



# The political context

*Politics is the final, and perhaps the most influential, frame of reference in analysing how knowledge is acquired in Arab countries. As emphasised earlier, the vitality of a knowledge system depends on the political environment in which it grows. Among the most important conditions are intellectual freedom and diversity protected by the rule of law, other institutional foundations of good governance and a political context that supports the efficient dissemination and production of knowledge. Where do Arab countries stand in relation to this model?*

*The global explosion of knowledge has not only accelerated global economic integration. It has given rise to regional blocs around the world that challenge the new international order for the purpose of extracting maximum gains for individual groupings of countries seeking to join the global economy on advantageous terms. New ties within the European Union (EU), the North American Free Trade Agreement (NAFTA) and the Association of Southeast Asian Nations (ASEAN) are just three examples of a changing world map. How is knowledge acquisition in Arab countries affected by regional and global politics? What regional and global policies would help Arab countries create knowledge societies in the Arab world under these conditions?*

## GOVERNANCE AND LAW

### THE POLITICAL CONTEXT FOR KNOWLEDGE ACQUISITION

Knowledge is the totality of symbolic structures held by individuals or owned by society and it guides human behaviour at all levels of society and in all fields. Politics, on the other hand, is the science of managing the public affairs of a

society through material and non-material means, including knowledge as just defined.

The ruling power plays a key role in directing knowledge and in influencing its development or retardation. Since a ruling power works to foster knowledge patterns compatible with its orientation and goals, it inevitably resists or even suppresses other patterns that contradict its general direction. Knowledge conflicts in the Arab world are often versions of political conflicts in societies where both the sanctioned knowledge paradigm and that contesting it are motivated and sustained by the deep and opposing ideological objectives of ruling powers and their opponents.

Glancing through the many strategic reports of political parties, associations or blocs across the region provides abundant evidence of this polarised split. Some documents adopt the official knowledge paradigm and are seen as supporting the prevailing political power, whether or not their authors are actively associated with it; other publications take a challenging stance in flat opposition to that power and its version of knowledge and values.

### Political systems and the cultural elite

Cultural elites across the Arab region are either allied with, or stand in opposition to the political authorities in power, adopting a worldview of knowledge that may coincide with one political trend or another. In most cases, however, their knowledge pursuits take an academic path. These groups opt to produce and develop knowledge irrespective of its use in one political field or another. They have set themselves up as stewards of knowledge, attempting to secure its growth through the positions many occupy in universities and scientific research centres. Their academic isolation poignantly reflects the knowledge crisis created by the crisis of political power in the Arab world.

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Political authorities have failed to accommodate them. Instead, authorities have focused on assimilating those intellectuals, academics and scientists who are prepared to shore up a knowledge system consistent with their dominant goal of controlling society's socio-economic, political and cultural capabilities.

The isolation of Arab cultural elites has, of course, allowed political systems to marginalise them while polarising society and rewarding sycophants. Thanks to the latter, cultural disputes and debates are often overshadowed by attempts to legitimise the prevailing political system. The result is that Arab regimes tend to underestimate the positive power of knowledge, having grown accustomed to having their fears about its transformative effects calmed. Their view of knowledge is strictly expedient: knowledge is simply another means to consolidate their power and plans.

Neutral academics have either spoken out against their alienation at home, or have been compelled to emigrate abroad to pursue knowledge without political pressure or containment. Although the Arab brain drain appears to be financially motivated, it reflects a deep crisis in the role of knowledge in present-day Arab countries. The stark choices facing independent intellectuals and scholars are

quite painful: to commit "treason of the clerks"<sup>1</sup> by declaring allegiance to political regimes, or to seek exile outside their countries of birth.

Yet a few Arab intellectuals do reach and influence the holders of political power. Observers of the Arab intellectual scene note that the Arab scholar-activist influences power, not so much by the weight of scholarship or independent thinking, but to the extent that he or she infiltrates power circles. It has been pointed out that the dilemma of the Arab public intellectuals is that in order to be influential they must somehow connect with the patronage networks of rulers and high officials. In the absence of a public sphere bounded and protected by the rule of law, the Arab intellectual walks a fine line between principle and expediency. More often than not, when authoritative advice on policy choices is required, for a variety of historical, economic and political reasons, Arab rulers and think tanks often continue to prefer knowledgeable outsiders to local intellectuals (Hudson, 2002)<sup>2</sup>

On the other hand, a group of neutral Arab academics resorts to "intellectual migration" at home or is actually forced to emigrate in search of new and broader horizons to develop their knowledge, without political pressures or containment. While the Arab brain drain is commonly understood to be motivated by financial considerations, it in practice reflects a deeper crisis among knowledge workers in the Arab region. These workers are, in effect, resisters of an unacceptable accommodation with ruling authorities.

In between these two groups stands a committed corps of intellectuals that seeks to apply knowledge to serve their communities, guided by their strategic thinking and their affiliation with different civil society organisations. This group has recently started to expand amongst the Arab intellectual elite, along with the increasing vitality of Arab communities and civil society organisations.

BOX 8.1

**Jamal ad-Din al-Afghani (1838-1897)  
The Nation and the Authority of a Tyrant**

*It is not Allah that hath wronged them, but they wrong themselves.*  
(Qur'an: Ch. 3, Al Imran, verse 117)

A nation that has no say in its own affairs is never consulted on its interests and its will has no effect on its public welfare. Rather, is subjected to one ruler whose will is the law and whose desire is the order, who rules as he pleases and does what he wants. Such a nation is one that has no stability and cannot go along a straight path. It vacillates between happiness and misery and between knowledge and ignorance. It alternates between wealth and poverty and between glory and humiliation.

If its ruler is ignorant, uncouth, of vile intentions, greedy, lustful, cowardly, un-

certain, stupid, villainous and unprincipled, he will plunge the nation into the abyss, place a veil of ignorance in front of its eyes and reduce it to poverty and destitution. He will rule people despotically, deviating from the road of justice and opening the way to aggression, causing the powerful to usurp the rights of the weak. The system will then be destroyed. Values and manners will also be corrupted, the nation's esteem will be lowered and desperation will prevail. As a result, acquisitive eyes will be focused on the nation and invading nations will strike at its belly with their claws.

Source: Complete Works, Part II, Political Writings,

Study and Examination by Dr. Muhammad Amarah, Arab Foundation for Studies and Publications, Beirut 1981, p.329.

<sup>1</sup>In 1927, the French essayist Julien Benda published his famous attack on the intellectual corruption of the age, *La Trahison des Clercs*. The treason in question was the betrayal by thinkers and intellectuals of their vocation to pursue the truth.

<sup>2</sup>"On the Influence of the Intellectual in Arab Politics and Policymaking", Michael C. Hudson, paper presented to the conference on the Role of the Intellectual in Contemporary Political Life, Georgetown University, April 26-27, 2002.

*PATTERNS OF KNOWLEDGE  
PRODUCTION AND  
DISSEMINATION IN THE ARAB  
WORLD*

The production of academic knowledge in the Arab world takes place along the following pattern:

- Official institutions sponsored by political authorities produce "party" or institutional knowledge and employ cultural workers and frameworks that legitimise their power.
  - Knowledge networks are connected to the Arab world's political parties or blocs, such as the *Al-Ahram* Political Studies Centre or the Centre for Arab Unity Studies.
  - Research centres connected to civil society, such as the Cairo Human Rights Centre, are rooted in specific issue campaigns. Various types of associations and federations fall into this cluster, such as the associations for channelling youth requests for employment in Morocco, or environmental preservation associations.
  - "Professional" research centres are set up either by researchers with former links to political regimes who seek to establish a strategic vision of international or Arab issues, or by academics under the banner of "providing customer services". These centres have become popular venues for the production of knowledge and depend largely on external financing.
  - Foreign research centres include the French Institute for the Near East, formerly the Centre for Studies and Research in Jordan, Lebanon and Syria and the Centre for Studies and Research on the Contemporary Middle East (CERMOC) in Egypt. These establishments produce publications similar to those of national institutions and often serve as sanctuaries for national knowledge producers seeking academic outlets free from censorship.
- Open discussion in the Arab press on the distinction between the academic researcher and the political activist, and on the nature and objectives of externally financed scientific research at many of these centres, has helped to create more social space for knowledge producers.

BOX 8.2

**Knowledge and Governance in the Arab World**

A major reason for the halting, if not arrested progress of learning and cultural advancement in the Arab world may have been the failure of most Arab regimes, or so-called Arab systems, to relate to knowledge, in its multiple dimensions.

Obviously, contemporary rulers and those of yesteryear neither are, nor were, the "philosopher-kings" of Plato's Republic. And they were not expected to be in the first place. Yet in more simple and practical terms, from this governance gap there flowed a number of consequences:

- the rise of rulers from closed, semi illiterate backgrounds inclined to reject any participant in government who advocated the advancement of learning, or the enhancement of the quality of education and culture as objectives of statecraft, or who were committed to the exercise of academic freedom.
- disbelief among regimes in the need to seek cultural change based on those enlightened human values embodied in the Arab Renaissance of the 19th and early 20th century – values that have been rejected and crushed since the 1920's by a resurgence of religious extremism and arbitrary and self-serving interpretation.
- the negation of freedom of thought and expression in public education, including higher university levels, which accounts for the near absence of investment in research, particularly scientific research. The prevalence of state ideologies and autocratic approaches that have led to obscurantism and lack of innovation and of adequate standards for proper education. This in turn has reduced openness to modern technological advances and forward-looking intellectual discourse and debates.
- the absence, generally, as a corollary of absolutist governance, of critical thought. The obvious consequence of intolerant religious interpretations of values and ideals was the freezing of thinking into dépassé ideologies that permeated the minds and souls of a significant majority of so-called intellectuals. To such systems of values, any challenging ideas were considered punishable heresies. Many revolutionary philosophies were denigrated as "self-proclaimed" concepts that did not stand the test of history and time. This attitude contributed to defeats in almost every field - political, diplomatic and military - whereby dependence on foreign assis-

tance and science became nearly total. The glorification of leaders and their systems led to rulers being equated with the nation, which rendered abject submission compulsory, and thus the persecution of free thinking inadmissible. Witness the endless numbers of jailed dissenters. Leadership was not questioned and the authority of the day, no matter how corrupt or despotic, was above accountability.

- hostility to creative literature, not to mention creative philosophic writing, which was unwelcome and often censored. Intellectual openness to new horizons of modern culture was next to nil, new ideas were held to be unwelcome and destructive and only entered Arab societies through limited windows of opportunity.

The above might be considered a harsh caricature were its consequences not reflected in two major measurable facts:

- regression in literacy and reading, as evident in the decline of Arab writing and publishing.
- The emigration of creative artists that reject conformity. Introversion in the arts became reflected in strange forms of unintelligible surrealism, when not imprisoned in naturalistic landscapes.

A strange polity was born where excessive consumerism sometimes combined with an utter lack of imagination and inventiveness.

Thus, the distressful spectacle of an Arab world where immense wealth was illicitly managed by despotic systems accumulating obscene fortunes while production, except of oil, sank, as did the Arab share of international trade. The people continued to live in a state of ignorance and indescribable poverty, hardly benefiting from this accumulated wealth and unaware of even their most elementary rights to rebel or revolt, rights denied them by an oppressive force, the objective ally of neo-colonial exploitation. See Iraq!

In conclusion, the political outcome of this situation, in the present context, is at one and the same time a sense of tremendous frustration, and a search for "purity" through invitations - at this stage merely invitations - to soul-searching and self-criticism.

Ghassan Twainy

*The goal should be to institutionalize knowledge in a domain separate from politics, thereby ensuring its independence.*

*Power curtails the intellectual and political scope of scholars and the public alike – which in turn shackles good minds, extinguishes the flame of learning and kills the drive for innovation.*

### **The diversion of knowledge production: separating politics from knowledge**

The vigorous analyses, varied interrelationships and often contradictory nature that typify such patterns underline the multiple loyalties criss-crossing Arab knowledge production. This is in addition to the tendency of states and political parties to manipulate knowledge selectively for political ends. Add to this the fact that the knowledge efforts of the intellectual vanguard are scattered and it becomes clear that there are some fundamental obstacles to the creation of a well-knit Arab knowledge society. The most serious obstacle is the exploitation of knowledge to serve political ends, internal or external. Overcoming this calls for a fresh look at the knowledge map and those who interfere in it. The goal should be to institutionalize knowledge in a domain separate from politics, thereby ensuring its independence.

Political instability and fierce struggles for access to political positions in the absence of an established rule for the peaceful rotation of power – in short, democracy – obstruct the growth and maturation of knowledge in Arab soil. A major consequence of the unstable political situation is that questions of security dominate the agenda of ruling regimes. This inevitably leads regimes to allocate substantial investments to sectors that guarantee the system's security. Spheres of social activity that do not yield direct and rapid returns are the first casualties when government budgets are skewed towards security measures. In the Arab region, culture, knowledge and scientific research are exceptionally vulnerable to both political and financial neglect. Comparing scientific research allocations in Arab countries with equivalent spending in the industrial world, or even in other developing countries, underlines this distortion.

Another far-reaching and more profound consequence of this state of affairs is that knowledge activities are deprived of human talents. Educated citizens migrate towards bureaucratic, military, security and administrative occupations that provide significantly higher social and material rewards than scientific research and education can offer.

A further grave consequence of the dominant model is that branches of political au-

thority come to control all spheres of social activity, and to intervene in the affairs of scientific, technical, technological and literary institutions. Very often, such authorities direct knowledge workers to serve their own limited goals and impose work programmes, ideological constructs and slogans in exchange for resource allocations. Direct intervention by security or political agencies in appointments to scientific, intellectual and literary positions is the most blatant form of such interference, which of course disrupts knowledge development. It means that for the sake of securing political dominance over knowledge institutions, efficiency criteria are sacrificed. Appointments driven by political allegiance, nepotism or private interest sooner or later lead to the corruption of scientific research and technical institutions, and eventually to the destruction of knowledge itself.

In summary, Arab scientific research institutions are largely at the mercy of political strategies and power conflicts. Political loyalties take precedence in the management of these institutions and both efficiency and knowledge suffer. Power curtails the intellectual and political scope of scholars and the public alike – which in turn shackles good minds, extinguishes the flame of learning and kills the drive for innovation. These factors have impoverished Arab scientific and technical systems and left them at their weakest when the need to liberate and leverage knowledge has never been stronger.

New foundations are needed to create a robust and coherent knowledge society. Far-sighted sociological and legal analyses have emphasised the importance of taking the politics out of knowledge by founding an independent political economy in the Arab world. Co-existence would be the first rule of the polity under this reformation. Politicians would hold public office in a balanced concord with other spheres, without seeking to oppose or stifle them. Studies further suggest that an independent knowledge sphere must also be established in parallel to the political sphere. It would focus on producing and developing knowledge free from political coercion, with the goal of embedding knowledge in society. Neither act of separation, which would truly liberate both spheres of influence,

is possible except by democratising politics and knowledge production.

In other words, democratic transformation in the Arab world is a fundamental condition for the independence of knowledge, taking into account that such a transformation requires synergy among economic, political and cultural actors. Whatever level of importance is accorded to individual actors, political power ranks high in comparison to other elements. This fact implies two challenges for society: the first is to establish an independent and self-limiting political sphere, while the second has to do with codifying and harmonising democracy so that both politics and knowledge are independent, yet complementary realms.

Founding an independent polity in the Arab world is supremely important for the establishment of the knowledge society. Yet in the absence of institutional rule, little progress can be made towards that goal.

### **The role of institutional independence in stimulating the knowledge society**

Institutional independence is another facet of the rule of law. It is the normal outcome of establishing political power legally through codification, and politically by democratisation. The fact is that the spirit of the rule of law is not confined to the arrangement of laws within the state but is also embodied in the state's protection of rights and duties, and the maintenance of the dignity of human beings. Political authority requires a certain level of accumulated legal and institutional strength to lead society into democratic transformation.

The absence of sustained institutional independence is a common feature across the Arab nation. Arab polities cannot be characterised reliably by degrees of progress in institutional governance. For example, it is not feasible to set up comparisons on the basis of the type of regime (monarchy/republican), or the extent of community participation (referendums/elections), or the degree of active involvement in the international human rights system. This is because each element has to be measured against the practical progress of Arab regimes in establishing political power on the basis of a constitution and public respect for its legitimacy. Such legitimacy is

often in question, and Arab regimes continue to be driven by the imperatives of survival and security, to the detriment of the balance required in their relations with the governed.

### **CODIFYING POLITICAL POWER AND DEMOCRACY: A FUNDAMENTAL STAGE IN THE ESTABLISHMENT OF THE KNOWLEDGE SOCIETY**

Fate has not decreed that political power in the Arab world should permanently exclude participation by citizens. Whether participation is encouraged or not depends on the will and policies of regimes. Amid conflicts and disputes over state legitimacy the power of democratisation and codification has been under-appreciated. Progress on those fronts would make all people, governors and governed alike, subject to the rule of law and help the institutional state to evolve. That, in turn, would secure the coexistence of all spheres of societal activity in the Arab world under the umbrella of equality. Moving in this direction will entail strengthening some key, yet still fragile, constitutional provisions and tightening lax laws that favour power structures.

### **Towards political systems that serve the knowledge society**

Overcoming the fragility of the constitutional structure has certainly become essential. This requires creating a legal and political culture that is capable of directing and guiding political practice. The effectiveness of this culture, which has to be built on both democratic participation and opposition, will flow from its capacity to produce methodological concepts and tools sharp enough to understand Arab political reality and analyse the structures of power in Arab societies. Attaining this balance requires that Arab intellectuals drop ideology, resist compromises with the status quo and reject nostalgic indulgence in heritage.

Arab intellectuals must be actively involved in building the conditions for democratic societies and especially in defending the importance of their legal dimensions and the limits of political power. The intelligentsia should campaign for institutional rule, the absence of which will impede the rise of the

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**Imam Muhammad Abduh (1849-1905): Justice and Science**

These two glorious, fundamental elements, justice and science, are inseparable in human existence. Should one of them reach a country, the other would follow suit immediately; and when one leaves the country, the other will follow on its heels. One can hardly lift a foot or put it down without the other accompanying it. This is what history tells us. The chronicles of states in which the beacon of justice burned bright and where the light of science shone tell us how their people enjoyed both lights at the same time and flew to the heights of happiness with these two wings. Once the times turned around, destroying one of the two foundations, the other one quickly followed, falling to the ground. The afflicted state would fall into the abyss. The atmosphere would become pitch-dark, with thick black clouds and veils of ignorance blocking mortal sight.

The secret of this is now clear. If science spreads in a nation, it will enlighten the ways for its people. Their roads will become brightly lit and they will clearly distinguish between good and evil, be-

Source: Muhammad Abduh, 1990, p.25.

tween what is harmful and what is useful. It will be firmly established in their minds that equality and justice are the primary cause of lasting happiness. They will then seek them, feeling that no price is too high. They will also know that injustice and oppression are synonymous with destruction and misery. Were justice to have a firm foothold in a nation, it would pave for it the roads to peace of mind and soul. Every person would then know his or her rights and duties. Their thoughts would then become sharp and their senses gentle. Their hearts would be strong in bringing what is useful to them and warding off what is harmful. They would immediately realise that what they have achieved is not eternal and that what they have acquired is not lasting unless they support one another in building true knowledge, and unless education becomes universal, embracing all members of society. They would all rush to acquire the sources of knowledge and spread it to all parts of the nation.

of thought and opinion, Arab laws suffer from several structural defects that severely limit their effectiveness and credibility.

Firstly, Arab laws do not always capture reality, but rather remain theoretical, which weakens their usefulness. Secondly, the gap between nominal or *de jure* acceptance of laws and actual enforcement or implementation is extremely wide. This gap is quite marked in public legislation, especially that related to issues of freedom and knowledge.

This large gap creates a duality that impedes progress. On the one hand, there is a positivist legal system that fails to interact with society – not surprisingly in a society that implements laws only when forced to. And on the other hand, there is a society that reproduces its values and systems in line with its own notions, democratically legalising and converting those notions to a state of respectability

That people often cannot exercise their rights through participation and are further prevented from exercising them by "legal" oppression certainly contributes to freezing both reality and the laws. Thus, the most hopeful course for legal development lies in a dynamic interaction between the realms of "law" and "reality".

**Inactive and nominal laws**

The majority of the Arab states have signed the international human rights conventions<sup>3</sup> – all of them refer to respect for fundamental freedoms – yet those conventions have neither entered the legal culture nor have they been incorporated into the substantive legislation of those states. The conventions have remained nominal, as is apparent from the fact that they are rarely raised before the judiciary for implementation, even though they are all binding and enjoy priority relative to local laws. It is presumed that a judge would implement these conventions if a lawsuit were presented before him or her<sup>4</sup>, which in practice rarely happens.

Furthermore, these conventions have never been used, at the level of legislation, as a lever; they could be used as tools to urge Arab legislative authorities to enact new laws or to amend unfair ones. This has not happened.

knowledge society. Intellectuals and academics have a clear stake in seeing due independence established in the respective spheres of knowledge and politics, which would lead to knowledge becoming at last a free entity.

**THE LEGAL CONTEXT FOR KNOWLEDGE ACQUISITION, PRODUCTION AND DISSEMINATION**

Freedom of thought and expression are among the fundamental principles for shaping free, innovative societies, businesses and individuals. They are the essence of independent public opinion. For example, the protection of innovation through intellectual property rights stimulates intellectual production and investment. The protection of people's rights of free speech and opinion stimulates creative thinking. Yet are Arab legal systems and institutions qualified to protect such basic rights?

**Irregularity of the legal structure**

While the law is, in principle, the very basis of citizens' rights to knowledge and to freedom

<sup>3</sup>Most Gulf States have not yet signed the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.

<sup>4</sup>Some Arab legal systems have introduced in their procedural laws an explicit stipulation that judges are under obligation to apply the international conventions whenever such are brought up before them.

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## Declining efficiency of the judiciary

The judiciary is one of the fundamental guarantors of the protection of people's rights and freedoms. In turn, its independence and transparency are the primary guarantee of its good performance. While most Arab states have underlined the principle of power separation, reality often exposes a relationship between judicial powers and political powers, at least with respect to appointments and promotions. When judges who collaborate with the executive branch are rewarded with high executive positions the independence and credibility of the judiciary decrease. Moreover, suspension of laws by judges – at the behest of political authorities – and the spread of corruption have caused the judiciary, as an institution and as individuals, to lose the moral immunity they once enjoyed.

At the same time, it must be stressed that judges in Arab countries face an exceptionally difficult task under circumstances that reduce their efficiency. The high number of cases to be heard and inadequately equipped courtrooms with poorly trained support staff lengthen the time needed for outcomes and hamper efforts to serve the public interest. While public faith in the judiciary is not as high as it once was, the institution, especially at its higher levels, remains vital for the people and stands between them and the excesses of political power.

Yet respect for the judiciary did not increase when some Arab countries created exceptional courts that denied people the right to regular civil hearings, due process and the right of appeal to higher courts. The latter right is important because the higher the court the more independent and respectful of due procedure it is likely to be.

Consequently, seeking the judgement of the law and the judiciary has become a marginal resort for resolving disputes in some Arab societies. The public's growing lack of confidence in a judiciary that seems to be becoming more dependent, together with a lack of popular awareness about what the law provides for, may explain why so few cases con-

cerned with the denial of freedoms – economic, political, cultural and social – are being brought before Arab courts.

Restoring the judiciary's credibility and rebuilding its independence are urgent priorities for guaranteeing the freedom of thought and expression inherent in the knowledge society.

## *FREEDOM OF THOUGHT, OPINION AND EXPRESSION IN THE STRUCTURE OF THE LEGAL SYSTEM*

### **The legal protection of freedom**

Freedoms are not confined to political and civil freedoms; they embrace economic, social and cultural freedoms as well. Without freedom of thought, opinion and expression – which head the list of fundamental rights indispensable to the knowledge society – the exercise of other freedoms would remain a mere abstraction.

International conventions and Arab constitutions and laws sanction freedom as a natural human right. Most Arab states have signed the international conventions<sup>5</sup> that protect freedom, and have unanimously agreed to endorse freedom in the substance of their constitutions<sup>6</sup>. They have further introduced in their laws clauses that bear on the protection<sup>7</sup> of freedom as part of legal controls that tighten or relax according to the type of regime: controls may vary between censorship and declaring a state of emergency.

The problem with freedom in Arab countries is not related to the implementation of laws<sup>8</sup>, but to their violation. It has to do with the spread of oppression and the erratic nature of the measures used. It also has to do with the hegemony of censorship and its use by political powers to tighten their grip on those very freedoms that they have ostensibly recognised.

### **General rules for the exercise of freedom**

The exercise of freedom, in societies that respect it, is subject to well-defined general rules, wherein a balance is struck between the

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<sup>5</sup>Such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and others.

<sup>6</sup>Except for Saudi Arabia, which has not drafted a constitution per se, and the single-party states.

<sup>7</sup>For example, the press and publishing laws in the Arab states provide that the freedom of issuing newspapers, printing and publishing is guaranteed according to those laws and that it is exercised within the framework of the constitution's principles, the provisions of law and the profession's code of ethics. The same applies to the freedom of founding associations and organising general assemblies.

<sup>8</sup>Those laws must be completed and adapted to the needs of Arab societies.

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*Authorities reach above the constitutional institutions and the law, using the pretext of national security.*

requirements of justice and law on the one hand and those of the public good as agreed upon by all social groups on the other. Thus those rules are perceived positively. Moreover, the legal system in those societies places laws in the hands of a fair judiciary that refers to those laws in the settlement of disputes. In this framework the law has a double role: to provide the basis for resolutions in disputes and to inculcate the values it protects, penalising offenders against those values. People's appeals to the rule of law and the judiciary attest to their confidence in the proper performance of the legal system.

What determines how well freedom of thought, opinion and expression are protected in practice are the general rules for enforcing laws and ensuring public compliance and the degree to which such compliance serves the public interest. If the legal restrictions that enforce compliance with the law are stated clearly in the text of the law, are compatible with the constitution and conventions and the spirit of the legislation, and are implemented by the relevant legal authorities, then these restrictions are effective and useful. Otherwise, they become harmful and oppressive.

In the Arab world, restrictions imposed on freedom take the form of legal constraints on publications, associations, general assemblies and electronic media, which prevent these from carrying out their communicative and cultural roles. Such restrictions also obstruct the dissemination of knowledge and the education of public opinion, notwithstanding citizen's rights as secured by the law and the international charters.

Restrictions on freedom vary in degree from one state to another. They range from prohibiting the publication of new political newspapers to banning the circulation of one or more issues of existing journals, administrative seizure of newspapers and publications and advance censorship of periodicals. Penalties meted out to journalists, publishing houses and news agencies used to be a small fine; they now range from provisional suspen-

sions to outright closure.

Regulations governing the freedom to form associations that were laid down in the colonial period endorsed the rule of free assembly, provided that the founding organisers informed the competent authorities of the association's creation. The situation today is that, except for those older laws, all other amendments governing freedom of association made in the post independence and national liberation era are restriction-oriented.<sup>9</sup>

Yet the more dangerous restrictions are those imposed by the security authorities when they confiscate publications or ban people from entering the country or prevent the sale of certain books during fairs while promoting other kinds of books. In committing these acts, these authorities reach above the constitutional institutions and the law, using the pretext of national security – a criterion seldom clarified by them. Other forms of restriction come from classes of citizens themselves, who, as noted in chapter three, appoint themselves the custodians of public morality, and press for the censorship of books, articles and media events.

To escape this censorship-freedom contradiction, the rule of law should be enforced, as it guarantees freedom and shrinks the role of censorship. Yet, as noted earlier, Arab laws and legal institutions suffer from several structural problems and many have lost their effectiveness and credibility. The restoration and effective application of the law in the interest of public and individual freedoms depend critically on addressing these problems through significant reforms.

### **Violation of political and legal guarantees for the protection of freedom**

Most constitutions have political and legal guarantees for the protection of freedom. Such political guarantees are reflected in the rule of law and exemplified in the principles of people's sovereignty, equality and right to scrutinise the government's policies and work and express their views on them. The legal

<sup>9</sup>Originally, the formation of associations did not require a license from the administrative authorities; it only required that the association be proclaimed before those authorities. Now, laws governing associations require, upon proclamation or declaration of an association, that a temporary acknowledgement of recognition be delivered by the administrative authorities. Once the proclamation or the declaration text fulfils all the measures provided for in the same associations law, a final acknowledgement is delivered to the association, within a specified period. This acknowledgement represents a "license" that legitimises the work of the association. Should the authorities fail to deliver this acknowledgement within the specified period the association may operate in accordance with the objectives outlined in the relevant laws. However, by delivering the temporary and not the final acknowledgement, the administrative authority becomes able to revoke it whenever it likes, which is the core of the problem.

Examples of this are the 1909 associations law of Lebanon and the statement of the minister of the interior issued on 17 January 1996; the associations law of Morocco of 23 July 2002 amending and complementing the 15 November 1958 law on the right to form associations. The same provisions apply to the association of general assemblies.



guarantees are embodied in respect for the principle of the separation of authorities, the precedence of the law and in subjecting statesmen and public officials to a common judiciary. Legal guarantees are also embodied in clauses regulating interior affairs. These guarantees, however, are violated and become inactive during times of war and emergency in the Arab world. Their suspension results in intensifying repressive measures – the sole co-ordination framework found between Arab ministers of the interior in their successive summits.

### Repression of freedoms in emergencies

The relative expansion in the sanctioning of laws providing greater freedom in Arab countries is a positive sign, yet its value is diminished when contrasted with practices in enacting such laws. This often reveals a failure to reconcile the interests of the government with the rights of the people and the exigencies of state security with the principles of freedom. The positive trend is further undermined when the pressures of security lead political authorities to curb freedoms that they believe threaten the status quo.

Arab countries live in a state of maximum security under the Arab-Israeli conflict. However, internal security procedures cannot always be justified in that context. In fact, those procedures often eliminate all components of civil liberty, opposition and criticism in the name of mobilisation.

Some Arab countries have declared a state of emergency<sup>10</sup>. This act suppresses freedom, and shelves the political guarantees invested in the rule of law and the institutions that safeguard public and individual freedoms. A state of emergency releases the State from constitutional accountability under the rule of law and legal accountability through the judiciary. It curtails respect for the rule of the separation of authorities by sanctioning direct intervention in the affairs of the judiciary and it freezes the legal guarantees that protect individuals from state aggression.

Freedoms that are hostage to matters of security, to censorship and to self-appointed

watchdogs of public morality are freedoms denied. The first victims of this denial are creativity, innovation and knowledge.

The stifling legal context that has developed from the crisis of law in the region will cramp Arab minds, inhibit local knowledge production and drive good Arab scholars and thinkers abroad, intensifying the region's knowledge deficit. Overcoming that crisis is a central part of the challenge of building the knowledge society.

### Protecting creativity and intellectual freedom: copyright laws

Authors are the fountainhead of literary and artistic creativity. With the ascent of knowledge as a major factor of production and the arrival of digital publishing, the issue of authorship and copyrights has extended beyond its closed world and has become relevant to all fields: cultural, social, economic, political, commercial and others. The growing value attached to individual intellectual, artistic and creative production and the high returns on intellectual investments in development, coupled with the growing vulnerability of intellectual works to blatant or concealed piracy and plagiarism, make copyright protection an important tool of public policy in the new knowledge societies. Copyright has become the concern of administrative, legislative, judicial and executive authorities.

In the international context, copyright issues have assumed great importance for developing countries acceding to the WTO with its articles relating to intellectual property rights (IPRs) and trade. Thus, developing countries, including some Arab countries, have moved to promulgate laws conforming to international conventions on intellectual property rights and to ensure their full implementation. While a few Arab countries, Morocco (1916, 1970)<sup>11</sup>, Egypt (1954)<sup>12</sup> and Lebanon (1999)<sup>13</sup> have specific IPR laws, most other Arab states still lack such specialised legislation. Their laws reflect only some articles in this respect; civil codes, for example, cover certain aspects under property, while publication laws embody some others.

*Freedoms that are hostage to matters of security, to censorship and to self-appointed watchdogs of public morality are freedoms denied.*

*The crisis of law in the region will cramp Arab minds, inhibit local knowledge production and drive good Arab scholars and thinkers abroad.*

<sup>10</sup>Egypt, Syria, Lebanon and Sudan.

<sup>11</sup>Law promulgated on 23 June 1916. Another law was promulgated on 24 January 1943. Pursuant to said law, the African Office for Copyrights and the African Office for Men of Letters and Authors were founded. A decree was issued on 7 March 1965 concerning the formation of the Moroccan Office for Copyright. The IPR law was promulgated on 29 July 1970.

<sup>12</sup>Law No 354 on Intellectual Property Rights. It comprises 51 articles.

<sup>13</sup>Law No 75, the second law, after the 1924 Law on Copyright.

*Disregard for intellectual property protection comes at a price for individual authors, published scientists and creative artists.*

The Bern Convention on the Protection of Literary and Artistic Works<sup>14</sup> and the International Copyright Convention<sup>15</sup> constitute the international legal framework<sup>16</sup> of copyright. The regional Arab Convention for Copyrights and national copyright legislation (in Egypt and Morocco) are derived from both. There are only six Arab countries in the Bern Convention (by ratification, accession or acceptance) – Tunisia, Morocco, Lebanon, Mauritania, Libya and Egypt. As regards the International Convention on Copyright, five Arab countries have acceded, namely, Lebanon, Tunisia, Morocco, Algeria, and Saudi Arabia<sup>17</sup>.

Disregard for intellectual property protection comes at a price for individual authors, published scientists and creative artists who have a right to recognition for their original work. It affects the national economy because value adding knowledge ceases to be produced when it is easily stolen. And it undercuts international cooperation and understanding in the global information age when national laws do not meet international standards of protection.

Arab countries have taken some steps to protect copyright as regards literary, scientific and artistic works in a unified manner<sup>18</sup>. Arab Ministers of Culture ratified in their confer-

ence held on 5 November 1981 the Arab Agreement on Copyright Protection<sup>19</sup>.

The Agreement had been subject to some criticism. It is claimed that it does not rise to the level of advanced countries' legislation and does not embody the realities of Arab (and Islamic) countries in particular, and developing countries in general. To ensure its applicability, the Agreement had to employ flexibility as a first step. Nevertheless, further steps have not been adopted since, which renders the Agreement imperfect and in need of review.

All Arab countries, except the occupied Palestinian territories and Comoros, participate in one international intellectual property rights organisation or another; 19 Arab countries (exceptions: Syria, Palestine and Comoros Islands) are members of WIPO; 15 Arab countries (exceptions: Saudi Arabia, Somalia, Qatar and Yemen) are members of the Paris Union; ten Arab countries (exceptions: Jordan, UAE, Saudi Arabia, Sudan, Syria, Iraq, Oman, Qatar, Kuwait and Yemen) are members of the Bern Union.

Yet the development of IPR laws in the Arab world is subject to the same variability as other laws. In only a few Arab countries do such laws explicitly stipulate the moral rights of the author<sup>20</sup>. Moreover, numerous literary, scientific and artistic works in Arab countries

<sup>14</sup>Dated 9 September 1886. At the beginning, only one Islamic country, Tunisia, signed, on 5 December 1887. Several needs generated reviews of this Convention and reconsideration of new developments as follows: the Convention was complemented in Paris on 4 May 1889; amended in Berlin on 13 November 1908. It was further complemented in Bern on 20 March 1914; re-amended in Rome on 2 June 1928 and Brussels on 26 June 1948. The Convention was then signed by 35 countries, inter-alia, five Arab and Islamic countries. Amidst the economic, social and political developments and transformations in the last half of the 20th century, the Convention was amended at Stockholm on 14 July 1967, in Paris on 24 July 1971 and changed in 1979 (the Convention is managed by the WIPO which replaced in 1971 the World Intellectual Property Offices). The number of countries, up until the 1 January 1994, that acceded, ratified or accepted the Convention amounted to 105, including six Arab countries and seven Islamic countries, inter-alia, Malaysia.

Article 2 of the Convention stipulates: "Literary and Artistic Works" shall include any production in the literary, scientific and artistic work regardless of the mode of expression, such as books ... etc." for more information, see (Ash-Sharqawi, in Arabic, 1995, 31-35, 49-52, 141).

<sup>15</sup>Ratified by the International Governmental Conference on Copyright, Geneva, 18 August - 6 September 1952 (the International Governmental Committee reviewed it for the benefit of developing countries, at UNESCO, Paris, 5-24 July 1971. The Convention was enforced as of 10 July 1974). The number of Islamic countries that acceded to the 1952 Convention up until the beginning of March 1993 had been limited, with only five Arab Islamic countries acceding.

<sup>16</sup>Other international agreements and conventions include: The Hague Convention for International Deposit of Industrial Drawings and Designs issued on 6 November 1925; The London Document (1934); The Hague Document (1960); The Additional Monaco Document (1961); The Supplementary Stockholm Document (1967) amended on 28 September 1979; the law on the implementation of the Convention (1 April 1994); The Lucarno Agreement on International Classification of Industrial Drawings and Designs. In the commercial field, TRIPS tackles intellectual property rights and trade. Furthermore, "industrial rights" have been examined in the Madrid Accord that highlights strict measures against forged or fake data about products. There are other agreements, such as the International Agreement on the Protection of Performers, Sound Record Producers and Broadcast Corporations; the International Agreement on the Protection of Sound Records Producers against illegitimate production of their records. For more details, see *Ibid.*, 15 ...).

<sup>17</sup>Up until 1997; it is likely that other countries have recently acceded to one of the two conventions or both.

<sup>18</sup>According to Article 21 of the Arab Cultural Unity Charter (1964), Arab countries are asked to adopt legislation to protect intellectual property (literary, scientific and artistic) within the sovereignty of each country separately.

<sup>19</sup>The Agreement is a blend of some of the legislative provisions set forth in the Bern Convention and the International Convention on Copyright.

<sup>20</sup>Example: Copyright or the right to notice; the right to "parenthood" (authorship), the right to work, the right to title determination, the right to amendment, the right to regret or withdrawal.

Copyright is an exclusive right. Most legislations name this right "copyright, the right to transmission or publicity". This right is vested in the author who alone can authorise others to use his work in any form. The legislations of some Arab and Islamic countries expressly stipulate this right, i.e., Egypt, Iraq, Libya, Morocco, Senegal, and Turkey.

Concerning the right to parenthood (authorship), i.e. the affiliation of the creative work to its creator, the legislations of some Arab and Islamic countries stipulate this right: Algeria, Egypt, Iraq, Lebanon, Libya, Morocco, Arab Republic of Syria, Tunisia, Turkey, the Sudan, Senegal, Pakistan, Iran and Bangladesh.

As regards the right to work or to complete the work, i.e., the author's right to oppose any manipulation, omission or attempt to deform his work, some laws in Arab and Islamic countries enshrine this right, i.e., Algeria, Egypt, Jordan, Iraq, Lebanon, Libya, Morocco, Syria, Tunisia, Turkey, Senegal, Pakistan, Iran and Bangladesh.

The right to title entails the author's right to the original title specified. As regards the right to amendment, it entails the author's right to introduce amendments to the work after publication. Only Egypt, Libya and the Sudan recognised this right.

The right to regret or withdrawal entails the author's right to recall the published work. Only Egypt, Libya and the Sudan recognise this right. (*Ibid.*, 168-173).

still swing between protection, application and codification<sup>21</sup>.

Copyright concerns all segments of society and includes all creators, innovators and thinkers in literary, scientific and artistic fields at all social, economic, commercial, legal, political and cultural levels.

If Arab countries are to realise an economic, cultural and social renaissance, those that have not drafted national legislation on copyright – the most fundamental instrument for protecting and stimulating knowledge production – must do so. Moreover, laws need enforcement: they must be implemented by practical, preventive procedures and intensive public education. Two basic common values need to be respected before freedom and knowledge can be converted into rights protected by law. First the sanctity of human beings as the essential and protected centres of society must be accepted. This is a fundamental value that should not be undermined. Second, society must value knowledge, scholarship and intellectual effort by elevating them to their rightful position. The absence of these two values is a systemic problem: coercion and disregard for people are dominating values in present-day Arab society. Moreover, some segments of the intellectual elite lack an effective political platform while others are seduced by the glamour of power and money, with the result that ordinary people neither trust in nor recognise the importance of knowledge production.

## THE REGIONAL AND GLOBAL ENVIRONMENT

Arab regional co-operation can be an important asset in managing closer global integration, enabling Arab countries as a group to pool their capabilities and experience in order to maximise the rewards and mitigate the risks of globalisation. Globalisation offers important opportunities to acquire knowledge from world stocks and to stimulate the performance of the domestic knowledge system, particularly in the fields of education, research and technological development.

But the global context also poses potential challenges to knowledge acquisition in Arab

countries. These challenges include exposure to fluctuations in global economic relations through world trade and foreign direct investment; the limited impact of both trade and investment in Arab knowledge acquisition; unfairly restrictive IPR agreements; and the risk that weak production capacity in developing countries, including Arab countries, will condemn them to an inferior role in the global production system, with negative consequences for knowledge acquisition. Stronger regional cooperation can help Arab countries negotiate such issues, whether involving technology transfer and indigenisation, IPRs or pharmaceutical and drug prices, from positions of greater advantage. Moreover, the field is open to Arab co-operation with other developing countries in research, knowledge development and know-how exchanges.

Knowledge is increasingly becoming a private commodity at the international as well as at the national level. This growing link between knowledge production and profit, coupled with greater selectivity in knowledge flows to points outside the rich world, may actually inhibit knowledge production, especially the forms of knowledge required by developing countries and societies. A clear example is the production of affordable drugs to combat diseases that devastate poor countries (tropical diseases, HIV-AIDS). Between 1975 and 1996, 1,223 new drugs were marketed worldwide, only 13 for tropical diseases. In 1998, global spending on health-related research amounted to US \$70 billion: of this total, just US \$300 million was for HIV-AIDS and only US \$100 million for malaria (UNDP, HDR, 2001, 109-110).

Such issues could negatively impact the prices and production of drugs, especially in Egypt and Jordan, and underline why developing countries need to acquire the requisite knowledge and negotiating skills to better leverage their intellectual property rights in international forums. Stronger Arab cooperation would increase the region's bargaining power.

Globalisation, in its present form, risks entrenching the dominance of the powerful over the weak in terms of knowledge and wealth. It is often pointed out that the distribution of

*Laws need enforcement: they must be implemented by practical, preventive procedures and intensive public education.*

*Society must value knowledge, scholarship and intellectual effort by elevating them to their rightful position.*

<sup>21</sup>Lectures, speeches, sermons; articles on political, economic or religious items; industrial drawings and designs; carpet-related works; architectural work, etc. (Ibid, 286).

*Concerns that the world economic system will inflict severe penalties on developing countries that fall behind in the race for knowledge are justified.*

*Negotiations on the mechanisms and agreements that underpin globalisation are tending to bolster the interests of the stronger parties.*

world income and wealth has worsened since the mid 1970s. The goal must rather be to make globalisation a force that helps developing countries achieve human progress. Structurally, globalisation, as it is unfolding today, allows for the free movement of people, goods and services selectively in a manner that often secures the interests of the stronger party. In terms of labour markets, for example, this leads to the migration of skilled developing country personnel to the industrialised countries, which causes a double loss for the countries of origin. Arab countries are especially vulnerable to such outflows, as Chapter Seven noted.

Concerns that the world economic system will inflict severe penalties on developing countries that fall behind in the race for knowledge are justified. In 1998, the World Bank President noted in his introduction to the Bank's report on "Knowledge for Development" that "the globalisation of trade, finance and information flows increases competition in a manner that raises the danger of retarding the poorest countries and societies at an accelerating pace" (The World Bank, 1998).

**BOX 8.4**

**Integrating intellectual property rights and development policy**

Intellectual property systems may, if we are not careful, introduce distortions that are detrimental to the interests of developing countries. Developed countries should pay more attention to reconciling their commercial self-interest with the need to reduce poverty in developing countries, which is in everyone's interest. Higher IP standards should not be pressed on developing countries without a serious and objective assessment of their impact on development and poor people. We need to ensure that the global IP system evolves so that the needs of developing countries are incorporated and, most importantly, so that it contributes to the reduction of poverty in developing countries by stimulating innovation and technology transfer relevant to them, while also making available the products of technology at the most competitive prices

Report of the Commission on Intellectual Property Rights  
London, September 2002.

possible.

TRIPS has strengthened the global protection offered to suppliers of technology, but without any counterbalancing strengthening of competition policies globally. Therefore, it may be unwise to focus on TRIPS as a principal means of facilitating technology transfer. A wider agenda needs to be pursued...

Because the IP system does little to stimulate research on diseases that particularly affect poor people, public funding for research on health problems in developing countries should be increased. This additional funding should seek to exploit and develop existing capacities in developing countries for this kind of research, and promote new capacity, both in the public and private sectors.

Negotiations on the mechanisms and agreements that underpin globalisation are tending to bolster the interests of the stronger parties, the industrialised countries. An obvious example is the insistence of these countries, notably the United States, on maintaining agricultural subsidies to their own farmers while pressing developing countries to do away with such measures. The use of environmental and social policy conditionalities can also become a way to debar developing countries from industrial country markets. The misuse of intellectual property rights can transform knowledge from a public good into a private commodity when products originating in developing countries are usurped by large firms and producers, as has happened in the case of pharmaceuticals and some other industries.

The introduction of market principles and mechanisms to govern the supply of services, especially educational services, affects the development of knowledge in developing countries and could lead to unfair competition between local and foreign suppliers, thereby weakening the diffusion of knowledge.

Lastly, current global governance arrangements do not compensate developing countries for losses they incur through adverse terms of trade and exchange. Despite the large literature that exists on the harmful impacts for developing countries of the migration of their most highly educated and skilled people to the West, none of the proposals made for helping these countries to recoup their losses has found a receptive audience in the industrialised world.

In this context of increasing global inequality, the acquisition of knowledge has become one of the key fields where "economies of scale" and "economies of scope" have assumed great importance. Evidence of this can be found in mounting co-operation between European countries in higher studies programmes, in technological agreements within and with other regional blocs and in synergy and mergers among giant multinationals in research and technological development. Certainly, so-called "big science"<sup>22</sup> exceeds

<sup>22</sup>Some fields of research and sophisticated technological development require vast institutional and funding capacity that far exceeds the potentialities of any country separately, even advanced countries. These fields include nuclear physics, space, and new energy development. Some advanced countries have pooled all their potentialities in these fields in specialised centres. An early effort of this kind was CERN in Geneva, one of the world's largest research centres in molecular physics. The latest is the International Space Station. Arab countries can follow similar models in the fields of research and development that exceed the potentialities of one single country.

### The effects of globalisation on growth and distribution throughout the world – UNCTAD

The difference in the positions of developing countries and advanced countries in the world economy, as a result of globalisation, raises questions about the ascendance of the unfettered market growth model after the collapse of the Soviet Union.

The "Trade and Development" report issued by UNCTAD in 1997 referred to several observable and disturbing trends in this respect, which are paraphrased below:

Titled "Globalisation, Growth and Distribution," the report stresses that the essential characteristic of the world economy since the early 1980s has been the free play of market powers by dismantling restrictions on local markets and opening them to world competition. This has become the new "invisible hand" at work in an environment where state regulation has been weaker than in decades. The notion that world competition would bring about faster growth and eliminate huge disparities in incomes and living standards has proved to be rather optimistic.

In fact, the world economy slowed down during the same period in comparison with the golden era of growth from the end of World War II to the mid 1970s. World growth settled at a rate of about 3% from the mid 1980s, followed by a further drop as a result of the Asian crisis, particularly in Japan, and the end of the boom enjoyed by the United States and Europe in the late 1990s.

Income distribution worsened from the early 1980s. In 1965, the ratio of individual income in the seven wealthiest countries to individual income in the seven poorest countries was 1/20. In 1995 it rose to 1/39. The increasing disparity between countries was accompanied by a similar polarisation within them. The share of the wealthiest increased at the expense of the poorest, and the pauperisation of the middle classes became a characteristic of income distribution in many countries.

The report attributes these negative trends to the rapid liberalisation of economies in a manner that favoured certain social classes, in the advanced and developing countries alike. Capital was strengthened at the expense of labour: the share of profits rose while the share of labour dropped. Among wage earners, the share of highly qualified groups and traders increased at the expense of producers. And as a result of speedy financial liberalisation, public and private debt increased in the developing and developed countries, which led to higher real interest rates than before. This is clearer in the developing countries in particular where the distribution of wealth is more concentrated and the tax burden on the poorer classes is greater. The increase in public debt meant the redistribution of wealth in favour of the wealthy. There is growing evidence that slower growth and increasingly skewed distribution are becoming permanent features of the world.

According to the report, a more worrying observation, from the perspective of future growth, is that the concentration of income and wealth in the hands of the few was not accompanied by a rise in investment, which normally stimulates faster growth. Hence, in this pattern, the chances of combating unemployment worldwide and alleviating poverty in developing countries – let alone eradicating it – are slim.

The report attributes this discrepancy between the high incomes of the wealthy and low investment rates mainly to the hasty liberalisation of finance worldwide and the absence of well-sequenced national policies for regulating capital accounts. This trend encouraged speculation and volatility in financial markets as unfettered capital flows chased quick profits around the world, imposing high interest rates and breaking the relationship between finance and productive investment.

The report presents a policy package for

transforming rising profits for the few into higher rates of investment in a manner sufficient to support a "social contract that could justify the present increasing discrepancy, and reduce it in the end through raising people's income and living standards."

These policies include, at the level of states, providing more incentives for investing profits in improving job-creating production capacity, increasing real wages, closing non-productive channels of wealth accumulation, restricting luxury spending, forging integration between local growth factors – through capital accumulation and increased local technology capacity – on the one hand, and gradual and calculated integration into the world economy, on the other. In individual countries, these policies need to be tailored to the level of development and the capacities of industries and institutional structures. They should be accompanied by new and serious standards of equitable employment and income and access of the poor to capital, services and other assets, which in many countries requires agrarian reform.

At the global level, complementary policy action is required from the stronger powers in the world economy. These policies should aim to introduce checks and balances in globalisation to minimise its harmful side effects on developing country growth. Areas for attention include trade liberalisation, which has been slower in the case of goods where developing countries enjoy a comparative advantage. Rich countries still protect their agricultural products and impose restrictions on imports of textiles from poorer countries. Another priority is to remove selectivity in global labour markets: while most restrictions on the movement of capital and highly qualified individuals are diminishing, restrictions on the movement of unskilled workers are becoming stricter.

Source: UNCTAD, Trade and Development Report, 1997

the potentiality of any Arab country separately.

In the case of Arab countries, a major leap in knowledge acquisition requires more profound and highly efficient forms of co-operation at the Arab level. There are several reasons for this proposition:

Naturally, co-operation among countries to acquire knowledge contributes to the increase of their capacity collectively. This advantage increases if some of the countries have common characteristics, a common language and common challenges, as in the Arab world.

Among Arab countries, there are wide variations in R&D components, especially human and financial resources. Integration will help to ensure that research and development flourishes on a regional scale and will lift the weaker Arab countries up as full partners.

Current literature on knowledge emphasises that a strong synergy among the elements of the knowledge system is a key prerequisite. However, as the first AHDR pointed out, components of the knowledge system at the regional and national levels in the Arab world are not optimised in relation to one other. A

### Trade and Development: Prebisch's demands still stand

It is a sign of troubled times when, in the search for solutions to the most pressing policy challenges of the day, it is considered necessary to look to earlier generations for guidance: a Marshall Plan - this time to fight global poverty; a Tobin tax to check financial volatility; and a Keynesian spending package to combat deflationary dangers spring readily to mind. The source of the trouble is the gap between the rhetoric and the reality of a liberal international economic order. Nowhere is this gap more evident than in the international trading system. Even as Governments extol the virtues of free trade, they are only too willing to intervene to protect their domestic constituencies that feel threatened by the cold winds of international competition. Such remnants of neo-mercantilist thinking have done much to unbalance the bargain struck during the Uruguay Round.

Since the third session of the WTO Ministerial Conference, held in Seattle, a renewed effort has been made to address the concern of developing countries, culminating in a different kind of bargain being struck at Doha. Developing countries, by agreeing to a comprehensive programme of work and negotiations, demonstrated their commitment to tackling global political and economic threats; in return, they expect that development concerns will be central to the negotiations. The challenge is now to translate an expanded negotiating agenda into a genuine development agenda.

One voice from the past stands out in the search for a more balanced trading system. In his statement to the first United Nations Conference on Trade and

Development in March 1964, Raul Prebisch, then its Secretary-General, called on the industrial countries not to underestimate the basic challenge facing developing countries in the existing system:

"We believe that developing countries must not be forced to develop inwardly—which will happen if they are not helped to develop outwardly through an appropriate international policy. We also deem it undesirable to accept recommendations which tend to lower mass consumption in order to increase capitalization, either because of the lack of adequate foreign resources or because such resources are lost owing to adverse terms of trade."

Prebisch understood that recommending "the free play of market forces" between unequal trading partners would only punish poorer commodity exporters at the same time as it brought advantages to the rich industrial core. His agenda to attack the persistent trade imbalance and create the essential external conditions for accelerating the rate of growth included new modalities of participation for developing countries in the trading system which would guarantee price stabilization and improved market access for primary exports, allow greater policy space to develop local industries and reduce barriers to their exports, establish more appropriate terms of accession to the multilateral system and reduce the burden of debt servicing. Although the participation of developing countries in the trading system has since gone through important changes, the minimum agenda put forward by Prebisch remains the basis for rebalancing that system in support of development.

Source: United Nations Conference on Trade and Development, Trade and Development Report, 2002.

collaborative Arab knowledge system at the regional and national levels would create new and more efficient synergies.

Another factor is that political conditions in the Arab region, notably the Israeli occupa-

tion of Palestinian territories and the situation in Iraq, necessitate a more profound degree of Arab co-operation, not only from the perspective of progress but also for the purpose of national security.

*Political obstacles to knowledge acquisition by Arab countries may well be more severe than those raised by their socio-economic structures. Those structures were themselves judged more of a hindrance to knowledge acquisition than any supposedly innate cultural traits. Thus, the factors to be reckoned with in creating the Arab knowledge society become more significant as one moves from one societal context to the next. Bold thinking about the separation of politics from knowledge has become crucial.*

*Unquestionably, freedom requires substantial reinforcement. And good governance needs to be established in order to ensure the sustained expansion and promotion of freedom. Arab co-operation has to be renewed and scaled up in order for Arab countries to meet the world on more equal ground and to knit the sinews of the region. Finally, this chapter emphasises that Arabs need to take a positive, yet vigilant, approach to globalisation as both a source of, and a constraint on knowledge acquisition.*