



# Arab Societal Structures and the Regional and International Environments

## Introduction

*The societal context in Arab countries is the third key factor in explaining the currently deteriorating state of freedom and governance in the region. This chapter looks at both the internal and external dimensions of that context. The first dimension includes the characteristics of societal structures in Arab countries and of the dominant (rentier) mode of production. The second dimension relates to the impacts of the regional and global environments surrounding the Arab world, which have recently had a stronger influence in detracting from freedom in Arab countries, particularly in terms of national liberation.*

## SOCIETAL STRUCTURES

### THE CHAIN THAT STIFLES INDIVIDUAL FREEDOM

A number of interrelated factors constricting freedom are embedded in Arab societal structures. Despite their diversity and complexity,<sup>1</sup> each of these factors is a link in an interconnected chain. Starting with the child's upbringing within the family, passing through educational institutions, the world of work, and societal formation, and ending with politics - both internal and external - each link in the chain takes its portion of freedom from the individual and delivers her or him to the next, which, in turn, steals a further share. These links reinforce one another in a highly efficient coercive system.

### Clannism (al-'asabiya) in Arab Society—the Authoritarian Paternalist System and the Family

Clannism, in all its forms, (tribal, clan-based, communal, and ethnic) (Mohammad Abed al-Jabiri, in Arabic, 1995) tightly shackles its followers through the power of the authoritarian patriarchal system. This phenomenon, amply discussed in the literature (Hisham Sharabi, in Arabic, 1990), represents a two-way street in which obedience and loyalty are offered in return for protection, sponsorship, and a share of the spoils.

Clannism implants submission, parasitic dependence and compliance in return for protection and benefits. More damagingly still, clannism is the enemy of personal independence, intellectual daring, and the flowering of a unique and authentic human entity. It blocks the energies that lead to growth and a mature, self-reliant intellect. It must do this to ensure its own smooth functioning and to guarantee its sway. The reproduction of this phenomenon across society turns it into an array of suffocating institutions that reward loyalty and discount performance. One is good so long as one's loyalty is guaranteed; it does not matter, naturally, if one's performance is poor; and woe betide clan members whose loyalty falters, however good their performance.

The worst effect of clannism is that it eats into the cohesive force of citizenship and its institutional manifestations. Yet clannism is not an unalloyed evil.<sup>2</sup> Its positive aspects include a sense of belonging to a community and the desire to put its interests first. This can amount to a total dedication, or self-abnegation, for

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<sup>1</sup>A sustained and careful research effort is called for in order to deconstruct the Arab societal order, especially in terms of its relation to freedom and good governance.

<sup>2</sup>It has been handed down that the Prophet said that "A man's love for his people" is not clannism, but "it is clannism when a man supports his people in injustice" (Farid Abdel Khaliq, in Arabic, 1998, 213)

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the sake of the community that bespeaks an impressive sense of common purpose, one often stronger than that found in some modern forms of societal organization.

The problem with clannism in Arab countries is that it produces types of societal organization that are modern in form but objectively backward. Class structure is an example. In East Asia, for instance, traditional family capitalism is responsible for important modern achievements, but in the Arab environment it is associated with a rent-based economic model, with all that that suggests by way of exalting the values of obligation, favouritism, and inefficiency. Consequently, family capitalism in the Arab world has failed to realize the advances of “the Asian miracle.”

A creative – and difficult – challenge for the future is to find ways to blend such positive aspects of clannism with the concept of citizenship in order to develop a basis for freedom and good governance.

Clannism pervades a large number of Arab societal structures, which it transforms into centres of influence. There are political, military, regional, and administrative allegiances, and Arab citizens cannot avoid becoming ensnared in their nets if they wish to preserve their status in society, their livelihoods, and their personal security.

Clannism flourishes, and its negative impact on freedom and society becomes stronger, wherever civil or political institutions that protect rights and freedoms are weak or absent. Without institutional supports, individuals are driven to seek refuge in narrowly based loyalties that provide security and protection, thus further aggravating the phenomenon. Partisan allegiances also develop when the judiciary is ineffective or the executive authority is reluctant to implement its rulings, circumstances that make citizens unsure of their ability to realize their rights without the allegiances of the clan.

In varying degrees, the family, the primary unit of Arab society, is based on clannism. The dosage is larger in clan-based societal groups and lower in modern urban families, especially affluent ones.

The Arab family started as an extended (tribal or clan-based) unit and has ended up as a

nuclear one. It has however retained at its heart a power structure in which a “pure form” of authority remains. This consists of a father (or other male in the absence of the natural father) who often tends to be authoritarian, bestowing and withholding favours; a mother, usually tender-hearted, submissive, and resigned, who has no say in important matters except behind the scenes; and children who are the objects of the father’s instructions and the mother’s tenderness. These children are referred to in everyday language as “ignorant kids” and “scroungers” and are barred from any say in their dealings with adults, or any confrontation with them, whatever the Convention on the Rights of the Child may provide for on that score.

Obviously, in such male-oriented structures girls are subject to a double dose of freedom-denying authority.

Yet this traditional picture of the authoritarian Arab family is starting to break up as a result of the increased pace of social change, the influence of modernity, including information and communication technologies, and changes of a political nature.

Contributing powerfully to the erosion of clannism in Arab households is the rise of women within the family, sometimes at its head. There are several reasons for this: increased education for girls and their aptitude for, and excellence in educational achievement; women’s increasing contributions to family earnings as a result of their growing participation in the labour market, -especially amid economic slumps and rising poverty- and particularly in the informal sector, where working conditions are both flexible and difficult. Another factor is that more families are breaking up through increasing marital separation of various kinds, arrangements that often lead to the woman’s shouldering of responsibility for the children. Women in the occupied Arab territories and those in theatres of war have also come to shoulder increased familial responsibilities because men are frequently disabled, lost or detained as a result of the conflict.

Another force eroding clannism is the rise of a younger generation inclined, for various reasons, to rebel against the clannish practices of its forebears.

## Education

The second AHDR (2003) analysed the status of knowledge acquisition and diffusion in the Arab world and identified a growing knowledge gap. It underlined that the largest challenge facing Arab education was its declining quality. In Arab educational institutions, curricula, teaching and evaluation methods tend to rely on dictation and instil submissiveness. They do not permit free dialogue and active, exploratory learning and consequently do not open the doors to freedom of thought and criticism. On the contrary, they weaken the capacity to hold opposing viewpoints and to think outside the box. Their societal role focuses on the reproduction of control in Arab societies.

However, the educational system is not uniform in Arab countries. In addition to the predominant government-provided education sector, there are at least two other sectors that are at odds with public education from one or more perspectives. The first is private education mainly serving the affluent, a sector that is expanding exponentially as a result of the deterioration of public education. Privately educated students may gain a better level of knowledge and skills and may perhaps preserve a greater measure of freedom. This is so, however, mostly in an individual sense. Education in this sector is often tied to foreign curricula or to foreign educational institutions and lessons are taught in a foreign language. This type of education is thus faulted at times for instilling in its students a measure of detachment from their own societies, and especially from their culture, since they are acquiring a different culture - manifested in their curricula as well as in the language and style of their education. In many cases, their detachment can prevent students from communicating effectively with their societies and from transferring to it whatever knowledge and skills they may acquire.

The second sector is the religious education system found in some Arab countries, which attracts those who do not find a place in either public or private education. Teaching in these places is more restrictive of freedom and more reinforcing of traditional loyalties than in either of the two alternatives.

BOX 6-1

### Education and Human Rights in Arab Countries

#### Basic Conclusions:

From the study of the contents of school-books and courses in terms of their substance, goals, and directives, it is clear that they fail to reflect any clear strategy for the teaching of human rights principles and values. Because the general principles used in their preparation show little awareness of human rights at that level, the presentation of these principles and values is random and unsystematic. Since course components were not conceived as parts of a strategy to acquaint students with such rights, their content, goals and objectives offer little food for thought or training.

Though the books did refer to some human rights principles, these references were scattered and based on a methodology that, for the most part, aimed at creating a "faith-based" mentality reliant on passive acceptance, or even on instilling fear. This pedagogical approach contradicts the right to the development of the personality and of a critical mind and inhibits creativity and innovation.

It is significant that while teacher training institutes and training sessions are intended to prepare the teacher professionally, equip them with methodologies and information and knowledge in various fields, nowhere do human rights feature among the subjects in which they receive training

#### School text books and human rights principles

From the study and analysis of courses and text-books in basic education, i.e. at primary and preparatory levels, the main conclusions are as follows:

- Among the great quantity of books analysed, few, if any, texts and objectives clearly express an awareness of human rights.
- There are indications in some cases that initial steps have been taken to advance human rights education. However, this does not apply equally to all Arab countries, and there are no common standards among these measures in terms of their level, pace or methodology. Moreover, they do not apply to all academic subjects or school years.
- Contents of text-books are geared towards other goals: social, economic, ideological or religious, which makes it difficult to say that the provision of human rights principles is an aim in itself in most Arab schools. More often than not, they are a factor within a different context: in praise of the Arab homeland, or of the Islamic or Christian religion, or else as a factor in criticizing and condemning the practices of other peoples. Human rights are therefore used to advance other aims, rather than to teach and educate young people about the principles themselves.

Thus, in the majority of Arab countries covered by the study, school-books and courses reflect obvious contradictions with human rights principles as universally accepted.

Source: Arab Institute for Human Rights, 2001

The subdivision of the educational system into three mutually exclusive sectors leads to the weakening of the social fabric and the narrowing of opportunities for the growth of a shared space whose common denominator is citizenship.

The suppression of freedom in the educational system is not reserved for students but rather encompasses the totality of the system. Thus teachers, "oppressors" of their pupils, are in turn subject to oppression by the educational administration whether at the teacher-training institute, or local, or central levels. And this is to say nothing of the oppression of

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teachers as a group within society as a whole, a trend that reflects the decline in the material and moral status of the majority of teachers.

What of those who never attend school or do not go on to complete its upper stages, most of whom are the children of the weaker social strata? Usually, this group joins the labour market early, and so receives training via the apprenticeship system, which imparts useful practical skills, at least in terms of those required by the labour market. To that extent, the labour market may substitute for the lack of education, even if only in part.<sup>3</sup> This group may, then, be more fortunate in acquiring skills that translate into a higher level of earnings, as studies in certain Arab countries have shown (Nader Fergany, 1998). From a freedom perspective, early school-leavers escape the loss of freedom that the educational system exacts but often do not preserve their freedom in full, since the apprenticeship system, especially in the manual and technical professions, is itself a rigid and authoritarian pyramid.

For all its deficiencies and flaws, education, particularly at the higher levels, remains a vital source of knowledge, enlightenment and leavening for the forces of change. Perhaps the most eloquent and dynamic expression of that vitality is the vigour of university students' protests, despite the political intimidation characteristic of Arab societies.

Included in the educational apparatus in its broad sense are the media, which are characterised by one-sided views and a tendency to puff imagined achievements and glorify "the one leader". Many also serve up forms of cheap entertainment aimed at gratifying the senses rather than edifying the mind.<sup>4</sup> As a result, the public mind is not opened to opportunities for self-development, knowledge acquisition or new thinking, let alone to criticism of contemporary events and to creative ways of changing it. More recent generations of Arabs may well be more strongly influenced by the media than by educational institutions.

Not all media channels are mediocre. For those able to access them, the "new wave"

media, such as the Arab satellite television stations and some newspapers and their web sites, have started to provide avenues for knowledge acquisition and for freedom of expression and opinion that were previously unattainable.

#### *Freedom in the content of education in three Maghreb countries*

A study carried out in three Maghreb countries — Morocco, Algeria, and Tunisia — focusing on curricula for the subjects Arabic Language and Civic Education at the preparatory or intermediate level, reached the following conclusions (Lemrini and Marwazi, background paper for this Report):

The way the concept of freedom figures in schoolbooks confirms a deficiency, not only in relation to the concept itself, but also to values related to human rights as a whole. Omitting freedom, which is one of the fundamental principles and values on which other values rest, can only lead to omissions in the concepts of personal dignity, equality, justice, and associated civil, political, economic, social, and cultural rights.

- Given how thin Arab freedom is in reality, references to it in these texts relate to a freedom indistinguishable from homeland and religion. The source from which freedom is said to derive its authority fluctuates between these two. In practical terms, this influences the choice of texts, which, for the most part, are set either in the recent past (the colonial and/or independence period) or the distant past (the initial stages of Islam). This invites the learner to live in the past more than the present, and this basic feature of the texts determines the development of knowledge and personality in the following ways:

- A disjunction between text and reality.
- Double standards in the way things are viewed ("our actual situation is poor and its parameters are set by defeat on a number of levels, but we are the best of nations in existence").
- The propagation of illusion ("regardless of the givens of our current situation, we shall be

<sup>3</sup> The other side to the equation is of course that the education system's poor outcome in terms of skills valued by the labour market is one aspect of the deteriorating quality of education.

<sup>4</sup> Recently many have contrasted the surfeit of short video clips in the Arab media, which are aimed at sensual arousal, with the paucity of nourishing intellectual content.

victorious, if only because we were victorious in the past.” What is not specified is that victory here refers to the current battles against poverty, ignorance, or despotism... Thus the point of departure is religion and the point of arrival is the homeland, which supports the point of departure while failing to evoke the present reality by examining society).

Taking the past as the starting point introduces a self-justifying logic into the lesson, because the present, which does not bear out the opinion proffered, is not allowed to challenge it. Hence the lesson becomes mere pretence, divorced from reality.

- The existence of individual and collective freedoms is acknowledged in Civic/National Education classes dealing with citizenship, but the appearance of the same freedoms varies from rare to nil in Arabic Language classes. The fact that individual and collective freedoms are interrelated and mutually reinforcing and that both rest on such freedoms as the law may guarantee (e.g. freedom of opinion) is relevant for students; but this point is not addressed at the level of the Arabic Language texts. Instead, these texts analyse particular freedoms via narratives relying on suggestion, explicit direction, and manipulation of the language. What does the guarantee of the individual’s right to own property, cited in the Civic Education books, mean to a citizen who is unemployed and thus unable to exercise that right in the simplest of the forms described in the books used in the Arabic Language class? And what do guarantees of freedom of opinion and expression (mentioned in the same books) mean when people’s thinking is restricted to one school of religious law or the ideology of one ruling party? What, above all, does freedom of choice mean when the Arabic Language texts deal with everything connected with marriage and the family in the language of command, prohibition, submission, tutelage, and obedience?
- The reality of the freedoms depicted in school-books (the Arabic Language texts, for example) is the reality of their absence. They are not available and cannot be enjoyed. They are present only to the extent that prohibitions and restrictions, which negatively imply that they exist, abound and because many are deprived of them.

- Given the distinguished status of training as a basic pillar in the process of qualification, its evaluation provides a mirror that reflects the defining vision and background of the authors of schoolbooks. If these books themselves show scant regard for the concept of freedom and its associated principles, values and human rights (Arabic Language texts) or for its legal basis (Civic Education), the questions and activities in the accompanying exercises reveal much about the trends that determine the pedagogical imagination. Whenever the texts incline, in context or meaning, to overlook rights and freedoms, it should be insistently required that training correct this deficiency by deconstructing those values that are not compatible with rights and freedoms and by introducing the values that would reinforce them. Thus the texts that touch on slavery could serve a beneficial purpose if the exercises provided an affirmation of equality, the right to life, freedom, and personal dignity. Texts themselves could build a framework and opportunity for reviewing and enacting outcomes of Civic Education at this level.

- The standardized nature of exercise questions does not allow the learner to discover, absorb, or assimilate the values that reinforce freedoms and human rights. On the contrary, learners are limited to a few set illustrations that are maintained rigidly through an interpretation that is linked to the text, memorization and the language. As a result, the material becomes a mere vehicle for itself (language), disassociated from its subject (values).

- The different levels of exercises not only fail to provide the learner with information related to freedom; they also fail to make him or her aware of its value. Discussion, opinion, expression, and understanding are all circumscribed by the text and are converted through it into mere footnotes or marginalia that take a proper understanding of the text for granted. Learning comes to be governed by dictation, without the learner being educated in, or practicing, freedom.

### **The World of Work**

After completing their higher education, children of the middle class usually seek a job of

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BOX 6-2

### Educational Development in Tunisia

In the early 1990s, Tunisia launched an educational reform programme aimed at nurturing in students the key values of freedom, equality and non-discrimination, especially between men and women. Its objectives included instilling an appreciation of rational methods of thinking and of dealing with others, and of the value of opening up to other cul-

tures and to the wealth of ideas humanity has produced in various fields including technology, science and the humanities. The reform necessitated a review of educational programmes, curricula and school textbooks and the organization of teacher-training courses. This pioneering experience would repay close study and evaluation.

BOX 6-3

### Omar ibn Abd al-Aziz: Justice and the law, not the sword and the whip

Ibn Asakir, quoting al-Saib ibn Muhammad, said: Al-Jarrah ibn Abdullah wrote to Omar ibn Abd al-Aziz, "The people of Khurasan are an unruly mob, and the only way of persuading them to mend their ways is by means of the sword and the whip, if the Commander of the Faithful will give me permission to adopt that method." Omar wrote back, "I have

received your letter describing the people of Khurasan as an unruly mob who can be persuaded to mend their ways only by means of the sword and the whip. That is quite untrue; the way to persuade them to mend their ways is by means of justice and the law, and that is the method you must apply."

*Jalal al-Din al-Suyuti, 194*

Source: Farid Abdel Khalig, in Arabic, 1998, 24

## The Political Realm

For those that are impelled to take an active interest in current affairs and political trends and to express that interest publicly, or that try and organize to achieve some social goal, society has several risks in store. Such people meet, at the hands of the authorities and their instruments, enough troubles to guarantee that, in most cases, their appetite for social action will be short-lived. At this point, the grip of the social chain on freedom in Arab countries becomes intense.

The Arab public space is small and constricted. Its limited dimensions do not enable civil society institutions to provide effective group protection to citizens who are vulnerable to oppression as individuals. This weakness increases the oppressive impact of politics on the individual in Arab countries and allows overt and covert powers to curtail the fragile freedoms of society's atomised members. As discussed in the second section of this chapter, violations from the outside world compound this situation.

### Poverty and the Class Structure

Poverty is the antithesis of human development, depriving people of the opportunity to acquire capabilities and to utilise them efficiently to achieve a decent life. Poverty also prevents people from participating effectively, as families and individuals, in civil and political society. It thus robs the public sphere of its vitality and contributes to the impoverishment of politics.

Thus, champions of freedom and good governance tend to emerge more strongly higher up the social structure, to the extent that the upper echelons are sympathetic to the cause of freedom and support the organizations of civil and political society. Nonetheless, an aversion to involvement in public life, and especially in political activity, continues among those in the better-off social groups who are concerned with protecting their possessions and special social status. Eliminating poverty in coercive societies where citizens are striving for freedom is especially important because poverty tends to force people to focus on meeting their basic needs and thus prevents them

some note (according to prevailing criteria). This generally comes after a period of unemployment whose length depends, in the absence of efficient labour market mechanisms, on the capacity of the family to mobilize whatever money and power they may be blessed with. While awaiting their release, the graduates return to the bosoms of their families, where their dependence on patriarchal bounty increases in proportion to their expanding needs as they get older and in the absence of the independent resources that would enable them to act freely.

When fate or chance ends the period of unemployment, the graduate steps onto the lowest rung of a rigid, restrictive hierarchy, especially if the job is with the civil service. The graduate's lowly status in this hierarchy is compounded by the poor work skills he or she has acquired, as a result of the declining quality of education. Only a small minority of young people, usually the children of the influential few with money or political authority, emerges from the attrition of the work world with a portion of individual and personal freedom intact.

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from contributing to the public space, more so than in other types of societies.

There is a perception that poverty in Arab countries is higher than levels indicated in international databases. Insofar as inequalities in income and wealth distribution are increasing, the numbers of the weaker social groups are growing. It is feared that the class structure in Arab countries does not support a free and well-governed society. Indeed, it may impede the societal transformation required to bring that about.

### **Is This Stranglehold Eternal?**

As they tighten and grow, the constrictions of the chain on freedom become internal constraints on the self. Suppression leads individuals to become their own censors and to contain every urge to speak or act. Deprivation succeeds most when people feel hostility towards themselves and rein in normal human aspirations and rebellions. At that point, the individual is transformed into a complaisant subject “more royalist than the king”.

This complicated structure has led Arab citizens, including some among the intelligentia, to a state of submission fed by fear and marked by denial of their subjugation. This state is manifested in acts of self-censorship and in an evident retreat from public engagement that sometimes amounts to “resigning from politics”, a pattern that is reaffirmed among younger generations (for example: Nader Fergany, 1995). Yet there are signs, even among segments traditionally considered pillars of the establishment, that this state of affairs cannot continue and that the natural urge of human beings to claim their freedom will re-surface.

The stifling of freedom also pushes Arab individuals to retreat into a preoccupation with the basic needs of security and livelihood, for they are neither master of their own persons nor master in their own countries. Their citizenship becomes a kind of gift conceded to them on condition that they remain docile. The very fabric of a free and open society is thus eroded. As the individual enters into a state of learned impotence (Westin, 1999) and society lapses into a state of historical stagnation, custom and repetition become the desiderata rather than change, transformation, and growth (Mustafa

Hijazi, in Arabic, 2001).

Yet beneath the layers of submission and stagnation there remains a frustration that could explode in ways seriously detrimental to human development if ever the container grows weak. This kind of violent outcome would be destructive of both people and civilisation and the antithesis of those vital energies that drive a purposeful being and existence. Such frustration, however, could be channelled in a positive developmental direction if appropriate civil and political frameworks were in place.

Such a transformation would spearhead a transition from oppression and waste to revitalised human capacity by nurturing total competence in the individual and creating capacity and competence in institutions. These are the components of psychological and institutional health that guarantee growth and strength in society. It would be a transition from a morbid state of chronically weakened human and institutional resources and flagging societal resilience, to one of social efficacy that would be capable of creating a role for Arab society and raising its status. Strengthening any one of these three dimensions (of psychological, institutional, and societal health) will trigger growth and a new dynamic with a mutually reinforcing effect on the other dimensions. It is this that will bring about a change of orientation from silence and historical stagnation or retreat to development and progress (Mustafa Hijazi, in Arabic, background paper for this Report).

### *A MODE OF PRODUCTION THAT REINFORCES AUTHORITARIANISM*

A society's mode of production is the method by which its economic surplus is derived, distributed and invested, particularly in developing and improving the productive system itself through investment in human and physical assets. The mode of production, however, produces a mixture of societal arrangements, notably in the form of political structures and a societal system of incentives that preserve and reproduce the main characteristics of the mode.

Chapter 7 of the second AHDR discussed how the Arab countries' prevailing rentier

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*Taxes in themselves provide no major stimulus for Arab citizens to call the government to account for what it does with their money.*

mode of production weakens incentives for knowledge acquisition. Here we discuss the consequences of this mode of production for freedom and governance.

In essence, the rentier mode of production provides an economic foundation supportive of authoritarian governance or at least fails to provide the foundation of good governance, particularly with regard to representation and accountability (George Abed, 2004).

The basic source of rent in Arab countries comes from the extraction of mostly unprocessed natural resources, primarily crude oil. The direct benefit of oil rents is not confined to Arab Gulf countries; in an increasing number of other Arab countries, oil is also the main source of public revenue. Oil rents flow into non-oil Arab countries by way of financial remittances, whether official or sent by their citizens working in the oil countries.

Arab states also receive other rents, some of which are derived from geographical location such as the income of the Suez Canal. A small number of Arab states that are positioned for an influential role obtain rent on the strategic position of the region and the challenges which that position brings. They receive such inflows principally in the form of aid.

As many studies have indicated, the rentier mode of production opens cracks in the fundamental relationship between citizens as a source of public tax revenue and government. Where a government relies on financing from the tax base represented by its citizens, it is subject to questioning about how it allocates state resources. In a rentier mode of production, however, the government can act as a generous provider that demands no taxes or duties in return. This hand that gives can also take away, and the government is therefore entitled to require loyalty from its citizens invoking the mentality of the clan. In Arab oil countries, such generosity has taken the form of the “welfare State” particularly in times of affluence. This form of governance has been distinguished by the absence of taxation.

In the rentier State, therefore, government is absolved of any periodic accountability, not to mention representation. As long as the rent continues to flow, there is no need for citizens to finance government and thus expect it to

be accountable to them. On the contrary, when the flow of rent depends on the good will of influential outside forces, as in the case of some Arab countries, the right of accountability passes to those who control the flow of rent, instead of remaining with citizens, who are turned into subjects.

By contrast, in countries where there is representation and concomitant accountability government revenue comes from taxes paid by citizens. The latter therefore have the right to hold the ruling bodies accountable about what is being done with funds that they provide for the public good and which they authorise the government to manage on their behalf. Representative institutions play a pivotal role in this regard. A social mentality is firmly established and patterns of behaviour are generally consistent with the social contract that goes with this political economy model.

In the Arab countries, taxes account for only a small percentage of public revenue, (Figure 6-1), with an even smaller percentage than the average in Arab oil countries. In 2002 taxes in non-oil Arab countries accounted for 17% of GDP, and for around just 5% in Arab oil countries (Arab Joint Economic Report, in Arabic, 2003). This can be compared, for example, to around 23% in Germany, 24% in Italy, and 28% in UK. Thus taxes in themselves provide no major stimulus for Arab citizens to call the government to account for what it does with their money.

This type of tax structure also minimizes the opportunity for citizens to protest against their government. Direct taxes, in particular income tax, are viewed as the category of tax that gives citizens most proof that they are contributing to the public purse. In Arab countries, the majority of tax receipts are derived from indirect sales and customs taxes hidden in the price. In addition to falling more heavily on the most vulnerable groups in society, these types of tax typically conceal the direct link between tax payments and funding of the public purse, thus weakening public pressure for accountability. At the same time, income tax revenue is negligible and tax evasion is on the rise, particularly among influential social groups, which, in principle, should shoulder the greatest burden in funding the public



purse, if only as fair return for their greater share of power and wealth.

Moreover, in Arab countries, the share of direct taxes appears to have dropped over time, as a result of increasing resort to indirect taxes (Figure 6-1).

In addition, this rentier mode of production gives rise to specific arrangements for reinforcing authoritarian rule through the generous financing of agencies of organized repression and the mass media, invariably owned or monopolized by the regime. Such financing can even be extended to the judiciary and representative councils. As a result, the dominant few can utilize these channels to sustain their rule and facilitate and ensure the effective exercise of oppression, especially by restricting civil and political society (Chapter 5).

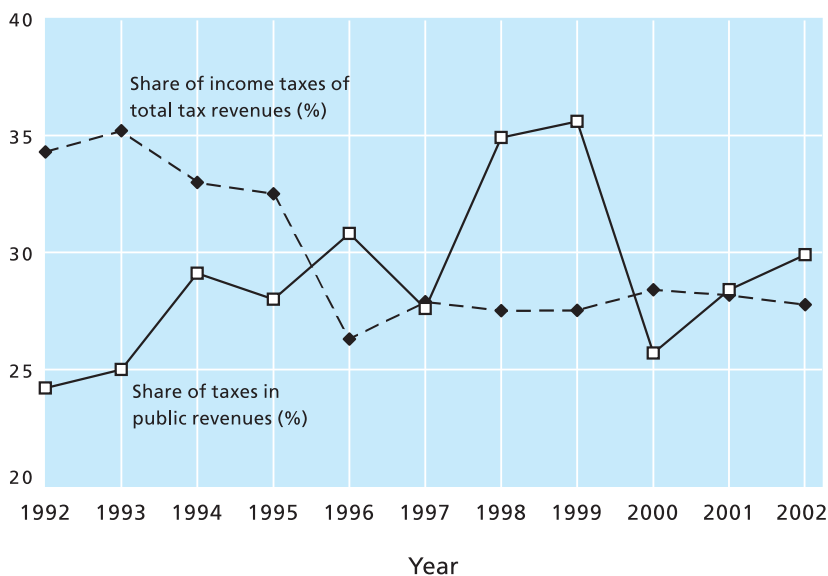
### THE LONGING FOR FREEDOM AND JUSTICE IN POPULAR CULTURE

Despite the repressive chain that stifles freedom in Arab societies and the negative effect of the rentier state on political participation, there remains a longing for freedom in the Arab world expressed in popular culture. No discussion of freedom in Arab culture would be complete if it confined itself to formal culture, or the culture of the “elite”. In fact, the horizons of popular or folk culture are often broader than those of thinkers, philosophers, intellectuals and scientists, notwithstanding the latter’s great impact on the life and destiny of peoples. In its own way, the “collective consciousness”, with its mythological, symbolic heritage, its folklore, tales, oral tradition, scientific knowledge or “pre-scientific” knowledge, folk poetry and epics, national songs and so on – also shapes the history of peoples.

In Arab cultural history, folk culture may, at first glance, seem out of sorts with freedom. It is a culture characterized by images, beliefs and legends that came from a distant past steeped in magic, and in fables and tales that defy imagination. Such beliefs have remained alive since pre-Islamic times, into the Islamic age and up to the modern day. They reached their peak at the time of Ibn Khaldoun, considered the symbol of the age of “magic, of talismans, of Zodiac signs and of astrology”.

Figure 6-1

The share of taxes in public revenues and the share of income taxes in total tax revenues (%), Arab countries, 1992-2002



Source: Data from the Joint Arab Economic Report for 1998-2003, in Arabic.

It is well known that Ibn Khaldoun’s project, in one of its original multiple facets, was “the positive, realistic opposite” of the spirit of that age, the mists of which he aimed to dispel. Yet that heritage of the “absurd” “with its belief in magic, astrology, genies, spirits, divination, the miracles and powers of holy men, dreams, fables devils, ghosts, winds, etc. (Muhammad al-Gohary, in Arabic, 1981, 2: 163-233, 411-440; Shawqi Abdel Hakim, in Arabic, 1994, 1, 87-120), has not disappeared from the Arab individual and collective memory. It only began to ebb slowly in “the age of Arab enlightenment” in the mid-nineteenth century. It is no secret that this folk heritage, where people relinquish their will and determination to act in the real world, submitting instead to the magic forces of the unknown, is a superstitious state contrary to freedom.

Such categories of folk culture are only a limited part of the Arab folk heritage and oral tradition. The greatest literary manifestations of that tradition – folk epics and *siras* (life stories) – are glowing examples of the elevation of the “dream of freedom”. They confirm that this heritage venerated nationalist and social causes and aspired to social and national liberation. When those epics and life stories were being created, such aspirations belonged to the category of “what remained unsaid”, and they expressed a popular desire

*There remains a longing for freedom in the Arab world, expressed in popular culture.*

*(Epics), apart from their entertainment, educational and aesthetic value, also served to compensate people for adversity and to provoke a desire for change.*

for freedom in the face of internal tyranny, oppression and external dangers. Apart from their entertainment, educational and aesthetic value, they also served to compensate people for adversity and provoke a desire for change (Mohammad Rajab al-Najjar, in Arabic, 1995, 1, 226-243). The *Lives* of Antara, of Hamza of the Arabs, of Seif Ibn thi Yazan, of Al Amira that al- Himma, of Bani Hilal and of Al Zaher Bibars are not what the champions of formal culture made them out to be: i.e. adulterations of Arab history or fabrications to be dismissed as tales of myth and magic. (Some even advised the “men of the hisba” to prohibit the copying and exchange of such works). In fact, such works were creative historical literature inspiring “the spirit of struggle and resistance against the enemies of creed and religion”. As such, they played a social and nationalist role which was not limited to confronting the armies of the Crusaders and Abyssinians, but continued into the modern age to help encourage the nationalist spirit of resistance to British, French and Italian occupation in Egypt and, in the Maghreb, the Algerian struggle, beginning with the uprising of Abdel Qader and extending to the armed liberation revolution (*Ibid*, 228-229).

Their compensatory function resided in their epic significance which, for ordinary people in the Arab dark ages of disintegration and weakness, profoundly expressed popular anger against injustice, oppression and tyranny. In calling for unity and liberation of the land, in voicing the dream of a better world, in nourishing the popular spirit by creating popular or epic heroes capable of overcoming adversity, they lifted people’s souls and minds above the trials of their time (*Ibid*. 233). The aspiration for freedom is clear in those epics. In *The Life of Antara*, the central issue is the emancipation of the individual self from class injustice and of the public self at the social level. In *Hamza of the Arabs*, the anonymous narrator considers true national liberation to be not only a political but a “social liberation first and foremost, particularly during periods of historical transition in the life of peoples – transition from a nomadic tribal society to an urban national one”. In *The Life of Seif Ibn thi Yazan*, the popular narrator raises an issue

*It is not possible to understand the problem of freedom in Arab society without also considering the effects of regional factors and influences coming from outside the region.*

aimed at emancipating popular culture, from the circle of magic, idolatry and other inherited myths. In *Al Amira that Al Himma* (“The Story of Palestinian Genealogies”) which covers almost five thousand pages, some of the main events revolve around a central social issue, “the emancipation of Arab women” in a backward time when a relapse into Jahiliyya was under way. The epic narrator exposes the society of traditions and the harem. He then replaces it with “a society of free women”, making an epic heroine of its central figure of Palestinian descent (That Al Himma) who becomes a national heroine, the equal of men in the making of history and life, despite what befalls her at the end because of the ‘caliph’s politics”. These are all social issues symbolizing freedom, emancipation and national liberation (*Ibid.*, 261-282; Shawqi Abdel Hakim, in Arabic, 1994, different passages).

Contemporary Arab popular culture continues to draw upon the sources of this freedom-affirming heritage. This culture too, under the pressure of its own present realities, is full of different popular aspirations for freedom, particularly the myriad folk songs and poetry about Arab struggles in Morocco, Algeria and Egypt on the eve of independence or revolution. Freedom is also very much present in the revolutionary popular Palestinian poetry of today. Arab popular culture, despite some freedom-inhibiting aspects, represents for the most part, a living treasury of freedom’s symbols and one of its rich and boundless spaces.

## **THE GLOBAL AND REGIONAL CONTEXT**

It is not possible to understand the problem of freedom in Arab society without also considering the effects of regional factors and of influences coming from outside the region, particularly those related to globalization and global governance.

### *GLOBALIZATION AND FREEDOM*

Globalization has the potential to buttress the freedom of the individual as a result of minimising the State’s capacity to repress people, particularly their ideas and aspirations. Also,

globalization can expand people's opportunities to acquire knowledge and broaden their horizons by facilitating communication and the circulation of ideas. Indeed, some argue that globalization constitutes an extension of the concept of freedom, and "a chance to renew the fundamental rights of the individual," after the 20th century witnessed further expansion of the State's powers over the individual (Micklethwait and Wooldridge, 2003).

In particular, globalization can support freedom by strengthening civil society through wider networking among its actors, using modern information and communication technology. This is of particular importance in Arab countries. The task of building regional civil society networks and establishing links between them and civil society institutions outside the Arab world remains essential.

There has been direct and important interaction at the international level, particularly between industrialized and developing countries, in the areas of freedom and good governance. Historically, relations with democratic countries in the West played an important role in spurring democratic transition in regions that were struggling to be free. One thinks specifically here of Eastern Europe as the former Soviet Union was breaking up.

Yet globalization also entails the selective restriction of certain liberties worldwide when it comes to the free flow of knowledge. Useful knowledge is not easily accessible – even on the Internet – under the rigid, often one-sided intellectual property protection regimes favoured by the industrialized nations. The negative impacts of this "selective" restriction of knowledge flows are evident in areas vital to developing countries. An example is the restricted flow of cheap medicine, particularly in the case of deadly and widespread diseases from which large numbers of poor people in the world suffer.

Restrictions on freedoms, also apply to the free movement of people. The industrialized nations do not usually permit entry to individuals unless this serves those nations' interests; yet, at the same time, they call for the removal of barriers to the movement of goods and capital globally. This selective freedom, enforced by developed countries, has favoured

the highly qualified in patterns of migration from less developed countries. In the case of the Arab world, the resulting drain of talents and capabilities severely limits opportunities to acquire knowledge in the region, one of the most important cornerstones of human development.

At a time when good governance—in the sense of rational public administration—is considered important to attract foreign investment, experience with global capital shows that investors might not be concerned about establishing good governance except as it pertains to guaranteeing capital, transferring profits, and settling labour disputes. Sometimes it is feared that the overseas investor might well prefer societies and governments that neglect certain freedoms, especially those concerning workers' rights to strike or institute work stoppages, for instance. Thus, while foreign investment is beneficial for development, it does not necessarily advance good governance.

The influence of the global environment on developing countries in knowledge, economics and politics, is growing both negatively and positively. Yet Arab countries, like other developing countries, have little or no control of that environment. This underscores the importance of working to reform global governance in order to serve the goals of security, peace, and human development throughout the world.

#### GOVERNANCE AT THE GLOBAL LEVEL

After the collapse of the Soviet Union and the end of the Cold War; and as economic globalization accelerated, bringing worldwide social and political change in its train, governance throughout the world underwent pivotal changes. Arab countries, in particular, have been affected by the global environment, which has had important effects on freedom and governance in the region.

In particular, globalization led to deep changes in the role and functions of the State, which lost part of its sovereignty to international actors, such as trans-national corporations and international organizations, notably in the areas of economic activity and media. Consequently, the destinies of states and their

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*The advent of a uni-polar world has resulted at times in the weakening and marginalization of the world organization.*

citizens are now influenced more closely than ever before by the nature of governance at the global level. As states have given up a portion of their sovereignty, it has become essential to strengthen global governance, as embodied in the United Nations, by transferring some of the powers relinquished by states to a global body committed to the values of justice, freedom and equality. However, this has yet to come about. The end of the equilibrium between the two great powers and the advent of a uni-polar world has resulted at times in the weakening and marginalization of the world organization (Ghalion, in Arabic, 2003, b, 68-69).

BOX 6-4

**Counsellor Yahya al-Rifai: Justice Above Might**

Different points of view, incompatible interests, even human conflict are part of God's way with His creation. The Qur'an says, "They continue in their disagreement... It was for that that He created them." The Qur'an also says, "Had God not set mankind against one another, the earth would have gone to rack and ruin."

There are two, and only two, ways of settling disputes: with the bludgeon of force or the justice of law, there is no third possibility. With force, a person's life, honour and property are never safe; he lives like a wild animal, hunting his prey without ever being sure that he will be able to keep any of it, never planting a crop because the harvest will go to the strongest, never building a house because there is no certainty that he will be able to live in it, and, indeed, afraid to settle anywhere.

On the day when God guided mankind to law, by His permission, the first time that two antagonists decided not to fight, but instead to seek the arbitration of a third party, not deeming it unbecoming to submit to his judgement, despite their strength—on that day the first step on the road to civilization was taken. Man realized that he had rights that were protected by the law, and consequently he could be assured of being able to enjoy the fruits of his labour. He learned to keep livestock, to cultivate the land, and to build.

Protected by the principle of arbitration, the law grew and developed, serving to safeguard individuals' lives, property and honour. The State grew and devel-

oped to secure their right to litigate. That right was entrusted to a particular group of their number, namely their arbitrators, not so that the latter could use force as they saw fit for their own ends, but rather so that they could use it to safeguard the community as a whole. It was a weapon that they wielded on behalf of all members of the community to safeguard the rule of the community's law, under the community's supervision.

Litigation enables an individual to go to a judge—who is an individual like the litigant—and ask for redress in an abuse of power, or initiate a prosecution or seek restoration of a right that has been denied. In the courtroom, the litigant and adversary stand on a footing of equality, out of the reach of all manifestations of power, whether in the form of money, weapons or the pressure of public opinion, and the judge can harness the power of the State to protect the law.

On this basis, all humanity adopts a charter proclaiming the principles of human rights, inspired from the concepts of natural law and the principles of justice, give that charter pre-eminence over national constitutions, and seek periodically to broaden its scope. The only way to make it effective will be to establish international courts in which individuals can bring suit against their own States and all their institutions, constitutions and laws. It has consistently been the hope of humankind that the competence of these courts will extend to all individuals and all States, so that all will be subject to law and enjoy peace, which can only be based on justice.

Source: Ahmed Makki, in Arabic, 1990

This has limited the effectiveness of the Security Council in establishing peace in the region. Such marginalization has been among factors contributing to continued or increased human suffering and to the creation of new facts on the ground, which militate against a just and lasting peace in Palestine. The US' use, or threat of veto has made it possible for Israel to establish new settlements in the Occupied Territories, and to start construction of the separation wall that incorporates additional Palestinian land. Silence regarding Israel's defiance of international legitimacy has undoubtedly pushed many people in the region to lose hope of obtaining justice from global governance and may have exacerbated extremism.

As many in the Arab world have had their confidence in the impartiality of the US as an honest broker weakened, reformers have found themselves lacking what they had hoped would be a critical ally (Barry, 2002).

It is thus essential that international law is upheld, and that international collective action and UN reform are implemented in that context. International public opinion ought to be encouraged to provide checks and balances in international behaviour, to help minimize the negative impacts of globalization and influence Israeli-American relations for the sake of a just peace. This should be complemented by the creation of a regional system that is able to interact with global changes, deal appropriately with aspects of globalization and inspire Arab citizens with confidence in its identity.

*THE IMPACT OF THE "WAR ON TERROR" ON FREEDOM*

The events of September 11, 2001 in the United States led to a substantial measure of international consensus around the proposition that terrorism has become one of the greatest perils of the age. That is why the entire world demonstrated solidarity with the United States after the attacks, and then again with countries from Turkey to Morocco to Spain to Saudi Arabia that have suffered their own terrorist attacks in recent years. In this context, nobody disputes the right and responsibility of Governments to take strong actions to ensure the security

of their citizens. In practice, however, some aspects of the way in which the “war on terror” has been conducted, have come to pose real threats to civil liberties and reform in the Arab region and beyond.

While Western leaders have strongly asserted their support for freedom and democracy as the best long-term solution to terrorism, in practice many have also understandably sought to tighten their own security legislation, providing new power to monitor and detain terror suspects at home and abroad. While some successes have been achieved, an unfortunate by-product in some countries has been that Arabs are increasingly the victims of stereotyping, and disproportionately harassed or detained without cause under new restrictions. At the same time, in the Arab world, several Governments have cited fear of terrorism as justification for steps to impose even tighter restrictions on their citizens.

It is essential to rebuild a new climate of understanding, confidence and trust that rejects the indiscriminate grouping of all violent actions as “terror” and breaks the unfair and deeply damaging association of terrorism with Arabs and Muslims, or indeed any group or faith. Such an approach also needs to include a clearer definition of terrorism that distinguishes between terrorist organizations and acts of legitimate resistance, including the fight “against colonial domination and alien occupation and against racist regimes”, which is protected by Protocol I Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts.

For their part, Arabs need to resist strongly any temptation to surrender to the very real frustration and anger felt by many at the damaging impact of the “war on terror” on their own aspirations for reform and freedom. On the contrary, terrorism and war crimes, whoever commits them, should be resolutely condemned. Instead, Arabs everywhere should make a renewed commitment to make the Arab world a place where all citizens are fully secure from state-sponsored and other forms of violence.

The only lasting way to achieve that goal and uproot terrorism is to pursue equitable development and to establish systems of good

governance, both in Arab countries and on the global level, under which injustices can be confronted through channels that are both peaceful and effective. In a word, the ultimate antidote to terrorism is freedom, based on respect for international human rights law and respect for the rights and dignity of individuals. Such a political environment, underpinned by a genuine regard for cultural diversity both in Arab countries and Western countries in which Arabs and Muslims live, will, in the long run, dry up the wellsprings of terrorism.

#### GOVERNANCE AT THE REGIONAL LEVEL

A good governance system at the regional level could potentially have a positive impact on freedoms and good governance at the national level. Regional governance institutions – as supra-national bodies – would provide norms and points of reference for national systems of good governance. An example of this would

*It is essential to rebuild a new climate of understanding, confidence and trust that rejects the indiscriminate grouping of all violent actions as “terror” and breaks the unfair and deeply damaging association of terrorism with Arabs and Muslims, or indeed any group or faith.*

##### BOX 6-5

#### The UN Special Rapporteur on Terrorism and Human Rights: The Root Causes of Terrorism

Addressing the root causes of terrorism has now become a rather highly contentious area, with a number of States and scholars insisting that, as there is no justification whatever for terrorism, there should be no effort made to try to understand its root causes. Instead, they argue, there should be ever more militant action against terrorists and terrorist groups, with the goal of wiping them out. This position is met with dismay by the majority, who insist that it is foolhardy to ignore review of root causes, which are, in some situations, directly or indirectly related to the non-realisation of human rights. The Special Rapporteur sides with those who support study of root causes in order to fashion more rational means of eliminating terrorism.

Some of the actions undertaken in the cause of the global war against terrorism have been the cause of consternation also for the highest officials in the UN system. For instance, the UN Secretary-General has pleaded on a number of occasions

for States to uphold all human rights, stressing that greater respect for human rights, not their curtailment, is the best means of preventing terrorism. Addressing recently the Commission on Human Rights, he stated, “Let us ensure that our security measures are firmly founded in law. In defending the rule of law, we must ourselves be bound by law.”<sup>(a)</sup> He has also pointed out that the Council and the Counter-Terrorism Committee “must... be sensitive to human rights as they pursue their work.”<sup>(b)</sup>

Attention has already been drawn to the concerns of the UN High Commissioner for Human Rights, also expressed in a number of statements and comments throughout the period. The UN High Commissioner for Refugees also has repeatedly voiced his own consternation about some measures, which, even though adopted in good faith, have victimized people in need of international protection<sup>(c)</sup>.

Source: Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, 2002, Terrorism and Human Rights, second progress report prepared by Ms. Kalliopi K. Koufa, Special Rapporteur.

(a) See SG/SM/8196-HR/CN/989 of 12 April 2002.

(b) *Ibid.*

(c) See, for instance, statement by Ruud Lubbers, UN High Commissioner for Refugees, to the Third Committee of the General Assembly, New York, 19 November 2001; UN News Centre, 20 February 2002.

*This superficial, non-binding formula...has led to a weakening of the regional structure and a decline in its credibility.*

be the establishment of an Arab human rights court for delivering justice to all Arab citizens and for counteracting any government's infringement of its citizens' rights and freedoms.

A stronger and more effective Arab regional system would enhance freedom in Arab countries in at least two important ways: first, it would reverse the deterioration of the pan-Arab liberation movement brought about by its division and weakness, and by some of its members' vulnerability to external pressures. Second, it would help seize the opportunity currently being missed to establish the knowledge society in the Arab countries. This requires close and effective inter-Arab coordination the elements of which are present except for the political will and commitment.

What can be said about regional co-ordination and the knowledge society in Arab countries can be said about most human development issues in the region. Acquiring and using human capabilities at the national levels is enhanced through regional complementarity. For example, the challenge of unemployment facing Arab countries could be dealt with more effectively with a freer regional labour market responding to supply and demand across countries, promoting the full use of human capabilities and ensuring the rights of workers. Such a regional market by itself would push the economic growth wheel in most Arab countries. In economic terms, some important

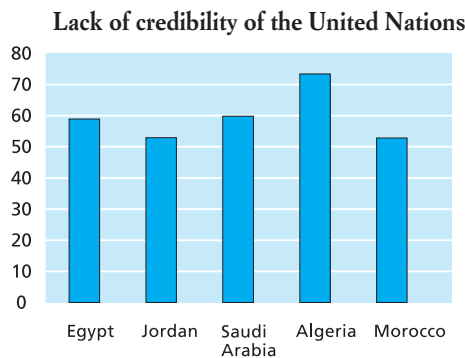
aspects of freedom in the Arab world are first class "regional public goods".

Unfortunately, repression at the national level and distractions created by animosity among ruling regimes has led to squandering the possibilities of Arab complementarity in securing freedom in the Arab states.

Despite various attempts at Arab unity, at least in the economic sphere, the chief pattern, ever since the founding of the League of Arab States (LAS) in 1945, has been the loose arrangement for co-operation that leaves matters in the hands of national governments with equal voting rights. Regional decisions are reached by consensus. The regional co-ordination structure is multifaceted, with several specialized organs. There is the Council, which convenes at the level of Foreign Ministers and, more recently, once a year at the level of Heads of State. There is also an Economic and Social Council that addresses matters determined by the governments of member states. Essentially this is an economic council that was established pursuant to article 7 of the Common Defence Pact, which called for economic cooperation without further clarification.

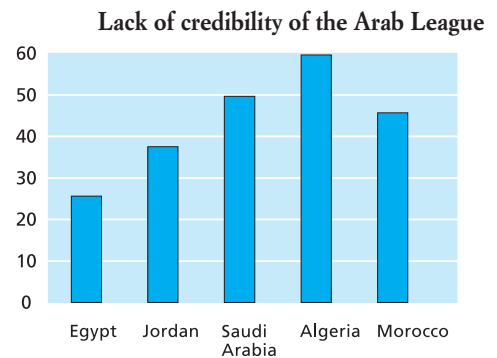
This superficial, non-binding formula has been useful in fostering participation by all Arab states, despite differences in their socio-economic systems. At the same time, however, it has led to a weakening of the regional structure and a decline in its credibility (figure 6-2).

Figure 6-2  
**Credibility of the Arab League and the United Nations**  
**Estimates by five Arab states and comparator countries**



Percentage of missing observations:  
 Egypt 4.10%, Jordan 13.79%, Saudi Arabia 12.05%, Algeria 12.71%, Morocco 40.77%, comparator countries 21.76%.

Source: World Values Survey, Annex 1.



Comparator countries:  
 Simple arithmetic average of the results of South Africa, Argentina, South Korea, Brazil, Nigeria, Pakistan, Turkey, Bangladesh and Indonesia.

Percentage of missing observations:  
 Egypt 4.60%, Jordan 17.04%, Saudi Arabia 10.99%, Algeria 14.04%, Morocco 39.88%, comparator countries 11.34%.

The credibility of the League of Arab States is quite low, especially in Algeria, with relatively higher credibility in Egypt and Jordan. The credibility of the UN is also low, especially in Algeria and Saudi Arabia.

The second LAS Summit in Alexandria in 1964 resolved that an Arab Court of Justice should be established. Today, forty years later, the Court has still not seen the light of day. There have been repeated calls for an Arab Parliament, but owing to differences in parliamentary representation among the respective Arab states, that institution has not been established either.

There are a number of institutions that work at the regional level outside the official framework. These include various professional groups, among them parliamentarians, workers, lawyers, economists, businessmen, investors, contractors, farmers and academics. Many of them have campaigned effectively on behalf of popular demands for freedom, good governance and development.

Within the official regional framework, agreements have been reached that could have advanced freedoms and people's rights at the regional level. However, these agreements have not been implemented as foreseen because national governments have insisted on retaining their right to approve or refuse to approve regional decisions, with the result that all agreements must be ratified in accordance with the constitutional procedures in force in the various states. For example, a number of agreements in the field of labour were reached in the 1960s. The Arab Agreement on Labour Standards was designed to raise standards and improve working conditions in the Arab world. The Arab Regional Labour Force Mobility Agreement was designed to facilitate the flow of Arab workers and ensure that they enjoyed hiring preference and obtained the same rights and benefits as nationals of the country in which they were employed. The Agreement on Basic Social Insurance Levels allowed workers to retain entitlements earned in one country when they took jobs in another country; while under the Reciprocity Agreement on Social Insurance Plans workers could accumulate insurance periods entitling them to benefits in accordance with the legislation in force in

the contracting states. In the main, however, countries that were suppliers of labour ratified those agreements, but not countries that employed labour from abroad. As a result the agreements have remained largely ineffective.

Despite large-scale labour force migration within the Arab region, workers are generally denied many of their rights when they migrate, and in addition they are likely to find themselves excluded when a political crisis results in strained relations between their host country and their home country. Under the terms of the Economic Unity Agreement, individuals are supposed to enjoy freedom of movement between Arab states, but efforts to develop a unified identity card have ended in failure, and the process of abolishing entry visas is subject to the vagaries of political relations. On the other hand, the Agreements on Arab Capital Investment in Arab States are designed to protect investors from nationalization or confiscation, and to ensure their right to repatriate their capital and profits from their investments. Those agreements also give investors the right to travel to, and reside in countries in which they have invested. The Unified Agreement on Investment (1980) makes provision for an Arab Investment Court, pending the establishment of an Arab Court of Justice. Lastly, with a view to stimulating economic activity in Arab states, CAEU has approved an agreement aimed at avoiding double taxation and preventing income and capital tax evasion between states that are members of the Council. This agreement has recently been amended.

In sum, current institutional arrangements for regional co-ordination have failed to give substantive support to Arab development, to maintain security and peace in the Arab world and to end occupation. Inter-Arab cooperation has not contributed to enhancing freedom and good governance. Symbolizing this failure, the best example of successful cooperation remains the Council of Arab Ministers of Interior.

Unsurprisingly, people in the Arab region feel that co-operation at the pan-Arab level is poor (figure 6-3).

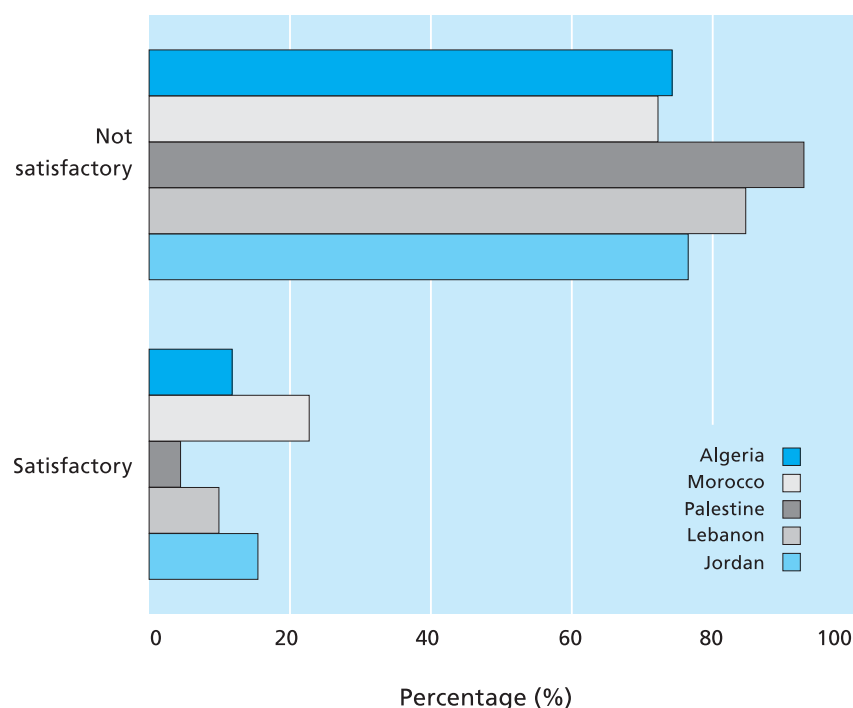
According to the Freedom Survey, Annex 1, the vast majority of respondents said they were dissatisfied with the level of Arab cooperation.

*The credibility of the League of Arab States is quite low...the credibility of the UN is also low.*

*Current institutional arrangements for regional coordination have failed to give substantive support to Arab development, to maintain security and peace in the Arab world and to end occupation.*

Figure 6-3

Extent of satisfaction with the current level of Arab cooperation, five Arab countries, Freedom Survey, 2003



BOX 6-6

**Adib al-Jadir: Hussein Jamil, An Iraqi Arab Activist Who Pursued Freedom**

Hussein Jamil is among the outstanding Iraqi figures of the 20th century, whose pursuit of freedom began in 1927 and continued until his death in 2002.

He graduated from the Damascus College of Law in 1930 and began to practice as a lawyer the following year in Baghdad. Together with Muhammad Hadid, Abdulfattah Ibrahim and Abdulqadir Ismail he worked in what later came to be known as “The League of People” (Jama’at al-Ahali) to develop Iraqi civil society based on social, economic, and political tenets appropriate for that momentous period of Iraq’s history. In 1932 they published a newspaper “The People” (al-Ahali) in which he wrote “this newspaper is produced by a group of young people; Hussein Jamil is the proprietor and director”. The newspaper stated that “national liberation and freedom for the citizen are not won simply by ending foreign rule or influence over Iraq. The nation and the citizens must be free from any form of exploitation from whatever provenance, whether foreign or Iraqi.”

From the outset Al Ahali called for democracy, and the Jama’at al-Ahali went on to set up the National Democratic Party in 1946. Hussein Jamil was one of the founding members and became the long-standing Secretary General of the Party.

In early 1959 he was named Minister of Culture and Guidance, a post which he resigned after just one day in office, in protest against Abdulkarim Qassim’s interference in his ministry’s affairs. From then on he refused any ministerial role, and returned instead to his law practice, research, giving lectures in national and regional fora on a range of political, constitutional and legal themes, in addition to human rights.

He published a study entitled “Establishing an Arab Court for Arab Human Rights” in the magazine “al-Mustaqbal al-‘Arabi” (issue no.50/ April 1983) calling on the League of Arab States to conclude an “Arab Charter for Human Rights and Fundamental Freedoms”, envisaging an Arab Court for Human Rights as an integral part of the League’s institutional structure, to implement guarantees for human rights at the regional level. He promoted the view that regional human rights treaties would serve to enhance their protection worldwide.

In 1983 he wrote: “The way to change is through democracy. Democracy provides the means to address the dangers. Through democracy, and democratic concepts and institutions, people can exercise their rights and freedoms, complete their humanity and develop their gifts”.