

Cairo Institute for Human Rights Studies



Horizons of Political Reform in the Arab World

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forward

Sally Sami

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Reform in the Arab world**

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Parallel conference to the Forum for the Future
July 27-28, 2010
Cairo, Egypt

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With support from the Middle East Partnership Initiative
(MEPI)

Cairo Institute for Human Rights Studies
CIHRS



Contributed in Establishing
Dr.Mohammed EL-Sayed Said

The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization (NGO) founded in 1994. It aims at promoting respect for the principles of human rights and democracy, analyzing the difficulties facing the application of international human rights law and disseminating human rights culture in the Arab region as well as engaging in dialogue between cultures in respect to the various international human rights treaties and declarations. CIHRS seeks to attain this objective through the developing, proposing and promoting policies, legislations and Constitutional amendments. CIHRS works on human rights advocacy in national, regional and international human rights mechanisms, research and human rights education – both for youth and ongoing professional development for human rights defenders. CIHRS is a major publisher of information, a magazine, an academic quarterly, and scores of books concerning human rights.

A key part of CIHRS' mandate is to help shape the understanding of the most pressing human rights issues within the Arab region and then to coordinate and mobilize the key players and NGOs from across the region to work together to raise the public awareness about these issues and to reach solutions in line with international human rights law.

CIHRS enjoys consultative status with the United Nations ECOSOC, and observer status in the African Commission on Human and Peoples' Rights. CIHRS is also a member of the Euro-Mediterranean Human Rights Network (EMHRN) and the International Freedom of Expression Exchange (IFEX). CIHRS is registered in Egypt, France and Geneva, has its main offices in Cairo, an office in Geneva for its work at UN human rights mechanisms and an institutional presence in Paris. CIHRS was awarded the French Republic Award for Human Rights in December 2007.

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Forward

Sally Sami*

This book compiles papers presented in Cairo on 27 – 28 July 2010 at the civil society parallel meeting to the seventh "Forum for the Future" meeting to be held in January 2011 in Qatar¹. The meeting, entitled "Prospects of Political Reform in the Arab World," was attended by representatives of civil society throughout the Arab World, their peers from Europe and the US, and academics, media experts, and journalists. The meeting concluded with a set of recommendations to G8 states sponsoring the Forum for the Future, Arab governments and the international community. These recommendations will be presented at the Civil Society Forum to be held two days prior to the Forum for the Future.

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¹The summit was originally planned to be held in November 2010 but was then postponed to January 2011.

The parallel meeting and this book come as part of a project funded by the Middle East Partnership Initiative (MEPI) seeking to address the continuing grave deterioration of the human rights situation across the Arab World and the failure of internal struggles and international efforts and pressure to affect meaningful political change. It was designed as a platform for participants to address significant challenges and obstacles to political reform in the Arab World. Participants discussed the human rights situation in the region, strengthening the role of civil society in the reform process, and US and EU policies with regards to strengthening democracy and human rights in the Arab World. It was clear from the discussions and papers presented that the optimism surrounding the establishment of the Forum in 2004 has died. Participants primarily held G8 countries responsible for this failure as they are seen to have – implicitly or explicitly – approved the manner in which Arab governments and their representatives obstruct the functions of the Forum.

The year 2010 witnessed significant deterioration in the fields of human rights and democracy in the Arab World while the international community, particularly G8 countries, continued diverting their attention away from the much needed political reform in the region. Criticism of increasingly repressive state policies and actions across the region has been extremely rare and weak, rendering it ineffective and merely cosmetic. At times these repressive policies have even been publicly supported and aided by G8 countries. It has been clear throughout the last six years and especially during 2010 - a year of several general elections in the region - that the US and European countries have lost interest in democratic reform in the region. At the same time, demand for change, political reform and respect for human rights continues to grow in the streets. Civil society and political movements and groups have continued to demand reform and expose human rights violations in their respective countries. These have increasingly been met with an 'iron fist' – at times a murderous one – that acts with impunity.

For example, Yemen has seen escalating state-sponsored violence against opposition and social movements, particularly in the south. Human rights defenders have been subject to abduction, arbitrary detention, torture, and trials. One member of the Yemeni Organization

for the Defense of Rights and Democratic Freedoms was sentenced to eight years in prison after a State Security court convicted him of belonging to an armed group. In Tunisia, harassment and intimidation of human rights defenders has been escalating and at times reaching the kidnapping and beating of activists and journalists. Rights NGOs remain under siege and activists under close security surveillance, which at times restricts their movement within the country and preventing them from entering their offices. The recent law criminalizing "persons who rely on contact with agents of a foreign state or institution or organization to incite harm to the vital interests of Tunisia and its economic security," targets at core the activities of Tunisian human rights groups active internationally and regionally. In Morocco human rights defenders have been frequently targeted and put on trial for their human rights activities. Activists from the Western Sahara have been particularly targeted. Individuals involved with the Moroccan Association for Human Rights have been targeted for arrest and trial due to their involvement with social or labor protests. An appeals court recently upheld a three-year prison sentence for the chair of the Association for Human Rights in the Rif, which is active in Amazigh circles.

Since the parallel meeting in July, the region has witnessed even more deteriorations both in terms of political reform and the upholding of human rights standards. It is sufficient to look at the deteriorations in Bahrain and Egypt as they approached general elections as clear examples of how state crackdown on opposition groups and public freedoms has intensified in tandem with the silence of the G8 countries, particularly the US.

In the lead up to the parliamentary and municipal elections in Bahrain in October 2010, Bahraini authorities intensified the clampdown on opposition and civil society¹. Starting in August, the

¹For more information on the crackdown on dissenting voices in Bahrain from August to the present day, please read:

8 August 2010, Bahrain: As Elections Approach, the Crackdown on the Opposition and Rights Advocates Reaches its Peak, Cairo Institute for Human Rights Studies <http://www.cihrs.org/English/NewsSystem/Articles/2668.aspx>

authorities initiated a sweeping campaign of mass arrests of prominent human rights defenders, political activists and Shia clerics. The campaign of arrests continued through September with other less prominent individuals arrested. In addition, the blogger Ali Abdulemam was arrested on 24 September. They have been charged with advocating and plotting to overthrow the government, spreading false information, and inciting hatred of the government; charges linked to the Bahraini counter terrorism law of 2006. Human rights defenders, at least seem to have been charged for their opinions and writings critical of the government and the human rights situation in Bahrain, raising concern that Bahrain might be setting a precedent in the region of targeting human rights defenders with counter-terror legislations. For years, human rights groups have criticized the Bahraini counter-terror legislation and its broad definition of “terrorism” as it was seen to provide a legal cover for the restriction of civil and political freedoms.

The crackdown was not only limited to arrests, but has extended to closing down publications and websites, restricting civil society and harassing human rights defenders. In early September, the Ministry of Social Development dissolved the board of the Bahrain Human Rights society (BHRS), appointing an official from the ministry to manage the organization. Interestingly, BHRS was meant to be the leading organization monitoring the elections. Later in September, CIHRS along with Human Rights Watch held a side event at the Human Rights Council in Geneva, in which Bahraini human rights defenders were to attend. A Bahraini human rights defender was meant to attend the event but was banned from travel. She participated in the event via Skype. Nabeel Rajab, president of the Bahraini Centre for Human

17 August 2010, Bahrain intensifies crackdown on activists and clerics, Amnesty International <http://www.amnesty.org/en/news-and-updates/bahrain-intensifies-crackdown-activists-and-clerics-2010-08-18>

19 August 2010, Royal sanction to crackdown on political opposition and human rights defenders in Bahrain, Cairo Institute for Human Rights Studies <http://www.cihrs.org/English/NewsSystem/Articles/2662.aspx>

20 October 2010, Bahrain: Elections To Take Place Amid Crackdown, Human Rights Watch <http://www.hrw.org/en/news/2010/10/20/bahrain-elections-take-place-amid-crackdown>

Rights, was also supposed to attend but the risks of reprisals at that time prevented him from leaving the country¹.

Human rights organizations all over the world condemned the sweeping crackdown in Bahrain and warned that it signals more repression and deterioration of the human rights situation. All independent voices agreed that the events in Bahrain were a set back to its political reform. Yet, these voices were met with indifference by Bahrain's strategic allies, most importantly the US. Statements made by US Deputy Assistant Secretary of State for Near Eastern Affairs, Janet Sanderson, during her visit to Bahrain in October, can only be understood to be encouraging the actions of the Bahraini authorities. "We are not here, frankly, to impose our views on others, but to encourage the countries of the region to fulfil their priorities in this area," she said².

In Egypt, the crackdown on public liberties in the lead up to its parliamentary elections held in November/December 2010, particularly free media, freedom of assembly, association, and expression, was met with little, if any, interest from the US and Europe. Months before Egypt held its parliamentary elections, it became clear to any observer that the elections would be rigged. Human rights NGOs have warned of the increasing restrictions on the already limited public freedoms in the country. A press briefing by the Human Rights Forum, a coalition of 16 Egyptian human rights NGOs, described how the government was tightening its grip on civil society, political movements demanding reform, and print and visual media³. It seems that these warnings have fallen on deaf ears. Weeks before the elections, the government issued a series of decrees restricting a free flow of information to the general public. TV channels can no longer

¹22 September 2010, Human Rights Defenders Expose Bahraini Government Violations at UN Side Event, Cairo Institute for Human Rights Studies
<http://www.cihrs.org/English/NewsSystem/Articles/2686.aspx>

²13 October 2010, Bahrain charges 23 Shias with terrorism, The Guardian
<http://www.guardian.co.uk/world/2010/oct/13/bahrain-shias-terrorism-conspiracy-charges>

³9 November 2010, Rigging the 2010 Parliamentary Elections in Egypt, Cairo Institute for Human Rights Studies
<http://www.cihrs.org/English/NewsSystem/Articles/2715.aspx>

broadcast live from the streets except with the issuance of new permits, around 17 channels were stopped from broadcasting, warnings were issued to others, and heated talk shows were stopped or their presenters fired. At the same time, protest-based movements were met with escalating violence by anti-riot police and state security, with activists arrested, tortured, and then thrown in the margins of cities late at night without their phones, money, or identity cards. The Muslim Brotherhood witnessed the largest campaign of arrests it has experienced in recent years. Egyptian Copts protesting a ban to continue building a church in Cairo were met with violence and the use of live bullets, leading to violent clashes between protesters and security forces. Human rights organizations were also subject to their share of harassment. International organizations with offices in Cairo were summoned and warned that their registration would be denied if they did not tone down their criticism of the government. The Egyptian Association for Community Participation Enhancement received a letter from the Ministry of Social Solidarity denying it permission to receive funds for a large scale project to monitor the elections. It was also denied any permits for its 1000 election monitors. Egyptian NGOs also warned of the manner in which the elections are being administered. They highlighted the incompetence of the Supreme Elections Commission and the heavy intervention of the Ministry of Interior and its security bodies in the electoral process.

The state ignored hundreds of court orders to cancel elections in a number of constituencies and others to cancel the results of elections and to allow candidates to run. As a result, the Supreme Administrative Court issued a final ruling before the second round of voting tinting the new parliament with illegitimacy if it was formed in spite of these court orders. Regardless, it was formed despite calls upon the president to use his constitutional powers to dissolve it.

Egypt faced no pressure to reform its electoral system to ensure free and fair elections that would support the country's transition towards democracy. In addition, there was no criticism of the growing

¹⁶ December 2010, The Independent Coalition for Elections' Observation Calls Upon the President to Dissolve the Parliament, Cairo Institute for Human Rights Studies, <http://www.cihrs.org/English/NewsSystem/Articles/2731.aspx>

restrictions the government was imposing on public freedoms. The statement made by Assistant Secretary of State, Philip J Crowley a day after the first round of voting was very limited to the events of the day and not the general environment influencing the process. After the second round, the US failed to make any statement until US Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner published an article in the Washington Post on 18 December¹ "blessing" the newly formed parliament and urging Egypt to look at the irregularities surrounding the past elections. At no point did he or any other US official express concern over the lack of democratic progress in the country. Similarly, the statement made by EU High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, was washed down in a manner very similar to that of the Americans².

In light of the obvious lack of political will of the US and Europe to push for genuine political reform in the Arab World, it is not surprising that the Forum for the Future is failing to achieve the objectives for which it was established in 2004. The Forum was announced in June 2004 during the G8 Summit as a commitment to support political, economic and social reform in the broader Middle East and North Africa. The Forum would bring G8 representatives and their peers from the region, together with representatives of civil society, to participate in parallel dialogues. The Forum was meant to be a platform in which discussions on reform are made and programs facilitating the desired reforms are forged. Its establishment as such brought promise and hope for those forces demanding reform in the Arab World as it was the first framework of its kind that was formed in a manner that would allow a form of dialogue between the governments of the Arab World and civil society organizations.

¹18 Decmeber 2010, Another Chance for Egypt to commit to transparency, Micheal Posner, The Washington Post
<http://www.washingtonpost.com/wp-dyn/content/article/2010/12/16/AR2010121604409.html>

²6 December 2010, Statement by EU HR Ashton on the elections to the People's Assembly of Egypt, http://www.eu-un.europa.eu/articles/en/article_10458_en.htm

Unfortunately this optimism was short lived. Since its first summit in Rabat in 2004, the annual meetings have been fruitless. The Forum as such has been transformed from a possible engine for change to a gathering of government representatives to discuss the importance and need for reform without actually engaging in it. With the second Forum for the Future Summit held in Bahrain in 2005, it has become apparent that Arab governments were not going to allow independent representatives of civil society to fully participate in the Forum when governments were allowed to veto the participation of certain human rights organizations and defenders.

Since then, the forum has become a “debate club” resulting in nothing tangible or effective. In its six years, the Forum has failed to produce concrete or time-bound plans for political reform in the region. Instead the region as a whole has seen setbacks in terms of civil and political liberties. For the Forum to be a successful platform, a sincere political will for reform, from both G8 countries and Arab governments, must present itself. The recommendations produced by the July parallel meeting in Cairo target at their core the need for the Forum to produce concrete and time-bound action plans for reform. They also target the manner in which the Forum has been running since its establishment. These recommendations need to be taken seriously for the Forum to be successful in achieving its founding objectives. Otherwise, the Forum will continue being another unproductive “debate club.”

The papers presented in this book provide a deep analysis of the current political sphere in the Arab World, including US and European policies towards the region that have contributed to the deteriorating human rights situation. The book also provides analysis of the political scene in Egypt, Morocco, and Yemen, with special attention to civil and political movements in these three countries demanding political reform, existing opportunities and recommendations to achieve the change people in the region are aspiring to and demanding. These papers, with the concluding report of the July 2010 parallel meeting, and its recommendations, provide the context and framework for the Forum and its participants to revise their strategy towards political reform in the region.

Chapter One

**Prospects of Political Reform in the
Arab World**

What future of the "Forum for the Future"?

Bahey eldin Hassan*

The Forum for the Future was created as a G8 initiative in 2004, when the international community was intensely concerned with political reform in the Arab world, seeing it as a way to contain growing terrorist activity in the region following the September 11 attacks. Several International initiatives came into being around the same time. The US announced its Middle East Partnership Initiative and soon after the EU formulated its Neighborhood Policy. The US then proposed a third initiative from within the G8 for a common framework that would bring in the EU, Canada, Russia, and other states. The added value of the G8 initiative came in the form of the "Forum for the Future" which was established as a trilateral institution. The Forum would meet annually to discuss reform in the Arab World and include foreign ministers from the G8 nations as well as their peers from the broader Middle East. The third rail was comprised of civil society representatives, thereby making the Forum the sole framework providing an opportunity for a dialogue, or some semblance of it, between Arab governments and human rights organizations.

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Although the Forum still has much to accomplish to achieve the objectives for which it was established, it was 2004, the year of the Forum's establishment, that was its best so far. That year saw the founding meeting in New York followed by the first meeting in December in Rabat, with minimal government interference. During that first meeting, civil society groups warned that the Forum risked becoming "a talking group,"¹ one where the importance and need for reform in the Arab world was discussed at length "as an alternative to actually engaging in reform."

In the six years since 8 December, 2004, when civil society submitted its recommendations to the Forum of the Future in Rabat, the Forum has indeed become a talking group, with endless and increasingly fruitless discussions of the significance and necessity of reform even as repression in the Arab world has continued to grow.

This decline has come as a result of heavy Arab government intervention in later years in the preparatory meetings for civil society groups, including participation by governmental and quasi-governmental organizations speaking as NGOs. Indeed, these organizations have taken part in electing civil society representatives in the annual meeting and have managed to get themselves elected as representatives. In some cases, Arab governments have even prevented elected representatives of real NGOs from taking part in the Forum's meeting. This sabotage has also targeted the agenda of the civil society preparatory meetings and those meetings' conclusions.

The last six years of steady deterioration would not have been possible were it not for:

- A lack of agreement among G8 nations about the role of the Forum, exacerbated by the fact that the organization was established when disagreements were particularly sharp between the Bush administration and several major European states.

¹ See "Rabat Declaration: Toward an equal partnership for democracy, human rights, fair peace and economic and social development" statement from the civil society NGOs and actors to the "Forum for the Future", Rabat 8 – 9 December 2004.

- A united Arab front bound by a common, deeply-seated animosity on the part of Arab governments towards political reform and respect for human rights.
- The complicity of some G8 nations in marginalizing the third rail of the Forum, civil society, by accepting the interference of Arab governments in civil society preparatory meetings and governmental representation in them.
- The transfer of the quasi-governmental "Democracy Assistance Dialogue" DAD program to the third rail (e.g., civil society), which allowed representatives of organizations selected and limited by the three supervising states to become permanent representatives of civil society. The DAD is supervised by the governments of Turkey, Italy, and Yemen, some of the countries least sympathetic to democracy and human rights. Yemen in particular has a long, bloody record of repressing regime opponents.

When the Bush administration stepped down in January 2009, much of the ill will between Europe and USA went with it. Nevertheless, before its departure, the Bush administration showed an interest in political reform and respect for human rights in the Arab world, and this interest has declined substantially as well since 2006. Significantly, in her speech to the annual meeting of the Forum in December 2009, Secretary of State Hillary Clinton did not once mention the words "democracy" or "human rights." Yet, it is precisely concern for these twin issues for which the Forum was created.

If there is a future for the "Forum for the Future," it will require a serious assessment of the outcome of the last seven years and a return to the recommendations issued by the civil society meeting held in Rabat in 2004. Transforming the Forum into an effective entity requires:

- The institutionalization of the Forum, through the establishment of a permanent secretariat to track activities between annual meetings, to avoid making the Forum a

prisoner of the annual rotation of the presidency from one state to another.¹

- The Forum must become a platform for the adoption of recommendations and time-bound plans for tangible reforms. It should serve as a space for the evaluation and exchange of experiences on implementing reforms and contain a mechanism for monitoring the implementation of recommendations and agreed-upon reforms.
- Civil society must be treated as an equal partner at every stage of planning for Forum meetings and during the meetings themselves, including through providing the elements necessary for a thorough discussion of its views, proposals, and recommendations before and during the annual meeting.²

The value of the Forum for the Future is that it is the sole regional framework that gives NGOs in the Arab world the opportunity to discuss their views of reform face-to-face with representatives of their governments on the foreign minister level. But if this aspect of the Forum is eroded—whether directly by eclipsing civil society or indirectly by representing it with governmental or quasi-governmental individuals and organizations, or imposing stifling red lines on the agenda or recommendations of civil society preparatory meetings, or on the right of its representatives to express their views—it will lose all of its value. In this way, it will willingly give up any connection it has to the future and will become as lifeless as other regional forums such as the Arab League and the annual meetings of the Euro-Mediterranean Partnership.³

¹ “Marasim al-dafn satajri fi Musku: hal hunak mustaqbal li-muntada al-mustaqbal?” CIHRS at <http://cihrs.org/Arabic/NewsSystem/Articles/1011.aspx>.

² “Rabat Declaration”

³ “Marasim al-dafn satajri fi Musku”

Politico-Civil Coalitions and Opportunities for change: Democratic change in Egypt and the Role of Civil Society

Dr. Magdy Abdel Hamid*

Introduction:

Any observer of politics in Egypt can easily identify significant events whose impact cannot be ignored when attempting to understand and analyze the nature and development of the current political ferment. When examining the last decade, which has seen a marked vitality in the activities and effectiveness of Egyptian politico-civil forces, we can isolate three significant moments. The first was the eruption of the second Palestinian intifada in late 2000, which reinvigorated Egyptian anti-Zionist sentiment and popular hostility towards the racist Israeli state's assaults on the defenseless Palestinian people. This moment gave rise to an extremely broad grassroots solidarity campaign in which politico-civil society played a major role.

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In fact, it marked the beginning of real cooperation between political and civil forces. The second event was the attack of September 11, 2001. Its impact on the Islamic world and specifically the Arab region had ramifications for political action in Egypt, stoking antipathy to anti-Arab, pro-Israeli US stances and furthering the evolution of the political-civil partnership. The third event was the American-Anglo invasion of Iraq in March 2003, and the inception of the pro-democracy movement among the Egyptian elite advocating freedom and an improvement in the living conditions of the Egyptian people. This moment saw the first real shift as solidarity with the Palestinian people morphed into demands for comprehensive political change. A close observer of politics over the last decade would also note two relevant facts: firstly, an invigorated politico-civil force has filled the vacuum left by the enfeebled official political parties. Secondly, despite demands for change from both the politico-civil opposition and the official political parties, the nature and goal of this change remains vague.

What do we mean by civil forces?

The term 'political forces' is clear enough to us all, meaning political parties, both official and those still in the process of formation, or any political grouping that seeks to govern a country or play a part, large or small, in the political process and governance. Civil forces or civil society is a term that has now gained wide currency. It includes NGOs, trade unions, federations and leagues, various types of civic associations, political and social protest movements, and media of various types, from the aural and visual to written and electronic. It includes groupings and even individual activists who participate in political and social conflict or action in a country, who influence it and are in turn influenced by it, and who aim to bring about a change in political, economic, social or cultural conditions without necessarily having the goal of directly participating in governance.

These definitions will aid us as we observe and analyze the roles played by all actors, the events and daily actions aimed at bringing about political and democratic change, and the locus of these agents, their motives, and their aims.

State of traditional political forces over the last ten years:

Traditional political forces include official political parties as well as parties and political groupings denied legal status that nevertheless strive to participate in governance, individually or in collaboration with other forces. This includes political groups defined in religious terms, such as the Muslim Brothers or other Islamist groups such as the Jihad or the Gamaa al-Islamiya.

The performance of these forces has varied over the last decade, specifically since the beginning of the Palestinian intifada in 2000. The role of violent politico-religious groups waned in the 1990s and nearly disappeared completely after 2000, as most leaders and members of these groups were imprisoned and the idea of establishing an Islamic state by force disintegrated. Their role was further undermined when the leaders of these groups engaged publicly in a process of intellectual revisionism, abandoning many of the pillars of their thought that had justified the use of violence against state and society. As a result, the reason for their existence was severely compromised. After September 11 in particular, violent politico-religious groups became even less significant in the wake of the painful blows they suffered, both materially and ideologically, on a worldwide basis.

The performance of the official Egyptian opposition parties—principally the Wafd, al-Tagammu, and the Nasserist Party—has been generally weak, as they have failed to become real parties with popular bases despite the substantial opportunities offered by the weakness of the regime, its multiple crises, and its failure to lead the country through the transition from a third-world nation to a developed nation. Official political parties failed to take advantage of regime crises, attract a popular base, and lead the public to real

democratic change because, for one thing, they lack a clear strategic vision for change. In addition, they do not possess the tools needed to reach the public and have yielded to the security dictates of the regime, which has reduced political parties in Egypt into a collection of offices and newspapers of limited circulation and influence. The enervation of political parties, their organizational weakness, and loss of members coincided with the escalation of the Palestinian-Israeli conflict in the 2000 intifada. This inflamed Arab nationalist sentiment, particularly in Egypt due to the organic links between Egypt, both people and government, and the Palestinian cause.

A group of civil society and political activists established the first politico-civil grouping to lead the struggle of the Egyptian people and their solidarity campaign with the Palestinian intifada in 2000. Remaining active until 2004, the group organized marches and conferences, printed and distributed all manner of pro-Palestinian publications and fliers, and organized support convoys that ultimately involved tens and even hundreds of thousands of Egyptians. All of this took place without the input or aid of political parties, which were wholly absent from the scene or only later latched on to the movement created by the Popular Committee for Solidarity with the Palestinian Intifada. As the struggle shifted to demands for democracy at home, supported both by rights organizations and new popular change movements such as Kifaya and the Popular Campaign for Change, both established in 2005, official political parties were unable to connect with these movements and failed to recognize this historic opportunity to become real political parties with mass appeal. As a result, large numbers of their members deserted the parties for the new formations. These latter groupings demanded change and rejected the current policies of the regime, but without having any specific ideas for change and without proposing alternatives to the regime they wished to change.

These events proved fortuitous for the Muslim Brothers. The withdrawal of violent politico-religious groups from the scene left a vacuum that could best be filled by the Muslim Brothers; the closest ideologically and intellectually to these groups though in more

moderate clothing. In addition, the weakness of opposition political parties and the widespread hatred of the ruling party engendered by the economic and social decay produced by its policies also left a vacuum, but in this case civil society groups were not strong enough to fill it. First of all, the organizational capacity of both NGOs and politico-civil movements was weak, and secondly, these groups did not have the goal of assuming governance in any form. Thus, they did not possess and did not strive to possess the tools that would allow them to organize the public opposed to the regime and mobilize for change.

In contrast, the Muslim Brothers are more organizationally competent and have the serious goal of reaching the seat of power. It was thus virtually the sole force able to attract and organize the disaffected public. The group's general religious slogans, its intentional blending of religion and politics, and the wholesale corruption of the regime served to make the Muslim Brothers an attractive alternative, especially among poor Egyptians. Therefore, the Muslim Brothers were able to penetrate the depths of Egyptian society with slogans about reform, purity and the application of what they call God's law in the face of the current corruption of power; and this appeal took place on an intellectual level even before an organizational level. The result was that Muslim Brother candidates in the 2005 parliamentary elections, most of them first-time unknowns, won 88 seats, despite election fraud in the third stage of voting; the absence of which the group could have won an additional 20 seats. Nevertheless, the group's rise in the late 1990s was later stopped short due to repression and harassment by the regime and its security apparatus and, more importantly, the group's inability to present itself as an acceptable alternative to the regime both at home and abroad. Domestically, the group lacks a clear vision and program for change beyond its proposition that Islam is the solution and governance should be based on God's law. In addition, its retrograde views on women's issues, Copts, and the civil, secular nature of the state have made foreign parties wary of what Muslim Brother rule would mean for Egypt and the entire region, given the potential retreat from democracy and turn towards theocracy.

Other illegal political forces, such as the Egyptian Communist Party, the would-be Karama and Wasat parties, the Democratic Left Alliance, the Revolutionary Socialists, and other small political groupings played roles of varying importance in the political struggle in Egypt, most often in conjunction with civil society forces and various social movements for democratic change.

The impact of ElBaradei on the political scene since late 2009:

Dr. Mohamed ElBaradei is a prominent, internationally known Egyptian who comes from a liberal family long involved in politics. He himself worked in the Egyptian diplomatic corps for many years before joining international institutions. A recipient of the Nobel Peace Prize, he served for years as the director of the International Atomic Energy Agency. Prior to his emergence as an advocate for real democratic change and a potential candidate in the presidential elections of 2011, he provided the requisite constitutional amendments and legal changes to Egyptian political life, which had reached a state of stasis; an exhausted submission to the status quo. By intimidating some political forces, co-opting others and generally repressing the citizenry at large, the regime managed to tailor the constitutional and legal situation to suit the aims of the ruling National Democratic Party and its presidential candidate in the coming parliamentary and presidential elections; whether that candidate be President Hosni Mubarak, his son, or any other civilian or military figure acceptable to the ruling clique. Official opposition parties had acquiesced, demanding at most some guarantees for clean parliamentary elections. The Muslim Brothers had begun engaging in its long-standing practice of seeking out a regime ally for support in the coming phase, in order to preserve some degree of legitimacy until a more auspicious time, while not unduly alienating opposition political and civil groups. Political and civil movements, along with political parties still under construction and other illegal political forces, waited for a miracle to come from abroad, though social protests continued apace. Indeed, virtually not a day went by without a strike, sit-in or protest in front of

some popular or state institution, from the parliament to professional syndicates to the cabinet building.

It is here where several points must be noted. First of all, these movements began and persisted far from any organized political structure. Secondly, these movements are all centered on advancing claims that will improve the living conditions of the citizenry, and often even their leadership explicitly states that they have nothing to do with politics (in their eyes, of course). Thirdly, the Egyptian advocacy and rights community has provided legal and, at times, political support for these movements in an attempt to compensate for the dearth of organized political forces. It can be seen that the latter are trying to move closer to these social movements, but without a clear political strategic vision that would empower these movements and create the necessary linkage between the social and the political in order to change the conditions contributing to social and economic decline.

ElBaradei came from outside the traditional political scene and gave voice to demands made by Egyptian political and democratic movements in the past. What was new, however, was that ElBaradei possessed a clear vision. Focusing on the seven demands articulated in his first document for change, he insisted on the impossibility of any political development or real democratization without first meeting these demands. In other words, he drafted and proposed demands for real democratic change in simple and unequivocal form. With his insistence on these demands, he highlighted the need to mobilize all opposition efforts, political and civil, to achieve them as a condition for change. It is also significant that ElBaradei imputes great importance to popular participation to bring about change. Rather than betting on the elite street movement, which numbers no more than a few hundred, he believes strongly that change will not come without action and demands by hundreds of thousands and perhaps millions of citizens, and he makes this a strategic goal.

The performance of NGOs from 2001 to 2010:

We shall not attempt to evaluate NGOs, but rather simply observe the change in their performance and its relationship to their stance and role in the reform process and democratic change in Egypt. NGOs, specifically rights groups in Egypt, have from their inception defended human rights, including the freedom of expression and opinion, freedom of thought and creativity, the right to establish independent associations, the right to peacefully assemble and demonstrate, and other basic civil and political rights and liberties. In fact, NGO practices and activities have not been far-removed from the demands for democratic change. Nevertheless, we can observe some shift in their performance starting in 2001. Today, there is a focus on issues that serve democratic change and fields of action are chosen that provide for this aim, such as election monitoring, torture and prison conditions (particularly for prisoners of conscience), women's issues with a focus on women's political participation, the defense of writers, journalists and artists accused in cases involving freedom of opinion or expression, and citizens' and labor leaders concerns with the economic and social rights of workers. In terms of organization, the convening of conferences, seminars, roundtables and workshops to debate democracy and change has been a prominent NGO activity in this period. The role of these organizations has also expanded to absorb the energies and contributions of many political activists, both organized and not, in various spheres of action in accordance with the agenda of civil society and NGOs themselves, not the agenda of parties and political forces. That is, the relative prominence of these groups has grown at the expense of parties and organized political forces. The culture of rights advocacy prevalent in most of these organizations has brought them closer to an understanding of the importance and need for democratic change, as well as making them more pragmatic and better able to approach issues relevant to the average person. The fact that they possess the material and human resources has helped them to implement programs supporting democratic change. Indeed, these organizations are now at the forefront of both those making demands and those supporting the demands of democratic forces in Egypt.

Role of civil forces in political and democratic action from 2001 to 2010:

As noted above, civil forces in Egypt is a term broad enough to include NGOs, trade unions, federations and leagues, political and social protest movements, associations, and all manner of media. Like NGOs, civil forces in Egypt of various stripes have pressed demands for democratic change in the last few years, especially the political and social protest movements that have been active in the political and democratic struggle since 2000.

The most significant feature of these movements is their inclusion of large numbers of political activists and intellectuals—writers, authors and artists—who want to participate in changing Egyptian society, usually in a democratic direction, but are unconvinced of the efficacy of the official political parties. In turn, they decided to establish more flexible organizational forms freed of the burden of political calculation that afflicts the legal parties. Usually these groupings focus on only one issue rather than maintaining a complex political platform, such as support for the Palestinian cause (Popular Committee to Support the Palestinian Intifada), opposition to the inheritance of power in Egypt (Kifaya), opposition to corruption in administrative and executive agencies (We See You), the defense of the political and social rights of labor (Coordinating Committee for Labor and Trade Union Rights), and other groupings that have grown out of the democratic struggle since 2000.

These movements are also interested in change without accompanying aspirations to govern themselves. That is, they have not posited themselves as an alternative to the existing regime. In addition, they usually do not have a clear conception of what will come after change or a specific response to the question of what is next. Civil forces have managed to effectively take leadership of the political movement demanding change in Egypt (both democratic and undemocratic), imposing their agendas and harnessing political forces and parties to their ends. It is inaccurate to say that organized political forces have no presence in the current political and social ferment, but it is true that they have not exercised a leadership role in terms of

platforms or organization. Rather, they have followed and at times been wholly divorced from the projects for change adopted by civil forces over the last decade.

Evolution of the political and the civil over the last decade:

Based on the foregoing analysis, we can make several important observations related to the form and nature of the relationship between the political and the civil in Egypt, particularly that which concerns the movement for political and democratic change. Firstly, there is a physical overlap between the political and civil spheres insofar as we can identify several figures that play double roles, at times in the political arena and at times in the civil one. Secondly, we can also identify groupings and institutions that are civil in their constitution, but political in their activities and aims. Thirdly, civil groupings have absorbed individuals and leaders from organized parties into their politico-civil framework, its goals, platforms and visions. This is despite the leadership role that these individuals play in their party organs. Fourthly, several politico-civil groups include political activists, authors, writers, and intellectuals who are independent or belong to no existing political party or group, despite their interest in political action. Thus, we find great overlap between the political and the civil, with the difference being that the civil so far has no desire to assume governance, which is in contrast to the political where this is a primary goal. At the same time, the civil side of the groupings is more active and effective in political action for change, in effect leading the political rather than vice-versa.

Change and democratic change in Egypt:

The word 'change' has achieved wide circulation, but it is still used in the most general sense and thus is ultimately vague. It may be understood implicitly that change should be democratic and embrace social justice, but this does not solve the problem since democracy and

social justice are also relative concepts, especially in an ideologically pluralistic environment.

Perhaps we should ask a basic question about the overlap between change and democracy. Whereas democracy cannot be built without structural changes in political and cultural fields, the word 'change' as it is bandied about does not necessarily mean democratization. Thus one could argue that the desire for change—not the construction of democracy—is the principal political demand of most political and social forces, with the exception of a small proportion of secularists demanding fundamental democratic change. ElBaradei's appearance in political life in late 2009 has made democratic change an urgent demand that can be rallied around and fought for.

In any case, there are groups that have adopted the language of change and reform within a local, rather than international context, seen in the demands for change and reform, whether political reform generally or partial reforms within local, professional and religious institutions. Here we must note the nature of these transformations, which have led to the emergence of local space as a field for political action. Yet, this action essentially focuses on a rejection of the political status quo, and it does not necessarily entail clear visions about the process of democracy building that includes political, social, and cultural structures.

Impact of EU and US policies on democratic development in Egypt:

Until September 11, US and EU policy towards the Egyptian regime consisted largely of soft pressure on an allied regime. On one hand, the regime is a strategic ally in the implementation of US and EU policies in the region, while on the other it is an authoritarian regime based on a large security apparatus that dominates the administration of the public's daily affairs. Demands made by the US or EU that the regime observe human rights principles and values, institute democracy, and loosen security's grip on the management of the country's affairs did not go beyond basic observation and

occasional criticism. At times, when the regime perpetrated a flagrant violation of human rights, the possibility of applying economic pressure, such as threats to reduce or cancel annual American aid, might be discussed. Rarely did these policies compel the Egyptian regime to abandon its non-democratic policies or rein in the human rights abuses of its security apparatus.

After September 11, the US adopted a new policy toward the Arab region to regain its lost stature, impose its influence, and reinstate its control over the world. This policy involved democratization of the region through military force. Saddam Hussein's Iraq, a tyrannical, repressive regime with a long record of human rights abuses, was chosen to be the example to the region and the world. During this period, under the Republican administration of George W. Bush, the US and EU applied greater pressure on authoritarian regimes, among them Egypt, with the goal of fostering democratization and confronting the human rights violations perpetrated by the Egyptian regime. These pressures coincided with increased domestic demands for change, which in fact forced the Egyptian government to offer some concessions, most significantly amending the constitution to allow pluralistic presidential elections for the first time since 1952. Elite political movements demanding change and rejecting a hereditary presidency like that in Syria were allowed to operate and conduct conferences and protests. The Judges' Club joined the demands for change for the first time, and a wider margin of press freedom was allowed including the emergence of new papers, which helped to further invigorate the political and democratic ferment in the country.

The Egyptian regime was clever enough to raise the specter of political Islam, in the form of the Muslim Brothers and, in the face of the West, holding them out as the sole alternative whose rise to power might have unintended consequences. This was a particularly effective tactic since the regime had successfully contained and subverted opposition civil forces at this time and because the Brothers appear to be a more Salafi, militant organization than, for example, the Turkish

Justice and Development Party, which is more open and tolerant of secularism and secularists.

The intense pressure on the Egyptian regime to democratize lasted no more than three years, after which the US and EU reverted to their old policy of soft pressure. When the foreign pressure on the Egyptian regime was at its strongest, this was the period that saw reform and democracy movements most invigorated. In some ways, the decline of these movements is linked to the decreasing Western pressure on the regime, which indicates the importance of this pressure and the effective role it plays in supporting domestic forces demanding change, particularly the forces of democratic change.

Scenarios for change and the potential for democratic change:

Currently, the Egyptian political landscape is experiencing turmoil and instability of the type that often precedes major shifts. This condition is the outcome of several processes that began with the American-Anglo invasion of Iraq in 2003. At that point, newly formed civil and political forces, movements, and groupings began clarifying their demands for political change and engaging in various forms of protest to express their desires for change, among them the March 20 Movement, Kifaya, the Popular Campaign for Change, coalitions of NGOs, the judicial independence movement, various partisan alliances, and more recently the National Association for Change and pro-ElBaradei campaigns. This is in addition to the social protest movements, which make their presence felt on an almost daily basis. Though they operate in isolation from or parallel to political change movements, they are nevertheless objective symptoms of the impending change.

The primary feature of most change movements in the last few years is that they define themselves negatively—that is, through a rejection of existing policies or changes to the existing political system proposed by the regime, without offering concrete ideas of what they seek after change, not even the nature of the state they hope will be instituted after the changes they demand have come to fruition. This is

clear in many of the slogans they have adopted: no new term for the current president, no hereditary rule, no to the NDP's monopolization of political power, no to the control and influence of the security apparatus over all aspects of life in Egypt, no to the rampant corruption in the country, etc.

The consensus among opposition civil and political forces about what they do not want, without a clear agreement about what comes next, highlights the fact that the various arms of the opposition do not agree on the nature of the desired change. It also illustrates the profound differences among parties, and at times their mutual distrust and fear of the unknown that awaits them after the current regime is no more.

We believe that the opposition can be divided into three types— not along the traditional lines of Islamists, liberals, nationalists, and leftists, but rather using a different schema: 1) an opposition prepared to ally with the existing regime if it institutes minor changes in its current policies that check, even modestly, the rampant corruption throughout the country, loosen even slightly the security grip on the country's affairs, particularly its blatant interference in political life, and most significantly, allow it to exist and participate somehow in governance (even if by simply adopting part of its political platform); 2) an opposition that has broken with the existing regime and its political and social symbols and hopes for its abolition and replacement with an alternative, perhaps from within the military establishment. This opposition is inspired by the dream of a strong nationalist state and an uncritical nostalgia for the Nasserist era; 3) a democratic opposition that hopes to see the country transition into a real democracy and establish a nation of laws, grounded in institutions rather than personalities. This opposition was limited and subdued until ElBaradei appeared on the scene and adopted this vision, which made it a real possibility and perhaps the strongest alternative if the embryonic youth forces succeed in unifying their ranks and purging them of the remnants of the first and second types that have attached themselves either out of opportunism or because this camp of the opposition, starting with ElBaradei himself, has so far been unable to

resolve certain pending political and intellectual issues that are obstructing the momentum of the true democratic alternative. Nevertheless, I believe this option can continue to be viable and gather supporters even if it cannot win in the first or even the second round of change, for the simple reason that it is the alternative closest to the aspirations and hopes of the public. It is closer than the alternatives posited by the first and second camps, and it is the alternative that can be created by the people and for the people.

We should also note that there is a fourth alternative—a realistic option and perhaps the most viable so far—and that is the preservation of the status quo, perhaps accompanied by more police repression to tighten the grip of the NDP and its unchallenged control of the reins of power, regardless of personnel changes within the ruling clique.

Opportunities for democratic change (change from below) and the role of civil society:

Change from below is change that people create by themselves. This kind of change does not rely on the fatal knockout blow, but is more interested in changing constituent parts of the system at the root. These major systemic changes cannot take place without creating real democratic spaces that political interest groups help to shape, among them independent trade unions, federations and leagues that truly express their members' common interests, and tens of thousands of civic and local associations working with people and meeting their needs without the intervention of security or administrative authorities, as well as other forms of political, social, and cultural movements that include tens or hundreds of thousands of people. Democratic change cannot take place in the absence of democrats; if it does, it comes from above and does not affect the roots of society and its institutions, such that the status quo persists with changes at the top of the pyramid, which does not substantially change anything over the long term. As for real democratic change, it is the change that real democrats forge, democrats produced by daily struggles in numerous fields on every level, which creates a climate amenable to major

change. I believe that the Egyptian reality has seen real, serious strivings in the last few years towards the creation of numerous democratic structures in which civil society in its widest sense plays a large role in forging. In independent trade unions, for example, which began in groupings and associations that defend the interests of various professions, as well as political protest movements, which include a large number of the Egyptian political and civil elite, and social movements, which are a first step on the road to demanding major change.

Real democratic change is a possibility in Egypt on the condition that politico-civil forces have the political will and continue to work with a long-term vision on incremental structural change, side by side with aspirations and preparations for comprehensive change. These forces must realize that the democratization of any society is a process that requires enormous effort, a relatively long period of time, and perhaps more and more before it is to be achieved on the ground.

Politico-Civil Coalitions and Opportunities for change: the Case of Morocco

Dr. Abdel Aziz al-Nuweidi*

Introduction

The peaceful transition to democracy raises the issue of the independence of civil society from the state, particularly in a non-democratic state. In democratic systems, the state apparatus itself is representative of society and its political and civic organizations (the elected president, parliament and government) and the state itself engage in organized public debates or consultations with other social organizations (trade unions and other associations). The organs of state administration, the judiciary, security, and the public media are neutral parties before the law and indeed empower civic organizations and unions to defend their independence before the state.

In contrast, in non-democratic or partially democratic states like Morocco, there is a divide between the state and its authority on one hand and civil society on the other. Even those organs that are supposed to represent civil society, such as parliament and the

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government, are stunted and do not exercise full state authority. The establishment of political parties, their operations, prerogatives, and access to decision-making positions through elections are controlled through the constitution and laws imposed by the central authority, and organs of the state (the judiciary and administrative apparatus) are not politically neutral.

The central authority possesses various means to control the independence of civil society, most importantly the legal and coercive tools, as well as funding and the exercise of more direct control over persons within civil society organizations. It can create pro-state organizations and foster contradictions between and within organizations. Nevertheless, civil society in Morocco enjoys some degree of independence that varies depending on its constituent elements, the conditions of their emergence, their organizational strength, and the favorability of the domestic and international environment.

Civil society in Morocco was forged in the struggle against colonial dominance (parties, trade unions, associations and the press), and some elements of civil society retained their independence despite interventions by the state. Today we can identify the independent elements as several parties affiliated with the nationalist movement, particularly parties on the left, as well as an important segment of the Islamist movement, the rights movement, trade unions, and the independent press. Since the regime outweighs the power of these organizations by harnessing the state apparatus (the army, the judiciary, the higher administration and the media)—indeed, it has been able to co-opt parts of civil society itself (parties, trade unions, associations and the press)—the mission of civil society remains difficult.

Democratic principles have penetrated several political parties, particularly on the left, as well as rights organizations, women's organizations, the Amazigh movement, some trade unions, and important segments of the press. Moreover, demands to restrict the authority of the king are made by various parties with mutually exclusive political aims, such as the radical left and non-assimilated

Islamists (Justice and Charity). In addition, trade unions, the left, Islamists and the rights movement are united in their demands for social justice.

I. Possible coalitions

The independence of civil society becomes a more positive value if it supports a democratic project and is capable of creating alliances to advance this project. From this perspective, the alliances that look possible in today's landscape include:

1. An alliance between the left, the most important segment of the rights movement, part of the trade union movement, some Islamist groups, part of the independent press, part of the liberal camp, part of the Amazigh movement, and camps within the parties of the nationalist movement. Such an alliance is partially existent and has the potential to evolve further. This alliance is striving to establish a democratic project based on far-reaching reforms of the constitution, the state, the economy, society and culture.

2. An alliance of the central authority with its administrative parties, some parties of the nationalist movement in which the interests of the leadership and its frameworks are dependent on the central authority, and parts of the assimilated Islamist movement that dissimulate with the central authority to gather strength with the goal of securing a better position within decision-making centers. This alliance already exists. Its project appears to be based on a strong monarchy and strives to preserve the current political system with limited economic and social reforms that coincide with the arrangements and interests of the status quo domestically and internationally. This alliance is bound by an implicit pledge to keep all actors in it under control (particularly the radical Islamists), which is done by maintaining a careful balance of weakness and cultivating the contradictions between its constituent elements and the elements outside the alliance.

3. The growth of radical Islam (Justice and Charity and Salafi groups) fueled by the persistent attraction of citizens disappointed with and critical of the status quo and those marginalized politically and socially. Although the Islamist movement agrees with some elements of the left in its rejection of state political hegemony and social marginalization, the differences in their cultural projects prevent for the foreseeable future any rapprochement on issues such as freedom of religion, the relation of state and religion, and women's rights. It is also difficult to envision an alliance between these radical forces and more assimilated Islamist parties at the present time given the current and prospective advantages, which the assimilated parties are seeking and because of radical Islamists' view of their "co-opted" peers, whom they consider to have lost their way by allying themselves with corruption.

II. Horizons and imperatives

For democratic forces to further efforts towards democratization requires intellectual and political action aimed at clarifying the common principles that must be accepted by all political forces, including democratic forces, as a value system and a method for action, including a minimum set of rights for all and the protection of minority rights. In addition, as the transition to democracy is a process of change that will affect everyone's interests, for better or worse, working for this goal requires, aside from intellectual clarifications and political persuasion, the mobilization of all social groups with an interest in democracy, which is most groups, in order to create a balance of power that is favorable to democracy.

A. Intellectual and political imperatives

It is incumbent on democratic forces (parties, organizations, intellectuals and others) to exert efforts to foster a democratic culture in the national environment, in personal behavior, in the family, school and university, within parties and trade unions, and inside the

parties and forces advocating democracy. Given the current intellectual and political challenges in Morocco, the priority should be two strongly interrelated areas: the relationship between Islam and democracy and the relationship between the monarchy and democracy.

1. The relationship between Islam and democracy

In order to reconcile the positive aspects of both Islam and democracy, all political forces should adopt a perspective that fruitfully combines the two. Politically, this requires all Islamist forces to accept democracy without reservation as a method of action and a value. At the same time, nationalist forces must accept the idea that Islamic law, as a set of universal values and living texts open to interpretation and compatible with respect for human dignity, can be a source of legislation within the confines of a democratic constitution that enshrines a universal conception of human rights.

Islamists must accept political action on a democratic foundation with all other forces, while all other political forces must accept a politics that includes Islamist forces that accept democracy. Non-Islamist forces must avoid gratuitous and non-productive prejudice against Islamists or Islam and include Islamist forces that are ready to engage in dialogue and do not reject a minimum threshold of democratic values.

There is no doubt that democracy and Islam are both compatible with social projects in a society like ours where poverty, illiteracy, corruption, exploitation, and weak national capital are rampant. There is thus ample space for the state to intervene to uphold social justice, advance the national economy, and combat bribery, corruption, and exploitation. These are values advocated by both Islam and human rights, and are points of agreement among social democrats, Islamists and the most significant political forces in the country.

An ongoing dialogue between intellectuals and leaders of the two camps and a mutual clarification of potentially conflicting positions is

an urgent necessity. The gap between these two camps might grow as a result of misunderstanding and mutual ignorance of each other's approaches, particularly in areas such as women's rights, the concept of democracy, freedom of belief, and human rights. A dialogue that cleaves to the ethics of citizenship and mutual respect can narrow these gaps between the two camps, foster human relationships, and reduce the level of resentment. The field of debate should be broad, and all parties must deploy their media organs to present the debate and the stances of all parties in good faith. It would be beneficial for parallel debates to take place between the youth and women's wings of these forces in order to reach a basic common ground on real issues where everyone faces similar injustices. All parties must find some degree of shared perspective in their diagnosis of problems and ways to resolve them.

The fact that both Islamists and democrats have accepted the new family law, in whose passage King Mohammed VI played an important role, illustrates the potential for rapprochement between the two camps in a climate in which challenge, confrontation, incitement, and disregard have been set aside. This mutual hostility is cultivated by the forces resisting democratization, indeed, intellectual mercenaries were recruited to serve their plans to sow dissension and strife.

National democratic forces and Islamist forces will grow closer through a prudent treatment of another serious issue, connected to the first: the relationship between the monarchy and democracy.

2. The relationship between the monarchy and democracy

In Morocco, this issue is complicated by the interpretation that defines the king as the commander of the faithful, guaranteeing his political superiority and securing his ability to supersede the government and parliament in the determination of major decisions and public policies without being held accountable for the consequences of these policies and choices.

Democrats and Islamists of all kinds are prejudiced by this situation. Supporters of Justice and Charity do not accept the king's command of the faithful in the sense of allowing him to monopolize Islam to assert political dominance and shut them out of the competition. Islamists who accept the rules of the game aspire to a greater participatory role, but this desire for participation will undoubtedly run up against the exclusive roles claimed by the king, as parties of the nationalist movement have experienced since independence.

To address this issue, the best solution is a compromise on a democratic constitution involving all parties of the equation: the monarchy, nationalist political forces, and Islamist forces of all types. This constitution should uphold the sovereignty of the people and make them the source of authority. It should uphold the principle of equality before the law, making citizenship the source of rights and duties, as well as freedom of association and expression, and the rule of law in a way that is consistent with Morocco's international human rights commitments. Such a constitution should establish the independence of the judiciary and provide effective constitutional guarantees to protect it. This democratic constitution must empower the authority that is an extension of the will of the people—that is, the parliament and government—while subjecting it to accountability and oversight (constitutional, political, media, popular and judicial) while upholding minority rights.

Only an agreement on a democratic constitution can guarantee mutual recognition, dispel shared fears, clarify the rules of the game in accordance with honorable competition, realize the potential for political stability, strengthen the opportunities for economic and social development, shore up and reinvigorate the shared elements of a national culture, and foster a democratic political culture.

If these intellectual imperatives are to be carried out and be transformed from plans and documents into reality and practice, certain organizational imperatives suggests themselves.

B. Organizational imperatives

Perhaps the most important of these organizational imperatives is working to create a balance of forces, alliances, and understandings that can unify the efforts of political forces and lead to the creation of a vital social movement pushing for the establishment of a democratic state and society.

This requires action on several fronts:

1. *Strengthen the democratic nature of party and civic organs, both in theory and practice.* Democracy must be adopted in basic systems, and internal structures and daily practice democratized. These organizations must be transparent and involve their bases in information and decision-making, as well as maintain financial discipline, whether in the party, public responsibilities, or civic work. They must open the door to freedom of expression and critique, accept accountability, and respect periodic conferences and a renewal of their organizational apparatuses. These organizations should not combine multiple responsibilities in one person either in or out of the party, and they should undergo independent financial audits.

Partisan reform must move in four directions simultaneously: towards renewal, greater adherence, feminization, and synthesis.

The most logical requirement today is the creation of a new party capable of absorbing all leftist democratic parties and open to an alliance with Islamist forces that accept democracy as well as all democratic camps marginalized within other parties. Such a party would open its doors to sincere democrats who are shut out of existing parties or find no current party that appeals to them.

2. *Intensify unified, join action between democratic forces.* Political history proves that the more nationalist democratic forces unify their approach, demands and efforts, the more headway they make towards reform as illustrated by the experience of party blocs in the early 1990s. Currently, the Rally of the Democratic Left offers a ray of hope after its five parties (Fidelity for Democracy, Unified Socialist Left, Democratic Way, Socialist Democratic Vanguard, and

the National Ittihadi Congress) signed a declaration in June 2004 announcing their commitment to collective action on the basis of a common platform and pledging to strengthen cooperation and coordination to tip the balance of power in favor of the democratic choice. These parties and all parties of the democratic camp must extend their hands to one another on the basis of a national charter, broad and open to all national forces that agree to operate on its basis.

3. *Expand the dialogue to include all organized forces independent of the state, particularly Islamist formations.* This dialogue should be organized and cumulative, aimed at concluding pacts, a consensual agreement, and a mutual understanding to resist exclusion, vilification, and the justification of state repression and its violation of rights and liberties. This dialogue should be institutionalized to ensure its longevity through the creation of a forum that includes members representing all forces and trends. The forum should work to bring perspectives closer, address differences, and organize periodic meetings that will produce recommendations to strengthen cooperation of the type listed in point two above—that is, engaging in joint action, even if on specific issues. It would be preferable to act in accordance with written charters, involve public opinion, and resolve disputes by recourse to arbitration bodies.

4. *Work to reach a consensus between democratic and Islamist forces and the monarchy on the constitutional issue.* Resolving the constitutional issue is the key to forging agreements in other areas of political and civic work, and it will directly facilitate major reforms in society and state. Constitutional reform could encourage isolated Islamist forces to engage in politics, which could in turn spark a development of their stances and introduce the concept of independent judgment into their calculations; currently, their isolation and exclusion only propels them towards closed-mindedness and extremism.

5. *Encourage the grassroots organizations subsidiary to these political forces* (student unions, youth groups, trade unions and other groupings) to cooperate, unify if possible, and open themselves up to all their constituent elements without excluding anyone. They should

be encouraged to cooperate instead of conflict, and observe ethics codes agreed upon by their respective political organizations.

In conclusion, high ethical and behavioral standards, the proper formation of activists, humane relationships, and a preference for the national interest over partisan, sectoral, or personal interests can facilitate the work of forces seeking to champion democracy, peace, and comprehensive development.

Politico-Civil Coalitions and Opportunities for change: The Case of Yemen

Dr.Mohammed Ahmed Ali al-Mekhlafi*

Introduction:

Democratization in Yemen is a national necessity, and the obstruction of this process has produced a severe state of schism — ideological, political, sectarian, and social— in the country that threatens to bring down the state itself. Averting this danger requires rapid change and democratic reform via national reconciliation and accord based on a new social contract that provides the conditions for democratization and the establishment of a nation of laws. This is the indispensable basis for Yemen's stability and comprehensive, just development, and only in this way can the danger be addressed that is threatening not only Yemen's stability but that of neighboring countries and but the world .As such, the responsibility for reform does not rest solely with Yemenis, but with regional states as well, particularly Yemen's neighbors, as well as with the G8 nations who have adopted the cause of democratic reform in the Middle East and

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North Africa. To date, however, these states have played very little tangible role in supporting democracy or funding democratization. Indeed, since the signing of the partnership agreement and the G8 reform support plan of 2004, the pressure on regional governments to democratize has declined. In light of ideological divisions and the political deadlock in Yemen, the only hope for saving the country from collapse lies in a politico-civil alliance for change, but it urgently needs national and international support to achieve its mission.

This paper aims to highlight three issues:

1. The failure of the regime to achieve national and international partnership.

2. Identify the political and social forces working for change in Yemen, represented by the Joint Meeting Parties (JMP) and the political and social forces allied with them in the Preparatory Committee for National Dialogue. The committee is currently working to foster a comprehensive debate involving all political and social actors in order to forge a historic bloc for change and reach a general consensus on a new social contract.

3. These forces' vision for change as elaborated in their published materials, primarily the JMP project for political and national reform and the vision for national salvation proposed by the Preparatory Committee for National Dialogue.

Time considerations do not allow for a full discussion of these two documents and their perspective on political, economic, social, and cultural reform, and so this paper shall confine itself to the topic of political reform, particularly those issues related to changes in the formal structure of the state and reforms in the political system. Achieving these changes requires creating a national consensus to prevent Yemen from sliding into chaos or all-out civil war and preserve a unified country. The vision of change discussed here places the conflict in the realm of the rotation of power—that is, within a framework that does not threaten the existence of the state as such.

Background:

Over the last six years, democratic reform has been held hostage to power plays, where society has lost hope for democratic change as the regime has shown itself unwilling to pay the price of democracy in the form of the rotation of power. As a result, there have been several serious developments. Over the last three years in particular, the legitimacy of the government has eroded and southerners have coalesced around an absolute rejection of the existing central authority and separatist demands. The war in Saada, which erupted in 2004, continues, and its geographic range has expanded, entailing higher economic and social costs. The conflict, formerly centering on the issue of rotation of power, has broadened such that it threatens the territorial integrity of the unified nation. This has prompted the opposition, represented by the JMP, to work on creating a historic bloc for change and democratic reform. These efforts led to the convening of a national consultative meeting in Sana'a on May 20-21, 2009, which established a foundation for change in the form of the document for national dialogue and the concluding statement issued by the conference. The Preparatory Committee for National Dialogue was also created, bringing in the parties of the JMP, as well as the Yemeni Unified Assembly, the Liberation Front Party, the Houthis, and other civil society groups spanning various social sectors, from women to youth, merchants, clerics, tribal sheikhs, and others. One of the committee's first accomplishments was its issuance on September 7, 2009 of a proposed vision for national salvation, which was submitted to the government and society for debate and consensus building. This vision outlines the necessary features of democratic political, economic, social and cultural reform. In terms of political reform, the most significant new feature was a proposal for a united federal state.

Although both the regime and the opposition tout the need for change, the authorities' adoption of democratic and reform slogans is not matched by its willingness to pay the price and bear the consequences of democratic reform and the transfer of power. Rather, the discourse of democracy is used to burnish the regime's image abroad while maintaining its grip on power at home. Over the last six

years, the family of the president has further entrenched its control over the central authority, the army, the security apparatus, the public treasury, and business, indicating its intention to keep the reins of power within the family. This is one of the major factors stoking the war in Saada, the despair of democratic change, and southerners' increasing demands for separation and a revival of the southern state. Because of its desire to maintain power, the regime is heavily invested in a failed strategy, losing both its legitimacy and any sense of a national project. Its strategy is the preservation of the status quo, and it employs stalling tactics and methods of action that make a state collapse more likely. These tactics include: violence, corruption and patronage, the stoking of tribal, regional, and political vendettas, and appeals for support from abroad.

This strategy has only deepened the crisis of national partnership, leading to the total suspension of the political process since the agreement of February 23, 2009 between the JMP and the ruling party. Under this agreement, parliamentary elections scheduled for April 27, 2009 were postponed for two years to create the appropriate political climate for democracy and the institution of constitutional changes, particularly the development of political and electoral systems. The moment this agreement was signed, it provided a source of legitimacy to the parliament and the government, although the agreement essentially suspended the political process in the country.

One result of the failure of national partnership has been the failure of international partnership. The G8 nations and neighboring states exacerbated the issue by convening the London conference of January 27, 2010 without consideration of the need for national partnership and the regime's failure to achieve progress towards the democratic and economic partnership as discussed at the first London conference in 2006, as well as the failure to provide the financial support promised at the first conference. This experience only encouraged the regime to reject outright the idea of a national partnership and use international support to shore itself up rather than save Yemen.

The JMP alliance:

The nucleus of the JMP was formed at the end of Yemen's civil war in 1994, with the creation of the Supreme Coordinating Council for Opposition Parties, comprised of the Yemeni Socialist Party, the Nasserist Unionist Organization, the Arab Nationalist Baath Party-Iraqi wing, the Union of Popular Forces, and the Haqq Party (a Zaidi Islamist party). This coordination came in response to the challenges created by the war and the resulting power imbalances and political, social and ideological gaps engendered by the Yemeni Socialist Party's departure from the government, even as exceptional measures continued to be applied since the party represented a major force in the balance of power equation.

Given the northern leadership's unexpected military victory—unexpected by even the northern leadership itself—the goal of cooperation at the time was not to change, but rather to restrain the victor's impulses to eliminate its opponents, primarily the opposition parties. This impulse was later directed at its own ally in war and power: the Yemeni Congregation for Reform Party.

This coordination entered a new phase in 1996 when the council and the Yemeni Congregation for Reform signed a document containing a program for free and fair elections. Among the guarantees outlined by the document was the creation of a political climate suitable for elections, which involved rectifying some of the outcomes of the civil war, such as; returning the funds, offices and archives of the Yemeni Socialist Party and reinstating civilians and military personnel removed from their positions.

In 2001, the Supreme Coordinating Council for Opposition Parties signed a document with the Yemeni Congregation for Reform elaborating a common vision for electoral reform and support for democratization. On the basis of this agreement, the two parties engaged in a dialogue with the ruling party, the General People's Congress, and in the course of this common action a new framework

for coordination was created, the JMP.¹ In its reconstituted form, a new political actor was born that prompted a qualitative change in the evolution of religious parties and their transformation into modernizing political parties. The alliance also made the parties of the JMP the major political advocates of political, economic and social reform, particularly after the JMP became a real coalition with unified organizational structures for joint action and a common political platform, namely the JMP project for political and national reform, issued in late 2005.

In 2009, the JMP showed another level of strategic vision when it began working to create a consensus around a new social contract through a historic bloc for change. On May 20-21, 2009 the JMP convened a national consultative conference that included its member parties, the Unionist Assembly Party, and representatives from different social sectors. Out of this meeting grew the Preparatory Committee for National Dialogue, which on September 7, 2009 issued its vision for national salvation. With this document, the new framework came to represent an alliance of political forces for change possessed of a reform strategy needed to rescue Yemen from collapse.

This alliance of political forces is based on specific platforms, largely setting aside ideological or intellectual considerations to achieve political consensus. Initially this consensus was achieved on procedural matters, such as guarantees for free and fair elections and for the freedom and independence of civil society, and a common antipathy towards the suspension and suppression of rights and liberties. Today, however, it has begun working for broader change: the establishment of a nation of laws and democratization.

The alliance has agreed on a strategic vision that sees the key to democratic reform in introducing radical changes in the form of the

¹ After the invasion of Iraq, the Baath Party left the ranks of the opposition and the JMP and sided with the regime. It was replaced in the JMP by the Arab Socialist Baath Party. Currently, the JMP is comprised of the Yemeni Congregation for Reform, the Yemeni Socialist Party, the Nasserist Unionist Organization, the Arab Socialist Baath Party, the Union of Popular Forces, and the Haqq Party.

state and the political system. This is in order to build a modern democratic state that can act as a tool for economic and social reform and development. In practice, this approach first requires a resolution of the southern issue and the Saada war. The overwhelming priority, according to the document, is to build a modern democratic state on the basis of a new social contract after overcoming the challenges threatening territorial unity.

Prior to 2005, the JMP focused largely on fostering the political and legal conditions conducive to free and fair elections and resisting repression. But after managing to separate ideological and political matters, the parties were able to move to a strategic alliance through the two projects noted above.

In these two documents it is quite clear that the JMP distinguish between the existing regime, which they seek to change and replace, and the state as a public, objective institution. Indeed, the struggle over power must be regulated within a framework that does not threaten the existence or territorial unity of the nation and which promotes peaceful change. This method forms the basis of its approach for constructing the democratic system it seeks, in order to build a nation of laws that will provide the conditions for state neutrality in the struggle over power.

It is unfortunate and ironic that when the opportunity for democratization existed during the era of political liberalization, the flourishing of democratic action, and a real balance of power, it was undermined by the confrontation between Islamists (the Yemeni Congregation for Reform) and leftists (the Yemeni Socialist Party); a situation that sparked the war against the Yemeni Socialist Party and ejected it, along with southern Yemen, from the partnership. Today, the political deadlock and a shrinking democratic margin might have prompted the Yemeni Congregation for Reform to support the regime's desire to return to the pre-democratic era. Instead, however, it has opened up to the other—most significantly to the socialist party—accepted democracy, and is working to protect human rights. It has begun engaging in clearly political action, and its political leadership is more prominent than its religious outreach leadership.

Indeed, it is in the process of completing its transformation into a civic, political party.

These transformations have taken place thanks to the JMP, the political reconciliation its parties have achieved, their abandonment of historical animosities, and their recognition that democratic change will not be achieved but with a historical bloc committed to peaceful change based on a new social contract. With these transformations, the JMP and its political and social allies have become an effective political force capable of bringing change.

The coalition for change project:

The view of the coalition of political forces for change was crystallized in the JMP project for political and national reform. This project includes a vision for change effected through political, economic, social and cultural reforms. The project consists of 1) political and constitutional reform; 2) strengthening Yemeni and national unity; 3) administrative reform and anti-corruption measures; 4) economic and financial reform; 5) reform of cultural and social policies; and 6) reform of foreign policies. The document commits to two principles as well: firstly, that its vision shall be achieved by peaceful political means and secondly, that political reform is the main priority and the way to achieve other reforms and that it is fundamentally about the establishment of a nation of laws and democratization.

An analysis of the JMP project for political and national reform brings the fundamental nature of the political crisis to the fore. At heart, the crisis is about the absence of a nation of laws and, in turn, the lack of equal citizenship. One of the factors exacerbating the constitutional crisis was the amendment of the constitution after the 1994 war, which eroded rights and concentrated authority in the president's hands.

The documents issued in 2009 identified three major manifestations of the crisis: national schism (the southern issue and

the Saada war), political deadlock, and economic crisis. Yet, the root of the crisis remains the absence of the rule of law. Complicating the situation is the personalization of power and the issue of hereditary family rule, which threaten the fabric of the nation. In the face of these dangers, the solution is not merely incremental political reforms, but wholesale democratic change, and there is no way to achieve this aim but by the creation of a historic coalition that can unify the efforts of all those seeking change. A historic bloc for peaceful change must be established and a consensus built around a new social contract that upholds the precept of equal citizenship. The new documents advocate:

the creation of a historic bloc that can be an effective tool to achieve a historic compromise to enable Yemen to avert the dangers of collapse and successive crises, by way of building a modern, civic state that guarantees the right of equal citizenship and secures a broad national partnership to manage society's affairs.¹

The documents explicitly note the need to forge a new social contract, stating that:

we are demanding today the formulation of a new social contract...on which to build the state...that will include sufficient guarantees for the establishment of a real institutional state that operates in accordance with a legal and constitutional mandate in keeping with the principle of the separation of powers. The system should allow the real, peaceful rotation of power that will prevent the monopolization of power by one individual or family, make rulers truly accountable, and faithfully embody national partnership, including a fair division of power and wealth, as well as provide realistic foundations for the establishment of decentralized governance embodying partnership...in addition to the principle of equal citizenship and guarantees for rights and liberties.²

¹ Report from the Supreme Committee for National Consultation, submitted to the National Consultative Forum convened in Sana'a on May 20-21, 2009, p.16.

² Document for national dialogue and the closing statement issued by the National Consultative Forum convened in Sana'a on May 20-21, 2009.

The political will of the JMP and its allies is embodied in their elaboration of an alternative vision for state and society (the vision for national salvation) and in collective action on the ground to achieve this vision. The vision for national salvation consists of three parts: a diagnosis of the status quo, a vision for solutions, and instruments for action.

The section on crisis resolution is composed of:

1. Urgent salvation measures (stopping the collapse): fostering a favorable political climate, erasing the impact of the 1994 war and concluding a comprehensive national reconciliation, addressing the scars of previous political wars and conflicts, addressing the war in Saada and its impact, and addressing vendettas and local violence.

2. The construction of a modern nation state: general foundations and principles, the development of a decentralized state, the establishment of a parliamentary government, decentralized agencies and apparatuses, reform of the electoral system, reconstitution of the armed forces and security on a national basis, and administrative reform and anti-corruption efforts.

3. Economic reforms.

4. Reform of cultural and social policies.

This document explicitly embraces the will for change, stating:

There is no way to confront the crisis, save the nation, and pull it out of its downward spiral save by mobilizing national energies and efforts, such that everyone becomes a banner for peaceful change and national salvation, to rescue the country from the talons of the status quo, ultimately forging a new social contract that lays the foundation for the establishment of a modern, institutional Yemeni state in keeping with contemporary international norms.

The project for national salvation is based on the JMP project for political and national reform and adopts its basic principles. The first of these principles is that the hoped-for nation of laws is a state based on modern democratic standards, seen in the exercise of law in daily

practice and respect for and compliance with it by all citizens, both rulers and the ruled. It is a state grounded in equality before the law in which the state both applies the law and is subject to it. A nation of laws is necessarily a nation of institutions, and its defining features include respect for the legality and legitimacy of the constitution and laws, a refusal to deploy the law in an arbitrary, authoritarian manner, and a commitment to legal and legitimate action by all state institutions and agencies, including the daily, individual acts of its officials. It is a neutral state that valorizes the perpetuation of state institutions over the state officials. That is, the rotation of power does not entail a change in the nature of the state or the state bureaucracy. This lack of a sense of exclusive ownership means that changes in governance take place using constitutional and legal methods for the rotation of power following free and fair elections. As such, the document makes change a right of citizens and places the political struggle for change and the rotation of power within a peaceful framework that does not threaten the existence of the state or national territorial integrity.

The vision for national salvation is based on several major principles for the construction of a nation of laws. These are new principles that represent a qualitative development in the JMP's project for political and national reform. The most important of these principles are the construction of a decentralized state, the right of the citizenry to peaceful change, and a renunciation of change through violence. Some of the principles are not related to change and may indeed betray some ideological underpinnings, but the point of these ideological remnants may be merely to undercut the pro-regime camp's use of slogans that have harmed the JMP in the past, as will be explained below.

The most significant change in the vision for national salvation in comparison with the reform project is the proposal for a decentralized state. Regarding the structure of the state or the political system, it adopts content from the project for national and political reform and applies its ideas for constitutional reform to the issue of the reform of the political system.

The development of a decentralized state:

The document promotes that a decentralized state is necessary:

It is necessary to guarantee a fair distribution of power and wealth and prevent tyranny and the monopolization or inheritance of power. It also seeks to meet...the public's needs as exposed by the general national crisis around the country, in order to strengthen national unity, expand political participation, achieve democratization, and guarantee the peaceful rotation of power."

The preparatory committee that drafted the document concluded that:

the establishment of a national, decentralized state that will achieve national partnership in power and wealth for all Yemenis is the ideal form to set a united Yemen on the path of stability and development, complemented by a pluralistic, democratic political system that will realize justice, equality, popular participation, and the peaceful rotation of power.

The document unequivocally prefers decentralized rule as the best option for ending the concentration of power and wealth, but it does not propose a specific formal state structure for this purpose. The document proposes the institution of decentralized governance through either a federal system or within the framework of a unitary state that grants full prerogatives to local governance, which will be based on either large regions or the current administrative division of the country.

The document was put forth for popular debate by all national parties without exception, among them the regime, the southern movement leadership, the exiled opposition, and the Houthis in Saada. It is likely that the various parties, with the exception of the regime, would prefer the federal option for the following reasons:

1. The roots of the current national crisis go back to the outcome of the 1994 war: the monopolization of power and wealth through centralized governance, the concentration of power, and the undermining of Yemeni unity in the construction of a nation of laws,

institutions, and equal citizenship based on national partnership. As such, the unitary state is a symbol or incubator of the crisis and may contribute to the perpetuation of conditions that brought Yemen to this crisis.

2. Two decades of national unity have revealed that the unitary state contributed to the concentration of power in the president and the capital, which has rendered the state incapable of meeting the needs and representing the interests of its various constituent identities, whether ideological, sectarian, political or social. The state apparatus has been used to prevent the establishment of a nation of laws and the achievement of development and stability. Indeed, it has reproduced the pre-state structure by replacing the state with tribalism and the law with tribal custom.

3. Especially since 1994, the unitary state has been associated with political and social marginalization and rampant corruption. The undeniable result today is not only a rejection of these policies and practices, but also a rejection of a unified nation and calls for secession.

4. Today, in contrast to the immediate aftermath of the 1994 war, the severe national crisis cannot be resolved with incremental reforms, such as rectifying the impact of the war or establishing local governance. Rather, an end to the structural crisis requires radical solutions, most importantly the adoption of federalism and the peaceful rotation of power, in order to overcome existing ideological and social divisions, preserve the unity of the country, and achieve democratic change. Power must be distributed among federal, regional, and local agencies, and wealth must be fairly distributed both vertically and horizontally in order to achieve the interests of all Yemenis of all ideological and social affiliations, in accordance with the principle of equal citizenship.

However, federalism is not the only option. The solution could come via radical changes in the political system through constitutional and institutional reforms that achieve a balance of power between state agencies in all three branches of government, prevent the

concentration of power in one agency or individual or the exercise of power without responsibility and accountability, and achieve equal citizenship and a fair distribution of power and wealth. This change could be instituted via a national consensus that entails widespread acceptance and support for ending national divisions and stopping the state's slide into collapse by providing the conditions necessary for the establishment of a pluralistic democratic system and strengthening human rights and liberties.

Reforming the political system:

As noted above, the vision for national salvation is largely built on the JMP's project for political and national reform, putting it in a constitutional context. Since the actual form of the state is still open for debate, the proposed changes in the political system remain general proposals that will depend on whether the state assumes a federal or unitary form. The decision has been left to the partners to the dialogue and national public opinion.

The JMP's project for political and national reform and the vision for national salvation both advocate radical changes in the political system through institutional and constitutional reform that extends to the executive branch and, most importantly, its structure. The most significant reforms are the adoption of a parliamentary system and a bicameral legislature both of whose houses—the Council of Representatives and the Shura Council—are elected. It seeks to strengthen their oversight prerogatives and the judicial branch as well, to ensure their full independence from the executive and therefore modernizing their constitution, administration and performance. The change also includes reform of state administration to improve its efficiency and combat corruption.

This change should take place via constitutional and legal reform that ends national divisions and institutes a pluralistic, democratic parliamentary political system that ensures the separation and balance of powers and prevents the concentration or monopolization of power and wealth, the inheritance of power, or the exercise of power without

responsibility and accountability. This system should clearly separate the state's civil and military apparatus and the public treasury on the one hand, from the personal prerogatives of the ruler or his party on the other. This is in order to ensure the neutrality of the state, the civil and military service, the media, and the treasury in partisan competition. The electoral system must also be changed to adopt a proportional system and reform the electoral commission to guarantee its independence and neutrality.

In order to strengthen the oversight role of the parliament and create a balance of power between it and the executive, the vision stipulates that the central state apparatus shall be subject to oversight and accountability and the full supervision of the parliament. The document gives the Shura Council the authority to appoint members of the following agencies: the Supreme Judicial Council, the Constitutional Court, the Supreme Electoral Commission, the governor and deputies of the Central Bank, the chair and board members of the National Media Council, the National Council for NGOs, and the Supreme Waqf Council. In addition, it must approve the following civilian and military appointments: the chair, deputies and aides of the General Staff of the Armed Forces, the chair of the Civil Service Bureau, and the Public Prosecutor.

The document proposes the adoption of a parliamentary system based on a dual government structure with a president and prime minister. It does not give the president effective executive authorities, but rather sovereign representative authority in the sphere of international relations. In internal affairs, he enjoys symbolic prerogatives such as approving, with the prime minister, the appointment of all senior civil servants. The government alone oversees executive administration, and, as such, the president is not accountable for the performance of the executive branch; responsibility and accountability lie solely with the government. According to the document, the president acts as an arbiter between agencies and a symbol of sovereignty, but does not face criticism of the executive's performance since he has no power to pressure the government or other state agencies.

The parliamentary system was chosen in view of the current concentration of authority in the hand of the president, who is not subject to accountability and to whom all state agencies are subsidiary, either constitutionally or in practice. The opposition believes it is therefore necessary to make a clean break with this system, since it is one of the primary reasons that democratization has been stalled at the purely formal stage. As a result, progress towards real democracy was suspended and the effectiveness of all state agencies, with the exception of the presidency, weakened. This has cut off the possibility of a peaceful rotation of power, which has frustrated any hopes for change through democratic mechanisms and undermined the value of democracy in achieving stability and development, ending the spasms of violence, and stopping the struggle over power and wealth. The failure of the democratic process has led to outcomes that threaten the territorial unity of the state, most prominently the southern issue, the war in Saada, and the spread of poverty.

As such, the document called for the replacement of the current system of governance with the parliamentary system, created a bicameral legislature, and strengthened its financial and administrative oversight role, making state institutions subsidiary to it and ensuring state neutrality in the civil service, the Central Bank, the public media, and civil society sponsorship. To guarantee the neutrality of state institutions, particularly financial and military institutions, the document proposes that relatives of the president or prime minister up to the fourth degree be prohibited from occupying certain positions, including the chair of the Supreme Judicial Council, the chair (or his deputy or aide) of the General Staff of the Armed Forces, a commander (or his deputy or aide) of a branch of the armed forces (infantry, navy or air force), the chair (or his deputy or aide) of the Central Authority for Oversight and Accountability, the chair or member of the Supreme Electoral Commission, or the chair or director of a district security apparatus (or their deputies or aides).

The document establishes standards and procedures to ensure the independence of the judiciary from the executive and the establishment of an independent institutional structure. This is to end

the overlap between the judiciary and executive agencies seen in such bodies as the Judicial Inspection Agency and the Supreme Judicial Council, which oversees appointments to the courts and the Public Prosecutor's Office, appoints, promotes, and transfers judges, determines their salaries, and sets the budget for the judiciary. To ensure independence, the document specifies that the members of the council shall be appointed by the legislature, and the Judicial Inspection Agency is linked with the Supreme Judicial Council. The judicial structure is completed with the establishment of a constitutional court independent of the Supreme Court, the creation of an administrative judiciary, the abolition of exceptional courts, and the provision of guarantees for judges' independence and the implementation of court rulings.

Since the document does not advocate for a particular type of state, it does not specify the decentralized agencies or their prerogatives, and it does not distinguish between the prerogatives and mandates of the centralized and decentralized agencies.

The document addresses the electoral process from two perspectives:

1. The electoral system: it proposes a system of proportional representation to achieve the fair representation of all social classes, ensure the effectiveness of the legislature, and strengthen national unity and pluralism. It stipulates a quota of at least 15 percent female candidates.

2. Assurances for the independence and neutrality of the electoral administration: balanced representation for parties in the Supreme Electoral Commission, the reconstruction of the administrative and technical apparatus of elections in accordance with the norms and conditions of the civil service, and the provision of legal, political, and technical guarantees sufficient to uphold the neutrality of the public media, the treasury, and the army and security during political competition.

Conclusion:

The clear manifestations of state failure and the lack of horizontal or vertical justice is sufficient evidence that democratization has not occurred. Indeed, the obstruction of democratization and economic reforms biased against the poor have furthered the state's slide into civil war and exacerbated the danger of state collapse and the loss of territorial integrity. All of this has sent Yemen into a comprehensive crisis. The four most severe symptoms of this crisis are:

1. The southern issue: in the absence of acceptable, healthy solutions, the persistence of this issue threatens the territorial unity of the country.

2. The war in Saada: in the absence of any solutions that address the root causes of the war, the conflict threatens to lead Yemen into a full-blown civil war; its economic and social costs threaten development and social stability.

3. Political stalemates and the suspension of the democratic process: without national reconciliation, a change in the form of the state, and reform of the political system, the date of elections may mark the occasion to declare the death of state legitimacy.

4. Severe economic crisis: given the factors above, this may lead to all-out rebellion and violence.

It was noted at the outset that the success of the JMP alliance for change is due to two factors:

1. The necessity of change and democratic reform: averting chaos and comprehensive civil war in Yemen depends on this mission.

2. The parties of the JMP set aside ideological conflicts and considerations, although a review of the foundations and principles on which a modern national state must be established, as elaborated in the vision for national salvation, reveals that this ideological purge was not complete. The document retains some principles found in the existing constitution that have little to do with change and democratic reform. Articles 1, 2, and 3 of the constitution, which affirm the Islamic nature of the state, have been retained, and for no purpose

other than ideology. This conclusion is supported by two additional facts:

1. The drafting committee retained these principles even though discussions in the preparatory committee concluded that there was no reason to include them in the document; this conclusion was wholly disregarded.

2. The document dropped a section prohibiting discrimination of all types for any reason. This stipulation was one of the proposals made by the JMP and upheld by its legal team and executive body. The drafting committee also removed a proposed article prohibiting encroachments to freedom of conscience and religious or sectarian affiliation. The article stated that the state must guarantee the freedom to practice religious rites. Another proposal that was not included prohibited advocating wars and national or religious hatred.

Nevertheless, my familiarity with the proceedings indicates that the inclusion or exclusion of these provisions was not an attempt to uphold the ideology of the Yemeni Congregation for Reform or impose this ideology on others. Rather, it was an attempt to prevent fundamentalists from exploiting the authority of such ideological considerations for its own ends. Shortly before September 11, 2001 the fundamentalist wing was preparing a coup within the Yemeni Congregation for Reform to head off an alliance with the JMP. In the service of this end, it assassinated Jarallah Omar during the party conference on December 28, 2002, in collaboration with the security apparatus, in order to subvert the JMP and an alliance of various ideological forces allied for change and democratic reform.

In any case, the foregoing has illustrated that the JMP and its political and social allies represent a force with a vision and will for peaceful change. This force represents ideologically diverse parties and various social forces belonging to divergent classes that have all rallied around the strategy of change through political, economic, social, and cultural reform in order to save the country, which faces major challenges that threaten the collapse of the nation state itself. These challenges are primarily the political deadlock, national divisions (the southern issue and the war in Saada) and the economic crisis.

The forces working for change have agreed on a vision for national salvation based on the establishment of a democratic nation of laws and a resolution of the conflicts in the south and Saada. But these solutions require that all parties to the conflict accept the democratic solution. The major obstacle is the regime, which, despite the pressing dangers and its touting of democratic slogans, is unwilling to pay the price of democracy and bear the consequences of a rotation of power. Indeed, it is moving in the opposite direction, accepting democracy as long as it means that it can preserve its power, concentrate authority even further, and pass this authority on to those within its clique, through the increasing control of the ruling family over the army, security, the public treasury, and business.

Yet, there is no alternative to peaceful change that can prevent Yemen from sliding into the unknown, and there is no choice but to mobilize political and social forces around a project for peaceful change. This requires the opposition to make costly choices to pressure the regime to accept the project for national salvation. It must also reach out to Houthis in Saada, who have already declared their readiness to talk on the basis of the document, and the southern leadership abroad and some of the leadership of the southern movement, which are seeking to use jihadi organizations, among them al-Qaeda, to bring about secession through the use of violence and armed struggle. This camp must be persuaded to abandon al-Qaeda and agree to participate in the project for national salvation as a political group.

The document needs to resolve the question of the form of the state to complete its vision of the mandate and prerogatives of central and local state agencies. It must also address certain missing elements and clarify others, such as the lack of a specific provision for some human rights, the lack of clarity in the provision on equality and non-discrimination, and the lack of a clear provision for a women's quota in party electoral lists and elsewhere.

In any case, the future will affirm the magnitude of this historical alliance and its vision for change and democratic reform.

What Remains of Reform Initiatives? A view of the State of Human Rights in the Current Year

Essam El Din Mohammed Hassan *

Six years after the launch of both domestic and foreign initiatives promoting democratization in the Arab world, the current landscape today reflects the success of Arab regimes in parrying pressures for reform from home and abroad.

International pressure and initiatives certainly helped, if only temporarily, to alleviate repression in some countries and in creating a space to carve out real gains on the ground in the early years when these pressures were strong. This was seen through the growing political and social ferment in several countries, through a discourse increasingly critical of government policies and practices, and through the emergence of independent newspapers, electronic media and even some satellite channels that were able to delve into issues that had formerly been off limits. Reformist and democratic forces in more than one country were better able to innovate forms of public

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organization despite the arsenal of legal provisions that did and continue to restrict and control citizens' right of association.

However, these gains on the ground were not protected or supported by constitutional or legislative advances and thus, particularly over the last three years, they have been eroded, undermined, and confiscated, particularly given the declining strength of international democratization initiatives. Indeed, it is clear that Arab governments are increasingly targeting reform advocates, human rights defenders, regime critics, journalists, bloggers, and political activists.

Given this rapidly deteriorating landscape, it is not surprising to hear voices from within the ruling party's parliamentary majority in Egypt. For example, it is opined that demonstrators or lawbreakers should be shot simply for exercising their right to peacefully demonstrate an end of state of emergency or serious constitutional reforms. Nor is it out of place that in Morocco, which many hoped would provide a model of democratization from within, civilians are being referred to military tribunals for the first time in 14 years. Meanwhile, in Bahrain, the king's reform project continues to face setbacks as incitement against freedom of expression and human rights organizations becomes more common.

Given this context, there are increasing concerns that several countries may face civil conflicts as authoritarian regimes continue to cleave to policies that only reinforce the monopolization of power, exacerbate wealth, class or social disparities, and solidify discrimination based on religion, sect or ethnicity. This is quite clearly seen in the further entrenchment of systematic discrimination against the Shiite majority in Bahrain, the Shiite minority in Saudi Arabia and the Kurdish community in Syria.

In Egypt, there are fears that social tensions and sectarian violence may escalate as wealth becomes concentrated in fewer hands and the authorities prove unable to address problems of growing unemployment and poverty. In addition, entire sectors of society, such as Sinai Bedouins, are effectively marginalized and Copts face

discrimination even as the regime employs religion ever more frequently to bolster its tattered legitimacy. The state refuses to take a decisive stand championing the values of equality and citizenship, which only increases Copts' sense that the state can no longer fulfill its responsibilities and protect them in the face of religious bigotry and militancy.

Things are not markedly different in Algeria, where several reports have documented a growing intolerance of freedom of religion and the right of non-Muslims to practice their religion. Incidents have taken place that reveal a turn towards sectarian tension and violence. Some of the manifestations are similar to the Egyptian case, where homes are mobbed or torched because Christians are thought to be conducting worship services inside without a permit. At the same time, there have also been anonymous attacks on Islamic houses of worship.

In tandem with this, we can discern more frequent human rights abuses in a climate where impunity and immunity from criminal accountability are the norm. This is not only in countries facing occupations (Palestine and Iraq), or dealing with parallel power structures (Lebanon), or enduring armed conflict and civil war (Yemen and Sudan), but in all Arab countries to varying degrees.

In fact, the waning force of international initiatives is due to several factors, among them the fact that international actors themselves have adopted policies and practices incompatible with their advocacy of reform, democratization, and respect for human rights. From the invasion of Iraq and the series of atrocities committed there, no less brutal than those committed by Saddam Hussein's dictatorship, to the practice of torture at Guantanamo and the outsourcing of torture to Arab states with long experience in the practice, to the green light given to Israel to repress the Palestinians and the immunity granted to Israel for its crimes.

At the same time, Arab regimes themselves have successfully convinced Europe and the United States (US) that existing authoritarian regimes provide the best protection of their vital

interests, as these regimes have stoked fears about what successful democratization might mean for Hamas, Hizbullah, and the Muslim Brothers. Many Arab regimes have also skillfully employed the threat of terrorism to curry favor with Europeans and Americans and secure their absolute support, or at least assurances that they will turn a blind eye to abuses committed in the name of counterterrorism.

The best example of this is the regime of Ali Abdullah Saleh in Yemen, which has dragged the country into a permanent state of civil conflict, leading vicious wars against broad swathes of the population in both the north and south, and under its shadow committing the worst abuses in the Arab world against freedom of expression, freedom of the press and against human rights defenders. The regime has created a fertile climate for the growth of al-Qaeda in the Arabian Peninsula and has managed, in the name of the war on terror, to secure virtually full support from Europe and the US. The US administration has gone so far as to publicly express its commitment to non-intervention in Yemeni internal affairs considering the brutal crackdown on the social movement in the south a purely domestic affair. The air raids in the south, ostensibly targeting al-Qaeda and carried out with American support, were praised by President Obama although they have left dozens of dead civilians in their wake, most of them women and children.

Given the overwhelming balance of power in favor of authoritarian regimes, the prognosis for the Arab world is extremely bleak. Relieved only by the increasing number of people willing to pay the price for freedom and the restoration of lost dignity and challenge the instruments of repression and intimidation, despite waning international pressure, the miserable state of UN instruments for the protection of human rights, and the common interest that both Arab regimes and international and regional parties have in weakening, if not destroying, the role of the International Criminal Court and making impunity for crimes the norm.

General features of the current state of human rights in the Arab world

1. Constitutional and legal frameworks

Despite some criticism, the NGO law in Iraq is perhaps the sole positive instance of new legislation this year. Although the law is not entirely in keeping with international standards, it is the best in the Arab world. The law gives the executive little authority to interfere in civic action, in NGOs' ability to collect funds and accept grants from abroad, or in their right to form networks and unions, enter into coalitions without restrictions, or join international and regional networks.

Most regimes continued to cling to sets of laws that criminalize freedom of expression, establish liberty-depriving penalties for crimes of opinion or publication and confiscate most civil liberties, particularly the right to association in parties, trade unions, or NGOs.

The state of emergency has been in force in Syria since 1963, in Algeria since 1992, and in some areas of Sudan it has been in force since the coup in 1989. In Egypt, as expected, the emergency law was extended for another two years amid oft-repeated promises that it would only be used in terrorism and drug-trafficking cases. This time, the Egyptian government attempted to prove its seriousness by declaring its intent to release all detainees whose involvement in such cases had not been proven. So far, however, only a few hundred detainees of the estimated 5,000-10,000 have been released. The authorities have not officially declared the number of people detained or the charges against them, nor have they cited reasons for not referring these detainees to trial—even in exceptional courts—although many detainees have been held for years.

Overall, developments on the legal front have tended to increase restrictions on human rights and facilitate violations. In Sudan, the national security law issued in December 2009 granted broad prerogatives to the security and intelligence establishment to arrest, detain and search persons without accountability. The law allows the director of the security apparatus to detain people for 30 days,

extendable to 45 days at his discretion. The changes to the electoral system in Sudan allow the Bashir regime to closely regulate the electoral process and exercise advance control over its outcome, both by forming and choosing the electoral commission and manipulating the division of polling districts and voter rolls. The regime has also adopted an excessively complex voting system that opens the door to fraud and promotes confusion at polling stations. As a result, fraud and vote manipulation were one of the major logistic problems in the presidential and parliamentary elections held in April 2010, according to former US president Jimmy Carter.

In Tunisia, the major legal development was a move targeted at criminalizing the defense of human rights. A newly introduced provision in the Penal Code criminalizes "persons who rely on contact with agents of a foreign state or institution or organization to incite harm to the vital interests of Tunisia and its economic security," making the crime punishable by five to twenty years in prison. The statute seems to be aimed at Tunisian rights groups active internationally and regionally, particularly when these groups demand that the EU link human rights issues with economic perks and privileges in the framework of the Euro-Mediterranean Partnership.

In Lebanon, the parliament is considering a bill that would threaten freedom of expression and the free exchange of electronic information, which would constitute a violation of privacy. The bill gives the commission charged with regulating information technology broad authority over the management of websites, oversight of their administration, and regulation of electronic data hosts. The law would also establish procedures for administrative, financial and electronic audits, as well as means to access information, computer systems or tools used for data processing. The bill requires online service providers to submit information related to the movement of data in any operation over electronic networks to the security apparatus.

In Egypt, new restrictions are slated for introduction to the NGO law under which associations would be subject to oversight by three administrative bodies. The amendments, however, preserve the broad prerogatives given to the Ministry of Social Solidarity to arbitrarily

intervene in all aspects of NGOs' operations. In practice, and in actual violation of the law, these prerogatives provide a cover for the security apparatus to act as the final arbiter, by denying licenses to some NGOs, disqualifying certain founders or candidates from the boards of NGOs, or rejecting applications for the receipt of funding. The bill, currently under consideration, would add additional oversight by the General Federation of Associations and its subsidiary regional unions. Indeed, it makes membership in the General Federation compulsory for all NGOs. The bill aims to turn the Federation and its subsidiaries, which are hierarchic institutions rather than voluntary federations created from the bottom up by civil society itself, into a false popular front that will be empowered to arbitrarily intervene in civic work. The bill also ensures government control of the General Federation by giving the president the authority to appoint the federation chair and one-third of its board members. The Ministry of Social Solidarity will also appoint one-third of the members of the regional boards.

2. Crackdown on human rights defenders and reform advocates

In Syria, following trials lacking any semblance of due process, both before regular and exceptional courts, the chair of the Syrian Human Rights Organization - Sawasiyah and the founder of the Syrian Human Rights Association - were sentenced to three years in prison because of their advocacy work. Individuals active in the defense of Kurdish rights have been given jail terms of five to six years in similarly unfair trials. The authorities stubbornly refuse to grant permits to rights organizations, and they continue to enforce travel bans on dozens of individuals involved in these organizations.

Incitement and slander campaigns against rights organizations and figures associated with them have increased in Tunisia, Egypt and Bahrain, and have recently begun in Morocco; where an aggressive campaign of incitement has targeted the Moroccan Association for Human Rights, which is heavily involved in various forms of social and trade union work in the country.

In Egypt, arbitrary administrative intervention is increasingly used to deter activities sponsored by NGOs and rights organizations. The

administrative body summarily denied permission to convene general assemblies in the Human Rights Association for the Assistance of Prisoners and the Association for Human Rights Legal Aid. It also refused to approve a grant from the EU to fund a joint project between the Egyptian Organization for Human Rights and the CIHRS to set up training programs and produce publications against torture. The administrative body also rejected six other foreign grants for projects organized by the Center for Egyptian Women's Legal Assistance. In fact, without legal foundation, the Minister of Social Solidarity asked the chair of the Egyptian Central Bank to issue directives to banks not to deposit or cash checks for NGOs unless they are accompanied by certification from the Ministry.

Also, in violation of the law, the Ministry conducted a surprise inspection of the Center for Trade Union and Workers' Services following a complaint from the chair of the Egyptian Trade Union Federation asking that misconduct by the Center be stopped. The move came after the Center harshly criticized the trade union law, which embarrassed the government before the International Labor Organization.

In Tunisia, the siege of rights organizations continues as the police state maintains close security surveillance on the offices, homes and movements of human rights defenders. It also continues to harass and assault them, physically and verbally, while bringing some to trial on trumped-up charges.

In Saudi Arabia, dozens of reform advocates and activists who maintain websites monitoring human rights abuses in the kingdom have been arrested. The authorities also persist in their refusal to license any independent rights groups.

In Morocco, which was perceived in recent years as the most promising candidate for democratization, has seen increasingly frequent attacks on human rights defenders, particularly in the Western Sahara. Human rights defenders are abducted, subject to arbitrary detention, tried, and sentenced to harsh prison terms or restrictions on their movement and travel. The regime also imposes

strict guidelines to prevent foreign delegations from visiting the region. In addition, individuals involved with the Moroccan Association for Human Rights have been targeted for arrest or trial on several occasions due to their involvement with social or labor protests. An appeals court recently upheld a three-year prison sentence for the chair of the Association for Human Rights in the Rif, which is active in Amazigh circles.

In Yemen, dozens of human rights defenders, journalists and political activists involved in exposing human rights abuses have been systematically targeted for abduction, forced disappearance, arbitrary detention and torture. Some have been tried on terrorism charges or as alleged agents of Iran. One member of the Yemeni Organization for the Defense of Rights and Democratic Freedoms was sentenced to eight years in prison after a State Security court convicted him of belonging to an armed group. The tenor of harassment, threat and intimidation has increased to the point that the offices of the Shaqaiq Forum were raided, and unknown assailants assaulted the organization's president and cut the breaks on her car.

In Algeria, legal statutes that criminalize and mandate prison terms for those who address the years-long bloody conflict between the State and Islamist groups remain on the books. These statutes are used to harass human rights defenders and organizations that seek to discover the fate of the disappeared, show solidarity with victims' families, or demand compensation and accountability for crimes committed during the war.

3. Precarious state of freedom of expression

The criminalization of opinions and ideas has extended to the circulation of information, enforced through penal codes and press laws that are used to prosecute persons of conscience, journalists and bloggers in Morocco. Many journalists and bloggers have been imprisoned on the basis of these laws, and more than one newspaper has been shut down pending a publication case that involved disparagement of the king or members of the royal family.

The Syrian authorities continue to try and imprison their critics and several publications have been confiscated, and many websites blocked.

The increasing tendency to block online content in order to contain freedom of expression can be seen in Tunisia, Saudi Arabia and Bahrain. In Egypt, several journalists have been sentenced to prison, although arbitrary detention under the terms of the emergency law is still the favored means of harassing and imprisoning bloggers for long periods.

Even in Lebanon, perhaps one of the most tolerant countries in the region on freedom of expression, several people who have voiced criticisms of the Lebanese president online face prison terms of up to two years. In Tunisia, trumped-up charges continue to be levied against independent journalists. One journalist was sentenced to four years in prison after expressing his solidarity with victims of the crackdown on the social movement in the mining region, and one party newspaper has been confiscated twice this year.

In Sudan, the authorities have backtracked on their promises to lift security oversight of the press and security officers continue to determine what can and cannot be published. Some newspapers have been forced to refrain from publication while others have faced distribution bans. Many journalists were arrested during the recent Sudanese elections and some were tortured. A party newspaper was shut down and its assets seized as part of the increasingly draconian measures taken to silence political opponents.

The most severe abuses, however, have taken place in Yemen, where the offices of several newspapers have been raided and papers printed and ready for distribution have been confiscated. Several journalists have also been the targets of assassination attempts, and at least 40 journalists have been tried. In some cases, they have not only been sentenced to prison, but they have been temporarily or permanently denied the right to practice their profession. Other Yemeni journalists have been kidnapped and tortured; one journalist was subjected to a mock execution on more than one occasion.

In the Palestinian West Bank, Israeli occupation forces continue their routine assaults on journalists, photographers and film crews that cover protests. As a result of the ongoing conflict between Fatah and Hamas, Hamas-affiliated journalists in the West Bank are subject to arrest and detention, while their Fatah-affiliated peers in the Gaza Strip face similar treatment. The Hamas authorities in Gaza prohibited the entry of several pro-Fatah newspapers and made their entry conditional on the suspension of all criticism of the Hamas authority. Pro-Hamas papers have also been banned entry in the West Bank since the fighting first erupted between the two Palestinian factions in 2007.

4. Women's rights

The status of women continues to be held hostage to the conflicting interests and political calculations of Arab regimes. Official repression, however, adheres to the principle of equality, affecting women and men alike. At the same time, as Arab governments attempt to respond to the challenge of political Islam, they are increasingly using religion to do so, seeking a *détente* with the more militant religious elements and appeasing the dominant culture. Women's rights are often the victims of these bargains and trade-offs. As a result, progress has been extremely slow towards the lifting of all official reservations to the Committee on the Elimination of Discrimination against Women (CEDAW), including in Morocco, where no tangible measures have been taken despite repeated official pledges to lift all reservations.

Citizenship laws and personal status laws in most Arab countries continue to embody flagrant discriminatory standards against women. The gradual incorporation of women into the judiciary in Egypt faced a setback recently following the refusal of judges with the State Council to appoint women to their ranks.

Despite the unfortunate status of women in many parts of the Arab world due to discriminatory laws or official complicity with social patriarchal attitudes, Arab governments have found that the issue of women's rights provides a convenient means of burnishing their

image before the international community without making any real impact on the political balance of power or subverting structural discrimination against women. So, for example, is it unsurprising that some governments have taken steps to increase women's political participation even as some of these same countries continue to use lashes as a punitive measure against women. Sudan is just such a case, where its current electoral system contains a quota dictating that 25 percent of seats in the parliament be reserved for women.

In Egypt, where both women and men have despaired of the utility of elections and the facade of representative institutions, especially after judicial supervision of elections was annulled, the government has improved its image by setting a quota dictating that 64 seats be reserved for women in the parliament. The quota will be effective in the elections slated for later this year, which are widely expected to be some of the worst ever in Egypt, in light of the government's desire to disqualify potential Muslim Brother candidates and considering the Shura Council elections that took place earlier this year. In those elections, restrictions were put in place to prevent human rights groups from monitoring the elections, despite the lack of any real competition to the ruling party, and fraud was so rampant that some analysts even spoke of "positive fraud" on behalf of opposition parties, as the regime is keen to maintain the facade of real opposition parties for the coming presidential elections.

5. Lack of accountability and impunity

Impunity for grave human rights abuses and violations of international humanitarian law is a prominent feature of this area of the world.

The international community continued to collude with the grave abuses committed by Israel in territories ostensibly under the control of Palestinian National Authority, including the ongoing punitive siege of 1.5 million human beings in the Gaza Strip. The international failure to hold Israel to account for its crimes persists, and major parties within the international community helped to ensure that the

recommendations of the Goldstone report, those related to both Israeli and Palestinian violations, remained merely ink on paper.

In Lebanon, chances are growing ever slimmer for justice in the assassinations and bombings perpetrated in the country after the Hariri assassination a few years ago; given the parallel power structures in the country and the balance of power internationally and regionally.

The interests of the Arab regional order appear to have aligned with international parties as a blind eye is turned to Bashir's crimes in Darfur, although more recently Bashir and his aides have been charged with genocide.

In light of these international failures and collusions, Arab regimes feel that they are immune from accountability, which only facilitates more human rights abuses, from arbitrary detention and abduction to extrajudicial killing and torture, all of which are perpetrated to varying degrees in Yemen, Syria, Bahrain, Saudi Arabia, Egypt, Tunisia, Algeria, and Iraq. Even in Morocco, which made important strides towards conciliatory justice by addressing the abuses of the Years of Lead, there has been a clear failure to implement the recommendations of the Equity and Reconciliation Commission, particularly those recommendations related to the institutional and legal changes needed to reform the justice, security and penal systems. Indeed, in recent years, violations have begun to reappear in Morocco.

Conclusion:

The current status of human rights in the Arab world continues to reflect the absence of political will needed to initiate real reform, democratization and respect for human rights. This is not only among Arab regimes themselves, but also among international parties, whether the UN and its human rights instruments or international parties adopting official democratization initiatives.

Given this and the conclusions it forces, this researcher has no wish to submit new proposals or recommendations to the Forum for the Future.

The first preparatory meeting for civil society held parallel to the Forum was convened in December 2004 in Rabat. I believe that the incredible array of recommendations made in the Rabat Declaration, which came out of that meeting nearly six years ago now, are sufficient to expose the lack of political will to which I refer, among Arab governments, the Arab League and G8 nations sponsoring the Forum. I believe these recommendations, which are intimately related to political reform or ways to stimulate the role of the Forum, are still applicable and can be adopted as is or built upon further. The question remains, however, as to whether the parties addressed by these recommendations have the political will to see them through. I leave the answer to those present at the current preparatory meeting.

Chapter two

**What Role for the
International Community?**

European Interests and Political Reform in the Middle East and North Africa

Kristina Kausch*

Recent years have seen a European pull-back from active democracy support. This is not to suggest that budgets have been cut or projects massively shut down. Allocations and programming for the support of political reform in the region remain mostly stable. EU total allocations under the European Instrument for Democracy and Human Rights (EIDHR) have increased in recent years, although the MENA region has typically been underrepresented.

In spite of this, conflicts of interests between different foreign policy strands are leading to a de facto erosion of European democracy support in the Middle East and North Africa (MENA). Disappointment with this lack of coherence and commitment, which stands in contradiction to a plethora of the EU's declared foreign policy goals, accumulates amongst pro-reform local stakeholders in the region.

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Is this a fair indictment of current trends on European policies in the region? What does it tell us about the dynamics that currently condition European foreign policy at large? What is the outlook for EU support to political reform in the Arab World?

Trends in EU policies in the Mediterranean:

The European pull-back from support for democracy and human rights has been strongly conditioned by the changed international environment over the past decade. The economic crisis has reinforced inward-looking policy-making, strengthened protectionism, and decoupled trade deals from any conditionality rationale. The forceful emergence of new regional leaders and other non-democratic international actors, who constitute attractive alternative partners to authoritarian MENA governments to advance their economic interests, decrease the EU's weight and leverage in the region. The ever more numerous imminent collective security challenges in the MENA, including nuclear proliferation and other regional and sub-regional security crises, alter European attention and priority-setting. At the same time, the EU's capacity to face these enhanced challenges to foreign policy making is – at least temporarily – weakened by the ongoing EU internal governance transition that the implementation of the Lisbon Treaty implies. In other words, in a more complex and less safe world, EU power, capacity and unity are weakened.

Against this setting, EU policies in the MENA region in recent years have been characterised by a number of trends.

One, EU foreign policy in the region has become markedly 'securitised'. From counter-terrorism over migration to energy and trade, the various strands of EU external action have been seen through an increasingly narrow security lens. By the same token, an exclusionary, defensive bent prevails across all policy strands.

Two, EU leverage and incentive power in the MENA region is decreasing, with the respective negative implications for the attractiveness and viability of conditionality-based policies such as the

European Neighbourhood Policy (ENP). Attempts to revive European incentive power by seeking new formulas to make the EU's trademark 'political reform and modernisation by integration' more attractive for its neighbouring partners through a series of 'upgrades' (advanced status, privileged partnership) have not yet yielded any meaningful results in terms of advancing human rights and political reform. By a similar token, tame EU efforts to de-politicise and revive the multilateral track in the Mediterranean via a revamp of the Barcelona framework into a new 'Union for the Mediterranean' seem to have been built on sand.

Three, the increased challenges have led to a stronger focus on the bilateral track, both in community and member states' policies. This development is to the detriment of a larger multilateral vision for the Mediterranean, and favours bilateral deal-making, often in contradiction to community policies.

Four, as a result of all the above, EU external action in most of the region is increasingly void of the normative goals proclaimed in EU foreign policy documents and statements. The overall value of development assistance programmes aimed at supporting human rights, democratic governance and political reform in the region is being jeopardised by the lack of systematic political back-up from European capitals. Human rights activists from Morocco to Syria complain over the Janus-headed nature of EU policy-making.

What does this mean for European foreign policy in the MENA with regard to political reform? Is the multilateral track in the Mediterranean dead? Is the EU's support to MENA political reform doomed to wither?

EU 'normative power' on the wane:

The facts on the ground suggest that the decreasing EU support for democracy reveals that the emphasis of 'EU normative power' as a main driver of EU foreign policy was but a chimera. In the current

environment, can the EU actually fulfil its self-set standard of 'normative power'?

Liberal values of democracy, human rights and pluralism are among the EU's founding principles, and have – at least nominally – been at the heart of all EU major foreign policy frameworks towards its neighbourhood. Promoting peace, democracy and prosperity in the European East and South have been the guiding ideas of the Barcelona Process, the European Neighbourhood Policy, and (although far more marginally) the Union for the Mediterranean. Often proclaimed a distinctive trademark of EU identity, the EU has been defending its profile of 'normative power' in the international affairs arena.

Current trends in EU external action in the MENA, however, seem to suggest that the idea of normative power as a main driver of EU foreign policy was but a chimera. The EU's return to stability-oriented alliance-building with authoritarian governments suggests that the Union's holistic vision for the Mediterranean that was underlying the Barcelona process was but a temporary outburst of idealistic enthusiasm of the post-Cold War years, which now moves 'back to normal'.

19th century British prime minister and foreign secretary Lord Palmerston (1784-1865) famously said that 'nations have no permanent friends or allies, they only have permanent interests'. In order for the EU to fill the notion of 'normative power' with life, a basic consensus among member states to defend fundamental liberal principles such as democracy and human rights in the MENA region even at the expense of important strategic economic and security interests would be required. Evidence strongly suggests that such a basic consensus is currently lacking.

MENA Reform and EU Identity:

Whether or not the EU will soon resolve this and other open questions related to its own identity and internal governance arrangements, it is clear that in the drastically changed environment

over the last decade, external democracy support cannot be approached in the same way. The Lisbon Treaty, while providing a number of opportunities to enhance the efficiency and coherence of EU policy-making, will not tackle the pile of open larger strategic and normative questions in which the EU's return to more 'realist' policies in the MENA are rooted. In foreign policy, the Treaty did not change fundamental decision making of the European Union, as it did in other policy areas. The overall direction of EU foreign policy in the post-Lisbon era will still be decided upon by member states by unanimity, and foreign policy will remain an intergovernmental affair, thus favouring member states' narrower national interests.

The lack of policy coherence in EU external action is not a problem specific to the MENA region, but lies at the heart of current debates over the EU's overall role and profile as a global foreign policy actor. The changed international environment over the last decade requires a fundamental rethink of the relationship between strategic self-interest and support to domestic political change in the EU's external action. This is an aspiration that the current revamping of internal governance arrangements will hardly be able to satisfy.

US Policies Towards Promoting Democracy and Human Rights in the Arab World

Andrew Albertson*

The Obama administration's approach to human rights and political reform is a complex product of competing factors. On the one hand, in contrast to the approach of the Bush administration, which between 2002 and 2006 supported political reform as a driving goal of its foreign policy, the Obama administration's approach to rights and reform is reactive: a result of other factors more central to its thinking. It is a secondary goal, buffeted by the waves of politics and other policies. On the other hand, the administration has expressed strong, progress-oriented ideas about US foreign policy in general. And in practice, it has come to realize the costs of neglecting that agenda and is slowly beginning to integrate issues of rights and reform more thoughtfully into its overall approach in the Middle East. In some cases, this has involved positive new initiatives. Each of these points deserves our attention.

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But we should begin with the major factors driving the administration's policy. The Obama Administration's approach to human rights, democracy, and governance is derived from three basic factors. First, circumstances have required it to adopt a largely reactive agenda focused on "cleaning up the mess" from the previous administration on Iran, Afghanistan and Pakistan, Iraq, and the Israeli-Palestinian conflict, while simultaneously dealing with a struggling domestic economy, rather than advancing substantive new foreign policy initiatives of its own. Second, it is fueled in part by an ideological reaction to the Bush Administration, which resists the idea that the US can or should support democracy in the Middle East. Third, it faces relatively limited criticisms of its record on human rights.

The first factor informing the administration's approach to these issues is its perception of global politics and US interests. Beginning during the Bush Administration, many in Washington began to fear that US leadership in the world was increasingly being questioned, with the consequences that old alliances were coming loose and new openings were emerging for rogue states and rival powers. The Bush administration's unilateralism had fueled serious diplomatic concerns. Ideological, uneven decisionmaking had left old allies rattled. A fragile, debt-fueled economy raised still more questions about the future. And US military overextension added fears that it could no longer fulfill its commitments. From President Obama's inaugural address, he made clear that his administration would make these concerns central to its foreign policy. As a consequence, the administration has sought first and foremost to undo what it perceived as the mistakes of the Bush Administration. These include policy decisions – negotiating with Iran, changing strategies and devoting greater levels of resources to Afghanistan, engaging closely with the Israeli-Palestinian conflict, and withdrawing from Iraq. But equally important were *process* changes. Eschewing unilateralism, ideology, and militarism, the administration promised to engage responsibly and consistently in the world. This has involved a careful reliance on diplomacy and an accompanying attention to the interests and demands of its diplomatic interlocutors: states.

Alongside these issues is another environmental factor driving the administration's reactive policy agenda: the major US economic recession. For strategic reasons as well as political ones, the administration has decided to focus much of its attention so far on the ailing US economy, including both near-term economic stimulus and job creation and long-term reform of the US fiscal position, sometimes at the expense of foreign policy. In a time of continuing economic hardship, American voters want to see a president hard at work for them – not traveling abroad to solve the problems of other people elsewhere. They are less compassionate, more competitive, and more afraid. As someone who focuses on foreign policy, I can tell you that no international issues are high on the agenda of Americans today – whether Iraq or Mexico, democracy or nuclear non-proliferation. Instead, Americans are telling their elected officials to focus on jobs, jobs, jobs. This too, undercuts the administration's ability to pursue its own positive foreign policy agenda.

The second factor driving the administration's policy in this area has been ideological. Too often in Washington, we see a pendulum effect: two-party campaigns produce policy positions that are diametrically opposed to one another. When one party wins, incoming political appointees, still infused by the ideological spirit of the campaign, put in place policies that swing to the far end of the continuum from the prior administration. Following a Clinton administration that focused heavily on the peace process in its final years, the George W. Bush administration entered office with the slogan ABC, meaning "Anything But Clinton," and a determination to steer clear of the Israeli-Palestinian conflict. Eventually Bush launched his own "freedom agenda." Obama's circle of left-leaning advisors, having campaigned for years against the Bush administration's policies in the Middle East, similarly ran from that administration's commitment to democracy. Unlike Guantanamo Bay, which the Obama administration inherited and has found difficult to close, or Afghanistan where the administration found itself committed to a large-scale counterinsurgency campaign, the "freedom agenda" involved few bricks and mortar commitments and far less visible decisions about protecting or abandoning equities.

From an analytical standpoint, the problem with the political left – both those inside the Obama Administration and especially its supporters on the outside – lies with the meaning of “realism” in foreign policy. In its critique, the left has confused a realism of *analysis* – seeing the world as it is, not as we wish it to be – with a *realpolitik* approach to *policy* – imagining that problems can be solved without addressing human aspirations, but rather by dealing with states, which are assumed to be rational, capable, unitary actors. In this way, self-styled “progressives” have in fact become conservative: they are defenders of the status quo within states and of the prerogatives of Arab regimes. In an unfortunate reaction to the failures of the Bush administration, they have lost faith that the US can or even should support the emergence of open, democratic, law-based societies in the Middle East. In this sense, they have joined the ranks of the traditional constituencies for stability, oil companies and Arab governments, labeling their approach “pragmatic.” The combined weight of cynicism and justifications for authoritarian behavior has led to apathy on the left over US support for human rights in places like Iran and Egypt. And in contrast to previous generations, the left has also not spoken out against US practices such as aid to authoritarian governments that make the US complicit in abuses and impedes democratization. I would argue that it is hardly “realistic” to believe that the US can undermine anti-West radicalism without addressing some of the social, economic, and political frustrations that feed the growth of radicalism, as well as their policy roots. Nonetheless, these ideological trends have reduced domestic political support for pro-reform policies, particularly among key Obama supporters.

The third factor, which I have already touched on to a certain degree, is politics. Some in Washington have raised concerns about the administration’s early neglect of the issue. This includes sharp barbs from the political right, which the administration has dismissed as a last gasp of a failed neoconservative approach, as well as quieter but arguably more effective criticism from the community of practitioners focused on democracy and governance. The pressure has been helpful: after much criticism, Secretary Clinton gave a lengthy speech on US support for democracy and human rights.

Likewise, the administration has recently rolled out small initiatives in support of Internet freedom and civil society. However, the limited pressure appears to have had only limited impact. It has persuaded the administration to act on the margins, giving speeches and making symbolic contributions, but has not convinced them that their earlier thinking was mistaken or that a continued neglect of reform issues would be punished at the polls. Perhaps most importantly, the lack of external pressure has allowed Congress, traditionally a champion of human rights, to remain a largely passive actor on these issues. In sum, the lack of external pressure on the administration on human rights in the Middle East, relative to other historical periods and regions, has had a sharply negative impact.

Alongside these major drivers – the Obama administration's reactive agenda, its ideological hang-ups, and limited political pressure – a fourth factor is also at play: the administration's overarching view of the world. In fact, the Obama administration entered office expressing several core principles that bode well for a more activist agenda in support of human rights. Unlike many conservatives, the administration strongly believes that in today's interconnected world, development abroad is good for American interests. Rejecting the politics of division and demonization, the administration has also argued that renewing relations with Muslims and Muslim-majority countries must be a core priority of US engagement in the world. Both of these initiatives – a drive to elevate development and another to launch a new beginning with Muslim communities – have been blunted by the countervailing forces I listed above. To a certain extent, they have also been undermined by continuing rivalry between the White House and the State Department and associated bureaucratic challenges. Nevertheless, each is worth examining for its impact on and connections to human rights and democratic reform.

In his inaugural address, President Obama declared that a chief goal of his foreign policy would be to launch “a new beginning” with Muslims around the world and Muslim-majority countries. To that end, he gave an early interview with Al Arabiya's Hisham Melhem, in

which he promised a new US approach to the region based on mutual interest and mutual respect. President Obama also made major speeches in Ankara, emphasizing the interests, values, and history the US shares with that country, and in Cairo, where he gave a memorable address that illustrated his respect for Muslims and their concerns. What made the Cairo speech particularly memorable was its departure from Obama's traditional emphasis on state-to-state diplomacy: President Obama opted not to speak to Egypt's government but to the people listening around the world. His formulation of a new way forward centered on broader engagement – engagement on development and other issues alongside security and energy, and engagement by a broader set of actors than simply states – represented a genuine break from the thinking of the past.

Unfortunately, however, we must now view that speech as an aberration. The Obama administration's foreign policy – particularly in the Middle East – is founded on two core assumptions: first, that the challenges the US faces can only be resolved through close cooperation with the world's governments, and second, that close cooperation with governments is only achievable if that relationship is essentially exclusive – if states are given a veto over US engagement with other actors. As a consequence of these views, the administration's agenda of engagement with Muslim-majority countries has avoided entirely the issue of politics, political development, rule of law, and civil and political rights. Instead, it has focused on the wish lists of states. When Secretary Clinton addressed last year's Forum for the Future, her remarks were clearly directed to the assembled foreign ministers. She announced that the US post-Cairo agenda would focus on entrepreneurship and job creation, science and technology, and education. Democracy, religious liberties, women's rights, and civil society engagement – all present in the president's speech in Cairo – were dropped as priorities when the process moved from rhetoric to practical action. The reality is that the administration's important focus on renewing relations with Muslim-majority countries has also been muted – concentrated on the same old priorities of the same old governments – as a consequence of the administration's priorities and ideological assumptions. And the

results are not good: the administration may have achieved marginally more cooperation from regional governments in key policy areas. Opinions of the US are not improving, though; on the contrary, they have worsened since the beginning of the administration. Its investments in development are likely to have only mixed effects in the absence of other reforms. Finally, the administration's diplomacy has reinforced the principle of state primacy in a region that badly needs to develop the ideas of citizenship, the rule of law, and independent civil society.

The administration also seeks to elevate development in its foreign policy. In its recently released National Security Strategy, the administration argued that the interests of Americans are advanced alongside development elsewhere in the world: "We want a better future for our children and grandchildren, and we believe that their lives will be better if other peoples' children and grandchildren can live in freedom and prosperity." US development policy has traditionally been managed by the State Department with the consequence that development assistance has been tailored to meet diplomatic goals. The administration entered office with a determination to make USAID, and by extension US development policy, more independent of the State Department and the exigencies of diplomacy. Congress has also adopted this goal.

Unfortunately, this goal too has been difficult to achieve. Elevating USAID within the US government bureaucracy would represent a blow to the State Department, something any Secretary of State would fight. Secretary Clinton made clear from the outset of her tenure that she preferred instead to integrate development objectives more carefully into overall State Department planning. To accomplish this, she initiated a new four-year planning review, the Quadrennial Diplomacy and Development Review, which is modeled on a planning mechanism used by the Defense Department. At the same time, it took nearly a year for the administration to appoint the new head of USAID, the relatively young Rajiv Shah. Given the political clout Secretary Clinton holds in Washington, far greater than the typical Secretary of State, those around the president who wish to push

forward with “aid reform” have been stymied. Congress has moved forward with its own efforts, but so far little has come of that either.

To the extent that the administration ultimately elevates development within its foreign policy decisionmaking, this would be a win for those supporting better policy on human rights and reform. USAID development practitioners do not always see eye to eye with advocates of civil society and human rights, but those objections are easier to overcome – and far more susceptible to research-based argumentation – than the political objectives of analysts in the Near East Affairs Bureau of the State Department. Furthermore, the assistance reform process would offer valuable opportunities to improve mechanisms for delivering democracy assistance and linking overall aid to improvements on human rights.

Two final initiatives worth noting are the administration’s focus on Internet freedom and civil society. In January, Secretary Clinton made a major speech in Washington focusing attention on the growing issue of internet freedom – the freedom to access the internet, but also the freedom to connect with others online, and freedom of online expression. The State Department began tracking Internet freedom in its annual human rights reports in 2006 and there are efforts to enhance this effort. Within the State Department there are ongoing efforts to work with private sector interests, including technology companies like Google, to pressure governments based on a free trade rationale. The US has also set aside a significant amount of funding for initiatives that help people circumvent censorship firewalls in countries like Iran and China. However, less attention has been focused on connecting these initiatives in Washington to on-the-ground bilateral diplomacy. For example, despite its strong language on bloggers, it is unclear whether Middle East governments perceive the US as placing a greater emphasis on online freedom of speech or political censorship issues. Nonetheless, this is an encouraging area of growing interest on the part of the administration and its supporters.

Finally, Secretary Clinton has made increasingly strong statements on civil society. This includes a recent speech in Krakow that focused on freedom of association and the vital role of independent civic

actors for social, political, and economic development. Secretary Clinton called on the Community of Democracies to collaborate in support of civil society, and made several strong statements and commitments in this regard. She also focused attention on Egypt as a particularly bad performer on civil society issues. This is a new area of engagement for the administration, but it is one that deserves our attention.

In conclusion, we see that the administration, facing both geopolitical and domestic political challenges, has adopted a largely reactive agenda. Based on its particular ideological assumptions, it has channeled its foreign policy through state-to-state engagement, somewhat neglecting the legitimate aspirations of individuals for basic civil and political rights. External actors have not applied significant pressure in support of human rights and political reform, and this is particularly and most problematically true of the political left, the administration's base of support. Washington has launched positive initiatives on engagement with Muslim-majority countries and development, but the effects of both have been muted, albeit for different reasons. Further initiatives focused on Internet freedom and civil society have been smaller and so far had little effect on larger diplomacy.

Looking forward, things could change. Some of the geopolitical and domestic economic factors that have constrained the administration could lessen. Political pressure for renewed focus on human rights may grow. The issues listed as secondary in my accounting, including Muslim engagement and development, could be elevated. However, there remains the issue of ideological assumptions. The major problem for this administration may not be the relative prioritization of rights and reform issues –that they are secondary to other major challenges –but that they are viewed as analytically distinct from the latter. Despite its protests and formulations to the contrary, the administration's actions convey a belief that human rights and security issues are distinct baskets of issues, or to take another example, that political reform and economic development can and should be pursued independently of one another. It may believe

that in an interconnected world, human development abroad is beneficial for the security and prosperity of Americans at home, but it pursues those goals in a disjointed fashion. For this reason, I would propose that a major task for all of us should be to highlight through research and advocacy the interconnections between these issues: security, human rights, economic development, and political reform.

What Role for the UN in the Arab Region

Ziad Abdel Tawab*

One of the most complex issues in this paper is to analyze the word "role". In general an institution could be perceived to fulfill different kinds of roles, this role can be dynamic; as such the institution controls the circumstances that it is created to address and influence events. Alternatively, the role can also be passive, in which case the institution will be a hostage of the circumstances for which it is not responsible. The third possible role for an institution is slightly passive in that while it is still the victim of the circumstances over which it has no control, it tries to adapt to those circumstances. Having said that, the United Nations (U.N.) has effectively applied all three scenarios in the Arab region.

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It doesn't take an expert to see the chief role of the U.N. as the main internationalized mentor and guardian for human rights in the world and the process of democratization in the region. Nevertheless, the persistent collection and wide variety of human rights violations, war crimes and crimes against humanity taking place, with very limited exceptions, in every single country of the MENA region is an indicator of the absence of a sufficiently active role for the different UN mechanisms within the region.

It also doesn't take an expert to claim that the U.N. has expressed deep concern, on multiple occasions, over the deteriorating human rights situation in the region. With almost seven different types of peacekeeping missions deployed in six different states, at least four regular agenda items at the human rights agenda regarding the human rights situation in the Occupied Palestinian Territories, Sudan and Somalia, and three different U.N. country-specific mandate holders for the same three countries; it then becomes almost impossible to argue that the Arab region is the "forgotten" or marginalized region on the agenda of the international bodies.

Nevertheless, experts would argue endlessly about the efficiency of such mechanisms and their capability to address the dire, on-the-ground situation in these countries. A sterile debate has been held since the establishment of the U.N. centered on the causes and effect of such incapacity. Some would attribute this to the domination of the northern hemisphere on the agenda of the U.N., making the international body an affiliated agent facilitating northern imperial aspiration to destabilize the region. This theory furthers the "west against the rest" principle. Others would credit the dominance of the Arab States over the proceedings of the UN system as the impetus for this failure to address the situation. In this view, the U.N. would be an affiliate to the southern hemisphere, a theory that supports why the west should remain against the "rest". A third wave would attribute the failure to the weak nature of the 65-year old supranational institution and to the dominance of the theory of state sovereignty over the collective order; thus the incitement to change doesn't come from

this international legal power structure and remains the sole responsibility and initiative of the state concerned.

The debate is endless, however all experts can agree on one single aspect: the U.N. and its various institutions are incapable of bringing change to the region regardless of the reasons behind this failure. Nevertheless, this paper even if it supported most of the commentators that argue that the situation is dark and unpromising, it still advocates that the power and the *raison d'être* of these institutions can bring change to this region, as it did for other regions of the world.

To demonstrate this, the paper will first address the factors hindering the role that the United Nations is playing in the region, including (I) the different dynamics and personal aspirations as well as the techniques that the different groups are using to weaken the system before (II) discussing the alternative means and tools available to sustain and enforce the role that this institution is playing in the process of protecting human rights in the region .

I-Available Means of Holding the UN System Captive to Repressive Governments

It would be utterly naïve to think that all states sign human rights treaties and establish international institutions out of eminent respect for the rule of law, international governance and good faith. Nevertheless, it is more comprehensible to understand/acknowledge that governments sign human rights treaties and establish present institutions to further certain political goals and/or because they believe that these institutions make for good propaganda material.

Following the above logic, it is hard to understand why a state with an internal repressive record that undermines its own domestic institutions would limit its sovereignty by granting any international/regional body the power to supervise its domestic behavior. Throughout its international advocacy program, CIHRS has highlighted several instances in which these states with negative human rights record, while appearing to support an international

system, used more covert means to undermine the system's force and efficiency. CIHRS has named this process "the exportation of repression". This phenomenon is not limited to the Arab region; other Asian, African and South American governments who have an exceptionally bad human right record use similar techniques. Nevertheless, this phenomenon is not limited to the global south. The approach of each of the successive U.S. administrations' policy towards the Human Rights Council and the International Criminal Court in the past decade is only one indicator of the relativity of the interaction between the internal repressive policies and the strangulation of the strength of the international system even within the northern hemisphere.

1- Who is Doing What? A brief overview of what is happening in the UN and its direct/indirect impact on the Human Rights situation and the democratization of the region

One can't help but noticing the different techniques in which the distinctive, repressive governments worldwide uses to undermine the international human rights system. As mentioned above, some of these techniques are being used by some western countries and others are being used by the Arab governments and their allies within the Organization of Islamic Conference (OIC), the Non-Alliance Movement (NAM) and other regional/inter-regional groupings. While these tools differ, their impact and target groups remain the same. Both sets of countries have been slowly undermining and weakening the system to further their political gains/goals whether by preserving a certain *status quo* in international affairs or guaranteeing an international impunity for certain crimes that they or their allies have committed.

a) The Economical and Security agenda of the West and its hindering effect on the democratization of the region

To give a clearer example, some western governments have been directly complicit in undermining the UN system by abolishing the mandate of both UN special rapporteurs charged with assessing the human rights situation in Iraq and Afghanistan after the so called "coalition of willing" aggression and invasion of both states. In addition, the same "like minded" countries have been complicit in undermining the presence of a regional or international peacekeeping forces in Somalia, a country, who unlike many others that have peacekeeping forces, has been without an effective *de facto* government for the past 15 years. In addition when dealing with legal consequences of the crimes committed in Guantanamo Bay, the former U.S. administration have successfully undermined the powers and legitimacy of the U.N. Special Rapporteurs on Torture and the U.N. Working Group on Arbitrary Arrest and Detention the same way that Cuba would have done if they have received communiqués from both U.N. instances regarding similar violations.

Furthermore, the same countries have been working in all the U.N. bodies to shield Israel from criticism and strengthen the impunity of its leaders. Moreover, the same governments have degenerated the development of international criminal law within their own national legislations on areas like universal jurisdiction and/or absence of functional immunity for certain state officials who are involved in crimes against humanity for the sole purpose of protecting Israeli statesmen.

Most recently, the shielding of certain states from criticism has even extended from the traditional allies of the west to the newly established economical and/or security alliances with certain Arab States. Crimes committed in Algeria, Egypt, Jordan Saudi Arabia, Bahrain, and, most recently, Yemen have gone and will continue to go unquestioned and unpunished within the UN system due to these alliances. This differs from other crimes committed in other non-Allied countries like Libya, Syria and Sudan. Even with a country like Sudan, one can't help but notice that the level of tolerance toward the

war crimes and crimes against humanities committed in this country was dependent of the balance of international relations that it had with the West. The unprecedented tolerance to the crimes committed in the South and Eastern Sudan during some periods of 1990s and the crimes committed in Darfur in the beginning of 2003 can be assimilated to the level of tolerance that France had shown to the genocides committed in Rwanda in the early 1993. However, when the political balance changed, the reactions of these countries to these crimes consequently changed. A similar tolerance is now surfacing towards Sudan, this is not only proven by the weak commentaries on the last presidential and parliamentary fraudulent elections, but can also be demonstrated by the weak resistance to the Arab's government pressure to soften the mandate of the ex-Special Rapporteur on Sudan as well as the pathetic response to the fragile operations of UNAMID.

Thus the interest of some western governments to weaken/undermine the system is not limited to protecting their own impunity in the context of international law and international humanitarian law which has been heavily concentrated in the Arab region by the end of the Cold War, but also extends to shielding their main allies in the region, whether explicitly, as is the case with Israel or implicitly, as is the case for KSA, Egypt and the other Arab States mentioned above by not raising the issue or delaying discussions of the issue.

b) Arab Governments are not victims within the UN system

As mentioned in the introduction of this paper, the Arab states, historically victims of international repression, are not passive actors within the international system. The Arab region has been heavily involved since the act de naissance of the U.N. and has been involved in the early drafting of all its instruments and *ad hoc* institutions. The relationship between the Arab region and the U.N. has taken several forms. Starting from the aspirations of the independent Arab States at that time, to achieve the right to sovereign equality vis-à-vis the traditional colonial power, and continuing through the inability of the

U.N. to appropriately address the arising Arab-Israeli conflict, returning back to the role that the U.N. played in providing the colonized Arab states with their independence.

However, unlike other regions, during the Cold War, Arab states weren't as active a player in the world's biggest institution. They were more or less following the will and priorities of their major allied powers. For example, the unwillingness of the Soviet Union to have a western presence in the middle east lead to the non-intervention of the U.N. in the first savage internal strife in Lebanon. Nevertheless, the importance of the U.N. reappeared after the Security Council authorization to use force under the legitimate pretext of collective self-defense in retaliation to the Iraqi invasion of Kuwait.

With the end of the Cold War, several Arab states seen the U.N. as an institution through which they can achieve certain international momentum matching their own agendas. As such, during the 1990s Egypt hosted the World Population Council and Morocco hosted the GATT negotiations. During the same period Egypt, put forward a candidate, later chosen as U.N. Secretary General, and several Arab countries encouraged its diplomats to apply for U.N. posts.

However, being open to the international system at that time had its price: more open criticism towards the human rights policies in the region. Consequently, Arab countries started playing a more active role in the different international actions including the Commission on Human Rights (later transformed into the HRC) and other committees like the ECOSOC's NGO committee that bestows and reviews on a regular basis the accreditation for NGOs.

The Arab re-engagement with the system had several benefits. First, this re-engagement meant that they would regain power in the political arena as a regional group, thus influencing the decision-making process within the institution, a legitimate demand only if applied in good faith. Second, it created an international propaganda campaign arguing that they are here to work on reforming and enhancing the system, thus undermining any allegations of disrespect that these countries may have for the international system. Third, the

re-engagement meant being able to secure a sustainable degree of inter-state cooperation in several areas, especially financial aid and security agreements.

The transformation of the Commission on Human Rights towards the HRC was a milestone to test the Arab states' real intentions towards and aspirations from the U.N. system. The negotiations taking place at the General Assembly, and later during what is known as the institutional package process, was disastrous. Instead of working with others on materializing a "promising reform initiative" for the main U.N. human rights organ, the Arab states moved towards blocking all prospects for progress. An analysis of the cost of the Arab states involvement in the institutional building process was provided by CIHRS in its first annual report on the human rights situation in the Arab region for 2008; however, it is interesting to note, here that the active membership of Arab states in the HRC has helped them to resist the enhancement of various mechanisms that were originally created to increase the cost of deviation from the efforts and backslidings of democratic reforms. The Arab states worked on ensuring that monitoring and enforcing democratization are not handled by a third party with the ability to publicly denounce failed reform efforts.

2- Available Tools to hold the system hostage to the will of the governments

In the meantime, weakening the U.N. system and undermining its work has held both groups of countries as hostage of each other's choices. One thing should be clear by now, that the repressive policies of both the Northern and Southern hemisphere within the U.N. system are gradually and steadily becoming monolithic. The only positive sign that we should not talk any longer in terms of the "west against the rest", since in several instances the "west" and the "rest" join forces to hinder the efforts of the whole organization to promptly respond to the dire situation in the region.

By constantly undermining reports and proposed resolutions on the human rights situation in the O.P.T., the Arab governments have learned a new technique to block and delay discussions over reports regarding the humanitarian situation in Darfur. By undermining the country-specific mandate and its authorities, the Arab governments lose grounds to ask for a country mandate for Iraq. In addition, some western countries are using the Arab states' resentment to any proposal for respect of religious and cultural minorities in the Arab region as a pretext to undermine protection of several marginalized religious groups such as Muslims and social groups like the Roma people in Europe.

The examples of the mutual destruction of the international system's structure are countless. For this to be clear, it is sufficient to examine the discussions that took place one day prior to the Durban Review Conference in Geneva in 2009 to understand where the international institutions are standing towards issues that should have been resolved decades ago. (For an analysis of the compromises and discussion during the Durban Review Conference, see CIHRS annual report on the human rights situation in the Arab Region 2009)

II- Are there existing means of resistance?

The pessimistic view presented above, doesn't necessarily means the existence of an absolute evil. Rather, it denies the existence of the absolute good. For example, during its engagement in the HRC, Egypt, a country that has long opposed any protection for the Darfuri civilians and that has a dark record concerning the protection of journalists, has proposed two inventive resolutions regarding the protection of civilians in armed conflict (2008) and the protection of journalists in armed conflicts (2009). In addition, Egypt has played a pivotal role in the U.N., more generally, in keeping the Palestinian cause a centerpiece of the agenda of the U.N., despite all the reservations concerning the methodology used by Egypt with regard the O.P.T.; it is hard to deny that without these efforts the Palestinian issue would have long been ignored. In addition, Egyptian diplomacy

has played an incredible role in finding a last minute solution to the diplomatic crisis that occurred before and during the Durban Review Conference.

In the meantime, the west hasn't been the absolute self-centered opportunistic entity. In many instances, Western countries including the U.S. have exerted pressures on its Arab and Israeli allies to accept certain concessions, not only on the sphere of the Palestinian-Israeli conflict, but also in accepting certain marginal political freedoms in the Arab region and respecting the integrity of the international human rights system.

The U.N. is a dynamic institution. The object and purpose of the U.N. charter in 1945 differs from its object and purpose in 2010. The priorities and the agenda of its institutions have changed in the course of the past six decades since its creation. Several actors have contributed to the way it has been shaped. One of these actors is NGOs and civil society organizations. One can't help but recall how the Latin American civil society was able to reject the atrocities committed by the Latin American dictatorships between the 1960s-1980's through the use of international institutions. At that time, the situation in Latin America was as complex, if not more complex, than the current human rights situation is in the Middle East. In addition, there was a quasi-absent international institutional protection mechanisms. However, Latin American NGOs were able to re-shape and re-create the international system to guarantee a maximum protection of their rights, and managed to face and defeat not only some of the most brutal dictatorships, but even managed to influence the decision making of the White House during the most tense time of the Cold War.

The pivotal role that the Latin American NGOs have played in the early and mid 1960s, led them to trigger for the very first time a jurisprudence body for the Inter- American Commission on Human Rights (IACHR) to address the issue of forced disappearances in Guatemala, by monitoring the military and other state forces, and through its decisions on individual petitions alleging human rights violations. Following the brutal aftermath of the 1973 coup d'état in

Chile, NGO lobbying led the United Nations to strengthen its human rights mechanisms, particularly the Commission on Human Rights, leading to more forceful action regarding disappearances. Increased NGO participation at the United Nations also provided more visibility of the situation of victims and their relatives, and placed more pressure on the United Nations to respond. Consequently, a UN Working Group on Chile made an unprecedented investigative mission to that country in 1978, focusing particularly on cases of forced disappearances. In 1979, after the Working Group on Chile was dissolved, the UN Commission on Human Rights appointed two experts to study the "question of the fate of missing and disappeared persons in Chile."

In addition the massive campaign against forced disappearances in Argentina stirred the world community into more lasting measures, though the government of Argentina, with the support of the newly-elected Reagan administration, avoided direct condemnation. Consequently, the Commission on Human Rights established a new Working Group on Enforced or Involuntary Disappearances. In the same year the Organization of American States adopted a resolution on Chile, in which it declared "the practice of disappearances is an affront to the conscience of the Hemisphere". In 1983 and 1984, the OAS General Assembly, responding to repeated calls from relatives' organizations and other NGOs, characterized forced disappearance as a crime against humanity. This resolution gave a pathway for the Inter-American Court of Human Rights to find a legal basis for its prominent first decision on enforced disappearance in Honduras. In the 1980s, several Latin NGOs prepared draft Declarations and Conventions on Forced Disappearances.

In addition, the repeated call of NGO activists in Argentina for IACHR to intervene led, in September 1979, to a turning point in intergovernmental organization fact-finding on disappearances. Not only did the IACHR collect overwhelming evidence of a massive and systematic practice of forced disappearance, but it also found hidden detainees in an official prison.

Thus, NGO's engagement with the international human rights mechanisms has historically proven to be of an ultimate importance to guarantee a maximum protection of human rights. The experience of several Arab NGO during the past 3 to 4 years with the advocacy before the HRC is bear its fruits. For instance, the Sisters Arab Forum for Human Rights, a human rights NGO from Yemen, has been able to get the Human Rights Council, the Committee Against Torture and the Secretary General of the UN to denounce human rights violations in Yemen and attacks against human rights NGOs, all within a half year period from mid-2009 through the beginning of 2010. While this has not fundamentally altered Yemen, it has altered the NGOs by giving them more leverage with the government and creating real international pressure on the Yemen government to stop attacking the Sisters Arab Forum and begin a bargaining process with several NGOs. The UPR in particular has been able to be used by several NGO coalitions to force concessions with their governments this is especially true if we look at the UPR of Yemen and Egypt.

Conclusion:

Arab-based NGOs and their allies should continue to address the human rights situation in the Arab region and the double standard of the Arab regimes and other countries when dealing with the question of protection of civilians in armed conflict on the world stage.. Arab-based NGOs should also carry on their task to propose new resolutions for consideration at the UN and other global forums. However it is deeply important to act elsewhere. Arab NGOs and their allies should work in the different capitals of the world on exposing the reality of the human rights situation in their countries of origin and the impact of aggression and double standard policies on the day-to-day life of Arab citizens. This "educational" process should be as inclusive as possible and should include different segments of societies including parliamentarians, decision makers within certain governments as well as ordinary voters.

A unified civil society vision based on democracy, neutrality, promotion of non-violent method of resistance and tolerance, and the advocate for the realization of this vision within the different segments of the U.N. institutions will help strengthen the voice of these NGOs vis-à-vis the repressive policies of their governments.

However, developing a unified cross-regional vision of reforming and preserving the integrity of the UN institutions is necessary. A long term and collective strategy of engagement is the only way to guarantee the protection of these mechanisms and an output by the mechanisms that will help the cause of human rights NGOs in the region.

Using the Latin American actions as a model, Arab NGOs should systematically and collectively press for more space in the international spheres of law to counterbalance the force of politically aligned Arab governments. By doing this, Arab NGOs can help to develop the strength of international mechanisms and wield them to enact on the ground human rights protections and respect. Ad hoc actions are not sufficient to fully develop a functioning legal framework. This requires an overarching and united front of Arab NGOs and consistent action and presence in international human rights mechanisms as well as other centers of political import. It has been done before and will be done again.

The Role of the U.S. Government in Promoting Human Rights at the United Nations

Neil Hicks*

Since its inception in 2006, the U.N. Human Rights Council has been weakened by member states voting in regional blocs to curtail investigation or criticism of violations.

The African and Asian groups in the Council, which constitute a majority of the Council's 47 members, led particularly by the Organization of the Islamic Conference (OIC) and the Arab Group, together with members of the Non-Aligned Movement from other parts of the world, have pursued a concerted effort to undermine the independence and effectiveness of the U.N.'s human rights machinery. A number of states, including several close allies of the United States with poor human rights records, like Egypt, Saudi Arabia and Pakistan have played a leading role in promoting damaging proposals such as:

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- attempting to obstruct the work of U.N. Special Procedure mandate holders;
- limiting the participation of independent Non-Government Organizations (NGOs) in HRC meetings, especially in the Universal Periodic Review (UPR) Process, the HRC's most promising innovation;
- attempting to constrain the independence of the Office of the High Commissioner for Human Rights;
- attempting to curtail country specific mandates and resolutions, with the exception of those directed against Israel.
- attempting to curtail freedom of expression by, for example, calling for measures to prevent "defamation of religion."

These efforts are part of a concerted strategy by notorious human rights violators to protect each other from criticism and to gain impunity for their actions.

The U.S. government stepped into this unpromising environment in 2009 when it was elected to a seat on the U.N. Human Rights Council. The Obama administration pledged to promote "universality, transparency and objectivity" in all of the workings of the Council. These are fine ideals, but I would like to suggest that at least two of them should be seen as aspirational and probably unattainable, because of the intrinsic nature of the Council. There is a limit to what the U.S. government can hope to achieve in terms of its human rights promotion agenda at the Council because of the way that the Council is used by states as a venue for fighting political battles that have little relation to, or go far beyond, the narrow human rights issues ostensibly on the Council's agenda.

The Human Rights Council is a political body, made up of governments that act and vote in accordance with their interests and concerns. This is both a strength and weakness of the Council. It is a weakness because on questions of human rights we look for a principled adherence to commonly accepted standards. The Council does not provide this; instead we get states downplaying and covering

up violations committed by their friends and allies while making use of human rights as a political weapon to criticize and denigrate rivals and enemies. The Council's much criticized over-emphasis on Israeli violations is perhaps the best example of this politicization of human rights concerns. For this reason, the Council does not, and probably never will, act with the objectivity of an independent court of law. Similarly, while the universality of human rights standards – the idea that the same standards are applicable at all times and in all places – remains a central and essential principle of international human rights law, at the Council standards are applied contextually and special pleading, be it to the demands of combating terrorism or of cultural specificity, are often heard and usually acceded to. So, the Obama administration is right to aim for objectivity and universality, but it cannot expect to achieve these goals.

I mentioned that the political nature of the Council was also a strength; what I mean is that the representation of governments at the Council makes it a venue of inter-state rivalry and contestation, national prestige is at stake and there are political points to be gained. For that reason, I would suggest, even the most cynical of non-human rights compliant governments care what is said about them and what happens at the Council. Repressive states go to elaborate lengths to avoid being explicitly condemned by their peers, and there is even an autocrats' consensus that doing away with country specific mandates and resolutions would be a good thing, presumably because it would remove the risk of them ever being the target of such condemnation. I take this as a back-handed compliment to the importance of the Council, and to the power of moral suasion on the international level. So, while the Council provides a distorting lens through which to examine human rights conditions and concerns, it also gives human rights issues political weight that they otherwise might not carry.

Since joining the Council last year, the United States has achieved some modest, but important successes. In September 2009 it co-sponsored, with Egypt, a resolution on freedom of expression that passed unanimously. This was important on several levels: it showed that it was possible to break down rigid West-versus-the-rest voting

patterns that had become the norm at the Council, and it marked a reversal for the pernicious “defamation of religions” concept, championed by the OIC, that had been gaining ground, and which represents a threat to established rights of freedom of expression and freedom of religion. Efforts to promote a new international standard outlawing “defamation of religions” continue, but this resolution passed without including any reference to the concept, and supporters of existing standards including the United States, continue to chip away at the plurality of members of the Council who vote in favor of the concept when it comes up.

Another mini-success came with Iran’s decision not to stand as a candidate for membership from the Asian group in the 2010 elections. Behind the scenes efforts persuaded a fourth candidate, the Maldives, to stand. Iran, fearing that it might come last in a contested election thus highlighting its diplomatic isolation, chose not to take that risk. For the United States to be effective at the Council will often require broader diplomatic efforts that reach far beyond Geneva into capitals around the world. As each election for membership, each resolution and each examination of a country situation under the Universal Periodic Review (UPR) comes up there is an opportunity for the United States to capitalize on its relationships with governments everywhere.

Other successes that the U.S. government has helped to achieve have been defensive. For example, special procedures mandate holders, notably the Special Rapporteur on Freedom of Expression, Frank LaRue, have survived efforts to remove them. LaRue faced a campaign for his removal led by the OIC for his position that the defamation of religions concept was inconsistent with established human rights norms. While threats to mechanisms and standards remain, the worst has not happened, basic principles remain intact and key mechanisms continue to function. In current circumstances, damage limitation is in itself an achievement.

The recently concluded 14th session of the Council provided another example of a repressive state going to extraordinary lengths to avoid condemnation. Human rights organizations had pushed for the

establishment of a monitoring mechanism focused on Iran, but it became clear that the votes were not there to adopt this course of action. However, more than 50 states signed on to a statement of concern about mounting violations of human rights in Iran in the crackdown that has followed the disputed June 2009 elections. Several states, including Pakistan, Nigeria, Egypt, Sudan, Cuba, Nicaragua, Malaysia and Iran itself tried to block the statement from being read, but they were not successful.

Looking forward, the U.S. government has multiple opportunities to make the kind of incremental and compromised progress that the institution permits. I would like to highlight two.

First, the United States will be subject to the UPR process later this year. This means that the U.S. government must present a report to the Council of its compliance with its international human rights obligations that should be based on consultation with "all relevant stake-holders." Other governments and U.S.-based and international NGOs will have the opportunity to criticize U.S. practices and point to violations. Doubtless, the review process will be an occasion for some states to engage in grandstanding and political point-scoring. Nonetheless, by presenting a thorough, self-critical report to the Council, and by committing to remedy shortfalls brought to light in the review process, the U.S. can set a positive example for the rest of the world, and enhance the credibility of the UPR process, which is the centerpiece of the HRC structure. The Obama administration should seize this opportunity to demonstrate to its domestic critics that critical self-examination is a sign of strength, not weakness, and to show to the world America's remarkable powers of exposing and correcting our own mistakes.

The second major opportunity comes in 2011 with the five-year review of the Human Rights Council to be carried out by the U.N. General Assembly. The United States government needs to set an agenda of achievable reforms in the functioning of the Council, and to build broad international support for their passage and implementation. These should include:

- protection and enhancement of the rights of independent NGOs, both international organizations and local activists, to be heard during the consideration of States' UPR reports before the Council. More time and presence for NGOs would lessen the ability of states to cover up their abuses with what the Cairo Institute for Human Rights Studies calls a "filibuster of praise," and would force the Council to spend more time addressing violations.

- Creating a requirement for all regional groups to hold contested elections for seats on the Council that would make it more difficult for gross, systematic human rights violators to get elected to the Council unopposed.

- Creating rules that can ensure balanced state interventions during the interactive dialogue phase of the UPR process for each country to prevent states from stuffing the speakers' list with its allies who will steer discussion away from human rights violations.

These and other reforms will not transform the Human Rights Council into an objective arbiter of states' human rights performance, but they will strengthen the credibility and effectiveness of a still fragile institution, and constitute progress in multilateral efforts to promote human rights around the world.

Promoting human rights at the U.N. should never be confused with bringing about measurable human rights progress in countries around the world. The former is much easier than the latter. The U.S. government has few constraints in speaking out clearly about human rights violations at the Council and in other multilateral fora, it does not have the same latitude or capacity when it comes to promoting and assisting human rights progress in particular countries. What the U.S. government is able to do through the Human Rights Council should be seen as one part of the multifaceted human rights promotion strategy necessary for making progress in most countries.

Chapter three
**Concluding Report and
Recommendations**

Concluding Report and Recommendations

Drafted by: Ragab Saad Taha*

The Cairo Institute for Human Rights Studies organized a parallel conference to the seventh Forum for the Future summit, to be held in Qatar in November 2010. Titled “Horizons of Political Reform in the Arab World,” the conference was attended by representatives of civil society in the Arab world, their peers from Europe and the US, and academics, media experts, and journalists. The conference was held on July 27 and 28, 2010 in Cairo, with support from the Middle East Partnership Initiative.

The agenda of the preparatory meeting addressed the most significant challenges facing advocates of political reform in the Arab region. Participants discussed strengthening the role of civil society in the reform process and Arab governments’ responsibility for the erosion of human rights in the region. Attendees offered critical analyses of US and EU policies designed to strengthen democracy and human rights in the Arab world and examined the strategic and structural obstacles to achieving respect for human rights in Arab societies. Taking the opportunity offered by the preparatory meeting, the participants attempted to seriously evaluate the role and contribution of the six-year-old Forum for the Future and its progress

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toward its stated objective of supporting political reform in the Arab world.

Coming shortly before the seventh Forum for the Future summit, several participants in the preparatory meeting in Cairo expressed their skepticism about relying too heavily on the Forum to advance political reform in Arab states. They noted that the concerns and fears voiced by civil society in 2004 about the credibility and effectiveness of the Forum and the role of civil society within it proved prescient, and this was less than a year after the establishment of the Forum by the G8.

Following the first Forum meeting in Rabat in December 2004, Arab governments attacked the public trial sponsored by NGOs at the time to air these governments' record on human rights and democracy. Seeking to mollify Arab governments after this attack, some G8 nations offered indirect support to them during preparations for the second meeting in Bahrain in November 2005. As a result, the organization of the Forum's preparatory meetings was taken from NGOs and turned over to Arab governmental institutions as well as European and American parties, not all of which were qualified for the job.

The participants stated that allowing Arab governments and their representatives to obstruct the Forum from doing the job it was created to do—namely, function as a platform to strengthen political reform in Arab states—would not have been possible without the implicit or explicit approval of some G8 nations. While these nations may wish to support demands for political reform and strengthen democracy in the Arab world, they are forced to make concessions to preserve their economic and political interests, which involves not upsetting Arab regimes. Some of them also surrender to political extortion by Arab regimes, which claim that any serious political reform is guaranteed to put governance in important Arab states in the hands of extremist Islamist groups or anti-Western forces.

The attendees remarked on the waning interest of the international community in advancing political reform in Arab states and encouraging their governments to engage in serious initiatives to meet the desire of their peoples and Arab civil society for stronger democracy and human rights. This declining interest was quite clear in

the last meeting of the Forum for the Future, held in Casablanca in November 2009. Most significantly, the opening statement made by US Secretary of State Hillary Clinton focused on economic development and marginalized democracy and human rights. Inaugurating a conference whose primary mission is to encourage and support political reform and democracy in the region, her speech did not even contain the words "democracy" or "human rights."

Participants noted that the reform initiatives launched in the region after September 11, particularly the Forum for the Future, had helped to alleviate security pressure on political activists, human rights defenders, women, and minorities. This was reflected in some countries by a relative increase in freedom of the press, new media, and freedom of assembly and association. Nevertheless, the attendees agreed that these gains, despite their importance, did not lead to any real institutional advances in the form of constitutional, legislative, or institutional reforms that could positively affect the balance of power in states between the regime and the forces of reform. Reports and bulletins put out by Arab and international human rights organizations clearly indicate that the Arab world is now even further from real democratization and respect for human rights.

If governments of poor Arab states claim that economic reform requires time and takes precedence over political reform, it is clear that rich Arab states have not allowed their citizens to exercise freedom, which belies the claims of both Arab and non-Arab governments that a focus on socioeconomic issues will automatically shore up democracy, human rights, and political reform efforts. These claims ignore the fact that if peoples of the region are to combat poverty, address the grave imbalances in the distribution of wealth, and exercise the right to development and other socioeconomic rights, they must have the tools to accomplish these tasks. Specifically, they require freedom of expression and the right to organize in trade unions, associations, political parties, and other groups, all of which are inextricably linked to the exercise of civil and political rights.

Participants viewed with grave apprehension the decline of support for democracy and human rights in Morocco, the rapid waning

of the reform experiment in Bahrain, and the premature burial of the Damascus and Cairo Springs in the middle of the decade.

They also discussed Arab regimes' lack of respect for justice and accountability and their apathy towards grave human rights abuses perpetrated against Sudanese citizens in Darfur. Indeed, Arab governments have thrown their support behind the Sudanese regime, one of the most hostile to democracy and human rights in the region with a long record of atrocities perpetrated against Sudanese citizens. President Omar al-Bashir, still in power, became the first Arab head of state to be indicted before the International Criminal Court for war crimes, crimes against humanity, and more recently genocide, committed against hundreds of thousands of citizens in Darfur.

Similarly, Arab states continue to ignore the grave human rights abuses committed by the Yemeni government in Saada, which threatens to become a new Darfur. Supported by the silence of the international community, some Arab states have also taken part in the siege on Gaza imposed by Israel more than three years ago to starve and degrade Gazans.

Participants concluded that Arab governments have successfully circumvented the recommendations posed by reform initiatives and conferences. Having implemented nothing of note, they have also managed to defang the Forum for the Future and invest the Forum with their own structural pathologies. As a result, there is no political will to bring about comprehensive, democratic reform in the Arab region and civil society is systematically marginalized.

Attendees noted that despite the restrictions on political and advocacy work in Arab states, it is important to note some positive developments, among them the rise of palpable resistance to the status quo in some Arab countries and the willingness of reformers to struggle and pay the price of this resistance. This has been illustrated recently by the popular solidarity shown for a torture case in Egypt. The case has sparked nearly daily protests attended by large crowds who have declared that they will not stop until the perpetrators are brought to justice.

The following recommendations were derived from discussions at the meeting:

Recommendations to G8 states sponsoring the Forum for the Future:

Participants reiterated that activating the role of the Forum for the Future and civil society's role within the Forum are intimately linked and require the following commitments:

1. All parties in the Forum for the Future should avoid treating the Forum as a "debate club" where discussion about the importance and need for reform in the Arab world takes precedence over reform itself. It is time for the Forum to become a platform for proposing concrete, time-bound reform plans, evaluating progress towards these reforms, and exchanging experiences on the implementation of these reforms. It must be an effective instrument with the power to monitor progress towards agreed upon recommendations.

2. G8 governments should follow a single standard in their engagement with all issues in the Arab world, including the collective and individual rights of Palestinians as well as violations of human rights and democratic principles in each nation. They should take public stances accordingly, both individual and collective, including monitoring general elections and trials involving prisoners of conscience. G8 governments should link the level of political and economic cooperation they maintain with member states to progress on reforms and individual governments' compliance with their obligations. G8 governments should refrain from providing security and political support for the repression of human rights.

3. Civil society in the Arab world should be treated as a partner, not only in meetings of the Forum for the Future, but as a matter of course. This requires:

- a. Treating civil society as an equal partner in all stages of preparation for Forum meetings and during them by providing the conditions necessary for an in-depth discussion of civil society's views, proposals, and recommendations.

- b. Arab governments in each state should conduct a serious dialogue with civil society on an equal footing to explore ways to implement reform plans within an appropriate time frame. This dialogue should not be conditional on the presence of a mediator from a G8 nation.

c. When visiting Arab states, presidents and delegates from G8 nations must make an effort to hold meetings with political actors and civil society groups in these countries to exchange opinions on the political reform process.

d. The Forum for the Future should conduct a periodic assessment of the reform process and the state of human rights in Arab nations. Civil society organizations should be involved in this assessment and incentives put in place to encourage states to make progress.

Participants also urged Arab governments to commit to the following:

1. Not engage in security harassment of civil groups and delegations participating in the Forum.

2. Release all human rights defenders and prisoners of conscience detained in Arab prisons, reveal the fate of the “disappeared” among them and the number of total detainees, and put an immediate end to security and judicial harassments of human rights defenders, political reform advocates and bloggers; refrain from detaining or prosecuting them in unfair trials lacking guarantees of due process.

3. Strengthen civil and political rights, allow the free formation of political parties, and refrain from restricting the right of various political forces to stand in elections. To accomplish this, Arab governments should amend or remove the relevant constitutional and legal restrictions as demanded by national political forces and advocacy organizations.

4. Introduce constitutional and legal changes to comply with international human rights standards. Civil society, political parties, trade unions, political forces, and the public must be involved in the debates to precede votes on these amendments. The voting process should be honest and respect the right of local and international civil society to monitor general elections and referendums. Citizens should have the right to manage public affairs through free and fair elections, and all citizens should have the opportunity to hold public and political office in their countries, regardless of race, language, or national, political or religious affiliation.

5. Enlarge the space for private ownership of the visual, audio and written media, and refrain from exercising hegemony over it. Freedom of the press should be respected. Governments should stop imprisoning journalists and media workers for their opinions, and the government media should be restructured through independent councils that involve representatives from across the ideological spectrum, all political forces, and civil society organizations, such that they represent all intellectual and political views.

6. Abandon emergency laws and review and amend counterterrorism statutes in light of UN standards. Abolish all provisions that can be used to intimidate political opponents, civil society activists, human rights defenders, and journalists.

7. State security forces should maintain impartiality towards adherents of all religions and confessions while the right of all citizens to perform their religious rites must be upheld without discrimination.

8. Arab regimes dealing with domestic armed conflicts should stop all wars fought against minorities or specific segments of the population, particularly the practices of forced displacement and rape, which constitute crimes against humanity. Arab governments should facilitate the mission of international humanitarian aid groups, and all Arab governments should ratify the Rome Statute establishing the International Criminal Court.

During discussions, participants also assessed the role of civil society in some Arab countries and offer the following recommendations to civil society organizations in the Arab world:

1. All major agents in political reform in the Arab world—legal and illegal political parties, new political formations, trade union initiatives, independent media, human rights organizations, bloggers, and independent journalists—should engage in an ongoing dialogue and assessment, coordinate efforts, and exchange experiences. They should establish frameworks for these debates on the state and regional level and include sector-specific, bilateral and multilateral frameworks.

2. Civil society should benefit from networking experiences on the local level to establish civil society networks in the Arab world on the

regional level. With the goal of developing the agenda to further political reform, shore up democracy, and strengthen human rights protections in Arab states.

3. Civil society groups should guard their independence from governments, parties, and political groups of all kinds.

4. Arab civil society groups should assess available regional and international instruments for the protection of human rights, identify the best way to engage them, and examine the weak points of these instruments with the goal of launching systematic campaigns seeking to rectify the structural flaws in these instruments and strengthen the role of civil society within them.

5. Civil society should redouble its efforts to disseminate a culture of human rights in Arab states through publications, periodicals and reports, as well as training sessions targeting young people, particularly secondary and university students.

Recommendations to the international community:

1. The international community should not aid Arab governments in their repression of public liberties or human rights, or their quashing of peaceful protest. The international community should monitor Arab governments' commitment to international human rights conventions they have ratified and the pledges made as a condition for membership in the UN Human Rights Council. It should also monitor the implementation of the HRC's recommendations through a review of government human rights records before the universal periodic review.

2. In its talks with Arab governments, the international community should put human rights issues and support for democracy on the agenda, specifically freedom of association, the status of human rights defenders, and the integrity of general elections.

3. Serious initiatives should be launched to reform the UN and the UN Security Council to strengthen the role of the international community in supporting and spreading peace and justice in regions of armed conflict.

Apendex



Cairo, January 12, 2011

In its seventh session
**The "Forum for the Future" must transform from
being a "debate club"
Into a push towards political reform in the Arab world**

Press release

The Cairo Institute for Human Rights Studies awaits with anticipation the outcome of the seventh session of the Forum for the Future, to be held tomorrow in Doha, Qatar. Six years after the establishment of the Forum, it remains more of a "debate club" and less concerned with its primary mission: pressing for political reform and strengthening democracy and human rights in the Arab world, during this six years since it was founded, the situation in the region has deteriorated. As a result, the Arab public opinion has lost interest in the Forum. With the erosion of its symbolic value, some Arab states are no longer bothered by it or keen to participate with their foreign ministers. At the same time, the US and most of the G8 states continue to participate with the attendance of their foreign ministers.

The Forum for the Future was established in 2004 as an initiative by the G8. It also includes Arab governments within the context of what is known as the Broader Middle East and North Africa and civil society representatives from the north and south. The Forum ostensibly fosters political reform and democratization in the Arab region. However, after its first year, the Forum started to abandon its primary goal and became a forum for general debate on the importance of reform rather than foster its achievement, with its interests restricted to narrow development and economic issues. This

coincided with increased government intervention in the role of civil society and government action to marginalize NGOs within the Forum. In some cases, Arab government or quasi-government institutions have been authorized to speak on behalf of civil society and human rights defenders have been prevented from participating in Forum proceedings. This has been noted by Arab civil society groups who participated in the parallel conference to the Seventh Forum for the Future organized by the Cairo Institute for Human Rights Studies in Cairo on 27 – 28 July 2010. During the parallel conference, a number of recommendations have been raised to resuscitate and activate the Forum.

In this context, CIHRS urges the Forum for the Future to:

- Work on transforming the Forum from being a club for repetitive general debates on the importance and need for reform in the Arab world to being a platform for discussing time-bound plans for concrete political reform, and evaluating and exchanging experiences on the implementation or relapse of these reforms. The Forum must be an effective instrument with the power to monitor progress towards adopted recommendations. Civil society groups must be involved in the assessment process, and incentives must be established to encourage states to make real progress.
- Treat civil society as a full and equal partner at all stages of preparation for official Forum meetings and during their proceedings. The Forum's agenda and preparatory measures should not be set by G8 states and Arab governments behind closed doors.
- Give civil society full responsibility for organizing its own preparatory meetings and contributions to the Forum. Stop authorizing Arab government institutions to speak on behalf of Arab civil society and oversee its preparatory meetings.



Prospects of Political Reform in the Arab World

Parallel meeting (for the Forum for the Future)

27 – 28th July, 2010 – Cairo, Egypt

(Sponsored by Middle East Partnership Initiative – MEPI)

The Agenda

Day 1 Tuesday July 27 th , 2010	
9:00 – 9:30	Registration
9:30 – 10:00	Opening Session
10:00 – 12:00	<p>1st Session Human Rights Developments in The Arab Region... Preliminary Indicators of CIHRS Annual Report for 2010</p> <p>Moderator: - Mervat Reshmawy (Palestine) – Human Rights Consultant</p> <p>Speakers: - Essam Hassan – Director of Research Unit – Cairo Institute for Human Rights Studies</p> <p>Commentators: - Said Benarbia (Algeria) – Legal Advisor for The Middle East & North Africa Program at The International Commission of Jurists - Abd Elghaffar Shukr (Egypt) – Writer and Member of The Advisory Board of Altgamoo' Party - Fahima Hashim (Sudan) – Director of Salmamah Women's Resource Centre</p>
12:00 – 12:30	Coffee Break

1:30 – 2:30	<p align="center">2nd Session</p> <p align="center">EU and US Policies Towards Promoting Democracy and Human Rights in The Arab World</p> <p>Moderator: - Gamal Abd ElGawad (Egypt) – Director of AlAhram Center for Political and Strategic Studies</p> <p>Speakers: - EU Policies: Kristina Kauch (Germany) – Researcher – FRIDE - What Future For The Forum For The Future: Bahey eldin Hassan – Director – Cairo Institute for Human Rights Studies</p> <p>Commentators: - Hazem Zaghia (Lebanon) – Writer and Political Analyst (Alhayat Newspaper)</p>
2:30 – 3:30	<p align="center">Lunch</p>
3:30 – 5:30	<p align="center">3rd Session</p> <p align="center">The Political-Civilian Coalition and The Opportunities for Change... Egypt – Morocco – Syria – Yemen</p> <p>Moderator: - Wael Nawara (Egypt) – AlGhad Party Secretary General</p> <p>Speakers: - Egypt: Magdy Abd Elhameed – Chairman of the Board of Directors of The Egyptian Association g Community Participation Enhancement - Syria: Radwan Zyadie – Director of the Damascus Center for Human Rights Studies - Morocco : Abd Elaziz Alnouaydi – International Law Professor - Yemen: Mohamed Mekhlafy – Board of Trustees Member – Yemeni Observatory for Human Rights</p>
<p align="center">Day 2 Wednesday 28th July, 2010</p>	
10:00 – 12:00	<p align="center">4th Session</p> <p align="center">What Role for the UN In Promoting Human Rights in The Arab World?</p>

	<p>Moderator:</p> <ul style="list-style-type: none"> - Hossam Bahgat – Executive Director for The Egyptian Initiative for Human Rights <p>Speakers:</p> <ul style="list-style-type: none"> - Neil Hicks (USA) – International Policy Advisor – Human Rights First - Ziad Abdel Tawab – Advocacy Program Advisor – Cairo Institute for Human Rights Studies <p>- US Policies: Andrew Albertson – Executive Director for The Project on Middle East Democracy</p> <p>Commentators:</p> <ul style="list-style-type: none"> - Ibrahim Al Mugaiteeb (KSA) – Head of Human Rights First Society - Sally Samy (Egypt) – Regional Campaign Coordinator – Amnesty International
12:00 – 12:30	Coffee Break
12:30 – 2:00	<p>Final Session</p> <p>Concluding Observations & Press Briefing</p> <p>Moderator:</p> <ul style="list-style-type: none"> - Moataz Elfeghery – Executive Director for the Cairo Institute for Human Rights Studies <p>Speakers:</p> <ul style="list-style-type: none"> - Ahmed Samih (Egypt) – Executive Director for Andalus Institute for Tolerance and Anti-Violence Studies - Ragab Saad (Egypt) – Editor in Chief of Sawaseya Magazine (Conférence Rapporteur) - Rola Badran (Lebanon) – Programs Director – The Palestinian Organization for Human Rights - Abd Elsalam Sedekki – The Moroccan Organization For Human Rights - Adel AlHebsy (UAE) – Jurists Association

* Translation from Arabic to English (and Vice-Versa) will be Provided

This book compiles papers presented in Cairo on 27 – 28 July 2010 at the civil society parallel meeting to the seventh «Forum for the Future» meeting to be held in January 2011 in Qatar. The meeting, entitled “Prospects of Political Reform in the Arab World,” was attended by representatives of civil society throughout the Arab World, their peers from Europe and the US, and academics, media experts, and journalists. The meeting concluded with a set of recommendations to G8 states sponsoring the Forum for the Future, Arab governments and the international community. These recommendations will be presented at the Civil Society Forum to be held two days prior to the Forum for the Future.