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Towards Freedom and Good Governance in Arab Countries

AN ARAB HUMAN DEVELOPMENT REPORT PERSPECTIVE

This article deals with the provision of the supreme public good freedom in Arab countries and the role of governance arrangements, especially at the national, regional, and global levels, in its provision.

The treatment is anchored in the Arab Human Development Report.

Some fundamental concepts need to be clarified.

Human Development

A concept of development, or human progress, that goes beyond traditional concepts of 'economic' development or even 'human resources development'. The core of human development is 'expanding people's choices' which accords a central role to freedom of choice, indeed for freedom in the most comprehensive sense.

As a process of societal change human development consists of building human capabilities, utilising human capabilities effectively leading to the highest possible level of human welfare.

In this concept, however, human welfare is not limited to satisfaction of basic needs or having a decent income. Human welfare as defined by 'human development' is predicated on the premise that having access to knowledge throughout life and enjoyment of freedom, beauty, peace security, all constituent elements of human dignity, are no less important than material and economic standards for development.

Freedom

In my judgement, the essence of an Arab renaissance in this critical era of the history of the Arab nation is a historic shift towards a society of freedom and good governance.

Freedom is taken here in the comprehensive sense of 'eradication of all forms of curtailment of human dignity'.

This comprehensive sense not only incorporates civil and political freedoms (in other words, liberation from oppression) but also adds to them the imperative that the individual be liberated from all means by which human dignity may be curtailed, such as, hunger, disease, ignorance, poverty, fear and, above all, injustice.

Furthermore, an individual can only be free in a free society. Societal freedom operates on two dimensions: the first is the protection of freedoms of subgroups and subcultures- terms that I prefer to the current category, 'minorities'.

In addition, according to this concept of freedom, national liberation and self determination are perceived as essential components of freedom, especially in the Arab nation, where infringement of national liberation is conspicuous.

Hence, operationally, respect of freedom thus defined can be embodied in the strict adherence to the entire body of International Human Rights Law (IHRL) which should take precedence over national legislation.

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In this sense, freedom is synonymous with human development, and is perhaps the quintessential public good demanded in less developed countries.

Freedom is, however, one of those superior human culmination outcomes that require the presence of societal structures and processes that will attain and safeguard it, ensuring its uninterrupted continuance and promotion. These societal structures and processes guaranteeing freedom are summed up in the good governance regime embodied in synergy between the state (comprising the government, elected representative councils, and the judiciary); civil society, and the private sector, all run respecting the principles of rational public administration.

This good governance regime is founded on the following axes:

1. Freedom in the comprehensive sense and especially the key freedoms of opinion, expression, and association (assembly and organisation in both civil and political society) in harmony with the international human rights law.
2. Full representation of the people in governance institutions.
3. Strictly based on institutions and on the separation of powers.
4. Institutions that work efficiently and with total transparency.
5. Institutions subject to effective inter-accountability based on the separation of powers and direct accountability before the people via periodical, open, free, and honest elections.
6. Application of the law to all without exception in a form that is fair and protective of human rights.
7. A competent, honest, and totally independent judiciary to oversee the application of the law and implement its rulings efficiently vis-à-vis the executive authority.

This model of good governance then ensures both freedom as well as justice. Since justice is the paramount value in Islam, this concept of freedom, incorporating justice and the associated model of good governance would be inherently suitable for predominantly Moslem societies such as the Arab countries.

I. CURRENT STATE OF PROVISION OF FREEDOM IN ARAB COUNTRIES

AHDRs Document the restriction of freedom in Arab countries, in the comprehensive sense.

We attempt here a follow up of level of enjoyment of civil and political liberties in Arab countries during the last decade of the 20th century, in an attempt to infer the general trend thereof by using the indicator utilised in the First AHRD (2002) wherein the values of the freedom indicator stopped at 1998, given the available data at the time of preparing the first report. At the time of writing, the indicator was not available except for the years 2000/2001 only (Freedom House, 2002).

Figure (1) (*figures are at the end of the article*) shows that while the general worldwide trend was ascending, it can be said that the trend in most Arab countries was descending with an apparent decline during the early nineties. Arab countries in average recorded the lowest levels of enjoyment of freedom among other considered world regions. Starting with the core of individual freedom, the Arab region is shown to have the lowest level of enjoyment of civil and political liberties among regions of the world, using the admittedly flawed 'freedom score' of "Freedom House". Even worse, the time trend has not been favourable.

The World Bank publishes an international data base on indicators of governance and corruption (Kaufmann, Kraay and Mastruzzi, 2003). In this section, we utilize this database to indicate the position of the Arab region relative to other country groupings, on five major groups of indicators. We present here the results on Voice and accountability, Figure (2).

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Field surveys undertaken especially for AHDR 3 in five Arab countries representing about 25% of the population of Arab countries, provide a detailed characterisation of the lack of freedom in Arab countries.

This is borne out by the Freedom Survey, where one quarter of respondents said that freedom of opinion and expression were lacking, and an even higher percentage said that there was no accountability for those governance regimes Figure (3).

At the political level, power within Arab regimes has been concentrated in the hands of a clique with the vast majority of people excluded from decision-making. Societal decision-making has thus been largely confined to serving the interests of the minority in power, abandoning the majority to impoverishment and marginalisation. The distribution of power and decision-making, core elements of governance, in this manner is perpetuated by cronyism and corruption protecting the interests of those in authority. This is further sustained through manipulating the media for propaganda purposes, giving only one point of view, education by instruction, thereby squandering both money and creative talent, and imposing restrictions on freedoms and stifling the public sphere in general. Executive authorities have appropriated state institutions, especially the security apparatus, for their own ends, and such institutions as do exist are frequently created for the sake of appearances, devoid of any real content. As a result of all these factors any form of even nascent opposition has been thwarted, with punishment meted out for whatever form of opposition, no matter how small.

People consequently feel that corruption is rampant in public life. According to the results of the Freedom Survey, annex 1, the lowest estimate given for corruption in Arab countries was 85%, rising to 98% in Lebanon, Figure 9.3. Politicians, businessmen and senior civil servants topped the list of those considered to be most heavily involved in corruption in the countries covered by the survey, with the exception of Morocco, where respondents highlighted the involvement of lower level civil servants.

There was a generalized perception of widespread corruption in virtually all societal institutions, including legislative assemblies and the judiciary, Figure (4).

However, it is perhaps in the area of national liberation that freedom is most lacking in Arab countries.

Direct occupation of Arab land is suffered not only in Palestine where the only remaining racist, expansionist occupation in the world has been intensifying in ferocity and never deterred from committing war crimes in the Palestinian occupied areas due to the unconditional support provided by the present hyper power.

When the entire world had reconciled itself to the demise of occupation as a tool of international politics, the USA put together a coalition to invade and occupy Iraq after the first armed invasion of a sovereign country in the 1st century. The invasion and occupation was carried out without cover, indeed in defiance, of international legitimacy under totally false pretexts. It has now become clear that the occupation was planned much earlier than announced as an integral component of an American imperialist design conceived by the PNAC.

Control over an oil reserve that is likely to be proven the largest in the world, Strategic placement of troops are now generally recognized as the true motives for the occupation.

Moreover, evidence is mounting regarding a strong synergy between the two occupations. Iraq has been occupied to ensure the long term security Figure () Israel and Israel has been given free hand in occupied Iraq, especially in the North of the country.

Despite the theatrical 'transfer of power' to Iraqis, the country is still far from a good governance regime as we understand it, and power is exercised either by American individuals or Iraqi surrogates.

Under the current Arab governance more than 10% of Arab land has now fallen under direct foreign occupation. Taking into ac-

count the presence of foreign military bases in the region the proportion of Arabs living under indirect occupation rises to more than a sixth of the total population, figure (5).

As a result of repressive policies and excluding the people from the political process, Arab regimes have ultimately proved themselves unable to sustain their legitimacy - even when they plead that they are facing arrogant regional and international forces that threaten both the present and the future of the Arab region - which should rightly emanate from the support of their own citizens.

II. THE ROLE OF BAD GOVERNANCE IN RESTRICTING THE PROVISION OF FREEDOM IN ARAB COUNTRIES

The National Level, Tension between Freedom and Power

Throughout human history, freedom has been the ultimate human value. One of the brightest themes of human history has been the perpetual struggle to attain, and expand the domain of, freedom. Even slavery could not quench the fundamental human yearning for freedom.

Power on the other hand, being a means of coercing others, especially those lacking access to power, has also been avidly sought by members of humankind. Hence the quest for power has been another prominent, though less benign, theme of human history.

Power has evolved to consist of two major dimensions: political authority and wealth.

As coercion is the antithesis of freedom, a tension has always existed between power and freedom in human communities. Governance regimes were invented to manage this tension. Governance regimes articulate around two features: distribution of power and the manner in which power is exercised. Governance regimes can be, broadly speaking, either good or bad.

In good governance regimes power is distributed equally and exercised in rule-based

institutions that are representative, transparent and accountable with the final purpose of ensuring the public good..

But in bad governance regimes, a small clique monopolizes power (authority/wealth) and power is exercised by a small band of authoritarian individuals, or even one absolute despot, with the primary purpose of serving the vested interests of the clique and maintaining its control over the means of power. Moreover, bad governance regimes exhibit a tendency for the two sides of power to intermarry which generates a fertile soil for the oppression/corruption syndrome to sprout. Such regimes are understandably keen on perpetuating their hold on power, for the spoils are indeed huge. Normally, monopoly over power is maintained through deprivation of those alien to the clique, the vast majority of the people, from both wealth and political authority. This takes place through impoverishment and restriction of key freedoms, particularly the freedoms of expression and association (assembly and organization in civil and political society) which amounts to obliterating the public sphere in which a vibrant civil society could thrive.

This is a cogent characterization of the governance regime in most Arab countries.

The contradiction between freedom in Arab countries and the interests of dominant global powers

Arab States grew up in the shadow of, in some cases even because of, imperialistic arrangements like the 'Sykes-Picot' Agreement between the two Great Powers of that day, Britain and France, at the end of the First World War. Many Arab countries were subjected to a protracted period of colonialism, which, as in the case of Egypt in 1882, sometimes saw the start of repression of the national opposition by an authoritarian regime, and obtained independence only at the cost of heavy sacrifices.

Certain traditional practices restrictive of freedom have their origins in the colonial period, when the colonizing powers, keen to curb popular resistance to occupation, in-

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troduced systems, laws and practices that crushed freedom, and both the British and French set up exceptional courts to this effect. In Egypt, for example, martial law was imposed for the first time under the British administration. Although by the mid 20th century occupation had come to an end, the same legal structures and the same practices stifling freedom under occupation were to be adopted in the political and legal architecture of the newly independent Arab States.

In the internal-external equation in Arab countries, two factors have emerged which were fated to have a far-reaching impact on the attitudes of the major powers towards freedom in the Arab region. The first is the discovery of vast quantities of oil in the region, combined with the dominant role that oil has come to play in the advanced economies. This has made the Arab region of crucial strategic value to the industrialized countries, as the West's main interest was to ensure continuing oil supplies at reasonable prices. As regards the second factor, ever since the creation of Israel in the middle of the last century, by seizing Arab land in Palestine and expelling its people, apart from the Jews, and its subsequent expansion in 1967 with the occupation of the West Bank, Gaza and the Golan Heights, any Arab country's attitude toward Israel has been one of the most important standards by which that country is judged by Western governments, especially the US Administration. The more willing the Arab country is to accept the Israeli occupying State, the greater the West's satisfaction.

The contradiction between Western interests and the legitimate aspirations of the Arab people for freedom and self-determination could not be more clear. Certain Western circles thus believed that if freedom and democracy were to reign supreme, enabling the majority of the Arab peoples to freely express their will, this might not be helpful to, and could be in direct contradiction with, their own interests in the Arab region.

If the newly independent Arab States probably surpassed their colonizers in sti-

fling freedom and mastering the arts of authoritarianism, it is also true that, whenever it was perceived to be in their interest to do so, Western States intervened in the affairs of Arab States, specifically, even if at times this involved crushing movements working in pursuit of freedom. This was sometimes achieved through direct military intervention, such as when Britain re-occupied Iraq in 1941 (Khalidi, 2004: 24), or else intervening in any number of ways to destabilize any Arab States that presumed to demonstrate any opposition to their interests or resistance to Israel. To that end they set up alliances, sometimes with other Arab partners, to encircle and pressure the upstarts.

Following independence, the new Arab States were weak and fragile. In a harsh global battleground, they had to find a place for themselves on the world stage, usually by joining one side or the other of the two competing super-powers during the time of the Cold War. Freedom in Arab countries then became a victim of the polarization. While one camp did not adopt freedom in its fundamental sense, the other, which publicly proclaimed freedom, spared no effort to prevent it from spreading in Arab countries.

Consequently, until very recently, all the major world powers turned a blind eye to human rights violations committed by their Arab "satellites" as long as the States concerned continued to revolve in their orbits and serve their interests, which inevitably weakened the popular legitimacy of Arab States, leading in turn to appalling repression, removing all opportunities for a transition to democracy in Arab countries.

After the Cold War period, all the former colonial States rallied to the victorious Western camp led by the US. For this reason, and because of the oil-Israel equation, the West and its leadership, especially in the US, have come to hold a privileged position in Arab States' policy.

Over and above all this, as a result of Arab States' individual weakness, their disunity, and the lack of popular legitimacy (the legacy of their authoritarian governance and developmental failures), they have sought

to curry favour with the global hegemonic powers in a world that has now become unipolar. Hence, popular legitimacy was lost, whatever Arab constitutions may say about sovereignty residing in the people or the nation.

Impact of defective economic reform in Arab countries on freedom and good governance

In addition to the usual adverse impacts of capitalist restructuring programmes—growing unemployment, greater poverty, increasingly unbalanced distribution of income and wealth—economic reform in Arab countries has not succeeded in attaining its fundamental goal of sustained high GDP growth rates (UNDP and AFESD, 2002 and 2003). Needless to say, the effect of growing unemployment, greater poverty and increasingly unequal distribution of income and wealth has been to make the polarization of society more acute, thereby sowing the seeds of a flawed distribution of power, especially where wealth cohabits with political authority.

Furthermore, the implementation of economic reform programmes in Arab countries has been accompanied by the development of an unbridled system of laissez-faire capitalism that includes none of the key elements that have made capitalist systems successful elsewhere. Those elements are:

- Efficiency, which is conditional on ensuring competition and combating monopoly;
- Distributive justice through the agency of the State, which uses public resources (the most important of which, in capitalist systems, are taxes, especially direct taxes) to mitigate social polarization by means of building human capabilities, and the effective utilization of those skills and capabilities in various forms of societal activity, thereby ensuring sustained economic efficiency and growth.

From the standpoint of freedom and good governance, which is a main concern in the Arab world today, Arab countries have

ended up with a societal configuration that allows the profit motive free play, with the result that capital, both domestic and foreign, has come to enjoy virtually total freedom, while the public sector has been stifled and civil society in the broad sense has been shackled. This has created a fertile environment for corruption and worked against in-depth reform in the area of good governance, crucial as it is to human development.

Inadequacy of present regional co-operation and global governance arrangements for optimum provision of freedom in Arab countries

National systems for the provision of public goods in Arab countries have been deficient for sure.

However, the immense potential for better provision of freedom throughout the Arab region has been thwarted by poorly designed and terribly inefficient regional co-operation and global governance arrangements.

The need for global governance reform

Good global governance is perhaps the ultimate global public good as it is the prerequisite of ensuring peace, security and prosperity throughout the world.

In as much as provision of knowledge and freedom in Arab countries is impeded by imperfections in global governance. Regional governance reform needs to be augmented by reform of governance on the global level for perfect provision of knowledge and freedom to in Arab countries.

Regional governance

Transformation towards good governance at the pan-Arab level means a transition from the inertia and inadequacy of the current regional governance regime to a set of structural arrangements aiming at integration. Regional integration would serve to bring its constituent members together in an economic, and possibly political, union. This would call for a greater degree of con-

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sistency in social and economic systems as well as a level of general awareness and grasp of the collective among citizens themselves, and efforts to strengthen them, figure (6).

The leading model of this kind is the European Union which recently moved to become to an economic and monetary union and has begun to apply itself to the political and defence spheres. This has increased the European Union's effectiveness as a regional organization in two ways: first by giving the regional structure precedence over national structures, empowering it to take decisions which are binding on member States to implement; and second, by providing a broader space for citizens and social sectors to participate in the processes of decision-making and scrutiny of its performance. This presupposes that citizens are entitled to participate in government at the national level and the existence of representative bodies with extensive legislative powers; that there is a partnership between the government civil society organizations and market institutions; and a judiciary that protects the rights of all parties.

The binding nature of decisions by the regional organization leads to the conclusion of the founding agreement which has the power of law, on the basis of which the regional judicial institution bases its rulings when resolving disputes over implementation. Cases include those between citizens and their governments or agencies of the regional body raising issues related to regional activities. The regional body must be transparent: make its decisions public through the media; engage in dialogue with the people, making use of information and communications technology; set up advisory bodies to include representatives of special interest groups; involve parliamentary assemblies in decision-making to varying degrees, in relation to the extent to which the regional authority is involved in implementing the decision; and address the people directly through the Internet to create greater awareness of regional issues, and elicit their views.

As at the international level, the regional authority sets up a regional mechanism to resolve disputes between States, prepare draft regional agreements or treaties, such as those relating to respect for human rights in general, or dealing with matters relating to disadvantaged social sectors, such as women, children or people with special needs. These treaties are ratified by the States, which then incorporate them into their own national legislation. The regional body also sets up multi-faceted partnerships with regional civil and economic institutions in addition to networks that provide links between national and local institutions and individuals directly with activities at the regional level. Networking is considered to be among the most effective tools provided by information and communications technology to increase participation. Since there are significant variations as regards the standard of living at the local level within each country and between States, committees and funds are to be set up for the less fortunate regions and social sectors to help raise the standard of living and enhance the community spirit. Finally, the regional dimension provides the potential to conclude treaties or adopt measures on common defence and security matters, and to negotiate as a collective with international bodies and at international for a which reinforces the capabilities of the member States.

Following the European model, however, does not mean that there should be no innovation in creating an Arab model which with broader scope for integration. While the Europeans have succeeded in achieving unity among diverse nationalities, the Arabs have had the opportunity to explore vast horizons for one nation, still in disarray despite sharing a common culture, and specifically, a common language, history and future.

Global Governance reform

The first priority must be reform within the ranks of the United Nations to become the model for good governance at the global level. What this means specifically is putting an end to the Security Council's dominant

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role in international decision-making by limiting the role played by permanent members and extending membership of the Council. The power of veto should be abolished. Decisions should be taken by majority vote, with at least a two thirds majority required for any decision pertaining to armed intervention.

It would be helpful to expand the extent to which General Assembly resolutions are legally binding, while extending the scope for debate and decision-making. This can be done by increasing the role of civil society institutions and transforming the General Assembly into a "Parliament for Humanity", with direct popular participation along the lines of the European Parliament, or the Arab Nation Assembly, which, it is to be hoped, will be set up. Similar reforms for good governance should be introduced within the U.N.'s specialized agencies and organizations.

Even if fully implemented, however, these reforms will not bear fruit unless international forces come together to force a change in the balance of power to end the current supremacy of the sole Super Power on the global scene, working together under the umbrella of human rights, justice and prosperity for all with the practical aim of attaining the Millennium Development Goals (MDG) which won huge international acclaim.

Here we should look to Europe on the one hand and East Asia on the other. In Europe it is to be hoped that the formulation of a new Constitution for the European Union, together with its forthcoming expansion and moves to increase political and defence unity will combine to a world power which is fundamentally and genuinely committed to principles of justice, peace and prosperity for all within a framework of international human rights law. For East Asia to follow the same path, the hope is even greater.

The forging of an Arab bloc playing a key role in the international arena is not to be discounted, provided that it has all the necessary constituent elements, and even if, at the outset, the role is a modest one. The

elements here are in fact among the requirements for the human renaissance of Arab countries. In fact the Arab bloc can play a key role in facilitating the Arab human renaissance itself. There is thus a strong interaction between building human renaissance in the Arab world based on Arab integration, and Arabs working to create a better world for all humanity from a position of power and invincibility.

Perseverance is called for the disadvantaged sectors across the world to be revitalized for the common goal of human development for all humankind.

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Figure (1)

Average Values of Freedom score, weighted
by Population size, The Arab Region and
other World regions, 1990-2000

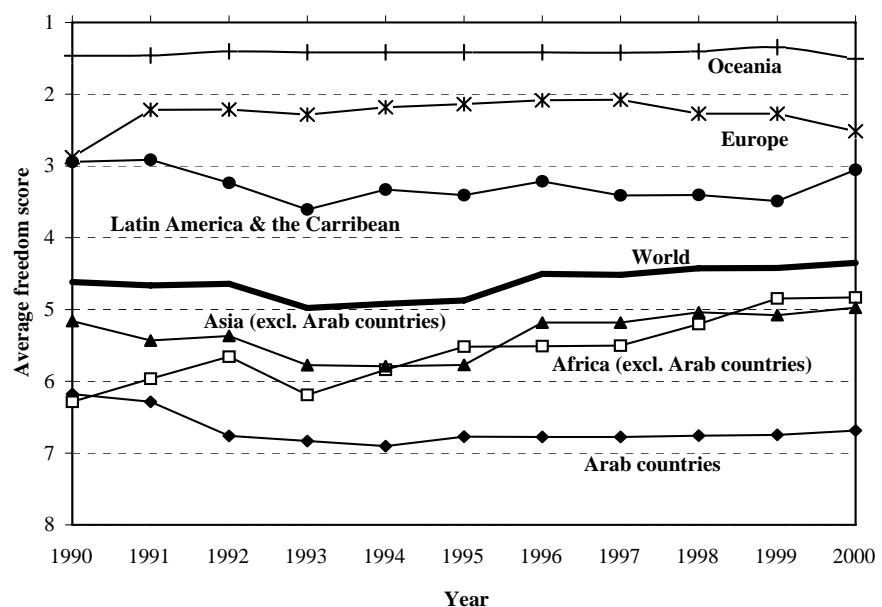
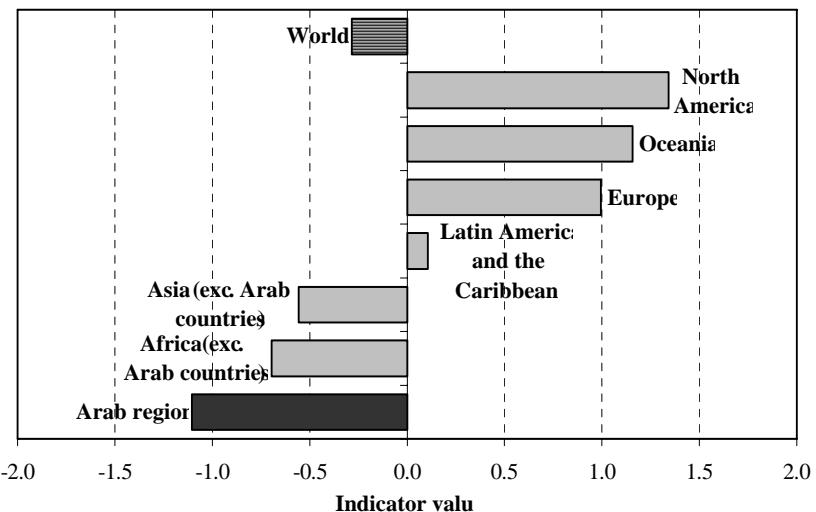


Figure (2)

Position of Arab region among different
World regions on "voice and accountability"
indicator, 2002



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Estimate of the extent of lack of "freedom of opinion and expression" and "government accountability", Arab countries, Freedom Survey, 2003

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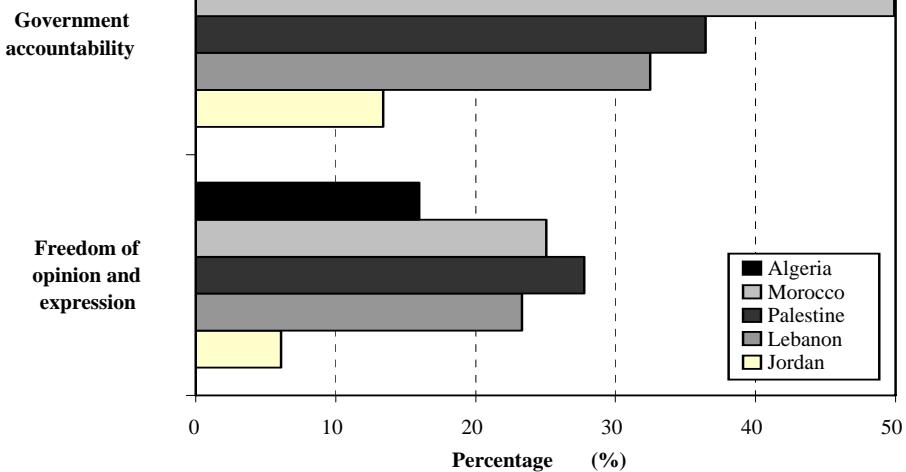
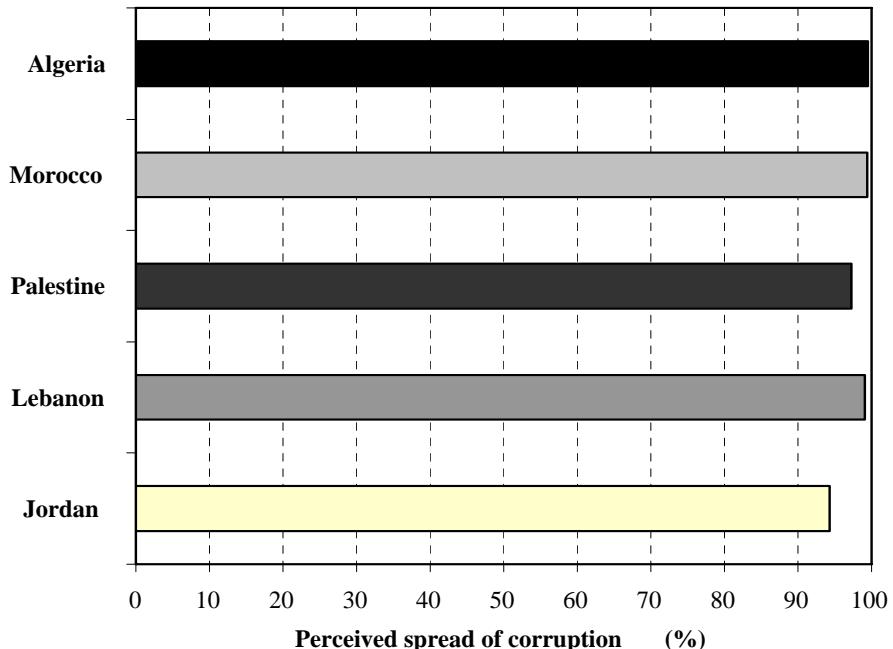


Figure (4)

Estimate of the extent of perceived spread of corruption in Arab countries, Freedom Survey, 2003



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Extent of dissatisfaction at the presence of
 foreign military bases in Arab countries,
 Freedom Survey, 2003

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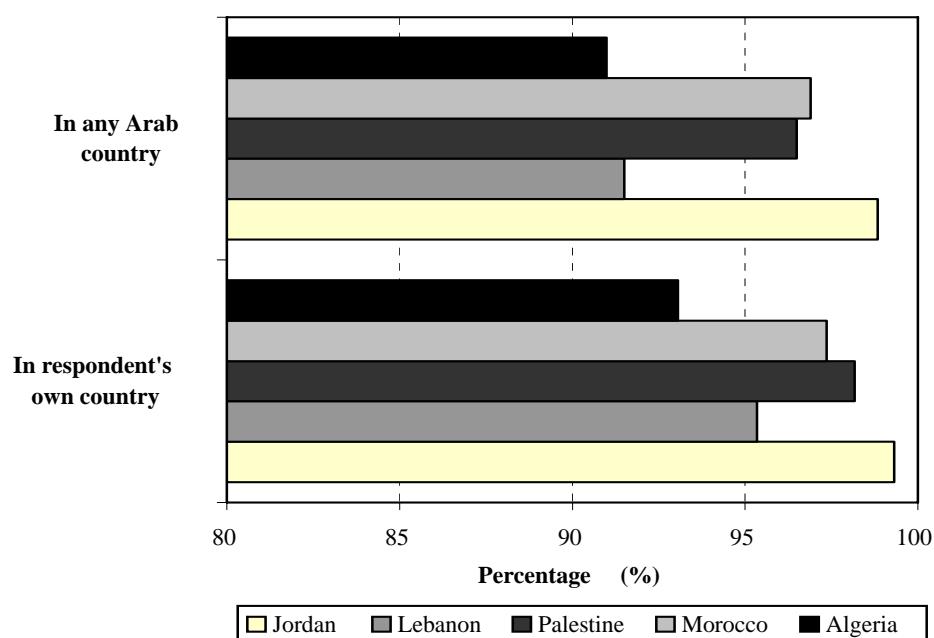


Figure (6)

Preferred form of stronger Arab cooperation, Arab countries, Freedom Survey, 2003

