

**Human Rights and the Arab Spring:  
Some Preliminary Reflections**

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Dr. Omar Grech

**The Mediterranean and “received wisdom” on human rights**

The human rights situation on the southern Mediterranean littoral was for the past forty years characterized by paralysis and the received wisdom has been that there could be no change. This aura of stasis was defined by a number of factors including:

- (i) a perception that human rights were a Western concept, a perception fortified by the presentation of the human rights agenda as ‘foreign interference’ by certain secular and religious authorities;
- (ii) a suggestion that, in some ways, a number of human rights principles were incompatible with the dominant religion in the region;
- (iii) seemingly unassailable authoritarian leaders whose power was rooted in control of the military, the power of patronage as well as tacit or explicit support from the USA, the EU or, in the case of certain countries in the Levantine rim of the Mediterranean, Iran; and
- (iv) a general climate of instability due to the perpetuation of the Israeli-Palestinian conflict and related tensions.

The dominant narrative in the context of human rights in the Mediterranean region has been one which presented the human rights agenda (and the linked notion of democratization) as an alternative to stability and security. The authoritarian regimes tended to conflate stability with authoritarianism and human rights, with potential chaos and radicalization of politics (particularly in the context of political Islam).

The immediate neighbours of the southern Mediterranean states in Europe, to some degree, acquiesced in the construction of this narrative. While the EU pontificated on human rights and democratization, it never fully utilized its potential for promoting human rights and democratization through, for example, Association Agreements. Most of the southern Mediterranean states concluded

Association Agreements with the EU in the late 1990s and early 2000s, with provision for the protection of human rights included in these agreements. In fact, article 2 of these agreements provides that relations between the parties shall be based on the respect of democratic principles and fundamental human rights, which constitutes an essential element of the agreements. Notwithstanding this clear legal basis, none of the Association Agreements have been suspended or downgraded due to human rights abuses.

Human rights civil society organizations in the region, operated within a difficult context of restrictive legal frameworks and were hampered in pursuing their activities, through a mixture of legal obstacles and physical harassment. Apart from these strong governmental impediments, civil society seemed somewhat fossilized. Meetings and conferences of human rights organizations from the region presented a picture of organizations dominated, to some extent, by an older generation and by left-wing ideologues. In this context, the most active and effective organizations appeared to be women's rights movements, which also had a number of successes in their lobbying efforts.

### **The human rights situation until the Arab spring**

The constitutions of the southern Mediterranean states all guaranteed, to a greater or lesser degree, fundamental human rights and freedoms. For example, the Constitution of Tunisia of 1959 asserts in its Preamble, that the republican regime established therein is 'the best guarantee for the respect of human rights.'<sup>1</sup> In Chapter One, which outlines the general provisions that should govern the Tunisian state, articles 5 to 14 establish a number of human rights and freedoms including the right to freedom of expression and the freedom of association (article 8). However, these rights and freedoms were subject to limitations contained in other laws and thus what the Constitution provided for, other laws (including emergency laws) removed. This approach is prevalent in most of the states of the Maghreb and Mashrek, where what the constitution guarantees, the ordinary law takes away.

Emergency laws have had a particularly robust effect in negating human rights and fundamental freedoms. The Egyptian emergency law is illustrative of this point. Adopted in 1958, the emergency law has been in operation from 1967 almost uninterruptedly and amongst its provisions are rules restricting public meetings; the control of media, including newspapers and any other publications, as well as, arbitrary arrest and detention<sup>2</sup>. These provisions together with the lack of an independent and impartial judiciary, which hampered access to justice

for individuals whose rights are abused, rendered the enforcement of human rights norms virtually impossible.

Apart from abuses of political and civil rights, the southern Mediterranean shores also witnessed problems associated with social and economic rights. Unemployment and underemployment, specifically youth unemployment, is a key challenge that the demographic profiles of these states accentuated. In Tunisia for instance, the young represent by far the largest section of the unemployed. Furthermore, unemployment over the past 15 years has started to impact very heavily on graduates with 23% of young graduates unemployed.<sup>3</sup> In Egypt, the percentage of the population living under \$2 a day was 18.5% in 2005<sup>4</sup>. These indicators of social and economic malaise, were further reinforced by a perception of corruption at all levels of society, but particularly at the highest levels. Following the fall of Ben-Ali in Tunisia, the scale of corruption and embezzlement became even more apparent. The Arab Human Development Report of 2004, which also includes the southern Mediterranean, referred to the issue of corruption and commented that:

“Aspects of corruption are also clearly visible to citizens, particularly those in the business sector who complain that the people in power monopolize the main areas of the economy, either directly or as ‘partners’ of successful businessmen. Moreover, persons in power and their close circle receive huge commissions for contracts concluded between the state and international or local companies, including armament contracts.<sup>5</sup>”

The issue of corruption should be examined not only in the context of corrupted leaders or elites in North Africa, but also in the context of involvement by European companies and other entities in such corruption. In 2006, for example, a considerable controversy was created when the United Kingdom’s Attorney General, Lord Goldsmith, announced that the UK Serious Fraud Office would be dropping its investigation into a BAE Systems’ arms deal with Saudi Arabia. In order to give a tangible contribution to the elimination of corruption, the European Union and its member states should strengthen their own anti-corruption mechanisms. Such a concerted effort would send a message to the European and North African citizenry, that European countries are serious about combating corruption.

The Israeli-Palestinian conflict has impacted the human rights situation in the Mediterranean region in several ways. First and foremost, it has had a direct and grave impact on the human rights of the Palestinian people, who are denied

basic rights through the occupation of Gaza and the West Bank. These human rights violations have become especially egregious during the sporadic intense conflicts, such as Operation Cast Lead of December 2008. Secondly, the conflict has a direct and continuing impact on Israeli civilians, who are threatened by suicide bombings and rocket attacks from organizations, such as Hamas and Hezbollah, as well as other entities. Thirdly, the conflict has been used by a number of North African regimes as an excuse to maintain emergency legislation and more generally to silence dissent within their respective societies. Overall, the Israeli-Palestinian conflict and the associated human rights abuses, gradually assumed an aura of inevitability, which further distanced the Arab people of the Mediterranean from European governments. The conflict also augmented the sense of instability in the region, which allowed governments to impose limitations on human rights with impunity.

Within the context outlined above which reads like a veritable catalogue of woes, it is unsurprising that few people were anticipating immediate and drastic changes. In fact, the possibility of change was always debated in academic and civil society circles. Some even forecast that the situation in the various North African states would at some point boil over. The Egyptian journalist Ayman El-Amir, in April 2010, predicted a crisis and claimed such crisis was a matter of ‘when’ rather than ‘if’. However, even this veteran journalist did not predict such a swift or dramatic upheaval.<sup>6</sup>

### **Challenging the “received wisdom”: the Arab spring**

Within the context outlined above, dramatic changes in governance within the southern Mediterranean littoral seemed unlikely in the short-term. Debates on the future of Egypt and Tunisia, for instance, focused on the succession to Hosni Mubarak and Zinedine Ben-Ali, with speculation growing that Mubarak’s son Gamal was being groomed for the Presidency. Voices predicting revolution or fundamental change in the region were, as noted previously, scarce. So what were the triggers that brought about these changes?

The first point worth highlighting is that the Arab spring was not brought about by external pressure, but was an authentically autochthonous movement. In recent years, there were efforts at democratization in the Middle East and North Africa: the European initiative for democracy and human rights (EIDHR) and the Bush freedom doctrine. The two approaches were relatively unlike each other and one can classify them crudely – albeit, I believe, accurately – as follows: the European initiative being based on a ‘carrot approach’, while the

US approach of the Bush administration shaped by the ‘stick’, in the form of strong conditionalities. Whatever the differences between the two efforts, they certainly had one similarity: they failed to bring democracy and human rights to the region.

The narrative of these revolutions is already being constructed. The Arab spring commenced with a young unemployed Tunisian man, Mohamed Bouazizi, who set himself on fire in sheer desperation and frustration in the town of Sidi Bouzid. This act of self-immolation occurred when the authorities confiscated his vegetable and fruit cart, through which he was attempting to eke out a living. His frustration and desperation were compounded, when his attempts to make his complaint heard by the relevant authorities were ignored. Protests against the regime started in Sidi Bouzid, later spread throughout the region and eventually reached Tunis. Mohamed Bouazizi’s act of desperation occurred on December 17<sup>th</sup>. The protests reached Tunis by 27<sup>th</sup> December, while by 14<sup>th</sup> January Ben Ali has left Tunis on his way to Saudi Arabia. In the period between 17<sup>th</sup> December and 14<sup>th</sup> January protesters were arrested and beaten, while some were killed by police shooting at the unarmed protesters. The narrative thus focuses on two principal themes: (i) marginalization and frustration and (ii) repression and revolt. There are also sub-plots revolving around who actually carried out the revolt and how.

These sub-plots point to some of the most discussed elements of these revolutions. The risings were not instigated by traditional civil society organizations, but by a “different” type of civil society. They were popular uprisings that acquired a life and dynamism of their own. The traditional ‘opposition parties’ and civil society organizations jumped on the ‘protest bandwagon’ after the initial successes of the protests, but they were not the instigators of these movements in any meaningful sense. In this context, the “institutionalized” and “professionalized” NGOs, to use Mary Kaldor’s terminology<sup>7</sup>, were not the leaders of the protests. The comment that was most often heard, on the various news channels during the protests, was that there were no discernible leaders of the revolution. It has been suggested that the protesters ‘included people from all sectors of society, but at the forefront have been young, tech-savvy Egyptians, who have never known another ruler of their country.’<sup>8</sup>

This brings us to another sub-plot in this narrative, which refers to the use of technology and particularly, the new social media in organizing the protests. Phrases such as the *Twitter Revolution* or the *Facebook Revolution* appeared frequently on newspapers and are heard often in news debates. The role of the

new media in the protests can certainly be over-stated. After all, there was very little technology involved in Mohammed Bouazizi's self-immolation, which triggered the protests in Tunisia.

That is not to say that the new media was irrelevant. It was used to good effect by the protesters to mobilize and inform. Thus, it became an additional weapon in the arsenal of civil society, to be effectively organized and to render feasible their right to freedom of association. The new media also provides a novel outlet for another human right: freedom of expression. Governments used to censoring newspapers or closing news channels, are faced with a different vehicle for freedom of expression. Within this context, the skill of tech-savvy young Arabs in using social media, far outstripped the regime's abilities in this sphere of communication. Thus, the new media is proving useful in expanding the tools used to mobilize groups and is also adding another 'channel', through which individuals can air their views freely (both in terms of expense and in terms of liberty).

From a human rights perspective, the developments in North Africa are significant for a number of reasons. The first and most obvious reason is that the prospects for democracy and human rights in the region are better than at any time since decolonization. Civil and political rights seem to be within the grasp of, at least, the populations of Tunisia and Egypt. The possibility also exists for other countries to follow suit.

Secondly, the emphasis on socio-economic rights, which gave the whole process its initial dynamism, served to reiterate the indivisibility of human rights. In the various UN human rights conferences, that at regular intervals reconsider the notion of human rights and how best to promote them, we witness periodic re-statements of the importance of the concept of the indivisibility of human rights. For example, at the 1993 UN Vienna Conference on Human Rights, the participating states declared that "All human rights are universal, indivisible and interdependent and interrelated."<sup>9</sup> The events in Tunisia and Egypt illustrated in practice that human rights are indivisible, interdependent and interrelated as the demands of the protesters were for more political freedom and more economic opportunity in equal measure. As the revolution unfolded in Tunis, *The Economist* stated that the protesters 'are demanding big changes for Tunisia. But their demands—sorting out unemployment, providing freedom of speech and human rights, bringing real democracy to Tunisia—are tough ones'.<sup>10</sup>

The call, first made in the Universal Declaration of Human Rights in 1948, for a conception of human rights that brought together civil and political rights with social and economic rights was heard vibrantly in the streets of Tunis and, soon after, of Cairo too. The reference to socio-economic rights also provides a further important perspective, which has already been alluded to: that of marginalization and marginalized groups. The protests in Egypt and Tunisia mobilized a vast portion of society. The poor, the unemployed and the 'forgotten' contributed to the revolution and it is important, that whatever new dispensations emerge in these countries, they include the marginalized communities and give them a voice in the political stage and access to social and economic opportunities.

Another factor that clearly emerged in Egypt and Tunisia, was the lack of public trust in the police forces of these countries. Not only was public trust lacking, but evidence of public contempt of the police forces was also very apparent. This mistrust and contempt are easily explained, as the police and secret police in these countries were tools used by the regimes to suppress dissent by, *inter alia*, practicing torture and creating a climate of fear and intimidation. In both these countries, journalists on the spot commented regularly on the contrast between public perceptions of the police forces and perception of the armed forces. Whereas the army was considered as a guarantor of the state and in both cases emerged with its reputation enhanced, the police forces were viewed as tools of oppression before, during and after the protests. In this context, the challenge is clearly that of rebuilding police forces that carry out their duties effectively, fairly and according to human rights standards. Equally importantly, these police forces must not only do so but be seen to be doing so.

It is certainly too early to draw any definite conclusions from the events of the Arab spring. The continuing conflict in Libya, the military repression of protests in Syria and the rumblings elsewhere, are daily reminders that this is unfinished business. However, one may discern, in what has happened so far, some threads that may develop into fully-knit conclusions, when the proper temporal perspective works all the events into a coherent whole. Among these threads, the following appear to have emerged quite clearly:

(i) human rights have, once again, proven to have an enduring appeal to the human spirit, as people in Tunisia and Egypt dared repressive regimes to do their worst, while they claimed their rights to freedom of association and expression, their right to political participation based on democratic ideals and their rights to work, social security and a dignified life.

(ii) the Arab spring has hammered another nail in the coffin of cultural relativism, as a concept that attempts to reduce human rights to a Western idea imposed by force on the rest of the world. The desire for a dignified life based on human rights, is what the protesters around the Arab world are expressing. One 35 year old protester, participating in the protests in Tahrir Square, was quoted as saying: 'Everyone thought that the Egyptians were about to die, but after the recent events, we've proven that we are alive and that we are getting our rights and that we will prevail'.<sup>11</sup> This desire for dignity and rights looks increasingly identical whether expressed by people in Copenhagen, Cairo or Rangoon.

(iii) the European Union and the USA, tacitly or publicly, supported authoritarian regimes that were held in contempt by the citizens over whom they governed. As the protests unfolded it was noted that:

The anger of the protesters is largely directed inwards – at a bankrupt Arab order – rather than outwards at Israel, the United States or the West... Largely, but not entirely. The West is complicit in Arab autocracy. For decades, American and European leaders chose stability over democracy. Now the chickens are coming home to roost.<sup>12</sup>

Thus, both Europe and the USA need to re-examine their policies with respect to how they deal with states, which regularly abuse human rights. They need to do so, not for any categorical moral imperative (although that would be a welcome change), but because their policies so far have sown distrust and suspicion towards them, amongst the people whose rights are abused. Distrust and suspicion hardly seem to be adequate results for any foreign policy and cannot be in the national interests of the USA or EU states.

(iv) the term 'Arab spring' is, in one sense, very appropriate as it indicates a new beginning. But this is precisely what it is: just a beginning. Whether the spring fulfils its promise and moves into a serene summer, or whether it reverts to a stormy winter, remains to be seen. One may suggest that there are two separate tests to determine the overall success, or otherwise, of this new beginning. The first test refers to the internal dynamics of the countries where the revolutions have taken place: Tunisia and Egypt. Will functioning democracies, based on the separation of powers and the rule of law, develop? Will citizens have access to impartial and independent courts that freely and fairly administer justice? Will the police forces manage to acquire a reputation for fairness and proper conduct? Will strong anti-corruption institutions be put into place? Will the socio-economic system, based on patronage and 'clientilism', be replaced with a system based on merit? Will access to health and education be improved for those most in need?



These, and many other such challenges, will determine whether the revolutions truly succeed in answering the demands of the protesters.

The second test refers to how widespread these revolutions will be. A number of questions emerge. Will Tunisia and Egypt remain isolated cases? Will Libya emerge soon from the current conflict and embark on answering the questions outlined above? How will Syria and Algeria develop? And, most importantly, will the occupation of Palestine be perpetrated? The future of the Mediterranean as a stable, democratic and rights-based region, hangs in the balance.

(v) whatever the answer to the questions posed above, there seems to be one fact which gives rise to a well-founded optimism. This fact is that the Arab spring has unequivocally established the people of the southern Mediterranean as having a voice that needs to be heard. In one sense, they have claimed their voice and shown the world (and, maybe, themselves too), that it is a strong, dignified voice that cannot be ignored. Those who ignore it, be they the new governments of Tunisia or Egypt or their European neighbours to the north, do so at their peril. Ben Ali and Mubarak can vouch for this.



Dr. Omar Grech is Coordinator of the Human Dimension Programme and Lecturer in International Law at the Mediterranean Academy of Diplomatic Studies.

## Endnotes

- 1 <http://confinder.richmond.edu/admin/docs/Tunisiaconstitution.pdf>
- 2 Egyptian Law 162 of 1958, Article 3.
- 3 These are World Bank figures:  
<http://www.worldbank.org/>  
<http://data.worldbank.org/country/tunisia>  
<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html>
- 4 Available at <http://data.worldbank.org/indicator/SI.POV.2DAY>
- 5 UNDP, *Arab Human Development Report* (2004) 136
- 6 Quoted by Claire Spencer in 'The Changing Role of Civil Society in the Euro Mediterranean Area', (Med Agenda: MEDAC Series in Mediterranean IR and Diplomacy, Mediterranean Academy of Diplomatic Studies ) 6.
- 7 Mary Kaldor, 'The Idea of Global Society' (Arches Quarterly, Vol.4, Edition 6, Summer 2010) 10.
- 8 Available at [www.bbc.co.uk/news/world-middle-east-12324664](http://www.bbc.co.uk/news/world-middle-east-12324664)
- 9 Vienna Declaration and Programme of Action, World Conference on Human Rights (25th June 1993).
- 10 'Watching and Waiting' *The Economist*, available at: [www.economist.com/blogs/newsbook/2011/01/tunisias\\_revolution](http://www.economist.com/blogs/newsbook/2011/01/tunisias_revolution) accessed 15th January 2011.
- 11 Reda Metwali quoted on <http://english.aljazeera.net/news/middleeast/2011/02/2011212597913527.html>
- 12 Roger Hardy, 'Egypt protests: an Arab spring as old order crumbles?', available at: [www.bbc.co.uk/news/world-middle-east-12339521](http://www.bbc.co.uk/news/world-middle-east-12339521)