

# Arab Reform Bulletin

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## Insights and Analysis

### Gaza Turmoil Renews Demands for Palestinian Reform

*By Khalil Shikaki*

The eruption of popular violence against Palestinian Authority (PA) officials in the Gaza Strip in July reflected both popular discontent with the PA and a power struggle between "young guard" nationalists and their "old guard" rivals who dominate the Palestinian leadership. Members of the young guard seeking to gain a leading role in Gaza after Israel's anticipated withdrawal in 2005 have mounted a new push for reform to weaken the old guard's control.

Prime Minister Ahmed Qurie and the Palestinian Legislative Council (PLC) are trying to capitalize on the turmoil to push their own reform agenda. Together reformers call for strengthening PA institutions, affirming the primacy of the temporary constitution, or Basic Law, and expediting elections within Fatah, the largest faction of the Palestinian Liberation Organization (PLO), and at the local and national levels. Reformers also demand the replacement of many of President Yasser Arafat's loyalists in the security services and the bureaucracy with young guard members. The young guards recognize that Arafat will do his best to impede their agenda. Yet the unprecedented public enthusiasm for democratic change has emboldened young reformers to come out in the open, even if this means a direct confrontation with the man who symbolizes their national aspirations.

Organized calls for reform in the Palestinian political system date back to 1997, when a PLC committee issued an exceedingly critical report on corruption and mismanagement among Arafat's closest PA associates. The current intifada, triggered in September 2000 in part by young reformers, unleashed sociopolitical changes that led the young guard, and their supporters in the refugee camps and poor urban areas, to become weary of corruption and paralysis of the PA and its lack of popular legitimacy. A large section of the middle class also came to share these frustrations. The largest campaign for reform, spurred by the dismal performance of PA institutions during the Israeli reoccupation of West Bank cities in March-April 2002, forced Arafat to agree, albeit reluctantly, to some changes. Soon after the incursion, he signed the Basic Law (which the PLC had passed in 1997), approved the unification of national finances under an account controlled by a new finance minister, and set a date for national elections.

The Bush administration's June 2002 announcement of its policy of Palestinian regime change and the Israeli siege against Arafat a few months later tarnished the reform agenda by associating it with Israeli and U.S. demands. The external political and military pressure emboldened Arafat and his allies and dampened calls for reform, since no patriotic young guard reformer wanted to be linked to Bush and Sharon.

In March 2003, a new phase was triggered by the international effort to push for the implementation of the "Road Map" for peace, backed by the United States, the United Nations, the European Union, and Russia. The plan makes an explicit linkage between Palestinian reform and progress in the peace process. Combined international and domestic pressures led the PLC to approve amendments to the Basic Law that transferred most of the administrative, financial, and internal security powers of the president to the cabinet and created the position of prime minister.

Mahmoud Abbas, who was appointed to the post in May 2003, failed to translate these amendments into real change. Arafat and his loyalists undermined his authority and usurped many of his constitutionally-granted powers. Abbas, himself a member of the old guard and weak to begin with, could not gain enough public support to mount a successful challenge to Arafat. To do so would have required him to deliver where Arafat could not—in the peace process. Israel's failure to take steps that would have bolstered Abbas—removing checkpoints, releasing prisoners, freezing settlement expansion, and ending its occupation of West Bank cities—and the failure of the United States to push Israel to take these risks denied Abbas the opportunity to build domestic credibility and move reform forward. Abbas resigned after four months. Reforms were stalled and elections postponed.

The PLC is trying to build on the overwhelming public support for reform expressed in the aftermath of July's Gaza upheaval by forcing Arafat to end his blatant violations of the Basic Law and to sign laws the PLC has already passed. The PLC also wants Arafat to take tangible steps toward unifying the security services and fighting corruption and to set a new date for national elections. So far, Arafat has managed to resist these pressures. The PLC announced in frustration on September 1 that it was suspending its sessions for one month. Arafat will probably make limited concessions eventually, but will fight to protect his loyalists in the old guard, thereby frustrating efforts to accomplish deeper reforms.

The conclusion is obvious: only national elections that allow the public to remove the old guard will empower reformers to bring about the necessary changes. For this reason, Arafat will continue to oppose such elections. In this, he has unlikely allies: the United States and Israel. Afraid that Arafat will be reelected, they refuse to allow elections to take place in the Palestinian territories.

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## **Assessing Iraq's National Conference**

*By Kathleen Ridolfo*

After two postponements, the Iraqi National Conference finally took place in Baghdad from August 15-18. The conference, called for in the Transitional Administrative Law (Iraq's interim constitution) and originally scheduled for July, convened 1,300 delegates to select a 100-member interim national assembly. The assembly has the power to veto decrees issued by Prime Minister Iyad Allawi's interim government and to approve Iraq's 2005 budget. It will serve until elections for a permanent assembly are held in January.

Critics argue that the conference, billed as Iraq's first democratic event since the fall of Saddam Hussein's regime, was far from democratic. Some groups that oppose the U.S. presence in Iraq—such as the Muslim Scholars' Association, an influential Sunni organization—claim that they were intentionally excluded from the conference. (Media reports, however, indicated that the Association had in fact boycotted the event). Others complained of confusion, fraud, violence and bias in the delegate selection process. Although the delegates chosen had diverse political

and religious affiliations, most were members of, or had long-standing ties to, parties that controlled the former U.S.-appointed Iraqi Governing Council (IGC).

The organizational disarray that marked the delegate selection process plagued the conference itself. The opening session quickly descended into chaos when delegates objected to the conference organizers' decision to allocate seats to the nineteen IGC members who were not chosen as ministers in Allawi's government. Fuad Masum, chairman of the preparatory committee and a member of the Kurdistan Democratic Party (KDP), faced harsh criticism when delegates also opposed his decision to have delegates vote for 81-member slates, rather than for individual candidates as originally planned. Shiite religious groups demanded 51 percent of the assembly seats for their members. By the third day, hundreds of delegates were threatening to walk out in protest against the conference organizers.

Surely, it was not easy to compose lists of candidates that met the stringent requirements that each list had to include twenty women and a certain number of Arabs, Islamists, Kurds, and minority parties. As a result, only two lists were submitted. The first was the Democratic Forum list, comprised of representatives from smaller political parties, such as the Shiite Islamic Action Organization, which has ties to radical cleric Moqtada Al Sadr, as well as tribal chiefs, civil society activists, minorities, and well-known independent personalities. The second was the National Unity list, dominated by the major political parties, primarily exiled opposition groups that controlled the IGC. These include the Iraqi National Congress (INC), the Shiite Dawa party, the Supreme Council for the Islamic Revolution in Iraq (SCIRI), Allawi's Iraqi National Accord (INA), the KDP, and the Patriotic Union of Kurdistan (PUK). The list also included tribal leaders and members of Kurdish communist and socialist groupings, Turkoman nationalist and Islamist parties, and Arab nationalist parties. Neither list included any of the large Sunni Arab groups, since they did not participate in the conference.

The conference was extended to a fourth day to accommodate protracted list negotiations and to allow a team of delegates to travel to Najaf to mediate the conflict between Al Sadr's militia and Iraqi and U.S. forces. When it came time to vote, groups affiliated with the Democratic Forum claimed they were sabotaged because some three dozen Democratic Forum candidates suddenly withdrew their names from that list, and several moved to the National Unity list. Since the Democratic Forum did not have time before the vote to fill the missing slots with candidates who met the strict quotas, it withdrew its list. With only the National Unity list remaining, conference organizers bypassed a vote by ballot and opted instead for a show of hands. By the time voting got underway, many delegates had already left the auditorium, and so the National Unity list was never put to a formal vote.

In response to complaints that the conference failed to adhere to democratic procedures, organizers deny that it was ever intended to be fully democratic. In their view, it seems, the priority was to produce an assembly that would support Allawi's policies, or at least not undermine them, in which case, the gathering achieved its goal. Twenty percent of the assembly's members are Allawi's former colleagues on the IGC; others represent crucial constituencies, such as Shiites, who have close ties to Allawi, and the Turkomans, who dominate the oil-rich city of Kirkuk. Both groups represent a critical support base for Allawi in the run-up to the January elections.

The conference not only demonstrated the dominance of Iraq's former exile parties in the political scene, but also gave Iraq's smaller parties and independent politicians a sobering glimpse of the strong competition they will face in the January elections. The parties on the National Unity list were well funded and well organized, and engaged in months of intense lobbying to produce a diverse slate. Now, many are likely to use their positions in the assembly to influence electoral preparations and to bolster their own candidacies.

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### **Iraq's Electoral System: A Misguided Strategy**

*By Michael Rubin*

With the conclusion of the Iraqi National Conference last month, the next milestone for Iraqi democracy will be the January 2005 elections for a 275-member Parliament. Already, the electoral system chosen for Iraq could dampen the prospects for a representative and democratic vote. On June 15, 2004, in response to a recommendation by Carina Perelli, director of the UN's Electoral Assistance Division, Coalition Provisional Authority administrator L. Paul Bremer decreed that Iraq would be a single electoral constituency, with seats allocated through proportional representation (PR) based on national lists. Perelli's decision to avoid multiple districts was colored by technical considerations. Treating all of Iraq as one district bypasses questions of internal boundaries and simplifies ballots. The entire nation would need only one ballot, rather than separate ones in each district.

Such a system is bad for Iraq. Voting is only one aspect of democracy; another is accountability. Under a PR system, parliamentarians are not tied to a specific district, but rather to a party list. Instead of being responsible to a town's voters, representatives will be loyal to party leaders. The pitfalls of such a system have led Poles to seek a constitutional amendment to replace PR with districts. While more than ninety countries use some form of PR, its application to single national districts is seldom without complication. Many Israelis complain that single-district PR allows radical small parties to hold their political system hostage. In Germany's Weimar Republic, single-district PR helped bring the Nazis to power.

In Iraq, PR will breed radicalism. It is easier to forbid women from taking certain jobs, for example, if a politician need not answer to women in his district. If elections are based on 275 different districts, then each district would have only 87,000 people. Representatives would be closer to the people. Districts already exist, although Iraqis are keen to reverse Baathist gerrymandering. Even in disputed areas like Kirkuk, Iraqis say they can reach consensus to put Kurdish, Arab, and Turkoman neighborhoods into different districts.

Failure to base elections on districts may mean that some areas have no representation. This could breed violence. Residents of Basra and Mosul accepted the former Iraqi Governing Council (IGC), for example, because IGC members hailed from their towns. Since Fallujah and Sadr City had no such political outlet, they more quickly turned to violence. Under the UN plan, if local candidates are not listed high enough on the party slate, whole towns may have no

representation. Iraqis recognize the importance of geographical representation. It was geography, not personality, that led the Iraqi Governing Council to recommend Ghazi Al Yawar, a tribal leader from Mosul, over Adnan Pachachi, a former foreign minister, as its president. Any political body that did not include Iraq's second largest city had little chance of success. While Perelli has said that a single national district would allow geographically "broken" communities to vote together, it is simplistic to assume that all religious or ethnic groups want to vote as a bloc. Such a system sets Iraq down the slippery slope toward Lebanese-style communalism. Multiple districts would still represent Iraq's diversity. Fallujah would elect Sunnis, and Najaf, Shiites. The real difference would be in protection of religious minorities. With local districts, Chaldeans would win seats in Al Qosh and Yezidis in Sinjar even if they chose not to run on a religious platform. Under a national district system, the risk of disenfranchisement would be greater. Because religious minorities divide themselves politically, they may not gain enough votes nationally.

The UN plan will also invite corruption. It is easier for outsiders to buy a party list than to channel money to 275 different candidates. When constituents know their candidates, it is harder to hide outside money.

Some specialists have argued for replicating in Iraq of what worked in Cambodia, East Timor, and Nigeria. But it is a mistake to treat Iraq as analogous. Iraqi history suggests that a system privileging party lists over independent candidates will be counterproductive. Older Iraqis blame political parties for inciting riots in the 1950s and 1960s. The younger generation associates organized politics with the abusive Baath Party. In Iraqi Kurdistan, many students say that corruption revolves around the party structure. Some polls suggest that only 3 percent of Iraqis have faith in parties. While the UN plan allows independents to run in theory, Iraqis saw how party machination and backroom deals marginalized independents at the Iraqi National Conference.

The Iraqi election commission—and not outsiders—should decide Iraq's election system. The UN choice is not the only option. After all, countries like Australia and Jordan combine multiple districts with proportional representation and bring representatives closer to the people. There is still time to listen to Iraqis.

*Michael Rubin, a resident scholar at the American Enterprise Institute and editor of The Middle East Quarterly, spent seventeen months in Iraq between 2000 and 2004.  
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## **Iraq's Electoral System: A Strategy for Inclusiveness**

*By Jeff Fischer*

Against the backdrop of strife that plagues much of Iraq, key political institutions and a legal framework have been established for the country's first democratic national elections, anticipated for January. Voters will select a 275-member transitional national assembly, governorate assemblies, and a Kurdish regional assembly.

The legal framework for the national assembly elections, laid out in three orders promulgated in May by the former U.S.-led Coalition Provision Authority (CPA), establishes a proportional representation system (PR) and the use of a single national district. This framework is based on the recommendations of the United Nations, which acted under the authority of UN Security Council Resolution (UNSCR) 1546 and carried out extensive consultations with a wide range of Iraqi political actors.

A PR system is often adopted for transitional or post-conflict elections because it best achieves the goals of inclusiveness and equity that are so important in such contexts. With PR, the percentage of seats won by a political entity—an independent candidate, party, or a coalition of parties—will be roughly equivalent to its percentage of the popular vote. This enables both popular, established political movements and smaller communities of interests capable only of garnering the minimum threshold of qualifying support to gain representation. In the case of Iraq, this threshold is described as a "natural threshold" because seats will be awarded through a formula that divides the total number of votes cast in a single, national district by 275, the number of seats in the assembly. In post-conflict environments, such a system has the advantage of enticing former combatants and violent rivals to participate in elections because the bar for obtaining representation is fairly low. Critics of PR systems sometimes warn that severe fragmentation can result if small and narrow interest groups dominate representative institutions. However, the rules established for ballot eligibility in Iraq are designed to encourage alliances and coalitions among such groups and to create incentives for parties to develop national strategies and consensus platforms.

The use of a single national district also facilitates the participation of the estimated two to four million Iraqis residing outside the country, many of whom were driven into exile by the former regime. The electoral commission has not yet made a decision about whether and how these Iraqis will vote. However, the Transitional Administrative Law (TAL), Iraq's interim constitution, does include provisions for dual citizenship, and the right to vote is inherent in that definition of citizenship. Many exiled Iraqis lack paperwork to substantiate their residency claims, but the existence of a single, national district obviates the need for such documentation.

Contrary to the assertions of some critics, PR does not prevent independent candidates from standing for office. It does, however, force independents to decide whether they are more viable as solo actors or as members of a party or coalition list. The system is further defined as "closed-list" in that voters will select the names of parties on the ballot, not individual candidates. In a closed-list system, the party pre-ranks their candidates in order of selection, usually positioning candidates with greater name recognition and popularity higher on the list. The closed-list system also facilitates the inclusion of female candidates, which would help achieve the TAL's goal of having women occupy at least 25 percent of the seats in the national assembly. Ultimately, the closed-list system strengthens the role and decision-making power of political parties.

The United Nations ruled out the option of creating multiple electoral districts for this election cycle for both technical and political reasons. Constituency delimitation can be a very contentious exercise, and the rapid creation of districts, as would be required by Iraq's tight electoral timetable, could destabilize the entire transition process. In addition, constituency-based systems can create a zero-sum game for political contestants, in the sense that candidates failing

to garner a certain number of votes are shut out. In a post- (or mid-) conflict setting such as Iraq's, a zero-sum game could spur violence and thus should be avoided. In contrast, PR provides a mechanism to produce an institution in which political interests interact and govern collectively, eschewing violence as a tactic to intimidate rivals.

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## **The Challenge of Implementing Morocco's New Personal Status Law**

*By Stephanie Willman Bordat and Saida Kouzzi*

In February 2004, the Kingdom of Morocco enacted reforms to the *Mudawwana*, or the law governing marriage, divorce, parentage, inheritance, child custody and guardianship, that have the potential to expand women's rights. Moroccan activists initially hailed the reforms as a major victory for women and for the democratic process more broadly. Whether the new law will advance women's rights in practice, however, remains to be seen.

Islamic conservatives had blocked several previous attempts to modernize the *Mudawwana*, Morocco's only code still based on Islamic precepts. In 2001, as part of his effort to project a progressive image, King Muhammad VI established a royal commission of religious authorities and legal experts to propose recommendations for amending the *Mudawwana* in accordance with religious principles. After thirty months of contentious deliberation, the commission presented its recommendations to the Palace, which used them as the basis of legislation it submitted to Parliament in October 2003. Parliament debated the reforms extensively, making some 110 amendments before unanimously approving the final text in January. (In contrast, both the original 1957 *Mudawwana* and minor revisions in 1993 were simply enacted by royal decree). The reforms' smooth passage was mainly a product of the changed political environment following the May 2003 terrorist attacks in Casablanca, in which Islamic extremists were implicated. In the aftermath of the attacks some Islamist groups were repressed and others were put on the defensive, which had the effect of muting religious opposition to the revision.

The reforms raise the minimum age of marriage for women from fifteen to eighteen; establish the right to divorce by mutual consent; place polygamy and repudiation (unilateral divorce by the husband) under strict judicial control; make the family the joint responsibility of both spouses; rescind the wife's duty of obedience to her husband; and eliminate the requirement of a marital tutor (*wali*) for women to marry.

Several factors could keep Moroccan women from enjoying these newly-granted rights. One is the judiciary's lack of familiarity with the reforms. The Ministry of Justice has begun training programs for some of the judges specializing in family issues, but such training may not suffice given that the commitment of the judiciary to the spirit behind the reforms is uncertain. Women's groups note that judges failed to adhere even to the more modest reforms enacted in 1993. According to the revised text, judges are still allowed to use religious principles to decide matters not covered in the text—of which there are many—leaving ample room for them to apply the

most conservative religious interpretations. The new law also assigns judges the role of overseeing mandatory reconciliation in divorce cases, which has raised concern among women's organizations that judges will prioritize reconciliation in the interest of "family harmony" over the application of the reforms.

The structure of the judiciary presents another challenge. The new *Mudawwana* was accompanied by the creation of family courts, separate from the ordinary courts of first instance that previously had jurisdiction over family law matters. The government plans to establish seventy family courts, or one per province—a number inadequate to serve the 50 percent of the population residing in remote rural areas. In addition, some observers predict that removing family law cases from the general courts will result in a lower standard of justice for these cases. As one lawyer asked, "Why should women have a parallel, second-class justice system?" The opposition of *adouls*—who are similar to notary publics but have a religious character—to the new law presents another complication. Under the old laws, *adouls* alone had the authority to officiate marriages and to draw up marriage contracts. The new *Mudawwana* transfers this role to the new family courts and relegates *adouls* to mere "court clerks" with a symbolic religious function. This prompted *adouls* to stage a protest at the Ministry of Justice. Yet, the conservative *adouls* may retain their huge influence over marriage anyway, because many Moroccans consider them, not judges, to be the community legal experts, and because unlike the new family courts, *adouls* are present throughout the country.

A final challenge is ensuring that the public knows about and accepts the reforms. High illiteracy rates—officially estimated at 42 percent of urban women and 82 percent of rural women—represent a significant obstacle in this regard. Under such conditions, inflammatory propaganda about the reforms being spread at the grassroots level by extremist religious groups can be quite damaging. The Ministry of Justice, the national media, and civil society organizations have begun campaigns to counteract such misinformation.

Given the difficulty of raising awareness of women's rights in a religiously conservative society, and the lack of institutions to monitor the judiciary's performance, it is clear that the passage of the reforms marked a step forward for women's rights, not the conclusion of the struggle. Women's rights groups in Morocco will be busy for a long time to come.

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## **News and Views**

### **Lebanon Extends President's Term**

Under pressure from Syria, the main power-broker in Lebanon, the Lebanese Parliament voted on September 3 to enact a "one-time, exceptional amendment" of article 49 of the Constitution to

extend President Emile Lahoud's term by three years. The article prohibits presidents from serving more than one 6-year term at a time. Lahoud's term was due to expire in November. Ninety-six of 128 members of Parliament voted for the extension, fulfilling the two-thirds majority required to amend the constitution.

Lahoud is a leading ally of Syria, which maintains an estimated 17,000 troops in Lebanon. Syrian President Bashar Al Assad apparently preferred to force the Lebanese leadership to extend Lahoud's term rather than take the risk that the Lebanese public would call for another candidate, even though Lebanon's presidents are selected by Parliament, not through direct elections. Al Assad summoned Prime Minister Rafiq Hariri to a hastily convened August 28 meeting to instruct him to support the amendment. Hariri previously had strongly opposed such a move, but apparently changed his mind after meeting Syria's top official in Lebanon, Intelligence Chief Rustom Ghazaleh, on August 27. After meeting Al Assad, Hariri reportedly informed the cabinet that "the situation in the region requires special measures and a continuity of leadership." Three ministers from the Druze leader Walid Jumblatt's Democratic Gathering Bloc, along with the Minister of Environment, resigned in protest on September 6. A full cabinet reshuffle is expected later this month.

The United States and France have been sharply critical of the Syrian action, in contrast to their silence in 1995 when, also under Syrian pressure, the Lebanese Parliament voted to extend the term of then-President Elias Hrawi. The two countries pushed for the passage of UN Security Council Resolution 1559, approved on September 2, which calls for "a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference of influence." Algeria, the Arab country currently on the Security Council, abstained.

### **Reform Ferment in the Palestinian Territories**

A report issued by members of the Palestinian Legislative Council (PLC) demands that President Yasser Arafat commit in writing to implement major security service reforms and to investigate corruption among senior Palestinian officials. The report, published on August 26 in the Palestinian newspaper *Al Hayat Al Jadida*, blames the Palestinian leadership for political paralysis and calls for a government of "experienced, honest and credible figures." In a speech to the PLC on August 18, Arafat promised "comprehensive political, security, administrative, and financial reforms," but offered no details. To protest Arafat's inaction, the PLC announced that it suspended general sessions until October 7. Meanwhile, the Palestinian Authority (PA) announced that long-delayed local council elections will take place in four stages between December 9, 2004 and December 4, 2005, beginning with thirty-six municipalities in the West Bank and the Gaza Strip. Hamas has declared its intention to participate in the elections, which are the first local polls held under the PA and the first official vote in eight years. Voter registration began across the Palestinian territories on September 4. According to the Palestinian newspaper *Al Ayyam*, the PLC legal committee has approved legislation that reserves 10 percent of council seats for women, although the full council has yet to vote on the matter.

### **Saudi Arabia: Elections, and Reformers in Court**

On August 9, the Saudi government announced that the Kingdom's first nationwide local

elections, in which voters will select half the members of municipal councils (the other half will be appointed), will take place in three stages. Elections will be held first in the Riyadh region, in November. The second stage will take place in late January in the Eastern Province as well as in the Asir, Baha, Jizan and Najran regions. The third stage will be held in late February in Mecca, Medina, Qasim, Al Jawf, the Northern border region, Tabuk and Hail. According to the electoral regulations recently issued by the Ministry of Municipal and Rural Affairs, officials from that ministry, along with the Interior Ministry, will screen candidates. Furthermore, election results will be subject to the final approval of the government, which reserves the right to prevent any winning candidate from assuming office if deemed in the "national interest." A major question surrounding the elections is whether women will be allowed to participate as voters and candidates. The wording of the regulations does not specifically exclude women from the process: they follow the language of Saudi Arabia's Basic Law, which uses the masculine form of the word "citizen" when referring to citizens in general. According to the regulations, every citizen older than twenty-one, not serving in the military, and residing in the electoral district for a year prior to the elections has the right to vote.

Also on August 9, three Saudi defendants appeared before a judge in an open hearing on charges arising from their advocacy of political and religious reforms. Saudi court proceedings typically are held behind closed doors, but more than 200 people, including family members and supporters of the defendants, were allowed to attend the hearing. The defendants, well-known reformist figures Matrouk Al Faleh, Ali Al Dimeeni, and Abdullah Al Hamed, are charged with sowing dissent, distributing political leaflets, using the media to incite opposition against the government, and causing political unrest in their call for a constitutional monarchy. They were arrested on March 16 along with ten other reformers who were later released after signing a pledge to stop circulating reform petitions and speaking to the media.

### **Egyptian Political Reforms?**

Egypt's ruling National Democratic Party (NDP) is expected to announce several political reform initiatives at its upcoming conference, scheduled for September 21-23. Reforms reportedly under consideration include introducing a proportional representation electoral system, ending criminal penalties for violations of the press law, and giving the Shura Council, the advisory upper house of Parliament, full legislative powers. A proposal to allow opposition party representatives to join the NDP-controlled political parties committee, which oversees party registration, may also be debated, along with changes to the laws governing professional associations and civil society organizations.

Opposition party leaders have criticized the anticipated reform package as wholly inadequate because it does not include constitutional reforms such as presidential term limits and direct elections for president, changes they deem fundamental to democratization in Egypt. They also argue that the political parties committee must be abolished, not reformed, and that the 23-year-old state of emergency must end. Opposition parties further complain that they were excluded from the process of drafting the new laws. On September 1, eleven opposition parties announced they were joining together in a new coalition to "dismantle the NDP's 26-year monopoly over the nation's politics."

The Egyptian press has also conjectured that NDP chairman Safwat Al Sharif might be replaced at the conference, perhaps by Gamal Mubarak. In July's cabinet reshuffle, Al Sharif lost his post as Minister of Information, a job he held for twenty-two years (though he retained his role as head of the political parties committee). The move fueled reports that the NDP's entrenched "old guard" finally might yield to a younger leadership. Gamal Mubarak reinforced the speculation by asserting at a July 28 press conference that the NDP "was a flexible, not a static, party" and that although leadership posts are technically not due to be re-appointed until 2007, President Mubarak is empowered to make appointments at any time. The NDP's newspaper *Mayo*, however, subsequently reported that the conference will not feature any leadership changes.

### **Ruling Party Expected to Sweep Tunisian Elections**

Tunisia is preparing for the October 24 presidential and legislative elections in which President Zine Al Abidine Ben Ali will seek a fourth 5-year term. A 2002 constitutional amendment allows Ben Ali to stand for an unlimited number of elections and raises the age limit for president from seventy to seventy-five years old (Ben Ali is sixty-eight). Three opposition candidates have declared their intention to run against the president: Muhammad Bouchiha, secretary general of the Popular Unity Party, Mounir Beji, president of the Social Liberal Party, and Muhammad Ali Halouani of the Al Tajdid party. Observers do not expect these candidates to mount more than a symbolic challenge to Ben Ali. According to the Constitution and the electoral code, only the leaders of parties holding seats in parliament are eligible to run for president. Such parties are quite docile and generally support Ben Ali's policies. Two opposition candidates ran against Ben Ali in 1999, but together managed to win only a reported one percent of the vote. Tunisia, Algeria and Yemen are the only three Arab countries that hold direct elections for president. The ruling Democratic Constitutional Rally (RCD) is expected to overpower the opposition in the legislative elections as well. In the previous contest, in 1999, the RCD won 90 percent of the vote according to official results. Because 20 percent of parliamentary seats are reserved for Tunisia's seven legal opposition parties, however, the RCD will not be able to occupy more than 80 percent of the seats.

The government's 2003 ban on using privately-owned or foreign television and radio stations to publicize candidates marks a further constraint on opposition parties' ability to reach the public. Since Tunisian media is state-controlled, these private and international media sources can serve as important outlets for dissenting views.

### **Kuwait Licenses First Human Rights Group**

For the first time, the Kuwaiti government has granted a license to a human rights group. An August 22 statement released by Kuwait's Cabinet said that the Ministry of Social Affairs and Labor officially recognized the existence of the Kuwait Human Rights Society, which was founded ten years ago but previously operated without legal standing. The license allows the Society to operate openly and to communicate complaints from citizens, foreign workers, and prisoners to government agencies; conduct awareness campaigns; attend trials; recruit new members; and collect donations. Previously, the group's activities were limited to following up on complaints about human rights abuses, raising public awareness, and contacting international organizations.

Islamists have criticized the government's move, arguing that the Society fails to support the rights of Islamist prisoners and that it seeks to impose a "liberal hegemony" on Kuwait. They have demanded that the government license two Islamist-affiliated human rights organizations.

### **Codes of Conduct for Arab Media**

Al Jazeera, the most widely watched Arab news station, has developed a professional code of conduct. The code, issued in July, pledges that Al Jazeera will be more respectful to victims and audiences in its coverage of violence in the Middle East, but asserts that the station will continue to show "the ugly face of war." The code also commits its staff to "distinguish between news material, opinion and analysis to avoid the pitfalls of speculation and propaganda." Al Jazeera, which the Bush administration has criticized for an alleged anti-American bias and for support of violence, is the first major Arab news outlet to adopt an ethics code. Some observers believe that U.S. pressure on the station played a role in the issuance of the code.

Iraq's National Communication and Media Commission (NCMC) has adopted a temporary broadcast program code of practice that provides rules and editorial standards for program content of all television and radio broadcasters in Iraq, foreign and local. The NCMC was established by the former U.S.-led Coalition Provisional Authority as the sole authority for regulating the broadcasting sector in Iraq. While endorsing the right to freedom of expression, the July 2004 code allows the NCMC to "regulate speech that may incite, represent or portray violence or ethnic, national or religious intolerance." In addition, according to the NCMC's chief executive officer, the code will help the commission respond to viewers' concerns about "the immoral practices and principles of some television stations." The NCMC can impose financial penalties and withdraw or terminate licenses.

### **Study on Women in Arab Parliaments**

A new study carried out by leading Arab women researchers under the auspices of the Cairo-based Arab Center for Development and Futuristic Studies evaluates the role of women members of Parliament (MPs) in Egypt, Syria, and Tunisia from 1956 to 2000. To read the study in Arabic, [click here](#).

The study finds that these women have had little legislative or political influence for several reasons. First, there is a very small proportion of women in each Parliament—currently 2.4 percent, 12 percent and 11.5 percent in Egypt, Syria and Tunisia respectively. Second, female MPs tend to avoid focusing on gender-related legislation such as women's labor rights and family laws, and instead direct their efforts to less controversial matters, thereby losing the opportunity to affect legislation that has an impact on women's lives. Third, because most women MPs belong to the ruling party, and in some cases have gained their seats through presidential appointment, they overwhelmingly support regime policies and rarely challenge the government through questioning ministers or a vote of no confidence. Finally, women do not coordinate among themselves on legislation, further diluting their influence.

### **Views from the Arab Press**

The Lebanese Parliament's recent decision, under Syrian pressure, to amend the Constitution to extend President Emile Lahoud's term has provoked a strong negative reaction in the Arab press. Writing in the Egyptian daily *Al Ahrām* on September 7, columnist Salama Ahmed Salama

laments the "hijacking of democracy" in Lebanon. While the Lebanese government used the need to maintain stability in the face of external threats as a pretext to override the constitution, Salama warns that Egypt is using regional and international factors as an excuse to avoid much-needed constitutional reform. In an August 30 op-ed article in pan-Arab *Al Hayat*, Abdul Wahab Badrakhan points out that Syrian influence negates whatever legal or constitutional guarantees for democracy exist in Lebanon. Unfortunately, he argues, under current regional conditions, there is little chance that Syria will withdraw voluntarily from Lebanon. Kuwaiti analyst Muhammad Al Rumaihi sees the Lahoud episode as representative of the political crisis prevailing throughout the Arab world. In an August 31 op-ed article in Lebanon's *Al Nahar*, Al Rumaihi asks, what hope do other Arab countries have if a peaceful rotation of power in Lebanon—supposedly the most democratic Arab state—is impossible?

Saudi writer Jaafar Muhammad Al Shayeb takes stock of the Saudi reform movement in an August 18 opinion article on Al Jazeera's website. Reformers have succeeded in getting the government to announce municipal elections and to launch national dialogue meetings. But by choosing to focus on general principles instead of urgent social issues, reformers have failed to engage the public.

Contrary to conventional wisdom in the West, Turkey does not offer a near-term model of democratization for Arab countries, argues Jordanian commentator Yasser Al Zaatera in an August 23 opinion article in *Al Hayat*. Turkey's Islamist Justice and Development Party gained power peacefully because the country has real political parties and genuine political competition. Arab countries have neither.

Tunisian analyst Amal Musa criticizes her country's opposition parties for serving as a facade for the absolute power of the ruling party. In her September 2 article in pan-Arab *Ash-Sharq Al Awsat*, Musa writes that the decision of the leading opposition party, the Movement of Social Democrats, to endorse President Zine Al Abidine Ben Ali's run for another term reflects the absurdity of Tunisian politics.

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## Read On

Several recent publications analyze the current situation and future challenges in Iraq. A briefing paper by Chatham House, "Iraq in Transition: Vortex or Catalyst," lays out three scenarios for Iraq's transitional period: fragmentation and civil war; a coalescing of the main political groups in a fragile power-sharing arrangement; or a "regional remake," in which regional dynamics unleashed by the war (such as Shiite empowerment and Kurdish nationalism) would overtake Iraq and erode the regional state system (Chatham House, Middle East Program Briefing Paper 04/02, September 2004). The report also assesses the impact of developments in Iraq on key neighboring states.

Larry Diamond argues in a *Foreign Affairs* article that mistakes in the U.S.-led occupation of Iraq have "diminished the long-term prospects of democracy" in the country ("What Went Wrong in Iraq," *Foreign Affairs*, vol. 83, no. 5, September/October 2004, 34-56). These U.S.

blunders include dismantling the Iraqi army after the war and implementing an overly broad de-Baathification program. More generally, Diamond criticizes the U.S. administration for its "obsession with control" and its failure to understand Iraqi society.

Also addressing the U.S. role in Iraqi nation-building, the International Crisis Group (ICG) argues in its new report "Reconstructing Iraq" that the U.S.-led occupation authority committed a major error by viewing economic problems as secondary to political concerns in post-Saddam Iraq (ICG, Middle East Report no. 30, September 2, 2004). Now, the interim government's fundamental challenge is to devise a coherent strategy that both delivers immediate material improvements and sets the stage for sound longer-term rebuilding, while avoiding changes that would provoke socioeconomic instability.

A new Human Rights Watch report analyzes ethnic tensions in Northern Iraq, where thousands of displaced Kurds, Turkomans, and Assyrians are returning to their homes occupied by Arab settlers brought in by Saddam Hussein (Human Rights Watch, "Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq," vol. 16, no. 4(E), August 2004). The report calls for an effective judicial mechanism to arbitrate property claims and a unified policy by the Kurdish leadership to prevent the outbreak of widespread violence between the displaced groups and the Arab settlers, especially in the flashpoint city of Kirkuk.

A Freedom House study, "Liberated and Occupied Iraq: New Beginnings and Challenges for Press Freedom," applauds the proliferation of independent media since Saddam Hussein's downfall but warns that violence and an unregulated media environment could threaten future press freedom in Iraq (Freedom House, *Freedom At Issue*, August 4, 2004).

Rodger Shanahan provides a detailed examination of the Dawa party, Iraq's oldest Shiite Islamist party, in "The Islamic Dawa Party: Past Development and Future Prospects" (*MERIA*, vol. 8, no. 2, June 2004, 16-25). Shanahan predicts that Dawa's fractious nature and the rise of rival Shiite groupings will prevent the party from regaining its past influence.

Reform in Saudi Arabia is the focus of two new papers. Stéphane Lacroix, writing in *The Middle East Journal*, describes the emergence of an "Islam liberal" reformist movement comprised of Sunni and Shiite Islamists, and liberals who seek a compromise between democracy and Islam ("Between Islamists and Liberals: Saudi Arabia's New 'Islam Liberal' Reformists," *The Middle East Journal*, vol. 58, no. 3, Summer 2004, 345-65). Lacroix's article, which profiles eight of the movement's leading figures, concludes that Islam liberal is not merely an opportunistic alliance, but rather a "significant evolution within the Saudi intellectual field...[that] will show a good degree of resilience."

An ICG report, "Can Saudi Arabia Reform Itself?," also assesses the burgeoning debate on reform in the Kingdom (ICG, Middle East Report no. 28, July 14, 2004). Since the majority of Saudis remain attached to conservative religious values, the report argues, the Saudi regime must pursue openings that marginalize radical, violent forces without simultaneously alienating the broader conservative constituency. This means moving cautiously on the highly sensitive issues of education and women's rights.

Several other new publications examine aspects of democratic reform elsewhere in the Arab world. Marina Ottaway's Carnegie Endowment paper, "Democracy and Constituencies in the Arab World," asserts that democratic reform in Arab countries will remain in a "holding pattern" until broad-based political organizations develop and push actively for democracy (Carnegie Endowment for International Peace, Middle East Series, Carnegie Paper no. 48, July 2004). Ottaway suggests that Islamist organizations may be the key to building the domestic constituencies necessary for democratization.

Graham E. Fuller's Carnegie Endowment paper, "Islamists in the Arab World: The Dance Around Democracy," argues that while democracy and political Islam are potentially quite compatible in principle, under current conditions, Islamist movements are unlikely to embrace democracy (Carnegie Endowment for International Peace, Middle East Series, Carnegie Paper no. 49, September 2004).

The ICG's new report on Algeria, "Islamism, Violence and Reform in Algeria: Turning the Page," concludes that the country has largely overcome its "lethal impasse"—the deadlocked confrontation between the polarized political ideologies of Islam and secularism that began in the early 1990s (ICG, Middle East Report no. 29, July 30, 2004). This turning point offers Algeria's political class an opportunity to strengthen the rule of law and to develop representative government.

In his new book, *Arab Mass Media: Newspapers, Radio and Television in Arab Politics*, William A. Rugh contends that the emergence of Arab satellite television in the 1990s has liberalized media throughout the Middle East and is contributing to regional democratization more broadly (Westport, CT: Praeger, 2004).

Michael Herb disputes the claim that parliaments of Arab monarchies are mere facades in his new article, "Princes and Parliaments in the Arab World" (*The Middle East Journal*, vol. 58, no. 3, Summer 2004, 367-384). Herb maintains that parliaments could play an important role in the gradual transformation of Arab monarchies into democracies.

Finally, several recent writings assess U.S. and European efforts to promote democratic reform in the Middle East. Daniel Neep, writing in *Middle East Policy*, asserts that the scope and breadth of the U.S. commitment to democratize the Arab world are unrealistic ("Dilemmas of Democratization in the Middle East: The 'Forward Strategy of Freedom'," *Middle East Policy*, vol. 11, no. 3, Fall 2004, 73-84). To promote change effectively, the United States needs "to work in a framework of partnership [with the Middle East] rather than in a framework of thinly veiled threats and blatant pressure" and with the longer term in mind.

Völker Perthes argues in the same publication that given the divergent approaches, priorities and instruments of the United States and European countries in promoting reform in the "Greater Middle East," a common transatlantic approach is not feasible at this time ("America's 'Greater Middle East' and Europe: Key Issues for Dialogue," *Middle East Policy*, vol. 11, no. 3, Fall 2004, 85-97). Instead, transatlantic allies should proceed in a "complementary but distinct manner," especially since European efforts could suffer a loss of credibility if they are perceived as extensions of U.S. policies in the Middle East.

In his new article, "The Neoconservative Moment," Francis Fukuyama criticizes the current approach to U.S. foreign policy, particularly in the Middle East (*The National Interest*, vol. 76, Summer 2004, 57-68). He writes that the neoconservative line is "utterly unrealistic in its overestimation of U.S. power" and has failed to take into consideration the history and culture of Iraq and the poor U.S. record in nation building. Fukuyama further contends that the Bush administration has alienated Arabs by overemphasizing the use of military power and threats in its Middle East policies.

Thomas Carothers, director of the Democracy and Rule of Law Project at the Carnegie Endowment, has a new book of collected essays on democracy promotion, including several essays on the Middle East. For information about the book, *Critical Mission: Essays on Democracy Promotion*, see [www.ceip.org/files/publications/CriticalMission.asp](http://www.ceip.org/files/publications/CriticalMission.asp) (Washington, D.C.: Carnegie Endowment for International Peace, 2004).

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