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## Civil Society, Media and Accountability in the Arab Region

Naomi Sakr

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**CIVIL SOCIETY, MEDIA AND ACCOUNTABILITY  
IN THE ARAB REGION**

by Naomi Sakr

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## **1. Introduction: issues of definition**

If ways of promoting accountability are to be discussed with reference to the Arab region, certain basic features of the region's political economy need to be established at the outset. It is against the parameters set by these features that terms such as "accountability", "disadvantage" and "civil society" need to be understood. It is likewise against these parameters that the appropriateness and effectiveness of civil society efforts to increase accountability on behalf of the disadvantaged can be assessed. This introductory section considers some key overarching economic and political characteristics as they relate to the central concepts that inform the paper as a whole.

### 1.1 Accountability

"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.<sup>1</sup> In economies where state revenues derive not from personal income tax but from oil rents (as in Gulf countries, Libya, Syria and Algeria) or security rents (via US and EU financial backing for Egypt, Jordan and other Mediterranean states), 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".<sup>2</sup> It is also the case, however, that — in the long term — both oil rents and security rents in the region are on a declining trend, leading some economists to suggest that rentier states may behave like so-called production states after all in exhibiting a link between income and accountability. In other words, if the absence of tax extractions from citizens means that the incentive for citizens to demand a voice in government is also absent, it may be that a reduction in rents will lead to a reduction in welfare and other entitlements and ultimately have the same impact as an increase in tax.<sup>3</sup> Either way, accountability in Arab states would seem to be intrinsically linked to the fortunes of their rentier economies.

In practical terms, citizens in the majority of Arab states have not only lacked representation but have been actively denied the means of holding their governments to account. This has been achieved through legislation empowering 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

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<sup>1</sup> Giacomo Luciani, 1994, "The Oil Rent, the Fiscal Crisis of the State and Democratization", in Ghassan Salamé (ed), *Democracy without Democrats*, London: I B Tauris, p 132

<sup>2</sup> John Waterbury, 1994, "Democracy without Democrats: the Potential for Political Liberalization in the Middle East", Ghassan Salamé (ed) *op.cit.*, pp. 29-30

<sup>3</sup> Augustus Richard Norton, 1997, "Political Reform in the Middle East", in Laura Guazzone (ed), *The Middle East in Global Change: The Politics and Economics of Interdependence versus Fragmentation*, Basingstoke: Macmillan Press, p 11.

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.<sup>4</sup> 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.<sup>5</sup> Algeria introduced a State of Emergency Law in 1992. Those who rule by 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, because they are denied 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 the international community by contravening the terms of the Covenant, especially Article 4(1) which limits the use of emergency laws.

## 1.2 Disadvantaged groups

One route to measuring disadvantage in Arab societies is to think of it as being multi-layered. Clearly, where civil and political rights are denied to whole populations, disadvantage becomes a relative term, with other forms of disadvantage being additional to the civil and political ones. Women, for instance, have been said to experience a particular form of "double jeopardy".<sup>6</sup> 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.<sup>7</sup> Migrants may also find themselves at a disadvantage, 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 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.<sup>8</sup> 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.<sup>9</sup> In Egypt, Coptic Christians

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<sup>4</sup> For details of the Emergency Law in Egypt, see Amnesty International, 2000, *Muzzling Civil Society*, London: September. For Syria see ARTICLE 19, *Walls of Silence: Media and Censorship in Syria*, London 1998, pp 21-24.

<sup>5</sup> See Naomi Sakr, 2001, "Media Reform in Jordan: the Stop-Go Transition", in B. Rozumilowicz, S. Verhulst and M. Price (eds), *Media Reform: Democratizing Media, Democratizing the State*, London: Routledge, pp 107-132

<sup>6</sup> Deniz Kandiyoti uses this expression in her foreword to Suad Joseph (ed), 2000, *Gender and Citizenship in the Middle East*, New York: Syracuse University Press, p xiv

<sup>7</sup> The dozen Arab states that have signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) have placed reservations on key articles of the convention. See Naomi Sakr/CMF MENA, 2000, *Women's Rights and the Arab Media*, London: CMF-MENA, p 4.

<sup>8</sup> See Human Rights Watch, 1996, Vol 8 No 4 (E), *The Silenced Kurds*, London and New York, and ARTICLE 19, *Walls of Silence*, pp 77-78

<sup>9</sup> *Middle East Economic Digest*, "Government rocked by Kabylie riots", 11 May, 2001, p 3

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.<sup>10</sup>

Economic disadvantage has been foisted on many people in the Arab world, in the form of deliberate and systematic impoverishment. Sometimes this has been a result of governments penalising dissidents and their entire extended families by denying them jobs or pensions. In some more visible cases, whole countries or communities have been subjected to economic blockades. Palestinians have lost their lands and livelihoods over the past half century by being turned into refugees, but their situation has worsened further in the past ten years. During this time hundreds of thousands lost jobs in the Gulf after Iraq invaded Kuwait. From 1993 onwards, Israeli "closures" repeatedly blocked the movement of people and goods between Israel and the Occupied Territories and between the West Bank and Gaza. 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.<sup>11</sup> Two co-ordinators of UN humanitarian assistance to Iraq have resigned their posts in protest at the human cost of sanctions.<sup>12</sup> These forms of disadvantage have galvanised people across the Arab region to seek to hold Arab leaders and the international community collectively to account for the injustice experienced by ordinary Palestinians and Iraqis through no fault of their own.

A further form of disadvantage that has major implications for regional civil society and the media 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 was 61.3 per cent, while average youth literacy was 78.4 per cent.<sup>13</sup> 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 are to be found in Algeria, Egypt, Iraq, Oman, Sudan, Syria and Tunisia.

### 1.3 Civil society

It follows from the heavy legal and practical constraints on freedom of association and expression outlined in the preceding sections that civil society is a problematic category in the Arab world. When the state retains a tight grip over traditional and modern institutions and the means of production, a corollary of its strength is a weak civil society.<sup>14</sup> 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".<sup>15</sup>

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<sup>10</sup> Unofficial study by Sulaiman Shafiq, cited by Steve Negus, "Discrimination against...?", *Middle East International*, No 619, 25 February, 2000, p 14

<sup>11</sup> 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 has been omitted altogether from the *Human Development Report 2001*.

<sup>12</sup> Denis Halliday in 1998 and Hans von Sponeck in 2000

<sup>13</sup> UNDP, *Human Development Report 2001*, p 177

<sup>14</sup> See for example Halim Barakat, 1993, *The Arab World: Society, Culture and the State*, Berkeley, Ca: University of California Press, p 278

<sup>15</sup> Isam Khafaji, 1994, "Beyond the Ultra-Nationalist State", *Middle East Report*, No 187-188, Vol 24, No. 2-3, p 37

Weakness and an internal lack of civility are two persistent features that affect Arab civil society's ability to hold power-holders to account.

The institutional weakness of voluntary associations, pressure groups and non-governmental organisations in Arab countries can be attributed to laws depriving them of autonomy, combined with modes of interest representation that have all the monopolistic, non-competitive, hierarchically ordered and functionally-differentiated hallmarks of state corporatism.<sup>16</sup> 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 state approval and remain permanently subject to state interference. Fund-raising is 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 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. This is particularly, but not exclusively, true of those 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.

## **2. Evolution of civil society and media over the past ten years**

### 2.1 Political background

In countries where the exercise of power is highly centralised, both functionally and geographically, the best hope for civil society 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 developments with regard to the separation of powers over the past ten years have not worked in favour of civil society.

Signs of movement on this front in the Gulf over the past ten years have been brought about through external as well as internal pressure. For example, after the US-led military coalition expelled Iraqi occupying forces from Kuwait in 1991, Arab governments in Gulf states were advised that they should be seen to be consulting their people. Kuwait's elected National Assembly was reconvened. Bahrain appointed a Consultative Council to replace the elected National Assembly dissolved in 1975. Saudi Arabia's appointed Consultative Council, established under the Basic Law of

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<sup>16</sup> These criteria of state corporatism are derived from Philippe Schmitter's classic definition in "Still the Century of Corporatism?", in F. B Pike and T Stritch (eds), *The New Corporatism: Socio-Political Structures in the Iberian World*, London: University of Notre Dame Press, 1974, pp 93-94

1992, came into being in 1993. The first elections to Oman's Consultative Council took place 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. This set a precedent for Bahrain to follow when its new Emir took over in 1999.

Meanwhile a reverse trend towards de-liberalisation was under way in North Africa, reinforced 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 and Tunisian governments responded by penalising non-violent Islamist groups for the terrorist acts of a small number of extremists who had returned from fighting in Afghanistan. In an attempt to repress all forms of Islamist opposition they used military courts to try civilians, thereby avoiding entanglement with the judiciary. Governments imposed their own appointees on professional syndicates, universities, municipal councils and other bodies where officials were previously elected. Nothing was left to chance in general elections, so that ruling parties were returned with 90 per cent or more of parliamentary seats.

In the eastern Mediterranean, other dynamics were at work. Despite the demise of its long-standing backer, the Soviet Union, and the collapse of authoritarian regimes in eastern and central Europe, one of the Arab world's harshest authoritarian regimes clung to power in Syria, with little fundamental change in evidence even after the transfer of power from Hafez al-Asad to his son Bashar in 1999 (see Section 3.2.2). The Syrian government and its military intelligence forces 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".<sup>17</sup>

In theory, the powers of the Palestinian Authority that took 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 (but not ratified) in 1997. In practice the elected Palestinian Legislative Council was sidelined and, instead of Palestinian municipal elections taking place as scheduled in 1998, municipal councils were appointed. Political liberalisation 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 sought 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 liberalisation culminating in multi-party elections in 1993. But the civil war that

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<sup>17</sup> ARTICLE 19, 1998, *Walls of Silence: Media and Censorship in Syria*, London, pp 59-60



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.

## 2.2 Shifts in the media landscape

Laws controlling the media in Arab states are strict enough to minimise the use of media as a means of pursuing issues of disadvantage and accountability. 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 suppression of content but also by more fundamental and less visible means, including regulation of media ownership, regulation of entry to the journalistic profession and regulation of printing and distribution, as well as extra-judicial attacks on media practitioners and bars on access to information. Thus the Egyptian government, for example, may say the country has a "free press", because opposition parties are permitted to publish newspapers alongside the government-owned dailies. Yet analysis of Egyptian media laws, which are reasonably typical of those in effect throughout the region, reveals that — even setting aside the State of Emergency Law — the media are anything but free.

By law, the state has a monopoly over radio and television broadcasting which is to be exercised 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 for a daily newspaper. Political party newspapers are allowed under the 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 one and only Journalists' Syndicate, whose operations and membership are legally subject to government interference, they may not work as journalists or be hired by any publisher or news agency.

All these restrictions exist alongside the multiple layers of legislation that directly criminalise free speech. These layers are formed by the Penal Code, the Press Law and laws governing the content and screening of films, videos, books and stage plays. Thus a drama shown on 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 list of 33 prohibitions that guide broadcasters reflect the vaguely-worded taboos identified in the Penal Code and Press Law. To mention just a few, they forbid "causing offence"

to the president, parliament, army, courts or other public authority; "harming national unity or social peace". "endangering public security", "spreading false news", "harming the public interest", or expressing abhorrence or disdain for the ruling regime if this "arouses the same sentiments in others".

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 (though only very slightly) before being re-issued the following year.<sup>18</sup> The increased severity of press legislation in Egypt in the mid-1990s was mirrored by new laws 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 weekly newspapers.<sup>19</sup> 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 shortened the validity of mandatory publishing permits. Permits that were previously issued for an unspecified period had thereafter to be submitted for renewal every year.<sup>20</sup> 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.<sup>21</sup> 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".<sup>22</sup> 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 broadcasting, implementation of the 1994 Audiovisual Law with effect from 1996 involved the closure of large numbers of radio and television stations. Access to the airwaves was thereby restricted to stations backed by political leaders.<sup>23</sup> 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 LBC in 1998<sup>24</sup> and when two journalists were charged by a military tribunal in August 2001.

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<sup>18</sup> Details are given in ARTICLE 19, *The Egyptian Predicament*, London: 1997, pp 37-40

<sup>19</sup> ARTICLE 19, *Blaming the Press: Jordan's Democratization Process in Crisis*, London: 1997

<sup>20</sup> ARTICLE 19, *Surveillance and Repression: Freedom of Expression in Tunisia*, London, 1998, p 39

<sup>21</sup> *Ibid.* p 41

<sup>22</sup> Reporters sans Frontières, *Annual Report 2001*

<sup>23</sup> Human Rights Watch, 1997, *Lebanon - Restrictions on Broadcasting: In Whose Interest?* New York, Human Rights Watch.

<sup>24</sup> Samir Kassir, 2000, "Red Lines and Media Blues", *Index on Censorship*, No 5/2000, pp 139-149

The Yemeni government 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.<sup>25</sup>

As for the six Gulf Co-operation Council (GCC) countries, the biggest and most significant change in media law in the 1990s was the abolition by Qatar of its Ministry of Information and formal media censorship in 1996. At the beginning of the 1990s 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.<sup>26</sup> 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. Although the UAE claimed to be liberalising its media regulation in 1998, cautious steps towards partial relaxation in Kuwait, Bahrain and Saudi Arabia took until 2000-2001. Qatar consequently remained exceptional not only in the GCC but in the whole Arab region in taking concrete steps in 1996-97 to "do away with secrecy" and enable people in positions of responsibility to 'feel the people's pulse'.<sup>27</sup>

With only one Arab state adopting such an approach over the ten-year period, it is easy to understand the rise of expatriate pan-Arab press and broadcasting during this time. While media restrictions at home provided the "push" for the emigré media, new openings created by deregulation in European capitals and the greater accessibility of satellite technology provided the "pull". Inevitably, the option of publishing or broadcasting from abroad was available only to those with sufficient funds. Thus the Saudi media, among the most tightly constrained in the home environment, took advantage of overseas operations to debate policy issues. However, since all the emigré media were owned by members of the ruling family or their relatives or allies,<sup>28</sup> the escape to a more liberal environment was not accompanied by outspoken criticism of the royal family or the constitutional status quo. 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.<sup>29</sup> Only 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 — broke the Arab media mould.

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<sup>25</sup> Sheila Carapico, 1998, *Civil Society in Yemen*, Cambridge: Cambridge University Press, pp 53-54

<sup>26</sup> The press laws of all six GCC states at the start of the 1990s are reproduced in A. Derradji, 1995, *Le droit de la press et la liberté d'information et d'opinion dans les pays arabes* [Press law and freedom of information and opinion in Arab countries] Paris: Publisud, pp 168-192, 206-217, 317-340.

<sup>27</sup> *Al-Hayat* interview with Qatar's outgoing Minister of Information and Culture, Hamad Abdel-Aziz al-Kuwari, 11 February, 1996.

<sup>28</sup> Naomi Sakr, 1999, "Frontiers of Freedom: Diverse Responses to Satellite Television in the Middle East and North Africa", *Javnost/The Public*, Vol. 6, No.1, pp 97-101

<sup>29</sup> *Ibid.* See also Naomi Sakr, 2001, "Contested Blueprints for Egypt's Satellite Channels: Regrouping the Options by Redefining the Debate", *Gazette*, Vol. 63, Nos 2-3, and Naomi Sakr, 1998, "Daring to Talk" *The World Today*, Vol. 54, No 12

### 2.3 Growth of civil society

It is apparent from an account of trends in politics and the media over the past ten years that checks and balances are still conspicuous by their absence in the governance of Arab states. Powerful executive branches have contrived to avoid being held to account. They have done so by neutralising legislatures, sidestepping judiciaries,<sup>30</sup> censoring the media and, as will be shown, placing extremely tight restrictions on non-governmental organisations. In several countries these restrictions have been introduced in reaction to the emergence of civil society groups. Where civil society pressure for accountability is denied legal outlets, such pressure builds up outside the law, or at least on the margins of what is officially legal. A review of the rise of civil society advocacy groups in a few key Arab states over the past ten years can illustrate this point.

The emergence of Arab non-governmental organisations was not a phenomenon peculiar to the 1990s. Interest in asserting the right to freedom of association spread during the 1980s, driven internally by disillusionment with political ideologies on the part of political activists whose organisations were in crisis and "demonstration effects" from abroad.<sup>31</sup> The Egyptian Organisation for Human Rights (EOHR) was formed in 1985 but was denied formal authorisation 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. This anomaly continued into the 1990s, when more human rights advocacy groups in Egypt were obliged by the nature of their objectives to remain technically illegal.<sup>32</sup> In December 1998 the Secretary-General of the EOHR was imprisoned and in February 2000 he was formally charged with breaching controls on fund-raising imposed by a Military Order of 1992. Meanwhile, *Civil Society*, the flagship journal of civil society activists in Egypt and other Arab states, published by the Cairo-based Ibn Khaldun Centre for Development Studies in both English and Arabic, was pronounced illegal along with other civil society organs by the Governor of Cairo in September 1999.

Various factors contributed to a proliferation of Arab NGOs after 1994. Some were regional in nature, such as the holding of the International Conference on Population and Development in Cairo in 1994, followed by the Social Summit in Copenhagen in 1995, both of which spurred independent local research into social issues and encouraged civil society activists to respond to the findings of this research. The Fourth World Conference on Women, held in Beijing in 1995, provided a further stimulant to the formation of groups focusing on women's rights in the Arab world.

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<sup>30</sup> Through measures such as use of military and special courts presided over by judges appointed on short-term renewable contracts by government ministers. The judicial process is also sidestepped through the raising of lawsuits that are made to hang like the sword of Damocles over government critics without actually being brought to court.

<sup>31</sup> See for example, Mohamed El Sayed Said, 1994, "The Roots of Turmoil in the Egyptian Organization for Human Rights: Dynamics of Civil Institution-Building in Egypt", *Cairo Papers in Social Science*, Vol 17, no 3, p 68. See also Moheb Zaki, 1995, *Civil Society and Democratization in Egypt 1981-1994*, Cairo: Dar Al Kutub

<sup>32</sup> One of these, the Group for Democratic Development announced in February 2000 that it was freezing its activities because the political and legal climate made its work impossible.

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 plus the Palestinian Authority and Turkey. The large number of groups working in the areas under the Palestinian Authority was reflected in their remarkably large share of MEDA Democracy grants. A relatively large share also went to Morocco. In contrast, low portions for Tunisia and Syria reflected a dearth of suitable recipients.<sup>33</sup> Nevertheless, the availability of grants is believed to have created an incentive for the formation of new groups.

At the level of individual countries, a resurgence of private associations followed Lebanon's emergence from civil war during the early 1990s. Lebanon's confessional society, based on the political power-sharing 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.<sup>34</sup> Of the broad range of advocacy groups active in Lebanon, those advocating human rights and democracy have encountered adverse government reaction. They nevertheless contributed to the successful campaign for municipal elections, which finally took place in 1998 for the first time since 1963.<sup>35</sup>

The lifting of martial law in Jordan in 1989 opened 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. Its 1992 High Court of Justice Law strengthened the power of the judiciary to uphold public challenges to the executive. Major curbs remained, however. The 1992 law on political parties retained an earlier prohibition on civil society by forbidding associations, charities and clubs from using their premises or resources for the benefit of any politically partisan organisation. In 1997, the Jordanian authorities issued reminders that they should be given two days' prior notice of public meetings.<sup>36</sup> A 1998 ruling made foreign support for local research centres subject to government approval.

While fresh restrictions were being introduced in Jordan, Palestinian and Egyptian NGOs were also facing legal restraints on funding, registration and autonomy. Civil society activists from several Arab states, anxious to safeguard their organisations' very survival, met in Amman in May 1999. 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

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<sup>33</sup> Euro-Mediterranean Partnership, 1999, *Information Note*. Brussels: European Commission, Unit 1B

<sup>34</sup> Lebanese Center for Policy Studies, 1999, "Mapping Civil Society in Lebanon", *Civil Society*, No 87, p 13.

<sup>35</sup> *Ibid.* p 15

<sup>36</sup> Quintan Wiktorowicz, 1999, "The Limits of Democracy in the Middle East: the Case of Jordan", *Middle East Journal*, Vol 53, No 4, pp 609-610

highly indicative of Arab civil society's vulnerability to state interference that, after a decade of growth, its organisations 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.

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.<sup>37</sup> It is a feature of the Internet, as of any communication technology, that it cannot galvanise networks that do not exist. 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. (Examples of Internet use by these groups are discussed in Section 3.2.) Yet Internet links with activists inside Arab countries were held back by delays in access and availability in the countries concerned.<sup>38</sup> 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 increases in Internet subscriptions in the majority of Arab countries. Based on estimates that as many as four or five people use each Internet account in the Arab world, market research suggested that the overall number of Internet users more than doubled in the UAE, increased by more than two and a half times in Morocco and rose by 60% in Egypt, 50% in Jordan and nearly 40% in Oman — all in a single year.<sup>39</sup> Reductions in the cost of connections and a big increase in Arabic-language websites help to explain the big increases. But they were from such a low base that average Internet penetration across the Arab region was still estimated at only 1-2% of the population in 2001.<sup>40</sup> New information and communication technologies are seen as potentially beneficial to women's groups all over the world, and Arab women's NGOs are no exception to the rule.<sup>41</sup> Indeed, all kinds of NGOs in Arab states are now able in theory to network with their counterparts and associates overseas. Where this has happened it 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 problems confronting NGOs do not lend themselves to resolution through the mere fact of Internet use.

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<sup>37</sup> [www.arabifa.org](http://www.arabifa.org)

<sup>38</sup> Surveillance methods are covered by Human Rights Watch in *The Internet in the Mideast and North Africa*, New York: Human Rights Watch, June 1999

<sup>39</sup> Data from Pyramid Research reproduced in "Reaching out to the untapped Internet market", *Middle East Communications*, October 2000, p. iii.

<sup>40</sup> Mahmoud, Abdel-Aziz. "The Arab World and the Internet". Paper presented at the conference on New Media and Change in the Arab World. Amman: Konrad Adenauer Foundation, February-March, 2002

<sup>41</sup> Lamis Alshejani, 1999, "Unveiling the Arab woman's voice through the Net", in Wendy Harcourt (ed), *Women@Internet: Creating New Cultures in Cyberspace*, London: Zed Press, pp 217-218

### 3. Case studies and comparisons

#### 3.1 Activism for women's political participation

Women's participation in politics remains limited across the Arab world, for a combination of social and legal reasons. Their limited voice prevents them from collectively challenging existing disadvantages, not to mention the impoverishment to which women are especially vulnerable through the lay-offs and casualisation of labour that accompany privatisation. Women's right to pass their nationality to their children is another burning legal and political issue in the Arab world, because of the material disadvantages caused when this right is denied. In the four case studies discussed here, civil society groups confronted law-makers and opinion-formers in an attempt to secure women's presence in the national legislature. Their varying degrees of success suggest that it was not their methods or strategies that were to blame in the case of failure, but the relative strength of all civil society and human rights advocacy groups in the four environments. Even though the campaign for women's political participation is not a party-political one, it has made more headway in countries with a functioning multi-party system than in those without.

##### *3.1.1 The Palestinian campaign*

Women have long played a central role in the Palestinian national liberation movement. For decades also, Palestinians' common interest in national liberation tended to cut across other social identities such as those based on birthplace, family, religion or social class. When substantial Arab aid was pledged to the Palestinians in 1979, in reaction against Egypt's peace treaty with Israel, grass roots movements sprang up as receptacles for the aid, mobilising thousands of participants in trade unions, student bodies, charitable societies and women's organisations. United in opposing Israel's grip on the Occupied Territories and unrestrained at that time by a central Palestinian quasi-state authority, these groups found their voice in the first *intifada*, or uprising, that started in 1987. Indeed, it has been suggested that the experience of the first *intifada* supports the argument that "new kinds of organisation" may be the decisive variable in producing "sustained collective action where before there [was] only widespread discontent".<sup>42</sup> Moreover, alternative modes of activism were developed during the *intifada* in response to Israeli curfews, sieges and electrical blackouts. One side-effect was a breaking down of restrictive boundaries between the public and private spheres, with particular implications for perceptions of women's status.

In the aftermath of the first *intifada*, however, women's groups found themselves marginalised and in a vacuum.<sup>43</sup> Marginalisation became overwhelmingly apparent when technical committees were formed to negotiate under the framework of the multilateral Arab-Israeli peace talks that started in late 1991. In these committees the ratio of men to women was 410 to five.<sup>44</sup> Fearing a reversion to patriarchal traditions and mindful of the discriminatory Family Code forced on Algerian women in 1984, two decades after Algeria achieved independence, Palestinian women affiliated with

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<sup>42</sup> Ian S. Lustick, 1993, "Writing the Intifada: Collective Action in the Occupied Territories", *World Politics*, No. 45, p 593

<sup>43</sup> Eileen Kuttab, 1998, "Women's Studies Program in Palestine: Between Criticism and New Vision", *Cairo Papers in Social Science*, Vol 20, No 3, p 119

<sup>44</sup> *Ibid.* p 121

three political parties joined forces with representatives of specialised women's centres. They called for the formation of a dedicated women's technical committee that would address women's political, social and civil rights and work for better representation of women within the other technical committees.<sup>45</sup> The result was the Women's Affairs Technical Committee (WATC), formed in August 1992 by 16 volunteers, who all had other jobs as well as political and family obligations.

In 1994, after the Israeli-Palestinian Declaration of Principles was worked out in Oslo and the fledgling Palestinian Authority was formed, the other technical committees were merged into ministries. WATC developed instead into a coalition of NGOs and committees and obtained enough funding for a full-time director and secretary. It drafted a Women's Bill of Rights based on international conventions and human rights law and set about training women in communication, administration, gender sensitivity and human rights. WATC took a proactive approach to the media. At that time the Palestinian Broadcasting Corporation was starting up and journalists representing the international media were present in large numbers in and around Jerusalem. In the run-up to elections to the Palestinian Legislative Council in January 1996, WATC called for women to have a quota of 30 per cent of the council's 88 seats. The Committee produced a bi-weekly newsletter entitled "Women and Elections" and trained large numbers of women to argue their case.

Significantly, it was WATC's achievement not on quotas but on another issue that raised the Committee's profile and increased its support. But it is equally significant that the publicity gained through action on the other issue had the effect of drawing attention to, and underlining the legitimacy of, the ongoing campaign for political representation. The other issue arose from a decision by the Palestinian Ministry of Interior in November 1995 to draw on Jordanian law and impose a major constraint on women's freedom of movement, by requiring any woman applying for a passport to obtain the written consent of a male guardian. WATC fought the ruling by organising street demonstrations, circulating petitions, providing speakers for live radio debates and briefing local and foreign journalists. The demonstrations, which coincided with the 1996 elections, were consequently two-pronged: they attacked the passport regulation and called for women's representation on the legislative council at the same time. Of the two, the campaign against the passport ruling was the more successful. The ruling was officially rescinded in March 1996 and a subsequent attempt by the Ministry of Transport to insist on chaperones for women taking driving lessons was also withdrawn under pressure from the WATC.

Other WATC successes followed, on matters such as maternity leave and women's access to bank accounts and passports for their children. Crucially, successes on this front encouraged more groups to attach themselves to the Committee. The campaign for quotas on the legislative council did not succeed in getting quotas accepted. In the event, 28 women and more than 400 men ran for the 88-seat legislative council and only five women won seats. However, WATC put the experience to use in getting women representatives on municipal councils. These were originally to have been elected but were ultimately appointed by the Ministry of Local Government. WATC reacted by organising its own elections in villages to enable village women to choose

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<sup>45</sup> Suheir Azzoumi, 2000, "Lobbying for Citizenship Rights: The Palestinian Case - The Role of the Women's Affairs Technical Committee". Paper presented to the Third Mediterranean Development Forum, Cairo, March, p 2.



their own representatives. The Committee then demanded that the women chosen be included on municipal councils, with the result that 30 women were appointed.<sup>46</sup> Meanwhile it kept the issue to the forefront of national debate through regular media slots, including a 20-minute radio programme, *With Women*, aired three mornings per week; a bi-weekly newspaper supplement called *Saut al-Nissa* ("The Voice of Women"), distributed with *Al-Ayyam*, and a weekly 55-minute television programme called *Bisaraha* ("Frankly"), screened on Fridays at 6 o'clock.<sup>47</sup>

WATC representatives say they achieved what they did<sup>48</sup> because they used their coalition as a tool, not an objective in its own right. Their support from women's committees of different political parties precluded ideological agreement. The unifying issue was simply equal rights for women. As such, members of the coalition focused on equality and, as WATC director Suheir Azzoumi puts it, "learned not to hold debates with women haters or with those using women's issues and concerns for political purposes".<sup>49</sup> They were operating in exceptionally fluid circumstances, where they could challenge legislation almost while it was still being drafted and where they could appeal to the international community on whose funding Palestinian lawmakers relied. Lively elections in 1996 gave them an opportunity to get politicians to make commitments on women's political representation, while the diversity of Palestinian media meant they had outlets for expression that are not available to campaigners in many other Arab countries.

### 3.1.2 *The Moroccan campaign*

Before his death in July 1999, King Hassan II of Moroccan made some moves towards a very limited form of democratisation, known as *gouvernement d'alternance*, whereby the executive branch of government would alternate between centre-right and centre-left administrations. Opposition parties were initially offered minor positions in government but turned these down. It was only in March 1998, after five years of hard negotiation, constitutional changes and new elections, that, for the first time, a prime minister from the *koutla* (socialist opposition bloc) was asked to form a cabinet. Thus by the time Hassan's son acceded to the throne as King Mohammed VI, the elderly Abderrahman Youssoufi of the Union socialiste des forces populaires (USFP) was heading a coalition government composed of representatives of seven parties, although the three key ministries of interior, finance and foreign policy were still subject to royal approval. King Mohammed helped to push the liberalisation process forward by sacking his father's feared interior minister and calling on Moroccans to think of themselves as citizens rather than subjects.<sup>50</sup> Shortly before his accession the human rights organisation Amnesty International was permitted to open an office in Rabat.

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<sup>46</sup> *Ibid.*

<sup>47</sup> Anon. 1999, "Women's Affairs Technical Committee", *Civil Society*, No 94, October, p 15. Many Palestinian broadcasting facilities were damaged and some completely destroyed by the Israeli Defence Forces in 2001-02.

<sup>48</sup> Assessments of the achievements of the Palestinian women's movement depend on the aspects assessed. See, for example, Amal Jamal, 2001, "Engendering State-Building: the Women's Movement and Gender-Regime in Palestine", *Middle East Journal*, Vol 55, No 2, Spring, pp 256-276, and Islah Jad, Penny Johnson and Rita Giacaman, 2000, "Transit Citizens: Gender and Citizenship under the Palestinian Authority" in Suad Joseph (ed), *Gender and Citizenship in the Middle East*, pp 137-157

<sup>49</sup> Suheir Azzoumi, *op cit.* p 9

<sup>50</sup> Economist Intelligence Unit, *Morocco Country Profile 2000*, pp 4-9

Against this background of gradual political liberalisation, the Association Démocratique des Femmes du Maroc (ADFM), formed in 1985, launched a campaign to increase the number of women in parliament and on local councils. This was a major challenge, given that Morocco at that stage had yet to sign the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), women were legally disadvantaged by the kingdom's Personal Status Law and female literacy was barely 40 per cent,<sup>51</sup> with only four out of ten girls attending school.<sup>52</sup> In 1992, the year the king devolved some power to the prime minister by allowing him to choose some cabinet members, the ADFM created the Committee for Women's Participation in Political Life. Bringing together women and men of different political persuasions, the committee took a neutral stance vis-à-vis political parties and concentrated on the sole issue of women's participation in politics.<sup>53</sup> It encouraged women to present themselves as parliamentary candidates attached to the party of their choice. In the 1993 elections to the directly-elected 325-seat lower chamber, the first legislative elections for nine years, 36 women stood for election and two were elected to parliament for the first time.<sup>54</sup> The same year, the Moroccan government was persuaded to sign CEDAW, albeit with reservations on five articles.<sup>55</sup>

Pleased though they were with the election breakthrough, the ADFM recognised a need to build on it by working on all fronts. They perceived a vicious circle whereby the fact that politics ignored women was causing women to ignore politics.<sup>56</sup> They showed that women were socialised into deliberately avoiding a leadership role. They found that men regarded the struggle for women's political participation as one to be undertaken by women alone. Even men who considered themselves supportive would say "go for it, we are behind you", as if "behind" was the right place to be.<sup>57</sup> After a great deal of training and networking among a burgeoning number of Moroccan women's NGOs, as well as human rights NGOs, political parties and government representatives, the number of women standing for election in both the parliamentary and municipal elections increased. In 1997, there were 1651 women candidates for municipal elections, of whom 83 were elected, and 87 candidates for parliamentary elections, as a result of which two women gained seats in each of the upper and lower houses of parliament.

That the members of ADFM found this outcome disappointing was apparent from their communiqués. They regretted the fact that no national measure had been adopted to stimulate female participation in the elections. Political parties that had undertaken to operate a quota system for women reportedly failed to honour their commitment, without offering any public justification for doing so. ADFM drew comparisons between the 0.6 per cent of parliamentary seats occupied by women in Morocco with the global average of 11 per cent and the 30 per cent target for 2000 established as part of the Beijing Platform for Action drawn up by the Fourth World Conference on

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<sup>51</sup> 1992 figure from UNDP, *Human Development Report 1994*, p 138

<sup>52</sup> According to Amina Lemrini of the ADFM, addressing an Amnesty International conference on Women's Human Rights and the Middle East, London, March 2000

<sup>53</sup> Communication from Nouzha Skalli, Vice President of the ADFM's Centre pour le Leadership Féminin, March 2000.

<sup>54</sup> ADFM booklet on the Centre pour le Leadership Féminin, p 10

<sup>55</sup> Articles 2, 9, 15, 16 and 29.

<sup>56</sup> Amina Lemrini's address to Amnesty International conference on women's human rights and the Middle East, March 2000.

<sup>57</sup> *Ibid.*

Women in Beijing. As for the multiple reasons contributing to Morocco's low percentage of women MPs, these were implicitly recognised in the Moroccan government's 1999 Action Plan to Integrate Women in Development. This plan involved 215 steps to be taken in four areas: education and literacy; health; the fight against poverty' and legal protection of women's rights through reform of the *Moudawana* (family code).

After the 1997 elections, ADFM announced that it intended henceforward to pursue the aim of placing women's citizenship at the heart of Morocco's modernisation challenge through a combination of action and research.<sup>58</sup> With a view to preparing for the 2002 elections, it founded the Centre de Leadership F'eminin (CLEF), which has trained women in advocacy and communication skills, facilitated coordination with and among local community groups and worked towards raising the visibility of women occupying positions in politics, while also raising public awareness through the media.<sup>59</sup> At the same time, through research into the Moroccan media and school textbooks, members of the association revealed how the thrust of the government's Action Plan to Integrate Women in Development was being contradicted and counteracted on a daily basis by words and images received in almost every home. Analysis of advertisements, serialised television dramas and other texts showed that influential forms of public communication were perpetuating the subordination of women in all spheres. Official policies in favour of women's advancement were not reflected even in those newspapers and broadcast media under government ownership and control.<sup>60</sup> The research report that highlighted these contradictions made several recommendations, including the adoption of an advertising code of ethics to outlaw negative stereotypes, gender-sensitivity training for journalists, the creation of an award for original feature-writing on women's contribution to development and a proactive policy of regularly inviting women commentators onto television programmes to discuss heavyweight subjects that affect both men and women.

At the broader socio-legal level, government initiatives have fallen short of ADFM broad aspirations. After more than a year of debate over reform of the *Moudawana*, the government decided in March 2001 to send the text to a royal commission for arbitration, to mollify conservative criticism of the reforms. There has even been a feeling of backtracking on progress towards human rights generally, with a renewed crackdown on press freedom and demonstrations by human rights groups. At the purely party-political level, however, the ADFM can claim some success. At its spring 2001 congress, the first for ten years, the prime minister's party, the USFP, promised to allocate 20 per cent of official party posts to women.<sup>61</sup>

### 3.1.3 *The Kuwaiti campaign*

Kuwait has had a parliament, the National Assembly, since 1963. The assembly is subject to dissolution by the Emir, and has been dissolved by him in 1976, 1986 and 1999. The 1986 suspension was indefinite and the assembly was reconvened in 1992 at the urging of Western members of the military coalition that ended Iraq's occupation of Kuwait the previous year. The assembly is highly vocal and has the

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<sup>58</sup> Communiqué of the ADFM Comité National de Coordination, 5 January, 1998

<sup>59</sup> Communication from Nouzha Skalli of CLEF.

<sup>60</sup> "L'image de la femme et les violences symboliques à son égard au Maroc", in Collectif 95 Maghreb Egalité (ed), *Les Maghrebines entre violences symboliques et violences physiques*, 1999.

<sup>61</sup> Nick Pelham, "Conference season", *Middle East International*, No 647, 6 April, 2001

power to veto legislation and call government ministers for questioning. As political parties are banned in Kuwait, political groupings are somewhat fluid and alliances form on the basis of specific issues. Following cultivation of conservative tribal groups by sections of the ruling family during the 1980s and 1990s, as a counterweight to more cosmopolitan and democratically-minded merchant families, the National Assembly elected in 1999 was evenly split — and polarised — between deputies identified as having liberal credentials and those without. Given the way this polarisation caused the stalling of urgent legislation and an atmosphere of policy paralysis, a seasoned Kuwaiti commentator spoke for many when he argued in 2001 that one way out of the impasse would be to modernise the electoral system by: reorganising electoral districts (on non-tribal lines); reducing the minimum age for voting from 21 to 18; and allowing women to vote and run for political office.<sup>62</sup>

Women have been campaigning for suffrage in Kuwait since at least the start of the 1970s. In the early days the issue of enfranchisement became entangled with that of polygamy and was set aside. In the 1980s, government nervousness about the growing strength of women's support for Islamist associations reduced ministers' enthusiasm for allowing women to vote.<sup>63</sup> In the 1996 election, women's voluntary organisations, which have to be licensed by the government, were again vocal in demanding the vote. There is nothing in the Kuwaiti constitution to bar women from voting or standing for election. The bar lies in the election law, passed in 1962, that allowed only literate Kuwaiti males over the age of 30 to stand as candidates and Kuwaiti men over the age of 21 to vote. When Kuwait signed CEDAW in 1994, it placed a reservation on Article 7, the CEDAW article that forbids discrimination against women in the field of political participation.<sup>64</sup> In fact, since the National Assembly was reinstated in 1992, women's enfranchisement has been repeatedly blocked by parliament and the courts. This is despite the fact that women's suffrage officially has the support of Kuwait's head of state, the Emir, while women are represented in many sectors of public life, including high-level posts in the media, government ministries and diplomatic service. Representation at senior levels of decision-making is under 3 per cent of the total, according to the Women's Issues Committee, a coalition of 20 Kuwaiti NGOs. Nevertheless, women voters and politicians are increasingly being seen as essential to safeguard the gains made by women in other fields by fending off legislation designed to circumscribe their presence in public life.

For example, at a time when the government is under pressure to restructure the heavily over-staffed public sector and reduce its salary bill, pressure is mounting on women employees to retire when they are still only 35 to 40 years old.<sup>65</sup> A law allowing working mothers to retire after 15 years of service, regardless of their age, was one of several laws passed during the first post-occupation parliament that were aimed at curbing women's activities outside the home. Another, passed in 1996 and with a five-year grace period for application, called for gender segregation in all post-secondary educational institutions.<sup>66</sup> Particularly high percentages of women students

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<sup>62</sup> Mohammed Rumaihi, writing in *Al-Hayat*, May 2001

<sup>63</sup> For a detailed history, see Haya al-Mughni, 1993, *Women in Kuwait: the Politics of Gender*, London: Saqi Books

<sup>64</sup> Its other reservations were on Articles 9, 16 and 29.

<sup>65</sup> Information from Fatima al-Abdali, Head of the Women's Issues Committee, March 2000

<sup>66</sup> For details see Haya al-Mughni and Mary Ann Tétreault, 2000, "Citizenship, Gender and the Politics of Quasi States", in Suad Joseph (ed), *Citizenship and Gender in the Middle East*, pp 252-3

in university have induced the government to consider imposing quotas in faculties such as medicine and engineering to redress the balance in favour of men. Meanwhile, social allowances are automatically added to men's salaries as they are assumed to be the head of the household and, since promotion is based on pay, women are at a disadvantage.<sup>67</sup>

In the aftermath of Kuwait's liberation from Iraqi occupation, women's contribution to the resistance and war effort was acknowledged by the Emir, who went on to promise women political rights. In the years that followed, however, initiatives by civil society groups on behalf of women's suffrage were thwarted by the same conservative tribal factions the ruling family had cultivated to shore up its powerbase in the face of pressure from urban merchant families for a devolution of power. Crucially, the practice of scapegoating women for Kuwait's mounting economic and social ills also sapped liberal support for the advancement of women's political rights. National debates among liberals about citizenship focused primarily on the voting rights of naturalised Kuwaitis and the Kuwaiti *bedoon* (see Section 1.2), but not on women. The mainstay of women's suffrage among the political groups represented in parliament was the National Democratic Movement, formed after the 1996 elections as an alternative to the Kuwait Democratic Forum.<sup>68</sup> The new grouping included six women among its 72 founders and elected two as members of its executive board.<sup>69</sup> Women's political rights were established as central to the group's platform, to which many of the liberal MPs elected to the National Assembly in July 1999 appeared sympathetic.

In the face of deepening polarisation between liberals and conservatives, the Emir took matters into his own hands. He dissolved the eighth National Assembly on May 4<sup>th</sup> 1999 after debates about government involvement in publishing incorrect copies of the Muslim holy book, the Quran, got out of hand. Less than two weeks later, on May 16<sup>th</sup>, he issued a decree extending full political rights to women, allowing them to register as voters during the next round of registration on the electoral rolls in February 2000 and to vote in the elections due to be held in 2003.<sup>70</sup> However, the National Assembly did not take kindly to this emiri decree. The Constitution allows the government to enact laws in parliament's absence in urgent cases, but laws enacted in this way remain subject to ratification by the Assembly. Voting in mid-November, MPs asserted their authority vis-à-vis the Emir by rejecting his decree by 41 votes to 22. Those voting in favour included government ministers. When an equivalent bill was introduced from within parliament two weeks later, it was also defeated, but this time by a majority of only 32 votes to 30, with two abstentions. Supporters of the second defeat claimed that passing the legislation would be capitulation to US pressure on Kuwait, exerted behind the scenes.

The campaign continued, however, led by women and men. When the electoral lists opened in February 2000 for the month-long registration period, large queues formed of people attempting to register women's names. Several hundred women converging

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<sup>67</sup> *Ibid.*

<sup>68</sup> Fatiha Dazi-Héni, 2000, "Des processus électoraux engagés dans les monarchies du Golfe: les cas du Koweït et du Qatar", *Monde Arabe:Maghreb Machrek*, No 168, April-June 2000, p 79.

<sup>69</sup> Haya al-Mughni and Mary Ann Tétreault, *op.cit.*, p 257. These authors refer to the group as the National Democratic Forum.

<sup>70</sup> Economist Intelligence Unit, *Kuwait Country Report*, 3<sup>rd</sup> quarter 1999, pp 11-12

on 13 precincts found that they were permitted to register at ten of these, but were turned down at the other three.<sup>71</sup> The next move was for five women to file cases against the Minister of Interior and Speaker of Parliament, based on women's rights under the Constitution.<sup>72</sup> These cases reached the Constitutional Court, only to be thrown out on the procedural grounds that a challenge to interpretation of the Constitution must come from a lower court or from the executive or legislature, but not from a private citizen. The Constitutional Court rejected subsequent lawsuits pursued through the Election Challenges Court and the Administrative Court, in one case without giving an explanation and in the other on the grounds that the plaintiffs had not properly authorised their lawyer to represent them.<sup>73</sup>

With time running out before the election scheduled for 2003, women activists can only pursue their campaign through a partially-sympathetic media and through civil society, which in Kuwait's case includes the male-dominated *diwanis* (meeting rooms in private houses). The media's importance to the campaign was symbolised in March 2001 when Hidayat Sultan al-Salem, the female editor-in-chief and owner of the weekly newspaper *Al-Majless*, was assassinated in a busy street in broad daylight. The judiciary's central role in thwarting the campaign has been highlighted by its rejection of challenges to the electoral law.

#### 3.1.4 The Egyptian campaign

Women have had the vote and the right to stand for political office in Egypt since 1956. Between 1960 and 1976 the number of women holding seats in the *Maglis al-Shaab* (People's Assembly) varied between two and eight. After constitutional reforms in 1979 earmarked 30 seats for women in the People's Assembly, more than 200 women stood for these earmarked seats in the election of 1984. The 30 winners joined three women who defeated male candidates and two others appointed by the President of the Republic,<sup>74</sup> making a total of 35 women in a parliament of 454 seats. This proportion declined sharply thereafter. The Supreme Constitutional Court ruled in 1987 that special women's seats violated the constitutional principle of equality. The 1990 elections returned only seven women, alongside three appointed by the president. In the 1995 elections, 83 women ran, of whom only 15 were put forward by the contesting political parties and the remainder were independents. The number elected, however, was even lower than in 1990, at just five, with four appointed.<sup>75</sup> Again, in the 2000 elections, only seven women won seats.<sup>76</sup> This decline took place against a backdrop of increasing domination by the ruling National Democratic Party (NDP) of election campaigns and seats in the National Assembly.<sup>77</sup>

In view of the plunge in women's representation, calls increased during the 1990s for a revival of the quota system, at least as a temporary measure, to boost women's

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<sup>71</sup> Associated Press from Kuwait, 1 February, 2000; [www.arabicnews.com](http://www.arabicnews.com), 2 February, 2000

<sup>72</sup> *Gulf News*, 8 April, 2000.

<sup>73</sup> Economist Intelligence Unit, *Kuwait Country Reports*, March 2001 p 16; June 2001, p 13.

<sup>74</sup> Of the 454 seats on the People's Assembly, ten are appointed by the president.

<sup>75</sup> The data in this introductory paragraph draws on Mona Makram-Ebeid, 1996, "Egypt's 1995 Elections: One Step Forward, Two Steps Back?", *Middle East Policy*, Vol IV, No 3, pp 129 and 134

<sup>76</sup> *Al-Ahram Weekly*, 23-29 November, 2000

<sup>77</sup> See for example Eberhard Kienle, 1998, "More than a Response to Islamism: the Political Deliberation of Egypt in the 1990s", *Middle East Journal*, Vol 52, No 2. For the NDP approach to the 2000 elections, see *MERIP Press Information Note 39*, "Cracks in Egypt's Electoral Engineering: the 2000 Vote" by Vickie Langohr, November 7, 2000.

presence in the legislature. But attention also turned to the question of voter turnout and the registration of women voters. The International Conference on Population and Development, held in Cairo in 1994, helped to energise Egyptian NGOs working on women's issues. An NGO survey conducted ahead of the conference reported that 92.6 per cent of Egyptian women were not registered on voting lists. It also stated that only 27.9 per cent of those registered actually used their vote.<sup>78</sup> This was despite support given to the registration of women voters by the official National Council for Motherhood and Childhood, chaired by Suzanne Mubarak, wife of the Egyptian president. Governmental support for the social and political advancement of women was reinforced in early 2000 with the creation of the National Commission for Women.

Two Egyptian NGOs set out in the mid-1990s to rectify the non-registration of women voters. They realised the practical difficulties underlying the low turnout of women, including the fact that a woman applying for a polling card needs to present her identity card or birth certificate, which very few women in poor or rural areas actually have in their possession. Such time-consuming and bureaucratic hurdles are often compounded by male family members' lack of support. The Egyptian Centre for Women's Rights decided that its activities should include helping women to obtain their birth certificates and identity cards. Without getting dragged into debates about the meaning of equality, it produced explanatory picture booklets aimed at women with low literacy levels and attempted (with little success) to get its work publicised in the (largely government-owned) press.<sup>79</sup> Founded with just seven people, the Centre expanded to encompass 53 workers and forge links with 89 local associations, helping women with a range of everyday issues affecting them, including access to their papers.<sup>80</sup>

A second NGO, focusing specifically on the registration of women voters, grew out of two conferences organised by the Ibn Khaldun Centre for Development Studies in 1994 and 1995. One was on Egyptian Women in Public Life and the other on Arab Women in Public Life. Formed in 1996, the League of Egyptian Women Voters, named HODA for short after the 1920s Egyptian feminist Hoda Shaarawi, enlisted volunteers to visit towns and villages. There they would explain voting principles and procedures to women and help them register to vote. Amina Shafiq, a respected journalist at *Al-Ahram*, led HODA as the head of its Board of Trustees. Like the Ibn Khaldun Centre, HODA obtained funding from the European Union under the EU's MEDA Democracy Programme. They and the Egyptian Centre for Women's Rights were three out of eight Egyptian NGOs to receive MEDA Democracy funding in 1999.<sup>81</sup>

Foreign funding for NGO work is a sensitive issue in Egypt, especially when the NGO recipients of foreign funding are not looked upon favourably by the government. While the Ibn Khaldun Centre registered as a private company and claimed not to be covered by laws governing NGOs, human rights advocacy groups were generally denied the right to register under the Law of Associations, Law No 32

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<sup>78</sup> *Middle East Times*, November 26-December 2, 1995, cited in Mona Makram-Ebeid, *op.cit.* p 134

<sup>79</sup> Communication from Nihad Aboul-Qomsan, director of the Egyptian Centre for Women's Rights, Cairo, March 2000

<sup>80</sup> *Ibid.*

<sup>81</sup> Personal communication from Sophie Huet, European Commission DG1B, June 1999

of 1964 (see Section 2.2). The three MEDA Democracy grants mentioned above coincided with a particularly dire period for Egyptian NGOs. The year 1999 saw enactment of Law 153 as a successor to Law 32, enforcing even stricter government controls over NGO policy, activities, personnel and funding. In June 2000, Egypt's Supreme Constitutional Court threw out Law 153 of 1999 on the grounds that it had not been seen by the appointed upper house, the State Council, before being passed by the People's Assembly. The authorities showed, however, that neither Law 32 nor Law 153 were really needed to restrict the funding of NGOs or private companies. They ordered the arrest of Saadeddin Ibrahim, director of the Ibn Khaldun Centre, and his associates on suspicion of charges that were eventually identified as including contravention of Military Order No 4 of 1992, which prohibits the raising of funds from any source without authorisation. At dawn on July 1, 2000, the 61-year-old Dr Ibrahim, who has dual Egyptian-American nationality, was arrested, his files and computer confiscated and the Ibn Khaldun centre closed and put under police guard. Among those detained with Dr Ibrahim were three staff of HODA, whose files were also confiscated and whose offices were closed on July 12.<sup>82</sup> All together, a total of 28 people connected with both institutions were eventually charged.

When the detainees were released on bail in August, after spending six weeks in prison, it was initially thought the projects for which they had obtained EU funding would go ahead. One of the Ibn Khaldun projects to be financed by the EU money was to have been a short video showing a discussion between a rural married couple, who start by discussing some of the problems faced by ordinary Egyptians and go on to decide that the best way to work towards solving these problems would be to go through the voter registration process in order to cast their vote.<sup>83</sup> In the event, this project was stopped, as was the Ibn Khaldun Centre's plan to repeat its 1995 exercise of monitoring the polls. This was because formal charges were laid against Saadeddin Ibrahim and 27 others in September 2000, after which their trial started at the State Security Court in January 2001. On 21 May 2001 the trial judge issued a guilty verdict, handing down jail sentences of up to seven years to Dr Ibrahim and six others and one-year suspended sentences to the rest. Much local media coverage of the trial was hostile to the defendants, suggesting that they served an "un-Egyptian agenda".<sup>84</sup>

It remains to be seen how campaigns to encourage women to vote will fare in future under the cloud of the Ibn Khaldun case. After the initial interrogations it became clear that the authorities had no quarrel with HODA. On the contrary, Amina Shafiq was appointed to a subcommittee of the National Commission for Women. Allegations later emerged that a State Security informant working within HODA had used her position in the organisation and its links with the Ibn Khaldun Centre to plant evidence to incriminate Dr Ibrahim while on a visit to his house. Yet disparate treatment for personnel from the two groups will have done little to mitigate the generally chilling effect of the prolonged court case against a prominent civil society figure. As an Egyptian women activist noted, soon after Egypt's new government-sponsored National Commission for Women was formed in early 2000, the real

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<sup>82</sup> [www.cnn.com](http://www.cnn.com), 13 July, 2000

<sup>83</sup> Naomi Sakr, 2001, *Satellite Realms: Transnational Television, Globalization and the Middle East*, London: I B Tauris, p 180

<sup>84</sup> Press responses are summed up by Steve Negus in "Ominous verdict", *Middle East International*, No 651, 1 June 2100, p 18



burden of defending women's rights would still fall on NGOs.<sup>85</sup> Given funding shortages, legal obstacles and public suspicion fanned by hostile media, NGOs could find the burden too heavy.

### 3.2 Activism against human rights abuse

Of the multiple human rights violations recorded in Arab states, copious documentary evidence exists of torture, arbitrary arrest and detention, denial of freedom of expression and denial of freedom of assembly and association. It is left to advocacy groups in civil society to bring these cases to light and campaign to end them. The two campaigns considered here brought the issue of accountability for human rights abuse to international attention, though with mixed results in terms of ending the abuse. State authorities could still deny they were violating human rights and they could still censor and suppress allegations made in the print and audiovisual media. They had little control, however, over allegations circulating via satellite television and the Internet. Nor, as these case studies show, could they remain permanently aloof from the international human rights monitoring machinery.

#### 3.2.1. *The Bahraini campaign*

Bahrain's history of repression is well known. From the mid-1970s onwards, when the Emir's refusal to allow industrial unrest to be channelled through trade unions or strikes led to his 1975 dissolution of the National Assembly, the country was ruled directly by the executive, appointed by the Emir, Sheikh Issa bin Salman Al Khalifa, and dominated by his Al Khalifa clan. From 1974, under the State Security Law, Bahraini security forces were given wide-ranging powers to suppress dissent. Opponents were jailed and held incommunicado and without trial for up to three years, in conditions conducive to torture. Detainees reported beatings, electric shocks, sexual abuse, burning with cigarettes, and prolonged sleep deprivation.<sup>86</sup> Arbitrary arrest and detention continued after Sheikh Issa moved in step with other Gulf states in the wake of the 1991 liberation of Kuwait and set up a government-appointed Consultative Council to "advise" on legislation. When 25,000 Bahrainis signed a petition in 1994, calling for reform, up to 15,000 were arrested.<sup>87</sup>

By the time the new Emir, Sheikh Hamad bin Isa Al-Khalifa, succeeded his father on the latter's death in March 1999, an active Bahraini opposition movement was gaining an increasingly high profile from bases in cities such as London, Copenhagen and Damascus. The Internet facilitated communication among different groups in the movement, from the Bahrain Freedom Movement, to the Committee for the Defence of Human Rights in Bahrain and the Bahrain Human Rights Organisation. The combination of a new Emir, a deepening economic and political malaise, and a vocal opposition both locally and abroad produced a remarkable sequence of promised reforms and human rights guarantees in 2000 and early 2001.

Dissidents living in forced exile appealed to the Emir in August 2000 to allow them to return and help resolve the nation's political and economic impasse. The Emir appeared to respond the following month when he expanded and diversified the

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<sup>85</sup> Farida Naqash, writing in *Al-Arab* on 3 April, 2000

<sup>86</sup> US State Department Bureau of Democracy, Human Rights and Labor, 2000, *Bahrain Country Report on Human Rights Practices*

<sup>87</sup> *The Economist*, "Your kingdom for our rights", 24 February, 2001

membership of the appointed Consultative Council.<sup>88</sup> The larger, more robust Council found much to disagree with in government policy, prompting the Emir to set up a special 46-member committee with a three-week brief to advise on a draft charter for constitutional reform. The timetable implied that this so-called National Action Charter was to be signed and sealed in time for Bahrain's National Day on December 16. But, instead of accepting the draft, some committee members suggested it did not go far enough. As a means of arbitrating on the text, a referendum was suggested. Once Sheikh Hamad had scheduled a referendum for February 14-15th, in which all Bahrainis over the age of 20 would vote, he and his son, Crown Prince Sheikh Salman bin Hamad, moved into campaigning mode, circulating among voters and listening to their concerns.

The Emir's personal enthusiasm for this consultation process, geared to getting the Charter approved, stemmed no doubt from a clause in the document that would transform him from an emir to a king and thereby make it easier for him to overrule rivals among his relatives. Opposition groups were less enthusiastic about the Charter, however, and threatened to boycott the referendum. On February 5, the Emir did what was needed to avert a boycott. He declared a general amnesty for political prisoners and detainees, announced that Bahraini nationals living in forced exile would be allowed to return, and ordered the reinstatement of dissidents sacked from government jobs or sent down from the university.<sup>89</sup> Thereupon, Bahrainis voted overwhelmingly for the Charter. In doing so they agreed to a constitutional monarchy, a government based on separation of executive, legislative and judicial power, political participation for men and women and a bicameral legislature with the lower chamber due to be elected in 2004.

With the National Charter approved, the Emir had little choice but to abolish the notorious 1974 State Security Law and, with it, the State Security Court, whose hearings were held behind closed doors with no right of appeal. At the same time, Bahraini nationality was promised to around 10,000 stateless inhabitants (*bidoon*). On March 4, six months after refusing permission for an independent Bahraini human rights group to be established, the Emir granted permission after all.<sup>90</sup> The large-scale release of political prisoners and detainees during the intervening period was well timed, given the impending visit of the UN Working Group on Arbitrary Detention, which had been postponed from October 1999 to early 2001.

### 3.2.2 *The Syrian campaign*

Syrian groups wanting to act independently of the Syrian government and its numerous intelligence services have long had to do so from abroad. The Syrian Committees for the Defence of Democratic Freedoms and Human Rights (CDFDH) started life inside Syria but had to take refuge in Paris, with adherents resident in several different European cities. From there the organisation monitored the penalties imposed inside Syria on those accused of offences such as "shaking the confidence of the masses" or "opposing the aims of the revolution".<sup>91</sup> Charges of disseminating false information were brought against 17 people in December 1991-January 1992, based

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<sup>88</sup> Nineteen new members were added, including four women, a Jewish man and man of Indian origin.

<sup>89</sup> Amnesty International News Service, 20 February, 2001

<sup>90</sup> [www.arabicnews.com](http://www.arabicnews.com), 7 March, 2001

<sup>91</sup> For details of the laws describing these offences, see ARTICLE 19, 1998, *Walls of Silence: Media and Censorship in Syria*, London, pp 51-53.

on a leaflet published by the CDFDH documenting human rights abuses during the presidential election of December 1991.

The Committees at that time had existed for barely two years. The organisation was formed in Syria in 1989 to bring together people of different political persuasions who believed that changes taking place in Eastern Europe and elsewhere could herald a move towards political liberalisation in Syria and a rebirth of civil society. Of the 17 people charged, ten were sent to prison for terms ranging from five to 10 years and some were tortured.<sup>92</sup> The task of disseminating news about the fate of these and hundreds of other political prisoners was facilitated by the Internet and Internet-based information services such as the International Freedom of Expression Exchange (IFEX). Inside Syria, however, Internet access is extremely limited. Ordinary Syrians seeking unfettered Internet access have to resort to the expensive option of using a Lebanese Internet Service Provider.

That thousands of political prisoners were held in Syria during the 1990s has been confirmed by the hundreds released in periodic, strategically-timed amnesties since 1995. Aktham Naesa, a lawyer imprisoned for his part in producing a CDFDH leaflet in 1991, was released at the end of May 1998 with 30 other long-term political prisoners shortly before a state visit to France by President Hafez al-Asad. A further 600 were released by President Bashar al-Asad between his takeover on his father's death in 1999 and the end of 2000. Although the new president is credited with taking initiatives to liberalise both politics and Syria's highly-troubled economy, prisoner releases have also been brought about in part through the sustained effort of Syrian exiles. The latter have been able, through coordination via the Internet and other means, to highlight Syrian government human rights violations at opportune moments when western media were paying attention to Syria for other reasons. For example, Pope John Paul's visit to Damascus in May 2001 was accompanied by the release of Nizar Nayyuf (another of the 17 detainees mentioned above) after ten years in jail. When Syrian President Bashar al-Asad paid a state visit to Paris in July 2001, Nayyuf addressed an open letter to French President Jacques Chirac alleging that between 13,000 and 17,000 political detainees had died under torture in Syrian prisons.<sup>93</sup>

Seeing an opportunity for action under the new president, many Syrians moved to revive civil society in their country after an enforced break of nearly 40 years. All private newspapers were shut down in March 1963. Thus when the first private newspapers started to re-appear in early 2001, observers watched avidly to see how heavily they would be censored. It soon became clear that political coverage would remain off-limits despite the potential for political debate to identify policy pathways out of Syria's economic crisis. Criticism of economic management was allowed in a highly-popular satirical newspaper launched in February 2001. Tackling issues such as unemployment, inflation, lack of housing and petty corruption, the paper sold out daily within two hours of delivery to newsstands,<sup>94</sup> The relevance of its subject matter to ordinary Syrians can be gauged from estimates that unemployment is 20 per cent,

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<sup>92</sup> *Ibid.*, pp 53-54, based on information collated from Amnesty International and the International Freedom of Expression Exchange (IFEX).

<sup>93</sup> Agence France Presse report from Paris, June 27, 2001

<sup>94</sup> Sami Moubayed, "Independent Journalism Slowly Returning to Syria", *Washington Report on Middle East Affairs*, 20 August, 2001.

while 75 per cent of the population earns less than \$100 per month.<sup>95</sup> But the paper's freedom was not open-ended; it was forced in June to remove pages to avoid total banning. Similarly, applications to re-launch two respected political dailies that existed before 1963 were turned down.<sup>96</sup> The CDFDH openly published its own magazine in May but revealed that the authorities had blocked an attempt to convene a human rights training course the previous month.

The course was blocked in the very same month that the UN Committee on Human Rights in Geneva was commenting on a report finally submitted by Syria regarding its compliance with the International Covenant on Civil and Political Rights (ICCPR). Syria ratified the ICCPR in 1969 and became legally bound by it when the treaty came into force in 1976. After submitting its first mandatory report on compliance in 1978, it not only failed to abide by the four-yearly reporting requirement but failed to submit any periodic report at all until after President Bashar al-Asad's accession. This was despite at least 25 requests from the Human Rights Committee, the largest number outstanding for any country.<sup>97</sup> One of the HRC's main concerns on receiving the long-awaited report was the Syria's continuing reliance its State of Emergency legislation.<sup>98</sup> The voicing of this concern added international weight to increasingly audible internal calls for the Emergency law to be lifted.

The law's status remained unclear, however, as officials had to admit it had not been cancelled.<sup>99</sup> Even without the Emergency Law, Syria's Penal Code gives the authorities ample ammunition with which to stifle civil society debate. Article 291 of the Penal Code imposes a five-year prison sentence for the crime of aiming to change the Constitution of the state "by illegitimate means". Since the Constitution identifies the Baath Party as the vanguard party in society and the state, any talk of downgrading the party's role is automatically criminalised. Article 327 of the Penal Code also states that any association or group that fails to give complete information on its members, meetings and resources is to be considered secret and its leaders liable to imprisonment. In 1993-94, approximately 300 people were tried in Syria for membership of an illegal organisation and several received prison sentences of 15 years.<sup>100</sup> These provisions and precedents are of particular relevance to the private discussion groups that sprang up during 2000, calling themselves civil society forums. In early 2001 they created a joint commission, but were told soon afterwards that in future they would have to apply for permission to convene, 15 days ahead of any meeting. Out of around 70 forums existing before these restrictions were imposed, only two received authorisation during the following month, including one organised by a member of the ruling Baath Party.

The beginnings of a showdown between the authorities and the groups behind the civil society forums emerged in 2001, when Riad al-Turk, a veteran dissident who was jailed from 1980 to 1998, was re-arrested after criticising the political system in a lecture. He had also described Hafez al-Asad as a dictator during an appearance on

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<sup>95</sup> According to Syrian source quoted by Agence France Presse, 7 June 2001

<sup>96</sup> Moubayed, *op cit.*

<sup>97</sup> ARTICLE 19, *Walls of Silence*, *op cit.* pp 9-10

<sup>98</sup> Irwin Arieff, "Syria scolded for human rights report 16 years late", *Middle East Times*, 13 April, 2001

<sup>99</sup> The information minister was quoted in January as saying the law had been frozen and was not being applied, although it had not been officially cancelled.

<sup>100</sup> ARTICLE 19, *Walls of Silence*, pp 66-67

Al-Jazeera Satellite Channel.<sup>101</sup> Instead of intimidating other dissidents, the arrest provoked a statement from Nizar Nayyoub, which he made from a safe distance, being in Paris. (Nayyoub was promised the right to leave the country for medical treatment during President Bashar al-Asad's France visit in July.) More civil society activists were then detained, including a member of the CDFDH. However, with alliances forming among disparate but increasingly dissatisfied civil and political groups and with members of these groups able to put their case to a sympathetic pan-Arab audience via Al-Jazeera, information about further arrests of government critics could be disseminated much more widely than was the case ten years earlier.

## 6. Conclusion

The past ten years have seen many groups in Arab states become more disadvantaged, politically and economically, than was previously the case. Israeli economic closures in the Occupied Territories and their highly negative impact on Palestinian livelihoods started with a vengeance in the mid-1990s. International sanctions on Iraq followed Iraq's invasion of Kuwait in 1990. In the wake of the invasion, Arab expatriates of particular nationalities were forced out of employment in Kuwait and Saudi Arabia. Disadvantage created by the civil conflict in Algeria dates from 1992. The rise of extremist ideologies and armed cells in Algeria and many other Arab states was fuelled during the 1990s by events in Afghanistan, Bosnia and Chechnya. To the extent that ruling establishments looked first to their own survival, by playing off sections of the political opposition against each other, they contributed to conditions in which non-armed extremism could take root. This in turn was most obviously disadvantageous to women and secularists. Against this background, educational disadvantage vis-à-vis the rest of the world has become more stark. Schooling for Palestinians and Iraqis has been disrupted and starved of essentials, while limits on academic freedom have become tighter across the Arab region, from Saudi Arabia and Egypt to Tunisia.

When judged on the basis of net change between 1990 and 2000, political change in key Arab states appears to have moved away from liberalisation rather than towards it. Even in countries such as Yemen, Jordan and Morocco, where politics did open up during the decade, the early promise of liberalisation was not fulfilled. As recounted in this paper, big political openings took place in the smallest states, notably Qatar and Bahrain. In contrast, the Arab world's most influential regimes (in Egypt, Syria and Saudi Arabia) made no significant move in favour of separation of executive, legislative and judicial power. This broader regional picture was reflected in the media landscape: Qatar's abolition of its Ministry of Information contrasted sharply with tight government controls exercised on the print and audiovisual media in other states.

This study searched hard for good news stories showing how civil society players can hold those in power to account. In comparing the achievements of civil society groups promoting women's political participation, it identified two contexts (Palestinian and Moroccan) where perseverance in a multi-party system, with laws being drafted or reformed, brought some positive results. At least they appeared positive when compared with the outcome of similar campaigning in Egypt and Kuwait. Activists

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<sup>101</sup> Anon., 2001, *Middle East International*, No 658, 14 September, p 14

involved in these struggles noted the importance of wider social development, fluid political relations, a well-established NGO sector, the positive impact of visible interim successes, and the importance of good relations with the press. As for the two cases (Syria and Bahrain) in which civil society groups were able, during specific periods, to squeeze some measurable concessions from the authorities, these owed something to external forces, including exiled dissidents campaigning in European capitals and the monitoring apparatus of UN human rights treaties and special rapporteurs.

Ultimately, the most urgent reason for calling power-holders in the Arab region to account is the very lack of mechanisms for enforcing accountability. In other words there is a clear vicious circle. The possibilities for people in this region to hold those in power to account are circumscribed by autocratic modes of governance in which the basic freedoms — of expression and association — are routinely denied.

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