



Council for a Community  
of Democracies

## **Pluralism and Democracy: Prospects for the Arab Middle East and North Africa**

Report on a conference organized by the European Council on Foreign Relations and the Council for a Community of Democracies, 6-7 December, 2012, at the Canadian Cultural Centre in Paris.

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The overall aim of the conference was to explore how far the changes across the Middle East and North Africa prompted by the recent wave of pro-democratic uprisings were likely to lead to more unified societies that allowed scope for divergent beliefs and values, and how far instead they were likely to lead to majoritarian or divisive political outcomes. The conference also aimed to discuss what contribution outside countries and organizations could make to support the development of pluralism in the region.

### **Session 1 – Current state of political pluralism in North Africa**

This discussion focused on the three North African revolutions, in chronological order. Contributions from all participants are assembled thematically.

Following the removal of Ben Ali, the construction of a functioning democratic system continues to pose challenges in **Tunisia**. Concern of participants with the direction of the country since the election of the current coalition government, led by the Islamist Ennadha Party, centred on a perceived threat to the status of women, particularly with proposed language on the “complementarity” of women’s and men’s roles in the still-to-be completed constitution. These themes recurred throughout the roundtable. “Freedom, dignity, justice, (the empowerment of) women – all were major issues for the revolution and need to be protected,” as one speaker insisted.

Since the populace in Tunisia is split 50/50 between Islamists and secularists, it was emphasized that “neither side can impose its will on the whole of society.” But the even social divide contrasts with a pronounced imbalance in the political realm, because the secular opposition is fragmented along ideological and personal lines. Polarization between Islamists and secularists represents a security threat, one participant observing “there is fear of violence on all sides.” Another noted that if the simultaneous currents throughout the Arab world of rising religious identification and democratic mobilization could not be reconciled, then “civil war” would be the result. Citizens need to identify democracy as being both an avenue to development and compatible with their religious belief. Understanding is needed that being of secular orientation is not synonymous with being irreligious, as is the connotation to many Islamists. “We need to learn to talk about religion,” he noted. He added that bridging the divide and building a common foundation – which is essential to progress – was “complicated by hot-button issues – pornography, gay rights, (and) prostitution.” He opined that “dealing with these needs to be postponed until the structure is built.”

2013 presents significant challenges, the first of many; a constitution to be adopted by a two-thirds majority; elections for the presidency and parliament. New laws are needed for the media and judiciary are needed as are security sector reform and transitional justice mechanisms. Many *ancien régime* figures continue in official positions. One participant noted that it was no surprise the formerly ruling RCD party was reconstituting itself, as it is accustomed to being the dominant political factor for half a century.

The current period was described as one of “apprenticeship – learning of democracy.” Several intervenors emphasized that a lack of democratic traditions, including that of political compromise,

inhibited essential political progress. Raising a point that many others articulated, a civic activist said “we must have a dialogue.” A participant “channeling” for Ennadha, noted that “they are learning how to govern as they go.” While the party had made mistakes since taking leadership of a coalition government, it had never wanted such a role. Rather, it tried to encourage assembly of a national unity government with the wide spectrum of non-Islamist parties. But only two were willing to join it following the elections. In his view, the opposition has also made many mistakes. “People are fed-up with Ennadha, but even more so with the opposition,” he added. “What are they *for*? They are only *against*.”

In **Egypt**, a deteriorating situation generated passionate discussion, against the background of ongoing demonstrations against and for President Morsi’s November 22 decree arrogating supreme power unto himself in advance of referendum on the draft constitution, which began on December 15. The draft constitution itself was seen by one participant as “moving against the values for which the revolution was fought - freedom.” Many noted it included a number of dangerous elements threatening women’s rights and religious freedoms, while giving the army supervision over the civilian state (as opposed to civil control of the military). All who spoke agreed with a participant’s observation that “Egypt is in regression.” According to another, with this “shock to the political system,” Morsi “demonstrated he was out of touch” with the public at large. His inexperience in governing showed when he “doubled down” when faced with popular opposition to the move. The resistance from the judiciary and public administration motivated the Muslim Brotherhood to push the constitutional draft for public adoption. But their tendency to think in majoritarian terms drove the Brotherhood to press ahead with their preferred draft without requisite popular inclusion. One speaker noted that the constitution drafting group was “almost all-male and all-Islamist, mostly middle age, (and) all-Muslim,” breaking with nearly a century of Egyptian political tradition, “to include Christians.”

Both Islamists and the opposition upped the ante toward even greater polarization. In the opinion of one participant, the reaction to Morsi’s constitutional pre-emption move by the disparate non-Islamist opposition - former Mubarak loyalists, liberals, Marxists, etc. - was overdone. As in Tunisia, participants noted an “imbalance of political forces,” with the Islamists holding the upper hand. Others wondered why the revolutionary youth – the *shebab* – had disappeared from view. “There are two vast segments of society which don’t know how to deal with each other,” one participant opined. The Brotherhood, organized as a disciplined secret society (and persecuted as such), sees itself as a vanguard. The secular opposition fears “a loss of rights” within Egypt and the isolation of the country. Very few efforts (“including by foreigners”) were made in the past two years to provide opportunities to bridge this growing divide without exposure. The recent selection of Mohammed El-Baradei as common leader of the opposition was seen as an evolution, though some doubted his power to command.

The roles of the army and of the West came under general criticism. The SCAF – Supreme Council of the Armed Forces – held most of the cards after Mubarak’s departure, leading to a situation in which the Brotherhood and non-Islamists vied for its favors. The US and EU initially “said nothing” in response to the “worst abuses” by the military, according to two speakers before abruptly rushing to “embrace the Brotherhood as the new powerbrokers.” According to one of them, “this was not

good for Morsi – it encouraged overconfidence. But it also spurred paranoia by the secularists regarding the roles of foreign powers.”

Despite deep concerns about the situation, many observers made clear they believe that Egypt could be pulled back from the brink and that the polarization could be moderated with requisite effort. One participant said “it’s not hopeless, despite the hysteria and emotion.” There had been broad unity during the revolution, including among liberals and Salafists, on more than just ousting Mubarak. The task ahead was identified as the “need to repair the mistakes made in the past two years by the SCAF, then the Brotherhood.”

Discussion on *Libya*, was introduced by analysis that the friction between Islamists and secularists seemed less salient than in Tunisia or Egypt and discussion bore this out. One speaker noted that “the transition is full of challenges and surprises – these require art and imagination.” Libya, as third in a series of North African revolutions, has aimed to benefit from the ongoing democracy-building experiments undertaken by its neighbors. The country has foresworn a presidency altogether, and has a parliament and constitutional assembly operating concurrently. This has given it in an advantage in developing its electoral and constitutional systems.

The spontaneous development of political parties was among the surprises that arose in Libya. Yet, parties, which were not allowed by King Idris or Moammar Gadhafi, have yet to be socially accepted, and remain quite weak as a force. The National Transitional Council responded by drafting a law formalizing and regulating political parties.

The NTC was also credited with vision and flexibility in its reaction to spontaneous municipal elections in Benghazi and Misurata whose successful organization was seen by one speaker as having put wind in the sails of democracy development, helping ensure that the challenge of holding the first elections since 1963 in a heavily armed country, was met.

The greater violence Libya experienced compared to its neighbors created additional hurdles to the transition from North Africa’s most repressive dictatorship. “The danger now is not dictatorship, or Islam vs. democracy, but *militias*,” according to one participant. Another noted that the Salafists were in the ascendant until the September 12 attack on the US consulate in Benghazi, which killed Ambassador Chris Stephens and three other Americans. This brought American pressure to bear. But “The state is becoming weaker,” this observer noted. While acknowledging the challenge, another evinced optimism.

A few themes emerged in this session’s general discussion. The first was that all these countries have a lot of baggage to contend with – a legacy of repression, patriarchy, and a majoritarian/authoritarian bent in now ruling Islamist parties, all against the background of a lack of grounding in democracy development. Numerous speakers expressed frustration with what they characterized as bait-and-switch – that commitments made by Islamists to pluralism and inclusion prior to taking power were now being abandoned. Yet a number of speakers pointed out that non-Islamists were not practicing what they preached either, additionally observing that they were

choosing to hang separately. The question of how a broad ideological spectrum of secularists could align as a competitive counterweight to the Islamists came up more than once.

The recognition that all the players were essentially flying blind in the democracy development process was underlined repeatedly. “It should be an organic process,” one speaker stated. “Let revolutionary processes go forward – encourage them.” After a series of inevitable comparisons among these neighbors’ respective transformational processes, one pointedly noted “we’re all different – that’s it.”

Finally, the constitution-drafting and adoption process is freighted with a great deal of weight in all three countries. The constitutional process is popularly deemed as the foundation of democracy – and therefore the stakes are seen as extremely high. “There is a feeling at the popular level that THIS is the goal – a need to bring people together,” as one speaker put it. The document should be a unifying social contract, according to one participant.

External actors were invoked repeatedly in this opening session. One critique of the West, and the EU in particular, was that it was “playing an autistic role.” Another noted that the US and EU effectively acquiesced, if not more, to the retardation of revolutionary processes. One participant stated that “the complicit attitude of the US” was worrisome. “We want a strong US reaction” to encroachment on women’s rights and other freedoms, she added. America’s reluctance to criticize Morsi’s moves more strongly was attributed by another to his intercession on the recent Gaza crisis. Other regional actors’ roles were raised. Saudi Arabia and Qatar were viewed as purveyors of a “totally foreign Wahabbism” in North Africa. Turkey’s ruling party, the AKP, is openly emulated by Tunisia’s Ennadha.

## **Session 2 – State of Inclusive Pluralism in the Levant**

The second session took stock of the current situation in three Levantine states, beginning with **Syria**, where the UN High Commissioner for Human Rights released an estimate soon after the meeting that deaths in the 20 months of violence exceed 60,000. Panelists listed other grim statistics: 5 million internally displaced persons, 700,000 refugees, and an enormous proportion of critical infrastructure destroyed.

The Assad government systematically exploited sectarian and ethnic divisions from the outset. Despite this, panelists asserted that the conflict was not yet a civil war or essentially sectarian in nature. The regime’s ultimate end was deemed as inevitable. But great concern was expressed as to what would occur after its fall, especially considering the lack of civil society, an independent private sector, or political parties. The state apparatus was “institutionally destroyed,” according to one speaker. Local councils are at present the locus of independent administrative and political activity, filling the void left by government and traditional civil society. Pronounced fears of revenge, which could precipitate true civil war, were expressed by those at the roundtable. While the departure of Bashar al-Assad and his regime would be preferable to a fight to the finish (“the worst case – the violence won’t end there”) in the eyes of some participants, none expressed any

confidence this was likely and “There will be no ceasefire with Assad in power,” as one speaker proclaimed.

To prevent the worst, one speaker argued the urgency of developing provisions for transitional justice, a political process, and a post-Assad external peacekeeping force – particularly given the long lead-time on assembling such multinational forces. Kurdish and Alawite separatism are expected. As for the political process, no clear path has yet been agreed. The same goes for a transitional justice mechanism.

The lack of international effort to curtail the bloodletting, particularly the obstruction on the UN Security Council by Russia and China of stronger measures against Syria, came in for criticism as irresponsible. Participants identified such external backing for Assad as a conflict driver, prolonging his will to remain in Syria and fight.

The discussion on **Jordan** began with the observation that the country was lagging behind others in political opening since the beginning of the Arab Spring in Tunisia. Popular demonstrations in 2011 essentially called for constitutional monarchy and rule of law. One observer noted that King Abdullah is “very afraid of spillover” from the wave of change and “wants absolute, not constitutional, monarchy.” He is doing everything he can to brake public demands for constitutional democracy, a transparent and functional electoral system, and accountability for royal family misuse of public resources. In this effort, the parliament, judiciary and administration have been hollowed-out. The main lever for this resistance to change has been the Jordanian security services. MPs are regularly called on the floor of the legislature and ordered how to vote, according to one speaker. A Potemkin reform government (the fifth in two years) and imposed election law were the dissatisfying outcomes. King Abdullah’s propensity to recognize only one segment of the broad opposition spectrum, the Muslim Brotherhood, is meant to create a “false dichotomy” in the Jordanian public mind.

The King is believed to count on his international role as keeper of a peace with Israel, host to Syrian refugees and home to a Palestinian majority to “give him a free hand at home,” insulating him against any external pressure to reform. Yet, he is “sensitive to external views,” and could be pressed by the EU and US to open the political system in a substantive way, according to one participant.

While Jordan was characterized as a laggard, **Lebanon** was recognized in the discussion as an outlier in the region, having “never fit into the mold of a one-party state or one-man rule.” Instead, the governing system was based on what one speaker called “the founding myth of pluralism,” reflected in both customary practice and law. The “entrenched pluralism” in Lebanon allocated positions among the “big three” confessions (Maronite, Sunni, Shi’a) and a host of others (Druze, Orthodox, Armenians, etc.) from senior positions down to the lowest levels. The system empowers religious figures to act as arbiters for “their” communities, each of which have their own schools, media outlets, and other institutions. The legacy of a decade and a half of civil war (1975-1990) is the “ghettoization” of the country, so locations are affiliated with specific groups. This segregation is maintained vigilantly, though informally, and generates mistrust and fear. “People are deeply

unhappy, but reliant on their tribal leaders,” one speaker noted. While the system was designed as a duopoly of Maronites and Sunnis, with Shi’ites in a subordinate third place in the pecking order, one observer noted that the Christian community is now divided and variously aligning with either of the Muslim groups.

Lebanon does not lend itself to tyrannical rule, which played to its advantage for same time. It has also been “uniquely stable” during the Arab Spring. But the “entrenched pluralism” also carries heavy costs. While centralized, the state is very weak, with real decisions made outside officialdom. With distribution requirements, meritocracy is impossible, as is reform. Mobilization on cross-cutting issues – class, ideology – is also impeded by the systemic imperatives. Each group vies for patronage and backing from external powers to employ in the internal struggle for (relative) primacy. The assassination of Prime Minister Rafik Hariri in February 2005 ended more than a decade of reconstruction. New violence in 2008 was ended with Qatar buying social peace and giving Shi’ite militia Hezbollah a “veto on everything,” as one speaker put it. The war in Syria has already affected Lebanon. The radicalization of Lebanese Sunnis, mobilized in support of the Syrian revolt, was seen by one observer as a future problem for the country’s internal peace.

Reflecting on the discussion thus far, one observer drew a number of tentative conclusions for the roundtable. The first was that the weakness of civil society was a critical factor – it is noteworthy that in Libya and Syria, local/municipal organizations stepped into this gap. But sustaining the potential for an effective state – and its legitimacy – was crucial to avoid fragmentation. “Civil” was offered as a less polarizing term than “secular.” Finally, he deemed it dangerous for democratic development if external democracies took sides in the Islamist/civil debate.

The discussion on these questions yielded one participant’s agreement that pluralism within strong states was the ideal, but hard to envision in a “destroyed, hated state” like Syria. As to whether the Lebanese model provided a way to manage the threat of majority dominance in Syria, it was argued the flawed Lebanese model might be “a necessary interim step.” Another speaker echoed the importance of civil society, but cautioned against “consensual democracy” on all issues as a “recipe for paralysis.” While the Syrian opposition needs broad-based approach to present an alternative to the Assad regime and communities need guarantees on security and rights, this participant believed that majoritarianism in a democratic system was inevitable and that institutionalized power sharing would be “a disaster.”

### **Panel 3– Pluralism in Political Life**

This session surveyed the development – or lack thereof – of pluralistic political culture in the Arab world broadly. The discussion also focused on this angle in depth from the reference points of Egypt and Morocco.

General observations on developments affecting political pluralism regionwide included the threat of internal disintegration through insurrection, sectarianism, and civil war – Syria, Lebanon and Yemen were raised as examples. The actual dissolution of states was raised as a possibility in the cases of Syria, Iraq and Libya.

A review was made in discussion of a variety of challenges evident in the “Arab Spring.”

Militarization of politics was seen as a broad phenomenon, including Egypt. Social polarization into conflicting communities, including potential for revenge, poses problems for Syria, Libya, and Egypt. This polarization is exacerbated by the employment of “alienating concepts” – not only religion, Sharia in particular, but also secularism in the eyes of large segments of the population. Economic decline and even breakdown deepen all these challenges and create new ones.

Old regime “deep state” institutions (security apparatus, uniformed military, judiciary/law enforcement, even media and businesses) persist, and are seen by one discussant as forming built-in loci of resistance to revolutionary processes – and underscoring the necessity for transitional justice mechanisms. The tradition of symbiosis between political and economic interests also persists, including among newcomers.

The inexperience of new entrants to politics is inevitable, but it often generates or widens social cleavages that increase the difficulty of democratic consolidation. Opposition to new governments in Tunisia and Egypt tend to be weak, despite a broad political spectrum. Finally, specific groups and interests that had major profile in the revolutions – women and youth in particular, but also regional and confessional interests – have been largely excluded from transitional political processes.

Those committed to establishing democracy and achieving the objectives of the revolutions must focus on instilling democratic values and processes, such as rejection of violence, tolerance and respect for individual rights. Defining the confines of political community and practice – including the development of civic, non-primordial national identities – also remains to be done. Participants identified an authoritative, “viable, well-ordered state” as a necessity. This made not only the drafting of a popularly legitimate constitution an important hurdle to clear, but also (re-)establishing *constitutionalism* as a recognized civic value. Rekindling economic dynamism and growth is essential to generating the basis for a durable democratic system.

Looking at post-Mubarak **Egypt**, no political parties, including the ruling Muslim Brotherhood’s Freedom and Justice party, were seen as offering realistic policies to contend with the country’s manifold problems, including the weakened economy. The Islamist vs. secular or civil divide is one that both sides embraced to mobilize, but the Brotherhood has a distinct advantage with its own well developed identity. It has managed to avoid providing services by leaning on this identity pillar. However, this reliance was seen by a number of participants as a straitjacket, impeding the Brotherhood’s evolution and ability to effectively govern a complex society. One speaker defined the situation as a friction between authenticity and relevance. By moving toward relevance on contentious issues such as respecting the Camp David peace with Israel, the Brotherhood allows erosion of core support to the benefit of the Salafists. But even they have had to adapt to the realities of democratic politics, which they earlier rejected outright as infidelity. To operate in the political marketplace, Salafists have abandoned their earlier injunctions against female suffrage and even election to office. The “softening of (what constitutes) ‘necessity’” for Islamists was observed. Some participants worry that opening on the far right poses dangers for Egypt, with the Nour Party

“leaving its supporters behind.” Other Islamists have criticized President Morsi for abuse of office and have staked-out positions to the left of the Brotherhood in the social and economic sphere. Former regime figures and supporters are to be found on both sides of the current pro- and anti-Morsi camps, according to one speaker.

Participants saw the SCAF as having deliberately “made the economy scream” in an attempt to discredit the revolution with the general population and mobilize discrete economic interests against it. Generating fear for personal security with tailored lawlessness and violence was also part of this formula, as was sponsoring of faux revolutionary organizations to sow confusion and division. While unsuccessful, the thesis was that the army wanted to maintain its hold on power by short-circuiting the revolution. The economic damage, already dire, is being compounded by the continued instability’s dissuasion of both tourism, which provides immediate cash infusion, and investment. Productivity was already low before the upheaval of revolution. And the problem of youth unemployment looms ever larger, economically and socially. “So it is easy (for the army) to press the buttons to maintain pressure,” according to one observer. As a result, “Egypt is on the brink of economic collapse,” in the words of another.

President Morsi’s decree again drew opprobrium, as reflecting an exclusionary governing style and unwillingness to accept counsel. In addition to being fragmented, the opposition also came in for criticism for having only a negative agenda; seen as “irresponsible” by some participants for aiming to make the government fail, even calling for “foreign intervention.” This confrontation deepened polarization and made the situation more heated and dangerous, potentially leading to an “unholy alliance of liberal secularists and the old regime’s security apparatus.” Opposition attacks on the government’s retention of technocratic and administrative staff was also described as irresponsible and cynical against the reality there were many jobs for which the necessary expertise was only to be found in government.

While **Morocco** faces the same general challenges, its development has taken an evolutionary, rather than revolutionary, path. In response to the conference’s overarching question of how to root pluralism in democratic Arab politics, the speaker stated that pluralism is deeply rooted in Moroccan society and culture. The reform process developed slowly after King Mohammed VI assumed the throne became accelerated with popular rumblings and “warning signs” generated by the Arab Spring. His father, Hassan II, exercised what this participant called “Machiavellian pluralism;” dividing to rule. “The question today is whether we can create pluralism within a democratic, modern state structure.” But this allows and empowers the monarch to act as arbitrator, keeping his role as decider despite efforts to establish democratic processes. Fear of Islamist dominance led leftist parties to demand in the constitutional drafting process that the royal role be retained. This construction, which one speaker termed a “rearrangement” of existing structures, has left the parliament correspondingly weaker than in other systems, despite its now being the sole producer of legislation. The struggle to establish a constitutional monarchy with a parliament that actually governs continues. “The monarchy is always the winner in this” system, as one participant put it. He added, “this experiment is ongoing; it is not clear whether this is a *real* change.” And as in Egypt, Jordan, and elsewhere in the region, “economic hegemony” of the ruling

elite presents a concrete political and social problem, and challenges the independence of rule of law.

The opposition leads a number of commissions in the parliament, reflecting what one speaker called “structural pluralism;” no single party can dominate politics. While Islamists have the largest single bloc, they do not have a majority and have to cooperate with other parties to pass legislation and make policy. While the party’s symbolism was called “very religious,” its operating system was deemed technocratic, according to one speaker. “Many are willing to go along with the king,” according to one observer. But the differentiation among parties in general was seen as insufficient by one speaker. This might also be a factor in dampening public participation in electoral politics.

Social traction of the democratic experiment in Morocco remains questionable. Popular engagement in the electoral process, or the dearth of it, may be a reflection of a lack of confidence in the system as a mechanism for representation. Voter turnout rose from an abysmal official figure of 30% of 2002 but remains low. Efforts are ongoing to amplify civic involvement, and specifically that of women and youth. Linguistic recognition for the large Berber community was a recent accomplishment for pluralism, assuring “national integrity.” But when it comes to the long-standing dispute over Western Sahara, “the southern zone” has not yet been reflected in Moroccan political discourse. One participant doubted the applicability of the Moroccan experiment to other Arab monarchies, as well as questioning the widely cited dichotomy between monarchies and republics.

As discussion reverted to region-wide developments, the fact that a lack of governing experience and democratic acculturation of new leaders has led to numerous errors came up repeatedly around the table. Some issues might demand expedient response, but the question of who bears the costs of such decisions, and accountability of the authorities which make them, remains. Participants identified short-termism for political benefit as complicating the prospect of both short- and long-term outcomes, though it might be noted that this is unfortunately the norm in established democracies as well.

While some participants asserted that mistakes were inevitable (“a manifestation of ineffectiveness”), others stated that those who make such damaging errors must still be held to account. As one speaker put it, “there is one unforgivable mistake: unwillingness to correct one’s mistakes. For example, Morsi’s not taking back his decree after the public reaction to it.” The broad mobilization against entrenched power structures was termed by one speaker “negative pluralism.” “We mobilized to *get rid* of something, not to *build* something,” he noted.

The drivers for change – a demand for social justice, dignity, and freedom – were regularly raised by the full roundtable. The distinction between need for consensus on the foundations of the political system versus competition for power in the conduct of politics was made by several speakers. But as one speaker observed, a lack of popular and political consensus on the most fundamental of elements – what constitutes politics? – undercuts progress on all fronts, posing the risk that *everything* becomes political, as in Lebanon.

The practice of majoritarianism was characterized by one participant as one of “delegation:” “once elected, we can (act) without further consultation.” Some expressed worry that the inherent frictions of partisan politics would make it more difficult to arrive at consensus on the foundations of democracy, as well as the inclusion of the needed managerial and specific expertise needed to run the economy.

Participants again raised the need for external support – material and advisory, to “help (the new authorities) govern.” Others noted a Western – and regional (especially in the Gulf) – need for “stable and predictable regimes.” But both action and inaction are fraught with potential to generate popular suspicion of foreign agendas being a driver. Some European officials present pointed out that external support to the region had increased markedly, but that change had to be internally driven. Participants from the region warned that without economic support, the democratic transitions may falter, leading to recrimination in the West on lost opportunities.

#### **Session 4 – Constitutions, Law and Governance**

This session began with a speaker recalling that “constitution” is derived from Latin for “to establish together,” noting that its content should be developed inclusively “to create a state in which people see themselves;” a social contract. The process of developing a constitutional order was widely recognized by participants around the table as being of paramount importance, as well as its content. One speaker went so far as to characterize a constitution as “a document that embodies the identity of the state.”

At the time of the discussion, in none of the revolutionary states had new constitutions yet been adopted, though a vote on Egypt’s controversial draft was roughly one week away. How could these processes ensure that pluralism and diversity are represented and afforded legal protection? How to get beyond mere popular participation to actual investment in the project of constructing new democratic states?

Views on the strength of the Arab state in general differed. While some asserted that the state is weak, others noted that in both Egypt and Tunisia, the state remained potent and – in the view of a number of those who spoke – overweening.

Given the ongoing demonstrations in Cairo during the roundtable, the Egyptian draft constitution was a central reference, and an extensive discussion followed on the Sharia law controversy.

Over all, the draft constitution was critiqued by a participant as being “without legal quality or content.” Another stated that Sharia was included in the constitutional draft to exclude rights of others. It was argued that the Coptic Church was content with its flock being homogenized, despite the encroachment on the individual and civil rights of Christians, who form 10% of the population. Constitutionalizing Sharia would also exclude Shi’a, in another’s view. In the words of yet another speaker, “Salafists think it’s not Islamic enough. Liberals believe it is too religious. The left believes there is not enough social justice.”

But most insidious in his view was the power that it arrogated to the army. The draft gives the military oversight over democratic government, rather than the other way around. “So the SCAF gets what it wants,” he concluded. Acceding to this, the Brotherhood was seen by many to have betrayed one of the central goals of the revolution in pursuit of power.

“Sharia” may be a genuinely popular concept that Islamists would like to see enshrined in national law; many civic-oriented participants accepted that it has a wide constituency and is part of the popular identity in Tunisia, Libya, Egypt and other countries. But it literally means “law,” and there is no singular definition. Writing Sharia into the constitution as the basis for law and rights was seen by a number of participants as making the document impervious to later amendment. “With Sharia involved, there is no evolution,” as one put it. Yet, many noted that Sharia had a long history of practice in Egypt and elsewhere – much longer than the history of the secular modern state – and was referenced in the 1923 constitution. In Jordan, a broad consortium of opposition forces accepted it being among, but not *the* source of law. The dominant party in Tunisia’s government, Ennadha, eschewed including it in the (as yet not completed) constitution for reasons of imprecision. But participants disagreed on how inclusive Ennadha had been in that process and in governing more generally. “Ennadha has tried to be inclusive,” according to one of them. He added that “the place of religion in politics will remain a difficult issue in Tunisia and elsewhere for years to come. The control of mosques will be too.” “If Ennadha moved back (from pushing Sharia), it’s because they felt they could (afford to),” another speaker asserted. But she added that it continued to pursue other elements of its agenda that were retrograde for women. “Tunisian women do not want polygamy,” she noted. Another stated “I don’t agree that Ennadha is inclusive or reaching out. They are excluding the president. So either they are incapable of ruling or have an agenda.”

The challenge of constitution drafting, especially for Syria, was also a touchstone in the discussion. “(T)he strongest part of the revolution is in the field, fighting. But can they build an administrative structure, a governance system? Can we consider a division of roles here?,” one speaker asked, musing on the potential to include those in the state apparatus “without blood on their hands.” In areas in contention or lost entirely to the Assad government, administrative personnel were maintained or recalled to their posts to operate essential services.

Models of constitutional process and content are under review for “the day after,” including those of Turkey, Bosnia and Herzegovina, Brazil, Portugal and South Africa. The recent Turkish process, which involved public interactive forums in 22 municipalities across the country, was cited as a positive example of inclusiveness. It was noted that Brazil’s current constitution had been amended over 70 times since its adoption in 1988. “It is not a sacred text. It can be completely changed if need be,” according to one speaker. Portugal had taken three years to adopt a new constitution after overthrow of its military dictatorship in 1978. The Bosnia example, like Lebanon, is seen as a model to be avoided by some looking toward Syria’s future. Referring back to the weaknesses of the Lebanese system, it was noted that Bosnia also entrenched an unaccountable elite and forestalled state functionality. It is “my main fear,” according to one speaker, though he noted that European diplomats had proffered the Bosnian Dayton arrangement as a method to address Syrian diversity and communal fears. He contrasted Egyptian “majoritarian” model of constitutional development with the flexibility of the Brazilian approach and the deliberation of the Portuguese. “The

constitution cannot please all. But it cannot be imposed by 51% of votes either,” he said. Another noted darkly that the popular mood had shifted in Syria after 20 months of war, with Islamism as a governing philosophy in the ascendant.

In the views of one speaker, there was no popular agreement in the Arab world on the attributes of the state. Yet constitutionalism has a venerable tradition in a number of Arab countries, including Tunisia and Egypt. “We have populist politicians playing identity politics,” in the current environment, in one participant’s view.

Many wondered whether the focus on constitution drafting so early in the transitions was counterproductive, polarizing a still volatile situation. “There has been an overemphasis on constitutions as a source of democracy. Democracy delivers constitutions. The main point is the distribution of power,” one participant averred. “The question we’re here to discuss is how to root pluralism in law... Don’t rush it... It’s not just inclusion of minorities, but the roles of institutions.” Another queried whether “we ask too much of constitutions. We’re asking them to encapsulate the identity of societies when they are still working that out.” He asserted that it is crucial that such processes be “open-ended,” and an emphasis placed on establishing institutions and checks and balances. Others disagreed with this minimalist, go-slow view, holding a more expansive conception of the role of constitutions as a reflection of a society’s values.

### **Session 5 – Citizen Engagement in the Democratic Process**

At the outset of this session, one of the participants noted that too little discussion at the roundtable had been devoted to women, noting he hoped this would change in the final two sessions.

For years running, Gallup polls document that citizens of Middle Eastern and North African countries have supported the democracy as a practice with some specificity. The Democracy Caucus in the United Nations includes the 100-plus members of the Community of Democracies, which proclaimed in the 2000 Warsaw Declaration that democracy was a fundamental human right. In 2011, the UN General Assembly approved unanimously that democracy education should be incorporated into practice throughout the UN system. The Caucus and Community have an obligation to assist those who aim to establish democratic practices in their countries. The importance of inculcating democratic values and practices reaches far beyond the formal education system. One speaker noted that Mohammed Bouazizi’s act of self-immolation in protest was as “cry for human dignity” which “had no ideology. “There is a need for an informed citizenry, broad participation – especially of women –to consolidate democracy,” he added. Finally, he noted that compromise to accommodate different interests had yet to be named as necessity in the discussion.

Various participants noted that educating societies for democracy relied on citizens and media as much as the state apparatus. As one speaker explained, “Arab authoritarianism restricted the formal political sphere. Unions were squashed. The elite was closely monitored, controlled. The Arab Spring shows the most important things can happen outside these spheres.” She made a point of clarifying that “civil society” was for two decades considered synonymous with “NGOs,” but that the real definition had to be far more inclusive than that. Adding that Egypt, for example, has 1800

citizens' movements, some assembled for finite purposes (such as strikes): "This is an organic movement, not concocted to suit Western (or donor) checklists... we don't want to copy any system... we need to fight for participative...democracy. The real test is popular participation. This requires permanent citizen monitoring." She added that "streets and demonstrations can be an educational space."

Women's rights and political participation were deemed by another speaker as essential elements of democracy, modernity, and development. "There are three reasons for underdevelopment: (lack of) freedom, (lack of) education, and (the repression of) women." Women played a "huge role" in the revolutions and "paid the price," as one speaker noted gravely. They were subjected to virginity tests by authorities, told early on by others to "go back to the kitchen" when they came out to demonstrate, beaten and even killed. "There can be no democracy without women," as one speaker underscored. "If it is a question of citizenship, then women must be equal." Under regimes like Ben Ali's, "women were second class citizens, with specified limits." She added that "the number of women in Ben Ali's parliament was higher than that in France," but were placeholders for the authorities. "The regimes sometimes created their Potemkin checks and balances, civil society and unions... Dictatorship instrumentalized women" – but she noted a fear that "exclusion of women" was underway. Women's civic movements were widespread in the Arab world – "on all political sides, except the Islamists," according to this participant. "Women want to participate, not take over."

Growing worry over loss of personal freedoms was another dominant theme of this session. In Tunisia, the ruling Ennadha party is seen by a number of activists and observers as undercutting decades of women's social inclusion in its policies. Questioning gender equality in discussions around a new constitution and allowing private religious-based schools in which young girls must cover their heads were cited as evidence of a non-permissive attitude – including "foreign Wahabbism." "There is a concerted effort to segregate women," particularly in religious schools and mosques, one participant stated. She concluded her intervention by asserting that "Democratic and secular education needs to be based on values. You can't build democracy based on exclusion. I'm not trying to question religion, but... Women need to be included." Expressing deep frustration and concern with the prevailing dynamic from her vantage point, one speaker asked "what do you do with someone saying plucking your eyebrows should be illegal? Or that going out within four months of your husband's death means you are looking for fornication? And what if they want to define that in law? There is bad news – the educational space is very conservative, very Islamic... This debate didn't exist before the revolution." Another participant asked whether this was a "counterrevolutionary movement which wasn't part of (the revolution) trying to take it over... aware of their weakness and trying to create a *fait accompli*?" He added, "women's rights are at the heart of democracy. We can't be complacent against fascist forms of action."

In the discussion, a number of participants questioned how women, who had been at the "forefront" of the revolutions, had been sidelined – and what could be done, including by external actors, to resist the trend some had outlined. One counseled caution, noting that "democracy tends to favor traditional values on the transitional phase." He added that "you can't prevent others – Salafis – from organizing. That includes schools. That's part of democracy." Another noted that "these folks

(e.g., Salafists) have been there (all along), now we see them.” One female activist added, “Women have changed... When Ennadha talked of restricting women’s rights, they went to the streets. I am worried, but Tunisia is dynamic, and the Islamists did step back.”

Youth as a specific social group also demands attention. One speaker expressed her view that “we have a generational crisis more than anything – including the Islamist vs. secular divide.” This contrasted with another’s view that while “counterrevolution is coming from the older generation, it’s been blown out of proportion to hide the real counterrevolution – the effort to stop all social movements (unions, women’s orgs, etc).” Another speaker asked what avenues existed for youth to participate in the transitional period and building democracy, given the juxtaposition of their vanguard role in driving the revolution and relative sidelining since.

Returning to the basic theme of institutionalizing pluralism in democratic practice, a participant underscored that the revolutions were spontaneously fought for freedom, social justice and equality – the same values that undergird democracy. Another speaker asked whether disenchantment with democracy could outpace its substantive foundation. “Is there a relationship between the process of learning and the process of cynicism?” Contradicting assertions from the preceding panel, another observed that “200 years ago, the state was irrelevant. The role and scope of the state have never been agreed” in Arab societies. Another participant added that “modernity and democracy do not always go hand in hand. You can create a democratic backlash against modernity.”

Reflecting on the worries of both Arab citizens and external actors, one participant from North Africa assessed that “there are reasons for worry, but not to be terrified. The process needs to keep going. You (external actors) need to engage constructively, not with a colonial mindset.” Another stated that “while democracy cannot be imported, there are foundational ingredients. We need a counterbalance – checks and balances are required for democracy.” In reaction to a question on the influence of Turkey and its ruling AKP, one speaker responded that “Turkey is ruled by an Islamist party, but it is a secular state. It probably is an influence on Ennadha. (But Prime Minister) Erdoğan has said he is distancing himself from Ennadha because he didn’t understand their direction.” In conclusion on the most beneficial potential influence from without, one speaker offered “We need dialogue between societies, not just elite-to-elite. This will show the West that we can be *partners*.”

## **Panel 6 – International Cooperation and the Role of Outside Actors**

This final session returned to the question of what external actors can, should, and should not do to facilitate and assist democratic transition and consolidation in the Middle East and North Africa.

One regional participant simply offered that “you need to do better,” adding (without further elaboration) that “France and Europe have a lot to learn from the US.”

A number of Western participants offered their long-term perspectives for consideration. One reflected that the traditional division of roles into provider and consumer was fundamentally flawed and went “horribly wrong” in Russia in the 1990s, generating a backlash which crippled development

of a democratic society. He offered his view that the overall record of assistance to democratic transitions had been “pretty awful.” In response to discussion from the first day, he noted that “international actors did seek stability, but they always assumed that was the status quo,” adding that “there is more international empathy from established democracies to what you are dealing with now... Their first rule should be to do no harm. The biggest thing is to be consistent. It’s always presented as a false choice between values and interests.” Replying to the repeated view that international economic assistance was needed to provide hope, particularly to youth, and both validate the revolutions socially and consolidate democratic practice, he stated that this “has to be delivered, not just in the short-term, but for the long haul.”

On the Western track record in the region, more self-criticism was offered. “We’re intellectually weak on what’s going on in the Arab world. It’s true that we relied on Mubarak and Ben Ali for stability. But what now?” Reflecting on the contemporary situation, he admitted his government was “unnerved by the changes. We went from extreme enthusiasm (about the Arab Spring) to extreme negativity. I think we’ve swung too much.”

Many European participants reflected on past and ongoing policy initiatives. One termed the Mediterranean Union “a visionary idea, but it came before its time. The concept was launched without having been thought through,” adding that the initial exclusion of northern EU members was a mistake. Former French President Sarkozy “underestimated politics” both within the EU and in the region, he added. Another bluntly stated that the Mediterranean Union – memorably co-chaired by both Sarkozy and then-Egyptian President Mubarak – got off to a “lousy start” and that policymakers were in the process of “recalibrating” it. Another added that “we need to advocate for a Mediterranean policy” within the EU. Another European made clear that governments had begun adapting quickly once wrong-footed in the opening months of revolutionary change. “In the northern Mediterranean we *recognized* the legitimacy of the Libyan revolution. Gadhafi won’t be the last to fall. France was among the first to recognize the Syrian coalition – a year too late, we should have done so in October 2011. Revolution will go on,” he added. Reflecting on how the policy environment had fundamentally shifted, one official noted that the results of the Palestinian elections in 2006, assessed as free by external observers and won by Hamas, were not recognized by the West. “That’s not possible now,” he stated.

A number of Western participants raised the amount of funds that were devoted to the region. A European participant noted his shock at seeing the direction of EU funds for the region, questioning €45 million for fishing programs, for example. “There are other needs that are more compelling. We need to reassess our bureaucratic functioning. Once on a track, it’s hard to get off.” The European Instrument for Democracy and Human Rights (EIDHR) devoted 25-30% of its grants in 2011 to the Middle East and North Africa, including programs in which “some revolutionary actors” participated, one speaker noted. He added that “there are limitations – bureaucracy. There is a long time lag for disbursement. And you need to be a registered NGO to receive funding.” The new European Endowment for Democracy (EED) was also briefly explained. A private foundation launched at Polish instigation and endowed with contributions from member states, the EED will be headed by Elmar Brok from the European Parliament. Switzerland will join – and Norway is invited. Intra-EU wrangling over direction of assistance, south vs. east, remains a perennial issue, with

southern EU members wanting the lion's share to be directed to the Mediterranean littoral. In the EED's case, it is a 50/50 split with the "Eastern Neighborhood." Given the small amount of resources (roughly €12 million), one speaker advised the EED to not "get stuck in this bureaucratic approach. You want to support real efforts, not just those who can fill out the forms best – that's the way to bankroll the self-serving civil society orgs. You also don't want an RFP (request for proposals)-driven approach. Set some broad guidelines, and then let the most convincing efforts (not just applications) win. There is risk in this, but it is worth it." Another stated that donors "need to work at the local, not just national, level." "It's hard to show a 'deliverable' on such transformations," she added.

One participant from the region asserted that "It's time to think big. Like (the EU's educational exchange program) Erasmus – we need large-scale exchange programs for teachers, others. Why not something like the Peace Corps? We need to demystify the Arab reality to the West." Participants from both the region and the West strongly agreed with this idea. "I agree with exchange over mentoring," one stated. Another Western participant added that "Europe as we know it was built with Erasmus and other programs... It doesn't cost much..." While requiring "a lot of time and creativity" to have an impact, she added that "there is no need to re-invent it conceptually." Another European added that "I agree we need innovative ideas, we need to improve the mobility of persons," but he added that given the current economic crisis, getting public buy-in for such major initiatives would be difficult. Yet another cautioned that for such an exchange program to function, "there is the question of mobility. To study, you need a visa. This is a contentious issue within the EU." While one official agreed with a participant from the region that "youth unemployment and poverty are the biggest challenges," he later noted that funds to devote to this problem would be hard to come by.

On the broader sweep of Western policies, one regional participant agreed that "'do no harm' should be a baseline. Officials from some European governments asserted that they had "reconciled our values with our strategic interests," and integrated human rights in the foreign policies. Support for existing labor organizations was noted as necessary by two participants.

The biggest harm is to take sides," questioning whether a priority for foreign officials on meetings with secularist opposition violated this principle. One European official replied "we can't discourage dialogue with certain political parties," particularly when meetings were requested. Implicit was that the government in question had not requested a parallel meeting. In the same vein, another regional participant observed that Western officials are now saying they "don't rely on state-state relations. This is undermining democratic processes. When you had pro-Western regimes, *then* state-to-state was fine. Now you want to relate to society when the Islamists are in power." He added, that there was a need for "vision, a new framework, innovation,"

Reflecting on the exchange proposal, it was stressed "you can never go wrong with people-to-people." Another participant from the region noted that Europe had in the past supported many "GONGOS" – government's own NGOs, including those run by dictator's wives and other officials. "We don't see veiled civil society since we don't interact with them; we recognize those who look like us."

On the confluence of foreign approaches with the ground reality in the region, one Western observer noted that “there has been a re-Islamization ongoing for the past 20 years, driven by the regimes themselves which aimed at driving out the secular opposition and challenging the Islamists. It’s hard now to talk about rights without reference to Islam. The Islamists are at center stage.” He added that current democratic assistance should “promote dialogue to prevent violence. We need to have dialogue among secularists and liberals as well.” He added that facilitating the learning of “the art of negotiation, coalition-building,” needed to be on the West’s assistance palette. “It’s not all that costly.” Another Western speaker believed that, “We still need to find ways to manage diversity...There is a changing/evolving social contract.” She added that “international players need to go beyond their institutional standpoints and engage in actual dialogue” and that the “fundamental mistake of some international actors is to support civil society *against* the state... there is a need for dialogue, consultation, and participation.” She concluded that “setting them up as an opposition would be a disaster. We need them to deal with each other.” A regional participant questioned the need for external pump-priming to promote interaction. “There’s a lot of dialogue now going on.”

### **Conclusions and Recommendations**

As populations seek change in governance both under the enduring authoritarian regimes in the Arab world or as they try to consolidate democratic transition after revolutions that have taken place, overarching conclusions are difficult to come by, except to underline the truth of one intervention, that “Building democracy is much more complicated than getting rid of a dictator.”

Each country’s trajectory is its own, and the range of experience is varied in the extreme. But motivations are similar from country to country. Handicaps are also similar: the lack of democratic experience has inhibited the sort of consensual bargaining that building pluralistic democracy requires, both in those countries that have yet to begin processes of establishing new governance systems and those that are deep into transitional processes. Deprivation over time of the experience of dialogue and political experience in general has impeded establishing a broadly accepted definition of what constitutes politics: developing rules of the game. Because political space is undefined, everything risks becoming political.

The problem is exacerbated by the absence in most Arab societies of mediating institutions that can shape compromises between opposed political forces. The experience of violent overthrow adds an additional harsh legacy, making the essential accommodation and power shift between old and new orders that much more difficult.

A region-wide phenomenon has been the widespread revival of religious faith. The prominence of Islamist political parties has created an impression for outsiders that the principal challenge to inclusive pluralism is over the religious/secular divide. However, while some political polarization can be seen through a religious/secular lens, notably in regard to the intensely important issue of women’s rights, the larger issue is more classical: where does political authority lie, and how disbursed will it be to constituent parts of democratic society?

As the countries emerging from authoritarianism attempt to define political relationships and inherent rights, there is a focus on constitution-writing as both a social contract and binder of authority which creates an inherent friction. In this interim period, the urge to establish control through elections and then to embed the advantage constitutionally polarizes citizens and risks creating lasting damage to the social fabric. Additionally, elements of the “deep state” continue efforts to maintain their own controlling positions in these countries, play competing forces one against the other, and often amplify social mistrust by design. The weakness of the concept of the state itself means an absence of authoritative mediating institutions to help manage the political process which at present is visibly marred by both interest-based resistance to compromise and lack of political competence.

Overall, the polarization is between identity-based Islamist political groupings that are more or less tightly cohered and a non-primarily faith-based opposition forces which cover a more traditional left-to-right political spectrum. The latter are fragmented and unable to unify around a common positive agenda. This places them at a political disadvantage which does not reflect the roughly 50/50 divide in the countries that have thrown off dictators. This has encouraged overreach, most notably by the Muslim Brotherhood in Egypt, where identity issues obscure the need of compromise. Inability and/or unwillingness to admit and correct start-up mistakes has compounded the damage of these errors, deepening mistrust among communities and making establishment of durable and inclusive democratic processes more difficult. Moreover the lack of convincing policy solutions to their countries’ economic and social challenges encourages Islamist political groups to fall back on the identity “card”, but in the longer term the need to develop solutions to pressing problems may encourage a move toward political maturity and cooperation.

In Syria, the wide and deepening intercommunal (in the case of the Kurds, interethnic) mistrust among Syrian communities has not yet precipitated all-out civil war, despite the Assad regime’s assiduous efforts to achieve that end. Nevertheless, the fear of minority suppression has made a discernible impact and poses the greatest challenge to governance after Assad. This actually impedes the ouster of the regime. The relative strength of Islamists among the revolutionary forces in Syria has also grown. Given the paucity of Western assistance to anti-Assad forces to date (as opposed to that of Sunni-majority interested Gulf states and networks), this was to be expected. Intercommunal conflict if the regime does not depart, as opposed to being finally violently overthrown, is a possibility. Communal and local security is essential for basic trust for developing pluralistic governance in the post-Assad era. For this reason, there is a debate ongoing as to whether the communally based Lebanese model rooted in immutable minority entitlements presents a viable least-bad option for Syria, or whether it is a rather a cautionary tale of institutional and political paralysis. The challenge is to balance guarantees to ensure pluralism without permanently institutionalizing ethnic/confessional fiefdoms.

Politics at the local level is particularly important. Compromises among social and political communities often lacking at the state-level have emerged in local communities throughout the region. In Libya and now Syria, local organization is playing the gap-filling role civil society has

played elsewhere in enabling transitional stability. Democratic development has been initiated, spurred-on, and accelerated from the local level.

In terms of what roles Western and other democratic governments should play, it is worth noting that the discussion with experts from the region rated their role and influence as distinctly secondary, though still important. European and North American democracies had misread the region for decades because they mis-identified the (oppressive) status quo with stability, failing to see the inherent instability of unpopular governments.

There were two points on which there was considerable, but not universal, convergence. External actors should take care to “first, do no harm.” This particularly means avoiding being seen to play favorites or be seen to choose sides in ongoing political disputes. However, this political impartiality need not – must not – be manifest in an unwillingness to defend basic democratic values and internationally accepted human rights, which must be done consistently, in affected country by country. Much of the criticism articulated at the roundtable toward policies of particular Western governments (the US, France, and the EU in particular) was based on these two primary points of concern. For example, the United States was seen as having both dragged its feet too long in articulating its values during the Egyptian revolution, muted its criticism of abuses by the SCAF, and embraced the Muslim Brotherhood government too uncritically in its haste to establish partnership.

Finally, in terms of assistance, building links among people – for example, ambitious exchange programs of students, teachers, and young professionals both within the MENA region and between the West and the region – are the most likely to deliver durable and long-term gains. Small-scale NGO assistance, while valuable for capacity-building as well as humanitarian support, is unlikely to be able to play a role once actual uprisings begin. To the maximum extent possible, aid in the MENA region should support civil society, as opposed to the state-to-state approach which in the past bolstered authoritarian bureaucracies. The importance of trade unions, which have emerged as essential vehicles for articulating the social and economic demands behind the revolutions, should be clearly recognized. To maximize their impact, new instruments like the European Endowment for Democracy, as well as existing bilateral and multilateral donors, should aim to provide a funding pool with broad parameters for self-initiated projects from the region, rather than trying to set the priorities for funding from outside.

Being evidence-based, conference discussion was fraught with details of the concerns and obstacles to inclusive pluralistic and effective governance because the experience has thus far been complicated. Of course, political transition from dictatorship becomes less euphoric as the difficulties of governance are encountered by countless citizens with democratic intention but little democratic experience.

However, progress on the learning curve proceeds. There is an essential constructive role for education in the practice of inclusive democracy, but its lessons can often emerge rapidly from the experience of popular empowerment itself.

Perhaps democracy is a universal birth-right. But democrats need still to be made, and it takes time in circumstances where democratic behavior is still a novelty.

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