



Bawader / Commentary, 31 May 2018

Institutional Reform in the Arab World: Problems, Challenges, and Prospects

→ Nadine Abdalla





The Arab revolutions of 2011 have provided an opportunity to negotiate rights and consider the necessary institutional reforms on various levels and sectors like the security, financial, regulatory, and revenue collection sectors. They have also posed real questions on how to apply civil and democratic oversight and how important it is. Attempts at reform and their related problems have varied from country to country, consequently leading to varied outcomes and results.

This paper presents a synopsis of a number of research papers that focus on:

- Reform of the security sector in the Arab region in general and Egypt and Yemen in particular;
- Civil and democratic oversight over security institutions, the experience of the trade union of security workers in Tunisia, and the decline of civil prevalence on the military in the Egyptian constitutions following the January Revolution;
- Financial, regulatory, and revenue collection reform, with a focus on regulatory and financial reform in Morocco and revenue collection reform in Algeria.

The paper is structured along three main lines: (a) problems, challenges, and limitations of reform of security institutions; (b) the increasing influence, challenges, and limitations of civil and democratic oversight on security institutions; and (c) prospects, challenges, and limitations of reform in the financial, regulatory, and revenue-collection sectors.

The Reform of Security Institutions: Partial Reforms and the Historical Barriers to New Institutional Arrangements

The political and social mobility that accompanied the 2011 Arab revolutions has opened the door for reflection on the importance of the reform of state institutions and put the reform of security institutions as top priority. A large body of research



Arab Reform Initiative

has been concerned with the analysis of security policies in the aftermath of the Arab revolutions, with a particular focus on the problems and challenges of security sector reform in Egypt and Yemen.

Buhinniyah Qawi monitors in his paper, “Policing and Security Policies in Arab Spring Countries”, the development of the role of security institutions in the Arab world and the challenges facing their reform process. The paper stresses the importance of considering modern approaches in the development of Arab police work. Examples of such approaches include: accountability of police work through legislation that guarantees justice and transparency and the possibility for prosecution; borrowing some aspects of the experience of Western countries regarding community policing in a way that ensures co-operation between the police system and the communities on various levels; defining the scope of police supervision on social life by specific legal provisions in order to limit the discretionary power of the security apparatus; considering the establishment of a legitimate syndicate to represent police work allowing workers in the field objective disclosure of their problems; adopting international standards and principles as to the use of force, its legitimacy, and the degree of its necessity when facing crowds in demonstrations and elsewhere, making the life and integrity of individuals a point of active accountability in police work; and finalizing reform in the security system contingent on a review of the existing policies, penal systems, and reform and rehabilitation programmes through laws that are compatible with international laws and conventions and that focus mainly on professional training, punitive action, and academic education in these centers.

By the same token, Abdelbassit Mohammed Abdul Wasi’s paper, “Reform of the Security Sector in Yemen: Challenges and Solutions”, discusses the reform of the security apparatus in Yemen, taking into consideration the importance of cultural specificity. The paper elaborates on three main areas. First, with regards to structural and legal reforms, partial structural reform has recently been implemented, but recruitment has not been fully based on competence. The conflict in Yemen since 2011 destroyed the infrastructure of the Ministry of the Interior and its executive mechanisms. Therefore, there is an urgent need to rebuild these facilities and mechanisms. Second, with regards to improving the working conditions of security personnel, who are the backbone in the security



Arab Reform Initiative

process, taking care of and managing them in a way that is consistent with developments in the administrative and security fields will pay off in the future. Third, emphasis should be placed on the role of the Parliament and the importance of taking the necessary procedures to ensure democratic oversight over the security sector. It is essential to amend the legislation that prevents the media from preparing reports about security issues without the consent of the Ministry of Defense, let alone issues considered top secret. It is equally essential to pass necessary laws that ensure adequate investigation into human rights violations and end impunity for perpetrators.

In her paper “Historical Heritage of Egyptian Security Institutions”, Yusra Al Jundi attempts, through historical and institutional analysis, to analyze the obstacles preventing the reform of the security apparatus in Egypt. She indicates that the emphasis of many studies on the problems of police violence has ignored the truth about the weakness of the police service itself, an issue that the researcher attributes to the failure of post-independence state-building process.

The paper goes on to show that the difficulty of reforming security institutions can only be understood by taking a broader look at the entirety of security institutions and through a proper review of their history in the context of power balances within the political system. This acquires increased importance if one looks at the multiple research papers that focus only on the necessary technical or legal aspects of reform with little consideration of the unique structural status and influence of the security institutions in the political system. Security institutions were initially designed in the “free officers era” following 1952 in a way that puts them in confrontation with each other. This created long-term internal conflicts that became visible after the January 2011 Revolution, as well as the June 2013 uprising and the military intervention that followed it. This also raises questions about the viability of such fragile institutional arrangements.

Yusra Al Jundi recommends focusing on three key historical stages: “the 1952 Coup”, the 1967 War, and the assassination of Al Sadat in 1981, which she sees as having had a visible influence on the shape and course of security institutions. The structures established during these stages represent starting points for the assessment of reform opportunities for these institutions and the challenges they face. In her assessment, , the reasons behind the failure of the security institutions



to reform in Egypt can be summarized in two major points: the lack of an institutional system built on clear legal grounds which led security institutions to protect their institutional interests and become self-dependent, which made dismantling their unique network of interests extremely costly; and the historical weakness of the civil option as a result of the weakness of political powers, especially after 1952, which prevented security institutions from moving forward with the necessary reforms.

Civil and Democratic Oversight of Security Institutions: Imbalances between Civilians and the Military in the Transition Process

The reform process of security institutions is closely linked to issues of civil and democratic oversight. On the one hand, this oversight ensures the success of the democratization process; on the other hand, its dysfunction proves the imbalance of the transitional process into a more democratic government system.

Wijdan Al Mikrani's paper, "[The Role of Trade Unions in Tunisian Security System Reform](#)" explains that security trade unions in Tunisia have made numerous achievements towards more comprehensive democratization despite the challenges related to security reform from the perspective of consolidating civil oversight on civil institutions. In this regard, the paper refers to the importance of granting the right to organize as trade unions to security personnel, which contributed to the presentation of visions and recommendations on how to reform the security system, as well as the creation of a ground for networking between security workers and citizens through press conferences and events organized by these trade unions. Nonetheless, this also created a kind of internal conflict in the Ministry of Interior with regards to sensitive issues. The lack of long-standing trade union experience in the field of security and the independence of security trade unions from the Tunisian General Federation of Labor (UGTT), resulted in mistakes. It becomes more and more complicated in the current circumstances and the influence of political conflicts on the stances of some security unionists. In



spite of this, demands for a partnership between civil society representatives and security trade unions in coming up with recommendations on how to reform the security sector is key for the success of this experience, particularly because security system reform requires multi-level and multi-dimensional intervention, which necessitates a diverse participation of security and non-security experts.

Within the same framework, Sherif Moheiddin's paper, "The Development of the Military Institution in the Constitution: Prospects of Democratic Oversight on the Armed Forces in Egypt", highlights the difference between Egypt and Tunisia with regards to the prospects of democratic oversight over military institution after the January Revolution. This difference was reflected in the position of the military in the constitution after the January Revolution, in particular the 2012 constitution and its 2014 amendments. Most obviously, the referral of civilians to military courts for trial was rendered legal in the 2012 constitution passed under president Mohamed Morsi. This was kept in constitutional amendments after his ousting and the endorsement of a new version of the constitution in 2014. Such a constitutional framework demonstrates that the January Revolution was unable to tip the civil-military balance in favour of the former; rather, the extensive elaboration and detail in the status of the military institution in constitutional texts led to the decline of democratic oversight of the military.

Reform of Regulatory and Financial Institutions: Structural Challenges to Change

The relation between the stability of political systems and the success of political transformation phases is connected to their ability to perform institutional reforms at a large scale, particularly on the economic and administrative levels which affect the daily life of citizens and overlap with them on a daily basis.

Rabia Balhajaleh's paper, "Institutional Reform of State Organs in the Arab Region: Reform of the Tunisian Revenue-Collection System", asserts that the reform of the revenue collection system in Tunisia, as introduced in the 1980s, was limited compared to its anticipated results because of the contradictions between its



Arab Reform Initiative

advantages on the economic and financial level and its disadvantages on the social level. This can be interpreted by a state of imbalance between social objectives and what was required by the structural reform policies adopted by most developing countries since the 1980s. Such policies were based on fixed economic and financial prescriptions following a model of reducing demand, encouraging exports, and downsizing the state, all while not taking into consideration the particularities of every society and the inherent differences in its institutional structure.

Despite the continued attempts at reforming the revenue collection sector after the December 2010 Revolution, the shape and method of these reforms are an indicator of continued fluctuation in the tax system in Tunisia and its incompatibility with the general structure of society, something that worsened with politicians' ignoring the demands for economic development and social justice after 2011.

In this context, Abdelkader Al Khadiri presents his paper, "Institutional Reform and Democratization in Morocco: Becoming of Institution-Building of the Financial and Administrative Oversight System Between 1998 and 2014". Despite the expansion of institutional and legal reforms in the administrative field and the issuance of multiple laws and regulations along the same lines, material outcomes of these reforms remained limited. Mentioned by way of example is Law No 1.2.202 dated 23 July 2002 which requires public and local administrations and directorates to provide a reasoning for their administrative decisions based on material facts and legal grounds to put an end to arbitrariness or acting under the pretext of discretionary power. This was manifested by the report of the Ombudsman's Office presented to the King for the years 2006 and 2007 where a number of issues expressed a continued dysfunction in social services, necessary administrative facilities, and protection of private property and human rights from arbitrariness and persecution.

The paper shows that in spite of the expanded institutional and legal reforms in the financial sector and their symbolic value in reproducing the legitimacy of the regime, their material outcomes remained limited. Indeed, this is similar to the laws on tax reform, the monetary law of years 2000, 2006, and 2007, and the laws on reforming the public deals system (4 May 2000 and 5 February 2007), among



other laws and regulations that sought to inspire confidence in individual initiative and ensure the state's transparency.

Conclusion and Recommendations

It becomes evident, from the above analysis, that the institutional reform process in the context of Arab Revolutions - particularly with regards to the security sector - was subject to new patterns of interaction with the general public, setting a scene for complex challenges. New opportunities for reforming security bodies in the Arab World emerged in the light of the changes caused by the Arab Spring. The problematic process of reform of the security institutions coincided with the challenges to developing modern approaches to policing. In this context, the problems of the police service's structural weakness emerged along with the challenges and legal problems in reforming this apparatus. As a consequence, those involved in the institutional reform process of security bodies are obliged, when interacting with contemporary international experts in the field, to understand the structural, historic, and legislative status of these institutions in the context of the various government systems in the Arab world before commencing the anticipated reform process.

Indeed, the broader issue of civil and democratic oversight emerged within the attempted reform of security institutions. The extent of its application, however, varied from country to country. While security trade unions in Tunisia achieved noticeable progress in this field despite challenges and obstacles, the January Revolution in Egypt did not succeed in altering civil-military relations in favour of the former/ Rather, the extensive elaboration and detail in the status of the military institution in constitutional texts led towards the decline of democratic oversight on the military institution. As such, it has become of extreme importance to focus on consolidating the concept of civil, democratic oversight on security institutions in the Tunisian context, and on working to widening its horizon in the Egyptian context.

Likewise, the 2011 Arab Revolutions opened the door to talk about reform opportunities, problems, and challenges in regulatory, financial, and revenue collection institutions. Despite the relative successes achieved by these reforms,



Arab Reform Initiative

revenue collection reform in Tunisia, which followed the neo-liberal, globalized prescription, has limited effect on the social justice level, while financial and regulatory reform in Morocco remained deficient on the equality and transparency level. It is important, therefore, to work on strengthening institutional reform processes in the regulatory, financial, and revenue collection sectors in a way that takes into consideration the institutional specificity in Tunisia and guarantees justice and transparency in Morocco.



Arab Reform Initiative

About the author

Nadine Abdalla

Assistant Professor of Sociology, American University in Cairo

About Arab Reform Initiative

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

Founded in 2005, the Arab Reform Initiative is governed by a Plenary of its members and an Executive Committee.

arab-reform.net

contact@arab-reform.net



© 2018 by the Arab Reform Initiative.
To view a copy of this licence, [click here](#)