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“The Time Has Come”: A Call for Freedom and Good Governance in the Arab World

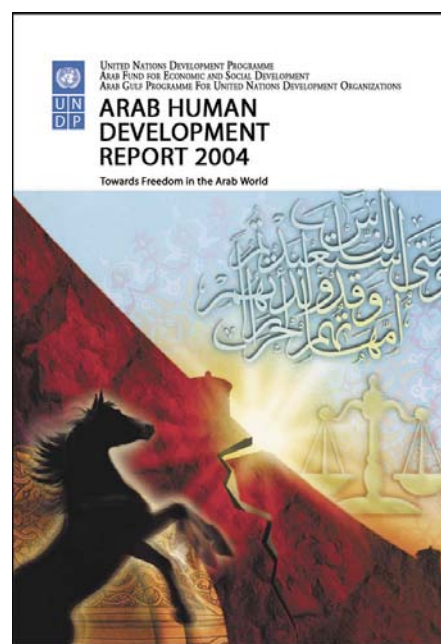
UNDP publishes the third Arab Human Development Report

Amman, Jordan, 5 April 2005—The third Arab Human Development Report, released here today, systematically surveys the pace of political change in the Arab world and strongly urges a rapid acceleration of democratic reform, with specific proposals for new regional human rights institutions, robust and freely elected legislatures, and truly independent judiciaries.

The *Arab Human Development Report 2004* presents a persuasive and detailed case for many far-reaching legal and political reforms aimed at fortifying the institutional foundations of freedom and limiting the monopoly on power currently enjoyed by the executive in most countries in the region. While this calls for a broad range of corrective action, the authors underscore these immediate needs for reform:

- Total respect for the key freedoms of opinion, expression and association.
- Ending all types of marginalization and discrimination against social groups and minorities.
- Guaranteeing the independence of the judiciary and ending reliance on military tribunals and other ‘exceptional’ courts.
- Abolishing the ‘states of emergency’ that have become permanent features of governance in the region.

In an often highly critical appraisal of progress towards democratization in the Arab world, the authors of the *Arab Human Development Report 2004* analyze the roots of authoritarian rule in the region and issue a call for urgent corrective action. The report demonstrates that pressure for political change has been intensifying within the Arab world for several years now, and the authors warn that unless Arab governments move much more quickly towards reform they could face “chaotic” social upheaval.



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“Why, among all the regions of the world, do Arabs enjoy the least freedom?” the authors ask. “What has led Arab democratic institutions—where they exist—to become stripped of their original purpose to uphold freedom?”

The answers are not cultural—as some foreign analysts allege—but political, the authors argue, citing the decades-long imposition of “emergency powers” by authorities across the region, the systematic suppression of independent courts and parliaments, and the “double standard” of foreign powers which they say have accepted or even encouraged authoritarian rule in exchange for political stability and access to energy supplies.

“If the repressive situation in Arab countries today continues, intensified societal conflict is likely to follow,” the authors warn. “In the absence of peaceful and effective mechanisms to address injustice and achieve political alternation, some might be tempted to embrace violent protest, with the risk of internal disorder. This could lead to chaotic upheavals that might force a transfer of power in Arab countries, but such a transfer could well involve armed violence and human losses that, however small, would be unacceptable. Nor would a transfer of power through violence guarantee that successor governance regimes would be any more desirable.”

The report, written by an independent group of leading Arab scholars and intellectuals, was sponsored by the United Nations Development Programme together with the Arab Fund for Economic and Social Development and the Arab Gulf Programme for United Nations Development Organizations.

The *Arab Human Development Report 2004 (AHDR 2004)* is the third in a series of four planned reports. The first Report (*AHDR 2002*) dealt with the most significant challenges facing development in the 22 countries of the Arab world at the start of the third millennium. It identified three key deficits in the areas of knowledge, freedom and good governance and the empowerment of women. The second Report (*AHDR 2003*), focused on the Arab world’s growing knowledge gap, and called for closing it through heavy investment in education and research and the enhancement of open intellectual inquiry, greater interaction with other nations and press freedoms. The authors say they hope that this third report, which surveys political reform efforts throughout the region over the past three years, will “stimulate a dialogue in Arab societies on how to expand freedom and establish good governance.”

“The time has come to make up for the missed opportunities of the past,” the authors conclude in the introductory summary of their Report. “It is to be hoped that the Arab people will not fail to take the historic road leading it to its appropriate place in a better, fairer and freer world, one that it will have contributed to bring into being, and in whose benefits it will share.”

Progress Real, But Limited

The period covered by the Report precedes such recent critical events as the elections in Iraq and Palestine, domestic political mobilization in Lebanon, municipal elections in Saudi Arabia, and the announcement of major presidential election reforms in Egypt. Yet as the Report shows, pressure for political change has been mounting within Arab society for some time—and it has led to some genuine advances. These include legislative elections with women voters and candidates in Oman; a competitive, multiparty presidential contest in Algeria; the formation of Human Rights Commissions in Egypt and Qatar; and the adoption of a new family law safeguarding women’s rights in Morocco.

“There is a change in mindsets in the region,” said Dr. Rima Khalaf Hunaidi, UN Assistant Secretary-General and Director of the Regional Bureau for Arab States in UNDP, who has been the chief overseer of the Arab Human Development Reports. “We are moving with greater confidence in a new direction now, and there is a strong awareness of the irreversibility of change—change driven by the Arab street, not change adopted from afar.”

The Report commends the courageous initiatives taken by Arab civil society groups who spearheaded the demands for reform, organized petitions and peaceful protests in their support and expressed consternation at the harsh official response to them. The Report expresses the hope that Arab governments will work with proponents of peaceful reforms since this is the only guarantee for genuine progress towards a more stable future.

Overall, however, the pace of progress has been disappointingly limited, the Report states.

“Certainly, incipient reforms are taking place in more than one of the priority areas identified in this Report, *but for the most part those reforms have been embryonic and fragmentary*,” the authors say. “Some gains are undoubtedly real and promising, but they do not add up to a serious effort to dispel the prevailing environment of repression.”

The Report also draws on an extensive opinion poll of five Arab countries, which reveals a broad consensus in all the nations surveyed that governments must crack down on pervasive corruption and open up their political systems, providing greater personal and political freedoms to all citizens.

The “Black Hole” State

Throughout the region, the concentration of power in the hands of the executive—be it a monarchy, military dictatorship, or a civilian president elected without competition—has created a kind of political “black hole” at the centre of Arab political life, the authors say.

“The modern Arab state, in the political sense, runs close to this astronomical model, whereby the Executive apparatus resembles a ‘black hole,’ which converts its surrounding social environment into a setting in which nothing moves and from which nothing escapes,” they write.

The executive authority at the centre of these “black hole states” prevents the judiciary from safeguarding the rights of the citizenry, the authors say. “Where there is conflict between a political regime unfettered by legal controls and the judiciary, whose independence is upheld in the constitution and law, the Arab regime swiftly sweeps aside the independence of the judiciary without any hesitation,” says the Report.

Corruption, which the authors say is institutionalized in government and business throughout the region, reinforces this “black hole” phenomenon, they argue. So does “clannism,” which reinforces a mindset of passivity and obedience to authority, along with intolerance of dissent.

The Report goes further: “By 21st century standards, Arab countries have not met the Arab people’s aspirations for development, security and liberation despite variations between one country and another in that respect. Indeed, there is a near-complete consensus that there is a serious failing in the Arab world, and that this is located specifically in the political sphere.”

The authors underscore that the status quo is no longer sustainable. If the Arabs themselves do not take real steps towards change, the global powers will step in and lead the process of reform from outside: “Arab countries cannot ignore the fact that the world, especially the powerful players in the global arena, will continue to safeguard their interests in the region. Their call for reform in Arab countries falls within this context.” External reform initiatives may not necessarily correspond to the vision of Arab reformers, in terms of ultimate objectives and scope, the authors say; nonetheless, they add, an overlap between internal and external initiatives can render such cooperation beneficial if the following principles prevail:

- Respect for international human rights law with an end to the “double standards” that the authors say have dominated some Western policies towards the Arab world.
- Acceptance of the right of Arabs to frame their own vision of freedom and good governance.
- Commitment to outcomes of democratic processes that reflect the will of the people.
- Recognition of the right of all societal forces to organize and compete as long as they do not resort to violence or disrupt the democratic process.
- Endorsement of the relationship between Arab reformers and their international supporters as one of partnership and not of patronage.

Violence Against Civilians: Terrorism and Occupation

The authors of the *AHDR 2004* reiterate their previous condemnations of violence against unarmed civilians, whatever the source: “Extremist groups which perpetrate assassinations and bombings and espouse the use of violence also violate the right to life,” the authors write, just as “armed confrontations between security forces and armed groups result in civilian casualties that can outnumber victims in the ranks of the combatants.”

The authors note that foreign occupation, particularly the Israeli occupation of Palestinian territories, continues to violate the individual and collective freedoms of Palestinians through assassinations, raids on heavily populated civilian areas, arbitrary arrests, house demolitions and repeated closures. Some 24,000 Palestinians living in the Gaza Strip have been made homeless by Israeli demolitions between 2000 and 2004.

In the one-year period from May 2003 to June 2004, the Israeli-Palestinian conflict claimed the lives of 768 Palestinians (23 percent of them children) and 189 Israelis (nine percent of them children). Most Palestinian casualties were the victims of attacks by Israeli occupation forces in the West Bank and Gaza, while “the majority of Israeli civilians were killed when Palestinians blew themselves up in crowded locations inside Israel,” the authors report. “It goes without saying that any loss of innocent life is unconscionable and unacceptable.”

The authors also single out for condemnation the attacks against civilian non-combatants by armed militants in Iraq—as well as the civilian casualties of armed actions by American-led occupation forces in the country, who they charge have failed to meet their obligations under the Geneva Convention to provide security to Iraqi citizens. “After dismantling the old state, the US-led authorities made little progress in building a new one,” the authors assert.

“Occupation,” the authors write, “is the negation of freedom and the right to self-determination, and thus obstructs human development.” The practices of occupation forces, particularly in Palestine, have “sapped the struggle for freedom and good governance in Arab countries in several ways. They provided Arab regimes with pretexts to hold or postpone the process

of democratization, citing external threats. They forced Arab reformers to focus their struggle on resisting occupation, leaving less space on their agendas for democratic reforms. And they strengthened extremist groups as violent as the occupiers, hence further narrowing opportunities to achieve greater freedom in the Arab public sphere and stifling emerging reform initiatives.”

Fallout from the “War on Terror”

“Terrorism has become one of the greatest perils of the age,” the authors say, recognizing “the right and responsibility of governments to take strong actions to ensure the security of their citizens.” The authors strongly condemn the terrorist attacks in 2004 against civilian targets, be it in Morocco and Saudi Arabia, or in Turkey and Spain.

“These are crimes that constitute flagrant, indiscriminate violations of the human rights of their victims, including such fundamental rights as the right to life and to physical and psychological health. These unacceptable acts affect children, women and old people who are innocent by any decent human standards, or any religious teaching.”

Yet they also note that some aspects of the “war on terror” pose threats to civil liberties and reform in the Arab region and beyond. The authors note that Western leaders have strongly asserted their support for freedom and democracy as the best long-term solution to terrorism, and many have also understandably sought to tighten their own security legislation. An unfortunate by-product in some countries, however, is that “Arabs are increasingly the victims of stereotyping, disproportionately harassed or detained without cause under new restrictions.”

At the same time, in the Arab world, several governments have cited fear of terrorism as justification for even tighter restrictions on their own citizens. “With the advent of the global ‘war on terror,’ there have been unprecedented numbers of arrests,” the Report states. “Legal safeguards have been violated, and people have been deprived of their liberty and, in many instances, tortured and ill-treated in prisons, camps and detention centres where their personal safety is uncertain.... In several Arab countries, civilians are being referred for trial to military courts or other exceptional tribunals such as the emergency, state security, and special courts, as well as martial law tribunals.”

Freedom: An Agenda for Change

The authors point to many restrictions on democratic rights in the region, including:

- ***Limitations on Press Freedom:*** “Press freedom in 11 Arab countries can be blocked or curtailed by regulations that permit prior or post-printing censorship. Laws impose restrictions on the right to publish newspapers by requiring a licence whose withdrawal, or threat of withdrawal, is used by the Executive to deter newspapers from crossing set boundaries of freedom of expression. Journalists’ right to obtain information and news is legally assured in only five Arab states: Algeria, Egypt, Jordan, Sudan and Yemen.”
- ***States of Emergency:*** “In some Arab countries, the state of emergency has become permanent and ongoing, with none of the dangers to warrant it. What was the exception has now become the rule (e.g. in Egypt, Sudan and Syria). Emergency Laws (or rules of martial law) strip the citizen of many constitutional rights, such as inviolability of the home, personal liberty, freedom of opinion, expression and the press, confidentiality of correspondence, rights of movement and assembly.”

The authors stress that their concept of freedom encompasses “not only civil and political freedoms (in other words liberation from oppression) but also the liberation of the individual from all factors that are inconsistent with human dignity such as hunger, disease, ignorance, poverty and fear.”

“Undoubtedly, the real flaw behind the failure of democracy in several Arab countries is not cultural in origin,” the authors contend. “It lies in the convergence of political, social and economic structures that have suppressed or eliminated organized social and political actors capable of turning the crisis of authoritarian and totalitarian regimes to their advantage. The elimination of such forces has sapped the democratic movement of any real forward momentum.”

The authors urge their fellow Arab intellectuals and activists to spearhead the drive for freedom and good governance. “The challenge concerns, first and foremost, the intellectual and political vanguards of the region, those who have until now seemingly neglected to take up their societal role as the conscience and leaders of the nation, hesitating to play their inescapable part in steering their people towards human progress,” says the Report.

According to the Report, the challenge for internal reformers is “to forge a middle way for themselves and the Arab world, neither bowing to the influence of the powerful and wealthy, nor following the route to despair and violence to which many angry young people, whose peaceful and effective avenues for action have been blocked, are drawn.”

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Freedoms Curtailed: Constraints From Within

Amman, Jordan, 5 April 2005—Undemocratic regimes, supported by the forces of tradition and tribalism—sometimes under the cover of religion—have continued to curtail freedoms and fundamental rights in Arab countries and have weakened citizens’ strength and ability to advance, says the *Arab Human Development Report 2004*.

“Despite variations from country to country, rights and freedoms enjoyed in the Arab world remain poor,” the authors write. “With limited exceptions in some countries and certain areas, freedoms, particularly those of opinion, expression and creativity, are under pressure in most Arab countries.”

Limiting Democracy:

- The authors note that free presidential elections involving more than one candidate have occurred only in Algeria, Palestine, Sudan and Yemen.
- “One-off” elections are a ploy used by Arab regimes in Islamic societies to keep those apprehensive about the accession to power of Islamist groups on their side and sometimes to justify foreign interference to prop up authoritarian Arab regimes.
- While elected parliaments now exist in all Arab countries except Saudi Arabia and the United Arab Emirates, parliamentary elections have been little more than empty rituals and offer little chance for meaningful change.

Limiting Freedom:

- Journalists have been frequently targeted for prosecution for their opinions, and some have been physically attacked.
- Arab ministers adopted an anti-terrorism strategy in 2003 that led to further restrictions on freedom of expression and other human rights.
- Authorities have initiated or sanctioned attacks on political opponents and human rights activists.
- Government agents can enter any home at any hour and may monitor private correspondence and tap telephones in the name of state security.
- Some Arab states have even banned circulation of some of the most treasured works in the Arab literary heritage, such as *The Prophet* by Khalil Gibran, and *A Thousand and One Nights*.
- Freedom of association is heavily regulated as many organizations—including human rights groups—have been denied the right to exist, and many existing organizations have been forced to disband.

Fundamental Freedoms Violated

- Killings or “disappearances” of activists and dissidents are rarely investigated—or even reported—by law enforcement authorities.
- Violence by extremist groups, including assassinations and bombings and confrontations with security forces, often claim high numbers of civilian casualties.
- An unprecedented number of arrests have been made in the name of fighting terror; legal safeguards have been violated; and innocent civilians have been detained without charge and, in many instances, tortured and otherwise mistreated in prisons, camps and detention centres.
- Citizenship rights can be arbitrarily revoked by low-ranking officials.

Few Freedom Advocates

- Mass political movements in the region—including the Arab nationalist forces of the past, and the Islamist movements of today—have not made democracy and freedom their priority.

Political regimes have selectively appropriated Islam to support and perpetuate their oppressive rule even as the dominant trend in Islamic jurisprudence supports freedom and good governance, including the realization of justice and equality, the assurance of public freedoms, the right of the nation to appoint and dismiss rulers, and guarantees for the human rights of non-Muslims and Muslims alike.

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Arab Constitutions: Freedom on Paper Only

Amman, Jordan, 5 April 2005—Many of the freedoms granted in Arab constitutions are severely curtailed by restrictive regulatory legislation, say the authors of the *Arab Human Development Report 2004*.

“Arab constitutions assign the regulation of rights and freedoms to ordinary legislation, which tends to restrict the right in the guise of regulation,” the authors found. “As a result, many constitutional texts addressing rights and freedoms, whatever their own shortcomings may be, lose much of their worth, turning into an empty facade for the benefit of the international community.”

Freedoms Granted, Freedoms Restricted

The Report cites a number of areas where constitutional protections are inconsistent with actual practices, including:

- **Freedom of assembly:** Most Arab constitutions provide for freedom of assembly, but many countries prohibit or restrict the exercise of the right to strike, demonstrate, hold mass gatherings or assemble peacefully.
- **Freedom of speech and expression:** Constitutions provide for freedom of thought, opinion, and belief but dissemination of information and ideas, in newspapers, publications, radio and television is considered a dangerous activity warranting a panoply of bans, restrictions and deterrent sanctions.
- **Press freedom:** Press freedom in 11 Arab countries can be blocked or curtailed by regulations that permit prior or post-printing censorship; newspapers require a license to publish and journalists’ right to obtain information and news is assured in law in only five Arab states: Algeria, Egypt, Jordan, Sudan and Yemen.
- **The right to form political parties:** Political parties are, in principle, permitted in 14 Arab countries although laws severely restrict their establishment and operations. Libya and the member states of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) prohibit the formation of political parties.
- **Civil society organizations:** Outside of Lebanon and Morocco, it is extremely difficult to set up non-governmental organizations.
- **The right to legal recourse:** Arab constitutions uphold the independence and inviolability of the judiciary but in practice, the Executive maintains a significant presence within most court systems and can often nullify other constitutional provisions.
- **Right to a fair trial:** Most Arab constitutions stipulate safeguards for fair trial in criminal laws and trial systems, but human rights activists are frequent victims to the gulf existing

between such guarantees on paper and a reality governed by emergency laws, military tribunals and special courts.

- **Justice delayed and denied:** A vast increase in the number of court cases in some Arab countries have caused extensive delays in hearings and ultimately, in delivering justice—causing fears that frustrated litigants could resort to violence and individual reprisals.
- **International human rights:** A number of Arab constitutions contain provisions that directly conflict with international human rights principles by deleting rights and freedoms on the basis of ideological or religious reasons.
- **Misusing *Shari'a*:** Constitutional provisions for the use of *Shari'a* as a source of legislation is not itself a violation of human rights. However, the Report cautions against leaving the interpretation of *Shari'a* to the whims of individual judges, instead of the legislators. “Investing discretionary powers in the judge to interpret the *Shari'a* text and choose among the multiple opinions of jurisprudence, entails a lack of legal precision,” may be inconsistent with human rights and freedom, and used as a pretext for tyranny.
- **Constitutional ideological bias:** Some constitutions forbid differing opinions or political affiliations such as in Syria, where the constitution affirms the *Ba'th* party as the leadership of society and the state, meaning that the multiparty system has no constitutional legality.
- **States of emergency:** One of the most serious legislative violations of human rights in the Arab world occurs when Arab legislators permit the Executive to declare a state of emergency and abuse all safeguards for individual rights and liberties—a situation that has become permanent and ongoing, even though there is no emergency.

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Entrenched Corruption is a Roadblock to Reform, say authors of third Arab Human Development Report

Amman, Jordan, 5 April 2005—Corruption must be confronted and uprooted in Arab countries if the region is to develop free institutions and implement the rule of law, contend the authors of the *Arab Human Development Report 2004*.

Political and economic corruption is so commonplace in the region that surveys conducted in five Arab countries for the *AHDR 2004* (the Freedom Survey) showed that 90 percent of the people believe that corruption pervades their societies. Another international survey also shows that nearly 70 percent of the public in five Arab countries believe that “the country is run for the benefit of the influential few.”

Corruption takes on many forms, both large and petty, the authors say. “The majority of respondents to the Freedom Survey said that they were aware of a bribe paid or favours rendered through personal contacts during the year preceding the survey” to either obtain services that are legitimate and to which they are entitled, or to avert a punishment by the authorities, the Report states.

“Aspects of corruption are also clearly visible to citizens, particularly those in the business sector who complain that the people in power monopolize the main areas of the economy, either directly or as ‘partners’ of successful businessmen,” the authors report. “Moreover, persons in power and their close circle receive huge commissions for contracts concluded between the state and international or local companies, including armament contracts.”

“Corruption exists—the governments themselves admit as much, by periodically launching their anti-corruption campaigns,” the authors say.

A Vicious Circle

“Those in our region who demand freedom, and who struggle for it, may be in the majority; however, those who stifle it are stronger and more powerful,” says Rima Khalaf Hunaidi, United Nations Assistant Secretary-General and Director of UNDP’s Regional Bureau for Arab States. “They not only possess the means to oppress, marginalize and impoverish, but they also control key forums and are able to recruit those adept at twisting various texts to perpetuate their interests and at bending intellectual norms and theories in order to prohibit freedom and permit its confiscation.”

By controlling all the levers of power, the authors say, country leaders can use the judiciary to eliminate and tame opponents, rivals and even supporters who step out of line. This is linked with what is known as “unspoken corruption” or corruption, which is hushed up, where close supporters are allowed to exploit their positions for unlawful gain, while “enforcement of the law” against them remains a weapon to ensure that their total loyalty will continue.

“Manipulation of the law also opens the way for economic corruption, the natural result of political corruption,” the authors contend. “Those who falsify election results and tamper with the law acquire tempting tools for forgery and their own personal gain.”

“Structural” and “Systematic”

“Structural corruption,” the authors contend, is “part of a systematic state policy” in the Arab world. In this type of corruption, “personal abuse of public office and misuse of public finances are considered normal according to prevailing custom, or even necessary for the regime to endure. It is distinct from conventional corruption where the perpetrator acts behind the back of officialdom, in fear of the law.”

The authors maintain that “structural corruption,” is one of the biggest obstacles to reform since it is systematically used to sabotage political and civil activity and create classes with vested interests in the status quo. In fact, the authors link this phenomenon to what is known as “unspoken corruption” where “close supporters are allowed to exploit their positions for unlawful gain” and the threat of the enforcement of the law against them secures their absolute loyalty.

The Report further indicates that political and legal structures in some Arab states make it difficult to differentiate between corruption in its conventional form—abuse of public office for personal gain—and inherent failings in the system itself. “In some States, law and custom decree that the land and its natural resources belong to the ruler, and fail to distinguish at this level between the private and public natures of the ruler, while the private property of the ordinary citizen becomes a grant from the ruler. In such a situation, it is difficult to talk of corruption in governance, for whatever the ruler does, he is disposing of his own property.”

Dependency on oil sales has also contributed to corruption in many countries, the authors contend. In oil-dependent economies, “the government can act as a generous provider that demands no taxes or duties in return,” say the authors. These regimes perpetuate themselves in power “through generous financing of agencies of organized repression and the mass media.”

The authors argue that nothing short of sweeping political, institutional, administrative and societal reforms that establish representative government, accountability, transparency and disclosure at all levels of society, will effectively root out corruption. “If ending corruption entails, among other measures, deep economic reform, active laws and mechanisms of accountability and transparent governance, ‘structural corruption’ can be overcome only by radical reform of the political architecture,” the authors conclude.

- The *Arab Human Development Report 2004* is the third in a series by independent Arab scholars. Past reports, which have sparked serious discussions on change, identified three fundamental deficits: women’s rights, knowledge, as well as freedom and governance. Hence the *AHDR 2004* focus on democratic governance and necessary steps towards meaningful freedom.

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Few Freedoms and Rights Accorded to Marginalized People

Amman, Jordan, 5 April 2005—People living outside of the mainstream of Arab society—whether for cultural, religious or ethnic reasons—tend to suffer more pronounced human rights violations, assert the authors of the *Arab Human Development Report 2004*. While minorities suffer many of the same human rights violations as other citizens, the authors of the report say that because of laws, administration policies or entrenched social practices, these groups suffer additional indignities and rights violations because of their backgrounds.

“This kind of double subjugation affects a number of other social groups, notably *bidūn* and naturalized citizens in Arab Gulf countries. The former, being stateless, have nowhere to go and are regarded as foreigners, while the latter are treated as second-class citizens; they are denied the right to stand for election to representative bodies or to vote.”

“Repression directed specifically at such groups reflects an odious ‘minority mentality’ in parts of society and in oppressive regimes alike,” say the report’s authors.

The authors cite a number of examples of second-place status:

- **Persecutions in situations of armed conflict:** In areas of protracted conflict, such as in Iraq and Sudan, minority groups have been persecuted.
- **Non-citizens:** With nowhere to go, “card holders” in the border areas of Saudi Arabia, Kurds deprived of citizenship in Syria, and *akhdam* in Yemen, also encounter persecution.
- **Migrant workers:** Migrant workers in oil-producing Arab states, including Arab workers, suffer certain forms of discrimination according to international standards. The most notorious cases stem from the “guarantor system” and the abuse of domestic servants, chiefly women.
- **Slave-like conditions:** In Mauritania, members of the group known as *haratin*—emancipated slaves—are not much better off than when they were slaves. In Sudan, different tribes involved in the military conflict have abducted one another’s women and children who live under conditions that are tantamount to slavery.
- **Women doubly excluded:** In general, women suffer from inequality with men and are vulnerable to discrimination, both at law and in practice. Despite laudable efforts to promote the status of women, success remains limited. Women still suffer from limited political participation and diminished personal status laws. Present laws fail to protect women from domestic abuse and violence against women in areas of armed conflict, especially in Iraq, Somalia and Sudan is high.

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Arab Governments Suffer From Crisis of Legitimacy

Amman, Jordan, 5 April 2005—To restore government credibility, Arab regimes must address “a chronic crisis of legitimacy” that is contributing to the current and critical deterioration of the state of freedom in Arab countries, maintain the authors of the *Arab Human Development Report 2004*.

This widespread crisis of legitimacy that overshadows the Arab world, the authors say, points to the collective failure among Arab States to address major issues, such as the question of Palestine, pan-Arab cooperation, foreign intervention, the advancement of human development and popular representation.

“It also points to the failure to provide citizens with a decent life, whether in terms of the basic requisites of daily life, or human rights or both, which has created an atmosphere of oppression, suffering and instability.”

The search for other sources of legitimacy, they say, has forced governments to rely on a combined set of inducements and intimidation to deal with their citizens.

The Report finds that:

- **Limited popular support:** While most Arab constitutions declare that the sovereignty of the state rests with the people or the nation, popular participation and full representation of the public at large remains limited.
- **Legitimacy not from the people:** Power resides with heads of state who derive legitimacy through religious or tribal traditions, or revolutionary, nationalist, or populist movements.
- **Legitimacy of blackmail:** Some regimes try to bolster their legitimacy by styling themselves as the lesser of two evils, or the last line of defense against fundamentalist tyranny or, even more dramatically, against chaos and the collapse of the state—some say this is the “the legitimacy of blackmail.”
- **Little room for change:** These tactics to bolster legitimacy effectively block political parties from acceding to power, and impede the development of other legitimate avenues of civic participation.
- **Preserving “the black-hole State”:** The survival of “the black-hole State” has become more dependent on control and propaganda; on marginalizing the elites through scare-and-promise tactics; on striking bargains with dominant global or regional powers; and on mutually supportive regional blocs to reinforce the status of the ruling elites against emerging forces.

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The Arab Human Development Report 2004: Taking the Public Pulse

Amman, Jordan, 5 April 2005—A public opinion survey conducted in five Arab countries for the third and latest Arab Human Development Report reveals that people do not enjoy governance that is democratic, open, transparent and protective of basic freedoms and human rights.

Freedom of movement, the freedom to marry, the right to own property, and the freedom of minorities to practice their own culture ranked high on the list of freedoms presently enjoyed in the five countries. Less in evidence, according to those participating in the survey, was the existence of an effective opposition, an independent media and judiciary, transparency and accountability of governance, and efforts to combat corruption.

The public opinion polls carried out in Algeria, Jordan, Lebanon, Morocco and Palestine in late 2003 marked a major attempt to measure attitudes toward freedom and democracy in the Arab world, where data regarding public opinion on these critical issues is scant. While the survey could not be conducted in several countries, the resulting poll still presents a vivid snapshot of people's ideas about freedom in the region.

Freedom from foreign occupation, freedom of thought and expression, and freedom of movement were ranked highest by the populations surveyed as conditions necessary for freedom and democracy. The survey also examined attitudes towards freedom of marriage, of religious belief, elections, independence of the judiciary, press freedom, the rights of minorities, and corruption.

While the results varied from country to country, the survey showed broad consensus on several key points, as revealed by this highlight of aggregated results:

Crucial elements of freedom: More than 90 percent of those surveyed ranked the following components as critical to their concept of freedom—freedom from occupation (96 percent); freedom of thought (96 percent); freedom of opinion and expression (95 percent); freedom of movement (95 percent); freedom from ignorance (94 percent); freedom of marriage (93 percent); combating corruption (90 percent); freedom of belief (90 percent). Ranked lower was the importance of a significant opposition to influence decision-making (68 percent) and autonomy for minorities (61 percent).

An independent media: Eighty-three percent of participants viewed media independence as crucial to freedom. While seven percent of those polled in Lebanon thought the media was becoming more independent, 45 percent found deterioration in the independence of the media.

Foreign occupation: Most Palestinians who were surveyed, 98 percent, said freedom from occupation was essential for their concept of freedom, and most believed there was a deterioration of their situation with respect to occupation and foreign influence and freedom of movement within their country. In Lebanon, most people believed the situation was improving.

Combating poverty: Only in Morocco did those polled feel there had been some improvement in the effort to combat poverty.

Corruption: By an overwhelming margin, more people taking part in the survey thought corruption was worsening in their country. Thirty-one percent felt corruption is most widespread within politics. Almost 40 percent felt the best way to get government action was through using favouritism better known as “*wasta*” in the region.

Equality before the law: Ninety-seven percent of Algerians felt equality before the law is a major element of freedom.

Gender equality: More than 80 percent felt there was gender equality; in Lebanon, the number was over 90 percent.

Good governance: Around 89 percent feel that their choice of central and local government leaders through free and fair elections is essential in achieving good governance. Lebanon ranked the highest among the countries surveyed linking the element of transparency of governance to democracy and freedom at 94 percent.

Education: About 80 percent said education services were largely satisfactory. Public education services were judged to be of higher quality than the private counterpart in Algeria, Jordan and Morocco.

Religious freedom: Freedom for religious organizations drew strong support in Lebanon (95 percent) and in Palestine (92 percent).

Regional cooperation: Most people ranked the creation of a “Free Arab trade zone” as the most preferred form in achieving a stronger Arab cooperation.

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The Arab Human Development Report 2004: Paving a New Way Forward

Amman, Jordan, 5 April 2005—What could happen next? The *Arab Human Development Report 2004* cites three scenarios for change in the Arab region:

Maintaining the Status Quo—The authors call this scenario the “Impending Disaster Scenario.” Doing nothing, they say, will lead to intensified societal conflict. “Contemporary history shows that continuation of the status quo might lead to destructive upheavals that could force a transfer of power in Arab countries,” the authors say. But such transfers of power, they add, could well involve armed violence and human losses. “If this should materialize,” the authors warn, “the future for Arab countries holds more failures in the arena of human development.”

The Ideal Scenario: The “*Izdihar*” Alternative—According to the authors, disaster can be averted. “A process of peaceful negotiation on the redistribution of power in Arab countries represents the optimum approach for a transitional phase towards good governance,” characterized by safeguarding freedom for all; effective political participation; inclusion of all political and religious groups, which respect the rights and freedoms of others; efficient institutions, which are transparent and accountable; and an independent judiciary—all of which ensure a smooth and uninterrupted alternation of power. Only such a system, the Report maintains, will help redress injustice and ensure social stability and cohesion.

The term ‘*izdihar*’ in Arabic, meaning a flourishing, or blooming of a process that once rooted will thrive, providing a solid foundation for freedom and good governance.

The “Half Way House” Scenario: the Accommodation of External Reform—A third alternative that is gathering momentum promotes gradual and moderate reform by Arab countries. This alternative, while not ideal, is nevertheless built on a pragmatic attempt to make the best of regional and international initiatives, from the standpoint of it being a partnership of equals, and taking into consideration the following:

- respect for Arab ownership and leadership of these processes;
- adherence to international human rights laws (especially the right of national liberation);
- inclusion of all societal forces; and
- respect for outcomes freely chosen by the people.

Recommendations for reform:

Aiming to stimulate a broad discussion on action within the region towards enhancing and protecting freedom through good governance, the Report offers many recommendations that could pave the way towards freedom, including the following immediate action points:

- Abolishing the state of emergency.
- Total respect for the key freedoms of opinion, expression and association.
- Maintaining an independent judiciary.
- Ending all types of marginalization and discrimination against social groups and minorities.

For reform to be comprehensive, the authors also advocate the following:

- Guaranteeing fundamental rights and freedoms: Arab states must ratify the basic elements of international human rights law as embodied in major human rights treaties; they must also enshrine them in their respective constitutions, which, in turn, should be reflected in appropriate legislation.
- Eliminating the permanency and absolutism of power by binding the executive authority to the rule of law.
- Establishing and safeguarding political pluralism: Allow all political streams to organize and compete in the public sphere, including Islamist parties, as long as all adhere to the principles of democracy, and accept the right to differ. This also includes the right to organize and participate in free and fair elections.
- Securing gender equality: Laws must strengthen the principle of gender equality and ensure that all women have the right to vote.
- Enabling civil society organizations: they must not be subject to restrictions, surveillance or administrative control; the freedom and independence of these organizations should be guaranteed, as should the impartiality of official media.

Protecting personal freedoms through laws that establish guarantees for an individual's protection, including from unlawful arrest, torture, administrative detention and disappearance. In addition, as the Report states, there is a need to affirm "the principle of the individual's right to compensation for damages done to her/him as a result of being deprived of their liberty through imprisonment or preventive detention, having been charged with offences of which they have been proven innocent."

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Some Questions and Answers About AHDR 2004

1. What do the authors of this report hope to achieve?

Since the first AHDR identified a gap in freedom and good governance in the Arab world, the Arab region has moved to a point where it is now on the brink of a historic change. Voices within the Arab world are calling for reforms that will help Arabs achieve good governance, development and liberation from foreign occupation and domination, and, at the same time, the region is also facing external calls for reform. The authors hope that this report will help energize the quest for good governance in the region by inspiring debate, creative thinking, innovation and collective work throughout Arab societies. The Report offers a diagnosis of the shortfalls in freedom and Arab governance, and suggests a generic process that would lead to good governance. This model is intended to encourage each Arab society to explore its own path to freedom and good governance, possibly by adapting the model to its own particular circumstances and needs.

2. What are the main findings and conclusions of this report?

The Report concludes that the situation of freedom and good governance in the Arab world ranges from deficient to seriously deficient. Despite sporadic improvements in the human rights situation in some Arab countries, the overall human rights picture in the Arab world is grave and deteriorating. The freedom and human rights of Arabs under occupation, particularly in Palestine, are being seriously violated. Even in independent Arab countries, there is a serious gap in freedom and good governance. Authoritarian regimes severely restrict freedoms and the right to political participation and civil activity to ensure that no opposition arises to challenge their unrepresentative form of government. Constitutional rights are also violated as authoritarian regimes take control of the law and manipulate it to reinforce their grip on power and serve their own interests.

3. How accurate are the Report's conclusions about the state of freedoms, human rights and governance in the Arab world? Are they not just a collection of subjective generalizations made by a group of Arab intellectuals with certain perspectives or biases?

The Report team brings together some of the region's top scholars, researchers, civil society actors, and opinion makers. The Report is a collation of their experience, knowledge, data and analysis and represents years of critical study, fact-finding, publications, and activism. The team was selected to represent the different perspectives, areas of expertise, and local insights that proliferate in the Arab region, leaving little possibility that the team would share any one national or ideological perspective. Additionally, the team extensively consulted and referenced the published information on democracy and rights in the region, including legislative documents and legal analysis of national constitutions and related instruments as well as international conventions. Background materials also covered data

and analysis collated by local and regional research institutions, and those documented by international bodies, such as the UN and the World Bank.

4. To what extent are the regional and international contexts responsible for the obstacles to freedom and good governance faced by the Arab world?

At the regional level, the Arab populations under occupation, particularly in Palestine, are deprived of many of their basic freedoms and their human rights. This has a direct impact on the situation in other Arab countries, and provides authoritarian Arab regimes with the excuse of an external threat to postpone reform and movement towards more representative forms of government. It also distracts the attention of political and civil society forces from efforts to achieve freedom and good governance, and focuses it instead on supporting the struggle to end occupation.

Also at the regional level, authoritarian regimes form a mutually reinforcing network that helps each of them to maintain its political control. At the international level, the privileges enjoyed by some of the major powers allow them to preclude the adoption of international resolutions that would uphold provisions of international law, thus contributing to the violation of human rights in the Arab region. Moreover, some of those powers have helped authoritarian regimes consolidate their positions by striking alliances with them if the regimes are perceived as useful in “war on terror.” The discourse that has resulted from the war on terror, and the general atmosphere following the 9/11 attacks have caused massive discrimination and human rights violations against Arabs and Muslims in the west, including imprisonment without charge.

5. What are the internal obstacles to the achievement of freedom and the establishment of good governance in the Arab countries?

The main obstacle is the existence of unrepresentative ruling authorities who are not accountable to the people. By curbing freedoms and violating human rights, these authorities ensure that no movements can emerge that can peacefully advocate for an alternation of power so that more representative and accountable forms of government that express the popular will can be adopted. There are also societal obstacles to the emergence of civil and political forces that would create momentum for a transition to representative government. These include social forces that fear freedom: entrenched traditions that preserve the tribal-based status quo and deny creativity; a limited awareness of human rights principles, which are not deeply rooted in the Arab cultural environment and the weakness of civil society.

6. What are the main recommendations of this report?

The Report recommends that Arab countries sign all declarations, covenants and treaties that together make up international law, and incorporate these provisions into their constitutions and reflect them in their legal systems. The Report also calls for a gradual and negotiated transition of power to representative forms of government. The first step in the process would be to unleash civil society forces and allow the three key freedoms of opinion, expression and association—a move that would generate a dynamic debate on how to achieve the transition. Arab intellectual, political and civil society vanguards must shake off their apathy and contribute towards creating an intellectual framework and atmosphere conducive to freedom and good governance. This should lead to the emergence of an elite representing all sectors of society, both inside and outside government, to spearhead the movement towards good governance, and ultimately, to an Arab renaissance. The process should include reforming the political system to allow full participation through free and fair elections, the results of which must be fully respected. There should be a separation of the executive, legislative and judicial powers, with the independence of the latter institutionally guaranteed. Once good governance has been established, the key inter-related freedoms of opinion, expression and

association should be fully respected and guaranteed in Arab countries. Basic freedoms should be enshrined in constitutions and legally safeguarded so that they cannot be diminished or even abolished by legislatures, which may reflect a “tyrannical majority” seeking to oppress a minority.

7. What are the most pressing priorities in good governance practice?

The Report suggests immediate action to be taken to reform governance practices, addressing three key priorities: abolishing the state of emergency; ending all forms of discrimination against any minority group; and guaranteeing the independence of the judiciary.

8. Since presidential and parliamentary elections have been held in several Arab countries, isn't it possible to say that democracy and good governance already exist in the Arab world?

The AHDR focuses on enhancing both freedom and good governance in the region. Presidential and parliamentary elections can only lead to representative government if they are free and fair and represent the true, unfettered will of the people who are presented with a choice. Presidential elections in which one candidate runs, or in which the cards are stacked in favour of an incumbent who commands all the resources of the state and who can intimidate and weaken opponents, are not valid expressions of the people's will. They are cosmetic elections. Presidential elections in the Arab countries, where they have occurred, have often returned the incumbent with an absolute majority. There are notable exceptions, such as the last Algerian presidential election. Similar challenges are faced when it comes to legislative elections, particularly if political parties are banned, or if political parties competing with the ruling party are emasculated by the state. Parliamentary elections, when they have been allowed, have tended to reproduce the same ruling elites. This turns legislatures into pliant tools that the ruling executive authority can use to augment its power using a democratic façade.

9. Foreign powers have been calling for democratic reforms in the Arab world. Many in the region suspect that their motive is to further their own interests. Does this report not help those foreign powers by giving them ammunition?

It is true that some forces outside the Arab world have exploited the previous reports, and they may well try to exploit this one. It is the weakness of the Arab region that makes it vulnerable to external intervention. The only way for the Arabs to confront and foil outside designs is to recognize and overcome their weaknesses through balanced self-criticism that leads to reform. This in turn will strengthen the region and its independence, making it less of a target for outside forces.

10. How do the authors of the report think that the Arab world should respond to foreign initiatives that call for reforming it politically and socially?

The Arab world, by virtue of its strategic position and its resources, mainly oil, is likely to remain the focus of intense interest by the world's major powers. Therefore, the Arab world cannot afford to ignore such external initiatives. The preferred scenario for change presented by this report is for an internally led process of reform. However, the report acknowledges that the more likely scenario is that the Arab countries, which have strong governmental and societal links with external forces, are likely to accommodate some of these foreign initiatives. It would therefore be a good idea for reform-minded Arabs to become active and seize the opportunity presented by those external initiatives by leading the reform process from within. This will ensure that the reform process and its results are consistent with Arab goals and aspirations, rather than with the agendas and interests of the foreign powers that have proposed them. The authors of the report think that foreign reform initiatives can contribute positively to bringing about freedom and good governance in the Arab world if they meet the following criteria: First: Freedom for all, total respect for international human rights law and abolishing the double standards that have characterized some Western policies towards the Arab

world. Second: Arab social forces should plot their own course to freedom and good governance without pressure to adopt ready-made models. Third: Popular representation should be respected through the inclusion of all Arab societal forces in a system of good governance. Fourth: The results of expressions of the free popular will through a good governance regime should be respected, thus ensuring that the Arab future is shaped by the popular will, rather than by foreign interests. Fifth: The patronage that has marked the interaction of the global powers with the Arab world should be substituted with mutual respect and equal partnership.

11. What is the Report’s evaluation of the “Broader Middle East Initiative,” which calls for reforming Arab society from within and which was adopted by the G-8 summit in June 2004?

The initiative is an amended version of an earlier document dubbed “The Greater Middle East Initiative,” leaked to and published by *Al-Hayat* newspaper in February 2004. That first document was strongly criticized because it was drafted without consultation with the Arabs, it failed to recognize that Israeli occupation is damaging freedom and development in the Arab world, and it gave no significant role to Arabs in determining their future path. The US then reformulated the plan as the “Broader Middle East Initiative” after consulting its European allies and some Arab leaders. Although it acknowledges that reform should come from within Arab societies and meet Arab aspirations and the importance of resolving the Arab-Israeli conflict, it has some shortcomings. Its objectives are more limited than those of the original document and its recommendations are incorporated into existing projects that have achieved little. Nevertheless, it may help in unleashing a series of reforms in the Arab countries. But reforms solely based on such an external initiative are unlikely to meet the internal aspirations of the Arab people for national liberation.

12. What is the Report’s view of the “Declaration on the Process of Reform and Modernization” issued by the Arab summit in Tunis in May 2004?

The declaration included many sound positions. However, it did not touch enough upon the basic tenets of freedom and good governance in terms of ensuring the alternation of authority and the preservation of the public good. It also provided scant detail on the effective implementation of the principles adopted.

13. Doesn’t this Report present a predominantly Western perspective of freedom and human rights, which hasn’t really existed in the Arab world for several centuries, and isn’t it therefore futile for this Report to be urging a transition to democracy in the Arab world?

No. Expressions of freedom are visibly present in the Arab historical context in religion, politics, ethics and economics. Islam’s religious text (the Qur’an) recognizes religious freedom, stating that “there is no compulsion in religion” (*Al-Baqara: 256*) and that “You have your religion and I have mine” (*Al-Kafiroun: 6*). In the prevailing Sunni rite, there is no “clergy” or “church” and hence, the concept of religious authority or rule should not be an issue. In the Shi’ite rite, contemporary interpretive reasoning (*ijtihad*) favours the authority of the *umma* (nation) over the authority of the *faqih* (jurisprudent). The nation, through its will, grants rulers authority of limited substance and duration. Interpretations of the Islamic texts and Islamic history embody the core principles that support freedom and good governance. Historically, proponents of freedom in the Arab world rejected the principle of “obedience” to those in charge, citing the religious text, “No obedience is owed to any creature if it means disobedience of the Creator.” The 3rd and 4th *Hijra* centuries (9th and 10th centuries AD) are considered an “age of liberalism” during which freedom often surfaced in ways that were incompatible with what would have been considered traditional rules. In the modern sense, freedom resurfaced in Arab culture in the 19th century, when writers and thinkers, such as *Rifaa al-Tahtawi*, *Ahmed bin Khalid al-Nasseri*, *Khayr al-Din al Tounsi* and *Abdel Rahman al-*

Kawakibi issued calls for freedom from Ottoman tyranny and later from European occupation. Throughout the 20th century, freedom in Arab culture took the form of a major demand for freedom of thought and national independence.

14. There is a view prevalent in the West that there is a disparity between human rights principles, as embodied in international human rights law, and Arab Islamic culture. Is there any point in calling on Arab countries to fully adopt human rights in their legal systems in a manner that is consistent with international law?

Yes, there is. Some Arab countries invoke the specificity of the Arab situation to justify the watering down of human rights law in the Arab countries. The report favours the formulation and adoption of an Arab Bill of Human Rights that draws on Arab-Islamic culture and will be regionally acceptable. A disparity does exist between some aspects of global human rights law and prevailing traditional interpretations of Islamic (*Shari'a*), particularly in connection with laws on capital punishment, complete gender equality and the treatment of religious minorities. However, resorting to the logic of *ijtihad* (interpretive reasoning) on the basis of the welfare of the Muslim nation might be the way forward. This would pave the way for a human rights framework in the Arab world that respects human rights law in its entirety, while recognizing the Arab national identity and its aspirations as an historical legacy of critical importance in defining the Arab situation and shaping its future.

15. The crisis of freedom and good governance in Iraq is acute. What future does the report envisage for Iraq?

Sovereignty must be definitively held by the Iraqi people under a system of good governance, and Iraq must remain unified on the basis of common citizenship. The occupation forces must make a commitment to fully withdraw from all Iraqi territory and not establish permanent military bases in Iraq. The Iraqi people should freely choose a political and economic system based on human rights to fulfil their aspirations, and all amendments to Iraqi law must be considered temporary and subject to either abrogation or confirmation by an elected government and legislature.

16. The Report says that current Arab ruling authorities are despotic and monopolize political and economic power, and it calls for the formation of an Arab political elite that will spearhead changes towards freedom and more representative government. Does this not amount to a call on Arab peoples to rise up and bring about reforms by force, and will this not further destabilize the region?

This is by no means a call to bring about political change by force. On the contrary, the Report calls for a peaceful negotiated transfer of power from authoritarian government to representative government. It envisages society-wide participation in such a reform process, including by those currently in government. The whole purpose of such peaceful and measured change should be to avoid the kind of uncalculated, counterproductive and destructive violence that may well result from the accumulation of anger and despair in some sectors of Arab society, particularly amongst young people who may feel that all opportunities to effect change peacefully have been foreclosed.

17. The report criticizes the state of emergency that exists in some Arab countries. Given the acts of sabotage and armed violence in some of them that threaten social and political stability, aren't their governments justified in keeping a state of emergency in effect?

Some authoritarian Arab regimes try to compensate for the absence of a political social contract and their lack of representational legitimacy by casting themselves as the one barrier between the outbreak of political violence, the collapse of the state and the outbreak of complete chaos. However, cracking down on dissent, using emergency laws that allow the suspension of ordinary legislation and

the abuse of human rights and freedoms, is not the answer, because it simply feeds the anger that leads to violence. In any case, the state of emergency in some Arab countries has remained in force for many years after the disappearance of the original threat that led to its imposition. The authors of the report believe that the only effective antidote to terrorism is to work towards equitable development and good governance at the Arab and global levels.

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