

The Role of the State and Democracy Building in the Arab World

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Layout by: Bulls Graphics

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Abstract

The diverse countries of the Arab world face different kinds of challenges. In order to consolidate democracy in this region, states should focus on successfully delivering democratic goods, public services and a social safety net; facilitating democratic participation by broad sections of society; improving representation within all state institutions and increasing accountability. The specific areas in need of support and development in each country are, however, to a large extent dependent on that country's particular context, in which many different aspects play decisive roles. Important differences between Arab countries include whether or not they have an oil-based economy, how strongly they are influenced by traditionalism, whether their governments are Islamic or secular, their levels of stability or conflict, and the relative strength of their executive and legislative branches.

The aim of this paper is to provide constructive and viable recommendations for dealing with democracy-building challenges in the Arab world. The EU's depth of experience as well as its technical, financial, and human resources give it the potential to become a reliable, efficient and competent partner in democracy building in the region.

Summary of Recommendations

The EU can contribute to reform in the Arab world by supporting efforts to make state institutions more efficient and better suited to deliver on democratic objectives – for example, efforts to empower parliaments – encouraging greater transparency and promoting independent and public audits of the executive and legislative branches. It should advocate for the establishment of ombudsman roles or other mechanisms to protect the interests of women and minorities and for broader participation, including by civil society groups, in the legislative process. Another move likely to enhance the democratic process would be to encourage oil-producing states to finance government through taxation rather than oil income. The EU can support efforts to show that democratic values are consistent with Islam. It should support the strengthening of the rule of law and the fight against corruption. Members of the Arab diaspora in Europe

can be an invaluable resource in these efforts to support democracy building in the Arab world.

1. Diverse Challenges to Democracy in the Arab World

The so-called Arab world is, just like Europe, a diverse and heterogeneous region with very different socio-economic, historic, cultural, linguistic, financial and institutional features. In this paper, the term 'the Arab world' is used in a broad sense to include non-Arabic countries like Afghanistan, Iran, Mali, Somalia, and Turkey. Even many majority-Arab countries are home to large minority groups of other ethnicities and religions. Arabs themselves are internally diverse, speaking different dialects and having different religious convictions.

Some broad categories can be used as starting point when discussing the countries of the Arab world and their differences and similarities:

- economy: oil-based and wealthy, or poor with mostly inadequate welfare systems
- culture: traditionalist and tribal or modern
- government: Islamic or secular
- security: stable and peaceful or marked by conflict, post-conflict, or even failedstate status
- political system: strong executive or strong parliament

Oil-Based Economies versus Poor Countries

The oil-producing states have in general not had any greater incentives to democratization. Due to solid state finances based on oil revenues, they are not dependent on aid or loans from abroad, and thus are not susceptible to pressure to institute democracy and good governance. These states are marked by economic prosperity but also by serious deficits in democracy and human rights, especially women's rights. The constitution and legal system in these countries are often primarily based on the sharia (Islamic law).

These states' relationships with the EU, and with the international community in general, have focused on free trade and security agreements, without any partnerships

like, for example, Euro-Med, in which commitments on governance, human rights and democracy are included.

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institutions, low economic performance and corruption are results of the new Iraqi constitution failing to give every citizen shares of the society's oil and gas assets. The state should have taxed the people to fund itself instead of just depending on oil revenues as the basis for the state's delivery of public goods. Using only oil revenues to finance the state, instead of funding the state through taxation, could increase risks of corruption

and reduce pressure on accountability, which is more likely to be present when using money derived from tax payers. The question of funding states through taxation instead of purely through oil revenues is worth studying and considering further.

The poorer countries in the Arab world face other difficult challenges. Lack of resources undermines the provision of public services. Despite their need for and receptiveness to development assistance, which entails commitments to good governance and human rights, these countries, too, still have many serious deficits in terms of democracy. Corruption in state bodies and within most layers of society is in many countries a serious threat to any kind of constructive development. Illiteracy is also often widespread, especially among women. Many of these countries have problems providing their citizens with basic education and lose valuable human capital through 'brain drain'. Demographic imbalance is also a severe problem. A disproportionately young population burdens state finances in terms of financing public goods such as education and health care. High unemployment rates, especially among the young, add to this burden. All these factors together form a vicious cycle that is difficult to overcome, which is why especially long-term, broad and inclusive strategies are necessary within EU partnerships for development assistance. To address single issues separately is not enough.

Traditionalist versus Modern Communities

Traditional tribal community structures, a common feature in many countries, pose further challenges to the empowerment of women and the development of political parties that cut across tribal boundaries and address broad national issues. Some countries contain both traditional and modern features. The problematic side of traditional tribal systems is that through a tribal leader, or through a family patriarch, authority is practised in a way that often opposes the participatory and egalitarian features of democracy. Communities living under tribal or patriarchal authority are less receptive to democratic change and reform. Moreover, the independent character of voting is also diminished when patriarchs and tribal leaders instruct their families or villages on how to vote. This has serious implications for electoral outcomes, because a party in theory can buy the loyalty and votes of an entire tribe by bribing a leader who can dictate how his tribe votes (Amin 2008, International IDEA 2004). It is therefore important to decrease patriarchal and tribal leaders' influence in society by strengthening women and minority groups. One way of achieving this is by focusing on empowering unrepresented groups in society, through education and by increasing representation for example, by advocating the installation of independent ombudsmen.

Islamic versus Secular Governments

The degree of secularism in Arab states varies greatly, with Turkey constituting the most secular country (despite the fact that the current ruling party is Islamic). In many cases, Turkey left aside, Islamic parties and movements are in opposition, while rulers are non-Islamic. The EU and the United States have supported many non-Islamic leaders despite their democratic deficits. This unfortunate appearance of a double standard has damaged their credibility as democracy builders among much of civil society in the region (International IDEA 2008). The Islamic opposition is often more inclined to argue for an increased public service sector, which benefits large parts of the population. This policy explains some of the Islamic opposition's popularity. The incumbent

governments are often perceived as corrupt, not giving priority to the provision of public services, and not delivering democracy.

Countries with Islamic governments constitute a mixture of rich oil producers and poorer countries. The most obvious marker of this category is the absence of elected decision-making bodies. If elections are held at all, they are mostly not yet fully regular, reoccurring, free or fair and often have other limitations as well. Nevertheless, it is

important to keep in mind that many of the deficits in democracy and human rights do not originate in Islam but in culture or tradition.

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Stable Countries versus Conflict and Post-Conflict Countries

Separatism and tribal rule have become a growing problem in some states; for example, Somalia and Iraq are more and

more entering the realm of failed states. The roots of this problem often lie in the fact that statehood and nationhood are two separate concepts that do not necessarily go hand in hand in the Arab world. Most Arab states are constructs of imperialism: European powers created their borders without giving much consideration to the nations and peoples living in the area. This has had long-lasting implications for state building and consolidation in many cases. The word 'democracy' stems from the Greek words *demos*, the people, and *kratos*, rule. In a democracy, the people rule, and when the people are not unified or able to live with each other, the state project as such might need to be reconsidered.

The idea of a social contract (Hobbes 1660; Locke 1690; Rousseau 1762) is also relevant in this context; a state that does not uphold its legitimacy through a social contract might never be able to ensure peace. The state itself, as well as the notion of democracy, must therefore deliver on the citizens' needs. This requires a functioning and practical type of democracy that delivers essential public goods such as public services, accountability of leaders and protection of human rights. Moreover, it is important that the political actors in a country obey democratic game rules, making democracy 'the only game in town' (Linz and Stephan 1996: 5). Without a concrete contribution to its citizens,

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Strong Executive versus Strong Parliament

In many countries in the Arab world, the executive branch of government is stronger in the political system than the parliament. In its extreme form, this encourages despotism.

Strong executive power enables a state to be governed efficiently and follow a more consistent policy. But when the strength of the executive system comes on the expense of the parliamentary powers, it also can create an atmosphere less open to political discussion and a government less responsive to public opinion. This has the additional negative effect of not leaving any room for minorities or weaker groups in society to participate in the decision-making process. Achieving more inclusive and participatory

decision-making is easier in a political system with a strong parliament, in which the parliament owns open and transparent channels to the people. Opportunities for representation and accountability increase within strong, transparent parliamentary systems in which voters can easily follow the political program of each representative. Many EU member states have a long tradition of strong parliaments, which makes the EU a more suitable partner than, for example, the United States (which has a strong executive power), in helping to empower parliaments during the process of state building and reform. Considering the fact that there are problems with defining and agreeing on the demos in many countries of the Arab region, more participatory and inclusive decision-making should be a key goal.

2. The Role of the State

This paper uses the term 'state' in a broad sense that includes not only the executive, judicial and legislative powers but also the institutions that are supposed to implement these powers and deliver public services on behalf of the state, such as police authorities, tax authorities and educational ministries.

Within the diverse Arab world, the state plays diverse roles. But Arab countries have one common factor: None of them are fully free democracies; they all have deficits in terms of democracy and human rights. Some countries are authoritarian or theocratic, while others have a mixture of democratic and nondemocratic features. The challenge is to approach democratization in each country in a way that takes into consideration that country's specific conditions. The EU should encourage democracy in those countries that are ready to work with a partner on democracy building, and proactively promote it to countries that still need to be convinced of its value.

The rule of law in the Arab world is also deficient, suffering to varying degrees from inefficient implementation, corruption or unjust law-making. Inefficiency in implementation of the law can lie in an unofficial political or cultural unwillingness to act effectively on particular issues. This can create a selective inefficiency that contains features of corruption. An example is when the courts or police choose to ignore a law that clearly protects particular rights such as women's rights. In order to change this pattern, a change in attitudes and cultural behaviour is necessary, as well as specific strategies such as increasing the presence of women on the police force and in the judiciary system. Another type of inefficiency is unintentional and results from inadequate resources or education. A development programme with financial or educational support could help solve this problem.

Corruption can take on many different faces. It can be monetary, such as bribery or embezzlement, or political, such as enhancing one political actor's power illegally at the expense of another's or interfering with transparent and fair competitive processes. In some of the most serious cases, the law has been misused by governments and leading parties in order to prevent opposition. This has been the case, for example, in Turkey, where the constitutional court has banned 25 political parties since its founding in 1963. The most recent ban targeted the Kurdish Democratic Society Party (Demokratik Toplum Partisi, DTP) shortly after its successes in the 2009 municipal and provisional

¹ For example, opinions can vary on whether nomad groups, minority groups or descendants of immigrants should have the vote.

elections (Geo World 2009). It is problematic that courts are allowed to ban parties at all. The international community and the EU should investigate whenever this occurs and react if decisions are unjust or based on false allegations. Banning or restricting an opposition party and arresting its members is almost always a wrong move. Banning or silencing groups of any political background does not serve a democratic society.

Banning or silencing groups of any political background does not serve a democratic society. On the contrary, it creates a severe risk of radicalizing the opposition further. On the contrary, it creates a severe risk of radicalizing the opposition further and pushing it underground, away from public debate and external influences.

Inconsistency of national laws with human rights standards or international law is sometimes legitimized based on the sharia. In these cases, it is important to show the legislature that its interpretation of the sharia may not be the most

accurate or best for the country. As such issues are often a matter of interpretation, culture and attitudes are often a key factor. It is therefore important to demand that countries follow the international laws and conventions that they have signed and ratified. All partnerships of the EU with Arab countries should take a clear position in these matters.

3. The Role of the EU

The EU is one of the world's largest economic and political actors, as well as the biggest provider of international development assistance. Given its size, accumulated knowledge and resources, the EU has a unique role to play as a strong, reliable and competent partner in democracy building all over the world. Strengthening democratic processes has several important advantages for both the EU's member states and its partners. Strengthened democratic processes bring stability and security, both locally and globally, and are thereby of strategic interest. Increased democracy often goes hand in hand with economic prosperity. Democracy better guarantees the protection of human rights and liberties. And finally, strengthening democracy has a normative value, as democracy is the most suitable framework for fair power-sharing mechanisms.

The EU already has a number of agreements with countries in the Arab world, key among them the Barcelona Process/Union for the Mediterranean, the European Neighbourhood Policy, and the Cotonou Agreement.

The Barcelona Process/Union for the Mediterranean was launched in 1995 and led to the Euro-Med partnership. This partnership has focused primarily on political security for peace and stability; economic and financial efforts to promote shared prosperity; and development of social, cultural and human resources in order to promote understanding between cultures and exchanges between civil societies. The Euro-Med partnership includes the member states of the EU, the European Commission, Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Libya, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria, Tunisia, and Turkey.

In 2008, the European Commission provided an analysis for the European Parliament and the Council of the European Union on the achievements of the Barcelona Process. It identified shortcomings regarding the third aspect of the partnership – development of social, cultural and human resources. The report stated: 'The persistence of the conflict in the Middle East has challenged and stretched the Partnership to the limit

of its abilities to preserve the channels of dialogue among all partners' (Commission of the European Communities 2008: 2). This further proves the importance of democracy building as a vital aspect in fulfilling the aims and aspirations of the EU with its Mediterranean neighbours and the rest of the Arab world.

The European Neighbourhood Policy (ENP) aims to ensure neighbouring countries a share of the benefits of the EU's enlargement process, and thus to avoid creating barriers between the EU and its neighbours. The ENP's Association Agreements have been used as a way to establish mutual commitments to political, economic, trade and human rights reforms. In return for these commitments, the targeted countries have been offered tariff-free access to all or part of the EU market, as well as technical and/or financial assistance. Most ENP agreements are underpinned by an Action Plan. Euro-Med became a part of the ENP through the founding of the European Neighbourhood and Partnership Instrument in 2007. The Association Agreements signed with the Mediterranean countries have the object of establishing a Euro-Med free trade area.

The Cotonou Agreement is a treaty between the EU and the African, Caribbean and Pacific Group of States (ACP). It was signed in 2000 and entered into force in 2003. Its aims are to reduce poverty, improve sustainable development and help the ACP countries to integrate into the world economy. The agreement is also concerned with fighting impunity and promoting justice through the International Criminal Court. Its main principles are (a) equality of partners and ownership of development strategies; (b) open participation in the decision-making processes on joint activities under the agreement by a variety of actors; (c) dialogue and mutual obligations, in which the obligation to protect human rights is central; and (d) differentiation and regionalization, in which especially vulnerable states are given special treatment such as additional financial support.

These partnerships show that the EU is an important partner that can provide many advantages for the Arab world's democracy- and state-building processes. Although the EU's present efforts are of great importance, there is room for improvement and for even stronger support for democracy.

4. Conclusions and Recommendations

The EU has great potential to become a highly efficient, reliable and competent partner in democracy building in the Arab world and elsewhere, given the rich opportunities provided by its experience in a wide number of vital areas and its technical, financial and human resources.

Arab countries are highly diverse, and their areas of greatest need for support and development vary depending on their particular contexts. The recommendations presented in this paper are viable if the political will to implement them exists within the EU and within the Arab world. They would lead to increased political security and stability; improved economic prosperity; more effective delivery of social and democratic goods; and increased global harmonization around power sharing, democracy, human rights and other important values.

The EU has great potential to become a highly efficient, reliable and competent partner in democracy building in the Arab world and elsewhere, given the rich opportunities provided by its experience in a wide number of vital areas and its technical, financial and human resources.

None of the countries of the Arab world are now fully democratic. Each country faces different challenges; but as each has democratic deficits to a greater or lesser degree, it is important to find ways to extend and improve democracy. The states should concentrate on successfully delivering democratic goods, facilitating democratic participation by

many segments of society, improving representation within all state institutions and increasing accountability.

The EU must, however, first define a clearer set of principles and aims in relation to democratization and its foreign policy. A greater harmonization and a clearer, more consistent policy are essential to all democracy-building efforts.

The EU has an important role to fulfil as a motivator and supporter of these aims. By supporting an increased exchange of experiences, encouraging open discussions and public debate, and offering financial, technical and educational assistance, the EU can help the Arab world seriously address these democratic goals. The EU must, however, first define

a clearer set of principles and aims in relation to democratization and its foreign policy. A greater harmonization and a clearer, more consistent policy are essential to all democracy-building efforts.

The EU should better 'market' the notion of democracy in these countries. Considering the weight of Islam in the Arab world, the EU could draw on arguments for democracy deriving from the Qur'an. These arguments may help promote the notion of democracy in both Islamic-ruled countries and rich oil-producing countries that are financially independent of EU partnerships. Islamic law expert Dr Khalid Abou El Fadl summed up these arguments as follows:

The Qur'an itself did not specify a particular form of government. But it did identify a set of social and political values that are central to a Muslim polity. Three values are of particular importance: pursuing justice through social cooperation and mutual assistance (Qur'an 49:13; 11:119); establishing a non-autocratic, consultative method of governance; and institutionalizing mercy and compassion in social interactions (6:12, 54; 21:107; 27:77; 29:51; 45.20). So, all else equal, Muslims today ought to endorse the form of government that is the most effective in helping them promote these values (Abou El Fadl 2003)

Such arguments would make democracy seem less like an alienating export imposed by the EU or the USA. It is important to facilitate and support a process in which the people of the Arab world can make the notion of democracy their own by focusing on direct links between the central values of the Qur'an and the values of human rights and democracy.

In addition to promoting the idea of democracy and emphasizing its consistency with Islamic values, the EU should also carry out the following recommendations:

1. Support and encourage reform of the state apparatus with a focus on empowering parliament and making executive bodies responsible to it. Democratic, free and fair elections should decide the distribution of seats within the parliament. The EU is a very suitable partner in building a strong and transparent parliamentary system, as most of its member states have strong parliaments. The EU could transfer knowledge, exchange experiences and support state reform within partnership frameworks.

- 2. Support stronger ties between representatives and their constituents by encouraging public debates, for example by suggesting that parliamentary debates and decisions be shown on public television. Representatives must be held accountable, and their political work should be transparent to voters. Ways to increase accountability include increasing media and civil society's watchdog functions and reporting on the concrete steps undertaken by each representative. Transparency is a necessary condition in order to achieve accountability. The state budget, and perhaps also the incomes and annual tax declarations of representatives, should be made public in order to increase transparency and discourage corruption.
- 3. Support evaluation projects containing independent audits of both the executive branch and the parliament. These audit reports should be made public. Likewise, all relevant EU treaties and partnerships should be public and accessible by the citizens. All EU partnerships and projects must be evaluated thoroughly, both when a project has ended and at regular intervals while it is active. Citizens should have easy access to these documents.
- 4. Support and promote the introduction of independent ombudsman roles within the government, aiming to empower minorities and women. Separate ministries handing these issues could also be an option. These measures will help to strengthen weaker groups in society and build an atmosphere of political participation and equality. They will also decrease negative influences from patriarchal and tribal authorities.
- 5. Advocate for partner governments to invite a wider set of actors, including actors from civil society, to participate in preparation groups where new laws or decisions can be discussed before they are presented to parliament for voting. This will help to increase legitimacy on a grass-roots level, promote state institutions' efficient delivery of democratic public goods, and prevent state failure and collapse.
- 6. In oil-producing countries, explore and promote the possibility of relying on taxation rather than oil revenues to finance state functions, as means to improve democratic institutions and economic stability.
- 7. Support efforts to come to terms with deficits within the rule of law in the following ways: (a) guaranteeing judges an adequate salary and retirement income, in order to make bribery and corruption less seductive; (b) investigating constitutional courts that ban political parties, especially if there is any suspicion that these courts are seeking to eliminate alternatives to the ruling party or limit the representation of minorities; (c) supporting greater accountability and assisting the fight against corruption through education of key actors; and (d) supporting efforts of women and members of minority groups to have equal opportunities to join the judicial, legislative and executive branches of government.
- 8. Ensure that women, who constitute half of the population, are represented at all layers of government. Ways to achieve this include applying a women's quota and focusing on women in the design of educational reforms and projects. The EU could contribute by pressing demands within partnerships for women's quotas and educational measures, and by sharing experiences and rolling out projects that empower women. There is also evidence that women, once elected and positioned

- within state institutions, are often marginalized by their male colleagues. This suggests that continuous efforts are needed to empower and support female representatives and participants (International IDEA 2004).
- 9. The EU should share its experiences in fighting corruption; effectively delivering public goods such as health care, education, infrastructure and social safety nets; and governing states with multiple ethnicities.
- 10. Use the expertise and resources of members of the diaspora living in Europe. The millions of immigrants from the Arab world living in EU member states should be regarded as an asset. They can help build bridges between their home countries and the EU, which can be especially helpful in state-building processes. Citizens of clearly undemocratic Arab countries living in the European diaspora should be supported to build democratic movements and independent news media, operating from Europe but reaching the citizens of their home countries. The diaspora as a constructive, non-violent force for democratic change should not be underestimated and should be supported.

Different methods are available to the EU for implementing these recommendations. They include lucrative and inclusive partnerships with mutual democratic commitments; similar commitments in trade agreements; funding for projects and development assistance; and motivation to democratic commitments through enlargement policies, neighbourhood policies or pre-association strategies for memberships applications.

Finally, the EU needs a clearer set of principles and guidelines for its own approach to democracy. Steps towards the ultimate goal of democratization should not be limited to reforms that achieve only limited degrees of political liberalization (International IDEA 2008). The EU could contribute much more to democracy building in the Arab world and should not shy away from doing so.

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