

Funder Learning Visit to the Arab Region Tunis 8-10 May 2012

Human Rights and Civil Society Pre-, Peri-, and Post-Transition

This session explored the state of civil society in the Arab region and examined the specific challenges human rights organizations are facing and the ways that donors can be of support.

Speakers:

- **Elie Abouaoun**, Executive Director, Arab Human Rights Fund
- **Yousry Moustafa Hussein**, Advisor, German Society of International Cooperation (GIZ)

Moderator:

- **Sevdalina Rukanova**, Senior Officer, European Foundation Centre

Elie Abouaoun opened by stating that years of autocratic regimes have left scars on all levels within countries in the region. Before 2011 autocratic regimes existed on one side, with civil society on the other. A third actor is a highly organized Islamist movement.

Challenges for Civil Society and Transition

- Access to resources vs. capacity
 - Brain drain
 - Technical capacity
 - Actors don't necessarily know what's happening on the ground
 - Political urgency felt by urban based/top notch NGOs to quickly spend money from western donors.
- Local actors do not enjoy as much legitimacy/acceptability as they deserve, because seen as business minded, and money driven (widened gap between constituencies and NGOs)

Accountability – Many NGOs are only being held accountable to their donors. The concept of being held accountable to one's constituency is underrated. A lack of legitimacy hinders the ability to mobilize that constituency.

- Inappropriate legal environment: political changes have not improved this environment
- Concern: Being able to provide programming that is relevant to people's desires. Most civil society organizations are operating based on the assumption that people want a democratic regime, but it is not clear whether or not their constituencies actually endorse these values.
- There is a lack of funding aimed at long-term support for popularizing human rights from international donors. Instead, donors often fund short-term projects with very clear, immediate outcomes.
- Relations with the government. Previously, these relationships were rife with mistrust, and it was traditionally understood that civil society always stood in opposition to the government. It is now time to challenge that assumption.

- For example, in Lebanon, the strong vertical divide between people affected civil society since 2005. Since then, some organizations have been perceived as being closer to one political party than to another.
- An important challenge over next few years is triggering a trust building process between civil society and the government.
- Religion is a core element of individuals' identity within the region. Civil society cannot deny this fact without isolating itself further. How can civil society use religion to promote certain values while keeping a critical distance from religious groups so as not to become too involved?

In conclusion, the role of civil society has been the subject of intense debate over the past few decades. It is seen negatively by the government, because it seems to occupy space that could exclusively belong to the government. Public perception has moved on to become more positive, and civil society's role is now being acknowledged. Civil society's first priority must be to assert human rights and freedoms.

Clarifying questions

Q: The laws governing NGOs in each country are key issues for the functioning of civil society. Can you explain the state of play further?

A government's first priority is to control NGOs, and laws reflect this. NGOs are just beginning their battle to have equal and appropriate environments. The laws governing NGOs in Iraq and Kurdistan seem to be the best in the region, and his model could be used as a model for others to follow.

Q: Can you elaborate on the vertical divide?

There are a few elements: actors, priorities, dynamics, and challenges

Actors

Virtual Civil Society has no institutional identity. How will governments deal with a Facebook group? Online communities? There are many new things happening in terms of actors.

Post-revolution: trade unions, associations – didn't use Human Rights language before revolution but do now.

Dynamics

- The 1980's NGO Human Rights movement focused mainly on civil and political rights.
- During the 1990's, diversity increased. International United Nations conferences introduced a wave of new actors interested in a variety of topics. This was a period of building an identity of human rights.
- Then development actors adopted results based accountability and moved from service provisions into human rights based organizations that were well connected with the grassroots.
- Political actors started to become a part of Human Rights movement, and human rights groups became more and more political actors. Around 2000, talk about democracy and change began to circulate, and actors became more willing to leave civil society and move toward politics. The Invasion of Iraq was a turning point. Before the Invasion, demonstrations were usually about Israel, rather than about internal issues. The invasion really started to change the focus of demonstrations.
- Many people were not against idea of human rights but resisted the idea of "all human rights for all". For example, the Muslim Brotherhood encouraged political rights but not LGBT rights.

- The NGO movement had a low capacity to absorb high levels of activism. Where are the spaces to contain this new momentum? In new political and social movements.
- Human rights are gaining new activism but is losing its identity. NGO movement uses international covenants as guideposts, and now political actors are using human rights language as a guidepost within a political background, and the two are not always in line.

Rights-based transition

- Equality and non-discrimination
- Cultural diversity –absolutism is a major problem
- Social justice (Economic, Social, and Cultural Rights and work to prevent social exclusion). Major issues with philanthropy for social injustice, i.e. Saudi money
- Citizenship and rule of law: impetus to merge human Rights education and citizenship education
- Institutional reform

As Islamist groups are not integrated into the political system, he foresees political violence. Will receive more refugees, Human Rights NGOs still don't have the capacity for these types of issues.

Challenges:

- Gaining spaces for human rights activism but losing human rights theology. Human rights can be useful as a language, but there are wide variations in understandings regarding what human rights actually mean
- How to make state institutions accountable?
- Unknown new actors – new NGOs, trade unions, youth organizations. There are currently no comprehensive studies on who these new actors are.
- Legal restrictions. Use of emergency laws to attack human rights. There is a gray area between politics and law, and this means that the law can often be used for political reasons.
- Cultural resistance: How do we have a new generation of human rights actors and develop discourses to communicate with other actors,(i.e. marginalized communities, rural tribes)? We should avoid the debate between human rights and sharia.

Discussion

Q: What strategies for grantmaking can we develop to overcome restrictive laws?

One strategy is to establish a law firm. Make consultancy contracts with individuals (only if people trust and know). This can work within international umbrella organizations. Continually try to get approval from ministry for grants to come through.

Q: Is there any exchange between salafists and human rights groups?

Salafists are opportunists. They don't believe in human rights, or even political rights. If they come to power, they will be against human rights. However, there are groups now emerging who do believe in the importance of human rights. Development organizations managed more than human rights organizations to deconstruct discourse on universality and relativism because they work with people's daily lives.

Q: How can we stick to the universality of human rights aspirations without imposing our own ideas and morality on others?

Q: In 2009 Egypt and Tunisia were ranked best in world regulating financial transactions. What can we do to make these measures that are constraining civil society more visible, or to show that these laws are damaging?

An amendment to NGO law that would make all foreign funding illegal has been proposed. I don't expect it to pass, but the world is unpredictable. In 2008, Mubarak proposed an amendment to make NGO laws more restrictive, but dropped the amendment after receiving pressure from organizations working with EU countries, etc. We should ensure that countries raise this issue bilaterally within their government. The amendment has been proposed by transitional SCAF-supported government, but there is huge backlash. NGOs have drafted an alternative amendment and there is a third draft coming from Islamist groups within the government.

Q: What was it about the Invasion of Iraq that sparked a change within Civil Society?

Identity nationalism reasons that 'we are good because others are bad.' Saddam Hussein was a last separation of Arab nationalism, there are no more "big brothers". Young groups have become even more aware of nationalism. The first Invasion of Iraq was one Arab country invading another Arab country. Then the entrance of the United States acted as a major reminder of the humiliation of colonialism.

Q: Are labor unions potential grantees for US and European donors?

Trade unions and political parties cannot receive funds. We need to think about an approach to technical assistance for new actors who cannot receive foreign funding. Suggest best not to support labor unions as there is a lot of corruption.