especially on the potential consequences of privatization, and to make this information available to civil society actors.

## **Morocco**

In contrast with the situation in Jordan, Moroccan society is burgeoning with initiatives and potential. Morocco has seen two major changes in recent years. The first came in 1998 when a 'government of change' (*Gouvernement d'alternance*) took over with a social democratic perspective, with Prime Minister Youssoufi at the helm. The other change came with the accession of Mohamed VI to the throne. Each of these changes triggered a fundamental debate in Morocco: Is this change cosmetic or real? The debate has not been settled, and a number of actors in civil society are getting impatient. The sphere of liberties has been enlarged in the last few years, and civil society actors can express themselves much more freely than in the past. However, in spite of this enlarged democratic space, the role of political parties is weak in Morocco due to their inability to induce real change. Crucial political debates do not take place in the Parliament nor among the parties, but rather among the press. There is also a long tradition of vibrant advocacy associations in Morocco.

The real power, however, still lies at the Palace (the *Makhzen*), which explains why the Parliament is not playing the role it should. As a consequence, political parties are weakened, and the notion of electoral democracy is losing legitimacy in the eyes of many. Corruption is considered to be

widespread. Those actively involved in working for political reform, however, have a more positive view of the situation.

**Conclusions.** There is considerable opportunity for supporting democratic participation. Morocco is one of the rare places where there is some opening in the national institutions such as the parliament. At the same time, the advocacy role of civil society associations and their role in conceptualizing alternatives should not be abandoned. Therefore, reforms from within the system and advocacy from the grassroots are both necessary and possible. We identify the following specific areas as being particularly interesting: the participation of women in the electoral process; strengthening the capacity of political parties; strengthening the capacities of Parliament; legal reforms; and reform of the judiciary system. Achieving transparency and diminishing corruption are areas where there is still considerable resistance to change. Therefore, these two areas are particularly well suited to advocacy and grassroots work by civil society organizations.

## **Palestine**

The West Bank and Gaza have been under military occupation since 1967. Unilateral actions that aim at 'creating facts on the ground' have taken place during this period, and have intensified since the Declaration of Principles signed in 1993 (the Oslo accords). This military occupation is the single most important factor structuring the political evolution of Palestinian society. The Palestinian Authority came to the West Bank and Gaza with the political culture of a clandestine movement, and has become very authoritarian. The threat to democracy comes from a double source: the Palestinian Authority and the military occupation. The occupation should not obscure the fact that there are obstacles to democracy within Palestinian society. One of the strategies used by local NGOs to promote democratic development is to work with local authorities and local communities on the delivery of services. This helps build both the institutional capacity of the local authority, and the capacity of local communities to engage in advocacy.

The latest *intifada* (uprising), which started in October 2000, is very different from the previous one in that it is militarized and much more violent. Many Palestinians feel that this is a mistake and that it has antagonized a large portion of the Israeli public opinion which had previously been more sympathetic to Palestinian demands. When violence is the mode of expression against the occupier, it also becomes a mode of expression within Palestinian society. In a similar vein, the increasing hold of fundamentalist Islamic ideology in Palestinian society is a key obstacle to democratic development.

Palestinian residents in Jerusalem suffer from violations of their right to freedom of movement and their housing rights, as well as other forms of discrimination.

**Conclusions.** 1) Work in support of democracy must be carried out in spite of the occupation, and it must address issues of democracy and human rights that are appropriate to Palestinian society. 2) Creating a culture of democracy is a priority, and coupling this education with the management of social services at the local level is an interesting avenue. 3) A culture of democracy would also contribute to combatting violence as a response to conflicts. 4) The occupation itself must also be addressed as a source of violation of rights. The necessity to do advocacy work on the urgency to find a just solution to the conflict, based on international law and on the criteria of rights and democracy rather than on the balance of power between the parties, has been raised by both Palestinians and Israelis.

## LIST OF ACRONYMS

ACIJLP	Arab Center for the Independence of the Judiciary and Legal Profession
ACPSS	Ahram Center for Political and Strategic Studies (Egypt)
ADFM	Association démocratique des femmes du Maroc
AIC	Alternative Information Center (Jerusalem)
AMDH	Association Marocaine des Droits Humains
APHRA	Arab Program for Human Rights Activists
AUC	American University in Cairo
CIRHS	Cairo Center for Human Rights Studies (Egypt)
DR	Democracy Review
ESCWA	Economic and Social Commission for West Asia
EFW	Egyptian Women's Forum
FHHR	Foundation of Human and Humanitarian Rights (Lebanon)
HRW	Human Rights Watch
ICAHD	Israeli Committee against House Demolitions
ICFTU	International Confederation of Free Trade Unions
IDRC	International Development Research Center
JCHR	Jerusalem Center for Human Rights
JWU	Jordanian Women's Union
LCPS	Lebanese Center for Policy Studies
LRRC	Legal Research and Resource Centre for Human Rights (Egypt)
NDH	Nouveaux Droits de l'Homme (Liban)
NDI	National Democratic Institute
OMDH	Organisation Marocaine des Droits de l'Homme
PARC	Palestinian Agricultural Relief Committees
PHRMG	Palestinian Human Rights Monitoring Group
RHSC	Regional Human Security Center (Amman)
SCC	Supreme Constitutional Court (Egypt)
SIGI	Sisterhood is Global Institute
UNDP	United Nations Development Program
USAID	United States Agency for International Development

## I. PROJECT OVERVIEW

In accordance with its mandate, and following a decision by the Board of Directors, Rights & Democracy (International Centre for Human Rights and Democratic Development) decided to conduct a study on the state of democratic development in a number of Arab countries, with a view to orienting its future work in the area. The *mandate* of this project was “... to carry out a survey of the issues and organizations in a select number of countries in the Maghreb and the Middle East, with a view to proposing a small number of priorities and potential pilot initiatives for Rights & Democracy’s work in the region.”<sup>1</sup> The task of carrying out this project was given to Dr. Rachad Antonius who, as a consultant, worked on this project as an advisor on democratic development in the Middle East and North Africa. What follows is the Consultant’s report.

The report is structured as follows. A brief overview of the research project is provided, followed by a report of what was accomplished during each of its three stages (preliminary research and consultation in Canada, field research, Rights & Democracy field visit). This is followed by an analysis of democratic development in the Middle East and North Africa (MENA) region, which consists in the following sections: general analytical remarks on the region as a whole, methodological and conceptual issues, and finally, a compilation of country reports. This analysis is followed by recommendations. The appendices contain relevant summary tables as well as a summary of the discussions of the Think Tank consultations organized by Rights & Democracy in Montreal on October 13, 2001.

This report is not a human rights assessment in the formal sense, although the main human rights sources such as the reports from Amnesty International, the FIDH and Human Rights Watch have been consulted. The analysis presented here does not systematically nor predominantly use the language of rights, nor does it address the situation of specific social categories (women, ethnic or religious minorities, deprived or marginalized groups) although some discussion of these issues is included. Our focus is on the political and institutional framework and context that affect the process of democratic development, particularly from the point of view of what factors allow for or constrain political participation. In line with Rights & Democracy’s strategic priority given to the strengthening of civil society, this report also focuses on the actors in civil society that play a crucial role in this process.

### THE PROCESS

This project included three phases that were carried out between September 2001 and January 2002.

***The first phase*** (in September – October 2001) involved carrying out preliminary research and conducting consultations in Canada with Canadian governmental and non-governmental institutions working in the MENA region, as well as observers (predominantly from academia) and Rights & Democracy staff members. The purpose of the consultations was to obtain the views of experts and

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<sup>1</sup> The full mandate and objectives of the project are available upon request at Rights & Democracy.

observers in Canada on the issues being investigated in the context of this project, as well as suggestions about the project's second phase. These consultations took the form of individual meetings in Ottawa and Montreal with the Department of Foreign Affairs and International Trade (DFAIT) and the Canadian International Development Agency (CIDA), as well as a think-tank session in Montreal.

**The second phase** (November 18, 2001 – January 7, 2002) consisted in conducting field research in selected countries to attain first-hand information on the situation of democratic development in those countries, and to obtain the input of local observers and activists on issues of concern to this project.

**The third phase** (January 8 – 14, 2002) consisted of a field visit by the President of Rights & Democracy to selected countries in the region, accompanied by the Consultant. The purpose of the visit was to enable Rights & Democracy to establish direct contact by meeting with local observers and actors of democratic development in the MENA region, and to participate in a seminar with some of them.

## **1. Preliminary Research and Consultations in Canada**

The month of September 2001 was devoted to two tasks: planning the field research and the field visit to the region, and determining the list of persons and institutions to be consulted prior to the trip.

**Preliminary research.** Preliminary research was conducted on civil society, democracy, and human rights in the MENA region. A list of international human rights instruments that had been ratified by Arab countries was compiled (see Appendix II). Documents summarizing the issues of democratic development, civil society, and the situation of minorities were collected and circulated within Rights & Democracy. These served as preparation for the think-tank session, which was held in Montreal on October 13, 2001. A briefing by the Consultant to the entire staff of Rights & Democracy was also organized following the September 11 catastrophe. It took place on September 24, 2001.

**Planning the field research and Rights & Democracy visit to the region.** Selecting countries of interest was not an easy task, since it is possible to propose useful and important activities that could be carried out in support of human rights and democratic development in every country of the Middle East and North Africa. Even prioritizing the countries for potential focus and cooperation was difficult, since at least some of the citizens in each Middle Eastern country suffer from violations of their basic human rights, and some groups are excluded from democratic participation. But given budgetary and time constraints, the Consultant proposed five countries as foci for the research, more on the basis of Rights & Democracy's capacity to play a distinct role than as a function of absolute need.

The choice was made based on the following criteria:

- The existence of regional networks based in the country, which offer the potential to establish partnerships;

- The possibility of getting good regional and local analyses by local observers;
- The necessity of assessing a rapidly-changing situation first hand;
- The existence of eventual good local partners for future projects;
- The existence of a democratic space sufficiently open to permit projects that respect Rights & Democracy's criteria;
- The possibility of undertaking advocacy and working in or about the country in the near future.

With these criteria in mind, it was decided to include *Lebanon, Jordan, Palestine, Egypt, and Morocco* in the research. Tunisia, Syria, and Yemen were strong contenders, but each posed challenges that would have required more time and resources than were available. If funds do become available, Rights & Democracy could pursue the analysis of other countries in the future. The difficulties of working with Sudan and Mauritania are significantly greater, but not insurmountable. As for the Gulf States, their high average GDP puts them outside the range of countries where Rights & Democracy is called to intervene. Thus we can think of the area as a set of concentric circles, with the level of resources available to Rights & Democracy determining in which circle we could work. We started by investigating the first circle, consisting of Lebanon, Jordan, Palestine, Egypt, and Morocco.

Thus, rather than reflect the situation throughout the Maghreb (Morocco, Algeria, Tunisia, and northern Libya), this report is limited to Morocco. Similar comments must be made about the Middle East. This report only addresses the situation in the countries that were selected for the field visit (i.e., Lebanon, Jordan, Palestine, and Egypt). Despite these limitations, we did meet NGOs whose scope of action is regional. This is true of the Cairo Institute of Human Rights Studies and the Arab Program for Human Rights Activists. We heard their analyses and priorities, and we include in this report a section about supporting regional activities.

The dates of the official mission were determined to be from January 7 to 12, 2002. Originally the countries visited by the mission were to have been Egypt and Morocco. This was changed to Egypt and the Palestinian territories.

***The regional seminar.*** A regional seminar to be held in one of the MENA countries was also planned. It was determined that the Cairo-based Ahram Center for Political and Strategic Studies (ACPSS) was a good partner to organize this activity, because of its semi-official status, its intellectual independence, its regional reputation, its credibility, and its geographic location.

***Consultations in Canada.*** DFAIT, CIDA, and the International Development Research Centre (IDRC) were contacted. The Consultant met in Ottawa with DFAIT (Mr. Ed Doe, Mr. Jean Devlin, and Mr. Ernest Loignon) and with CIDA (Mr. Norman Cook). Mr. Mario Renaud, head of CIDA's North Africa and the Middle East bilateral program, conducted a consultation in Montreal on October 5 about CIDA's programming in the region. Rights & Democracy was represented by the Consultant.

Various members of Rights & Democracy also met with Mr. Michael James Molloy, DFAIT's Special Coordinator for the Middle East Peace Process. Rights & Democracy's President, the Honourable Warren Allmand, met with Mr. Molloy in Ottawa in early October. Mr. Molloy subsequently met Rights & Democracy's Director of Programmes, Ms. Iris Almeida, along with the Consultant, in Rights & Democracy's Montreal offices prior to participating in the October think-tank session. Numerous telephone conversations took place with many of the people listed above, as well as with Ms. Elissar Sarrouh of the Canadian Parliamentary Centre in Ottawa, and Mr. Paul Purritt of the Canadian Labour Congress.

The purpose of these contacts and consultations was to benefit from the advice of the institutions involved, to understand their priorities and approaches, to explain to them the priorities and approach of Rights & Democracy, and generally to network, consult, and coordinate.

The Consultant wishes to point out that all those involved in the consultations enthusiastically welcomed Rights & Democracy's intention to be present in the MENA region. They expressed their desire to see Rights & Democracy active in the region soon, and saw Rights & Democracy's eventual work in the region as a complement to their own work and an urgent necessity.

***The think-tank session.*** The think-tank session took place in Montreal on October 13, 2001. More than 30 people attended, representing DFAIT, CIDA, IDRC, several Canadian NGOs, and academic specialists on the Arab region. The day began with an introductory session during which Rights & Democracy presented its democratic development framework and activities in other regions of the world, and participants briefly introduced themselves and their work in the region. This was followed by an open discussion on the main issues, in the form of a brainstorming session where participants identified what to them are the most important issues surrounding democratization in the MENA region. Finally, participants were divided into three separate workshops to discuss the issues raised in greater depth. See Appendix I for the list of participants together with an abridged version of the report of the think-tank session.

A few of the strongest messages that came out of the day's discussions deserve to be mentioned here: the complexity and diversity of the situation across the MENA region, the importance of regional and international factors to the underdevelopment of democracy within each country (deadlocks in the resolution of regional conflicts being reflected in tense social situations and increased repression), the centrality of the Palestinian issue, the existence of significant but marginalized pro-democracy forces in several Arab countries, the necessity of looking at women's rights as an essential component of democratization, the necessity of looking at how the events of September 11 will affect human rights, and the necessity of working for democratic development in spite of these great challenges. One manifestation of the centrality of the Palestinian issue is that there is more networking, information sharing, and expertise on this issue among non-governmental Canadian actors than there is on any other issue in the MENA region. The discussion illustrated this fact. There was also an overwhelming sense that Canadian foreign policy in the Middle East should be the first and foremost issue to be dealt with, and that it is something on which Rights & Democracy should take a position in conformity with its mandate, mission, and program priorities. Several participants expressed the idea that the concrete political stand taken by Canada on the Middle East should be more in tune with its declared policy than is presently the case.

Following the think-tank session, officers from DFAIT expressed their desire to meet with the Consultant to discuss the possibility of including other countries in the visit. The Consultant consequently met in Ottawa with Ms. Keri Holtby, Mr. Richard Le Bars, Ms. Rhoda Caldwell, Mr. Michael Chesson, Ms. Jennifer Hart, and Mr. François LaRochelle, all DFAIT officers. In this meeting, three countries were discussed: Tunisia, Syria and Yemen. The situation in Tunisia was assessed as very difficult. On the other hand, it was noted that there might be interesting developments in Syria – that there had been, for instance, a recent conference about the International Criminal Court and the ups and downs concerning intellectuals’ rights to hold public forums in private homes to discuss issues of public interest. It was mentioned that the International Committee of the Red Cross (ICRC) would be an interesting contact in Syria. The situation in Yemen was also discussed, and the establishment of a Ministry on Human Rights was mentioned as a positive development. It was decided that Yemen, Tunisia, and Syria would be among the next proposed priorities if the work of Rights & Democracy were to be expanded in the future. DFAIT also offered to help facilitate contacts with Canadian embassies in the region and with the Canadian Representative Office in the Palestinian territories. Indeed, all the embassies were informed of the visit of the Consultant to the region, and they offered invaluable help and support, as is explained below.

## 2. Field Research

The Consultant conducted field research for a period of over a month and a half in five countries in the region, between November 18, 2001 and January 7, 2002. A week of consultations in Montreal took place during this period, including meetings with Rights & Democracy’s Democratic Development Programme Coordinator and Director of Programmes, as well as a meeting with DFAIT in Ottawa for preliminary debriefing and consultation. The research phase included participation in the Conference of Women Human Rights Activists, held in Paris from November 12 to 15, with partial funding provided by Rights & Democracy.

The itinerary of the Consultant was as follows:

Cairo	November 19 to November 27
Beirut	November 27 to December 1
Amman	December 1 to December 5
Jerusalem and Ramallah	December 5 to December 8
Transit (Amman & Cairo)	December 9
Rabat and Casablanca	December 10 to December 16
Montreal	December 17 to December 25
Cairo	December 25 to January 7, 2002.

In each of the countries visited, the Consultant met with Canadian Embassy officials (the political attaché or his/her assistant in all cases, and the Ambassador in three cases), with local observers and analysts, and with NGO representatives and activists.

The empirical information gathered during the field research, and the analyses that derive from it, constitute the content of the analytical part of this report and are dealt with in some degree of detail in the analytical section.

### **3. Field Visit by the President of Rights & Democracy (Jan. 8 to 14, 2002)**

During the field visit, Mr. Allmand, President of Rights & Democracy, met with Canadian government representatives in Cairo, Ramallah, and Tel Aviv, and with key observers and civil society activists in Egypt, Palestine, and Israel. Mr. Allmand was assisted throughout by the Consultant. The Canadian embassies in Cairo and Tel Aviv, and the Canadian Representative Office in Ramallah, provided invaluable logistical help, as well as interesting insights into the situation.

*In Egypt*, Mr. Allmand met the Canadian Ambassador, Mr. Michel de Salaberry, and several diplomats from the embassy. Mr. Jean-Philippe Tachdjian, Third Secretary of the Embassy, was particularly helpful. Mr. Allmand also met observers and activists from civil society associations, academics, Egyptian diplomats, well-known journalists, and activists from the Coptic community. A meeting was organized with the Chief Justice of the Supreme Constitutional Court (SCC), Mr. Mohammad Fathi Naguib, and a judge of the SCC, Dr. Adel O. Sherif. Ambassador de Salaberry hosted a dinner at his residence for Mr. Allmand, as an opportunity to meet prominent Egyptian intellectuals and diplomats.

As a result of miscommunication within the partner institution, the Ahrām Center for Political and Strategic Studies, the regional seminar that was planned for January 9, 2002, was replaced with two mini-seminars that took place on January 10 and 11 in Cairo, as well as a smaller discussion group on January 14 in Ramallah (for which only two resource people were able to commute to the meeting place due to the difficulties of moving around in the West Bank). The first Cairo mini-seminar brought together participants representing a large coalition of several women's NGOs, grouped under the umbrella of the follow-up committee to the Beijing conference. The second seminar brought together approximately ten intellectuals and analysts, who responded to a carefully prepared set of questions about democratic transformation, which had been translated into Arabic and sent to them ahead of the seminar. Their contributions were incorporated into the analyses presented in this report. Both seminars were conducted in Arabic, and translation was provided for Mr. Allmand.

The dinner at the Ambassador's residence also provided an excellent opportunity for serious discussion, and the guests contributed ideas and insights to which the delegation listened carefully.

It should be pointed out that the President and the Consultant also met with the daughter of imprisoned human rights activist Dr. Saad Eddine Ibrahim as a gesture of solidarity. Dr. Ibrahim was in prison at the time, but his daughter, Randa Ibrahim, who is a lawyer, provided a good analysis of the legal dimension of the case. As of mid-February 2002, Dr. Ibrahim had been released because the Court of Appeal had ordered a retrial; the new trial had not started at the time of writing this report.

*Palestinian territories.* The Canadian Ambassador in Tel Aviv, Mr. Michael Bell, hosted a dinner for Mr. Allmand on January 14, 2002. In Jerusalem, Mr. Allmand met with Israeli groups based in West Jerusalem and with Palestinian groups in occupied East Jerusalem (Canada does not recognize the annexation of this land by Israel). In Ramallah, he met with the Canadian Representative and with several other Canadian diplomats from the Canadian Mission.

In its travel between Jerusalem and Ramallah, the Rights & Democracy delegation was able to observe the functioning of the checkpoints. Upon arrival to Jerusalem, they took a taxi to the Qalandia checkpoint, then walked across the checkpoint and took another taxi to a meeting in Ramallah. This gave them the opportunity to see what the occupation means in the everyday life of the Palestinians. The return to Jerusalem was done in the same way. The taxi had to take mud roads and cross a refugee camp, but ended up driving successfully to the checkpoint that was crossed on foot. At no point were the Rights & Democracy representatives asked to show identity or travel documents. On the following Monday, the Canadian Representative Office made a car available to commute between Jerusalem and Ramallah, and to move around in Ramallah.

It should be noted that the President made a point of meeting Israeli as well as Palestinian groups. Attempts were made to obtain appointments with mainstream Israeli academics, but those who were contacted were not available during the field visit (which was very short: three days, including a Saturday and a Sunday). During the meetings and field research, suggestions were made to examine the issue of the human rights of the Palestinian non-Jewish minority in Israel proper (i.e., the territories within the Green Line). Time constraints prevented that, but during the dinner with Canadian diplomats posted in Tel Aviv, Ms. Natalie Amor briefed us about this issue.

## II. DEMOCRATIC DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA

### GENERAL CONSIDERATIONS

Due to the diversity of situations among the various countries of the MENA region, it is difficult to draw general conclusions that apply uniformly to all countries, or even to the five countries that were selected for this study. There are, however, common constraints (cultural, political and historical) and essential structuring factors that are similar across the region. These common elements help to interpret and assess the situation in the individual countries selected. However, these remarks outline general trends and should not be taken as an accurate assessment of every country situation.

#### 1. The State in the MENA Region

As a general rule, the State in the MENA region tends to be authoritarian, with governments that consider the independence of civil society to be a threat to their security. Nazih Ayubi writes: “The Arab State is not a natural growth of its own socio-economic history or its own cultural and intellectual tradition. It is a ‘fierce’ State that has frequently to resort to raw coercion in order to preserve itself, but it is not a ‘strong’ State because (a) it lacks – to varying degrees, of course – the ‘infrastructural power’ (Mann, 1986a) that enables states to penetrate society effectively through mechanisms such as taxation for example; and (b) it lacks ideological hegemony (in the Gramscian sense) that would enable it to forge a ‘historic’ social bloc that accepts the legitimacy of the ruling stratum.”<sup>2</sup>

Republics do not differ much from monarchies in this respect, and in some cases (Syria, Iraq, Tunisia) they tend to be more repressive than monarchies since they do not have the legitimacy the latter enjoy among the societies’ tribal sectors. In most countries of the region, authoritarian governments have increasingly used laws to give a legal veneer to their repression of civil society, in addition to direct, at times violent, repression. In three of the Arab countries, Syria, Jordan, and Morocco, there is a new generation of rulers, with the son of the former ruler replacing his father regardless of whether the country is a monarchy or a republic. This renewal has brought some hope for real change. Clear but limited signs of change have been seen in Morocco. In Jordan and Syria, the hope for change has not been abandoned, but the signs of change have been far too timid. In Tunisia, the regime has become increasingly brutal. In Algeria, the unsolved confrontation with the Islamic opposition, and the nebulous interpenetration of the military apparatus and the civilian government, have resulted in an opaque system of government where plain repression, the fight against terrorism, and terrorism itself have been intermixed beyond the possibility of sorting them out, at a great cost to the civilian population. In some cases, such as Egypt, direct and violent repression has been used more sporadically, and replaced by political control and restrictive laws.

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<sup>2</sup> *Over-stating the Arab State: Politics and Society in the Middle East* (London: I.B. Tauris, 1995. Reprinted in 2000. 514 pp.)

Seven of the Arab countries – Egypt, Tunisia, Jordan, Morocco, Yemen, Kuwait, and Lebanon – have experienced elections and multi-party ‘activity’ (rather than a multi-party system).<sup>3</sup>

In these countries, there exists a set of national institutions (parliament, the judiciary, the legal profession, a national press, the party system, and the laws governing associations) that have the potential to form the social infrastructure of a national democratic life. However, in most countries and to varying degrees, these institutions are not functioning as they should. The potential varies greatly, from being rather positive in Lebanon and Morocco to being controlled by narrow groups in power in Egypt and Jordan. In many respects, Lebanon is an exception. The plurality of communities in this country creates a space for political dissent, which is still seriously restricted whenever Syria’s interests are at stake, with more leeway given to activities that do not directly question the political role of Syria in Lebanon.<sup>4</sup> The situation in Palestine is unique due to the occupation, where there are two different patterns of violations: coming from the Israeli military occupation, on the one hand, and from the Palestinian Authority, on the other. The impact of this unresolved conflict on issues of democracy throughout the region is discussed below.

There is a great variety of historical situations among the five countries examined in this report, making it difficult to generalize. However, one can say that there are similarities between Lebanon and Morocco, where there are definite margins of maneuver for working with national institutions. In Egypt and Jordan, the State is becoming increasingly controlling, with a tendency to use the law rather than directly repressive and violent measures, which are used only occasionally and in very specific circumstances (demonstrations or riots, for instance). In Palestine, the military occupation of the lands taken by Israel in 1967, and the support this military occupation has in North America among intellectuals, policy makers, journalists, and even some human rights activists, makes the work there very delicate. There, advocacy stands out as one of the major priorities in support of human rights.

## 2. Civil Society in the MENA Region

Civil society associations are not new among the Arab countries. There have long been vibrant civil societies in this part of the world. Historically, the domains of activity of central governments have usually been restricted to the defense of borders and collection of taxes. Other forms of collective social activity were left to local communities, which developed local social institutions, as well as patterns of social power and social legitimacy, that were not tied to the State. Tribal patterns of institutions and social power were dominant in most of the Arab world, and are still dominant today in the Gulf countries. With post-Second World War independence, social services such as health and education, and later on responsibilities such as industrialization, have been seen as part of the task of central governments – which have tended to exclude existing local institutions from new responsibilities that the State has assumed. Thus, today we are faced with a situation where there is a

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<sup>3</sup> See the chapter titled “Prospects for Democracy: Is the Civil Society Striking Back?” in Ayubi (2000), cited above.

<sup>4</sup> Ghassan Salamé (ed.), *Democracy without Democrats: The Renewal of Politics in the Muslim World*. (I.B. Tauris, 1994.)

‘traditional’ sector in civil society, and a ‘modern’ sector that includes not only NGOs, but also various forms of associations. We should clarify what we mean by these terms.

**‘Traditional’ civil society.** Arab societies are well developed from an institutional point of view. There is a long tradition of charitable work, traditional services, and social associations in the Muslim-Arab culture. Such forms of associations existed long before the modern State came into being in the Arab region. Some of these associations are structured around a mode of living (or dying) that remained traditional and has not changed much with the passage of time (e.g., associations that look after certain folkloric traditions such as the cult of saints or Sufi orders; associations that care for orphans in rural settings or maintain cemeteries; social associations or clubs that are attached to a church or mosque; traditional conflict resolution institutions; and traditional artisans’ guilds). Because of their object of interest, their style of functioning, and their cultural referent, such associations have not, in any significant way, entered either the world of fundable NGOs or the realm of counterparts to the State. While they are definitely part of civil society, this sector cannot play a functional role in monitoring the State, in elaborating alternatives, or in providing services outside of its limited domains of intervention.

Occasionally, the work of such associations may intersect with some task decided upon by the State. The case of the Egyptian garbage collectors’ associations provides an example whereby ‘modern’ criteria (such as transporting the garbage by truck rather than by donkey-drawn carts, or environmental concerns) disrupt the functioning of such associations. Development projects that are specifically addressed to such social milieus have had to take into account the local patterns of social power as much as the local culture in order to be effective. One can certainly find here questions that relate either to democratic development, human rights, or both. Moreover the new ‘modern’ methods of garbage collection have not been at all efficient. The ‘modern’ companies that collect garbage by truck end up selling it to garbage collectors who recycle what they can manually before burning the rest in the open air. Should efforts to modernize garbage collection and waste disposal be successful, the sector of civil society composed of garbage collectors’ associations would no doubt change drastically.

Traditional associations can also be a way of reaching certain social milieus that may otherwise be difficult to reach. For instance, studies have examined the possibility of working with traditional social networks (health, economic activity) to modernize them and help them become partners in development, rather than marginalize them by bypassing them completely. Traditional associations should not be confused with Islamic NGOs, which can be very ‘modern,’ as will be explained below. What distinguishes traditional associations is not their religious orientation (traditional associations can be secular or religious) but the fact that the issues they address are related to modes of living that were prevalent in the past, and that have been largely marginalized (which does not necessarily mean that they are facing extinction).

**‘Modern’ civil society.** In contrast with traditional civil society, we can think of modern civil society as being made up of associations whose activities intersect with those of the modern State. This could be either because they aim at occupying parts of the public space (such as national professional associations, political parties, or national non-governmental institutions such as the national press or the judiciary) or because they interact directly with State policies, and thus have the potential to become a counterpart to the State in the discussion or implementation of these policies. Since the mid-eighties, NGOs – which fit in this category – have been established in various Arab

countries to work on issues such as human rights, women's rights, local economic initiatives, advocacy, and the environment. The majority of such associations are secular in their orientation, and are distinct from the religious associations to which we now turn.

***Religious vs. secular associations.*** Among modern associations, there are some that claim an explicit reference to Islam – not just as a cultural referent, but as an ideological value system that is to be promoted, defended, and proposed to society through the work of the association. These associations play a vibrant advocacy role in promoting Islam as a system of values, and they are probably a lot more efficient in this role than the corresponding human rights organizations that try to promote universal human rights as a competing system of values. What has been referred to as the 'revival of Islam', or 'Islamic fundamentalism', has had implications for the emergence and consolidation of such Islamic-oriented associations. The Islamic associations have become more professional, have established links between them, and have started talking the language of international donor agencies. Different concepts of civil society and democracy have thus emerged, as explained by Sami Zubeida in his article, "Islam, the State and Democracy."<sup>5</sup> These associations have deep links with local communities, they can raise sufficient funds from the new economic elites in their communities as well as from foreign donors (essentially oil-rich states or individuals from these states), and with this funding they are efficient at delivering real services (in health, education, and poverty alleviation). They are legitimate advocacy organizations. The targets of their advocacy are not the government or the ruling elite, but the deprived sectors of the population where they have built a strong social base. Also, they are usually (but not always) associated with a political project and with political forces that may either ignore, or run counter to, some of the fundamental human rights values that are enshrined in international instruments.

***Government-controlled NGOs.*** In several Arab countries, there are large government-controlled NGOs (referred to in the literature as Governmental NGOs, or GONGOs). Technically, they are NGOs, but they are usually controlled by the government. Some are charities or foundations established by the old aristocracies or monarchies. With the international interest in NGOs, several Arab governments have created such NGOs, and have promoted them in international settings. In most cases, GONGOs indeed play the role of service providers, but they rarely if ever play an advocacy role. Funds coming from international donors are channelled to them, away from independent NGOs (especially when the funds are large and political pressures have an impact). In the case of Tunisia, some of these GONGOs have been used to undermine the work of independent NGOs. The GONGOs use the limited places allocated to the country in international forums, thus excluding legitimate NGOs. In addition, the passports of NGO representatives are sometimes confiscated at the airport.

With these clarifications in mind, we can point out some general features that characterize civil society in Arab societies.

- There is a varying level of connection between 'modern' NGOs and established civil society, ranging again from very strong (Lebanon) to very weak (Egypt). While Lebanese and Palestinian NGOs are connected to other civil society institutions (trade unions, traditional

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<sup>5</sup> In *Middle East Report* no. 179, November/December 1992.

leadership in rural areas, old dominant groups in urban areas, political movements), in Egypt they have not established such links. In Morocco, the links with political parties and with trade unions are very politicized.

- The field of human rights activism is quite developed in the Arab countries that are included in this report. In each of these countries, there are several human rights organizations, some of them specializing in specific activities such as research, education, or the defense of political prisoners. Jordan is the country where these associations are probably least developed, their work being more restricted to certain social sectors in big cities. Even governments have started to create offices specializing in human rights, some of them doing serious analytical or educational work (this is partly true in Jordan) while some of them are essentially public relations offices. *The field of democratic development, however, is less developed.* Fewer institutions work specifically on the development of democracy, the monitoring of democratic development, or the elaboration of an appropriate conception of democratic development for the region and strategic thinking about it. Indicators of democratic development that are appropriate to the political, social, and cultural specificities of the region have yet to be developed.
- There exists a pool of well-informed human rights activists who are well aware of intellectual developments in the West, and who are, to varying degrees, already part of the important international networks of human rights activism. In every country we visited, delegations of NGOs have been participating in all major international events concerning human rights, usually with foreign funding. This is particularly true of women's associations, who tend to be well connected to the international women's movement through a relatively restricted number of activists, due to the patterns of funding of these international contacts. Intellectual contributions on human rights as seen from the local culture – with reaffirmation of the universalist orientation (as opposed to a culturally-specific orientation) – has been growing, with a view to grounding a universalist conception of human rights in the local culture. However, human rights activism has remained rather restricted in geographical and social extension, and has not established a solid grassroots base.
- There have been varying levels of international financial support for such efforts, ranging from very strong (Egypt) to rather weak (Jordan and Morocco). Such financial support usually comes from foreign donors rather than from local sources. Egypt and Palestine receive significant amounts of funding. Morocco, Jordan, and Lebanon also get foreign funding, but apparently in smaller amounts. This is explained by the role Egypt plays in the diplomatic process initiated with the Oslo accords. The Palestinians get a lot more foreign funding than diplomatic support.
- There is, among some of the most active NGOs, an attitude of suspicion toward foreign funding agencies, whose agendas sometimes fall within the strategic aims of their governments in a way that may run counter to the interests of the local populations. The strategic significance of Egypt and Palestine in international politics means that funding coming from the US and from some European countries is massive. The decisions to allocate more or less funds, and the sectors and objectives for which these funds are allocated, are a direct response to the political objectives of the governments who allocate them. This explains why certain NGOs, including some of the more interesting ones, do not seek

funding from the US Agency for International Development (USAID), or would refuse to participate in ‘people-to-people’ programs<sup>6</sup> as long as a just solution has not been found to the Israeli-Palestinian conflict.

- This is a complex situation that requires constant monitoring and follow-up. A funding agency cannot establish itself in the Arab region in an amateur way, because many other important funding agencies already have large, elaborate programs supported by personnel residing locally. For any foreign agency that wishes to do serious work in the Arab region, investment in time and resources is needed to develop expertise on the area within the agency.
- The situation in Palestine is distinct. There is a military occupation that is recognized as such, and considered undesirable on paper by most Western democracies. However, the occupation is still ongoing for various reasons, which makes action there quite delicate yet absolutely necessary. Should the recently proposed Saudi Plan for a global resolution of the conflict be accepted, the situation will be back at square one of the Oslo process: peaceful coexistence and mutual recognition on the condition that Israel withdraws from *all* territories occupied in 1967. The issue at stake will then be one of observing to what extent the occupation *really* ends. Once the occupation is over, the focus will be on overcoming obstacles to democracy coming from *within* Palestinian society.

### 3. Regional Activities: Opportunities and Difficulties

A number of activities in support of human rights or democratic development take place at the regional level, involving either NGOs or elected officers of institutions such as bar associations, parliamentarians, or judges.

A number of institutions have an explicitly regional mandate: for example, the Cairo Institute for Human Rights Studies, the Tunis-based Arab Center for Human Rights, and the Cairo-based Arab Program for Human Rights Activists. Likewise, some national institutions have regional programs, such as the Beirut-based Human Rights Institute of the Lebanese Bar Association. There are also a number of regional women’s networks, some of which are formally constituted as regional institutions working on women’s rights, especially on the issue of violence against women. Finally, some are regional associations in name but local in scope in reality. Some associations are linked to the Arab League, but political interference tends to paralyze them completely in the present context.

Regional activities offer interesting opportunities, but they are also fraught with difficulties, as the following description indicates:

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<sup>6</sup> ‘People-to-people’ programs is an expression that refers to programs and projects aimed at breaking the psychological barrier between Israelis and Palestinians, by funding activities of dialogue and cooperation between them in educational, training, or recreational fields. Many Palestinians felt that given that the policy of colonization of the land continued and was even intensified throughout the peace process, these programs in fact aimed at making the occupation acceptable and normal to the Palestinians while Israel established more settlements, more settlers, and more by-pass roads.

- *Regional conferences or forums.* These may reinforce existing local associations, by providing opportunities for an exchange of ideas and strategies that may have been developed by sister associations in another country, and *which are transferable to another local context.* This type of activity is especially useful when the aim is to find common responses to common *cultural* constraints. For instance, the transformation of the Arab family codes or personal status laws meet with similar difficulties across Arab societies, coming much more from the dominant culture in the societies themselves and from non-State actors than from governments. For these types of activities, a regional scope may be useful.
- *Regional training workshops.* These provide excellent opportunities for the transfer of expertise to situations facing similar constraints. The main advantage of such workshops is that they are usually held in locations that provide more space than is available in the original country to undertake similar types of activities. One notable example is regional training sessions conducted in Jordan or in Lebanon in which Syrian nationals can participate. The main issue here is whether the conference program is free from local interference. In some cases, regional conferences are held outside of the MENA region altogether.
- *Conferences aimed at coordinating an action.* Such conferences, which aim at changing the balance of power in favour of civil society associations, are not always effective because they pre-suppose that regional coordination will give relatively more power to each local association, which is generally not the case. When the condition of success is the strength of the grassroots of a given association, regional activities are not useful because they will not deepen the grassroots bases of the association among its potential constituency.
- *Some activities seem to be more symbolic than operational.* Their aim is to position some associations as key partners in the eyes of foreign funding agencies, in order to increase their visibility relative to competing associations. Without resorting to rigid criteria, it is nevertheless possible to make sure that there is a real benefit to participating associations in terms of increasing their real capacities and reinforcing their network (which implies reinforcing all similar associations, not some in opposition to others).

#### 4. The Centrality of the Palestinian Question

The centrality of the Palestinian question to every social and political issue in the Middle East, and to Egypt, Jordan, and Lebanon in particular, has been mentioned by many observers. The absence of a just solution puts the Arab governments, which are more or less forced to align themselves on the solutions proposed by the US and Israel, on the defensive with respect to their own societies and in opposition to them. This factor influences all political processes in the region, particularly the democratic process. When the conflict with Israel is not the real reason behind repressive policies, it is used as a handy excuse by governments to justify such repressive policies. Several observers pointed out two factors: the *de facto* support of most Western countries for the military occupation of Palestinian lands, which has lasted for 35 years now, and the inability of many Western decision-

makers to see or admit that their policies permit the creation of ‘facts on the ground’<sup>7</sup> by Israel and thus reinforce Israeli control over Palestinian lands. These two factors poison the relationships of cooperation between Western democratic forces and their Arab counterparts, even in countries such as Egypt and Jordan.

It should be emphasized, however, that in spite of its influence on the development of *political processes* within Arab societies, the Israeli-Palestinian dispute is not responsible for the majority of hardships, violations of human rights, and casualties resulting from conflicts in the Arab world. As Saad Eddine Ibrahim has shown, the inter- and intra-State political conflicts in the Arab world have caused far more victims than the Israeli-Palestinian conflict.<sup>8</sup> He writes, for instance, that “the Sudanese civil war (on and off since 1956) has claimed at least five times as many lives as all Arab-Israeli wars.” This can be attributed to a lack of democratic conflict-resolution mechanisms or to their severe impairment. But in Lebanon, for instance, while it can be said that the civil war that started in 1975 as the result of an unstable confessional (communitarian) institutional system, which is an internal issue, it cannot be denied that it is the massive presence in Lebanon of Palestinian refugees that exacerbated the internal conflicts and triggered the violent internal confrontations that lasted close to 15 years. Some authors (Ghassan Tuani, Georges Corm) have even analyzed the civil war as an external conflict conducted by proxy on Lebanese territory by specialized militias, and not as a civil war. This is an indication of the interpenetration of the local, regional, and international levels in the present situation in the Middle East.

## 5. The Rise of Political Islam

The rise of political Islam has been seen by many observers, inside and outside the Arab world, as a double-edged sword. It has meant the emergence of large sectors of Arab society in the political field, and their increased participation in voicing their concerns – which can be analyzed as contributing to the development of new forms of political participation. But at the same time, the ideology proposed by these popular forces includes aspects that can be seen as intolerant – if not directly repressive – toward those who do not believe in it, and in that respect the rise of non-state actors that claim political Islam as their ideology threatens some sectors of civil society. Women have been particularly affected by the growth of Islamic groups and ideologies—especially the

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<sup>7</sup> This terminology, introduced by Israeli strategists, became used after 1967 when Israel started making changes in the urban infrastructure of the West Bank and Gaza (building roads, settlements, and cities for the exclusive use of Jewish citizens of Israel) and in the demographic composition of the Occupied Territories (moving its own Jewish population there). The term takes its logic from the fact that the international community never recognized the Israeli control of the West Bank (including East Jerusalem) and Gaza as legitimate, and that Israel never determined what its borders were. Thus, a systematic policy of ‘creating facts on the ground’ was put in place in order to make a withdrawal from the Occupied Territories rather difficult so as to annex part of the Occupied Territories if and when final borders were to be drawn. Israel has already declared large areas of the West Bank annexed after it included them in the municipal boundaries of Jerusalem and it annexed Jerusalem, an annexation not recognized by Canada as legitimate.

<sup>8</sup> Saad Eddine Ibrahim, *Management and Mismanagement of Diversity: The case of ethnic conflict and state-building in the Arab world*. (The Third Nordic Conference on Middle Eastern Studies, Joensuu, Finland, 19–22 June 1995, <<http://www.hf.uib.no/smi/paj/Ibrahim.html>>)

fundamentalist ones—suffering significant reversals of their rights which affected their status and living conditions.

There is an intense debate in the Arab world about the impact of political and social Islam on human rights, and many intellectuals, within the Islamic trend as well as outside of it, are exploring ways of reconciling the Islamic paradigm on rights with the universalistic paradigm.<sup>9</sup> This question cannot be resolved in a few lines and must be kept as a continuing question that should be raised in concrete situations.

We should point out another factor, namely the establishment of international networks claiming Islam as their ideology, who advocate violence as a way to resolve political conflicts. Some of these networks have the explicit aim of overthrowing governments and taking power by military means. This factor is a threat to democratic development in and of itself, but it has also been a perfect excuse for governments to repress and deprive citizens of some of their basic rights.

## 6. Women's Rights

The issue of women's rights in the Arab world has been discussed intensely, and we cannot discuss it adequately in the context of this report. There are few areas where women's rights are granted by the law, mostly as part of family laws (economic aspects), but where women do not enjoy adequate legal protection because they do not know their rights. Education on women's rights is therefore a crucial activity that should include the extension of legal services to women, especially in deprived sectors of both urban and rural areas.

Because cultural and political constraints on women's rights are common to several Arab countries, advocacy is also needed to change the laws themselves – both locally (in individual countries) and regionally. Associations that have tried to coordinate advocacy campaigns with their sister organizations in other Arab countries have been greeted with both moral encouragement and intellectual and financial support from foreign actors. Rights & Democracy has been working for years in partnership with one very active group, Women Living Under Muslim Laws (WLUML), which operates in a much broader international setting than just the Arab region. A number of regional Arab women's networks are also active.

Opposition to women's rights comes from two sources, conservative sectors of society as well as the groups and social forces who adhere to fundamentalist versions of Islam. Governments tend to be sympathetic to some demands from women's rights advocates, but are constrained essentially by their desire not to antagonize the conservative social forces they are courting. More often than not, women and issues around their human rights are used by both the State and the Islamic opposition for the strengthening of their respective political power. Moreover, because they are afraid of national and regional advocacy networks, governments do oppose the establishment and strengthening of *independent* women's associations and networks. At stake are both the

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<sup>9</sup> This debate has been adequately reflected in Kevin Dwyer's *Arab Voices: The Human Rights Debate in the Middle East* (London: Routledge, 1991).

independence of civil society associations from the State and the struggle for women's rights as such. Ironically, one of the most repressive states, Tunisia, has probably the most liberal family code and personal status laws.

## 7. The Effects of September 11

All of the resource persons that were met confirmed that the human rights situation has deteriorated since September 11, 2001. The tragedy has been an excuse for governments to be more repressive, and the general line of several Arab governments was to say: You see, we told you, we must repress radical Islamic political forces. Some governments feel they now have *carte blanche* in the name of combatting terrorism. Torture of political prisoners and incarceration without due process have been two of the most important issues in this regard. Foreign governments are expected to be more 'understanding' and to exert less pressure to encourage compliance with the legal rights of suspected activists.

One observer argued that in the short term, September 11 is having a negative effect on human rights in the Arab world, but that it has also triggered serious questioning both in the West and in Arab and Muslim societies. In the long term, the cleavages will not be between the West and the Arab/Islamic world, but between democratic tendencies (both in the West and in the Arab world) and non-democratic tendencies (again, both in the West and in the Arab world). Therefore, any discussion on the effects of September 11 must be done in the global context, taking into consideration the stakes for democracy in both the West and the Arab/Islamic world.

### METHODOLOGICAL AND CONCEPTUAL ISSUES

Rights & Democracy's conceptual framework on democratic development has been developed over a number of years, drawing on theoretical thinking and consultations, academic literature and that of institutions similar to Rights & Democracy. The practical experience derived from ten years of work in the promotion of democratic development with civil society partners in developing countries has also influenced how it sees the main challenges and avenues for progress.

The result of this effort is encapsulated in a discussion paper entitled, "The Democratic Development Exercise: Terms of Reference and Analytical Framework."<sup>10</sup> At the risk of oversimplifying this theoretical framework, the Consultant has translated it into a set of concrete questions that were used to orient both discussions with the resource persons and group discussions throughout the field visit. The door was also left open to considerations and ideas that did not follow

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<sup>10</sup> Nancy Thede et al., *The Democratic Development Exercise: Terms of Reference and Analytical Framework*. (Montreal: ICHRDD, July 1996. This paper is available in English and French on Rights & Democracy's Web site: <[www.ichrdd.ca](http://www.ichrdd.ca)>.) An evaluation of the work carried out by Rights & Democracy in the last ten years is to be published in June 2002, under the title of *Democratic Development 1990-2000: An Overview*.

from that theoretical framework or that did not fit into it. The questions that were raised revolved around two levels, and about the interaction between them.

The first level is that of state and national institutions, primarily parliament and elections, but also all the institutional structures that allow a parliament to function as it should: a system for monitoring elections, a free press, a functioning judiciary power, a constitution. During discussions, the Consultant also included in this level whatever belonged to the public sphere, including an assessment of the extent to which the rule of law generally applies when citizens deal with the State or with each other.

The second level is that of civil society. In the literature of funding agencies on civil society, the latter is too often reduced to NGOs. While NGOs are understandably a primary focus of the funding agencies' work (and of the work of Rights & Democracy, as well), civil society should not be reduced to them at the conceptual level. Rather, civil society should include all forms of associations beyond the family, covering such entities as trade unions, professional associations, voluntary business associations (e.g., chambers of commerce, recreational associations, and clubs), as well as charities, local social or educational associations revolving around mosques and churches, and religious orders.

There is no consensus in the literature on where to include political parties. On the one hand, they draw their legitimacy and their social base from the realm of civil society, but on the other hand their ultimate aim is to govern by controlling the State, an aim that structures their vision of society and politics as well as their way of functioning. For this reason, they deserve a special place at the 'interface' between State and civil society.

Democratic participation must be analyzed at both levels, as well as at the interface between the two levels. This way of conceptualizing democratic participation led the Consultant to formulate the questions posed to the resource persons, as follows:

1. *What are the key challenges for the development of democracy and human rights in the region?*  
SUB-QUESTIONS: What is the overall situation of human rights and democratic development? What are the trends? Are we seeing a movement toward more democratic participation or are we seeing more obstacles? How does this movement manifest itself? Are there contradictory tendencies, with gains in some sectors of social activity and setbacks in others?
2. *Who are the main local actors involved in the promotion of democracy and human rights? What are the main obstacles they encounter?*  
SUB-QUESTIONS: What are the factors reinforcing democratic development at the national level, and at the local level? What are the factors contributing to less democratic participation? Are there sectors where gains are made and others where there are setbacks? Which actors are realizing interesting progress? What margins for manoeuvrability do actors in civil society have? Which strategies were used in the past and turned out to be more effective?
3. *What type of initiatives could usefully be supported by foreign agencies?*  
SUB-QUESTIONS: What forms of strategic input can foreign agencies provide: Funding? Expertise? Contacts? Training? Under what conditions can foreign funding have a negative

or detrimental impact on civil society? The answer need not be general, but be tied to a specific sector or a specific type of project.

4. *Are regional or thematic initiatives generally more productive than specific national initiatives, or is it the other way around?*

An underlying theme in all these questions is that of the institutional *structures* that constitute the necessary conditions for democratic development. Thus, the investigation looked at parliament, elections, the judiciary, and all other national institutions that make parliamentary life efficient and useful (free press, right of association, political parties system, etc.), but also at civil society institutions (their capacity, their resources, their functioning) and at the interaction between these two levels (civil society and the State).

These questions were approached from a strategic point of view, keeping in mind the necessity to differentiate between the following three types of situations, domains of action, or areas of intervention:

- Areas of intervention by local actors where *there is a space* for democratic development, that is not likely to meet organized opposition either by the government or by other social forces. Here, it is a matter of *occupying a social space that is available*;
- Areas of intervention where *the space is too restricted*, and *the action must consist of enlarging it*, in pushing the boundaries – expecting some opposition, but also expecting some gains;
- Areas of intervention *that would constitute lost battles at this point*; areas where it is not productive to try to enlarge the space at present and with the existing balance of power between the various social and political forces. However, intellectual analytical work must be done even if no action can be taken at the moment, to see in what way the balance of forces can be changed by helping some of the actors reposition themselves.

These strategic considerations were shared with people met by the Consultant, and they were found to constitute a useful framework for discussion. The following country descriptions and analyses are based on these considerations. Each country section describes the general context of democratic development, and then points out the most important features affecting future strategic orientations.

## COUNTRY REPORTS

### 1. Egypt

#### **Historical Context and Main Issues Concerning Democracy**

Egypt has a long tradition of centralized control by a strong, authoritarian, and at times despotic State. For many centuries, the general character of the State has been one of authoritarianism in all national affairs, particularly in the control of irrigation water and of autonomy in civil, religious, and economic life for local communities. During the Ottoman presence (XVIth century until the First

World War), this autonomy was great. While minorities flourished in their civil, cultural, religious, and economic lives, they were restricted in their political participation. There have since been important periods of political liberalism, particularly between the two world wars, which have left a deep impact on the political tradition of the country. Relations with the West have tended to be conflictual at the political level and intense at the cultural level, with the understanding that debates on the cultural influence of the West have been heavily determined by international political conflicts and by the Western military and political presence in the Arab region.

Egypt was one of the first countries to obtain its political independence in the post-colonial era that followed the Second World War. A military junta took over control of the State from the royal family, with a bloodless coup that quickly earned the support of a large majority of the population. This junta championed the cause of Arab nationalism, and developed a vision of development that was State-centred, with strong overtones of social justice, including partial (some would say merely symbolic) measures of redistribution of wealth. This form of 'Arab socialism,' while promoting many important social, economic, and cultural rights, severely curtailed the expression of internal dissent and political freedom in the name of the national rights that it was engaged in defending. The fight against Israel (which had just recently taken over important parts of the Palestinian territories that were previously under the British Mandate), the struggle for development and for economic and political independence, and the role of service provider that the State played to a significant extent, all became handy excuses to extend State control over almost every aspect of social life, and to prevent political dissent. The unique party system was instated and parliament became the People's Assembly. This pattern of State authoritarianism is not unique to Egypt. A similar pattern has been found in Syria, Iraq, and to some extent Algeria (until 1990).

With the death of Nasser in 1970, and the arrival of Sadat to power, the State took a turn away from State control of the economy. While the economy was indeed liberalized to some degree, political life was not. Some freedoms were allowed, and the press could afford to be a little more critical, but *organized* political activity was still heavily repressed.

With the death of Sadat, who was assassinated in 1981 during a military parade, and the arrival of Mubarak to power, the trend toward adopting the *signs* of political liberalization was accentuated but fell short of producing genuine pluralistic, parliamentary political life. Individual freedom was expanded compared to the era of Nasser and Sadat, but there were too many 'red lines' that were not to be crossed. Elections were held, but they were rigged and produced the results deemed desirable by the government. Civil society associations did flourish with the help of foreign funding, but they were under constant threat of being closed down, and their activities were limited.

This is the general context in which we can examine the particular points below.

### **Civil Society Organizations**

The mid-eighties witnessed in Egypt the first significant NGOs as understood in the current literature. Previously, associations were better described by the term *private voluntary associations (PVAs)*, and were either charities with limited geographical or social scope, or social and recreational clubs that had no social project or social views to carry beyond their usually restricted membership.

The first sector where associations began to change was the women's movement, followed by the human rights movement. The Hammamat Declaration that resulted from a meeting of Arab intellectuals in the early eighties led to the creation of the Arab Organization for Human Rights, which has a pan-Arab mandate. In Egypt, one of the first human rights associations to come to prominence was the Egyptian Organization of Human Rights (which received Rights & Democracy's John Humphrey Freedom Award in 1994). Since then, there have been over half a dozen human rights associations, specializing in one or more of the following fields: monitoring, advocacy, education, research, and judicial support. A few more have combined their concerns for human rights with the specific defense of certain groups, resulting in associations for the defense of women's rights, or of prisoners' rights, for instance. Others have looked at human rights applied to economic or technical issues such as the environment or agricultural land rights.

We should keep in mind that the term 'civil society' includes a lot more than NGOs. It includes all forms of social organizations that are not directly linked to the State.

One can distinguish three categories of 'modern' civil society associations from the point of view of their legal standing:

- NGOs, registered under Law 32, or its successor;
- Non-profit civil companies;
- Community Development Associations (CDAs).

Law 32 was passed in 1964, and is one of the rare laws still in effect from the era of Arab socialism under Nasser. It allows the government to severely control civil society associations, to seize their assets, and to exercise various forms of control of their boards and activities. A vast enterprise of consultation was initiated in 1997 to get the input of civil society associations on a new law governing associations. After nearly two years of consultations and much hope raised, the draft that resulted from these consultations was set aside; the Minister of Social Affairs, Mervat Tellawi, resigned; and a new, much more repressive law was passed. The passing of the new law created conflicts among civil society associations, who were polarized between those wanting to boycott the law, with the many risks attached to it, and those in favour of compliance, which would formalize their acceptance to be controlled by the government in exchange for continuing to exist. The law was challenged and struck down at the Supreme Constitutional Court, leaving a legal gap that has had a paralyzing effect on many associations because of the paralysis it imposes on foreign funding agencies. In spite of these drawbacks, NGOs continue to exist and function with these limits (with frequent 'friendly' calls from officers of the security apparatus, who offer to put them on the mailing list for communiqués, flyers, programs of impending activities, and publications – an offer that cannot be refused), and with occasional last minute cancellations of activities by order of the security apparatus. Sometimes, this occurs due to the cancellation of the room reservation by the hotel where the meeting was to be held. These obstacles concern both associations that are registered under the old or the new law, and non-profit civil companies (explained below).

In spite of these hurdles, associations continue to function and provide services. Those whose main function is to provide services encounter fewer obstacles than those who do advocacy or public education on issues that are deemed 'sensitive' (such as education on the electoral system). The ones doing advocacy tend to register under a second category, that of 'non-profit civil companies.'

Non-profit civil companies have been formed as a response to Law 32. They are freed from the government control provided for by Law 32, but there is an institutional price to pay. Their Boards are not real boards, but merely consultative committees. The motivation for people to become members of the board is to show some form of public support for the objectives of the association, and to add whatever credibility their names can bring. But they have no real decision-making power. As a result, the institutionalization that takes place within these associations is flawed. There is no general assembly, no voting, no checks and balances on the leadership. They are private enterprises that adopt desirable social aims. This affects working conditions, salaries, and the power structure within these associations, which tend to become overly personalized and at times despotic. On the other hand, these are the only associations that have the flexibility needed to do real advocacy work, and some of them have become highly efficient and professional, doing extremely good and useful work in the promotion of human rights – which is why foreign funders have continued to fund them without raising too many questions. Unfortunately, there have been cases where lack of accountability has led to abuses. This reputation has damaged some of the serious associations that have adopted this legal form as a way of freeing themselves from government control. And sometimes, unless one has access to the details of the daily work of the association, it is difficult to assess whether the reputation is deserved or not. It should also be pointed out that some of the individuals involved in non-profit civil companies have paid a heavy personal price (in terms of harassment by the security apparatus, lost work opportunities, or even imprisonment) for their militant support of human rights, and have accepted this price with courage.

Community Development Associations (CDAs) have an entirely different dynamic. Formed in the sixties as a way of enhancing popular participation in the local village structures, they are seen as extensions of the Ministry of Social Affairs (MOSA). There is no room here for advocacy, only for the delivery of services, with the priorities and methods determined by MOSA. Whatever room to manoeuvre they have, is granted by MOSA. They can, however, become involved in educational activities. Because of the legitimacy and the manoeuvrability they have as a result of their association with governmental structures, they can sometimes be efficient in reaching various marginalized social groups. CDAs have been the preferred civil society partners of institutions such as USAID. But recently, advocacy-oriented groups, such as the follow-up committee on the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), have found that a four-way partnership between themselves, the CDAs, the locally-elected official, and the local press permit useful mutual reinforcement: the advocacy-oriented NGOs bring expertise, experience and vision; the CDAs bring wider popular participation; the local official brings official support and resources; and the local press becomes a way of reaching beyond the usual constituencies. This is an example of social space for democratic participation that can be occupied with minimal conflict with government officials.

All three types of associations (NGOs, non-profit civil companies, and CDAs) are expressions of civil society, each with a specific set of constraints and potential. In a specific setting, one or the other of these types of associations could be more efficient as a vehicle for democratic participation. An interesting approach would be to establish modes of cooperation between the three types, as has already happened among women's associations.

***The traditional sector in civil society.*** The associations that fit in this category are usually referred to as private voluntary organizations, or PVOs, as well as traditional religious associations such as Sufi orders or Quranic educational schools. These PVOs, which constitute the bulk of civil society

associations, sometimes perform very useful and efficient work (for instance, looking after orphanages and funeral services). However, their areas of intervention do not intersect with those of the State. As a result, they do not have conflictual relations with the State and are not significant players in national debates about social development and social change, a role that is played by modern civil society associations.

***Islamic service and advocacy organizations.*** In the last 25 years, there has been a surge in the number of associations that deliver services and that fit in the ‘modern’ sector of civil society, but that also define themselves as Islamic. While for some time this has been a way of situating their cultural identity, others have been formed as an extension of Islamic fundamentalism in Egypt and elsewhere in the Arab or Muslim worlds. Such associations have been playing an important advocacy role in support of a ‘re-Islamization’ of society, as well as extending services to deprived social groups. There has been a debate in the literature as to whether these associations are promoting democratic participation or promoting an ideology that gets in the way of democratic development. On the one hand, they promote participation and do provide services (particularly medical services) in poor neighbourhoods. But on the other hand, they also promote, through these services, a vision of society that is seen by some as preventing the full participation of all citizens (particularly women) in public life. They also promote the vision that the State must be run by Sharia law, with all other legal systems being presented as contrary to Islam. One should note, however, that there is a plurality of trends within this group, and that it is subsequently difficult to generalize. Some are indeed quite liberal in their approaches, but they are a minority.

***GONGOs.*** In Egypt, there are large government-controlled NGOs (GONGOs) that technically qualify as NGOs. Examples are the Egyptian Red Crescent, and some of the large educational projects chaired by ministers, their spouses, notables very close to the government, or by Mrs. Suzanne Mubarak herself. Such NGOs usually get large amounts of foreign funding and public media exposure, and some even play an educational or advocacy role, particularly on the role of women. But, as discussed earlier, by the same token they usurp resources that would otherwise have been made available to independent NGOs, since the funding coming from large international agencies for NGOs (UN Social Fund, World Bank funds) is channelled to these associations. The personality and political weight of their Chairs makes accountability almost impossible in the local context. Women’s issues have been particularly used to create GONGOs that are not proposing real changes in the situation of women’s rights.

### **Other Sectors of Civil Society**

***The press.*** There has been a qualified opening up of the Press since Mubarak came to power some 20 years ago. But while it is possible to be critical of the government in the press, this liberty has been curtailed in two ways.

On the one hand, there are many ‘red lines’ that should not be crossed, but nowhere are they made explicit. Everybody knows that there should be no direct criticism of the President or of his family members, and personal attacks against ministers are also severely punished, especially if they are accompanied by charges of corruption. However, it is possible, in the opposition press, to routinely find severe criticism of the government’s foreign and internal policy, as well as accusations that the

government is not conforming to Islamic principles and calls to conform to the fundamentalist understanding of such principles.

While the voices that are able to express themselves in the opposition press are much more controlled in the government press, where nominations are made on the basis of loyalty to the government line, even the government press includes opinion pieces and columns (but not editorials) that are critical of the governmental line. The electronic media are more severely controlled, and there, no discordant voice can be heard. This is a very important restriction on free speech.

***Trade unions and professional associations.*** While the trade unions are clearly controlled by people who are very close to the government, professional associations tend to be controlled by the Islamic opposition. This is particularly true of the Lawyers' Union and the Medical Doctors' Union. In the Lawyers' Union, a struggle for the leadership resulted in a political alliance between the Nasserite party and the Islamic opposition. The Islamic opposition has the majority of seats in the executive committee, while the president is closer to the Nasserite Party and is said to make serious concessions to the government, without whose support he would not have been elected. In most professional associations, political considerations (in the sense of partisan politics) are the overriding factor determining positions and actions. The exact configuration of political forces within trade unions and professional associations is crucial in determining strategic options for human rights work. In the present context, working through professional associations to promote human rights education should be weighed on a case-by-case basis against working through associations that have a clear human rights agenda. One advantage of professional associations is that they do have mechanisms of accountability, unlike most NGOs. Yet the main difficulty remains how to reconcile the goal of promoting democratic development with the fact that the professional associations are controlled by the Islamic opposition and that, as a result, they may not share the same definition of democracy.

Trade unions are in a different situation. While time constraints prevented us from examining this option in Egypt, comparisons with other situations in the region suggest that it is possible to conduct educational activities in support of organizational democracy, provided they are done by associations that work *with* the unions, but not *from within* a union.

### **Strategic Issues at the Level of Civil Society**

There are a number of issues that are of strategic importance to civil society's capacity to play a role in support of democratic development. We have outlined below the points that came up during our consultations with the various associations and resource persons in Egypt.

***The struggle around the legal framework.*** As discussed earlier in this section, under 'civil society organizations,' the struggle between civil society associations and the State to rewrite Law 32 (which dates from 1964) is ongoing. The outcome of the debate on this law will be very important to the future of advocacy organizations. The existing Law 32 forces many associations to register as non-profit civil companies, which gives them some leeway for functioning, but which also allows them to avoid the internal democratic structures for decision-making and accountability. While they can carry out activities, produce reports, and organize conferences, they do not build democratic

institutions with a leadership that is accountable. In fact, there is no formal membership in these organizations.

***Capacity of human rights organizations – the administrative vs. strategic dimensions.*** Many human rights organizations have developed good administrative capacities, and are able not only to successfully carry out complex activities, but also to maintain their books properly. But for many of the less experienced organizations, administrative capacities are rather limited. This does not prevent them from carrying out activities successfully, but it implies that such activities do not have as much impact as they could have.

It is our assessment that the main problems, however, are not of an administrative nature but are rather strategic: the difficulty of building a social base. This is probably the most important strategic issue for human rights NGOs, who are generally restricted to a small circle of intellectuals, and who have not managed, in spite of their efforts and their will, to establish popular, grassroots bases. Here, interaction with associations having a large membership is in order (trade unions, professional unions, teachers' clubs). The follow-up committee on CEDAW, with the help of UNICEF, has opened interesting avenues along these lines by starting to network with local structures and CDAs in the region outside the capital. Other human rights NGOs are conducting educational campaigns, and have reached individuals beyond a small circle of educated intellectuals in Cairo. However, the quantitative impact of such efforts has been quite limited. Unless the human rights NGOs succeed in crossing this barrier, they remain extremely vulnerable to governmental pressure and can easily be discredited by accusations of bringing in 'imported values.'

***Foreign funding.*** Foreign funding has been a mixed blessing. On the one hand it has permitted the initial 'taking off' of some human rights NGOs, especially think-tanks such as the Cairo Institute for Human Rights Studies. At the same time, exclusive reliance on foreign funding has meant that NGOs are getting their legitimacy from outside their social milieu, and efforts to appeal to local populations have been less sustained than they should have been. Some critics, such as Dr. Ahmed Abdalla, an intellectual and human rights activist who enjoys a solid reputation for moral integrity, goes as far as saying that foreign funding has done more harm than good and that it had a corrupting effect on NGOs. After discussing this issue openly with many resource persons in Egypt, we have concluded that foreign funding is still needed and is absolutely crucial, but that it is imperative that funders and NGOs together assess the potential negative impact of the current situation.

***Lack of accountability as a result of constraints on freedom of association.*** There is a lack of transparency and accountability mechanisms in the non-profit civil companies which sometimes leads to allegations of abuse and misuse of funds. Although this is far from being unique to Egypt, this issue has been raised as crucial, especially as the government often uses these rumours (if it does not create them) to discredit human rights organizations. At times, there has been what looked almost like a smear campaign against such organizations. Having said that, the question remains: How does one circumvent the current situation whereby, because of the legal hurdles of registering an association, groups who want to be active create civil non-profit companies that lack the required institutional structures for accountability?

## **Institutions Revolving Around the State**

**Parliament.** Egypt has a bicameral system. Elections for the 444 seats of Parliament were held in the year 2000 under formal supervision by the judiciary, after a Supreme Constitutional Court ruling declared the previous elections unconstitutional due to lack of such supervision. The result is that the 2000 elections were much better than the 1995 elections. However, the responsibilities of the judges overseeing the polling stations were restricted to what happened *inside* the polling stations, not outside. There have been credible reports to the effect that in many areas, large numbers of people were prevented from accessing the polls. Moreover, a large (but unknown) proportion of eligible people are not even registered to vote, and many of those who are do not show up at election time. This explains why over 400 of the 444 seats are occupied by the ruling party, or by ‘independents’ who are in effect voting with the ruling party on every issue, with only 4 per cent of the seats left to the opposition. In spite of that, the new procedure for electoral supervision may encourage people to register as voters and to vote. Challenges to democracy in this field come from a complicated system of voting registration (which is under examination now, as part of a project conducted with the help of the United Nations Development Programme [UNDP]), from a practice of rigging the elections, and most of all from a sophisticated system of clientelism that manages to ensure support for the ruling party. Debates in Parliament are sometimes broadcast live, and are quite lively and sometimes unruly.<sup>11</sup>

**The judiciary.** While the *civil* courts have a tradition of independence from political interference, the government may have individuals tried by *military* courts. This is allowed under the Emergency Measures that were voted in 1981 after the assassination of Sadat and are still in effect. These military courts do not offer the same guarantees and recourses to the accused and are far less independent than the civil courts.

The Supreme Constitutional Court plays a crucial role. It has struck down several laws, the better-known cases being the electoral law in force in 1995 and the new law of associations that was presented in the year 2000 to replace Law 32 of 1964.

**The party system.** Egypt allows for a multi-party system; the parties must apply for and obtain a permit before being allowed to exist legally. One political association, the Islamic Brothers Association, is prevented from officially constituting itself into a party with this name, but it runs candidates under the banner of other parties. It also owns an opposition paper, *Al Shaab* (The People), whose editors and journalists have been imprisoned a few times.

**The national press.** The three major daily newspapers are controlled by the government, and their editors-in-chief are appointed by the government. Opposition parties receive government subsidies to publish newspapers, which are printed in government print shops. The distribution is also government-controlled. While some liberties exist in the printed press, radio and television are severely controlled, and journalists are not allowed to form independent unions.

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<sup>11</sup> For a critical view of elections and parliamentary democracy in the Arab world as a whole, please see “Behind the Ballot Box: Authoritarian Elections and Oppositional Strategies in the Middle East,” *Middle East Report* no. 209, Winter 1998.

***The rule of law and the legal system.*** Many of the resource persons met agreed that the rule of law is generally not respected in Egypt. In everyday life, conflicts are essentially settled on the basis of traditional values and power relations rather than the law (if respect for traffic regulations is any indicator, it tells a lot about this issue). This culture is reflected in the legal system itself. With regard to the legal process, it was pointed out to us that some elementary guarantees are not found in the law, and when found, they are not taken into account in the courts. For instance, judges often ignore a motion presented by a lawyer; people are sometimes sent to the wrong courts, including to the State Security Court for a misdemeanour; and if the State wants to guarantee the outcome of a trial, it refers the case to the military courts.

### **Strategic Issues at the Level of the State and National Institutions**

***Governance.*** According to several representatives of foreign funding agencies, work on governance with the Egyptian government is very frustrating. The government rarely says no overtly, but projects are continuously blocked, especially in the following areas: legal reform, training of judges, streamlining bureaucracy, and training of police officers in human rights.

In some of these sensitive areas, there is theoretically an opening to work under the auspices of the UNDP, but this remains to be seen. UNDP might not want to confront the government on issues such as taxation and customs. With regard to taxation, in particular, it seems that the economic and political elites are paying very little or no tax, and this is extremely difficult to change. One of the representatives of a foreign agency said that among the 20 or so countries with which they work on these issues, Egypt is by far the most difficult.

***The independence of civil society organizations from direct government control.*** The independence of civil society organizations is a strategic issue that must be addressed. The government permits certain activities by NGOs and by independent associations, but in a way that deprives them of any real effect. One observer felt that the level of state intervention was such that it could be said that a Nasserite style of government was being reinstated. By controlling the large amount of funds coming from the Social Fund, the government is forcing the biggest service NGOs to work with it; it is controlling them through funding. This deprives them of their role as independent civil society organizations that are capable of formulating alternative policies and engaging in advocacy for such policies.

***The impact of international and regional conflicts.*** The importance of the Israeli-Palestinian conflict to the political landscape of Egypt should not be underestimated. Internally, the political opposition uses Egypt's position toward Israel, described as being too compliant with American demands, to mobilize support against the government – sometimes in a demagogic way. This leads the government to muzzle the expression of political antagonism against Israel. Externally, the specific role Egypt plays in the peace process explains in large part the amount of financial help it gets from Western countries, particularly from the US, as well as the simultaneous timidity of these foreign governments in criticizing human rights abuses in Egypt.

Other regional considerations also directly affect human rights. In recent months, for instance, the Egyptian government decided to close the offices of Sudanese human rights associations, apparently as a result of its desire to improve relations with the Sudanese government.

## The Impact of the Rise of Political and Social Islam

As indicated above, the rise of political and social Islam is not specific to Egypt. Through the multiplication of Islamic voluntary associations, more and more citizens have been able to benefit from better social services and to participate in decision-making at the local level. Many Egyptians find themselves identifying with social Islam, and tend to support candidates close to the Islamic Brothers Association, which is prevented from becoming a party under this name. Simultaneously, the extremist fringes of political Islam have been threatening the Coptic minority in Upper Egypt (with occasional violent clashes occurring) and mounting campaigns against dissident intellectuals, resulting in the banning of books and aborted attempts at condemning certain writers for ‘apostasy.’<sup>12</sup> On the other hand, the government has reacted by incarcerating suspected activists without due process, even resorting to torture to extract confessions from them. Since 1993, the intellectual opposition to conservative and fundamentalist Islam has been more visible and more assertive, and has been able to do so without feeling threatened.

## The Question of Minorities

There are two important minorities in Egypt, in addition to specific marginalized groups (for more information on ethnic groups in the MENA region, refer to Appendix II). The situation of the Coptic (Christian) minority has often been raised in international settings, and was discussed by the Rights & Democracy delegation during a meeting with key observers who are close to the Coptic Church.

One idea that came out strongly is that most Copts do not want to be seen as an *ethnic* minority, which may seek political independence or political autonomy, and which can be manipulated as a function of regional or international political events. They see themselves as part and parcel of the Egyptian fabric, and would like their rights to be addressed as rights of citizenship, with criteria inspired from the international human rights instruments.

The main violator of their human rights is not the government, but some of the extremist political Islamic groups. The government, however, does not always protect the Copts as it should, and it does not always prosecute the aggressors when acts of violence occur. Copts are allowed to worship freely, but they are not allowed to proselytize, and there has been a history of restrictions on their rights to build or even to repair churches – an operation that requires a rarely given Presidential authorization. In the last two years, however, the relationship between the Church and the Coptic citizens, on the one hand, and the government, on the other, has generally been good.

The observers consulted by the delegation distinguished between institutional issues and the daily life of Copts. At the institutional level, the relationship with the government has not been that good,

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<sup>12</sup> Apostasy is not a crime under Egyptian law. However, non-Muslim men do not have the right to marry Muslim women, and Muslim men and women do not have the right to marry declared atheists. The strategy of conservative forces has been to file a court case to get dissident writers forcefully divorced from their spouses under the excuse that their writings proves that they are apostates. The conviction of Professor Nasr Hamed Abu Zeid under this charge has led to his exile in the company of his wife, but a similar court case against Nawal Al Saadawi was dismissed by the Court. The Women’s Rights Programme at Rights & Democracy was part of a solidarity network stemming from Tunisia in support of the defence of Al Saadawi.

with two contentious issues outstanding: the question of the Christian Endowments (*awqaf*), which had been confiscated in the early period of Nasserism and which are now run by the Islamic *Awqaf*, and the question of building-permits for churches. At the level of daily life, there has been a problem since the late President Sadat aligned himself with the Islamicists, and defined himself as a ‘Muslim leader of a Muslim country.’ Copts felt excluded, and were treated by the growing Islamic forces as *zimmis* (protected minorities) rather than as equal citizens. This was not accompanied by major problems in the private sector, but it affected life in the schools as well as the availability of high government positions for Copts. President Mubarak tried to reverse this trend, by not looking at Copts as *zimmis* but as citizens. However, the legacy of the Sadat era means that many people still look at Copts as *zimmis*.

The delegation asked in what way foreign institutions could help. It received an answer to the effect that what Copts need is to deepen their relationship with Muslims. The discussion groups which were established to foster dialogue and communication did not focus on theological issues but on social issues, where convergences are more easily found.

Besides the Coptic religious minority, there is one linguistic and cultural minority, that of the Nubians. Other social groups, such as the Sinai Bedouins, could also be considered minorities. The dominant ideology, though, is that all citizens are equal. There is a near-consensus, even among the individuals belonging to these minorities, that it is better to address the issue of their rights in the context of the paradigm of the national fabric and not as members of ethnic minorities.

### **Women’s Rights in the Egyptian Context**

The comments made about women’s rights in the general section on the MENA region also apply to Egypt. In addition to the individual women’s organizations that are active, there are two large coalitions that work on the issue of women’s rights: the follow-up committee on the recommendations of the Beijing Conference, and the follow-up committee on CEDAW. A third coalition, which is more restricted, is the Forum of Egyptian Women, which was funded by CIDA in the past. Most of these groups are working in the following areas: economic rights of women, health, social rights, legal reform, participation of women in local decision-making structures, and violence against women. Regarding this last issue, the resource persons we met claim discussing violence against women is no longer taboo, even in rural settings.

### **Conclusions**

In Egypt there is an appearance of political liberalization, but the reality is one of serious government control over the political processes in the country. Work with the government on parliamentary or electoral reform is therefore not conducive to effective results.

On the other hand, there is an urgent need to support and strengthen civil society associations, especially advocacy organizations, in their capacity to connect with the grassroots and to develop partnerships outside their immediate circles of action. Women’s associations have been innovative in that field, especially the large coalitions formed to follow-up on the recommendations of the Beijing Conference and to apply CEDAW.

Three specific areas stand out as priorities: (1) support for initiatives that seek to reform the provisions of Law 32, which run counter to freedom of association and have a negative impact on the accountability and democratic mechanisms of civil society associations; (2) legal education and legal aid for women, and (3) educational work on the creation of a democratic culture and on the rule of law.

## 2. Lebanon

### Historical Context and Main Issues Concerning Democracy

From many points of view, Lebanon is unique in the Middle East. Its ethnic/religious composition, its political history, the variety and richness of the cultural currents it hosts, and finally its strategic position in the Middle East all differ markedly from the surrounding societies. Yet it is still part of the region's dynamics, and subjected to similar if not stronger regional political constraints – except with a unique trajectory. This situation gives rise to contradictory trends in the social evolution of the country. While we will try to sort them out, we will focus on the most relevant ones from the point of view of democracy and human rights.

One of the characteristics of Lebanon is that its confessional plurality is enshrined in the unwritten National Pact of 1943, which organizes the distribution of political power among confessional communities. The notion of the 'confessional structure' of Lebanon must be clarified. There are two major religious groups in Lebanon: the Christians and the Muslims. Each is divided into one of 17 confessional groups (*tawa-if* in Arabic; singular: *ta-ifa*) such as the Maronites, the Greek Orthodox, the Melkites, the Sunnis, the Druze, the Chi'a, and others. Most social services, such as education, social activities for youth, and health, used to be managed by these confessional groups for their members. While the ownership and administration was controlled by the confessional group, the services themselves tended to be more open, and could be offered to individuals from other groups. Political power was distributed among the groups, the President being necessarily a Maronite, the Speaker of Parliament a Shi'a, the Prime Minister a Sunni, etc. Even the top administrative jobs within a Ministry had to reflect the confessional structure of the country. Until the early seventies, Christians formed the majority of the population. But since then, it is almost certain that the Muslims have become the majority, although no census has confirmed that trend.

This system has had its positive and negative consequences. On the one hand, it has assured political plurality, preventing any one government from controlling every aspect of the political process. It has also favoured the emergence of a strong civil society, with a culture of autonomy from the State. It has thus provided space for cultural *and political* diversity. But at the same time, this system has meant that communities have been cut off from one another in certain respects; public space has, in reality, been a space of negotiation between communities. Individuals have sometimes felt they were prisoners of their communities: if they did not get the support of their local community leader, their rights were not upheld. While the plurality of confessional groups has ensured a certain diversity, within confessional groups freedom has been rather restricted (with some communities being more

liberal than others). And finally, many observers attribute the civil war<sup>13</sup> that started in 1975 to the weakness of this confessional system, while pointing out that, left to itself, the system could have survived. It is generally claimed that regional factors such as the presence of Palestinian refugees, and the unresolved Israeli-Palestinian conflict with all its political consequences, caused the system to break down. Again on the positive side, it is the confessional system that allowed individuals to survive these 15 years of war.

In 1992, an agreement was brokered in Taïf (in Saudi Arabia) under the patronage of the Saudis and Syria. The Taïf agreement put an end to the war, but reinforced the Syrian presence in Lebanon, as well as the confessional system. These two factors, the confessional system and the Taïf agreement, are important structural factors that shape the present political system in Lebanon.

Two regional factors are also crucial: the Israeli-Palestinian conflict, and the Syrian role in Lebanon. The Israeli occupation of Palestinian lands in 1948 caused many Palestinians expelled from their homes to find refuge in Lebanon. They organized themselves and became a military and political force in Lebanon until 1982, when the Palestine Liberation Organization (PLO) was expelled from Lebanon after the Israeli invasion. The PLO left, but not the Palestinian refugees, the majority of whom are still living in refugee camps. The Israeli army did not withdraw from South Lebanon until the year 2000, with consequences for human rights and democratic development both during the occupation of the South and after the withdrawal. The Israeli threat to Lebanon is also the rationale and the excuse for the political role of Syria in Lebanon. This political role takes the form of a Syrian military presence (considered by many Lebanese as a military occupation) and heavy Syrian control of the political processes, ranging from control of the electoral process and the nomination of the President, the Prime Minister, and the Ministers, to interference with the freedom of journalists who question this presence and with the rights of individuals who protest against it. At the same time, the heavy control imposed by the Syrian State has ensured a certain level of political stability, which prevented the internal Lebanese conflict from deteriorating into violent confrontations. Many voices say that the system is now stable enough to continue without Syrian interference, or at least with a greatly restricted level of interference.

### **Civil Society Organizations**

Lebanon is the Arab country in which civil society is probably the strongest. The confessional communities have created institutions that are independent of the State, and that manage social services as well as the tasks associated with political representation in the national parliament. For instance, only one of Lebanon's eight major universities is governmental. The seven best universities in the country are private, owned by confessional communities, but open to students from all communities as well as students from the entire Arab region. The universities, totalling 36 throughout the country, are probably the strongest and the most institutionalized sector of civil society.

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<sup>13</sup> Many observers of the Lebanese political scene considered the war not as a civil war, but as one by proxy where local militias who were controlled by foreign forces held the civilian population hostage.

But increasingly, with the emergence of new domains of social activity in the areas of rights, the environment, and globalization, there have been NGOs whose social base transcends confessional boundaries. Municipal elections have given rise to local associations of citizens, youth in particular, that again transcend confessional boundaries. One Lebanese sociologist pointed to the necessity of studying these emerging forms of activism that are novel in their aims, in their methods of action, and more importantly in their social identity.

The law governing associations in Lebanon is fairly positive: inspired by the French law of 1909, it only requires a newly-formed association to officially inform the governmental authorities of its existence to become a legally-formed association. But this is where political interference plays: the clerks are instructed *not* to give a receipt when a notification of a new association is deposited, which means that the law hangs like the sword of Damocles over the association's head. The association can be declared illegal at any time. This is a clear restriction of the freedom of association. There are currently court cases challenging this procedure, to force the relevant ministry to deliver a receipt when notification is deposited.

The confessional system has produced a culture of independence from the State that manifests itself in many fields of activity, in spite of heavy Syrian control over the political processes. Professional associations have some degree of independence, especially the Bar Association, which is probably one of the most important actors in the advancement of rights. But the trade unions are still controlled by narrowly defined partisan politics, and they inevitably end up filled with Syrian priorities.

As for the press, while it enjoys probably more leeway than any other Arab press, it too has its 'red lines,' which are essentially defined by whatever touches directly on Syrian interests. In an incident that occurred in the months preceding the field visit, the Prime Minister had even publicly slapped a journalist on the face for a critical article he had published, and got away with it in spite of strong protests from within the journalistic profession.

### **Institutions Revolving Around the State**

Syrian control over the Lebanese parliament makes it very difficult to work on reforms within parliament. The electoral process is completely controlled by Syria, and as long as the Israeli-Palestinian issue remains unresolved, Syria will stay in Lebanon. As explained above, the confessional system, which has been consecrated by the Taïf agreement, permits Syria to play that role and prevents any serious reform of parliamentary elections.

Although Lebanon had a parliamentary system that used to be more democratic than most of its neighbours', it has suffered setbacks since Taïf in the opinion of many local observers.

As for municipal elections, however, it is not the Syrian presence that is the most important factor, but confessional politics. But the system is open to reforms, and recent experiences in municipal democracy have allowed a process of consultation to transcend confessional boundaries. Civil society organizations were set up in preparation for the most recent municipal elections. Consultation processes bring together local populations belonging to different confessional groups, youth associations, environmental groups, women's groups, and local elected representatives to

discuss policy orientations in the municipality. This type of experience has been a breakthrough in Lebanese political life, and it is an area where further strategic gains for democratic participation could be made.

Another promising area is the legal system, where there is sufficient space for *structural* reforms in a direction that is more respectful of human rights. The Bar Association itself, as well as NGOs formed by lawyers, are the most promising factors in this respect. The Lebanese system implies that international human rights instruments that have been ratified by Lebanon can be invoked in courts, but until recently few lawyers had the necessary training to use this tool. The Bar Association formed an Institute of Human Rights that has trained hundreds of lawyers on this issue. These lawyers are increasingly challenging government decisions that constitute violations of basic rights, as they did recently when students protesting the Syrian presence were arrested *within* the boundaries of a university and incarcerated. The NGOs formed by lawyers and the Human Rights Institute of the Bar Association have positioned themselves as important players in the field of advocacy and training on international human rights norms and instruments. They are also playing a regional role beyond Lebanon in the networks of activists—mostly lawyers—engaged specifically in reforming the legal systems in various Arab countries, and in particular the laws governing associations.

### **Strategic Issues**

The most important and difficult issue is the confessional system. In the present situation, it is a guarantee of plurality and it puts a limit to the arbitrariness of political power. Rather than dismantling it directly, many activists who do not like this confessional system feel that the way around it is to build alternative ways of mobilizing social forces, in a way that transcends confessional identity. This is indeed happening in areas that are not already controlled by traditional confessional groups or by political parties, such as the field of women's rights, the environment, and globalization.

Within the universities, a similar movement is emerging. The top administrator in one of the private universities put it this way: While remaining confessional in their ownership, the universities must transcend the *ideology of confessionalism* by transforming their programs and their outlook. Communal ownership is the only way, though, of avoiding political control of the university by the State (which for the time being means Syrian control).

There are areas where old structures are predominant, but where there is room for deep change in the behaviour of individuals and in the institutional culture, such as the field of municipal democracy.

Legal reforms, legal advocacy, and legal education are probably the most promising fields, where the culture of autonomy from the State can be transformed into a culture of the rule of law based on international human rights norms. The most innovative and efficient actors here are the human rights associations that function within the legal profession. Here there is a conjunction of two factors that makes that field extremely promising: (1) its strategic location as an instrument of civil society that has tremendous impact on the State, or more precisely the legal framework; and (2) the fact that the leadership of this sector is inspired by a liberal political culture deriving from Lebanon's history,

local Arabic/Islamic culture, and universal human rights. The conjunction of these two factors makes that field as a whole extremely dynamic.

## Conclusions

Lebanon is the Arab country where civil society is the strongest. A specific political culture and a tradition of autonomy from the State mean that it is possible to find spaces for useful work in support of human rights and democratic participation in spite of the Syrian presence, and in preparation for the time when there will be no Syrian control of the political processes. The most interesting actors we have met work in these two fields:

- The field of legal training, legal advocacy, and legal reform. Here, the Human Rights Institute of the Bar Association is no doubt the most important player. It has both the *de facto* autonomy of an NGO and the power to reach deep inside Lebanese society through its training activities for lawyers. It is also animated by a culture of rights that is inspired by the international instruments on human rights, as well as by the local political culture. There are also other NGOs that work in the legal field and that have a regional impact.
- The field of education, since the autonomy of the universities and the strength of the human rights movement permits the promotion, through educational programs, of a culture of rights that is inspired by both the Lebanese liberal political culture and the international definition of human rights.

## 3. Jordan

### Historical Context and Main Issues Concerning Democracy

The constitution of Jordan as a country is the result of strategic manoeuvres by the colonial powers to redraw the map of the former Ottoman Empire after the First World War. The Sherif of Mecca was promised a reward for his role in support of the British against the Ottomans. One of his sons was placed on the throne in Iraq, and the other in the newly created state of Jordan. Both rulers came from the south of the Arabian Peninsula with a number of their tribesmen. The tribal dimension of the monarchy in Jordan has important consequences for the present political process.

The expulsion of Palestinians from Palestine in 1948, and later in 1967, led to a large number of them becoming Jordanian citizens. Many still have the status of refugees, and the majority of those still live in refugee camps. The monarchy in Jordan has succeeded in maintaining its power by finding a path that took into account the tribal sectors of Jordanian society, while modernizing to some extent the institutions of the State, and opening up to Western culture by engaging in political dialogue with Western powers, to which it allied itself. The patriotic role played by the late King Hussein during the 1967 war and his presence on the front lines did a lot to increase his popularity and his legitimacy. In addition, his closeness to his people gave him the public image of a benevolent ruler.

Modernization in Jordan has meant that the growing urban society has been losing its tribal character; there is now a middle class, with workers, unions, demands for equity by marginalized groups, women's associations, and political parties. The 1989 elections gave hope for a real democratic change that never took place. The electoral law was replaced by a temporary law that gave more seats to tribal representatives by increasing the number of seats and changing the boundaries of electoral districts. The most important and credible women's association, the Jordanian Women's Union, boycotted the last 1997 elections in protest. The death of King Hussein, and his replacement by his son King Abdallah, also did not produce the required changes. In June 2001 Parliament was dissolved, and a whole set of 'temporary laws' (51 laws), that remain in effect until the next elections (scheduled for October 2002), gave sweeping powers to the State Security Courts. Control of the press, which was regulated by specific clauses in the law on publications, has been transferred to the Law on State Security. After the events of September 11, 2001, the penal code was re-written and included, in the definition of violent terrorist acts, actions that cause psychological stress – with no right of appeal. Finally, laws are enacted even before being published in the Official Gazette, and the absence of a Constitutional Court makes it difficult to challenge them. All this has contributed to marginalizing both the role of elected representatives and the role of political parties.

In the deterioration of the situation, observers have seen a strategy of the King to ally with traditional tribal leaders (and to a lesser extent with the traditional leaders of ethnic and religious minority groups), by giving them more power. There is another, weaker, alliance with the Islamic opposition, which has become the dominant political force within the trade union movement, and which can control this movement and put a lid on workers' demands in exchange for political power in the form of ministerial or other strategic positions in the state apparatus.

Thus, at the level of political control and political space, the setback is serious. This setback is also manifested in the repression of activists, who are harassed by the secret service and prevented from getting government jobs (60 per cent of all employment in Jordan) if they question the structure of political power in Jordan. Thus, although formal democratic institutions are present, they are not functioning as a result of direct political control by the Palace.

The only bright spot is the creation of the Royal Human Rights Commission, which could have a long-term impact on the political culture of the country through its educational activities and its consultative role on legal issues. The Commission has on its board credible human rights activists such as lawyer Asma Khader, with whom Rights & Democracy's Women's Rights Programme has worked on several occasions, as well as religious authorities such as Sheikh Tamimi, who occupies the highest religious legal position (Qadi Al Qudah, or Chief Religious Judge). The Commission has proposed changes in the laws to comply with international human rights instruments, and it conducts intense educational activities on human rights that have been incorporated into the regular school curriculum.

While the prospects for political change seem remote, changes at the level of *some* of the rights of ordinary citizens are being promoted, as long as they do not directly involve political activity. The police has set up an ombudsman's office, measures have been taken to address domestic violence, and the police are cooperating with the shelters for women victims of domestic violence set up by the Jordanian Women's Union. However, demonstrations—which are made almost impossible by the law—are severely repressed by violent means, including the use of dogs. As for women's rights,

the government is not necessarily opposed to promoting and expanding them, but in the opinion of many observers, it will trade them off in exchange for the political support of the conservative Islamic opposition.

### **Civil Society Organizations**

Most of the resource persons we met felt that, given the context explained above, there is no democratic participation in the determination of the policy orientations of the Jordanian government, on either internal or foreign policy. The framework in which political parties operate marginalizes their role as the vehicles through which civil society can express its choices.

In this context, even civil society organizations are deprived of their advocacy role. Civil society organizations that deliver social services are allowed to do so without too many hurdles, as long as they are not too vocal. Those which engage in advocacy are a little more controlled but not prevented from working as long as they do not get directly involved in politics. Associations that get involved in legal education for women, for instance, are allowed to function. There is a set of laws governing associations that is rather repressive, but they are generally not applied. For instance, there is a law stipulating that any association that officially participates in an international network must obtain permission from the Ministry of the Interior. While this law is never applied, it provides a constant threat to any association that becomes too vocal.

Civil society as a whole, however, is being marginalized by the impact of globalization. Although the problem also exists in other countries of the region, Jordan is more vulnerable to the negative effects of globalization given its alignment with US economic policy and the fact that it has a weak economy. In particular, basic rights to education and health are being threatened by Jordan's membership in the World Trade Organization. The government sometimes leaks information to test the reaction of the population towards proposed modifications to State services. This happened with regard to the eventual privatization of education, and the expected rise in the cost of basic education. The women's activists we met were concerned that should the cost of education rise, girls would be the first to be kept home. Globalization constitutes a very real threat to the fundamental social rights of Jordanian citizens as well as throughout the region. Some of the resource persons felt that there are two priorities in this field: to conduct studies on the real effects of globalization, and to make the data available to the public.

Trade unions, which are permitted in the private sector but not in the public sector, are dominated by the conservative Islamic political opposition and are professional associations. This means that it is very difficult to do advocacy work on women's rights or on universal human rights within or through these associations. There have been, however, successful attempts in education on democracy through capacity-building programs run by workers' NGOs that are independent from the local trade unions, such as those operating in cooperation with the Canadian Labour Congress, and executed by the local office of the International Confederation of Free Trade Unions (ICFTU). These programs focus on training sessions on democratic practices within the trade union.

## Conclusions

There is very limited space in Jordan to promote authentic citizens' participation in the political process, and to promote reforms of national institutions such as the parliament. There are, however, some areas where it is possible to promote democratic participation and human rights.

The first area involves creating a culture of democracy. There is the possibility of doing serious *educational* work on universal human rights and democratic participation that may have a long-term impact in this area. The general context of the country does not permit going too far in this direction, but serious gains are possible. For instance, the Jordanian Women's Union organizes a national Children's Parliament in which children from all over Jordan participate. The Royal Human Rights Commission itself engages in such programs, and promotes legal reforms on issues that do not question the political order in the country. As we have seen, it is also possible to conduct education toward democratic participation in a trade union context.

The second area deals with strengthening civil society actors. Support is needed to strengthen the NGOs that do advocacy work, especially on women's rights and globalization. Capacity building in research is also needed, especially on the potential consequences of privatization, and to make this information available to civil society actors.

## 4. Morocco

### Historical Context and Main Issues Concerning Democracy

In contrast with the situation in Jordan, Moroccan society is burgeoning with initiatives, potential, analyses, hope, and some disappointments. A rather traditional monarchy, Morocco has seen two major changes in recent years that have deeply changed its political landscape. The first came in 1998 when a 'government of change' (*Gouvernement d'alternance*), with Prime Minister Youssoufi at the helm, took over with a social democratic perspective carried by the Union Socialiste des Forces Populaires (USFP). Youssoufi had been a political prisoner in the past, and his new responsibility was an important signal of change. The other change came with the accession to the throne of Mohamed VI, succeeding his father Hassan II whose reign had been qualified as '*les années de plomb*' for most of its duration. The new king projects an image of modernity that was received with enthusiasm as a sign of change. These two changes triggered a fundamental debate in Morocco: Is this change cosmetic or real? Are the signals we are getting just signals, or will they be accompanied by real change? The debate has not been settled. There is a polarization among civil society actors, some feeling that although the changes are slow, they are nevertheless real (and they point them out), others claiming that four years after the arrival of Youssoufi, nothing had really changed – not a single law had diminished the power of the Palace or changed the situation significantly.

From our perspective, we ask the questions slightly differently: What space has opened through the recent developments? Has this space been occupied? What are the areas where the space can be enlarged? These questions provoked lively discussions among the many resource persons met by the Consultant during the field visit in Morocco, and this short summary cannot, unfortunately, do justice to the rich analyses and ideas that were expressed during these discussions.

## Civil Society Organizations

It can certainly be said that the public space has enlarged in the last few years, and that civil society actors can express themselves a lot more freely than they could in the past.

However, despite this enlarged democratic space, the role of political parties has been marginalized in Morocco due to their inability to induce real change. There are over 20 political parties, many of them very small, which can be grouped according to four main tendencies. The multiplicity of parties and the fragmentation of political power mean that these parties can confront neither the Palace nor the Islamic political tendency, which is also weak for its own reasons. Moreover, as is indicated below, the real power still lies in the Palace (the *Makhzen*), with the result that the party system has lost a lot of credibility. Political parties tend not to give the issue of democracy a prominent place in their programs or their concerns. As a result, the real political debates take place neither in parliament nor among the parties, but among the press organs that represent the four political tendencies.

The next elections are due to take place in September of 2002. Too few women have been elected in Parliament (2 at present), so a systematic campaign has been initiated to get more women involved in the electoral process. It involves bringing together women from different parties who are working to get their parties to endorse more female candidates.

Trade unions are not very present at the forefront of the struggle for changes. It may be because they are rather close to some of the political parties and do not want to upset the delicate political manoeuvring that is taking place.

There are multiple press organs in Morocco, and each of the four main political tendencies is represented by one or more of the newspapers. There is enough freedom to criticize the policies of the government, but the personality of the King, his family, and the source of his wealth and properties cannot be discussed. Journals have occasionally been closed when they have transgressed these 'red lines.'

There is a long tradition of militant advocacy associations in Morocco. A few years ago they were very close to radical political parties, but that link has been greatly weakened. Current NGOs have become independent voices, and have to some extent occupied an important place in triggering debates and raising demands that political parties do not raise. For example, it is the Moroccan Association for Human Rights (AMDH) that keeps demanding that those responsible for gross violations of human rights of political prisoners be brought to justice, and they have published a list of the perpetrators' names ('the list of 41'). The strongest and most coherent associations are the women's associations and human rights associations, which are engaged both in advocacy and concrete grassroots programs (this is particularly true of the women's associations, who have been advocating changes to the family code for a number of years). New associations, such as Transparency Maroc (a local branch of Transparency International), have been active in triggering not just debates but also action against corruption – a widespread phenomenon in the current context. The dominant tendency of these associations has been to be highly skeptical about the capacity of the present political system to produce the changes that are needed.

## **Institutions Revolving around the State**

All observers concurred that the Palace, or *Makhzen*, is at the centre of political and economic power, and that it enjoys sufficient legitimacy so as not to be contested drastically. The King is the supreme arbiter of the political process, and laws on which a consensus is not reached are referred to him. All the powers emanate from the King, and he is accountable to nobody. Moreover, his financial power extends over large farms and mining conglomerates. Surplus extracts allow the Palace to control large sectors of the Moroccan economy and to keep the loyalty of the army. As for the Islamic opposition, it is currently not in a position to become a real challenge to the *Makhzen* – partly as a result of the situation in Algeria which has thrown some discredit on the Islamic political option and undermined the possibility of it engaging in large-scale mobilization.<sup>14</sup>

This situation explains why Parliament is not playing the role it should. As a consequence, not only are political parties marginalized, but the very notion of electoral democracy is losing credibility, and people do not expect much from the present system. Moreover, the economic situation is rather bad. Three years of drought have seriously affected the economy, and unemployment is high. In addition, corruption is said to be widespread. However, the historical legitimacy of the *Makhzen*, coupled with the hopes that the system will eventually change, mean that the political situation is stable for the time being.

This rather pessimistic view of the situation, which is dominant among militant civil society associations, is contrasted with a more positive view by those who are involved in the process of political change. They point out several positive developments. For instance, significant steps have been taken on the issue of legal reform that will produce changes in the medium term. Draft laws regarding associations, the press, and political parties are being prepared and discussed. Those involved in drafting the laws believe them to be instruments of the democratic process, i.e. by constructing these instruments, the democratic process will be reinforced. There have been enquiries into corruption and people have been charged. The legal system, itself, is being reformed, along with the administration of justice. A reform of the State bureaucracy is underway, along with a serious reform of the educational system. The last three years have also seen important gains in social rights for large sectors of the population. For instance, five years ago only 21 per cent of rural girls had access to education, whereas now 90 per cent of all children in rural areas have access to elementary education. More villages have received electricity in the last three years than in the last 40 years.

## **Strategic Issues Concerning Democratic Development**

The fundamental issue being discussed among civil society actors in Morocco is whether, given the very real constraints to which it is subjected, the present reforms will produce any real change.

We addressed this question by formulating it differently: *What are the spaces for democratic participation that can be investigated? Where is there a necessity and a possibility to enlarge these spaces?*

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<sup>14</sup> However, the Islamic tendency is gaining ground not on the political scene as such, but on the ideological scene where its model of society and its moral order are successfully promoted within increasingly large sectors of the population.

Here we present two complementary answers:

1. New opportunities do exist at the level of the national institutions (parliament, the justice system), where there is space for new actors that can represent the marginalized sectors of society, or who are at least closer to them. There are legal reforms that are slowly changing the structure of the institutions. These spaces must be occupied, even if the changes they will produce are slow.
2. Simultaneously, the advocacy role of civil society organizations should be reinforced, as the voices through which alternatives can be conceived, elaborated, and advocated.

As for the issues that have strategic importance in the promotion of democratic participation, we summarize them in the following conclusions.

## Conclusions

There is considerable opportunity for supporting democratic participation in Morocco, as the place is burgeoning with initiatives and potential. Morocco is one of the rare places where there is some opening within the national institutions such as parliament. At the same time, the advocacy role of civil society associations and their role in conceptualizing alternatives should not be abandoned. Therefore, reforms from within the system, and advocacy from the grassroots, are both needed and possible. We identify the following specific areas as being particularly interesting:

- *The participation of women in the electoral process.* We share the opinion of those among the local observers who feel that a structural change must take place, even if the parties are temporarily marginalized. This is an existing space that can be occupied, but the role of women within it must be expanded.
- *Strengthening the capacity of political parties.* This is an area where several observers said that progress is needed and is achievable. Training is required on all the tasks that parties must perform in order to enter elections – from organization and mobilization, to policy elaboration and discussions.
- *Strengthening the capacities of parliament.* This is one of the rare cases in the Arab world where there are real possibilities for action.
- *Legal reforms and reform of the judiciary system.* On both grounds, there is room for change. However, legal reform work with parliament must be accompanied by capacity building strategies for civil society actors (associations, parties, and maybe trade unions) in order to help advocate their demands about legal reforms in a more efficient way. This could possibly be done in collaboration with other associations in other countries (this is particularly useful for personal status law reform, where the cultural obstacles are quite similar among the various Arab countries).
- *The question of transparency and the fight against corruption.* There is no available space for promoting new democratic mechanisms in this area, since there is considerable resistance to change. Therefore, progress in this area is best achieved by advocacy and grassroots work by

civil society organizations, similar to what Transparency Maroc is doing, rather than through interaction with government structures.

## 5. Palestine

### Historical Context and Main Issues Concerning Democracy

The West Bank and Gaza have been under military occupation since 1967. All Western democracies recognize the situation as one of illegal acquisition of land. For instance, Canada's official position on this issue, as stated on Canada's Department of Foreign Affairs and International Trade's Web site, is as follows:

*"Canada does not recognize permanent Israeli control over the territories occupied in 1967 (the Golan Heights, the West Bank, East Jerusalem and the Gaza Strip) and opposes all unilateral actions intended to predetermine the outcome of negotiations, including the establishment of settlements in the territories and unilateral moves to annex East Jerusalem and the Golan Heights. Canada considers such actions to be contrary to international law and unproductive for the peace process".*

In spite of this position, which is shared in principle by most Western nations, the occupation has continued since 1967. Unilateral actions aimed at predetermining the outcome of negotiations have continued throughout this period, and have intensified since the Declaration of Principles signed in 1993 (the Oslo accords). The occupation has been consolidated by generous financial support by the US to Israel (US\$97 billion since 1967, which averages out to slightly under US\$3 billion per year<sup>15</sup>). Most Western nations, while quietly disagreeing with the US, have not taken strong independent initiatives.

This military occupation is the single most important factor influencing the political evolution of Palestinian society. Before the Declaration of Principles of September 1993 (i.e., the Oslo accords), Palestinian society had braced itself for a long and difficult occupation. In the eighties, a vibrant movement for democratic participation emerged and produced a strong Palestinian civil society. The first *intifada* (uprising) was the expression of this social movement, largely not militarized and controlled by civil society.

The Oslo agreements allowed the transfer of power and resources to the Palestinian Authority (PA). With the arrival of the PA, the issue of democracy was posed in an entirely new way. The powers granted to the PA were limited, but they included some legislative powers on internal issues, as well as many security responsibilities. Economic development was also a responsibility transferred to the PA, which meant that foreign aid was diverted away from NGOs towards the PA. This had a direct impact on civil society which had seen a revival in great part because of these NGOs, prior to the

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<sup>15</sup> In Mitchel Bard, *US Aid to Israel, The American-Israeli Cooperative Enterprise*, available on the Jewish Virtual Library website, [www.us-israel.org/jsource/US-Israel/foreign\\_aid.html](http://www.us-israel.org/jsource/US-Israel/foreign_aid.html). His figure of 90 billion refers to the period 1949-2000. When the years 2001 and 2002 are included, the figure rises to close to 97 billion.

arrival of the PA. The authority of the PA did not include control over the movement of goods and people in and out of the territories, which remained in Israel's hands.

The PA came with the political culture of a clandestine movement, which had evolved to look more and more like a traditional authoritarian government. Its leaders had not lived in Palestine, and did not have links with the grassroots. As the real economic, political, and social effects of the peace agreement became apparent, there was disenchantment with the PA as a whole. The PA responded by becoming more intolerant of political dissidence. In the meantime, the policies of the occupation did not stop: a network of road bypasses built for settlers fragmented the Palestinian territory, the number of settlers doubled since the signing of the agreement (from 200,000 to 400,000 approximately<sup>16</sup>), and the repressive measures imposed by the Israeli army became harsher because the 'closure' did not only cut off the West Bank from Gaza and Israel, as it had previously, but it also cut off Jerusalem from its economic hinterland, and cut off important Palestinian cities from their surrounding villages.

Thus the threat to democracy came from a double source: the PA and the military occupation. In the West, criticism of the policies of occupation was seen as 'counter-productive' given the peace process, and many Western powers voted against or even vetoed resolutions condemning Israeli violations of human rights under the excuse that this would disturb the peace negotiations. The media tended to downplay the facts and the effects of the occupation, which has been intensified since 1993, causing more hardships for the Palestinians.

However, occupation is not the only obstacle to democracy in Palestine. "Occupation is an obstacle to democracy, but also the lack of democracy makes it difficult to fight occupation. The two factors feed on each other," says Jessica Montell, of the Israeli organization B'Tselem.

Palestinian observers generally felt that it is very important to work on democratic development within Palestinian society without waiting for an end to the occupation, and in spite of it. For instance, they pointed out that there was no reason for not having a functioning court system. Courts are slow, they are subject to interference, and they are not independent. The relationship between the PA and the population must be democratically institutionalized. The observers pointed to three elements that should be examined: the rule of law; a functional, rational bureaucracy; and the notion of accountability. Even an elected body such as the Palestinian Legislative Council is not able to hold the PA accountable on budget, for instance.

There have been repeated demands for reform in the procedures for approving basic laws, for example, and in the judiciary and the bureaucracy. There are currently 140,000 civil servants, and many of them have no work to do; this situation creates confusion as to who is responsible for what.

The PA's response to demands to hold elections has always been that the time is not appropriate. The local councils (i.e., the bodies running municipalities) are all appointed. Therefore, they are accountable to the PA and not to the population. The occupation is used by the PA as an excuse to postpone elections. But all of the observers consulted felt that the occupation should not be used to

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<sup>16</sup> PASSIA (Palestinian Academic Society for the Study of International Affairs), *Facts and Figures*, [www.passia.org](http://www.passia.org). These figures are taken from Israel's Central Bureau of Statistics.

avoid working on democratic reform within Palestinian society – either at the levels of national institutions and civil society, or through the creation of a democratic culture.

One of the strategies used by local NGOs to promote democratic development is to work with local authorities and local communities on the delivery of services. This helps build both the institutional capacity of the local authority, and the capacity of local communities to engage in advocacy. In this context, democratic participation is introduced as a method for determining which services are needed and how to deliver them in a way that responds to the wishes of the people. This approach helps the people to hold their local authorities accountable. Participation in decision-making and accountability are two important principles that are put into effect by these activities. This approach has been used in the planning of social services, economic services, and infrastructure construction in local communities.

***The impact of violence.*** Most of the observers felt that the latest revolt (*intifada*), which started in October 2000, was very different from the previous one in that it had become ‘militarized’ and much more violent. Many Palestinians felt that this was a mistake and that the increased violence has antagonized a large portion of the Israeli public opinion which had previously been more sympathetic to Palestinian demands. When violence is the mode of expression against the occupier, it also becomes a mode of expression within Palestinian society. The logic of violent confrontation makes it harder to raise the issues of the threats to democracy and violations of human rights by the PA.

Also, given the disastrous consequence of the events following the peace process for many Palestinians, the violent resistance against the occupying army, carried out initially by the sympathizers of the Islamic tendencies and Islamic organizations such as Hamas, gave increased credibility to these tendencies, with all the consequences this has on the democratic development of Palestinian society. Conservative religious tendencies have thus acquired more political support, whereas the secular and liberal tendencies, ridiculed by their failure to resolve the Palestinian national issue, are losing ground. It is important to note that Islamic fundamentalist groups such as Hamas are also involved in the delivery of social services, which contributes to its growing political popularity.

## **Strategic Issues**

***Foreign funding and the peace agenda.*** Significant funds have been allocated by international donors to projects aimed at breaking the psychological barriers between the Palestinian and Israeli peoples, especially among youth and young adults, as an important component of a peace agenda. These projects are generally referred to as ‘people-to-people’ projects.

There has been sharp criticism of these projects – not because of their aims, but because of the way they have been operationalized, which is not conducive to genuine peace.

One of the Israeli resource persons expressed the idea that both Israeli and Palestinian peace groups have suffered from the people-to-people approach. The Palestinian Network of NGOs (PNGO) is boycotting it, because it believes this approach is an artificial attempt at creating an impression of normality and symmetry when there is in fact a situation of occupation and domination. Large

budgets have been devoted to such programs, and the real motivation behind them has been questioned. Palestinian observers concurred with these comments, and pointed out that while Israelis can move around and come and meet Palestinians, the latter are restricted in their movements. Only full and equal partnership can be constructive in this field.

One observer expressed it in the following way: The people-to-people approach is based on realizing, in sequence, reconciliation, then peace, and then the end to military occupation. But he felt the sequence should be reversed: the end of occupation first, then peace, and then reconciliation. The end to occupation is thus a necessary condition for an end to violence.

All groups we talked to, both Israelis and Palestinians, agreed that Palestinians – not just the intellectuals, but everybody – generally used to establish good contacts with Israelis who take a stand against the occupation. “As an Israeli,” one Israeli said, “I always felt very welcome everywhere in the Occupied Territories the minute people knew I was against the occupation. But this is starting to change. For the first time in 33 years, I am starting to feel unwelcome.” He added that the increased level of violence is driving a barrier between Israelis and Palestinians.

### **Human Rights Violations by the Palestinian Authority and by the State of Israel**

In any work on the human rights of Palestinians, the violations that come from the Palestinian Authority and from the Israeli occupation must both be analyzed and dealt with. Each type of violation obeys a different logic, and both are a threat to fundamental human rights. The Palestinian Human Rights Monitoring Group, which was documenting only violations by the Palestinian Authority, started to document both types of violations since the beginning of the second *intifada* in October 2000.

***The human rights of the residents of Jerusalem.*** Residents of Jerusalem are in a distinct situation. Because Israel has annexed Jerusalem and a large area surrounding it in the West Bank (an annexation Canada considers illegal), residents of the city have been given permanent resident status. But they suffer violations of at least three categories of rights: the right to freedom of movement, their housing rights, and their rights as citizens of the municipality of Jerusalem.

If they move out of Jerusalem for a certain period, they lose their residency rights, while Jewish residents don't. They are denied permits to build houses, and when they do build them, their houses get demolished. And finally, they do not get equivalent municipal services to the services Jewish neighbourhoods get, although they pay the same taxes. Some of these issues are a matter of discrimination. More importantly, they are direct violations of the rights guaranteed to civilian populations by the IVth Geneva Convention. Canada recognizes that the IVth Geneva Convention does apply to Palestinians in the territories occupied by Israel in 1967, including East Jerusalem.

A lawyer who worked for many years with the NGO Al Haq explained to the Rights & Democracy delegation that Orient House (a Palestinian institution founded by the late Faysal Hussein) was always open to ordinary Palestinians in Jerusalem who had a problem and who needed help. When it came to house demolitions, Orient House played a crucial role, providing tents, money, etc. But Orient House was closed in August 2001, together with eight NGOs in Jerusalem that were obliged to leave because their staff could not cross the checkpoints. He then explained that there are severe

violations in the areas of building permits, house demolitions, municipal services, freedom of movement, and residency rights. The question of the rights of Palestinians living in Jerusalem is therefore an important issue that must be addressed as a specific question, a task the Jerusalem Human Rights Center has set out to do.

***The right of return.*** The right of return is also a fundamental human rights issue, but it is not addressed as such. Instead, it is treated as a political issue, and is the object of bargaining.

Sari Hanafi, director of Shaml (a think-tank that specializes in research on the Palestinian Diaspora), explains: “The right-of-return issue blocks many discussions. Should there be a recognition of this right, the percentage of people who would actually use it would be minimal.” He added that the history of return migration, worldwide, is well known:

- Very few people return to their original place of residence after they have settled somewhere else.
- A small number of people return, they write back to their family and friends, and then the others decide to join or not.

Palestine has changed a lot. The few who would return would not feel welcome. Others would not join because they are already established elsewhere. They have established roots, and a means of living. However, for symbolic reasons, this is a central issue, and there must be a position of principle on it.

## **Conclusions**

A few conclusions stand out from this survey of the situation in Palestine:

- Work in support of democracy must be carried out in spite of the occupation, and it must address issues of democracy and human rights that are appropriate to Palestinian society.
- The creation of a culture of democracy is a priority, and coupling this education with the management of social services at the local level is an interesting avenue.
- A culture of democracy would contribute to combatting violence as a means of resolving conflicts.
- The occupation itself must also be addressed as a source of human rights violations. The necessity to do advocacy work on the urgency of finding a just solution to the conflict, based on international law and the criteria of rights and democracy rather than on the balance of power between the parties, has been raised by both Palestinians and Israelis.

### III. RECOMMENDATIONS

As we have seen in the preceding pages, the issues are complex, and the needs are tremendous. Many projects in various areas deserve to be supported, but resources are limited. This section seeks to provide concrete recommendations to orient Rights & Democracy's capacity to propose and implement some key initiatives on democratic development in the MENA region. We have structured the recommendations as a function of the findings summarized in this report, and in light of Rights & Democracy's expertise and mandate.

#### **A Conflict that Impacts the Whole Region**

The first priority which stands out of this report is the need to be pro-active on the crucial issue of the Israeli-Palestinian conflict, from the perspective of international human rights and international law. The recent developments in the region and the frightening rising cycle of violence make the search for a just peace an imperative. Rights & Democracy is well placed to examine such a solution from its own perspective, that of democracy and human rights. Rights & Democracy should develop a modest capacity to act as an information-sharer and advocate on the nature of the conflict and the solutions proposed which are in line with international standards. Public advocacy in Canada should be the main goal sought through this initiative.

#### **RECOMMENDATION 1**

**Rights & Democracy should develop an advocacy initiative in Canada in support of a just solution to the Israeli-Palestinian conflict**—one that takes into account the criteria of democracy and human rights, in agreement with Canada's official position on the issue, and based on international law rather than on the balance of political and military power between the parties. Such an initiative could consist of 1) information and discussion sessions among its own constituency, in order to come up with a position that can be advocated based on the criteria of rights and democracy; 2) the publication of a document that analyzes the various peace proposals with the criteria of rights, democracy, and international legality; 3) the organization of information sessions for decision-makers and journalists that would include inviting resource persons from the region, especially from Israel and Palestine.

#### **Partnership in Canada and Internationally**

The MENA region remains an area where Canadian NGOs are reluctant to work. Consequently, the issues of democracy and human rights in that region are foreign to many within the international cooperation community in Canada, in comparison with other regions. In addition, as soon as Rights & Democracy's intention to visit the region was announced, DFAIT, IDRC, and CIDA indicated that they viewed Rights & Democracy's desire to become active there very positively. Networking and consulting with them should be oriented to give relevance and impact to Rights & Democracy's

initiatives, as well as create synergies between the four institutions's work. There is also a network of non-governmental Canadian institutions that work on the MENA region. Rights & Democracy should work with NGOs and networks, as well as governments, and consider developing collaboration with other major international institutions working on democratic development and human rights in the MENA.

**RECOMMENDATION 2: Build Partnerships in Canada and Internationally**

Rights & Democracy should further institutional links with IDRC, DFAIT and CIDA, and network and consult with them about work in the Middle East and North Africa while keeping its specific approach based on the criteria of human rights and democracy. Rights & Democracy should also maintain ongoing links with Canadian NGOs and international institutions working in the region.

**Democratic Participation in Civil Society**

Given that NGOs in the region that do advocacy work rarely have a well-developed membership, and that the organizations that have broad popular bases have not always developed visions and strategies that allow them to have a positive impact on democratic development, we recommend that attention be given to supporting initiatives that seek to build links and mutually-reinforcing projects between advocacy NGOs-- human rights organizations in particular—and grassroots organizations who are usually formed around community services.

**RECOMMENDATION 3: Democratic Participation in Civil Society**

Rights & Democracy should support projects that aim at increasing the democratic participation of citizens in local decision-making, coupled with advocacy work, and informed by an inclusive vision of citizenship. In particular, projects of this kind that deal with the legal rights of women (legal aid and legal education) should be encouraged.

**Strengthening the Capacity of Civil Society Actors to Create a Culture of Democracy and Human Rights**

Two key issues stand out as key priorities to work on in order to facilitate the development of a culture of democracy and human rights in the region. One is the question of freedom of association, often constrained either through specific legislations, such as in the case of Egypt for example, or through various kinds of State interference. The other is the training of civil society organizations on international human rights instruments and how to use them in the domestic legal setting. This report has identified various trends and actors which form the basis for orienting initiatives on these issues.

**RECOMMENDATION 4: Contribute to the Development of a Culture of Democracy and Human Rights through Strengthening Civil Society Capacity**

Rights & Democracy should support projects that seek to:

4.1 Highlight the undue constraints on freedom of association which affect not only civil society organizations' structure and mechanisms for accountability and efficiency, but also their capacity to develop their activities in an enabling environment.

4.2 Facilitate the transfer of expertise and training skills of human rights advocates throughout the region with the goal of disseminating international human rights instruments and their applicability in the domestic legal framework.

**Enhancing the Debates on Democratic Development in the MENA Region**

Given the relatively high level of development of human rights activities and the relative weakness of activities dealing specifically with democratic development on the one hand; and given the specific expertise developed by Rights & Democracy in the field of democratic development on the other hand, Rights & Democracy should use opportunities and tools to enhance the debates on democratic development in the MENA region. It is equipped with a strong conceptual framework, experience in promoting democratic development in various national contexts, and a recent evaluation of its work in this field, which it can all use to support and stimulate thinking and action in the MENA region. Rights & Democracy should play an active role in promoting critical debates on democratic development among civil society actors, using its expertise in democratic development to facilitate the development of capacity for analysis and interaction among regional actors, and between them and civil society actors, in other parts of the world.

**RECOMMENDATION 5: Facilitate Conceptual and Strategic Policy Debates on Democratic Development**

5.1 Rights & Democracy should organize a regional workshop to conduct a strategic thinking exercise on democratic development in the Arab region, the results of which would be widely disseminated in Arabic, English and French.

5.2 Rights & Democracy should seek to translate its conceptual framework on democratic development into Arabic, and disseminate them in the Arab countries and on its Web site.

## **Continue to Collaborate and Support Women's Rights Organizations, Both Regionally and Nationally**

Although not enough attention has been devoted to this issue in the context of this report, the Women's Rights Programme at Rights and Democracy has established key partnerships in the MENA region for a number of years. It has been systematically monitoring and supporting the work done to strengthen MENA women's organizations' capacity to advocate reforms and education on women's rights, particularly on the issue of violence against women. Such work should be pursued as a key contribution to democratic development.

### **RECOMMENDATION 6: Support Women's Rights Organizations**

6.1 Maintain and reinforce the capacity of the Women's Rights Programme at Rights & Democracy to continue its support to frontline women's organizations in the MENA region, both regionally and nationally, particularly on the issue of domestic violence and family laws.

6.2 Consider some of the emerging initiatives in the MENA which seek to address the need to increase women's access to formal political institutions.

## Appendix I: October 13 Think-Tank Session in Montreal

### 1. Participants

<b>Department of Foreign Affairs &amp; International Trade (DFAIT)</b>	
Michael Molloy	Special Coordinator, Middle East Peace Process
David Viveash	Director, Human Security
<b>Canadian International Development Agency (CIDA)</b>	
Jean Devlin	Analyst, Middle East Desk
John Lobsinger	Deputy Director, Policy Branch
<b>International Development Research Centre (IDRC)</b>	
Roula El Rifai	Project Coordinator, Middle East Initiative
Pamela Scholey	Head, Gender Unit
<b>Non-governmental organizations (NGOs)</b>	
Mohsen Abu Ramadan	Palestinian Consultant and NGO Activist
Djemila Benhabib	Pont Algérie Québec
Yolande Geadah	Director of Programs, AQOCI
Marie-Claude Grenon	Returned Cooperant, Oxfam-Québec
Greta Hofmann Nemiroff	'Sisterhood is Global' Institute
Jamel Jani	Association des droits de la personne au Maghreb
Marie Paradis	Project Director, Oxfam-Québec
Qussai Samak	Environmental Security Advisor, CSN
Jawad Skalli	Human Rights Activist
<b>Academics</b>	
Bassam Adam	Doctoral Student, Political Science, Université Laval (Lebanese politics)
Meir Amor	Professor, Dept. of Sociology, Concordia University
Sami Aoun	Professor, Dept. of Political Science, Université de Sherbrooke
Reem Bahdi	Director, Women's Human Rights Research Project, University of Toronto
Katia Boustany	Professor, Dept. of Law, Université du Québec à Montréal (UQAM)
El Obaid Ahmed El Obaid	Professor, Law Faculty, McGill University; Canadian Human Rights Foundation
Aziz Enhaili	Doctoral Student, Élite politique au Maroc
James Graff	Professor, Dept. of Philosophy, U. of Toronto; Near East Cultural and Educational Foundation
Homa Hoodfar	Professor, Dept. of Anthropology, Concordia University
Soheil Kash	Professor, Dept. of Philosophy, Université Laval; Verdir (NGO)
Anne Latendresse	Professor, Dept. of Geography, UQAM; (Alternatives)
Marie-Hélène Parizeau	Professor, Faculty of Philosophy, Université Laval; Verdir (NGO)
Morteda Zabouri	Professor, Dept. of Political Science, Université de Montréal
Elia Zureik	Professor, Queens University
<b>Rights &amp; Democracy</b>	
Warren Allmand	President
Iris Almeida	Director of Programmes
Rachad Antonius	Advisor, Middle East and North Africa
Mounira Badro	Interim Assistant Coordinator, Women's Rights
Ariane Brunet	Coordinator, Women's Rights
Geneviève Lessard	Assistant Coordinator, Democratic Development
Isabelle Solon Helal	Assistant Coordinator, Women's Rights
Nancy Thede	Coordinator, Democratic Development

## 2. Summary Report

### Summary of the Discussions

After the words of welcome by the President of Rights & Democracy, the Honourable Warren Allmand, and the presentation of the objectives of the day by the Director of Programmes, Ms Iris Almeida, the participants briefly introduced themselves and their work. The approach developed by Rights & Democracy was presented, as well as some brief remarks on the context of civil society in the Middle East and North Africa (MENA) region. The work of DFAIT, CIDA, and IDRC was also briefly presented.

**Context.** This meeting had been planned long before the events of September 11, but the tragic events of that day reminded us of the urgency of considering the multidimensional consequences of the lack of democracy and human rights in the MENA region. Political stability is the result of long social processes that must be supported. A strategy for promoting democratic development must be elaborated, in which the reinforcement of civil society plays a fundamental role. The State in the MENA region tends to be very centralized and does not leave enough autonomy to civil society. But change cannot come from the outside; it must be promoted first and foremost by local actors, to whom external support can be provided.

**Canadian foreign policy.** The three pillars of Canada's foreign policy are: Security, Prosperity, and Promotion of Canadian Values. The Human Rights agenda, the Human Security agenda, and the Peacebuilding agenda all fit into this approach. The security of individuals and the role of civil society are now part of the foreign policy agenda. The Canadian Fund for Dialogue and Development was mentioned as a useful tool. The work of IDRC in support of strengthening the research capacities in the region and refugee issues was also briefly presented, together with its 2002–2004 focus on Gender and Citizenship.

### Roundtable and Workshop Discussions

What follows is a summary of the principal ideas presented by the participants. The session was not oriented towards achieving consensus.

**Macro factors.** The idea that we have no grip on macro factors was challenged, and it was argued that Rights & Democracy should formulate demands that Canadian policy in the MENA region be brought in line with Canadian principles on foreign policy issues. Even if we cannot act on macro issues, we should at least take them into account in the analysis, in order to identify priority sectors and strategies. Some of the macro-economic factors are not specific to the region, but it is the Palestinian issue that makes the region's dynamics quite unique. There is a crisis of alternatives, where the fundamentalist religious movements appear to be the only ones that present alternatives, which is another element of specificity.

War and economic insecurity are the principal obstacles to democracy, and any action in support of democracy must also work toward solving these macro issues. Again on the topic of the Israeli-Palestinian conflict, it was noted that violence prevents each side from developing empathy towards each other. Both sides capitalize on the logic of dehumanization of the other side. This requires both a political solution to the conflict and peacebuilding activities.

There are several views on the conflicts in the region. One view regards them as a conflict of civilizations that can never be reconciled. Another view regards the issue as a matter of modernization, arguing that if these societies are modernized they will become democratic. Still another view perceives justice as being the foundation of our work. For example, if the question of justice is applied to the refugee issue, we should recognize their rights, ask for compensation, and recognize their right to repatriation to the land from which they have been expelled. The lack of recognition of their rights explains why an increasing number of people among the refugees have applauded Bin Laden. The question of refugees must be incorporated in a global solution to the conflict. We should beware of simplistic formulas, such as the thought that the reduction of socio-economic disparities will reduce terrorism. This is one factor, but not the only one.

### **The Nature of Democracy**

It was mentioned by some participants that democracy is the product of Western history. There are local ideological structures that must be taken into account: the absence of the notion of citizenship; the cultural and historical specificities; and the absence of the individual subject, who is superseded by the group (family, tribe, confessional group). The way that Western democracies did not support local democratic movements and instead supported authoritarian or feudal regimes was also mentioned. Thinking is now imperative on how the foreign policies of Western liberal democracies are an obstacle to democracy in the region.

One participant made a plea for humility: We should not think we are the saviours of the world. He also noted that Afghanistan experienced a descent into hell in the name of secular progressive ideas. Traditional constitutional assemblies can be one form of democratic participation. It is necessary to allow modern civil society to develop its own structures and to reinforce them. Models of democracy are not readily transferable; they must be conceptualized by local actors on the basis of the specific historical context.

In Palestinian territories, democratization first requires an end to the occupation. We cannot preach for democracy while the occupation is going on. How does one convince people that democracy is an important issue when they can hardly survive? The way we intervene in support of democracy is a crucial strategic issue.

The necessity to create a buffer between Israeli military power and Palestinian society was mentioned, if the basic human rights of Palestinians are to be protected. It is difficult if not impossible to conduct peacebuilding programs in Palestine while the occupation continues and intensifies. The necessity to take into account collective rights, not just individual rights, was also mentioned.

The question of supporting political parties, as a component of civil society, was also raised. While it is easier to stay away from political parties, it may be that democracy requires the invigouration of political parties.

## **The State and Civil Society**

The State in the Arab world is still a fundamental actor and we have to take into account its power over civil societies in the region. The relationship between the State and civil society is put forward as a crucial factor in the crises the entire region is experiencing. At present, civil societies and states are in competition and mutually disjointed rather than mutually supportive. It is necessary to deconstruct the notion of ‘civil society,’ which has become a buzzword, as well as that of ‘the State.’ In doing so, the notion of citizenship must be taken into account.

The dominant political structures in Arab countries are unable to resolve the structural economic crises, which prepares the ground for radical Islam. The fact that, regardless of the type of state (ranging from authoritarian to rather liberal), the Islamicists succeeded in imposing themselves as a political force, is an indication of the lack of other credible and democratic alternatives. Islamic NGOs are also part of civil society, and they should not be ignored in favour of the secular ones. There are Islamic groups that are not violent. Criteria are needed to determine which NGOs in civil society are contributing positively to democratic development. It is important not to confuse civil society and democracy. It is not known to what extent modern NGOs really reach all social groups. Non-state actors can also become a source of danger to democracy. We should not focus only on the State as the violator of democratic rights. Civil society is not necessarily progressive. The dilemma posed by foreign funding was raised, i.e. its effect on some NGOs that are losing touch with their constituencies. Representativity is thus an issue. The difficulty of choosing partners was mentioned, as elements of civil society are also interest groups. When we are supporting civil society, are we not also supporting narrow interests? (The position of Rights & Democracy on this issue was explained: The mandate is to support human rights and democratic development, and the choice of partners must be subjected to this criterion).

There is a lot of work that can be done in support of human rights without entering the debate on cultural specificity. For instance, work on mental health. Empowerment as a vehicle for self-esteem and respect was discussed. Education and the teaching of critical thinking techniques are also important.

## **Canadian Policy in the MENA Region**

Several participants expressed the view that Canadian policy is too close to US policy in the region. Aid is tied to Canadian economic interests and the development of private sector interests. There is an unproven assumption that democracy and economic liberalism go together. The problem of Canadian foreign policy in the region is a problem of incoherence. Credibility may be lost if this incoherence persists.

The fact that Canada is representing US interests in Iran, for example, is seen as detrimental to Canadian credibility in the region. That was not the case in the early 1990s. If Canada does not distance itself from the US in the region, it may end up losing its advantages as an independent international actor.

Also, Canada’s method of supporting Algerian journalists was criticized: While Canada recognized their courage and wanted to support them to maintain their independent media, they conditioned

their support on journalists having to buy Canadian equipment. Mercantile logic took precedence over the logic of supporting democratic forces. If we are serious about supporting civil society, we should move beyond such narrow calculations. Positive Canadian actions in support of Algeria's democracy movement were also mentioned.

Facilitating education about international development here in Canada was advocated as a way to mobilize support for development aid. Canadian NGOs should be supported to do this work, and an appeal was formulated to the Canadian government to reinstate such educational programs here in Canada.

In conclusion, the following points seemed to generate consensus:

- Broad, macro factors have a structuring effect on democracy. These macro factors determine the balance of power between democratic forces and the State.
- It is necessary to adequately conceptualize the issue of democratic transformation in the specific context of the region in order to be able to formulate adequate responses to the situation. In particular, cultural understanding is necessary, grounding rights in their historical and social context.
- The centrality of the Palestinian question was reasserted. As long as a just solution is not found, this question is an obstacle to democratic transformation of the region.
- The centrality of the women's movement was also asserted, both as one of the important forces across the various societies of the region, and as an indicator of the progress made toward democracy.

## Appendix II: Ethnic Groups in the Middle East and North Africa

### 1. Major Ethnic Divides of the Arab World in the Early 1990s

Ethnic Divide	Population Size (in millions)	per cent in population	Countries of concentration
1. The Majority (Arabic speaking, Muslim, Sunnis, Caucasians)	190.0	80.0	In all Arab countries except Lebanon, Iraq and Bahrain
2. Lingo-cultural minorities (non-Arab)	32.3	13.7	Morocco, Sudan, Algeria, Iraq
3. Religious minorities (non-Muslims)	17.9	7.6	Sudan, Egypt, Lebanon, occupied Palestine
4. Islamic Minorities (non-Sunnis)	20.8	8.8	Iraq, Lebanon, Syria, the Gulf
5. Racial Minorities (non-Semitic/Hamitic Caucasians)	8.7*	3.7	Sudan

\* Also included in Divides 2 and 3, above.

Source: Saad Eddin Ibrahim, 1994, *Sects, Ethnicity, and Minority Groups in the Arab World* (In Arabic), Cairo, Ibn Khaldoun Center, p. 86.

## 2. Linguistic Minorities in the Arab World at the Beginning of the 1990s

The Minority Group	The total number in the Arab world	Religion of the majority	Race	The native country	Regions of present centralization according to their importance
Kurds	5.000.000	Muslims	Hamitic/ Semitic	same present place	Iraq-Syria
Armenians	1.000.000	Christians	Hamitic/ Semitic	Armenia (Turkey & Soviet Union)	Lebanon-Syria-Iraq-Egypt
Aramites	125.000	Christians	Hamitic/ Semitic	same present place	Syria-Iraq
Turkmenians	125.000	Muslims	Hamitic/ Semitic	Turkey	Lebanon Syria-Iraq
Turks	125.000	Muslims	Hamitic/ Semitic	Iran	Iraq- the Gulf, countries
Iranians	350.000	Muslims	Hamitic/ Semitic	Iran	Iraq- the Gulf, countries
Western Jews	3.500.000	Jewish	Hamitic/ Semitic	Europe-the two Americas	Occupied Palestine
Negro tribes	5.500.000	Pagan	Hamitic/ Semitic	same present place	(Israel) S- Egypt
Nubians	500.000	Muslims	Hamitic/ Semitic	same present place	N. Sudan
Berbers	15.000.000	Muslims	Hamitic/ Semitic	same present place	Morocco-Algeria Tunisia-Libya

Source: Saad Eddin Ibrahim, 1992, *Reflection on the Question of Minorities*. (In Arabic), Cairo, Ibn Khaldoun Center.

## 3. Non-Sunni Islamic Sects at the Beginning of the 1990s

Non-Sunni Islamic	The Total Number Sects in the Arab World	The Century in which the Sect appeared	Regions of Centralization according to their importance
- Shia' Twelvers	10.000.000	7th/9th	Iraq-Lebanon- the Gulf countries
-Zaydis	3.500.000	8th	Yemen-South the Arab Peninsula
-Ismaelies	300.000	8th	Syria-Lebanon-Iraq- The Gulf Countries
-Druze	1.350.000	11th	Syria-Lebanon- Occupied Palestine-Israel
- Alawites	3.000.000	9th	Syria-Lebanon
- Abadhi Kharijites	1.500.000	7th	Oman-Algeria-Tunisia
<b>Total</b>	<b>19.650.000</b>		

Source: Saad Eddin Ibrahim, 1992, *Reflection on the Question of Minorities*. (In Arabic), Cairo, Ibn Khaldoun Center.

#### 4. Non-Islamic Religious Minorities in the Arab World in the late 1980s

Non-Islamic Religious Minorities	Total no. in the Arab World	Regions of centralization according to their importance
<b>1. The Christians:</b>	<b>12.000.000</b>	
The Greek (Roman) Orthodox	1.900.000	Syria-Lebanon-Jordan-Palestine
Notorious	900.000	Syria-Iraq-Lebanon
<b>The Monophistes</b>	<b>6.560.000</b>	
The Coptic Orthodox	5.600.000	Egypt-Sudan
The Yacohian Orthodox	225.000	Syria-Lebanon
The Armenian Orthodox	600.000	Syria-Lebanon-Jordan-Iraq-Egypt
<b>The Catholics</b>	<b>3.250.000</b>	
The followers of the Western Latin Church (The Greek-Roman Catholics)	625.000	Sudan-Syria-Lebanon-Palestine-Egypt
The Catholic Syrians	500.000	Lebanon-Syria-Egypt
The Armenian Catholics	8.000	Lebanon-Syria
The Copts (Roman Catholics)	85.000	Lebanon-Syria
The Kaldenians	170.000	Egypt-Sudan
The Maronites	625.000	Iraq-Syria-Lebanon
The Protestants	1.150.000	Lebanon-Syria
	200.000	Sudan-Lebanon-Syria-Egypt
<b>2. The Jews</b>	<b>4.700.000</b>	
The Rabbanites Orthodox	4.400.000	Occupied Palestine/ the West Countries
Qaraites	150.000	Occupied (Israel)-the East Countries
Samartais	150.000	Israel
<b>3.Heterodox Religious Sector</b>	<b>5.690.000</b>	
a. Sabians	150.000	Iraq
b. Yazidis	125.000	Iraq
c. Bahais	50.000	Occupied Palestine (Israel)-Iraq
d. Tribal Negro Religions	4.500.000	Sudan
The Total of non-Islamic Religious Minorities	22.390.000	

Source: Saad Eddin Ibrahim, 1992, *Reflection on the Question of Minorities*. (In Arabic), Cairo, Ibn Khaldoun Center.

### Appendix III: Table of Ratifications of International Human Rights Instruments, by Country

Country	ICESCR <sup>17</sup>	ICCPR <sup>18</sup>	169 <sup>19</sup>	CEDAW <sup>20</sup>	DRD <sup>21</sup>
Algeria	x	x		x	
Bahrain					
Canada	x	x		x	
Egypt	x	x		x	
Iraq	x	x		x	
Israel	x	x		x	
Jordan	x	x		x	
Kuwait	x	x		x	
Lebanon	x	x		x	
Libya (Jamahiriya arabe libyenne)	x	x		x	
Morocco	x	x		x	
Oman					
Qatar					
Saudi Arabia				x	
Sudan	x	x			
Syria	x	x			
Tunisia	x	x		x	
United Arab Emirates					
United States of America		x			
Yemen	x	x		x	

<sup>17</sup> Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR)

<sup>18</sup> International Covenant on Civil and Political Rights (1966) (ICCPR)

<sup>19</sup> ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (169)

<sup>20</sup> Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

<sup>21</sup> Declaration on the Right to Development (1986) (DRD)