

# The ‘Spring of Arab Reform’ Has Yet to Bloom

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Numerous observers, particularly in the West, have lauded certain developments generated by social and political actions and reactions in Arab countries during 2005 and early 2006. Seeing such developments as important prologues to an Arab reform movement, they have bestowed upon them the romantic description, “The Arab Spring.”

This acclaim reflects a combination of two phenomena. The first is perhaps a sense of guilt in a number of Western circles stemming from long-term violations of freedom in the Arab nation – violations which are documented in Arab Human Development Report (AHDR) 3 – by the Western powers now dominating the international scene. The second consists of a kind of rush to count these developments among the “positive” outcomes which are claimed to have resulted from the invasion and occupation of Iraq by circles either responsible for, or sympathetic with, this violation of one of the most fundamental of freedoms in the Arab nation.

However, seen from the perspective of freedom and good governance of AHDR3, it is difficult, in my judgement, to claim that the events in the Arab arena since the latter was completed can accurately be described as the kind of broad and deep reform for which the report called. On the contrary, to consider what has taken place as a solid harbinger of reform of this nature would be to grasp at straws. After all, the clouds of the “Arab autumn” have yet to dissipate!

## A Wave of Flawed Elections in Early 2005

The model of freedom and good governance outlined in AHDR 3 calls for popular choice of representatives in governance institutions. This, however, assumes that elections be *free and honest*, and that they be based on citizenship for all in a societal context which guarantees the freedom to make a well thought out choice among alternatives that the citizen has been able to test through discussion in the *free* public domain. Any elections within the Arab nation that fulfil these conditions are to be welcomed and celebrated.

However, good governance, according to AHDR 3, is not limited to the holding of elections, even if these are entirely sound. For the presumption here is that “democratic arrangements,” and particularly elections, can coexist with all manner of breaches of the model of freedom and good governance, and specifically with flagrant violations of freedom in the inclusive sense adopted in the report, especially in the realm of national liberation.

In occupied *Palestine*, elections were held to choose the president of the Palestinian Authority. These were not the first elections to have been held in Occupied Palestine; however, the Occupation Authority and its supporters, instead of respecting the popular will in the previous election, had worked to undermine the legitimacy of elected president ‘Yasser Arafat’ for a long time prior to his assassination. These last 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 Occupation Authority imposed

major obstacles to individual campaigns, to the point of physically assaulting the second most important candidate at a checkpoint and preventing him from taking his campaign to Jerusalem. In addition, the elections were boycotted by the radical factions of the Palestinian resistance, while prominent leader ‘Marwan Al-Barghuthi’, whom the Occupation Authorities have sentenced to multiple life imprisonment terms, was repeatedly pressured to withdraw his candidacy.

In also-occupied *Iraq* elections were held under the shadow of occupation, with nearly 200,000 occupying troops, a government loyal to the occupiers, the activity of the largest U.S. Embassy in the world, and direct supervision of the military and security establishments, not to mention active interference by several semi-governmental American institutions in issues relating to the management and funding of NGO’s, influence on political parties and surveillance of the activities of every ministry. The fact that the U.S. Agency for International Development allocated \$80 million for political and election activities in “post-Saddam” Iraq to the National Democratic Institute for International Affairs and the International Republican Institute completes the picture of how these forms of intervention were realized. American university professor William Robinson describes these two institutes as “extensions of the U.S. State Department,” while Republican Representative Ron Paul has stated his belief that their aims would have been “entirely illegitimate” if the elections had been held in the United States (Liz Ashkenaz Crook and Brian Dominic, *Al-Mostakbal alArabi, in Arabic*, February, 2005).

Under a prior obligation to a State Administration Act laid down by the occupation authorities, elections were held for the National Assembly that was to be assigned the task of drafting the country's constitution. The elections took place in the midst of a nearly complete breakdown of security and a violent terrorist campaign directed against both candidates and voters. In addition, the elections were influenced by powerful enticements offered to both groups, while rumours spread that anyone who failed to vote would be deprived of his or her rations, or even detained.

Holding elections had not been on the occupation authority's original agenda, its own preference having been to choose whomever it wished from among the representatives of the country's various communities. And indeed, the holding of elections represents a victory for those Shiite forces that stressed the need for them, as a means to obtain a majority in the Legislative Assembly.

The average voter turnout was higher than expected; however, the elections were boycotted by sectors of the Iraqi people estimated to have numbered in the millions – that is, nearly half of those who had the right to vote. Those who did vote ended up electing lists with whose members were unknown to them and of whose political platforms they were ignorant, and without having had the opportunity to examine and discuss these as a basis for their choice. People's selection of candidates was based on the positions of list leaders or sponsors, and took on, as a result, a sectarian and tribal stamp. In other words, the elections were played out on the basis of sectarian "identity," thus entailing the possibility of division and disintegration, outcomes which would be among the most perilous imaginable for the new Iraq. As a result, numerous parties urged that a search be made for a formula that would guarantee to those groups that had not won seats in the Legislative Assembly the opportunity to take part in the process of drafting the constitution.

Those who won the elections could anticipate promises of security protection, armoured cars, and a hefty monthly salary. For those who were less fortunate, many of whom were women, their only share in the election spoils was to face

the consequences of having their names (kept confidential until the conclusion of the elections) disclosed and of paying whatever price might be exacted from them by anti-election forces. This ugly fate was epitomized by the assassination attempt made on Mithal Al-Alusi, a member of the Iraqi Coalition List and a proponent of reconciliation with Israel, whose two sons died in the attempt on his life.

Given that the Shiites and Kurds together won nearly 80% of the seats in the Legislative Assembly (140 and 75 respectively out of a total of 275), the election results give reason to fear that the country will witness a swing of the political pendulum from tyranny under the former regime, which was often described as "Sunnite," to a new tyranny which might be dubbed "Shiite-Kurdish" if no successful formula is arrived at to include in the political process the current boycotters. An even greater danger lies, however, in the perpetuation of the communal and sectarian factionalism and fragmentation that have the potential to throw both unity of citizenship and of Iraq itself to the winds. In April 2005, the new Iraqi president proposed that Kurdish, Shiite and Sunnite militias be employed as peace-keeping forces, thus indicating a risk of dismantling the concept of Iraqi citizenship and to sanction communal and sectarian divisions. In August, 'Shaykh Abd Al-Aziz Al-Hakim', head of the Supreme Council of the Islamic Revolution in Iraq, demanded that an autonomous entity be established in the central and southern regions of the country. Meanwhile, fears of the partition which could potentially result from the articles of the draft constitution relating to federalism continued to fuel the opposition of Sunnites taking part in the drafting process, and led in the end to the dominant parties in the National Assembly deciding, without this decision receiving full approval, to put the draft constitution up for a popular referendum.

The fact is, however, that these elections yielded a clear expression of the rejection not only of the occupation and its negative effects on the well-being of Iraqi citizens but of the occupier's ideology as well. We find, for example, that the platform of the '*United Iraqi Coalition*', which won an absolute majority in a pro-

minent location, stipulates the "establishment of a timetable for the withdrawal of the multinational forces from Iraq," a demand that the U.S. President has publicly refused to consider on more than one occasion. The question arises, then: Does the democracy sought by the current U.S. administration place no importance on popular will when it conflicts with the position taken by its own gurus?

In an even more powerful statement of the popular desire to see an end to the occupation and of how much at odds is the popular will with the conduct of the head of the transitional government, more than one hundred Coalition representatives in the Constituent Assembly objected to the latter's request that the UN Security Council extend the multinational forces' stay in Iraq.

In the social and economic realm, the election platform of the *United Iraqi Coalition* included "adoption of a social security system under which the State would guarantee work to every able-bodied Iraqi... and offer assistance to every Iraqi citizen with the building of a home..." Similarly, it called for "the use of Iraqi oil revenues in economic development." These orientations are reflective of a social system which runs counter to the free market system adopted by the U.S. administration and which was imposed by former U.S. Administrator Paul Bremer. In fact, they may well be viewed as revealing "socialist tendencies" that are not inconsistent, in fact, with the social and economic orientations of the former regime.

Nothing serves better to demonstrate the fragility of the elections' outcome than the difficulty encountered over the following three months in forming a government, as a result of which the new government was sworn into office incomplete. The process of drafting the constitution also faltered. Meanwhile, attacks by the resistance continued and even escalated, a retaliatory mindset spread throughout the country, random assaults were made on citizens, and there such was a breakdown of security that Iraq under the occupation was turned into fertile ground for what is termed "terrorism" – the very thing that its occupation was supposed to have helped combat. These developments, in turn, led the occupation forces to

support house raids, searches and collective punishment of entire Iraqi cities in search of those whom they dubbed "rebels." Rather than being seen as means of preparing the citizenry to vote on a constitution whose last draft sacrificed both international legal standards for human rights and the abolition of gender discrimination, the joint assault launched by occupation troops and government forces on the city of 'Tala'far' in September 2005 (calling to mind the crimes and tragedies witnessed by Al-'Fallujah' the preceding year), along with the subsequent terrorist attacks on Shiite areas and the Iraqi defence minister's threat to launch similar operations against four more Sunni cities ('Samarra', 'Al-Qa'im', 'Al-Rawah' and 'Al-Ramadi') are more correctly viewed as contributing significantly to the tension which is nourishing a spirit of strife, hostility and national fragmentation.

The fragility of the election results likewise became apparent in the difficult negotiations over the drafting of the provisional constitution. These nearly broke down over a number of issues, one of which was the excessive haste on the part of the current U.S. Administration to get the constitution out before the deadline it had set for itself, as well as, and even more importantly, the fear that the federalist formula proposed in the draft constitution would lead to the partitioning of the country.

From around mid-2004, statements by officials of the coalition indicated its incipient dissolution resulting from a combination of factors. These include escalating attacks by the resistance, a development concealed by a media blackout; rising popular opposition to the occupation both in Iraq and in the lead coalition countries (April 2005 witnessed anti-occupation demonstrations which began in the same Firdaws Square from which the statue of Saddam Hussein had been removed); and an accumulation of reports on the practices of the occupying authorities and the regime. These reports exposed human rights violations and corruption in the disposal of the Iraqi people's wealth and resources.

Mounting evidence of the evils accompanying the occupation of Iraq may have reached the point where growing op-

position to it has begun to wear away at the coalition, a group pieced together by the current U.S. administration for purposes irreconcilable with international law, much less with a victory for freedom. In Saudi Arabia, and for the first time in the history of the kingdom, municipal elections were held. These elections were tainted, in this writer's estimation, by a fundamental flaw, namely, the exclusion of women. If we add to this the fact that voters were allowed to choose only *half* the members of the municipal council, it can be fairly said that they amounted to "one-quarter municipal elections." There is still a long way to go before a national legislative assembly is elected in full by all of the citizenry.

A number of Arab and international human rights organizations have demanded the release of prisoners who have completed their terms (in March, 2005 the Arab Human Rights Commission published a list, which was not exhaustive, of 120 such prisoners). Several such organizations approached King Abdullah on the occasion of his accession to the throne, asking him to form a committee to follow up on the conditions of political prisoners, especially in view of the fact that on August 8, 2005, the king had issued a special amnesty which included the four reform pioneers. In addition, he called for a number of Muslim clerics to be assigned to open up discussions with prisoners accused of fomenting or practicing violence, with the aim of leading such individuals, through dialogue and rational persuasion, to renounce its use against their fellow citizens.

In Lebanon, those involved in what has been termed the "Cedar Uprising" were unable to make the transition to a Lebanon of one citizenship. There can be no doubt, of course, that for more than half the residents of Lebanon to come out and demonstrate peacefully in the streets of the capital and other cities, despite the fact that they belonged to many different and even conflicting persuasions and in the absence of any notable manifestations of unrest or violence, is a healthy phenomenon that deserves to be applauded. However, these demonstrations were tainted by sectarian divisions bearing within them the seeds of the fragmentation of Lebanese society, seeds which have led thus far to two civil wars, the most re-

cent of them lasting nearly two decades. Western circles applauded what was termed the "Cedar Uprising", and particularly its participation in the call for the end of Syria's military and political presence in Lebanon, while a U.S. official resident in Lebanon during the "uprising" bragged that he had had a hand in the demonstrations. The chain of events was also not without acts of despicable violence, such as the assassinations of journalist Samir Qasir and progressive leader George Hawi and the assassination attempt on journalist May Al-Shidyaq. Moreover, when it came time to hold the elections, politics in Lebanon appeared to have gone back to its old ways, with horse-trading among the various elements of the Lebanese political mosaic, accompanied by even more intense communal and sectarian polarization. The "Cedar demonstrations" seemed to have failed to have any lasting effect on the country's politics. Devastating internal violence has continued in a number of Arab countries (Egypt, Saudi Arabia, Lebanon and Yemen), reminding us of the disturbing beginnings of the "Impending Disaster" Scenario against which AHDR3 warns. Given the foregoing, we should undoubtedly welcome, albeit cautiously, the wave of elections that have been held as a harbinger of an endorsement of the right to popular choice in the Arab countries, especially in those countries in which elections were once viewed as a kind of political heresy, if not outright blasphemy. Nevertheless, there are some who hold that "managed elections" simply represent the newest way of supporting regimes loyal to the West (Milne, 2005). What is certain is that there is still a long way to go before elections are reformed to the point at which they become a component of the society of freedom and good governance. The creation of such a society still requires a great deal of radical reform, particularly in legal and political structures, that goes beyond the holding of elections.

### **The Rising Tide of Protest against Government and Demands for Radical Reform**

In Egypt, an opposition movement supported by thousands of public figures has

come together under the name of "The Egyptian Movement for Change." The movement has an attractive slogan and a website on the Internet. Its slogan, "*Kifaya!* (Enough!) No to extension! No to hereditary succession!" has gained such popularity that it has become a recognized term in foreign writings on the political state of the country. By "extension" is meant the current president's nomination for a fifth term, by the end of which, if he does not die in the meantime, he will have ruled the country for thirty years non-stop. "Hereditary succession" refers to the current president's grooming of his son to succeed him in his position.

To achieve these goals, the movement is demanding a constitutional amendment which would open the door to competition for the positions of president and vice-president of the country. Movement supporters stipulate that the holders of both these positions must be elected by secret, direct ballot under complete supervision by the judiciary, that the presidential term be four years only, and that no candidate be elected for more than two successive terms. In addition, each candidate must be required to make a public financial statement upon nomination.

The *Kifaya!* movement has overcome the restrictions on the type of activities in which it may engage by communicating via the Internet. At the same time, it has also managed to engage in public demonstrations. One such demonstration took place in front of the Supreme Court building, while a subsequent demonstration was held at the Cairo International Book Fair, where approximately one hundred individuals belonging to the movement demonstrated, while the site was surrounded by thousands of security police. Since then, the movement has staged numerous demonstrations throughout the country.

Other opposition forces have followed the movement's lead in staging demonstrations. Among these is the Muslim Brotherhood, which staged huge demonstrations that were attacked by the security forces and in which one person was killed. Movements calling for change and reform have emerged among university professors, lawyers, journalists, writers, and artists, while other forms of alliance have grown up

among numerous factions of the forces opposed to the current regime, the most important of which include the National Alliance for Democratic Change and the National Alliance for Reform and Change.

There have been successive reports of echoes in response to the *Kifayah!* movement in other Arab countries, including *Kafa!* in Yemen and *Khalas!* in Libya.

### **Maligned Reform**

Some Arab regimes, most notably those in Saudi Arabia and Egypt, have announced political reform programs, in response in all likelihood to outside pressures. There is mounting evidence, however, that their intention to engage in reform is insincere, or so it appears, since the actual conduct of the ruling authority has given the lie to such intentions. Examples of such conduct include the introduction of reform initiatives which go only the minutest distance toward the pursuit of a reform agenda that would constitute a serious shift towards a society of freedom and good governance of the sort conceived of by AHDR 3. Still other reform initiatives have been emptied of any genuine content by the enforcement of restrictions and "rules" which guarantee a steady tightening of the noose around freedom. Meanwhile, the authorities in states which claim to be implementing reform continue to commit flagrant violations of the rights of those who call for it. In fact, the claim to be implementing reform now appears to be nothing more than a veil with which to conceal the perpetuation of the current structures of oppression.

In Saudi Arabia, for example, a court, which failed to conform to standards of justice and a fair trial, sentenced three intellectuals as well as the lawyer for one of them, to prison terms merely for having filed a petition with certain officials demanding political reform and the establishment of a constitutional monarchy. Even more unfortunately, the Riyadh District Court of Cassation ruled to uphold the lower court's decision. After the coronation of King Abdullah, the individuals thus sentenced were released, though by royal favour and not by judicial acquittal.

In Egypt, the ruling regime made a huge fanfare over the request by the president of the republic that one article of the constitution, Article 76, be amended in such a way as to allow the president to be elected from among a number of candidates. The ruling regime touted this proposal as the beginning of political reform. However, "the mountain laboured and brought forth a mouse." The amended article emerged from the bowels of the ruling regime in the form of a highly complex text that runs to more than three pages and which, in the view of legal scholars, is unfit to be included in any constitution. In its amended form, the article is weighted down with a huge number of restrictions which render it nothing more than an excessively formalized codification of the existing referendum system for choosing the president, at least so far as the upcoming round of elections is concerned. In addition, the amendment opens the door wide for the president's son to be nominated in a future election, while placing all aspects of the presidential election in danger of complete domination by the ruling party and its government. In this "reformist" manner, then, Egypt is following in the footsteps of Tunisia, that pioneer of hollow pluralism in presidential elections. The amendment was put to a popular referendum which some opposition forces boycotted, while an independent judicial commission formed by the Judges' Club concluded that the referendum was sullied by widespread forgery and manipulation. On the day of the referendum, gross violations were committed in the form of assaults by a combination of men belonging to the ruling party, thuggish party hirelings, and security forces on peaceful demonstrators. These assaults went so far as to include the sexual harassment of female demonstrators.

Moreover, rather than following through on the president's promise at the previous National Party conference to rescind penalties aimed at the press, which rob people of individual freedoms, certain bills concerned with political "reform" actually rendered such penalties even harsher. We find, for example, that Article 48 of the Political Rights Organization Act stiffens the penalty (at least six months in prison, and a maximum fine of 5,000 Egyptian pounds) to be

### EGYPT: JUDICIARY COMMISSION CONCLUDES REFERENDUM WAS RIGGED

The number of electoral subcommittees which were actually headed by members of judiciary bodies came to no more than 5% of the total, which numbered 54,350. As for the remaining subcommittees, they were headed by individuals employed in other capacities, with, in many cases, no consideration given to professional rank, educational qualifications or reputation. 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 percent of those listed on their rosters. (According to official results of the referendum, the participation rate came to more than 50 percent!) The chairmanships of 95 percent 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.

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meted out to anyone accused of publishing or broadcasting false reports on the subject of the elections or the referendum with the *intention* of influencing their outcome, thereby providing an open invitation to the examination of people's motives.

And, even if Article 76 had had the good fortune to escape the influence of the ruling regime's legislative experts and, consequently, could guarantee equal opportunities to a plurality of candidates in open competition, the question would remain: How can there be free and fair presidential elections under the Emergency Law which has been in force for all these years, restricting the key freedoms of opinion, expression and association?

Even more important from the standpoint of comprehensive reform is the fact that, even if there were to be pluralistic, free and fair elections for the position of president of the republic, the most likely outcome would be that whoever happened to win such elections would soon turn into a despot himself, since the existing constitution grants the president absolute powers and absolute powers, as we all know, corrupt absolutely.

Some licensed opposition parties boycotted the presidential elections, 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, each of whom was allocated 500,000 Egyptian pounds from the state treasury for campaign expenses. Of these nine candidates, two were heads of parties which are to some extent recognized, while the other seven were heads of parties that are extremely weak; one of these even announced that he would be cas-

ting his vote for his rival, the ruling president. An election campaign unprecedented in Egypt then ensued, in the course of which the president, in his capacity as a candidate for the ruling party, announced a sweeping reform program whose very proposal constituted a criticism of his rule. Nevertheless, the campaign, short though it was, was marked by an atmosphere of open competitiveness and a notable equality of opportunity among the candidates, particularly in the official media, though the latter was not, of course, without the usual hint of support for the current president. The apparatus of government also continued its wonted practice of urging the public to show support for the incumbent, primarily by hanging up pro-presidential posters. In addition, the Higher Committee on Presidential Elections was conspicuously inflexible, particularly in its refusal to allow civil society organizations to monitor the elections despite the fact that the *Administrative Judicial Court* had issued a ruling permitting them to do so.

The elections were held on 7 September, 2005, and some human rights organizations, as well as a number of the candidates, complained of flaws and cited evidence of manipulation of the electoral process. These problems included allowing a single individual to vote more than once and the mobilization of government employees or the labour sector to vote for the president by making use of voters resident outside the constituency, ploys that were also resorted to in the constitutional referendum. When the results were announced they revealed a landslide victory for the ruling president of nearly 90 percent of the votes, with his two most important rivals receiving less than 10 percent. Ho-

wever, the most notable aspect of the election results is that the participation rate came, according to official statistics, to no more than one-fourth of those with the right to vote. This figure shows a clear tendency among the majority of the Egyptian people to refrain from taking part in the official political process, despite all manner of attempts to encourage and motivate them to do so. There is nothing surprising about such a phenomenon after decades of successful efforts to destroy the society's political vitality through the obstruction of key freedoms and rule by means of emergency law.

Subsequently, parliamentary elections were held in three phases in November and December, but they were marred by many flaws.

The results of these elections, according to the monitoring judges, were forged to favour the ruling party candidates despite the results announced in at least 2 major districts, al-Duqqi and Damanhour. The details of such forgery were revealed in a courageous article published by a lady judge, '*Noha Al Zeini*', one of the presiding judges supervising the elections in Damanhour.

Judges monitoring the elections and voters were assaulted by thugs who were allegedly protected by the police. This led the judges to call for a full monitoring of all the phases of the elections, the formation of an independent judicial police force and the protection of elections by the army, as provided for under Egyptian law.

In districts where ruling party candidates were most likely to lose, especially in the second and third phases of the elections, the security forces prevented voters from reaching designated ballot stations, which led in some instances

to violent clashes resulting in several casualties.

Moreover, bribes were used to purchase the votes of the poor, especially women, a phenomenon some called "Ballot Slavery".

As far as the women's share in the Parliament is concerned, the ruling party had only 2 female candidates on its list of 444 candidates, none of whom were elected (it may also be noted that only 2 Copts were included in the lists of the ruling party). Whereby, the "Muslim Brotherhood" had a clear victory. In the final announced results, the ruling party did not, *strictly speaking*, obtain the sweeping majority it had previously enjoyed in Parliament (excluding the party's independent candidates)

In Bahrain, authorities interfered with demonstrations seeking reform. A Poli-

tical Organizations Act was passed which political and human rights organizations consider to be restrictive of freedoms and in violation of international charters and covenants, spurring six of Bahrain's most prominent political organizations to announce the voluntary closure of their offices for three days in July, 2005.

In Tunisia, authorities forcibly put a halt to demonstrations which were being staged to criticise the government's invitation to Israeli premier Ariel Sharon to attend the Data Acquisition Summit Conference in Tunisia. It bears noting that these demonstrations were not welcomed by Western circles, nor did their suppression receive the condemnation which it deserved, and attorney 'Muhammad Abbu' remains in detention for having written an article on the subject.

In addition, prolonged hunger strikes have been staged by 'Nahda' Party prisoners who have been in detention for a decade and a half under harsh conditions. Finally, the Arab Summit Conference (Algiers, March 2005) did not lead to the adoption of the reforms which Arab citizens have longed to see for so many years, and eight Arab leaders refrained from attending.

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