

REFORMS IN THE ARAB REGION
PROSPECTS FOR DEMOCRACY AND THE RULE OF LAW?

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ADVISORY COUNCIL ON INTERNATIONAL AFFAIRS
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Foreword

To complete this report with the necessary speed, the Advisory Council on International Affairs (AIV) decided at its meeting of 1 April to form a joint committee consisting of the following AIV members: Professor J.J.C. Voorhoeve (chair), F. Korthals Altes, Professor A. van Staden, Ms H.M. Verrijn Stuart and Professor A. de Ruijter (who however was unavailable on the dates of its meetings and was accordingly replaced by Dr B.S.M. Berendsen). The executive secretary was M.W.M. Waanders (executive secretary of the Peace and Security Committee), assisted by the trainees Ms Q. Genee and R.J.H. van Altvorst. E.H. Braam of the North Africa and Middle East Department acted as the civil service liaison.

In preparing the report, the AIV contacted a number of non-governmental organisations. We gratefully acknowledge the input of the Alfred Mozer Foundation, Free Press Unlimited, the Humanist Institute for Development Cooperation (HIVOS), IKV Pax Christi and Oxfam Novib.

As developments in the Arab region are currently unfolding very quickly, some information in this report may already be out of date by the time it reaches its readers.

The AIV adopted this report at its meeting on 27 May 2011.

Introduction

The turbulent political developments currently taking place in the Arab region confront the Netherlands with the question of how democratic forces in that part of the world can be supported. By adopting MPs Alexander Pechtold and Frans Timmermans' motion of 23 March 2011 (House of Representatives, 32 623, no. 9), the House of Representatives asked the government to request the AIV to issue an advisory report on the adequacy, in general and financial terms, of current Dutch and EU policy in support of democracy and the rule of law in the Arab and Persian Gulf region. The government accordingly asked the AIV on 18 April 2011 for this advisory report, posing the following questions:¹

- Are the EU's current instruments (including dialogue in the framework of the Association Agreements, aid, trade preferences, EIB loans and CFSP instruments) appropriate tools with which to support the Arab region's transition to democracy and the rule of law?
- How can the Netherlands' existing bilateral instruments be used effectively and efficiently to support the Arab region's transition to democracy and the rule of law?

Democracy and the rule of law

Several preliminary observations are necessary for the sake of clarity. Care is required in using the concept of democracy; it implies much more than the popular will or an aversion to particular autocracies. Democracy must not be equated with blind respect for electoral majorities in the absence of such crucial conditions as the separation of powers, civil rights and equality before the law. Majorities should respect the rights of minorities and not impose discriminatory, oppressive rules on them. Otherwise an electoral 'democracy' may emerge that oppresses women, gays, religious minorities, members of certain tribes and inhabitants of certain regions.

Elections that are held hastily and without due care cause problems whose effects may be felt for many years. Political parties must have a chance to prepare freely and adequately for elections. There should be a fair electoral law as well as free, pluralist reporting that is accessible to all voters. Orchestrated provocations or exertion of influence by the security forces are unacceptable; improper influence leads to a travesty of democracy.

In general, reforms that promote democracy and the rule of law are stimulated not by the state apparatus but rather by society: political parties, trade unions and civil society organisations. Foreign governments and institutions usually make only a limited contribution. Self-determination is the guiding principle for reforms that promote democracy and the rule of law in the Arab region. Nonviolent civic resistance on a massive scale can be very effective in advancing reforms. However, as soon as resistance becomes violent, either by choice or due to provocations, the likelihood of positive change decreases, because the security apparatus seizes on violence as a pretext to muzzle reformers.

It is also important to bear in mind that democratic reforms do not automatically

1 See Annexes I and II.

strengthen the rule of law. To do so requires independent courts, a constitution that safeguards civil rights, and many other preconditions. The rule of law is not created by decree, but must emerge from the best traditions of a country and its culture. It is important to recognise that in Islamic societies, which often have strong tribal bonds, religious sects and ethnic groups, the development of the law will take a different course than in Western European societies. At the same time, fear of a seizure of power by radical Islamist groups should be no reason for the Dutch government to give political support to regimes that have spurned the legitimate demands of the citizens of Arab countries.

Civil rights and political freedoms

Since their independence most Arab states have not managed to create a form of democratic governance capable of uniting the wide range of cultural and religious groups within their borders. They have never had representative democracies that did justice to the diversity of their populations. In the past, Arab nationalism often served to mask the internal conflicts in these countries and to curtail civil rights.² For example, the Syrian constitution declares that Arab nationalism and socialism are the only path to national progress, and that freedom of expression and other civil rights must be subordinated to this goal. Other Arab legal systems also tend to restrict freedom of expression. Several Arab constitutions offer protection against discrimination on religious, ethnic or linguistic grounds, but laws in most Arab countries discriminate greatly against women – although some progress has been made on women's rights in recent years in Algeria, Morocco and Tunisia, for example in family law.

Six countries in the Arab region – Kuwait, Libya, Oman, Qatar, Saudi Arabia and the United Arab Emirates – prohibit the formation of political parties. The other Arab countries often impose limits on the establishment and functioning of political parties, or curtail their freedoms. Lebanon and Morocco are exceptional in the margin of political freedom they allow, although these two countries also have democratic deficits.³

All the Arab countries except Libya recognise that civil society organisations and NGOs have the right to exist. This does not mean that civil society can operate in these countries in complete freedom, however. Interference with NGOs' work by the authorities in the Arab region, for instance through restrictive legislation, is common practice, though the extent of interference varies from country to country. A tactic used by Arab regimes to neutralise civil society is the establishment of their own NGOs, which have little or no contact with the public and owe their survival to the power of the regime. What genuine NGOs need is protection of their freedom of association, their freedom of expression, their freedom from state intervention and their right to acquire financial and other resources. The state must also meet its obligation to protect NGOs from crime and abuse of power. The absence of these protections in many Arab countries limits the scope for reform.

2 UNDP, *Arab Human Development Report 2009: Challenges to Human Security in the Arab Countries* (New York: United Nations Publications, 2009), p. 54.

3 *Arab Human Development Report 2009*, op.cit., pp. 58-59; Álvaro de Vasconcelos (ed.), 'The Arab Democratic Wave: How the EU Can Seize the Moment', Institute for Security Studies Report no. 9 (March 2011), pp. 7-9, 56-61.

Causes of social unrest

No single, simple explanation can be given for the uprisings and mass demonstrations in countries including Algeria, Bahrain, Egypt, Jordan, Libya, Syria, Tunisia and Yemen. Nevertheless, the social unrest in the Arab region can be attributed to a great extent to a few political and economic factors. Arab leaders have not managed anywhere over the past 60 years to fulfil their peoples' expectations of free and prosperous societies. These leaders' power has rested in most cases on a repressive security apparatus, which has allowed only minimal political freedom. In the name of Arab nationalism or socialism or out of fear of political Islam, opposition groups have been harshly repressed and civil liberties and human rights trampled underfoot. Consequently, a high proportion of the Arab population has lost confidence in their political leaders. In addition, in virtually all Arab countries economic growth has largely benefited the ruling elite without creating more employment or opportunities for young people, even those with higher education. Demographic developments have also produced an increase in the percentage of the population under 25, in some countries to over 50%.⁴ Frustration with the lack of political and civil liberties and the high level of economic inequality, combined with the lack of opportunity for young people, high youth unemployment, the oppression of women, widespread government corruption, and rapidly rising prices for the basic necessities of life, are all factors contributing to the massive protests across much of the Arab region.

Window of opportunity

What makes the recent developments in Tunisia, Egypt and other Arab countries so exceptional is the speed with which segments of the Arab population have thrown off their deep-seated fears. Peaceful protests have defied the autocratic regimes' police, armies and security forces, despite all the risks involved. Also significant is the use, particularly by young people, of social media and mobile phones to mobilise the greatest possible numbers for protests in the streets. A large majority of the population in the Arab countries do not have internet access, however, so these new media will probably play a smaller role as the transitions continue. The AIV would recommend further study of the exact influence of social media on the Arab uprisings. Televised images of the demonstrations on Arab news stations such as Al Jazeera and Al Arabiya have also helped carry the sparks of the Tunisian and Egyptian revolts to other Arab countries. So far only the Libyan protesters have resorted to arms, in their attempt to overthrow the regime of Muammar Gaddafi. In Yemen there is also a risk of escalating violence between government troops and the powerful Hashid tribal federation.

The changes in the Arab region can be expected to result in major geopolitical shifts. The countries in the region will undergo changes, not only in their domestic power structures, but above all in relation to one another. For example, we can be confident that Egypt will set a new course and claim a major role in the Middle East alongside Turkey and Iran. It has already visibly changed its stance towards Israel and the Palestinians.

Pro-reform forces in the region still have a long way to go before they achieve freedom, justice and democracy. This report focuses mainly on possible ways of supporting the transition in Tunisia and Egypt and the conditions on which support should be given. There is a window of opportunity in these two countries for supporting the still fledgling social transformation. The AIV also believes that the reforms in Morocco call for further

4 See Annexe III for some statistics on the social and economic situation in the Arab region.

reflection. The Moroccan reforms differ in a significant respect from the Tunisian and Egyptian transitions, in as much as the King has taken the initiative to amend the constitution. Morocco also has close ties to Europe, thanks to its cooperation with the European Union and the large numbers of immigrants of Moroccan origin living in European countries like the Netherlands.

The AIV realises that support for reforms is especially badly needed in those countries where the transition is proving particularly difficult. Our choice to focus on Tunisia, Egypt and Morocco is prompted by the conclusion, born of experience, that the current window of opportunity for fundamental improvements in their peoples' lives could close quickly, leaving only regrets at a missed opportunity.

We believe that if the transitions in Tunisia, Egypt and Morocco succeed, they could, despite the obvious differences among the countries of the Arab region, spur on current and future transitions in other Arab countries. The next chapter discusses the diversity of forms of government in the Arab region and the current developments in three other centres of conflict: Libya, Syria and Yemen.

The speed with which this report had to be prepared left us no time to examine our conclusions in the light of scholarly insights into constitutional and democratic change in different countries and regions, including Central and Eastern Europe.⁵ For this reason we focus on practical opportunities in the near future.

5 Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996).

I The diversity of developments in the Arab region

A thoroughgoing analysis of the political, cultural and economic differences among Arab countries would go beyond the scope of this report. However, a bird's eye view of the differences among the region's political structures can be helpful as we respond later to the question about the adequacy of Dutch and EU policies as tools with which to support the Arab region's transitions. One could classify the forms of government in the Middle East as follows:⁶

- repressive, autocratic states that are harshly repressing the calls for more civil liberties and socioeconomic justice. These include Bahrain, Iran, Libya, Saudi Arabia, Syria and Yemen;
- states in transition which, following an uprising against an autocratic regime, are moving towards democratic reforms and the rule of law. Egypt and Tunisia are the first Arab countries to have started such a transition;
- 'enlightened authoritarian' monarchies that are attempting a top-down approach to social reform, without much discussion of the monarch's own political power. These include Jordan, Kuwait, Morocco and Oman;
- unstable electoral democracies characterised by party formation along sectarian or tribal lines, such as Iraq and Lebanon. Lebanon generally tries to maintain power-sharing by the blocs as a new government is formed;
- various other cases (the Palestinian Territories, Iraqi Kurdistan, Sudan).

I.1 Repressive, autocratic states

Libya

Libya is currently enmeshed in a civil war whose outcome is still uncertain. The military support by members of NATO and the Gulf Cooperation Council (GCC) to the National Transitional Council in Benghazi in an effort, based on a mandate from the UN Security Council, to limit the number of civilian victims has not yet led to a breakthrough. The government in Tripoli seems to retain sufficient military might to consolidate its position.

The risk of a quagmire with greater numbers of victims must be minimised through a ceasefire. The AIV would draw the government's attention to the proposal for a peace mission.⁷ The Netherlands could lobby in the EU and the UN for the drafting of a third Security Council resolution, which would impose a ceasefire (on the basis of Chapter VII of the UN Charter) and call on member states to contribute to a peace mission. The mission would enforce the ceasefire, help relieve the most severe hardships of the population and help maintain law and order in areas that are not under the effective

6 Taken from the HIVOS advisory report, 'The Netherlands and the Middle Eastern Uprisings: How to Accompany Transformative Changes', The Hague, May 2011.

7 See 'Brahimi: VN-vredesmacht kan een uitweg bieden voor Libië' ('Brahimi: UN peace force can give Libya a way out'), *NRC Handelsblad*, 23 April 2011.

control of the government in Tripoli. The challenge would be to draft the mission's mandate in such a way that it did not undermine UN Security Council Resolution 1973 and would not be vetoed. Perhaps mediation by a state with veto power, such as the Russian Federation, could help make this possible. If such a resolution is adopted, the Netherlands will face the question whether it can contribute to a peace mission in Libya, and if so how. It would be difficult in that case for the Dutch government to evade its responsibility. It should be clear that the current stalemate in Libya cannot be allowed to continue much longer.

Syria

The arrest in mid-March of a group of young people who had painted anti-regime slogans on walls in the city of Daraa set off a wave of protests on the streets of Syria. Demonstrators in Daraa demanded the release of these young people and of other political prisoners. The security forces shot at the demonstrators with live ammunition, thereby unleashing a myriad of protests in other cities, including the capital, Damascus. Many cities were sealed off from the outside world while the security forces rounded up residents who sympathised with the demonstrators. Even though foreign journalists were denied entry to Syria and there is no independent Syrian press, social media allowed the world a glimpse 'over the demonstrators' shoulders' to witness these dramatic events. The deployment of troops and tanks in cities in revolt shows that President Bashar al-Assad's regime intends to suppress the popular uprising.⁸ By the end of May, according to Amnesty International, at least 720 people had died.⁹

President Assad's announcement that planned reforms would be sped up and that the state of emergency, in effect for 48 years, would be lifted seems to have had no effect whatsoever. The street demonstrations are continuing, as is their violent repression by the security forces and military. International sanctions against Syria have not yet had any visible impact on the country's critical situation, and the Assad regime is not yet showing any sign of internal divisions as a result of the crisis.

It is vital to continue exerting strong pressure on the regime, bilaterally, through the EU and through international organisations, to stop the violent repression of the protests.

Yemen

Since the protests against President Ali Abdullah Saleh began this February, the country's already weak economy has been even more severely depressed. The worsening of the economic situation has intensified divisions among the protesters, between young people whose grievances are mainly socioeconomic in nature and established political movements which are aiming for political change.¹⁰ The poverty-stricken country is also

8 'Q&A: Syria Protests', 12 May 2011, BBC News: Middle East, <<http://www.bbc.co.uk/news/world-middle-east-13374395>>, retrieved on 13 May 2011; 'Syria: Arab States Should Push for End to Killings', 27 April 2011, Human Rights Watch, <<http://www.hrw.org/en/news/2011/04/27/syria-arab-states-should-push-end-killings>>, retrieved on 13 May 2011.

9 'Syria Video Points to "Shoot to Kill" Policy of Security Forces', 26 May 2011, Amnesty International, <<http://www.amnesty.org/en/news-and-updates/syria-video-points-%E2%80%98shoot-kill%E2%80%99-policy-security-forces-2011-05-26>>, retrieved on 31 May 2011.

10 'Economie Jemen stort in na opstand' (Yemen economy collapses after uprising), *NRC Handelsblad*, 19 April 2011.

plagued by chronic tribal conflict, overpopulation, unemployment, corruption, separatism in the South and jihadist extremism.

President Saleh's position seems untenable, yet he is still often seen in Yemen and abroad as the only man who can hold the country together. Its economic, cultural, ideological and tribal divisions formed the basis for his power.¹¹ A well-developed patronage system has so weakened the structures of the state that Yemen risks becoming a failed state enmeshed in civil war, comparable to Somalia.¹² The problem of piracy off Yemen's coast, the existence of the world's largest oil reserves in neighbouring Saudi Arabia, and the presence of al Qa'ida in Yemen itself all ensure that the outcome of its current crisis will have a substantial regional and global impact.

Yemen is a partner country for Dutch development cooperation. Peaceful political and economic reforms are vital, but the intricacies of intertribal relations make this complex. The AIV believes that the Netherlands' development ties with Yemen should be limited to emergency aid and programmes in support of civil society organisations. All other programmes should be suspended as long as President Saleh is still in power and the violence persists.

1.2 States in transition

The uprisings against the autocratic regimes in Tunisia and Egypt are creating opportunities to institute democratic reforms and strengthen the rule of law in these countries. However, the prospects for such reforms can be blighted by repressive measures that, with or without elections, enable elements of the old regimes to continue to monopolise power.

Tunisia

The power of former dictator Ben Ali's regime rested on two pillars: repression combined with a policy meant to ensure macroeconomic growth. His regime began to totter as soon as the worsening economic situation in Tunisia – unemployment, low wages and high food prices – resulted in profound discontent and social unrest among a population rapidly sinking into poverty. Political repression alone was not enough to keep the regime afloat. The popular uprising was mainly caused by the deteriorating economy, for which almost all Tunisians paid a price.¹³

Egypt

Since Hosni Mubarak's inauguration as president in 1981 a state of emergency has been in effect, which gives the government and security apparatus extensive powers to maintain public order and restrict civil rights. This infringement on the freedom of

11 Karima Bazi, 'Strijd om "hearts and minds" in Jemen' (Fight for 'hearts and minds' in Yemen), *Atlantisch Perspectief* 34: 6 (October 2010).

12 'Alleen geleidelijk afscheid van Saleh voorkomt bloedbad in Jemen' (Only Saleh's gradual departure can prevent bloodbath in Yemen), *NRC Handelsblad*, 9 April 2011.

13 Susi Dennison et al., 'After the Revolution: Europe and the Transition in Tunisia', European Council on Foreign Relations policy memo, March 2011; Ko Colijn et al., 'De hernieuwde Arabische lente: tussen revolutie en revolutie' (The renewed Arab Spring: between revolt and revolution), Clingendael Policy Brief 1 (February 2011), pp. 4-5.

political organisation in Egypt made the parliamentary elections in November 2010 a farce. Only a quarter of the Egyptian people took the trouble to go to the polls. Egypt is one of the poorest countries in the Arab region; 40% of its population has to survive on less than USD 2 a day. There are not enough jobs available for the rapidly growing workforce. Food prices have risen sharply in a short period of time. All these factors were significant in provoking the spontaneous popular uprising that broke out in Cairo and other Egyptian cities on 25 January 2011, heralding the fall of the regime's top leaders.¹⁴

1.3 'Enlightened authoritarian' monarchies

Morocco

In the wake of the Tunisian and Egyptian uprisings, a very heterogeneous movement emerged in Morocco of young graduates, trade unionists, members of left-wing political parties, Islamists, journalists and intellectuals. Chanting the slogan 'Freedom, Democracy and Equality', the protestors called for political reforms and economic and social justice. Unlike Ben Ali and Mubarak, King Mohammed VI responded sympathetically to the demonstrators' demands. In a speech on 9 March 2011, he announced that a commission of independent experts would prepare constitutional reforms, which would be submitted to a popular referendum. It is still unclear whether these reforms will lead to a decrease in the king's own political power and whether a transition to a constitutional monarchy lies ahead.¹⁵

14 'Workshop Report: Egypt in Transition', Chatham House, April 2011; De Vasconcelos (ed.), op.cit., p. 58; Colijn et al., op.cit., pp. 5-6.

15 José Ignacio Torreblanca, 'Springtime in Morocco', European Council on Foreign Relations, 12 April 2011, <http://ecfr.eu/content/entry/commentary_spring_in_morocco>, retrieved on 22 April 2011.

II Dutch support for the transitions in the Arab region

The Dutch government acts on the principle that support for transition and reforms in the Arab region should be channelled as much as possible through the EU and international institutions (including financial institutions). In cases where the Netherlands has good contacts with pro-reform civil society organisations and has relevant expertise and experience, the decision can be made to supplement multilateral assistance with bilateral and social initiatives.¹⁶ In this connection, the AIV would like to highlight Dutch experiences in Central and Eastern Europe with the Matra programme, Dutch fragile states policy and Dutch policy on democratisation, good governance and human rights. We view these as useful tools for policy in support of transitions in the Arab region.

II.1 The Matra programme

After the revolutionary developments in Central and Eastern Europe in 1989, the Netherlands' social transformation programme (Matra) responded to these countries' desire for funding for projects in support of pluralism, democracy and the rule of law. Values such as active citizenship, social dialogue and transparent and accountable government were at the heart of the programme. After the former Eastern Bloc countries' accession to the European Union, the Matra programme evolved to become a Dutch complement to the European Pre-Accession Programme and Neighbourhood Policy.¹⁷ The programme focused on the EU's and NATO's current and potential candidate countries and new eastern neighbours, and since 2004 several southern neighbours¹⁸ as well. In 2009 it was decided to end the Matra programme for these southern neighbours. In the meantime the Dutch government decided to create a new facility, analogous to the Matra programme, to support the transitions in the Arab region.¹⁹ The AIV endorses this decision, and would add that this programme should be coordinated as much as possible with similar initiatives by other European countries. The EU also has an opportunity now to work constructively with Turkey to promote the social transformation of the Arab region.

II.2 Fragile states policy

The Netherlands has a policy aimed at promoting human security in fragile states with poor governance and a weak legal order by tackling the underlying causes of instability.²⁰

16 Letter to parliament from the Minister of Foreign Affairs on the situation in the Arab region, 25 March 2005.

17 Letter to parliament from the Minister for European Affairs and the memorandum 'Matra Modernised', 3 November 2009; 'The European Union's New Eastern Neighbours', AIV advisory report no. 44, The Hague, July 2005.

18 Algeria, Jordan, Lebanon, Morocco, Syria and Tunisia.

19 Letter to parliament on the Arab region, op.cit.

20 Letter to the House of Representatives presenting the spearheads of development cooperation policy, 18 March 2011; 'Crisis Management Operations in Fragile States: the Need for a Coherent Approach', AIV advisory report no. 64, The Hague, March 2009.

Three interlinked objectives have been defined for this policy:

1. contributing to legitimate governments with enough capacity to carry out the most essential tasks;
2. improving human security and promoting the legal order, for example by reforming the army and police, improving the administration of justice and combating corruption;
3. achieving visible results through rapid delivery of social services and employment.

Strengthening the capacity of legitimate governments requires looking beyond the state apparatus. Countries like Egypt and Tunisia badly need a strong civil society that can be an intermediary between the powerful state and its citizens. There is, for instance, a need for civil society organisations devoted to raising public awareness of active citizenship and political and cultural rights. In the AIV's view, focusing Dutch policy in the Arab region on strengthening an independent civil society, including independent trade unions, can give a major impetus to the emergence of new democratic structures in the region. A dynamic civil society helps promote freedom, justice and democracy.²¹

The Netherlands has some experience with capacity building in the fields of the rule of law and security sector reform in fragile states. Dutch policy expertise in these fields is concentrated in two interministerial committees – the Police and Rule of Law Steering Committee and the Steering Committee for Security Cooperation and Reconstruction – chaired by the Ministry of Foreign Affairs.

The AIV would advise the government to enhance Dutch expertise and analytical capacity in the fields of the rule of law and security sector reform in the Arab region. More attention must be paid, for example, to the development of knowledge of and expertise on the Arab region among foreign service staff. This will promote knowledge retention over time, as staff are transferred to different positions and locations. At present a great deal of knowledge is lost through the rapid turnover of staff due to the Ministry's policy of frequent transfers. The Ministry's capacity at the foreign missions and in The Hague must also be enhanced to match the Netherlands' ambitions and respond more effectively to the development of the rule of law and of the human rights situation in the region. Dutch NGOs' expertise and analytical capacity could also be used more effectively, in the AIV's view, in giving advice about possible Dutch contributions to capacity building in the fields of the rule of law and security sector reform in the Arab region.

In the short term, little tangible progress can be expected in Egypt and Tunisia in meeting the needs of the underprivileged and unemployed. The EU and international institutions (including financial institutions) can join with the Egyptian and Tunisian interim governments to quickly develop plans for economic recovery and more

21 A study by the Foundation for International Relations and External Dialogue (FRIDE) of foreign support for democratisation in 18 Arab countries shows that reform movements in the region benefit more from concrete political support to their struggle for reforms than from the great number of seminars that European policymakers are organising on the significance for the Arab region of the transitions in Eastern Europe and the Balkans. The questions and needs of civil society in the region should be determinant in planning programmes in aid of democratisation.

employment.²² The Netherlands can help influence these plans through the EU, the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the International Monetary Fund (IMF), the World Bank and the African Development Bank (AfDB). The AIV views the Danish-Dutch proposal for a Euro-Mediterranean Economic Area as a constructive contribution to this effort.²³

II.3 Democratisation, good governance and human rights

Over the past two decades, support for democratic reforms, good governance and human rights has been a major theme of Dutch policy towards the Arab region. The Netherlands has made a major investment in capacity building in support of a viable Palestinian state. Less well-known is the financial support provided by Dutch embassies in the Arab region to projects, often on a small scale, in the field of democratisation and human rights (including women's rights and religious freedom). These projects are financed through the Human Rights Fund and the Fund for Development, Pluralism and Participation (FOPP) in Islamic countries.²⁴ These bilateral aid instruments allow the Netherlands to amplify the voices of civil society organisations that can sustain the current transitions in the Arab region. The AIV believes that women's organisations should be integrally involved in these transitions and therefore need focused attention and support. All these forms of support are necessary both in countries where the people have already taken the road of democratic reform and in countries where autocratic leaders are still firmly entrenched. It is vital that Arab activists for democracy and human rights who are silenced and threatened in their own countries be able to count on outside political and moral support, particularly when it enables them to link up with like-minded people in other Arab countries. The AIV would also highlight the great number of innovative projects launched by Dutch cofinancing organisations that have helped build civil society organisations in various countries of the region.

II.4 Support for civil society and political parties

Both before and after the uprisings in Tunisia and Egypt, many international discussions have been conducted with activists and experts from the Arab region²⁵ about opportunities and prospects for fundamental political reforms in that part of the world.

22 The World Bank estimates that about 35-40% of young people in the Middle East between the ages of 15 and 24 are unemployed, and that at least 40 million jobs need to be created in the region in the next ten years.

23 Lene Espersen and Uri Rosenthal, 'Towards a Euro-Mediterranean Economic Area', *European Voice*, 24 March 2011.

24 The Minister of Foreign Affairs' Human Rights Report for 2009 gives an extensive account of Dutch efforts to promote democracy and human rights in the Arab region. In Tunisia, for example, projects are being supported to promote the rights of vulnerable groups, specifically unwed mothers and people with disabilities. In Egypt support is being given to capacity building at the National Council for Human Rights (NCHR) and other human rights groups. In Morocco support mainly goes to projects promoting press freedom and women's rights.

25 Such as the international conference on 'Political Reform in the Arab World: Problems and Prospects', Stanford University, 10-11 May 2010, and the Chatham House workshop 'Egypt in Transition', Cairo, March 2011.

These discussions have also addressed the risks of failure if high expectations are not met. Most Arab activists and experts do not expect that current Arab leaders would be willing to make major political reforms; reforms only have a chance of success if they are wrested from the state by civil society and opposition parties. However, in the past, the work of civil society and opposition parties has been systematically obstructed and their freedom of action curtailed. For this reason, NGOs in Tunisia, Egypt, Morocco and other countries deliberately chose to more or less avoid politics, to shield themselves from an outright ban. For example, efforts to improve women's rights often take the form of socio-medical projects. Even after the uprisings in Tunisia and Egypt and the promise of constitutional reforms in Morocco, the restrictions on NGOs and opposition parties have still not been entirely lifted and their activists are still not safe from harassment by the police and security forces. There is still a substantial risk that the reforms will be rolled back and that democratisation will be nothing more than a facade. Political instability may be fuelling discriminatory and anti-feminist attitudes. In Egypt, for example, women have not been involved in the review of the constitution, and the women's movement is being ignored or harassed. The AIV therefore believes that Dutch diplomats should closely and critically monitor the margin of political and social freedom enjoyed by activists, NGOs, the women's movement and political parties, both in the countries mentioned above and in the rest of the Arab region. The authorities in the region should be called to account when they subject activists and reform-minded politicians to harassment, violence, unlawful detention or torture.

The AIV recommends that the Dutch government commit itself to supporting civil society and political parties in the following ways.

1. It is important for Dutch diplomats to critically monitor the human rights situation in the region, especially violence against demonstrators, arrests of reformers and proceedings in military tribunals. Adequate analytical capacity must be available at embassies for this purpose.
2. As a matter of priority attention should be paid not only to governance reforms but also to the development or reinforcement of civil society: political parties, NGOs and trade unions. Support should be given to organisations in the region campaigning for human rights and fundamental freedoms, for the socioeconomic rights of the urban poor and small farmers, and for women's rights and participation,²⁶ as well as to micro-finance institutions. It is also important to offer future prospects to the greatest possible number of aspiring entrepreneurs. Training and exchange programmes aimed at sharing knowledge and experience can have demonstrable value for all these groups. Egyptian NGOs would like to learn from Dutch NGOs about the course of the transition in Eastern Europe. However, we would advise against funding new, large-scale projects run by persons and organisations without well-established credentials as reformers. Preference should be given to multiyear agreements with reliable, independent NGOs that have a record of long-term ties with Dutch NGOs.
3. Long-term plans should be developed for supporting civil society. Meanwhile in the short term, support is needed to strengthen awareness-raising, advocacy, campaigning, human rights education and organisational development. New

²⁶ This should include not only urban feminist organisations but also organisations for marginalised rural women, widows, divorced women and women living in absolute poverty.

organisations need guidance and capacity building to ensure that their spending is properly accounted for.

4. Long-term plans should also be developed for supporting capacity building for political parties, in cooperation with the Netherlands Institute for Multiparty Democracy (NIMD), the International Institute for Democracy and Electoral Assistance (International IDEA) and the Association of European Parliamentarians with Africa (AWEPA). Dutch efforts towards this end should not be limited to secular parties, which are still thin on the ground, but should focus on Islamic parties dedicated to democracy. It is also important to supplement activities in urban areas with capacity-building programmes in rural areas.

II.5 Support for trade unions

The Netherlands has a policy instrument for supporting the trade union movement and promoting trade union and labour rights worldwide. Each year the Dutch government earmarks approximately EUR 16 million for the Trade Union Cofinancing Programme (VMP) run by the Trade Union Confederation FNV and the National Federation of Christian Trade Unions (CNV).²⁷

The Egyptian trade union movement was viewed for many years as an arm of the state. Employees were often required to join the union, and union activities were subjected to close monitoring by the state. In the last several years, however, Egyptian unions have gradually taken a more independent stance. Experiences with mobilising workers for strikes were important for the organisation of the protests that led to Mubarak's fall.²⁸ The AIV notes that the transitions in Egypt, Tunisia and Morocco include socioeconomic as well as political reforms. As representatives of employees' interests, independent unions must have a major voice in decision-making on needed socioeconomic reforms.

The AIV advises the government, in cooperation with the FNV and CNV, to explore options for building the capacity of an independent trade union movement in Egypt, Tunisia and Morocco, and to develop a multiyear plan to this end.

²⁷ See the Minister of Foreign Affairs' Human Rights Report for 2009, pp. 154-155.

²⁸ Heba Handoussa et al., *Egypt's Social Contract: The Role of Civil Society*, Egypt Human Development Report 2008 (New York: UNDP, 2008), pp. 112-16; Colijn et al., *op.cit.*, p. 5.

III International support for transitions in the Arab region

III.1 The European Union

The EU is expected to make a significant contribution to political and social reforms in the Arab region. This expectation is based primarily on Europe's significant interests in this area. As the region's largest trading partner, Europe is an important factor for the Arab world, particularly the countries of the Maghreb.²⁹ Yet at the same time, non-European investments in the Maghreb – mainly from the Gulf States, but also from the US and China – have been growing exponentially.³⁰

A Euro-Mediterranean Partnership (EMP, also known as the Barcelona Process) was formed in late 1995. Its three main goals were: (1) creating a common area of peace and stability by enhancing the political and security dialogue, (2) forming a zone of shared prosperity by means of an economic and financial partnership and the gradual establishment of a free trade area and (3) seeking common ground between the peoples of the participating countries on the basis of a social, cultural and human partnership aimed at encouraging intercultural understanding and civil society exchanges.

Promoting democracy, good governance and human rights was a key agenda point at the periodic talks held between participating countries at various levels, both political and non-political. In 2003 the EMP was integrated into the broader framework of the European Neighbourhood Policy (ENP), which also encompasses Eastern Europe and the Southern Caucasus. Formed on the eve of the last major enlargement of the EU, the ENP seeks to prevent the appearance of new divisions on the continent between countries that are admitted as a member states and countries for which the doors of the Union remain closed, either temporarily or permanently. To this end, Brussels has offered the prospect of gradual integration into the internal market and closer political cooperation. Primarily at the urging of France, the EMP was replaced in 2008 by a Union for the Mediterranean. It is a broadly held view that the Barcelona Process needs a fresh impetus.

Up to now, the EU has not been able to persuade the governments of the region to embrace the path of reform. It is worth noting that with the Mediterranean countries the EU has been unable to use the most powerful tool of promoting change – the prospect of Union membership – as it had done to great effect in Central and Eastern Europe. However, other policy instruments are still available: trade, investment and projects to combat unemployment (especially among the young) and strengthen civil society groups, trade unions, human rights institutions, democratic political parties and independent professional media.

29 Over 70% of the Maghreb countries' trade is with Europe. See Claire Spencer, 'North Africa: New Challenges, Old Regimes, and Regional Security', International Peace Institute Working Paper, November 2008, p. 3.

30 Edward Burke, et al., 'Why the European Union Needs a "Broader Middle East" Policy', FRIDE Working Paper, February 2010, pp. 1-5.

The AIV believes that in cases where EU policy has not achieved its aims, the explanation must be sought not in the shortage of sufficient instruments but in the way they were used. The EU did not do enough to stress the development of an independent private sector, shielded from political influence. Concern about the lack of democracy and weak (or even non-existent) adherence to the rule of law receded as European leaders gave higher priority to forming an alliance against political Islam, fighting terrorism and stemming the tide of immigrants from North Africa. A factor of particular importance in this connection is that, in the eyes of the Arab world, the EU has not done enough to distance itself from Israeli policy.

The theory that wealth creation will ultimately benefit the population as a whole by way of a trickle-down effect has been disproven. There have also been complaints from Europe's southern neighbours that their partnership with the EU is marked by pervasive paternalism. It was first and foremost the EU that assessed these countries' needs and proposed the policy instruments to be used. Many leaders of neighbouring countries to the south did not attend the 2005 EMP summit in Barcelona owing to dissatisfaction with what they saw as the excessive conditionality attached to the proposed EU assistance. The rise of reform movements in various Arab countries gives the EU fresh opportunities for better policy.

In reply to the government's first question, the AIV believes that the EU's current instruments are, in principle, suitable for supporting the Arab region's transition to democracy and the rule of law. At the same time, the AIV realises that pressing for a major increase in EU budgetary funds is not realistic in the present political and economic climate. The main challenge is to use available resources more effectively. The EU must do its utmost to align itself as far as possible with the aspirations and wishes of the grass-roots reform movements. Criticism has been voiced of the EU's slow response to the revolutions in Egypt and Tunisia, and the AIV shares this view. This lag has created scope for solo diplomatic ventures by individual member states, particularly the larger ones, thereby making it more difficult to reach agreement on a common European policy approach.

Meanwhile, the EU has taken action, with the High Representative of the Union for Foreign Affairs and Security Policy and the Commissioner for Enlargement and European Neighbourhood Policy issuing a Joint Communication in March that will form the basis for further EU efforts to help its southern neighbours. With a 'new partnership for democracy and shared prosperity', the EU envisions agreements on closer political and economic cooperation with states that are making visible progress on democratic reforms. Free and fair elections are the gateway to this new partnership.³¹ This Communication was followed by a new version of the Neighbourhood Policy, which proposes raising the ENP budget for 2011-2013 from EUR 5.7 billion to EUR 6.94 billion. This budget would be available to all neighbouring countries, not only those to the south.³²

The European financial institutions – the EBRD, the EIB and the EU development budget – can contribute to this partnership. They can expand investment in certain ongoing programmes, while reducing that in others. In addition, the EBRD and EIB

31 European Commission/HR, 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean', 8 March 2011.

32 European Commission/HR, 'A new and ambitious European Neighbourhood Policy', 25 May 2011.

can borrow funds on the capital market for additional programmes in countries that are reforming their economy, employment policy and national budget. In such cases, the right conditions for good governance must be set (e.g. anti-corruption measures, transparency and the development of non-state institutions, both businesses and civil society organisations). The European Council has decided to increase the level of EIB loans to southern neighbours by EUR 1 billion for the 2011-2013 period. At the request of the EU, the EBRD has decided to provide aid to Egypt; starting in 2013, the EBRD will earmark approximately EUR 2.5 billion annually for loans to Egypt.³³

The AIV advises the Dutch government to work along the following lines within the EU to support the transition process in the Arab region:

1. Reforming the justice sector, including the police and prison system, is a major priority. Public safety is declining, even in countries that are pursuing reform. In some countries the police are viewed mainly as a threat. Legal assistance and access to the legal system must be improved and more can be done to promote mediation and informal justice.
2. Efforts to promote democracy and the rule of law must also focus on reforming the security sector. Acceptance by the armed forces of the primacy of political leaders is important for the success of the democratic transformation.
3. Reducing unemployment, particularly among the young, is a highly urgent matter and a condition for future social stability. For the Arab world, as elsewhere, small and medium-sized businesses are the most important source of employment. Accordingly, the development of this sector must be promoted vigorously by means of technical assistance and soft loans. The needs of poor and marginalised people should be an explicit component of economic and trade policy. Given the level of economic development in the countries concerned, it seems likely that the agricultural sector continues to account for a relatively large proportion of the economy. The prosperity of this sector is highly dependent on the openness of the European market.
4. Until now, it has been mainly the Southern European countries that have opposed greater market access for agricultural products from North Africa. Efforts to protect the Southern European agricultural sector are a dead end; by contrast, there are benefits to be gained from modernising Southern European agriculture. Indeed, this should be the guiding principle of European agricultural policy, which should not shy away from competition with producers from outside the Union. It is worth noting that the broadly anticipated global food scarcity could help to reconcile the clash of interests between agricultural sectors inside and outside Europe.
5. The mobility partnerships that the EU is looking to conclude with partner countries should be interpreted in broad terms. The prospect of temporary residence in an EU country should be extended not only to students, researchers and businesspeople, but also to journalists and representatives of civil society organisations.
6. To the greatest possible extent, the conditionality of aid under the Neighbourhood Policy should be framed in positive terms and tied to progress in developing democracy and the rule of law (including transparency, the open provision of information to parliament and free media) and protecting human rights (including women's and religious rights). This means that financial resources should be used mainly to reward accomplishments or stimulate ongoing, promising developments, such as the reinforcement of private institutions and small and medium-sized enterprises. The motto 'more for more' must be applied consistently. Experience with the use of positive conditionality towards the EU's eastern neighbours shows,

³³ Ibid.

- however, that its effectiveness depends entirely on the extent and impact of the economic advantages. Consequently, the instrument of positive conditionality must be employed selectively but generously in those Arab countries with which a partnership for democracy and shared prosperity will be concluded.
7. Calls to transfer funds from the ENP budget from Eastern Europe (and the Caucasus) to North Africa must be resisted. The EU has just as much interest in promoting prosperity and stability in its eastern neighbours as in its southern neighbours.
 8. The mandate of the EBRD should be expanded to include Egypt and other countries in the Arab region, with due regard for strict conditions on good governance.
 9. In the interest of fighting corruption, the Netherlands and the EU should press for the abolition of bank secrecy in countries that guarantee it. To the greatest possible extent, the fortunes of regimes that have been stashed away in foreign investments must be sent back to be used for investments that can benefit the population. Promoting professional investigative journalism can also help spotlight and combat corruption.
 10. EU member states and their NGOs should invest in analytical capacity for Arab countries, with a view to evaluating internal developments and local organisations that implement aid programmes. Both the EU and the NGOs would be well advised to do more to cultivate their own expertise in the region.
 11. A regular dialogue between the European governments, civil society groups and the business community is needed on their joint contribution to supporting reforms in the region.
 12. The EU can be of great assistance in supporting the preparation and monitoring of elections.

III.2 International organisations

The UN possesses a range of policy instruments for establishing peace and security, promoting the international legal order, reconstruction after an armed conflict, and fostering economic, social and cultural development. When it comes to using these instruments, however, the UN is highly dependent on contributions by individual member states. Primary responsibility for maintaining peace and security lies with the UN Security Council.

The United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) can play a major role in the further development of civil society and civil rights in the Arab region, and the UNDP will soon release a strategy for democratisation of the region. The Arab Human Development Reports, which have been drawn up since 2000 by individuals and groups in the Arab world with UNDP support, have also proven to be valuable tools for highlighting and addressing political and social problems in the region. On the other hand, UNDP, like OHCHR, lacks the financial resources of other international organisations, such as the World Bank Group, the IMF and the Arab Development Fund, as well as the abovementioned EIB, EBRD and the EU.

A number of Arab countries are increasingly dependent on loans, due to the evaporation of their own income as a result of political unrest. Countries in the region that are energy importers and which are experiencing political unrest are witnessing a fall in

income on account of declining tourism and stagnating foreign investment.³⁴ Food and energy prices are fluctuating wildly. Countries like Egypt, Tunisia, Yemen and Syria in particular can face liquidity shortages thanks to falling income from abroad and rising domestic expenditure. New expenditure is needed to achieve inclusive growth with a greater focus on employment, rural development, education and health care. It may be possible to freeze a portion of disputed assets through prosecutions for corruption. It is an open question whether efforts to redirect the assets of autocratic leaders to opposition movements will succeed in the courts over the short term.

Various countries will approach the IMF, the World Bank and other international financial institutions for budget support, credit and debt refinancing. Tunisia, for example, can expect USD 500 million in budget support from the World Bank and the AfDB in support of good governance, public services and youth employment, as part of an international aid package of USD 1.2 billion for Tunisia. The World Bank has also agreed a loan of USD 2.5 billion for development projects in Egypt, including financing for entrepreneurs.³⁵ It will take time, money and effort before the fruits of reform and democracy can be enjoyed. The economic benefits of more transparent governance and less corruption may be substantial, but the business community generally thinks less about these long-term gains than about the declining cash flows it faces in the short term.

The Netherlands can urge the governing bodies of the IMF and World Bank to relax assessment criteria for countries that are implementing reforms, so that they take account of a country's political situation and not just its financial soundness. The IMF and World Bank can also provide support to countries in the Arab region in the form of technical assistance with policymaking. Moves towards privatisation must be monitored critically, as they can involve the sell-off of state enterprises to individuals employed by a branch of government, at the expense of the general public interest in good service and low costs.

Up to now, multilateral investment banks have concentrated mainly on extending credit to governments, investing very little in private institutions. World Bank President Robert Zoellick is considering extending credit to the not-for-profit sector in order to boost the capacity of civil society organisations promoting transparency, accountability and service. On the basis of its own research, the World Bank Group has concluded that World Bank projects lead to better service and less corruption when civil society organisations are involved. In a recent speech on the subject President Zoellick argued for 'modernized multilateralism', with a regional focus on the Middle East and Africa.³⁶ The AIV advises the government to lend strong support to this possible innovation by the World Bank and to work towards similar changes in other international financial institutions. As a donor to the AfDB, the Netherlands can also press for similar innovations at that bank. This is in keeping with the Dutch commitment to work with the AfDB to develop the private sector on the African continent.³⁷

34 The IMF has calculated that oil-importing countries in the Arab region will need USD 160 billion in international aid over the next three years. The IMF itself will be providing USD 35 billion of that amount.

35 'World Bank Offers Aid to Egypt and Tunisia', *New York Times*, 24 May 2011.

36 Speech by World Bank President Zoellick at the Peterson Institute, 6 April 2011.

37 See <<http://www.rijksoverheid.nl/nieuws/2011/04/17/wereldbank-voorjaarsvergadering-bespreekt-aanpak-schommeling-van-voedselprijzen-en-fragiele-staten.html>> (in Dutch), retrieved on 13 May 2011.

The AIV is of the opinion that official credit policy and debt refinancing should focus more on the requirements of good governance, thus helping to promote reform, democratisation, the fight against corruption, and the rule of law.

III.3 Regional organisations

The past few years have seen increasing self-confidence among regional organisations like the African Union (AU), the Arab League, the Organization of the Islamic Conference (OIC) and the Gulf Cooperation Council (GCC). However, recent developments in the Arab region have confronted governments of the member states with the fundamental choice between real reform and the preservation of existing power structures. Regional organisations are taking different approaches to the crises in the Arab region.

The **African Union** is mainly involved with the crisis in Libya. On 11 April 2011 the AU presented a road map for a ceasefire and subsequent political peace process. Thus far, the AU's diplomatic efforts have not been able to achieve any breakthrough in the Libyan conflict, though the international stature of the National Transitional Council in Benghazi has increased thanks to the AU's peacemaking efforts. It is in any case remarkable that the AU has expressed its support for a political solution, including the departure of Gaddafi, given that the Libyan regime has been by far the largest financial contributor to the AU in recent years.³⁸

The **Arab League** has had great difficulty in reaching a consensus on the revolutions and crises in the region, principally because the sovereignty of Arab countries is one of the League's core principles. The League did decide to ask the UN Security Council to impose a no-fly zone over Libya, after Gaddafi had openly threatened to liquidate opponents of his regime. Otherwise, the League is not a major player in the tumultuous developments in the region. An Arab summit that was to be held in Baghdad was postponed indefinitely. This was probably at the behest of the Gulf States, which were expressing in this way their displeasure with the Iraqi government for voicing support for Shiite demonstrators in Bahrain. Recently, the Arab League was subjected to considerable criticism because it continued up to the last moment to back Syria's candidacy for the UN Human Rights Council.³⁹

Less close-knit than the Arab League, the **Organization of the Islamic Conference** is increasingly faced with the same problems of internal divisions. For example, the organisation's lack of comment on the crisis in Bahrain provoked vehement criticism from Iran.⁴⁰

The **Gulf Cooperation Council**, which consists of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE), is the least heterogeneous regional organisation in the Arab world. Its statute contains a provision that 'any danger

38 See <<http://www.cnsnews.com/news/article/african-union-recipient-gaddafi-funds-si>>; <[http://www.au.int/en/sites/default/files/Final%20version.%20AU%20speech.%20Rome.%2005.05.2011\].pdf](http://www.au.int/en/sites/default/files/Final%20version.%20AU%20speech.%20Rome.%2005.05.2011].pdf)>.

39 See <http://bosco.foreignpolicy.com/posts/2011/04/28/the_arab_leagues_15_minutes_are_ending>, retrieved on 20 May 2011.

40 See <<http://babulilmilibrary.com/news/iran-urges-oic-ipu-actions-on-bahrain>>, retrieved on 20 May 2011.

threatening a GCC state is a threat to all member states'.⁴¹ This provision was invoked to justify the crackdown on protests in Bahrain with the help of Saudi security forces. In neighbouring Yemen, the GCC is trying to find a way out of the political crisis by diplomatic means – so far without success. The GCC also endorsed the call for the UN Security Council to impose a no-fly zone above Libya, and two Gulf States, Qatar and the UAE, are making military contributions to the NATO operation in Libya.

The recent announcement that the GCC would hold accession talks with Morocco and Jordan came as a surprise to many.⁴²

41 See <<http://www.iiss.org/middle-east/global-perspectives-series/unity-and-disparity-border-issues-and-revolution-in-the-gcc/>>, retrieved on 20 May 2011.

42 'Arabische koningen schuilen bij elkaar' (Arab kings seek refuge with one another), *Trouw*, 17 May 2011.

IV Final remarks

At the moment developments in the Arab region are unfolding very quickly, so that some information in this report may already be out of date by the time it reaches its readers. The AIV believes that political transformations in the Arab region offer major opportunities for a better approach, with a greater emphasis on democracy and the rule of law, to relations between Western countries and autocratic regimes that are responsible for serious human rights violations. Although compelling geopolitical interests necessitate maintaining diplomatic relations with autocratic regimes, dialogue and limited cooperation at government level should not come at the expense of support for pro-reform forces and civil society in their countries. In the past, Western governments have identified too strongly with authoritarian regimes, on the basis of the supposition, now shown to be false, that such regimes could ensure political stability. Now too, there is a danger that the Western countries' policy will be dictated by a calculation of an autocratic regime's chances of survival, rather than the need to respect human rights, democracy and the socioeconomic aspirations of the population.

It is the AIV's opinion that the Dutch government should not allow itself to be held hostage by fear that radical Islamist groups will attempt to seize power. Indeed, this scenario is made more rather than less probable by a policy that offers support, whether overt or tacit, to regimes that have permanently lost touch with legitimate popular demands in Arab societies. The AIV concludes that recent developments in Tunisia, Egypt and other Arab countries underscore the importance of targeted support for civil society (political parties, civil society organisations and trade unions). A strong civil society cannot be built overnight, but ultimately this is the most effective way of promoting freedom, justice and democracy.

The AIV would observe that both the Netherlands and the EU have appropriate policy instruments for strengthening civil society. In recent years, however, the EU in particular has not succeeded in employing the instruments of the European Neighbourhood Policy (ENP) in the most effective way. For example, in its political dialogue with its southern neighbours, the Union has not done enough to emphasise the weakness (or absence) of adherence to the rule of law and development of an independent private sector, free from political influence. The rise of reform movements in various Arab countries is a source of new opportunities for the EU. With its Human Rights Fund and the Fund for Development, Pluralism and Participation (FOPP) in Islamic countries, the Netherlands has suitable bilateral aid instruments in place for giving a voice to civil society organisations that can sustain the current transitions in the Arab region. The AIV believes, however, that investment in additional expertise and analytical capacity is necessary to provide the government with good advice about possible Dutch contributions to strengthening civil society in the Arab region. Sufficient analytical capacity at embassies in the region and closer cooperation between the government, NGOs (both Dutch and international), institutions for building the capacity of political parties, and the trade union movement are the most efficient means for meeting this need for expertise and analytical capacity.

Mr F. Korthals Altes
Chairman of the Advisory Council
on International Affairs
P.O. Box 20061
2500 EB The Hague

Date 18 April 2011
Re Request for advice on developments in the Arab region

Dear Mr Korthals Altes,

With regard to the current situation in North Africa and the Middle East, the House of Representatives of the States General passed a motion on 23 March 2011, submitted by MPs Alexander Pechtold and Frans Timmermans, asking the government to request the advice of the Advisory Council on International Affairs on the adequacy, in general and financial terms, of current Dutch and European policy in support of democracy and the rule of law in the Arab and Persian regions.

This letter is the government's response to the part of the motion mentioned above.

Earlier this year, the Dutch government sent the House of Representatives two letters on developments in the Arab region. The second, dated 25 March 2011, was accompanied by the memorandum 'Transitie Arabische Regio' (Transition in the Arab region), which identified the Dutch and European interests in the region and set out Dutch policy. In this letter, the government also wrote:

'In the weeks and months to come, the government will further adapt its bilateral policy and instruments, such as the Human Rights Fund, in response to developments in the region. In addition, the government will launch a new facility, similar to the MATRA programme, within the existing budgetary frameworks.'

Questions

The government would ask the AIV to examine the following questions:

- Are the EU's current instruments (including dialogue in the framework of the Association Agreements, aid, trade preferences, EIB loans, CFSP instruments) appropriate tools with which to support the Arab region's transition to democracy and the rule of law, given EU budget limits (on both the 2011 and multiyear budgets) and the need for EU budget restraint in the future?
- How can the Netherlands' existing bilateral instruments be used effectively and efficiently to support the Arab region's transition to democracy and the rule of law?

I look forward to your advisory report, which I would be much obliged to receive within six weeks.

Yours sincerely,

Uri Rosenthal
Minister of Foreign Affairs

Encl.

1. Pechtold-Timmermans motion
2. Letter of 25 March 2011 by the Minister of Foreign Affairs and the Minister for European Affairs and International Cooperation to the President of the House of Representatives enclosing a memorandum on the transition in the Arab region (in Dutch)

Motion by MPs Alexander Pechtold en Frans Timmermans

32 623 **Current situation in North Africa and the Middle East**

No. 9 **MOTION BY MPs PECHTOLD AND TIMMERMANS**

Proposed on 23 March 2011

The House,
having heard its deliberations,

noting that the government has decided to help implement resolution 1973 of the UN Security Council on Libya, for the purpose of protecting the Libyan people from attacks by the Gaddafi regime by preventing weapons smuggling;

considering the need to further the transition to democracy, the autonomous development of the Libyan people and regional stability, following the conclusion of hostilities;

noting that historic developments are taking place in various Arab and Islamic countries which impel the Netherlands to lend its support – through the EU – to young, democratic forces, shaped by a renewed vision of the region and the formation of new partnerships there;

requests that the government,

- ask the Advisory Council on International Affairs to draft an advisory report on the adequacy, in general and financial terms, of current Dutch and European policy in support of democracy and the rule of law in the Arab and Persian regions;
- develop new forms of relations in support of democracy and the rule of law with the Arab and Persian Gulf region, both bilaterally and through the EU;
- create a separate status for countries in that region within the development cooperation policy and budget;
- examine the options, both bilaterally and through EU, for restructuring financial and moral assistance to civil society, access to our markets and stimulating free trade in the region;

and proceeds to the order of the day.

Pechtold
Timmermans

Social and economic situation in the Arab region¹

Country	Population (in millions)	% of population under 25 ²	Unemployment rate (%)	Youth unemployment rate (%) ³	GDP per capita (in USD)	% of population living below the poverty line (USD 2/day)
Bahrain	1.21	43.9	15	21	40,400	No data
Egypt	80.47	52.3	21	26	6,200	43.9
Iraq	30.4	60.6	15.3	45	3,600	No data
Jordan	6.51	54.3	13.4	39	5,300	7.0
Libya	6.6	47.4	30	27	13,800	No data
Morocco	31.97	47.7	9.8	16	4,900	14.3
Syria	22.52	55.3	8.3	20	4,800	12
Tunisia	10.63	42.1	14	27	9,500	6.6
Yemen	24.13	65.4	35	19	2,600	45.2

1 Most figures in this table, which were collected between 2005 and 2010, are from 'The Great Arab Revolution: Challenges, Dilemmas and Opportunities?', published by the Geneva Centre for Security Policy and the *CIA World Factbook*. The data on the proportion of the population living below the poverty line are from the memorandum 'Transitie Arabische Regio' (Transition in the Arab region) by the Minister of Foreign Affairs, 25 March 2011.

2 'Arab unrest', *The Economist*, <http://www.economist.com/blogs/dailychart/2011/03/arab_unrest_0>, Retrieved on 19 May 2011.

3 *Arab Human Development Report 2009*, op.cit., 109.

Abbreviations

AfDB	African Development Bank
AIV	Advisory Council on International Affairs
AU	African Union
AWEPA	Association of European Parliamentarians with Africa
CFSP	Common Foreign and Security Policy
CNV	National Federation of Christian Trade Unions
EBRD	European Bank for Reconstruction and Development
ECFR	European Council on Foreign Relations
EIB	European Investment Bank
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy
EU	European Union
FNV	Trade Union Confederation FNV
FRIDE	Foundation for International Relations and External Dialogue
FOPP	Fund for Development, Pluralism and Participation
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
HIVOS	Humanist Institute for Development Cooperation
IDEA	Institute for Democracy and Electoral Assistance
IMF	International Monetary Fund
Matra	Social Transformation programme
NATO	North Atlantic Treaty Organisation
NCHR	National Council for Human Rights (Egypt)
NGO	Non-governmental organisation
NIMD	Netherlands Institute for Multiparty Democracy
OIC	Organization of the Islamic Conference
UNDP	United Nations Development Programme
UAE	United Arab Emirates
VMP	Trade Union Cofinancing Programme

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