

## **Part I**

# **Changes in Human Development Since the Launch of AHDR 2003**





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## Introduction

*This opening section of the Report reviews changes influencing human development in the Arab world dating from the completion of the second AHDR up to mid-2004. These changes are reflected in certain national, regional and international developments that, in the view of the Report team, had the greatest impact, for good or ill, on countries of the region. Readers may thus be able to form an overall view of the human development situation in Arab countries.*

Prospects for human development in the Arab world have been affected by domestic and international attempts at promoting reform; they have also been influenced by developments at the regional and international level. Many of these trends have had a negative impact on Arab human development.

## ARAB INITIATIVES TO PROMOTE REGION-WIDE REFORM

### OFFICIAL ARAB REFORM EFFORTS

Since the publication of AHDR 2003, Arab governments and civil society organisations have undertaken a variety of reform initiatives to address some shortcomings in the Arab world.

#### Formal initiatives

The “Charter for Reform of the Arab Situation”, proposed by the Crown Prince of Saudi Arabia, was the first in a series of such internal reform initiatives. The draft Charter was to have been submitted to the summit conference held just before the invasion of Iraq in 2003, but under the circumstances it

was postponed to the next meeting.

Calls for the reform of the League of Arab States grew more insistent through this period. The Government of Yemen put forward a draft document entitled “Development of the Joint Arab Action Mechanism”. The Government of Egypt also tabled an initiative aimed at “developing the League of Arab States and activating the Joint Arab Action mechanism”.

Against the backdrop of a rising tide of reform initiatives from outside the region, these various initiatives coalesced into a single joint draft document that has been adopted by the Governments of Egypt, Saudi Arabia and Syria. The text was laid before the meeting of Arab Ministers for Foreign Affairs held in Cairo early in March 2004.

At the same time, the Secretary-General of the League of Arab States unveiled a draft proposal for reforming the League and putting the Joint Arab Action mechanism into effect. The proposal contained nine main annexes. They dealt respectively with: the establishment of an Arab Parliament, the establishment of an Arab Security Council, the basic statute of an Arab Court of Justice, strengthening joint Arab economic action, development of the Economic and Social Council, the establishment of an Arab Investment and Development Bank, a procedure for the adoption of resolutions within the League, a mechanism for monitoring the implementation of resolutions, and the establishment of a High Council for Arab Culture (Al-Ahram, in Arabic, Cairo, 2 March), (selected documents, Annex 2).

On 24 May 2004, the Arab summit was finally held in Tunis. While almost half the Arab leaders were absent and though the meeting faced other difficulties, it produced a “Pledge of Accord and Solidarity”, which was initiated by Ministers for Foreign Affairs. The

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summit also issued a “Declaration on the Process of Reform and Modernisation”. Although it included many constructive positions, the document, in the view of this Report, did not venture sufficiently into the essence of freedom and good governance.

These various declarations were also short on details concerning the effective implementation of principles adopted. The substance of

the reform of Joint Arab Action mechanisms was postponed to the Algiers summit, which is scheduled for 2005.

### *CIVIL SOCIETY REFORM INITIATIVES*

Civil society organisations were spearheading several reform initiatives as this Report was being prepared.

The Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court (Sana’a, January 2004) resulted in “The Sana’a Declaration”.

In March 2004, a conference of Arab civil society organisations was held at the Bibliotheca Alexandrina on “Arab Reform Issues: Vision and Implementation”. The President of the Republic of Egypt inaugurated the conference and the participants issued “The Alexandria Charter”.

On 1-3 June 2004 the “Arab Regional Conference on Education for All” took place and issued “The Arab Vision for the Future”.

In December 2003 an Arab Business Council Meeting was organized in Aqaba, which called for reform.

Excerpts from some of these documents can be found in Annex 2.

### *THE STRUGGLE WAGED BY CIVIL AND POLITICAL FORCES IN THE ARAB WORLD*

Despite the many hurdles in their way, independent political and civil forces in the Arab world are taking firm steps to pursue political reform in Arab countries. Their efforts in individual countries contribute to the broader reform movement in the region.

#### **Freedom and respect for human rights**

In Morocco, where civil activity has been vigorous for years, human rights and political organizations persuaded the Government to acknowledge earlier violations, in particular relating to the disappearances of political opponents, and to take steps to address the issue. Civil society movements achieved perhaps their greatest triumph in January 2004,

BOX 1

#### **Declaration on the Process of Reform and Modernisation in the Arab World (excerpts)**

Continuation and intensification of efforts in pursuit of the political, economic, social and educational reform process with a view to the progress of Arab societies stemming from their own free will, consistent with their cultural, religious and civilizational values and concepts and the circumstances and potential of each State:

- Action to deepen the foundations of democracy and consultation, and to broaden participation in political life and decision-making, in the context of the rule of law, equality among citizens, respect for human rights and freedom of expression in accordance with the provisions of the various relevant international conventions and charters and the Arab Charter for Human Rights, and safeguards for the independence of the judiciary, with a view to strengthening the roles played by all components of society, including non-governmental organisations, and participation by all social groups, men and women alike, in public life, as a means of ensuring that the elements of citizenship are solidly grounded in the Arab world.
- Action to ensure the welfare of children and young persons, and continued action to enhance the role played by women in Arab society, strengthen their rights and promote their status, with a view to enabling them to contribute more effectively to the comprehensive development process through fuller participation in various areas of political, economic, social and cultural life.
- Preparation of a comprehensive Arab economic, social and human development strategy aimed at establishing the concepts of good governance, addressing the phenomena of poverty, illiteracy and environmental protection, creating jobs and providing health care in the Arab world.

- Action to modernize the social structure of our States, upgrade their education systems and develop data bases incorporating scientific, technical and technological progress in the world, thereby enabling our societies to cope with the demands of the spirit of the age while still retaining our identity and continuing to respect our basic traditions.

- Greater efforts to enlist the international community in the task of achieving a just, comprehensive and lasting settlement of the Arab-Israeli conflict, in accordance with the Arab peace initiative and the relevant UN resolutions, with a view to:

- the establishment of an independent Palestinian State in its homeland, having East Jerusalem as its capital,
- Israel’s withdrawal from all the occupied Arab territories to the borders of 4 June 1967, including withdrawal from the occupied Syrian Golan and the Shaba Farms of Lebanon,
- the realization of a just, agreed solution to the issue of the Palestinian refugees pursuant to General Assembly resolution 194, one that excludes all forms of Palestinian resettlement that are incompatible with the distinctive situations of the Arab host countries - and affirms that the commitment to peace is a strategic choice entailing a corresponding Israeli commitment to faithful implementation of the relevant UN resolutions,
- the convening of a UN conference aimed at ridding the Middle East region, including Israel, of weapons of mass destruction, thereby bringing about security and stability in the region, eliminating tension and distrust, and orienting the energies of the States of the region toward comprehensive development and a more secure and prosperous future for their peoples.

Source: Al-Ahram, Cairo, in Arabic, 24 May 2004

when the Family Code (Personal Status Act), which met many of the demands of women's movements, was approved by parliamentary consensus.

In Bahrain, the National Committee for Martyrs and Torture Victims began demanding compensation for the families of those killed and tortured by the security forces. It also called for those responsible for human rights violations in Bahrain to be brought to justice. This Committee has managed to collect signatures from 33,000 citizens (Bahrain has a population of 400,000) on a petition demanding the repeal of Decree-Law No. 56, according to which court proceedings cannot be brought against anyone responsible for previous wide-scale human rights violations.

In Tunisia, organizations that the Government does not recognize, or which face harassment or squeezes on funding, nonetheless waged active campaigns. One in particular included seeking a general legislative amnesty for political prisoners. Similarly, students acted in solidarity with political detainees on hunger strike for improved conditions by organizing their own hunger strikes and sit-ins, which were forcibly broken up by security forces. Some student leaders were also expelled from university by the authorities.

In Egypt, Algeria and the Sudan civil society forces and political parties, including banned groups, use what margins of media freedom are available to fight corruption and human rights violations and to call for democracy. Long-established trade union and professional associations continued their defence of freedoms, incurring official harassment; in Egypt, some were placed under surveillance, and attempts were made to incapacitate them or impose government controls. Civil society institutions organized a variety of initiatives, in particular demonstrations against the war in Iraq and in solidarity with the intifada in Palestine. The authorities, however, repressed these initiatives.

In Syria, where a state of emergency is still in effect, dozens of members of associations and organizations assembled in March 2004 in front of the Parliament building on the 41st anniversary of the accession to power of the ruling Ba'ath party. They demanded that the state of emergency be lifted and freedoms

expanded. Their peaceful demands however, met with a strong response from the authorities, which broke up the demonstration and arrested 30 demonstrators. At the beginning of the year, approximately 700 Syrian intellectuals and activists signed a note to demand greater freedoms and the introduction of political reforms. A group of opposition parties and human rights associations also launched a political reconciliation initiative based on a draft national charter establishing freedom of political action for all.

### **Stronger grass-roots participation**

In all Arab countries that permit party activity, political parties continued their efforts to strengthen grass-roots participation in parliamentary and presidential elections. Such efforts were conducted in the face of numerous official obstacles; in Egypt, for example, the Muslim Brothers organization was refused official permission to constitute itself as a political party, and its members were denied the opportunity to run for election. Activists were detained and voters were restricted. Despite such difficulties, the Muslim Brothers announced an initiative for general reform in Egypt.

In Mauritania, the most prominent candidates for the presidency were arrested and in Algeria one candidate was forbidden to stand for election. In Morocco, some new parties such as the Justice and Development Party, which has moderate Islamist leanings, successfully acquired the legal right to operate openly and won the second largest number of votes in the parliamentary elections.

### **Towards political reform**

In countries where party activity is not officially recognized, political movements continued to press for reform. In Kuwait, political movements and civil society organizations stepped up their calls for political change. Newspapers, which enjoy relatively greater freedom in that country, are a basic forum for the expression of civil and political demands. A campaign was led against a Government proposal to tighten the provisions of the Press and Publications Act and demands increased for amending the Assembly Act, under which it is a criminal of-

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fence to convene a group of over 20 persons to discuss any subject. Political forces and civil society institutions continued to call for the rights of women to stand as candidates and vote, as well as for reducing the voting age to 18 years. They also campaigned for the participation by members of the military forces in elections and for measures to address the situation of the stateless Bidun and enable them to study, receive medical treatment, marry, relocate, travel and work. The Kuwait parliament is regarded as an important platform for expressing grassroots demands, monitoring the government and questioning government officials.

At the beginning of 2004, Saudi Arabia witnessed an unprecedented number of civil initiatives that were distinctive insofar as they were relatively acceptable to the government. The year began with a symposium, convened in London by a liberal opposition group, which called for the swift introduction of political and legal reforms.

In January 2003, 104 activists from different regions and with differing intellectual and confessional approaches signed a document, addressed to the Crown Prince and entitled "A vision for the present and future of the homeland". This was followed in April by the presentation of another document, "Partners in the homeland", signed by 450 Shi'ites (men and women). It contained their demands for religious freedoms and civil rights, including measures to tackle discrimination against them.

In June, followers of the Ismaili sect in Najran presented a manifesto entitled "The homeland for all and all for the homeland" to the Crown Prince. The document called for equality among citizens and an end to discrimination against Ismailis. This was followed in September 2003 by the submission of a petition entitled "Defence of the homeland", which criticized acts of violence and called for political openness as a solution to the prevailing crises. Over 100 people, mainly liberals and a number of Islamists from different regions of the Kingdom, signed the text.

In December 2003, a petition signed by 300 women and calling for improvements in the status of women, including guarantees

of their full participation in public life was submitted. Another petition, "Constitutional reform first", was signed by 116 national personalities, both Shi'ite and Sunni, most of them with religious leanings. The petition called for a constitutional monarchy and fundamental political reforms, including elections, control of public funds and reform and independence of the judiciary. In January 2004, after the second round of national dialogue in the holy city of Mecca, the official statement, "All for reform", was declared and signed by some 900 people, mainly liberals, from throughout the Kingdom. The Crown Prince met with a number of delegations to discuss their declarations and proposals. Such progress, however, suffered a setback after the authorities detained a group of reform leaders at the end of March 2004.

In Libya, civil and political movements continue to call for reform through the opposition abroad. At the beginning of 2004, a human rights organization (Watch) was established in London, which is also a base for various Internet publications that monitor developments in Libya.

### **Towards peace**

In countries experiencing civil war, such as Somalia and the Sudan, civil society organizations operating under international and regional sponsorship remain pivotal in driving the peace efforts under way in Kenya. (These efforts have been proceeding for over a year in the case of Somalia and for over 10 years in the case of the Sudan). Significant breakthroughs were achieved in this period. Such organizations have strived to contribute to peace efforts by holding symposiums and workshops, by meeting with and pressuring the leaderships concerned and by expressing through the media and demonstrations their desire to see an urgent end to the state of war. Relief organisations have also started to draw up plans for dealing with the post-war situation, in particular reconstruction, the settlement of displaced persons and migrants and the delivery of immediate services to those in need.

In Palestine, civil society organizations are active in many areas, from resisting occupation and defending human rights to assisting

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in relief and humanitarian aid operations and calling for reform.

To conclude, various networks are now springing up in order to promote the different causes pursued by Arab civil organizations, creating links among them and reaping the benefit of their joint resources. Such activities include meetings, such as the Alexandria Conference, which advocated speedy political reform in all Arab countries. In addition, Internet networks and Arab media establishments, including satellite channels and newspapers in the Arab diaspora, now offer wide opportunities for Arab political and civil forces to communicate with one another, publicise their activities and open the way to joint initiatives.

These developments underscore the vitality of civil and political life, energies all the more remarkable because, given the frequent hostility of the authorities, often the simplest public activism, such as providing services to disaster victims or the families of political prisoners, or even undertaking garbage collection, entails risks.

#### **EXTERNAL ATTEMPTS AT CHANGE: THE BROADER MIDDLE EAST INITIATIVE**

The US Administration presented to the G8 countries a reform project in the region. The project, initially called “The Greater Middle East Initiative”, included a call to reshape the Middle East through economic and social reforms that preserve the security interests of the US and its allies in the region. The initiative called for promoting democracy and good governance, the establishment of a knowledge society and the enhancement of economic opportunities.

After the document was leaked to the newspaper Al-Hayat and its contents published on February 13, 2004, the initiative encountered strong criticism in Arab circles. Its critics said that the initiative did not acknowledge the role of Israeli occupation in impeding freedom and development in the region, and that it was drafted without consulting the Arab world. Moreover, they maintained that it gave Arabs no significant role in deciding their future course.

After reservations on the first draft by

Arabs and some European countries the US embarked on consultations with its European allies and some Arab leaders. The result was put forward in an amended project called the “Broader Middle East Initiative”, which proposed more limited objectives. It was adopted at the G8 summit in June 2004. Responding to Arab requests, the new initiative acknowledged the importance of resolving the Arab-Israeli conflict and of returning security and peace to Iraq. At the same time, it was reiterated that conflict should not stand in the way of reforms.

The cornerstone of this initiative is the “Future Forum”, a consultative mechanism of interested nations under which ministers from both sides meet. Parallel forums for businessmen and NGOs were also to be established. Through these mechanisms, consultations are to be conducted around political reform (moving towards democracy, the rule of law and respect for freedoms and human rights); social and cultural reform (reform and development of education and respect for women’s rights and the rights of expression); and economic reform (enhancement of trade and investment opportunities, financial resource mobilization and eradicating corruption).

Although the modified initiative acknowledges that reform should come from within Arab societies and meet the Arab people’s aspirations, there remain questions around the effectiveness of its recommendations especially since the ceiling of such recommendations has been lowered and they have been incorporated into existing projects that have not achieved notable results.

Reform initiatives of the kind cited in this section, both those originating in and outside the region, were launched in an international and regional context that often held up progress. As the next section illustrates, that context also affected human development negatively.

#### **THE REGIONAL AND INTERNATIONAL CONTEXT**

The continued occupation of the Palestinian territories by Israel, the US-led occupation of Iraq and the escalation of terrorism had an adverse influence on prospects for Arab human

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development.

The international human rights system condemns foreign occupation as a violation of a people's right to freedom. Freedom lies at the heart of the concept of human development. Occupation is the negation of freedom and the right to self-determination, and thus obstructs human development. This can be seen particularly in Palestine where occupation has given rise to significant violations of fundamental human rights, while eroding people's essential capabilities, frustrating the efficient use of those capabilities and cutting short many opportunities for human development.

The practices of occupation forces, particularly in Palestine, amounted to human development reversals for Arabs as the region experienced setbacks because opportunities for peace and security were not grasped.

Such practices sapped the struggle for freedom and good governance in Arab countries in several ways. They provided Arab regimes with pretexts to halt or postpone the process of democratization, citing external threats. They forced Arab reformers to focus their struggle on resisting occupation, leaving less space on their agendas for democratic reforms. And they strengthened extremist groups as violent as the occupiers, hence further narrowing opportunities to achieve greater freedom in the Arab public sphere and stifling emerging reform initiatives.

## *ISRAELI OCCUPATION OF PALESTINE CONTINUES TO CONSTRAIN HUMAN DEVELOPMENT AND FREEDOM*

The protracted conflict in the occupied Palestinian territories has resulted in escalating human and economic losses to both sides, albeit disproportionately. However, since the scope of this Report is confined to Arab human development, this section naturally focuses on the impact of occupation on Arab development.

In the period under review, the UN Commission on Human Rights (Round 60, March 2004, Annex 2) condemned Israel's occupation of Palestine as a crime against humanity and a flagrant violation of human rights. The occupation resulted in the following:

### **Violations of the right to life**

In 2003 and in early 2004, Israeli forces stepped up their raids and incursions into, and re-occupation of cities and villages in the West Bank and Gaza, inflicting significant human and material devastation.

Between May 2003 and end-June 2004, a total of 768 Palestinians were killed and 4,064 injured (Palestinian Red Crescent Society website, [www.palestinercs.org](http://www.palestinercs.org), September 2004). 22.7 per cent of Palestinians killed during that period were children under 18 (B'Tselem website, [www.btselem.org](http://www.btselem.org), September 2004). In the same period 189 Israelis were killed, 8.9 per cent of them children. The majority of Israeli civilians were killed when Palestinians blew themselves up in crowded locations inside Israel. It goes without saying that any loss of innocent life is unconscionable and unacceptable.

Actions of the Israeli Occupation army against civilians, particularly in Rafah, received widespread condemnation. The Security Council condemned the Israeli operations (SC resolution 1544, 19 May 2004) with 14 out of 15 members voting in favour and the US abstaining. Israeli citizens also protested against

BOX 2

### **The Arab people's views on the importance of the Palestinian question**

A field study into Arab values, beliefs and concerns found that among issues that people in seven Arab countries considered of the greatest importance in the region, the Palestinian question was rated at between 69% and 97%. Four

countries (Jordan, Egypt, Morocco and Saudi Arabia) said that it was among the top four priority issues. Both Morocco and Saudi Arabia said it was the most important issue.

(Source: Zogby, 2002, 34)

<sup>1</sup>For example, Avraham Burg, the former Speaker of the Knesset and current Member representing the Labour Party: "Israel's Failed Society Collapses, Zionism's End?", International Herald Tribune, Washington DC, September 2003.

Keren Yedaya, film director, on the occasion of receiving the Camera d'Or at the 2004 Cannes Film Festival: "I come from Israel and we are responsible for the slavery of three million Palestinians. Please, there are many people in Israel who are fighting this occupation. Help them. Help the Palestinians," (Agence France Presse, 1 June 2004).

these actions<sup>1</sup> while some members of the Israeli Army refused to serve in the Occupied Territories and to wear their military medals.<sup>2</sup>

Between September 2000 and September 2003, assassination operations by Israel escalated causing the deaths of 328 Palestinians. Targeting Palestinian leaders, Israel assassinated Dr. Abdel Aziz al-Rantissi (April 17, 2004) after killing Sheikh Ahmed Yassin, the spiritual leader of the Islamic Resistance Movement (Hamas) on 21 March 2004. Although the US used its veto to prevent the UN Security Council from condemning Israel for the assassination of Sheikh Yassin, the act was widely criticized around the world. It was also condemned by elements of Israeli society.

### Violations of human rights and individual and collective freedoms

In the past year, this pattern has intensified reflected in collective punishment, including arbitrary arrest and detention, and repeated restrictive closures. Figures issued by the Palestinian Ministry of Detainees and Ex-Prisoners (July 8, 2004) indicate that 7,400 Palestinians were imprisoned in Israeli jails and camps at the end of June 2004. 470 of those incarcerated were children, of whom 206 spent their 18th birthday in prison. (Source: International Press Centre, July 2004).

Checkpoints and curfews have continued to restrict the free movement of people, services and goods within, to and from Palestine. At the beginning of 2004, an estimated 734 checkpoints were dividing Palestinian territories into enclaves. This forced fragmentation has precipitated a large-scale humanitarian crisis and adversely affected Palestinian economic and social rights.

Israel continued its policy of demolitions, destroying property and land.<sup>3</sup> More than 12,000 homes have been either demolished or

damaged in the West Bank since 2000. Between September 2000 and through September 2004, more than 24,000 Palestinians living in the Gaza strip have been made homeless by Israeli house demolitions. In the first nine months of 2004, the Israeli Defence Forces demolished on average 120 residential buildings each month - or four each day.<sup>4</sup> Israel's incursion into Rafah in May 2004 alone left some 4,000 Palestinians homeless after the Israeli army destroyed their homes supposedly to prevent arms smuggling through tunnels.

*Forced fragmentation has precipitated a large-scale humanitarian crisis (in Palestine).*

BOX 3

#### Unnoticed Losses

##### Testimony of Peter Hansen, Commissioner-General of UNRWA

"It is the unfortunate lot of the Palestinians that the loss of their homes to the maws of Israeli military bulldozers or powerful explosive charges is now so

commonplace that it fails to make the grade as news. After all, something that happens every day, usually more than once a day, eventually stops being news. But it doesn't stop being terrifying.

Source: International Herald Tribune, 23 June 2003

BOX 4

#### World Bank President Finds Israel's Conduct Shameful

"Israel's military operations pertaining to the demolitions of thousands of homes in Rafah are reckless, and leaves tens of

thousands of people without a roof over their heads ... As a Jew, I am ashamed of this kind of treatment of people".

Source: World Bank Blasts Israel in Wake of Gaza Operations, David Lipkin quoting James D. Wolfensohn, Maariv International, 17 May 2004

### Social and economic losses

Nutrition and health conditions have deteriorated in the Occupied Territories since September 2000. The number of anaemic children aged 6-59 months has increased to 37.9%<sup>5</sup>. Palestinian women have been most severely affected with 48% of women aged 15-49 suffering from anaemia.<sup>6</sup> Post-natal health care has also decreased while child birth rates

*Israel has demolished 4,000 Palestinian homes in the past three years.*

<sup>2</sup>"It is an organization that doesn't hesitate to drop bombs on the most densely populated areas in the world." Captain Alon, expressing his embarrassment over belonging to the Israeli Armed Forces, Newsweek.

<sup>3</sup>Amnesty international declared that the repeated practice by the Israeli army of deliberate and wanton destruction of houses and civilian property was a grave violation of international human rights, notably of Articles 33 and 53 of the 4th Geneva Convention, and constituted a "war crime." (Press Release 13 October 2003).

<sup>4</sup>Office for the Coordination of Humanitarian affairs. occupied Palestinian territory. Humanitarian Information Fact Sheet January 2005. www.Humanitarianinfo.org/opt/OCHA

<sup>5</sup>UNICEF, At a glance: occupied Palestinian territory. www.unicef.org/infobycountry/opt\_1535.html.

<sup>6</sup>UNDP: Millennium Development Goals Report - Palestine.2002

*Pregnant women who were held up at checkpoints were unable to reach a hospital in time and had to give birth on the spot.*

at hospitals have decreased to 67%.<sup>7</sup> In 46 recorded cases, pregnant women who were held up at checkpoints were unable to reach a hospital in time and had to give birth on the spot. More than half the infants born under these conditions (27 of them) died during delivery.<sup>8</sup>

UNICEF notes that at the start of the school year 2002/2003, over 226,000 children and 9,300 teachers were unable to reach their schools. 580 schools have been closed as a result of Israeli curfews, checkpoints and restrictions on movement.<sup>9</sup>

The Palestinian economy has been debili-

tated resulting in increased poverty and unemployment. Currently 58.1% of the population subsists below the poverty line and unemployment is estimated to be 28.6% (UN/OCHA).<sup>10</sup>

Hesitating to carry out necessary institutional reforms and without the means to govern effectively at its disposal, the Palestinian National Authority proved unable to cope with meeting people's needs.

### **The separation wall undermines human development**

Israel continued constructing the separation wall, which does not follow the boundary between the occupied territories and Israel but incorporates Palestinian land. The Wall is thus twice as long as the old boundary and represents an expansionist move by Israel. The building of the wall was condemned in a UN General Assembly resolution adopted in October 2003 by 144 votes (UN General Assembly Resolution ES-10/13). The Secretary-General also issued a statement on 28 November 2003 describing Israel's action as contrary to international law.

The International Court of Justice, in response to a General Assembly request, also issued a decisive advisory opinion on July 9, 2004 on the legal consequences of constructing the Wall. The Court ruled (by a substantial majority of 14 to 1) that the Wall violates international law, declared that it should be removed and called on Israel to compensate Palestinians harmed by the structure.<sup>11</sup>

Subsequently, on July 20, the United Nations General Assembly approved the Court's findings by a substantial majority of 165-6, with 15 abstentions. However, Israel announced that it would proceed with the construction of the Wall.

The first section of the Wall has been built. Completion of the three planned phases will result in the loss of 43.5% of Palestinian land to the Israeli side of the Wall (Palestinian submission to the International Court of Justice, 88-89, in Arabic), as well as the "balkanisa-

BOX 5

#### **By Law, This Wall Should Come Down - Findings of the International Court of Justice (ICJ).**

The International Court of Justice found, by 14 votes to 1, that:

"The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law;"

By 14 votes to 1, the Court stated that:

"Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto;"

By 14 votes to 1, the Court further ruled that:

"Israel is under an obligation to make reparation for all damage caused by the construction of the wall...;"

On matters of human rights, the ICJ was of the opinion that: "the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the Occupied Palestinian

Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child."

In reaching its conclusions, the ICJ considered and set aside Israel's contention that construction of the wall was an act of self-defence and moreover rejected its claim that the structure was an unavoidable necessity: "The Court is not convinced that the construction of the wall along the route chosen was the only means to safeguard the interests of Israel against the peril which it has invoked as justification for that construction."

The Court concluded, 14 to 1, by urging that: "the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime."

Source: International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004.

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> UNICEF, At a glance: occupied Palestinian territory. [www.unicef.org/infobycountry/opt\\_reallives.html](http://www.unicef.org/infobycountry/opt_reallives.html)

<sup>10</sup> Office for the Coordination of Humanitarian affairs. occupied Palestinian territory. Humanitarian Information Fact Sheet January 2005. [www.Humanitarianinfo.org/opt/OCHA](http://www.Humanitarianinfo.org/opt/OCHA)

<sup>11</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Summary of the Advisory Opinion of 9 July 2004.

tion” of the remaining Palestinian territories. When finished the Wall will divide the West Bank into cantons in three separated areas where life in some pockets will be extremely difficult. As box 6 illustrates, the Wall is also slicing through religious facilities and blocking pilgrimage routes, hampering people’s right to practice their faith.

### Looking to the Future

From a human development perspective, only the end of Israel’s occupation of territories occupied in 1967 and the restoration of Palestinians’ rights, foremost among which is the right to self-determination, will bring about that lasting peace the absence of which so far has contributed to frustrating human development in the region.

### THE IMPACT OF THE OCCUPATION OF IRAQ ON HUMAN DEVELOPMENT

As a result of the invasion of their country, the Iraqi people have emerged from the grip of a despotic regime that violated their basic rights and freedoms, only to fall under a foreign occupation that increased human suffering in the following ways:

#### Absence of security and violations of the right to life

Under occupation, the security of Iraqi citizens deteriorated, and their lives came under further threat. The end of major combat operations in May 2003 did not signal an end to the killing of Iraqi civilians. According to Amnesty International, at least 10,000 people were killed<sup>12</sup> between the start of the military intervention and March 2004. (Amnesty International, 18 March, 2004).

The largest number of victims fell during search-and-arrest operations, as a result of shootings at demonstrators, or at road-blocks

#### BOX 6

### Israel’s Restrictions on Churches in the Holy Land

Christian churches in the Holy Land are facing an unprecedented crisis that some say is jeopardizing their future, including their capacity to maintain the faith’s holy sites and charitable institutions and to educate clergy.

The Israeli government has failed to renew visas or residence permits for hundreds of religious workers, and has begun sending tax bills to charitable groups that have long had tax-exempt status, some since the Ottoman Empire. At the same time the separation wall being built in Jerusalem and on the West Bank is slicing through religious facilities, in some cases taking land and blocking pilgrimage routes.

“All indications point to the fact that the church is slowly but surely being strangled,” said an official at the Latin Patriarchate.

Source: Christian Science Monitor, 4 May 2004.

“The most difficult situation in living memory for the Church in the Holy Land”, according to Bishop Wilton Gregory, president of the US Conference of Catholic Bishops in a letter he sent to President Bush.

“In the Catholic world there is a growing view that Israel has deliberately framed a policy to hurt the Church”, the Rev. David Jaeger, representative of the Holy See told the Israeli newspaper Ha’aretz.

“It’s hard to accept that it’s a purely bureaucratic problem...renewing a visa used to take only half a day. They even are threatening to expel a sister who is 92 years old and has lived here for more than 50 years, and another who is 82”, stated the Rev. Robert Fortin, a Catholic official.

and checkpoints and through the shelling of residential areas.

The occupying powers failed to meet their obligations under the Geneva Conventions to provide security to citizens. Iraq witnessed an unprecedented loss of internal security, with killings and acts of terrorism in most parts of the country, including a series of explosions during the religious celebrations of Ashoura and targeting some churches in Iraq, possibly intended to trigger ethnic and religious strife in the country. There were also attacks on religious leaders and imams of mosques. Other victims have included a number of nuclear scientists, outstanding scientific experts, university professors, judges, doctors and others of notable achievement in the arts and literature (Arab Organization for Human Rights). A survey conducted by a British organization showed that three-quarters of Iraqis in the Middle and the South do not feel safe (Oxford Research International, 2004).<sup>13</sup>

International organizations were not

*The Iraqi people have emerged from the grip of a despotic regime that violated their basic rights only to fall under a foreign occupation that increased human suffering.*

<sup>12</sup> An updated estimate of Iraqi casualties since the 2003 invasion, published after this Part was completed, puts the figures much higher. The study is based on a cluster sample survey covering Iraqi governorates, where the numbers, causes and circumstances of death were compared during the period of 14.6 months before the invasion, and 17.8 months after it. The study concluded that the death toll associated with the invasion and the violence accompanying occupation is about 100,000 Iraqis. See Roberts, L. et al., “Mortality before and after the 2003 invasion of Iraq: cluster sample survey”, *The Lancet*, vol. 364, pages 1857-1864, November 20, 2004.

<sup>13</sup> Oxford Research International, National Surveys of Iraq, Oxford, 2004.

spared. The explosion at UN headquarters in Baghdad on 19 August 2003 killed 22 people including the Special Representative of the UN Secretary-General, Sergio Vieira de Mello. Another explosion took place at the International Committee of the Red Cross (ICRC) central office in Baghdad on 27 November 2003. A number of Arab and foreign civilians also fell prey to terrorist attacks, some savagely beheaded.

### **The right to freedom**

Thousands of Iraqis have been imprisoned since the occupation began. The BBC reported on April 2004 that, according to the United Kingdom authorities, US and UK forces were holding more than 5,300 Iraqi prisoners. A large proportion of detainees were civilians who were arrested in the course of search operations and raids. As a rule, these persons were not told what the charges against them were, and were not held under any particular provision of the law. An ICRC report revealed, on the basis of information obtained from Coalition intelligence officials, that 70% – 90% of these detainees had been arrested in error in the course of night raids (ICRC report, February 2004).

The spread of chaos in the country also undermined Iraqis' security and freedom. Abductions and disappearances became commonplace. Some incidents involved kidnappings for ransom, others were acts of revenge, but the worst concerned political operations aimed at killing or removing intellectuals and scientists (Arab Human Rights Organisation).

Women suffered the most. They were, and still remain, at risk of abduction and rape by professional gangs. In a permanent state of fear, they avoided leaving their homes and families were reluctant to send their daughters to school (*ibid.*). In some cases, coalition soldiers also sexually abused female prisoners (*Taguba Report*).

Nonetheless, the situation did not prevent the revival of civil society. Numerous civil society institutions and more than 200 political parties representing a variety of orientations had been established, and 38 newspapers were in circulation by end-2003. Despite

this broader scope for freedom of the media, efforts to suppress views opposed to the occupation continued. Examples included a two-week ban by the Governing Council on the Al-Arabiyya and Al-Jazeera networks, and an order by the US-led authorities in March 2004 closing Al-Hawzah, the newspaper of the Shi'ite leader, Muqtada al-Sadr ([news.bbc.co.uk](http://news.bbc.co.uk)). The interim Iraqi government has since lifted the ban on Al-Arabiyya and Al-Hawza but not on Al-Jazeera.

### **Mis-treatment of prisoners of war and detainees**

Towards the end of April 2004 the media published photographs depicting the inhumane and immoral treatment of Iraqi prisoners in the Abu Ghraib Prison under the US military. Many victims were civilians not charged with any offence. The exposé was shortly followed by reports of abuses by British troops. Such mistreatment is a clear breach of the Geneva Conventions. While the American-British Coalition leaders condemned the violations, they also claimed initially that they were isolated individual cases rather than the result of a deliberate policy or of a systemic problem.

However, Amnesty International reported that these were not isolated cases and that it had received numerous similar reports of torture and other ill-treatment of Iraqi prisoners by Coalition forces. The organization called for an independent and impartial investigation of these incidents (30 April 2004). An internal US army investigation report prepared by Major-General Antonio Taguba, in February 2004, which was leaked to the media, stated that such violations were part of an established, systematic pattern (The Antonio Taguba Report, *The New Yorker*, 4 April 2004). The International Committee of the Red Cross disclosed that it had reached similar conclusions and had made them available to the Coalition Forces. The ICRC noted that since the beginning of the conflict, it had “regularly brought its concerns to the attention of the Coalition Forces...[but] allegations of ill-treatment continued...and thus suggested that the use of ill-treatment...went beyond exceptional cases and might be considered as a practice tolerated by the Coalition Forces” (ICRC report, February 2004).

*Women suffered the most.*

*Many victims were civilians not charged with any offence.*

The revelation that crimes of torture were being committed in Iraqi prisons brought wide condemnation internationally and from within the US itself. Voices in the American media demanded that those responsible be called to account. The American Congress opened a series of investigations into the matter. It is noteworthy that the US media were the first to broadcast the photographs of violations in Abu Ghraib Prison.

### Dismantling the Iraqi State structure

The dismantling of the structure of the State of Iraq, which was more than 80 years old, was one of the negative results of the occupation.

The first signals of this policy came when Coalition forces stood by as governmental institutions (with some exceptions including the Ministry of Petroleum) were looted and destroyed, followed by the disbanding of the Iraqi Army. The destruction of the infrastructure, material resources and documents of the various Ministries was accompanied by the disruption of functional structures in the obscure situation created by “de-Ba’thification” operations.

After dismantling the old state, the US-led authorities made little progress in building a new one. Despite the optimistic reports published by the Occupation forces and the US Administration their performance continued to be deficient. The occupation forces struggled to bring various services, such as electricity, water and telephones, back to their pre-war levels. As of end - October, 2004, out of the US\$ 18.4 billion appropriated for Iraq’s reconstruction by the US Congress, an estimated US\$ 1.3 billion had been spent - only about 7 percent.<sup>14</sup>

### Looking to the future

By midyear, with the help of the Special Adviser of the UN Secretary General, an interim Government had been appointed in preparation for holding elections and drafting a permanent constitution. Under an annex to the Law on the Administration of the Iraqi State, the interim Government is prohibited

BOX 7

#### Conclusion of the Taguba Report

Several US Army Soldiers have committed egregious acts and grave breaches of international law at Abu Ghraib/BCCF and Camp Bucca, Iraq. Furthermore, key senior leaders failed to comply with

established regulations, policies, and command directives in preventing detainee abuses at Abu Ghraib (BCCF) and at Camp Bucca during the period August 2003 to February 2004.

Source: Report by Major-General Taguba, p 50

from undertaking any actions that will affect the future of Iraq after the specified interim period. The formal transfer of power to the interim government took place on 28 June 2004.

Iraq’s future is still beset by dangers. From the standpoint of human development, freedom and good governance, it is difficult to see how lasting benefits can accrue from the grave events that have occurred in the country and the massive damage it has sustained after invasion and occupation, unless its territorial integrity is preserved and sovereignty fully resides with the Iraqi people under a system of good governance, and unless Iraq is unified on a firm basis of common citizenship and freedom.

#### THE ESCALATION OF TERRORISM

Arab countries have been subjected to a number of serious terrorist attacks, most notably bombings in Saudi Arabia, Morocco and Iraq. Attacks have also occurred in major neighbouring states: in Turkey, whose Prime Minister took a strong position in support of Arab human rights (May 2004), condemning violations, and in Spain, which can play an important role as a natural bridge linking Arab countries with Europe.

These are crimes that constitute flagrant, indiscriminate violations of the human rights of their victims, including such fundamental rights as the right to life and to physical and psychological health. These unacceptable acts affect children, women and old people who are innocent by any decent human standards, or any religious teaching.

In addition to the gross human costs, these events have undoubtedly undermined human welfare and economic activity especially in those Arab countries that depend on tourism

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<sup>14</sup> Third Quarterly Report to Congress: Appendix J, US Department of Defence Status Report on Iraq, October 30, 2004, cited in “Progress or Peril - Measuring Iraq’s Reconstruction”, Centre for Strategic and International Studies, December, 2004.

*Progress was uneven in the area of freedoms particularly.*

and foreign investment. They have also had negative impacts on internal stability in the region, on neighbouring countries and on the world as a whole.

BOX 8

### **Quality Assessment of Primary and Middle Education in Mathematics and Science (TIMSS 2003) in the Arab World** RAB01/005/A/01/31

In the context of monitoring the quality of education and improvement of educational achievement, nine Arab countries participated in the project entitled: Trends in International Mathematics and Science Study (TIMSS 2003); these countries included Jordan, Bahrain, Tunisia, Syria, Palestine, Lebanon, Egypt, Morocco and Yemen.

The United Nations Development Programme supported the participation of Syria, Palestine, Lebanon, Egypt and Yemen, in addition to the provision of coordination work amongst all Arab participants.

TIMSS 2003 is considered the largest international comparative and assessment study aimed at measuring fourth and eighth grade student achievement in Mathematics and Science in almost fifty countries. The 'Study' had also compiled extensive data relevant to the changes affecting student, teacher and school, with regards to their achievement in the aforementioned disciplines.

The average performance in mathematics, for the participating eighth grade Arab students reached 392 in comparison to a 467 international average scale score. Whereas the average Arab student performance in science reached 416 in comparison to a 474 international average scale score.

It is noteworthy to mention that Lebanon ranked first in mathematics among the participating Arab countries, achieving an average scale score of 433; this being lower than the international average scale score in Mathematics. On the other hand, Jordan outperformed Arab participating countries in science achieving an average scale score of 475; only one score higher than the international average scale score.

These results indicate a need for undertaking serious developmental efforts in the Arab countries to improve the level of student achievement in mathematics and science, instruments for development and progress in this era.

BOX 9

### **“Development” of the University of the United Arab Emirates**

The University of the United Arab Emirates—its Faculty of Humanities in particular—has undergone a radical restructuring in the course of the past year, with departments being abolished and new fields of specialisation added. The Departments of Islamic Studies, English Language and Literature and French Language and Literature have been merged into a single programme, the Departments of Political Science and Geography have been merged into a Political Science, Government and Cultural Studies Unit, and the Departments of Arabic Language and Literature, History and Heritage have been combined. Furthermore, the language of instruction has been changed from Arabic to English (although in the case of a very few subjects, faculty members may be allowed

to give their courses in Arabic, provided they are able to show adequate cause why that is necessary).

Certainly proficiency in English or other foreign languages is essential, as are computer skills; educational plans and programmes must, of course, take labour market requirements into account. But this should not lead to neglecting the Arabic language altogether, or discarding some fields of specialisation on the grounds that there is no market demand for them. Human knowledge is multifaceted; its various aspects interact with each other, and all of them contribute to the expansion of people's mental horizons, flexibility, creativity, and ability to contribute effectively to their society's development.

## **ADDRESSING THE THREE DEFICITS: GAINS AND SETBACKS**

During the period in review some Arab countries took steps to deal with their capability gaps in knowledge acquisition, freedom and good governance and women's empowerment, the three cardinal deficits of the region identified in the first AHDR. However, progress was uneven in the area of freedoms particularly, where many countries experienced setbacks. The following section reviews these developments.

### *KNOWLEDGE ACQUISITION*

There were a number of positive developments in the field of education, the most important of which was increased attention to quality issues at the different levels of education.

In an unprecedented development, 9 Arab states have now participated in an international study designed to evaluate students' performance in science and mathematics in basic education. UNDP's Regional Bureau for Arab States is enabling five of these countries to participate in the study. At the tertiary level, the Union of Arab Universities, targeting the advancement of higher education establishments, decided to set up an independent institution to evaluate the quality of higher education, in cooperation with the Regional Bureau for Arab States,

The Regional Bureau for Arab States plans to extend its programmes for assessing of the quality of higher education in Arab countries to two new fields, namely law and education.

In Egypt, the Ministry of Education is cooperating with UNICEF, civil associations and teachers to draw on local and international experience to set down national standards for excellence. The project covers various aspects of the educational process (efficacy of the teacher and school, societal participation, education outputs, etc) at all stages of pre-university education. This is a major step towards improving the quality of education, and has attracted international interest with a view to replicating the example in the rest of the region.

In Bahrain, a National Conference on Education was held in 2003 to produce a comprehensive approach to unifying secondary-level

### An Assessment of Business Administration Programmes in Arab Universities

A second cycle of academic reviews, focused on the evaluation of the quality of Business Administration education, was completed this spring by the Regional Bureau for Arab States, as part of its ongoing project for enhancing the quality of education in Arab universities. The year-long process was carried out with the participation of 17 Arab universities (14 public, 3 private) from 11 countries (Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Oman, Palestine, Sudan, Syria and Yemen). The first review cycle was completed last spring and resulted in the evaluation of Computer Science programmes in 15 Arab universities (AHDR 2003, 57).

The new reviews were completed on schedule for all participating programmes with the exception of that at Al-Azhar University, Gaza. This was because the external review team was unable to enter the city after the occupation army suddenly closed off its entry. As in the first cycle, the review was carried out in three stages (training, internal evaluation and external evaluation and reporting).

The results show that the academic standards of only two of the 16 programmes were judged to be "Good", that four were found to be "Unsatisfactory" and the remaining ten "Satisfactory". The reviews also showed that the internal mechanisms for quality assurance and enhancement were "Unsatisfactory" in 6 of the programmes, "Satisfactory" in 9 and "Good" in one. All this indicates that, in general, the universities need to raise per-

formance in order to achieve the levels of excellence that are normally expected from modern universities.

The picture looks somewhat better with regard to two of three aspects that characterise the learning opportunities that the programmes provide to their students, namely, Methods of Learning & Teaching and Student Progression: one fourth of the programmes were graded as "Good" in each case. But in respect of the third aspect within the same category, which is concerned with the standards of learning resources and facilities, only one programme was graded as "Good", six as "Unsatisfactory" and the remaining 9 as "Satisfactory". These ratings substantiate the reviewers' general conclusion that, while academic staff were, in the majority of cases, well qualified academically and diligent in performing their duties, the standards of learning resources available, including the numbers of available academic staff, were unsatisfactory in many cases and below the levels required for achieving excellence, in most of them.

Detailed analyses of the various strengths and weaknesses identified by the reviewers under each aspect of review and programme are presented in a final review report sent, in confidence, to each university.

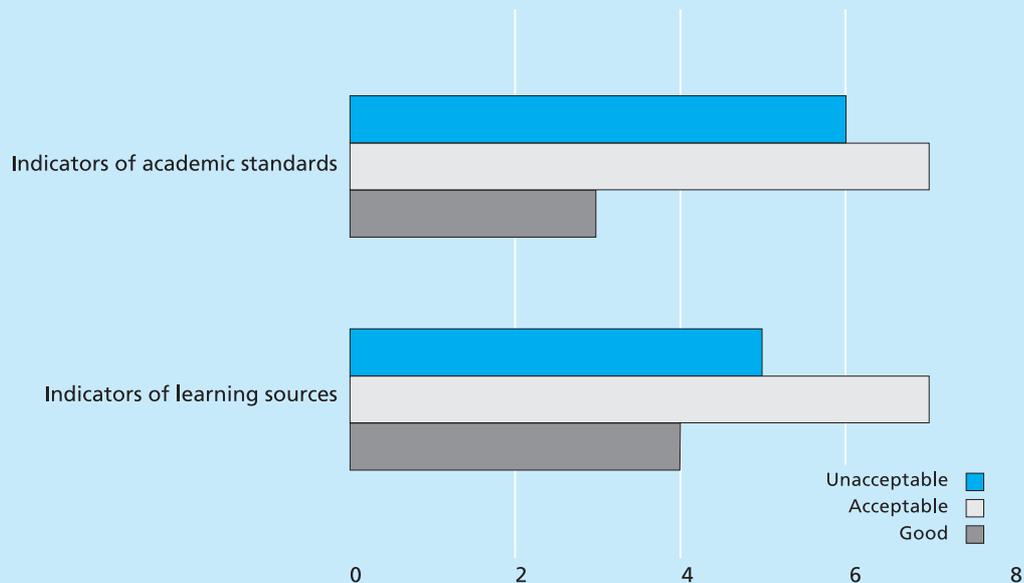
The picture is further illustrated by a number of derived indicators that quantify some of the detailed aspects of each review. Thus, with regard to learning resources, the number of available academic staff was

not found to be "Good" in any of the programmes. Library, Internet and PC facilities were "Good" in about one fourth of the cases but "Unsatisfactory" in about half, a high ratio by any standards. The indicators also reveal major weaknesses with regard to the following specific academic aspects of the programmes

- Practical inputs to the curriculum and work placement experiences
- Support for independent learning and internship programmes
- Promotion of critical modes of thinking as opposed to didactic methods of teaching.
- Effective use of the "graduation project"
- Internal and external moderation of examinations and other student assessments

The review results clearly show that the situation varies between universities. A small minority of the participating group seems to have reached a good level of development while a larger group is moving in that direction. This is evidenced by a number of emerging good practices that were noted with satisfaction. These include: breadth of curriculum coverage, enhanced practical inputs to teaching, improved methods of student assessment, increased focus on graduation projects. Moreover, the reviewers strongly commended what they identified as a clear determination by the majority of participating universities and academics to meet the challenges of academic evaluation and to make full use of its outcomes to raise the quality of their programmes.

#### How Participating Universities Fared on Key Indicators of Quality



Source: Isam Naqib, Project director

*Some Arab governments have begun to open themselves cautiously and selectively to opposition forces.*

academic programmes in order to bring them into line with the needs and requirements of society, while responding to the demands of the contemporary age. A related goal is to upgrade students' skills and capacities.

Kuwait is implementing a special programme to deal with why pupils drop out of, or fail at school and to develop assessment and evaluation methodologies.

Tunisia announced an initiative for addressing the causes of various forms of student failure and for achieving higher progress and success rates.

## FREEDOM AND GOVERNANCE

### Signs of political openness

Some Arab governments have begun to open themselves cautiously and selectively to opposition forces and have started expanding the public sphere:

In Egypt, at the closing meeting of the first annual conference of the ruling party on 28 September 2003, the President of the Republic announced a number of democratic reforms that had been submitted by the party's Policy Committee. The reforms include the abolition of some military decrees promulgated under the Emergency Law<sup>15</sup>, more freedom for political parties and trade unions, and safeguards for women's rights (including the right to transmit their nationality to their children). The ruling National Democratic Party called upon licensed opposition parties to engage in dialogue on political reform.

In the autumn of 2003 the Egyptian Government released approximately 1,000 detainees from the Islamist movement.

President Mubarak, addressing the General Conference of Egyptian Journalists in February 2004, announced a move towards abolishing imprisonment as a punishment for publication-related offences.<sup>16</sup>

The Egyptian Parliament passed a law in June 2003 to abolish state security courts, and

in January 2004 the formation of the National Council for Human Rights was announced.

In Oman, legislative elections took place in October 2003. 509 candidates competed for 83 seats. Fifteen of them were women. The right to vote was extended to those 21 years of age and above. As a result, the number of citizens eligible to vote rose to 822,000 compared to 114,000 in the year 2000 elections. 262,000 citizens registered as voters, of whom 95,000 were women. 74% of registered voters actually participated and voted in the elections. Two women who were members of the previous consultative council won seats in the election.

In Saudi Arabia, the intention to conduct municipal elections at the end of 2004 was announced and a journalists' association and a national commission for human rights were established. Scenes from sessions of the country's Consultative Council were shown on television for the first time. The founding of the "King Abd Al-Aziz Centre for National Dialogue" was also announced.

In Qatar, a new Constitution to take effect in June 2005 was promulgated after a referendum, and the country's first National Committee on Human Rights was established.

In Bahrain, a new Charter for "political" associations was issued.

In Syria, the leadership of the ruling Ba'th Party called for the separation of the executive power and the Party. For the first time, an individual who was not a member of the Party leadership was elected as Speaker of the People's Assembly.

In Morocco, the legal system was qualitatively enhanced by the addition of freedom-friendly provisions in the fields of: labour, the family, electoral arrangements and the media. The King granted an amnesty to more than 1,000 detainees. A "Justice and Reconciliation" commission was established with a mandate to heal the wounds of Moroccan society as a result of human rights violations in the past

<sup>15</sup> But not an end to the state of emergency itself.

<sup>16</sup> The next day, however, an opposition journalist reported that his case had been referred to the jurisdiction of the criminal courts under the provisions of the law prescribing imprisonment for journalists. It subsequently appeared that sentences of imprisonment had not been abolished altogether: the President of the People's Assembly announced that they would continue to be imposed in cases of "crimes" involving disrespect for the President of the Republic, military matters, espionage, and slander.

and 4,500 victims were given compensation. The “Special Court of Justice” was abolished.

In Algeria, house arrest on the leader of the Islamic Salvation Front was lifted. He and his Deputy remain unable to exercise political and civil rights. In the April 2004 presidential elections the incumbent in office contested five other candidates for the first time, and was elected by an overwhelming majority.

### **Indications of a regression in popular participation**

In one Arab country, fewer men and women stood as candidates for election to the National Assembly.

In another, a low turnout marred the local elections in September 2003. Only 5% of the candidates were women, even though 35 women had won seats in the Parliamentary elections held approximately two years earlier.

In a third, 15 members of the People’s Assembly were found ineligible to take their seats for having evaded their compulsory military service. In the view of some legal experts, by-elections that had been held in contravention of a Supreme Administrative Court ruling raised questions about the eligibility, not only of the winning candidates, but of the entire Assembly.

### **Freedoms Constrained**

Obvious human rights violations have continued, notably in cases involving human rights activists in Arab countries. We have space here to mention only a few examples:

In one Arab country, the authorities detained 30 people demonstrating in support of abolishing the State of Emergency. Many people were detained for political reasons, among them at least 20 Kurds who were arrested during a peaceful demonstration after their return from exile. Hundreds of political prisoners, notably Islamists, are still in jail including prisoners of conscience while others, including some non-nationals, are missing.

In another country, on World Press Freedom Day 2003, the National Committee for the Defence of Freedom of Expression issued a statement condemning what it termed the muzzling of freedom of expression, the tyranny

of uniformity of thought, the difficulties of journalists in gaining access to sources of information and the harassment they experienced while seeking to exercise their right to free speech. In addition, a number of human rights activists and prisoners of conscience embarked on a hunger strike in protest against harsh and degrading treatment by the authorities and the torturing of inmates in prison.

Human rights activists continue to report cases of torture and mistreatment at detention centres (including Ministries of the Interior). Since February 2004, 20 cases of detention have been recorded in the south of the country. The detainees were accused of surfing Islamic sites on the Internet. They were held at the Ministry of the Interior and prevented from contacting any one outside.

Defenders of human rights are frequently victims of harassment and threats. They share this with ex-political prisoners some of whom are not allowed to work or to obtain a health insurance card.

There are continuous accusations of torture and reports of unhealthy and inhumane circumstances in prisons. An Islamist died on March 22 after he was denied medical attention.

In a third country the People’s Assembly decided in February 2003 that the emergency laws should remain in force for a further period of three years beginning in June of the same year. In 2003, the Islamic Research Council recommended that a book entitled *Al-Khitab wa al-Ta’wil* [preaching and interpretation] could not be sold in the country, on the grounds that it attacked “two fundamental tenets of the Islamic faith”, namely the unity of God and preservation of the Qur’an. The book in question, which had been published in another Arab state, contains a prominent thinker’s doctoral dissertation. In 2004, a novel by a famous writer, first printed 20 years ago, was recommended for confiscation.

A district regional Public Prosecution Office ordered the detention of the 51 year-old manager of a local contracting firm, with no history of political activism, on charges of “inciting hatred and disrespect for the Government”. The man, who was released soon

*Obvious human rights violations have continued, notably in cases involving human rights activists in Arab countries.*

*Human rights activists continue to report cases of torture and mistreatment at detention centres.*

*Some journalists received prison sentences because they were connected with articles published in the foreign press.*

*(In 2004), the Middle East was the region that enjoyed the least press freedom in the world.*

*Foreign agencies have also participated in restricting media freedoms in the Arab world.*

afterwards, had confessed to scrawling the words “No to rule by inheritance” on walls. While approximately 1,000 Islamists accused in the “Islamic Jihad” case have been released, a number of others remain behind bars even though they have served their sentences. Some of them are either seriously or chronically ill.

In one Mashriq country, 15 women were reported killed by family members in honour crimes. Meanwhile, political cases continue to be seen by the state security court whose laws are not in harmony with international standards.

In one Gulf country, authorities booked 24 citizens on criminal charges for collecting signatures on a political letter calling for constitutional changes that give wider authority to the elected parliament. The jailed are accused of “calling for changes in the political regime, inciting hatred and attempting to threaten national security”. Three were released without being formally charged. In other cases, some journalists received prison sentences because they were connected with articles published in the foreign press.

In one Arab North African country, in July 2003, the National Union of Journalists launched a campaign against the imprisonment of journalists sentenced under the Anti-Terrorism Law and called for the release of all those detained.

In another Gulf country, a number of writers and intellectuals calling for reform were detained, apparently in a deliberately demeaning manner (a university professor was handcuffed in front of his students at the university) and some were forbidden to travel abroad. A journalist who criticized the arrests was himself detained.

In a country under occupation, a state of emergency was decreed and an emergency Government formed in October 2003.

In another Arab North African country, the former Prime Minister and Secretary of the former governing party was placed under house arrest.

### **Freedom of civil society organizations**

In one country, several months after the new Law on Associations had come into force, civil society leaders complained of the arbitrary be-

haviour of the administrative body established under that law in refusing to approve new grassroots institutions. It had, for example, turned down an application from a centre for housing rights, claiming that the application contravened article 11 of the law. That article provides that “the establishment of secret associations, or associations the aims of which include the formation of military or paramilitary organizations or which present a threat to national unity, public order or morality or advocate discrimination among citizens, shall be prohibited.”

Early in 2004, Organizations working in the area of human rights protested the arbitrary handling of the issue of foreign funding for Egyptian associations by the Ministry responsible for administering the Law on Associations.

In another country, the authorities proceeded to restrict voluntary and charitable work, in particular the collection of donations, influenced by the US Administration.

### **Restrictions on the media**

According to the 2004 report published by Reporters sans frontières, the Middle East was the region that enjoyed the least press freedom in the world that year, with few independent media outlets. In a number of countries correspondents exercised strict self-censorship. The report added that the war in Iraq and the continuing Israeli/Palestinian conflict had placed both the freedom and safety of the media at risk. As many as 14 journalists were killed during 2003, 12 in Iraq, five of them at the hands of US-led occupation forces. Two correspondent were killed by the Israeli occupation forces in Palestine.

Foreign agencies have also participated in restricting Arab media freedoms. In Spain, a reporter for Al-Jazeera, Taysir Alouni, was charged by the government with being an al-Qa’ida member and arrested. The US Administration expressed dissatisfaction with Arab satellite TV channels, particularly Al-Jazeera, and informed the Qatari government of its views.

## **Rights of subgroups: Darfur**

In Darfur, western Sudan, thousands of civilians were killed or injured, and women subjected to rape, in attacks by the Janjaweed militia, reportedly with government support. Entire villages were laid waste, including through indiscriminate aerial bombing, forcing hundreds of thousands to abandon their homes and livelihoods, with around 120,000 fleeing to Chad (Amnesty International website, 29 June 2004). Though a ceasefire agreement was signed in April 2004, it continues to be violated by both the Government and the rebels, with the humanitarian toll continuing to mount.

In July 2004, the Security Council passed a resolution (Resolution 1556 of 30 July 2004) calling on the Government of Sudan to, inter alia, fulfil its commitments regarding: the facilitation of humanitarian access and assistance; the advancement of an independent investigation with the UN on violations of human rights and international humanitarian law; the establishment of credible security conditions for the protection of civilians; the resumption of political talks with the dissident groups; the disarmament of the Janjaweed militias; and the prosecution of Janjaweed leaders and their associates who have incited and carried out human rights violations. The resolution also urged the rebel groups to respect the cease-fire, end the violence immediately, engage in peace talks without preconditions and act in a positive and constructive manner to end the conflict. Finally, it called on the international community to support the efforts of the African Union (AU) for the deployment of international monitors and to provide additional assistance to mitigate the humanitarian catastrophe.

The Government has fulfilled its commitment to provide unimpeded access to the humanitarian community, which has allowed the latter to increase its level of assistance, and it has deployed additional security forces in camps for the protection of internally displaced persons. But at the time of writing, the Government had not fully complied with the requirement of disarming the militias. Furthermore it had taken minimal steps to

prosecute the perpetrators of humanitarian law violations.

As these latter violations continued, conflict and human suffering increased despite the cease-fire agreement and the interventions of the international community. There remains an urgent need to stop the inflow of arms to the region and to arrive at a political solution to the problem. A massive aid effort is also required to assist the refugees in Chad and over one million internally displaced people within Darfur.

### **Protest by intellectuals**

In one Arab country, a hotly contested election for seats on the executive of the journalists' union ended with the defeat of the government-sponsored candidate, for the first time in many years, and victory for an opposition candidate. This outcome was widely seen as an important development in the struggle for control of one of the country's leading professional associations.

At the Arab Novelists' Assembly organized by the Ministry of Culture, the novelist Sonallah Ibrahim refused to accept the Novelist of the Year award on the grounds that the Government offering it "did not have, in my view, the credibility to do so." He read a statement listing his reasons for declining the award and spoke of the deteriorating Arab situation. Ibrahim's gesture was widely acclaimed in the Arab world, although some criticised it, arguing that literature should not be mixed up with politics.

In January 2004, another Arab writer Ahmed Bouzfour, followed Ibrahim's example by turning down an award offered by the Government, citing various political, economic and cultural reasons. This gesture (Bouzfour's "sigh" [zefrat Bouzfour], as some called it) was another expression of the growing dissatisfaction among Arab intellectuals about the state of human rights.

### *THE EMPOWERMENT OF WOMEN*

In Morocco, the governing authorities introduced wide-ranging reforms of the family law in response to demands by the women's movement to safeguard women's rights, notably with

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*Women have continued to rise to senior executive positions in Arab countries.*

respect to marriage, divorce and childcare.

One of the most important provisions of the new family code is that it regards women as partners of men in matters relating to the care of the family and associated responsibilities. It also recognizes that they shall not be subject to guardianship upon reaching the age of majority, which the Code sets at the age of 18 years. Eighteen years is also made the minimum lawful age of marriage, and women are free to marry at their own discretion, the permission of a male family member no longer being required. In addition, under the revised Code, husband and wife may conclude an agreement, distinct from their marriage contract, concerning the management and disposal of assets acquired during the marriage.

Women have continued to rise to senior executive positions in Arab countries, and there is steadily broader scope for participation by women in legislative assemblies.

In Kuwait the government referred a draft law to the National Assembly, which would grant women their political rights, including the right to vote and stand as candidates in elections. This was the second time the government had taken such a move, as the Assembly had rejected a similar draft law in 1999.

In Jordan, six women from outside the capital won seats reserved for women at the parliamentary elections held in mid-2003, in the first application of a quota for women in elections of this kind. For the first time, the Cabinet formed early in 2003 included three women Ministers.

In Oman, a woman was appointed Minister of Higher Education, a first in that country. In yet another first, women were allowed to vote in the Shura council elections.

Saudi Arabia announced its own groundbreaking first: in a new move, women will be appointed to the police force under the Ministry of the Interior. 300 prominent citizens, 50 of them women, signed a petition to the Crown Prince requesting political and social reforms "for the sake of the nation". A women's association presented a petition asking for the reform of women's position in society and for guarantees for their full participation in public life.

In Mauritania, Aisha Bint Jeddane became the first woman ever to stand as a candidate (albeit unsuccessfully) for the position of President of the Republic.

In Algeria, Ms. Hanoune ran for the Presidency of the Republic. Ms. Burkan was promoted to the post of President of the Council of State, and Ms. Zermouni was appointed Governor of the province of Tibeze.

In Lebanon, Naila Mouawad offered herself as a candidate for President of the Republic.

In Bahrain, a woman was appointed Minister of Health.

In Tunisia, a woman was appointed Governor of the province of Zaghouane.

In Egypt, a woman was appointed, for the first time, as Mayor of the city of Al-Maragha, in the Sohag Governorate in Upper Egypt, long regarded as one of the most conservative parts of the country. The Minister of the Interior announced that Egyptian women married to non-Egyptians now had the right to transmit Egyptian nationality to their children. The Ministry of the Interior has already started to receive applications for recognition of the Egyptian citizenship of children of Egyptian women married to non-Egyptian men.

However, as a reflection of deeply rooted

BOX 11

**The Moroccan Family Code**

• **Equality**

Husband and wife share responsibility for their family; a wife is no longer legally required to obey her husband; a woman who is of age is her own guardian, instead of being subject to the guardianship of a male family member, and she may exercise her guardianship freely and independently; the minimum age of marriage is 18 years for both men and women.

• **Divorce**

Both men and women possess the right of divorce, and may exercise that right under the supervision of a judge. The principle of divorce by mutual agreement is accepted.

• **Polygamy**

Polygamy requires a judge's authorization and is subject to stringent legal conditions that make it almost impossible in practice; a woman has the right to stipulate in her marriage contract that her husband shall not take other wives; in

the absence of such a stipulation, the first wife must be informed of her husband's intent to take another wife, and the prospective second wife must be informed that her intended husband already has a wife. Furthermore, taking a second wife is grounds for divorce for the first wife.

• **Enforcement of the law**

The Family Code assigns a fundamental supporting role to the judiciary in enforcing the law. Inter alia, it states that the Public Prosecutor shall be a party to all legal actions in connection with the provisions of the Code.

• **Rights of children**

A woman is given the possibility of retaining custody of her children, even in the event of her remarrying or moving away from the area where her husband lives. The code also protects a child's right to acknowledgement of paternity in cases where the marriage has not been officially registered.

social factors, women continue to be sparsely represented in the Parliaments of those Arab Gulf countries that allow women to stand as candidates and to vote.

In general, women's accession to high levels of government, though moving in the right direction, will remain inadequate so long as the vast majority of women are not allowed to develop their capabilities and use them in various fields.

## CONCLUSION

Careful scrutiny of developments in this period indicates that there has been no significant easing of the human development crisis in the Arab region. Serious human rights violations continue.

Unquestionably, incipient reforms are taking place in more than one of the priority areas identified in this Report, but for the most part those reforms have been embryonic and fragmentary. There is no dispute that some are real and promising but they do not add up to a serious effort to dispel the prevailing environment of repression. Some measures may have been merely cosmetic and superficial with the effect of delaying the advent of meaningful in-depth reform. This is the case especially with respect to good governance.

Finally, the human development crisis in the Arab world has become more acute with respect to self-determination especially with the prospects for a just peace in Palestine receding. As a result, the Arab people still risk being oppressed at home and violated from abroad.

The critical situation of the Arab region today is complex because of the interplay of internal and external factors. The Arab future is overshadowed by the gravity of possible developments.

Yet this series of Reports has repeatedly emphasized that hope abounds in those dynamic social forces in Arab countries that seek a human renaissance in the region. Mobilizing their potential in thought and deed can break through the thickening clouds gathering around their future.

*There has been no significant easing of the human development crisis in the Arab region.*