

Part I

CHANGES IN HUMAN DEVELOPMENT IN THE ARAB COUNTRIES SINCE THE LAUNCH OF AHDR 2004



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Introduction

Part one of the fourth Arab Human Development Report (AHDR 2005) reviews and evaluates national, regional and international events that the Report team believes have had a significant impact on the overall progress of human development in the Arab world since the third Report in this series was issued.

The previous such review, in the third Report, went as far as mid-2004. The present review thus covers the period from that time up to the end of January 2006.

Part one focuses chiefly on reform in the Arab world, currently the most urgent issue in the region and one that was examined extensively in AHDR 2004.

The succession of Arab Human Development Reports has given rise to a broad debate on reform in the Arab world and deepened awareness of the issue. Today not many, in or out of power, dispute the need for reform; rather, discussion has shifted to its nature. The Arab regimes themselves, as well as certain world powers, have proposed reform initiatives although these differ in goals and content. At the same time, forces of change in the various Arab countries have escalated their demand for true reform that goes beyond window dressing to address the profound problems from which the Arab States suffer: political repression, marginalisation and absence of the basic components of good governance.

Prospects for human development in the Arab world and the opportunities required for its achievement are closely linked to the realisation of the reforms needed to establish governance built on respect for human rights and guarantees of freedom. This chapter

therefore begins with an overview of the activities of the two main actors in such reforms, namely, the forces of civil society and Arab governments, in order to assess what impact these activities have had on the progress of change. This is followed by a review of how changes in the regional and global environment have affected opportunities for the realisation of human development in the Arab countries. Part one concludes with a survey of some positive instances of progress in human rights and freedom and in women's empowerment. In relation to building a knowledge society in the region, it underlines the importance of ensuring that the design of educational reforms contributes to reinforcing, and not eroding, human freedom.

THE REFORM PROCESS AND ISLAMIC MOVEMENTS: RECONCILING FREEDOM AND FAITH

The third Arab Human Development Report (AHDR 2004) argued that the way to establish truly free societies in the region is through broad and deep political reform centred on good governance and the protection of individual and collective freedoms.

For such a thoroughgoing reform process to start and succeed, three cardinal conditions will have to be met. The first is virtually a prerequisite: all reform groups must respect the key freedoms of opinion, expression and association in civil society, broadly defined (i.e., including both civil and political society).

The second condition entails broad acceptance of the principle that participation is the essence of the democratic process. The political process should include all forces

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in society, particularly those that command a strong popular following. Not only does the exclusion of any important societal force contradict the essence of democracy but, as experience in the Arab region shows, it can also lead to bitter civil strife, unacceptable to all.

The third condition is that all reform actors should respect the principles of universal human rights. The legal and institutional workings of the reform process and of any eventual society of freedom and good governance must safeguard minority rights under majority rule. A democratically elected majority must not be permitted under the law or in practice to tyrannise other social groups in violation of the principles of freedom and good governance.

Perhaps the factor that most divides Arab reformists on one side from some Arab regimes and foreign reform initiatives on the other is the variation in assent to these three conditions among the latter.

The issues raised here are of special importance when considering the growing role of Islamic movements in the Arab political arena yet, unfortunately, these issues are sometimes treated superficially.

No serious political power in the Arab world can ignore the fact that religion, particularly Islam, is an essential wellspring of the cultural and spiritual life of the Arab people. Any force that ever engaged in Arab politics and that neglected that lesson ended up as either marginal or defunct, whatever temporary successes it enjoyed.

In discussing politics, it is useful to recall one of the most relevant conclusions of AHDR 2004 regarding freedom and governance: there is no essential contradiction between the establishment of the society of freedom and good governance on the one hand and the ultimate purposes of sharia (Islamic law) on the other. Creating such a society would, however, require giving Islamic scholarship the scope to establish rules for harmonising freedom in its comprehensive sense with these ultimate purposes. This process of reconciliation

would entail setting aside outmoded juristic interpretations that predominated in times of decline, and sanctioned persecution and despotism.

Encouraging and promoting independent interpretative scholarship (ijtihad) is therefore a basic requirement for wedding the ultimate goals of freedom, comprehensively defined, to those of Islamic law today. It follows that Islamic movements genuinely concerned with the advance of the Arab world will place this requirement high on their agendas.

It is equally important to keep in mind that Islamic movements present a wide spectrum of positions marked by very strong diversity. True, there are violent extremist groups that have opted out of the circle of peaceful change, adopting brute force as their means without qualms about terrorising innocent people. They have placed themselves outside the Arab reformist camp, which rejects their extreme methods and does not count such groups among those trying to build the Arab society of freedom and good governance. Yet these are the groups on which some western media outlets and official circles base their stereotypes and generalisations about Islam, Muslims and terrorism, under the rubric of "jihadist Islam". This characterisation is absurdly superficial and far from true.

The overwhelming majority of Islamic movements in Arab countries represent societal forces with a large following and deep roots in the population arising from their social and political work in the midst of the people for many years. Some have actively opposed a repressive status quo, and have at times faced persecution and torture by ruling regimes and, in the case of the occupied Palestinian territory, by the occupying power. Groups with considerable followings include the Muslim Brotherhood movement in Egypt and Jordan, the Justice and Development Party in Morocco and the Islamic Resistance Movement (Hamas) in the occupied Palestinian territory.¹

In the last five decades, the internal dynamics of these movements, their relationship

¹ Owen Bowcott. "The Guardian." (2003). <http://www.guardian.co.uk/alqaida/story/0,12469,881096,00.html> (Accessed 1 May, 2006).

"Human Rights Watch." (2005). <http://hrw.org/reports/2005/egypt0505/2.htm> (Accessed 1 May, 2006).

"Amnesty International." (2001). <http://web.amnesty.org/report2001/webmepcountries/PALESTINIAN+AUTHORITY?OpenDocument> (Accessed 1 May, 2006).

to mainstream society and their positions on vital societal issues, on human rights and on good governance and democracy have undergone significant, progressive changes. The examples of Jordan, Morocco and, in a different context Turkey, illustrate this trend. Should such groups come to power, their changing platforms and profiles are likely to make them seem quite removed from religious government. Indeed some would argue that the participation of these movements in governance might enhance their civil, rather than their religious character.

Many middle-ground movements are seeing a growing number of relatively younger and enlightened leaders moving closer to the top of the organisational pyramid. Meanwhile, at their grass-roots base, they are witnessing a rising tide of popular demands for more democracy in their ranks and practices.

Notwithstanding these positive trends, middle-ground movements have yet to dispel public fears that their ascent to power would negatively impact freedom and good governance. Their positions on key questions such as the rights of women, especially in personal status matters, and the civil and political rights of minority communities and cultures, particularly religious minorities, are still pending. It is thus important for these movements to enact and adopt interpretative scholarship (ijtihad) in order to establish complete harmony between the ultimate and overall objectives of sharia and those of the society of freedom and good governance.

This argument leads one to a group diametrically opposed to the “jihadist” Islamists, namely, those Muslim scholars striving hard to achieve the reconciliation between freedom, good governance and Islamic law that has just been discussed. Their efforts put them at the centre of the Arab reformist camp. They include a model of government, inspired by enlightened Islamic interpretation and based on popular will, that would assure respect for the civil and political rights of women and minority groups. AHDR 2004 sought to present the outcome of this course of political development. Unfortunately, the significance of this group and its interpretative scholarship is little understood, particularly abroad.

Beyond these issues, perhaps the most serious obstacle to the reform process in the Arab countries is the kind of reaction that follows when democratic change produces results that are not “acceptable” to dominant forces both within the Arab world and without.

An important example is the rejection by certain Arab regimes and some global forces of the sweeping victory won by the Islamic Resistance Movement (Hamas) in the recent Palestinian legislative election, one that was widely agreed to have been free and fair. A similar case is the response to the success of the Muslim Brotherhood movement in the recent legislative election in Egypt, particularly in the first round, which evinced a wider degree of freedom and fairness.

Rejecting the outcome of a free and fair expression of popular will frustrates the aspirations of the majority, courts disillusionment with democracy and thus strengthens the hands of extremists. None of this advances the principles of reform and democratic electoral change as adopted in AHDR 2004.

OPEN SEASON ON REFORM, BUT THE “ARAB SPRING” HAS YET TO BLOOM

Observers have lauded certain political and social developments and reactions in Arab countries following the publication of AHDR 2004. Seeing such developments as important prologues to an Arab reform movement, they have styled this moment rather romantically as the “Arab Spring”.

Viewed, however, from the perspective of freedom and good governance as defined in the previous Report, it is difficult to describe recent events in the Arab arena as the kind of widespread, thoroughgoing reform for which that Report called. Indeed, to do so would be to grasp at straws. To Arab citizens, it seems that the thick autumnal mists preventing true change have yet to dissipate despite the increasing protest against inaction by many governments and the intensifying demands for radical reform around the Arab world.

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THE ACCELERATING STRUGGLES OF CIVIL SOCIETY²

Arab CSOs have demonstrated stronger solidarity with political movements and, at times, the ability to assume leadership roles in pursuit of political change.

Arab civil society organisations (CSOs) have recently achieved what can be accurately called a qualitative leap in the pace, scope and impact of their activities. These organisations have demonstrated stronger solidarity with political movements and, at times, the ability to assume leadership roles in pursuit of political change. Their transformation has included establishing their presence more forcefully in the public mind by expressing themselves freely and vigorously through the independent press, satellite television, seminars, public and private meetings and, most importantly, via the acquisition of modern information and communication technology (ICT). Organisations and individuals alike have striven to use ICT effectively in order to express independent views and communicate with others. Hence the general crisis has a silver lining: it has led to processes of sifting and renewal and to new civic initiatives and new forms of public thought and action.

This major transformation has manifested itself most clearly in Egypt, which has witnessed significant changes in the political arena and how people respond to them. For example, the final months of 2004 saw the establishment of the Egyptian “Movement for Change”. This movement has become known by its slogan, “Kifaya! (Enough!)”, a reference to its opposition to the re-election of the President or transferring power to his son. The Egyptian public has been responsive to the Movement’s watchwords “Enough! No to extension! No to hereditary succession!” and Egyptian cities have witnessed repeated demonstrations in its support. It has attracted public figures representing all colours of the political spectrum and has received support from major political parties and professional unions and organisations.

Other opposition forces have followed the Movement’s lead, among them the Muslim Brotherhood, which staged large-scale demonstrations. In confrontation with security forces one demonstrator was killed.

Groups calling for change and reform have emerged among university professors, lawyers, journalists, writers and artists, while other forms of alliance have grown up among opposition factions. The most important of these include the National Rally for Democratic Change and the National Alliance for Reform and Change.

In Lebanon, following the assassination of the former Prime Minister, Rafiq al-Hariri, a mass movement took place that spanned most of the political spectrum and included CSOs and political movements. What has transpired in Lebanon by way of direct yet peaceful confrontations in the streets among various political groups has thrust a large number of Lebanese into political and civic life. Irrespective of their varying political and confessional leverage, groups demanding the modernisation of State and social institutions in order to give citizens due voice and representation have become part of the country’s daily struggle and public debate.

In Bahrain, political associations and civic organisations led a widespread movement calling for more rapid political reform and rejecting the constitutional amendments issued in 2002. In April 2005, over thirty political and civic organisations signed a statement rejecting an anti-terrorism bill. They described it as a major setback for public and personal freedoms and a threat to the gains in freedom of expression, opinion and social and political action achieved by the Bahraini people over the previous four years.

Egypt’s Kifayah! movement has been echoed in other Arab countries. Examples include Irhalu! (Get Out!) in Yemen and Khalas! (It’s Over!) in Libya.

At the same time, in Syria, a number of opposition groups, as well as leading figures in civil and cultural life, issued the Damascus Declaration. This agreed text united various forces demanding democratic changes after the ruling party’s conference accepted only limited reforms and sidestepped issues such as the democratisation of the constitution, the abandonment of one-candidate presidential referenda and the establishment of the principle of the peaceful alternation of power.

² The present Report adopts here the broad definition of civil society used in AHDR 3, which covers both civil and political society as traditionally defined.

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In January 2005, a group of Islamists in Kuwait announced the formation of the Umma Party as the State's first publicly proclaimed political party. In so doing, it was attempting to affirm the right to form political parties, which, it argues, is guaranteed by the Kuwaiti constitution although banned by the Government.

In the Sudan, the national arena has been the scene of widespread activity by political and civil society organisations amid moves to implement the peace agreement and approve a new constitution guaranteeing public freedoms. Most formerly banned parties have resumed public activity, while CSOs have been active on several fronts. However, the Government continues to try to curb civic opposition by new means. There have been instances of government supporters attacking their opponents, as happened when pro-Government students set fire to buildings at Omdurman Ahlia University in order to prevent student union elections that the Government feared would result in an opposition victory.

In Jordan, professional unions led a protest campaign against a new bill on professional associations, which would require these groups to obtain prior permission from the Ministry of the Interior to hold public gatherings and meetings and restrict discussion at these events to "professional issues". According to union representatives, the law would close off an avenue of free expression and assembly to the more than 150,000 members of these organisations.

In Saudi Arabia, a number of Arab and international human rights organisations have demanded the release of prisoners who have served their terms.³ Several such organisations approached King Abdullah, on his accession to the throne, asking him to form a committee to follow up on the conditions of political prisoners in the context of his own initiatives. On 8 August 2005, the King issued a special amnesty that included four reform pioneers.⁴ In addition, he called for a number of Muslim clerics to be assigned to open up discussions with prisoners accused of fomenting or practising violence, with the aim of persuading

them, through amicable dialogue, to renounce its use against their fellow citizens.

One of the most important features of this new civic activism – in addition to the formation of popular groups merging disparate political hues – is the growth of pluralism. This trend is reflected in attempts to form unions and associations parallel to those falling under official control. These attempts can be seen as protests against many unions' loss of independence or effectiveness as well as a reinforcement of the concept of plurality among unions and civic organisations.

Another significant development during this period has been the growth of web-linked regional CSO networks that reinforce civic solidarity and cooperation across the Arab world. Their different goals range from the preservation of civil, social, economic or environmental rights to the elimination of corruption. The Arab Regional Resource Centre on Violence against Women (AMAN) (<http://www.amanjordan.org/english/index.htm>) in Jordan, for example, provides links to several web sites devoted to news coverage and analysis. These networks promote common understanding of issues and help activist non-governmental organisations (NGOs) to bridge differences, pool resources and work together. Their Internet presence is strengthened by such sites as the Arab Network for Human Rights Information (<http://www.hrinfo.net/en/>), the International Bureau for Humanitarian NGOs (IBH) (<http://www.ibh.fr>), the Sada ("Echo") web site for the defence of rights and freedoms (<http://perso.wanadoo.fr/taysiralony/>), and the Euro-Mediterranean Human Rights Network (<http://www.euromedrights.net/>). Such organisations have begun to move beyond joint activities on the Arab level to the formation of joint Arab-international pressure groups.

In sum, a number of Arab CSOs have started to demonstrate a new vitality and self-confidence. The trend represents genuine progress towards considerably more effective civic action, which in turn constitutes one of the most salient conditions for democratic transformation in the Arab world.

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³ The Arab Commission for Human Rights published in March 2005 a partial list identifying 120 such prisoners.

⁴ Matruk al-Falih, 'Abdullah al-Hamid, 'Ali al-Dumayni and 'Abd al-Rahman al-Lahim.

The claim to be implementing reform often appears little more than a veil concealing the perpetuation of the current structures of oppression.

Several Arab regimes have announced political reform programmes, yet many initiatives announced barely scratch the surface of a reform agenda that would bring about a serious shift towards a society of freedom and good governance. Some reform initiatives have been emptied of any genuine content by being packaged with restrictions and “rules” that steadily limit the freedoms that they supposedly introduce. In other cases, authorities apparently pursuing reform continue with flagrant violations of the rights of those who call for it. To some observers, the claim to be implementing reform often appears little more than a veil concealing the perpetuation of the current structures of oppression.

Luminary: Hanan Ashrawi

Hanan Ashrawi is a Palestinian diplomat, negotiator and professor. She earned her Bachelor of Arts degree in English literature from the American University of Beirut, followed by a Ph.D. in medieval literature from the University of Virginia in 1971. She has been a political activist in a variety of organisations, including the General Union of Palestinian Women/Lebanon Branch (1967-1972) and the Information Office covering the Palestinian Liberation Organisation (PLO) (1968-1970).

The Israeli occupation forces prevented her from returning to the West Bank from 1967 to 1973. After her return, she worked as professor of English literature at Bir Zeit University (1974-1995), where she later served as Dean of the Faculty of Arts between 1986 and 1990, becoming the first woman to occupy this position at the University.

Her brilliance made itself felt upon her appointment as Official Spokesperson of the Palestinian

Delegation to the Middle East Peace Process in 1991. Her eloquence and capacity to dialogue with the West in order to shed light on the plight of the Palestinian people made her a distinguished media spokesperson.

She became Palestinian Minister of Higher Education and Research and won renown for opposing some of the PLO policies, particularly in negotiations, and for advocating democracy and good governance. She resigned from the Palestinian Authority to establish her own NGO, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy, also known as MIFTAH, and has led MIFTAH as Secretary-General since 1998.

Ashrawi is one of the founders of the Third Way electoral list, which ran for the Palestinian legislative elections in January 2006. The group obtained 2.41 per cent of the votes and was represented in the Palestinian Legislative Council through two seats.

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AHDR 2004 outlined a model of freedom and good governance that calls for representatives in governing institutions to be chosen by the people. This basic principle, however, assumes free and impartial elections based on citizenship for all in a societal context that guarantees the freedom to make a well thought out choice among alternatives that the citizen has been able to test through free discussion in the public sphere. Any elections in the Arab world that fulfil these conditions are to be welcomed and celebrated.

Yet good governance, according to AHDR 2004, is not limited to holding elections even if these are entirely sound. It is known that democratic arrangements, and particularly elections, can co-exist with open breaches of the model of freedom and good governance and specifically with violations of freedom in the inclusive sense that the present Report adopts, especially where national liberation is concerned.

In the occupied Palestinian territory, elections, which were not the first of their kind, were held to choose the president of the Palestinian Authority. The elections, which were the subject of close international scrutiny, saw more than one candidate run and were considered for the most part to have been fair. However, the Israeli authorities put major obstacles in the way of individual campaigns, even physically assaulting the second most prominent candidate at a checkpoint and preventing him from taking his campaign to Jerusalem.⁵

The Palestinian legislative elections of January 2006 shook political expectations through their conduct and results. In spite of a lack of experience, the hard conditions imposed by the occupation, and enormous outside pressures, the elections were conducted efficiently and responsibly. The victory of the Islamic Resistance Movement (Hamas), the strongest force within the opposition, is clearly significant in demonstrating both the peaceful transfer of power and the capacity of a political, economic and social programme to accommodate a pluralistic vision.

⁵ Dr. Mustafa Barghouthi was detained for over two hours in East Jerusalem on the last day of the presidential campaign. "The Electronic Intifada." (2005). <http://www.electronicintifada.net/v2/article3485.shtml> (Accessed 14 April, 2006).

In occupied Iraq, elections to the transitional National Assembly took place in January 2005. These elections, which concerned the legislative body that was assigned the task of drafting the country's constitution, occurred in the midst of a severe breakdown of security and a violent terrorist campaign directed against both candidates and voters.

Administering elections had not been on the occupation authority's original agenda. Rather, according to plans announced in mid-November 2003, representatives of the national council were to be selected by caucuses in each governorate whose members would be named by organising committees assigned by the occupation forces. But the strong reactions of Iraqi civic and religious forces, notably Ayatollah 'Ali Sistani, to this model and their insistence on elections for the national legislature caused the occupation authorities to change their plans in line with public demand.

After the elected Assembly prepared a draft constitution that was approved by a referendum on 15 October 2005, elections of a new national assembly took place on 15 December 2005. The elections were characterised by wide participation, with nearly 70 per cent of Iraqis voting. However, according to the head of the Independent Electoral High Commission, the elections were marred by some problems, including forgery and the theft of some ballot boxes (Al-Sharq al-Awsat, London, 16/12/2005).

In Saudi Arabia, municipal elections were held for the first time. These 2005 elections were marred, in the view of the present report by a damaging flaw: the exclusion of women. Add to this the fact that voters were allowed to choose only half the members of the municipal council, and it is clear that a long way remains before all Saudi citizens elect a national legislative assembly in its entirety. Despite this, the elections represented the first steps towards reform inasmuch as they stirred a national dialogue about popular participation.

In Lebanon, parliamentary elections took place in the spring of 2005 for the first time after the withdrawal of Syrian forces.

In Egypt, the ruling regime made much of

the President's request that one article of the constitution (Article 76) be amended to allow for multi-candidate presidential elections. The proposal was touted as the beginning of political reform. However, the amended article emerged weighted down with an array of restrictions that may make it little more than a formalised codification of the existing referendum system for choosing the president.

The amendment was put to a popular referendum, which some opposition forces called to boycott, while an independent judicial commission formed by the Judges' Club concluded that the referendum was sullied by widespread forgery and manipulation (Box I-1). On the day of the referendum, demonstrators protesting peacefully were assaulted.

Egypt's presidential elections were held on 7 September 2005. Some licensed opposition parties boycotted them, while the heads of certain other licensed parties, many of them marginal, took part. The list of candidates thus included the ruling president and nine others. When the results were announced, they revealed a landslide victory for the ruling president, who obtained 88.5 per cent of the votes. His two most important rivals received less than 10 per cent. The most notable aspect of the election, however, is that, according to official statistics, the participation rate came to no more than one fourth of those entitled to vote. Few observers were surprised by the public's reluctance after decades of sapping the political vitality of society by obstructing key

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BOX I-1

Judges' Club Commission Concludes: "The Will of the Electorate Misrepresented".

- Subcommittees observed low voter turnout. Many subcommittees had no voters whatsoever appear before them, while the average turnout before the remaining subcommittees was no more than 3 per cent⁶ of those listed on their rosters.
- The chairmanships of 95 per cent of the subcommittees were assigned to

government employees who enjoyed no autonomy or immunity, and who were intimidated by members of the police force. Such subcommittees altogether escaped the oversight of the judiciary and became arenas for violations of the law and falsification of the facts relating to voter turnout and opinions.

Source: Judges' Club Commission report, in Arabic at: "Al-araby." (2005). "Egypt's Conscience". <http://www.al-araby.com/articles/966/050703-966-jrn01.htm> (Accessed 3 April, 2006).

⁶ According to official results of the referendum, the participation rate came to more than 50 per cent.

While Arab governments announced a spate of reforms, the situation of individual and collective human rights worsened during the period under review as violations continued to increase.

Women have endured a double portion of suffering under foreign occupation.

freedoms and imposing emergency laws and given the paucity of alternatives. Subsequently, parliamentary elections were held in three phases in November and December 2005, but they were marred by many flaws.

According to the monitoring judges, the results of these elections were adjusted to favour the ruling party candidates in at least two major districts. The details of the forgery were exposed in an article⁷ published by Councillor Nuha al-Zayni, one of the observers monitoring the elections in Damanhur.⁸

Some judges monitoring the elections as well as numerous voters were subject to assaults. This led the judges to call for a full monitoring of all phases of the elections, the formation of an independent judicial police team and the protection of elections by the army, as provided for under Egyptian law.⁹

In districts where ruling party candidates were most likely to lose, especially in the second and third phases, it has been reported that the security forces prevented voters from reaching designated ballot stations, which led, in some instances, to violent clashes resulting in injuries and deaths.¹⁰

In places, the votes of the poor, especially women, were purchased through bribes, a phenomenon some called "Ballot Slavery".¹¹

As far as promoting the number of women in Parliament is concerned, the ruling party had only six female candidates on its list of 444 candidates. In terms of political opposition, the Muslim Brotherhood made very significant progress; in the final results announced, the ruling party did not obtain the sweeping majority that it had previously enjoyed in Parliament (excluding the party's independent candidates).

SUMMARY

Reflecting on these developments, the latest wave of elections in a number of Arab countries may be cautiously welcomed. They may presage the authorities' endorsement of the right to popular choice, especially in those Arab countries where elections were once viewed as a kind of political heresy. Nevertheless, some observers believe that "managed elections"¹² simply represent the newest way of buttressing regimes loyal to the West (Milne, 2005). What is certain is that electoral reform has a long way to go before elections can become a component of the society of freedom and good governance. The creation of such a society still requires extensive, radical reform, particularly in legal and political structures, changes that go beyond the holding of elections.

WORSENING HUMAN RIGHTS VIOLATIONS IN THE ARAB COUNTRIES

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VIOLATIONS RESULTING FROM OCCUPATION AND ARMED DOMESTIC CONFLICTS

The worst violations occurred in the context of foreign occupations, which are themselves grave violations of human rights.

Women have endured a double portion of suffering under foreign occupation on account of several factors. First, women are more vulnerable to deterioration in humanitarian conditions. Second, women shoulder a dual responsibility for their families when

⁷ To read the full text of her testimony in Arabic see: Nuha al-Zayni. (2005). <http://admins.20at.com/masr/shhada-noha0zene1.htm> (Accessed 10 March, 2006).

⁸ Amira Howeid. "Aljazeera." (2005). <http://english.aljazeera.net/NR/exeres/A8A39240-04C7-4CE5-8164-7569EB6EA4A8.htm> (Accessed 9 May, 2006).

⁹ "Aljazeera." (2005). <http://english.aljazeera.net/NR/exeres/D153BDBA-873B-4543-B273-396F53B17B0E.htm> (Accessed 12 April, 2006).

¹⁰ Daniel Williams. "Washington Post." (2005). <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/07/AR2005120702611.html> (Accessed 1 June 2006).

¹¹ "Al Arabiya." (2005). <http://www.alarabiya.net/Articles/2005/11/27/18990.htm> (Accessed 26 May, 2006).

¹² i.e., elections whose results are tampered with.

breadwinners are absent as a result of arrests and acts of violence, and third, they suffer from the loss of security and the spread of rape, which often accompany chaos and the rule of force. For example, reports convey a wretched picture of the women of Iraq. The same is true of the occupied Palestinian territory, where women have faced new waves of homelessness as a result of the destruction of homes and have been forced to deliver babies at Israeli checkpoints while waiting to be allowed through.

In another context, tens of thousands of civilians have continued to fall victim to armed domestic conflicts. Before the Sudan celebrated the peace agreements, which it signed to end the longest armed conflict ever witnessed on the African continent, Darfur had overtaken southern Sudan as a seat of disturbance in the country. The new conflict has brought devastation, murder and ruin to the residents of the region. Both government forces and their allies on one side and the rebels on the other have been implicated in human rights violations described as tantamount to war crimes and crimes against humanity¹³.

In Somalia, an agreement reached among most Somali factions with support from the Intergovernmental Authority on Development (IGAD), the establishment of a new National Council and the choice of a president of the republic have not yet brought an end to domestic warfare. Rather, the country has remained a victim of armed conflict and lawlessness.

The Government of one Arab country launched a large military campaign to put down a rebellion led by the leader of an opposition organisation in a province. In the course of this campaign, government troops employed excessive force, which provoked the rebellion to flare up again in a quest for retribution on behalf of those killed. The Minister of the Interior announced 525 fatalities among army and security forces and citizens in addition to 2,708 wounded but failed to indicate the number of victims among the movement's followers, estimated by various sources to be in the hundreds. In addition, large numbers of citizens were arrested.

Women have been subjected to brutal assaults in the context of armed domestic conflicts. Some of these have taken place during attacks and counter-attacks on their towns in Darfur and Somalia. The most conspicuous incidents, however, have taken place during flight and emigration, and many women have been raped and physically assaulted in migration centres and shelters.

Political conflicts have constituted still another locus of human rights violations. In this connection, three Arab governments have disclosed attempted coups, which have led to trials and harsh sentences. Although one ruler later pardoned those convicted, a noted personality in that country paid for her investigation of the trials with an eighteen-month prison term. She was released after serving six months of her sentence, following an Arab and international solidarity campaign on her behalf.

VIOLETIONS OF PUBLIC LIBERTIES AND FREEDOMS OF OPINION AND EXPRESSION

There has been growing pressure on public freedoms both domestically and internationally. In October 2004, setting a dangerous precedent, a Gulf State issued a decree that strips members of a local clan – a branch of a tribe that has historically resided in the state – of their nationality. The decision affected no fewer than 972 heads of households. It also included all members of their extended families – a total of 5,266 individuals – or the entire sub-tribe. This decision was followed by government measures to have these individuals dismissed from their jobs, to require them to forfeit the residences in which they had lived as citizens and to deprive them of all privileges associated with citizenship. These benefits included health care, education, electricity, water and the right to engage in commerce. In addition, tribe members were required, under various security measures, to regularise their situations as non-citizens. The authorities justified their decision by arguing that the tribe has its origins in another country, whose

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¹³ To read the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General pursuant to UN Security Council resolution 1564 (2004) see: "Global Policy" (2005). <http://www.globalpolicy.org/security/issues/sudan/2005/darfurcoi.pdf> (Accessed 31 May, 2006).

In most Arab States, reformers and human rights advocates have become visible targets of oppression.

citizenship they still retained. According to the Arab Commission for Human Rights, many wives among the tribe were obliged to ask for divorces in order to retain their citizenship¹⁴. In response to local and international pressures, the authorities eventually resolved the issue by re-granting citizenship to some members and naturalising the rest.

In another country legislative reforms aimed at eliminating legal provisions that strip journalists of their freedoms have been slow in coming. Rather than following through on the President's promise at the previous ruling Party conference to rescind freedom-limiting penalties aimed at the press, certain political reform bills have actually made such penalties harsher. An example is Article 48 of the Political Rights Organisation Act. It stiffens the punishment for anyone found guilty of publishing or broadcasting false reports on the elections or the referendum with the intention of influencing their outcome. The Article is thus an invitation to restrict freedom by prosecuting for real or perceived intentions.

According to the Arab Organisation for Human Rights, other countries have proposed draft laws that tighten restrictions on press freedoms. The region overall sees the highest prevalence of murder or abduction of journalists and other media personnel in areas affected by armed conflict¹⁵. The Arab Commission for Human Rights has published a partial list that includes the names of 72 journalists who have lost their lives in Iraq since 8 April, 2003 as well as those of nine others who are missing (al-'Azawi and Manna', in Arabic, 2005, 25). Numerous newspapers have been stopped, and journalists have been arrested in many Arab countries. Al-Jazeera has had its licenses revoked in several Arab countries, while some of its correspondents have been harassed and persecuted. In one instance, Ahmad Mansur, a leading journalist working for the channel, was assaulted in Cairo in November 2005.

Similarly, al-Manar has been forbidden to broadcast in some Western States, and eight staff of the Al Arabiyah channel have died in Iraq, three of them directly as a result of action by the occupation forces.

On 26 September 2005, the Spanish National Court issued prison sentences ranging from six to twenty-seven years against what has been called the Syrian-Spanish Cell. A three-judge panel of the National Court heard the case in a special court house under tight security. The evidence included testimony of 107 witnesses - more than half of them police officers. Eighty-two NGOs and professional unions and more than 1,300 international personalities consider these sentences to be unjust, rejecting the politicisation of the case in the context of the "war on terror". The Supreme Court has consented to hear an appeal¹⁶.

The targeting of the Fourth Estate and modern means of communication has brought many in the region to see the need for alliances between the media and NGOs. There are new forms of resistance and activism that rely on interaction and cooperation between the two in order to create democratic consciousness, oppose corruption, and deepen and spread the concept of participation in responsibility and decision-making.

TARGETING REFORMERS AND HUMAN RIGHTS ACTIVISTS

In most Arab States, reformers and human rights advocates have become visible targets of oppression. They often face prosecution and arrest, and sometimes murder. Obstacles to their work continue to multiply. Such impediments take the form of laws that restrict freedom of expression and association. Most civic and union-related activities are legally banned. This is the situation in one Gulf state where scores of individuals were tried on charges of forming a religious organisation and

Most civic and union-related activities are legally banned.

¹⁴ The Arab Commission for Human Rights and the delegate of the Office of the United Nations High Commissioner for Human Rights were promised that any injustices in this file would be investigated. The file constituted a real test for the National Human Rights Commission, which made strenuous efforts to put an end to the tragedy. "The Office of the United Nations High Commissioner." (2005). <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDCOI&id=441821a525&count=1> (Accessed 9 March, 2006).

¹⁵ Reports from Reporters Without Borders and statements by the Federation of Arab Journalists concerning victims of armed conflicts (www.rsf.org).

¹⁶ Peter Bergen. "Arab Commission for Human Rights." (2005). <http://www.achr.nu/art63.htm> (Accessed 16 March, 2006).

Al Goodman. "CNN." (2005). <http://www.cnn.com/2005/WORLD/europe/09/26/spain.terror.trial/index.html> (Accessed 26 September, 2005).

received harsh sentences before being pardoned by the ruler following unprecedented popular protests. In a number of Arab countries, several applications for permission to form human rights organisations were put on hold. On the other hand, the UAE consented to the establishment of a Human Rights Association at the start of 2006.

A Mashreq country has seen numerous reformers and human rights activists arrested or detained. One reformer died in mysterious circumstances, scores of citizens have been detained without trial, and a number of people with Islamic leanings have been arrested on their return to the country. The authorities have also closed down all civil society forums established during the last few years in what was known as the “Spring”. In June 2005, officials arrested the board of directors of a civic Forum, the last such body remaining, after learning that a letter from the leader of the banned Muslim Brotherhood had been read at one of its meetings. Previously, the Government had sought to tighten its restrictions on the Forum by obstructing its activities and flooding its meetings with “plants” (individuals associated with government security branches and government supporters) in order to steer its discussions in a certain direction. The Forum is still forbidden to hold monthly meetings. The authorities have released five of those arrested during the “Spring”, after they had served a fourth of their sentences. At the same time, they have refused to release a number of other detained reformers and a number of Kurdish and Islamist cadres whose release has been demanded by human rights organisations.

In a North African country, authorities have continued to put obstacles in the work of civic bodies and independent professional associations serving attorneys, journalists and university professors. The authorities also refuse to recognise independent labour unions and human rights organisations. Amnesty International reported that activities of the Arab Human Rights Institute ground to a halt as a result of the freeze on its funding under the country’s anti-terrorism law and following the authorities’ objection to a member of the Institute’s board of directors. The Government moved to intercept the Institute’s mail and to

prevent the distribution of its publications. After a broad-based civil solidarity campaign in both the region and worldwide, the authorities stopped their harassment, eased their restrictions and allowed the Institute to receive funds as before.

As another country prepared to host the World Summit on the Information Society (WSIS) in 2005, international human rights organisations complained in an article published on the Amnesty International website (“Hollow words on Human Rights at UN Information Society Summit”) that the “appalling record of the host country of WSIS in Phase II – has seen cyber-dissidents jailed, Internet sites censored, human rights organisations harassed and independent news agencies closed. It is stifling the very rights and freedoms of expression the Summit is intended to promote”.

It is not, however, alone in this respect, according to a report entitled “The Internet in the Arab world: a new arena for oppression” issued by the Arab Network for Human Rights Information in June 2005 and based on a survey of eleven Arab countries. The Network survey found that relative freedom in Internet use is allowed in only three States: Jordan, Qatar and the UAE. Remaining States do their utmost to control circulation of Internet content and spend heavily on Internet surveillance, “not to mention their use of new methods...such as source control by means of electronic filtering programmes...In addition, some states exercise a monopoly over Internet service provision... [in addition to] fabricating cases and jailing those who cross undefined red lines on the basis of flimsy allegations”.

In a Gulf state, civil society and human rights organisations have also been subjected to official pressures. One example was when the Centre for Human Rights was threatened with legal action after participating in meetings held by the United Nations High Commissioner for Human Rights in Geneva in May 2005. At the beginning of February 2006, two-year sentences were issued against twelve Centre activists following a demonstration at the Airport. On 4 June 2005, a female activist, was brought to trial on charges of offending the judiciary, a step that led local and international organisations to call for solidarity with her. The

In a number of Arab countries, several applications for permission to form human rights organisations were put on hold.

Limits on the public's exercise of the right to peaceful assembly have steadily increased

Global developments since the events of Nine-Eleven have led to mindsets and patterns of conduct that have not helped to advance the essential components of freedom and good governance.

Government also refuses to recognise a large number of civic organisations resulting from public initiatives. These include the Journalists' Association, the Scholars Council, the National Committee for Martyrs and Victims of Torture, the Unemployment Committee, the Women's Petition Committee, the Union of Women, and the Social Partnership for Combating Violence against Women.

In North Africa, one country has witnessed an increase in the violent beating and ill treatment of reform advocates, including the editor of an opposition newspaper¹⁷ and four female journalists¹⁸, and similar phenomena were witnessed in another country in that sub-region¹⁹.

Two journalists²⁰ were assassinated in Lebanon and an attempt was made on the life of a third, while another journalist was assassinated in Libya in mysterious circumstances and the head of an organisation active in Darfur was detained.

RESTRICTING THE RIGHTS TO PEACEFUL ASSEMBLY AND TO ORGANISE

Limits on the public's exercise of the right to peaceful assembly have steadily increased. One Mashreq country rejected 70 per cent of all applications for permission to organise peaceful marches during 2004, according to its National Centre for Human Rights. Another country broke up peaceful marches calling for reform and arrested hundreds of demonstrators. A third forcibly dispersed a symbolic vigil in commemoration of the Universal Declaration of Human Rights and arrested some of those who took part in it. The decision to ban demonstrations in yet a fourth country has remained in effect.

The tragedy that occurred when a strike in an Arab capital by asylum-seeking Sudanese on 30 December 2005 was mishandled, as a result of which 25 people lost their lives, has shown

that civil society can act not only on domestic issues but on inter-Arab ones as well. A non-governmental gathering assembled in solidarity with the victims and to initiate legal recourse.

In a Gulf country, authorities hindered demonstrations seeking reform. A Political Organisations Act was passed that political and human rights organisations consider restrictive of freedoms and in violation of international charters and covenants, spurring six of the country's most prominent political organisations to close their offices voluntarily for three days in July 2005.

In a Mahgreb country, authorities used force to disperse demonstrations staged to criticise the Government's invitation to Israeli Premier, Ariel Sharon, to attend the World Summit on the Information Society in that country. (The suppression of these demonstrations was not condemned in Western circles.) An attorney remains in detention for having written an article on the subject. In another protest, prisoners from an opposition party, who have been detained for more than a decade and a half under harsh conditions, went on prolonged hunger strikes.

In the area of the right to organise, the Political Parties Committee in one country licensed two new parties but rejected applications from three others, according to their National Council on Human Rights. In the Arab Maghreb, another country also refused to license new parties (Arab Commission for Human Rights in Arabic, 2005), and the Government of yet another denied receiving an application to establish the Green Party, thereby hindering its formation.

UNFRIENDLY INTERNATIONAL AND REGIONAL ENVIRONMENTS

Global developments since the events of 9/11/2001 have led to mindsets and patterns of conduct that have not helped to advance the essential components of freedom and good governance. Indeed, some related developments

¹⁷ On 1 November 2004, the executive editor-in-chief of an opposition newspaper was assaulted. The incident was covered by all of the newspapers as well as in reports and statements issued by human rights organisations, the journalists' union and the National Council for Human Rights.

¹⁸ Four female journalists were assaulted on 25 May 2005.

¹⁹ Communist Party chief was the victim of a severe attack on 12 October 2004, while two women political activists were subjected to a similar assault.

²⁰ Journalist Samir Qasir, a noted political commentator for al-Nahar newspaper, was assassinated on 2 June 2005 in a car explosion, and Gibran Tueni, Chairman of the Board of al-Nahar, was assassinated on 12 December 2005.

may have actively obstructed that important cause. They include the emergence, outside the United Nations framework, of parallel structures in international affairs that rest on temporary alliances focused on a single tragedy and time rather than on the universal rule of law and justice. They extend to the signing of bilateral agreements that could inhibit the work of the International Criminal Court and to the creation of alliances that could limit the scope of international treaties concerned with development and the environment. This conduct has tarnished the image of the superpower by allowing discrimination, double standards and the precedence of vested interest over justice. It also represents an ideological misappropriation of human rights to justify impediments to development, including pre-emptive war and solutions to combat terrorism concentrating exclusively on security.

Successive events on the international and regional levels indicate the increased unfriendliness of the international environment to change in the direction of freedom and good governance as conceived in the Arab Human Development Reports, particularly AHDR 2004, and, most notably, as that concept relates to national liberation.

A UNITED STATES LAW TO DETER ANTI-SEMITISM

Prominent among such international and regional events was the passing of the Global Anti-Semitism Review Act of October 2004 sponsored by the current United States Administration. Following its passage, the latter began monitoring, through a specialised office established within the Department of State, what it classifies as “anti-Semitism” throughout the world.

There is no dispute that targeting the adherents of a specific religion or inciting harm against them is reprehensible and should be fought by all means. Yet from the perspective of the present Report, it would have been preferable had a measure of this kind covered

harassment or incitement against all religions and all ethnic groups, anywhere in the world.

What is of concern here is the 10th finding of Section 2 of the Act: “Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel”. This could result in treating any criticism of Israel’s practices in the occupied Palestinian territory or any condemnation of its discriminatory practices against Israeli citizens of Arab origin as acts falling under this law. Some Israeli academics share this position, noting that “[T]he accusation of anti-Semitism has become a powerful tool for silencing opposition to Israel’s oppressive policies” (Kimmerling, 2003).

Such provisions of the Act could result in Israel imposing its views on all aspects related to the conflict, which would impede negotiations towards a permanent, just and peaceful resolution of the Arab Israeli conflict.

THE ISSUE OF TERRORISM AND ITS CONSEQUENCES FOR FREEDOM IN THE ARAB WORLD

The escalation of terrorist operations in Arab countries and the arbitrary nature of the “war on terror” and its collateral effects have severely impacted the lives and freedoms of Arabs. Devastating internal violence has continued in a number of Arab countries, bringing to mind the disturbing beginnings of the “impending disaster” against which AHDR 2004 warns.

Terrorism and some actions to confront it have aggravated the human rights and development dilemma in the region. The attacks on civilians of any nationality are abhorrent and to be condemned. Acts of terrorism have continued in Arab countries, including Algeria, Bahrain, Jordan, Kuwait, Lebanon, Saudi Arabia, Syria and Yemen. In Iraq, such acts must be distinguished from acts of legitimate resistance. During the period covered by the present Report, such acts spread for the first time to Mauritania and Qatar and resumed in Egypt²¹ after having been in abeyance there

Terrorism and some actions to confront it have aggravated the human rights and development dilemma in the region.

²¹ Egypt witnessed a series of terrorist acts during the period covered by the present Report. The first, on 8 October 2004, involved simultaneous attacks in three different areas of the Sinai Peninsula. Five Egyptians and 34 foreign tourists, most of them Israelis, were killed in the attacks. The second took place on 7 April 2005 in the Azhar neighbourhood of Cairo, killing three people. The third took place on 30 April 2005 in two simultaneous incidents in central Cairo.

Thousands of citizens have been arrested merely on administrative decisions, some of whom have been subjected to various forms of torture and ill treatment.

Whereas violence is the first choice of terrorists, it is the last option for resistance.

Counter-violence on the streets and the emergence of brutal factions in reaction to the violence of occupation lead common people to lock themselves up in the past.

since the end of 1997. Thousands have been killed or wounded by such acts of terrorism.

Citing terrorist threats, governments have consolidated emergency laws²² and passed additional anti-terrorism legislation. Scores of those being pursued by such governments have been killed, while thousands of citizens have been arrested merely on administrative decisions, some of whom have been subjected to various forms of torture and ill treatment. Thousands of others remain in detention even after being acquitted of the charges against them or completing their prison terms, as in Egypt (National Council on Human Rights, in Arabic, 2005). Dozens of suspects have been hauled before emergency courts that often fail to meet the requirements of justice and fairness.

Sources have revealed that some Arab governments have been involved in interrogations and torture connected with United States-led investigations of individuals suspected of terrorist activity via an “archipelago” of clandestine detention centres overseen by the United States Central Intelligence Agency (Amnesty International, in Arabic, 2005a).

The war on terror

Amid the “war on terror”, following the events of September 11, 2001, the Arab region in general and its Islamic movements in particular have been roundly labelled as breeding grounds for terrorism. This war has blurred the distinction between what may rightly be termed the terrorising of innocents on one hand, which is an affront to the human conscience and morally unacceptable, and, on the other, the legitimate resistance to foreign occupation and exclusionary regimes as sanctioned by the Geneva Conventions and resolutions of the United Nations. Whereas violence is the first choice of terrorists, it is the last option for resistance, which usually does not resort to it until it has exhausted all other options through the media, diplomacy, demonstrations and, ultimately, civil disobedience.

It is worth recalling at this point the

definition of terrorism taken up by the United Nations General Assembly at its sixtieth session as “criminal acts intended or calculated to provoke a state terror in the general public [or] a group of persons”. According to the relevant resolution, such acts are “unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them” (A/RES/60/43).

Occupation authorities have tended to brand any resistance to their actions as terrorist activity. Efforts by some States to link their own pursuits to the United States-led war on terror have further obscured the definition of terror, posing the additional risk that this war may be hijacked by foreign interests. The [former] Israeli Prime Minister, Ariel Sharon, seized upon the war on terrorism and the vague American definition of “terrorism with a global reach” that has been both expedient and convenient in his efforts to suppress the Palestinians (Brzezinski, 2004, 32). This ambiguity in the definition of terror, which accommodates the special agendas of occupation powers, has eroded chances that such a war might actually eradicate terror.

The collateral effects of the “war on terror” could severely damage prospects for human development in the Arab world. Counter-violence on the streets and the emergence of brutal factions in reaction to the violence of occupation lead common people to lock themselves up in the past and immerse themselves in social conservatism. The results for Arab women, particularly under occupation, are grave.

Anti-terrorism laws in the Arab countries

Under the influence of the anti-terror campaign, new laws have been passed or existing laws amended so as to criminalise acts not previously viewed as such, strengthen the penalties for acts described as terrorist, relax the restrictions imposed on prosecution procedures and reduce the guarantees given to suspects.

²² The provisional government in Iraq imposed a state of emergency in November 2004 and renewed it in March 2005. States of emergency have also continued in effect in Algeria, Egypt, Syrian and the Sudan.

In Bahrain, for example, there has been heated discussion within the Foreign Affairs, Defence and National Security Committee of the House of Representatives of a draft anti-terrorism bill that some Committee members believe conflicts with the Government's reform agenda and with ratification of the two covenants of the International Bill of Human Rights. This is particularly so with regard to the bill's stiffened penalties, adoption of the death penalty, and restriction of freedoms, especially freedom of thought. The latter may lead to treating every dissenter as a terrorist. The bill criminalises criticism of the constitution or demands for its amendment, even from members of the House of Representatives and even though such criticisms or demands fall squarely within their constitutional powers.²³

At the same time, the campaign on terrorism has led to disregard for the enforcement of certain laws. Thus, although Algeria has introduced into its penal code a text that explicitly outlaws the torture of detainees, in some instances it has taken no action to enforce this prohibition nor has it investigated allegations of torture.²⁴

Extraordinary courts

Most Arab States refer terrorism cases to special judiciaries, such as military tribunals, State security courts, and court-martials. Such courts are believed to lack proper standards for ensuring just trials, usually contenting themselves with initial investigations in the course of which confessions are sometimes extracted under torture while suspects who appear before them are deprived of the right to prepare a defence. The verdicts handed down by such courts are not subject to review.²⁵

Illegal procedures

In addition to passing or drafting legislation that conflicts with laws that lay out the fundamental principles governing criminal trials,²⁶ which are highly stringent to begin with, governments in the Arab world often adopt administrative steps that do the same. For example, procedures imposed in the course of international cooperation in combating terrorism are frequently in violation of international law and, in some cases, of domestic law as well. Such violations are manifested in greater lenience towards police action such as night raids, torture and the extraction of testimony by force, incarceration in illegal prisons where torture is carried out, wiretapping without the permission of a court, indefinite detention without recognised charge, examination of suspects' bank accounts and extrajudicial executions.

Deteriorating conditions for women

Despite some progress in improving the situation of women, terrorism and the campaign against it have contributed to an overall collapse of security and acute setbacks in the pursuit of democracy of which women have been the primary victims. This is particularly evident in areas of armed conflict and, most notably, in Iraq. Instances of abusive treatment of women prisoners by some United States troops in Iraq and, in particular, in Abu Ghraib prison, are cases in point.

The absurd war on thought and belief

Following the war on terrorist organisations, chiefly Al-Qa'ida, in the course of which human rights violations have occurred, the most recent policy orientation in the campaign has been to attack what the United States Administration refers to as "aggressive ideologies".²⁷ Observers

Terrorism, and the campaign against it, have contributed to an overall collapse of security and acute setbacks in the pursuit of democracy of which women have been the primary victims.

²³ Bahraini newspaper al-Wasat, 25 April, 2005.

²⁴ "The United Nations Special Rapporteur on Torture indicated that Algerian authorities had denied, without investigation, the claims of torture which had been brought before them. Moreover, the Special Rapporteur was unable to visit Algeria despite his long-standing request to do so" (Amnesty International Annual Report, 2005a, 123).

²⁵ Such extraordinary courts can issue death sentences.

²⁶ The importance of the fundamental principles governing criminal trials lies in the fact that they regulate the means by which society defends itself against crises. At the same time, such means, even if technical in nature, are nevertheless related to the matter of human rights, and their success depends on their consistency with the legal and social system of the country concerned.

²⁷ President George Bush's speech before the United Nations General Assembly, 14 September 2005.

It is unreasonable to maintain that ideas can be confronted by warlike means; rather, they must be confronted by other ideas not hostile or antagonistic towards others.

The (Gaza) withdrawal, rather than signifying a breakthrough in efforts to reach a settlement, was fraught with bad intentions.

have found it difficult to distinguish between attacking beliefs thus designated and opposing freedom of thought and belief itself, a basic human right. Nonetheless, discussion has begun in more than one Arab country of how ideas and beliefs might fuel terror and of the need to impose restrictions on them. This at a time when, if Arab states have anything to complain about in this regard, it is likely an excess of restrictions rather than a dearth of them. This is not to deny that beliefs may serve as a motivation for committing terrorist acts, and that they may be used to incite others to commit crimes. However, it is unreasonable to maintain that ideas can be confronted by warlike means; rather, they must be confronted by other ideas that are not hostile or antagonistic towards others. Moreover, the act of fomenting crime is subject to criminal law no matter what its ostensible motives happen to be.

Indeed, waging war on beliefs and ideas held by individuals who do not belong to terrorist organisations and who are unconnected with any violent practice could be described as an act of absurdity and an attack on human rights.

Combating terrorism and respecting human rights

Combating terrorism is not inconsistent with respect for human rights. On the contrary, it is an integral part of such respect, for the right to life and personal security is matched by an obligation on the part of the State to ensure citizens' well-being and their security. Consequently, and in exceptional circumstances, the State may, in order to preserve the security

of society, place restrictions on individual freedom to the extent that is necessary and beneficial. The Berlin Declaration contains the standards to which the State must adhere in waging war on terrorism.²⁸

The elimination of terrorism calls for a political decision that abides by the entitlements to human rights and justice in resolving international disputes within the framework of international law. Similarly, it calls for the adoption of a plan for human development in its comprehensive sense and a commitment to observe the rule of law and truth (within the limits set by the Berlin Declaration). In addition, it requires that Arab societies undertake a critical, honest and enlightened review of their heritage. After all, human rights will not be established unless human beings, whatever their background, are viewed as the pivotal and central value, unless the values of dialogue are supported and reinforced, and unless there is acceptance of a pluralistic society.

THE PALESTINIAN CAUSE

Gaza: disengagement does not end occupation

The end to colonisation and settlement in the Gaza Strip and the withdrawal of Israeli troops on 12 September 2005 were a rare exception to the deteriorating situation faced by the Palestinian people. Yet the withdrawal, rather than signifying a breakthrough in efforts to reach a settlement, was fraught with bad intentions. The latter were revealed by Dov Weissglas, senior diplomatic adviser to the Israeli Prime Minister, when he disclosed that the real reason for the withdrawal was to halt the peace process and impede the creation of the State of Palestine (Box I-2).

The withdrawal took place as part of the unilateral disengagement plan launched by the Israeli Prime Minister to relieve Israel of the security burdens entailed by the occupation and, evidently, to enable it to avoid involvement in serious negotiations aimed at a settlement. At the same time, Israel has reserved the right to intervene militarily in Gaza and to maintain

BOX I-2

The Gaza Withdrawal Is the Formaldehyde to Freeze the Peace Process

In an interview with Ha'aretz, Dov Weissglass states:

"The disengagement (from Gaza) is actually formaldehyde. It supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians".

"The significance (of the withdrawal from Gaza) is the freezing of the political

process. And when you freeze that process you prevent the establishment of a Palestinian state and you prevent a discussion about the refugees, the borders and Jerusalem. Effectively, this whole package that is called the Palestinian State, with all that it entails, has been removed from our agenda indefinitely".

Source: Shavit, 2004.

²⁸ The Berlin Declaration, which addresses the theme of human rights in the context of the war on terror, was issued on 29 August 2004 by the International Commission of Jurists.

control over its air space and regional waters. Israeli forces amass around the area in order to control almost all the crossings and thus also commercial activities, custom tariffs and people's mobility. These considerations led the Special Rapporteur of the Commission on Human Rights to consider that Gaza is still under occupation (Box I-3).

Perhaps the most important redeeming feature of this withdrawal is that it demonstrates that Israel's desire to withdraw from Gaza is due to the courageous perseverance of the Palestinian resistance.

Even as citizens rejoiced in the Israeli withdrawal, fears that the occupation of the West Bank would continue and expand, began to grow. After all, the Gaza territories make up only 5.8 per cent of the territories occupied since 1967, which means that more than 94 per cent of these territories remain occupied. The number of settlers in the Gaza Strip came to 8,475 (that is, only 2 per cent of the total number of settlers); in contrast, Israel increased the number of Jewish settlers on the West Bank by 12,800 during 2004 alone. In addition, it confiscated more Palestinian lands, including for the expansion of the Ma'aleh Adomim settlement (around Jerusalem) by 2,700 square kilometres. There are, in addition, growing signals from Israel that it intends to annex this settlement to Jerusalem.²⁹

According to reports by Palestinian human rights organisations, the implementation of the unilateral disengagement plan was accompanied and followed by gross violations in the occupied Palestinian territory, many of which were serious enough to qualify as war crimes under international humanitarian law. In addition to their daily incursions into Palestinian cities and towns, raids on residences and arrest of their occupants, the occupation forces continued to open fire on civilians, bulldoze and raze houses, attack property, and confiscate land needed for the Annexation Wall on West Bank land. Occupation forces are working on the Wall around occupied Jerusalem at a rapid pace in order to isolate it from its geographical surroundings on the West Bank. Meanwhile, the expansion of

BOX I-3

The Special Rapporteur of the Commission on Human Rights: Gaza is still occupied land

"[I]t seems clear that Gaza will remain occupied territory subject to the provisions of the Geneva Convention relative to the Protection of Civilians in Time of War, of 12 August 1949 (Fourth Geneva Convention) as a result of Israel's

continued control of the borders of Gaza. The withdrawal of Jewish settlers from Gaza will result in the decolonisation of Palestinian territory but not result in the end of occupation".

Source: John Dugard, 2005:2. Available at: "United Nations Information System on the Question of Palestine." (2005). <http://domino.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/02bf82d785fe854a85257088044c374c1?openDocument> (Accessed 24 March, 2006).

settlement projects on the West Bank and the tightening of restrictions on movement across checkpoints continue (Palestinian Centre for Human Rights, in Arabic, 2005).

Israel continued to launch rocket and missile attacks against Palestinians in the Gaza sector after its withdrawal, often allegedly in response to attacks. In addition to its usual practices, it has found a new means of intimidating and frightening people: the sonic boom of Israeli jets systematically and frequently breaking the sound barrier. Palestinian and Israeli human rights organisations have condemned these practices for creating fear and panic among civilians, especially children, and for contributing to aborted pregnancies (more than 70 cases) (Al-Sharq al-Awsat, 11/11/2005, 10).

The occupation continues to frustrate human development

Israel's occupation of the Palestinian territories and its concomitant measures continue to destroy the potential for liberation, autonomy and development, tearing away at the fabric of Palestinian society itself. Such measures have, in fact, lead to civilian injuries and loss of life on both sides.

Abuse of personal freedoms and the freedom of movement

Israel's military siege of the Palestinian territories has continued through the use of mobile and permanent military barriers, which has led to the dismemberment of the West Bank into more than 240 districts isolated from one another. In addition to the permanent checkpoints, totalling more than 605 in April

The implementation of the unilateral disengagement plan was accompanied and followed by gross violations in the occupied Palestinian territory.

²⁹ "Palestine Monitor." (2006). http://www.palestinemonitor.org/nueva_web/facts_sheets/settlers_disengagement_violations.htm (Accessed 7 May, 2006).

Schoolchildren have been beaten and terrorised by settlers on the way to school.

2005, Israel has begun to use mobile ones, numbering 374 in June 2005. Their random use was considered by the Special Rapporteur of the Commission on Human Rights to be a violation of human dignity in addition to being a violation of the Palestinians' freedom of movement.³⁰

The occupation forces have also impeded residents' mobility in other ways. These include preventing Palestinians from using many roads reserved for the use of the Jewish settlers, a measure reminiscent of racial segregation, and requiring Palestinians to obtain special permits to access connecting roads.

"[T]here are still over 8,000 prisoners in Israeli jails. Of this number, some 120 are women. Over 300 children under the age of 18 are in Israeli detention centres. Forty per cent of them have been sentenced to imprisonment and 60 per cent are in pre-trial detention.... Allegations of torture and inhuman treatment of detainees and prisoners continue. Such

treatment includes beatings, shackling in painful positions, kicking, prolonged blindfolding, denial of access to medical care, exposure to extreme temperatures and inadequate provision of food and water" (Dugard, 2005, 14).

Escalation of settler violence against Palestinian civilians

The reporting period witnessed escalating violence by Jewish settlers against Palestinian civilians. Schoolchildren have been beaten and terrorised by settlers on the way to school. Settlers have destroyed crops, stolen sheep and goats, and intentionally poisoned fields and land in the Tutwani region (Dugard, 2005, 11, 16).

Amnesty International confirmed that toxic chemicals were spread in fields in Hebron in the West Bank, causing damage to farm animals and land pollution. Kate Allen, a spokesperson for Amnesty International, stated that "These poisoning incidents appear to be part of a deliberate attack on the livelihoods of Palestinian farmers". The organisation indicated that Israel has not attempted to remove these chemicals safely or to investigate the poisoning (BBC, 25 April 2005).

Arab victims are not eligible for the same compensation and rehabilitation from 'terrorist' attacks as Jewish victims; Israeli law for the compensation of terror victims and their survivors does not provide for rights of victims of terror if the perpetrators are Jewish, since the latter are not considered "hostile to the State of Israel's existence".³² On the 6th of August 2005, an Israeli soldier shot a group of Arab Israeli civilians boarding a bus, killing 4 and wounding 15 others. Despite the extent of the atrocity and its targeting of civilians and in spite of its condemnation by many, including Israeli officials, as a terrorist act, Israel's Defence Ministry Court ruled that the victims cannot be considered "victims of terror because the perpetrator was Jewish" (The Guardian, "Jewish gunman was no terrorist, Israel rules", 1 September 2005).

BOX 1-4

Life at a Checkpoint, Israeli Eyewitnesses

"The loss of time that the Israelis deprive three and a half million people of each day has widespread significance: in impairing their ability to make a living, in economic, family and cultural activity, in leisure time, in studies and artistic creation, and in limiting the scope of each person's life" (p. 15).

"Huwarra (6 September): A soldier said that every ninth adult male trying to cross the checkpoint should be detained. (19 September): Every man whose name is 'Mohammad' was detained, and this is a large population" (p. 17).

"Shavei Shomron (from the Beit Iba reports): It was clear that what was being carried out here was collective punishment" (p. 18).

"The 'Stop All Life' Procedure- This is another form of delaying, that the army calls 'stop all life'. Its name indicates its nature: a total freeze on movement that lasts for hours at a time. A population

of hundreds and perhaps thousands of people, among them the elderly, the ill, pregnant women, infants, and nursing mothers, are prevented from moving freely and are ordered to stop the course of their lives" (p. 24).

"Beit Furik (14 July): Hundreds of people were waiting to cross, exiting Nablus. But the checkpoint was closed - 'Stop All Life' was in place. On the other side lay a man connected to an IV [intravenous drip]; he had passed out after several hours in the sun. Evacuating him from the area was impossible. In the area where detainees are held, dozens of women had gathered in a closely crowded group. One was standing and changing a baby's diaper; a second held a boy of about five who was wearing hospital pyjamas. The boy seemed unconscious or sleeping heavily, and his mother shouted that he's very sick" (p. 25).

Source: Machsomwatch³¹ 2004, in Arabic, 15-24.

³⁰ (Dugard) 2005:3. Available at: "United Nations Information System on the Question of Palestine." (2005). <http://domino.un.org/unispal.nsf/eed216406b50bf6485256ce10072f63702bf82d785fe854a85257088004c374c1/OpenDocument> (Accessed 24 March, 2006).

³¹ Machsomwatch, is an Israeli humanitarian organisation founded in February 2001.

³² "Institute for Counter-Terrorism." (2005). <http://www.ict.org.il/editorials/editorialdet.cfm?editorialid=3> (Accessed 30 March, 2006). Jon Elmer. "The New Standard." (2005). <http://newstandardnews.net/content/index.cfm/items/2300> (Accessed 30 March, 2006).

On the other hand, Israel has continued to violate the Palestinians' right to a clean environment through the discharge of sewage from Jewish settlements onto Palestinian land. This constitutes a serious hazard for the Palestinian environment, since many settlements in the West Bank have no form of treatment of industrial or domestic wastewater (Dugard, 2005, 16).

The Wall appropriates land and impedes development

Work continues apace on building the Wall, which the International Court of Justice has judged to be illegal, requiring the cessation of its construction and compensation for the damage that it has caused.

The construction of the Wall has had dangerous consequences for Palestinians living nearby. The structure has separated thousands of Palestinians from their agricultural lands, while Israel has refused to grant most Palestinians access to their plots. For those who were granted permission, it became clear that the gates did not open at the times specified (Dugard, 2005, 2). Approximately 50,000 Palestinians are caught in the "seam zone" between the Wall and the Green Line. "Israeli settlers or any person of Jewish descent from anywhere in the world can move freely in and out and around the Seam Zone, while Palestinians living or working between the Wall and the Green Line must apply for permits to continue living in their homes or to access their means of livelihood" (Human Rights Watch, 2005).

The Wall will lead to serious health hazards for Palestinians, according to a statement issued by the Médecins du Monde, the Palestinian Red Crescent Society, and Physicians for Human Rights-Israel. It will prevent approximately 10,000 Palestinians who suffer from chronic diseases and more than 100,000 pregnant women from obtaining necessary health care. It will also prevent more than 130,000 Palestinians from obtaining vaccinations. In addition, one third of Palestinian villages will be unable to reach health care systems (BBC, 15 February 2005).

With the building of the Wall, Jerusalem has been forcibly separated from the rest of the West Bank, making it more difficult to

negotiate over, or implement, relevant United Nations resolutions. In addition, it hinders Muslims and Christians from reaching places of worship located in the city. Moreover, the structure's implications in terms of permanency and the divisions of the West Bank undermine hopes of achieving an autonomous, sovereign Palestinian State and of implementing United Nations resolutions in this connection.

Meanwhile, the Palestinian economy is being systematically destroyed and rendered dependent on the Israeli economy. Moreover, this process is being accompanied by measures leading to geographical fragmentation, the imposition of geopolitical facts on the ground and a forceful campaign to undermine Palestinian institutions' capacity to take any serious steps towards achieving human development.

The deterioration of living standards

The economic situation and standards of living remain poor. Data reveal that poverty rates are on the rise. Various estimates indicate that the overall poverty rate is more than 50 per cent and that it reaches 80 per cent in some areas (such as southern Gaza). Between the years 2000 and 2005, families' average monthly income declined from approximately \$445 to \$333 (that is, by one fourth). More than 53 per cent of families suffered during this period from an acute decline in income.

In response, families took a number of different measures to adjust to, and compensate for, shortfalls, with women playing a critical role in these economies and in bearing their consequences. Data collected during the last year (up to March 2005) indicate that 58 per cent of families reduced their spending, while 16 per cent resorted to raising livestock and engaging in domestic agriculture, the responsibility for which is borne primarily by women (Palestinian Central Bureau of Statistics, press release, August 2005). Other data indicate that

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BOX 1-5

Disfigurement of the "Kingdom of Heaven"

Jerusalem is an historical city of great beauty. The wall has done much to disfigure the city. Those responsible for planning and constructing the wall in

Jerusalem have done so with complete disregard for the environment. All this has been done in order to transform Jerusalem into a Jewish city.

Source: Dugard, 2005:13

An improvement in the conditions of Palestinian women will require a total commitment to gender-sensitive national policies, comprehensive national renewal and ending the Israeli occupation.

in order to support their families, more than 50 per cent of the women were obliged to sell the jewellery that represented their savings (Bir Zeit University, in Arabic, 2002 and 2004).

Unemployment rates varied between 32 per cent at the beginning of 2005 and approximately 27 per cent in the autumn of the same year.³³ Youth, particularly in the Gaza Strip, were the hardest hit; data show that 47.5 per cent of young men between the ages of 20 and 24 years in the Gaza Strip are unemployed, compared to 27.7 per cent in the West Bank for the same age group. Young women (between 20 and 24 years of age) are the worst affected of all groups, with the unemployment rate for this group reaching 48.4 per cent compared to 31.6 per cent for young men (Palestinian Central Bureau of Statistics, press release, in Arabic, July 2005).

In the area of health, vaccination rates have begun to decline in many areas and have slumped to 66 per cent for mumps, measles and German measles. Approximately 5 per cent of children are underweight, while approximately 10 per cent of children suffer from stunting (UNDP, 2005).

The beginnings of Palestinian reform

Palestinian reform continued to register progress with the holding of the second presidential elections on 20 January 2005, local elections in a large number of locations as well as the 2006 parliamentary elections. These elections revealed growing support for religious forces.

Responding to Palestinian public opinion and pressures from societal forces, NGOs and international parties, the Palestinian Authority has implemented a number of reforms in the State's security apparatus and other State institutions. Nevertheless, most Palestinians continue to view an end to insecurity and the establishment of the rule of law as among their most important priorities. In this vein, a survey conducted in 2005 by the Development Studies Programme of Bir Zeit University revealed that 54 per cent of respondents considered these issues priorities. Manifestations of the security breakdown include the spread of firearms and

their illegitimate use and an unprecedented rise in rates of domestic violence and murders of women.³⁴ In the same connection, steps have been taken to restructure Palestinian governmental institutions: a number of government institutions and ministries have been merged or abolished, while new institutions have been created in order to meet societal needs. Among these is the Palestinian Ministry of Women's Affairs, whose establishment is viewed as a significant victory for the women's movement. Even so, current events confirm that an improvement in the conditions of Palestinian women will require a total commitment to gender-sensitive national policies that contribute to comprehensive national renewal and to ending the Israeli occupation.

EXPOSING THE EFFECTS OF THE OCCUPATION OF IRAQ

The political process in Iraq witnessed important developments in 2005 as indicated earlier in this Chapter. These included legislative elections and the ratification of a new constitution, both of which represented positive developments not practised by Iraqis in the past with such vigour.

Under an initiative by the League of Arab States, Cairo saw the holding of a meeting from 19 to 21 November 2005 attended by representatives of the different political factions and forces in preparation for a national reconciliation conference in Baghdad at the start of January 2006. While condemning terrorist actions, participants agreed that resistance is a legitimate right of all people, and demanded a timetable for the end of foreign presence.

Following the election of a Permanent Iraqi National Assembly and the anticipated formation of a new government in 2006, the new authority will face considerable challenges. These include the implementation of the constitutional amendments that guarantee the unity of Iraq and the inviolability of its territory, anchoring human rights in law and practice, bringing about national reconciliation and eradicating chaos and corruption in a united

³³ The average comes to 21.2 per cent according to the stringent definition of unemployment used by the International Labour Organisation.

³⁴ "Women's Center for Legal Aid and Counseling." (2005). <http://www.wclac.org/> (Accessed May 10, 2006).

Iraq free of both foreign occupation forces and terrorist activities.

This latest political process, however, has coincided with setbacks in reconstructing the Iraqi State and its institutions in the context of continuing occupation and amid risks of the country's fragmentation as sectarianism becomes entrenched. The outcome of the process over the last year remains a reflection of the continuing occupation and its serious ramifications.

The human cost of the occupation: use of prohibited weapons and torture

In November 2005, Italy's official television channel broadcast a film indicating that the United States Army had used white phosphorous bombs that harmed civilians in the city of Fallujah. These bombs burn the skin and are banned from use against civilians (reported by the BBC, 8 November 2005).

More evidence is coming out confirming the use of torture under the occupation. In October 2005, some human rights organisations lodged complaints with the United Nations Commission on Human Rights against the United States Administration for committing serious offences against human rights in "tens" of prisons similar to the infamous Abu Ghraib prison (Inter Press Service, 26 October 2005).

Elements within the Government of Iraq had their share in torturing Iraqis. In November 2005, the American troops found a "secret torture centre" in the basement of the Ministry of Interior building in one of Baghdad's suburbs (New York Times, 16 November 2005). This led Iyad Allawi, the first Prime Minister of Iraq under the occupation, to complain that human rights offences are worse now than under the previous regime (The Observer, 27 November 2005).

Despite the shock caused by an estimate published in the British journal, *The Lancet*, in November 2004 (Burnham, in Arabic, 2004) to the effect that approximately 100,000 civilians had been killed since the beginning of the occupation of Iraq, civilian casualties did not

diminish. In fact, Coalition forces expanded their military operations in several Iraqi cities, at times destroying civilian structures and storming hospitals and houses of worship, in stated pursuit of "rebels and terrorists", persisting in arresting thousands. Coalition soldiers were implicated in war crimes, such as killing, wounding and torturing detainees, while the Coalition Authority's investigations into these crimes and their lenient sentences on their perpetrators left a climate of impunity or even tacit encouragement. Towards the end of 2005, the President of the United States estimated the number of Iraqis killed at 30,000, which is close to the number estimated by Iraq Body Count, which put the number of civilians killed in Iraq between 27,000 and 31,000 victims.

The Iraqi people's tragedy was worsened by the involvement of certain local militias, terrorist organisations and criminal gangs in crimes against civilians, such as murder, kidnapping and sabotage, which victimised thousands of people and threatened to ignite sectarian conflict (Amnesty International, in Arabic, 2005b).

Festering corruption

In July 2005, the British press published a report by the Bahrain office of a reputable American auditing firm³⁵ prepared for the International Advisory and Monitoring Board that had been established in October 2003 (The Guardian, 7 July 2005). It revealed instances of gross financial mismanagement on the part of the Coalition Provisional Authority and the Iraqi interim government. The report confirmed that both parties had wasted or misappropriated funds belonging to the Iraqi people. These funds had been earmarked for rebuilding the country that had been destroyed by the occupying Coalition troops. In the eight months during which Paul Bremer was the civil administrator of Iraq, it estimated that nearly \$9 billion, most of which belonged to the Iraqi people, "disappeared".³⁶ (When Bremer left Iraq on 28 June 2004, the Coalition

More evidence is coming out confirming the use of torture under the occupation (of Iraq).

³⁵ KPMG

³⁶ "Fox News." (2004). <http://www.foxnews.com/story/0,2933,129489,00.html> (Accessed 18 July, 2006).

"CNN News." (2005). <http://edition.cnn.com/2005/WORLD/meast/01/30/iraq.audit/> (Accessed 18 July, 2006).

"The Times." (2005). <http://www.ftimes.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=25316&TM=74844.16> (Accessed 18 July, 2006).

Auditors discovered that the occupation authority had not kept accounts for the hundreds of millions of dollars that it had kept in its coffers.

A recent assessment by a London-based group concluded that Iraq stands to lose between \$74 billion and \$194 billion over the lifetime of production-sharing contracts signed with international oil companies.

Provisional Authority had spent \$20 billion of Iraq's money³⁷ compared with little more than \$300 million of the money of the Government of the United States).³⁸ Auditors discovered that the occupation authority had not kept accounts for the hundreds of millions of dollars that it had kept in cash in its coffers. Some \$8.8 billion, which had been transferred to the Iraqi interim government, are unaccounted for. Further, it appears that the failure to monitor the way in which Iraq's income is disposed of has continued since Bremer's departure (Harriman, 2005).

It is thus not surprising that the field survey of around 2,000 Iraqis carried out by the United States Department of State in 2005 reports that "most Iraqis say that corruption is worse now than before" (Government of the United States, Department of State, Office of Research, 2005).

The evidence of financial mismanagement and corruption on the part of the occupation authorities calls for the exposure of the facts and circumstances surrounding the misappropriation of Iraq's oil wealth. These facts are documented in a book by the Iraqi former Minister of Petroleum, 'Isam Chalabi, entitled, *A Reading in Iraq's Oil Industry and Oil Policy*. The study covers the destruction of installations and the theft of documents, machines and equipment during and after the occupation. Even two years after "liberation," Iraq's oil industry had not been able to restore production to its pre-war levels. Indeed, for the first time in its history, Iraq has been turned into a net importer of oil products at a cost of \$3 billion a year ('Arif, in Arabic, 2005a).

A recent assessment by a London-based group concluded that Iraq stands to lose between \$74 billion and \$194 billion over the lifetime of production-sharing contracts signed with international oil companies. These estimates assume an oil price of \$40 a barrel, based on only 12 of the 60 – at least – oil fields. In addition to relinquishing control of Iraq's oil industry to international companies, the contracts imply annual per capita losses of revenue over their

30-year lifetime that are estimated to be higher than Iraq's present per capita gross domestic product (Platform et al., 2005).

The occupation's destruction of Iraq's wealth goes beyond oil. It affects a spiritual treasure of importance to humanity: the relics of early civilisation in Iraq. Eleanor Robson, from the Oriental Institute at the University of Oxford, has compared the pillaging to "the Mongol sacking of Baghdad in 1258".³⁹ The Looting of the Iraq Museum, Baghdad, which contains contributions by a number of the most prominent archaeologists in Iraq, cites information on the recovery of 7,000 out of some 15,000 pieces that were stolen from the Baghdad museum during the first days of the occupation. Not one of these pieces has yet been returned to Iraq, while the fate of the museum's collection of Sumerian seals, which is estimated to contain approximately 6,000 items, some dating back to the dawn of writing and recordkeeping, is still shrouded in mystery. To this must be added the widespread damage to or destruction of important archaeological sites resulting from the occupation forces' construction of military bases and airports near them ('Arif, 2005b).

The total cost of the invasion and occupation of Iraq

The estimated economic cost of the invasion and occupation of Iraq, including direct financial costs (estimated by a recent study at around \$255 billion, of which \$40 billion is borne by the Coalition Members), and the loss of oil revenues and asset destruction, totals nearly half a trillion dollars (\$500 billion). This cost is expected to double by 2015 (American Enterprise Institute-Brookings Joint Center for Regulatory Studies, 2005).

Iraqis want to see the end of the occupation

One of the leaders of the occupying coalition in Iraq ascertained the Iraqi public's strong desire to see the occupation end. A survey covering the entire country, funded by the British

³⁷ "Global Policy." (2004). <http://www.globalpolicy.org/security/issues/iraq/dfi/2004/06/fuelingsuspicion.pdf> (Accessed 28 April, 2006).

³⁸ "The Guardian." (2005). <http://www.guardian.co.uk/Iraq/Story/0,2763,1522983,00.html> (Accessed 10 April, 2006).

³⁹ "The Guardian." (2003). <http://www.guardian.co.uk/Iraq/Story/0,,979734,00.html> (Accessed 28 April, 2006).

Ministry of Defence and leaked to the Sunday Telegraph, showed that more than 99 per cent of Iraqis do not feel that the presence of the Coalition forces is contributing to the security of their nation. Nearly half the respondents sympathised with the fierce attacks against the Coalition forces (The Guardian, 23 October 2005).

At the end of 2005, the military command of the United States forces in Iraq acknowledged for the first time that, to cope with wide public rejection of the occupation, it had paid Iraqi newspapers to carry positive news about United States efforts in the country (Washington Post, 3 December 2005).

SUMMARY

This section has illustrated how the international and regional environments have weakened human development in the Arab region, notably through the occupation of Palestine and Iraq and the “war on terror”. In many cases, the basic rights and freedoms of Arab citizens, extending from the right to life through civil and political rights to economic and social rights, have continued to be violated. This is the situation today. Looking ahead, this negative environment could damage the prospects of a renaissance in the Arab world by impeding reform and obstructing opportunities for peaceful and just solutions to the occupation of Arab lands and the restriction of Arab freedoms and rights. A continued impasse over these matters may push the region further towards extremism and violent protest in the absence of a fair system of governance at the global level that can protect security and help achieve human prosperity for all.

PROGRESS TOWARDS OVERCOMING DEFICITS IN HUMAN DEVELOPMENT

BROADENING THE SCOPE OF FREEDOM

As the foregoing sections illustrate, the overall trend during this period has been that of steady erosion of freedom in support of the

existing structure of authoritarian rule. It is, nevertheless, possible to trace some positive developments relevant to the broadening of freedom in the Arab countries.

Reinforcing and protecting a culture of human rights

In Egypt, the National Council for Human Rights issued its first annual report (2004-2005). The fact that the report dealt with some of the most serious aspects of human rights violations in the country and demanded an end to the state of emergency came as a gratifying surprise in human rights circles. It remains for the authorities to take effective measures on the basis of such reports to protect human rights and to punish those who violate them (Al-‘Awwa, in Arabic, 2005).

In Jordan, the National Centre for Human Rights issued its first annual report.

Egypt and Tunisia ratified the Arab Charter on Human Rights Charter, and Syria became a signatory to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Training courses in human rights were held for clergy and the police in Egypt.

In Bahrain, a decree was issued requiring that democracy and human rights be taught in the State’s schools.

The United Nations Centre for Human Rights for Western Asia and the Arab Region is being established in Qatar.

A human rights association has been formed in the UAE.

The new authorities in Mauritania organised, for the first time, a civil assembly that brought together most opposition political parties. The meeting discussed the major challenges currently facing the country and outlined the features that participants wanted to see in its next, intermediate stage of development. The authorities also permitted several NGOs and centres for development research to begin operating.

Purging a long legacy of oppression in Morocco

Arguably, the most important recent deliberations in Morocco, in terms of political history, were the hearings organised by the

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The most important recent deliberations in Morocco, in terms of political history, were the hearings organised by the Justice and Reconciliation Commission.

Targeting curricula that include "Islamic" values can backfire.

Efforts to address women's issues have often been limited to cosmetic empowerment.

Justice and Reconciliation Commission in 2005. The hearings fall within the agenda of the Commission, which seeks to provide new generations with knowledge and facts about the disturbing events that took place in Morocco between independence and the end of 1999. This work is part of the process of transitional justice in a Morocco that seeks reconciliation with itself. This goal is to be achieved by purging the legacy of a past laden with injustice.

Some sessions were scheduled to present the cases of victims affiliated with various opposition movements (nationalist and leftist), who were exposed to different forms of oppression in prisons and other places where crimes against human rights were committed.

The members of the Commission collected over 20,000 files and decided to hear 200 live testimonies, broadcasting them on Moroccan television and radio stations. The Commission has submitted its final report, which includes the results and summary of its findings together with recommendations for legal, cultural and institutional reforms necessary to overcome a history of oppression and prevent its recurrence.

Searching for national reconciliation in Algeria

The President of Algeria adopted an initiative to transcend the legacy of alienation and enmity resulting from the 1990s through the Charter for Peace and National Reconciliation, which was widely accepted through a national referendum.

Limited move towards democracy in the UAE

The President of the UAE declared a move towards democratic reform whereby half the members of the Federal National Council, which consists of 40 members, will be elected by 4,000 social elites to be appointed by the rulers of the seven Emirates.

Jordan expands popular participation

In Jordan, a commission established by the king and comprising members of various political affiliations prepared a National Agenda for political, social and economic reforms. Its recommendations included serious amendments to legislation governing

elections and parties that would deepen political development and expand popular participation. The biggest challenge is whether the Government will implement such far-reaching reforms.

KNOWLEDGE ACQUISITION IN PERSPECTIVE

The acquisition of knowledge is generally viewed by ruling regimes and foreign donors not as a means by which to overcome the erosion of freedom but rather as a politically neutral area and, therefore, open to broad application. However, the supposed political neutrality of knowledge acquisition is an illusion, while education, in particular, can be an effective instrument for reproducing or supporting structures of domination whether from within or without.

There have been successive attempts to modify Arab educational curricula and approaches, some designed to fulfil the requirements of externally initiated reform projects, which may not necessarily serve the interests of renewal in the Arab world. Specifically, Arabic educational curricula often come under external pressures that aim to "develop" them so as to incorporate values exalting human rights, the role of women, democracy and tolerance. From the perspective of the present Report, such changes must be carried out on several levels that work not only to introduce such universal values but also to modernise curricula in line with the information revolution and rapid communication among the peoples and States of the world. It should be kept in mind that targeting curricula that include "Islamic" values can backfire by aggravating extremism and internal resistance to change.

EMPOWERMENT OF WOMEN

The empowerment of women, the core theme of the present Report, is the human development deficit that Arab States have laboured to address, albeit inadequately. Efforts to address this issue have often been limited to cosmetic empowerment in the sense of enabling notable women to occupy leadership positions in

the structure of the existing regime without extending empowerment to the broad base of women, a process that automatically entails the empowerment of all citizens.

At the same time, however, it is possible to cite positive trends in the area of women's empowerment. For example:

- In Kuwait, decades of struggle by women and their supporters were crowned by the decision of the National People's Assembly in May 2005 to pass a law that grants women the right to vote and to be nominated for public office in both general and local elections. This was followed by a government decree appointing a woman as Minister of Planning, the first appointment of a woman to a ministerial post in the country's history.
- In Egypt, a woman was appointed for the first time as president of a petroleum company; eleven women were appointed to the upper house of parliament, the Consultative Council; and the minimum age at which a girl may marry was raised to eighteen years. Also, in a cabinet reshuffle at the end of 2005, the Ministry of Manpower and Immigration was given to a woman for the first time.
- In Jordan, a cabinet reshuffle in April 2005 involved the appointment of four women to ministerial posts; however, this trend was reversed when a new government was formed in November 2005, and the number of women in it went down to one.
- In Lebanon, a woman was appointed as a minister for the first time in 2005. Six women won in the legislative elections.
- In the UAE, a reshuffle brought a woman into the Cabinet for the first time and the number rose to two when the Cabinet was formed.
- In Tunisia, a woman was appointed as a provincial governor for the first time .
- In Qatar, a woman became secretary general of the municipal council.
- In Syria, a woman was appointed to the Baath Party's national command.
- In Saudi Arabia, the legal condition requiring a woman to secure the approval of a "guardian" in order to obtain an identity card was abolished. In addition, two Saudi women won membership on a council

representing journalists; three women won elections to the board of directors of the National Human Rights Association; women took part in elections for Riyadh's Chamber of Commerce and Industry, with two of them gaining seats on its board; and a delegation of 40 Saudi women was sent on an official business visit to the United Kingdom. King Abdullah also met with a delegation of professional women who presented him with their demands.

- In Bahrain, the requirement for Bahraini women to secure their husbands' approval before obtaining a passport was abolished, and women were allowed to work as traffic police.
- In Algeria, a woman was appointed chancellor of the University of Boumerdes.
- Libya ratified the agreement establishing the Arab Women's Organisation.

CONCLUSION

During the period covered by the present Report, the Arab world continued to suffer developmental labour pains whose outcome is difficult to predict. Certain reforms were achieved in the dissemination of knowledge and the empowerment of women. With few exceptions, no Arab country is now without a parliament or a cabinet or a local council in whose assigned tasks at least one woman participates in an able manner. Similarly, many Arab countries have started to look anew at how to improve their educational systems.

Progress towards political reform, on the other hand, continues to be erratic and the gap between reality and the aspirations of the vital forces in the Arab countries continues to widen as a result of both the slowness of reform and the invigoration of civil society. The latter, having broken through the barrier of fear that has held it in check for too long, is now formulating its demands for reform more clearly and with greater daring. Most of those ballots that have been held, despite being a step forward by comparison with earlier practices, remain far from the free and fair elections for which civil society has been agitating. Only timid and limited steps have been taken towards the programmes of political reform announced by

With few exceptions, no Arab country is now without a parliament or a cabinet or a local council in whose assigned tasks at least one woman participates in an able manner.

The progress of development has remained haphazard, without impetus, organisation or a clear forward direction.

In moral and material terms, the rise of women is an indispensable component of any free, knowledge-based and well-governed society.

numerous regimes. Civil and political freedoms continue to be abused unimpeded and the right to political participation, though it may have broadened slightly, remains restricted in the face of legal and other limits to its practical exercise.

Reformers and human rights activists remain targets of repressive measures that endanger not only their well-being but also often their very lives as they seek to obtain freedoms and rights.

Notwithstanding the growing number of external initiatives for reform in the Arab world, the negative influence of an unfriendly global environment has grown. Terrorism and the collateral impact of the war against it continue to threaten not only the Arab citizen's right to freedom and growth but also her or his right to life. Foreign occupations, and especially the Israeli occupation of the occupied Palestinian territory, continue to deny Arab people the most basic political, economic and social rights and threaten the security and safety of the region as a whole.

For these reasons, the progress of development has remained haphazard, without impetus, organisation or a clear forward direction: the Arab world is left in a situation not far from that of the "impending disaster" of which the third AHDR (2004) warned.

Despite the gravity of developments in the region, aspirations for the rebirth and flourishing of a vibrant Arab world, as expressed in that Report, have not diminished. Indeed, it is in the hope of strengthening progress towards that goal that this fourth Report is published.

THE CONTENTS OF PART TWO OF THE REPORT

The major part of the present Report consists of a study of the third deficit identified by the first AHDR (2002): the disempowerment of women in the region. The analysis culminates in a strategic vision for overcoming this deficit through the advancement of women in the Arab world.

Chapter 1 lays down the conceptual foundations of the Report, which are anchored in the central perspective on freedom and human rights of the Arab Human Development

Report series. Starting from the premise that equality between men and women is the only gender relationship consistent with human dignity, the discussion then focuses on problematic issues associated with the current status of women in the region.

The chapter confirms that the status of Arab women results from the complex interaction of rooted cultural, social, economic and political factors. Some of these are systemic in nature and require a wide and deep analysis of many components of Arab societies in keeping with the systematic approach taken in these Reports. The Report thus elaborates the contemporary context of women in the Arab world as a prelude to developing a strategic vision for their rise.

The *raison d'être* of the Report is to examine the current situation of women in Arab countries within the framework of human development. It therefore focuses particularly on how Arab women fare in terms of being able to acquire and utilise capabilities essential to all human beings. It also considers the level of human welfare associated with women in the Arab world. In doing so, it probes whether men and women enjoy basic human rights equally. Furthermore, since women's empowerment rests largely on the will and efforts of society as a whole, chapters 2 to 5 review struggles and experiences in the advancement of Arab women in order to evaluate the nature and strength of such efforts.

Following this diagnosis, the Report next looks at how the societal context in Arab countries influences the situation of women. This situational analysis concentrates on cultural and traditional structures, especially religion and specifically Islam, as well as social and political structures (chapters 6 to 9).

Drawing together the threads of its diagnosis and analysis, the Report concludes, in chapter 10, with a strategic vision for the advancement of women in the Arab world. It stresses that, in moral and material terms, the rise of Arab women is an indispensable component of any free, knowledge-based and well-governed society. Indeed, it is both a necessary condition for, and the most meaningful proof of, the achievement of human development in the region in line with the comprehensive vision of this series.