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Introduction: Evolution, Present Challenges and Future Prospects

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A mural near Cairo's Tahrir Square drawn by Egyptian artists on concrete blocks that bar the way to the Ministry of Interior headquarters, March 2012.

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From a vantage point looking ahead to a horizon of hopes in many Arab countries in 2011, most advocates for social justice and human rights have descended into deep ravines of despair in the following few years and until 2019 when new waves of massive protests erupted again in several Arab capitals. In this decade, several Arab states disintegrated into civil war, others moved back to authoritarianism, while a couple more fortunate societies have had to wade into a jungle of policy options all shackled by tight domestic and global political and economic structures that are at best failing to address extreme inequalities and poverty. This rather bleak and unpredictable transition fits within a global trend of exploding social anger and protest.

Rising walls separating nations in general as well as the haves and have-nots within the same country are becoming increasingly difficult and dangerous to cross with more entrenched security measures. Fear and securitization are spreading hand in hand with the latter feeding rather than mitigating the former. This can be seen in the increasing suburbanization and multiplying walled compounds of Cairo to the murderous civil wars of Syria, Libya, and Yemen. Despite this bleak reality, multitudes of people are still thronging the streets and public spaces calling for social justice, dignity and basic rights. People living in the Middle East and North Africa (MENA) region are back in the streets clamouring for human rights as evident in the recent protests in Sudan, Algeria, Iraq and Lebanon.

Public protests have rocked this region for about ten years, revealing deep cracks in societies and multiple state failures. This region is inextricably integrated within the global economy and the challenges it faces are part of global dynamics that have been reshaping the world as we knew it since the early 1990s when the cold war era ended and neo-liberal ideology and economics started to dominate. Local human rights actors entered the public scene in earnest at this juncture, though their story started much earlier, with the first formal Arab human rights organizations formed in the early 1970s, only a few years after such groups appeared in the West.¹

Political activists, especially from nationalist and leftist backgrounds, as well as lawyers interested in fostering the rule of law and in public issues all came together to seize the opportunities created by the internationally rising discourse



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on human rights to engage in a new form of meta-political activism in the Arab region.

Three major intersecting trends accompanied the foundation of Arab human rights organizations.

Firstly, there was a clear demand for human rights advocacy due to rising incidence and ferocity of violations especially by state security agencies against political and social activists. Political organization had been largely restricted if not outright banned in most Arab countries with massive waves of repression from the mid 1950s till the late 1980s.² States had then started to lose their postcolonial legitimacy with such repressive measures becoming far less defensible under the guise of state-building and guarding against real and imagined neo-colonial or foreign “conspiracies”.

Secondly, people had long suffered from the failing of quasi-socialist state-led policies and then without a pause started to pay the price of also state-led neoliberal policies as of the late 1970s.³ These failures marked a major breakdown in an implicit social contract within most of the non-rentier states in the region: social safety networks and promise of social mobility were maintained in exchange for curtailed political freedoms and sham democratic processes.

This trend did not translate into rights-based advocacy until probably the early 2000s when skyrocketing inequality, increasing poverty and visible marginalization became ubiquitous and unbearable for the majority. The unwritten and un-negotiated but tacitly visible social contract in the region allowed ruling regimes to behave in an authoritarian and often repressive manner as long as they provided for a minimum level of social services especially in the fields of health care, education, housing, and leisure. This state failure was compounded by the visible state capture by senior government and security officials.

With Arab nationalism, including its Baathist version, fast eroding, ensuring social compliance under a blatantly unfair and corrupt system necessitated more surveillance and repressive practices especially against political opponents from the dwindling left and the rising Islamists. The ignominious defeat at the hands of



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Israel in 1967 drove a major nail into the coffin of Arab nationalism and the claims of ruling postcolonial elites. The end of the cold war and the failure of non-oil producing Arab states' economic policies drove many more nails into the same coffin but the corpse was not buried until the early 1990s in the aftermath of the Iraqi invasion of Kuwait. This ideological void opened a space for the emerging discourse of human rights to gain traction especially that the discourse enjoyed a legal support system rooted international law and treaties signed in previous decades. Human rights as a framework for sociopolitical arrangements and in some cases as an ideology was thus fast embraced especially by leftists and nationalists who did not cross over to the Islamist camp. This was the third trend that strengthened the appeal of a human rights discourse.

Focusing initially on political and civil rights, human rights defenders (HRDs) in MENA documented violations of these rights and advocated against them while rendering legal aid to victims of torture, legal persecution, and extrajudicial harassment. When neoliberal policies started to markedly affect the populations, an increasing number of HRDs started to pay attention in the early 2000s to economic and social rights as well. The far more popular Islamist movements, often dismissed the rights approach altogether as a foreign enterprise especially when it focused on personal rights, but nevertheless, they also started selectively using a rights-based rhetoric.

In 2010/2011 loud demands for dignity, social justice and freedom reverberated through streets in the Arab world and virtual web-based spaces in massive and viral protests after decades of oppressive and dysfunctional state policies. The protestors demanded freedoms that they have been denied or rights they could not attain while asserting their legitimacy as the source of sovereignty by repeating in all these marches one slogan that echoed from Tunis to Damascus and Sanaa: "The People Want to Bring Down the Regime." Fast forward to 2019, a second wave of these popular protests broke out in several countries while most of the countries that underwent the first wave were either struggling with policy issues, subject to re-invigorated authoritarian regimes, or decimated by civil war and violence. There is a hankering in Cairo and in parts of Tunis, for example, to an imagined status quo ante of a peaceful stability; this illusory longing is fuelled by



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the alarming and unpredictable waves of instability and economic hardships after 2011. It was also fuelled by individuals and networks spanning security agencies, business elites, conservative religious and traditional formations and media platforms, all buttressed by regional power brokers, especially Arab oil-rich countries in the Gulf, and the intervention or negligence of global centres of influence in Washington DC, Moscow and Beijing.

Whatever transpires, the Arab spring has probably ushered in the end game for the majority of Arab regimes that came to power in the 1960s and before. These regimes had been slowly decomposing politically and economically for the best part of the previous two decades. The three countries we are addressing in this book – Egypt, Morocco, Tunisia – have been in a delicate, if brutal at times, dance among various fires and desires. These states, as Anderson argues, had more than often “privileged external actors over local interests” which meant that their ruling elites were more accountable to foreign interlocutors than they were to their own peoples. The population was largely left to fend for common interests through communal forms rooted in informal economies, kinship systems, and ethnoreligious communities while state institutions treated them all as subjects to be controlled rather than citizens to be served.⁴

Thus, it should not be surprising that people from Morocco to Yemen and from Tunisia to Syria, started to embrace human rights more vigorously in the first two decades of this millennium. The middle and upper-middle-class protesters stressed civil and political rights while the more impoverished and oftentimes destitute demonstrators stressed economic needs and demanded social justice. Across the spectrum, dignity was a demand for all.

Tunisia has gone farthest in breaking with its recent political past. The Moroccan regime survived with some constitutional reforms and relatively loosening the monarchical grip on political and economic resources. Egypt went through two turbulent years then a counterrevolution returned power to the military-led conservative elites. HRDs and relevant organizations enjoyed an unprecedented influence in the three countries for a short period of time, then they were either demonized or marginalized, if not outright punished or jailed.



What did we study?

This book contains 18 chapters focussed on six thematic issues in each of the three countries under study. Working with leading human rights organizations in Egypt, Tunisia and Morocco, the researchers for this volume analysed the current context and possible scenarios of action and activism in a region undergoing major socio-political and economic upheavals. The research has benefitted from a thorough review of the past trajectory of human rights action in the three countries.

The six research themes tackle the evolution of human rights action and organizations; relations between human rights activists and the state; the complex relationship between Islamists and the human rights discourse; human rights and the rest of the civil society (trade unions, social movements, political parties, etc.); the internal governance of human rights organizations; and, finally, the impact of human rights action.

HRDs operate in a crowded field where other civil society organizations, social movements, state institutions, and international organizations interact. They work within various formations ranging from advocacy organizations which employ full time professionals in capital cities all the way to grass root groups agitating for housing rights in a small community; they work for membership organization or small research centres and legal aid offices; and, finally, they are part of bureaucratized structures or simply belong to groups of activists loosely connected through social media platforms in a non-hierarchical manner.

For this research project, we opted to focus on a comparable set of actors in all three countries; these are non-profit organizations which have a clear structure, consistent record, a minimum level of recognition within the field, claim to work for a greater common good, and root their actions broadly in the human rights instruments.

Our Findings:

The 18 chapters of this book are descriptive, analytical and in some cases also prescriptive. In the following six sections, we will summarize the main findings of



these chapters along the relevant themes.

The Evolution of Human Rights Action

In their chapters, Mohamed Kadiri, Yasmin Shash, and Asma Noura, trace the emergence and evolution of human rights organizations in Egypt, Morocco and Tunisia respectively. These surveys are largely unprecedented and should serve as a valuable resource for future research and activism.

In “The Evolution of Morocco’s Human Rights Movement”, Kadiri reviews the increasing specialization and professionalization of human rights action, starting with advocacy for political rights, which represented a reaction to grave violations in the first decades after independence until the early 1990s. He then addresses the expansion of the movement to include advocacy for economic and social rights, then the emergence of service-oriented associations, and the rising interest in cultural and personal rights after strenuous efforts by women and Amazigh organizations.

Morocco had its first formal human rights organizations in the early 1970s, but human rights activism became more impactful as Morocco’s bloodiest decades of repression tapered off in the early 1990s. Kadiri explores how the state handled HRDs through a mix of repression and containment strategies. After 2011, a large number of activists and organizations started to work on personal rights, justice reform, freedom of belief, sexual rights, as well as the rights of ethnic groups and socioeconomically marginalized communities.

“The Formal Birth of the Human Rights Movement in Egypt” shows that the human rights community in Egypt has truly flourished as of the late 1980s and became very vibrant in the early 2000s reaching its peak of influence and relevance in 2011/2012 before coming under tremendous government pressure as of late 2014 after a short-lived democratic experience in Egypt came to an abrupt end at the hands of the military. This chapter presents an analytical chronology of Egypt’s human rights movement since its birth all the way to 2016. The chapter deals with the four main challenges facing human rights action in Egypt: the relationship between HRDs and various political actors including Islamists; the internal governance of human rights organizations and how to ensure institutionalization,



professionalization and adequate representation; the issue of foreign funding and accountability; and, finally, the contentious relationship with the state.

Like Morocco, the human rights movement emerged in Tunisia in the 1970s. Noura starts her chapter, “Origins, Evolution and Challenges to the Human Rights Movement in Tunisia”, in 1977 when the Tunisian League for the Defence of Human Rights (Ligue Tunisienne des droits de l’homme, LTDH) was established to work on systematic violations of civil and political rights. Like the case with the first human rights organizations in Egypt and Morocco, it was political activists and/or lawyers who established the LTDH. Since the late 1980s, other human rights organizations emerged, both domestically or as branches of international organizations. Rights’ activists were perceived by the government as part of the political opposition and were thus persecuted by state security agencies. The fall of the dictatorial regime of Ben Ali in 2011 and the ensuing shaky but persistent transition to electoral democracy had a major influence on the movement and the civil society at large, restructuring both and enabling them to play a key role in this transition. New human rights organizations focussed more on socio-economic, sexual and ethnic rights.

State: An Ally and a Foe?

It is arguable that a state is necessary to carry out the collective will even through coercive mechanisms if necessary to ensure mutual and public respect for rights of groups and individuals. In other words, there must be a functioning state that can impose agreed norms of justice to prevent violations of negative rights (e.g. end to torture) and to adopt policies and measure to guarantee positive rights (e.g. adequate health care and housing).

And this is why HRDs and organizations in the MENA region deal with the state as an ally and a foe at the same time. They document violations by state agencies and officials but also work hard to influence state institutions (especially the legislative and the executive) to change laws, policies and practices to guarantee, even if gradually, the attainment of social and economic rights. Most of the violations documented by HRDs are committed by state-run law enforcement agencies and to a much lesser extent by non-state armed actors (e.g. violent Jihadi groups). The



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state is also the main interlocutor when it comes to advocacy for positive or socioeconomic and cultural rights through, for example, laws and policies to ensure delivery of minimum services in the fields of health care, education, housing, and employment.

On its part, the state often viewed HRDs and relevant organizations as a nuisance to contain and deprive of public support locally and internationally. This relationship is very hostile in Egypt, antagonistic in Morocco and guardedly functional in Tunisia.

Hatem Chakroun attempts in “Tunisia: Human Rights Organizations and the State” to chart how this fraught relationship developed. The establishment and consolidation of national state institutions after independence was the main obsession of the ruling political class in Tunisia. This fuelled an antagonistic stance towards pluralism and political freedoms. The consolidated regime of President Habib Bourguiba succeeded in imposing an authoritarian single-party political system, whose “legitimacy” rested on the anti-colonial struggle. The autocratic political system continued after 1987 with the reign of President Zine El Abidine Ben Ali, who retooled the authoritarian political vision. The human rights community was always under pressure as the state attempted to coerce it into adopting a tailored vision of human rights compatible with the logic of a dictatorship.

After the fall of Ben Ali, a new relationship began to form on a very positive note with veteran HRDs playing a central role in the process of establishing a vision for the new republic based on respect for human rights. However, unmet economic demands and public pressure for meaningful reforms of the failing system and policies have shifted demands to social and economic issues. This shift has marginalized old human rights organizations which have been historically more invested in civil and political rights.

In Egypt, the state institutions have mostly looked down upon civil society as subservient to state prerogatives which assigned civil society organizations (CSOs) the role of a secondary provider of social services within a state-envisioned central plan. Sometimes it was also asked to perform secondary mobilization and propaganda tasks in the political field as determined by the state. Mohamed El



Agati analyses in “The State and Human Rights Organizations in Egypt: A Problem of Political Culture or a Structural Crisis?” how Egypt’s authoritarian regime in this way ended up largely suffocating civil society initiatives and autonomy by subjecting it to a complex web of laws and security measures. On the other hand, the CSOs, especially human rights organizations, were rarely able or encouraged by governments to overcome their own deep mistrust of the state.

In “Human Rights and the State in Morocco: Impact of the 20 February Movement”, Rachid Chennani credits the persistent struggle of HRDs with forcing the state to gradually admit past systematic violations. Coupled with international geostrategic shifts, these domestic pressures led to several tracks of transitional justice and relative political opening in the late 1990s and early 2000s. The 2011 uprising revitalized the human rights approach to socio-political problems, and crowned many decades of struggle to peacefully and gradually establish a rights-based contract with the state. Such a state of affairs no longer seems far-fetched, according to Chennani.

A Tough Reconciliation: Islamists and Human Rights

Islamism, which is not a primordial nor an immutable ideology, has several overlapping variations, from the revivalist Brotherhood to the absolutist Jihadis. Political Islamist currents are still better understood as essentially a response to modern state formation and part of the post-colonial struggle over power and resources in many Arab countries. Unlike advocates of universal human rights whose claims rest on an almost exclusively secular and humanist world view, Islamists attribute their view of human entitlements to certain interpretation of Islamic texts and history.

In “Islamists and Human Rights in Morocco”, Mohamed Wazif argues that the political protests in Morocco in 2011 led to a spectacular political rise of Islamist forces causing deep concerns among civil and political actors about power-sharing and the future of democracy and human rights. A history of confrontation between Islamists and HRDs intensified these concerns.



From a different perspective, Heba Raouf Ezzat, who wrote “Islamists and Rights Activists in Egypt”, traces the roots and continuing dynamics of “animosity” in the relationship between Islamists and rights advocates. Islamists turned a blind eye to many violations committed by the regime and its security agencies between January 2011 and mid-2013, she argues. On the other hand, some rights advocates took part in mobilizing and supporting the opposition movement that led to the 2013 demonstrations and the premature end of Egypt’s first democratic experiment after a military takeover that sent Egypt’s Islamist president and tens of thousands of his supporters to prison largely on trumped up charges. Killings, executions, and other egregious rights violations of mainly Islamists activists were soon followed by legal harassment of other political activists as well as HRDs in general. The government also enacted an unprecedentedly restrictive NGO law. All this led HRDs to condemn the regime and renew efforts to monitor, document and publicize its massive violations. She predicts that Islamists could increasingly see an opportunity in resorting to a human rights perspective in their advocacy. As such, this could lead to more cooperation among the two antagonistic groups thanks to various new initiatives and organizations established since 2014. This budding cooperation may end up resolving deep ideological rifts between the two sides.

In “Tunisia: Human Rights Organizations, Political Islam and its Groups”, Mohamed Sahbi Khalfaoui argues that Tunisian Islamists have long had a bifurcated vision of human rights. They are torn between hostility to personal rights and embracing public freedoms. While they attempted to include Islamic law as the main source of legislation in the latest constitution agreed after the fall of the Ben Ali regime, Islamists continued to declare their support to human rights principles. By analysing the changes during the drafting of the 2014 constitution, Khalfaoui offers a more nuanced reading of the Islamist position. While some analysts were optimistic concerning a transformation in the Islamist ideology of Ennahda movement in Tunisia, others claimed that the Islamists were duplicitous, biding their time until they are empowered enough to impose their project, which is inherently antagonistic to human rights.

Human Rights and Social Movements



While the uneasy juxtaposition of religious and rights referential frameworks presents a challenge that must be negotiated and redefined over time as both frames keep changing, the common terrain inhabited by social justice, corporatist and trade union movements on the one hand and human rights activists on the other hand is a space of tension that paradoxically also has a potential for cooperation.

In “The Human Rights Movement and Contentious Politics in Egypt (2004-2014)”, Amr Adly dissects the restless relationship between HRDs and bearers of socioeconomic demands, such as trade and professional unions. He argues that defenders of economic and social rights have partially succeeded in working with protest movements to challenge public policies and institutions in Egypt. However, no organic relationship developed between the two groups. The protest movement did not strategically adopt an economic and social rights framing that would have enabled it to get beyond its local, largely apolitical and un-institutionalized characteristics in favour of a nationwide platform. Meanwhile, the human rights movement was unable to cultivate strong and continuous organizational or discursive links with the broader protest movement and its various constituencies needed to counter potential authoritarian reversals like the ones that happened after July 2013. Gains made by “NGOization”, civil “societization” and professionalization (access to resources and recognition), Adly argues, came at the high price of alienation from the aggrieved constituencies and hence hindered the development of organic links between the two sides. The head remained severed from the large leaderless but able body.

Hatem Chakroun tackles similar issues in “Rights and Politics: Human Rights Action and Socio-economic Struggles in Tunisia”. He concludes that human rights actors need to review their roles and tactics to decide whether they could (or whether they indeed need to) perform the functions of mediation and representation (between the movements and the state) or they could explore other avenues that can address the complex issues of brokerage between human rights holders and duty bearers. Chakroun selected three movements in different regions of Tunisia in order to shed light on the dynamics of relations between rights activists and protest movements, and how HRDs attempted to mediate between movements, which often lacked a political structure, on the one hand,



and a ruling regime over the distribution of wealth and power, on the other hand. He shows how and why such activists were at times able to play a useful role as brokers or defenders of these rights.

Youssef Mounsif's "Human Rights Action and Social Movements in Morocco" looks at a deep and broad national transformation as bridges started to appear over the gap between an alleged elitism of the human rights movement and the "masses". He explains how human rights organizations refocused their work after the 2011 protests on social, economic and local struggles of various communities, thus colliding with existing vested interests and the entrenched networks of patronage. Mounsif analyses the relations between HRDs on the one hand and the student movement, trade unions, and then the mobilization by the unemployed around the right to work, on the other hands.

How Do Human Rights Organizations Govern Themselves?

The fact that human rights organizations in North Africa have evolved in a very repressive state-imposed legal environment and in largely conservative societies has undermined their internal governance systems. CSOs were more concerned about exposing themselves to risks if they behaved more transparently or accepted new members without ensuring that they are not security agents and thus possible infiltrators. Still, understanding the issues of representation, accountability and internal governance of human rights organizations is vitally important for a revitalization of this movement.

In "Governance in an Island of Dysfunctional Governments", Hafidha Chekir explores the legal environment of Tunisian associations and how it affected their internal governance systems. After the adoption of a new law to regulate associations in September 2011, Tunisian CSOs have increased in numbers to 21,000 by the end of 2018 including 350 human rights associations. Tunisian CSOs had already acquired a prestigious national and international status after four of them together received the Nobel Peace Prize in 2014. Chekir analyses several governance issues related to management and funding, and highlights examples from organizations that have been active in the field of human rights for a long



time as well as those that were established after the revolution. She describes a number of structural and financial hurdles which prevent Tunisian rights associations from carrying out their activities in a satisfactorily democratic, transparent and accountable manner.

Similar challenges are pointed out by Yara Shahin in “Unsolved Dilemmas: Issues of Internal Governance in Egypt’s Human Rights NGOs”. Shahin looks closely at internal structures and decision-making processes including governing boards, funding, donor relations, accountability, and representation. She argues that while the restrictive legal environment for civil society in Egypt had hindered the development of effective governance mechanisms within many organizations, internal dynamics in these organizations had also weakened their governance structures. The dilemmas that persisted through different generations of Egyptian human rights organizations include balancing activism on public issues with bureaucratization and professionalization of vehicle organizations, the difficulty for and resistance from founders/directors to leave their influential posts, developing better participatory mechanisms of accountability towards constituencies and addressing the “stigma” of foreign funding.

Some of these dilemmas also surface in “Governance and the Human Rights Movement in Morocco”, where Mohammad Tariq concludes that human rights CSOs faced several challenges especially in the area of financial governance because in the first place they lacked steady and sustainable resources. Moroccan CSOs struggle to maintain their independence from both the state and political parties due to their precarious financial situation. They have not only to grapple with pressures from donors and supporters, but also to deal with the unpredictability of the ambiguous legal framework they have to operate within and which regulates funding and public accounting for NGOs in general. He shows how the state has long turned monitoring mechanism and protocols of accountability into tools to control rights organizations.

Great Outputs but What Impact?

It is extremely difficult to measure the exclusive impact of civil society actors due to the near impossibility of attributing certain social, legal or policy changes only



to their efforts or even determining how much they contributed to such changes. Very costly quantitative analysis can certainly help shed some light on the overall contributions of advocacy organizations in a specific sector, but even without fully undertaking such an approach starting with a baseline survey, some quantitative data gathering, discourse analysis and structured interviews with well-placed informants can somewhat help show the impact of human rights actors. This is what the last section of this book strived to achieve.

In “Making Use of a Revolutionary Movement: The Impact of Human Rights Organization in Post-Revolutionary Egypt”, Soha Abdelaty argues that the unprecedented public mobilization in 2011 created a perfect opportunity for human rights’ advancement. There was more public space than had ever existed during Mubarak’s three-decade rule for all stakeholders to engage freely: media, political parties, the judiciary, and human rights organizations, in the absence of the usually domineering state security apparatus. Human rights organizations were dealing with a vulnerable regime that was keen to appease, willing to listen, and open to reform and dialogue, regardless of how genuine its intentions were. In the aftermath of the 2013 military coup, which followed massive demonstrations against the Muslim Brothers-led government, it became clear that many of the gains made by these rights organizations were fragile and reversible.

Mohamed Outahar follows a different approach when he studies the impact of human rights organizations in Morocco in “The Human Rights Movement in Morocco: The Dialectic of Influence”. The 2011 uprising contributed to expanding social demands in Morocco and devolving them to the micro-level, thus becoming more focused on everyday needs. The most significant results of this shift were the consolidation of a wider base for HRDs and more public support for action in defence of basic rights in peaceful and pragmatic ways.

In “The Impact of the Human Rights Movement in Tunisia: Between Legislation and Practice (2010-2016)”, Afifa Mannai shows how the human rights movement moved from monitoring and exposing violations to actively participating in drafting bills and lobbying for policy reforms. Mannai explains how successful were the tools and mechanisms deployed under these changing circumstances to induce public pressure and policy/legal reforms on specific issues: women rights, combating torture, due process, and abolishing the death penalty. She argues that



it was easier to assess the success of the human rights movement in the adoption of certain policies and legislations, but it was more difficult to ascertain its impact on actual state and social practices, both of which change as a result of many factors.

Concluding remarks

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.” – Eleanor Roosevelt in extemporaneous remarks delivered in 1958.

Arab human rights organizations became more professional and complex over the past four decades despite the authoritarian repressive regimes everywhere in the region. They copied Western counterparts and operated as entities of expertise akin to think tanks and pressure groups that monitor, document, publish, sue, and engage in policy advocacy when tenable. But this very model has come under threat in the west as much as in the rest of the world, with the universal foundations for the human rights discourse being challenged at political, legal and moral levels. Authoritarian systems have been reinvigorated in a hyper securitized world mired in an endless global war on terrorism and against irregular migration.

The human rights community needs to reflect on and probably change some central strategies and tactics to better help engender long term progressive change working with a broad spectrum of partners in the Arab region. This is a more pressing need in light of the rising nationalist-populist pressures regionally and globally to impose narrow particular entitlements versus universal rights. These movements are solidifying the divide between who “We” are and the rest of humanity or “They”.^[5] The challenge does not only come from such right-wing populism but also from segments of the left who are tempted to abandon such



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notions in the name of fighting Islamism or Western imperialism. Both rest on a serious anti-universalist moral system as pointed out by Ignatieff, who describes a moral system of ordinary virtues which “privilege the local over the universal; the citizen over the stranger; and the community over the cosmopolitan.”⁵ It is a system that contradicts universal rights with the sovereignty of democracy; or in other words, a system that enables people within a community or a state to decide who and how many *outsiders* should/could be entitled to the rights that *insiders* have.

The human rights community’s first order of business then is to seriously address this non-universal moral system, at least on political and advocacy fronts, on the one hand, while exposing its weaknesses, contradictions and dangerous consequences even for the *insiders* who are at one stage or another going to be also subdivided even further into a “them” separated from the rest of “us”, and so forth, on the other hand. These divisions can theoretically go ad infinitum but even at the sectarian, confessional, religious and ethnic levels, they are potentially destructive as evident in the Middle East and North Africa. Populism, as Moyn rightly argued, is significant “not only for outsiders who are treated callously but also for insiders who have no recourse when majorities wrest power from elites they feel have betrayed them”.⁶ The human rights community ultimately needs to recreate, and better advocate for the universality of human rights, to bring pressure to bear through public and policy debates about current challenges and future prospects of issues pertaining to social justice and equality. This cannot be realized without working closely with social actors/movements which enjoy a broader popular support and a larger capacity to mobilize and lobby.

Though human rights are usually presented in legal terms resting on international treaties, national constitutions and domestic laws, they are ultimately founded on a moral philosophy of universal equality among all human beings who are connected by empathy, or to put it differently, by the Kantian Categorical Imperative. These moral aspirations and claims are shaped and reshaped by the dominant political and economic structures. As Goldenziel argues, “human rights may only be attained once they are universally understood as simply what is right, regardless of what the laws say. Yet the law is also necessary to check human behaviour when it strays from virtue. Human rights law and ordinary virtues must



be mutually reinforcing for both to be sustainable.”⁷ Consequently, addressing multiple audiences at varying levels using an adjustable rhetorical spectrum is a must to help transform the work of human rights advocates to become better understood, more strategic, adequately supported, and, ultimately, more effective.

Since the initial research for this book was completed in 2017, the tide seems to have turned and human rights organizations have in many cases lost popular support or interest. In many countries, they have also come under tremendous pressure by security agencies and repressive regimes.

The rule of law in the shadow of such authoritarian regimes can easily turn from a tool in the hands of human rights advocates to a weapon in the hands of ruthless and co-opted judiciary and law enforcement agencies. Such laws and practices have been used against HRDs and organizations in Morocco and Egypt, focussing often on the issues of funding. For their funding, Arab human rights organization rely on European and American private foundations and, to a lesser extent on government and domestic public funding. In their tactics, these organizations tried to stay away from direct political engagement to the extent of sometimes only focusing on documentation of violations then disseminating their findings. This sometimes led these NGOs to become more elitist, donor-motivated, and research-oriented (as opposed to advocacy, mobilization, and litigation) outfits.

The impact of human rights organizations in these three countries ultimately relied on positive state response to social pressure as exercised by organized groups rather than due to acquiescing to demands articulated by expert NGOs. The issue here is that socio-political change does not come about because a ruling regime had seen ‘the light’ on a prescribed road to democracy or good governance, but that social movements had moved political levers and seized structural opportunities to bring about change. In other words, reinforcing human rights norms and infrastructures is the final outcome of a prolonged and organized struggle at local, national and international levels and not a sign of goodwill from the ruling elites in response to rational and principled demands by civil society organizations.

The tidal waves of the Arab Spring have shaken ruling regimes to their very core,



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but it has also exposed structural weaknesses in how human rights actors organize and practice in their field. When authoritarian institutions wobbled for a while in 2010-2012 and again in 2019, human rights actors moved freely and enjoyed more influence in shaping policies, legislations and affecting public practices. In countries where security agencies regained their dominant positions like Egypt or relatively as in Morocco, these organizations face a much more complex and restrictive reality. Having said that, the rhetoric and ideals of human rights have clearly infiltrated deeply into the public discourse and aspirations in almost all Arab countries as the structural causes of the 2011 Arab Spring persist and the seasons seem to have turned again one decade later.



Endnotes

1. One of the earliest such groups was Amnesty founded in 1961. Other groups followed in the 1970s including in the Arab world where the oldest formal human rights organization was established in Morocco in 1972 as the League for the Defense of Human Rights or *Ligue marocaine de la défense des droits de l'homme* (LMDDH), followed by Tunisia's League for the Defence of Human Rights in 1977 or *Ligue Tunisienne de la Defense des Droits de l'Homme* (LTDH).
2. For example, the Egyptian Nasserist regime systematically incarcerated both communists and Islamists in massive numbers from the mid-1950 to the late 1960s in horrible prisons where activists were tortured and detained for years without trial or after sham judicial proceedings. Morocco went through three decades of massive politically-motivated state violence as of the early 1960s during which security agencies killed, disappeared, and tortured dissidents and suspects. Syria, Libya and Iraq had the bloodiest and most unaccountable security agencies which imposed a total state of fear for decades and went as far as aerial bombardment and using chemical weapons against their own citizens.
3. Almost all Arab states, monarchies and republican, resorted to neoliberal economic policies which the more well-off citizens in gulf rentier states were able to withstand, while the urban poor and the rural population of non-oil countries suffered tremendously especially in densely populated countries such as Syria, Egypt, and the Sudan.
4. Lisa Anderson, "Creative Destruction': States, identities and legitimacy in the Arab world", *Philosophy and Social Criticism*, 2014, Vol. 40 (4-5) 369-379
5. see Michael Ignatieff, "Human Rights, Global Ethics, and the Ordinary Virtues", *Journal of International Law and International Relations*, 2017, Vol. 13:1, p. 5, and then commentary articles in the same volume by Samuel Moyn, Judith Lichtenberg, Jill Goldenziel, and Dwight Newman.
6. Samuel Moyn, "Human Rights in the Absence of Virtue", *Journal of International Law and International Relations*, 2017, Vol. 13:1, p.28
7. Jill Goldenziel, "Virtues are not Enough", *Journal of International Law and International Relations*, 2017, Vol. 13:1, p. 17.



Arab Reform Initiative

About the author



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Khaled Mansour has 30 years of experience in human rights, humanitarian aid, development, peacekeeping, journalism, and communication. He has worked with civil society, academic, media and international organizations in Africa, Asia, the Middle East and North America. He has led large, multicultural teams at global, regional and national levels including in complex emergency situations at the UN Headquarters in New York and in various countries and regions. His knowledge and experience of global issues and organizations includes work in post-conflict situations and countries in transition, including South Africa (1994-1995), Afghanistan (2000-2002), Iraq (2003), Lebanon (2006), Sudan (2008-2010), and currently in the MENA region.

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.

He holds degrees in Engineering, Archaeology, Sociology and International Relations. He has published three books and many articles in English and Arabic. His writings are available at khaledmansour.org

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