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FREEDOM OF EXPRESSION, ACCOUNTABILITY AND DEVELOPMENT IN THE ARAB REGION

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Abstract

Mechanisms for ensuring government transparency and accountability have yet to become established in the Arab region, where oil rents and security rents have traditionally enabled governments to provide jobs and services without having to rely heavily, if at all, on raising revenue through personal income tax on citizens. Yet various forms of resource mobilisation, which will be needed in future, are likely to require a greater degree of accountability from those responsible for such mobilisation. This paper considers whether a move in this direction is under way. It reviews government approaches to freedom of expression in the media and among non-governmental organisations. It notes changes that have taken place in this sphere since the start of the 1990s, not all of them positive, and concludes that many more steps remain to be taken if media organisations and NGOs are to exert pressure for accountability on behalf of citizens, and especially the disadvantaged.

Introduction

'No taxation without representation' is an adage frequently applied in reverse to Arab states. Where goods, services and income are distributed to citizens, but tax is either not collected or is collected inefficiently or selectively, consensus may be achieved by means other than democratic legitimation (Luciani 1994: 132). In economies where state revenues derive not from personal income tax but from rents of one form or another, governments are seen to lack what one analyst has called the 'organic, albeit adversarial, links with their citizens that taxation is believed to bring about' (Waterbury 1994: 29-30). Oil rents remain the mainstay of budgets in many Arab oil exporting states; they accounted for 80-85% of fiscal revenues in Saudi Arabia and Kuwait in 2001.[1] Security rents, in the form of foreign financial support, also play an important role. Egypt, for example, received aid pledges worth $10.3bn over three years from US, European and multilateral donors in February 2002, after the September 11th suicide attacks in the US and global economic slowdown hit the country's earnings from tourism, oil and the Suez Canal.[2] In Jordan's budget for 2002, foreign grants were projected to provide nearly 12% of revenue, whereas taxes on income and profits were set to contribute less than 10%. It is also the case, however, that, in the long term, both oil rents and security rents in the Arab region are on a downward trend, prompting suggestions (e.g. Norton 1997: 11) that rentier, or distributive, states may behave like production states after all in exhibiting a link between income and representation. In other words, just as tax extractions are linked to political representation of tax-payers, it may be that a reduction in rents, by leading to a reduction in welfare and other entitlements, could ultimately have the same impact — in terms of pressure for government accountability — as an increase in personal income tax.

Clement Henry and Robert Springborg (2001: 74-78) draw a direct link between a lack of transparency and political accountability in Arab countries and their inability to mobilise public resources through extraction of tax. They show that, while overall tax extraction matches that in other regions as a proportion of GDP, a close analysis of tax by type reveals a different picture. Direct taxes on individual incomes are typically some 10% of GDP in Europe (2001:76). In Egypt and Jordan, in contrast, taxes on individual incomes and profits are only 0.7% and 1.3% of GDP respectively. Moreover, as Henry and Springborg also point out (2001: 78), even these 'miniscule' tax collections overstate actual extractive capacity, because the governments in question deduct individual income tax willy nilly from the earnings of their own employees, not from those in the private sector. Leading Arab Gulf countries, meanwhile, have yet to introduce any personal income tax for nationals other than *zakat*, the alms-giving prescribed as a religious duty by Islam. A new tax law approved in Saudi Arabia in 2002 envisaged raising tax only from foreign residents (EIU 2002c: 17). Yet new revenue sources are urgently needed. Saudi Arabia ran a $6.7bn fiscal deficit in 2001 (EIU 2002a: 27), despite relatively high oil prices that year. The urgency of finding new revenue sources across the Arab world is compounded by the fact that customs tariffs and corporate taxation need to be reduced to encourage foreign investment and trade of a kind that will create jobs.

Arab governments would thus appear to have reached a policy crossroads. Standing still is not an option if much-needed internal resources are to be mobilised. Yet, based on the foregoing analysis, moving forward on resource mobilisation implies a simultaneous move towards greater transparency and accountability. The remainder of

this paper considers whether there is any evidence that such a move is taking place. It assesses trends in transparency and accountability since the start of the 1990s, focusing on government approaches to freedom of expression in the media and among non-governmental organisations (NGOs). It begins by reviewing laws and political structures that shape such approaches and then deals in turn with changes in regulation affecting the media and NGOs.

Laws and political structures

In practical terms, as evidence in this paper will show, citizens in the majority of Arab states lack functioning institutional mechanisms for holding their governments to account. This is especially true in situations where legislation empowers heads of state to rule by decree. In Saudi Arabia, for example, the 1992 Basic Law enshrined the absolute authority of the king. In Egypt and Syria, State of Emergency laws have been used for decades to override constitutional guarantees of citizens' rights. Emergency laws confer powers of censorship and arbitrary arrest and detention and authorise the use of special security courts whose verdicts are not subject to appeal (Amnesty International 2000; Article XIX 1998a: 21-24). Presidential plebiscites or legislative elections held under these laws cannot be free or fair. Jordan was ruled under martial law from 1957 to 1989, since when emergency-style curbs on political rights have been invoked periodically (Sakr 2002). Algeria introduced a State of Emergency Law in 1992. Bahrain's State Security Law, in force from 1974 to February 2001, empowered its authorities to hold government opponents incommunicado and without trial for up to three years. Those who invoke emergency legislation justify their actions by reference to security threats, whether external (from Israel) or internal (from opposition groups). Yet the enforcement of emergency laws in itself creates the conditions in which opposition groups become a threat to stability, by denying them

peaceful routes to expressing dissent. At the same time, states that are party to the International Covenant on Civil and Political Rights (including Algeria, Egypt, Jordan and Syria) disregard their accountability to their co-signatories in the international community by contravening the terms of the Covenant, especially Article 4(1) which limits the use of emergency laws.

Separation of powers

In countries where the exercise of power is highly centralised, both functionally and geographically, the best hope for populations to push for accountability is by taking advantage of any checks and balances that may exist through the separation of executive, legislative and judicial powers. Generalisation about the extent of such separation across the Arab world is hazardous, but it can be said that moves towards the separation of powers over the past ten years have been limited.

Where there have been signs of movement, as for example in the Gulf, these have resulted from external as well as internal pressure. For example, after the US-led military coalition expelled Iraqi occupying forces from Kuwait in 1991, Gulf monarchies and emirates were advised that they should be seen to be consulting their people. Kuwait's elected legislature, the National Assembly, was reconvened, having been suspended indefinitely by the emir in 1986. Bahrain appointed a Consultative Council to replace the elected National Assembly that had been dissolved in 1975. Saudi Arabia's appointed Consultative Council, established under the Basic Law of 1992, came into being in 1993. Oman held the first elections to its Consultative Council under a system of limited suffrage in 1997. The emir who came to power in a palace coup in Qatar in 1995 was more ambitious; he ordered municipal elections and in 1999 launched preparations for creating an elected parliament for Qatar in around

2003. This set a precedent for Bahrain to follow when its new emir took over in 1999 and set about responding to calls for reform from Bahraini dissidents. Despite these adjustments, premierships and key government portfolios in the Arab Gulf states at the start of the twenty-first century were still going to people appointed from above, not elected from below. The 16-member cabinet formed in Kuwait in February 2001 included seven members of the ruling family and four elected members of the National Assembly.

Meanwhile a trend towards de-liberalization took place in North African Arab states in the 1990s, spurred by events in Algeria in and after 1992. Algeria's 1989 constitution introduced multi-party politics to replace the country's one-party state, but the army did not allow elections to take their course. Fearing victory by an Islamist party, the Front Islamique du Salut (FIS), it intervened to depose the president, cancel the elections and ban the FIS. Algeria descended into brutal and bloody civil strife, spreading fears of a similar spiral of violence elsewhere. The Egyptian government reacted by penalising non-violent Islamist groups for the terrorist acts of a small number of extremists from various Arab states, including Algeria and Egypt, who had returned from fighting in Afghanistan. Determined to deactivate all forms of Islamist opposition it used military courts to try civilians, thereby avoiding entanglement with a still partially independent judiciary. To pre-empt the emergence of Islamist representatives at any level, government appointees were imposed on professional syndicates, universities, municipal councils and other bodies whose officials had previously been elected (Kienle 1998) In Tunisia, the government back-pedalled on reforms introduced by President Ben Ali in the late 1980s. Hundreds of alleged Islamist conspirators were tried by military tribunals and

the law on associations was amended to bar entry to leaders of political opposition groups (Article XIX 1998b: 9). Nothing was left to chance in general elections, so that ruling parties in both Tunisia and Egypt were returned with overwhelming majorities in both parliamentary and municipal elections (Langohr 2000; Makram-Ebeid 1996: 131; *Middle East International* 2000: 17; Pelham 1999; 13). In Morocco in contrast, constitutional reform approved by referendum in 1996 enhanced the separation of powers through the introduction of a bicameral parliament, with a lower house wholly elected by universal suffrage. A prime minister from Morocco's socialist opposition bloc was asked to form a cabinet. Even so, appointees to the key ministries of interior, finance and foreign policy were still chosen by the king.

Political structures in the eastern Mediterranean withstood major changes in the global order. Despite the demise of its long-standing backer, the Soviet Union, and the collapse of authoritarian regimes in eastern and central Europe, Syria's political system endured. Hafez al-Asad died in 1999 having been president for 29 years and the succession passed to his son Bashar. A slight relaxation in press censorship ensued, in the sense of new publications appearing on news-stands (Moubayed 2001). But incarceration remained the penalty for anyone calling for accountability from senior political figures (Haddad 2001). The Syrian government and its military intelligence forces also retained ultimate control over domestic politics in Lebanon as the latter embarked on reconstruction after its 1975-90 civil war. A Defence and Security Agreement signed between Syria and Lebanon in 1991 required the Syrian and Lebanese military and security authorities to "ban all military, security, political and media activity that might harm the other country" (Article XIXa 1998: 59-60).

In theory, the executive power of the Palestinian Authority that took limited control of a small amount of land in the West Bank and Gaza in the mid-1990s, should have been constrained under the terms of the Basic Law, passed in 1997. However it took until June 2002 for the Palestinian Authority chairman, Yasser Arafat, to ratify the law. In the intervening period, the elected Palestinian Legislative Council was sidelined and, instead of Palestinian municipal elections taking place as scheduled in 1998, municipal councils were appointed. Political liberalization that took place in Jordan between 1989 and 1993 came to an abrupt halt after the Jordan-Israel Peace Treaty was signed in 1994, as the government moved to silence the treaty's opponents through curbs on freedom of expression and assembly. Judicial challenges to these curbs were overcome through fresh legislation passed by the quiescent parliament formed after opposition parties boycotted the 1997 elections in protest at government controls.

Meanwhile, unification of North and South Yemen in 1990 brought with it a period of liberalization culminating in multi-party elections in 1993. But the civil war that followed in 1994 brought victory to conservative traditionalist forces who used a combination of laws and extra-judicial means to harass and intimidate opposition parties and intellectuals. In 2000, the Yemeni parliament approved constitutional amendments to extend its own life from four to six years and the president's tenure from five to seven years.

(In)equality before the law

States of emergency and authoritarian rule add to, or reinforce, degrees of disadvantage suffered by groups within individual countries and the region as a whole. Clearly, where civil and political rights are denied to whole populations,

disadvantage becomes a relative term, with other forms of disadvantage being additional to civil and political ones. Women, for instance, have been said to experience a particular form of 'double jeopardy' (Kandiyoti 2000: xiv). Where family law defines women as wards of their male relatives and prevents them from entering employment or travelling without a man's permission, they suffer the same limitations set on male civic and political participation but are additionally denied full juridical status. Only a dozen Arab states have signed the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and even they have placed reservations on key articles of the convention, such as those dealing with divorce, nationality, political participation and equality before the law (CMF-MENA 2000: 4). Migrant workers and their families may also find themselves disadvantaged, especially in Gulf states, where non-nationals are increasingly being excluded from free welfare provision.

Minorities face various types of disadvantage in different states. In Kuwait, more than 100,000 stateless Arabs, known as *bedoon* because they are *bedoon jinsiya* (without nationality), do not have citizenship. even though they have lived in the country for generations. Neither women nor *bedoon* have had the right to vote in, or run for, elections to the Kuwaiti National Assembly; this right is restricted to males who are Kuwaiti by birth or have been naturalised for 20 years. Syrian Kurds, who account for 8-10 per cent of Syria's population, have been subjected to systematic denial of nationality and citizenship rights since the 1960s (Human Rights Watch 1996; Article XIX 1998a:77-78). Algeria's ethnic Berbers account for around 30 per cent of the population, but the government in Algiers has refused to recognise Tamazight as their official language on a par with Arabic and security forces have been deployed to

clamp down harshly on Berber unrest (e.g. *MEED* 2001:3). In Egypt, Coptic Christians comprise 6-10 per cent of the population, Research suggests that they own 22 per cent of the country's wealth but hold only 1.5 per cent of official positions (Negus 2000: 14).

Economic disadvantage creates another layer of inequality that has been foisted on many people in the Arab world, in the form of systematic impoverishment. Sometimes this has been a result of governments penalising dissidents and their families by denying them jobs and pensions as well as civil rights. In some more visible cases, whole countries or communities have been affected. Palestinians have lost their lands and livelihoods over the past half-century by being turned into refugees. From 1993 onwards, Israeli "closures" repeatedly blocked the movement of people and goods between Israel and the Occupied Territories of the West Bank and Gaza and within the Occupied Territories themselves, pushing the Palestinian unemployment rate above 20 per cent in 1996-97.[3] These blockades intensified to the point of virtual suffocation in 2001-2002, leaving one third of the labour force unemployed and 50 per cent of the population below the poverty line of $2/day.[4] The effect of a decade of international sanctions on Iraq can be gauged from UNDP data on infant mortality which, in stark contrast to the global trend, was higher in 1998 than in 1970.[5] Two co-ordinators of UN humanitarian assistance to Iraq resigned their posts in protest at the human cost of sanctions.[6]

A further form of disadvantage that has major implications when it comes to ensuring transparency and accountability is an educational one. The level of illiteracy across Arab states remains high, especially among women but also among young people

aged 15 to 24. In 1999, average adult literacy in the Arab region as a whole was 61.3 per cent, while average youth literacy was 78.4 per cent (UNDP 2001: 177). Female literacy is lowest in Yemen, at around 23 per cent, followed by Morocco at around 34 per cent, but rates of only 40-60 per cent were to be found in Algeria, Egypt, Iraq, Oman, Sudan, Syria and Tunisia.

Media controls

It follows from the above that disadvantage and accountability are in urgent need of public discussion in the Arab region. Yet laws and power structures restrain the Arab media from pursuing these issues. While 'censorship' is an appropriate description of the effect of these laws, it is important to recognise that censorship is achieved not only through direct supression of content, but also by more fundamental and less visible means, including regulation of media ownership, regulation of entry to the profession of journalism and regulation of printing and distribution, as well as extra-judicial intimidation of media practitioners and bars on access to information. Thus the authorities in a given country may say the country has a 'free press', because opposition parties are permitted to publish newspapers alongside the government-owned dailies. Yet analysis of the full range of laws relating to freedom of expression reveals that the media are not free. Nor, on the whole, did they become freer over the 1990s despite changes in the media landscape over this period.

Layers of regulation

Egyptian law is fairly typical of Arab media law in several respects, including the monopoly it gives the state over radio and television broadcasting. Broadcasting is to be conducted by a national agency supervised by the minister of information — in

other words, a member of the executive branch of government. By law, individuals are not allowed to own newspapers. Corporate entities seeking to publish must apply to a government-appointed body for a licence, putting up a bank deposit of £E1 million ($250,000) for a daily newspaper. Political party newspapers are allowed under the 1977 law on political parties, but the same law makes the licensing of parties subject to vetting by a committee whose membership is controlled by the president of the republic (himself the head of the ruling political party), whose members must include three government ministers and which is only considered quorate when those ministers are present. Printing and distribution of opposition newspapers is conducted by printing houses belonging to the main government-owned dailies; other printing takes place in a so-called free zone where entry and exit of goods is government-controlled. Journalists cannot choose which union to belong to. By law, if they are not full members of the sole Journalists' Syndicate, whose operations and membership are legally subject to government oversight, they may not work as journalists or be hired by any publisher or news agency.[7]

These restrictions exist in addition to other curbs placed on media activity by the Penal Code, the Press Law and laws governing the content and screening of films, videos, books and stage plays. It is quite possible, for example that a drama shown on Egyptian television will have been through four censorship barriers. If it is published first as a book, it will be censored before publication. If it then becomes a stage play or film, approval for its adoption and subsequent performance will necessitate two further rounds of censorship. In order to be shown on television it will be checked yet again by the broadcasting censorship department. The 33 vaguely-worded prohibitions listed in the Egyptian state broadcaster's Code of Ethics reflect taboos

contained in the state's Penal Code and Press Law. Among other things they forbid 'causing offence' to the president, parliament, army, courts or other public authority; 'harming national unity or social peace'; 'criticising the state national system', 'criticising Arab nationalism and its struggle, values and national traditions', or releasing any 'confidential information' (Napoli, Amin and Boylan 1995: 171-72).

One of the most significant changes on the Egyptian media scene over the past ten years has been the introduction of pre-trial detention for journalists under investigation for breaking censorship laws in the practice of their profession, together with a stiffening of the fines and prison sentences imposed for media 'crimes'. The draconian press law introduced in 1995 caused such an outcry that it was modified although only very slightly) before being re-issued the following year (Article XIX 1997a: 37-40). Severe new press legislation was also introduced in other Arab states. Jordan's 1993 press law was tightened by royal decree ahead of parliamentary elections in 1997, forcing the closure of 13 newspapers, most of them weekly (Sakr 2002: 115). When Jordan's High Court of Justice ruled a few months after the election that the amendments were unconstitutional, the amendments were pushed through parliament as a law. Further changes in 1999 appeared to soften the press law somewhat, but were more than cancelled out by tight 'temporary' amendments to the Penal Code announced in October 2001.

Amendments to the Tunisian Press Code in 1993 reduced the validity of mandatory publishing permits. Permits that were previously issued for an unspecified period had thereafter to be submitted for renewal every year (Article XIX 1998: 39). In January 1997, the Press Code requirement that copies of publications should be deposited with

the ministries of interior, justice and information before distribution was extended to academic papers prepared for presentation at conferences in Tunisia, regardless of the venue (*Ibid*: 41). In Morocco, the 1999 accession of King Mohammed VI raised expectations that press regulation would be relaxed. In the event, the government continued to enforce the seizure, suspension and confiscation powers granted to the Ministry of Interior. The year 2000 saw the Moroccan authorities withdrawing the accreditation of several local and foreign journalists and permanently closing three weekly newspapers under Press Code provisions that allow the banning of material deemed to 'undermine the foundations of the state' (Reporters sans frontières 2001). It took a royal amnesty to free two journalists jailed in 2001 for defaming a minister.

In Lebanon, the only Arab state to allow private terrestrial broadcasting, implementation of the 1994 Audiovisual Law with effect from 1996 involved the closure of many radio and television stations. Access to the airwaves was thereby restricted to stations backed by political leaders (Human Rights Watch 1997). Syrian controls on Lebanese media, which were much in evidence in the early years of Lebanon's civil war, surfaced again in the 1990s. They were particularly evident in management changes at the Lebanese Broadcasting Corporation ((LBC) in 1998 (Kassir 2000) and when two journalists were charged by a military tribunal in August 2001. A proliferation of small local Palestinian broadcasters found themselves subject to harassment and temporary closures imposed by the Palestinian security forces on behalf of the Palestinian Authority if they spoke out critically on internal matters (Sakr 2001: 104-5; 108-9). The Yemeni government meanwhile established a Press Prosecution Office in Sanaa in 1993, with a mandate to monitor newspapers, editors

and reporters and raise lawsuits. This radically reduced the scope for free expression allowed under the country's 1990 press law (Carapico 1998: 53-54).

As for the six Gulf Co-operation Council (GCC) countries, the biggest and most significant change in media law during the 1990s was the abolition by Qatar of its Ministry of Information and formal media censorship in 1996. At the start of the decade the press laws in force in Saudi Arabia, Kuwait, UAE, Bahrain, Oman and Qatar all imposed prison sentences for such vaguely-worded offences as 'criticising the ruler', 'disseminating false information', 'disturbing public order', or 'harming' national unity, public morality or relations with friendly states". The main difference from one country to the next was in whether the length of the prison sentence imposed for such offences was measured in months or years (Derradji 1995: 168-92; 206-17; 317-40). All had information ministries running the broadcast media and enforcing press censorship through licensing of publications, obligatory deposit of newspapers before (or, in the UAE, at the time of) distribution, registration of journalists and so on. Modest steps towards partial relaxation of press and publications laws took until the end of the 1990s in the UAE and 2000-2001 in Kuwait, Bahrain and Saudi Arabia. In many respects these steps were inconclusive. The UAE, for example, has traditionally eschewed heavy-handed censorship, preferring informal consultations between editors and the minister of information to guide media content. The new press law approved in Saudi Arabia in 2000 allowed the creation of a journalists' association, opened the way to local publication of foreign newspapers and stated that local publications would be censored only in emergencies. However, it retained censorship for content deemed defamatory to Islam or harmful to public morals or the interests of the state. As a result, previous censorship practices appeared little changed

(US State Department 2001). Qatar consequently remained exceptional not only in the GCC but in the whole Arab region in doing do away with its information ministry. A Jordanian government promise to do likewise fell far behind schedule during 2002 as controls on the media were tightened instead of being relaxed (Khader 2002).

Media ownership

With only one Arab state abolishing its principal censorship institution over the decade in question, the reasons behind the rise of the expatriate pan-Arab press and broadcasting are fairly clear. While media restrictions at home provided the 'push' for the emigré media, new openings created by deregulation in European capitals and the increasing accessibility of satellite technology provided the 'pull'. Abroad, however, the option of publishing or broadcasting was available only to those with sufficient means. For instance, Saudi Arabian media institutions, among the most tightly restricted in the home environment, took advantage of overseas operations to foster some debate of broad policy issues. Yet with members of the Saudi ruling family and their relatives or allies controlling these media outlets either directly or indirectly (Sakr 1999: 97-101), the escape to a more liberal environment was not accompanied by any departure from the norms of deference to authority established inside the kingdom. Egyptian and Lebanese satellite channels, being produced by entities based in their countries of origin, were constrained by the imperatives of national legislation and politics discussed above. Against this background Al-Jazeera Satellite Channel — staffed by journalists from all over the Arab world, and operating in Qatar, the only Arab country to have officially abolished media censorship — established a reputation for innovation by hosting controversial policy debates. These in turn were seen by audiences as geared to promoting transparency and accountability on the part of power holders.

While Al-Jazeera's arrival prompted some other television stations to emulate its programmes in form, if only rarely in substance,[8] the numerical increase in Arab media outlets that occurred during the 1990s was not matched by an increase in financial or political strength on the part of media players who were not already part of their country's ruling establishment. The rise of new press outlets was partly due to legal and economic changes taking place in countries such as Jordan, Egypt and Yemen in the wake of the 1991 Gulf war. Jordan's relatively liberal 1993 Press Law opened the way to a large number of new privately owned newspapers, whose investigative journalism succeeded in exposing quite a few failures of accountability on the part of local and national authorities. But these papers depended on advertising from state companies and input from the government-owned news agency and could be squeezed accordingly. International Monetary Fund-prescribed privatisation in Egypt in the mid-1990s put wealth back in the hands of private entrepreneurs who needed media outlets to put their views across and enhance their public image. Denied the possibility of registering independent papers in Egypt, they registered them in Cyprus and printed them in Egypt's free zone. As such they were vulnerable to regulatory changes affecting the free zone, including a sudden two-month ban on the printing of offshore publications, imposed by the General Authority for Foreign Investment in 1998. Unification in Yemen, followed by elections, was accompanied by expansion of the non-government press. This expansion was curtailed, and some papers suspended, from the mid-1990s onwards.

In the same way that money from the Saudi ruling family funded three major satellite television companies, it also financed the two leading pan-Arab newspapers, *Asharq*

al-Awsat and *Al-Hayat*. However, questions were raised about the intentions of two Saudi-owned media operations when they decided in 2000 to relocate from London to the Arab region. Middle East Broadcasting Centre (MBC) began its move to Dubai's Media City in late 2000 and formalised it in early 2002. *Al-Hayat* moved to Beirut. In both cases observers felt the companies would be willing to accept local political pressures in order to benefit from cheaper labour and investment incentives.

Curbs on NGOs

The heavy legal and practical constraints on freedom of expression outlined in the preceding sections make civil society a problematic category in the Arab world. When the state retains a tight grip over both traditional and modern institutions (from mosques to universities) as well as the means of production, a corollary of its strength is a weak civil society (Barakat 1993: 278). It has also been argued that civil society did not exist as such in Arab states, even before the rise of the strong state, because the organisation of agricultural, artisanal and commercial activities, being based on clan membership, was incompatible with notions of citizenship inherent in the term 'civil society' (Khafaji 1994: 37). Weakness vis-à-vis the authorities and an internal lack of civility are two persistent features that affect the ability of Arab civil society institutions to hold power-holders to account.

Lack of autonomy

The institutional weakness of voluntary associations, pressure groups and other non-governmental organisations in Arab countries can be attributed to laws depriving them of autonomy. Such laws are consistent with a mode of interest representation that has all the monopolistic, non-competitive, hierarchically-ordered and functionally-differentiated hallmarks of state corporatism, as identified by Schmitter (1974: 93-4).

In circumstances where any activity, from publishing to running a youth club or charity, can be conducted legally only if it has been formally licensed by the state, activities that international norms classify as the prerogative of civil society depend instead on government approval and remain permanently subject to government intervention. Fund-raising and recruitment are particularly closely controlled. A whole range of bodies that are assumed in other contexts to be part of civil society — such as universities or trade unions — can hardly be described as such when their most influential personnel are appointed by, or on behalf of, the head of state. Ambiguities arising from this lack of autonomy contribute to a lack of interest in pluralism among would-be civil society groups. As the survival of voluntary, non-profit ventures is contingent and uncertain, survival becomes an objective in its own right, leading to a tendency for some groups to seek freedom of association and expression for themselves but not for others (Abdel-Rahman 1999; Najjar 1998: 37; Al-Bizri 1995: 151-4). This is particularly, but not exclusively, true of associations that espouse codes of conduct derived from a particularly puritanical interpretation of Islam, which have little in common with liberal or universalist approaches to fundamental freedoms and human rights. The growth of such groups in the Gulf during the 1980s influenced expatriate Arabs working in Gulf countries, who took these ideologies back home when they were caught up in the population shifts that followed the 1991 Gulf war.

Tight restrictions have been placed on non-governmental organisations in the Arab region over the past decade, in response to their emergence during that period. Human rights NGOs had already sprung up in the 1970s (e.g. Brand 1998: 37 and 185) and 1980s, driven internally by disillusionment with political ideologies on the part of political activists whose organisations were in crisis, as well as by "demonstration

effects" from abroad (El-Sayed Said 1994: 68). From the mid-1990s, however, several factors contributed to a proliferation of advocacy and research groups. Stimuli included the International Conference on Population and Development in Cairo in 1994, followed in 1995 by the Social Summit in Copenhagen and the Fourth World Conference on Women in Beijing. Another factor was the European Union's new Mediterranean policy, launched as the Euro-Med Partnership in November 1995. The MEDA Democracy Programme, created within the Partnership, was a source of funds to non-profit groups promoting democracy, rule of law, freedom of expression, freedom of assembly and association and protection of vulnerable groups, notably women and young people, in seven Arab Mediterranean states and the Palestinian Authority. The large number of NGOS working in the areas under the Palestinian Authority was reflected in their remarkably large share of MEDA Democracy grants, as documented by the EU (European Commission 1999). A relatively large share also went to Morocco. In contrast, low portions for Tunisia and Syria seem to reflect a dearth of suitable recipients (European Commission 1999). Difficulties experienced by the Tunisian Human Rights League (LTDH) over a period of several years may help to explain the scarcity of similar institutions in the country. In late 2000 the offices of the LTDH were closed, its activities suspended and judicial proceedings were later launched against its senior personnel.[9] In Syria in the early 1990s, 17 people connected with the Syrian Committees for the Defence of Democratic Freedoms and Human Rights (CDFDH) were sent to prison for terms ranging from five to 10 years. When private discussions groups mushroomed in Syria in 2000, calling themselves civil society forums, the authorities responded by obliging them to seek official permission to convene. Most were forced to close as authorization was not forthcoming.

Human rights advocacy groups in Egypt were meanwhile left in a limbo of technical illegality. The Egyptian Organisation for Human Rights (EOHR) was formed in 1985 but was denied formal authorization on the grounds that its aims were political, in violation of the law governing voluntary associations (Law No 32 of 1964). In contrast, business associations formed to promote privatisation were allowed under the same law (Zaki 1995: 62). *Civil Society*, the flagship journal of civil society activists in Egypt and other Arab states, published by the Ibn Khaldun Centre for Development Studies in both English and Arabic for much of the 1990s, was pronounced illegal along with other civil society organs by the Governor of Cairo in September 1999. The Secretary-General of the EOHR was imprisoned in December 1998 and in February 2000 he was formally charged with breaching controls on fund-raising imposed by a Military Order of 1992. In July that year, Saadeddin Ibrahim, the director of the Ibn Khaldun Centre, was arrested with a number of associates on suspicion of charges that included breaching the same Military Order. While Dr Ibrahim was being tried, convicted, imprisoned, retried and — in July 2002 — reconvicted and sentenced to seven years in prison, Egyptian law on the operation of NGOs was further tightened. Law 153 of 1999, which replaced Law No 32 of 1964 was thrown out by the Supreme Constitutional Court on a technicality, only to be replaced in its turn by new legislation that would empower the Ministry of Social Affairs to close an NGO without having to go through the courts. It would also prohibit NGOs from affiliating with international organizations (Khan 2002).

A resurgence of private associations followed Lebanon's emergence from civil war during the early 1990s. Lebanon's confessional society, based on the sharing of

political power among religious communities, is such that many of these associations have a primarily religious affiliation. Indeed Lebanon has historically been unusual in the region because of the way sects have marginalised national state institutions. Ultimately, however, despite a degree of liberalism at the local level, Lebanese civil society is policed by Syrian security forces. In theory private groups are required by law only to inform the government of their establishment. In practice the Ministry of Interior insists that associations require a ministry permit (Lebanese Centre for Policy Studies 1999: 13). The lifting of martial law in Jordan in 1989 seemed to open the way to a new era for Jordanian civil society. The kingdom's 1990 National Charter stated that individual citizens and social and political groups should be able to state their opinions through the national media. The High Court of Justice Law, which followed in 1992, strengthened the power of the judiciary to uphold public challenges to the executive. Major curbs remained, however. The 1992 law on political parties forbade associations, charities and clubs from using their premises or resources for the benefit of any politically partisan organisation (Wiktorowicz 1999: 609-610). In 1997, the Jordanian authorities issued reminders that they should be given two days' prior notice of public meetings. A 1998 ruling made foreign support for local research centres subject to government approval.

Given these developments, NGOs from Egypt, Jordan and elsewhere were so concerned about the increasing restrictions on their funding, registration and autonomy that they met in Amman in May 1999, with World Bank backing, to discuss a collective survival strategy. There they issued a Declaration of Principles and Criteria Relating to the Freedom of Association in Arab Countries, based on Article 20 of the Universal Declaration of Human Rights. It must be seen as highly indicative

of Arab civil society's vulnerability to state interference that, after a decade of growth, its organizations were still having to devote so much attention to securing their own future, rather than attending to their original objectives. Accounts of the struggle for freedom of association and assembly dominated the Workshop on Civil Society held as part of the World Bank's Mediterranean Development Forum in Cairo in March 2000.

NGOs and the Internet

As for civil society use of the Internet at this stage, Internet dissemination of the Declaration on the Freedom of Association demonstrated both the potential and actual use.[10] It is a feature of the Internet, as of any communication technology, that it cannot galvanise networks that do not have an organic existence on the ground. Civil society networks need to be sustained by people able to focus on tasks other than staying on the right side of the law before they can be sustained by the Internet. Certainly the demonstration effects of the Internet have not been lost on Arab civil society. The high profile use of faxes and e-mails by Saudi dissidents in London in the mid-1990s caught the imagination of other Arab opposition groups in exile. Yet Internet links with activists inside Arab countries were held back by delays in access and availability in the countries concerned (Human Rights Watch 1999). Saudi Arabia, for instance, did not allow public Internet access until 1999, and then only through a tightly censored system. Access in Syria came even later, and then only for certain members of the elite.

The period between 1999 and 2000 saw rapid growth in Internet subscriptions in the majority of Arab countries as the cost of connections came down and the number of Arabic-language websites increased. But overall Internet penetration remained very

limited. By 2002 the highest levels of access (around 8-9 per cent of the population) were to be found in Lebanon and in the small and wealthy Gulf emirates of Qatar, Kuwait and the United Arab Emirates. Internet penetration in the poorer and more populous countries was mostly less than 1 per cent (UNDP 2001: 60-2; Mahmoud 2002). New information and communication technologies enable all kinds of NGOs in Arab states to network with their counterparts and associates overseas in a way that appears to have raised international awareness of the vulnerability of civil society in the Arab world. This may in turn have strengthened pressure by western civil society groups on western governments and multinational companies to reconsider their policies towards Arab governments. Inside the Arab world, however, the Internet has not altered the balance of power.

Conclusion

This article has reviewed the evolution of Arab media organisations and NGOs since the early 1990s to assess how far these bodies have contributed to pressure for transparency and accountability from power-holders in the Arab region. It was argued at the outset that the rationale for maximising transparency and accountability lay with their link to the potential for mobilising resources for development through taxation and investment. On the evidence presented here, the outlook is not promising. A few positive trends were noted, as for example in limited moves towards separation of powers in some Gulf states, Morocco and (belatedly) the Palestinian Authority areas. There has also been the rise, led by Al-Jazeera Satellite Channel from Qatar, of transnational television news and current affairs broadcasting capable of evading censorship at the national level. This development has increased the information available to ordinary people about problems related to lack of transparency and accountability. Members of civil society groups, denied media access at home, can

now dialogue via satellite television with people in other countries in the region and beyond. As a result, television viewers with satellite access now have a window onto civil society activities and concerns. The groups themselves remain subject to setbacks in the form of censorship and legal clampdowns, but these setbacks can no longer be wholly concealed from the outside world.

Steps required for the Arab media to move towards holding the powerful to account are implicit in the constraints under which media organisations in the region currently operate. This article identified multiple curbs on freedom of expression. Criminal defamation laws are a prime example, since by making defamation a criminal rather than a civil matter they make it punishable by imprisonment. Such laws, geared to giving special protection to public figures and civil servants, make the media in the Arab region accountable first and foremost to those in power. Since the right to criticise politicians and those who exercise political power is at the very heart of accountability, defamation laws need reform. Government monopoly ownership of terrestrial broadcasting in the majority of Arab countries also reflects a view of the media as a means of mobilising the masses behind certain policies and concepts of national unity. Such an approach is not compatible with investigative media that operate on criteria of newsworthiness. Indeed, the ending of government monopolies over terrestrial television and radio broadcasting has been recommended as a crucial step towards increasing media accountability. The 1996 UNESCO-sponsored Sanaa Declaration on Promoting an Independent and Pluralistic Arab Media, endorsed by UNESCO's General Conference at its 29th session in November 1997, stated that:

'State-owned broadcasting and news agencies should be granted statutes of journalistic and editorial independence as open public service institutions. Creation of independent news agencies and private and/or community ownership of broadcasting media, including in rural areas, should be encouraged' (UNESCO 1996: 60-61).

This article also highlighted restrictions placed on the work of individual journalists. Ownership of newspapers and broadcasting stations by the ruling establishment means that large numbers of journalists are effectively government employees. Journalists' unions in most Arab countries are consequently only quasi-independent bodies. Their vaguely worded codes of ethics shield those in authority from criticism, whereas the purpose of ethical standards in free media is primarily to provide protection against misrepresentation.

Accountability in the Arab region would be served by reform not only of media legislation but also the laws that make NGOs subject to government authorization and supervision. As Arab civil society activists have protested, restrictions on their operations, from funding to relations with international bodies, deny them freedom of association and thereby contravene international human rights law. Pressure for transparency and accountability in the Arab region will be suppressed as long as the basic freedoms of expression and association are routinely denied.

Notes

[1] Oil accounted for SR185bn out of total actual Saudi fiscal revenue of SR230bn in 2001 (EIU 2002a: 27) and KD3.6bn out of total actual Kuwaiti fiscal revenue of KD4.2bn (excluding state investment income) in the first nine months of Kuwait's 2001/02 fiscal year (EIU 2002b: 16).
[2] The pledges included $2.1bn for quick disbursement (*Middle East Economic Survey*, 2002).
[3] According to IMF staff estimates in 2000

[4] According to World Bank data presented at the Royal Institute of International Affairs, London, on June 18th, 2002, by Sebastien Dessus, a senior economist with the World Bank.

[5] The rate rose from 90 deaths per 1000 live births in 1970 to 103 in 1998, See UNDP, *Human Development Report* 2000, p 188. The sparse comparative data for Iraq contained in that report also show the number of fixed telephone lines to have decreased over the decade. Iraq was omitted from the *Human Development Report 2001*.

[6] Denis Halliday in 1998 and Hans von Sponeck in 2000

[7] Information in this section draws on legal analysis compiled by the Cairo Institute for Human Rights Studies in 2000-01, in collaboration with Article XIX, for a manual on freedom of expression in Egypt.

[8] By mid-2002 only Abu Dhabi Satellite TV had come close to matching Al-Jazeera in terms of coverage of politically sensitive material.

[9] Amnesty International said on March 16 2001 that the campaign against the LTDH was part of an "unprecedented escalation in the harassment" of Tunisian human rights activists.

[10] www.arabifa.org. As of mid-2002, the website's news section contained two items dating from 2000 and May 2001.

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