

## **Part II**

### **Reinforcing Freedom and Establishing Good Governance**

#### **Section 4: Towards Reinforcing Freedom and Establishing Good Governance in the Arab Countries**

**Our assessment of the state of freedom and governance, coupled with the advanced explanation of the deficit in freedom and good governance (chapters 3-6) enable us to attempt answering the historic question raised at the end of chapter1: could the future bear out a trajectory that would lead Arab societies to enjoy freedom and good governance traversing the required process of historical struggle.**





# A Strategic Vision of Freedom and Governance in Arab Countries – Alternative Futures

## Introduction

*This chapter offers a general view of the substance of societal and institutional reform needed to establish a society of freedom and good governance in the Arab region. It starts by underlining the need for the periodic alternation of power in Arab countries. It next discusses three alternative futures that could define the course of freedom and governance in the Arab world: the first is to be avoided; the second would be ideal, but may be difficult to attain quickly; and the third may be more realistic and could potentially contribute to the preferred alternative, if properly managed. The chapter and the Report conclude by highlighting the main features of the preferred alternative future. This scenario is named the “izdihar<sup>1</sup> alternative”, using the Arabic word that denotes the full flourishing of individuals and societies.*

*As in previous Reports, recommendations made in this chapter are presented as broad guidelines. They are offered to all dynamic forces of Arab society, regardless of their position within the prevailing power structure, for consideration in defining their own path towards a society of freedom and good governance. Such recommendations may also be helpful to those outsiders who are genuinely interested in supporting an Arab renaissance.*

## GROUNDS FOR PEACEFUL AND DEEP POLITICAL ALTERNATION, ALTERNATIVE FUTURES

### REASONS FOR CHANGE

Modernization in Arab countries has yielded notable achievements, especially in combating morbidity and mortality - particularly among children - in building infrastructure, in the quantitative expansion of education, particularly among females, and in increasing the integration of women in society. Yet by 21<sup>st</sup> century standards, Arab countries have not met the Arab people’s aspirations for development, security and liberation despite variations between one country and another in this regard.

As the AHDRs of 2002 and 2003 showed, the vast majority of the Arab people do not enjoy the higher forms of human development, notably in relation to knowledge, freedom and good governance, and women’s empowerment.

“Bread before freedom” is a common dictum in the Arab region. Yet putting the satisfaction of basic human needs before people’s essential liberty has in practice meant that most Arabs<sup>2</sup> have risked losing out on both.

The previous chapters of this Report has provided a detailed analysis of the freedom and governance problem in the Arab world. Central to that problem is the fact that at the political level, decision-making has remained in the hands of a minority that monopolises the two spheres of power - financial resources and political authority - and has hence focused on

*By 21st century standards, Arab countries have not met the Arab people’s aspirations for development, security and liberation.*

*Putting the satisfaction of basic human needs before people’s essential liberty has in practice meant that most Arab have lost out on both.*

<sup>1</sup> Individual and collective flourishing. English borrows from French the term “épanouissement” to fill a lexical gap in denoting this phenomenon. However, the Arabic word “izdihar” captures the intended sense closely. Thus, rather than use a French term, which has to be explained in English, to describe something which most people in the region will recognize from the Arabic, we have opted for the Arabic word, with this explanation for non-Arab readers.

<sup>2</sup> Idiomatically, the word “Arab” is used to denote all citizens of Arab countries, inclusively

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serving its own interests. The vast majority of people are excluded, and thus left to impoverishment and marginalization. The results of the World Values Survey (annex 1) indicate that nearly 70% of the public in five Arab countries believe that “the country is run for the benefit of the influential few”.

Nor have Arab regimes been able to protect Arab interests in the international arena. Arab lands remain occupied, with the occupation of Iraq having recently been added to that of Palestine. About 10 per cent of Arabs now live under occupation and, after several decades, foreign military forces have reappeared in the region. This provokes an extremely high level of discontent in the region, as indicated in the Freedom Survey (Annex 1 and figure 7.1)

Finally, present-day regimes have not achieved fundamental reform from within which would correct their course and enhance hopes for a better future.

#### ALTERNATIVE ARAB FUTURES

Given current trends, and looking into the future, several scenarios can be envisioned. We

focus here on the three most relevant to the subject of this report.

#### The Impending Disaster Scenario: Maintaining the ‘Status Quo’

If the situation in Arab countries today continues, intensified societal conflict is likely to follow.

Under the skewed distribution of power in its two spheres - wealth and political authority - and escalating foreign encroachment, Arabs suffer multiple injustices and see little hope for a better future. Anger combined with despair is an explosive mixture that pushes some towards violence, with undesirable consequences that threaten social cohesion and debilitate national structures and institutions.

Simply branding violent protesters as “terrorists” or further tightening the security restrictions already in place will not provide an answer. The way of strict security alone is ultimately ineffective, even if it buys a brief respite.

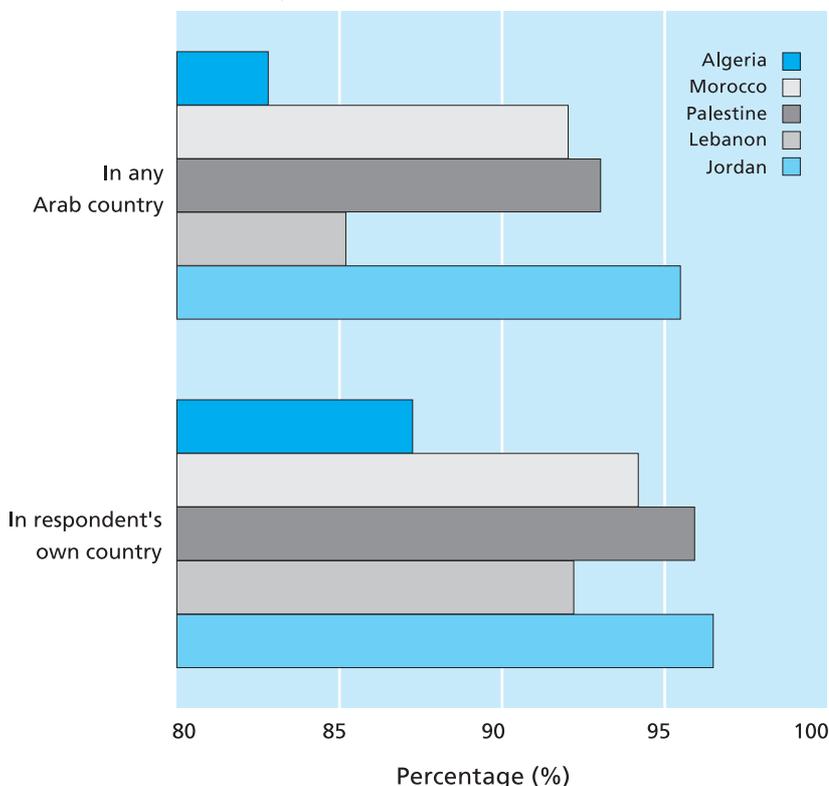
Contemporary history shows that continuation of the status quo might lead to destructive upheavals that could force a transfer of power in Arab countries. However, such a transfer could well involve armed violence and human losses that would be unacceptable however small. Nor would this transfer of power through violence guarantee that successor governance regimes would be any more desirable.

If this should materialize, the future for Arab countries holds more failures in the arena of human development. We label this prospect the “impending disaster” scenario.

#### The Ideal Scenario: The “Izdihar” Alternative

Disaster can be averted. The alternative is to pursue an historic, peaceful and deep process of negotiated political alternation adopted by all pro-reform segments of Arab society, whether they are in power or not, on all fronts and by all democratic means, to guarantee rights and freedoms. A process of peaceful negotiation on the redistribution of power in Arab countries represents the optimum approach for a transitional phase towards good governance. The desired outcome is a redistribution of power

Figure 7-1  
Extent of dissatisfaction over the presence of foreign military bases, five Arab countries, Freedom Survey, 2003



within Arab societies, restoring power to its rightful owners, the vast majority of people in the Arab world. The process would also establish good governance as a solid foundation for a human renaissance. We call this alternative the “izdihar” scenario.

Unlike a continuation of the status quo, good governance will help to address social injustice properly, by means that are both peaceful and effective, thus removing the sources of disaster.

### **The “Half Way House” Scenario: the Accommodation of External Reform**

A third alternative is gathering momentum within the region and across the globe: a Western-supported project of gradual and moderate reform aiming at liberalization in Arab countries but falling short of real democratization. An example of this project of cautious reform is the “Broader Middle East Initiative”, adopted by the G8 summit (see Part I). This and similar plans might well lead to a series of internal reforms in Arab countries. Arab regimes are, in general, susceptible to foreign pressure and will try to respond positively to some external demands for reform. At the same time, most of these regimes will try to contain the impact of reform measures and stop short of the desired political reform and the equitable redistribution of power, which constitute the core of the “izdihar” alternative.

This third or “half way” alternative, falls short of the “ideal” scenario in two crucial respects. First, measures imposed from outside according to the vision of foreign powers are not fully consistent with the concepts of freedom and good governance advocated by successive AHDRs, especially in relation to liberation and independence. Second, such reforms will not benefit from the dynamics of change driven from within. Indeed, they maintain the tradition of accepting that the destinies of Arab states have to be shaped from outside.

Despite the serious shortcomings of this alternative, it has to be acknowledged that although the historical project of renewal of the Arab region started two centuries ago, it has not succeeded yet in fulfilling Arab aspirations for freedom and dignity; and that this less-than-perfect “half-way house” alternative

does contain at least some elements of the preferred option.

The challenge facing the advocates of renaissance in the Arab world is how to manage this alternative – which is expected to grow in significance – and maximize its contribution to advancing the “izdihar” alternative. This would allow those outside initiatives for reform adopted by Arab regimes to be led from the inside and would minimize the impact of their most critical defects.

Dealing with this challenge successfully will be an important milestone for renaissance advocates and will test their ability to shape the future of the Arab region from the perspective of human development.

### *HOW TO DEAL WITH REFORM INITIATIVES FROM OUTSIDE?*

Arab countries cannot ignore the fact that the world, especially the powerful players in the global arena, will continue actively to safeguard their interests in the region. Their call for reform in Arab countries falls within this context. But external pressures cannot be disregarded, no matter why they are applied. Arabs cannot afford the luxury of isolation from developments in the outside world. The extent of interconnection between those external forces and Arab governing and social structures is strong enough to warrant a positive approach towards external reform initiatives, but strictly from the perspective of building societies of freedom and good governance in the Arab world.

In addition, there are active international NGOs that can provide significant support to the forces of reform in the Arab world if the latter were willing to work with them.

Co-operation with external forces can be rewarding if all parties respect the following principles:

- Freedom for all and complete respect for international human rights law, in particular the right to national liberation. Furthermore, deeds must be consistent with words in order to end the double standards that have characterized some Western policies towards the Arab region. Also, the violation of human rights must be proscribed, and no impunity permitted, irrespective of the perpetrator.

*Arab regimes are, in general, susceptible to foreign pressure and will try to respond positively to some external demands for reform.*

*Co-operation with external forces can be rewarding if all parties respect principles (of good governance).*

*This good governance regime should guarantee the rights of citizenship, in full, to all citizens.*

- Absolute respect for the tenet that Arabs should find their own way to freedom and good governance through innovation by Arab social forces, without pressure to adopt ready-made models, as the firm guarantee of a successful and sustainable historic transformation.
- Inclusion of all societal forces in Arab countries in a system of good governance to ensure popular representation instead of the trend towards exclusion that has marred the Arab political landscape, sometimes prompted by external forces. All societal forces must have the right to organize and be active in both civil and political society as long as they abide by democratic principles and respect the rights of others. This includes:
  - Full respect for the outcomes freely chosen by the people through a good governance regime. The free will of the people, and not foreign interests or designs, should be the ultimate arbiter in determining the Arab future.
  - Dealing with the Arab people through a partnership of equals anchored in mutual respect and deep understanding, rather than patronage.

#### **UNIVERSAL FEATURES AND AIMS OF THE DESIRED SYSTEM OF GOVERNANCE**

The political alternation desired in the Arab world should lead to establishing good governance based on the following principles:

- Preservation of freedom in order to expand people's choices; i.e. protect the essence of human development.

BOX 7-1

#### **Mahdi Bunduq, Post-Bourgeois Society**

“As Tragedy announces the demise of one world (and thus implicitly the birth of a new one), the seed of post-bourgeois society should be thought of as being formed (in the womb of time) from the elements and structures of civil society: parties without tutelage, a press beyond the reach of confiscation, unions independent of government authority, clubs and cultural associations practicing the free study of all intellectual, artistic and literary schools and movements without criminalization or moral terrorism, and a cinema and theatre answering to the moral needs of the people without

patriarchal censorship from anyone. All this would come under the framework of a constitution whose articles do not conflict with human rights and under the aegis of a modern State that does not discriminate between one school of thought and another, between one idea and another, between a man and a woman; a modern State that makes a distinction between itself and religion (as a practice of authority) but makes no such distinction between religion and society, as one of its heartbeats or spiritual aspirations.”

Source: Mahdi Bunduq, in Arabic, 2003, 114

- Effective popular participation, with universal popular representation of all the people.
- Efficient, transparent and accountable institutions as counterweights to the monopoly of power by individuals. These institutions work among themselves under the separation and balance of powers, and are accountable to each other and the people directly through free and fair choice exercised periodically.
- The rule of law, as the protector of freedom, applied fairly to all people.
- Laws administered by an efficient, impartial and completely independent judiciary, whose judgments are upheld and applied by the Executive Authority.

This good governance regime should guarantee the rights of citizenship, in full, to all citizens, and unequivocally end all forms of exclusion outside of the frame of “citizenship”, regardless of all pretexts or justification.

This governance system should balance freedom with correct mechanisms of good governance. In particular, through free and credible elections, such a system should guarantee peaceful political alternation in the future.

#### **REFORMING ARAB SOCIETAL STRUCTURES TO GUARANTEE FREEDOM**

No matter which reform scenario unfolds in the coming years, or whether Arab reformers seek to take advantage of external pressure to advance their cause, freedom and good governance will not materialize fully until three sets of problems are addressed: the domestic problem of governance; the regional crisis that affects all Arab countries, including the problem of occupation; and the problems of governance that affect the entire international system, putting Arab countries at a serious disadvantage.

#### *THE INTERNAL CHALLENGE*

#### **Enhancing the Legal and Institutional Foundations that Underpin Freedom**

There is an urgent and compelling need to modernize Arab legal systems, to make them compatible with international human rights standards and effective in protecting human

rights and freedoms in practice.

To that end, intensive efforts are called for to develop sound legislation and competent institutions to better safeguard, protect and support freedoms and human rights in the Arab world.

### **Adherence to International Human Rights Law**

Arab states must take steps to ratify the component elements of international human rights law to include all major human rights treaties, particularly the ICCPR, the ICESCR, CAT, CEDAW and the CRC. These are considered the minimum requirements in terms of Arab ratification. Ideally, states should go considerably beyond this to embrace all elements of international human rights law, including the Optional Protocols.

Arab legislatures ought to take steps to revise legislation currently in force to bring it into conformity with international human rights standards and constitutional provisions that safeguard these rights.

### **Binding the Ruling Authority to the Rule of Law**

The reform of Arab constitutions is essential to achieve the following four goals: a) Political power should be subject to a defined, reasonable time frame, ending permanency of power. b) Political power should not be absolute. The ruling authority should be responsible for its actions before the judiciary and elected representational bodies. c) Political pluralism should be guaranteed by an effective system based on the principle of equality in law and practice, with equal access to rights and opportunities and equal responsibilities. d) Arab citizens must be able to exercise their right to political participation in the fullest sense and to enjoy their fundamental rights.

The ruling authority in Arab countries, should be defined and bound by the law, and hence the law should be above all and not subject to the will of individuals. This is the case with the system of constitutional monarchy where the king or queen rules but does not govern. Under the republican system, which is parliamentary-based, it can be achieved through a clearly defined separation of powers

and where the free will of the electorate is the sole arbiter in determining the choice of parliament and government. In all cases, authority and responsibility stay with an elected individual in free and fair elections.

### **Guaranteeing freedoms and rights at the heart of the constitution**

Arab constitutions must guarantee fundamental rights and freedoms. The constitution should clearly provide that it is unlawful to enact any legislation that restricts rights and freedoms. All Arab constitutions should provide that international human rights treaties by which they are legally bound take precedence over ordinary law. These measures all serve to expand the legal framework to protect freedoms and human rights in the Arab world, which would be strengthened further by setting up a constitutional judicial body to monitor the constitutionality of legislation, and prevent the passage of legislation which infringes the freedoms or rights prescribed under the constitution or international treaties. World experience has highlighted the importance of a constitutional judicial body to establish general principles in law, making freedom, justice and fair treatment governing principles for ordinary legislation, even when they are not stated explicitly in the constitution. This would undoubtedly help to free Arab legislation from arbitrary control by the executive.

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#### **BOX 7-2**

#### **Perpetuating power in the name of democracy and the people**

1- The Tunisian Constitution formerly stated that the President of the Republic is elected for a five-year term, and that an incumbent cannot hold office for more than three consecutive terms. But on March 18, 1975, the National Assembly elected President Bourquiba as President-for-Life and, by a unanimous vote, amended Article 40 of the Constitution to provide for this.

2- Article 77 of the Egyptian Constitution of 1971 confines the maximum term in office of the President of the Republic to two consecutive terms, stating that "The term of office for the presidency is six years, from the date on which the referendum results are declared. The President of the Republic may be re-elected for an additional consecutive term."

As the end of President Sadat's second term of office approached, the

constitutional provision was amended, on 30 April 1980, to permit the President of the Republic to be re-elected for further terms of office (with no upper limit prescribed). The reasons for seeking this constitutional amendment were explained as follows:

"President Sadat's term of office began before the Constitution was promulgated, and in accordance with article 190 and article 77, his term of office concludes in November 1983. This outcome, resulting from the application of this provision, is not consistent with the democratic principles which our society safeguards and seeks to further entrench ...more importantly, this result is one which the steadfast people of Egypt reject with their hearts, minds and souls..."

### Ten Principles for a Constitution of Freedom and Good Governance

1. Freedom from any ideological stamp; political orientations are decided at the ballot box that represents the will of the people.
2. Adoption of the multi-party system, so that political parties may be established by mere notification, within the limits of public order, and the affirmation of the principle of equality among political parties in terms of benefiting from State services. The Constitution should stipulate a separation between the ruling party and the State.
3. Adoption of the principle of binding power with responsibility, and separating the symbol of sovereignty from the authority of government. Sovereignty belongs to the nation or the people, as symbolized by the king or president, while government (i.e., the tasks undertaken by the executive authority) is carried out by a cabinet formed by the party with the parliamentary majority or a coalition of constituent parties in a legislative assembly that represents the majority. Accordingly, the king or the president is not responsible before parliament except in specified situations, while the cabinet bears joint responsibility before parliament since it practices authority. There should be no authority without responsibility and no responsibility without authority.
4. Adoption of the principle of the non-permanence of the elected authority. Limiting the mandate of the head of State and to four years, for example, and under no circumstances beyond two terms, would achieve this. The principle of direct election of the head of State from among multiple candidates should be adopted.
5. Formation of a neutral, independent body to supervise all elections, this body to be in charge of all procedures relating to, and supplementing the electoral process.
6. Prohibition of declarations of a state of emergency other than in accordance with the strictest limits, with severe constraints and for a set period, with majority agreement, especially in the legislative assembly. Creation of a system of judicial oversight, to review the legality of the declaration of emergency as well as of decrees issued by the emergency authority.
7. Establishment of a Supreme Constitutional Court responsible for overseeing the constitutionality of laws and for facilitating procedures to allow individuals to bring their grievances before it, especially cases related to legislative abuses of human rights. The Supreme Judicial Council of the Court alone should appoint Judges of the Court.
8. Explicit stipulation of the principle of the independence of the judicial authority and the judges in content and guarantees, so that the judiciary is a completely independent authority from the other two. Judges should be immune from any influence on them in their work. The regular judiciary should look into all disputes. No-one may be tried before any but the regular judiciary. Special or exceptional courts should be prohibited as should the trial of civilians before military courts. All matters relating to the appointment, promotion and disciplining of judges should fall within the competence of the Supreme Judicial Council, composed of judges, with a senior judge presiding. The text should stipulate immunity of judges. Members of the Public Prosecutor's Office should enjoy the same guarantees and immunity as judges.
9. Stipulation of all civil, political, economic, social, and cultural rights and liberties, with explicit prohibition of the restriction of these rights by any lower legislative instrument. The text should state unequivocally that freedoms of opinion, expression and association must be fully respected, with explicit reference to the media, which should be free from restrictions or censorship, or any form of interference with its activity or ownership. There must be no punishment of imprisonment in relation to publication or the expression of opinions.
10. Affirmation of the principle of the individual's right to compensation for damages done to her/him as a result of being deprived of their liberty through imprisonment or preventive detention, having been charged with offences of which they have been proven innocent.

*The Supreme Constitutional Court in Egypt has had an extremely positive impact in supporting freedoms and human rights.*

### Strengthening Civil and Political Rights in Law

Arab legislation in most urgent need of a thorough review includes laws regulating the exercise of political rights, the legislature and its electoral processes, the right to set up civil society organizations, including political parties, and their activities, and laws on the judicial authority.

Laws regulating political rights should elaborate on the principle of gender equality

### The Supreme Constitutional Court in Egypt

The Supreme Constitutional Court in Egypt has had an extremely positive impact in supporting freedoms and human rights vigorously, playing a vital role in removing provisions from the statute books that conflicted with them. While the law establishing the Court came

under criticism because of restrictions imposed on the right to bring individual grievances related to the Constitution before the Court, it has succeeded nonetheless in playing an influential role in support of democracy and freedom.

to ensure that it is applied in practice. They should also ensure that the principles of citizenship and equality apply to all constituent elements of national society.

Legislation should introduce effective mechanisms to ensure fair elections. Legal provisions must assure total impartiality for the body charged with election oversight and guard against the state or its apparatus resorting to any form of electoral malpractice. Total neutrality of the official media should also be assured. Election-related offences should be addressed seriously and effectively. Electoral rolls should be updated to ensure they correspond with those entitled to vote, together with a fair delineation of constituencies.

Legislation must guarantee that citizens are free to set up their parties without requiring the executive's authorization and with no supervision other than that required to protect the values of freedom and good governance. The law should proscribe racist parties or military organizations, for example, but this should not lead to the imposition of increased restrictions. Freedom to form political parties should be assured under conditions of political pluralism. It should protect the right of parties to carry out peaceful political activities, publicize their programmes, and mobilise their members by all available means, without restriction other than that required to maintain public order in a democratic state. There should be a clear distinction in both law and practice between the state apparatus and the party in power, so that the party concerned does not enjoy the prerogative of using state services to strengthen its presence, in breach of the principle of equality before the law.

Legislation regulating civil society organizations should also be revised to embody the following principles: freedom to set up civil society organizations, removing the requirement for state or other official forms of authorization where the simple notification of the legal existence of the organization should suffice; the activities of civil society organizations should not be subject to restrictions, surveillance or administrative control and the freedom and independence of these organizations should be guaranteed; no organization should be dissolved as a result of an administrative decision,

and such measures should apply only after a court ruling that all necessary conditions are satisfied.

### **Guaranteeing the Independence of the Judiciary**

An independent judiciary is a basic pre-requisite for any society if individuals are to enjoy their rights and freedoms. However, the synergy between the independence of the judiciary and a free political environment is a matter for some consideration. However exemplary the laws regulating the judiciary may be, the judiciary will never play an effective role in an environment where rights and freedoms are suppressed and where the law and its institutions are sidelined. Similarly, a state system that makes no provision for an effective judicial system is inherently weak. Progress towards good governance, on the one hand, and towards guaranteeing the independence of the judiciary and the efficient and equitable discharge of its duties, on the other, must be made side-by-side. International standards that provide for the independence of the judiciary as an institution (independence of the judicial authority) as well as the independence of judges as individuals should be adopted.

### **Abolishing the State of Emergency.**

Special attention should be given to abolishing the state of emergency in Arab countries where the conditions defined by international standards and the constitution for declaring a state of emergency are not met. Combating "terrorism" should not be used as a pretext to maintain a state of emergency, given that terrorism thrives whenever freedoms are quashed, and never more so than under a state of emergency.

In particular Arab states must desist from abusing the declaration of a state of emergency and the disastrous effect this has on freedoms and human rights.

### **Guarantees for Personal Freedom**

Arab legislation must be amended urgently to guarantee the individual's protection from attacks on personal freedom, such as unlawful arrest, torture, administrative detention, enforced disappearance, and to provide in law for deter-

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*Combating "terrorism" should not be used as a pretext to maintain a state of emergency.*

*In a society of freedom and good governance, no group remains deprived of citizenship rights.*

*Excessive concentration of power at the apex of society isolates an authoritarian regime from people and unifies political and social opposition groups behind a common goal.*

rent penalties for public servants responsible. Effective mechanisms should be established to end these practices and provide victims with avenues to obtain fair compensation.

### **Ending discrimination against societal groups**

The second AHDR emphasized that the facilitation, encouragement and celebration of cultural diversity in every Arab country was an important factor in establishing the knowledge society. To that, we may now add freedom in the Arab world as well.

That the extension of citizenship rights to all citizens of Arab countries inclusively necessarily involves ending all forms of discrimination against any societal group is beyond dispute. In a society of freedom and good governance, no group remains deprived of citizenship rights. To emphasize this spirit of inclusiveness, we stress here again that the word 'Arab' is used in this Report, for brevity, to denote all citizens of Arab countries.

But even before attaining that ideal, there are no grounds for maintaining any form of discrimination against various societal groups in Arab countries. Administrative decrees, which can readily be issued and swiftly implemented, can speedily resolve persistent issues of citizenship among unjustly treated groups. Such action would repair the national fabric, which has been torn by arbitrary measures in the past. The first step in this direction is to repeal all executive orders turning citizens into 'minorities' whose rights are violated.

## *THE POLITICAL ARCHITECTURE*

### **Problematic issues in guaranteeing sound democratic arrangements**

For the most part, political institutions in the Arab world, even those that are superficially democratic, such as elected parliaments, in reality do little to further the cause of freedom in the region because they lack substance, as argued in Chapter 2. As a result, the political architecture of Arab countries needs much restructuring.

We referred earlier to the necessity of hav-

ing an extensive public sphere in place, one independent of the current ruling power, even in the event that it represents the popular majority. This public sphere would enable individuals to form their opinions and express them freely as well as work for their implementation.

It would also help to impose constitutional regulations on majority decisions in order to prevent legislation or policies that could restrict freedoms; and to delegate to the judiciary, and ombudsmen, the power to review decisions of the legislative body and, if necessary, correct them (Chapter 1).

It is crucial to ensure that the ruling authorities are appointed as a result of direct popular choice, and that good governance practices are implemented down to the lowest levels of local governance. This not only extends and reinforces good governance throughout the country, but is also important given that future leaders of central government start out and hone their experience in local government.

The way to achieve good governance in the Arab region is thus through fundamental reform of its architecture. This means, in particular, ending the executive's monopoly of power, and marginalization of other state organs, which obstructs the free and healthy development of society's capabilities and potential. This task is however made difficult by the fact that the very structural factors that concentrate power at the top of the executive branch also prevent civil society from advancing political reform.

This can, however, lead indirectly to conditions that are conducive to reform, since excessive concentration of power at the apex of society isolates an authoritarian regime from people and unifies political and social opposition groups behind a common goal.

At this stage of transition needs differ from one country to another. The various achievements made to date need to be defended, alliances set up, and appropriate demands articulated. It follows then that the nature of working for governance reform will vary according to the issues and means appropriate to each case.

In effecting the transformation, perhaps the heaviest responsibility lies with the élites: intellectuals and political and civil society

activists who will need to forge a middle way for themselves and the Arab world, neither bowing to the influence of the powerful and wealthy, nor following the route to despair and violence to which many angry young people, whose peaceful and effective avenues for action have been blocked, are drawn. This calls for considerable wisdom, genuine solidarity across national borders, and many sacrifices.

The role of the élites is thus crucial in securing an Arab renaissance, but which élites?

These are all groups supportive of freedom and good governance inside and outside the existing power structure, whose members are committed to a renaissance and will work assiduously to bring it about.

#### *CODE OF CONDUCT FOR SOCIETAL FORCES ON THE PATH TO REFORM*

Reform confers duties and responsibilities on the state and all societal forces, starting with committed élites. It falls to the latter to set an example through their own ethical and fair conduct, by acting in ways beyond reproach and avoiding the traps of corruption, enticement or manipulation by ambitious foreign powers. The duties that are required to effect genuine reform might be seen as follows:

##### **Obligations of the State:**

1. Allowing freedom of expression and organization as a first step towards agreement with political forces on reforms of the electoral and legal systems and guaranteeing the fairness and independence of the judiciary.
2. Starting a direct and immediate dialogue with all active forces in the society, whether they are opposition political movements or active civil society institutions. Dialogue must be serious and produce concrete results.
3. Assuring institutional stability without encouraging stagnation.
4. Safeguarding the independence and integrity of governance institutions so that they fulfil their role at the service of the people in the best possible way.
5. Carrying out comprehensive structural and functional reform of the security services.

All service branches must obey the law, and should be at the service of the people and the nation, and not the ruler, party, sect or tribe.

##### **Obligations of the Political Élites:**

1. The élites of political society, leaders and activists need to develop a constructive discourse and reject policies of exclusion. They must also strive to find common ground among all political forces and create a new mould for the political scene, clearly distinct from past trends of polarization and fragmentation which could seriously hamper genuine democratic transformation in the Arab region.
2. The political élites must demonstrate adherence to their principles, seeking democratic solutions to settle differences, rejecting any form of compromise which could make them tools of authoritarian regimes and articulating clearly the demands for freedom for all. They must never associate themselves with repression or seek ways to justify its use.
3. Political forces should strive to build democratic alliances, and openly demonstrate solidarity in the face of despotism, repression, corruption and election-rigging.

##### **Obligations of Civil Society:**

1. Developing appropriate methodologies and conceptual frameworks to adapt civil and human rights work to the local Arab environment, involving the widest possible spectrum of different sectors of society at large.
2. Securing internal resources to support and finance voluntary and civil work
3. Seeking to safeguard the independence of civil society organizations both from the State and from competing political associations. This does not imply that the organizations have no political role to play, since their role is clearly set within the political space, particularly when it comes to defending freedoms, human rights and the disadvantaged.
4. Setting up networks of associations and organizations with similar goals, or broader-based networks to strengthen solidarity and consolidate the capabilities of the forces of civil society.
5. Expanding Arab networks and initiatives.
6. Exploiting to the full attained rights and

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*It falls to the élites to set an example through their own ethical and fair conduct.*

*Good governance is unattainable without free and fair parliamentary representation, which is both independent and effective.*

*The most important reforms for guaranteeing freedom need to be implemented in the educational institutions.*

freedoms and insisting that they are enjoyed in their most complete sense; optimizing all opportunities for action, all available space for freedom, including opportunities provided by information and communication technology.

#### **Parliamentary representation:**

With roles assigned respectively to the state and the political and civil society élites, there remains a crucial need to reform parliamentary representation in Arab countries. Good governance is unattainable without free and fair parliamentary representation, which is both independent and effective, particularly in giving voice to matters of public interest. Public representation should afford effective scrutiny of the executive and hold it to account. Improving parliamentary representation should not prove too great a challenge given the current lamentable state of affairs. In addition, in the transitional phase towards the society of freedom and good governance, improved parliamentary representation helps both to facilitate the process itself and to root out the various forms of corruption in Arab countries.

To ensure effective and fair parliamentary representation, it is essential to:

1. Establish the principle of total equality among citizens, especially as regards expression and association, voting and standing for election, and related procedures; provide safeguards against disqualifying from parliamentary representation on the basis of gender, social status, culture, religion or other discriminatory feature.
2. Adopt the principle of consensual democracy as a basis for forming the government, so that other parties participate in addition to the party that wins the elections, under a formula and standards to be agreed on. This principle is particularly important in states with sub-groups, as it avoids ethnic or sectarian divisions between government and opposition. This also provides opportunities for smaller opposition parties, which would not otherwise have the means to access power.
3. Adopt policies based on affirmative action, at least in the initial transitional stages, which will lead to more democratic conditions. This can take various forms, such as allocating a quota of posts in government and the

legislature, but still maintaining the principle of competition within quotas. Within the legislature this would be a matter for the parties themselves to agree upon, such as setting a specific quota or a minimum ratio of candidates representing these groups.

4. Where a bi-cameral system is in place, authorize the lower, elected assembly to monitor government performance and hold it to account.

5. Establish ethics committees for fairness in parliaments to prevent the deputies from using their political influence for private interests and to call deputies to account for their unfair conduct.

#### *REFORMING ARAB INSTITUTIONAL PERFORMANCE*

The institutions of the three sectors of society (the state comprising the government, legislature and judiciary; civil society; and the private sector) should be reformed through applying the principles of rational public administration. Reform would be based on the restriction of authority – public or private - by law and on efficiency, transparency, disclosure, and accountability (in the case of the state, to other institutions and to civil society including the media; and, in the case of government institutions and the legislature, to the general public).

From the perspective of building and utilizing human capabilities, it is evident that institutions providing public services, particularly in education and health care, should function well. Applying the principles of rational public administration in the context of legal reform, as just described, should serve to root out administrative and financial corruption.

The most important reforms for guaranteeing freedom need to be implemented in the educational institutions. A mix of measures relating to administration, curricula, pedagogy and student evaluation methods is required to open the door to freedom, as an ultimate value in itself, and as a means to knowledge acquisition leading to the attainment of human dignity. These reforms should work together to create a mentality of freedom and respect for human rights, and implant the values and tools of good governance in the minds of learners.

The family can make concerted efforts to nurture freedom and encourage enlightened education; and thus prevent any subsequent stages of social development from impairing individual freedoms established at the family levels and enhanced by the school (Chapter 6).

Reform of these two fundamental institutions of society should be complemented by the creation of a social structure supportive of freedom and good governance. First: by combating poverty, the antithesis of human development, by ending the poor acquisition and under-utilization of human capabilities; and second: through the redistribution of income and wealth on a more equitable basis through taxation. These steps would clearly require deep changes in the path of development in the Arab countries.

### CORRECTING THE ARAB DEVELOPMENT TRAJECTORY

In Arab countries, especially the wealthier states, the concept of development may be associated with a high standard of living and consumer prosperity, rather than with the establishment of a strong, advanced production system capable of steady growth that provides individuals and society with income, security, vitality and the strength to face the challenges of the time and the world.

The metamorphosis to freedom and good governance in Arab countries requires a qualitative change in development thinking and its dynamics, to secure an economic basis for the progress society desires. It also calls for structural institutional transformation to good governance, which is the safeguard of a rational economic system.

Mobilizing resources, providing incentives for productive investment in human and physical assets, especially those that support knowledge-based production (the second AHDR) and steadily increasing productivity can bring about such a change. Creating a vigorous economic system calls for the acquisition of fundamental human capabilities, the institution of lifelong learning, societal incentives and models that value knowledge and other social changes aimed at rewarding productive work, rather than relying on rents or access to

influential groups. It also entails changes to enhance competitiveness and efficiency in Arab economies, and implies an obligation on Arab states to work for distributive justice.

### THE REFORM OF CORPORATE GOVERNANCE

The challenge is how to move successfully from institutions of corporate governance that tend to be centralized and heavily relationship-based to those that are more effectively rule-based.

Sound corporate governance also requires the establishment of appropriate laws to protect property rights, enable competitive market forces, foster entrepreneurship and provide an efficient market infrastructure that ensures transparency and accountability. This includes transparency of public tenders, efficient third-party auditing, anti-trust legislation, strict anti-corruption legislation, and eliminating all forms of extra-legal transactions. The development of the region will be hobbled if free enterprise and efficient competition are withheld by a limited or weak legislative structure.

As noted in Chapter 5, three major principles of corporate governance are vital: transparency, accountability, and inclusiveness, which are mutually reinforcing and need to be upheld together.

Transparency is not only an earnest of corporate probity. It also ensures the disclosure of financial information on which corporate accountability to stakeholders rests.

Decision-makers in the private sector need to be held accountable to the public as well as to institutional stakeholders. Accountability is an important deterrent against legal and ethical transgressions, and it is only through swiftly redressing such misdeeds that confidence can be built within a market. Effective supervisory and regulatory boards are one of the means by which firms may be held accountable.

Inclusiveness is one of the core values of good governance everywhere. Inclusiveness means ensuring the equal participation and equal treatment of anyone who has a stake in the governance process and wants to participate in that process. Individuals' basic rights must be defined and protected by creating

*The metamorphosis to freedom and good governance in Arab countries requires a qualitative change in development thinking and its dynamics, to secure an economic basis for the progress society desires.*

*The challenge is how to move successfully from institutions of corporate governance that tend to be centralized and heavily relationship-based to those that are more effectively rule-based.*

*Establishing good governance at the pan-Arab level means replacing the fragmented and change-resistant regional set-up of the present day.*

governance mechanisms for that purpose in addition to providing remedies and recourse guaranteed by rule of law. Within the corporate sector, an area where inclusiveness needs substantial strengthening pertains to the rights of shareholders.

#### AT THE PAN-ARAB LEVEL

Establishing good governance at the pan-Arab level means replacing the fragmented and change-resistant regional set-up of the present day (Chapter 6) with structural arrangements aiming at integration and based on a new level of political will and commitment. Regional integration would bring its constituent members together in an economic, and possibly also political, union. This would call for more consistency and common standards in social and economic systems as well as the enhancement of general awareness, solidarity and collective thinking among citizens themselves.

The results of the Freedom Survey, (see Figure 7-2), demonstrate the Arab people's aspirations for stronger Arab cooperation, including support for the "Arab Free Citizenship Area" as called for in the AHDRs, and even "complete political unity".

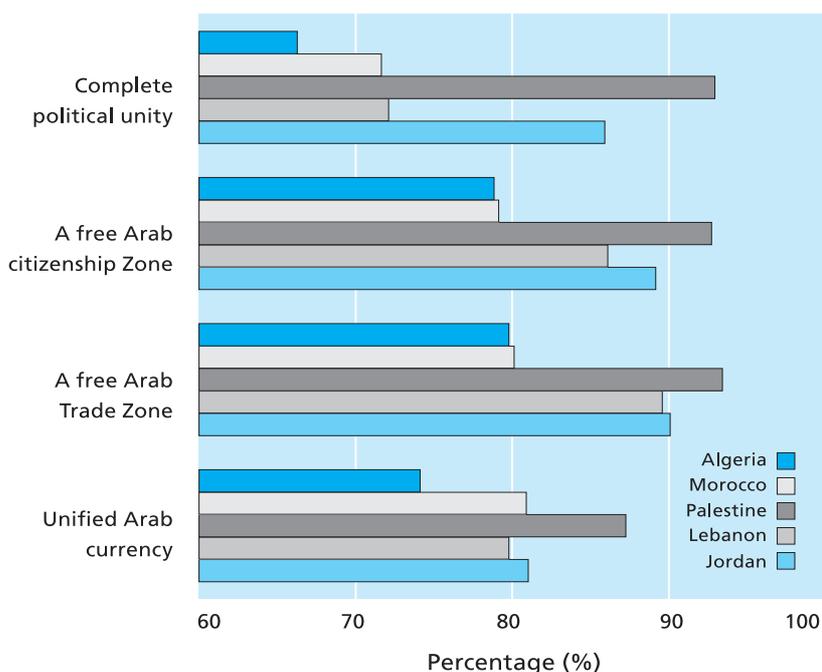
The leading model of this kind is the EU, which recently became an economic and mon-

etary union and is making moves in the political and defence spheres. This experience is distinguished as it has enhanced the effectiveness of the regional organization in two ways: first by giving the regional structure precedence over national structures, empowering it to take decisions which are binding on member states; and second, by providing a broader space for citizens and the social sectors to participate in decision-making processes and scrutiny of its performance. This presupposes that: citizens are entitled to participate in government at the national level; representational bodies are already equipped with extensive legislative powers; there is a partnership between the government, civil society organizations and market institutions; while the judiciary protects the rights of all parties.

The binding nature of decisions taken by the regional organization leads to the adoption of the founding agreement, with the force of law. On this foundation, the regional judicial institution bases its interpretation and rulings on disputes over implementation, whether between citizens and their governments or agencies of the regional body on matters within their competence. The regional body must work transparently. It should publish its decisions in the media and engage citizens in dialogue using information and communica-

Figure 7-2

Preferred forms of stronger Arab cooperation, five Arab countries, Freedom Survey, 2003



*The regional body must work transparently.*

tion technology. It can set up advisory bodies to include representatives of special interest groups and involve parliamentary assemblies in decision-making where the regional authority is involved in implementing the decision. It can also address the people directly through the Internet to create greater awareness and invite their views on regional issues.

As at the international level, regional mechanisms are set up to settle disputes or support preventive diplomacy between states and prepare draft regional agreements for state ratification, which are then integrated by states' into their respective national laws. Treaties may deal, for example, with human rights in general, or matters relating to specific disadvantaged social sectors, such as women, children or people with special needs. The regional body also sets up multi-faceted partnerships with regional civil and economic institutions as well as networks that link national and local institutions and individual citizens directly with regional activities. Networking of this kind is among the most effective tools that information and communications technology can provide to increase participation. Given the significant variations in standards of living both within countries and between states, committees and funds should be set up to help raise the standard of living of, and enhance the community spirit for the less fortunate social sectors and regions. Finally, the regional organization offers opportunities for treaties or joint measures on common defence and security issues, as well as the potential to negotiate collectively with international bodies and in international forums, which reinforces the capabilities of individual member states.

In particular, it has become necessary for Arab countries to conclude a new Arab Human Rights Convention, fully conforming to the human rights system as a whole as represented by all the components of international human rights law. This treaty should start where other protected rights conventions end and add to, rather than diminish them. The new convention should provide all necessary mechanisms to stop violations at the country and pan-Arab levels. Perhaps the most important of these mechanisms would be an Arab Council of Human Rights and an Arab Court of Human

Rights, which would allow individuals to bring action directly against governments if the national system failed to give them justice. These bodies should be empowered to adopt mandatory resolutions.

The European example however leaves room for innovation in creating an Arab model with broader scope for integration. While the Europeans have succeeded in achieving unity among diverse nationalities, the Arabs have the opportunity to explore the horizons of a single nation, which is still in disarray despite sharing a common culture, language, history and future.

#### LIBERATION FROM OCCUPATION

Governance reform at the national and pan-Arab levels would guarantee policy consistency

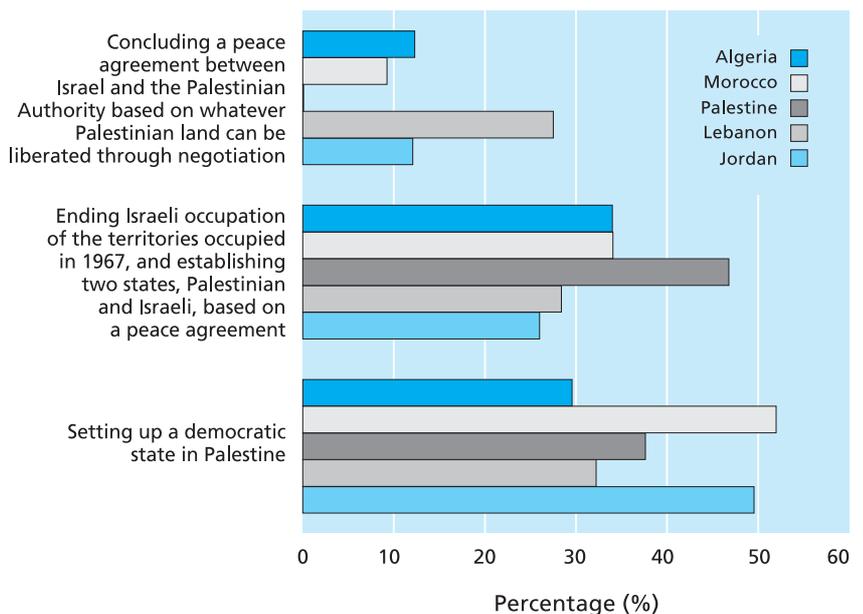
*It has become necessary for Arab countries to conclude a new Arab Human Rights Convention.*

BOX 7-5

#### Recommended Good Governance Institutions at the Pan-Arab Level

1. The Arab Court of Justice or Arab Court of Human Rights: to protect human rights throughout the Arab region, and not merely as a dispute settlement mechanism among governments as is the case now, and as proposed in the governmental initiatives to reform the Arab League. To attain its objective it is imperative that the Arab Court of Justice admits cases brought by Arab citizens against their governments especially if the judiciary in their own countries fails to protect their rights.
2. The Arab Parliament: to be formed ultimately through open, direct and fair elections among representatives of societal forces in Arab countries.

Figure 7-3  
Perception of just solutions to the Palestinian question, five Arab countries, Freedom Survey, 2003



*The prospect of protecting the legitimate rights of the Arabs improves with the reform of governance at the global level.*

between the aspirations of the Arab people for liberation from occupation, particularly Palestine, figure 7-3, on the one hand, and the objectives and actions of the Arab good governance regime, at the national, pan-Arab and global levels on the other. A good regional governance order would also enhance the prospects of liberation from occupation. This could take the form of support for resistance to occupation or collective bargaining to restore and safeguard Arab rights in international arenas and to act towards their realization. Undoubtedly, the prospect of protecting the legitimate rights of the Arabs improves with the reform of governance at the global level.

As such, governance reform at all three levels: the national, pan-Arab and global, is of crucial importance. Even more important perhaps is that synergy in good governance at all three levels could shield Arabs from the painful experience of occupation in the future.

According to the results of the Freedom Survey, Annex 1, interviewees, particularly those in Palestine, do not expect the current state of affairs to result in a just solution to the Palestinian question. The just solution is represented either by setting up a Palestinian State on the 1967 borders, the preferred option of Palestinians in particular, or by “setting up a democratic State in Palestine”.

## **GOVERNANCE AT THE GLOBAL LEVEL**

The Arab region continues to be labelled as volatile and to suffer occupation by outside forces and internal and cross-border conflicts that deprive people of their basic, inalienable rights and impede human development in affected areas. While much of the responsibility for ending such conflicts lies with the parties themselves, the failure of global governance to address and help resolve such conflicts cannot be ignored. This system will need to be reformed to provide effective and peaceful channels for settling disputes and a framework of fair rules that are subscribed to, and implemented by all. The system has to uphold the rule of law on the weak and the strong alike.

The first priority must be reform within the UN to make it the model for good governance at the global level and an effective instrument for protecting peace, security and prosperity throughout the world. This is the faithful translation of the society of freedom and good governance at the global level.

Many ideas have been advanced in this respect, ranging from changing the composition of the United Nations Security Council and limiting the dominance of certain members, to expanding the enforcement authority of General Assembly resolutions.

BOX 7-6:

### **Excerpts from the Address by the UN Secretary General, Kofi Annan, at the Opening Session of the General Assembly, New York, 21 September 2004.**

The prevalence of suffering faced by people around the world and acts of violence reflect our collective failure to uphold the rule of law, and instill respect for it in our fellow men and women. We all have a duty to do whatever we can to restore that respect. To do so, we must start from the principle that no one is above the law, and no one should be denied its protection. Every nation that proclaims the rule of law at home must respect it abroad; and every nation that insists on it abroad must enforce it at home.

At the international level, all states – strong and weak, big and small – need a framework of fair rules, which each can be confident that others will obey. Fortunately, such a framework exists... And yet this framework is riddled with gaps and weak-

nesses. Too often it is applied selectively, and enforced arbitrarily. It lacks the teeth that turn a body of laws into an effective legal system... Those who seek to bestow legitimacy must themselves embody it; and those who invoke international law must themselves submit to it. Just as, within a country, respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global community. No nation must feel excluded. All must feel that international law belongs to them, and protects their legitimate interests.

Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives... It is by reintroducing the rule of law, and confidence in its impartial application, that we can hope

to resuscitate societies shattered by conflict... And it is by rigorously upholding international law that we can, and must, fulfill our responsibility to protect innocent civilians from genocide, crimes against humanity and war crimes. As I warned this Assembly five years ago, history will judge us very harshly if we let ourselves be deflected from this task, or think we are excused from it, by invocations of national sovereignty.

I believe we can restore and extend the rule of law throughout the world. But ultimately, that will depend on the hold that the law has on our consciences... Each generation has its part to play in the age-old struggle to strengthen the rule of law for all – which alone can guarantee freedom for all. Let our generation not be found wanting.

What concerns us from the perspective of Arab human development is the establishment of an impartial and effective international authority, which guarantees humanity security, peace and prosperity on a solid basis of human rights and justice for all. The transitional target towards that can be the achievement of “the Millennium Development Goals”, which were adopted by an extraordinary international consensus.

#### *A ROLE FOR THE UN AND OTHER INTERNATIONAL AGENCIES*

The UN enjoys widespread credibility, particularly among the people, a credential not associated with any other international presence, although this standing fluctuates in some political situations. This credibility can be expected to increase as good governance at the global level advances in the directions mentioned above.

The UN’s credibility centres on its fair, constructive and positive role, which is widely accepted, to help peoples and States overcome difficult periods in their history especially in the context of political reform. The UN can play a crucial role in the process of transformation towards good governance and freedom in Arab countries. It can help assure the completion of initial legal reforms guaranteeing civil society organizations the freedom to exist and carry out their activities; it can guarantee that conditions are met for holding free and fair elections and it can provide observers to monitor elections during transitional periods when the electoral system first becomes operational.

This role for the UN should be complemented by stronger co-operative links among global civil society groups, in particular those working for human rights worldwide.

#### **ACHIEVING PEACEFUL POLITICAL ALTERNATION IN ARAB COUNTRIES IN ORDER TO BUILD FREEDOM AND GOOD GOVERNANCE: THE ‘IZDIHAR’ SCENARIO.**

As has become the tradition with the Arab Human Development Reports, what we

present here are only the broad outlines of our preferred scenario: first, for Arab society to discuss them, second, to place them within their respective context, and third, to work for them after they are adopted.

In Max Weber’s terminology, what is proposed here is a “pure” or ideal type for desired change. If adopted, such a type would most certainly be adapted and modified by each Arab country to reflect its respective characteristics and capabilities.

We formulate here one of the possible trajectories for attaining the “izdihar” scenario. Societal innovation could generate many more, around a sequence of acts leading towards a society of freedom and good governance in Arab countries. In our scenario, the completion of each act leads to the emergence of the next. The sequence of events leading to this historic metamorphosis in the Arab world, according to this one possible trajectory passes through two major stages. The first is total respect for the key freedoms of opinion, expression and association. The second is a historic and peaceful process of negotiation among all dynamic societal forces in Arab countries, including authorities currently in power, aimed at redistributing power in favour of the people at large and establishing the institutional structures of good governance.

Vision dims the further one peers into the future, and prospects for alternatives multiply. We therefore focus on the first opening act of this sequence, it being the closest to us, and the most accessible to reflection. Since this opening act initiates the historic leap towards freedom and good governance in the region, it merits close attention. Indeed, in this light, this first act is so crucial that it represents, in our view, the yardstick by which to judge the seriousness of governance reform in Arab countries.

The opening act is then presented in enough detail to appreciate its dimensions and how it subsequently leads to a sequence of acts representing variations on the trajectory sufficient to launch the region towards freedom and good governance. The formulation of possible sequences of acts, leading to the society of freedom and good governance, is left to the creativity of reform forces in Arab societies, each acting within their own circumstances.

*The UN’s credibility centres on its fair, constructive and positive role.*

*This first act is so crucial that it represents, in our view, the yardstick by which to judge the seriousness of governance reform in Arab countries.*

*ACT 1: LIBERATION OF CIVIL SOCIETY, LAYING THE FOUNDATION FOR COMPREHENSIVE LEGAL AND POLITICAL REFORM*

*Present-day civil society has its own flaws, brought on by a climate of corruption and restricted freedom.*

The curtain rises, so to speak, on a historic process of transformation towards freedom and good governance in the Arab countries through the unleashing of societal forces in order to ensure the emergence of a societal movement for change in service to an Arab renaissance.

The theatrical analogy implies that this historic transformation can only start with such an opening act and will unfold only on its completion. That ending will be marked by the total respect of the key freedoms of opinion, expression and association in Arab countries<sup>3</sup>. These key freedoms must coexist, because freedom of expression, for example, is ineffective if not complemented by freedom of association in both civil and political society, and other rights and freedoms usually follow thereon.

In this opening act, civil society institutions, in particular, acquire autonomy. Their situation changes from one where the executive branch of government licenses them to exist, subject to supervision, intervention and control, to one of absolute freedom to organize and operate under the protection of the rule of law and an independent judiciary.

Present-day civil society has its own flaws, brought on by a climate of corruption and restricted freedom. Legal and organizational reform in this act will therefore incorporate measures to guarantee good governance in those institutions themselves, notably to eliminate financial and administrative corruption and safeguard the public interest.

Initial conditions for this first act to materialize include, in addition to the above, the elimination of all types of marginalization and discrimination against societal groups and an end to all types of exceptional legal arrangements such as emergency laws and exceptional courts. Foundations also need to be set down for the principles of transparency and disclosure in all organizations throughout Arab societies.

As such, this act requires an initial far-reaching legal and organizational reform the crux of which is the guarantee of key freedoms and independence of the judiciary and changes that limit the role of security forces to their original mandate in protecting the security of citizens and the nation.

In this sense, this initial reform is the indispensable prerequisite for the historic process of change, aiming at ensuring freedom and “izdihar” in Arab societies.

The successful enactment of this stage is assured by the development of a public attitude supportive of change and progress; and by the emergence of a societal movement that includes all societal forces that support freedom and good governance. Participants in this movement come from both within and outside the government and particularly from civil society institutions, and are eligible to lead the struggle for freedom and good governance. The realization of this opening act will significantly contribute to the achievement of these two goals.

The successful emergence of this opening act in political alternation is assisted by and guaranteed – particularly in preparation for subsequent acts – by the formation of dynamic pan-Arab networks, with active country-level nodes. These networks would agree on the minimum level of social reconstruction in Arab countries required to ensure an Arab consensus on the previously described historic negotiation and on renaissance objectives, and they would call for it in an effective manner. This would require the mobilization of popular forces and the creation of a climate of change towards the society of freedom and good governance. This in turn would set the stage for

BOX 7-7

**Guaranteeing freedom for civil society**

**Current status:**

Civil society organizations must be authorized and supervised, with executive authority intervention in their activities.

**Desired status:**

The law, upheld fairly by an independent judiciary, guarantees freedom of organization and expression for all.

<sup>3</sup>We recall that this was the first pillar of the strategic vision for building the knowledge society in Arab countries, AHDR2.

subsequent acts of the “izdihar” scenario to unfold. The chances of the first act succeeding would be enhanced if an “Arab renaissance network” established its own media outlets that would call for these goals, independently of both ruling governments and the profit-seeking sector.

This first act depends as well on an enabling regional and global environment amid the plethora of initiatives and plans competing to influence the Arab future. Perhaps the potential partnership between internally generated and externally motivated reform initiatives, currently under exploration, could foster such a climate.

At the pan-Arab level, a solid Arab consensus on the required legal and institutional reforms would widen the path forward through the first act. This consensus can take the form of an Arab version of the Helsinki Accords.<sup>4</sup> It would centre on a convention to be concluded among Arabs in an Arab city (so to become for example the “Fez Accords” or the “Dubai Accords”) that officially opens up the public sphere in Arab countries.

The climate of freedom created by unleashing the key freedoms can be expected to secure the remaining conditions for systemic change: high quality institutions within civil and political societies at the national and regional levels; and to prepare for subsequent acts in the “izdihar” scenario.

## **EPILOGUE: THE FURTHEST LOTUS TREE<sup>5</sup>**

The foregoing pages have made it clear that formidable obstacles stand in the way of a society of freedom and good governance in Arab countries.

But hopefully, they also show that, at the end of this difficult journey, there lies a noble goal, worthy of the hardships endured by those who seek it. That goal is nothing less than a society of freedom. In that place, human dignity is respected and people’s basic needs - material, emotional and spiritual - are met.

A society that is always open to the potentials of human progress through the acquisition and effective use of capabilities in the various spheres of human activity, with none subject to unjust force or coercion; a society in which an individual is secure against all adversities. That society is the outcome of human development, the goal which this series of Reports is dedicated to achieving in the Arab world in honour of its entire peoples.

There is a not inconsiderable distance between the present point of departure in Arab countries and this noble destination; and pitfalls and obstacles at the national, regional and global level line the way forward. Perhaps we Arabs have long been reluctant to engage in the social struggle that offers freedom and establishes the society of good governance. It may be that we have been too lenient and that this has invited usurpation by those greedy for what our region has to offer. The cost of our reluctance and passivity is the burdensome legacy that we are left with.

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

The Arab world is at a decisive point that does not admit compromise or complacency. Let each rise to the challenge.

*This (regional) consensus can take the form of an Arab version of the Helsinki accords.*

*The time has come to make up for the missed opportunities of the past.*

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<sup>4</sup> In 1975 representatives of 35 States met in Helsinki, capital of Finland, at a conference on security and cooperation in Europe. Negotiations led to the “Helsinki Accords” guaranteeing the principles for freedom and human rights. Participating states undertook to respect human rights for all, without discrimination. They also undertook to encourage and support the effective exercise of civil, political, economic, social and cultural freedoms and rights inherent in the dignity of the human person and necessary at the same time to attain her/his enjoyment of freedom.

<sup>5</sup> A tree in Paradise