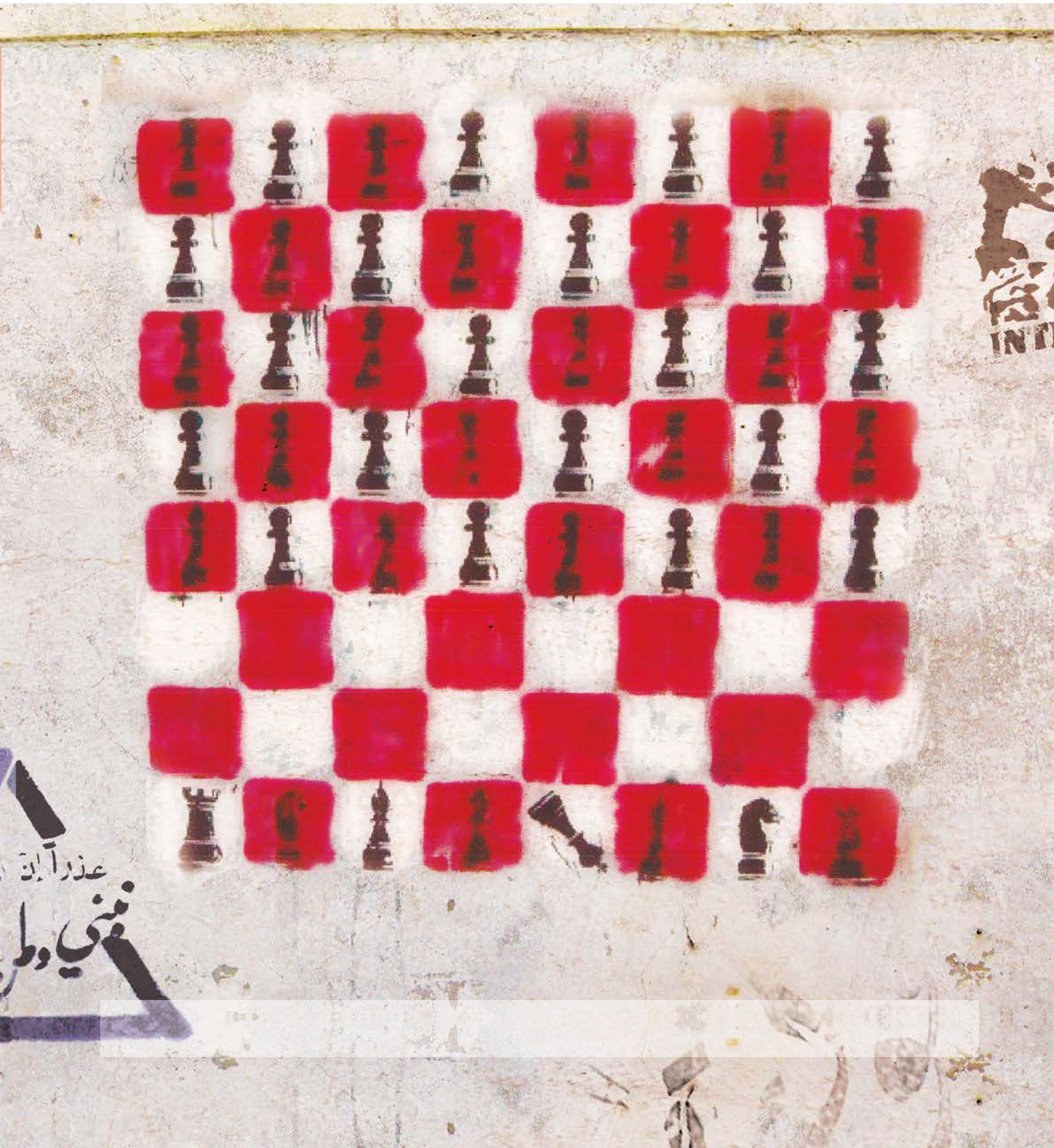
# Injustice in the Arab Region and the Road to Justice



# Injustice in the Arab Region and the Road to Justice

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Publication website: http://www.arab4justicereport.net.

# Report Preparation Team

The report "Injustice in the Arab Region and the Road to Justice" is a perusal of the present and a vision for the future. A group of Arab authors contributed to its preparation, while a board of advisors comprised of Arab thinkers contributed to enriching its material with ideas and opinions. A synergy of sundry and diverse expertise in research, analysis, and review made it come to fruition.

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## Cover

Designed by Ibrahim Ramdan, Inspired by an unsigned graphite on Muhammad mahmoud street in Cairo in 2011.

# Preface

This copy of the "*Injustice in the Arab Region and the Road to Justice*" Report represents a second edition, as the first was issued in December 2016 and posted on the web page of the United Nations Economic and Social Commission for Western Asia (ESCWA) for only one day. It was withdrawn twenty-four hours later.

The story of this edition of the Report simulates that of the Report itself, albeit it falls short on impact and is less momentous. ESCWA had taken the initiative to prepare a report on the state of justice in the Arab region. Towards this end, ESCWA engaged a large team of distinguished experts hailing from several Arab countries, varying schools of thought and different generations. The Report was authored by experts from ESCWA in cooperation with external consultants. For over one year and after a series of meetings with the Advisory Board, appointed by ESCWA, to deliberate, discuss and comment on various drafts, the Report was finalized as it appears in its current version and under the foregoing title.

The United Nations Secretariat did not deem to issue the Report bearing its logo, although the Report complies with the editorial guidelines mandated by the United Nations. This stance from the United Nations Secretariat was attributable to pressures exerted by countries that objected to the fact that the Report documents cases of oppression of Arab people and injustice by ruling elites. Chief among which is that inflicted upon the Palestinian people by the occupying Israeli State, which continues to exercise settler colonialism and to usurp the land from its indigenous population, a state that the Report describes as an apartheid state. The Report further condemns the Israeli State's claim for legitimacy being the only state in the world whereby eligibility for naturalization is the individual's specific religion. Nevertheless, despite pressures exerted, the United Nations Secretariat decided to grant the Advisory Board appointed by ESCWA the copyrights to issue the Report, but without the United Nations logo.

The members of the Advisory Board met on 2 February 2017 in Beirut and unanimously decided to proceed with issuing the Report as it is. They were

of the opinion that the reasons that gave rise to the prevailing political and economic conditions in the world and in the Arab region, which precipitated the need to study the state of justice in the Arab world, were the very same as those that triggered the decision of the United Nations Secretariat to ban and prohibit its issuance. While the members of the Advisory Board expressed their regret concerning this decision, they were, nevertheless, appreciative of the fact that they were granted copyrights to issue the Report. Their position was predicated on their conviction that the Report bears an exceptional significance at this juncture, in as far as its role in triggering a general societal discourse, in the Arab world and the world at large, around the issues it addresses.

It would be difficult to reach a consensus regarding the entire contents of this Report and the individual arguments, analysis, and viewpoints it offers. Notwithstanding this, the agreement reached on the main titles it covers, the issues it addresses, and the facts it outlays necessitate a public debate and call for finding ways and means to redress the underlying causes of injustice, including oppression afflicted on Arab citizens and denying them their rights and freedoms, especially freedom of expression, which should be rigorously safeguarded. The conviction of the Advisory Board members regarding the critical importance of the Report, despite divergences in viewpoints regarding various parts thereof, and their respect for the intellect, perceptions, and integrity of the original team that authored the Report, led to their decision to publish the Report as is, once the UN logo and names of ESCWA staff members are removed.

The Executive Secretary of ESCWA, Dr. Rima Khalaf, in her Preface which appears on the subsequent pages of this issue of the Report without bearing her signature though, paid tribute to three of the foremost Arab thinkers who witnessed the conception and need for this Report, but who had departed from our world before witnessing its issuance, namely, the novelist and critic Dr. Radwa Ashour, the Ambassador of Arabs, Dr. Clovis Maksoud and his Eminence the scholar Sayyed Hani Fahs. Fate had also decreed that this tribute would include a fourth who was among the main substantial contributors to the Report, the thinker Dr. Raghid El-Solh, whose death had shocked the Advisory Board on the morning of its meeting of 2 February 2017 and whose loss was at once poignant and disorienting. He enjoyed an enlightened mind and whose conscience was possessed with the issues, problems and concerns of the Arab world. We, the Advisory Board members, hereby avow to endeavor to uphold the values that he enshrined and the principles he had dedicated his life and fought for, as we have pledged to our colleagues who preceded him.

The members of the Advisory Group (as distinct from the Advisory Board appointed by ESCWA), whose names are listed hereunder, have accepted the transmittance of copyrights from the United Nations to them as a group and have decided, in their capacity as copyright holders, to authorize the dissemination and publication of this Report in Arabic and in any other language it is translated into, freely and without any restrictions, for various purposes except for seeking material profit. They also decided that, in case they approve of publishing it through any medium that seeks profit, its proceeds should be dedicated to a humanitarian issue in the Arab world.

It should be noted that the Advisory Group is not the author of the Report, although its members provided counsel and criticism during the course its preparation. This Group cannot but extend its overall appreciation to all those who made substantial contributions to the Report from ESCWA whose names appear in the first edition, in terms of concepts, substance, drafting, editing, proofreading and other technical issues. We further express our appreciation to all external consultants and experts who contributed to the manuscript, without whose inputs this Report would not have come to fruition.

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# Foreword

A firestorm spreads across the Arab region; conflicts and civil wars wreak havoc on one third of its countries; sectarian strife tears its peoples apart; States surrender their sovereignty sometimes willingly other times by force; countries crumble in an Arab region moulded by others and violently imposed on its peoples. People must choose between evils; between the aggression of the State and the hazards of its absence; between persecution at home and persecution in exile; between death and humiliation.

This report is an attempt to examine those ills. It establishes that the devastation in the region is a direct result of the injustice inflicted upon its people – individuals, social groups and sometimes the population of a whole country – by ruling elites, foreign powers accustomed to lording over the region and, more recently, by criminal groups that wouldn't have emerged and proliferated had it not been for the injustices wrought by those elites and foreign powers.

Most ruling elites did not come to power by the will of their people. For protection, they sought support from foreign powers and, in return, prioritized the interests of those powers over the needs of their own citizens. As the gap between them and their constituents widened, the ruling elites resorted to oppression and corruption to subdue irate citizens, whose anger further escalated when promises of freedom and prosperity went unmet. Those elites have failed to achieve real independence for their countries and to liberate Palestine, or to see its refugees return home. Instead, their countries have become more reliant on foreign powers; more Arab countries have been occupied, and the number of refugees continues to escalate at a staggering rate. Moreover, prosperity has not been achieved. Under dictatorship and corruption, people have endured an array of psychological and physical trauma; and under rentier economies, the poor have become poorer and the rich exorbitantly richer.

The roots of the injustices inflicted by outside forces on the region go back an entire century, when colonial powers divided the region into dependent mini-States and offered a cherished part of it to outsiders, who uprooted its people, moved into their homes, then went after what was left of their land and occupied it by force. That injustice endures as Palestinians suffer under the

Israeli occupation's blatant violations of their rights, particularly the right to self-determination on their own land, and the right of its refugees to return to their homes. Their suffering is compounded by the racial discrimination to which they are subjected by an occupying power that believes in the supremacy of one religious group over others, and that deems itself above international law and allows itself to discriminate between people based on their religion.

In recent decades, injustice from abroad has also come in the form of illegitimate destructive wars waged against some Arab countries, and blockades and sanctions that have harmed mostly the people but missed their targets.

Facing injustice from within and without, people's anger festered but was subdued by fear of more brutality. However, the perceived tranquillity, whether caused by fear or by hope that those in power might fulfil their promises, did not preclude the occasional emergence of popular movements demanding reforms and change. When people lost hope in the ruling elite, the 2011 uprisings erupted as a last-ditch attempt to see their deferred dream of freedom and dignity realized by peaceful means. Some regimes protected their countries by introducing varying degrees of constitutional reforms, while others responded with firepower, plunging their countries into fierce civil wars that have caused terrible human suffering and material losses.

The devastating consequences of war and conflict over the past five years have been mostly felt by civilians; almost half a million were killed, millions more were injured or went missing, and a wave of refugees and displaced people was triggered the like of which has not been seen in the world since the Second World War. Those who have survived war have not escaped its devastating effects. Poverty rates have doubled, and health and education indicators have plummeted, especially among children who, like their countries, are now plagued by stunting and wasting.

The crisis appears no closer to a solution, especially given that policies adopted by many ruling elites to deal with uprisings where they erupted or avoid their eruption where they have not are no different from those that sparked it in the first place. Responding to demonstrations against injustice with more injustice and brutality does not make people resign, but rather hardens the resolve of some groups and drives them to militancy against the State. Dividing people along sectarian, confessional and ethnic lines to create the impression that a ruler is the bulwark separating people from the compatriots they fear, does not help rulers stay in power. On the contrary, such practices fragment societies, fuelling internecine fighting and the thirst for vengeance, causing the demise of both the ruler and the ruled. Stirring up sectarian sentiment to rally the people

against a new imagined enemy, away from the real struggle against occupation, colonialism and dictatorship, only serves to plunge the entire region into futile battles in which all lose but the very enemy who is targeting everyone, irrespective of their sect.

Ruling elites, and indeed some of their opponents, have failed to learn from past mistakes. Despite what foreign powers have inflicted upon Iraq, Palestine and other Arab countries, some Governments, organizations and individuals still hope that something good will come from foreign powers, and do not hesitate to seek their protection or to settle conflicts in their favour. However, foreign parties will clearly only act to resolve conflicts, if at all, in defence of their own interests. They care little about the well-being of people and are never deterred by their suffering. Death and destruction are therefore perpetuated. As the region becomes an open field to all, the brutality spreads and takes on forms not witnessed since colonial times.

Hundreds of thousands suffer under siege and from hunger, while others who flee from the living hell are killed or tortured. Swarms of fighter-bombers swoop in by land and sea, from East and West, dropping their deadly loads on all. They do not differentiate between combatants and civilians, between a military installation, a crowded funeral ceremony or a United Nations school sheltering innocents fleeing from the madness of the bombing. In our world today, some women are captured and sold in slave markets, and others are raped in underground interrogation cells and jails; a criminal organization incinerates or drowns its captives in cages, and settlers brought in by a foreign occupying State burn the people of the land and their children as they sleep in their homes.

The mistakes of the past are also repeated in addressing so-called terrorism. External powers insist on applying the term to movements seeking freedom from occupation, just as some in power in the Arab region insist on applying it to any serious opposition that is perceived to pose a threat to their rule. In the eyes of many, being called a terrorist is no longer a stigma and the war on terror, which has caused more civilian deaths than terrorism itself, is no longer legitimate. Those who wage that war misinterpret, knowingly or otherwise, what leads some to resort to violence. When people in the region were surveyed on the main reasons motivating young Arab men and women to join extremist organizations, they unerringly cite corrupt and oppressive Governments that are unrepresentative of the people, and the foreign occupation of Arab land. The ruling elites, however, insist that neither is the cause. Rather, they maintain that it is twisted thinking requiring correction, conveniently ignoring the reason that leads people to adopt that thinking. Some foreign leaders insist that it is

the nature of Arabs and Muslims, and hence make one and a half billion people the target of their war. As mistaken diagnosis leads inevitably to the wrong treatment, the problem of extremist violence is expected to exacerbate rather than regress.

Injustice and the continued refusal to acknowledge the real underlying reasons for the strife and destruction, and the insistence on pursuing policies that have demonstrably failed, are what have brought our region and peoples to their present calamity. This path was not inevitable. Arab countries did not have to become killing fields and refugee factories; it was not preordained that their skies should become a showcase for the latest in the world's arsenal of weapons, or that their cities should be their testing ground. However dark the present moment, the future still holds many possibilities. By far the most dangerous of them would be for the Arab ruling elites to ignore calls for the kind of radical and urgent change that can end conflict where it has broken out and prevent it where its deep causes lie hidden under a pall of a precarious stagnation that some mistake for stability. Another wave of uprisings is imminent. This time, demonstrators will not carry roses, banners and mobile telephones; and will not clean the squares and paint the pavements; instead, they will carry weapons and all the maps of the region will be stained with blood. If some find the people's hope burdensome, they should brace themselves for their despair is immeasurably heavier.

This report on Injustice in the Arab Region and the Road to Justice is an attempt to identify ways out of the current ordeal through a scientific and impartial analysis of what got us here. The authors believe that the only way of averting further deterioration and restoring rights is to eliminate the causes of injustice. These include political and economic dependence on foreign powers, a social contract forcibly imposed on the people and the brutal occupation of Palestine, whose negative consequences are not felt by the Palestinians alone, but also threaten human security across the region.

This can be achieved despite great hurdles if Arab countries undertake profound reform of their political and economic structures, cooperate to end civil wars and build States in which all citizens are equal and where no one suffers discrimination on the grounds of their religion, race or gender. No Arab country can accomplish these goals alone. Therefore, they must strive for across-the-board regional political and economic integration and work together to bring about a cultural revival to end sectarian strife, unleash free thought and bring about an alternative modernity that is neither rooted in colonialism nor mesmerized by it, and which does not isolate itself or close its doors to the rest of the world. The world is greater than the few politicians who have

waged wars against Arabs, and finer than a handful of racists, victims of their own malice, who have latched on to the thesis of the clash of civilizations in order to deal with their own internal problems. The world is the peoples of East and West, North and South, who through their intellectuals, activists, writers and artists have supported the just causes of Arabs, boycotting oppressors and occupiers, unmasking the crimes of despots, and stretching out a helping hand to the oppressed.

Cosmetic reforms will no longer do and the Arabs do not have a great many options; change is upon the region and a new map, carving it up along sectarian and ethnic lines, is being drawn up behind closed doors in distant capitals or on the field of battle. Today, the only choice left to Arabs is either to be the architects of change or its victims. The authors of this report make recommendations in favour of the former option and in support of the Arabs' right to freedom and to a life in dignity and security, so as to avoid another bloody struggle against a new colonial order in the near future.

The report sets out recommendations for consideration by decision makers and their opponents, men and women, old and young, and all the dynamic forces in the Arab region, who are free to concur, disagree or adapt their contents. The authors are aware that the product of their efforts, like any other human endeavour, is open to correction and revision. Their ambition is to launch a dialogue that might lead to consensus on how to lift the region from its mire and restore dignity to all its people. The composition of the report team reflects the political, geographic and demographic diversity of the Arab region. Its members hold differing intellectual views; however, through effort and dialogue, they were able to reach the minimum level of consensus required to produce this report.

These pages are insufficient to give due recognition for the efforts of all those who worked to complete this report. I would like to express my gratitude and appreciation to my colleagues at ESCWA who contributed to its writing, preparation, review, translation, editing and management, especially Mr. Tamim al-Barghouti, leader of the ESCWA contributors team, for his tireless creative efforts that produced a report whose contents may cause controversy but whose quality and boldness are indisputable. I would also like to thank the advisory group of Arab intellectuals whose written contributions influenced the report's contents and whose enlightened comments and guidance added insight and depth. I dedicate this report to three towering figures who inspired its subject matter and pioneered its journey, but who are unfortunately no longer with us to see it complete: Ms. Radwa Ashour, the novelist, author and critic whose intellect and courage "defeated thugs and tyrants"; Mr. Clovis Maksoud, the

ambassador of Arabs, who dedicated his life to justice and the cause of Palestine; and Mr. Hani Fahs, champion of the downtrodden and steadfast opponent of internecine wrangling and sectarianism. We promise to continue on their path, and we dedicate to them and to all Arabs this report. This is an exclamation of hope amidst rubble and smoke. It is a call to wipe away the blood and dust, like the attempt by a child extracted from the debris to clean the marks of war from his hands and cheeks, to survive and to strive against all odds.

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# Overview

A dream deferred does, of course, explode. Millions took to the streets across the Arab region to usher in 2011 with dreams of justice. Some were achieved and some were delayed; others were substituted by nightmares.

The Arab region has become one of quick sands. War is an everyday reality for one third of the population. Millions have been killed or injured, and fear has driven millions of other to risk perilous roads and seas. Those who have been spared the calamities of war are not necessarily out of harm's way – today's spectators may well become tomorrow's spectacle.

Sweeping change is on the horizon; it may affect regimes, societies, people's rights and possibly the borders of some countries. It could prove as momentous as the events of 100 years ago, when colonial powers tore apart the region's populations and redrew its map. The outcome of this impending change is yet unknown. It could mean freedom and prosperity for all if shaped in accordance with the desires and interests of the region's people, or it could mean further destruction and fragmentation if brought about by external powers aiming to remould the region in accordance with their interests – powers that expect no role for the people of the region in shaping the new order, beyond sacrificing their blood to make it happen.

Yet, freedom remains possible despite the tough road ahead. A good start would be to determine what has stifled freedom over the past decades, and the circumstances that sparked the war and strife of recent years. The most prejudiced and erroneous explanation is that of "Arab exceptionalism", which maintains that Arabs, by virtue of their social structures, religion, culture and even language, are unable to accept change and are unfit for democratic rule. This view is promoted by former colonial powers that have lost their colonies but not their penchant for colonization, and by dictators who may have lost their absolute power but not their ability to inflict harm.

Contrary to that notion, which embodies a mixture of bias, prejudice and wishful thinking, this report presents an objective analysis of the region's current predicament. The authors maintain that past and present injustices are the principal causes of today's civil wars and humanitarian crises, and outline the broad lines of a strategy to root out oppression and achieve a measure of justice that will end the assault on human dignity in the Arab region.

A dream deferred does, of course, explode

## A. Justice is a right for all

The concept of justice in the region has been, across millennia, as culturally important and politically sensitive as the concept of freedom in Western Europe during the Renaissance and the Enlightenment. The notion that "justice is the foundation of power" is not only a moral imperative, but also a distinctly practical political principle. Justice in the prevailing Arab culture is not linked to an individual's status or identity, but rather values all persons by dint of their humanity, although its application in many cases runs contrary to the ideal.

Achieving justice has been the key motive for popular struggle over the centuries. The history of the world in general, and that of the Arab region in particular, demonstrates that life is an endless endeavour to achieve justice. The pursuit of justice encompasses both the practical endeavour to establish a system of governance that treats all people justly; and the theoretical endeavour to define the essence of justice, which invariably evolves over time.

Justice is strongly linked to freedom

Justice is a key principle for humanity at large. Like dignity and equal rights, justice is a value that individuals and countries unanimously support in theory, even when they do not uphold it in practice. The moral virtue of justice is indisputable as a reference for all human behaviour in the political and economic spheres and in the management of human and material resources. It is a reference during times of war and in times of peace.

Injustice cannot last indefinitely

Justice is strongly linked to freedom, and cannot be achieved unless all individuals, groups and countries enjoy equal rights and opportunities. Injustice suffered by individuals, groups and nations cannot last indefinitely. It may result in short-term personal gains for some, but will eventually cause widespread ruin for all.

### Injustice presages the ruin of the State

Those who deny people their dues are unjust oppressors. Those who take property by force are unjust oppressors. The consequence of all of this is the ruin of the State.

***Ibn Khaldun***

This report is based on the principle that all human beings are equal in dignity, and builds upon the progression of human thought to reach a three-pronged definition of justice: equal rights for all as provided for in universal covenants; equal opportunities for all; and equitable living conditions for all. Equity might sometimes entail accepting inequality in the distribution of services or social and economic benefits in favour of

the less privileged. In this sense, the definition of justice goes beyond legal justice to ensure moral justice.

The State plays a fundamental role in achieving justice by preserving freedoms, enacting laws that protect human rights and enshrine the concept of equal citizenship, establishing institutions that oversee the implementation of such laws, and maintaining equity by eliminating the effects of injustice whenever it occurs. The best system of government for achieving this is democracy, which upholds the will of the people and guarantees accountability. If a State fails in its responsibilities, its society is driven to violence and the State is threatened with disintegration. The peacefulness and survival of a State are conditioned on securing justice for its citizens and all those living within its borders.

Inclusive justice is not limited to equality between individuals, but also that between various social groups, different generations in a given country and the world's peoples under the global system of governance. Equality between peoples and countries, like equality between compatriots, requires just international laws that apply equally to all countries and protect the inalienable rights of all peoples, including the right to self-determination.

## B. Injustices that accumulate will explode

Those who rose up in 2011 demanded justice. It was unjust when a policewoman slapped Mohamed Bouazizi and overturned his street cart, the source of his livelihood. It was unjust when two Egyptian policemen smashed Khaled Said's skull against a wall. It was unjust when children were tortured in Daraa for writing slogans on walls.

Even before 2011, the roots of injustice in this region go back an entire century. It was unjust when the Palestinian people were uprooted from their land to be replaced by others. Prior to that, it was unjust when borders were drawn, barbed wire was installed, flags were raised and leaders were appointed by the colonizing powers that emerged victorious from the First World War. It was unjust when the peoples of the region were told by those powers that the new divisions and resulting fragments, based on the idea of modern secular nationalism, would be more beneficial to them than their previous unity, because that unity was rooted in religion, only to see those same powers dedicate one of those fragments to establish a State based on religion, where it is sufficient to be Jewish to gain citizenship, and sufficient to be non-Jewish to be uprooted and then attacked wherever refuge is sought.

It was unjust when the Palestinian people were uprooted from their land to be replaced by others

It is unjust when an oppressor dictates the definition of justice, then demands that the people make him the judge in the dispute over his eligibility to judge

It was unjust to occupy Iraq under the false pretext that it possessed weapons of mass destruction.

It is unjust when an oppressor dictates the definition of justice, then demands that the people make him the judge in the dispute over his eligibility to judge.

It is unjust that, today, people face discrimination in rights and opportunities, that some groups suffer oppression because of their identity or that entire populations are denied their rights, including their right to self-determination.

## 1. Inequality of opportunity between individuals

Disparities between individuals in income, wealth and living standards are natural and acceptable where they result from similar disparities in effort, capacity or productivity. However, they are morally impermissible if they are the outcome of practices such as corruption, nepotism or discrimination.

In the Arab region, the gap between rich and poor is wide, and the gap in income, wealth and consumption, and in access to education, social and health services and labour market opportunities is growing further. Poverty rates are increasing. A fifth of the Arab population lives on less than $2 per day. Around 40 per cent survive on under $2.75 per day, just above the poverty line; it would take one adverse event for them to slip below it.

Discrimination between wealthy and poor children begins before birth

Discrimination between wealthy and poor children begins before birth, with wide variations in the quality and quantity of services provided to either group. Disparities that arise at birth grow as a result of unjust political and social policies. Most wealthy mothers give birth under specialist supervision, but only a limited number of poor women have access to such services. Wealthy children enjoy good medical care, unlike underprivileged children who lack such care and end up suffering from high rates of stunting, underweight and wasting. The gap in capabilities also widens between children, with many wealthy children attending preschool whereas poor families cannot afford the cost. The quality of education available to deprived groups is below par compared with that enjoyed by the wealthy, affecting academic attainment. Such discrimination is exacerbated by fewer employment opportunities for the poor, trapping individuals in hard-to-break cycles of deprivation.

The labour market is also segmented into several submarkets: for men and for women, nationals and immigrants, the private sector and public sector, and the formal and informal sectors. This segmentation results in variations in salaries, working conditions, and the provision of social security and health insurance.

In the Arab region, success is conditioned by factors an individual cannot affect or change, such as birthplace, sex and family status. Those born in rural areas do not have the same opportunities as urban dwellers, people from disadvantaged backgrounds do not enjoy the same opportunities as those born into rich families, and girls do not have the same chances as boys. In many situations, unfavourable circumstances combine to make matters worse. For example, a poor rural woman will suffer greater injustice than a rich urban man.

Disparities grow as a result of unjust political and social policies, trapping individuals in hard-to-break cycles of deprivation

Inequality of opportunity is the epitome of injustice. Conditioning life chances on variables that individuals have no control over, such as gender, birthplace and family status, contradicts the basic principles of justice.

## 2. Groups marginalized intentionally or through neglect

The lack of justice between individuals, however cruel, is not the end of the story. Some groups suffer doubly. This report defines an "oppressed community" as any group of people bound together by one or more attributes, be they of their own choosing, bestowed on them by nature, or attributed to them by others, on account of which they suffer harm or are deprived of their rights. Within this definition falls a wide range of population groups who share a common attribute such as race, ethnicity, religion, language and political affiliation, or common sociodemographic characteristics such as women, the elderly, persons with disabilities, refugees and migrant workers.

The Arab region has enjoyed diversity since ancient times, and was distinguished by the relatively peaceful coexistence that prevailed between its various constituent groups. In previous centuries, the European colonial States adopted a policy of "divide and rule" to exacerbate cultural differences and spread discord between coexisting groups, with the aim of controlling the region. More recently, various official policies have weakened the social fabric by distinguishing between societal groups, granting some benefits at the expense of others and depriving the latter of rights set forth in laws and constitutions. Consequently, the pillars of pluralism have cracked in more than one Arab country and the sense of deprivation and discrimination has grown in various communities.

Some groups in the region suffer from restrictions imposed on religious freedoms, especially with regard to constructing places of worship, such as churches and husseiniyas. Many groups in the region, both minorities and majorities, feel that their right to political participation has been eroded. In Iraq, for example, following the United States-led occupation and the disbandment of the armed forces and the Baath Party, the Sunni community was subjected to

The gravest form of exclusion remains the arbitrary deprivation of nationality

the relative exclusion that the Shiite community had previously suffered from. In Saudi Arabia, many Shiites believe that they do not receive equal opportunities when it comes to jobs and promotions, and that they suffer discrimination in areas such as education and civil service employment. In Bahrain, in the wake of the popular movement that swept the region in 2011, a major demand of protesters was for the participation of all groups, including the Shiites, in decision-making processes. The gravest form of exclusion remains the arbitrary deprivation of nationality, resulting in the denial of basic rights and freedoms, and which has major implications for family members, especially dependents. More often than not it leads to expulsion or deportation.

A form of injustice in the region is the politicide of opposition groups. Examples include the Muslim Brotherhood in the Syrian Arab Republic and the Islamic Dawa Party in Iraq over the past century, the Baath Party in Iraq following the 2003 United States-led invasion, and the Muslim Brotherhood in Egypt after the 2013 coup. As a prelude to political extermination, regimes often label targeted groups as terrorist organizations, as was the case with the Muslim Brotherhood in Egypt and some other countries, like Saudi Arabia and the United Arab Emirates, although the legal and security implications of this labelling differed from one country to another.

## No person shall be denied a nationality

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

***Universal Declaration of Human Rights (article 15)***

As a prelude to political extermination, regimes often label targeted groups as terrorist organizations

A group may be penalized because it is numerically predominant and thus seen by those in power as a threat. A minority can be penalized by oppression and intimidation when it is far from the centre of power, or by the flaring of tensions between it and the ruled majority if it is close to that centre. The exclusion of one group may result more from favouritism to another than from a desire to punish it. In non-democratic countries, groups close to the ruling elite tend to monopolize decision-making positions and access to key institutions or those that offer great material returns. The consequences of exclusion, whatever its causes, can be disastrous for society, generating feelings of injustice and a bitter sense of being the victim of prejudice.

Injustices suffered by social groups are exacerbated in times of civil war. In the absence of a central framework capable of providing protection, the population finds itself forced to congregate around religious or tribal identities in search of

such protection. The contending sides in the conflict exploit this rallying around identity to mobilize and recruit fighters. In this way, the conflict is transformed in people's minds from a struggle over political power into a confessional struggle that turns the Other, whether combatant or unarmed civilian, into a threat and, therefore, a target. As external support for those political forces increases, combatants become fiercer in their attacks on civilians from "other" groups. Since the United States-led invasion in 2003, virtually no community in Iraq has escaped violence. The militias of the self-proclaimed Islamic State have carried out executions, incarcerations and enslavement based upon religious affiliation, with the Yazidis suffering the most severely. They have also executed Christian civilians in Iraq, Libya and the Syrian Arab Republic. Moreover, State-affiliated militias in Iraq have committed grave human rights violations in conflict-affected areas, including killing civilians, torturing detainees, and preventing families from fleeing to safe cities under the pretext that enemy combatants could have sneaked into their fold. In the Syrian Arab Republic, the policies of the Government and the opposition have effectively brought about a geographical and demographic partitioning of the country. The scale of the ethnic or religious cleansing carried out on the ground may not be known until the first census is conducted after the war, which has cost the country 2.3 million casualties to date.

Groups are affected by their immediate political environment. An openly pluralistic political system, based on the principle of equal citizenship, can help various communities become an integral part of the overall fabric of society. A totalitarian and intolerant regime, which reinforces its rule by dividing people, accentuates the sense of injustice among such communities and strains their relationship with the rest of society. In the region, no particular group has always been in the position of oppressor or oppressed. Roles have changed over time. Injustice, however, has always been the same, whether it befalls the many or the few.

A totalitarian and intolerant regime, which reinforces its rule by dividing people, accentuates the sense of injustice among such communities and strains their relationship with the rest of society

In Arab countries, social groups such as women, children, young people, the elderly and persons with disabilities suffer different forms of discrimination and injustice, whether as a result of deliberate policy or through neglect. Discrimination against women finds its starkest expression in personal status laws that rarely grant women equal rights with men with regard to marriage, divorce, child custody and freedom of movement, and in nationality laws that deprive them of the right to pass on citizenship to their children or foreign husbands.

No particular group has always been in the position of oppressor or oppressed

Refugees are denied many rights enshrined in international treaties, because most Arab countries have not ratified them. Migrant workers also

Injustice, however has always been the same, whether it befalls the many or the few

face difficult situations. They are sometimes deprived of work contracts or the possibility of changing those contracts. Often they are employed under work contracts that exclude access to social services and fail to ensure a minimum wage. Domestic workers often face harsher circumstances; many are refused pay and prohibited from leaving their employer's house. Some are subject to dangerous working conditions, exploitation, verbal and physical abuse and sexual harassment. The absence or non-implementation of laws providing comprehensive protection to migrants places them in situations of defencelessness akin to bondage and enslavement.

As a result of wars, during which women, girls and children are particularly exposed to human trafficking and sexual abuse, and of the failure of some States to uphold the rights of refugees, displaced persons and migrant workers, modern day bondage is on the rise in the region, especially in conflict-affected countries.

## Justice cannot be achieved without recognition of the right of return

It is undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged... It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.

***Count Bernadotte (A/648(SUPP))***

## 3.Injustice befalling whole peoples

In the region, the injustice suffered by the Palestinian people remains unique. They were uprooted from their land in 1948 to make way for others. Their land was usurped and their villages were destroyed; and ever since they have been denied the right to return to their lands and their right to self-determination.

In 1967, Israel occupied the rest of Palestine, confiscated more land, encouraged its citizens to build Jewish settlements on occupied territory, and subjected Palestinians to military rule. The damage caused by the occupation is not limited to economic exploitation and assaults on human dignity. It extends to denying the very existence of Palestinians through political, material and moral extermination, and their forced displacement and deletion from the collective human memory and history books.

Israel has flouted international law since its establishment. It began by violating the decision that led to its creation, the Plan of Partition (General Assembly resolution 181 (II)), by grabbing land not allocated to it under the Plan and distorting its provisions with regard to the concept of a Jewish State. The Security Council has confirmed no less than nine counts of Israeli violations of the Charter of the United Nations. Israel has repeatedly refused to comply with several Security Council resolutions that prohibit its annexation of East Jerusalem, the forcible deportation of Palestinians from occupied territories and the building of settlements therein. The Security Council has condemned Israeli violations of many of its resolutions related to Palestine and the Palestinian people.

Israel refuses to acknowledge the applicability of the Fourth Geneva Convention in the occupied Palestinian territory, in violation of 18 Security Council resolutions and the 2004 advisory opinion of the International Court of Justice confirming that applicability. Israel has breached the Convention by building settlements in the occupied territories and denying Palestinian refugees the right to return. Israel has also violated the Convention by committing illegal acts, such as forcibly displacing Palestinians, destroying their property and inflicting collective punishments, treating detainees inhumanely and ignoring their legal rights, failing to distinguish between civilians and militants during armed hostilities, attacking medical and humanitarian facilities, and prohibiting the passage of medical, humanitarian and aid convoys.

Despite continued Israeli violations of international law, no punitive measures have been taken against it. In the absence of a subjective moral deterrent in Israel or objective legal deterrent at the international level, impunity for its crimes has led Israel to commit further breaches of international law.

The most flagrant crime committed by Israel is its systematic and institutional discrimination against all Palestinians. It further classifies Palestinians into groups that are treated differently according to laws and procedures.

Israel has denied Palestinians the right to return and seized their property under the pretext that they are absentees, because they are not Jewish. It denies them the right to return arguing that the country would overflow with millions of non-Jews, leading to the demise of the State of Israel as a Jewish State. Denying a people a basic right because their existence erodes the ability of a racial/religious group to continue dominating them, is akin to racism.

Two separate systems operate in the West Bank: one that guarantees Israelis living illegally in the occupied territory the same rights enjoyed by other Israeli citizens; and a military rule established for Palestinians living under

The most flagrant crime committed by Israel is its systematic and institutional discrimination against all Palestinians. It further classifies Palestinians into groups that are treated differently according to laws and procedures

Israel has built in the occupied territory 65 kilometres of roads exclusively for its settlers, known locally as "Jewish-only roads"

occupation. Discrimination against Palestinians is enshrined in law. It is reflected in the allocation of resources and services, in the zoning of areas and urban planning, and in residency rights and freedom of movement. Israel has built in the occupied territory 65 kilometres of roads exclusively for its settlers, known locally as "Jewish-only roads". Non-Jewish Palestinians residing in East Jerusalem enjoy relatively better services than those living in the West Bank and Gaza, but suffer from discrimination, and are not accorded the same rights and services as the city's Jewish residents. Such practices aim at maintaining a Jewish majority in the city, and come under the declared Israeli policy of "demographic balance" in Jerusalem, under which Palestinians are evicted from their homes and prohibited from building, their houses and property are destroyed, their land is seized and their residency rights are restricted.

Non-Jewish Palestinians in Israel suffer institutional and societal discrimination. In 2012, the Committee on the Elimination of Racial Discrimination expressed its increasing concern that Israeli society differentiated between Jews and non-Jews in rights and obligations, raising concerns about discrimination and apartheid pursuant to article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. Institutional discrimination against non-Jewish Israeli citizens is enshrined in more than 50 Israeli laws. Adopting the principle of the religious and racial purity of the Jewish State, the Israeli Prime Minister, Binyamin Netanyahu, has proposed amending the Basic Laws of Israel to define it as "the nation State of one people only – the Jewish people – and of no other people", which could be construed as a call for ethnic cleansing.

### Israel has created an apartheid regime

Israel has created an apartheid reality within its borders and through its occupation. The parallels to my own beloved South Africa are painfully stark indeed.

*Desmond Tutu*

## C. Causes and instruments of injustice

There are many causes of injustice in the region, but its origins are rooted in the twentieth century, when Arab States were established in their current form. Many were created by colonial powers, which drew up their borders, built their administrative apparatus, shaped the core of their internal security and military forces, and equipped them with structures for repressing freedom. Inheriting such structures, ruling elites were born with

a legitimacy deficit, and so depended for their survival upon safeguarding the interests of the colonial powers that instated them, rather than meeting the aspirations of the people for genuine independence and for political, economic and cultural liberation. This instilled in leaders a sense of constant fear of popular revolt, causing them to pursue repressive policies that swept away justice and cast a pall of oppression over the vast majority of the people.

Many Arab States were created by colonial powers and were thus born with a legitimacy deficit

When certain political elites were ousted and replaced by others that attempted to end foreign dependence, the latter found themselves targeted by imperialist powers that worked tirelessly to topple them through covert operations and coups.

This foreign intervention in the affairs of the region left ruling elites in a constant fear that drove them to become even more oppressive. Elites that were allied with foreign powers suppressed their peoples, fearful that they might revolt in pursuit of real independence, while Governments that were hostile to the hegemony of foreign powers acted repressively out of fear of intrigues and coups that might be directed at them by those forces. Fear dominated the ruler who collaborated with foreign powers, as well as the one who resisted them, and both were brutal in their repression, thereby erasing hopes of democracy and human security for most Arabs.

Ruling elites also resorted to distorting culture as a means of convincing people to accept despotic rule. They manipulated the notions of divine and natural order to promote submission and acceptance of oppression under the pretext that people were naturally unequal or that whatever besets people was divinely ordained, with fairness a blessing if bestowed, and injustice a trial to be endured. However, growing injustice caused people to realize that such justifications were simply a smokescreen employed by the powerful to control the weak. They eventually revolted against oppression, demanding freedom and justice.

## Despotism distorts the truth in people's minds

Wise readers may wonder...
how despotism is established when the truth is distorted... on closer inspection, it becomes clear that it is despots that distort truth in people's minds. Emperors and kings of old manipulated religion to support their despotism, and ... people submitted.

***Abd al-Rahman al-Kawakibi***

Under dictatorship and corruption, the public interest in most Arab countries has been sidelined and institutions have been undermined

Under dictatorship and corruption, the public interest in most Arab countries has been sidelined and institutions have been undermined. Power has been concentrated in the hands of a few, personalizing it to the point of blurring the boundaries between the State and its rulers. In such countries, the executive authority encroaches upon the constitution, the sense of citizenship is diluted by the restriction of political and civil rights in exchange for some economic rights, and State-controlled security, political and information apparatuses are used to subdue and oppress people instead of securing their interests and protecting them from danger.

Political and security systems have merged with economic systems that reduced the State economy to a few centres controlled by the regime and allowed influential networks to dominate the private sector. This unfavourable alliance between political and financial powers has generated tools of economic injustice by allowing the penetration of State and private institutions by influential economic networks, which have moved to seize control of key economic sectors, centralize development and planning policies so as to facilitate embezzlement, crush private initiatives and eliminate society's role in development. Such policies have institutionalized corruption, entrenched economic dependence and weakened the State's ability to play a role in development or generate and invest in human capital.

The Arab region has suffered from flaws in the global governance system, resulting either from a failure to apply international law to certain issues that affect it or from direct targeting by global powers

Despite the gravity of internal causes, it is difficult to attribute injustices to domestic factors alone in a region where external and internal affairs intertwine. The Arab region has suffered, perhaps more than others, from flaws in the global governance system, resulting either from a failure to apply international law to certain issues that affect it or from direct targeting by global powers.

With regard to procedural justice, veto powers have been repeatedly exercised in the United Nations Security Council to prevent Arabs from attaining rights enshrined in international law. The United States has made frequent use of its veto since 1972 to block draft resolutions supporting the right of Arabs to liberate their land from Israeli occupation. The United States also refuses to pressure Israel into abandoning its nuclear programme and acceding to the Treaty on the Non-Proliferation of Nuclear Weapons.

With regard to criminal justice, the International Criminal Court appears unable to prosecute those accused of violating international humanitarian law who have the support of major powers. One criticism directed at the court is that most of the cases it has reviewed relate to African countries. Concerning the Arab region, the Prosecutor refused to sanction the arrest of Israelis accused of committing crimes during the Israeli offensive in Gaza that lasted from late 2008 to early

2009, citing pretexts that seemed flimsy in view of legal precedents. The region has also endured more than its share of sanctions, including those imposed on Iraq, which hit civilians, especially children, without any impact on the regime. The region has suffered from numerous unlawful wars, including the war led by France and the United Kingdom against Egypt in 1956; and the United States-led war against Iraq in 2003 under pretexts that proved to be unfounded.

The negative effects of international policies can be seen in several Arab countries, especially Libya, the Syrian Arab Republic and Yemen. Their most serious repercussions are reflected in the current situation in Iraq and Palestine.

## D. In injustice lies ruin

Through rampant injustice and physical and psychological violence, rulers have burned bridges with their peoples. The failure of the State to free itself and the populace from the grip of oppression has driven people to reject the State as a unifying entity, and instead seek refuge in religious, tribal, sectarian and ethnic identities.

Injustice may at first be met with submissiveness and acceptance, but inevitably it leads to revolts that may begin peacefully, but usually end in violence. The 2011 uprisings were the latest attempt to achieve a deferred dream and meet dictatorship with non-violence, coercion with persuasion, and guns with the masses. Some uprisings succeeded in pushing for a peaceful democratic process, as witnessed in Morocco and Tunisia. However, when uprisings were confronted with blood and bullets, they produced further violence, shedding even more blood and countering bullets with bullets, spiralling into fierce civil wars that cannot lead to justice, but rather cause great human and physical loss and possibly fuel further acts of revenge and social fragmentation.

### What happens to a dream deferred?

What happens to a dream deferred?
Does it dry up
like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
like a syrupy sweet?
Maybe it just sags
like a heavy load.
Or does it explode?

***Dream Deferred (Harlem), by Langston Hughes***

If the absence of justice in the Arab region has brought about the current state of affairs, its continuation will give rise to something much graver

In the midst of violence and civil wars, modern institutions that are supposed to protect the people collapse. Many believe that they have no choice but to look to parallel institutions for protection from perceived threats. The phenomenon of combatants without borders, inspired by diverse ideological motives, has become widespread.

The accumulation of injustices in the region has resulted in the current state of affairs: people have been forced to leave their homes, with Arabs 30 times more likely to become refugees than people from other regions. The Syrian war alone has resulted in about 400,000 deaths in five years, more than 4.8 million refugees and 6.5 million internally displaced persons (IDPs), and 10.8 million people dependant on humanitarian aid. The security situation in Iraq and Libya remains unstable and armed conflict continues, causing new waves of displacement and launching new cycles of suffering.

Over the past five years, around half of all Arab countries have witnessed instability or armed conflict. Civil wars have resulted in millions of casualties and missing persons. Those who have survived the fighting have not escaped its detrimental physical, psychological and economic effects. Poverty rates have doubled, health and education indicators have plummeted, and human security has collapsed. Many conflict-stricken Arab countries, some of which are rich in resources, are now dependent on humanitarian aid to fulfil the most basic needs.

If the absence of justice in the Arab region has brought about the current state of affairs, its continuation will give rise to something much graver.

### The true meaning of life is a blessing that cannot be reduced to daily bread

While evildoers, the enemies of life, strive to spread misery in order to take possession of human lives and prevent people from leading a life in freedom that does not revolve around securing one's daily bread... the righteous try to resist by clinging to their fundamental values and thoughts, upon which they rebuild their hopes and their strength of will, which are either derived from God and flourish in human beings, or emerge from people and culminate in His embrace.

*Hani Fahs*

## E. Justice is achievable and Arabs are no exception

The current path need not be the path to the future, just as the path of Arab countries in the past, which transformed them into killing fields and refugee factories, was not

inevitable. A quick comparison between Arab and other countries over the past century is instructive.

Many Latin American countries have liberated themselves from military dictators who chopped off musicians' fingers if they sang against them, gathered opponents in football fields to be shot, and formed death squads to deal with dissenters. Following the fall of dictators, those countries flourished economically and politically. Their status grew rapidly as players in international relations and the global economy, and they achieved sustained progress in human development.

Most sub-Saharan countries, despite low income levels, despotism, and historically unprecedented brutality including mass enslavement by colonial powers, have witnessed, since their independence, peaceful transfers of power, democratic elections and national reconciliation following civil wars. Today, the clean streets of Kigali are a testament to the Rwandan people's refusal to live amid the detritus of civil war.

In the East, countries that were not divided and fragmented by others have become major powers. Today, China and India are rising giants; real global wealth is moving to those countries and their neighbours at an unprecedented pace. South East Asian countries have emerged from the oppression of their invaders and despots to shine brightly on the political and economic stage. Where once millions had fled across borders to escape shelling and imprisonment, today millions of tourists, students and migrants flock.

The Arab region, flanked on all sides by peoples that have succeeded in liberating themselves from ruthless long-standing oppressors, cannot remain idle and continue to accept daily assaults on their individual and collective dignity.

## 1. Achieving justice: a means of reclaiming human dignity

This report sets out a strategic vision aimed at achieving a measure of justice in the Arab region, ending grievances that have brought about strife, internecine killing and destruction affecting half its peoples and threatening the other half. The strategy comprises four complementary goals that cannot be achieved in isolation from one another and which are all directed at halting attacks on the dignity of all Arabs.

**A new social contract that safeguards human dignity:** Oppression, conflict, division, fragmentation and collapse in many Arab countries are the result of

Achieving justice in the region and ending grievances that have brought about internecine killing and destruction require establising a new social contract that safeguards human dignity, achieving genuine independance, realizing justice in Palestine and freeing people from fear and want

a deeply flawed social contract, which was not arrived at through the consent of all parties, but rather was forced by one side on to the others. In Arab countries suffering from conflict, such a social contract disintegrated with the disintegration of the State, and shattered in others because of State failure to fulfil duties towards citizens. It is expected that this turbulent period will end with the formulation of a new social contract in most Arab countries. This report calls for a social contract where nothing is imposed upon the people by force, including how they choose to identify themselves as a collective; and what form of government and institutional structures they want, and the identity and cultural background from which such institutions are derived. All this should be arrived at by democratic consent rather than through coercion, and based on the principle of equality among individuals in rights and obligations.

**Genuine independence:** Justice cannot be achieved in Arab countries without structures, institutions and a political and administrative class that places the interests of the country and its citizens above all else, and which cannot be established without genuine freedom from external interference. Independence requires a capacity for self-defence that is beyond the reach of small vulnerable countries. Its preservation, therefore, requires solid intra-Arab cooperation.

**Justice in Palestine:** Justice in the region will not be complete until it is achieved in Palestine. To tackle that situation we must first reject the concept of the exclusive State based on notions of ethnic or religious purity, in which individuals are granted or denied citizenship on the basis of their religion, if we are to avoid the redrawing of borders around the globe along religious lines. We must ensure implementation of the provisions of the Charter of the United Nations and principles of international law and justice, above all with regard to outlawing religious discrimination and implementing (or enforcing) the right of Palestinian refugees to return, without exception or equivocation, to their homes and the Palestinian people's right to self-determination.

**Economic growth and well-being:** There can be no genuine justice until people are free from fear and want, and have equal opportunities to participate in their countries' economy and benefit from development. Arab countries must resume their development role. They must develop their economic and social institutions and build the capabilities of their peoples to enhance their participation in economic activities and the decision-making processes that affect their lives. To that end, one must start with a concerted effort to eradicate discrimination in law and practice, and to combat corruption, one of the most egregious breaches of justice. Economic and social justice begins

with good governance to ensure that Government policies reflect people's choices and to enable public accountability of decision makers.

## 2. Conditions for achieving the strategy's goals

The strategy outlined above may seem like a pipedream in a region blighted by conflicts that are draining its resources and energy. However, looking the reality of a situation square in the face is not the same as giving in to it. Rather, it means doing what is necessary to bring about the desired change. That includes the following:

**End to conflicts and civil war:** There is little hope of achieving justice and development in the region prior to ending conflicts and civil wars. There is no cookie-cutter solution, but any attempt to end conflict that does not provide a minimum of social justice, or address the injustices that led to war and violence in the first place, will be little more than a truce before the next war. Any solution must first and foremost respect the interests of the peoples in conflict-affected countries and then those in the rest of the region, put a stop to the fighting and protect civilians. It must also prevent partition and displacement and enable refugees to return safely; establish non-sectarian democracies that respect human rights; prohibit the permanent presence of foreign armed forces; and establish a transitional justice system through internal stakeholder consensus to compensate victims and strengthen peace and social cohesion.

There is little hope of achieving justice and development in the region prior to ending conflicts, civil wars and the raging sectarian strife that poses an existential threat to the Arab region

**Cultural reform:** Dictatorship has had a profoundly negative impact on social mores and individual and collective values, opening a chasm between them and the true notions of justice. Cultural reform must include modern and traditional schools of thought to develop way-markers. That does not imply confinement within the boundaries of heritage and tradition in the name of authenticity, or immersion in contemporary imported ideas and ideals, or an uncritical blending of both. It requires approaching both heritage and modernity critically and dialectically in order to arrive at the "higher third", a synthesis that surpasses them both. Cultural reform must aim to end the raging sectarian strife that poses an existential threat to the Arab region. This can be achieved through a reform of sectarian and confessional thought by drawing from our heritage all that appeals to unity and cooperation for the common good, and by raising awareness of the imminent threat to all sects in the region posed by despotism and existing and potential foreign occupation, attracted and fed by internal fighting. There are lessons to be learned from the past. The eruption of political division and sectarian fighting in the region is always followed

by the catastrophes of invasion and protracted foreign occupation. This rule hasn't been broken for almost a thousand years. Reform must also embrace education to enable people to fulfil their potential and advance their countries. The media and free press must be protected from oppression and tyranny by various regimes and be committed to publishing the truth so as to raise awareness of key problems and issues facing the region, even when it is deeply divided. Just as the media have at times been used to incite sectarian or ethnic hatred, they can also be a source of unity, dialogue and mutually beneficial cultural exchange.

Fundamental reform is vital to ensuring Arab States' stability and maintaining their political systems

**Military, political and economic reform:** Countries in which the uprisings were contained and outmanoeuvred are not dissimilar from those where peaceful demonstrations were met with armed force resulting in civil war. Suppressed rage can be stronger than declared anger. Fundamental reform is vital to ensuring Arab States' stability and maintaining their political systems. The exact details of reform programmes may vary from one country to the next, but they must cover the following key issues: political reform that roots power in the persuasion and satisfaction of the people rather than in coercion; security reform that ensures independent national decision-making and removes the security apparatus from politics and the business of silencing the opposition; and economic reform leading to knowledge-based and diversified economies, in line with country needs and the global economic context. Eradicating corruption is a key pillar of reform.

Security reform ensures independent national decision-making and removes the security apparatus from politics and the business of silencing the opposition

**Arab integration:** The fragmentation we are witnessing in the region today is an obstacle to achieving the ultimate goals of the strategy. Genuine national independence, justice for Palestine and a definitive end to civil war cannot be secured without Arab solidarity and strong political and defence cooperation in the region. An economic renaissance and prosperity for all can be achieved only with full economic integration. Small fragmented States alone do not have the clout to wield influence on the world stage, preserve their independence and sovereignty, or promote innovation on the march to a knowledge-based economy.

**Peaceful ties with neighbouring countries and regional blocs:** In this report, we consider the relationships between Arab countries and their neighbours from a strategic perspective, differentiating between countries that have cultural and historical connections with the Arabs and that pose no existential threat to them, and others that have colonized Arab countries and violated the rights of their peoples and whose hostile policies pose an existential threat to several Arab peoples. Accordingly, cooperation should be stepped up between the region and Iran, Turkey and neighbouring African countries.

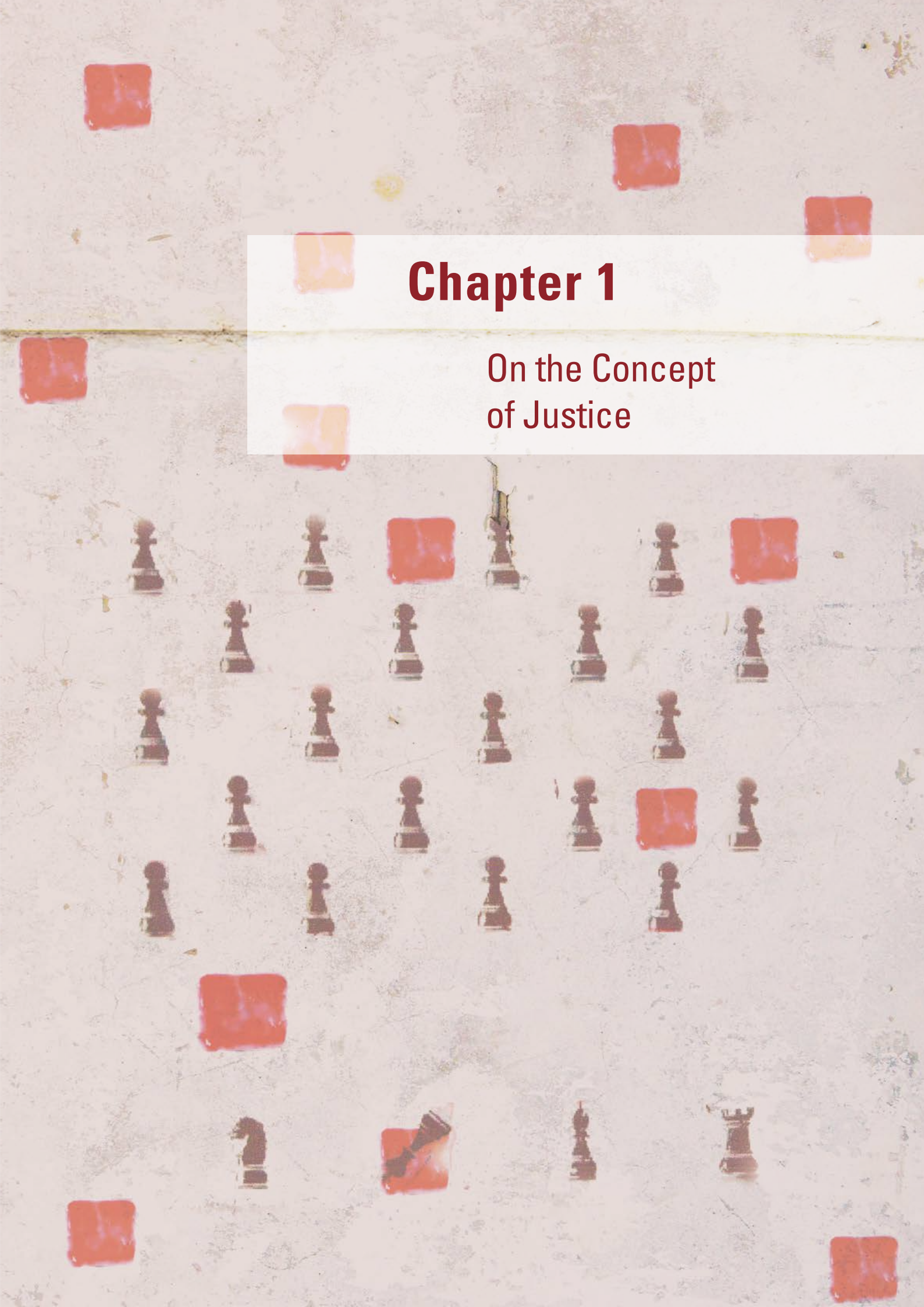
This requires greater cohesion between the Arab countries so as to lend them more collective weight, and efforts by the other countries to rebuild confidence, and foster cooperation and alliances with the Arab region.

**Reform of the system of international relations:** Since the days of the League of Nations and the subsequent colonial partitioning of Arab territory, the region has been treated unfairly. This report encourages Arab States to contribute to global efforts seeking to reform the Security Council by limiting the number of times a permanent member can exercise its veto during a set period. Use of veto powers to contravene the Charter of the United Nations or protect a country in breach thereof must be prohibited. Notions such as "the war against terror" and "pre-emptive strikes" threaten human security, as they authorize major powers to declare war on other countries, or whole communities within them, without regard even for the few internationally accepted rules of war and the protection of civilians. The so-called "war on terror" also allows authoritarian regimes to crush opposition groups by labelling them as terrorists. Since 2001, the "war on terror" has resulted in more victims than terrorism itself.

*This report attempts, as far as its authors have been able to, to capture the spirit of the events of 2011, when the Arab peoples rejected oppression and proclaimed their desire for justice, however much they are separated from it by the perceptions and fears of dictators and their disregard for the lives of their people.*

*It is an attempt to hold on to hope; hope that visited this region in the spring of 2011 and looked like it was leaving. By their determination to continue striving for justice, the region's peoples insist on the only honour left to the oppressed: a sense of noble stubbornness that cannot be bombed, incarcerated or invaded.*

By their determination to continue striving for justice, the region's peoples insist on the only honour left to the oppressed: a sense of noble stubbornness



# Chapter 1

## On the Concept of Justice

The day will come when injustice will be reversed: a white day for the oppressed and a black day for tyrants.

***Popular Egyptian adage***

# 1. On the Concept of Justice

Conceptions of justice, be they moral, intellectual or religious, have always differed markedly from the actual practice of fairness and equity. Abstract notions of justice collide with reality, natural or man-made, impeding its fulfilment within and between societies and countries. In this chapter, we look at these factors, touching on the distinction between justice and its practice, tracing the evolution of the concept of justice in human thought, and offering a definition that combines equal rights and opportunities with fairness and decent conditions of life for all. Finally, we examine the role of the State in shaping the norms of justice and the legislative, institutional and social structures needed to transform the concept of justice into a reality that is just.

## A. Principle and application: the path of justice

The imperative need for justice is unquestionably a central human value. The idea of justice as the application of the principle of fairness has throughout history been a source of controversy and debate, subject to the vagaries of time and place. Thinkers have been no more able to propose a flawless definition of justice than to agree upon the most effective means of achieving it.

Justice is not just a judicial or social concept measured in legal or material terms; it is, first and foremost, a moral and spiritual concept measured by ethical, religious and symbolic standards. Individuals and groups, their actions and attitudes, as well as systems and institutions, are all described in terms of justice, as are the measures taken by groups affecting the rights of individuals. Analyses tend to be either moral-spiritual, or legal-material in nature. Preference for one or the other depends on the prevailing political, economic and social systems.

Reflections on justice has largely fallen in one of two camps: idealists, religiously inclined thinkers and humanists on the one hand, who invoke a single absolute justice applicable to all humanity; and materialists and historicists on the other, who see justice evolving in line with changing material needs. This report affirms that justice is common to the whole of humanity: justice as

The imperative need for justice is unquestionably a central human value

The essence of justice is to treat others as one would wish to be treated

Justice in its moral and spiritual dimension applies to all humanity and precedes the legal fine print governing relationships between people

it is comprehended instinctively by all, as treating others as one would wish to be treated. Thus described, justice in its moral and spiritual dimension applies to all humanity and precedes the legal fine print governing relationships between people. One may either adopt a positive definition by praising the absence of injustice, or a negative one deploring the absence of justice. Such a judgment is first and foremost a product of the human conscience. These questions help us assess the moral and spiritual aspects of justice in practice: Do those passing judgment treat the person being judged as they themselves would wish to be treated? Is their perception of injustice consistently the same, regardless of whether they are the wrongdoer or they are the wronged?

The legal and material attributes of justice are defined by legislative powers in formulating law, and by the judiciary in handing down rulings. Both are fundamental components of the State. The same applies to customary law, as in the case of tribal elders and neighbourhood councils.

Criteria for evaluating the justness of a verdict may reside in the answer to these questions: were the legislator and the judge neutral in their intervention between the opposing parties? Was the legislator intent on ensuring the equity of the law, and was the judge seeking to apply it with integrity and transparency? Or were they instead biased to one or other of the parties or rivals? There can be no integrity or transparency when a legislator perverts the intended function of the law or a judge distorts its application in favour of one or other of the contending parties. The more neutral and fair a legislator and judge, the more citizens and litigants can be assured of the fairness of legislation and the courts – reaffirming justice as the norm in the eyes of any and all groups.

Moral-spiritual verdicts are the foundation, source and standard for legal-material verdicts. However, the first category appears to be entirely subjective, as it entails a judgment of conscience, a concept in the mind. The second, however, ought to be absolutely objective. Yet, legislator and judge are not, in fact, immune to subjectivity, even if that subjectivity can be masked as objectivity in hiding a perversion of the law, its enactment and application. This is particularly the case in authoritarian regimes, which lack mechanisms for public scrutiny, investigation and accountability. In these instances, the law, both as legislated and implemented, merely serves to disguise tyranny and corruption.

## B. The evolution of the concept of justice in humanist thought

Although the notion of justice has been present throughout human history, peoples and cultures have

not settled on a single, common conceptualization. Rather, in the course of time the definition of justice has differed from one culture or civilization to another, according to their respective intellectual and ideological systems. The roots of justice in the Arab region lie in Babylonian times. In ancient Iraq, residents celebrated the God of Justice (Shamash).[1] Some researchers assert that civil and criminal law in ancient Egypt was ahead of its time in upholding the values of justice (which had its own god, Maat).[2] In fact, justice then was a matter of conscience and the afterlife. After death, a person's heart was weighed on scales against the counterweight of a feather; if the feather outweighed the heart, the heart was proven to be light and unburdened by sin, and passage would be granted into the eternal afterlife. Hammurabi (second millennium BC) was, according to some, among the first to crystallize the idea of justice in his written and published law code. The gods, he explains in the introduction to the code, sent him to reinforce justice on earth and put an end to the enslavement by the strong of the weak.[3] Nevertheless, his concept of justice remained true to the prevailing tenets of society as a divine system.[4]

## 1. Justice in ancient and medieval literature

Justice occupied a prominent place in Greek philosophy. Early concepts called for the distribution of rights according to social status: as society was divided into classes, justice was defined as equality between members of a class rather than between classes. Justice lay in respect for natural social law, a moral law emanating from divine will rather than from the will of mortal humans, to be apprehended by the rational mind and applied via human-made ordinances consistent with the rules of natural law.

As the Abrahamic religions came to dominate the Roman Empire from the fourth century AD, the concept of justice developed beyond its associations with social status, establishing the intrinsic worth of human beings in and of themselves – a principle that was more honoured in the breach than in the observance.

Jesus Christ is said to have instructed his flock to offer mercy and forgiveness in the face of abuse. In Christian thought, the touchstone for the faithful is the immortal life to which the person journeys, crossing from this world to the next. Any pain or injustice befalling the believer in this world is transient, while the believer is immortal and enduring, with no end and no death.[5] In this way, pain and injustice inflicted on the believer in his life, being temporary, are diminished in comparison to eternal life. This understanding of justice envisages the ultimate elimination of the effects of injustice in this world and the hereafter. Yet it leaves it to centres of temporal power (the Empire, princes and kings) to ensure relative justice

Hammurabi was among the first to crystallize the idea of justice in his written and published law code

As the Abrahamic religions came to dominate the Roman Empire, the concept of justice developed, establishing the intrinsic worth of human beings in and of themselves

Great Islamic scholars considered justice the foundation of social order, political legitimacy and economic growth

Ibn Khaldun saw in the absence of justice one of the principal causes of the fall of nations and the ruin of civilization

on earth and address the existence of injustice in the transient, temporal life of the human being, which ends in the physical demise of the body.

In Islam, there is no distinction between spiritual and temporal authority, given that justice on earth was a responsibility bestowed on humans by God and the legitimate basis of power and rule. Justice in Islamic thought is a fundamental pillar of public order:[6] "If you pass judgment on people, do so with justice" (Sura al-Nisa': 58), and "God enjoins justice and kindness" (Sura an-Nahl: 90). According to even the strictest Islamic scholars, such as Ibn Taymiyyah, "God values the just State even if it is godless, and decries the unjust State even if it is religious".[7] Thus, the exalted status of justice is confirmed on earth, even above religion.

Philosophy and religion have had an enormous impact on Arab thought, contributing to the establishment and enrichment of the concept of justice, linking it to good governance and equality. Justice for early Muslim thinkers was subjective and a matter of conscience, but it did not share in the multiplicity of selves and consciences. In keeping with the postulation of the oneness of nature, justice was an absolute concept. People apprehended justice through their own nature or through Holy Scripture, such that it took root in their consciences, irrespective of time or place.

### **Box 1.1** Ibn Khaldun: injustice is a herald of civilization's ruin

Do not suppose that injustice is, as generally conceived, simply a matter of taking money or property from the hands of its owner without reason or compensation. Injustice is broader than that. Anyone who takes the property of another, forces someone to work for him, presents unjustified claims, or makes impositions that are not demanded by the law has wronged. Levying payments and taxes unrightfully is an injustice. Assailants robbing these monies are committing an injustice. Looters of these monies commit injustice. Those who obstruct the rights of people are unjust. Seizing the properties of the common folk is unjust. All of these constitute a scourge against the State, whereby civilization is brought to ruin by undermining the hopes of its people… Among the most grievous and harmful of wrongs that serve to spoil civilization is the unjust imposition of labour and conscription of the citizenry, for labour and its fruits constitute financial assets… and livelihood and earning are core values of civilized peoples.

**Source:** ابن خلدون، المقدمة، الباب الثالث، الفصل 43 (طبعة دار الكتاب، بيروت، غير مؤرخة).

Questions of justice and injustice were instrumental in the emergence of a number of Islamic theological schools of thought. The dispute between the Murji'ah and the Mu'tazilah, or between the Murji'ah and the Kharijites, during the seventh and eighth centuries A.D. is but one example.[8] Great Islamic scholars, such as Al-Farabi, Al-Ghazali, Ibn Rushd and Ibn Khaldun, although with differing theological and legal approaches, all considered justice the foundation of social order, political legitimacy and economic growth. Ibn Khaldun saw in the absence of justice one of the principal causes of the fall of nations and the ruin of civilization (box 1.1).

Such forward-looking ideas rarely inspired those holding the reins of power. In practice, abuses were similar to those inflicted during the time of absolute monarchy in the Middle Ages. Kings and sultans were never short of scholars to justify their cruelties, but were less clement towards those who challenged them.

## 2. Justice in modern philosophical and political thought: equality and fairness

With the development of philosophical and political thought, the understanding of justice was transformed from a moral value defined merely by its absence (that is, through the presence of injustice and tyranny), into a compound and multi-dimensional concept based upon principles of equality and fairness. Indeed, it transcended those principles, taking rights and humanist values as a foundation for building societies in which individuals are equal under the rule of law. John Rawls made a key contribution to the development of the concept of justice in the second half of the twentieth century with his widely discussed work, A Theory of Justice (1971).

In modern thought, justice is equality and fairness

In Rawls' view, there are two prerequisites for just societies. First, the equal opportunity of all individuals to obtain fundamental rights, including political rights. Secondly, equal access to education, professional training and employment. He considers that the potential inequality under the second condition may be tolerated if the intention is to favour the less fortunate, such as by taxing the rich, so long as social uplift, growth and progress are not adversely affected. Thus, Rawls views inequality in the distribution of social and economic wealth as admissible only if the less fortunate stand to benefit.

Potential inequality in the distribution of economic and social benefits may be tolerated if the intention is to favour the less fortunate

In keeping with the principle of basing justice on rights, the role of the State is to enact laws and lay down rules to guarantee and protect rights, remove injustices and, as necessary, restore balance. Thus, the debate revolves around the justness of laws and the application of justice, which are tied to modern concepts such as participation, citizenship, liberty and identity. All of those concepts are sine qua non for realizing justice: favouring one over the others hampers progress and development,

### **Box 1.2** Rawls: No compromise on truth and justice

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore, in a just society, the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.

**Source:** John Rawls, *A Theory of Justice* (Cambridge, Massachusetts, Harvard University Press, 1999), pp. 3-4.

"The one who determines the sense of injustice is not the philosopher or the legal scholar, but rather the ordinary person who comes up against injustice in his or her daily life"

undermines the role of the State and threatens its stability.

Amartya Sen has contributed to the revitalization of philosophical thought on the issue of justice. In The Idea of Justice (2009), he takes a different stance from that of Rawls. His realistic and practical approach focuses on the role of people, rather than institutions, in achieving justice. Sen distances himself from Utopia – the ideal city, the just State – and focuses instead on justice as a practical necessity for plurality and diversity among cultures, peoples and lifestyles. Reason and perception become the key instruments for measuring justice and distinguishing just from unjust. "The one who determines the sense of injustice is not the philosopher or the legal scholar, but rather the ordinary person who comes up against injustice in his or her daily life". While not denying the importance of establishing fair institutions, Sen considers that achieving justice is something accomplished by just societies that define, objectively, the fairest options for all.

Sen sees in the extolling of justice across time, cultures and creeds the key that has enabled consensus on shared general standards for its application. It is widely held that justice, if it is not to be diluted into a plurality of lesser justices, should be based upon six pillars: liberty, reason, truth, fairness, equality and difference.

## 3. Justice in international covenants and conventions: a right and a goal

Most international covenants and conventions enshrine justice as a goal, a value that takes precedence over all other human values. The opening lines of the Charter that founded the United Nations Organization in 1945, "to save succeeding generations from the scourge of war", establishes a clear link between this noble purpose and the three basic values of equality, rights and justice. The organization's commitment to the principles of justice through all that it undertakes to maintain international peace and security is confirmed in the first chapter of the Charter, in which the principle of equality between peoples and their right to self-determination is also upheld.

Equality in rights and human dignity for individuals and between peoples is at the core of a number of international declarations, treaties and agreements dating from the mid-twentieth century. Foremost among them is the Universal Declaration of Human Rights (1948), which established equality between people and the right of all to enjoy all the rights and freedoms set forth therein "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Following the Declaration came the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in 1966. They enjoined the attainment of justice through the liberation of people from oppression, fear, want, and from the yoke of colonialism, reaffirming peoples' right to self-determination on their own land and freedom to dispose freely of their sovereign natural wealth and resources; and further enjoining prohibition of discrimination, enslavement and bonded labour. Under these covenants, people's enjoyment of equal rights thus forms the basis for the achievement of freedom, justice and peace in the world (box 1.3).

The world's nations, perceiving that equality in rights among peoples would not in itself be sufficient to achieve justice, due to wrongs inflicted historically upon certain peoples and not on others, have adopted international agreements and conventions to counter specific forms of injustice. Among these are the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989).

At the close of the colonial era, the concept of justice and rights expanded to include the right to development, with the promulgation

International covenants recognize the inherent dignity and equal and inalienable rights of all members of the human family

International covenants call for the liberation of people from oppression, fear, want, and from the yoke of colonialism, reaffirming peoples' right to self-determination on their own land

## **Box 1.3** Excerpts, International Covenant on Civil and Political Rights

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

**PART I, article 1**

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

**PART II, article 2**

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status…

States undertake to respect and ensure the rights of all individuals without distinction of race, colour, sex, language, religion, political or other opinion, origin, property or birth

of the Declaration on the Right to Development in 1986 making economic and social development a right for all peoples. In the 1990s, the concept of social justice spread worldwide in the wake of the World Summit for Social Development, held in Copenhagen in 1995, whereby social justice came to be seen as an essential prerequisite to achieving development, with justice and development in turn essential to security and stability.

In the field of development, the United Nations' approach to justice focused on eliminating marginalization and poverty, upholding equality and equal opportunity, and safeguarding fundamental freedoms and human rights for all. The Millennium Development Goals (MDGs) adopted in 2000 included as targets the elimination of hunger and extreme poverty; women's empowerment and gender equality; and environmental sustainability. The 2030 Agenda for Sustainable Development, adopted in September 2015, clearly refers to justice in Goal 16, which seeks to build safe communities for everyone in order to achieve sustainable development. It also underlines the need to secure ways of seeking justice for all by building effective and inclusive institutions that are accountable at all levels.

## C. Justice defined, and the conditions for its realization

Based on the evolution of human thought on justice, this report adopts a procedural definition of justice, the main features of which are: equality of rights for all to the fullest extent, as set forth in the corpus of human rights treaties; equal opportunity for all; and fairness in achieving a decent standard of living for all. Fairness may at times require inequality in distributing services and social and economic benefits so as to assist the less fortunate; in doing so, it exceeds the legal boundaries of justice, reflecting moral justice. The fulfilment of justice in societies is inextricably linked to freedoms and the establishment of inclusive public institutions that serve all, safeguard rights, and are committed to impartiality and probity in the application of just law.

### Justice as equality and fairness between individuals, populations and generations

The basis for equality between people is equality of human value. A just society is one in which all people enjoy their human rights fully and without exception: no privileges are accorded to some over others with regard to rights, no one is marginalized or excluded, and there is no discrimination on the basis of race, sex, religion, language, opinion, belief, wealth, birth, national or social origin, proximity to power or any other factor. Within States, this means equal citizenship for all citizens – male and female, members of different tribes, followers of different religions and sects, rural populations and urban

A just society is one in which all people enjoy their human rights fully and without exception

Constant disregard for equality leads to social fragmentation and, ultimately, to the loss of both privileges and rights

Inequality derives either from nature, which is not equally generous to all, or from people, who create social, economic and cultural arrangements that provide some with advantages while withholding them from others

dwellers, speakers of one language or another.

At the very least, their rights should be no less than those enshrined in the International Bill of Human Rights, consisting of the Universal Declaration of Human Rights and the two international covenants, on civil and political rights, and on economic, social and cultural rights. The extent to which human rights are protected has become today's yardstick for measuring justice and the fairness of nations and their Governments. The failure to respect equality, by granting privileges to a minority at the expense of the majority or by deliberately discriminating in favour of one group without regard to others, is a violation of the principle of justice, a distortion of the fabric of society and an obstacle to its progress towards the highest ideals of civilization. Constant disregard for equality leads to social fragmentation and disintegration and, ultimately, to the loss of both privileges and rights.

However, equality in rights must be accompanied by equal opportunity, placing all on an equal footing for full participation in building society and benefiting from its endowments. This means equal access to education, health care, work, ownership of means of production and participation in decision-making.

The multiple inequalities of opportunity among people in today's societies derive either from nature, which is not equally generous to all, or from people, who create social, economic and cultural arrangements that provide some with advantages while withholding them from others.

People are not equally fortunate, either in nature or in culture. Natural inequality between human beings may take the shape of limited opportunities for persons based on disability or age when compared with what is available to others, or for communities living in regions with a poor climate and lacking in natural resources, for example,. Inequality of opportunity arises also from cultural, social or political reasons, such as discrimination because of race, religion, sex or nationality. Historically, the subjection of peoples to colonization and slavery, which is perpetuated in modern forms, provides us with some of the ugliest images of this kind of oppression and injustice.

Access to equal opportunities is as vital a principle for achieving justice in society as the equal enjoyment of human rights. It is therefore the responsibility of the State to remove impediments, whether natural or societal, to equality of opportunity, in line with its duty of protection, care and fairness as guarantor of a decent standard of living.

One cannot limit the concept of justice to equality between individuals in a single State. Often a group is subject to a particular type of injustice as a result of deliberate discrimination against it,

### **Box 1.4** On minorities and diversity

I wonder: If confessional minorities… had, in the course of the history of Islam, been wiped out, then Islamic thought, jurisprudence, arts and literature would have been the poorer for having been deprived of sources of their vitality. Islam would have come under threat as a result of being forced into doctrinal straitjacket, living under the shadow of the sword. Its unity would have been forced … and destined to explode and shatter.

I read the noble verse attentively: "O mankind! Lo! We have created you male and female, and have made you nations and tribes that ye may know one another. Lo! the noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Omniscient, All-aware"… In other words, We made you diverse and brought you together under an all-embracing, unitary, monotheistic banner, so that you might come to know one another and share knowledge. That inevitably entails pluralism, without which a monotonous inertness would reign over all… I like Raghib al-Isfahani's reading of the above-cited verse, of which he says that in gathering together and dispersing, we remain branches of the whole… For plurality is like a fork in the road: viewed from one side, it appears to split apart, while viewed from the other, it comes together.

I would suggest that we reread the scriptures, which regulate and define the community, along non-tribal lines, taking it as read that, if Assabiyyah was necessary in order to establish a religious community, it is not necessary to keep it going; rather, the continuation of the former is perhaps detrimental to the latter. It may be tempting to wish to cancel out the Other through moral and physical subjugation, but the temptation won't stop there; rather it will backfire… if that is not so, how can we explain the destructive violence that explodes within communities of the same religion, sect, confession or race?

If we examine the course of history and its impact on lands and peoples, races and dynasties, the mixing of cultures, and on civilization and religion, it becomes clear that we cannot systematically apply a clear-cut, exhaustive definition to any given group or community, since identities have become composite… Such one-dimensional definitions amount to little more than hypotheses that are difficult to verify in the case of even the simplest of entities. Just as no grain of sand is identical to another (for they are merely similar to one another), so the paths to the Creator are as numerous as His creatures themselves. Difference is the essence of existence and is at the heart of the universe, its continuation, movement and harmony … "and for that he created them..."

**Source:** هاني فحص، الأقليات ضرورة أم ذريعة؟ (الرباط، مؤمنون بلا حدود للدراسات والأبحاث، 2015).

Where groups have been exposed to historical injustices the State has a responsibility to compensate them through positive discrimination, thereby placing them on an equal footing with other groups

The failure of the State to achieve cohesion in the crucible of justice pushes vulnerable groups to fall back on sources of identity that predate the State

Many nations have suffered from the tyranny of others, especially in the era of colonialism. Pillaging by colonialists was not limited to material goods, whole communities were dismantled through the deliberate stoking of tribal and communal-sectarian strife between their various component groups, some of whose interests were bound up with those of the colonial powers

or an unintended neglect of it. Such groups include women, migrants, persons with disabilities, or people of a particular religion or affiliation, which may be a minority or majority in numerical terms, but which differ from those of the ruling class. Justice cannot be complete merely with the achievement of equality among the members of each social grouping; it also requires the achievement of equal rights between the entire range of groups in society. Where groups have been exposed to historical injustices depriving them of competitiveness or a role in decision-making, it is not enough merely to guarantee equality and access to equal opportunities. Rather, the State has a responsibility to compensate such groups through positive discrimination aimed at boosting their capacity and expanding their opportunities, and thereby placing them on an equal footing with other groups. The failure of the State to achieve cohesion in the crucible of justice pushes vulnerable groups to fall back on sources of identity that predate the State, thereby undermining the concepts of citizenship and justice.

What applies to conditions for achieving justice within one State applies equally to the achievement of justice in the international community, between States and peoples. The first of these conditions is equal rights for all nations, and equality before the law in the application of international law. It is unreasonable, from the standpoint of justice, for a people to be expelled from their land and replaced by another, or to be deprived of self-determination simply because the interests of influential members of the international community demand it. It is equally untenable for a State to evade sanction for blatant violations of international law and documented crimes against humanity, simply because they are close to powerful and influential forces in the system of global governance.

Just as individuals in a State may be deprived of equal opportunities due to natural or human-made obstacles, States may be deprived of equal opportunities in the global economy and society. Nature, that is, geographical factors and the distribution of natural resources between countries, does not offer all peoples equal life opportunities. In addition to the injustice and vagaries of nature, many nations have suffered from the tyranny of others, especially in the era of colonialism. Pillaging by colonialists was not limited to material goods, but extended to the looting of people; millions were kidnapped for sale as slaves overseas. History was also stolen, twisted and denied. Local cultures were portrayed as primitive. Whole communities were dismantled through the deliberate stoking of tribal and communal-sectarian strife between their various component groups, some of whose interests were bound up with those of the colonial powers. The impact on the fabric of society continued beyond the demise of colonial rule, undermining the

**Box 1.5** Fanon: a world of colonies, a world of checkpoints, a world of division, a world in deadlock

…the Manichaeanism that first governed colonial society is maintained intact during the period of decolonization. In fact the colonist never ceases to be the enemy, the antagonist, in plain words public enemy number 1. The oppressor, ensconced in his sector, creates the spiral, the spiral of domination, exploitation and looting…

…in this [colonized subject's] petrified zone, not a ripple on the surface, the palm trees sway against the clouds, the waves of the sea lap against the shore, the raw materials come and go, legitimating the colonist's presence, while more dead than alive the colonized subject crouches for ever in the same old dream. The colonist makes history. His life is an epic, an odyssey. He is invested with the very beginning: "We made this land". He is the guarantor for its existence: "If we leave, all will be lost, and this land will return to the Dark Ages"…The colonist makes history and he knows it. And because he refers constantly to the history of his metropolis, he plainly indicates that he is the extension of this metropolis. The history he writes is therefore not the history of the country he is despoiling, but the history of his own nation's looting, raping, and starving to death. The immobility to which the colonized subject is condemned can be challenged only if he decides to put an end to the history of colonization and the history of despoliation in order to bring to life the history of the nation, the history of decolonization.

A world compartmentalized, Manichaean and petrified, a world of statues: the statue of the general who led the conquest, the statue of the engineer who built the bridge. A world cocksure of itself, crushing with its stoniness the backbones of those scarred by the whip. That is the colonial world. The colonial subject is a man penned in; apartheid is but one method of compartmentalizing the colonial world. The first thing the colonial subject learns is to remain in his place and not overstep its limits. Hence the dreams of the colonial subject are muscular dreams, dreams of action, dreams of aggressive vitality. I dream I am jumping, swimming, running, and climbing. I dream I burst out laughing, I am leaping across a river and chased by a pack of cars that never catches up with me. During colonization the colonized subject frees himself night after night between nine in the evening and six in the morning.

**Source:** Frantz Fanon, *The Wretched of the Earth*, translated by Richard Philcox (New York, Grove Press, 2004).

ability of States to chart a course of development independently of the former colonial powers (box 1.5).

Justice between peoples and nations, as between individuals in a single country, requires the existence of fair

Justice between peoples and nations requires the existence of fair international law before which all countries are equal and under which all peoples equally enjoy the rights enshrined in international covenants

international law before which all countries are equal and under which all peoples equally enjoy the rights enshrined in international covenants, including the right of all peoples to self-determination and to full sovereignty over their land, wealth and natural resources. The mere existence of law is not sufficient to achieve justice, for the law must be applied justly without favouring the strong over the weak. It should also compensate with positive discrimination those who have suffered historical injustice, in accordance with the principle of common but differentiated responsibility.

The achievement of justice also requires taking into account the interests of future generations, to protect them from the repercussions of actions and omissions of today's generation

The achievement of justice also requires taking into account the interests of future generations, to protect them from the repercussions of actions and omissions of today's generation. The depletion of non-renewable resources and pollution of the planet is a wrong inflicted on future generations, a pressing danger that threatens their chances of a decent life. Hence, the concept of justice remains incomplete if it does not encompass intergenerational justice. One of the clearest examples of the violation of this aspect of justice is climate change.[9] Today's generation has an enormous capacity to rob tomorrow's of the chance to live the life it might wish for, since it can change the material world in which this generation's children and grandchildren will live. Justice in this sense does not mean depriving the present generation of the basics of life, for "the basic needs of the present have always taken precedence over the basic needs of the future, but the basic needs of the future must take precedence over the luxuries of the present".[10] Equally, it flies in the face of the principle of justice to burden future generations with responsibility for debts incurred through spending on luxuries rather than on productive projects, infrastructure and services, the returns of which would help to repay past debts and ensure future well-being.

## D. The role of the State in the realization of justice

The need for justice in a community, although secondary to its very existence, is nevertheless supremely important. Peaceful coexistence within the community cannot be achieved in the absence of justice between its members. Equally, a precondition for peaceful coexistence resides in the community's capacity to protect itself from both internal and external threats, and fulfilment by the State of its functions of protection and care.

According to Ibn Khaldun and other social scientists, people have a natural tendency towards civilization, as demonstrated by the historical evolution from haphazard satisfaction of their basic instincts and needs, to the construction of communities through adherence to codes of conduct and coexistence. Ibn Khaldun's anthropological theory hinges on the human tendency

towards deification, which instils in him a conflicted nature caught between a sense of potency prone to aggression and injustice on the one hand, and a yearning for justice and rejection of injustice on the other. Thus, he accounts for the need of communities for a State or authority to perform the functions of protection and care, a pre-condition for civil participation and peaceful coexistence, domestically and abroad.

In order to ensure its own acceptance and continuity, it is incumbent on the State to protect people and communities from life-threatening danger, thereby addressing their fear of death caused by internal or external violence, or from the loss of material or psychological life necessities. The survival of the State and its integrity depend on securing the protection and care of the community and justice between its members.

## 1. Law protecting rights and freedoms

To preserve life and peace, justice must establish people's rights and duties and uphold human dignity. Human rights and duties are protected by civil law, which defines the conditions of cooperation between citizens to meet their needs, provides for fair compensation in the marketplace, and enables civil litigation where the terms of exchange are unfair, rights are violated or obligations are not met. This all makes it possible to hand down rulings that uphold distributive justice, in other words, a fair return for effort exerted, or compensatory justice in the event of infringement of agreed rights.

Human dignity is protected under criminal law, which sets out the terms of brotherhood among citizens and between each individual and the community, as represented by political authority. Justice is arrived at by subjecting human behaviour and relations to the principle of respect for human rights and for the physical and moral integrity of the person.

A general system framed by the rules of a constitution serves to unify these types of justice, whether in writing or through customary practice, determining what rights and duties apply to a member of the group in his or her relations with others and with the ruling authority. The concept of justice within this overall system is not absolute, but rather entails a great many particularities flowing from the nature of the group and its distinct social situation. It is therefore necessary to ensure that the universal moral value system is linked to the prevailing moral and value system in a given cultural-social and temporal-spatial order.

Hence the ever-present need for an ethical foundation underlying the legal system to ensure the continuous refinement of the latter, and thereby serving as an ideal that legal systems strive to achieve. That implies an additional condition for

The survival of the State and its integrity depend on securing the protection and care of the community and justice between its members

Ther is an ever-present need for an ethical foundation that serves as an ideal that legal systems strive to achieve

existence and perfection: that of human consciousness itself, in that the person is a moral being and not simply a natural one, a free and dignified being, aware that all political authority is derived from a collective will, the interests of which it serves, and to which it is accountable.

It follows then that the establishment of a fair system of justice guaranteeing people's rights requires the creation of a State based on a constitution and body of laws that approach the "ideal" and uphold freedoms, rights and equality. It also requires institutions to supervise the implementation of laws and accountability mechanisms to guarantee full respect for the rule of law by all and prevent abuse of those institutions.

Protection is not just a matter of safeguarding people from the aggression of others, but also from those in positions of political and economic power who are supposed to be doing the protecting

## 2. Democracy, the separation of powers and protection from State tyranny

Protection is not just a matter of safeguarding people from the aggression of others, but also from those in positions of political and economic power who are supposed to be doing the protecting. While the State may serve as a restraint or regulator of contradictions in the human soul, it is itself in need of a higher restraining force in the interest of the rule of law. The people choose a ruler to act as the first level of restraint, but they themselves represent the second level, watching over those they have chosen, according to the principle that the people are the ultimate source of authority.

The democratic system is the one that is most successful in carrying out the will of the people

Consensus between individuals and communities on the principles of coexistence requires a political system to which they can appeal. The optimal political solution is that which carries out the will of the people. The democratic system is the one that is most successful in that regard; people choose representatives and accept the outcome of elections, provided that they are free, fair and transparent. Every election has its winners and losers. The rotation of power is the key to peace and coexistence: whoever loses the election does not remain the loser forever, any more than a winner wins for all time. In this way, the State ensures its survival and continuity with a fair distribution of gains and losses acceptable to all.

### Box 1.6 Types of justice

Justice has taken on various guises down the ages as the concept has evolved. The most prominent and commonly discussed are distributive and criminal justice. Others include procedural, restorative, interpersonal, transitional and intergenerational justice.

**Distributive justice**, among the earliest concepts of justice, is a relative form of justice that seeks the congruence of what a person receives with what he or she deserves. Differences among thinkers arise with regard to the determination of merit: some have felt that allocation must be fair, i.e. that a person's reward should be commensurate with his or her contribution. Others have held that allocations should be equal, with everyone obtaining the same return irrespective of his or her contribution. Still others think that it should be based on need.

**Procedural justice** is concerned with the integrity of rules and procedures, and is based on the premise that people's acceptance of what is fair depends not only on the result but also on how it was arrived at. Studies have shown that people are more willing to accept the results of procedures that they feel have been fair, or that they have themselves had a hand in formulating, or in carrying out. There is consensus on six attributes of procedural justice: neutrality, consistency, accuracy, susceptibility to correction, inclusiveness and ethicality.

Interpersonal (or informal) justice applies to dealings between individuals. Injustice does not arise solely from systematic official practices, but also from daily interactions between persons, which may lead to the exclusion of individuals or groups and their feeling aggrieved.

**Criminal justice** is based on the idea that people deserve to be treated the way they treat others; the notion of punishment is central to this concept. The fate of people who have transgressed the bounds of justice, for example by assaulting others, is to be punished, with the aim of preventing them from repeating their actions and of deterring others in society at large from committing similar offences.

**Restorative justice** is a more lenient form of criminal justice concerned with innovative ways of mitigating the adverse effects of punishment and emphasizing positive interventions such as assisting the offender and the victim to move beyond an offence to establish social connection and promote values of tolerance. This concept evolved to reduce the tendency towards vengeance implicit in the earlier concept. An important example of this type of justice can be found in the Truth and Reconciliation Commission of South Africa, which was established following the abolition of apartheid.

**Transitional justice** can be considered a type of restorative justice aimed at achieving justice in periods of transition from conflict, by holding perpetrators of crime to account and compensating victims, and thereby rebuilding trust within society and confidence in the rule of law. Key aspects of transitional justice include prosecutions, reparations, institutional reform and truth commissions.

**Source:** Adapted from John T. Jost and Aaron C. Kay, Social justice: history, theory and research, in *Handbook of Social Psychology*, fifth edition, vol. 2, Susan T. Fiske, Daniel T. Gilbert and Gardner Lindzey, eds. (Ontario, University of Waterloo, 2010).

The legislative, executive and judicial branches of power should function in a delicate balance in which no intrusion by one in the workings of the others may be tolerated

The rule of law finds expression in the protection of the equality of rights before the law and the right to a fair trial before an independent court for all without discrimination

Democracy rests on three institutional pillars (the legislative, executive and judicial branches of power) that function in a delicate balance in which no intrusion by one in the workings of the others may be tolerated. The norms and standards set by constitutions of democratic States do not preclude recourse to a higher moral authority in the resolution of disputes.

The public monitors the performance of the authorities through civil society groups, political parties, independent media and research institutions, by assessing their adherence to distributive, restorative and other types of justice, the concepts of which have evolved with intellectual progress and in the light of society's needs (box 1.6).

## 3. Institutions: achieving justice under the rule of law

A system of justice cannot be complete without the rule of law and the appropriate institutions, the legitimacy of which derives from the public will and which are endowed with the power to underwrite a just social and political contract. They must guarantee access to justice and provide ways of pursuing effective remedies on a national scale. They must provide an environment conducive to the reporting of offences to law enforcement bodies (such as the police), and the carrying out of impartial investigations and fair trials that result in just verdicts and suitable remedies.[11]

The rule of law finds expression in the protection of the equality of rights before the law and the right to a fair trial before an independent court for all without discrimination: the activation of mechanisms for judicial protection not limited to the settlement of disputes between individuals but which also protect the rights of people in conflict with the State.[12] With just institutions, societies can be free of "arbitrary or unnecessary suffering, exploitation, abuse, tyranny, oppression, prejudice, and discrimination".[13]

This overarching system of justice, with its laws, institutions and procedures, renders the philosophical concept of justice operational. That noble goal of societies is embodied in a corpus of laws that binds the State, set down in constitutions and fortified with judicial protections provided by institutions and law enforcement agencies.[14] Those protections also allow individuals to challenge unjust laws where they conflict with the constitution.

## 4. Justice: punishment and reparation

Legal scholars disagree about the forms of punishment permissible in a justice system, and about the balance between punishment, compensation to victims and rehabilitation of offenders. Some scholars consider that punishment should be tailored to serve the interests of society at large, prevent recidivism and rehabilitate offenders. Others emphasize the

importance of achieving justice through compensation.[15] Notwithstanding these divergent trends and philosophical or legal choices, punishment remains at the heart of criminal justice. Whatever the collective choice with regard to the nature of punishment, justice requires that its mechanisms be in line with international standards for appropriate conditions of detention and protection from torture and harsh or cruel treatment in prisons.[16]

## 5. The role of civil society

Civil society has an essential role to play in the protection of justice. The consolidation of justice and the presence of an active civil society go hand in hand. The essence of civil society's role is to defend the rights and freedoms of individuals and the community, and to organize people's participation in determining their own fate and in confronting policies that affect the enjoyment of their rights in equality. Civil society organizations have a vital role to play in spreading a culture of the rule of law and institution-building, in affirming the will of individuals, and in representing the interests, needs and orientations of groups in society. They also have an important role to play as a rights watchdog, preventing abuses by the State or signalling its failure to end them. Such monitoring is the true guarantor for the correct application of the constitution and its laws; it is the safety valve against tyranny of the State or its acting in ways that discriminate against, exclude or oppress certain individuals and groups.[17] Civil society can help to nudge the State and its institutions to adopt policies that safeguard rights and freedoms. It can, however, only do so if civil society is independent of the State apparatus and operates in an environment in which freedoms of opinion, expression and association flourish, without legal or administrative constraint.

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*Injustices have long been inflicted on the pretext that the unequal lot of people is either natural or divinely ordained, such that justice is a matter of grace and oppression a trial, an ordeal simply to be endured. As injustice intensified and human thought evolved, people came to realize that such justifications were but a shield from behind which the powerful could safely impose their will on the weak. Accordingly, they abandoned their submissiveness and revolted against tyranny, demanding freedom and a system founded upon justice and equal rights.*

*The essence of the concept of justice today is that all people are equal in human dignity and thus have equal rights and obligations, as well as the right to equal*

The many painful scenes one sees in the Arab world today testify to the effects of the suppression of the legitimate aspirations of individuals and peoples to justice, freedom and dignity

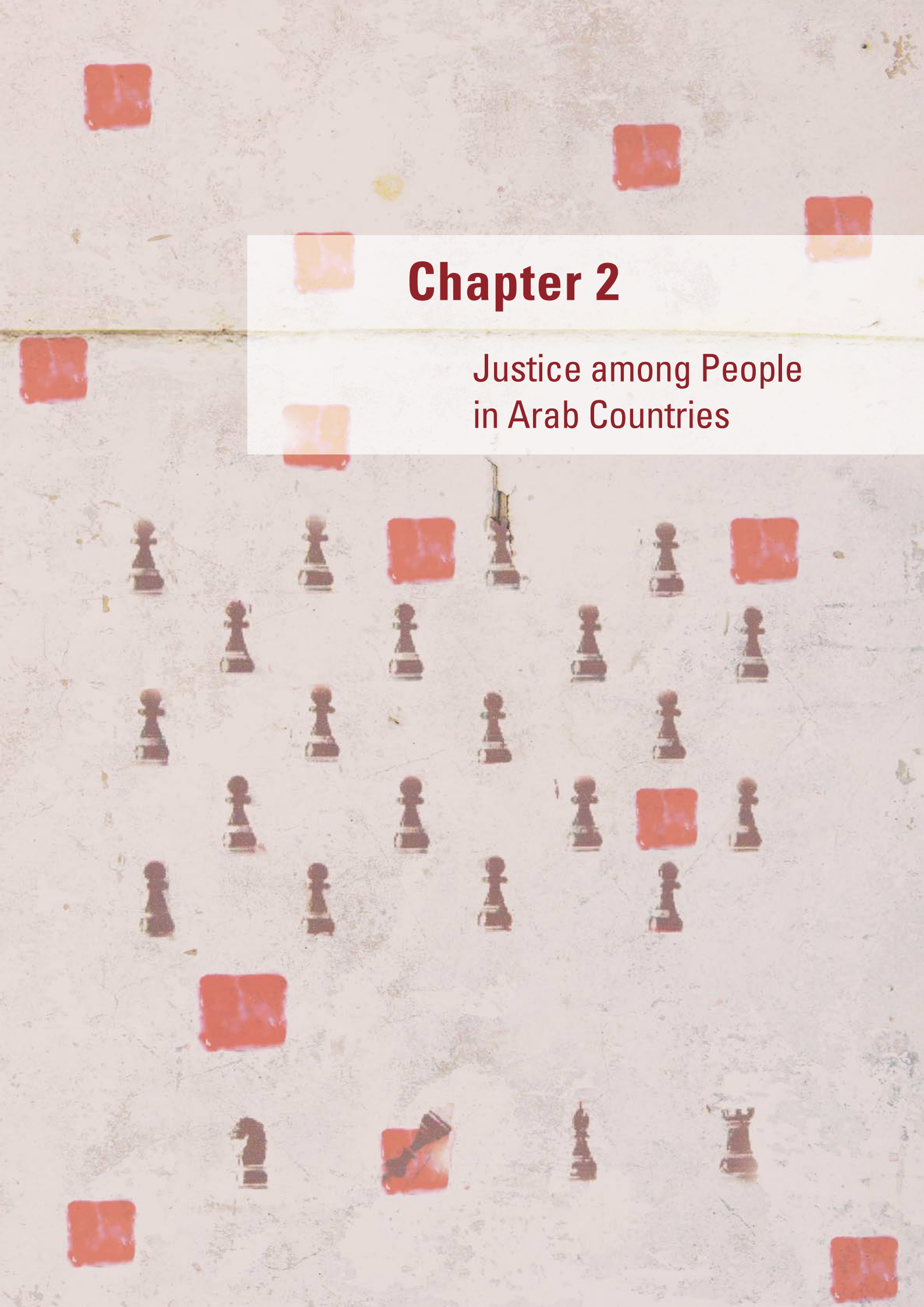
*opportunities. Once the principle of justice as a right is established, the State must apply it by enacting laws to protect rights and liberties and enshrine equal citizenship, and by creating institutions to oversee their implementation. It is incumbent upon the State to restore balance in society by eliminating the consequences of any injustice arising from nature or due to social structures that favour or marginalize one group or another. This can only be achieved in the framework of a democratic system that derives its authority from the free will of the people, to whose supervision it is subject, and upholds the rule of law.*

*The State that hesitates or fails to foster justice among its citizenry only propels them towards violence, and so brings on its own demise. Its survival and integrity depend on it providing protection and welfare, and making justice a reality. The many painful scenes one sees in the Arab world today testify to the effects of the suppression of the legitimate aspirations of individuals and peoples to justice, freedom and dignity.*

*Justice not only means equality between individuals, but also between different population groups within a single country and between different peoples under the global system of governance. It entails respect for the right of each of the world's peoples to self-determination on their land, and to freely dispose of their resources, making the fullest possible use of their capabilities. Justice is best measured in such a holistic fashion.*

# Chapter 2

## Justice among People in Arab Countries



Injustice anywhere is a threat
to justice everywhere.

***Martin Luther King, Jr.***

# 2. Justice among People in Arab Countries

It is extremely difficult to arrive at a one-off quantitative indicator to measure justice accurately in any given region. Justice is a complex concept that entails equality in rights and of opportunity, and equitable living conditions for individuals and social groups within a country and between peoples around the world. A comprehensive assessment of justice in the Arab region requires several quantitative and qualitative indicators, some measuring the conditions for a just society, such as equal opportunity and equality before the law, and others analysing factors that drive injustice and impede justice, such as corruption, oppression and exclusion.

This chapter focuses on aspects of economic and social justice in the Arab region. In the first section, the extent to which people can lead a decent life and partake of the benefits of growth are considered. In the second, we look at a range of indicators measuring inequality of opportunity, and analyse its causes and effects. The third section contains a review of people's perceptions of justice in their countries, and highlights that feelings of inequity result not only from deteriorating living standards but also from a sense that an individual's peers are doing better.

This chapter is confined to an examination of justice between people. The following two chapters will look at justice between social groups or communities in the same country and between peoples.

## A. Variations in living conditions

Inequalities in income and wealth exist to varying degrees in all countries. Most societies condemn such inequalities when they surpass admissible limits or when they stem from unethical practices, such as corruption. Disparities in income can be acceptable when they result from differences in the productivity of those employed in a competitive market, or in qualifications, skills and expertise. Inequalities in income and productivity can also result from variations in productive capital, which are acceptable when linked to growth in productivity.

Unacceptable disparities in income and wealth result from rentierism, that is profit gained from monopolizing property, be it material or intellectual,

Most societies condemn inequalities when they stem from unethical practices, such as corruption

such as oil and other natural resources, or foreign aid associated with the geostrategic location or political status of a receiving country. In rentier economies, wealth is often unjustly accumulated by taking advantage of the failures of competitive markets, and through the corruption of powerful and politically influential individuals or groups, who circumvent the law, manipulate the enactment of legislation or set up systems to obtain personal gain from rentierism. This is most typically achieved through the misappropriation of public funds or natural resources.

There are many poor people in the Arab region, and their numbers are increasing

A large portion of the population lives just above the poverty line and is therefore at risk of slipping below it when faced with an adverse event

The State has the responsibility of eliminating inequalities resulting from corruption and rentierism, and managing acceptable disparities in income and wealth in a way that promotes innovation and productivity, and at the same time protects vulnerable groups and offers them the basic elements of a decent life.

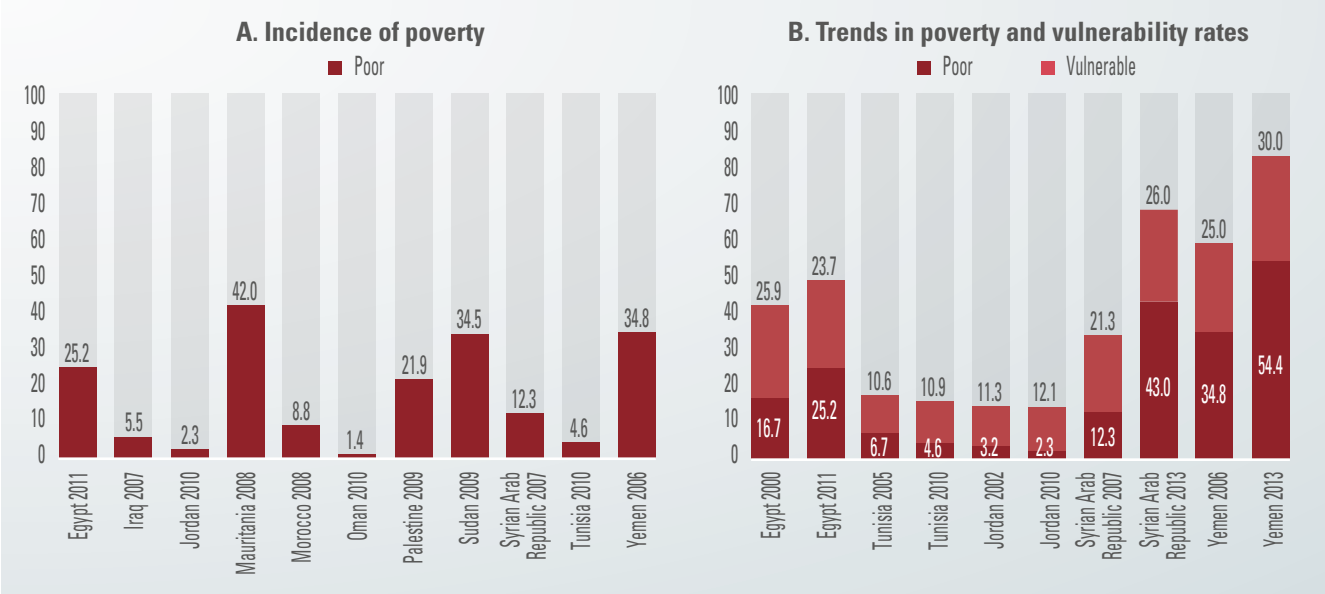
This section focuses on the prevalence of poverty, income and wealth distribution, and variations between people in different segments of society in benefiting from public services that build their human capabilities, and from employment opportunities, taken together as an indicator of inequality between individuals in a society rather than as a comprehensive measurement. Given the lack of detailed data, this section does not examine the gap between the poor and rich arising from differences in the availability and quality of infrastructure in Arab cities. In general, the absence of data makes it especially difficult to obtain an accurate, comprehensive measure of justice in the Arab region. Household surveys, especially demographic, health, and income and expenditure surveys, used in this section to measure inequality of opportunity, are not available for all Arab countries and, when available, they are not necessarily up to date or comparable.

## 1. Growth and spread of poverty

A society is not just if its citizens cannot secure daily sustenance. There are many poor people in the Arab region, and their numbers are increasing. Measured by a poverty line threshold of $2 per day, 19 per cent of the region's population is poor. The number rises to 40 per cent at $2.75. This significant difference between the two measures is unique to the Arab region, and indicates that a large portion of the population lives just above the poverty line and is therefore at risk of slipping below it when faced with an adverse event.

Calculated on the basis of national poverty lines, determined through national specificities and the cost of basic goods in a given country, the average regional rate of poverty is 21.3 per cent, with the rate of near-poverty at 19.5 per cent, according to pre-2011 figures. Poverty has risen steeply since the outbreak of war in

**Figure 2.1** Poverty rates in Arab countries according to national poverty lines




**Source:** ESCWA, Arab Development Outlook: Vision 2030, E/ESCWA/EDID/2015/3.

the Syrian Arab Republic and as the situation has worsened in Yemen (figure 2.1).

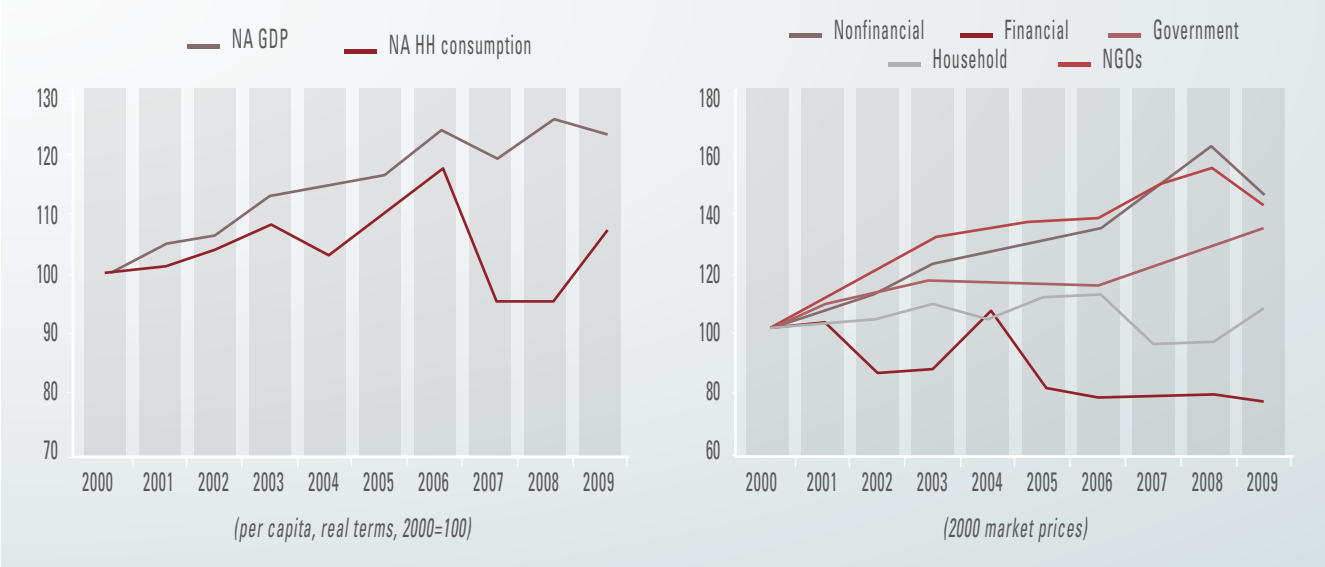
## 2. Poverty and income distribution

Data show that the gap between the rich and poor has widened over the past decade,[1] although official figures indicate relative stability in the Gini coefficient, the tool used to measure income inequality.[2] The Gini coefficients for Arab countries, except the Comoros, range between 0.3 and 0.4, close to the global average.[3] However, those estimates are not consistent with official figures on household consumption and wealth concentration, or with people's perceptions of their well-being. In Egypt, for example, the Gini coefficient on wealth increased to 0.8 in 2014, although the Gini coefficient on income remained unchanged.[4] Opinion polls indicate a growing sense among Egyptians that they have become poorer, although the country's GDP grew at a rate of 5-7 per cent before 2011.

A comparison conducted by the World Bank in 2014 showed significant variations between GDP growth rates and per capita expenditure in Egypt. According to national estimates, per capita cumulative GDP growth over the period 2000-2009 was 22 per cent, while household consumption rose by only 8 per cent. However, income and expenditure surveys for the same period showed that household income dropped by 15 per cent and household consumption by 8 per cent. The inconsistencies between the two sources could mean that households

The gap between the rich and poor has widened over the past decade

**Figure 2.2** Sources of GDP growth and real per capita income and expenditure in Egypt

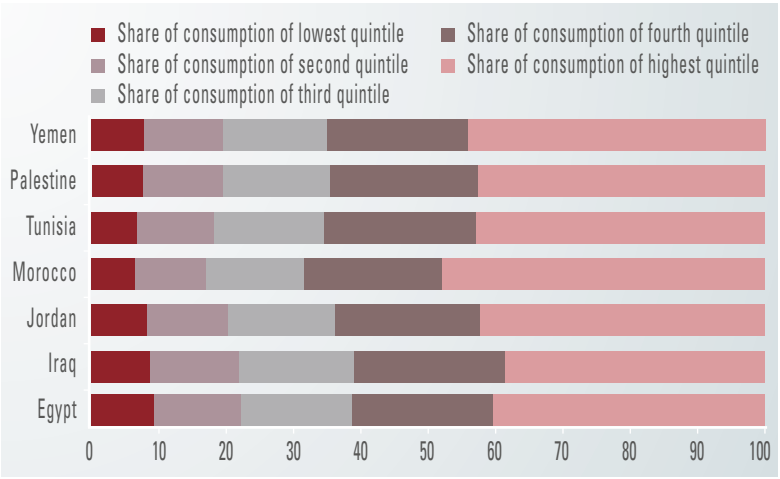



**Source:** Paolo Verme and others, *Inside Inequality in the Arab Republic of Egypt: Facts and Perceptions Across People, Time, and Space* (Washington, D.C., World Bank, 2014).

**Abbreviations:** NA GDP, National accounts gross domastic product; NAHH, National accounts household head.

are not enjoying the benefits of growth because they are concentrated in the hands of a few institutions and individuals (figure 2.2). It can also be concluded that private institutions and businesses have accumulated revenues or transferred them abroad, instead of investing them in the country or injecting them into markets as wages or dividends, thereby stoking a sense of unfairness and inequality among most of the population.

**Figure 2.3** Share of consumption by quintile, 2015 (percentage)




**Source:** World Bank, PovcalNet Database. Available from http://iresearch.worldbank.org/PovcalNet/index.htm?0,0 (accessed 22 May 2015).

Data from several Arab countries reveal significant disparities in consumption between different income groups. The national consumption share of the lowest quintile of the population does not exceed 10 per cent, compared with 40-50 per cent for the highest quintile (figure 2.3). The difference in consumption between these two quintiles, the poorest and richest, is greatest in Morocco compared with other countries covered by this comparison.

The income share of the richest 10 per cent of the population in the

**Table 2.1** Income shares in the Middle East compared with other regions and countries (percentage)

| | Income share of the richest 10 per cent | Income share of the richest 1 per cent |
|---|---|---|
| **Middle East** | | |
| Reference scenario | 55.4 | 19.8 |
| Increase in inequality scenario | 61.1 | 25.9 |
| Decrease in equality scenario | 50.1 | 14.8 |
| **Comparators** | | |
| Western Europe | 36.2 | 11.1 |
| United States | 48 | 19.9 |
| South Africa | 53.6 | 16.8 |

**Source:** Adapted from Alvaredo, Facundo and Thomas Piketty, Measuring top incomes and inequality in the Middle East: data limitations and illustration with the case of Egypt, Working Paper Series, No. 832 (Cairo, Economic Research Forum, 2014).

Middle East, according to one study (table 2.1), is 55 per cent, compared with 48 per cent in the United States and 54 per cent in South Africa.[5] In some scenarios, the income share of the richest 1 per cent in the region could come to exceed 25 per cent, which is high even when compared with the United States (20 per cent) and South Africa (17 per cent).

The number of billionaires in the region and the size of their wealth in absolute terms and as a percentage of domestic income indicate that wealth is concentrated in the hands of a few. Data show that the sum of their fortunes has increased although their numbers have fallen. Estimates by the International Consortium of Investigative Journalists, which is managing the Swiss Leaks project that is studying 60,000 leaked documents containing personal and bank account details of more than 100,000 HSBC Bank clients, show that customers from seven Arab countries own more than 10 per cent of the balances of those accounts, with a total of $250 billion.[6] The accounts are held in just one branch of a single bank; one can only wonder at how much wealth has been deposited by individuals, businesses and institutions from the Arab region in banks all over the world.

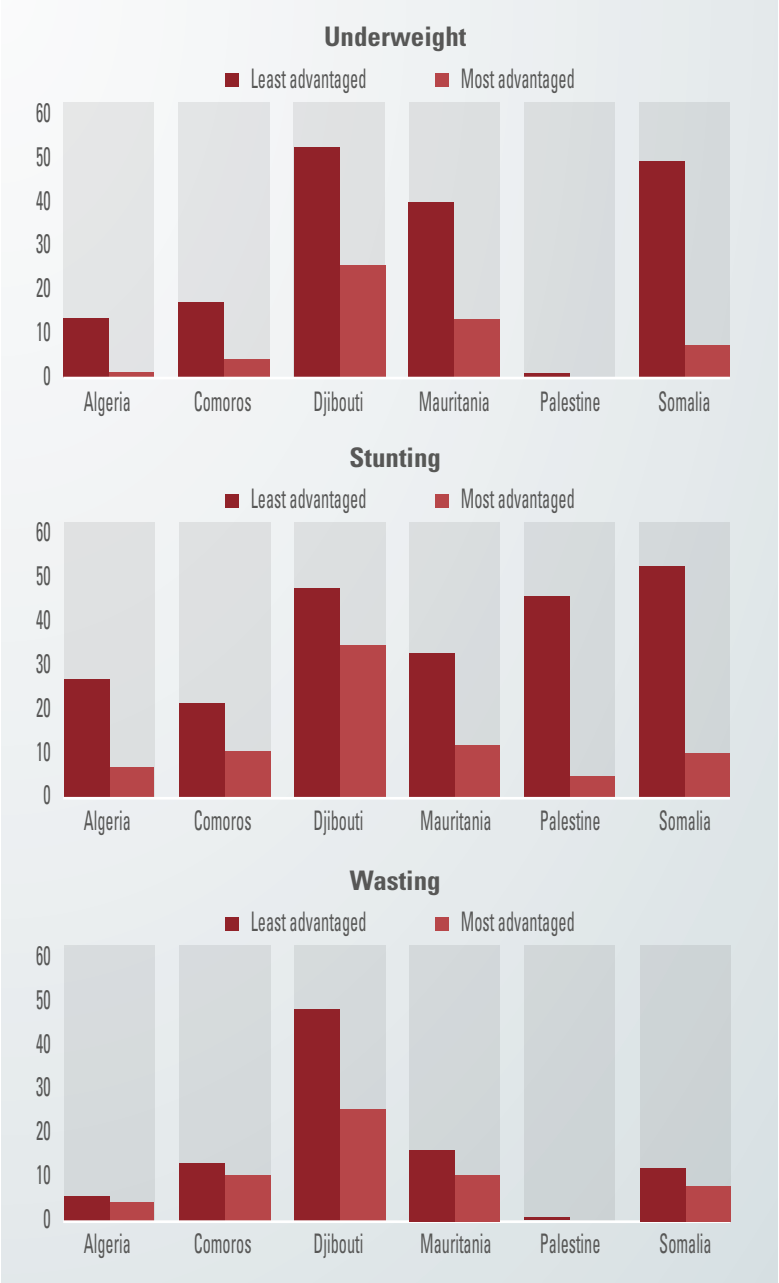
The Panama Papers, leaked in 2016, document how some Arab leaders, businessmen and relatives of political figures have transferred, sometimes illegally, money to their accounts in Panama, an attractive tax haven.[7] They show that, every year,

Customers of a foreign bank from seven Arab countries own more than 10 per cent of the balances of the bank's accounts, with a total of $250 billion

The Panama Papers, leaked in 2016, document how some Arab leaders, businessmen and relatives of political figures have transferred, sometimes illegally, money to their accounts in Panama, an attractive tax haven

Arab countries lose large amounts of money in tax revenue and as a result of illicit financial flows.

**Figure 2.4** Underweight, stunting and wasting rates among wealthy and poor groups according to available data, 2006-2014




**Source:** Adapted from Safaa El-Kogali and Caroline Krafft, *Expanding Opportunities for the Next Generation Early Childhood Development in the Middle East and North Africa* (Washington, D.C., World Bank, 2015).

## 3. Access to services

Distinctions between the children of the wealthy and non-wealthy arise from birth, or even before, given that the services available to the two groups are vastly different, both quantitatively and qualitatively.

### a. Health services

Discrimination in access to health services starts even before birth. If antenatal services are available to more than 90 per cent of well-off mothers, they are only available to two-thirds of poor mothers, dropping below 30 per cent in Tunisia and 20 per cent in the Sudan. Most well-off mothers give birth under the supervision of medical personnel, while this is the case for only a small number of poor mothers: 35 per cent in Mauritania, Morocco, Somalia and the Sudan.[8]

Following birth, well-off children enjoy access to a broad range of health services, including immunization against disease. Most poor children, on the other hand, do not, which leads to underweight, stunting and wasting (figure 2.4).

A 2012 study shows that key factors explaining disparities in the height and weight of children include unequal access to health services from one region to another, demographics and children's level of education.[9]

b. Pre-school

A few years after birth, the capacity gap between well-off and disadvantaged children widens, given that most of the former attend pre-school and most of the latter do not. State schools rarely offer this service free of charge, and private schools charge more than disadvantaged families can afford. Data highlight the significant divide in pre-school enrolment rates between children from those two groups. In Morocco, only 3 per cent of disadvantaged children attend pre-school, compared with more than 93 per cent of well-off children. In Algeria, the figures are 5 per cent and 60 per cent respectively.[10]

c. School

The quality of education received has a direct bearing on the opportunities available to individuals later in life. In most Arab countries, children from disadvantaged families receive poor education compared with children from well-off families. The shortage of teachers in the region's schools, as much as four to six times greater than in non-Arab countries, affects all pupils but especially those from disadvantaged backgrounds. Data indicate that teacher shortages are greater in rural than in urban areas in Jordan, Lebanon and Tunisia. The situation is worse in public schools, which are open to all, than in private schools, which only the well-off can afford.

Variations in the quality of teaching are reflected in educational attainment. A performance assessment of fourth graders in international standardized examinations in science and mathematics revealed that the marks of private school students were higher than those of their public school counterparts by, on average, more than 15 per cent in both subjects. In Morocco, the difference reaches 35 per cent in mathematics and more than 50 per cent in science. Annex I to this report contains data on pupils' average marks in several Arab countries disaggregated by family income, sex and demography.

Many displaced and refugee children are entirely deprived of education because of conflict in their countries (figure 2.5). Syrian children are the worst affected. More than half of children in refugee camps in Egypt, Iraq, Jordan, Lebanon and Turkey do not have access to education.[11] In Lebanon, only 158,000 of the 472,000 Syrian children registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) attend public schools.[12] In Jordan, 226,000 of around 660,000 Syrian children receive education.[13]

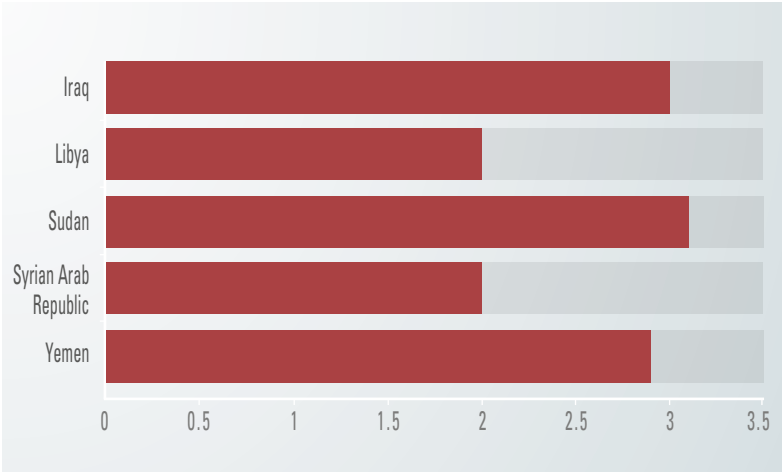
In the occupied Palestinian territories, the Israeli blockade and repeated military assaults have left the Gaza Strip with a shortage of schools. In 2015, 86 per cent of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools were working double shifts,

In most Arab countries, children from disadvantaged families receive poor education compared with children from well-off families

Many displaced and refugee children are entirely deprived of education because of conflict in their countries

In the West Bank, settler violence and Israeli school closure policies prevent pupils from getting to school

**Figure 2.5** Number of out-of-school children (millions)




**Source:** UNICEF, Education under Fire: How Conflict in the Middle East is Depriving Children of their Schooling (New York, 2016). Available from http://www.unicef.org/mena/Education_Under_Fire.pdf, p. 13.

which had a deleterious effect on the quality of education. In the West Bank, settler violence and Israeli school closure policies prevent pupils from getting to school, and that when there is a shortage of schools due to construction bans in large swathes of the territory.[14] The situation is no better in Palestinian refugee camps. In camps in the Syrian Arab Republic, the number of children enrolled in school fell by one third from 67,000 in 2011 to 45,000 in 2016.[15] According to an UNRWA study, 18.3 per cent of Palestinian pupils in refugee camps in Lebanon aged between 6 and 18 drop out of school.[16]

The discrimination between well-off and poor persons that starts at birth and continues through school culminates in the labour market

## 4. Labour market inequality

In the Arab region, the discrimination that starts at birth and continues through school culminates in the labour market, which has failed to attract human capital and direct it towards opportunities that guarantee optimal productivity and social well-being.[17]

Various factors, such as family background, sex and place of residence, contribute to inequalities of opportunity in the labour market. Others affect how long they must wait before being offered a job following graduation, starting salary and pay five years after graduation. In Egypt, for example, an employee whose father is a university graduate receives a salary five years after graduation that is 30 per cent higher than a person whose father did not attend university. Women wait longer than men for their first job offer and earn 68 per cent less five years after starting work, indicating that social and economic factors rather than competence may determine pay scales.

### a. Labour market segmentation

Even after finding work, one comes to realize that the labour market is segmented into several submarkets: for men and for women, nationals and immigrants, the private sector and public sector, and the formal and informal sectors. That segmentation results in variations in salaries, working conditions, and the provision of social security and health insurance.

The public sector provides its employees with benefits that private sector workers do not enjoy, in particular job security and health insurance (figure 2.6). Most

**Figure 2.6** Employment benefits by sector and sex

**Source:** Household income and expenditure surveys according to World Bank data (2013).

young people in Egypt and Jordan are prepared to forego higher private sector salaries for public sector benefits.[18]

Informal sector workers receive no social protection, given that they do not have contracts or social security coverage. People and companies tend to work in the informal sector as a result of exclusion, segregation or inequality, but sometimes do so by choice to avoid regulation. In the Arab region, the informal sector attracts many unqualified workers, young people, labour market entrants, microenterprises and women in countries where public sector jobs are limited, such as Lebanon, Morocco and Yemen.

Reward for skills differs greatly between the formal and informal sectors. Informal workers earn less than formal sector employees with the same skills. Working conditions can be assessed using a number of indicators, such as annual leave entitlement, various benefits and training activities. They confirm that working conditions are worse in the informal sector than

Informal sector workers receive no social protection

Some companies deliberately operate in the informal sector to circumvent the law, for example, to evade taxes, shirk their obligations to employees or avoid prosecution for trading in illegal goods

in the formal sector. In Morocco, more young working people consider pay in the informal sector to be less satisfactory than in the formal sector. In Egypt and Lebanon, more informal workers want to change jobs than formal sector employees.[19] Working conditions and benefits may be poorer than in the formal sector, but for some the informal sector at least offers the chance of a job, albeit with low pay.

Some companies deliberately operate in the informal sector to circumvent the law, for example, to evade taxes, shirk their obligations to employees or avoid prosecution for trading in illegal goods. Powerful business owners can thus accumulate more wealth at the expense of their employees or the State than would be possible in the formal sector.

Market segmentation manifests itself differently in most recipient countries of expatriate labour, especially in Gulf Cooperation Council (GCC) countries, where variations in salaries, benefits and employment opportunities are dictated by the nationality of employees. In Saudi Arabia, for example, the average monthly income in 2014 of nationals was $2,500 in the public sector and $1,500 in the private sector, but did not exceed $400 for migrant workers, most of whom worked in the private sector.[20]

Social relations play a key role in securing employment for most

### b. Reliance on social networks

In the absence of formal job search institutions, social relations play a key role in securing employment for most. Relying on personal acquaintances, who are usually confined to homogenous social and economic groups, deepens social divisions and widens the gap between young men and women. In past years in Egypt, only 36.5 per cent of young women found work through personal contacts, compared with 60.4 per cent of young men, even though more than half of women believe that contacts are more useful than professional skills for finding work.[21] The practice of asking personal connections for help in finding work spans generations – people in Arab countries are more likely to find a job in the formal sector if their father also worked in the formal sector.

## B. Inequality of opportunity

It might be fair to say that two individuals with different productivity levels should not earn the same salary. Similarly, a person with rare and sought-after skills is more likely to be offered a job compared with someone who has average skills that are not in high demand. It is, however, irrational and unacceptable that persons who do similar work, or have similar skills or qualifications for a specific position, should be denied similar access to that position or the right to the same corresponding income.

Inequality of opportunity is the epitome of injustice. Determining access to life opportunities on the basis of factors beyond one's control,

such as skin colour or sex, flies in the face of the most elementary tenets of justice. Justice demands equal opportunity for all, regardless of an individual's background, upbringing or family status.

In this section, we look at the reasons behind inequalities between people and whether they can be justified. Although some are unavoidable, most are illegitimate by any measure of justice because they stem from inequality of opportunity. The degree of success most people achieve is conditioned by vagaries of life, such as birthplace, sex and family status. Those born in rural areas do not have the same opportunities as urban dwellers, people from disadvantaged backgrounds do not enjoy the same opportunities as those born into rich families, and girls do not have the same chances as boys. In many situations, unfavourable circumstances combine to make matters worse. For example, a poor rural woman will suffer greater injustice than a rich urban man.

Distinctions that exist between people from birth are exacerbated by the social order and economic and social policies that widen the opportunity gap rather than remedy the situation in the interests of those who have been left behind. Those disparities are compounded after birth in pre-school, primary and secondary school and higher education institutions, and are reflected in unequal opportunities for training, and thereafter in the labour market and throughout one's professional life.

## 1. Impact of birthplace on opportunities

Individuals born in rural or remote areas may have an unfortunate start in life owing to a lack of services, high dependency rates, extreme poverty and limited opportunities. The marginalization of rural areas dates back to colonial times, when a centralized administrative system that favoured urban and coastal areas was established. Cities are generally better off than rural areas, but there can also be sharp inequalities within a city itself, where slums and poverty belts are deprived of services available elsewhere. The situation is significantly worse in border areas in some Arab countries, which are almost entirely deprived of services.

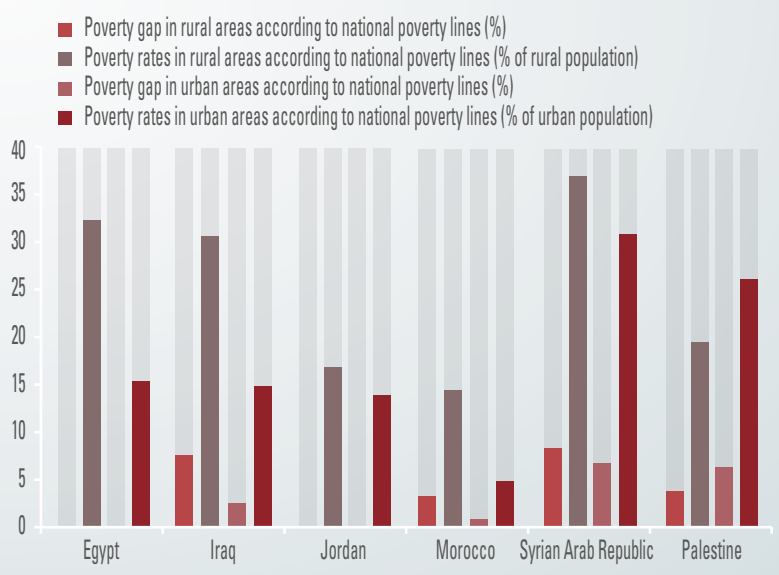
### a. Multidimensional poverty in rural areas

Development disparities between urban and rural areas are considerable in Egypt, Morocco and Yemen.[22] Southern Egypt, which contains 40 per cent of the country's population, is home to 60 per cent of its poor and 80 per cent of those living in extreme poverty.[23] In Morocco, household consumption per capita in rural areas is less than half that in cities, and the literacy gender gap in rural areas is 35 per cent compared with 5 per cent in cities. In Yemen, average per capita consumption in the poorest

Inequality of opportunity is the epitome of injustice

The degree of success most people achieve is conditioned by vagaries of life, such as birthplace, sex and family status

**Figure 2.7** Urban and rural poverty rates in selected Arab countries




**Source:** World Bank, World Development Indicators database (accessed 22 May 2015).

governorates is around a third of the average of those living in Sanaa.[24]

Average rural poverty rates are more than double those of urban areas in Egypt, Iraq and Morocco

Average rural poverty rates are more than double those of urban areas in Egypt, Iraq and Morocco (figure 2.7). In Palestine, rural poverty is lower than urban poverty. In Tunisia, families living in industrial areas are less vulnerable to poverty than those in rural locations.[25] Estimates indicate that 88 per cent of employment opportunities in the manufacturing sector are concentrated in coastal areas. Significant disparities between districts account for 25 per cent of the variation in poverty rates.[26]

### b. Health and education services in rural areas

In general, rural areas suffer from poor quality health and education services, which are also in short supply. Weak infrastructure and public utilities, and a lack of information and communications technology (ICT) services exacerbate the problem. The quality of services in rural areas is also affected by the migration of skilled teachers and doctors to cities. Less skilled staff are left behind with few incentives to work, leading to high absenteeism and a drop in service quality.

Most health sector workers, particularly doctors, live in capital and major cities, where they receive higher salaries and enjoy better living standards and employment opportunities than are available in rural areas. In Libya, there were 340 doctors per 100,000 people in Tripoli in 2011, compared with 96 per 100,000 across the rest of the country. In Lebanon, there are three times more doctors in Beirut that in the Beqaa area. In Yemen, 15 per cent of public health personnel service the city of Aden and another 15 per cent work in Sanaa, which only make up 3 per cent and 8 per cent of the country's population respectively.[27] In Iraq, there are 93 doctors per 100,000 people in Baghdad, 67 per 100,000 in Basra, and 31 per 100,000 in the smaller city of Nasiriyah.[28]

Health insurance plans generally benefit only wealthy urban dwellers

Health insurance plans generally benefit only wealthy urban dwellers. In Egypt, health insurance coverage is linked to income – 80 per cent of women with insurance plans fall into the first and second richest quintiles. Comparing insurance coverage between the

richest and poorest quintiles reveals that only one poor person benefits from insurance coverage for every 100 wealthy individuals. Coverage rates in urban areas are more than double those in rural areas. In Lebanon, 60 per cent of people in Beirut and 54 per cent in the Mount Lebanon area have insurance, but less than a third are insured in other areas.[29]

A study of factors influencing the ability of students in Morocco to complete the various levels of education, based on national household and health survey data, shows a gap of 33 percentage points between rural and urban areas for primary education, and 13 and 10 percentage points for secondary and tertiary education respectively.[30] In Jordan, urban-rural education disparities are relatively small, falling below 5 per cent for primary education and 11 per cent for secondary education.[31]

### c. Lack of opportunities in rural areas

Results garnered from the Theil index, which makes it possible to measure contributing factors to inequality, show that variations between urban and rural areas account for between 16 per cent and 29 per cent of inequalities in Egypt and Morocco. In other words, people born in the Moroccan countryside are five times less likely to accumulate wealth than those born in cities, regardless of whether they have the same natural abilities and drive. However, the assessment also shows that urban-rural disparities in Djibouti and Jordan have not greatly influenced

People born in the Moroccan countryside are five times less likely to accumulate wealth than those born in cities

**Table 2.2** Urban-rural inequality in selected Arab countries

| | Overall Theil index | Theil urban-rural disparity component | Share of Theil index explained by urban-rural disparities (per cent) | Maximum urban-rural disparity level under Theil index | Difference between actual urban-rural disparity level and maximum disparity level under ELMO index (per cent) |
|---|---|---|---|---|---|
| **Djibouti** | 0.32 | 0.01 | 3 | 0.16 | 7 |
| **Egypt** | 0.24 | 0.04 | 16 | 0.14 | 28 |
| **Jordan** | 0.20 | 0.00 | 2 | 0.12 | 3 |
| **Morocco** | 0.33 | 0.10 | 29 | 0.19 | 51 |
| **Syrian Arab Republic** | 0.30 | 0.02 | 7 | 0.15 | 14 |
| **Yemen** | 0.38 | 0.03 | 9 | 0.17 | 20 |

**Source:** World Bank, Poor Places, Thriving People: How the Middle East and North Africa Can Rise Above Spatial Disparities, Mena Development Report, No. 58997 (Washington, D.C., 2011), p. 80.

inequalities, which is unsurprising in rapidly urbanizing small countries.

Given that the aim is to measure economic and social justice, which does not demand absolute financial equality between people but rather equality of opportunity, the level of disparity between urban and rural areas is unimportant compared with the extent to which rural and urban dwellers have access to the same opportunities to become economically and socially equal. It is therefore preferable to use the ELMO Index to measure economic justice,[32] although it does not reveal any significant change in the ranking of countries; Egypt and Morocco remain the countries with the greatest urban-rural disparities, according to available data (table 2.2).

Inequality of opportunity between urban and rural dwellers is high, but the disparity can be greater still between residents of different governorates

Urban-rural disparities in the Arab region are not dissimilar to those of other regions. Averages in sub-Saharan Africa, East Asia and the Pacific, and Latin America and the Caribbean range between 14 per cent and 18 per cent on the Theil index, and between 25 per cent and 28 per cent on the ELMO index.[33]

### d. Inequality between governorates

Inequality of opportunity between urban and rural dwellers is high, but the disparity can be greater still between residents of different administrative districts. Based on household income, expenditure and consumption surveys, disparities in consumption expenditure, according to the coefficient of variation, reached

**Table 2.3** Inequality between governorates in selected Arab countries

| | Overall Theil index | Theil component of disparity between districts | Share of Theil index explained by disparities between districts (per cent) | Maximum disparity level between districts under Theil index | Differences between actual and maximum disparity levels between districts under ELMO (per cent) |
|---|---|---|---|---|---|
| **Djibouti** | 0.32 | 0.06 | 17 | 0.26 | 21 |
| **Egypt** | 0.24 | 0.04 | 17 | 0.22 | 19 |
| **Jordan** | 0.20 | 0.01 | 4 | 0.17 | 4 |
| **Morocco** | 0.33 | 0.10 | 29 | 0.29 | 33 |
| **Syrian Arab Republic** | 0.31 | 0.01 | 3 | 0.21 | 5 |
| **Yemen** | 0.38 | 0.03 | 9 | 0.24 | 14 |

**Source:** World Bank, Poor Places, Thriving People: How the Middle East and North Africa Can Rise Above Spatial Disparities, Mena Development Report, No. 58997 (Washington, D.C., 2011), p. 81.

0.19 in Jordan, 0.35 in Egypt and 0.46 in Morocco.[34] Using the Theil index to measure inequalities between districts reveals that one fifth of total inequality in Egypt and Lebanon can be attributed to inequality between governorates. In Morocco, 29 per cent of total inequality is the result of unequal wealth and asset distribution between governorates, including houses, livestock, land and consumer durables. In Jordan, the Syrian Arab Republic and Yemen, however, disparities between governorates scarcely affect the overall Theil index (table 2.3).

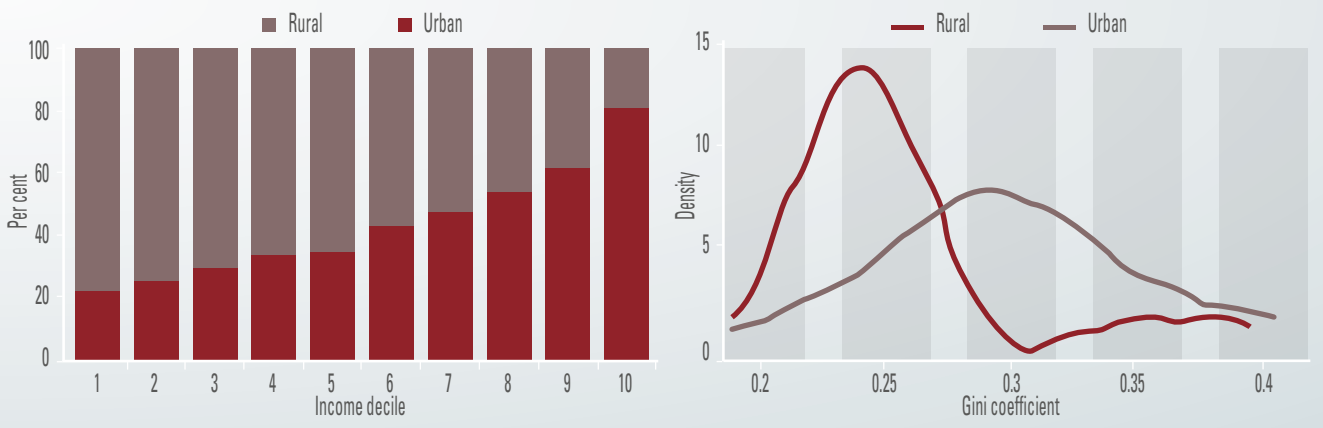
### e. The deepening divide

Studies show that disparities are increasing over time in Jordan, Palestine, the Syrian Arab Republic and Tunisia.[35] In Yemen, the wellbeing gap between urban and rural populations is expanding. The welfare gap between metropolitan and nonmetropolitan households appears to be larger within higher quintiles in Egypt, Jordan, the United Arab Emirates and Yemen. However, in Iraq, Tunisia and the Syrian Arab Republic, interregional inequality seems higher between poorer households. Household characteristics followed by human capital are key factors accounting for variations in endowments between metropolitan and non-metropolitan households.

Household characteristics are key factors accounting for variations in endowments between metropolitan and non-metropolitan households

The pattern of disparities between areas is highlighted by dividing an urban population into income brackets – the higher the income bracket, the higher the percentage of the population therein is urban. Only around 20 per cent of those who fall into the lowest income decile are urban dwellers, whereas urban populations make up 81 per cent of the highest decile. The Gini coefficient reveals that income variations are low in rural areas compared with urban areas, indicating higher inequality in urban areas (figure 2.8).

**Figure 2.8** Gini coefficient and percentage of urban populations in Egypt in each income decile




**Source:** Paolo Verme and others, *Inside Inequality in the Arab Republic of Egypt: Facts and Perceptions Across People, Time, and Space* (Washington, D.C., World Bank, 2014).

In Egypt, certain attributes, such as education, income and family size, explain more than 62 per cent of the significant consumption gap between the Nile Delta and southern Egypt.[36] Estimates, based on household income, consumption and expenditure surveys, show that the urban-rural consumption gap shrinks by two thirds if such attributes are equalized. If all persons across areas had the same family characteristics and level of education, consumption distribution would be more balanced in many Arab countries. Disparities in family characteristics and education are the principal factors driving inequality in Egypt, Jordan, the Syrian Arab Republic and Yemen. An example of disparities in education is the variation in the school dropout rate for girls between areas. In Egypt, for instance, two thirds of girls who drop out of school are from the southern part of the country.[37] There is also a strong link between demographic characteristics and education; less educated women have more children regardless of family income.[38]

A family's economic status directly affects a child's future opportunities

Most students who attend university are from well-off families

## 2. Effects of family characteristics on an individual's future

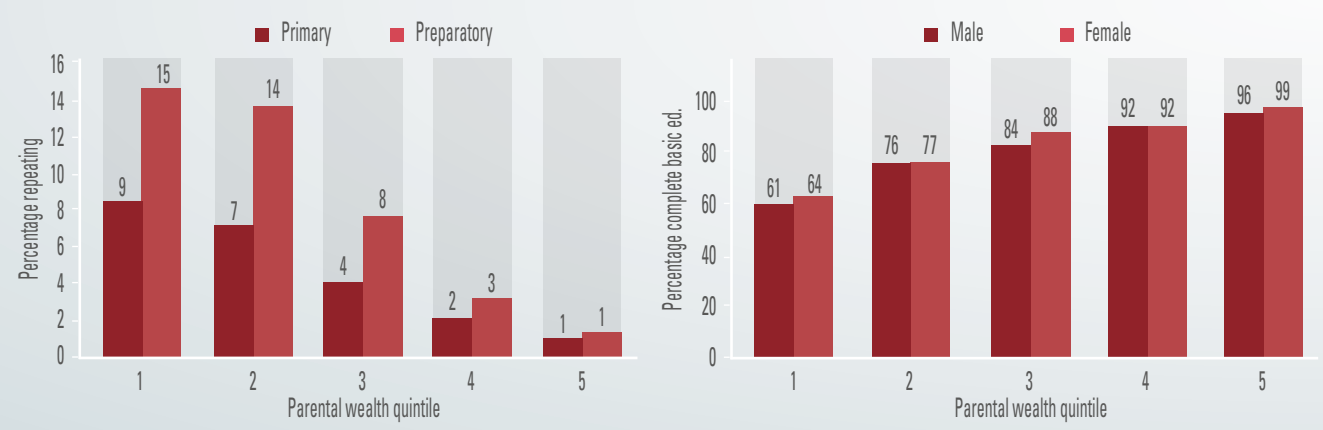
Studies show that a family's economic status directly affects a child's future opportunities. For example, in Morocco, the probability of completing primary school for a child belonging to a family in the lowest quintile is 42 per cent less than that of a child from a family in the highest quintile,[39] while in Jordan it is 17 per cent. According to a study based on household income and expenditure surveys in several countries,[40] the elasticity of education expenditure to income varies from one country to another: 1.25 in Egypt, 1.15 in Jordan, 0.47 in Palestine, 0.40 in the Sudan and 0.18 in Tunisia. This indicates that a rise in income will lead to greater relative increase in expenditure on education in Egypt and Jordan, but less so in Palestine, the Sudan and Tunisia.

The study also reveals that the education level of heads of households greatly affects expenditure levels on their children's education in those countries. Those who have completed higher education spend 99 per cent more than the average on educating their children in Jordan, 81 per cent in Palestine, 70 per cent in Egypt, 66 per cent in the Sudan and 49 per cent in Tunisia.

Family characteristics have a significant impact on a person's life opportunities, as a family's material well-being influences children's chances of success or failure in their basic education. Figure 2.9 shows the percentage of pupils in Egypt repeating one or more grades at primary or preparatory school by parental wealth quintile and the percentage of those who complete their basic education.

In Egypt, 34 per cent of children from extremely poor families receive private lessons during primary education,

**Figure 2.9** School pupils in Egypt: performance by parental wealth quintile, 2012




**Source:** Ragui Assaad and Caroline Krafft, Is free basic education in Egypt a reality or a myth? *International Journal of Education Development,* vol. 45, November 2015 (based on a 2012 iterative survey of the Egyptian labour market).

compared with 76 per cent of children belonging to families in the top quintile. In secondary education, 67 per cent of children from the poorest families receive private tutoring, compared with 93 per cent of children from families in the richest quintile.[41] The high number of wealthy families resorting to private lessons indicates their lack of confidence in the quality of the education system.

Data show that 13-29 per cent of the well-being gap between families in Egypt and Jordan can be attributed to the education level of heads of household,[42] which also influences whether their children enrol in higher education. Studies show that most students who attend university are from well-off families.[43] In Egypt, 98.5 per cent of students living in cities whose parents have university degrees will enter higher education institutions, whereas only 5.5 per cent of students from less educated families living in the rural south will do so.

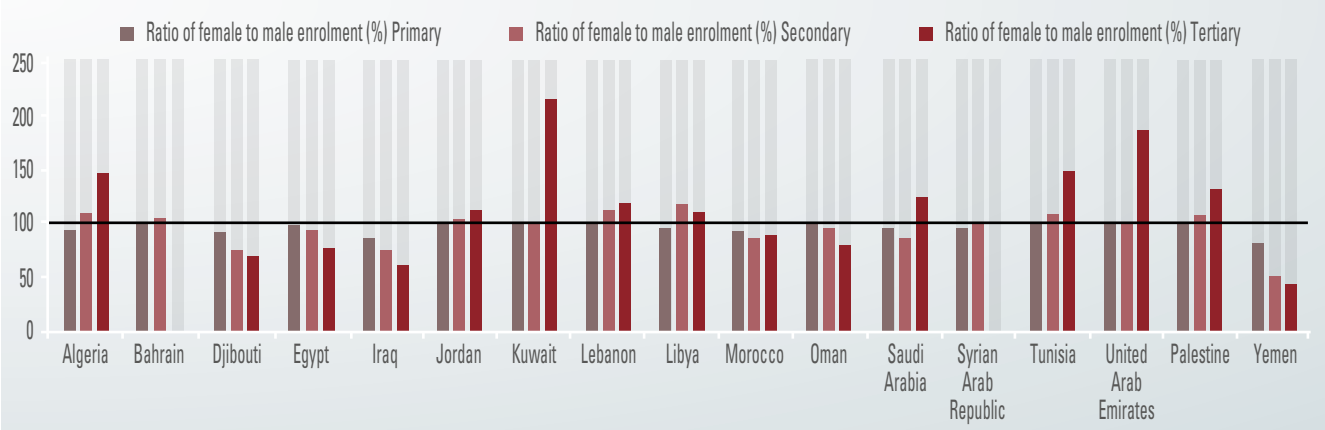
A family's social and economic status also affects children's development, according to a study based on partial data on early childhood from 10 Arab countries: Algeria, the Comoros, Djibouti, Jordan, Mauritania, Morocco, Palestine, Somalia, the Sudan and Tunisia (annex II). The study evaluates early childhood development using several indicators of maternal care during pregnancy and birth, children's access to nutrition, health care and parental care, and activities that support children's development. The study concludes that variations in parental wealth and education and urban-rural disparities are key factors driving inequalities in this area.

## 3. Inequalities of opportunities based on sex

In spite of progress made in the Arab region in past decades, inequalities of opportunity between the sexes remain. Average life expectancy at birth for women increased from 50

In Egypt, 98.5 per cent of students living in cities whose parents have university degrees will enter higher education institutions, whereas only 5.5 per cent of students from less educated families living in the rural south will do so

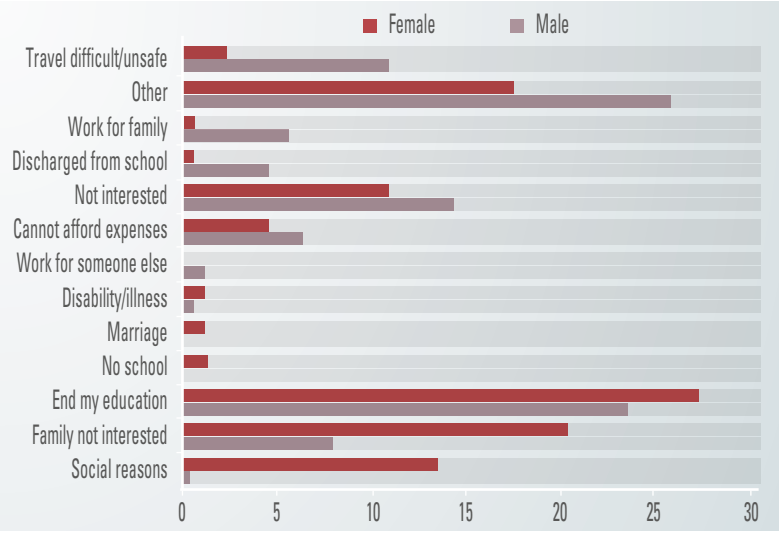
**Figure 2.10** Ratio of female to male enrolment in education, 1975-2010




**Source:** World Bank, Opening Doors: Gender Equality and Development in the Middle East and North Africa. Mena Development Report, No. 75181. (Washington, D.C., World Bank, 2013), p. 35, based on WDI 2011 (World Bank multiple years).

in 1975 to over 70 in 2010, and the number of years girls aged between 15 and 19 spend at school has doubled since 1980. In most Arab countries, school enrolment rates for girls are near equal to those of boys, and in some countries even exceed them. However, they remain lower in Egypt, Djibouti, Iraq and Yemen (figure 2.10).

**Figure 2.11** Reasons for dropping out of school in Iraq, by sex




**Source:** World Bank, *Opening Doors: Gender Equality and Development in the Middle East and North Africa.* Mena Development Report, No. 75181. (Washington, D.C., World Bank, 2013), p. 38, based on Iraq Household Socio-Economic Survey 2006-07.

## a. Girls in education

A survey of young people in Egypt conducted in 2009 showed that 22 per cent of women in southern Egypt had never attended school. Some 55 per cent of young people, 88 per cent of whom were women, said that parental dissent or tradition were the main reason they had not enrolled in school, while 32 per cent blamed the high cost of education.[44] The number of girls who drop out of school exceeds that of boys, especially in Iraq and GCC countries, for differing reasons. Girls attribute leaving school to social pressure, while boys give personal, familial and financial reasons (figure 2.11).

In the less developed regions of any given country, there can be wide disparities in rates of literacy between

the sexes. In southern Egypt, 24 per cent of girls are illiterate, double the rate for boys and 10 percentage points greater than the national average for women.[45] In rural Morocco, only 14 per cent of women are literate, compared with 75 per cent in cities. Boys in rural areas are 16 per cent more likely to complete primary education than girls (7 per cent in urban areas). In Jordan, the figures are 9 per cent and 5 per cent respectively.[46]

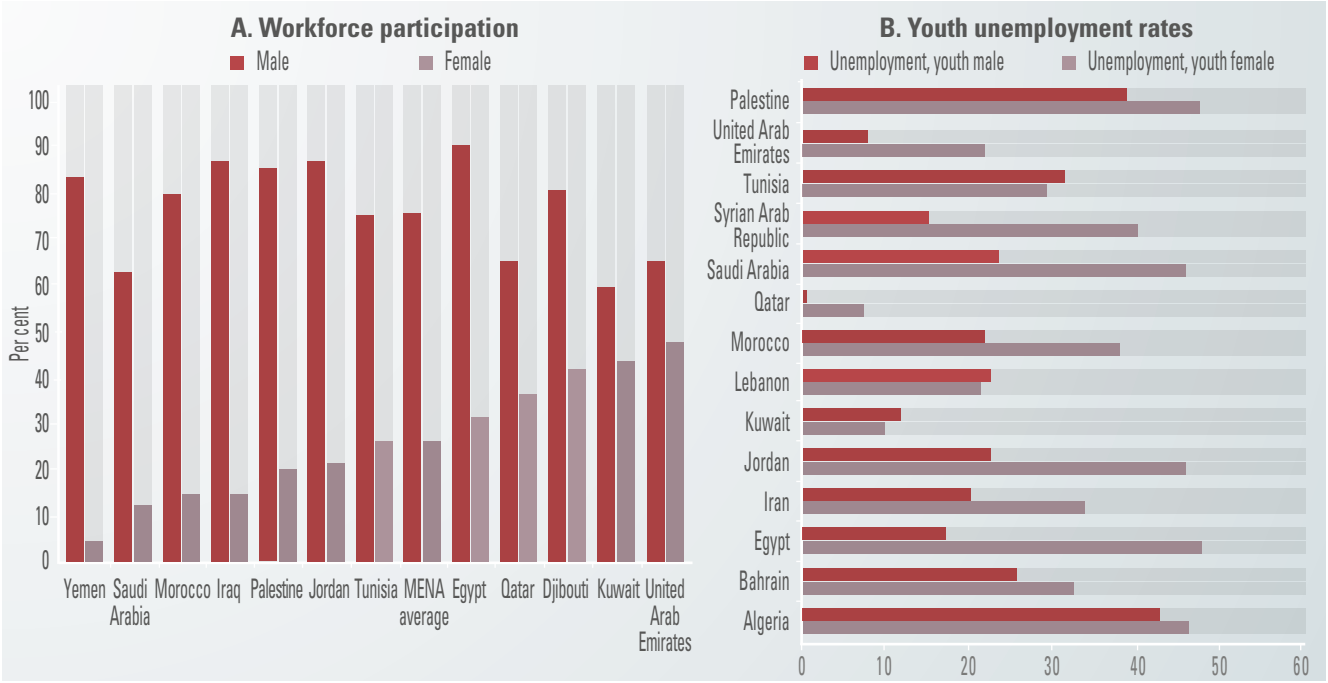
## b. Women in the labour market

In the Arab region, only half the women of working age are active in the workforce. Women's workforce participation rates are lowest in countries beset by foreign occupation, like Palestine, and conflict-affected countries, such as Iraq and Yemen, because of concerns for women's safety, especially when commuting. In the region, almost twice as many women as men are unemployed: in the eyes of the private sector, women are less productive, more expensive to employ and should concentrate on their role as child-bearers and mothers (figure 2.12). Few women have the opportunity to become entrepreneurs – only 15 per cent of projects in the region are owned by women.[47]

In the region, almost twice as many women as men are unemployed

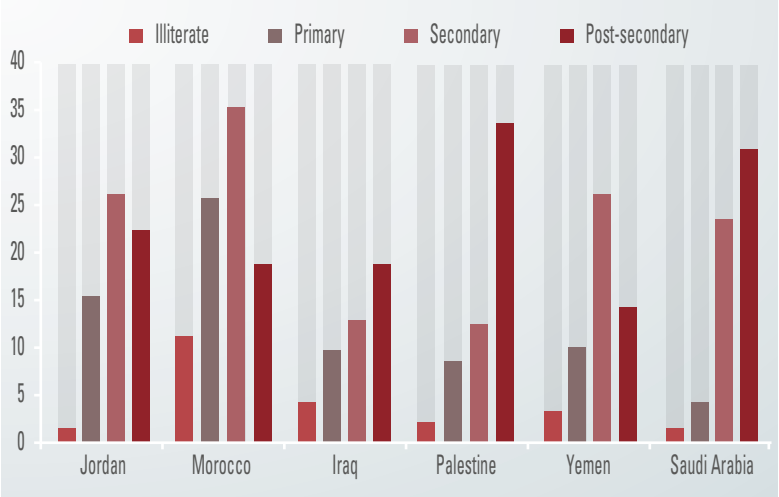
A global comparison over the past three decades shows that the average rate of participation by women in the workforce in the Arab region has grown faster than the global average by 10

**Figure 2.12** Women and men in the labour market, 2013




**Source:** World Bank, *Opening Doors: Gender Equality and Development in the Middle East and North Africa*, Mena Development Report, No. 75181. (Washington, D.C., World Bank, 2013).

**Figure 2.13** Women's unemployment rates by education level, 2013




**Source:** Data from household surveys, contained in World Bank, Opening Doors: Gender Equality and Development in the Middle East and North Africa, Mena Development Report, No. 75181. (Washington, D.C., World Bank, 2013).

Women face difficulties in the labour market, in terms of discrimination in pay, type of work and opportunities for advancement

percentage points, although it remains below the global average. In contrast to the global trend, the regional rate begins to decline after the 25-29 age bracket, which corresponds to the average marrying age in the region. The rate of unemployment among women rises with their education level (figure 2.13). In Jordan, Morocco and Yemen, unemployment rates are highest among women who have completed secondary school, while in Iraq, Palestine and Saudi Arabia they are highest among women with university degrees. In Iraq and Palestine, the situation of women may be due to the effects of conflict and occupation. Many Arab economies have failed to keep pace with regional achievements in girls' education by not creating employment opportunities for women in certain sectors that require middle-level skills, such as industry and services. Women face difficulties in entering the labour market, such as doubts about the utility of employing them, and thereafter, in terms of discrimination in pay, type of work and opportunities for advancement in the public and private sectors. Clear differences also separate men and women, as the latter have narrower employment opportunities and fewer options for obtaining training outside the formal education system.

## C. Inequality: perception and reality

The perception of injustice arises not only from deteriorating living conditions, but also from a sense that one's peers have better opportunities. Everyone compares themselves to a particular group of people. Their aspirations grow when they see improvements in the financial situation and social status of other members of the group. Conversely, they can be invaded by a sense of injustice and deprivation when their own situation deteriorates compared with that of their peers.

With the spread of modern communication methods and social media, an individual's reference group now includes more people and is no longer limited to peers within a country. Individuals' perceptions of their social status have changed, as have their expectations, as reflected in surveys such as the World Values Survey, the Arab Barometer and

the Gallup World Poll. As a result, people in some Arab countries feel more deprived than in the past, even if their material circumstances have not changed.

## 1. Arab citizens and the economy

The responses of Arab citizens to the Arab Barometer III[48] indicate a negative perception of the economic situation in their countries: 33 per cent said it was bad, 28 per cent said it was very bad, and only 30 per cent said that it was good. Across the region, with the exception of Libya and the Sudan, men and rural dwellers took a gloomier view than women and people living in urban areas. The scenario varied between countries: Algerians and Kuwaitis were more optimistic than Egyptians and Lebanese. Around 57 per cent of respondents in Algeria and more than 90 per cent in Kuwait said that the economic situation was good or very good. In Egypt and Lebanon, however, 90 per cent said that the situation was bad or very bad.

The Gallup World Poll produced similar results to those of the Arab Barometer with regard to people's perceptions of their economic and social status and opinions of their society. Respondents in the Comoros, Somalia, the Sudan and the Syrian Arab Republic were more pessimistic than those from other Arab countries (figure 2.14).

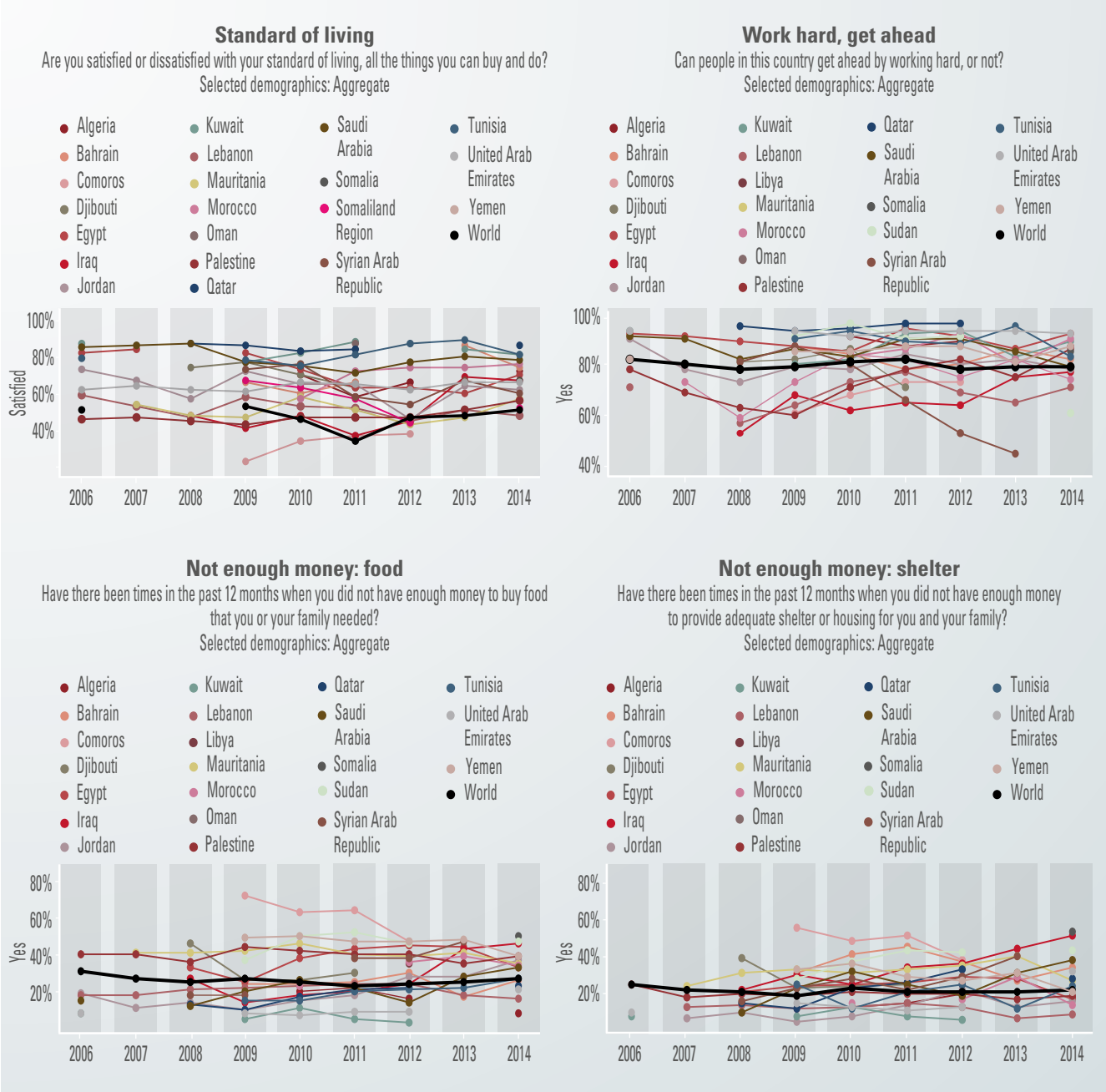
According to one study,[49] relative deprivation in the Moroccan labour market varies significantly in line with the composition of the reference group by sex. When men and women compare themselves with a group containing both sexes, women feel more deprived, which is consistent with objective measures of deprivation such as unemployment. However, when men compare themselves with a group comprising only men, and women compare themselves with a group composed only of women, men feel more deprived than women. This conforms to a general view that women complain less than men about their status in the labour market, regardless of whether they are more deprived, which is supported by a qualitative study in Morocco showing that both men and women consider men to be more deprived in the labour market.[50]

A World Bank study on Egypt published in 2014,[51] based on data from several waves of the World Values Survey, indicated that households felt poorer in 2010 than in 2000. In spite of the economic growth over that period, there was a growing sense of injustice caused by inequalities across all income segments and social groups, in particular among the poor. Those perceptions can be linked to increasing economic threats that mainly affect those who are vulnerable to poverty. The study compared people's perceptions of their status within various income brackets (from the World Values Survey) with actual income distribution

Arab citizens have a negative perception of the economic situation in their countries

Women complain less than men about their status in the labour market, regardless of whether they are more deprived

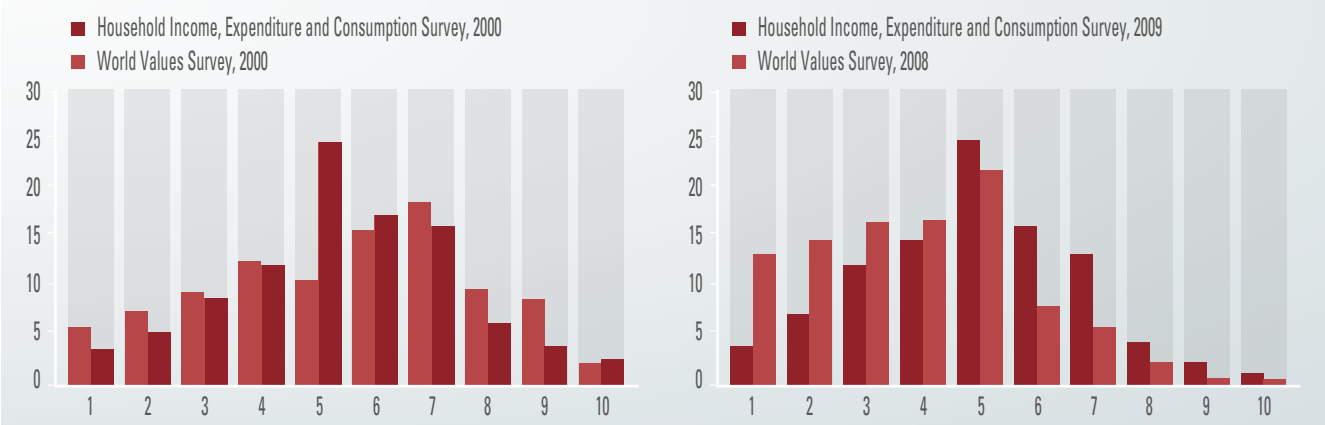
**Figure 2.14** Economic and social reality in Arab countries according to Gallup




**Source:** Gallup World Poll Database, 2014. Available from http://www.gallup.com/services/170945/world-poll.aspx (accessed 5 March 2016).

patterns (from household consumption and expenditure surveys). Results showed that people's perceptions of their income in 2000 had been more realistic than in 2009, indicating fading optimism among Egyptians about their financial situation (figure 2.15). It is thus unsurprising that uprisings erupted in 2011 despite positive economic growth. For growth without fair wealth distribution fuels more popular discontent than negative growth.

**Figure 2.15** Income distribution in Egypt, 2000 and 2008-2009 (percentage)




**Source:** Paolo Verme and others, *Inside Inequality in the Arab Republic of Egypt: Facts and Perceptions Across People,* Time, and Space (Washington, D.C., World Bank, 2014).

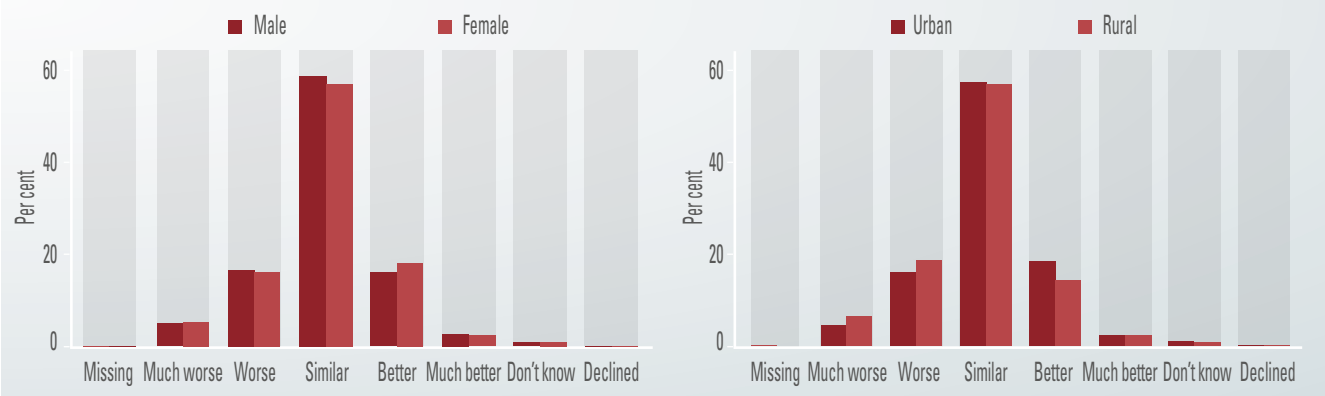
## 2. Inequality and lack of freedom

How people view justice in their countries was addressed by the following question in the Arab Barometer III: "Generally speaking, how would you compare your living conditions with the rest of your fellow citizens?" Responses revealed that the sense of relative deprivation among people in Arab countries is limited: 58 per cent of respondents said that their living conditions were similar to those of the rest of the population, while 22 per cent felt that they were worse off. Perceptions did not vary greatly between men and women or between rural and urban populations, although rural dwellers felt relatively more deprived than people living in cities. The feeling of deprivation was most acute in Iraq and Yemen, where many felt that their living conditions were inferior to those of their compatriots, whereas only 10 per cent of Kuwaitis felt relatively deprived (figure 2.16).

Citizens' perceptions of equality in their countries can be deduced by analysing responses to the following survey question: "To what extent do you feel that you are being treated equally compared to other citizens in your country?" (figure 2.17). Overall, people in the Arab region had a negative view of equality in their countries: only 15 per cent considered that they were treated equally to other citizens to a large extent; 40 per cent to a moderate extent; 24 per cent to a minimal extent; and 18 per cent that they were not treated equally at all. Men and women, and urban and rural dwellers, gave similar responses. Once again, Kuwait stands apart from other Arab countries; less than 10 per cent of its citizens felt that they were not treated equally at all and more than 38 per cent that they were treated equally to a large extent. In

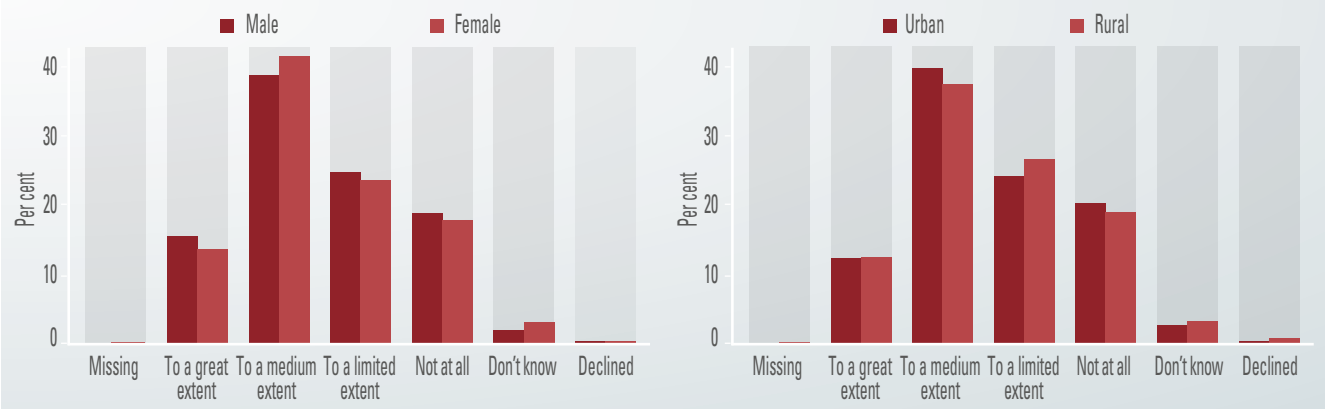
Only 15 per cent of people in the Arab region considered that they were treated equally to other citizens to a large extent

**Figure 2.16** How would you compare your living conditions with the rest of your fellow citizens?




**Source:** Arab Barometer III.

**Figure 2.17** To what extent do you feel that you are being treated equally compared to other citizens in your country?




**Source:** Arab Barometer III.

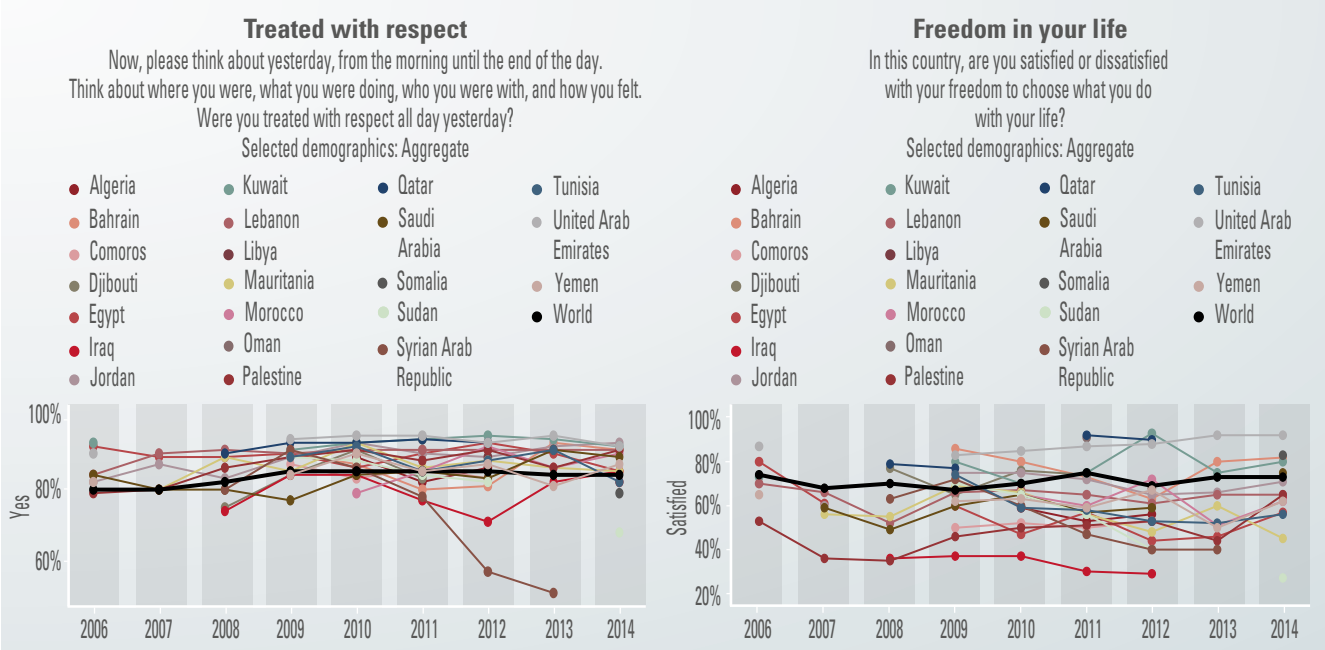
Lebanon, interestingly, the feeling of inequality was more widespread in cities than in rural areas.

According to the 2014 Gallup World Poll, more people in the Arab region than the global average considered that they were treated with respect (figure 2.18). However, fewer, compared with the global average, felt that they had the freedom to choose what to do with their life. Unsurprisingly, conflict-affected countries ranked lowest in questions relating to dignity, freedom and respect.

## 3. Government performance in improving services

According to the Arab Barometer III, 56 per cent of respondents considered that Governments were performing badly or very badly in improving basic health services, and 40 per cent that their performance was good or very good, with insignificant variations

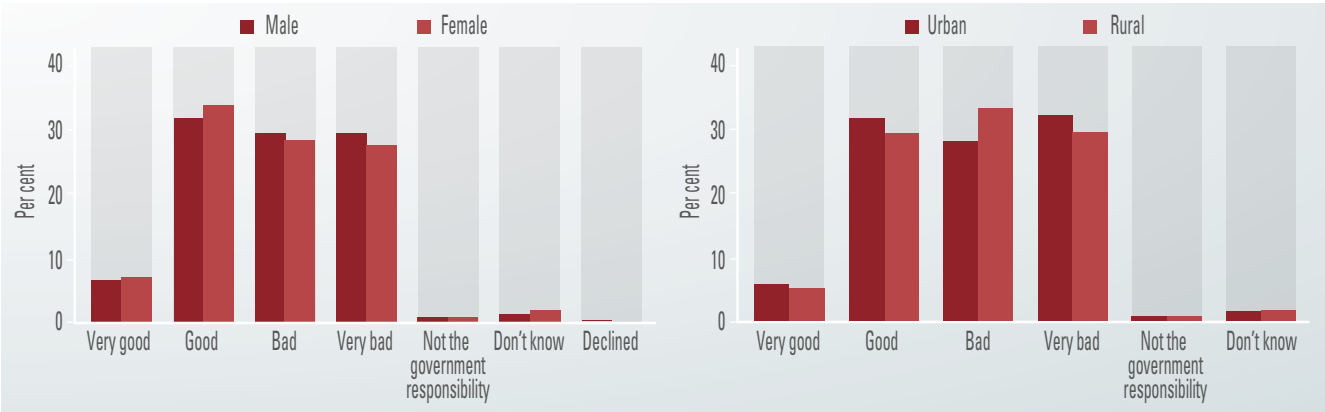
**Figure 2.18** Respect and freedom according to Gallup




**Source:** Gallup World Poll Database, 2014. Available from http://www.gallup.com/services/170945/world-poll.aspx (accessed 5 March 2016).

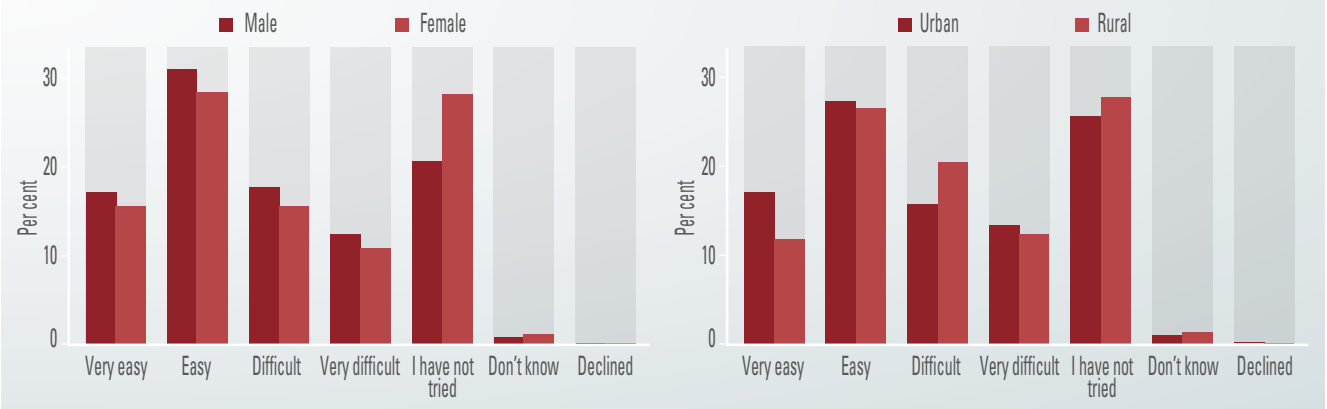
between urban and rural dwellers and between men and women (figure 2.19). Kuwait recorded the highest number of positive responses at 70 per cent, followed by Algeria and Jordan at 64 per cent each. Lebanon registered the highest number of negative responses at 84 per cent, followed by Egypt at 80 per cent. In Algeria, Morocco and Tunisia, rural dwellers rated the performance of the Government more negatively than people living in cities, in contrast to Jordan and Libya.

**Figure 2.19** How would you evaluate the current Government's performance on improving basic health services?



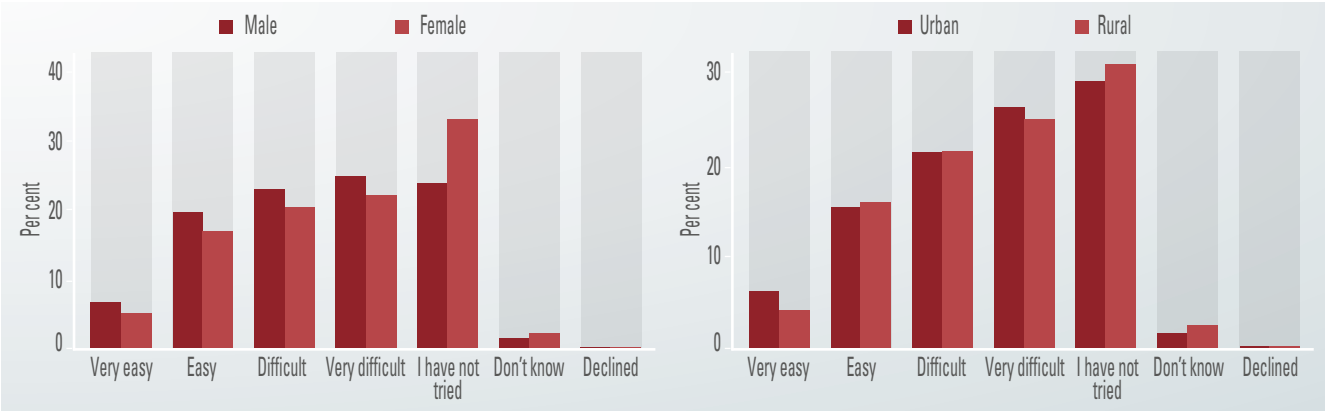

**Source:** Arab Barometer III.

**Figure 2.20** Based on your actual experience, how difficult or easy is it to obtain treatment in government medical institutions?




**Source:** Arab Barometer III.

**Figure 2.21** Based on your actual experience, how difficult or easy is it to access the relevant authorities to submit a medical complaint?

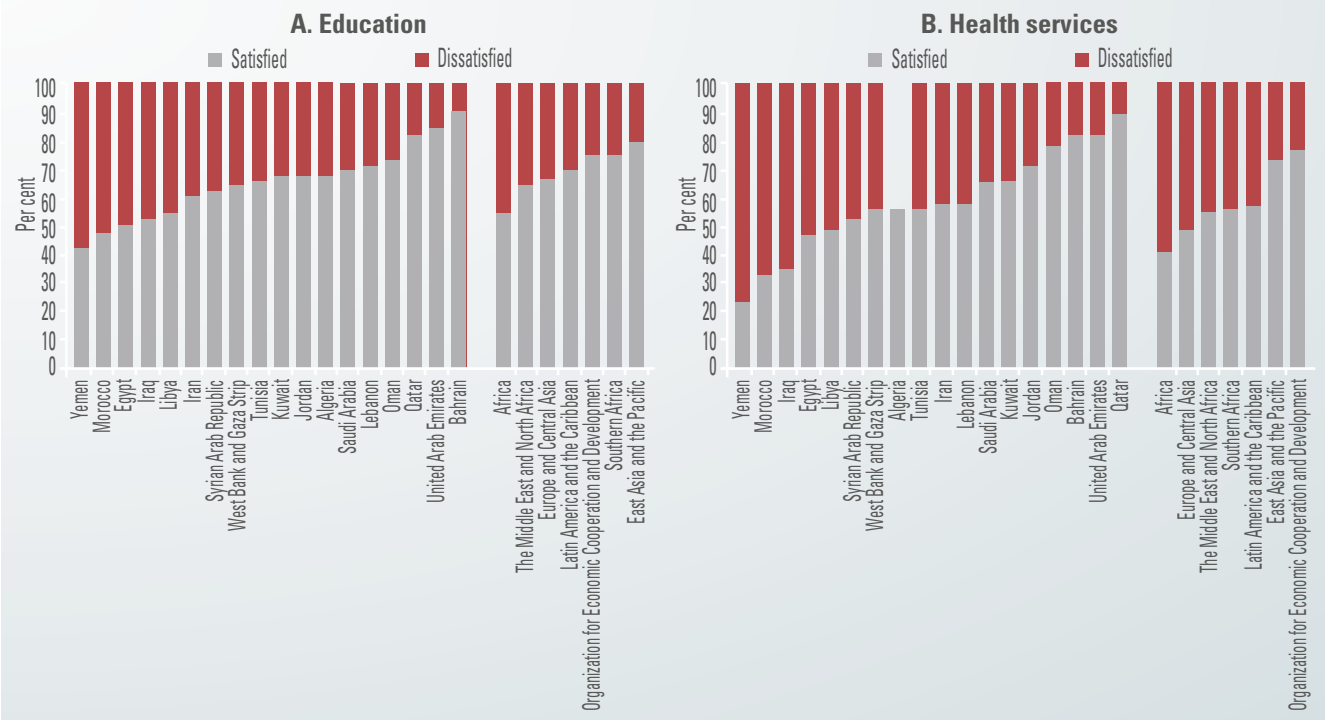



**Source:** Arab Barometer III.

According to the Barometer, 47 per cent of respondents rated access to treatment in government medical institutions as easy or very easy, and 30 per cent as difficult or very difficult (figure 2.20). Some 24 per cent had never tried to obtain treatment in such institutions, with slightly higher rates for women than men. Responses from urban and rural areas were similar.

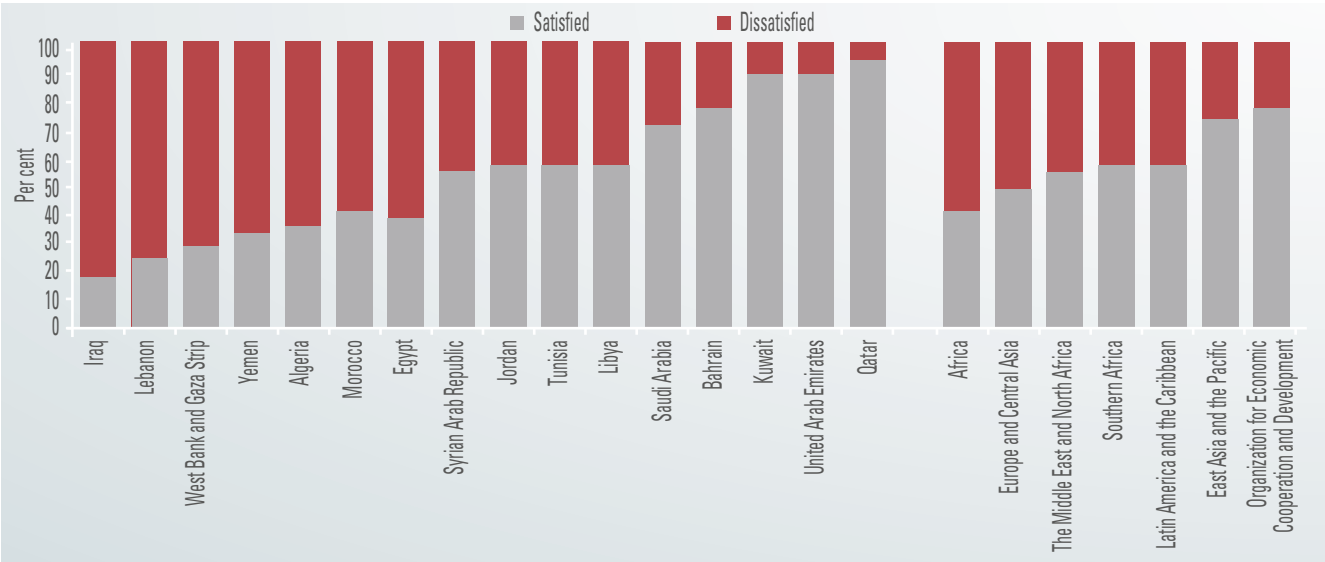
A majority of respondents believed that accessing the relevant authorities to submit a complaint about medical care was difficult (figure 2.21). That is consistent with the results of the 2013 Gallup World Poll: 40 per cent of respondents in the Arab region expressed their dissatisfaction with education and health-care services in their countries, compared with 33 per

**Figure 2.22** Satisfaction with services




**Source:** Gallup World Poll Database, 2013. Available from www.gallup.com/services/170945/world-poll.aspx (accessed 5 March 2016).

**Figure 2.23** Satisfaction with efforts to combat poverty




**Source:** Gallup World Poll Database, 2013. Available from http://www.gallup.com/services/170945/world-poll.aspx (accessed 5 March 2016).

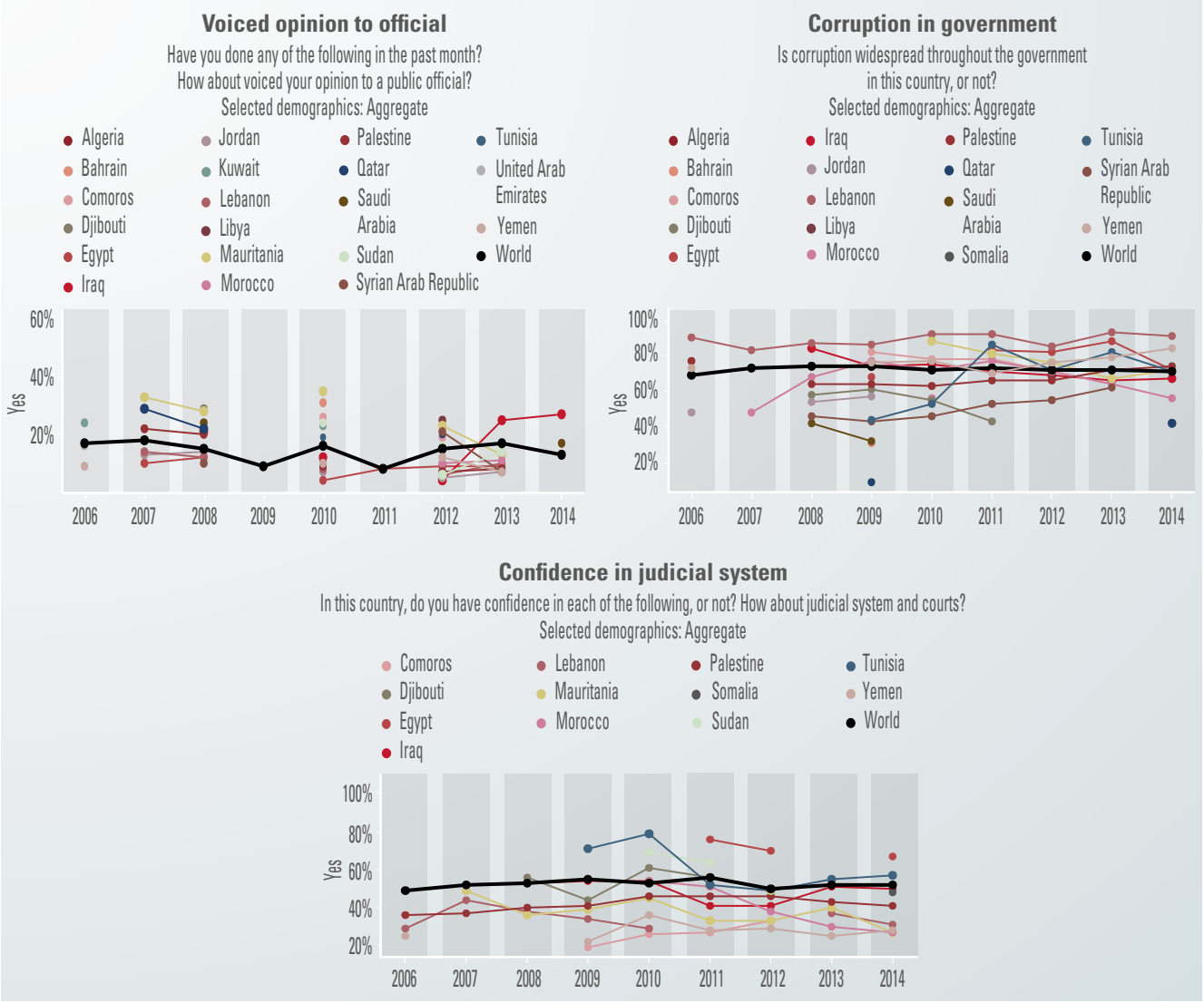
cent in Asia, Latin America and the Caribbean. These outcomes are also similar to the results of Arab Barometer II (2010-2011), which

revealed that around two thirds of respondents were dissatisfied with government performance in improving basic health services.

People's views of the quality of education and health services varied considerably from one country to another. Responses from citizens of Bahrain, Oman, Qatar and the United Arab Emirates showed relatively high levels of satisfaction, whereas most citizens of Egypt, Iraq, Morocco and Yemen were dissatisfied (figure 2.22).

Most citizens of Kuwait, Qatar and the United Arab Emirates expressed satisfaction with government efforts to combat poverty. The opposite was true in Iraq, Lebanon and Palestine (figure 2.23).

**Figure 2.24** Relationships with State institutions




**Source:** Gallup World Poll Database, 2014. Available from http://www.gallup.com/services/170945/world-poll.aspx (accessed 5 March 2016).

## 4. Relationships with State institutions

The Gallup World Poll highlights key interactions between Arab citizens and State institutions. It showed that a small percentage of people, even less than in 2010, had felt able to approach government officials. The percentage of citizens complaining of government corruption exceeds the global average in many Arab countries, and they appear to have lost confidence in the judicial system (figure 2.24).

The percentage of citizens complaining of government corruption exceeds the global average in many Arab countries, and they appear to have lost confidence in the judicial system

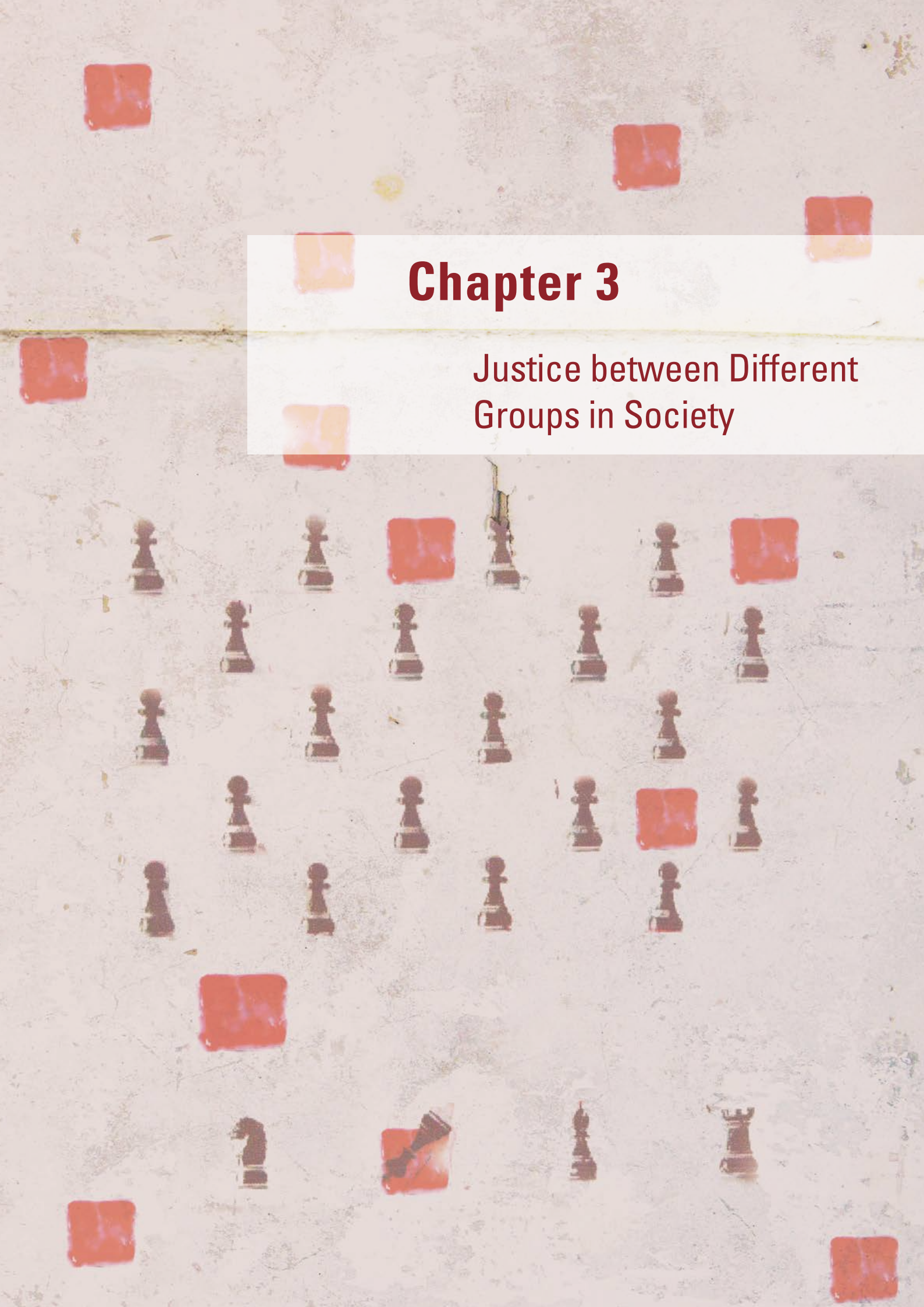
*When Arabs complain about deteriorating living conditions, they are often accused either of being ungrateful or of carrying out a foreign agenda to undermine their country's reputation. The evidence presented in this chapter would tend to refute such charges. The number of poor people in the Arab region is high and increasing, exceeded only by the number of people afraid of slipping into poverty. Disparities in income and wealth are considerable and greater still in terms of access to health and education services, which could provide future opportunities by building peoples' capabilities. Access to job opportunities is determined even before people enter the labour market and life opportunities are predetermined at birth by sex, place of residence and family status.*

*Arabs are all too well aware of the extent of the iniquity they face. As they have grown in numbers, and their ability to communicate among themselves and with the rest of the world has developed commensurately, their power to express their rage has reached a crescendo. The failure to lift the injustice and change perceptions of reality will in all probability only fuel further uprisings.*

*However cruel injustice between individuals may be, and despite the pain it undoubtedly causes, still greater injustices are perpetrated. For some communities suffer doubly, victims of the injustices that befall all and singled out for even more outrages. Entire populations are treated unjustly by the rest of the world. This added iniquity visited upon certain social groups and peoples is the subject of the following two chapters.*

# Chapter 3

## Justice between Different Groups in Society



Difference is the essence of existence and is at the heart of the universe, its continuation, movement and harmony ... "And for that he created them..."

***Hani Fahs***

# 3. Justice between Different Groups in Society

Each human being has an inherent right to justice by virtue of being human, not because of any affiliation with political entities, or cultural or ethnic groups. The approach of this report to justice and injustice rests on the essential premise of equality for all. When discussing fundamental human rights, minorities do not have rights by virtue of being minorities, nor do majorities have rights by virtue of being majorities, rather, minorities and majorities alike are entitled to the same set of universal human rights by virtue of being human. The basic principle here is that of equality in rights and non-discrimination among individuals or between communities. Depriving segments of society – such as women or children – of any of their rights, or restricting the freedom of certain communities to practice their religion or give expression to their particular culture, is clearly unjust, regardless of whether the wronged parties are numerical minorities or majorities. Moreover, the status of certain communities as minorities and majorities often changes with the ebb and flow of political boundaries, demographic developments and changing cultural conditions.

In this chapter, we examine certain communities in the Arab region that have suffered from injustice, oppression or marginalization, caused by deliberate action against them, neglect or complicity, due to their distinctive characteristics. We look at their suffering and the discrimination against them practiced by States and their institutions, political forces and other groups in society. The cases cited serve simply as examples of discriminatory practices; there is no intention to focus on particular cases rather than others.

An "oppressed community" is defined in this report as any group of people bound together by one or more attributes, be they of their own choosing, bestowed on them by nature, or attributed to them by others, on account of which they suffer undue harm or are deprived of their rights. Within this definition falls a wide range of population groups who share a common attributes such as race, ethnicity, language, national origins, sect, religion, political affiliation and views, and social or geographic origin. This definition also includes groups classified by social and demographic characteristics, such as women, the elderly and young people, persons with disabilities, refugees, migrant workers and other vulnerable or marginalized groups.

## A. Rights of groups in international and regional conventions

The rights of any given group are an integral part of human rights in the eyes of international law, which

prohibits discrimination and promotes equality for all. Under article 2 of the 1948 Universal Declaration of Human Rights, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

States are prohibited from arbitrarily depriving any person of their nationality, or denying them the right to change it

The Declaration also affirms the right of everyone to a nationality and prohibits States from arbitrarily depriving any person of their nationality, or denying them the right to change it. The 1961 Convention on the Reduction of Statelessness enjoins all contracting States to grant nationality to persons born in their territory who would otherwise be stateless. It also limits cases in which States may deprive persons of their nationality, stipulating that they must not be rendered stateless by such measures. The 1954 Convention relating to the Status of Stateless Persons recognizes the international legal status of stateless persons.

Persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language

Other United Nations documents also address the need to protect the rights of groups. Article 1 of the 1963 United Nations Declaration on the Elimination of All Forms of Racial Discrimination states: "Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned…". Article 2 states: "No State, institution, group or individual shall make any discrimination whatsoever…". Following the declaration, the International Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1965. Article 4 sets forth the necessary steps to prevent racial discrimination and violence.

Such rights and obligations are also enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights.[1] Article 2 urges States parties to "guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

These rights are also affirmed in numerous articles of the 1966 International Covenant on Civil and Political Rights. Article 27 stipulates: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

Article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted in 1981, states that everyone shall have the right of freedom of thought, conscience and religion, and admitting no limitation to an individual's freedom to practice a religion or creed of their choice.[2]

The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities calls on States to "take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law" (article 4).[3]

The 1979 Convention on the Elimination of All Forms of Discrimination against Women sets forth the measures required to uphold equality of rights for women at all levels.

At the regional level, the Cairo Declaration on Human Rights in Islam was adopted in 1990. Article 1 states: "All human beings form one family... equal... without any discrimination on the grounds of race, colour, sex, religious belief, political affiliation, social status or other considerations".[4]

Article 3 of the 2004 Arab Charter on Human Rights enjoins all States parties "to ensure to all individuals subject to its jurisdiction the right to enjoy the rights and freedoms set forth herein, without distinction on grounds of race, colour, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability" and to "take the requisite measures to guarantee effective equality in the enjoyment of all the rights and freedoms ... in order to ensure protection against all forms of discrimination based on any of the grounds mentioned in the preceding paragraph".[5]

## B. Rights of groups and constituents in Arab constitutions

Arab constitutions set forth the rights of citizens and groups and the duties of the State to them. Some constitutions emphasize, to varying degrees, matters such as pluralism, language, cultural identity, rights and duties.

In most Arab constitutions, Islam is enshrined as the State religion. Exceptions include the Lebanese Constitution, which does not define the religious identity of the State, the Sudanese Constitution, which states that Islam is the "religion of the majority", and the Syrian Constitution, which establishes that the head of State is Muslim. No harm arises from declaring the faith of the majority of a country's population as the religion of the State, as long as affiliation to it does not imply the acquisition, whether legally or in practice, of distinctive rights denied to those without such affiliation. Harmful prejudice arises when the determination of a State religion under a Constitution leads to the diminution of the rights of citizens who do not belong to that faith.

Recognition of Islam as the State religion in Arab countries does not necessarily make Islam a source of legislation. The Algerian, Jordanian,

No harm arises from declaring the faith of the majority of a country's population as the religion of the State, as long as affiliation to it does not imply the acquisition, whether legally or in practice, of distinctive rights denied to those without such affiliation

In addition to Arabic, the constitutions of most Arab countries where other languages are spoken designate them as co-official

The principle of equality, however incompletely, is enshrined in all Arab constitutions

In some cases, such as the Constitution of Jordan, provisions on equality specifically mention race and religion, but not gender

Lebanese, Moroccan and Tunisian constitutions, for example, make no mention of any source of legislation. The Constitution of Somalia makes no mention of a source for legislation, but does state that civil status of Somali nationals is governed by sharia law, and the Syrian Constitution defines Islamic jurisprudence as a main source. In the constitutions and basic laws of Bahrain, Egypt, Iraq, Kuwait, Palestine, Qatar and the United Arab Emirates, Islam is named as the main source of legislation. The constitutions of Mauritania, Oman and Yemen establish sharia as the sole source of legislation. The basic law of Saudi Arabia establishes the Quran and the Sunna (words and practices of the Prophet) as the sources of its legislation.

Under most constitutions in the region, Arabic is the official language of the State. Much as the English language in the United States of America, Arabic is the cultural common that binds together population groups from different backgrounds and origins, unified by language and a common history. The teaching of this or any other language cannot be considered an unfair practice; rather, unfairness lies in preventing the speakers of other languages from learning and teaching them to their children, or from writing, publishing and broadcasting in them.

In addition to Arabic, the constitutions of most Arab countries that are home to communities in which other languages are spoken designate them as co-official. Hence Amazigh (Berber) is recognized as a second official language under the constitutions of Morocco and Algeria, as is Kurdish in Iraq. Under the Constitution of Mauritania, Arabic is the official language and subsidiary languages such as Fula, Soninke and Wolof are considered national languages. The Sudan follows Mauritania's example in adopting Arabic as the official language while "allowing for the development of other local and global languages".

The principle of equality, in one way or another and however incompletely, is enshrined in all Arab constitutions. In some cases, such as the Constitution of Jordan, provisions on equality specifically mention race and religion, but not gender. In Saudi Arabia, the concept of equality is interpreted in accordance with sharia. All Arab constitutions also refer to the concept of diversity, and the need to respect it. However, the reality on the ground remains far removed from the letter of the law. With regard to the right to freely practice religious rites and the freedom to exercise beliefs, as indeed with other public and private freedoms guaranteed under Arab constitutions, "constitutional legislator is always careful to leave a loophole by referring regulation of rights and freedoms to ordinary legislation so that the national legislator may violate these same rights and public freedoms. In fact the legislative text frequently goes far beyond regulating rights and freedoms to the extent of restricting them, if not removing them altogether".[6]

### Box 3.1 The Covenant of the Prophet Muhammad (PBUH) with Christians

In the name of God, the Most Beneficent, the Most Merciful.

"This is a message from Mohammed bin Abdullah to all people, as a harbinger and herald and as entrusted by God with the souls of his creation, lest the people have an excuse before God after his messengers, and God is mighty and wise. He wrote this message as a covenant to the people of his faith and all followers of Christianity from all parts of the world, near and far, known and unknown whether they are Arabs or non-Arabs. Those who violate this covenant shall be considered as violating the covenant of God and deriding his religion therefore deserving malediction, whether they were rulers or other Muslim believers.

Bishops shall not be replaced in their dioceses, monks shall not be removed from their monasteries, hermits shall not be disturbed in their solitudes, and preachers shall not be prohibited to preach. Their churches shall not be destroyed nor any of their material used in the construction of mosques or houses of Muslims. Should someone commit any of these, he shall be considered as violating the covenant of God and disobeying his Messenger. The monks and bishops shall not pay fines or tributes. The Christians, wherever they were, on land or in sea, East or West, North or South, are under my pact, and I protect them from all harms.

Ali bin Abi Taleb wrote this covenant in his own handwriting at the mosque of the Prophet. The Companions of the Prophet, peace be upon him, acted as witnesses to this covenant".

**Note:** The manuscript is preserved at the monastery of St. Catherine in the Sinai.

In his Covenant with Christians, the Prophet Muhammad (PBUH) considers anyone who wrongs Christians or violates the protections accorded to them to be violating the covenant of God and deserving of His wrath, be they a Sultan or any other member of the community of believers

Moreover, constitutions refer mostly to nationals, and not to residents or "everyone", as beneficiaries of rights and equality, while articles on legal obligations apply to all.

## C. Social groups in historical context

The Arab region has enjoyed diversity since ancient times, and was distinguished by the relatively peaceful coexistence that prevailed between its various constituent groups. In this cradle of the Abrahamic religions, the rise of a new religion did not entail the abolition of its predecessors or compel the conversion of their adherents to the new religion. The Charter of Medina, the social contract drawn up by the Prophet Muhammad with the people of Yathrib (Medina) after his migration to it, is a model for the upholding of values of peaceful coexistence

between Muslims and non-Muslims, founded upon the freedoms of faith and property ownership and the principles of brotherhood and cooperation: "The Jews of the Bani Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly or sinfully, for they hurt but themselves and their families".[7] In his Covenant with Christians, the Prophet Muhammad considers anyone who wrongs Christians or violates the protections accorded to them to be violating the covenant of God and deserving of His wrath, be they a Sultan or any other member of the community of believers (box 3.1).

As European colonial influence in the region started to take hold, the issue of "minorities" took on prominence and the European colonial States adopted a policy of "divide and rule" to exploit cultural differences between different groups

The region maintained its diversity following the Islamic conquests, even though the instutions that managed such diversity varied. During the Ottoman period, for example, a spolitical system was established under which the administration of "millets", or religious communities, was autonomous and decentralized but subject to the political authority of the Sublime Porte.[8]

As Ottoman rule and the power of its central State began to weaken and European colonial influence in the region started to take hold, the issue of "minorities" took on prominence in European dealings with the Ottomans. The European colonial States adopted a policy of "divide and rule" to exploit cultural differences between different groups, exploiting mutual grievances with the aim of loosening the Ottoman grip on its domain and hastening its demise. Such policies fuelled mutual fear between groups in the region, which resulted in the fragmentation of the Ottoman Empire, among other factors. The resulting fragments, which became the succeeding States to the Ottoman Empire, were then fragmented further, into confessional mini-States bound by treaties that enabled colonial powers to perform the role of protector of minority rights,[9] thus ensuring the new States' vulnerability and dependency.

In the nineteenth century, such treaties were ratified giving Europeans legal and economic concessions to protect "minorities" and intervene in the affairs of Arab societies.[10] European powers managed to deepen the politicization of the minorities issue by emphasizing their specific 'natures', racial and ethnic particularity, their distinctiveness, and, most importantly, their close relationship with European nations.

In 1839 the Ottomans issued the Edict of Gülhane, which provided for education reform, shifting schools from clerical to State authority. This contributed to the diversification of education and its spread beyond a purely religious framework, but it also allowed further European interference in the region through the establishment of European educational missions and schools, and educational expeditions.

In the early twentieth century, the French tried to divide Syria along sectarian lines into five mini-States: one Alawite, one Druze, two Sunni (one each in Aleppo and Damascus) and one Christian (Lebanon). Syrians rejected the project and took up arms to resist it.[11]

The French also tried to sow division among the Arab and Berber tribes in Algeria by promoting the fictitious theory that the Amazigh constituted the community closest to the European peoples in terms of values and traditions. The aim of the myth of "tribal superiority" promoted by French colonizers was to cause a rift between Arab and Amazigh tribes in North Africa (box 3.2).

The founding of Israel as a Jewish entity contributed tremendously to the politicization of the issue of religious and ethnic groups,[12] threatening the very idea of the modern State that does not differentiate between people

In the early twentieth century, the French tried to divide Syria along sectarian lines into five mini-States: one Alawite, one Druze, two Sunni (one each in Aleppo and Damascus) and one Christian (Lebanon)

Syrians rejected the project and took up arms to resist it

**Box 3.2** The ideology of ethnic preference in Algeria

The myth of racial superiority is a discourse through which French colonial policy in Algeria sought to divide constituent components of a single culture in the country into contradictory and conflicting ethnic identities. This discourse follows up on the policy of racial preference for one component of the Amazigh groups, the inhabitants of the greater Kabylie region, over the Arabs, linking their social values to those of European civilization. Its proponents claim that among the Amazigh inhabitants of this region there is an historic affiliation with a common origin shared with the newly arrived French invaders. One of the first representatives and ideologues of the ethnic school was Joseph Arthur de Gobineau, who at the beginning of the nineteenth century classified human beings into three races, each subdivided into a group of ethnicities: Yellow Mongolian; Black African; and White, the latter characterized by intelligence, determination, strong will and refined morals.

The Reverend Raynal Abbé was the first theorist of this tribal myth, prior to the French occupation of Algeria in 1830. In the first part of his posthumously published work,[a] he set forth the features of Berbers' specificity as he wished them. He posited, without conclusive historical evidence, a northern European descent for the Berbers, citing as evidence for that link physiological traits such as blue eyes and blond hair, and the origins of their language. In bringing them closer to the European West, he distanced them from the Arab East, claiming their affiliation with Islam to be superficial and their relationship with Arabs to be hostile.

After 1930, the colonial imagination reached its apogee with a preferential cultural dualism opposing the "civilized Kabyle Amazigh" with the "fanatical and lazy Arab Bedouin". This binary opposition of ethnic characters was taken up, immediately

The French also tried to sow division among the Arab and Berber tribes in Algeria by promoting the fictitious theory that the Amazigh constituted the community closest to the European peoples in terms of values and traditions

following the occupation of Algeria, by a group of colonial zealots comprising politicians, some members of the clergy, and a good many specialists in the humanities and social sciences, in particular French army ethno-anthropologists.

They portrayed the Arabs with a host of negative attributes pertaining to their conduct and social habits, on top of religious intolerance in matters of faith – as if there were two types of Islam: fanatical Arab and tolerant Berber. Thus is severed the one link binding the two ethnic groups, as one religion in effect becomes two.

General Melchior Joseph Eugeph Daumas was known for his claim that "there are two races in the country of Algeria, the Arab and the Kabyle. The first is nomadic and the second is civilized, and closer to us in spirit". He did not mention other Amazigh confederations such as the Chaoui people, the inhabitants of the Mzab area, or the Touareg.

Dr. Bodichon elaborates further on this in the policy of divide and rule, stating in his thesis[b] that "France must encourage the instinct of hostility between Arabs and the Kabyles and, in the pursuit of its interests, encourage confrontation between the two … the Kabyles have characteristics that are more naturally conducive to merger and integration".

Fortin d'Ivry takes up where Bodichon left off, chiding France for not sufficiently exploiting the ethnic hostilities[c] in order to integrate the inhabitants of the Kabyle areas, as so many politicians had dreamed and as had been expounded in books by military commanders, "because the Kabyles are the heirs of some Germanic traits".[d] Fortin d'Ivry insists that "the Berber, although content to base his faith on the Quran, did not wholly embrace it and remained true to his Christian origins, obedient to the sanctity of labour law, and relatively respectful of women".[e]

The aim of the myth of "tribal superiority" was to cause a rift between Arab and Amazigh tribes in North Africa

In conclusion, this myth, however fraudulent, remains dangerous because of its very simplicity and the possibility of it being revived and deployed once again, in the light of the multi-dimensional crisis afflicting the region. The discourse that casts the Arabs as invaders paints the picture of the French as liberators, and the dialectic of invader and invaded is turned on its head. These civil wars are ever the gateway for imperial leverage, whether in the past two centuries, or in this present one.

[a] Raynal Abbé, *Histoire philosophique et politique des établissemens et du commerce des Européens dans l'Afrique septentrionale* (1826).

[b] Bodichon, *Considérations sur l'Algérie* (Paris, Au comptoir central de la librairie, 1845).

[c] T. Fortin d'Ivry, *L'Algérie, son importance, sa colonisation, son avenir* (Rignoux, 1845).

[d] Such as the writer, politician and military officer, General Daumas, and Gustave Faber.

[e] T. Fortin d'Ivry, *L'Algérie*, 1845.

on the basis of religion and race. Israel as a State is based exclusively on religious affiliation, granting its citizenship to Jews because they are Jews, and prohibiting the return of Palestinian refugees to their homes because they are not.

Groups are affected by their immediate political enviornment. An openly pluralistic political system, based on the principle of equal citizenship, can help various communities become an integral part of the overall fabric of society. A totalitarian and intolerant regime that reinforces its rule by dividing people accentuates the sense of injustice among such communities and strains their relationship with the rest of society.

Various official policies over the past decades have weakened the social fabric in Arab countries by distinguishing between social groups, granting some, be they a majority or minority in numerical terms, benefits at the expense of others, and depriving the latter of rights set forth in laws and constitutions. Consequently, the edifice of pluralism have cracked in more than one Arab country and the sense of deprivation and discrimination in various communities, whether great or small in number, has grown.

Prior to the eras of colonialism and authoritarianism, the region managed to preserve a fair degree of diversity and in different periods provided a safe haven for various groups subjected to injustice or religious persecution in Europe and other neighbouring regions, such as the Jews and the Muslims expelled from Catholic Spain in the 15th century, the Armenian Christians, Circassian and Chechen Muslims, and Baha'is, who sought refuge in the Levant in the nineteenth and twentieth centuries. However, that diversity, which so enriched the host society and was targeted by colonial powers, is today in grave danger in the face of increasing external intervention and escalating internecine fighting and confessional extremism, which are exacerbated by the absence of true independence, the usurpation of the right of peoples to choose their political system, and abuse of their right to self-determination.

## D. Social groups exposed to discrimination

Injustice comes in many forms and degrees. It can be deliberate, as when a Government intentionally violates the rights of a community or group of persons through, for example, deprivation of nationality, detention, wrongful imprisonment, abuse, the enactment of laws curtailing the freedom of movement and belief, or forced deportation or change of identity. Or it can come through omission or neglect, when the powerful ignore the legitimate demands and needs of particular groups or marginalize them and limit their participation on an equal footing with others in society, the economy, politics and culture. Injustice can

The founding of Israel as a Jewish entity contributed tremendously to the politicization of the issue of religious and ethnic groups, threatening the very idea of the modern State that does not differentiate between people on the basis of religion and race

Various official policies have weakened the social fabric in Arab countries by distinguishing between social groups, granting some benefits at the expense of others, and depriving the latter of rights set forth in laws and constitutions

also be a matter of complicity, as when citizens become aware of unjust situations and remain silent about them, or embrace a culture of acceptance of injustice, by giving free rein to stereotypes or propagating myths as truths. Almost all people in the Arab world have suffered from those forms of injustice, but at times members of certain groups in society are targeted by the authorities or other communities and thus experience a compounding of injustice – whether intentional, unintentional or complicit – when compared with others.

Identities change over time. Each individual has a group of affiliations that events and circumstances push into prominence or abeyance. A person or a group may see themselves in terms of a territorial or geographical identity, or one that is ethnic and linguistic, or rooted in religion, class or status. Should one of those identities be subjected to persecution, it may take on greater significance than the others. Insofar as injustice may afflict majorities and minorities, and what constitutes a majority or minority changes as human choices change, one cannot categorically assert that any particular groups are always either the perpetrators or victims of injustice. Injustice, however, is always injustice, whether it befalls the many or the few.

In this section, we survey injustices targeting identities. Persecution that prevents people from practicing their religious customs remains persecution, whether directed against Muslims or Christians. Islam or Christianity in such instances are not causes of persecution, but rather a pretext for carrying it out. Identities mentioned hereinafter are cited simply as examples and are not meant to suggest an exhaustive assessment. All concern inhabitants of the Arab region. None have been taken from among Arab or Muslims resident in Europe or North America who now suffer from discrimination, racial profiling, cultural marginalization, and masked and unmasked racism by communities and authorities where they live. The injustice in such cases is clear.

## 1. Political extermination

The Arab region has witnessed, since 1970, a grave phenomenon of "politicide" or "political extermination". An example of that is a law in the Syrian Arab Republic imposing the death penalty on all members of the Muslim Brotherhood, and one in Iraq imposing the death penalty on all members of the Islamic Dawa Party during the last century. Of all the forms of political repression, this is perhaps the most unjust, with hundreds of civilians sentenced to death by miliarty courts under states of emergency. A new phase of this phenomenon began under the 2003 United States-led occupation of Iraq with the enactment of de-Baathification laws. Although party members were not all sentenced to death, life was made extremely difficult for them and their families, as

they were dismissed from their jobs and excluded from public life without due process or individual convictions for particular crimes.

The experience of the Muslim Brotherhood movement in Egypt in being subjected to politicide is a prime example of the kind of oppression endured by many parties in the region, throughout their political history. The movement was allowed to establish a political party after the revolution of 25 January 2011. It won both the parliamentary and presidential elections, but subsequently the elected parliament was dissolved and the elected president was removed from office. Then the party that won the elections was disbanded and the movement that had formed the party was banned. Its leaders, many of its officials and even people who simply uttered its slogans were arrested. Some of them were sentenced to death, their assets were confiscated and the movement was declared a terrorist organization.

In other States, such as the United Arab Emirates and Saudi Arabia, the Muslim Brotherhood was classified as a terrorist organization, although the legal and security implications of this differ from one country to another and vary according to the situation and alliances.

## 2. Curbing religious freedoms

The Imperial Reform Edict (or *Khatt Homayouni*) issued in 1856 under the Ottoman Sultan Abdel Majid Khan decreed that all citizens must be treated equally before the law, established the freedom to elect religious and confessional councils, and abolished the poll tax that had been imposed upon *dhimmis* (persons with protected status, mainly jews and christians, living in Ottoman lands). The edict maintained the need for the Sultan's approval to build or repair places of worship and cemeteries. A number of Arab countries such as Egypt have retained this law, making it possible to restrict the construction and restoration of churches, should the authorities deem it necessary for political or popular considerations. Lately, some of those countries, including Egypt, have started reviewing this law.

Shiites, for example, are not allowed to construct *husseiniyas* (congregation halls) or mosques dedicated to their sect, in a number of Arab countries including Egypt. In spite of a fatwa (box 3.3) issued in 1959 by the Sheikh of Al-Azhar Mosque, one of the most prominent institutions of Islamic learning on issues of doctrine and jurisprudence, permitting worship by members of the "Twelver" sect of Shiite Islam, it is still overlooked by the Egyptian authorities to this day.[13]

The Saudi Basic Law does not recognize freedom of belief,[14] and many who do not follow the State school of jurisprudence face discrimination and sometimes even

One cannot categorically assert that any particular groups are always either the perpetrators or victims of injustice; injustice, however, is always injustice, whether it befalls the many or the few

The Arab region has witnessed, since 1970, a grave phenomenon of "political extermination"

In some Arab countries, the law makes it possible to restrict the construction and restoration of churches, should the authorities deem it necessary

Shiites are not allowed to construct *husseiniyas* or mosques in a number of Arab countries

In the Arab region the right of many groups, whether minority or majority, to participate in government is greatly circumscribed

**Box 3.3** Fatwa of the Grand Imam Sheikh Mahmud Shaltut, Sheikh of Al-Azhar Mosque, on the permissibility of the Shiite Imami school of jurisprudence

His Eminence was asked: Some people believe that for Muslims to be worshipping the correct way, they should follow one of the four known [Sunni] schools [of jurisprudence], which exclude the Imami Shia and Zaidi Shia schools. Do you agree with this opinion and therefore prohibit following the Imami Shia Twelver school of jurisprudence?

His Eminence said:

"Islam does not require any of its followers to adopt a certain school of jurisprudence. We say: Each Muslim has the right to follow the teachings, properly transmitted and well documented, of any school of jurisprudence. Those who follow a certain school can change to any other and there is nothing wrong with that.

It is legal to follow the Jaafari school or jurisprudence, known as the Twelver or Imami Shia school, like the Sunni schools.

Muslims should know that and abandon the unjust intolerance of [the followers] certain schools. God's religion and *Sharia* were never associated or limited to one school of jurisprudence. All Muslims are *mujtahids* (seekers of the truth) accepted by Almighty God. Those who are not eligible to assess and practice *ijtihad* (the study of jurisprudence) can adopt the views of *mujtahids* and adhere to their jurisprudential decisions on matter relating to worship and transactions".

harassment.[15] Numerous bureaucratic hurdles must be overcome in order to obtain permits to build a *husseiniya* or mosque. Since 2005, Shiites have been permitted to perform Ashura ceremonies in Qatif only, and not in Al-Ahsa.[16]

In most Arab countries, only the three Abrahamic religions, Judaism, Christianity and Islam, are recognized. Groups such as the Baha'is and Yazidis are generally not allowed to build places of worship or have public spaces dedicated to their worship.

## 3. Limited rights to participate in government

In most Arab countries, the right of many groups, whether minority or majority, to participate in government is greatly circumscribed. A group may be penalized because it is numerically predominant and thus seen by those in power as a threat, or because it is a minority and, if far from the centre of power, the object of intimidation, or, if close to power, because tensions flare up between it and the oppressed majority. The

exclusion of one group may result more from bias to another than from a desire to punish. In non-democratic countries, groups close to the ruling elite tend to monopolize decision-making positions and access to key institutions or those that offer great material returns. The consequences of exclusion, whatever its causes, can be disastrous for society, generating feelings of injustice and bitterness.

In Egypt, for example, some Copts believe that they suffer from indirect discrimination in terms of access to government jobs and high-level positions, and as being entirely excluded from certain State agencies, such as the intelligence and national security apparatus.[17] Some may argue that distancing Copts from positions in these sensitive agencies was meant to avoid transforming the political enmity between certain State agencies and the Islamic organizations that they have been pursuing for decades into broad societal animosity between Muslims and Christians. However, this amounts to little more than suggesting an excuse that is as bad as the mistake, justifying the State's discrimination against one group by the State's persecution of another.

Some Copts also complain of not being treated on an equal footing with other Egyptians in matters of hiring and promotion.[18] Recent developments in Egypt have led to an increase in the number of Copts elected to parliament, with 36 Coptic candidates winning seats in the 2015 elections.[19] They represent 6 per cent of the total number of deputies, the highest proportion since 1924. Similarly, in Iraq, injustice has afflicted both Shiites and Sunnis, with the oppressor and the oppressed alternating depending on who is in power and where their political interests lie. Since the Iran-Iraq war started, discord between Iran and Arab governments has been reflected in how States deal with Shiite religious organizations: some, and in particular the Iraqi regime of the time, regarded with suspicion Shiite groups whose members followed the religious authority of Qom, fearing they might import the teachings of the Iranian Revolution into Arab societies, and therefore persecuted them. When the United States toppled the Iraqi regime in 2003 and disbanded the army and the Baath Party, persons affiliated with Shiite organizations banned under Baathist rule took the reins of power. The Sunni community was then subjected to the kind of treatment Shiites were subjected to before the American occupation. Pro-independence, pro-unity and anti-occupation Shiite movements were also marginalized.[20]

Muslims of Iraq were not the only group to suffer under the United States-led occupation in 2003. Indeed, Christians were hit hard. They were subjected to acts of violence and explusion, that reduced their numbers from more than 1 million to less than half a million by 2013.[21]

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In Iraq, the Sunni community was subjected to the kind of marginalization that the Shiites were subjected to before the United States-led occupation, and pro-independence, pro-unity and anti-occupation Shiite movements were also marginalized

Conflicts between the major communities always affect smaller communities adversely

It is essential to note in cases like Iraq that conflicts between the major communities always affect smaller communities adversely. The Yazidis, Feyli Kurds (Shiite Kurds), Assyrians and Sabeans have all suffered from deeply rooted political and social marginalization that has brought about waves of exodus from the country.

A number of political parties and groupings consider that Sunni Arabs are being marginalized in the Syrian security apparatus and army, and that this could have been one of the reasons that fuelled the violence in the country since 2011. The absolute majority of the 2.3 million casualties of the Syrian war, and of the close to 12 million Syrian refugees and internally displaced persons are Sunni Muslim Arabs. Heavy artillary fire and aerial bombardment by Government forces have caused the total or partial destruction of civilian buildings, including Sunni mosques, some of which belong to the Omayyad period (661-750 AD). The absence of democratic instutions make it impossible for these, or any other grievances, to be addressed. This, and the use of sectarian rehtoric by all sides of the war, has hightened tentions and brought feelings of injustice to unprecendeted levels.

In Saudi Arabia, unfairness against Shiites takes many forms, such as neglecting their regions and allocating them a less than proportionate share of development projects and funding. Some Shiites believe that they do not receive equal opportunities when it comes to jobs and promotions, and that they suffer discrimination in areas such as education and civil service employment. No Shiites had held government positions prior to 2014, when King Abdullah Bin Abdul Aziz appointed the first Shiite minister.[22]

In Bahrain, in the wake of the popular movement sweeping the region in 2011, a major demand of protesters was for the participation of all groups, including the Shiites, in decision-making. The response of the Government to the demonstrations (in which not only Shiites took part) was to crush the demonstrators and sentence political opposition leaders to life imprisonment.[23]

## 4. Violence against specific groups

Violence against religious, ethnic or national communities in the Arab region is mostly driven by political considerations, though religion or ethnicity are often used as a pretext. At times, transgressions are deliberate, while on other occasions they occur when the State turns a blind eye. When the State acknowledges such transgressions and recommendations are made to address them, these recommendations often remain unimplemented. An example of this occurred in Egypt in 1972 after the outbreak of protests in Al-Khanka region. The People's Assembly set up a commission of inquiry known as the Oteifi Committee, which proposed

radical solutions to problems relating to the building of churches and places of worship, educational curricula, media and culture. In its report, the Committee called for an easing of restrictions on construction and expansion works, controls on the dissemination of religious publications that disparage the Christian faith, supervision by the Ministry of Religious Endowments (Awqaf) of all mosques and Sufi orders, and making the appointment of imams subject to approval by the Ministry after verification of their qualifications, so as to prevent attacks against other religions. The Committee also called for a review of church preaching to ensure the absence of incitement. It emphasized the need to punish perpetrators of sectarian crimes as a deterrent.[24] Many of these recommendations remain unimplemented to date.

More recently, Egypt witnessed two events that encapsulate the injustice wrought upon some groups, be they majority or minority. In October 2011, Egyptian Army armoured vehicles ran over Christian demonstrators in front of the Maspero Building, housing the Egyptian Radio and Television Union, in Cairo.[25] In the aftermath of the incident, statements were broadcast on Egyptian television depicting what had taken place as an attack on the Army by Egyptian Christians (who were themselves the victims) and urging Egyptian citizens to come to the soldiers' aid.[26] In August 2013, the security forces violently broke up a sit-in of the Muslim Brotherhood in Rabi'ah al-Adawiyah Square. The official report presented by the Forensic Medicine Authority at a press conference on 14 November, four months after the events, documented 377 victims, while the Egyptian National Council for Human Rights, in its report, put the number at 632.[27] Both institutions are official government bodies. The Egyptian Center for Economic and Social Rights recorded 932 victims.[28] According to international NGOs such as Human Rights Watch and Euro-Mid Observer for Human Rights, the number of persons killed exceeded one thousand.[29] During the attack, Egyptian Army armoured vehicles and police cars raided a field hospital, ran over the dead and wounded and set fire to bodies, including those of children. Human Rights Watch described the event as systematic slaughter, to the point that it could be a crime against humanity under international law.[30] The stand adopted by Egyptian State television regarding both incidents was essentially one of inciting the public against the victims.[31]

While Islamists feel targeted whenever the Government is hostile towards them, the Copts feel targeted regardless of whether the Government is close to or distant from them. After President Muhammad Morsi was overthrown in a military coup in July 2013, some groups supporting him blamed the Copts one and all when some prominent figures in the Coptic religious establishment voiced support for the coup. Places

Violence against various communities in the Arab region is mostly driven by political considerations, though religion or ethnicity are often used as a pretext

When the State acknowledges such transgressions, which may be deliberate or may occur when the State turns a blind eye, recommendations are made to address them but often remain unimplemented

of worship were attacked and many remain in disrepair to this day.[32]

Attacks against shops and properties owned by Copts continued. In September 2013, "73 churches and monasteries were partially or totally destroyed, along with 22 buildings belonging to church welfare services, funeral halls, orphanages, schools, Bible societies and associations, 39 homes, 75 commercial properties, 15 pharmacies, 3 hotels and 58 vehicles owned by the churches and Coptic individuals in various governorates".[33]

### **Box 3.4** Crimes against humanity as a political tool: Iraqi mass graves

The victims buried in mass graves in Iraq provide an example of how a crime against humanity can be transformed into a political tool in the hands of parties and regimes, to such an extent that even identifying the killers, let alone bringing them to justice, becomes undesirable, given an atmosphere dominated by fear, lies, exaggeration and political manoeuvring. In the period prior to the 2003 invasion of Iraq, the United States and Great Britain, together with the Iraqi opposition, were quick to seize on the mass graves as a "humanitarian" reason for urging the international community to remove the Baath regime from power, and to achieve justice for Kurdish and Shiite victims. But they failed to show a comparable interest, during their occupation, in uncovering the truth about those graves: their number, locations, time frames, the identity and number of victims, and the persons responsible for them.

Regarding the number of victims in the mass graves, former British Prime Minister, Tony Blair, claimed in November 2003: "We've already discovered just so far the remains of 400,000 people in mass graves".[a] That testimony appeared in a report and fact sheet published by the US Administration,[b] and was later repeated by President George W. Bush in his speeches. Ayyad Alawi raised the number of victims to one million.[c] Human Rights Watch estimated the number at 290,000. Furthermore, the British Government disavowed Blair's testimony following investigative reporting by the British newspaper, The Observer,[d] which demonstrated the extent to which the numbers had been inflated and how they had been used after the invasion by the US Administration, the British Government, and their Iraqi collaborators, in order to distract attention from lies about weapons of mass destruction.

Deceptive media campaigns, the exhuming of graves, and photo ops of officials standing at the edges of pits scattered across Iraq and then leaving the sites without any attempt to conserve or protect evidence, regardless of the identity of those buried and their numbers, all led to the distortion of the cause of the victims and missing persons and their humanity, the exploitation of their families' suffering for

purposes of political propaganda, and the obstruction of the truth. This had serious adverse practical consequences in the daily life of survivors: the lack of an official death certificate constitutes a real problem for widows, who as a result are not entitled to a pension or even to remarry as a means of providing for their children.

There are outstanding questions that deserve attention relating to the mass graves, discoveries of which are announced from time to time: what of the graves of Iraqi soldiers killed by bombardment during their withdrawal from Kuwait in 1991, along the Basra road, now known as the "Highway of Death", and whose number the BBC estimated at between 25,000 and 30,000?[e] What about the soldiers that US forces buried alive in their trenches during the ground offensive that same year?[f] What about the soldiers killed by the occupation forces in 2003? What about the victims of sectarian strife? How are the victims to be classified and how can their families be compensated to achieve a minimum of justice?

In March 2006, legislation on the protection of mass graves was enacted, limiting classification as victims or martyrs to those of the previous regime, thereby depriving the families of others of any compensation. This encouraged the spread of ethnic, religious and sectarian division, leaving its marks on social cohesion. That is a matter of great concern, because it fuels animosity, blood feuds and murder. The pursuit of perpetrators, the prosecution and punishment of those responsible for crimes, and the compensation of the victims' families lie at the heart of justice, a clearing of the air and reconciliation. That is what is needed to hold together a country in which there is room for everyone.

The establishment of an information office to document cases of enforced disappearance regardless of when they took place and not limited to "Saddam Hussein's mass graves", and avoiding ethnic or sectarian classification of the disappeared (as they still classify the martyrs), is urgently needed to dampen the profound sense of anger and injustice, and the resulting continued cycle of revenge killings.

[a] Ben Barber and Stephen Epstein, eds., *Iraq's Legacy of Terror Mass Graves* (Washington, D.C., U.S. Agency for International Development, 2004), p. 2.

[b] Ibid.

[c] Iraqi Holocaust Lie Denied, The observer, 18 July 2004 http://www.fpp.co.uk/online/04/07/Iraq_Holocaust_denied.html.

[d] Peter Beaumont, PM admits graves claim 'untrue', 18 July 2004, http://www.theguardian.com/politics/2004/jul/18/iraq.iraq1.

[e] BBC news, Saddam's Iraq: key events, Gulf war 1990-1991. http://news.bbc.co.uk/1/shared/spl/hi/middle_east/02/iraq_events/html/ground_war.stm.

[f] Eric Schmitt, U.S. Army Buried Iraqi Soldiers Alive in Gulf War. *The New York Times*, 15 September 1991.

In Iraq in March 2006, legislation on the protection of mass graves was enacted, limiting classification as victims to those of the previous regime, thereby depriving the families of others of any compensation

This encouraged the spread of ethnic, religious and sectarian division, and fuelled animosity, blood feuds and murder

In many cases, aggrieved Copts end up contenting themselves with "reconciliation" hearings sponsored by a Government representative, wherein they often back down on major elements of their demands.[34] The reconciliation sessions frequently serve more to obscure the identity of perpetrators and foster impunity, making it difficult to deter similar transgressions or hold perpetrators to account in the future. Justice cannot be rendered without punishment of the perpetrator.

Some media have observed, in addition to the Copts, cases of incitement against the Shiites, many of whom have been arrested under laws on contempt for religion.[35]

Violence carried out on the basis of racial difference is no less common than that resulting from differences in belief

Violence carried out on the basis of racial difference is no less common than that resulting from differences in belief. The Kurds in Iraq were subjected to State violence under the former president Saddam Hussein, as in the Anfal campaign of 1988. Estimates of the numbers of Kurds killed in that campaign vary from 100,000,[36] to 182,000 killed and buried in unknown mass graves, according to the 1993 report of Human Rights Watch.[37] Worst of all, those numbers were used to justify the US occupation of Iraq, which visited no less death and destruction upon the country than the Anfal campaign. Sunni Arabs were subjected to violence by the State and by the United States occupying powers, as seen in Fallujah in 2004 and elsewhere.

The Kurds in Iraq were subjected to State violence under the former president Saddam Hussein

## 5. Deprivation of nationality and citizenship rights

Article 15 of the Universal Declaration of Human Rights states: "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality…". Article 29 of the Arab Charter on Human Rights states: "Everyone has the right to a nationality. No one shall be arbitrarily or unlawfully deprived of his nationality".

In violation of the Universal Declaration of Human Rights and international covenants, 208 Bahraini nationals were stripped of their nationality in 2015.[38] This was also a violation of article 1 of the Constitution of Bahrain, which prohibits withholding of citizenship rights. Similarly, the United Arab Emirates has stripped a number of its citizens of their nationality, alleging that they belonged to organizations that threatened the country's national security.[39]

Arbitrary deprivation of nationality constitutes a violation of fundamental rights and freedoms, such as the right to identity documents, work, education and health care. As such, it has major implications for family members and dependents. More often than not it leads to expulsion or deportation.

In Kuwait, thousands of stateless people (the "Bedoon") have suffered for decades from the denial of employment, access to public services, the ability to register their

children or marriages, and any other activity requiring a procedure or transaction in State institutions. Tens of thousands of stateless persons live in other Gulf countries.[40]

As of early 2011, there were more than 200,000 Kurds in the Syrian Arab Republic without citizenship.[41] They are designated as "foreigners" or "maktoumi al-qayd" (which refers to persons who have not been recorded in the civil register), despite having been born in the country and residing there.[42] Although deprived of their constitutional right of citizenship, some are called up for, and comply with, compulsory military service. The injustice suffered by the "maktoumi al-qayd" is the most pronounced, as their children do not benefit from education or free medical care, and children whose father or mother is from this group are also considered "maktoumi al-qayd".[43] In 2011, the authorities issued a decree granting citizenship to "foreigners" only, while the "maktoumi al-qayd" continue to suffer.

## 6. Injustice suffered by communities during civil war

Unlike the wars fought by regular national armies on set front lines, civil wars and internal strife turn residential areas, large and small, into combat zones. In such wars, as in the Syrian Arab Republic and Iraq, the majority of the victims are civilians, whom the State's fragmenting institutions become unable to protect – if they are not in fact one of the contending parties in the conflict that threatens their lives and security. In the absence of a unifying framework capable of providing them with protection, the population finds itself forced to congregate around religious or tribal identities in search of protection. The contending sides in the conflict exploit this rallying around identity to mobilize and recruit more fighters. In this way, the conflict is transformed in people's minds from a struggle over the political regime into a confessional struggle that turns the "other", whether combatant or unarmed civilian, into a target. At this point the "other", as an entire group, becomes the enemy, opening the way for other forms of warfare, such as siege, starvation, indiscriminate shelling and killing on the basis of identity.

In the Syrian Arab Republic, the warring parties have used starvation and siege as a tool of war, inflicting severe suffering on civilians and reinforcing their sense that the war is being waged against them, against their identity, rather than against their political leaders and combatants. In mid-2016, the number of civilians under siege in the Syrian Arab Republic, according to a report by the United Nations Secretary General, exceeded 517,700, with 377,700 besieged by Government forces, 110,000 besieged by the militias of the self-proclaimed Islamic State, 20,000 by opposition forces and Jabhat Fateh al-Sham (formerly Jabhat al-Nusra), and 10,000 besieged by both Government and opposition forces.[44]

In violation of the Universal Declaration of Human Rights and international covenants, and sometimes of their own constitutions, some Arab States, such as Bahrain and the United Arab Emirates, have deprived their citizens of their nationality

The use of starvation and siege as a tool of war in the Syrian Arab Republic has reinforced civilians' sense that the war is being waged against their identity rather than against their political leaders and combatants

Successive reports spoke of mass expulsion of Arabs and Turkmen at the hands of Kurdish militias

According to the Siege Watch Report of May 2016, however, the number was 1,015,275 persons in 46 different locations.[45] Around 13.5 million people, including 6 million children, were estimated to be in need of humanitarian assistance at the time of writing, some 4.6 million of them living in inaccessible or hard-to-reach areas.[46]

The weapons of starvation, aerial bombardment of civilian areas and killing of civilians all force people to rally around non-State identities, and so fuel the war.[47]

In internal conflicts, civilians may flee from areas with mixed populations or be forcibly displaced from them. Successive reports spoke of burning down entire villages and mass expulsion of Arabs and Turkmen in the regions of Tel al-Abyad and southern Hasakeh, at the hands of Kurdish militias, in June 2015, although some were able to return.[48]

Civilians often fall victim to deliberate attacks and even mass murder as the fighting parties believe that their ethnic or religious affiliation dictates their political loyalty. Thus, after Government forces bombed a vegetable market in the Douma district of Damascus in October 2015, killing at least 50 civilians, the Jaysh al-Islam militia used metal cages to parade soldiers and Alawite civilians in eastern Ghouta,[49] sending a message to the Government that any new bombing would have dire consequences for "the Government sect" or "its tribe" or "its people". The Government's reliance on aid from Alawite and Shiite militias, both local and from neighbouring States, and similarly that of the opposition forces on support from Sunnis in the region and beyond, has served only to exacerbate sectarian tensions.

When the victims of deliberate targeting of villages and cities belong to minorities, sectarian motivations can easily come to mind. Attacks by the central Government are seen no differently. Such attacks on civilian settlements accused by the Syrian government of backing armed groups, either because they are in the hands of the latter, or due to their location, or because of religious and ethnic identity, generally Sunni Arab, are also perceived by the victims as clear cases of sectarian targeting.[50]

The absolute majority of those killed, injured, detained, beseiged, starved or frocibly displaced in the Syrian civil war have been from the Sunni Arab majority. That has engendered a sense among them of being subjected to an existential threat. Such feelings of Sunni Arabs, and the fear felt by other Syrian communities of reprisals, have been exploited by both sides in the civil war and by their regional and international allies, and have thus served to prolong the fighting, increase its brutality, and contribute to the disintegration of the country, or what remains of it.

In Iraq, virtually no community has escaped violence since the US-led invasion in 2003. In early 2006, the organization of Al-Qaeda in Iraq blew up the Shiite Imam Al-Hassan al-Askari and Imam Ali al-Hadi shrines in Samarra,[51] igniting a series of violent incidents between the Sunni and Shiite communities, including the detonation of the Talha bin Obeid Allah mosque and mausoleum in Basra[52] and attacks against a number of Sunni mosques in Baghdad. This in turn sparked off a chain of bombing attacks against Iraqi Shiites, some of them taking place during religious ceremonies, with the majority of the casualties being civilians. The situation then descended rapidly into virtual civil war between the communities, with civilians bearing the brunt of incidents of murder, kidnapping and torture. The leadership of both sides issued fatwas and declarations of solidarity with the victims, regardless of their denomination, but this did nothing to stop the fighting or calm the tensions. In one such statement, the cleric Muqtada al-Sadr, leader of the Shiite Sadrist faction, declared his solidarity with the people of Fallujah when US forces, accompanied by Shiite militias, marched in to it in 2004.[53] The Shiite religious authority, Ali al-Sistani, issued a fatwa after the bombing of the two shrines in Samarra in 2006, in which he outlawed sectarian fighting.[54]

Nevertheless, many Sunni Arabs were induced to leave Baghdad for adjacent areas to the north and the west, and neighbourhoods that had once flourished with a mixture of Sunnis and Shiites lost that diversity, as Shiite residents came to represent the majority.

Meanwhile, the militias of the self-proclaimed Islamic State have carried out executions, incarcerations and enslavement based upon religious affiliation, with the Yazidis suffering most, as they were stripped of the right to remain within the borders of the area it had taken over. They have also executed Christian civilians in Iraq, Libya and the Syrian Arab Republic.[55]

In June 2016, the Iraqi Government launched large-scale military operations, accompanied by the Hashd al-Shaabi ("Popular Mobilization Forces") and other militias, to retake Fallujah from the militias of the self-proclaimed Islamic State. Those operations resulted in civilian casualties and grave violations of the human rights of those fleeing Fallujah to other areas, who were tortured and sometimes killed and mutilated.[56]

Successive reports received by the United Nations told of human rights abuses against civilians by some Hashd al-Shaabi units, Iraqi security forces, Kurdish *Peshmerga* and tribal militias. Civilians fleeing areas of fighting were subjected to arbitrary detention by security forces as soon as they arrived in safe areas, on the suspicion that their loyalties would be dictated by their religious identity. The United Nations Assistance

The Syrian Government's reliance on aid from Alawite and Shiite militias, both local and from neighbouring States, and similarly that of the opposition forces on support from Sunnis in the region and beyond, has served only to exacerbate sectarian tensions

In Iraq, virtually no community has escaped violence since the US-led invasion in 2003

The organization of Al-Qaeda blew up Shiite shrines, igniting a series of violent incidents between the Sunni and Shiite communities, despite efforts of leadership on both sides to calm the tensions and the fatwa of the Shiite religious authority, Ali al-Sistani, in which he outlawed sectarian fighting

Mission for Iraq and the Office of the United Nations High Commissioner for Human Rights (OHCHR) received reports of civilian casualties of air strikes and deliberate destruction of civilian infrastructure by Government forces in areas they were attacking.[57]

Civil wars in the Syrian Arab Republic and Iraq have brought about massive displacement of populations, and the destruction of neighborhoods and villages on a scale virtually unprecedented in the modern history of the two countries. This displacement and destruction, like the fighting itself, have taken on a sectarian dimension, leading to a thinning of the ethnic and cultural mix in many regions, and possibly to changes in the demographic maps of the two countries. Some forces opposed to the Syrian Government openly promote an exclusionary sectarian discourse, while others, mostly political rather than military, adopt a more multicultural line. That is the mantra in the ranks of the Government and its allies. The Government pays lip service to cultural diversity, but many of its allied militias do not hold back from sporting their sectarian identity and exclusivist goals. In any event, the policies of the Syrian Government and the opposition have brought about a geographical and demographic partitioning of the country. The scale of the ethnic or religious cleansing operations carried out on the ground may not be known until the first census is conducted after the war has ended, which has so far cost 2.3 million casualties.[58]

## E. Social groups treated unjustly through neglect or complicity

Social groups such as women, children, youth, the elderly, persons with disabilities, people without citizenship, refugees and migrant workers suffer multiple forms of discrimination and injustice; whether the result of deliberate intention, neglect, or complicity, the exclusion they suffer is unjust.

### 1. Women

The constitutions of most Arab States affirm the equality of citizens in terms of rights and before the law, and most have ratified the Convention on the Elimination of All Forms of Discrimination Against Women.[59] Nevertheless, women in a number of those States remain exposed to various forms of discrimination. The starkest example is found in personal status laws that do not provide for equality of women with men in rights pertaining to marriage, divorce, child custody, freedom of movement and property ownership.

In many Arab countries women may not enter into contracts, marry, travel, or even open a bank account without the consent of their guardian. Personal status laws in Algeria, Jordan, Palestine, the Syrian Arab Republic, the Sudan and Yemen prohibit women from marriage without the approval or non-objection of her guardian. In Saudi Arabia,

a woman must obtain the written consent of her male guardian in order to travel, obtain secondary education, enter the labour market or even avail herself of medical services.

Similarly, in several countries, women may not seek divorce without a legal motive, while a man may do so without having to justify his decision. In 2000, Egyptian women became entitled to divorce their husbands, but must return their dowry to them in the event no abuse justifying the divorce is proven.

On the subject of the right to nationality, with the exceptions of Algeria, Egypt, Iraq, Morocco, Palestine, Tunisia and the United Arab Emirates, a woman cannot obtain citizenship for her foreign husband or their children, while a man can. This kind of discrimination effectively renders the woman a second-class citizen.[60]

Women in most Arab countries do not enjoy the legal rights and capacities that men do when testifying before the courts.[61] Some aspects of criminal law remain discriminatory, especially with regard to honour killings, domestic violence and the right to work. For example, the criminal codes of Palestine, the Syrian Arab Republic and Yemen still provide for lenient sentences against perpetrators of honour crimes. That is also true of Iraqi Kurdistan, where typically men are acquitted in such cases on the basis that the killing is judged to be manslaughter. Women in similar situations, however, benefit from no such mitigating circumstances meriting lenience. It bears mention that, in an effort to combat honour crimes, Jordan and Lebanon have toughened their legislation with regard to sentencing male perpetrators.[62]

Thanks to the efforts of women's groups in the Arab region, a number of Governments have recognized their duty to curb domestic violence by means of criminal legislation and corrective measures. In Algeria, Bahrain, Jordan, Lebanon and Saudi Arabia, domestic violence is punishable under the law. In Egypt, Morocco, Palestine and Tunisia, legislation has been drafted to criminalize and punish violence against women.[63]

In most Arab countries, labour laws have been amended to guarantee women the right to work on an equal footing with men. Some have taken on the role of the welfare state in "protecting the weaker partner in the production process and ensuring social stability and peace in society".[64] The constitutions of Egypt, Morocco, the Sudan and Tunisia highlight the need to achieve gender equity and equal participation in economic life. Despite efforts to bridge the gap between the sexes in the private sector, the rate of participation of women in the labour market in the Arab region remains low compared with that of other regions.

Effective participation by women in public life and political processes,

There were reports of serious human rights abuses against civilians fleeing areas of fighting by some Hashd al-Shaabi units, Iraqi security forces, Kurdish Peshmerga and tribal militias

The scale of the ethnic or religious cleansing operations carried out on the ground in the Syrian Arab Republic may not be known until the first census is conducted after the war has ended

In most Arab countries, a woman cannot obtain citizenship for her foreign husband or their children, while a man can. This kind of discrimination effectively renders the woman a second-class citizen

which are dominated by men in the Arab region, is lower than anywhere else in the world. Civil society has striven to lift their level of representation and participation, but this has generally remained symbolic, contextually determined or confined to social activities.[65] The number of women holding ministerial positions has fluctuated within a limited range over the past decades. In 2013, for example, 6 ministries out of 39 in Morocco were headed by women. In Tunisia in 2016, the number was 3 out of 28. Even when women are appointed in ministerial positions, they are rarely entrusted with key ministerial portfolios, such as finance, the interior or defence. For the region as a whole, the share of seats held by women in the two chambers of parliament has not exceeded 17.6 per cent, despite the adoption of a quota system for women in some countries.[66]

Women have borne a huge burden because of the violence, displacement and forced migration produced by the armed conflicts and wars taking place on an unprecedented scale in Iraq, Libya, the Syrian Arab Republic and Yemen.[67] In such circumstances, violence against women is used as an instrument of war: women face increased abuses, and the refugees and displaced among them suffer from sexual exploitation and blackmail. Social structures prevailing in the region, weak protection mechanisms in State institutions, social pressures[68] and scarcity of financial resources[69] discourage women from seeking justice. An increase has been registered in the incidence of underage marriage in refugee camps, either to preserve family "honour" or for economic reasons, to ease the financial burden on the girl's family.[70] According to one UNICEF study, cases of underage girls among Syrian brides in Jordan doubled from 12 per cent in 2011 to 25 per cent in 2013.[71] Thus it is that a large portion of the consequences of armed conflicts fall upon women, but they are largely kept out of peace negotiations and have little chance to ensure their needs are met in the process of peace-building. Arab Governments have exhibited only feeble interest in proposing women's concerns as a priority in peace processes. Iraq is the only Arab country that has a national plan approved by parliament to implement Security Council resolutions 1325 and 2242 concerning women, security and peace. Jordan, Palestine and the Sudan have draft proposals for national plans.[72]

## 2. Children

All Arab countries have ratified the Convention on the Rights of the Child and, with the exception of the United Arab Emirates, all have ratified the Optional Protocol on the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflict.

With wars raging in the region, the matters of protecting children, preserving their rights and preventing

abuses against them all have taken on added prominence. Although progress has been made in passing the necessary legislation to protect children in Egypt, Palestine and Tunisia, the region still lags behind in its approach to combating abuse and violence against children. Laws criminalizing and punishing violence against children are scant and institutions protecting them from abuses too few; only in Tunisia is violence against children prohibited under the law.[73]

In addition to physical violence, girls suffer in various other ways, including early marriage. In Morocco, 84 per cent of rural communities consider forced early marriage to be appropriate and acceptable. Other major issues include honour crimes and female genital mutilation, which is still practiced, albeit to varying degrees, in Egypt, Mauritania, Oman, the Sudan and Yemen. Some 84 per cent of girls in the 15-19 age group in the Sudan, and 66 per cent in Mauritania, were subjected to some form of circumcision in 2010.[74] In Egypt, the practice is prohibited by law but enforcement remains difficult in rural areas. In 2008, as much as 81 per cent of the female rural population in that country had been circumcised.

Some children are not registered at birth, as is the case with 22 per cent of children in Yemen.[75] Lack of registration effectively deprives them of their right to public services such as health care and education. In Yemen, more than 1,800 schools are closed, impacting the lives of 1.5 million children, who become vulnerable to all manner of exploitation.[76] In Tunisia, the dropout rate increased in 2013 to 107,000 children, who thus became exposed to exploitation and child labour. In Libya, the number of children not attending school for an entire year has reached 1.2 million.[77]

### 3. Youth

Young people constitute a large demographic bloc in the Arab world, with enormous potential: one of every five people in the region belongs to the 15-24 age group. However, they face serious challenges to realizing that potential. Some 29.2 per cent are unemployed, as against 11.4 per cent of adults.[78] The majority of work opportunities tend to be in the informal sector, where returns and productivity are low. This situation has an adverse impact on the development of young people, curtails their ambitions and feeds a sense of injustice among them. Faced with the difficulty of finding appropriate job openings, young people slip into a cycle of poverty and frustration, and lash out in anger and rebellion in response to inequality and a skewed income distribution. Given the dearth of job opportunities, unemployed youth depend on their families and support from preceding generations to meet their basic needs, especially since only a small minority of Arab countries provide unemployment benefits.[79]

Women's participation in public life has generally remained symbolic, contextually determined or confined to social activities; and women are rarely entrusted with key ministerial portfolios, such as finance, the interior or defence

Women have borne a huge burden because of the violence, displacement and forced migration produced by wars

In addition to physical violence, girls suffer from early marriage and "honour" crimes

Some children are not registered at birth, which deprives them of their right to public services such as health care and education

Young people are vulnerable to political persecution, given their prominent role in the 2011 uprisings

Another factor stoking the sense of injustice among young people relates to gender, for the rate of unemployed young women is as high as 47 per cent. Everything indicates that the region's labour market still places serious constraints upon young women.[80]

Young people are also vulnerable to political persecution, given their prominent role in the 2011 uprisings. In some Arab countries, sexual harassment and even rape are used to discourage young women from taking part in demonstrations. One example are the forced virginity tests used by the Egyptian Army, as was revealed in 2011.[81] The Nadim Centre for the Rehabilitation of the Victims of Violence and Torture revealed 16 cases of rape of women in Egyptian prisons in the space of one year.[82] According to Amnesty International, youth make up the bulk of the 40,000 people detained by the authorities in Egypt since July 2013.[83]

## 4. The elderly

The number of elderly persons (aged 65 and over) in the Arab region has increased threefold over the past three decades, from about six million (3.6 per cent) in 1980 to 17 million (4.3 per cent) in 2015. The pace of the increase is expected to accelerate after 2025, reaching 7.2 per cent of the region's population by 2035, 9.3 per cent by 2045, and 10.6 per cent by 2050. At the same time, it is anticipated that the old-age dependency rate, constant at less than 7 per cent between 1980 and 2015, will increase from 2015 to reach 11 per cent by 2035, 14 per cent by 2045, and 17 per cent by 2050.[84]

Economic and social characteristics that expose the elderly to various forms of deprivation and social injustice are similar throughout the Arab region. They include:[85]

- High rates of illiteracy and low educational attainment among the elderly;
- The reliance of the elderly for support on having been part of the dominant economic and social power structure, rather than the presence of specific structures or institutions;
- The limiting of pension and health insurance benefits to retirees from the formal sector, who enjoy entitlements that other elderly retirees do not;
- The need to continue working, particularly for those in the informal sector, who do not benefit from any social and health benefits, including women doing unpaid work. In Egypt, 12 per cent of men aged 80 and above continue to work, compared with 14 per cent in Lebanon and 21 per cent in Yemen;
- The increasing prevalence of psychological and mental illnesses among the elderly, which is a growing source of concern. Depression and dementia, seldom covered by general health insurance schemes and rarely diagnosed by healthcare providers and medical staff that lack required training,

are among the most widespread mental illnesses.[86]

The Madrid International Plan of Action on Ageing, adopted by the Second World Assembly on Ageing in April 2002, was the first international agreement to recognize the role older persons have to play in the development process. It tasks Governments with incorporating senior citizen affairs in all of their development policies. The aim of the Madrid action plan is to build a society for people of all ages and in which they may continue to live in security and dignity, and participate as citizens with full rights.

To date, Bahrain, Egypt, Jordan, Lebanon, Libya, Oman, Palestine, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic and Tunisia have adopted national action plans, strategies or policies on ageing. Fourteen Arab countries have set about establishing specialized ministerial departments on ageing, often within the ministry of social affairs, to deal exclusively with such issues, some of which are addressed in the context of family or disability affairs. However, these institutional measures have not translated into serious policies. The elderly remain largely excluded from development programmes in most Arab countries.

## 5. Persons with disabilities

Legislation addressing the needs of persons with disabilities has been enacted in 15 Arab countries, and national coordination procedures have been developed in 13. Data suggest that efforts to advance the rights of persons with disabilities, on the institutional and legal levels and in policy terms, have had a limited impact on the ground and run into major obstacles in terms of implementation. Notwithstanding the absence of accurate and reliable statistics on disability in the Arab region, available indicators suggest the following:

- In many Arab countries, rates of employment of persons with disabilities are half or even one-third those of the general population, even where a quota system is in place;
- The percentage of persons with disabilities deemed to be illiterate is between two and seven times greater than the rate among the general population;
- Many persons with disabilities suffer a variety of forms of prejudice, discrimination and deprivation. Women and the elderly are the most affected and vulnerable to exclusion and inequality, as they can fall victim to double discrimination.

The number of people with disabilities in the region has risen as a direct result of war. Some 8 per cent of Syrian refugees in Jordan and 4.5 per cent of those in Lebanon suffer from serious injuries requiring specialised treatment that is often unavailable.[87]

In some Arab countries, sexual harassment and even rape are used to discourage young women from taking part in demonstrations

There are high rates of illiteracy among the elderly

The elderly have to continue working because of the lack of social protection programmes

In Egypt, 12 per cent of men aged 80 and above continue to work, compared with 14 per cent in Lebanon

In many Arab countries, rates of employment of persons with disabilities are half or even one-third those of the general population, even where a quota system is in place

The number of people with disabilities in the region has risen as a direct result of war

Much remains to be done to address those and many other shortcomings. This requires a shift in focus from the charitable and medical approach to the assertion of the rights of persons with disabilities, and the duty of the State and society to help to remove barriers and create a supportive environment for them.

## 6. Refugees and migrants

The Arab region is today the scene of different and complex types of migration, as seen in the migration of workers in the formal and informal sectors, forced migration and mixed forms of migration. In 2013, international migrant flows in the region surpassed 52 million, with 30 million immigrants to the region and 22 million migrants leaving it. The Arab region has the largest number of refugees and displaced persons in the world, most of them displaced from within the region itself, as a result of successive crises resulting in the forced movement of population. This displacement is often long-term and has a profound impact on development in the countries of origin, transit and asylum.[88]

Migration and asylum issues in the Arab region take on different dimensions when compared with other parts of the world. In a region that enjoys a closeness and natural affinity born of the unity of language, religion and culture among the vast majority of its population, State borders stand as a barrier to the meeting of its people, such that the husband becomes a foreigner to his wife, the son to his mother, and the brother to his brother.

Many Arab countries have failed to ratify fundamental international agreements, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. What has been agreed with regard to refugees in the Arab region has not been followed up with implementation mechanisms. In some Arab countries, there is no legislation governing the conditions in which refugees live.

Cases of injustice experienced by migrant workers sometimes entail their being deprived of employment contracts or the possibility of changing those contracts. Often migrant workers, whether in the formal or informal sectors, are employed in discriminatory conditions under temporary work contracts that exclude access to social services and fail to specify or adhere to a minimum wage. In some cases, their identity papers are confiscated.

Labour laws in the Arab region (with the exception of the Syrian Arab Republic, which from 1948 until recently granted Palestinian refugees and citizens of Arab countries fundamental rights) prohibit migrants and refugees from carrying out employment requiring membership of professional associations, such as the legal professions, medicine and engineering. Under the *kafala* (sponsorship) system, it is difficult

for workers to legally change their place of work. Their only choice, therefore, is to abscond in the event they feel they are being exploited and become illegal aliens. In 2012, nearly half a million workers fled from Saudi Arabia.[89] In 2015, Qatar undertook an initiative to reform the *kafala* system, delegating official authority to the Ministry of the Interior, rather than to employers, for approving changes requested by workers.[90]

The difficult circumstances faced by domestic workers in the Arab region can amount to forced labour. The absence of comprehensive legal protections for workers or the failure to enforce them where they do exist, leaves them vulnerable to conditions approaching those of bondage, which can take the form of withholding of wages or prevention from leaving the house. Some are subject to dangerous working conditions, exhaustion, verbal and physical abuse and sexual harassment. Some Arab Governments have deported migrant workers *en masse* for striking in protest against the paucity of their wages.

The perception society of migrant workers, upon whom it depends in many economic sectors, remains negative. They are caught in a spiral of politicization that fosters racism, intolerance, xenophobia contempt and rejection of the other. Among the toughest challenges is that of mounting levels of anti-migrant violence, accompanied by a surge in arbitrary measures in violation of the human rights of migrant workers and their families.

Displaced persons and refugees face difficulty in obtaining access to education services and suffer from the poor quality of those they do obtain. Refugees and asylum-seekers in countries that have not signed the 1951 Convention relating to the Status of Refugees confront daily threats and possible arrest if caught moving about, which can prevent them travelling to and from school.[91]

It is clear from the above that the forms of injustice suffered by migrants and refugees alike may be deliberate and emanate from laws or their limited implementation, or may come as a result of disregard for their problems. Its worst forms are those coming from society itself; through its silence in the face of such violations of human rights, society becomes complicit in the denial of justice and the systematic oppression of migrants and refugees.

The Arab region has the largest number of refugees and displaced persons in the world

Often migrant workers are employed in discriminatory conditions under temporary work contracts that exclude access to social services and fail to specify or adhere to a minimum wage, and in some cases, their identity papers are confiscated

*Many are reluctant to take up the subject of oppressed groups in the region, or to advocate on their behalf, for fear of reprisals from the regimes that have long claimed that some of those groups constitute a threat to national security, and*

The difficult circumstances faced by domestic workers in the Arab region can amount to forced labour

The protection of the region's diversity is not possible without prudent governance that fosters an environment in which all may lead a decent life based on justice, equality and fairness

*that discussion of their suffering serves to undermine stability. Few Arab studies have dealt with oppressed groups from a political perspective. However, the protection of the region's diversity is not possible without prudent governance that fosters an environment in which all may lead a decent life based on justice, equality and fairness. This requires the adoption of a rights-based approach in politics and society that makes it the duty of the State to protect all citizens without discrimination, and to guarantee fair citizenship and equality before the law in words and deeds.*

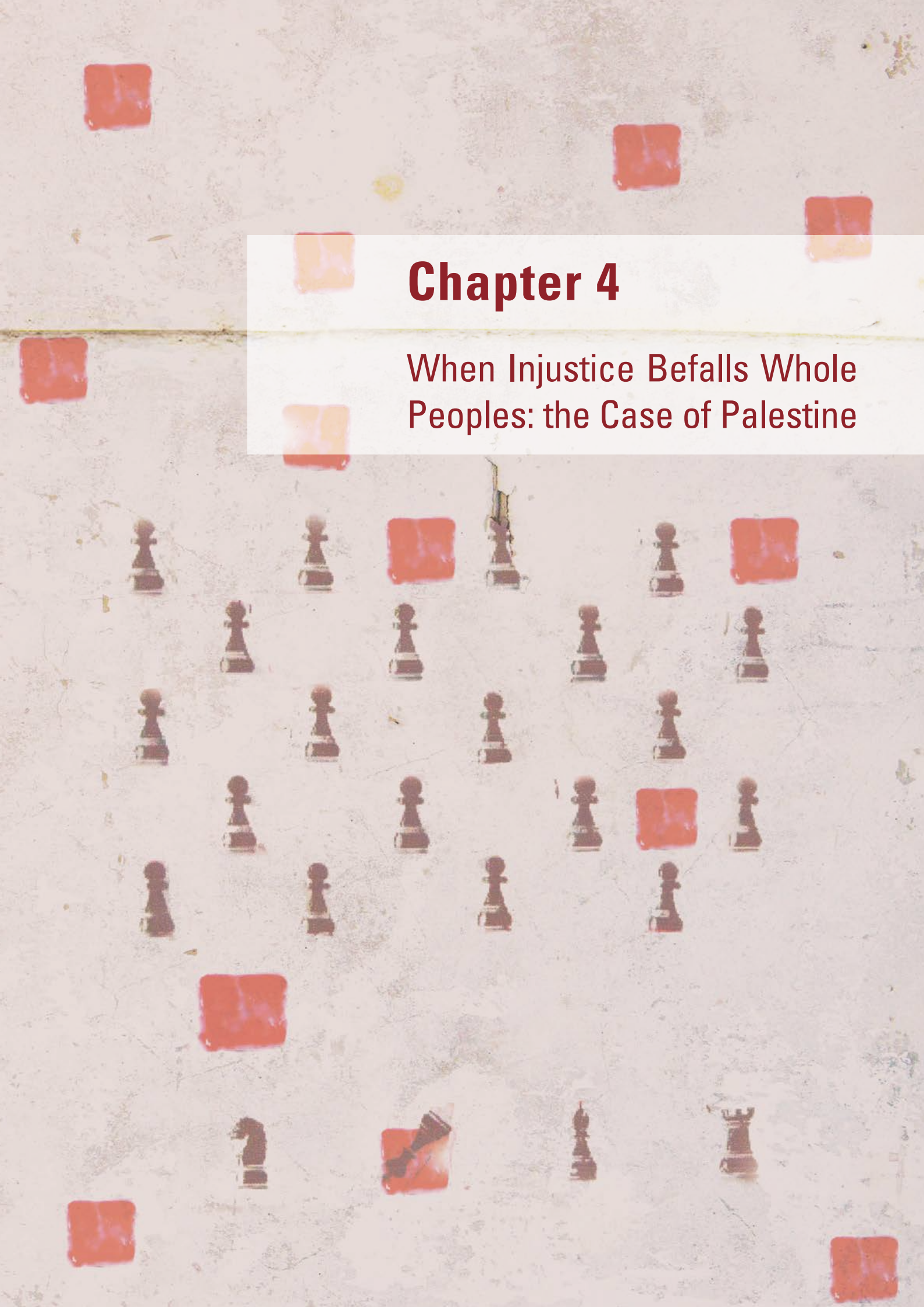
*Although Arab societies are rich in their diversity, regimes in the latter half of the twentieth century were unable to infuse the concept of citizenship with a culture of diversity or to develop legislative systems or institutions to safeguard it. In many Arab countries, the authorities sought to portray differences as threats that required suppression, and crimes that justify persecution.*

*All the various forms of injustice in the Arab region have made the transition from the colonial era to the age of tyranny with undiminished severity. Over the decades, aspects of oppression and abuse against various groups in society have been given different names. Some constitutional amendments enacted by transitional countries in response to the aspirations of their people for freedom and equality have yet to be applied. It is clear from an examination of the reality of social groups that the impact of injustice, even where it may have been alleviated to some extent, will be long-lasting.*

*The remedy to injustice in the Arab region requires real and effective equality among people, achieved by reforming constitutions and laws, enforcing them justly and building legitimate institutions that enjoy public acceptance and respect. People have the right to determine how their lives are lived and choose their system of government, so that in their midst there shall be no discrimination because of race, religion, language or gender, or any other particularity of their choice or attributed to them against their will.*

# Chapter 4

## When Injustice Befalls Whole Peoples: the Case of Palestine



Israel has created an apartheid reality within its borders and through its occupation. The parallels to my own beloved South Africa are painfully stark indeed.

***Desmond Tutu***

# 4. When Injustice Befalls Whole Peoples: the Case of Palestine

Throughout history, peoples all over the world have suffered all forms of injustice, among them slavery, colonization and racial discrimination. Injustice, real and perceived, has led to wars that have brought whole nations and peoples to the brink of extinction. Nowhere is that more evident than in the two world wars and colonial conquests that cost tens of millions of lives.

Universal moral codes and global legal systems have been devised in an attempt to keep humanity from being engulfed yet again by such catastrophes. The establishment of the United Nations and adoption of its Charter and international treaties on human rights, including the right of peoples to self-determination, are part of the continuous collective attempts by humanity to survive.

Many peoples were freed from the yoke of colonialism after the Second World War, thereby putting an end to injustices that had clearly become a threat to international peace and security. The global struggle against injustice in the twentieth century led to a string of successes, culminating in the collapse of apartheid in South Africa in the 1990s.

One people, however, has borne the brunt of colonialism and racism since the early twentieth century, while the world has looked on with indifference: the Palestinians.

Sadly, the injustice inflicted by some European regimes on their Jewish citizens was used by others to step up the injustice visited on the Palestinians. Under the pretext of converting it into a safe haven for Jews, those regimes, their allies, and their successors to global hegemony condoned the plunder of Palestine, turning its people into refugees. Oppressed and persecuted for centuries in Europe, Jews have again been subject to injustice by the claims of Israel to represent them all as it commits crimes against Palestinians and other Arabs. Such claims have led some to blame non-Israeli Jews for acts of which they are innocent and for wars they have not waged, and which many of them oppose and condemn, thereby unduly putting them in danger.[1]

In this chapter, we examine the types of injustice Palestinians face, including: the denial of their right to self-determination and other fundamental rights; expulsion from their land; ethnic cleansing during and since 1948; the occupation of the remainder of their territory since 1967; the killing, imprisonment and land seizures to which they have been subjected under occupation; and other practices that violate numerous international principles and resolutions.

To see the oppression suffered by Palestinians only in terms of the events of 1967 and thereafter is in itself an injustice

Although the Jewish State was allocated more than half the area of Mandate Palestine, Israel also occupied half of the territory earmarked for the Palestinian State, expelling Palestinians from their villages and denying them the right to return

## A. Expulsion and the denial of self-determination

In some regards, the injustice inflicted upon the Palestinian people for almost a century is unique. Not only is it the last example of classic colonialism, it is a form of settler colonialism, unparalleled in modern times, in which an entire people are driven out of their land and replaced by others. Such injustice is not limited to economic exploitation and assaults on human dignity; rather it virtually denies the very existence of the Palestinians, whether through oppression, expulsion and killing, or by erasing them from the collective memory and history books.

To see the oppression suffered by Palestinians only in terms of the events of 1967 and thereafter is in itself an injustice. The absence of justice goes beyond the 1967 occupation, and has, before and after, wrecked the lives of all Palestinians, regardless of whether they live under direct military rule in the West Bank (including East Jerusalem) and the Gaza Strip, abroad as refugees, or within the State of Israel.

### 1. 1948: the Nakba and ethnic cleansing

On 2 November 1917, the British Foreign Secretary, Arthur James Balfour, sent a letter to Walter Rothschild, a leading figure in the British Jewish community, promising to set aside land occupied by Great Britain during the First World War as a national home for the Jewish people. Such a promise raises numerous ethical questions, for it rests on the admissibility of the seizure of land by military force, and grants the occupying force the right to dispose of the occupied territory as it sees fit without due consideration for the wishes of its people. Such an approach flies in the face not only of twentieth century international norms, but also of those in place since the 1648 Peace of Westphalia. The timing of the Balfour Declaration clearly reveals that the establishment of a Jewish homeland in Palestine was driven by geostrategic rather than humanitarian considerations. The Nazis had not yet emerged in 1917, nor had there been a holocaust. Furthermore, British documents show that the function of creating a Jewish State in the Arab region was to prevent unification of the region or its domination by a rival great power, as the then British Foreign Secretary, Lord Palmerston, pointed out in a letter to his ambassador to the Sublime Porte in 1840.[2]

Jewish migration to Palestine began at the end of the nineteenth century, and increased after the British occupation in 1917. However, Palestinian resistance to the immigration only began to make itself felt following the Balfour Declaration, when the Palestinians realized that the aim was to take their land by force and place foreigners in their homes.[3] Tensions began to rise between the

### **Box 4.1** Ethnic cleansing and the Tantura massacre

Plan D was in essence a scheme for taking over by force the areas allocated by the United Nations to the Jewish State, as well as additional territories designated for the Arab State that were deemed vital to the survival of the Jewish community. The plan instructed Jewish forces to cleanse the Palestinian areas falling under their control. The Haganah had several brigades at its disposal, and each received a list of villages it had to occupy. Most of the villages were destined to be destroyed; only in exceptional cases were the troops ordered to leave them intact.

By 15 May 1948, the day the Jewish State was declared, 58 villages in this area (the coastal plain) had already been erased from the earth. Six remained intact. Tantura, the largest of the six remaining villages, was located in the middle of Jewish territory like "a bone in the throat", according to the Alexandroni official account of the war. On 22 May, its day came…

On the night of 22 May 1948, the village was attacked. The offensive came from four flanks, which was uncommon. The brigade usually closed in on villages from three flanks, leaving an "open gate" on the fourth to put the people to flight.…

In 1997, as part of his dissertation research, Teddy Katz interviewed Palestinians and Jews who had participated in the battle of Tantura, but they could not give accurate details of the numbers of Palestinians killed. Figures of a few hundred were mentioned, and horror stories of torture and rape added to the grim picture.

Mordechai Sokoler, a civilian guide from Zichron Yaacov attached to the military, owned tractors and was therefore called in at the end of the rampage and other killings to supervise the burial. He remembered burying 230 bodies. The exact number was clear in his mind, because "I laid them one by one in the grave".

A few days after the battle, Muhammad Nimr al-Khatib recorded the testimony of a Palestinian who told of summary executions of dozens of Palestinians on the beach: "…The Jews gathered all women and children in a place where they dumped all bodies, for them to see their dead husbands, fathers and brothers and (to) terrorise them, but they remained calm. They gathered men in another place, took them in groups and shot them dead … They (would) shoot one, and order the other three to dump his body in a pig pit. Then they (would) shoot another and the other two (would) carry his body to the pit, and so on".

In one way or another, more than 30 Palestinians and seven Jewish witnesses told a tale of massacre.

**Source:** Ilan Pappe, *Out of the Frame: the Struggle for Academic Freedom in Israel* (London: Pluto Press, 2010), pp. 202-213.

Between 29 November 1947 and 20 July 1949, 531 Palestinian villages were destroyed and 805,000 inhabitants expelled

This was achieved by terrorizing Palestinians and perpetrating massacres against them

The Haganah and other Zionist paramilitary groups embarked on ethnic cleansing operations that continued following their absorption into the so-called Israeli Defense Forces, established on 26 May 1948

local inhabitants and the increasing number of Jewish newcomers when Zionist groups started organizing themselves militarily and established the Haganah in 1921.

Following the Second World War, the United Nations General Assembly adopted resolution 181(II) on partitioning Palestine into two States, one Arab and one Jewish. Several Member States opposed the Plan of Partition, taking the view that it contradicted the provisions of the United Nations Charter and that the right to self-determination should be decided by the peoples concerned, not the General Assembly.[4] Although the Jewish State was allocated more than half the area of Mandate Palestine under the resolution, Israel also occupied half of the territory earmarked for the Palestinian State, expelling Palestinians from their villages and denying them the right to return. Between 29 November 1947 and 20 July 1949, 531 Palestinian villages were destroyed and 805,000 inhabitants expelled.[5]

Expulsions were followed by an attempt to eradicate the Palestinian people culturally and morally, and to deny their very existence

This was achieved by terrorizing Palestinians and perpetrating massacres against them. The Haganah and other Zionist paramilitary groups, including Irgun and Stern, embarked on ethnic cleansing operations that continued following their absorption into the so-called Israeli Defense Forces, established on 26 May 1948 (box 4.1).

A number of Israel's founding fathers were involved in terrorist acts, including the assassination of United Nations envoy Count Bernadotte (box 4.2) and the bombing of the King David Hotel in Jerusalem.[6] They carried out acts of aggression against the British administration right up until the end of the Palestine Mandate in 1948, despite all British efforts to establish the Jewish State. For example, Alan Hart says of Yitzhak Shamir and Menachem Begin, who later became prime ministers of Israel: "Objectively speaking, both men were more authentic, more ruthless and more successful terrorist leaders than any Palestinian".[7]

David Ben-Gurion, who would become the first Prime Minister of Israel, helped to establish the Population Transfer Committee in 1937 under the Jewish Agency. The task of the Committee was to ensure that the number of Arabs living in the Jewish State was reduced to less than 15 per cent of the total population and to survey land in 500-600 Palestinian villages earmarked for seizure as part of the process of expulsions. At the time of the Plan of Partition, Palestinians made up more than 45 per cent of the population in the area allocated to the Jewish State, and more than half in the territories occupied by Israel at the end of the 1948 Arab-Israeli War.[8]

Expulsions were followed by an attempt to eradicate the Palestinian people culturally and morally, and to deny their very existence. In this regard, Golda Meir, the then Prime

Minister of Israel, famously said in a television interview in June 1969: "There were no such thing as Palestinians ... It was not as though there was a Palestinian people ... and we came and threw them out and took their country away from them. They did not exist".[9]

According to Baruch Kimmerling, an Israeli sociologist, Israel repeatedly attempted to erase the Palestinian people politically: "Israel ... became an agent of destruction, not only for its surrounding environment, but for itself as well, because its domestic and foreign policy is largely oriented toward one major goal: the politicide of the Palestinian people. By politicide I mean a process that has, as its ultimate goal, the dissolution of the Palestinian people's existence as a legitimate social, political and economic entity... This process may also, but not necessarily, include their partial or complete ethnic cleansing from the territory known as the Land of Israel".[10]

The Palestinians have thus suffered one form of injustice after another since efforts to establish a Jewish State began. They were denied sovereignty over their land under the British Mandate, and they were not consulted on British policy regarding Jewish migration to Palestine. Then the United Nations adopted the Plan of Partition, but its provisions prohibiting the eviction of populations on the basis of religion or race were violated. While those evicted from their homes

Golda Meir famously said: "There were no such thing as Palestinians … It was not as though there was a Palestinian people … and we came and threw them out and took their country away from them. They did not exist"

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**Box 4.2** Count Bernadotte: denial of the right to return is unjust

"It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged by the hazards and strategy of the armed conflict between Arabs and Jews in Palestine. The majority of these refugees have come from territory which, under the Assembly resolution of 29 November, was to be included in the Jewish State. The exodus of Palestinian Arabs resulted from panic created by fighting in their communities, by rumours concerning real or alleged acts of terrorism, or expulsion. It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries".

**Source:** United Nations, General Assembly, 1948. Progress Report of the United Nations Mediator on Palestine Submitted to the Secretary-General for Transmission to the Members of the United Nations. Official records: third session, supplement No. 11 (A/648(SUPP)).

Since 1967, Palestinians living under Israeli military occupation have been subjected to unlawful killings by the Israeli forces or illegal settlers

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Impunity for its crimes has led Israel to commit further breaches of international law

were refused the right to return, others were encouraged to immigrate and take over their homes and land.

### 2. 1967: The occupation of remaining Mandate Palestine territory

Having taken control of more than half the territory originally earmarked for the Arab State under the Plan of Partition in the 1948 Arab-Israeli war, Israel launched another war in 1967 in order to seize control of more Arab land. It occupied the remaining Palestinian territories, including East Jerusalem, the rest of the West Bank and the Gaza Strip, and also the Egyptian Sinai and the Syrian Golan. Israeli claims that the war had been pre-emptive and defensive stand in sharp contrast to remarks by the General Chief of Staff of the Israeli army at the time, Yitzhak Rabin, to *Le Monde* newspaper in February 1968: "We knew that Nasser did not intend to attack."[11]

Since 5 June 1967, Palestinians living under direct Israeli military occupation in the West Bank and the Gaza Strip have suffered, to varying degrees, the same types of injustice endured by the inhabitants of coastal and western Mandate Palestine in 1948. Settlements have been built on their confiscated land, and they have been subjected to a regime of military orders, lengthy administrative detention and unlawful killings at the hands of the Israeli armed forces or illegal settlers. More than 800,000 Palestinians, representing almost half the male population and equivalent to one fifth of the total population, have been detained at some point since 1967,[12] and 1,010 square kilometres of Palestinian land has been seized in the West Bank and East Jerusalem, approximately one fifth of its total area.[13]

The right of the Palestinians to self-determination has been violated and they have been subjected to a series of injustices, including ethnic cleansing, land seizure, forced displacement and religious discrimination.

## B. Israeli violations of international law

The term "the Israeli exception" was coined to encapsulate the extent to which Israel has enjoyed impunity for violating international law.[14] In spite of numerous violations documented by impartial international bodies and condemned by the United Nations, Israel has gone unpunished, thus perpetuating a culture of impunity among successive Israeli Governments, security institutions and civilians and in the very system of government. In the absence of a subjective moral deterrent in Israel or objective legal deterrent at the international level, impunity for its crimes has led Israel to commit further breaches of international law.

### 1. Violations from the outset

Israel flouted international law from the day of its establishment, paving the

way for a history strewn with violations. Zionist groups and parties agreed to the Plan of Partition, but in practice breached several of its key provisions following the establishment of the State of Israel in 1948. Israel grabbed land not allocated to it under the Plan and distorted its provisions with regard to the concept of a Jewish State.

The Plan expressly prohibited religious discrimination between citizens in the Jewish State and did not mention a demographic majority of any ethnic/religious group in the envisioned States. It required that the constitutions of the Arab and Jewish States include provisions "guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association".[15] The Plan also established that "no discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex".[16]

Following its establishment, Israel gathered all Palestinians that it had not expelled to ghettos and imposed a state of emergency on them until 1966. It also began enacting discriminatory laws against non-Jewish residents with regard to citizenship, the right to enter Israel, the right to own land, military service and political participation. In 2012, the Committee on the Elimination of Racial Discrimination documented all those infringements.[17]

Israel's closest allies have been unable to turn a blind eye to the discrimination suffered by non-Jewish citizens. For example, the United States Department of State confirmed in its Israel 2014 Human Rights Report that Palestinian citizens of Israel "faced institutional and societal discrimination".[18]

Israeli violations of international law that began with its establishment in 1948 continue today, and have become more brazen and defiant of humanitarian values and international principles. In May 2014, the Israeli Prime Minister, Binyamin Netanyahu, adopting the principle of the religious and racial purity of the Jewish State, proposed amending the Basic Laws of Israel to define it as "the nation State of one people only – the Jewish people – and of no other people",[19] which could be construed as a call for a new wave of ethnic cleansing.

In 2016, the Israeli Defence Minister, Avigdor Lieberman, presented a bill to the Knesset authorizing the death penalty only for non-Jews convicted of terrorism offences by Israeli courts.[20]

## 2. Israeli breaches of the Charter of the United Nations

Religious discrimination is not only a violation of the Plan of Partition but also of the Charter of the United Nations, which affirms the principle of non-discrimination between individuals and between States.[21] The principle of non-discrimination is a fundamental element of the concept

Israel distorted provisions of the Partition Plan with regard to the concept of a Jewish State

The Israeli Prime Minister proposed to define Israel as "the nation State of one people only – the Jewish people – and of no other people", which could be construed as a call for a new wave of ethnic cleansing

Religious discrimination is a violation of the Plan of Partition and of the Charter

of human rights and a cornerstone of the rule of law.

The inadmissibility of using force against the territorial integrity or political independence of any State[22] is also a principle of the Charter. Having seized territory by force in 1948, Israel again violated the principle when it officially annexed East Jerusalem and 70 square kilometres of land around the city in 1980 (and the occupied Syrian Golan at a later date).[23] The international community has not recognized Israeli sovereignty over East Jerusalem (or the Syrian Golan) and condemned its annexation as a violation of international law (Security Council resolution 478); however, no serious measures have been taken to induce Israel to repeal the Basic Law: Jerusalem, Capital of Israel (the Jerusalem Law), which was passed to annex the city.

Israel has been condemned in a long list of Security Council resolutions for non-compliance, violations of international law and actions in Palestine and neighbouring countries

The principle of the right of peoples to self-determination is enshrined in the Charter.[24] By virtue of the principle of equal rights of people, including to self-determination, the General Assembly has repeatedly reaffirmed that all peoples have "the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter".[25]

The Security Council considered that all measures taken by Israel to change the legal status of Jerusalem were invalid

Israel has breached this principle since 1948 by preventing the Palestinian people from establishing their own State. Israel has pursued policies and practices to fragment Palestinian land occupied since 1967 through the building of settlements and the wall, the confiscation of land, the establishment of military checkpoints, restrictions on construction and the revoking of residency permits.[26] Israel has also adopted policies that impede economic, social and cultural development in the Palestinian territory occupied since 1967.

The Security Council has confirmed no less than nine counts[27] of Israeli violations of the Charter. Article 6 of the Charter provides that "a member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council".

## 3. Non-compliance with Security Council resolutions

Israel has been condemned in a long list of Security Council resolutions for its actions in Palestine and neighbouring countries, non-compliance with Security Council resolutions and violations of international law. Key issues raised in Security Council resolutions by which Israel has refused to abide include the status of East Jerusalem, the expulsion of Palestinians from the occupied territory and the construction of settlements therein.

### Box 4.3 Israeli attempts to hamper United Nations efforts

Since the assassination, allegedly by Zionist groups, of the first United Nations mediator, Count Folke Bernadotte, in Jerusalem in 1948,[a] Israel's history has been characterized by its documented refusal to cooperate with various United Nations envoys and commissions of inquiry.[b] The Security Council condemned Israel's refusal to welcome the Special Representative of the Secretary-General in 1968, or to cooperate with a Security Council committee formed pursuant to resolution 446 to examine the situation relating to Israeli settlements in the occupied territories. Israel has not hesitated to prevent several United Nations rapporteurs concerned with human rights in Palestine from entering the occupied territory to perform their duties. Even when they have granted rapporteurs entry, the Israeli authorities have refused to communicate with them, rejecting their mandate. Israel also refused to cooperate with committees tasked by the United Nations to investigate Israeli violations of international humanitarian law during its military offensives, and denied them access to the occupied territory.

[a] Elad Ben-Dror, *Ralph Bunche and the Arab-Israeli Conflict: Mediation and the UN, 1947-1949*. Israeli history, politics and society series (London, Routledge, 2015), pp. 97-100.

[b] **Security Council**: S/RES/259 (1968), S/RES/446 (1979), S/RES/452 (1979), S/RES/465 (1980).

**General Assembly**: A/56/440, A/63/326, A/65/331, A/66/358, A/67/379, A/69/81-E/2014/13, A/70/82-E/2015/13.

**Commission on Human Rights**: E/CN.4/1995/19, E/CN.4/1997/16, E/CN.4/1998/17, E/CN.4/RES/1999/7, E/CN.4/1999/24, E/CN.4/1999/152, E/CN.4/S-5/3, E/CN.4/2000/25, E/CN.4/RES/2001/7. E/CN.4/2001/30, E/CN.4/2002/32, E/CN.4/2002/SR.15, E/CN.4/2003/L.12, E/CN.4/2004/6.

**Human Rights Council**: A/HRC/2/SR.22, A/HRC/2/5, A/HRC/4/116, A/HRC/4/17, A/HRC/5/11, A/HRC/RES/7/18, A/HRC/10/20, A/HRC/13/53/Rev.1, A/HRC/16/72, A/HRC/20/32, A/HRC/23/21, A/HRC/25/67, A/HRC/28/78.

The Security Council determined "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity"

The Council has deplored the failure of Israel to implement 27 of its resolutions,18 of which were directly related to Palestine and the Palestinian people

With regard to East Jerusalem, Security Council resolution 250, adopted on 27 April 1968, called upon Israel to refrain from holding a military parade in Jerusalem as this would aggravate tensions and have an adverse effect on a peaceful settlement of the conflict. Israel ignored the resolution, prompting the Council to censure its actions in resolution 251, adopted on 2 May 1968. Less than three weeks later, the Council adopted resolution 252 of 21 May 1968 on the annexation of East Jerusalem by Israel, deploring the failure of Israel to comply with General Assembly resolutions; considering that all legislative and administrative measures and actions taken by Israel tending to change the legal status of Jerusalem were invalid and could not change that status; and urgently calling upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action

Israel refuses to acknowledge the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, in spite of the reaffirmation of that applicability in 18 Security Council resolutions and the 2004 advisory opinion of the International Court of Justice

tending to change the status of Jerusalem. Israel also disregarded this resolution, resulting in further reprimands from the Council, which reiterated its demand in resolutions 267 (1969), 298 (1971) and 446 (1979).

In defiance of the Security Council and international law, Israel launched a legislative process in the first half of 1980 to annex East Jerusalem officially. The Security Council responded with resolution 476 (30 June 1980), deploring Israeli non-compliance with resolutions of the Security Council and General Assembly and reaffirming the invalidity of all Israeli measures to change the legal status of Jerusalem. On 30 July 1980, the Knesset amended the Basic Laws of Israel with a paragraph proclaiming that "Jerusalem, complete and united, is the capital of Israel". The Security Council censured this step in the strongest terms in resolution 478 (1980).

Since the 1970s, the Israeli settlement policy in the occupied territory has also constituted a blatant challenge to Security Council resolutions. In resolution 446 (1979), the Council strongly deplored Israeli non-compliance with previous resolutions and determined "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East". It called upon Israel "to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967". In resolution 452 (1979), the Council called upon "the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem". Israel rejected both resolutions and continued building settlements, prompting the Council to document these actions and to condemn Israel in numerous resolutions, including 465 (1980), in which it called upon "all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories". Along the same lines, more than quarter of a century later, on 23 December 2016, the Security Council adopted resolution 2334, which condemns Israeli practices in the occupied territory, particularly the construction and expansion of settlements.

In another example, the Council adopted several resolutions requesting Israel not to expel or deport Palestinians from the territory occupied since 1967, as that would breach the Fourth Geneva Convention. In 1980, when Israel decided to expel the governors of Hebron and Halhoul and a Hebron judge, the Council issued various

resolutions affirming the illegality of the expulsion of Palestinian civilians by Israel from the occupied territory, requesting Israel to cease such actions and condemning Israeli violations of resolutions in that regard.[28]

The Council has deplored the failure of Israel to implement 27 of its resolutions,[29] 18 of which were directly related to Palestine and the Palestinian people.[30] Although the Council has a history of imposing coercive measures on non-compliant Member States, including sanctions or direct military intervention, Israel continues to enjoy impunity.

Unsurprisingly under the circumstances, many in the Arab region are incensed by what they see as double standards. Since 1990, the Council has imposed punitive measures for myriad reasons on 23 States,[31] but not on Israel.

## 4. Violations by Israel of international humanitarian law

The International Committee of the Red Cross considers the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and its two 1977 additional protocols relating to the protection of victims of armed conflicts as an essential pillar of international humanitarian law.[32] The most flagrant breaches of the Convention are considered war crimes. The Convention is relevant in cases of military occupation, similar to the situation in Palestine.

Israel refuses to acknowledge the applicability of the Convention to the occupied Palestinian territory, in spite of the reaffirmation of that applicability in 18 Security Council resolutions[33] and the 2004 advisory opinion of the International Court of Justice.[34]

Israel, by building settlements on occupied territory, is in breach of the Fourth Geneva Convention, which states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies"

Israel continues to breach article 27 of the Convention on guarding protected persons, such as children, from all acts of violence or threats

### Box 4.4 International humanitarian law prohibits forced displacement

International humanitarian law is meant to strike a balance between military necessity and humanitarian considerations. It does not allow military endeavours that aim to make permanent changes to occupied territory; to force people to leave their homes; or to unlawfully seize land and resources from communities. Humanitarian law is and will remain a tool for the protection of the life and dignity of civilians and combatants and thus for a modicum of stabilisation in the midst of conflict.

**Source:** Peter Maurer, Challenges to international humanitarian law: Israel's occupation policy, *International Review of the Red Cross*, vol. 94, No. 888 (Winter 2012). Available from https://www.icrc.org/eng/assets/files/review/2013/irrc-888-maurer.pdf.

An Israeli military prosecutor stated that the occupying authorities believe that every Palestinian child is a "potential terrorist"

The Israeli military has denied access to medical, humanitarian and relief convoys, attacked medical facilities and impeded access to medical services, all of which constitute violations of articles 16, 55, 56 and 59 of the Convention

As the occupying power, Israel has flouted many of the Convention's key principles, particularly the principles of distinction between combatants and civilians, necessity and proportionality in the use of force, humane treatment, non-discrimination, and special protection of women and children.

In addition to violating Security Council resolutions and the principle of the inadmissibility of the acquisition of territory by force, Israel, by building settlements in East Jerusalem and the West Bank, is also in breach of the Convention, which states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". The International Court of Justice confirmed this in its advisory opinion of 9 July 2004.[35]

Israel continues to breach article 27 of the Convention on guarding protected persons, such as children, from all acts of violence or threats. Several Israeli practices constitute breaches, including the continual and systematic discrimination affecting civilians who are not directly involved in the conduct of hostilities.[36] Between 2000 and 2014, the Israeli army, security forces and settlers killed 1,918 Palestinian children.[37] In this regard, an Israeli military prosecutor stated that the occupying authorities believe that every Palestinian child is a "potential terrorist".[38]

The Israeli military has also denied access to medical, humanitarian and relief convoys, attacked medical and humanitarian facilities and prohibited Palestinians from accessing medical services, all of which constitute violations of articles 16,[39] 55,[40] 56[41] and 59 of the Convention.[42] The 2009 raid by Israel on Turkish ships in the "Gaza Freedom Flotilla", which was headed to Gaza with 10,000 tons of humanitarian assistance, was another violation.[43]

The refusal of Israel to grant Palestinian refugees the right to return also breaches Customary International Law (Rule 132), which provides that "displaced persons have a right to voluntary return in safety to their homes as soon as the reasons for their displacement cease to exist". The rule applies to those who have been displaced, voluntarily or involuntarily, on account of conflict.

Israel violates articles 5, 27,[44] 31,[45] 32,[46] 37,[47] 70-73,[48] 76[49] and 78[50] through illegal practices such as torture, inhumane treatment and disregard for the judicial rights of detainees. In 1995, following its withdrawal from principal Palestinian cities in the West Bank, Israel transported all Palestinian political prisoners from the occupied territory to Israel, thus breaching article 76.[51]

Israeli violations of the Convention also extend to articles 23, 26, 33, 34, 49[52] and 53.[53] These include the collective punishments systematically employed by the Israeli army to increase pressure on inhabitants, the destruction of their possessions and

the eviction of many from their homes and land to clear the way for Jewish settlements, all of which are practices that constitute forced displacement. During 2016, 1,593 Palestinians were forcibly displaced as their homes in the West Bank and East Jerusalem were demolished by the Israeli authorities.[54] The blockade imposed by Israel on the Gaza Strip and its 1.9 million inhabitants since 2007, is one manifestation of the collective punishment of Palestinians.

Successive Israeli attacks on Gaza, most recently in 2014, have caused unprecedented levels of death and destruction and entailed grave violations of international humanitarian law. Those violations prompted the Human Rights Council to "dispatch an independent international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory".[55] The commission concluded that in some cases, violations of international humanitarian law committed by Israeli and Palestinian armed groups might amount to war crimes.[56] Previously, the 2009 report of the United Nations Fact-Finding Mission on the Gaza Conflict (the Goldstone Report) affirmed that

The collective punishments systematically employed by the Israeli army to increase pressure on inhabitants, the destruction of their possessions and the eviction of many from their homes and land are all practices that constitute forced displacement

**Box 4.5** It's time to admit it. Israeli policy is what it is: apartheid

"I used to be one of those people who took issue with the label of apartheid as applied to Israel. I was one of those people who could be counted on to argue that, while the country's settlement and occupation policies were anti-democratic and brutal and slow-dose suicidal, the word apartheid did not apply.

"I'm not one of those people any more. Not after the last few weeks.

"We are what we have created. We are what we do, and the injury we do in a thousand ways to millions of others. We are what we turn a blind eye to. Our Israel is what it has become: apartheid.

"Only under a system as warped as apartheid, does a government need to label and treat non-violence as terrorism.

"Years ago, in apartheid South Africa, Jews who loved their country and hated its policies took courageous roles in defeating with non-violence a regime of racism and denial of human rights.

"May we in Israel follow their example".

**Source:** Bradley Burston, "It's time to admit it. Israeli policy is what it is: apartheid", *Haaretz*, 17 August 2015. Available from http://www.haaretz.com/blogs/a-special-place-in-hell/1.671538.

Under the Rome Statute of the International Criminal Court, apartheid is a crime against humanity

Systematic practices of Israeli Governments against Palestinians prompted the Committee on the Elimination of Racial Discrimination to censure Israel several times in relation to violations of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination

Israel had breached international humanitarian law through its military operations and policies in Gaza, which could constitute war crimes.[57]

Given that impunity encourages recidivism and that the Israeli judiciary has done little to prosecute the perpetrators of violations of international humanitarian law, the international community should step in, pursuant to article 146 of the Convention,[58] to bring justice to the Palestinian victims. There are precedents for this: international mechanisms have been put in place to investigate war crimes and hold perpetrators accountable in several countries, including Sierra Leone and the former Yugoslavia, but no such measures have been taken in the case of Palestine.

## C. Fragmentation of the Palestinian people and the question of apartheid

Under the Rome Statute of the International Criminal Court, apartheid is a crime against humanity. The Statute states that "the crime of apartheid means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime". Acts referred to in paragraph 1 include "persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ... or other grounds that are universally recognized as impermissible under international law".[59]

Article 2 of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid provides that the crime of apartheid "shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa ... committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them".

Institutionalized and systematic practices of Israeli Governments against Palestinians prompted the Committee on the Elimination of Racial Discrimination to censure Israel several times in 2012[60] in relation to violations of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which stipulates that "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction".

Richard Falk, a former United Nations Special Rapporteur on Palestine, set out in his 2014 report the situation of human rights in the Palestinian territory

occupied since 1967, concluding that Israeli policies and practices "appear to constitute apartheid and segregation".[61] His predecessor, John Dugard, recommended in 2007 that the following question regarding Israel be referred to the International Court of Justice for its advisory opinion: "What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the occupying Power and third States?"[62] No action, however, has been taken in that regard.

Israeli discriminatory policies have created grave disparities between people, affecting all aspects of their lives. Due to Israeli laws and practices, the population of what was Mandate Palestine is de facto divided into the following four main categories:[63] Jewish Israeli citizens, non-Jewish Palestinians with Israeli citizenship, non-Jewish Palestinians residing in East Jerusalem, and non-Jewish Palestinians residing in the West Bank and Gaza. Some of the latter are also part of yet another group, which accounts for the majority of the Palestinian people: the more than 8 million refugees,[64] 5.4 million of whom are registered with UNRWA,[65] who are directly affected by Israeli policy on the right of return.

Setting aside its discriminatory nature and the violation of rights,

The former United Nations Special Rapporteur on Palestine concluded that Israeli policies and practices "appear to constitute apartheid and segregation"

Due to Israeli laws and practices, the population of what was Mandate Palestine is de facto divided into four main categories, which is a means to maintain the dominance of Jewish Israelis over the Palestinian people

**Box 4.6** Russell Tribunal on Palestine: Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid

"The Tribunal finds that Israel subjects the Palestinian people to an institutionalised regime of domination amounting to apartheid as defined under international law. This discriminatory regime manifests itself in varying intensity and forms against different categories of Palestinians depending on their location. The Palestinians living under colonial military rule in the Occupied Palestinian Territory are subject to a particularly aggravated form of apartheid. Palestinian citizens of Israel, while entitled to vote, are not part of the Jewish nation as defined by Israeli law and are therefore excluded from the benefits of Jewish nationality and subject to systematic discrimination across the broad spectrum of recognised human rights. Irrespective of such differences, the Tribunal concludes that Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid".

**Source:** Russell Tribunal on Palestine, Findings of the South African Session, Cape Town, paras. 5.44-5.45. Available from www.russelltribunalonpalestine.com/en/wp-content/uploads/2011/09/RToP-Cape-Town-full-findings2.pdf.

The issue of Palestinian refugees is mainly governed by two discriminatory Israeli policies: the first denies them the right to return to their homes, and the second authorizes the seizure of their property under the pretext that they are absentees

this policy of dividing Palestinians into various groups is also a means to maintain the dominance of Jewish Israelis over the Palestinian people. Fragmentation, however, is not the only cause of Palestinian suffering. Palestinians are subjected to discriminatory policies and practices that vary in scope and severity, aimed at securing the direct benefit and dominance of Jewish Israelis.

## 1. Palestinian refugees

The majority of Palestinian refugees, forced to leave their homes and villages in 1948, live in refugee camps in Gaza and the West Bank and in neighbouring countries. The issue of Palestinian refugees is mainly governed by two discriminatory Israeli policies. The first denies them the right to return to their homes, and the second authorizes the seizure of their property under the pretext that they are absentees. Israeli leaders do not deny that these two policies and others are designed to maintain the demographic predominance of the Jewish population in the territory of Mandate Palestine.

The 1950 Israeli Law of Return clearly states that "every Jew has the right to come ... as an oleh" (article 1). Following a 1970 amendment, the law granted the right to return to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew".[66]

Successive Israeli Governments have denied Palestinians the right to return, in flagrant violation of international law. The right of refugees to return home is enshrined in international humanitarian law and international human rights law. Palestinian refugees have a basic right to return to their country under the Universal Declaration of Human Rights[67] and the International Covenant on Civil and Political Rights.[68] It is an individual right that extends to each and every generation of Palestinians and that no political leadership, however legitimate, may deny.

The reasons usually given by Israel for denying Palestinians the right to return to their homes revolve around its concern that the country would overflow with millions of non-Jews, leading to the demise of the Jewish character of the State, and thus the Jewish State itself.[69] Such justification, however, is not devoid of racism and echoes the concept of the religious and ethnic purity of States, for which humanity has paid dearly in the past. It calls for denying a people a basic right solely because of its inconvenience to a regime seeking to ensure the dominance of one racial/religious group over another.

The Absentees' Property Law automatically passes all rights over absentee property to the State's Custodianship Council for Absentees' Property.[70] Close examination of the definition of "absentees" reveals that the Law primarily targets Palestinian

property or, more precisely, the property of non-Jewish residents in Mandate Palestine who were evicted or forcibly displaced, or of those living in other Arab countries or parts of Palestine controlled by Arab forces when the Law was passed.

Israel has used this Law, and others, to confiscate between 4,200 and 5,800 square kilometres[71] of "abandoned" land; the higher estimate is larger than the area of the West Bank. Around 95 per cent of settlements for Jewish Israelis and migrants were established between 1948 and 1953 on land seized pursuant to this Law,[72] highlighting the extent of dispossession endured by non-Jewish residents of Mandate Palestine.

The Absentees' Property (Compensation) Law (1973) further exacerbates the racial discrimination. It makes filing a claim to recover land confiscated under the Absentees Property Law almost impossible for non-residents of Israel, thus clearly excluding all Palestinian refugees.[73]

In 2009, the Knesset passed the Israel Land Administration Law, which authorizes the privatization of confiscated land belonging to Palestinian refugees[74] and thus completes the cycle of Palestinian dispossession.

Non-Jewish Palestinians are denied the right to return, their property is seized with no recourse for reclamation or compensation, while anyone of Jewish descent is allowed to migrate to, and live on and off the land confiscated from the Palestinians.

## 2. Non-Jewish Palestinians in the West Bank and Gaza

After Israel's "disengagement from Gaza" in 2005, it continued to constitute the occupying power for the Strip according to international law. With no Jewish Israeli settlers or soldiers present in Gaza after 2005, the whole area and its inhabitants have been subjected to consecutive military offensives and a total blockade since 2007.

In the West Bank, discrimination is manifested in two separate systems: a system for settlers illegally residing there that guarantees them the same rights enjoyed by other Israeli citizens, and a system of military rule established for Palestinians living under occupation.[75]

Under unjust and discriminatory Israeli policies, non-Jewish Palestinians in the West Bank and Gaza enjoy much fewer rights than those accorded to Jewish residents, settlers and even non-national visitors.

### a. The legal system

While settlers are subject largely to Israeli civil law, Palestinians who live under occupation are governed by grinding military laws. The Israeli High Court of Justice legitimizes this state of affairs on the grounds that

The right of Palestinian refugees to return home is an individual right that extends to each and every generation of Palestinians and that no political leadership, however legitimate, may deny

In the West Bank, discrimination is manifested in two separate systems: a system for settlers illegally residing there that guarantees them the same rights enjoyed by other Israeli citizens, and a system of military rule established for Palestinians living under occupation

### **Box 4.7** Gaza under siege

In June 2007, the Israeli Government declared the Gaza Strip a "hostile entity", taking as a pretext its takeover by the Hamas movement, and from that point on imposed a total blockade, prohibiting the movement of people and goods from and into the territory. That step represented a hitherto unheard of tightening of restrictions by the Israeli authorities, amounting to the collective punishment of about 2 million people, in violation of international humanitarian law. Subsequently, the economic, social and humanitarian situation there deteriorated in unprecedented fashion. Not only did the blockade prevent economic and social development, it also impeded rebuilding efforts in the wake of repeated military assaults, the last of which took place in 2014. As of early 2016, 75,000 Palestinians were still homeless, as they had been unable to rebuild their homes, destroyed during the Israeli offensive. Infrastructure, including the water supply system, sanitation and electricity, had all but collapsed, thereby worsening pollution and the state of people's health. The health sector has been crippled and education facilities are overwhelmed by the numbers of pupils. By the second quarter of 2016, unemployment had reached 41 per cent, leaving more than 80 per cent of the population reliant on humanitarian aid. Four out of every five families suffered food insecurity. In such circumstances, and as a result of the ongoing blockade and successive military operations, 84 per cent of Gazans say they have come to view suffering as a part of their lives. A third of the population complains of worsening physical and psychological health.

**Sources:** General Assembly, Seventy-first session, A/71/86-E/2016/13.

ESCWA and Birzeit University, A People in Danger: Effects on Health of the 2014 Israeli Offensive on the Gaza Strip (Beirut, ESCWA, 2016).

الجهاز المركزي للإحصاء الفلسطيني، مسح القوى العاملة، دورة (نيسان-حزيران)، الربع الثاني، تقرير صحفي لنتائج مسح القوى العاملة (رام الله، 2016)، http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_Ar_LFSQ22016A.pdf.

Different legal procedures and provisions apply to Palestinian and Israeli children for the same offence

it considers the settlements to be Israeli districts.[76]

The military court system does not ensure Palestinians the basic guarantees for a fair trial, including minimum standards of independence, clear evidentiary or procedural rules, the presumption of innocence or the duty to hear witnesses or examine all material evidence.[77] This infringes on the rights of the accused at all stages of the legal procedure, including judicial proceedings and sentencing in criminal cases, which are determined by the accused's national identity. Though this discrimination

affects all Palestinians, its impact is harshest on children: different legal procedures and provisions apply to Palestinian and Israeli children for the same offence.

Guarantees against arbitrary arrest and detention apply to Israeli settlers but not to Palestinians. In 99 per cent of cases, Palestinian detainees may not contact a lawyer until they have been interrogated, which can take weeks.[78] Israel's excessive utilization of administrative detention against Palestinians amounts to arbitrary detention, according to international human rights law.[79]

Palestinians suffer not only because of unjust laws, but by the manner in which they are applied. Since 2001, more than 800 complaints have been filed against the Israeli security services for torture during interrogation, but no criminal investigation has ever been launched.[80] Between 2007 and 2013, a minimum of 133 complaints were referred to the Public Committee Against Torture in Israel relating to physical violence against detainees in the occupied Palestinian territory, only two of which resulted in Israeli soldiers being charged with assault.[81]

More unjust and disturbing still is the way in which Israel reserves different treatment for Palestinian child detainees and Israeli children.[82] The torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the Israeli military and police has been documented.[83]

On 30 July 2015, the Knesset passed a law authorizing the force-feeding of detainees on hunger strike, a step that contravenes human rights standards and amounts to cruel, inhumane and degrading treatment even if administered for the benefit of hunger strikers.[84] The Israeli Medical Association maintains that force-feeding is tantamount to torture.[85]

Israel is also lenient with settlers who commit violent offences against Palestinians and their property,[86] even when they occur in broad daylight and the identity of the perpetrators is known. Settlers have been "allowed" to act with impunity by the authorities' failure to conduct full, impartial and independent investigations, even in murder cases. However, when Palestinians carry out acts of violence, Israel promptly and efficiently takes action, suggesting that the inadequacies in application of the law suffered by Palestinians are a result of deliberate policy.

In breach of their commitments under international human rights law, Israeli authorities violate Palestinians' right to express their opinions freely and object to their oppression. The Israeli army and security apparatus use excessive force to silence opposition and free speech, resulting in a pattern of unlawful killings and injuries, particularly among peaceful protesters.[87]

### b. Freedom of movement

Israeli law guarantees freedom of movement to Israelis and grants

Guarantees against arbitrary arrest and detention apply to Israeli settlers but not to Palestinians

Since 2001, more than 800 complaints have been filed against the Israeli security services for torture during interrogation, but no criminal investigation has ever been launched

Israel has built 65 kilometres of roads exclusively for settlers, known locally as "Jewish-only roads"

The Israeli Government revealed that it had revoked the residency status of 250,000 Palestinians in the West Bank and Gaza prior to the establishment of the Palestinian Authority in 1994

them unrestricted travel in the West Bank, except in Area A, which covers 18 per cent of the territory. In contrast, it imposes restrictions on the movement of Palestinians in most of the West Bank.[88]

To ensure freedom of movement for settlers, Israel applies a complex system of segregation between Palestinians and settlers, which is implemented where and whenever possible, and a set of orders and regulations that apply only to Palestinians. It has built 65 kilometres of roads exclusively for settlers and known locally as "Jewish-only roads".[89]

In 1997, the Israeli military commander of the West Bank issued an order declaring municipalities that include settlements as "closed military zones" off limits to Palestinians, even though they contain private Palestinian property. The order excludes all Israeli citizens and residents, Jews who have the right to migrate to Israel under the Law of Return and any non-resident individuals with a valid visa to enter Israel. Palestinians must thus deal with a complex set of bureaucratic procedures in order to move about on their own land and access their property.

The order also applies in the area between the Green Line and the wall (seam zone), of which Israel is continuing to build many parts within the occupied Palestinian territory, in defiance of the advisory opinion of the International Court of Justice. Of the 74 gates allowing passage through the wall, 52 are open only during the olive harvest between October and December.[90] Palestinians remain obliged to obtain a permit to travel between the West Bank and East Jerusalem. Discrimination in freedom of movement is most perceptible in the Hebron district, where the freedom of Palestinians to circulate is confined to only part of Hebron City. Palestinian traffic is banned from using most of the roads leading to the Israeli settlements and pedestrian movement is also prohibited in some areas of the city, including parts of what was once the main commercial artery.[91]

Moreover, Israel controls Palestinian access to areas outside the West Bank, especially the border crossings to Jordan. According to Palestinian statistics for the period between 13 June and 13 August 2014, 3,393 Palestinians were prevented from crossing the King Hussein Bridge to Jordan "for security reasons".[92]

### c. Residency

Israeli policy discriminates against Palestinians in matters of migration and residency, with the aim of reducing their numbers in the West Bank and increasing the number of Israelis living there. This is reflected in a number of practices and systems that make it difficult for Palestinians to live in the West Bank.[93] At the same time, successive Israeli policies have encouraged settlement expansion by offering incentives and benefits

to Israeli settlers.[94] Consequently, over the past decade, the population of West Bank settlements has grown three times faster than that of Israel.[95] By the end of 2013, 250 settlements had been established housing 580,000 settlers, 374,000 of them in the West Bank and more than 200,000 in East Jerusalem.[96]

Since 1967, Israel alone has determined the legal status of Palestinians residing in the occupied Palestinian territory. Under its discriminatory policies, Palestinians have been stripped of residency documents and thus deprived of their rights to reside in the West Bank, move freely within it, or return to it after travelling outside the territory. In June 2012, the Israeli Government revealed that it had revoked the residency status of 250,000 Palestinians in the West Bank and Gaza prior to the establishment of the Palestinian Authority in 1994.[97]

Since 2007, the Israeli authorities have considered Palestinians arriving in the West Bank from Gaza as illegal residents, unless they have a special permit from the Israeli military, which is issued only in exceptional and urgent humanitarian cases and under strict conditions. In April 2010, the Israeli military tightened residency restrictions for Palestinians in the West Bank, allowing soldiers to arrest and detain Palestinians found without a valid permit for infiltration, even those living in the West Bank. Given these new restrictions, tens of thousands of Palestinians in the West Bank have automatically been turned into offenders.[98]

### d. Zoning, urban planning and construction

Zoning and urban planning policies regulate construction in Area C of the West Bank, including the periphery of East Jerusalem.[99] Discriminatory policies adopted by Israel make it almost impossible for Palestinians to obtain building permits, while facilitating the building and expansion of settlements on Palestinian land.[100]

These policies have led to the creation of two communities in the West Bank: Palestinian cities and villages under Israeli military orders and, to a lesser extent, Jordanian law; and Jewish local and regional councils under Israeli law that enjoy various benefits and incentives.[101] Discrimination between Palestinians and Israelis is apparent in the legislative and institutional systems of the urban planning process, which encourage construction in settlements and freezes it in Palestinian cities and villages. Most settlements in the West Bank have detailed and up-to-date structural plans that facilitate their expansion through easily obtainable construction permits. However, construction in Palestinian villages has been practically frozen for four decades, blocking development.[102] Regulations on urban planning and the demolition of unlicensed buildings are strictly applied to Palestinians but not Israelis.[103]

In April 2010, the Israeli military tightened residency restrictions for Palestinians in the West Bank, allowing soldiers to arrest and detain Palestinian residents found without a valid permit

Discriminatory Israeli policies make it almost impossible for Palestinians to obtain building permits, while facilitating the building and expansion of settlements on Palestinian land

Israel essentially controls water resources in the West Bank and has adopted a discriminatory policy on water use and allocation

Israeli daily water consumption per capita is seven times greater than that of Palestinians

Israel has expropriated more than 37 per cent of land in East Jerusalem since 1967 and earmarked it for settlement building

Discrimination between Israelis and Palestinians in urban planning, at the legislative level and in practice, has encouraged the building of Israeli settlements and a construction freeze in Palestinian towns and villages.[104] The Israeli Government has classified 100 settlements in the West Bank as "level A" national priority areas, which makes them eligible to receive maximum government benefits.[105]

The implementation of zoning policies has limited areas available for Palestinian construction to only 18,000 dunums, or 0.5 per cent, of already densely populated land in Area C. Meanwhile, Israeli settlements have been given the green light by the Israeli authorities to launch construction projects covering around 26 per cent of Area C.[106]

e. Resource and service allocation

Palestinians in the West Bank, including East Jerusalem, are subject to numerous Israeli measures that flout the right of landowners to use, or even access, their property and obstruct access to resources, such as water, needed to work the land. Those restrictions are imposed under Israeli military orders designating areas as closed military zones, nature reserves, parks and buffer zones.

As a result, Palestinians' access to their natural resources, including marble, stone, building materials, and Dead Sea minerals and salts, remains restricted in Area C of the West Bank, while Israeli settlers and enterprises exploit them freely. Palestinian public and private investment is also forbidden in Area C.[107]

Israel essentially controls water resources in the West Bank and has adopted a discriminatory policy on water use and allocation. Israeli daily water consumption per capita is seven times greater than that of Palestinians.[108] The absence of water supply networks in more than 70 Palestinian communities in Area C obliges residents to purchase water at exorbitant rates. This has resulted in the reduction of daily per capita consumption by Palestinians to 20 litres – one-fifth of the minimum level of 100 litres set by the World Health Organization.

## 3. Non-Jewish Palestinian residents of East Jerusalem

Non-Jewish Palestinian residents of East Jerusalem enjoy relatively more rights, facilities and services than Palestinians in the rest of the West Bank and in Gaza, but still suffer discrimination and inequality compared with Jewish residents under the so-called "demographic balance" policy pursued by Israel to ensure a Jewish majority in the city.

Israel has expropriated more than 37 per cent of land in East Jerusalem since 1967 and earmarked it for settlement building. Only 13 per cent of land in the city is allocated for Palestinian construction, while

23 per cent is reserved for public use including green spaces, and 27 per cent comes under the Jerusalem 2000 Master Plan that can be assigned at any time for public use.[109] Palestinians face various obstacles when registering land they own in East Jerusalem.[110] Given the near impossibility for Palestinians of obtaining construction permits in East Jerusalem, many are forced to build without licenses to meet their housing needs, resulting in what Israel describes as illegal construction.[111] Estimates show that 33 per cent of Palestinian buildings in East Jerusalem have been erected without permits and are therefore potentially subject to demolition orders, a vulnerability that is used by the Israeli authorities security apparatuses to control the Palestinian population in the city. The ability of Palestinians to reside in houses they have built and on land they have inherited now depends on the occupying power overlooking violations by Palestinians of a law that it has imposed on them. Around 93,000 Palestinians in Jerusalem live in constant fear of having their homes demolished.[112]

The destruction of unlicensed homes and other property has become a tool for expelling Palestinians from East Jerusalem. They have to choose between erecting buildings or building extensions without a licence, thereby risking demolition, or living in overcrowded houses. This seems to be designed to push them into abandoning their densely populated houses and neighbourhoods and to leave Jerusalem.[113]

Although Israeli law grants Palestinian residents in Jerusalem access to all services provided by the municipality and other Israeli authorities, they continue to suffer from neglect. Municipal services such as rubbish collection, road repaving and lighting in their neighbourhoods are not up to the standard of those in Israeli neighbourhoods. There is also a dire shortage of public buildings and utilities, including schools, nurseries and sports fields, and a lack of industrial and commercial areas and social and cultural institutions.[114]

Unlike Israelis, Palestinians in Jerusalem are denied the opportunity to express their political views. Israeli law imposes fines or prison sentences on those who display Palestinian political symbols or express opposition to Israel. Evidence is growing of questionable, or even criminal, treatment by Israeli police officers of Palestinians in East Jerusalem.[115]

Residency rights in East Jerusalem are limited to Palestinians who were registered as residents within the municipal boundaries of the city before its occupation in 1967. They are, however, classified as "foreigners", which threatens their legal status as permanent residents, especially given the strict residency laws. By virtue of such laws and pretexts, Israel has

The destruction of unlicensed homes has become a tool for expelling Palestinians from East Jerusalem

Israel has expelled around 14,500 Palestinians from East Jerusalem since 1967

In 2012, the Committee on the Elimination of Racial Discrimination expressed concern that Israeli society maintained Jewish and non-Jewish sectors, with different rights and obligations

Institutional discrimination against non-Jewish Israeli citizens is reflected in more than 50 laws

Several laws condition social and economic benefits on completion of military service, thus excluding citizens who are not required to perform military service, including most Palestinian citizens of Israel

expelled around 14,500 Palestinians from East Jerusalem since 1967.[116]

## 4. Non-Jewish Palestinian citizens of Israel

Non-Jewish Palestinian citizens of Israel face institutional and social discrimination. In its review of Israel in 2012, the Committee on the Elimination of Racial Discrimination expressed growing concern that Israeli society maintained Jewish and non-Jewish sectors, with different rights and obligations, raising issues under article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.[117]

Palestinian citizens of Israel who marry people from the occupied Palestinian territory may not pass on Israeli citizenship to their children, thus depriving many of them of access to certain public services and social benefits.[118]

Institutional discrimination against non-Jewish Israeli citizens is reflected in more than 50 laws,[119] of which the Committee highlighted the following:[120]

- Israel Land Administration Law (2009): eliminates restrictions on selling land owned by non-Jewish Palestinians with Israeli citizenship who were displaced during previous wars but remained in Israel. The law allows for the exchange of land between the State and the Jewish National Fund, thus making it easier for Jewish settlers to acquire Palestinian-owned land.[121] The number of internally displaced Palestinians in Israel is estimated at around 250,000, of whom 70,000 to 100,000 reside in so-called "unrecognized villages";[122]
- 2010 Amendment to the Land Ordinance (1943): affirms State ownership of seized land (Acquisition for Public Purposes), even if not used for public purposes. The law was used to confiscate land owned by non-Jewish Palestinians, while the amendment aimed to prevent Palestinian landowners from filing lawsuits to recover their land;
- Admissions Committees Law (2011): grants Israeli committees full discretion to accept or reject applications to live in "community towns" built on State land. Pursuant to this law, committees may reject candidates considered "not suitable for the social life in the community" or those who lack "compatibility with the social-cultural fabric of the community town".[123] This law has been used to block non-Jewish citizens from living in these towns;
- Citizenship and Entry into Israel Law (2003): bans, with rare exceptions, family reunification of Israeli citizens with spouses who are residents of areas under the control of the Palestinian Authority, including the West Bank and the Gaza Strip, and of a number of other countries;
- Amendment No. 40 (2011) to the Budget Foundations Law: Known to some as the Nakba Law,[124] it aims to suppress all entities that

reject the "existence of Israel as a Jewish and democratic State" or that commemorate Israeli "Independence Day or the day of the establishment of the State as a day of mourning", by allowing the Minister of Finance to reduce the sums earmarked for transfer from the State to those entities;[125]

- Amendment No. 12 (2002) to the Law of Political Parties: prohibits the registration of parties that "deny the existence of the State of Israel as a Jewish and democratic State".[126]

Several laws condition social and economic benefits on completion of military service, thus excluding citizens who are not required to perform military service, including most non-Jewish Palestinian citizens of Israel.[127]

Numerous bills still under consideration by the Knesset contain segregationist and discriminatory aspects with regard to non-Jews, including Palestinian citizens of Israel. Among them are the "Israel as the Nation-State of the Jewish People" bill, which, if passed, would give constitutional underpinning to any laws, regulations and practices that discriminate on the basis of religion or race against non-Jews in general and against Palestinian citizens of Israel in particular.[128]

Another bill aims to exempt young families from paying value added tax on their first home, if the buyers have completed their military service, thereby discriminating against Palestinian citizens of Israel, who usually do not perform military service.[129]

The oppression and discrimination faced by Palestinian citizens of Israel extend beyond laws and Government regulations to include the antagonistic behaviour of Israeli society towards them, exacerbated by the practices of public institutions.

Palestinians are subjected to a vast array of abuse, ranging from verbal harassment and intimidation to life-threatening physical harm. Such practices reached new heights in 2014, with increases in cases of incitement and assault against Palestinian communities in Israel. The phenomenon was aggravated by the conduct of the Israeli Government, which vacillated between indifference, leaving Palestinians to fend for themselves against social violence, and cracking down on any attempt by Palestinians to resist the violence. The Israeli authorities arrested 1,500 demonstrators, almost all Palestinian, during the 2014 Israeli offensive in Gaza.[130] Freedom of thought and expression for Palestinians has been seriously eroded.[131]

State-backed discrimination against Palestinians is broadening the socioeconomic gap between Jewish and Palestinian communities.[132] Jewish candidates are favoured to fill private sector jobs and the Palestinian population is under-represented in the civil service, especially in decision-making positions.[133] The

Numerous bills still under consideration by the Knesset contain discriminatory aspects with regard to non-Jews, including Palestinian citizens of Israel

Among them are the "Israel as the Nation-State of the Jewish People" bill, which, if passed, would give constitutional underpinning to any laws, regulations and practices that discriminate on the basis of religion or race against non-Jews

most blatant manifestation of discrimination is reflected in the vastly wider availability of air raid shelters to Jewish than to non-Jewish citizens, due to the smaller budgets allocated to Palestinian villages and cities compared with their Jewish counterparts. Thus, survival in the event of an air raid has become preconditioned on differences in religion, race and language.[134]

If the colonial division of the region represented an injustice for all Arabs, then that was doubly so for the Palestinians, who were deprived even of the land due to them after such division

*Palestinians are among the most oppressed people in the world. To shed light on the injustices they suffer is to shed light on structural flaws in the regional political order that precipitated them. It was unjust for an entire region after World War I to be invaded, fragmented and then parcelled up among the victors. It was also unjust to make such fragmentation permanent by forcing the people of the region to accept the colonially imposed entities as a prerequisite for international recognition and independence. Palestinians share this history with the rest of the Arab region; however, the injustice they suffered was compounded when the colonial invaders decided to hand their share of the region's fragments to yet another group of colonial invaders, who then drove Palestinians out of their homeland and made them stateless. If the colonial division of the region represented an injustice for all Arabs, then that was doubly so for the Palestinians, who were deprived even of the land due to them after such division. Their cause turns on questions of the justness and sustainability of the regional political order as a whole.*

Had it not been for occupation and expulsion, Palestinians would not have to endure injustices outside Palestine as well

*With the League of Nations mandates, Palestinians, like other Arabs, were promised modern a secular State to succeed the Islamic Ottoman Empire. Instead, a resolutely Jewish State was established on their land, leading to their persecution and expulsion simply for not being Jewish. Once driven off their land, there was no place for them under the colonial partition of the region. As refugees, their very existence brought the legitimacy of the new regional order into question and threatened its existence, just as that regional order, by its very existence, threatened theirs.*

*This chapter has focused on the injustice suffered by the Palestinians at the hands of the Israeli authorities, because it is the root cause of the oppression they face outside Palestine as well. Nevertheless, those who oppress Palestinians abroad are not exempt from responsibility. The atrocities Palestinians endured in Sabra, Shatila, Tel al-Zaatar and Yarmouk, the hardships they suffered in Iraq after 2003,*

*and every hour spent at border crossings and in airports are all forms of injustice exercised by non-Israelis against Palestinians; however, had it not been for occupation and expulsion, Palestinians would not have to endure such injustices.*

*What Palestinians have been subjected to for almost a century is in fact a process of physical and moral erasure. If the international community allows this erasure in Palestine, it will happen again elsewhere, making it acceptable for one people to erase another if it has the will and power to do so. Rights and justice must therefore be restored in Palestine, not only for the sake of the Palestinians, but also for the credibility of the entire international system. To legitimize crime is to forgo the rule of law, and without international law there is no international "community".*

*Accepting the establishment of a State based on ethnic or religious purity endangers the region. Such a concept foments extremism, leads to tragedies, and could result in the outbreak of religious wars.*

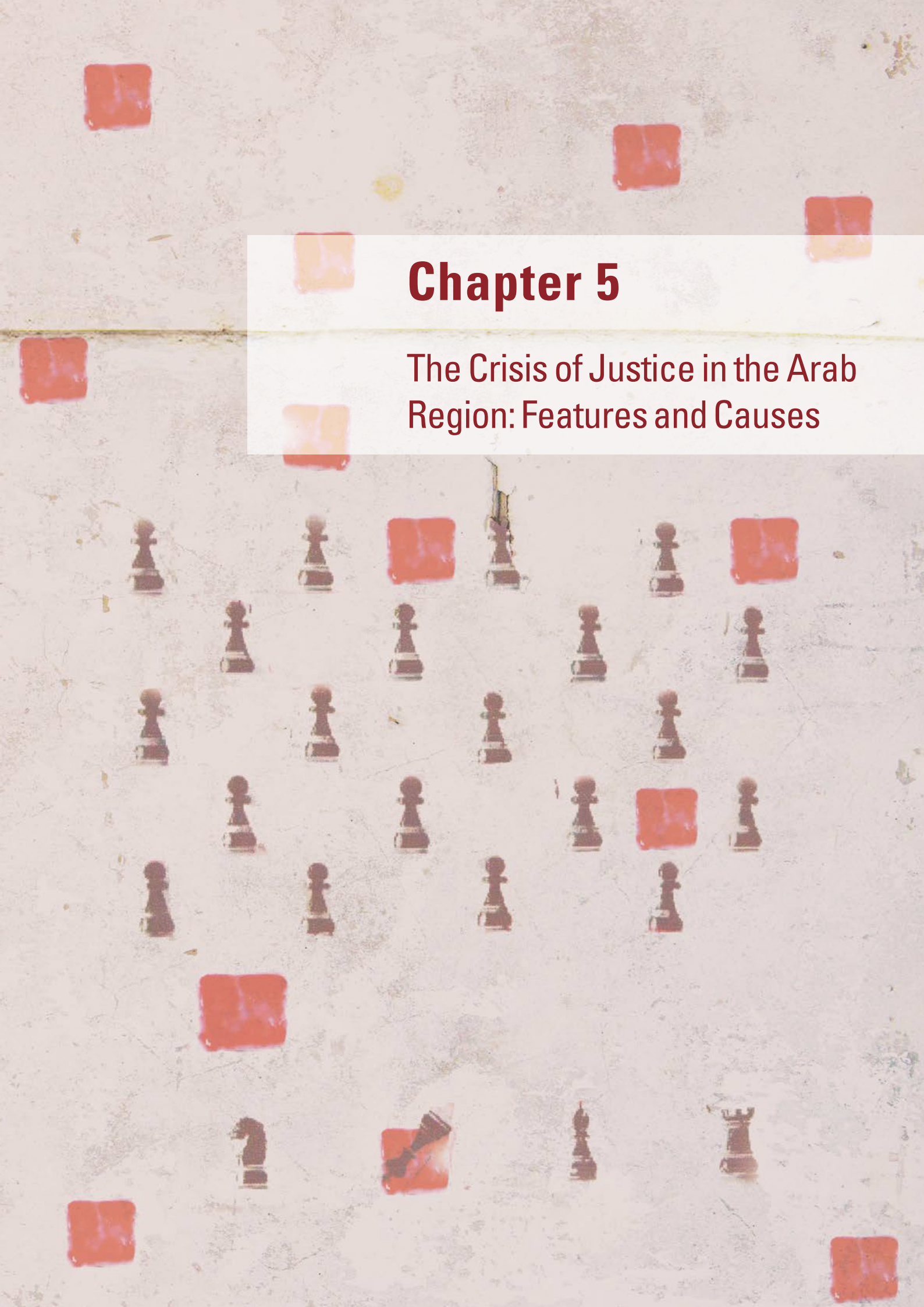
*The failure of Israel to comply with international law and treaties makes talk of peace and justice more like an attempt to convince the oppressed to live with oppression rather than endeavour to end it.*

*The injustice to which Palestinians are subjected will not last, not only because their cause is just, but also because they refuse to relinquish their rights and struggle tirelessly to restore them. History shows that racist and oppressive regimes are destined to collapse. The world has become much more aware of the Palestinian cause, and this awareness is becoming brighter and more effective. From one continent to another, solidarity movements are achieving more and more by exerting pressure on the Israeli regime of discrimination and segregation.*

Accepting the establishment of a State based on ethnic or religious purity foments extremism, leads to tragedies, and could result in the outbreak of religious wars

# Chapter 5

## The Crisis of Justice in the Arab Region: Features and Causes



"Land of the truncheon and bare shoulder,
Where fear is a cloud
That hovers above everyone
And still, it trembles!"

***Murid Barghouti***

# 5. The Crisis of Justice in the Arab Region: Features and Causes

The absence of justice in the Arab region is most glaring in the economic and social prejudice perpetrated against individuals, groups and peoples; prejudice which narrows opportunities, infringes on rights and affects the most basic conditions for a decent life.

This chapter seeks to explore the root causes of this lack of justice, largely due to a colonial legacy which has undermined the very legitimacy of the State; to ruling elites so inhabited by fear of popular revolutions or external plots leading to their downfall that they can only rule with repression; to forms of political discourse that deliberately distort religious and secular culture to instill in people acceptance of poverty and subjugation. The chapter examines what it is in Arab States that undermines justice, focusing on political instruments and security mechanisms used and abused by Governments, leading to various forms of injustice. It also looks at the inadequate role of the State in development, leading to precarious levels of economic and social well-being, far below what could have been achieved with the available wealth and human resources. Consequently/instead, the vast majority of the population remains deprived of the basic elements of a dignified and productive life.

## A. Reasons for the absence of justice and exacerbating factors

The Arab region is witnessing a classic case of settler colonialism in Palestine. It was the first region in the twenty-first century to live through a situation of formal occupation in Iraq. It was under classic colonialism that the region's borders were drawn, its bureaucracies created and its dependent economies founded. Therefore, particular importance is given to the post-colonial approach in this report, specifically in analysing the political manifestations of injustice.

### 1. The impact of colonialism on the formation of the Arab State and its functions[1]

Many Arab States were established by or under the influence of European colonialism, which drew up their borders, built their administrative apparatuses and shaped the core of their internal security and military forces. These States were economically dependent on their

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respective colonial powers, resulting in the formation of social classes and elites whose economic interests met those of the colonizer. These States also had had their borders drawn by colonial powers in such a way as to guarantee relative resource poverty and military vulnerability, rendering the already economically dependent ruling elites politically dependent on the colonial powers or their successors as well. Thus, colonial powers managed to instill a structural weakness that enabled them to control the State's post-independence trajectory. Structural economic dependence and military vulnerability were the preconditions for formal independence. They bred ruling social elites whose very survival depended upon successfully safeguarding the interests of the colonial powers, rather than meeting their people's aspirations for true independence. With ruling elites positioning themselves against the economic and political interests of the majority of their own people, the only avenue open to them was to pursue policies of repression and/or cooptation to survive.

Just as the colonial powers drew up national borders and established economic relations in such a manner as to guarantee the national ruling elite's dependence, they also established repressive legal structures to protect such arrangements from popular resistance. Instead of abolishing those laws, the local elites who inherited power not only maintained them in place but also broadened their scope. For example, successive Governments in Egypt from 1924 onwards failed to rescind the political associations law promulgated under British colonial rule until 1952, when it was only replaced by similar laws such as the emergency law, the terrorism law and the protest law.

European colonial powers imposed treaties that granted them permanent influence over Arab economic and political affairs.[2] In Egypt, for example, the 1840 Treaty of London and subsequent measures imposed the gradual privatization of agricultural land in the country on Muhammad Ali and his successors. The process culminated, after Great Britain occupied the country, with the privatization by the British administration of the Khedive Ismail's estates, representing half of Egypt's farm land.[3] This led to the rise of a class of small- and medium-sized landowners who deposited their earnings from farming in European banks, consequently making this class ever more dependent upon Europe, rather than on Cairo or Istanbul. The pashas who ruled the country in the inter-war period all came from this class.

During the colonial period, modern schools were established mainly to produce graduates able to both administer the affairs of State and work with foreign companies. A new class of educated urban youth started to compete with foreign bureaucrats in the administration and with foreign merchants in the market.[4]

This class actually sought to replace the foreigners in the administration and the economy, but not to change the situation of dependency that governed the relation of the administration and the economy with Europe. The recruitment of local youth to the administration did thus not lead to any change in its structure, nor did their preoccupation with commerce affect the structure of foreign trade relations.[5]

Since security was a key goal of the colonial powers in this strategic region, they laid the foundations for an administrative and security apparatus that would either repress or contain the people and secure their loyalty: those who worked in such apparatuses stood to lose a great deal should they rebel against their raison d'être. Around these security institutions, armies, police forces, or armies designed to function mainly as police forces, nation-State identities were created in an attempt to lend them legitimacy in the eyes of the people.

Thus the colonial powers in the Arab region had, by the end of the Second World War, given birth to an elite ready to lead the State they had themselves created and to play the role of intermediary between the invaded and invader, promising the former independence and the latter the preservation of its vital interests. This elite was meant to reconcile the opposing sides by forging a kind of independence that would consolidate rather than challenge colonial interests, securing such foreign interests with native hands, making independence itself a continuation of the colonial relation. The newly independent State merely followed in the footsteps of the former colony as such dependence was the pre-condition and guarantee of its formal "independence".

After the Second World War, the traditional relationship between the governing elite and the previous colonial power underwent a transformation, albeit slight and temporary, with the rise of national liberation movements during the cold war. Direct colonial pressure subsided in many Arab States with the eclipse of Britain and France as great powers and the emerging rivalry between their two successors, the Soviet Union and the United States of America. But the margin of freedom this afforded was soon dissipated, when relations between each Arab Government and its patron super-Power came to resemble the pattern of relations under the former colonial powers. The two super-powers exerted control over the trajectory of the 'independent' Arab State, its internal power structure and its policies. The Arab State was now held hostage to the degree of discord or agreement between Moscow and Washington.

This situation has given rise to structural tensions between the State and society. A State that is dependent on, and therefore constrained and held hostage to, the interests of a foreign partner necessarily feels

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threatened by marginalized groups of society that do not benefit from such a relationship, and are therefore free from its constraints. In such cases, the marginalized are free, precisely because they are marginalized. The freedom of having nothing to lose makes such groups a source of danger in the eyes of the elite. The State and its security apparatus are then put to use in order to repress such groups and protect the political and socioeconomic order.

Under such a constant sense of threat, the State deliberately sets about violating human rights and acts to split up groups of marginalized persons along the lines of their different racial, ethnic and religious affiliations. Such a State cannot be democratic, since democracy presupposes the subordination of elites by law to the will of the majority, and the primacy of the people's interests above those of external parties in foreign relations. As long as the interests of the elites are linked to foreign interests, the participation of the marginalized in government will remain a threat, and no effort will be spared to prevent it.

The outcome of this situation is great injustice, whereby a State is tyrannical towards its citizens, but indulgent in its dealings with the forces of imperialism. Military weakness deepens the fear that pervades the ruling elite, so that the security and military relationship with foreign powers provides a guarantee of personal safety for many of its members. They consequently offer the foreign power obedience and demand the same from within, making heavy-handed repression of any local protest movement a necessity for survival.

Arab Governments may have been bound by their foreign ties, but not so the Arab peoples. Since the beginning of the nineteenth century and until today, the Arab peoples continuously struggled for their independence, various resistance movements emerged, inspired by religious beliefs and by nationalism and socialism. The countless examples include: the resistance of Emir Abdelkader al-Djezairi to the French in Algeria, Emir Abd al-Karim al-Khattabi to the French and Spanish in Algeria and Morocco, Omar al-Mukhtar to the Italians in Libya and Izz ad-Din al-Qassam to the British and the Zionist militias in Palestine; the revolutions in Egypt (1919), Iraq (1920), Syria (1925) and, again, Palestine (1936); and the wars of independence in Tunisia (1950-1954) and Algeria (1954-1962). The revolutions of 2011 were but another episode along the way in the long struggle of the region's peoples for freedom and true independence.

## 2. Fear in the halls of power and repression from abroad

In the absence of legitimacy derived from the will of the people, the ruling elites lived in a state of apprehension that drove them to excessive measures of repression aimed at aborting even the slightest hint of rebellion.

Their fear of potential revolution grew commensurately as legitimacy weakened in the light of their feeble performance record, which is traced back to the structural weakness of the colonially created State. These States failed to offer their peoples an effective collective consciousness, a shared achievable goal or a sense of security and confidence in the future. With little credibility, they failed to represent broad national interests, to establish democracy and the rule of law as a solid framework within which to cultivate the notion of citizenship, or to transcend the myriad traditional localized loyalties and transform them into loyalty to the State and the Law.[6]

In a vicious cycle, dependency eroded legitimacy and eroded legitimacy increased dependency. Ruling elites that isolated themselves from their peoples became increasingly subordinate to external powers and their dictates. This remained true during the cold war: direct foreign intervention in the region was more often than not motivated by oil, the protection of Israel and combatting communism.[7] As has been the case in other areas of the world, such as Latin America, military and financial support was given to authoritarian regimes whose interests matched those of the intervening foreign power.

However, all the region's countries, not only those allied with the United States, suffered from authoritarianism influenced by the nature of their relationships with global powers, a relationship shaped by the particular security interests of the latter.[8]

Elites allied with imperialist powers oppressed their peoples, fearful of their drive for independence and revolution, while Governments that were hostile to the forces of imperialism were as oppressive out of fear of intrigues and coups that might be directed at them by those forces of imperialism. Fear dominated the ruler who collaborated with imperialism and the one who resisted it. No Arab peoples were able to enjoy real democracy and security during the cold war.

Attempts to resist foreign interference led to responses that remain etched in people's memories. Among them, the tripartite assault on Egypt in 1956 in the wake of the nationalization of the Suez Canal[9] and the cancellation of foreign funding for the Aswan High Dam project after Egypt had secured the import of Soviet weapons via Czechoslovakia and recognized communist China.

There were similar responses in neighbouring countries too, such as the 1953 overthrow of Iranian Prime Minister Mohammed Mossadegh, whose Government had a popular democratic leaning, after its decision to nationalize the British-owned Anglo-Iranian Oil Company. He was overthrown in a coup orchestrated by American intelligence agencies that feared losing control over the country's oil resources and

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deepening Soviet inroads in the region.[10] A variety of methods was employed: countless demonstrations instigated by American agencies; smear campaigns; rumours that army officers might stage a coup; bribery of tribes; appeals by opposition figures in the Majlis (parliament); chaos in the streets; incitement to violence; and attacks against government offices and buildings of pro-Mossadegh newspapers and political parties.[11]

The 1949 coup against Syrian president Shukri al-Quwatli was motivated by his lack of enthusiasm for construction of the American-backed Trans-Arabian Pipeline (Tapline) and its passage through Syrian territory. Foreign intelligence agencies planned the coup, led by Hosni al-Zaim, against him.[12] It was followed by 55 military coups in the Syrian Arab Republic between September 1961 and September 1969 alone,[13] leading some to conclude that intrigues and covert activities by Arab and foreign States undermined Syrian sovereignty between 1949 and 1957.[14] Many indicators lend credence to such an analysis, such as the recurrent if sporadic French interventions in Tunisia and Morocco, and coups in the Sudan.[15] The recent past also offers examples consistent with this pattern, such as support by the French Government for the continuation in power of the authoritarian regime of Zine el-Abidine Ben Ali in Tunisia, notwithstanding the aspirations of the Tunisian people, during the early days of the 2011 Arab uprisings. One analyst described the scene: "As mainly Muslim crowds called for liberty and equality, France had its own interpretation of the compatibility of democracy with Islam, offering Ben Ali's failing regime 'the expert assistance of our security forces'".[16] It goes without saying that these are just some examples of foreign intervention in the region.

The overwhelming sense of internal and external insecurity pushed ruling elites into authoritarian suppression, clamping down on the population. They resorted to methods similar to those of the former colonial powers, manipulating institutions, the police and security apparatus, and tampering with elections. In some Arab countries, the elites in place immediately following the period of colonial rule were ousted by the military, who in some cases tried to break free from foreign dependency. However, most of the new regimes abolished electoral democracy out of fear of internal conflicts and foreign interference. One-party regimes, naturally prone to corruption and abuse of power, proliferated.

The situation in the petrol-rich Gulf States is different. They have adopted strategies of internal containment, exemplified in their policy of securing legitimacy and wielding authority over their people through economic prosperity and social welfare.[17] In terms of foreign policy, with few exceptions, they have striven to bind their interests to those of foreign

States and adopted successive military and investment strategies to underwrite their protection.[18] Shrinking oil revenues, cutbacks in public assistance and shakeups in social welfare gave rise to protest demonstrations in some countries, albeit sporadic and on a limited scale prior to 2011.[19]

## 3. Promoting religious and secular complacency

There is nothing new about resorting to cultural distortion as a means of persuading people to accept and live with tyranny. Concepts such as destiny, divine wisdom, natural law, competition and the survival of the fittest have long been used to justify oppression.

Throughout history, people have known various forms of government, some of them based on ideas of divine right, others on arguments pertaining to human nature and natural law. In the first category, faith is used in one of two contradictory ways: either to urge contentment with one's lot, however unjust, in the expectation of justice in the afterlife; or to call for resistance to injustice and rebellion against it, with human justice seen as a reflection of divine justice.

In the second category, laws spring from reason, and reason springs from nature (as in human nature) or from human observance of nature (as in the deduction of moral laws from observing natural phenomena). Nonetheless, natural laws can be used to sanction either tyranny or opposition to it. Injustice can be legitimized by attributing it to natural differences in abilities. This produces arguments such as "the survival of the fittest" and results in the assertion that human nature, like existence itself, is not necessarily moral or compassionate.

The alternate view sees humans as molding nature and capable of imposing on it their ideas of compassion or morality. Resistance to tyranny and compensating for differences in natural abilities thus provide a path to survival and progress.

The concepts of divine will and natural law can also be used to perpetuate the rule of oppressive regimes on the pretext that any change would breach the divine or natural order. Equally, they can be used to reject the status quo and demand change and development. Using either of these concepts to justify oppressive systems is hereby referred to as the distortion of religious and secular cultures.

Regimes in the Arab region resort to such distorted concepts of divine will or human nature to reinforce a culture of acquiescence to the status quo. Their political goal is to convince the masses that inequality between people is either divine or natural or both, which in turn justifies disparities in opportunities, be they moral or material, and that resisting such disparities is therefore either sinful or deviant.

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### Box 5.1 Al-Kawakabi: tyranny upends truth in the mind

Sensible readers […] studying the nature of despotism may wonder how despotism manages to turn truth on its head, but if they were to look into the matter they would see that tyranny upends truth in the mind. They would see how emperors and kings of old manipulated religion to support their despotism, and how people followed them. They would see that people installed governments to serve them, and observe how despotism turned the tables and put the people in the service of the governments — and how people were happy to be persuaded that this was as it should be. Tyranny uses the power of the people — that is, the power of the government, — against rather than in the people's interests. Yet they submit to this and give their consent. They would see also that people swallow what the despot feeds them: if you demand your rights, you are depraved; if you give them up, you are loyal; if you complain of being wronged, you are corrupt; if you have an inquiring mind, you are an atheist; if you are a miserable idler, you are righteous and trustworthy. People have followed the despots, labelling counsel as effrontery, zeal as enmity, magnanimity as insolence, fervour as dim-wittedness, compassion as disease. They line up behind them in equating duplicity with astuteness, deviousness with decency, vileness with kindness, and depravity with gentleness.

**Source:** عبد الرحمن الكواكبي (2011). طبائع الاستبداد ومصارع الاستعباد. القاهرة: كلمات عربية للترجمة والنشر، ص. 66.

Out of their mere will to survive, people eventually rebel against exploitative economic regimes and against tyrannical regimes, notwithstanding efforts to convince them that to depose their ruler is to fly in the face of destiny and divine will

The distortion of the peoples' perception of divine will and natural law is designed to affect their perception of human nature and what constitutes normal behaviour. When a person protests at injustice, the proponents of such distortion call upon the multitude to dismiss his or her moral stand as abnormal, unnatural or ungodly, a meaningless subjective individual phenomenon of dangerous consequences.

For a while it worked. Nonetheless, such distortive discourse alone could not suppress the consequences of political marginalization and economic deprivation for long. Out of their mere will to survive, people eventually rebel against exploitative economic regimes, however much their beneficiaries attempt to persuade them that exploitation is an attribute of the market and natural competition, and against tyrannical regimes, notwithstanding efforts to convince them that to depose their ruler is to fly in the face of destiny and divine will. In 2011, the Arab peoples revolted, paying no heed to either discourse. Arab Governments, however, remained impassive,

risking a future more violent than their present or past.

## B. Attributes of the unjust Arab State

Among the most important factors underlying injustice in the Arab region are the concentration of power in the hands of a few, the emergence of networks of people from security apparatuses with intertwined interests that act as 'a State within the State', and the predominance of revenues from oil, foreign aid and remittances in the makeup of the political economy.[20] Often the dependence on external revenues, and especially foreign aid from the powers that wield influence in the region, undermines the independence of political and economic decision-making in recipient countries. Researchers link foreign revenues to the concept of "strategic rents", tantamount to financial allocations from superpowers with strategic interests in the region, that are aimed at preserving the loyalty of the concerned regime and maintaining it in power.[21]

### 1. Marginalization of the public interest and erosion of institutions

Most Arab States have consolidated unjust institutional structures hostile to reform.[22] The lack of reform in turn exacerbates the development deficit, thereby deepening poverty and provoking a growing cycle of protests at the inability of authoritarian regimes to meet the needs of the gamut of demographic and social groups.[23] This development deficit aggravates the sense such regimes have of the fragility of their position, which they try to bolster through coercion, entrenching oppression and injustice, and effectively hijacking the State.[24] Such "grand corruption"[25] entails shaping the rules of the game and the institutions of the State for the benefit of the ruling elite rather than for the public good.

Many scholars link repressive regimes that do not represent the interests of their people with economic injustice and corruption.[26] Corruption is both a reason for and a consequence of the desire of the elites to remain in power in order to enrich themselves, their families and friends. To remain in power, they institutionalize oppression and suppress any attempts at building fair, flexible and effective institutions. The ruler relies on foreign political and military support, and creates overgrown, inflexible and ineffective government bodies. All these circumstances spark the flames of anger and resentment and lead to strife, violent protests and armed conflict.[27]

### 2. Concentration of power in the hands of the ruler

Since the 1950s, Arab States have been ruled by powerful individuals presenting themselves as national unifiers whose main goal is to deliver

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their people from under-development by rolling out education and social welfare programmes, and who consider themselves "powerful agents of history… with time on their side".[28] Such regimes "depend for their survival on the time factor, resorting in the early period of their rule to appeasement, or, failing that, repression. They work to change people's cultural outlook to accept things as they are, betting that submission will come with time".[29] The dealings of their leaders, forever suspicious of the other's intentions and seeing enemies everywhere, were tinged with secrecy. They sought to secure their authority with an iron fist, never hesitating to use murder, imprisonment and torture against their rivals and opponents among the members of organizations they viewed as dangerous.[30]

The colonial legacy is not the only reason for the absence of justice in Arab countries, but colonialism left behind it a variety of sources of power and an entire cadre of ambitious and power-hungry politicians with connections to the army, tribes, and sometimes to influential foreign embassies — leaving rulers constantly on the lookout and fearful of plots against them. Such concerns compounded the difficulty of governing in the Arab region, due to events such as riots, armed assaults and political assassinations.[31] Rulers also saw danger in ideas and ideologies hostile to authoritarian rule, a danger that must be dealt with preemptively. Most Arab States see the danger posed to the internal stability of their regimes by ideological and political factors as being even greater than external material threats assessed on the basis of overall strength of forces, geographic proximity or offensive capability.[32]

In such circumstances, Arab rulers aimed to achieve influence and power sufficient to protect themselves from real or potential rivals, military or civilian. They had nothing to guide them apart from the colonial experience itself or the institutions of the former Soviet Union, with large and intrusive security agencies and ministries of planning in both cases. They tended to concentrate power in the hands of a few, personalizing it to the point of blurring the boundaries between the State and their own individual power.[33] Heads of State surrounded themselves with trusted individuals in inflated administrative entities and tangled arrays of security agencies. They created one-party Governments with the sole aim of mobilizing popular support and acting as the eyes and ears of the regime in society. "The people were subordinated to the State, the State to the party, and the party itself to the single ruler who was himself either responsible for its creation or who had become its master".[34] Keeping this whole process alive required resources. Some attribute the survival of authoritarian regimes to their financial capacity, derived from rentier revenues (oil income, remittances and/or foreign aid) and high levels of international support, as well as to their capacity

**Box 5.2** Despotic regimes attract only the few while institutionalizing violence against the majority

Security sector reform in Arab States has been complicated immeasurably by those States' legacies of autocratic or patronage-based rule, self-serving elites and privileged economic interest groups, and dysfunctional or declining public institutions. Authoritarian regimes evolved systems of governing in the decades preceding 2011 that drew most political, social, and economic actors and networks into their orbit, prompting them to adapt and accommodate. In parallel, the growing numbers of inhabitants of low-income or peripheral areas who were marginalized by structural adjustment programmes, crony neoliberal economics, and predatory privatization from the 1980s onward, were met with routinized, low-level violence by security sectors and frequently penalized by criminal justice systems when they pushed back, prompting many to resort to informal modes of policing and adjudication.

**Source:** Yezid Sayigh, *Dilemmas of Reform: Policing in Arab Transitions* (Beirut, Carnegie Middle East Center, 2016). Available from http://carnegie-mec.org/2016/03/30/dilemmas-of-reform-policing-in-arab-transitions-pub-63090.

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to institutionalize the repressive security apparatus.[35] In the last years of Hosni Mubarak's rule in Egypt, the security services budget increased from $583 million in 1999 to $2 billion in 2005, $3.3 billion in 2008 and $3.7 billion in the fiscal year 2011-2012.[36] In spite of this exorbitant expenditure, the security services were unable either to stave off revolution or to suppress it when it occurred.

## 3. Instruments of injustice: political and security practices

The priority accorded to private interests over the public good in many Arab States has warranted their designation as "oppressive authoritarian States". Not only did they fail to create effective institutions of justice, they embarked on political, economic and security practices that embedded injustice at society's roots. The reality of the modern Arab nation State, the heir of both "the colonial State and the Sultanate",[37] is one of regimes that, in effect, have maintained the continuity of political authority and security by force, dressed up with sham institutions that lend them none of the real attributes of the State, such as that of organizer, mediator or caretaker of the society.

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### a. The constitution overridden by the head of the executive branch

The idea of the constitution as a social contract between the ruler and the

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ruled was known to the Arabs prior to the publication of Thomas Hobbes' Leviathan in 1651. The Charter of Medina, proclaimed in 623 (1AH) and considered the first civil constitution in the history of the Arab region, regulated relations between the various sects and communities in Medina. It guaranteed non-Muslims freedom to practice their faith or religion on the basis of the Quranic teachings (Surat al-Ma'ida, verse 48). Furthermore, the concept of bay'ah (allegiance or obeisance) in Islamic political jurisprudence (in all of its 'schools') is derived from the word meaning "sale", in other words, a contract concluded between two parties and based on mutually satisfying and clear terms — quite different from the notion of the divine right of kings to rule that prevailed in Medieval Europe (see Surat al-Shura, verse 38).

In modern times, constitutional movements rose to prominence in Egypt, Tunisia and Turkey, with some thinkers expounding on the importance of constitutions in eradicating tyranny. Abd al-Rahman al-Kawakibi (1855-1902) affirmed that "the problem among Muslims is political despotism; the remedy is to dispel it through a constitutional shura (council or parliament)".[38] Sheikh Muhammad Hussain al-Najafi al-Na'ini laid the foundations for the concept of the constitution (or in the words of that era, "the conditionality") in his treatise Alerting the Nation and Defending the Faith (tanbih al-ummah wa tanzih al-millah), on the jurisprudence of transactions and the freedom of people to choose their ruler by deputation, according to a negotiable, renewable and revocable fixed-term contract. There developed Arab schools of jurisprudence that agreed on three essential principles to protect constitutions from potentially fatal shortcomings:

- The need for participation in the process of drafting the constitution and creating political awareness of what makes up a constitutional State;
- The principle of curtailing cultural, political, social or economic abuse;
- A dynamic approach to the constitution as a text written by people and not sacrosanct, subject to review and improvement in accordance with the needs of society.[39]

However, Arab centres of decision-making and government showed little interest in the niceties of constitutional concepts, and seldom did they draw upon them to draft or refine their constitutions. Nor did the principle that "the people are the source of power" take root, and rarely were constitutions submitted to a referendum, even as a formality to ensure the legitimacy of the regime.[40]

One cannot say that post-colonial Arab States originated significant constitutional values and practices to regulate the relationship between the ruler and the ruled, or between

the legislative, executive and judicial branches of power. Nor did they anchor their rule in constitutional legitimacy. The executive dominated the legislative and judicial branches and transformed them from potential partners in building State institutions into subordinates. Very few of the texts guarding essential human rights in the non-authoritarian Arab constitutions have been enforced, so that they mostly remain constitutions in name only, referred to by the ruler when it suited and ignored where they related to people's rights. The existence of constitutions has not prevented the violation of freedoms, the erosion of the independence of the judiciary, or "the sublimation and eclipse of human rights, the monopolization of power by a sole political faction, or the spawning of parties and parliamentary blocs beholden to authorities".[41] The erosion of the principles of good government — accountability, transparency and popular participation — hobbled institutions and sidelined them from their role in upholding the rule of law.

Today, Arab regimes make use of the extraordinary circumstances prevailing in their countries as a pretext for leaving in abeyance constitutional provisions that protect freedoms and rights or that address the separation of powers, thus widening the gap between text and reality. The danger is that "the Arab citizen no longer takes the constitutions and laws very seriously ... but only as fine but meaningless slogans and banners strung up all over the place ..."[42]

### b. Debasement of citizenship

The concept of citizenship is inseparable from that of justice.[43] Citizenship is the basis for a harmonious relationship between the State and individuals, rooted in the social contract. In its modern sense, this relationship implies equality in rights and obligations and the right of political participation for all.[44] Governments lose legitimacy when their authority does not derive from satisfying the needs of the people. The notion of citizenship encompasses protection of the human rights — economic, social, cultural, civil and political — of all individuals and groups. Without all of those rights, the bond of the individual, as a citizen, with the State is incomplete.[45] Citizenship should not be seen solely as a political concept, for "along with the political dimension associated with the right to vote ... and participation in the management of the affairs of the country, there is an economic dimension based on equality of opportunity ... and a cultural or religious dimension associated with freedom of belief ... which takes cultural diversity and rights bound up with identity as the basis for the concept".[46] By that definition, citizenship is founded upon equality in rights and obligations, equal opportunity, equality before the law, and participation free of discrimination.[47]

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Individuals and groups have been deprived of full citizenship because of their gender, or their political or religious affiliation, and deprived of their rights because of their positions of political opposition

Such standards have not been achieved in the Arab region today because the social contract is in the grip of authoritarian regimes that attempt to manipulate it in their own interests, trading off political and civil rights for some social rights.[48] "Such issues have barely registered on the scale of national concerns".[49] Regimes have been uninterested in fostering a culture of citizenship among all individuals by building a democratic State under the rule of law.[50] Many Arab regimes opted instead for a rentier economic system, whereby "the State obtains rents without any contribution from the people; in other words, they do not pay out of their own pockets in the form of taxes and therefore rarely inquire about how these funds are spent ... hence the feeble sense of citizenship, responsibility or involvement among many Arab peoples".[51] Participation in the administration of the affairs of State has remained negligible or limited to certain groups close to the ruling elite; regimes have thus been unable to "confront or solve problems of citizenship".[52] Individuals and groups have been deprived of full citizenship because of their gender, or their political or religious affiliation,[53] and deprived of their rights because of their positions of political opposition. Whole communities have been entirely marginalized and deprived of the right to take part in building the present and future of their countries. Because of the practices of these despotic regimes, the principles of full citizenship have not taken root in equality, freedom and justice. Instead, what has remained entrenched, for example, are "disparaging attitudes towards women and the censure of political, intellectual, social, national and religious pluralism".[54]

### c. Abuse of the instruments of government

Despite their mutual hostility, traditional and military regimes have formed alliances with their religious and secular elites to block any reform and offer religious and civil justifications for autocracy, corruption and for depriving citizens of their rights. Such justifications are then propagated by Governments through various instruments. The most important of these are the media, educational institutions, intelligence and political public information agencies. Government systems extend their control over the apparatus of education, media and research in order to ensure the production of knowledge. While the just State uses political information to empower and to protect the community, the unjust State obtains and uses information to disempower society and to protect the interests of despots and the corrupt networks that are necessary for their survival.

## 4. Instruments of injustice: economic practices

The blurring of distinctions between the security apparatuses, political administration and the economy has

fed economic injustice, manifesting itself in various ways: influence-peddling networks associated with those in power have infiltrated key positions in public and private sector institutions; the centralization of development policy and planning have made it easier to siphon off development funding; private sector initiatives have been strangled and society has been denied any role in development. Such policies and practices have served to institutionalize corruption, deepen economic dependence, erode the development role of the State and weaken its capacity to foster the growth of human potential and set it to work.

### a. Weakness of the State's role in development

The State has an essential role in turning the wheels of development. Research shows how, by virtue of its developmental role, the State manages part of its economic resources in order to underpin growth and achieve development objectives such as industrialization, capacity-building for local industries competing in global markets, or to develop sectors that generate jobs. One of the requisites of this development role is to support the economy through public investment in areas the private sector tends to shun due to poor direct returns on investment — such as infrastructure, education, vocational training, health care and social security. Those areas have a development dimension, enhancing economic competitiveness, growth potential and living standards, and a social dimension, demonstrating people's productive capabilities and systematizing their economic and social rights as citizens, not merely as parties to the production process.[55]

The development deficit is an outcome of shortcomings in government that stem from unfair policies adopted by the ruling elites in their administration of societies so as to favour the interests of a minority over those of the great majority of the population. Many countries have been plagued by poverty as a result of decisions by ruling elites that have appropriated absolute power. Such decisions have simultaneously weakened and bloated the public sector, emptying it of the components of good administration and rendering it unable to develop the infrastructure needed for the kind of development that benefits all.[56]

There is often a close correlation between poor government, the development deficit and the outbreak of violence in societies. Some studies examine the manipulation of economic systems by oligarchies seeking to finance their client networks.[57] They establish "extractive institutions"[58] to finance these networks and to exert control and influence through rentier revenues and monopolies, and install barriers preventing ordinary citizens from entering the market and competing.

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Any economic and social progress in the region will depend on progress in the transition to a new social contract and true democracy

Political instability prevails as a result, along with volatile patterns of productivity, with fluctuating periods of rapid growth, stagnation and collapse. To break the cycle of violence that often arises in such cases, it is necessary to shore up the legitimacy of institutions and government, so that citizens may enjoy security, justice and opportunities for decent work.[59] The monopolization of State resources and wealth by the ruling class has resulted in the social, political and economic marginalization of the great majority of the Arab region's population.

Any economic and social progress in the region will depend on progress in the transition to a new social contract and true democracy, in other words the creation of States in the service of all.[60] This requires reform that focuses on collective identity, builds a fair legal system to regulate social relations, and establishes an administration concerned with serving the people.

Some, citing examples from East Asia, claim that democracy is not a precondition for development. However, the Arab uprisings have demonstrated that development with a despotic face is not sustainable in the Arab region. We can infer this from differences in the nature of the ruling apparatus and institutions in the two regions. The countries of East Asia were able to achieve sustained economic growth by virtue of strong and effective central institutions. Arab States, however, have been unable to achieve sustainable growth under highly centralized but structurally weak institutions, due to the conduct of the ruling elite.[61]

It should also be noted however that the growth of the East Asian States cannot be understood outside the context of the United States containment strategy, which involved the encirclement of the Soviet Union and China by stable capitalist societies.

Growth requires the building of competent institutions that shield the processes of government from the effects of pandering to political interests. It also requires integration between the public and private sectors in a relationship of effective partnership, civilian oversight over performance, and a general orientation in support of the economy in such a way that benefits are fairly distributed to the various components of society.

### b. Educational systems that limit equal opportunity and entrench a culture of submission

Justice, to be realized, requires the generation of opportunities for all to participate in political and economic life, and to earn income and build wealth. Most laws do not differentiate between people, but equal opportunity remains little more than lofty theory as long as it has not been transformed into reality on the ground for all. The

education system is an instrument for building people's capabilities; it is fair when it provides equal access to quality education to both the poor and the affluent. It should be a tool for lifting people out of poverty and a means of upward social mobility, enabling individuals to build their future through their own efforts, irrespective of family status.

Educational systems in Arab countries lack many features essential to justice. They have tended to consolidate rather than remedy social disparities. The gap between the poor and the affluent begins to widen with pre-school services denied to children of the poor, since free formal education rarely covers them, while they are available to children of the rich in private facilities. Depriving poor children of pre-school education has an impact on their future prospects in education and work. Many scholars have stressed the importance of building a child's capacities at an early stage of life. Early childhood is a critical period for the growth of sensory, motor, cognitive, linguistic, social and emotional skills. It affects all subsequent phases of life, influencing educational attainment, productivity in work, state of health, and possible tendencies to delinquency. Other studies show that biological and psychological conditions in early childhood create changes in the structure and function of the brain and leave an impact that may accompany individuals throughout their lives.[62]

Researchers agree on the importance of education in building an individual capable of self-realization and contributing to development of the country. Education systems in Arab countries suffer from defects that are reflected in various aspects of a person's life, limiting their ability to exercise their rights, seize job opportunities and develop socially and economically, thus affecting their sense of identity and belonging. It has been suggested that distortions and imbalances in the education system in Arab countries lead to a state of schizophrenia; its injustice leads to great disparities in educational opportunity and, as a result, opportunities for employment and to improve living standards. It works practically as a class system, socially and economically, with various types of schools offering divergent academic and training curricula: foreign schools that teach a foreign curriculum in a foreign language at an exorbitant cost, to which admission is feasible only for children of the rich and powerful who, as graduates, form an educated class with an "incomplete sense of national identity" and are generally removed from the concerns and needs of their fellow citizens; private schools in the cities teaching a national curriculum and foreign languages, also at an exorbitant cost; public schools where the national curriculum is taught, but poorly due to inadequate investment in equipment and teaching faculty; and schools affiliated with religious entities that teach the national curriculum but with a focus on religion.[63]

The Arab uprisings have demonstrated that development with a despotic face is not sustainable in the Arab region

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They work practically as a class system, socially and economically, with various types of schools offering divergent academic and training curricula

Those different schools raise generations with widely disparate mentalities and intellectual backgrounds who enjoy different affiliations and identities within the same homeland, which may not contribute much to social cohesion

Those different schools raise generations with widely disparate mentalities and intellectual backgrounds who enjoy different affiliations and identities within the same homeland, which may not contribute much to social cohesion.[64] The rift is exacerbated when the language of the former colonial power (English or French) is used in teaching, especially in the sciences and technology, in economic and financial institutions such as banks and companies, and in public life. That does not help to anchor scientific or academic knowledge in the national language, adding to the challenge a student faces in understanding the complexity of the subject matter itself. Studying in a foreign language impedes the development of the national language and limits the transmission of scientific knowledge to the tiny portion the population privileged enough to have studied in private or foreign schools.

Nepotism and crony capitalism are major reasons for weak economic growth and poor income and wealth distribution

Education, and particularly language teaching, has a role to play in addressing the problem of identity among Arab peoples. Identity becomes alienation when the self is divided between what is and what should be, and when what a person learns stands in contradiction to the tools acquired from everyday life and that of their contemporaries in the homeland and the nation.[65] That alienation can be religious, social, cultural or political. Religious alienation arises when a person, perplexed by reality, takes refuge in the protection afforded by religious texts, as exemplified by Salafist movements. Political alienation occurs when the elite, in particular, seeks refuge and protection in political ideologies, be they liberal, Marxist, socialist or nationalist. Social alienation involves belonging to a high class that protects its vital interests by sacrificing national identity.[66]

In sum, the education system in Arab States has failed to deliver the essential elements required to realize justice and equal opportunity among individuals and groups. Rather, it has helped to create a rift that threatens social cohesion. There is no more eloquent sign of the need for serious intervention to create "the new Arab" than the divisions now besetting the region.

### c. The power-finance nexus

Competition based on merit is a prerequisite for justice. Regulation of market institutions and their management is essential to ensure that they provide employment opportunities and drive growth. This has not occurred in the Arab region, where autocratic regimes have been bent on consolidating their power by keeping a tight grip on political processes and the economy, and have marginalized entire communities and deprived them of equal social and economic opportunity.

Public opinion surveys and ongoing trials against business leaders and politicians in Arab countries in

transition have brought to light many instances of injustice and prejudicial treatment in cases connected with land ownership, fraud, unfair competition, lack of equal access to loans and energy subsidies, conflicts of interest, bribery, illegal election campaign financing and the manipulation of financial markets for personal gain.[67] Studies show that nepotism and crony capitalism are major reasons for weak economic growth and poor income and wealth distribution.[68] They are based on global findings showing that political cronyism and favouritism proliferate in countries lacking the rule of law[69] and in societies whose members face limited opportunities.[70]

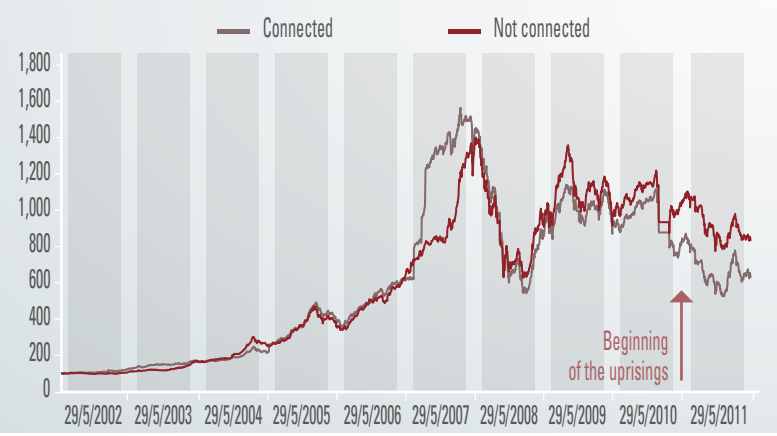
Studies on the impact of cronyism on the region's economies show that companies with networks of political connections enjoy an advantage over others in obtaining energy subsidies and licenses, can obtain State land relatively cheaply, and work in sectors in which they are protected against their competitors.

Figures show that Egypt has the largest loan portfolio in the world. Figure 5.1 shows that Egyptian companies with close ties to persons of influence lost an average of 31 per cent of the value of their shares in the stock market at the beginning of the uprisings, while others lost only 16.3 per cent. The market value of political linkages has been estimated to fluctuate between 20 and 23 per cent of the value of the companies benefiting from such influential relationships and networks, based on stock market prices prior to and after the uprisings.[71] That percentage exceeds the estimated figure for other countries, which fluctuates between 3 and 8 per cent.[72] Benefits granted to companies with political connections allowed them to take advantage of funds available for lending and increase their volume in the market, even with a rate of return on assets 3 percentage points lower than that of other companies. There is nothing in such concessions to indicate the existence of a sound industrial policy; rather they point to defects arising from the unfair allocation of capital resources to underperforming companies, leading to a slowdown in growth and stifling the economy.

A recent World Bank study analyses[73] the situation of 469 Egyptian companies with ties to politicians in

Companies with networks of political connections enjoy an advantage over others in obtaining energy subsidies and licenses, can obtain State land relatively cheaply, and work in sectors in which they are protected against their competitors

**Figure 5.1** Market capitalization indicators of Egyptian companies




**Source:** Hamouda Chekir and Ishac Diwan, Crony capitalism in Egypt, *Journal of Globalization and Development*, vol. 5, Issue No. 2 (December, 2014).

**Note:** 2002 indicator is equal to 100.

The market value of political linkages has been estimated to fluctuate between 20 and 23 per cent of the value of the companies benefiting from such influential relationships and networks, while the estimated figure for other countries fluctuates between 3 and 8 per cent

Corruption, defined as the abuse of power to achieve personal interests, is rampant in the Arab region

the Mubarak era. It emerges that those companies operated mainly in the real estate, tourism, manufacturing and services sectors, and accounted for no more than 7 per cent of the private sector workforce. Some 82 per cent of politically connected companies, but only 27 per cent of all firms, sold products protected by at least two technical import barriers. Some 45 per cent of politically connected companies worked in energy-intensive industries, as against only 8 per cent of all companies. Politically connected companies were 11 to 14 per cent more likely to have bought State-owned land than other companies, and were 20 per cent more likely to operate in industrial zones. Such companies used their connections to obtain building permits swiftly and to avoid paying high taxes and municipal inspections. The chances of setting up new companies in sectors dominated by politically connected companies were quite limited (figure 5.2).

In Tunisia, the market value of political connections of some 220 companies owned by the Ben Ali family prior to their seizure in the wake of the Tunisian revolution has been estimated at around $13 billion, or more than one quarter of Tunisia's GDP.[74] Although those companies realized more than 3 per cent of output and 21 per cent of net profit in the private sector, they accounted for only 1 per cent of the workforce.[75] Some 64 per cent of those companies were concentrated in industries enjoying substantial protection, such as communications, air transport and real estate. On average, the market share of Ben Ali companies was 6 per cent higher than that of other companies in protected sectors, in which restrictions on new businesses served to protect those Ben Ali companies from competition. The situation is different in sectors without such protections, where competing companies were more profitable than those of Ben Ali.

Uncertainty mars the business environment as a result of fluctuations in positions of influence and discourages companies without political connections from making long-term investments or entering the marketplace. This situation leads to low firm turnover (firm entry and exit) and stagnation in patterns of productivity, with weak links to other economic sectors. World Bank estimates show that for every 10,000 persons of working age in the region, an average of six limited liability companies were established annually between 2009 and 2012; the average in other developing countries with available data was 20 companies per year.[76]

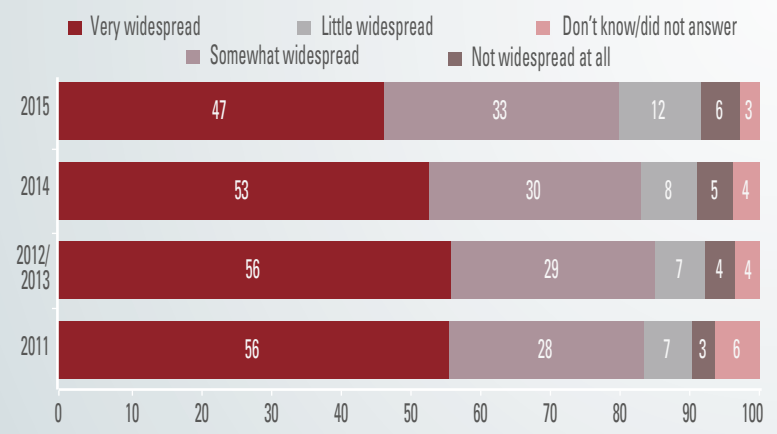
### d. Corruption

Corruption, defined as the abuse of power to achieve personal interests, is rampant in the Arab region.[77] According to the Corruption Perceptions Index 2015, a scale running from 0 for the most corrupt to 100 for the least corrupt, the Arab region scored 39/100, while the global average was 43/100. No Arab

country was among the top 20 least corrupt States, although Qatar, the least corrupt of the Arab States, came twenty-second with a rating of 71/100. Six Arab States scored below 20/100, which placed them in the category of the world's most corrupt States: Iraq, Libya, Somalia, the Sudan, the Syrian Arab Republic and Yemen.

According to the 2015 Arab Opinion Index, 47 per cent of Arab citizens surveyed believe financial and administrative corruption to be very widespread, 33 per cent somewhat widespread and 12 per cent little widespread.[78] According to a report by Transparency International,[79] one out of every three citizens in the Middle East and North Africa who had dealt with a public service (around 50 million people) had had to pay a bribe. This demonstrates that Governments across the region have failed to combat corruption. According to most international and regional indicators on the subject, the Arab region provides an enabling environment for large-scale corruption, with weak legal frameworks and enforcement mechanisms, frail institutions, and linkage of institutional performance to the interests of a particular group in society.[80] The absence of democracy and its components of transparency and accountability, the consequent inequality and discrimination, the development deficit, and the absence of security and stability are all major factors behind the spread of corruption, in all its forms, in Arab countries.[81]

**Figure 5.2** Public opinion trends on the extent of financial and administrative corruption




**Source:** Arab Center for Research and Policy Studies, *Arab Opinion Index: Arab Public Opinion Program* (Doha, 2015), p. 98.

The Arab region suffers from three main types of corruption: "... petty corruption such as that of... taking a bribe...; massive corruption, which plagues the economies of many countries in the region. This type of corruption takes place during multi-million dollar contract negotiations between State officials and business leaders to secure business deals...;The third type is political corruption, which is difficult to pin down but plagues the economic health of most countries in the Arab world. Political corruption is the use of economic deals and benefits to reward political allies, which invariably leads to massive diversion of public resources to unproductive activities. It also leads to elite resistance to political and economic reform programmes that would level the business playing field".[82]

One out of every three citizens who had dealt with a public service had had to pay a bribe

The fact of the matter is that political regimes have entrenched these corrupt practices in Arab societies,

The Arab region suffers from three main types of corruption: petty corruption such as that of taking a bribe; massive corruption, which takes place during multi-million dollar contract negotiations between State officials and business leaders to secure business deals; and political corruption, which is the use of economic deals and benefits to reward political allies

### **Box 5.3** The Panama Papers

Arab leaders and their families have used secret offshore bank accounts to hide billions of dollars and manage investments and assets, according to information contained in the "Panama Papers". Financial details concerning many leaders are contained in 11.5 million internal documents leaked from the Panamanian law firm Mossack Fonseca. The documents, researched by more than 100 media groups, were published on 3 April 2016 and reveal the secret foreign dealings of hundreds of individuals, companies and States, including 12 current and former world leaders. They provide details of some of the secret financial transactions undertaken by Arab leaders and their relatives and close associates, and demonstrate the enormous scale of their real estate holdings and bank accounts, which are managed by a network of tax-exempt companies registered in the British Virgin Islands.

**Source:** International Consortium of Investigative Journalist, Massive leak reveals offshore accounts of world leaders, 3 April 2016. https://www.publicintegrity.org/2016/04/03/19503/massive-leak-reveals-offshore-accounts-world-leaders.

and encouraged the abuse of power to serve private interests. The misuse of public funds has come to be seen as something almost normal, or even necessary to prop up such regimes.[83] In the absence of an independent judiciary, manipulation of the law and the chain of administration of justice has become a matter of policy by which regimes exert control.[84]

Political corruption, in the light of the weak development role of the State in the Arab region and the lack of accountability mechanisms, has led to the emergence of crony capitalism, with the regime taking control of most of the economic interests. In some cases, such as in Egypt,[85] the military elite holds sway over broad sectors of the economy; in others, such as was the case in Tunisia, the ruler and his family accounted for a huge share of economic activity. In both cases, economic power has been concentrated in the hands of the elite or those connected to it, and the economic circumstances of the masses has worsened.[86] "Social positions and alliances changed … rulers of regimes founded with a bias in favour of the people, the poor, junior employees and farmers, and allied to future big business leaders and landed property owners, themselves joined the ranks of big business leaders, becoming partners in deals, companies and contracts with foreign investors. They signed unfair agreements with overseas parties to invest in natural resources, and became intent on smuggling their money and

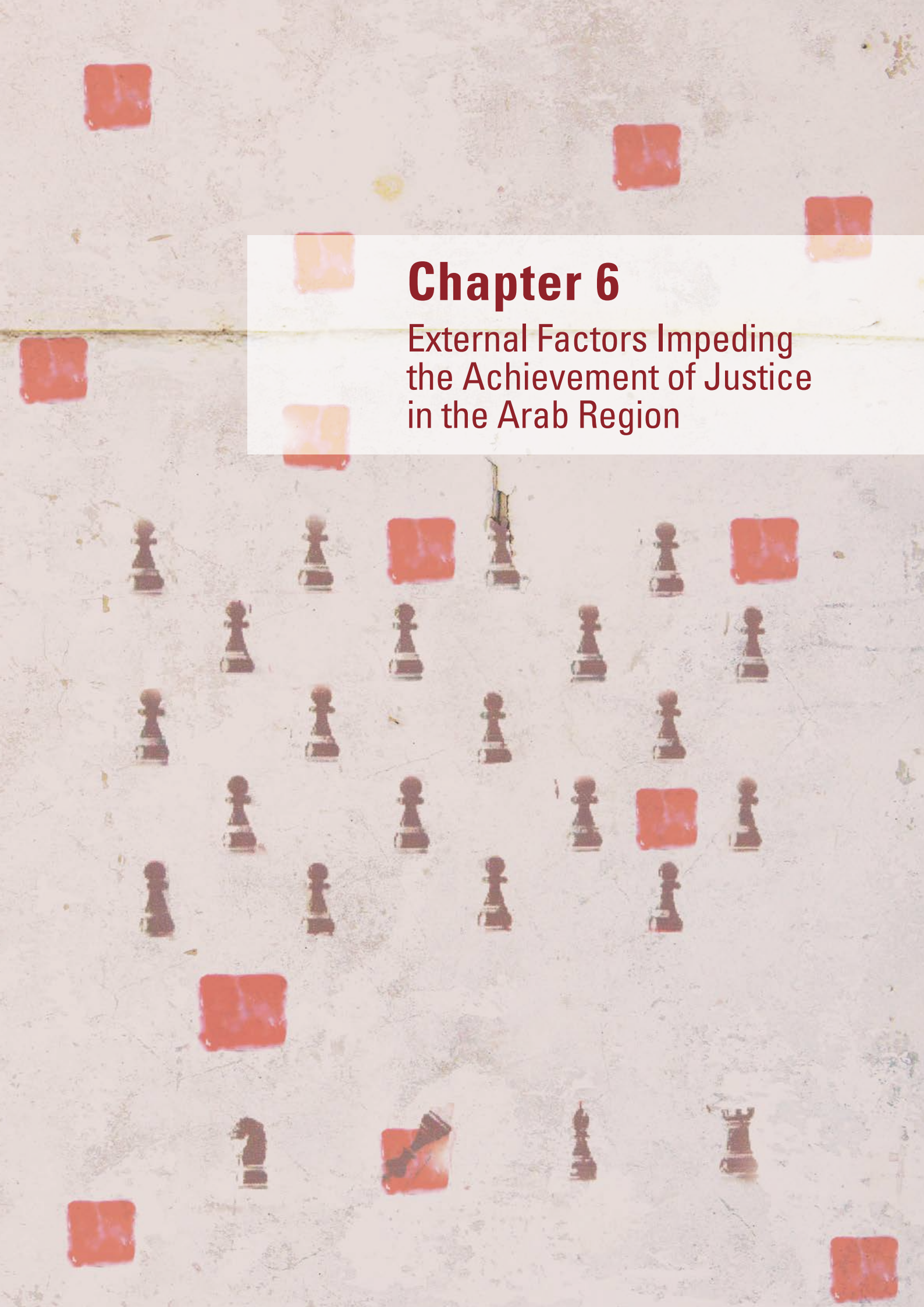
"personal" wealth ... abroad with the connivance of companies, banks and foreign countries".[87]

The gathering pace of partial economic liberalization, which began in 1990, led to cases of State capture, in the absence of any real local or international competition, by an elite in control of a political-economic regime that undermined the work of institutions in order to lay its hands on resources and employment opportunities, sustain its power and accumulate wealth.[88] Large portions of society were excluded from political and economic life, including women, youth and rural populations.[89]

Rulers of regimes themselves became partners in deals, companies and contracts with foreign investors. They signed unfair agreements with overseas parties to invest in natural resources, and became intent on smuggling their money and "personal" wealth abroad with the connivance of companies, banks and foreign countries

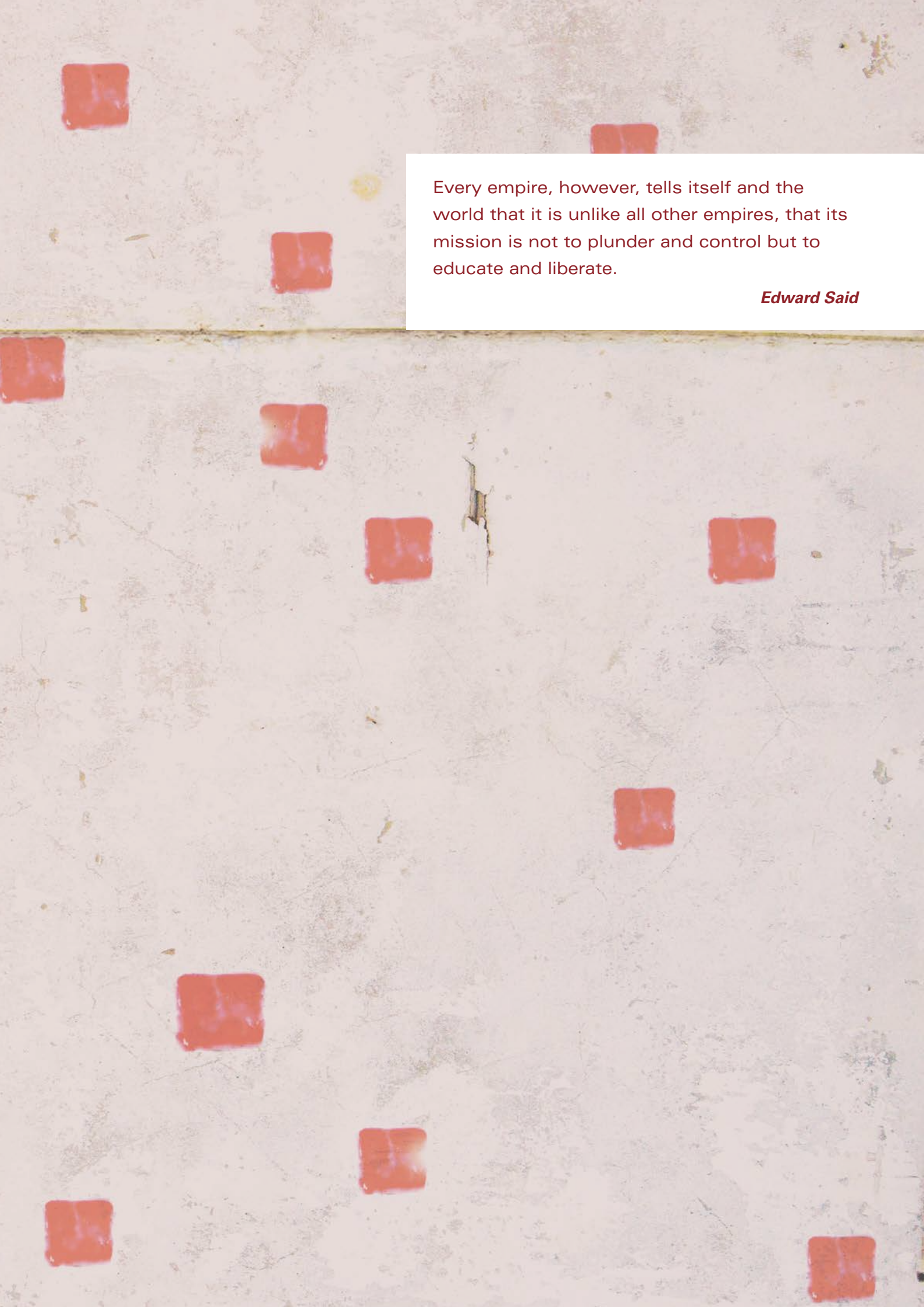
*The absence of justice in the Arab region stems from the colonial structuring of modern Arab States, a process that yielded economic dependence, military vulnerability and deficit of political legitimacy. The post-colonial State was created to serve the interests of ruling elites and foreign States. It enjoyed absolute power and used political, security and economic tools to deepen rifts in society and between individuals, to flout the law, and to violate people's rights and freedoms so as to serve the interests of particular groups linked to those in power. The absence of justice also stems from the deliberate production of distorted knowledge whereby "divine will" and "the natural order" are used to justify injustice and convince people to accept their lot in life.*

*In spite of this reality, there are trends that can be seized upon to reconfigure the State and place it on foundations of citizenship, democracy and freedom. The State should derive its legitimacy from the law, the rejection of authoritarian tendencies, and respect for people's rights and freedoms. Such a transformation will require the fulfilment of many conditions, such as ensuring participation by society and rebuilding ties among individuals and communities as peoples with a united sense of purpose.*



# Chapter 6

## External Factors Impeding the Achievement of Justice in the Arab Region



Every empire, however, tells itself and the world that it is unlike all other empires, that its mission is not to plunder and control but to educate and liberate.

***Edward Said***

# 6. External Factors Impeding the Achievement of Justice in the Arab Region

In the Arab region, differentiating between internal and external factors is complicated by the fact that internal situations are often the result of external intervention. In countries whose shape and designation were dictated by colonial powers, going as far as determining the titles of their rulers, injustices cannot be attributed to internal factors alone. In the nineteenth and twentieth century, Arab countries were invaded, populations uprooted and people subjected to foreign hegemony. The system of global governance, adopted by humanity to safeguard peoples' rights and ensure their security, has largely failed to protect the inhabitants of the Arab region. In this chapter, we examine that system and assess the reasons behind its failure to achieve procedural, distributive and criminal justice for peoples of the Arab region.

## A. Justice in the international system and its effects on the Arab region

Schools of thought differ on the applicability of unified standards of justice to all peoples, and on whether equality between countries in the international community, as well as between individuals in any given country, can be achieved. Some argue that justice can only be enforced within countries, since it requires the power of legitimacy that only Governments with public approval possess. Others maintain that global developments have made it possible to achieve equality at the national and international levels. They point to the European Union, which has made significant strides towards applying justice and achieving equality within the Union.[1] Although lacking the coercive power wielded by nation States, a framework of economic cooperation has emerged in the Union, fostering equality between its peoples and countries.

While views may differ on the viability of achieving international justice, few deny that the current global governance system, with its institutions, structures and influence, has an impact, whether for better or for worse, on peoples' security and well-being. To understand this, we need to look at the origins of the system and of the United Nations, and clarify key aspects of international politics and their impact on justice issues around the world, particularly in the Arab region.

In countries whose shape and designation were dictated by colonial powers, going as far as determining the titles of their rulers, injustices cannot be attributed to internal factors alone

The great hopes raised by the establishment of the United Nations failed to materialize into concepts of justice firmly embedded in the realm of international politics

The description of the international hierarchy as merely a volontary exchange of services hides the difference between two views on international relations: the willing subordination model and the coercion model

## 1. Establishment of the United Nations system: an unfair settlement

The United Nations inherited its influential role in international relations from the League of Nations. Together, they represent a first in modern history: a permanent international body comprising member countries from around the world, entrusted with the responsibility of maintaining peace and justice.

At the 1945 United Nations Conference on International Organization, held in San Francisco, the nature, goals, methods and powers of the nascent United Nations were discussed, as well as how they would enable it to fulfil the role of honest broker. Two divergent lines of thought emerged: the major powers wanted to build a top-down, hierarchical, international system controlled by the victors of the Second World War, while small and medium-sized countries argued for an international system that would protect their sovereignty and interests. As we shall see, the settlement that was reached may be characterized as neither fair nor just.

The settlement did not fundamentally alter the hierarchical nature of the international system, where power remained the determining factor of a State's place in the world. The great hopes raised by the establishment of the United Nations failed to materialize into concepts of justice firmly embedded in the realm of international politics. Without justice there can be no peace. While that generalization may hold true for individuals, it is less often the case with nations. Weak countries do not have the ability to threaten world peace even when subjected to major injustices, as long as they remain powerless, and strong States cooperate with one another to keep them weak.[2]

This attitude dominated the San Francisco Conference, and endures in the international system to this day, as two prevailing views on justice in international relations demonstrate: the willing subordination model and the coercion model. The first suggests that the international hierarchy is compatible with, and helps to maintain, justice: it is a "contract" between the major powers and other countries, such as post-war Germany and Japan with large economies or populations but with limited military capacities and with no desire for war. Through this "contract", dominant countries profit financially and politically, and are able to protect their interests and to maintain the international status quo; while subordinate countries receive guarantees protecting their security, integrity and natural resources, without the need to use force, but rather by mutual consent between them and the major powers.[3]

Some political scientists, proponents of a more coercive model, take issue with the description of the

international hierarchy as merely a voluntary and peaceful exchange of services. It was precisely coercion that was feared by small and medium-sized countries, who opposed the plan put forward by the victors at the San Francisco Conference.

## 2. A rocky start

As the foundations of the new international order were being laid and aspects of procedural justice were hammered out, representatives of small and medium-sized countries criticized what they considered infringements on the principle of equality between countries, such as vetoes and the limited powers proposed for the General Assembly. The major powers, however, offered no concessions in this regard. The most they were prepared to do was agree on the right of member States to form regional organizations independent from the Security Council, which would work closely with the United Nations. This approach was key in promoting the notion of regional blocs: Brazil and Egypt came to represent small- and medium-sized countries, the former thanks to its position in the Organization of American States and the latter given its role in the establishment and leadership of the League of Arab States.

With regards to distributive justice, the major powers agreed that the nascent Organization should not focus exclusively on international security issues, but also address economic and social development. The Economic and Social Council was therefore established as a central organ of the Organization, authorized to organize international conferences and coordinate with international non-governmental organizations.[4]

Discussions on distributive justice were not limited to the San Francisco Conference; they continued at the Bretton Woods Conference, held in July 1944, which resulted in a set of principles for the establishment of the International Monetary Fund (IMF) and the World Bank. The Bretton Woods Conference was dominated by discussions between British representatives, especially John Maynard Keynes, who wanted to consider the needs of debtor countries, and American representatives who largely supported the position of creditor countries. The outcomes of the Conference and, subsequently, the principles upon which the Bretton Woods institutions were founded, primarily reflected the views of the second camp.

Discussions on criminal justice led to the establishment of the International Court of Justice, in the most ambitious attempt yet to apply legal rulings to conflicts between States. The Court was not provided with instruments to enforce its rulings. The belief that the formation of the Military Committee, comprising the Chiefs of Staff of the permanent members of the Security Council, would rapidly resolve the issue, proved to be mistaken. The

Discussions on criminal justice led to the establishment of the International Court of Justice, in the most ambitious attempt yet to apply legal rulings to conflicts between States; however the Court was not provided with instruments to enforce its rulings

The establishment of the International Criminal Court in 2002 represented a qualitative leap in dealing with crimes against humanity, war crimes and genocide

Cold War led to the suspension of the Committee's activities and thereafter hampered the United Nations in its capacity as international honest broker.

The establishment of the International Criminal Court in 2002 represented a qualitative leap in dealing with crimes against humanity, war crimes and genocide. However, questions have arisen in recent years on the Court's performance and the fairness of its trials, especially given that most of its work has focused on Africa, while overlooking violations elsewhere, particularly in the Arab region. This perceived erosion in legitimacy, as we shall see below, has led to recent withdrawals or threats to withdraw.

The Cold War saw the West and the Soviet bloc vying for control of international organizations to transform them into tools to serve their interests, instead of maintaining international peace and security

## B. Procedural justice

In this section, we examine how the absence of procedural justice in the international system manifests itself. We review some of the rules governing the work of the key international institutions that regulate interactions within the international system, first and foremost the United Nations, followed by the Bretton Woods institutions and the World Trade Organization (WTO), which contribute to the absence of justice affecting small and medium-sized countries. We also look at the system of nuclear non-proliferation, which has major implications for the Arab region, given that the ban on possession of nuclear weapons is not applied uniformly.

### 1. Veto power: a necessary evil?

The United Nations was established with the aim of creating a world that upholds equal opportunities for all races and countries, but this has remained something of a pipe dream. To achieve that goal, procedural justice should be characterized by the following: democratic participation, or a voice for the people in decisions that affect them; integrity, whereby countries abstain from applying double standards; neutrality, or the impartial application of the law; and transparency, ensuring that the public is adequately informed and able to contribute, through meaningful debate, to the development of just policies.[5]

Such noble ambitions were thwarted by reality on the ground. The Cold War was the antithesis of the idea of placing the United Nations at the centre of world politics, and empowering its institutions to consider security and justice issues to make appropriate decisions in protecting the world from armed conflict, aggression, expansionism and hegemony. The Cold War saw the West and the Soviet bloc vying for control of international organizations so as to transform them into tools to serve their interests, instead of maintaining international peace and security or achieving global development.[6] The formation of political and military alliances, such as the North Atlantic Treaty Organization (NATO), and the Baghdad and Warsaw pacts, helped weaken the role of the Security

Council and its Military Committee in preserving international peace and security; stoked the arms race, especially for nuclear weapons; and led to violations by major powers of the sovereignty of member States and the overthrow of their Governments (the Syrian Arab Republic in 1949, Iran in 1953, Guatemala in 1954 and Chile in 1973, among others).[7]

With the end of the Cold War, major advances in communications technology and the rise of the Global Village, there was an expectation that the principles of the United Nations Charter would be adopted swiftly and implemented at the international level. However, that remained subject to the will of the major powers. Perhaps the most blatant example of injustice in the international system is the veto powers granted to permanent members of the Security Council, and the privileges reserved for the major powers (box 6.1). Decisions of the Security Council on substantive matters are made by an affirmative vote of nine members, including the concurring votes of the five permanent members.

With the acquisition by Israel of nuclear weapons and the resulting regional military imbalance in its favour, Arab countries began to seek the return of territories occupied in 1967 through diplomatic and economic means. As much as those countries have tried to exert economic and political pressure on Israel to end its occupation of Arab land, Israel has worked to contain and neutralize their efforts. The United States has played an active role in obstructing most initiatives launched by Arab countries in international organizations to stop Israeli violations of international law and urge a peaceful end to the occupation. The American veto of such initiatives has played a substantial part in their defeat. The circumstances surrounding the use by the United States of its power of veto further highlight the

Perhaps the most blatant example of injustice in the international system is the veto powers granted to permanent members of the Security Council

the United States has made frequent use of its veto to block draft resolutions on the Middle East, including many in support of the right of Arabs to liberate their land from Israeli occupation

**Box 6.1** The power of veto sweeps aside the principles of justice and equality

The United States has used its position in the Council to increase its international influence, especially in the Arab region. The assumptions behind the Charter were those of the unrestrainable power of each of the victor States, at the expense of equality and justice. "The effect was to place the great powers outside the organization in all matters which they were likely to regard as their vital interests, and to place them above the law which … they could impose on smaller powers".[a]

[a] Martin Wight (1978), *Power Politics*, London: Continuum, p. 218.

disregard for considerations of justice in its foreign policy.

The United States has used terrorism as a pretext for exercising its veto power, whereas in reality it has used it to block draft resolutions upholding principles that it claims to support

Between 1946 and 1990, the Soviet Union made use of its veto 90 times, while the United States used it 65 times in the same period, thus allowing the latter to criticize the former's negative stance on international relations compared with the more flexible approach of the United States. Nevertheless, that "flexibility" hardened considerably when it came to the Palestinian question: the United States has made frequent use of its veto since 1972 to block draft resolutions on the Middle East, including many in support of the right of Arabs to liberate their land from Israeli occupation.

The United States has used terrorism as a pretext for exercising its veto power, whereas in reality it has repeatedly used it to block draft resolutions upholding principles that it claims to support. On 21 March 1976, William Scranton, the US Permanent Representative to the United Nations, described Israeli settlements as illegal and rejected Israel's claim to East Jerusalem. Two days later, the Americans vetoed a draft resolution reflecting Scranton's position and supported by all the other members of the Security Council.[8]

Attempts at reform, such as efforts to dismantle the nationality-based appointment system in Bretton Woods institutions, continue to meet with resistance

## 2. Bretton Woods institutions: unsteady steps towards justice

The World Bank and IMF were established to provide impartial support, to developing countries and help them to overcome crises.[9] It was initially believed that their assistance would reduce economic and social disparities within and between countries. Designated at the outset as United Nations "sister organizations", they have been severely criticized in two key aspects of their work: their underlying policy goals and their dominant stakeholders. They follow United States policy in the advice provided to developing countries and in their lending conditions. A disproportionate amount of their senior positions are filled by Western Europeans and North Americans s, and it has become customary for a United States citizen to head the World Bank, and a European to lead the IMF.[10]

The world has changed significantly since Bretton Woods. Some see a need to revamp the World Bank and IMF, pointing out that their remit was to deter countries from taking unilateral economic steps that might harm other economies. Attempts at reform, such as efforts to dismantle the nationality-based appointment system, which favours citizens from the United States and Europe, continue to meet with their resistance. Emerging economies have little voice when compared to their growing importance globally. During the Eurozone debt crisis, European leaders did not hesitate to put pressure on the IMF to breach its lending rules for their benefit.[11]

The internal regulations of both institutions are in many ways inconsistent with the principles of procedural justice. Practically, they grant the United States veto power, prompting criticism, particularly from major countries such as China.[12] The failure thus far to amend the institutions' regulations prompted China to launch the Asian Infrastructure Investment Bank, a bone of economic contention exacerbating already tense relations between the two countries.[13] Similarly, the BRICS countries, comprising Brazil, the Russian Federation, India, China, and South Africa, established the New Development Bank in 2014-2015.

## 3. World Trade Organization: when international regulations obstruct justice

The WTO was established as an impartial tool for regulating global trade. However, as experience with the Bretton Woods institutions has shown, such "impartiality" tends to favour the strong over the weak. The WTO oversees around 30 key agreements aimed at liberalizing world trade, not only for physical goods (as per the General Agreement on Tariffs and Trade, or GATT, 1947), but also in newer areas such as services and intellectual property rights. States wishing to become members of the WTO are required to bring their legislation into line with those agreements. The WTO has developed an integrated, quasi-judicial dispute-settlement mechanism in all areas covered by its agreements.

The WTO has succeeded in expanding transboundary trade to unprecedented levels, growing to over 70 times its volume when GATT was first adopted.

Newly industrialized countries, such as China and member States of the Association of Southeast Asian Nations (ASEAN), have been able to lift tens of millions out of poverty and give them a decent standard of living. At the national level, China succeeded in creating work for tens of millions of unskilled workers and subsequently transforming them into a skilled, relatively well-paid labour force. Before long, the trend spread to China's neighbours, including ASEAN countries. Deals were reached to remove a broad range of trade barriers, thereby helping to raise the living standards of many rural dwellers, who made up around 70 per cent of the total population of China and the ASEAN countries.

Some economists claim that such success is dependent on choosing a suitable model for liberalizing trade in developing countries. A study commissioned by the China International Center for Economic and Technical Exchanges suggests that trade liberalization between China and ASEAN represents just such a model. However, the least developed members of ASEAN did not fully benefit from trade liberalization, owing to weak trade policy and poor infrastructure.[14]

With regard to government policy on trade liberalization and the

The adoption of free trade proposals and guidelines has widened the gap in per capita GDP between developed and developing countries

Trade liberalization as dictated by WTO is skewed as it is in favour of the interests of developed countries and transnational corporations at the expense of major developing countries and their small-scale producers and farmers

Paradoxically, rich countries protect their own industries while heavily criticising developing countries for doing likewise

In the United States, cotton farmers, who receive more than $3 billion in subsidies annually, can sell their cotton on the international market at low prices, to the detriment of millions of cotton farmers in developing regions

timing of the appropriate legislation, development stakeholders are increasingly of the opinion that neo-liberal thinking and the Washington Consensus[15] do not provide helpful guidance to emerging industrial countries that wish to go beyond simply exporting raw materials and assembled products to industrialized countries. Trade liberalization may be positive when an industry reaches a level of maturity that enables it to cope with international market pressures, this is less obvious, despite what the Washington Consensus argues, in the case of infant industries.[16]

The adoption of free trade proposals and guidelines has widened the gap in per capita GDP between developed and developing countries. That gap, which stood at $4,391 per capita in 1960, had doubled by 1980 and more than tripled by 2008. This tends to indicate that trade liberalization as dictated by WTO is skewed as it is in favour of the interests of developed countries and transnational corporations at the expense of major developing countries and their small-scale producers and farmers.[17]

Disputes repeatedly arise during WTO negotiations between major powers, such as the United States and the European Union, and small- and medium-sized countries, although the composition of the two camps changes according to the issue at hand. India, for example, although a middle-income country, has often sided with the major powers, especially on protectionism and government subsidies for sectors such as agriculture, aimed at ensuring that farmers can sell their products at competitive prices. Paradoxically, rich countries protect their own industries while heavily criticising developing countries for doing likewise and refusing to recognize the commercial and social considerations behind these decisions.

The WTO is criticized for laying down unjust rules. GATT enabled tariff escalation, permitting developed countries to impose further tariff restrictions on manufactured goods. In practice, this means that developing countries, including Arab countries, aiming to increase value added by using their raw materials to manufacture goods, face stiff tariffs that limit their competitiveness in developed countries. This leaves them little option but to continue exporting raw materials. Examples abound of regulations that entrench injustice and perpetuate the dominance of developed countries over international trade. Developed countries are pushing developing countries towards total liberalization, which requires them to open up their markets, even while failing to equip them to benefit from the process. What is in fact required is trade policies to promote sustainable development and combat poverty.

WTO has failed to curtail policies and procedures implemented by the United States and European

Union member States that harm the interests of developing countries. In the United States, cotton farmers, who number some 25,000, receive more than $3 billion in subsidies annually, equivalent to 100 per cent of the market value of cotton output.[18] Consequently, those farmers can sell their cotton on the international market at low prices, to the detriment of millions of cotton farmers in West Africa and other developing regions. Subsidies to American farmers are about three times greater than aid provided by the United States to Africa.

The European Union follows similar procedures. Under the Common Agricultural Policy (CAP), billions of dollars of subsidies are provided to European farmers to help them selling their products in European and international markets. Critics of the policy argue that much of the assistance goes to an oligarchy, which has used its political influence to hamper efforts to cap government and European Union subsidies. This state of affairs evidently conflicts with the interests of small farmers in European countries. Critics also maintain that most of the subsidies benefit Western European countries more than their needier Eastern European counterparts. Such assistance, in addition to tariff and non-tariff barriers imposed by European Union countries on agricultural imports from outside the Union, limits the capacity of poor agricultural countries, especially those in Africa, to export their products to Europe.

In addition to subsidies and protectionist policies implemented by some major powers to safeguard the interests of their citizens and enterprises, the WTO has developed unprecedented powers allowing it to interfere in the internal policies of its member States and exert pressure on developing countries to open their agricultural, industrial and services markets. Combined, such policies and practices distort trade and prices, especially in the agricultural sector, meaning that not everyone benefits equally from trade liberalization. In many cases, the living standards of small farmers and agricultural workers in poor countries suffer because a few multinational corporations control the global market for certain goods. WTO may reach its decisions through consensus, but the balance of economic power and technical capacity is unequal, leaving many poor developing countries in a weak negotiating position, unable to defend their interests in this international forum. The complexity of negotiations has compounded that inequality with challenges that harm the interests of small countries. In reality, the approach to talks and the decision-making process in the WTO, deemed one of the more democratic of the international organizations, results in the marginalization of the developing countries.

## 4. Nuclear non-proliferation system: maintaining the status quo

A prime example of the effects of foreign influence on justice in the

The living standards of small farmers and agricultural workers in poor countries suffer because a few multinational corporations control the global market for certain goods

Three States that possess nuclear weapons have to date never signed the treaty on the Non-Proliferation of Nuclear Weapons (NPT)

Arab region is the issue of weapons of mass destruction. This matter is of great interest because of its ties to the enforcement of criminal justice, including sanctions, veto power, military pressure and even waging war on states deemed rogue by powerful nations.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the cornerstone of the international system for preventing nuclear proliferation, rests on three pillars: non-proliferation, disarmament and the right to use nuclear technology for peaceful purposes. Three States that possess nuclear weapons have to date never signed the treaty: India, Israel and Pakistan. North Korea signed in 1985 but withdrew in 2003. The Treaty entered into force in 1970 and is reviewed every five years. At the 1995 Review Conference, States parties decided to extend the NPT indefinitely.

The NPT has been heavily criticised for enshrining the superior status of the five principal nuclear-weapon States and for placing its non-nuclear signatories in an unfair position. Although sanctions are imposed on signatories such as Iran, States not party to the NPT, such as Israel, are de facto free to possess and develop nuclear arsenals.[19]

Article VI of the NPT stipulates that: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international

Although sanctions are imposed on signatories such as Iran, States not party to NPT, such as Israel, are de facto free to possess and develop nuclear arsenals

The United States has implicitly supported Israel's nuclear deterrent by not pressing for NPT signature and providing Israel with high-performance aircraft that are capable of delivering the bomb

### **Box 6.2** The Arab arms race

In view of the security challenges faced by the region, including the 2003 United States invasion of Iraq and the situation in the occupied Palestinian territories, Arab countries have increased their military spending. Saudi Arabia and the United Arab Emirates are among the top 15 countries worldwide in terms of military expenditure.[a] Military spending in Iraq increased the fastest globally between 2006 and 2015. Following the United States invasion, Iraq rebuilt its armed forces and is currently fighting so-called Islamic State. In 2015, Iraqi military expenditure reached $13.1 billion, a 35 per cent increase from 2014 and a 536 per cent increase from 2006. Global military expenditure in 2015 totalled $1.7 trillion, of which Arab countries accounted for around $190 billion.

[a] [a] Stockholm International Peace Research Institute, SIPRI Military Expenditure Database. Available from www.sipri.org/databases/milex (accessed April 2016).

control". The United States and the other members of the nuclear club are gradually reducing their nuclear arsenal, while continuing to develop more advanced versions of these weapons. The United States has ruled out the idea of complete disarmament in the foreseeable future. While it exerts pressure on other States to scrap their nuclear programmes and accede to the Treaty, it tacitly approves possession by Israel of such weapons on security grounds.

According to the United States, plans to rid the Middle East of nuclear weapons have been obstructed by a deep conceptual gap between two approaches to regional security and nuclear arms containment.

The first approach reflects the view of Egypt and countries that support its regional disarmament project, calling for all the region's countries to sign the NPT, work to enforce its provisions and develop it to ease regional tensions. The second echoes the Israeli position that urges peace between Israel and all other countries in the region, as an initial trust-building measure paving the way for regional dialogue on all issues, including nuclear proliferation.

Attributing the failure of disarmament initiatives to the "conceptual gap" might have been plausible, had the United States not adopted the Israeli stance. Going down that road would render Arab countries and any comprehensive Arab-Israeli negotiations susceptible to Israeli nuclear blackmail, and lead to a regional peace imposed by Israel rather than genuine peace between Arabs and Israelis. The United States is not neutral with regard to the balance of power between Arab countries and Israel, but rather plays a key role in tipping the balance in favour of Israel. "The United States since 1969 has implicitly supported Israel's nuclear deterrent by not pressing for NPT signature and providing Israel with high-performance aircraft that are capable of delivering the bomb".[20]

The United States, as a matter of policy, turns a blind eye to the possession by Israel of nuclear weapons – just one of the double standards it employs with regard to Israel and Arab countries. For example, it has routinely ignored the assassination of Arab nuclear scientists, including Yahya al-Mashad, who was killed in Paris in 1980. Most observers believe that the Israeli intelligence services were behind those assassinations, as well as sabotage operations to prevent other countries from acquiring nuclear weapons. In the late 1950s, Israeli intelligence launched a campaign targeting scientists and their families in Egypt.[21]

Shortly before its invasion of Iraq in 2003, the United States put significant pressure on Iraq to disclose the location of its nuclear and military facilities to international observers. A delayed response by the Iraqi

The income gap between the rich and poor has become a deep ethical and humanitarian dilemma

In 2015, the combined wealth of just 62 people was equivalent to that of 3.6 billion persons

Income disparity is growing within countries; the problem, however, is greater than commonly believed, with widespread tax evasion disguising the magnitude of the sums involved

Employees are ceding a growing portion of income to others, such as senior management

The GDP of 48 developing countries, i.e. a quarter of the world's countries, is less than the combined wealth of the world's three richest people

leadership was considered reason enough to wage war on the country. However, the United States has made no such effort to expose the Israeli nuclear programme, and continued to avoid the issue even when the opportunity arose to reveal the details. When Mordechai Vanunu, an Israeli nuclear technician, leaked secret documents confirming Israel's possession of nuclear weapons to the Sunday Times, and Israel violated international law by abducting him from Italy and sentencing him to 18 years in prison,[22] the United States refrained from intervening or adopting a position with respect to the Israeli nuclear programme consistent with its stance regarding supposed Iraqi nuclear weapons. That contradiction is a measure of the double standards of American policy on the issue.

## C. Distributive justice

In this section, we examine distributive justice at the international level, which is the object of increasing attention. In recent years, more effort has been put into broadening the analysis of distributive justice in order to take into account wealth distribution between countries and geographical areas, as well as wealth distribution between individuals in society.

### 1. Justice between individuals

Studies on income disparity between individuals agree that most of the world's wealth is concentrated in the hands of a tiny minority, and that the income gap between the rich and poor has become a deep ethical and humanitarian dilemma.[23] Projects and appeals demanding a more just world have not made significant progress to date. Reports from various international organizations predict that the following issues will exacerbate this injustice:

**Widening gap between the haves and have-nots:** A 2016 report by Oxfam shows that the wealth gap is widening across the world. In 2015, the combined wealth of just 62 people was equivalent to that of 3.6 billion persons.[24] The Global Wealth Report of Credit Suisse indicates a deepening of injustice in recent years, with less than 0.7 per cent of the global population possessing 44 per cent of total wealth.[25] A 2013 United Nations report on income disparity attributed this increasing injustice over the past two decades to the absence of any meaningful effort to address the issue.[26]

**Increasing injustice within countries:** Some researchers see a relative decrease in global inequality, given that millions have been lifted out of poverty and into the middle class in China, India and Latin America. A study by the Luxembourg Institute of Science and Technology confirms that contention, but maintains that income disparity, despite relative global decreases, remains a significant problem

as it is growing within countries. The true extent of the problem, however, is greater than commonly believed, because of widespread tax evasion, thereby disguising the magnitude of the sums involved, with the depth of injustice consequently not fully measured.[27] A report by Oxfam America published in April 2016 at the start of the fiscal year, reveals that the United States loses $100 billion annually through tax evasion by its 50 biggest companies, which over the years have also established 1,600 offshore subsidiaries in tax havens. Moreover, these same firms managed to obtain $11 trillion in bailout assistance and federal loans between 2008 and 2014.[28]

**Growing influence of the wealthiest:** the records, relationships and public activities of the richest people show that some invest a significant portion of their wealth in establishing and running lobby groups to promote their interests in Washington, Brussels and other influential capitals in the old democracies. Such lobby groups often spend large amounts of money to influence the outcome of elections.[29]

**Deteriorating situation of workers and people with limited income:** The situation of workers and people with limited income has declined since the 2008 global financial crisis. The problem was evident before the recession, with the pace of wage growth falling behind that of worker productivity. Since 1960, productivity in the United States has risen by almost 220 per cent, but real wages by less than 100 per cent.[30] In contrast, in earlier decades, GDP growth, productivity and real wage growth had moved more in tandem. As a result, employees are ceding a growing portion of income to others, such as senior management. The spread of low-paid, non-contractual temporary work continues, while those at the top of major corporations grow wealthier.

The number of movements and organizations seeking justice is growing steadily. They include human rights organizations such as Amnesty International, the Center for Constitutional Rights, and Physicians for Human Rights; regional organizations, such as the International Indian Treaty Council, which defends the rights of indigenous peoples; organizations working for economic justice, such as Oxfam; and international organizations, such as the International Labour Organization. Most of them are broadening their operations. For example, Amnesty International initially focused on prisoners but now also tackles many other areas involving violations of the principles of justice.

These and other movements target public opinion internationally and within countries and strive to promote justice. They have shown that what

Trade mispricing costs developing countries around $100 billion in lost tax revenue annually between 2002 and 2006, and this figure represents an average loss of about 4.4 per cent of the entire developing world's government revenue

Some estimate this figure at $160 billion of annual corporate tax losses for the developing countries

The Atlantic parties that have proposed cooperation projects with the Arab region have overlooked its geographic, cultural-linguistic, historical and political characteristics and common Arab identity

One explanation for this position can be the desire to impose cooperation with Israel, even before it ends its occupation of Palestine and other Arab territories

happens inside a country anywhere in the world can have an impact elsewhere. The "Arab Spring", for instance, echoed in the United States and other countries around the world. Such movements have given voice to the demands of the marginalized. The absence of justice has prompted many of the super-rich, such as Bill Gates, who for years was considered the world's wealthiest person, and Warren Buffet, listed as the world's third wealthiest in 2016,[31] to demand higher taxes for the rich.[32]

## 2. Justice between countries

Just as with justice between individuals, significant gaps persist among countries. Statistics show that the GDP of 48 developing countries (i.e. a quarter of the world's countries) is less than the combined wealth of the world's three richest people. Some 20 per cent of the world's people living in the highest-income countries account for 86 per cent of global private consumption spending, while the same percentage of people living in the poorest countries account for 1.3 per cent. Specifically, the richest fifth of the population in the highest-income countries consumes 45 per cent of all meat and fish, uses 58 per cent of total energy, has 74 per cent of all telephone lines, consumes 84 per cent of all paper, and owns 87 per cent of the world's vehicle fleet. In contrast, the poorest 20 per cent in the lowest-income countries consumes 5 per cent of all meat and fish, uses 4 per cent of total energy, has 1.5 per cent of all telephone lines, consumes 1.1 per cent of all paper and owns less than 1 per cent of the world's vehicle fleet.[33]

International corporations have a major impact on global wealth distribution and on the growing disparities between countries. Many of their practices limit the chances that developing countries, including those in the Arab region, have of achieving distributive justice. According to Global Financial Integrity (GFI),[34] trade mispricing costs developing countries around $100 billion in lost tax revenue annually between 2002 and 2006. The study concludes that "this figure represents an average loss of about 4.4 per cent of the entire developing world's government revenue".[35] Christian Aid puts the figure higher, at $160 billion in annual corporate tax losses for developing countries.[36]

Many multinational corporations with branches in developing countries export goods from those branches at low prices, to their branches in tax havens, resulting in low profit margins and therefore little or no tax collected in the developing countries. Corporations then re-export the goods on to branches in developed countries after lifting the billing price to almost match sales prices in those countries, resulting in low profit margins, to which a low tax rate is then applied in developed countries.

These tax-evasion strategies have led many experts and international justice stakeholders to point out the apparent

contradiction between the declared policies of developed countries, aimed at helping developing countries with official development assistance (ODA), and the practices of multinational corporations. Taxes lost by developing countries are estimated to total between 1.5 and 10 times the amount of ODA received.[37] If developed countries adopted strict measures to combat such practices, funds available for development in developing countries could greatly exceed ODA.

## 3. Justice between regions

A key assumption behind the establishment of regional blocs is that they will contribute to building a more just international community. Weaker countries, the conventional wisdom goes, clearly have more incentive to join such projects of regional integration than major powers, given their limited capacity and need to enhance their negotiating positions. However, the reality is not so straightforward. The major powers, such as those making up the G7 (combined GDP of $34,507 billion in 2013), are just as concerned with regionalization as other countries, including those of the MENA (Middle East and North Africa) region (combined GDP of $3 billion in 2013).[38] One example is the successful establishment and development of the European Union. The efforts of the United States to create free trade areas through the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific Partnership (TPP) are another. In reality, the latter two projects are one and the same, the effects of which will go beyond economics to influence politics and strategy.[39] They will serve to reinforce the primacy of the United States in the Atlantic and the position of the Atlantic on the world stage, while creating the conditions for containing China and marginalizing the Russian Federation and other countries attempting to challenge the United States.

Such projects will have a direct impact on the Arab region. Even if these ambitious agreements do not become reality, the current pattern of relations between Arab countries and the rest of the world hobbles the region. It replaces regional cooperation projects that reflect the aspirations of Arab peoples, especially regarding social justice, with initiatives that are not based on the usual conditions for regional integration, such as cooperation between stakeholders with a common regional identity.[40] The Atlantic parties that have proposed cooperation projects with the Arab region have overlooked its geographic, cultural-linguistic, historical and political characteristics and common Arab identity. One explanation for this position can be the desire to impose cooperation with Israel, even before it ends its occupation of Palestine and other Arab territories, and to push Arab States to abandon their common identity and their boycott of Israel.

Cross-regional investment has recently gathered pace, however, observers are concerned that this works in the interest of the powerful through land grabs. Investors from rich countries are buying up land in the poorest countries at rock-bottom prices, especially in Africa, Latin America and South Asia

There are many reasons for concern, notably the secrecy shrouding these deals, their size and the generally undeclared identity of their beneficiaries

The International Criminal Court's legitimacy has been undermined by its failure to protect civilians in certain countries and its long disregard for Israeli violations of people's rights and the Geneva conventions in Palestine

It is often said that the United States adopts a unilateral and coercive approach to regionalization, and that it has regularly used international and regional cooperation projects to serve its national interests. This phenomenon can be attributed to the influence on Government of powerful lobbies. It has been argued, for instance, that the TPP does not promote open competition but rather restrains it in order to further the interests of United States investors.[41]

Cross-regional investment has recently gathered pace and appears, for the first time, to be stimulating South-South economic relations; however, observers are concerned that this also works in the interest of the powerful at the expense of the weak through land grabs. Investors from rich countries are buying up land in the poorest countries at rock-bottom prices, especially in Africa, Latin America and South Asia. There are growing fears in that regard, although reliable data is insufficient to determine the true impact of such investments. In Africa, an estimated 70 million hectares of agricultural land – or 5 per cent of the continent – was sold or leased to foreign investors between 2000 and 2012.[42]

There are many reasons for concern, notably the secrecy shrouding these deals, their size and the generally undeclared identity of their beneficiaries. Saudi Arabia is understood to have received the first shipment of rice produced in Ethiopia in 2009, while the World Food Programme was striving to secure food for 5 million Ethiopians. China has acquired 7 million hectares in the Democratic Republic of the Congo to produce palm oil, while millions of Congolese rely on foreign food aid.[43] Investors are queuing up for fertile and extremely cheap farmland in South Sudan; in Ethiopia, land can be leased for as little as $1 an acre.[44]

Land grabbing is an integral part of the global power struggle for food security. Having long been dominated by the question of access to markets, geopolitics will in the future increasingly be concerned with securing access to supplies.[45] Agricultural land and water security are intimately linked, an issue that could fuel conflict in many parts of Africa in the future. Intensive use of Nile water in Ethiopia and the Sudan could divert supplies from other neighbouring countries, thus igniting disputes. Smallholder farmers across the world are helpless against the major economic powers, be they countries or corporations. They lack formal land rights and access to political power in their countries and so become victims of this investment model in which they are neither effective participants nor real beneficiaries. It is feared that the children of such smallholders will grow up to find they are barred from crossing barbed wire fences into what by then will have come to be the property of foreign interests.[46]

## D. Criminal justice

The major powers control institutions through which, by various means, they can compel smaller countries to implement decisions and policies that conflict with their interests. Currently, the most popular means employed is political and economic pressure, including the threat of economic sanctions and withholding aid to small and developing countries.[47]

### 1. International Criminal Court

The International Criminal Court was established in July 2002 pursuant to the 1998 Rome Statute to try persons accused of violations of international humanitarian law. A total of 124 States are parties to the Statute. Countries that are not signatories include China, Israel, the United States and now Russia.[48] The Court considers cases of genocide, crimes against humanity and war crimes, constituting flagrant violations of the 1949 Geneva conventions; however, it can only trial crimes that occurred following its establishment in 2002.

The role of the Court in promoting the values of justice in the international system has given rise to controversy for structural and procedural reasons. The Rome Statute represented a compromise solution between the creation of an effective judiciary and a judicial institution of the Security Council. Under the Statute, the Council may request that the Prosecutor launch any investigation it may require. Similarly, it has the power to halt any investigation launched at the request of States party to the Statute within a year. The major powers insist that they are bound neither to join it nor to recognize its jurisdiction. Those same powers continue to challenge the notion of an independent international judiciary, given that such independence implies an acknowledgement of the equality of small and powerful States. Notwithstanding the potentially immense power they wield in the Security Council over any ruling by the Court, three of the permanent members are not parties to the Rome Statute: China, Russia and the United States. The Court's legitimacy has also been undermined in the eyes of many by its failure to act to protect civilians in certain countries and its long disregard for Israeli violations of people's rights and the Geneva conventions in Palestine. Critics also point out that all the cases it has considered have involved African countries only. As a result, Burundi withdrew from the Court, followed by South Africa in October 2016.[49]

Kenya is a unique case. The current Kenyan President, Uhuru Kenyatta, is the first serving head of State to be tried. Investigations began in November 2009, after the submission of information to the Prosecutor on violence following the 2007 elections. The Court continued considering his case even after the prosecution had dropped all charges against him. As for the Sudan, in 2005, the

Critics also point out that all the cases it has considered have involved African countries only

The International Centre for Settlement of Investment Disputes (ICSID) has become a tool for penalizing Governments that implement projects reflecting concepts of global justice where they clash with the interests of multinational corporations

As a result of the vagueness of the ICSID's powers, the lack of transparency in its workings or a comprehensive appeals system, investors have become privileged merely by virtue of being foreigners

Sanctions, which seemed initially to be a non-violent tool of persuasion, proved that they may be an inhumane and ineffective measure with no noticeable impact on the fate of the targeted regime

Security Council referred the Darfur case to the Court for investigation into violations committed during a Government campaign to quash a rebellion by the Sudan Liberation Army, the Justice and Equality Movement and other armed groups opposing the Government. The Sudanese President, Omar al-Bashir, has been indicted for war crimes and crimes against humanity, and an arrest warrant in his name was issued in 2009. The Court decided to try Mr. Al-Bashir, resulting in a failed attempt to compel South Africa, a State party to the Rome Statute, to arrest him while he was attending the African Union Summit, held in Johannesburg in June 2015.[50]

Mr. Al-Bashir had already previously travelled within Africa with impunity. The Kenyan authorities refused to arrest him at the Intergovernmental Authority on Development (IGAD) Summit in 2010. In May 2011, a decision was taken at the African Union Summit not to cooperate with the Court, in accordance with diplomatic norms that grant immunity to heads of State and diplomatic missions. In December 2011, the Court handed down rulings against Chad and Malawi for failing to comply with the arrest warrant, deepening the non-compliance quandary facing the Court.

The Court's approach to Israel is not at all consistent with its actions in Africa. In January 2009, after the Israeli offensive in Gaza, the Palestinian authorities, invoking article 12 (3) of the Rome Statute on the acceptance by a State that is not a party to it of the exercise of jurisdiction by the Court, asked it to investigate possible crimes against humanity and war crimes committed between December 2008 and January 2009. In September 2009, the Goldstone Report, published by the United Nations Human Rights Council, accused Israel and Palestinian militants of possible war crimes and crimes against humanity in Gaza. It recommended that the Security Council refer the issue to the Court, as had been done in the case of Darfur.

Luis Ocampo, the Prosecutor at the time, justified the Court's reluctance to arrest Israeli suspects on the grounds that the Court's jurisdiction was limited to State parties. Since Israel had not ratified the Rome Statute, the Court could not pursue Israeli officials without authorization from the Security Council. That excuse appears flimsy in view of legal precedents, such as the Ivory Coast case that was investigated following a 2011 request by Mr. Ocampo, even though it too was not a member of the Court. However, the political equation differed in the Palestinian case, given United States support for Israel during its war in Gaza under the pretext of targeting Hamas. The impact of international political considerations on the workings of the Court only serves to underline the problem of the absence of justice.[51]

## 2. International Centre for Settlement of Investment Disputes

The International Centre for Settlement of Investment Disputes (ICSID) has been the object of a range of specific reservations and criticisms since its inception by different regions and countries, but there are also more general concerns, shared by countries in the Arab region, about its overall role. It was set up under the World Bank in order to increase investor confidence and encourage investment in areas most in need of it, while maintaining just and equitable conditions for investors and beneficiaries. However, critics say that it has become little more than a tool for penalizing Governments that implement public projects reflecting concepts of global justice in areas such as environmental protection, public health and economic prosperity, where they clash with the interests of multinational corporations.

The number of cases registered with the ICSID rose from 24 in 1991 to 450 in 2011, accompanying a surge in the number of bilateral investment treaties (BITs) over the past two decades to more than 3,000, most of which contain investment protection guarantees and clauses allowing corporations to sue countries, but not the other way around.[52] Arbitration cases have generated astronomical profits for a handful of lawyers in developed countries, whose fees range between $8 million and $30 million per case, while some arbitrators charge $1 million per case. A limited number of law firms in Western countries control the investment arbitration industry. One firm in the United Kingdom and two in the United States claim to have been involved in 130 arbitration cases in 2011 alone, and 55 per cent of all known investment-treaty disputes have been decided by only 15 arbitrators, nearly all from Europe, Canada and the United States. On occasion, those arbitrators also act as counsel for corporations that file cases against developing nations.[53] Arbitration cases drain financial resources from developing countries that are in dire need of them for sustainable development.

As a result of the vagueness of the ICSID's powers, its tight links to the World Bank (with all the pressure that brings when dealing with the Centre), the lack of transparency in its workings or a comprehensive appeals system, and the high standing it enjoys in the United States, investors have become privileged in the countries in which they invest merely by virtue of being foreigners. That is reminiscent of the days of the mandates and foreign tutelage in the Arab region, when only foreign courts could hear cases where one of the parties was a foreign national.

Critics see a link between multinational corporations, on the one hand, and the Centre and its mechanisms, on

> The Committee on Economic, Social and Cultural Rights concluded that sanctions often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work

the other. They fear that partnership projects, marketed by the United States as regional integration projects, will become the opposite of what is hoped from them: tools for protecting the interests of the powerful at the expense of the weak, rather than a means to rebalance the international community.[54]

## 3. Sanctions

Sanctions can be defined as the cutting of economic ties, or the threat to do so, with a country in order to force change in the composition, positions or policies of the targeted country or group. They come in many forms, including bans on imports, exports or both, restrictions on financial transactions, military or economic aid freezes, and financial market restrictions, and are applied by one or more States through a regional or international body. Sanctions are often used to block trade and investment and to prohibit the country concerned from buying or selling goods on world markets. They may also be used to embargo specific goods, such as arms and petrol, impose no-fly zones (temporary or otherwise), withdraw diplomatic representation, stop the movement of people and freeze assets.

Their unintended consequences can include reinforcement of the power of oppressive elites

Reflection on the concept of sanctions in non-governmental circles and at the international level reached a peak in the 1990s. What seemed initially to be a non-violent tool of persuasion soon proved, with the imposition by the United Nations of sanctions on Iraq, to be an inhumane and wholly ineffective measure that had no noticeable impact on the fate of the political regime they targeted. There followed a period of deep soul-searching in civil society organizations around the world, the outcome of which was the rejection by most of the serious and independent human rights groups of the concept of economic sanctions, except in those rare cases where their application does not affect people's basic rights. The use of sanctions as commonly conceived until that time thus became, even before the fall of Baghdad, both legally and morally abhorrent to the mainstream international human rights movement and global civil society. The Committee on Economic, Social and Cultural Rights discussed the matter at its seventeenth session in 1997. In its General Comment No. 8, the Committee concluded that sanctions almost always had a dramatic impact on economic, social and cultural rights:[55] "They often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work. In addition, their unintended consequences can include reinforcement of the power of oppressive elites, the emergence, almost invariably, of a black market and the generation of huge windfall profits for the privileged elites which manage it, enhancement of the control of the

governing elites over the population at large, and restriction of opportunities to seek asylum or to manifest political opposition. While the phenomena mentioned in the preceding sentence are essentially political in nature, they also have a major additional impact on the enjoyment of economic, social and cultural rights".

Sanctions continue to be employed as a means of applying pressure, without heed to United Nations injunctions to defend the basic rights of the population of the targeted country. The failure to apply sanctions on successive Israeli Governments in spite of their consistent violation of the rights of Palestinians and the fact that they systematically ignore Security Council resolutions, is a glaring example of double standards and selectivity.

The issue of weapons of mass destruction raises questions about which body should be entrusted with the implementation of international justice principles (the world's policeman) and the use of sanctions. A study by the Peterson Institute for International Economics shows that the European Union and the United States together imposed more sanctions in the 1990s against official and non-official actors than the rest of the world combined, including the United Nations. In subsequent decades, the European Union ratcheted down its use of sanctions, leaving the United States as the world's punitive superpower.[56]

## 4. War

Major world powers have twice launched wars on Arab countries: the first was led by the United Kingdom and France against Egypt in 1956; the second by the United States and its allies against Iraq over two stages, in 1991 and 2003, on the pretext of implementing international justice. However, the case for the 2003 invasion proved to be unfounded, and the United States failed to convince the international community of the legitimacy of its objectives, especially after Kofi Annan, then Secretary General of the United Nations, declared the war illegal.[57]

The 2003 war unleashed two wide-ranging debates on key approaches to international relations. The first turned on justification of war as a tool for punishing those who violate international law. As the baselessness of such justifications in the case of the 2003 invasion became increasingly apparent, enthusiasm for pre-emptive wars, military options and aggression in United States foreign policy dwindled. Concurrently, American public opinion called increasingly for cooperation with international organizations within the framework of international pluralism to avoid a repeat of the Iraq War.

The second debate addressed the international situation, and in particular the role of the United States in the world and its relationships with regional blocs (box 6.3).

the European Union and the United States together imposed more sanctions in the 1990s against official and non-official actors than the rest of the world combined, including the United Nations

Relations between the region and the major powers may, on the surface, have the appearance of being based on reciprocity and voluntary engagement

The adverse effects of this approach down the years have brought us to the bleak moment in which many Arab countries, especially Iraq, Libya, Palestine, the Syrian Arab Republic and Yemen, find themselves today

### **Box 6.3** Emerging blocs and a new American strategy

In the wake of the first Iraq war in 1991, the United States Department of Defence hammered out the key parameters of a new strategy focused on how best to deal with emerging regional blocs, which constituted perhaps the greatest challenge to the United States in that phase. A linchpin of the new strategy was to prevent any international actor from gaining the upper hand in key regions and thereby contesting the global leadership of the United States. The strategy was coy about what might be considered legitimate means of holding back potential rivals, but it caused apprehension in many quarters, including among friends and allies of the United States, such as Germany and France, which saw in it a warning to rein in any global leadership ambitions they might harbour.

Since then, circumstances in the Atlantic area have undergone major changes that have seen a weakening in the political position of regional blocs on the world stage. Nevertheless, the insistence of the US administration on pursuing the politics of power continues to inspire fear. In that respect, the strategy that emerged in the 1990s provides important clues to the position of the United States with regard to the notion of equality between nations and the main regional blocs that arise in order to curb the differences between them.

**Source:** Based on: James Mann, Rise of the Vulcans: the History of Bush's War Cabinet (New York, Penguin Group, 2004).

There is growing concern in Washington about the rise of blocs fundamentally opposed to the United States, or that could inadvertently become rivals for global leadership. It does not distinguish between blocs that might emerge with the aim of contesting, containing or replacing United States leadership in the international system, and those that come together merely to protect legitimate national interests, citizens' rights and development aspirations in accordance with the principles of equality and equal opportunities between members of the international community.

*The Arab region has frequently been an object of interest to major powers, as amply demonstrated by events in the past and present, especially in times where conflict and rivalries have flared. They have tussled over it, making calculations and trading concessions, constantly altering policies and changing*

*their positions, ostensibly in a spirit of justice and with a view to upholding the right of peoples to self-determination, yet in reality, with the aim of tightening their grip on the region and manipulating its affairs to suit their own interests.*

*Relations between the region and the major powers may, on the surface, have the appearance of being based on reciprocity and voluntary engagement. In essence, however, they are coercive. The adverse effects of this approach down the years have brought us to the bleak moment in which many Arab countries, especially Iraq, Libya, Palestine, the Syrian Arab Republic and Yemen, find themselves today.*

*Following almost a century of continual struggle for freedom and independence, the Palestinian people have yet to secure their right to establish a State. Some international institutions measure the impact and repercussions of the Palestinian question in terms of the conditions and suffering of refugees. However, the refugee issue is only one aspect of the Palestinian tragedy. Fundamentally, the issue is one of a people denied its right to self-determination and full independence in its own territory, in which attempts to erase the Palestinian-Arab identity are underway so as to facilitate the absorption of thousands of foreign settlers. The Palestinian cause and its numerous ramifications fuel extremism and violence and make the obstacles to justice between Arabs, and across the world, still more intractable.*

*Iraq, which was a member of the League of Nations and played a role with Egypt in establishing the Arab regional system, is now struggling to hold its territory together. It has suffered from years of war driven by false allegations and, beforehand, a sanctions regime described as the harshest in history. As a result, State institutions collapsed and sectarian quota systems have been imposed, plaguing Iraq with communal conflicts undermining its social fabric and national unity. Today, Iraq risks being splintered into several States. A worsening of the deep divisions wracking the country could well lead to still more difficulties, conflicts and war, in Iraq and across the region.*

*Other Arab countries, too, are going through trying times. Like many small- and medium-sized countries, they suffer from the lack of justice in the international community. They are also affected by conflicts in neighbouring countries, which are partly driven by powerful nations that are either directly involved or preventing their fair resolution.*

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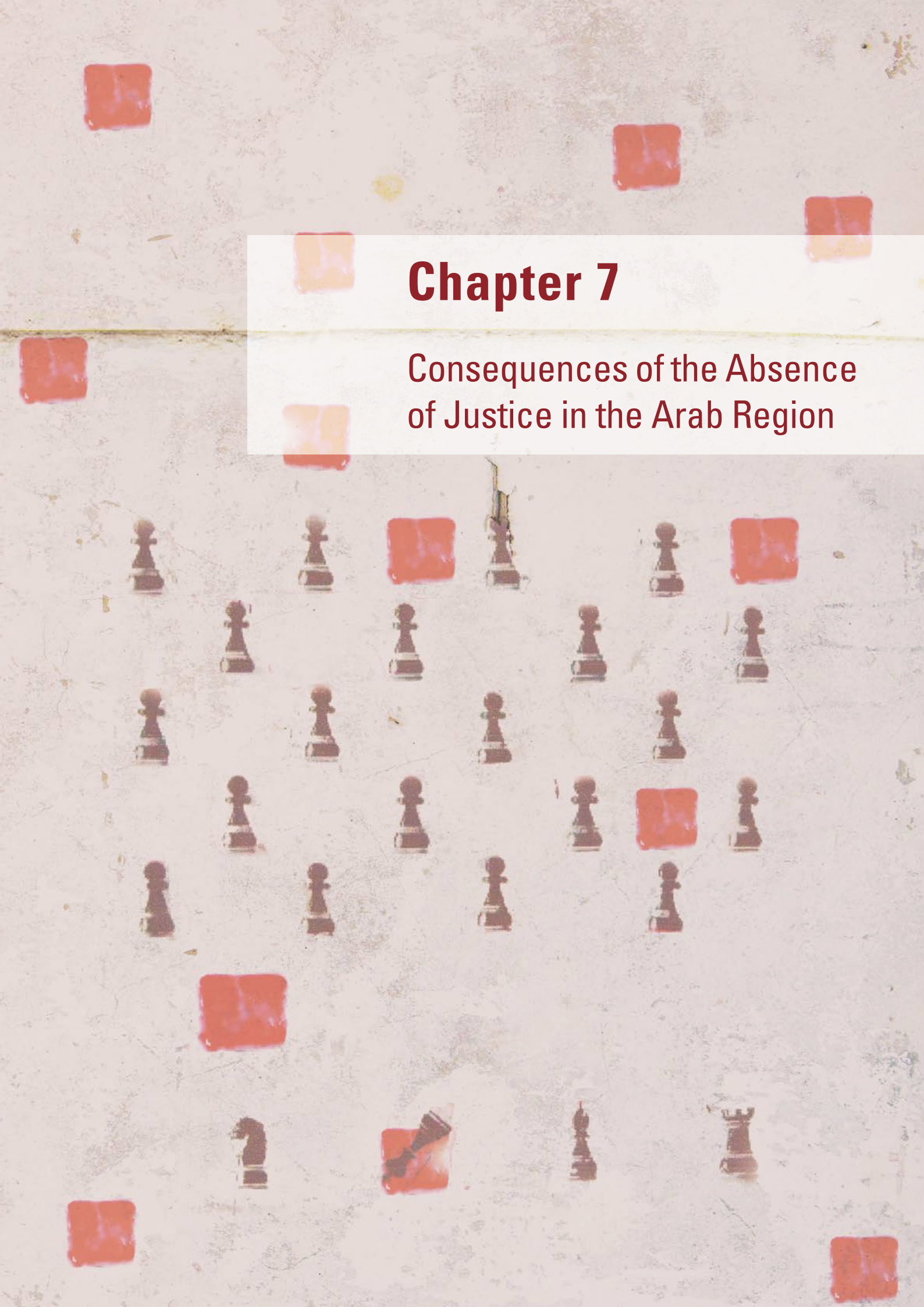
# Chapter 7

## Consequences of the Absence of Justice in the Arab Region



As long as poverty, injustice and gross inequality persist in our world, none of us can truly rest.

***Nelson Mandela***

# 7. Consequences of the Absence of Justice in the Arab Region

In the preceding chapters, we have surveyed the state of justice in Arab countries and detailed the injustices suffered by their peoples at the individual, community and national levels. We have traced the weakness of the region's justice systems to internal reasons linked to the structure of the colonial State and its authoritarian successor on the one hand, and external ones linked to the global governance system, on the other. This dearth of justice has had consequences for the stability, growth and even the very existence of countries that have ceased to be homelands offering shelter and protection, only to become terrifying killing fields, from which people flee to seek refuge elsewhere. It is no coincidence that the largest wave of migration to Europe since the Second World War has welled up from the Arab region at this time. The accumulation of injustices led the entire region to explode. With ever fewer options, more and more people have come to see no solution but to emigrate or take up arms.

This chapter addresses the repercussions of injustice in Arab countries: stalled development; political stagnation induced by protracted authoritarian rule; distorted awareness; increasing clannism and sectarianism (asabiyyas); rebellion against and forsaking the State; outbreaks of civil war; and intensified foreign meddling as dependence on external powers grows.

## A. Development stagnation

Injustice in the Arab region has hobbled the economy and put a brake on development prospects. Arab States have failed to provide the majority of their people with decent living standards. Poverty and unemployment are on the rise, as is the number of people deprived of equal access to income and wealth opportunities, and to basic health and education services. Economic policies have failed to produce the desired industrial development, broaden the economic base, or bridge the scientific and technological gap with even middle-income countries, let alone developed ones. With development on hold in most Arab countries, the gap has widened between them and developing countries with which they were on a par two decades ago. In 1990, the Arab countries ranked higher on the Human Development Index than East Asia and the Pacific. By late 2014, however, they had been surpassed by all regional groupings

The dearth of justice has had consequences for the stability, growth and even the very existence of countries

A key prerequisite for achieving development objectives is a transparent and accountable legal and institutional environment. Equally essential is an effective government, and a society fortified against corruption

There can be no development or progress under tyranny, where institutions serve individualistic purposes and are backed by forces that see development as antithetical to their interests

but South Asia and sub-Saharan Africa. Current trends suggest that those regions too may well overtake the Arab countries, which they have outperformed in terms of rate of improvement over the past 25 years. Between 1990 and 2014, the average annual rate of improvement was 1.38 in South Asia, 1.08 in sub-Saharan Africa and no more than 0.90 in the Arab States.[1]

A key prerequisite for achieving social and economic development objectives is a transparent and accountable legal and institutional environment. Equally essential is an effective government with competent staff and expert administrators operating within a framework of good governance. Society must be fortified against administrative and financial corruption and the associated chaos and neglect of the basic conditions for equitable and sustainable development. Corruption, itself a cause of injustice, undermines State institutions and disrupts their relationship with the public. Where public life flourishes in an environment of transparency, accountability and good governance, the wheels of development can roll, while corruption and resource waste are eliminated.[2]

There can be no development or progress under tyranny, where institutions exist to serve authoritarian, totalitarian and individualistic purposes in order to maintain the

### **Box 7.1** Tyranny deprives people of the life force that drives their self-realization

The captive of tyranny lives an empty and rotten life without purpose, bewildered and at a loss as to how to pass the hours and kill time. The crushing weight of tyranny deprives people of the life force that drives their self-realization and comes with freedom, responsibility and creativity, and feeds innovation, systematic scientific thought, and healthy expression. For tyranny ... goes against the tide of history, civilization and natural human life, because it stands contrary to human freedom and the unhindered ability to make the right choices. Moreover, it cripples the power of thought and the lucid use of reason and instinct, making people prisoners of ignorance and backwardness. It is a great catastrophe when a person loses his or her freedom, because with that comes the loss of all that is dear in life: pride and dignity, morality and knowledge. Such a person is destined to die or to live on the margins of existence.

**Sources:** نبيل علي صالح، محنة الاستبداد السياسي والاجتماعي في العالم العربي، الحوار المتمدن، العدد 758 (28 شباط/فبراير، 2004) http://www.ahewar.org/debat/show.art.asp?aid=15253.

status quo, backed by forces that benefit from the system and see development and human rights as antithetical to their interests.[3] Tyrants look out solely for their own interests, or those of a narrow ruling class, and wield absolute power, unhindered by any constraint or law.[4] In such a State, the legislative, executive and judicial branches enjoy no independence and are consolidated under the control of a single group. Budgets are drained to build a security apparatus tasked with curbing rights and freedoms.[5] Corruption undermines the legitimacy of State institutions; sweeps away the foundations of good governance, the rule of law and human rights; and inhibits the entrepreneurial spirit of the private sector, as resources are allocated on the basis of connections, political loyalty and personal interests. The stagnation and breakdown of development is the natural and logical consequence of the repression exercised over people by tyranny, stifling people's desire to engage in thought, development and creativity, and thus their capacity to confront their countries' development challenges.[6]

Arab authoritarian regimes have failed to achieve any measure of economic development and social justice. Whatever the progress in the region between 1990 and 2010 in terms of labour force education or economic growth rates, it was not matched by a commensurate increase in decent and well-paid jobs. Productivity slowed, real wages stagnated, and poverty rates increased. This has prompted some well educated Arabs to be disenchanted and to consider emigrating, an avenue that was, however, not open to most.[7] At the same time, and in particular after 2000, the public sector shrank in many countries under the weight of financial crises and structural reform programmes, purchasing power fell, and the quantity and quality of public services deteriorated.[8]

The social and economic fallout, with youth taking to the streets, should come as no surprise, stemming as it does from an unfair economic model based on the dismantling of the development and public service roles of the State. Had growth been the result of good governance based on broad social consensus and public accountability for policy choices, it might have met the legitimate needs of youth and led to more sustainable development.

One of the conditions to achieve justice is respecting people's right to access information, thereby allowing them to monitor public institutions and hold them accountable. Accurate information on public spending is difficult to obtain, since many of the spending line items are not detailed in the State budget made public in most Arab countries. Worse than non-disclosure of information is the dissemination of false and misleading information, such as in the typical assessments of economic performance trumpeted by Governments in the region, at

Whatever the progress in the region in terms of education and economic growth rates, it was not matched by a commensurate increase in decent and well-paid jobs

Worse than non-disclosure of information is the dissemination of false information, such as claims that the poor and middle classes in most Arab countries were the main beneficiaries of the free market and economic reform policies

**Table 7.1** GDP growth in Arab countries suffering from instability and violence

| | Iraq | Libya | Sudan | Syrian Arab Republic | Yemen |
|---|---|---|---|---|---|
| 2000 | 1.4 | 3.7 | 6.3 | 2.7 | 6.2 |
| 2001 | 2.3 | -1.8 | 6.5 | 5.2 | 3.8 |
| 2002 | -6.9 | -1.0 | 6.4 | 5.9 | 3.9 |
| 2003 | -33.1 | 13.0 | 7.7 | 0.6 | 3.7 |
| 2004 | 54.2 | 4.5 | 3.9 | 6.9 | 4.0 |
| 2005 | 4.4 | 11.9 | 7.5 | 6.2 | 5.6 |
| 2006 | 10.2 | 6.5 | 10.1 | 5.0 | 3.2 |
| 2007 | 1.4 | 6.4 | 11.5 | 5.7 | 3.3 |
| 2008 | 8.2 | 2.7 | 7.8 | 4.5[a] | 4.0 |
| 2009 | 3.4 | -0.8 | 3.2 | 5.9[a] | 4.1 |
| 2010 | 6.4 | 5.0 | 3.5 | 3.4[a] | 3.3 |
| 2011 | 7.5 | -62.1 | -2.0 | -3.4[a] | -15.1 |
| 2012 | 13.9 | 104.5 | -2.2 | -19.5[a] | 2.5 |
| 2013 | 6.6 | -13.6 | 3.3 | -20.6[a] | 4.2 |
| 2014 | -2.1 | -24.0 | 3.1 | -17.0[a] | 0.3[b] |
| 2015 | -1.0[b] | 0.5[b] | 3.5[b] | -11.7[a] | -2.8[b] |

**Source:** Estimates based on data from the World Bank, World Development Indicators.

[a] The World Bank, World Economic Outlook, January 2016 and June 2015.

[b] BMI Research data.

least until 2010. An example of this are the recurrent claims that the poor and middle classes in most Arab countries were the main beneficiaries of the free market and economic reform policies adopted from the late 1980s. The sharp rise in poverty and inequality since then gives the lie to such claims. The size of the middle class in the region shrank from 47.3 per cent of the total population in 2000 to 36.7 per cent in 2011.[9]

Arab countries today face more perilous development challenges than ever before. Since 2010, conflicts in the region have shattered the economy and social fabric of many Arab countries, with devastating impact on the poor and middle classes. An estimated 30 million people today live in extreme poverty in the Syrian Arab Republic and Yemen.[10] Taking into account the estimated 22 million living in similar conditions in Egypt, the total

number of poor people in the three countries exceeded 10 per cent of total population of the Arab region in 2015 (as estimated in the Global Development Index).

In addition to economic, developmental and humanitarian challenges, Arab countries face grave security threats. The regimes that steered them into this deadly impasse are unlikely to be able to lead their countries out of their current quagmires. Without real vision and a social contract that fulfils the requirements of justice and sustainability, their policies can lead only to further uprisings, rupture and fragmentation.

## B. Stagnation leading to eruption

Tyrannical governments propagated corruption, violence and repression, leading to a superficial malignant stability, and all manner of physical, psychological, inhuman and degrading violence. Terms such as "security pursuits", "torture", "enforced disappearance", "extrajudicial killing", "starvation" and "displacement" entered everyday usage. Covert and open psychological and corporeal violence became widespread inside and outside detention centres. People in the region's countries have been subjected to economic violence: losing their jobs, salaries and pensions, or being prevented from carrying out given trades. Having lost confidence in the civic values and platforms that are vital for protecting individuals, such as trade unions, associations and the judiciary, many people have felt they had little choice but to turn to different forms of corruption. Media violence has also become widely used, with slander and defamation of individuals, political parties and social groups becoming commonplace. Indeed, it has become a matter of systematic policy to defame anyone, even family or friends, taking issue with the existing system and the status quo. In the past, one knew where media attacks came from, but in today's virtual world, their sources have become anonymous, disguised by pseudonyms and unbridled by any moral constraint or oversight.

Even before the horrors of armed conflict and civil war, many creative, talented and bright people chose to emigrate, coming up against closed doors and finding no outlet or appreciation for their talents, but rather oppression and disparagement. People set off to the four corners of the earth in search of opportunities denied to them at home because of rampant corruption and the consequently dwindling prospects for investment.[11] The Arab region has thus been deprived of its potential, while others reap the rewards of what it invested in its own children. Each year, some 100,000 scientists, doctors, engineers and other highly trained professionals from Algeria, Egypt, Iraq, Jordan,

Tyrannical governments propagated repression, leading to a superficial stability, and all manner of physical, psychological, and degrading violence

Media violence has become widely used, with slander and defamation becoming commonplace. Indeed, it has become a matter of policy to defame anyone taking issue with the existing system and the status quo

Attempts to prevent threats to apparent stability make matters worse, as the State resorts to violence and loses its legitimacy. Every turn of the repressive screw stokes rebellion, and each rebellion elicits a still more brutal response

Like most of the undertakings of tyrants, such a policy is doomed to fail. Injustice breeds resistance, and the more intimidation is employed, the less effective it becomes

**Box 7.2** Torture in the Arab region: as brutal as it is commonplace

Most Arab countries have ratified the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In spite of the commitments made by those countries to combat torture, reports by the United Nations and international and civil society organizations testify to widespread use of torture. They point to the use, on the part of the security and intelligence apparatus in Arab countries, of a variety of types of torture, including threats to harm the person concerned and members of his or her family (especially women), humiliation, rape, solitary confinement, severe beatings of the head, chest and sensitive areas, caning of the soles of the feet, deprivation of sleep, food and drink, denial of access to toilets, and use of electric shock. These practices have claimed, and continue to claim, the lives of many ordinary individuals, members of the political opposition and human rights defenders.

**Sources:** United Nations, Report of the Committee against Torture, Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 44 (A/69/44); *Human Rights Watch, World Report 2016: Events of 2015* (New York, 2016).

Lebanon, Morocco, the Syrian Arab Republic and Tunisia voluntarily migrate to European countries, Canada and the United States, in addition to the great numbers who are compelled to leave.[12]

Those who remain behind, whom rulers believe to be content and settled, soon demonstrate to them and the world at large that this is merely an illusion that can crumble at a moment's notice. Any attempt to prevent threats to this apparent stability only makes matters worse, as the State resorts to violence and loses its legitimacy, fuelling popular uprisings. Every turn of the repressive screw stokes rebellion, and each rebellion elicits a still more brutal response.

## C. Distortion of public awareness and the revival of clannism and sectarianism

Tyrants, as Aristotle noted, will not hesitate to crush the spirit of their subjects and render them incapable of any positive action in order to hold on to power.[13] Like most of the undertakings of tyrants, such a policy is doomed to fail. Injustice breeds resistance, and the more tactics of intimidation are employed, the less effective they become. The uprisings that erupted in the Arab region in 2011 are but an episode in a long history of revolts by Arabs against injustice. Each time, the fear that plagued one generation simply filled the next generation with courage and a

### Box 7.3 Only citizenship can turn plurality into an enriching diversity

The nationalist experience of the early 1950s ended in failure. It was plagued by a series of major errors and crises. Of course, that was not coincidental or a simple case of bad luck. Many factors combined to bring about such a state of affairs. While external plotting against the Arab nation and its ambitions for freedom, unity and progress may have played a role in aborting the experience, the fundamental cause was local. The Arab system of the day was not up to this historic mission, neither in its vision, nor in its depth of commitment nor, consequently, in the integrity of its decisions. The project, nationalist in name, was in practice authoritarian. It transformed from a promising governance scheme into one of asphyxiating dictatorship. Therein lie the roots of our historical dilemma, for this drove a wedge between those in power and the masses, tarnished the legitimacy of the former and led them to invite aid from external powers or, in the case of some regimes, to request that they infiltrate the Arab home, which in many instances became mortgaged to these powers. The result of that equation has been a sum of crises instead of accomplishments…

Since seizing the reins of power, authoritarian regimes have worked assiduously to dismiss the culture of humanism inherent in Arabism on the pretext of "security concerns". What started with stagnation led to the killing off and quarantining of Arab potential. This sapped the resilience to face the mounting challenges posed by Zionism. We have become unable to stand up to external powers and incapable of engaging in the battle for development internally. [Arab] Nationalism is not about iron, fire and vengeance. It is about liberating and empowering Arabs. Oppression and the evisceration of Arab political life have voided the nationalist project of its progressive and humanist sense, created setbacks, exacerbated obstacles and deepened foreign infiltration. The main concern of some regimes has come to be ensuring that they maintain their hold on power and keep it within the family. The language of regional relations has become one of wrangling instead of solidarity and coordination, leaving the Arab home exhausted, haemorrhaging from a gaping wound that leaves it most vulnerable. Look at the splitting of the Sudan, the chaos in Somalia, Iraq bedevilled by crisis, Yemen threatened with disunity, Libya left irrelevant, Syria under the sword, not to mention Lebanon in search of its identity and Palestine in a haze…

Arabism does not work without its humanist and civilizational component. The answer to the denigration of Arab people can only be to put them at the heart of any Arabist revivalist project, which guarantees their fundamental and inalienable rights… Hence the importance and indeed indispensability of anchoring a sense and culture of citizenship that has largely been lost in the Arab world. Only in this

If the hope kindled by the Arab uprisings in people's hearts is supplanted by despair, people may well seek to vent their frustration through social violence and burgeoning crime

There will be devastating consequences if the generation of uprising and hope is turned into a generation of despair

Such a generation would be dangerous and in danger

way can tribal, clan, sectarian, confessional and ethnic multiplicity be transformed into a diversity that would enrich the sense of oneness as part of a unifying Arab identity. Only citizenship can release us from the narrow shell that condemns us to more division, dissent and blockage, the consequences of which are known to us all, and which constitute an assault on the essence of Arabism.

**Source:** كلوفيس مقصود، من زوايا الذاكرة: محطات رحلة في قطار العروبة، ط 1 (بيروت، الدار العربية للعلوم ناشرون، 2014).

defiant spirit of self-sacrifice. However unsuccessful in the long term, the designs of tyrants may nevertheless succeed in the short term. They seek to create allies in members of society upon whom they depend, placing managers, bosses, officers and bureaucrats who bow in servility to their superiors and dismiss those beneath them in the pecking order, just as the dictator is subservient and meek in the presence of his foreign superiors and cruel towards everyone else.

In this way, all manner of injustices run rampant in oppressed societies, with violent practices, persecution, and tyrannical power reigning supreme for protracted periods. The features of these systems surface in social behaviour patterns, whereby the machinery of oppression instils subservience in the hearts and minds of the oppressed in order to paralyze their capacity to resist, fostering a feeling of constant threat and uncertainty. The oppressed are permanently on the defensive and wary of anything even remotely linked to the authorities.

In societies long subjected to dictatorship and excessive violence, behaviour incompatible with intrinsic values is reinforced as a means of self-preservation. In some ways, the oppressed come to resemble the tyrants: "The oppressed person is transformed from victim to oppressor of his or her weaker and less dangerous fellow citizens. This transformation turns them into an instrument of oppression in the hands of the despot, because they have lost the sense of their own value and standing."[14]

If the hope kindled by the Arab uprisings in people's hearts is supplanted by despair, people may well seek to vent their frustration through social and domestic violence and burgeoning crime. There will be devastating consequences if the generation of uprising and hope is turned into a generation of despair. Such a generation would be dangerous and in danger.

When an unjust State crushes people's humanity and their personal or institutional means of defence, they revert to primeval affiliations for protection, such as clan, tribe, confession and/or sect

When an unjust State crushes people's humanity and their personal or institutional means of defence, they revert to primeval affiliations for protection, such as clan, tribe, confession and/or sect

they often feel they have no choice but to retreat from the modern age and take up older traditional methods to defend themselves. Victims of repressive and authoritarian systems revert to primeval affiliations for protection (clan, tribe, confession and/or sect). The State does not see in this atavistic regression an existential threat to itself and to society at large. Instead, it chooses to reinforce the regression, to pit people against one another, following the policy of divide and rule inherited from the colonial era, in the belief that a divided society will not be able to unite against it. In this way, the State strives to protect itself at the expense of the people. The narrowing of people's sense of loyalty from the nation to the sect or tribe heightens animosity between them and wears down society. These communal structures come with their own moral strictures placed upon man and woman, parent and child, and which divide tribes and sects from one another.

In the context of this forced return to an atavistic community structure, a system of relations emerges within family units, neighbourhoods and villages on the one hand, and between the large institutions of the authoritarian State and the corrupting market on the other. This system is based on injustice, disregarding the rights and freedoms for which humanity has strived over the past three centuries. In the shadow of these ancient feuds and fanaticisms, which have re-emerged as people have sought to evade dictatorial authority, it becomes difficult to see justice as an ordering or regulating force among people.

Faced with the State's injustice towards its own people, and its inability to defend either itself or its citizens from injustices emanating from abroad, people turn their backs on the State as a banner or identity around which to rally, and instead seek refuge in other identities. It is the most extreme religious schools that have come to represent religion, and the most fanatical forms of racial identity that have come to be the most widespread. This isolation and stagnation, a product of fear of the Other and the sense that change is an existential threat, are both a consequence and a tool of dictatorship, and of the failure of the State.

The authority that has dealt a blow to the rule of law, citizenship rights, and the ideas of contract, covenant and partnership, has also dealt a blow to those same concepts in the hearts and minds of many of their victims. Many opposition groups reproduce the very injustice they supposedly resist, retaliating for arbitrary detention with hostage-taking, for barrel bomb attacks with public executions, for massacres with massacres, and for torture with public flogging.

## D. In thrall to external powers

States where injustice is widespread face a problem of legitimacy, whether

Many opposition groups reproduce the very injustice they supposedly resist, retaliating for arbitrary detention with hostage-taking, for barrel bomb attacks with public executions, for massacres with massacres, and for torture with public flogging

States devoid of justice are incapable of confronting regional or international powers, due to the exacerbation of injustice within them and their fear of their own people. For strength on the world stage is closely linked to legitimacy at home

they are lacking political, economic or social justice. The lack of legitimacy breeds fragile and ferocious regimes. Since they rely on the carrot and stick of bribery and arms, they become weaker and more exposed to the powers that finance and arm them. States devoid of justice are incapable of confronting regional or international powers, due to the exacerbation of injustice within them and their fear of their own people. For strength on the world stage is closely linked to legitimacy at home.

The Arab region entered the global market fragmented. Consequently, Arab States were forced to rely on external sources of funding, aid, investment and trade, in an uneven relationship that restricts their independent decision-making in internal and external affairs. In countries where oil exports account for the lion's share of national income, exports and foreign exchange, demand for oil depends on the pace of economic activity in industrialized markets. Oil-exporting countries have thus, in effect, hitched the fate of their economies to those of the industrialized countries. The ostensible economic independence and political power of Arab countries in the 1970s was illusory.[15]

According to dependency theory and various branches of Marxist theory, political intervention by the great powers in the affairs of the Arab region hinged on economic dependency, which was the fundamental reason for the lack of economic development in the Arab region and its subordination to capitalist powers. Arab countries produce raw materials and rely mostly on one type of export, such as cotton or oil. They have seldom been able to transform themselves into an economy that processes those raw materials and manufactures high value-added products. Because of limited capacity and human resources, their economies are dependent on foreign countries for technology and manufactured goods. This dependency is entrenched due to the close links between the interests of the dominant economic classes exporting to, or in partnership with, Western countries, with those of their partners in industrialized countries, creating a "feudal" trade and investment pattern. This dependency also deprives local people of their right to development and slows investment and trade between Arab countries.

Dependency theory holds that economic dependency not only keeps dependent States from developing, but also weakens them politically. Dependent States cannot pursue a foreign policy of their own that might displease their sponsors. This feudal economic subordination destroys the economic basis for the regional political solidarity that is needed to recalibrate the balance of power with the "centre", or sponsor. The intertwining of interests referred to above generates powerful momentum for the alignment of foreign policies

of dependent States with the interests of their Western sponsors, in spite of the aversion of their peoples to that relationship.

In countries such as Nasserist Egypt (1950s and 1960s), elites from outside the dominant economic classes came to power, challenging regimes that served Western interests. Convinced that it would be impossible to sustain a foreign policy without economic autonomy, they took transformative measures to enable a shift towards State-run industrial economies and reduce dependence on the export of raw materials. In addition, they tried to diversify their external dependence across a number of competing powers, in a foreign policy geared to reinforcing the independence of the Arab region through the establishment of a solid economic base. In the case of Egypt, however, growing dependence on United States aid and subsequent debt to the West led to a reversal of its foreign policy, and the country turned from being a pivotal State resisting Western influence to serving as a bridge for the return of its influence to the region.[16]

Arab oil-producing countries used the stature and influence derived from their riches to push for a moderate line in Arab policy toward the West. The United States provided them with guarantees of military protection and promised to try to adopt a neutral and serious approach to resolving the Arab-Israeli conflict.[17] According to Bromley, the strategy of the United States was to integrate oil-producing countries into centres of global capital; when they invest their surpluses in the West, they tie their fate to its economic stability.[18] Linkage with the dominant forces in the West surpassed the economic; rather, it provided an opening to render Arab oil States politically and militarily almost completely dependent on Western powers.

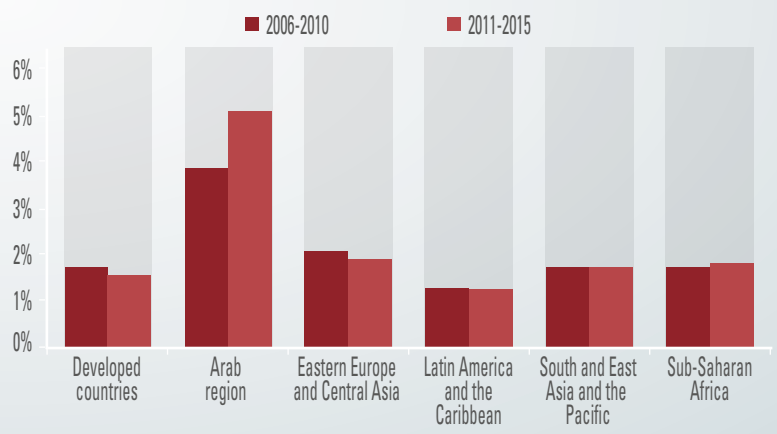
Many Arab States have openly permitted a foreign military presence and, in some cases, the establishment of military bases on their territory. In a number of cases, particularly in the aftermath of the first Gulf War, they also concluded military pacts. By 2016, the United States had military bases in Bahrain, Djibouti, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates; France and Italy in Djibouti and the United Arab Emirates; Turkey in Iraq, Qatar and Somalia; the United Kingdom in Bahrain; the Russian Federation in the Syrian Arab Republic; and China and Japan one each in Djibouti, the only such base either have abroad. That does not take into account further secret military and security installations in Arab countries.

Arms exports have become the great powers' preferred means of exerting influence in the region. In the absence or weakness of local defence industries, Western powers have linked arms deliveries in Arab countries to the subordination of their foreign policies to Western interests

The intertwining of interests generates momentum for the alignment of foreign policies of dependent States with the interests of their Western sponsors, in spite of the aversion of their peoples to that relationship

Many Arab States have openly permitted a foreign military presence and, particularly in the aftermath of the first Gulf War, they also concluded military pacts

**Figure 7.1** Military spending as a share GDP




**Source:** ESCWA calculations based on data from the Stockholm International Peace Research Institute.

and Arab acceptance of Israel. The Arab region is considered one of the world's biggest spenders on arms (figure 7.1), with defence expenditure exceeding 5 per cent of GDP between 2011 and 2015, when spending in other regions, including developed countries, did not exceed 2 per cent. Over the past five years, the Arab region has witnessed a surge in arms expenditure, while it has dwindled elsewhere. Arms imports between 2011 and 2015 rose in comparison with the preceding five-year period by 279 per cent in Qatar, 275 per cent in

**Table 7.2** The top 10 exporters of weapons and key customers, 2011-2015

| | Share of international arms exports (percentage) | | Main clients (Share of exporter's total exports percentage) | | |
|---|---|---|---|---|---|
| **Exporter** | **2011-2015** | **2006-2010** | **First** | **Second** | **Third** |
| **United States of America** | 33 | 29 | Saudi Arabia (9.7) | United Arab Emirates (9.1) | Turkey (6.6) |
| **Russian Federation** | 25 | 22 | India (39) | China (11) | Vietnam (11) |
| **China** | 5.9 | 3.6 | Pakistan (35) | Bangladesh (20) | Myanmar (16) |
| **France** | 5.6 | 7.1 | Morocco (16) | China (13) | Egypt (9.5) |
| **Germany** | 4.7 | 11 | United States of America (13) | Israel (11) | Greece (10) |
| **United Kingdom** | 4.5 | 4.1 | Saudi Arabia (46) | India (11) | Indonesia (8.7) |
| **Spain** | 3.5 | 2.6 | Australia (29) | Saudi Arabia (12) | Turkey (8.7) |
| **Italy** | 2.7 | 2.1 | United Arab Emirates (10) | India (8.8) | Turkey (8.2) |
| **Ukraine** | 2.6 | 1.9 | China (26) | Russian Federation (12) | Ethiopia (9.2) |
| **Netherlands** | 2.0 | 3.0 | Morocco (17) | Jordan (12) | United States of America (7.7) |

**Source:** Stockholm International Peace Research Institute, SIPRI Arms Transfers Database. Available from https://www.sipri.org/research/armament-and-disarmament/arms-transfers-and-military-spending/international-arms-transfers (accessed February 2016).

Saudi Arabia, 83 per cent in Iraq, 37 per cent in Egypt and 35 per cent in the United Arab Emirates.[19]

Between 2011 and 2015, the United States exported weapons to at least 96 countries, with Saudi Arabia and the United Arab Emirates at the top of the list of customers, accounting respectively for 9.7 per cent and 9.1 per cent of total United States weapons exports. The Middle East imports more weapons from the United States than any other region, and accounts for some 41 per cent of the United States' total arms exports. In the same period, the region also accounted for 8.2 per cent, 23 per cent and 27 per cent respectively of Russian, German and French arms exports.[20]

Arms exports have become the great powers' preferred means of exerting influence in the region

## E. Insubordination and rebellion against the State

The absence of justice in Arab countries brought the region to a political boiling point, intensified not only by ongoing failure in military confrontation with foreign occupation and invasion forces, but also by complacency in the face of those forces, and even cooperation and alliance with them.

In 2011, expression of frustration with this state of affairs began in peaceful fashion. The social and economic grievances of the majority of Arab masses were closely linked to political demands. The Arab uprisings carried a demand for dignity in response to the humiliation and abuse on part of tyrannical, predatory and unaccountable regimes.[21]

The social upheaval was a response to decades of political, economic, social and cultural injustice. The protest movements made demands against the political terror that was widespread in Arab countries.[22] The "Arab Spring" was a spontaneous uprising in the face of systematic measures affecting the downtrodden masses, whom the violence of the authorities pushed into a cauldron of escalating tension, culminating in a complete rupture with the State. This resulted in the masses being ready to rid themselves of the established regimes by any means necessary.

What happened was not only a rupture between marginalized youth and the repressive and corrupt authority, but also the loss of confidence in everything related to the State, and anything that entailed a compromise with the old regimes. The deterioration of the socioeconomic, political and cultural situation led to confrontation with the existing system in its entirety. Soon each group realized that it was not alone, but that its fate was bound up with that of many others sharing the same destiny. In fact, the organic forms of power that usually arise in the wake of political polarization and the collapse of social contracts and States, were able to exploit customary principles of morality to

The absence of justice in Arab countries brought the region to a political boiling point, and in 2011, expression of frustration with this state of affairs began in peaceful fashion

The social upheaval was a response to decades of political, economic, social and cultural injustice and to systematic measures affecting the downtrodden masses, whom the violence of the authorities pushed into a cauldron of escalating tension, culminating in a complete rupture with the State

### **Box 7.4** Enforced disappearance in the Arab region

Reports indicate that enforced disappearances are carried out by official or semi-official security agencies in Arab countries. The United Nations Working Group on Enforced or Involuntary Disappearances has requested responses to its inquiries from numerous Arab Governments regarding such practices targeting ordinary citizens, political opponents and human rights defenders. The Working Group brought 41 cases of enforced disappearance between September 2014 and March 2015 to the attention of the Egyptian Government in order to elucidate the circumstances surrounding them. According to a report by Amnesty International, Egyptian security services committed many human rights violations, on the pretext of combating terrorism, during a wide-ranging campaign of arrests against the Muslim Brotherhood, in the course of which an estimated 34,000 persons were detained. Hundreds of political activists and other individuals, including children under the age of 14, fell victim to arbitrary detention and enforced disappearance for periods ranging from a few days to seven months, and to torture and inhuman and degrading treatment, which in some cases led to death. The Working Group has received information about a pattern of enforced disappearances of short duration (from several days to several weeks) in Bahrain. Eye-witness reports and documentary evidence suggest that the Syrian Government has tens of thousands of people in detention at any given time. Thousands more have disappeared after their arrest by Government forces or during their transit through Government-held territory. Others have disappeared after their abduction by armed groups. According to a report by the United Nations Human Rights Council, based on calculations by the Syrian Network for Human Rights, an estimated 85,000 have been subjected to forced disappearance by the Syrian Government. Reports issued by the United Nations International Independent Investigation Commission concerning the Syrian Arab Republic point to the existence of a systematic pattern of enforced disappearances carried out by Syrian security and armed forces personnel or by militias operating in the name of the Government and other armed groups.

**Sources:** A/HRC/WGEID/104/1; A/HRC/WGEID/105/1; A/HRC/31/CRP.1; Amnesty International, *Egypt: 'Officially, You Do Not Exist': Disappeared and tortured in the name of counter-terrorism* (London, 2016); Human Rights Watch, World report 2016 – events in 2015 (New York, Seven Stories Press). Available from https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf.

boost the legitimacy of alternative entities to the State in local communities. Observers consider that, in some cases, the long decades of State repression, marginalization and armed conflict had weakened civil society movements and increased social polarization,

transforming the neighbourhood-watch approach to local policing into paramilitary militias used by political actors to serve their ideological agendas and to exert censorship and control over citizens.[23]

The phenomenon of combatants without borders, inspired by diverse ideological motives but united in their sectarian and ethnic zeal, became more widespread. The situation was made worse by the presence of conflicting geo-political agendas at the regional and international levels, which contributed to protecting those who were beneficial to those agendas and fighting on the battlefields of Iraq, Libya, the Syrian Arab Republic, Yemen and beyond.

Violence is defined by the World Health Organization as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in, or has a high likelihood of resulting in, injury, death, psychological harm, maldevelopment, or deprivation".[24] This violence leads to alterations in the psychological makeup of individuals and groups, starting from early childhood, and ends in a spiral of destruction of the self and others. Violence can stem from a desire for equality – an equality that is inevitably realized in death if not in life. "Is not insubordination", asks Mustafa Khayyati, "always the act of those condemned to silence by the ruling social system after it has ejected them from its vital network?"[25]

It is clear that the situation has not improved in most of the Arab countries that witnessed uprisings in 2011. Thereafter, some of the old regimes returned to power, backed by their military and repressive institutions, reasserting control with an iron fist and repeating the policies that had fuelled the uprisings in the first place.[26] Governments threatened legitimate and peaceful opposition groups, labelling them as terrorists. In the absence of clear international legal systems and mechanisms, the power of tyrants found reinforcement in a political discourse centred on terrorism: every member of the opposition is a potential terrorist, on whom open season is declared. The mantra of the war against terror, which gained currency in the United States in the wake of the attacks of 11 September 2001 and led to two devastating wars in Afghanistan and Iraq, found enthusiastic devotees among rulers throughout the region and became the focus of their dealings with foreign powers. Reform programmes and transition to democracy took a back seat to security concerns and combating terrorism. Accusations of terrorism and collaboration with terrorists persistently surfaced in the wider political discourse, in media outlets, and especially in social media networks: all of this served to undermine the culture of diversity and citizenship.

A repeat of what initially brought about the eruption will only lead to a bigger conflagration. Some Arab States lost control over their territory,

The long decades of State repression, marginalization and armed conflict had weakened civil society movements and increased social polarization

The phenomenon of combatants without borders, inspired by diverse ideological motives but united in their sectarian and ethnic zeal, became more widespread

After the uprisings, some of the old regimes returned to power, backed by their military and repressive institutions, repeating the policies that had fuelled the uprisings in the first place

In the absence of clear international legal systems and mechanisms, the power of tyrants found reinforcement in a political discourse centred on terrorism

### **Box 7.5** Martin Luther King Jr. from Birmingham Jail (1963): Freedom is never voluntarily given by the oppressor

Injustice anywhere is a threat to justice everywhere. Freedom is never voluntarily given by the oppressor ...

"We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed..."

"You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern… One may well ask: 'How can you advocate breaking some laws and obeying others?' The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that 'an unjust law is no law at all'.

"Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law… Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority… Segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful…

"Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest...

"Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro.[a] Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained...

"The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides – and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history…

"But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter, I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: 'Love your enemies, bless them that curse you…' And John Bunyan: 'I will stay in jail to the end of my days before I make a butchery of my conscience'. And Abraham Lincoln: 'This nation cannot survive half slave and half free.' … So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice?"

**Source:** Martin Luther King, 1963. Available from http://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html.

[a] The term appears in the original text.

Every member of the opposition became a potential terrorist, on whom open season is declared

The mantra of the war against terror found enthusiastic devotees among rulers throughout the region and became the focus of their dealings with foreign powers

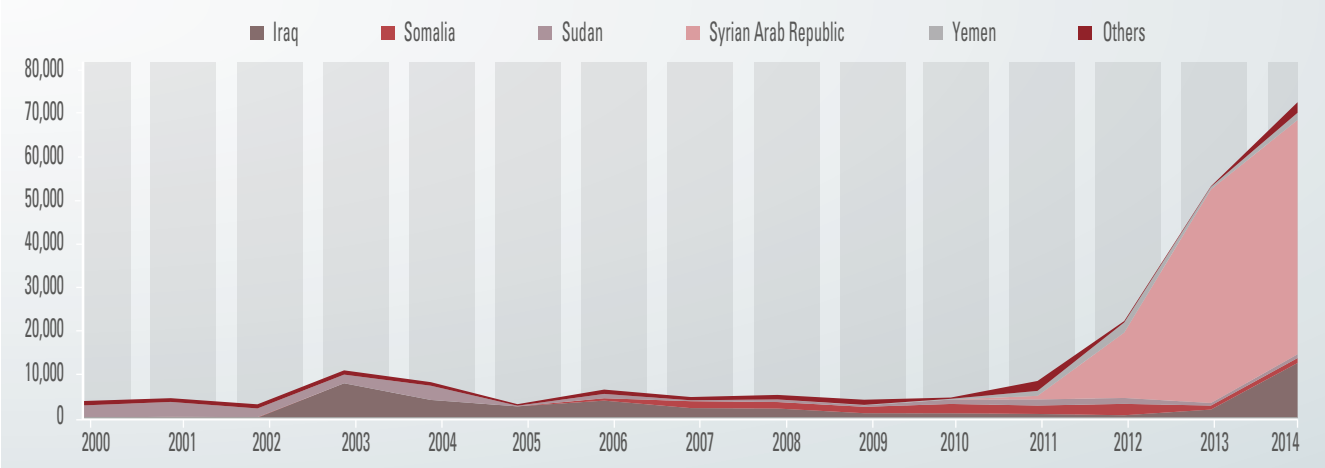
thereby facilitating the transport of weaponry from country to country. The spread of injustice may lead to a repeat of the uprisings, and the proliferation of weapons may turn them into armed insurgencies, and then raging civil wars that will not bring justice but encourage a culture of vengeance.

## F. Civil wars and foreign invasion

Injustice constitutes an existential threat to the population of the region. The lack of justice and good governance has facilitated the invasion of some Arab countries by foreign powers and plunged others into civil wars that might change their form and boundaries, sown discord among the constituent elements of the same society, bred fear among the various confessional communities, and driven brothers to solicit the aid of foreigners against brothers. If it is true that justice is the basis of authority, then its absence underlies the present forfeiture and collapse of Arab States.

When a State fails to protect its citizens, their loyalty to it weakens, and the views of ruler and ruled diverge with regard to concepts of security: the security of the one is not the security of the other. This divergence raises the profile of alternative structures and entities to the State that offer protection to people against what they consider to be the dangers facing them.[27] The continuing repression of movements demanding justice has given rise to internal conflict in many Arab countries. Since 2011, nearly half of Arab countries have been through at least one situation of armed conflict or instability. Today, more than 136

**Figure 7.2** Estimated deaths resulting from conflicts in the Arab region, 2000-2014




**Source:** ESCWA calculations based on battle-related deaths dataset, University of Uppsala. Available from http://ucdp.uu.se/downloads (accessed 26 June 2016).

When a State fails to protect its citizens, their loyalty to it weakens and the security of the one is no longer the security of the other. This raises the profile of alternative structures and entities to the State that offer protection to people

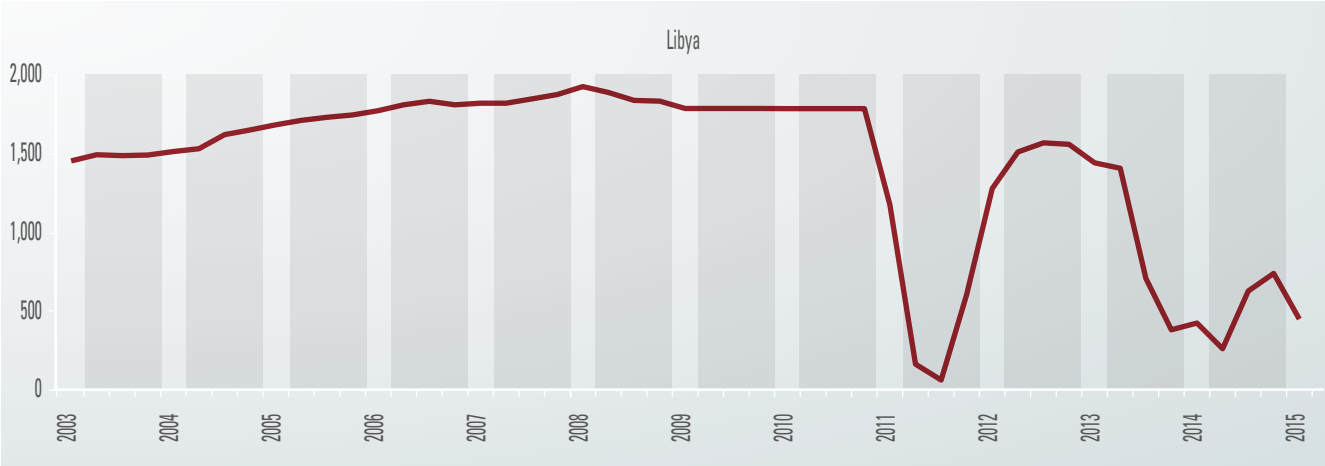
million people in the Arab region live in countries that have been ravaged by conflicts that have caused massive loss of life (figure 7.2).

In 2016, 13 years after the invasion of Iraq, some 11 million persons in what was once one of the richest Arab countries, need some form of humanitarian assistance. That figure is likely to rise.[28] The suffering of Iraqis reached unprecedented and alarming proportions after an outbreak of violence in 2014 that displaced millions of people, including more than one and a half million children, and ushered in the phenomenon of child abductions, estimated by the United Nations Children's Fund (UNICEF) at an average of 50 a month. One in five Iraqi children is at risk of death, injury, sexual violence, recruitment to the different militant groups or abduction.[29]

In the Syrian Arab Republic, the catastrophe has reached epic proportions: at the time of writing, 11.5 million Syrians required health care, 13.5 million needed protection and support and 12.1 million required water and sanitation, while 5.7 million children needed education support, including 2.7 million who were out of school. Around 2.5 million people were food insecure, while more than 1.5 million needed shelter and household goods. Development in the country has been set back some four decades. Average life expectancy at birth, for example, has fallen by 13 years since the crisis began in 2011. The economy has shrunk by an estimated 50 per cent since 2011. Most citizens have lost their livelihoods.[30] By the end of 2013, four out of five Syrians were living in poverty.

Yemen has been plunged into a severe humanitarian crisis since the beginning of the regional military intervention in March 2015.

**Figure 7.3.** Oil production in Libya, 2003-2015 (thousands of barrels per day)




**Source:** ESCWA calculations based on data from the United States Energy Information Administration.

At the time of writing, 21.1 million people were in need of protection or humanitarian assistance.[31] The violence had forced the closure of 23 per cent of schools and 85 per cent of people lacked access to safe drinking water and sanitation services. Severe fuel shortages had hit 19 out of 21 governorates, hampering the functioning of public services. The World Food Programme (WFP) reported in 2016 that 14.4 million people were food insecure, of whom 7.6 million severely so.[32] The percentage of people living in multi-dimensional poverty has doubled since the beginning of the conflict, to 60 per cent of the entire population. In March 2016, UNICEF reported that more than 900 children had been killed and more than 1,300 injured in the previous year.[33] In the same period, an additional 1.8 million children were unable to access schools, bringing the total number of children deprived of their right to education to 3.4 million.[34]

In Libya, the number of displaced has reached half a million people, and 1.9 million Libyans were in need of basic health care assistance by the end of 2015. Some 680,000 Libyans lacked access to safe drinking water and basic hygienic and sanitation facilities, and consequently were vulnerable to waterborne diseases, malnutrition and other health risks related to the lack of hygiene and sanitation.[35] One fifth of the country's population (1.28 million people) were threatened by food insecurity.[36] The conflict has damaged vital infrastructure, and led to the closure of hospitals and shortages of essential medications, supplies and staff. GDP collapsed in 2011 and declined further in 2013 and 2014 (table 7.1), coinciding with a sharp drop in oil production (figure 7.3). Continuing instability has blocked any return to pre-2011 production levels.

One in five Iraqi children is at risk of death, injury, sexual violence, recruitment to militant groups or abduction

The collapse of basic services threatens to wipe out development gains and portends the emergence of a lost generation

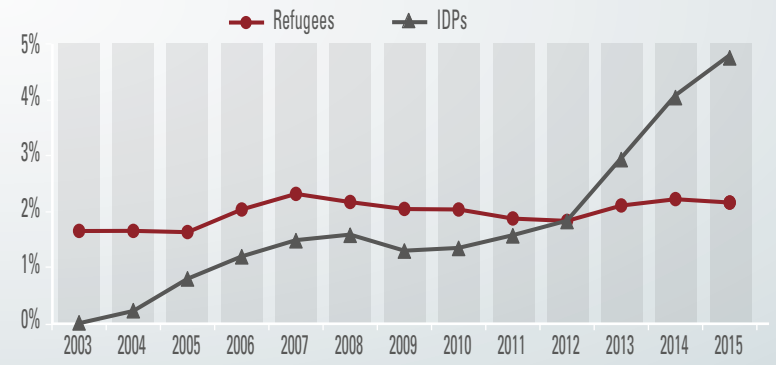
Women and girls in countries suffering from armed conflict and political oppression are exposed to trafficking, rape and sexual violence

The collapse of basic services, especially health, education and water, as a result of these wars, threatens to wipe out the development gains made over past decades, and portends the emergence of a lost generation. Forced displacement between and within countries has a deep physical and psychological impact, obstructing access to sources of income and development opportunities, and jeopardizing people's rights and personal security.

Poverty, however cruel, is not the worst ill that can befall people living in or fleeing from conflict zones. A growing number of indicators shows that these people, among them many children and women, are also vulnerable to various forms of slavery, such as forced labour, captivity and trafficking. Children in Iraq, the Syrian Arab Republic and Yemen are compelled to work, forced to undergo combat training in formal and informal security organizations, and deployed in suicide operations.[37] Women and girls in countries suffering from armed conflict and political oppression are exposed to trafficking, rape and sexual violence. In Iraq, the sexual violence to which women are exposed takes on medieval forms, such as being sold in slave markets. The self-proclaimed Islamic State, for example, took 3,500 Yazidi women and children captive and enslaved them.[38]

However it is measured, the region is currently witnessing an escalation in conflict and instability, especially in Iraq, Libya, Somalia, the Syrian Arab Republic and Yemen. The year 2016 brought no sign of an easing of the situation. The crises appear to be increasing in number and intensity, with neighbouring countries repeatedly suffering the consequences. With the exacerbation of conflicts, their recurrence, their duration and the multitude of simultaneous conflict zones, the region has witnessed massive population movements both of internally displaced persons (IDPs) and refugees (figure 7.4). The Arab region now records the highest proportion of displaced persons compared with overall population. In 2015, a total of 12.3 million refugees originating from Arab countries had been registered, in addition to 18.2 million IDPs in the region. This pattern is set to continue with the continuation of conflicts.

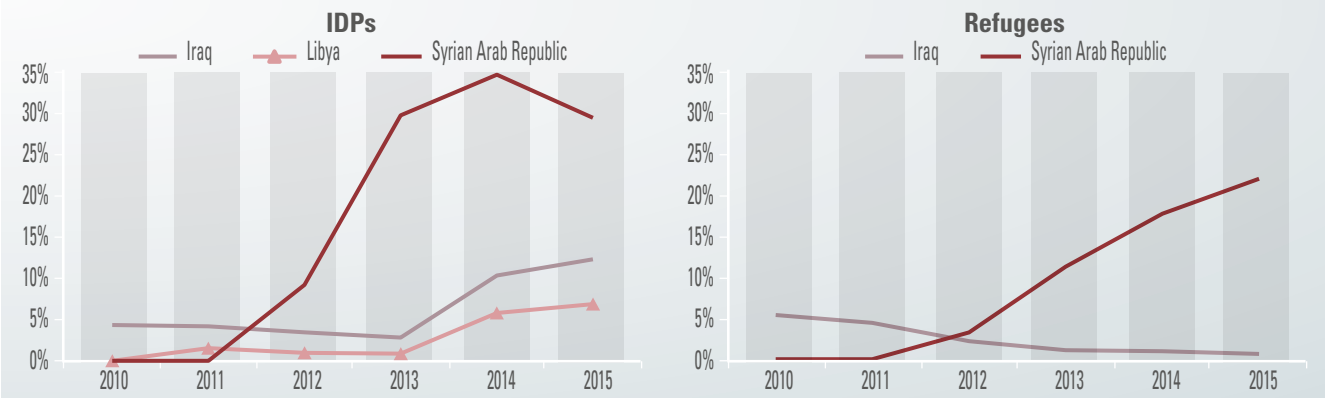
**Figure 7.4** Refugees and IDPs in the Arab region as a percentage of total population, 2003-2015




**Source:** ESCWA calculations based on data from the United Nations High Commissioner for Refugees (UNHCR), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations Department of Economic and Social Affairs.

**Note:** These estimates are approximations because the latest available figures do not take into account the fact that wars have caused population decline in conflict countries.

**Figure 7.5** Refugees and IDPs from Iraq, Libya and the Syrian Arab Republic as a percentage of total population, 2010-2015



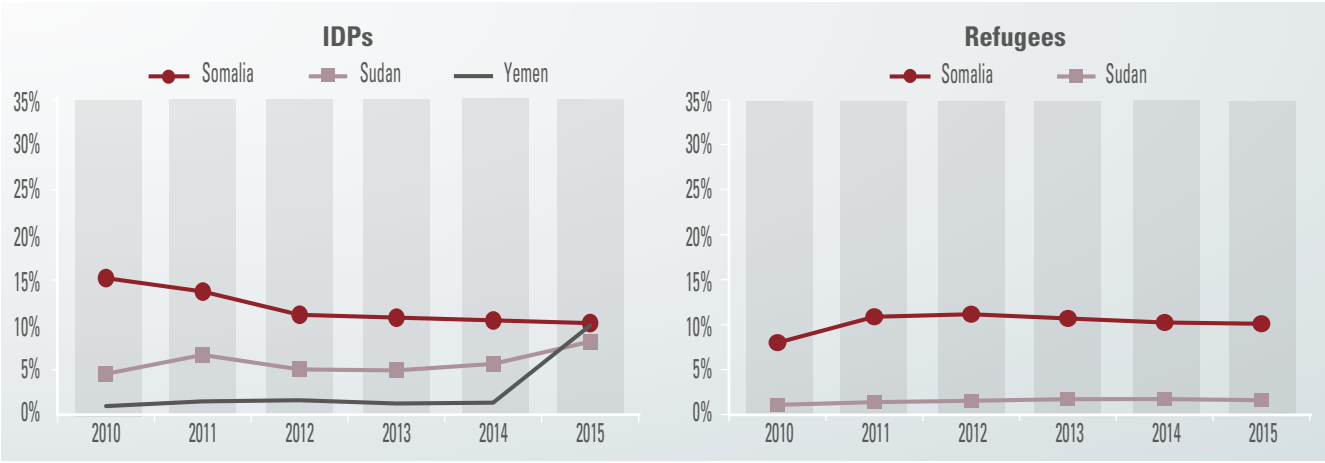

**Source:** ESCWA calculations based on data from UNHCR, UNRWA and the United Nations Department of Economic and Social Affairs.
**Note:** Data at year-end.

In the Syrian Arab Republic, the number of refugees and IDPs as a proportion of total population rose between 2010 and 2015 and became so significant as to prompt radical change in the country's demographic composition (figure 7.5). Although refugee numbers from Iraq have fallen in recent years, the number of IDPs has risen since 2014.

In addition to lack of development, least developed countries in the region have been struck by repeated episodes of conflict causing the forced displacement of large numbers of people (figure 7.6).

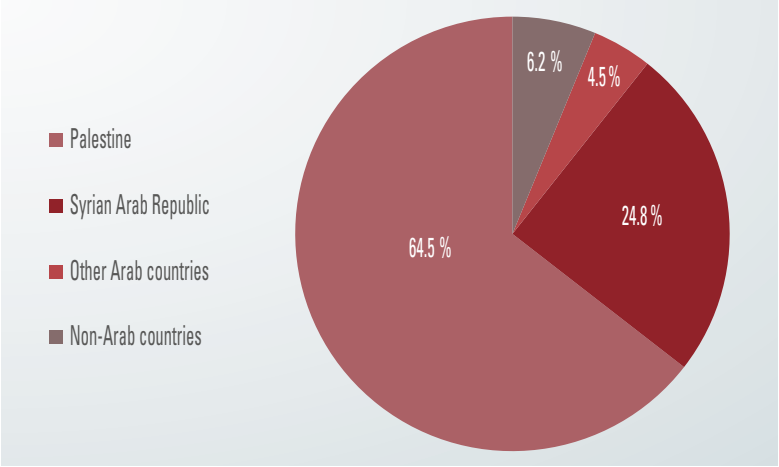
Most Arab refugees have sought refuge in neighbouring Arab countries and most of the refugees

**Figure 7.6** Refugees and IDPs from LDCs as a percentage of total population, 2010-2015




**Source:** ESCWA calculations based on data from UNHCR, UNRWA and the United Nations Department of Economic and Social Affairs.
**Note:** Data at year-end.

**Figure 7.7** Refugees living in the Arab region by country of origin, 2015




**Source:** ESCWA calculations based on data from UNHCR, UNRWA and the United Nations Department of Economic and Social Affairs.

**Note:** Data at year-e=nd.

living in the region (94.8 per cent) originated from Arab countries, above all from Palestine and the Syrian Arab Republic (figure 7.7). As the conflict in the Syrian Arab Republic intensified, Syrians were forced to seek refuge in other countries, especially in Jordan, Lebanon and Turkey.

The surge of migrants and refugees pouring into European countries triggered a regional crisis and raised questions about the viability of the Schengen Agreement. In March 2016, the European Union (EU) concluded a deal with Turkey aimed at curbing the influx of migrants to its member States. The move calls into question the EU's commitment to international law; there are even doubts about the deal's compliance with EU law. On 23 March 2016, UNHCR released a legal agenda in which it expressed reservations about some of the terms of the deal, including the lack of guarantees, judicial controls and protection of refugees from refoulement, which is prohibited under international law.

The massive accumulation of injustice has pushed the whole region to the brink of the abyss

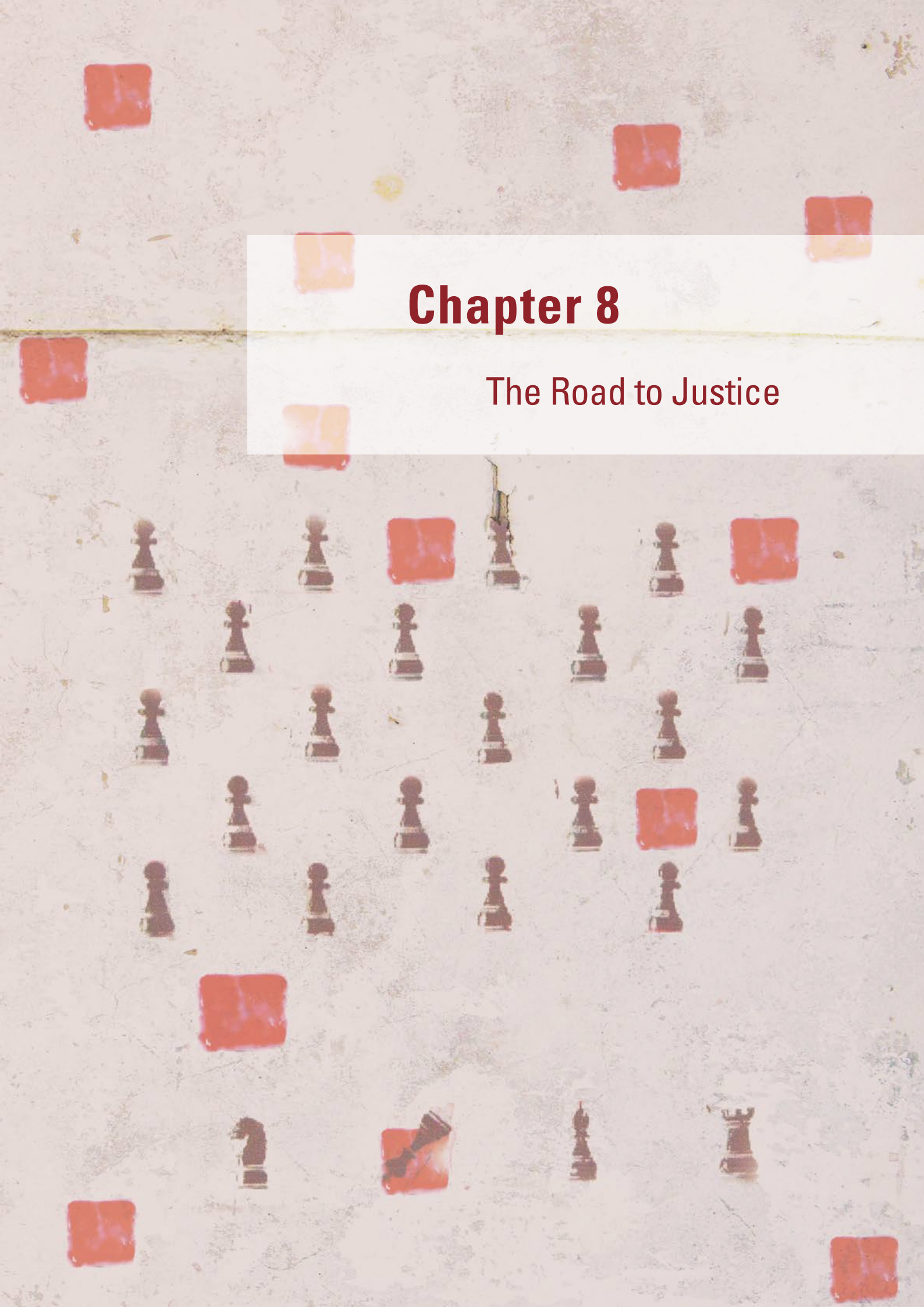
*The consequences of injustice in the Arab region are no longer confined to individuals or groups being deprived of their human rights. The massive accumulation of injustice has pushed the whole region to the brink of the abyss. As the State failed in its duty to provide its citizens with a decent life, or provide them with social care and protection, the very concept and value of the State became diminished in their eyes. No longer convinced that its existence was necessary, they turned against it. With the disintegration of the link between State and individual, many reverted to loyalties of clan and tribe, caste and creed.*

*Despite the breakup of societies and the eruption of civil wars, tyrannical regimes have learned nothing from the recent past and have continued the repressive policies that provoked the crises in the first place. Those who have thus far been spared civil war have taken part in the wars of others, hoping to prevent the*

*flames from spreading to their domains. They have also borrowed instruments of repression and intimidation from fallen regimes, the very tools that sparked the rage of the people, thus demonstrating that they will not be able to contain crisis when it erupts at home. The urgent need of the moment is to learn the lessons of the distant past in other parts of the world, and of the recent past in ours: not only to emerge from the current crises but to prevent total destruction.*

# Chapter 8

## The Road to Justice



The story's final chapter has yet
to be written.

***Ahmed Shawqi***

# 8. The Road to Justice

The image of the valley of Gehenna thousands of years ago, filled with the screams of innocents being slaughtered and burned in ritual sacrifice to demons and false gods, has now become an everyday reality for many in the Arab region. With knives at their throats and bombers hovering above their heads, this modern massacre of innocents is fit for the bitter warnings and lamentations of biblical prophets. Earthquakes naturally rise from the bowels of the earth, yet in this region, earthquakes are dropped from the sky with every bomb, ballistic missile or explosive barrel. Cities crumble and borders are drawn, erased and then redrawn. States, in all their might, are becoming more and more like the ruins of ancient odes; covered and uncovered by sandstorms and floods, compared to a book, continuously folded and opened, on whose pages is recorded the history of invaders separating brother from brother, forcing upon them ever changing definitions of 'self' and 'other' while neither are asked their views.

Doom is broadcast on screens far and wide; and today's spectators may well become tomorrow's spectacle. Calamity chases the innocent and the most beautiful, and pushes people to take to the seas, preferring the possibility of death there to its certainty on land.

This chapter highlights the revulsion felt by Arab peoples at this situation and their rejection of the internal and external factors that allowed it to happen. It draws upon their yearning to live freely and with dignity, as other peoples do, and presents a strategic vision for achieving a measure of fairness and ending the injustices that have brought on such strife, death and destruction for half the population, and that threaten the other half with the same.

## A. An exhausted nation

In the preceding chapters, we looked at injustice in Arab countries and the resultant suffering endured by the majority of the region's people. They highlighted the effects of injustice on economic, political and social structures, and its consequences on Arab societies from stalled development to civil wars that are eroding social cohesion in many countries, and human security in most.

### 1. Internal conflict

Since 2011, the Arab region has witnessed unprecedented popular uprisings against internal and external oppression. The demand for justice and dignity unified the millions who took to the streets in peaceful demonstrations.

The Arab region has become the most conflict-affected in the world

Students and workers, the poor and rich, men and women, rural and urban dwellers, adherents of different religions and members of different ethnic groups, all walked hand in hand in exemplary solidarity in pursuit of a common cause.

In many countries, those demands were met with violent oppression that exacerbated the sense of injustice and led to internal strife that came to be exploited in regional and international conflicts. Since 2011, around half of all Arab countries have witnessed one form or another of armed conflict or instability, making the region the most conflict-affected in the world.

Those wars and internal conflicts have caused millions of casualties, not to mention the people who have gone missing, and unprecedented waves of migration and displacement. As a result, the Arab region now has the highest number of refugees and displaced persons, and Arabs are 30 times more likely to become refugees than people from all other regions of the world. This is unlikely to change as long as the conflicts continue.

Those who have not been killed have not escaped the devastating physical, psychological and economic impact of war. Poverty rates have doubled, health and education indicators have plummeted, and human security has collapsed. Many conflict-plagued Arab countries, among them some of the most resource-rich in the region, now depend on humanitarian aid to meet their most basic needs.

The tragedy of war hits children especially hard. Deprived of education by displacement and the closure and destruction of schools, they are denied unrepeatable opportunities to develop and build skills, thus narrowing their future prospects. In the Syrian Arab Republic, war has led to a sharp drop in school enrolment to 60 per cent, compared with 100 per cent in 2010. In Yemen, violence has caused the closure of one quarter of schools, ending access for 1.8 children since March 2015 and thus raising the total of out-of-school children to 3.4 million.[1] In Iraq, once described by UNICEF as one of the best places to raise children in the region, one in five children is at risk of death, injury, sexual abuse, abduction or recruitment into armed groups.[2]

Development has regressed in all conflict-affected countries. The Syrian, Libyan and Yemeni economies have collapsed. All development indicators, especially those on health and education, have deteriorated, diminishing current and future human capital and undermining the capacity of countries to recover from economic crises and return to growth and flourish in the future.

These conflicts have distorted cultural values, where brutality is repaid with more brutality, leaving people caught between a rock and hard place. Clan and sectarian thinking have come to prevail, shaping how people see their history and culture, and how they act. These conflicts render peoples of

Those who have not been killed have not escaped the devastating physical, psychological and economic impact of war

Conflicts have distorted cultural values, where brutality is repaid with more brutality, leaving people caught between a rock and hard place

the region the principal losers, and occupiers and colonizers the primary beneficiaries and main victors in these wars, whatever the flags raised above Arab capitals in their aftermath.

## 2. Israeli occupation

The oppression suffered by Palestinians is no less tragic. Five million Palestinian refugees continue to await the fulfilment of their right to return to their lands and rebuild around 500 villages and towns destroyed by Israel. Palestinians have been uprooted since the 1940s to make way for an Israeli State built on religious/ethnic foundations. Not only were they physically expelled from their country, but their very existence as a people was denied.The remainder of their land was occupied in 1967 and one out of every five Palestinians has experienced incarceration in the occupier's jails at some point. Killing, detention, eviction and land seizure have become an everyday reality.

The causal relationship between the oppression of Palestinians and the current suffering in other Arab countries is not hard to establish. The squandering of Palestinians' rights was a principal reason behind the weakness of Arab States; a material weakness resulting from military defeats and their inability to halt foreign encroachment, and a moral weakness stemming from their failure to reclaim the usurped rights of Arabs, and the failure to fulfil their duty of protection to their own people from internal and external threats, both of which resulted in the further erosion of their legitimacy. That led to a growing aversion to the contemporary model of the State, and the subsequent rise of movements advocating supranational ideologies, such as those inspired by religion, or subnational identities, such as the tribe or clan. All of this has led to the disintegration that the region is undergoing today.

## 3. Dictatorship and dependence

Some Arab regimes and some of their opposition have become accustomed to foreign domination to the extent that they sometimes solicit it. They have no qualms about imploring external powers to intervene militarily in their own countries or other countries in the region, inviting aircraft from East and West to bomb towns and villages and destroy ancient cities that are a part not only of Arab heritage, but also of the common heritage of humanity. Many sides in the current civil wars would not have endured without the backing and protection of one foreign power or another. Their dependence on external actors for weapons and political support has cost them their ability to decide freely and rendered them hostages to their supporters' interests. They forget that foreign intervention itself, old and new, is the root cause of the calamity befalling the region: that which divided the Arab world in the twentieth century and in more recent episodes, an

Palestinians have been uprooted to make way for an Israeli State built on religious/ethnic foundations. Not only were they physically expelled, but their very existence as a people was denied

The more a dictatorship tightens the screws, the more it relies on external backing to protect it from the people, and the more it solicits such support due to the absence of accountability

The economy in Arab countries is looking increasingly brittle. Poverty is increasing steadily, with a large portion of the population either destitute or teetering just above the poverty line

The income and wealth gap is widening, and disparities in terms of access to education, health and social services, and the labour market are growing

example of which is the occupation of Iraq that has left the country plagued by sectarian strife and the legitimacy of the Arab regional system in tatters. Kofi Annan, the former Secretary-General of the United Nations, is not alone in blaming the United States-led occupation of Iraq for the civil wars that have since engulfed the country and the region, and the consequent rise of non-State armed groups.[3]

In response, a number of Arab Governments, and even some of their opponents, have sought to remedy their effective failures and loss of legitimacy by intensifying internal oppression and their dependence on external support. The correlation between dictatorship and dependency on foreign powers in the region is unmistakable. The more a dictatorship tightens the screws, the more it needs to rely on external backing to protect it from the people, and the more it is able to solicit such support virtually unopposed due to the absence of accountability and the ferocious suppression of dissenting voices.

## 4. Development setbacks

The economy in Arab countries is looking increasingly brittle. Poverty is increasing steadily, with a large portion of the population either destitute or teetering just above the poverty line.

The income and wealth gap is widening, and disparities in terms of access to education, health and social services, and the labour market, are growing. More than half the region's income is concentrated in the hands of one tenth of its population. Children of the poor do not have access to quality health services, thereby increasing stunting, underweight and wasting rates, especially in Djibouti, Mauritania and Somalia.[4]

In the majority of Arab countries, the most deprived groups receive poor education, leaving them with fewer job opportunities and an inescapable cycle of hardship. Many young people are pushed into the informal sector, without social protection, job security or promotion opportunities.

The notion of equality is more honoured in the breach than the observance. Access to capacity-building services, income and wealth are dependent on three factors beyond individuals' control: gender, place of birth and the family's social status. Men have more opportunities than women, city dwellers have better chances than those living in rural areas and children from rich families have far more options than the poor, regardless of their abilities and efforts. While inequality of opportunity generally results from neglect rather than deliberate policy, some policies do marginalize certain population groups, especially the vulnerable. Of particular concern are the justifications and pretexts proffered by policymakers, presenting a skewed interpretation of equality, constitutions and legislation in order to perpetuate the injustice that afflicts such groups (box 8.1).

**Box 8.1** "The sons of dustmen shall not become judges"

Egypt's former Minister of Justice, Mahfouz Saber, has opposed the appointment of waste collectors' sons as judges. Amid outrage at his comments, he stuck firmly to his guns and said: "I stand by my statement... the son of a dustman cannot become a judge". When it was pointed out that his position was contrary to the Constitution, which provides for equality, he replied: "What I am saying is in no way unconstitutional... Equality comes when persons have equal legal status. In other words, if two equally qualified individuals apply for a position as judge, but one is a beggar's son and the other is from a middle-class family, they cannot be considered equal. Applicants for such a position must at least come from the middle classes". When asked about the qualifications of his father, who did not complete his education, he replied: "My father was not a beggar or a sweeper".

**Source:** طارق الأمين ومحمد السنهوري، وزير العدل لصحيفة "المصري اليوم": مازلت عند كلامي .. ابن الزبال ميدخلش القضاء، 11 أيار/مايو 2015. Available in Arabic from www.almasryalyoum.com/news/details/730297.

People are exasperated by the situation, as was made abundantly clear in the introduction to an Arab youth statement issued at the closure of a meeting held in Amman in March 2016, and supported by around 100,000 people (box 8.2).

Undoubtedly, the period of severe stagnation has ended. The region is on the brink of significant change that could affect regimes, societies, people's rights, and possibly the borders of some countries - changes no less momentous than those that took place a century ago when the colonial powers tore the region's people apart and redrew its map. The outcome of this change remains to be seen. It could bring freedom and prosperity for all if shaped in accordance with the desires and interests of the region's peoples and carried out with their involvement. However, it could lead to further destruction if again brought about by external powers aiming to remould the region in accordance with their interests - powers that expect no role for the people of the region in shaping the new order beyond sacrificing their blood to make it happen. This report attempts to support the first path by setting forth elements of a vision for a new future for the Arab region, one that might restore the lost freedoms, rights and dignity of its peoples.

## B. Justice as a means of reclaiming human dignity

The vision set out in this report may seem farfetched in a region beset by

More than half the region's income is concentrated in the hands of one tenth of its population

The notion of equality is more honoured in the breach than the observance

Access to capacity-building services, income and wealth are dependent on three factors beyond individuals' control: gender, place of birth and the family's social status

The ultimate goal of our proposed strategy is to achieve justice for all as anchored in the universal principles enshrined in the Charter of the United Nations and international human rights conventions

Key among those principles are: the right to a decent life, equality, self-determination and a system of governance arrived at through the consent of the people rather than coercion

### **Box 8.2** Arab youth: Enough of dictatorship, imperialism and Israel

We have had enough!

Enough of dictatorship and imperialism, of foreign bombers and domestic truncheons.

Enough of local and international regimes founded on illegitimacy, coercion and armed force; we seek the creation of political systems based on conviction and choice.

Enough of dictators and imperialists foisting on us political, sectarian or clan identities that divide us.

Enough of a State plundered from within to serve powers without at the expense of our freedom, independence, unity and standing in the world.

Enough of a State corroded by cliques and clans, be they of a clan, religious or sectarian hue, or more contemporary, military or bureaucratic elites.

Enough of hearing "it's either us or chaos" as a pretext for oppression. To all those rulers brandishing this slogan, we say: You are chaos!

Enough of hearing those who resist occupation and dictatorship labelled as terrorists.

Enough of our countries being used as battlefields to settle foreign disputes at the expense of our people's lives.

Enough of political regimes that punish or reward people based on characteristics they cannot control, such as race, religion, language, colour and gender.

Enough of the racist State of Israel, which discriminates against people on the basis of religion, expels Palestinians from their land to offer it to strangers simply because they are Jews, and denies Palestinian refugees the right to return to their homes only because they are not Jews.

Enough of Israeli ethnic cleansing and war crimes carried out with impunity against Palestinians, and repeated aggressions against Arab peoples.

Enough of the Gaza blockade imposed by Israel and the Egyptian Government.

Enough of racist mobilization against Muslims and Arabs across the world.

We warn that alliances between dictators and imperialists in our region threaten not only the Governments in place, but also the very structure of States. We need to reconsider the legitimacy of these States as political entities.

In spite of what is happening in our countries, we still firmly believe that the 2011 uprisings, regardless of setbacks, fundamentally mirror the aspirations of the region's peoples, who yearn for self-determination and reject dependence

on and subjugation to the dictates of foreign powers as much as the tyranny of political dictatorship at home.

**Source:** لقاء الشباب العربي، "العدالة والمنطقة العربية بعد انتفاضات 2011"، 29 نيسان/أبريل 2016، عمّان، المملكة الأردنية الهاشمية.

Available from https://secure.avaaz.org/ar/petition/lshbb_lrby_ltGyyr_nHw_mjtm_rby_kthr_dlan/?pv=4.

fighting, fragmentation, inversion of values, and distortion of cultural norms; where those who would strive for change are often dismissed as deluded, and pushed to give up and abandon any such endeavours. However, giving up is no longer an option for the people of the region, nor is their pursuit of freedom impossible. Had enslaved and colonized populations given up, apartheid would still be thriving in South Africa, Algeria would still be a French colony and India part of the British Empire. In these and similar situations, peoples confronted a daunting reality and forces more powerful than themselves, but succeeded in achieving their aims and liberated themselves from their oppressors. They prevailed because they had a clear vision and goals, which they saw through with patience and determination. In terms of the balance of power, those peoples were in as comparatively weak a position as the Arabs are today, but in terms of the justness of their causes they were as strong as Arabs are today. Despite an apparently bleak outlook, the region is not bereft of reasons to hope for a brighter and more just future for its peoples.

The ultimate goal of our proposed strategy is to achieve justice for all as anchored in the universal principles enshrined in the Charter of the United Nations and international human rights conventions, which themselves are the fruit of long centuries of human trials and triumphs. Key among those principles are: the right to a decent life, equality, self-determination and a system of governance arrived at through the consent of the people rather than coercion. The strategy comprises four complementary and intertwined objectives that together serve to end the assault against human dignity in the region.

## 1. A new social contract

The grim situation in many Arab countries today, characterised by injustice, wars, fragmentation and disintegration, is the result of flaws in the social contract, which has been forcefully imposed by one party on all the others. The notion of the social contract rests upon the approval by the people of their rulers and the processes by which they come to power and are removed from it, the nature of the government, the State's

The grim situation in many Arab countries today, characterised by injustice, wars, fragmentation and disintegration, is the result of flaws in the social contract, which has been forcefully imposed by one party on all the others

borders, and the manner in which laws are enacted. A social contract is flawed if it results from coercion, or if foreign powers impose any of its elements, such as borders, type of government or economic system.

The social contract disintegrated in several Arab countries following their collapse, and shattered in others because of the State's failure to fulfil its duties to its citizens. A new social contract will likely emerge from these turbulent times in the majority of Arab countries, whether through gradual reform, as in Morocco, peaceful regime change and national dialogue, as in Tunisia, or violently, as in conflict-affected countries. The future of the Arab region depends on the nature of that contract.

In this report, we call for a justice-based social contract that will reshape the relationship between those in power and the people, in accordance with the latter's choices, arrived at democratically, regarding the type of government they desire and its institutional frameworks, identity and cultural references.

Constitutions enshrining the social contract should be founded on the principles of equality, rights and obligations, and shun religious, ethnic, race and gender-based discrimination. They should guarantee fundamental and inalienable rights to human dignity, freedom, life, and physical and mental health; freedom of opinion, expression and religious belief; absolute gender equality; and the right to education, social security, health and a decent life for all. Constitutions must also uphold cultural rights within a framework of freedom and equal citizenship; public participation in decision-making; the peaceful transfer of power; and public scrutiny of the authorities.

Given that, historically, the region has been subjected to foreign invasion and war for various reasons, all means of self-defence against such invasions must be decreed as legitimate. The new social contract must be conducive to tackling political, economic and social challenges through the participation of all, not through oppression and violence that only breed counter-violence, and lead to the fragmentation of societies, turmoil and war. This requires the establishment of institutions functioning on the basis of merit rather than patronage. If public services are not detached from the personal interests of the political elites, institutions will remain weak and lacking in legitimacy, and parallel non-State structures affiliated to certain groups will thrive.

To develop such a social contract, some countries are in need of deep and genuine social reconciliation. The kind of settlements that only redistribute the spoils of war while ignoring the public good do not promote reconciliation but rather reawaken hostilities. That approach has plunged Arab societies and countries into a vicious cycle

of oppression, corruption, division, sectarian strife and conflict. Social reconciliation is meaningful only when people see it as fair, and emerges when individuals and groups enjoy equality, equal opportunity and participative decision-making in a cohesive system of rights for individuals and of self-determination for peoples.

For the social contract to be effective, institutions must be established to protect it and guarantee the rule of law and access to justice for all. Legitimacy and security are achieved when conflicts are resolved in the courts rather than the streets. Failure to provide equal and real opportunities to access justice limits people's ability to express their concerns, exercise their social, economic, political and civil rights, hold decision-makers accountable and tackle marginalization and exclusion.

## 2. Genuine independence

Justice cannot be achieved without genuine independence where institutions, politicians and policymakers take their decisions free of any foreign interference and place the interests of the country and its people above any external considerations.

All Arab countries, except Palestine, have won independence from the old colonial powers or direct foreign domination, and boast all the characteristics of sovereignty: a national flag, an army, a currency and foreign representation. However, many remain dependent on foreign powers, which limits their ability to take political and economic decisions in their own interests. They are free to pursue the interests of their people only when these interests do not clash with those of foreign powers. For example, the presence of foreign military bases, whether accepted willingly or grudgingly, can be a deterrent only to those enemies, real or fictitious, that are not allied with or do not have closer ties with the "protecting" power.

In the absence of genuine independence, a country prioritizes not just the political interests of foreign powers over those of its people, but also their economic interests, causing popular discontent. In dealing with the manifestations of discontent, the political elite deploys the repressive apparatus of the State to protect itself, stay in power and maintain the economic status quo.

Preserving genuine independence requires a capacity that small and vulnerable countries lack, and so they form alliances with other similar countries with which they share common interests. It follows that individual Arab countries can only preserve their independence through regional cooperation that will provide all of them with the necessary collective strength.

Genuine independence cannot be attained without the development of sound relationships with neighbouring

Many Arab States remain dependent on foreign powers, which limits their ability to take political and economic decisions in their own interests

Arab countries can only preserve their independence through regional cooperation that will provide all of them with the necessary collective strength

The region will continue to be vulnerable to conflicts so long as the Palestinian people is prevented from exercising its right to self-determination, and until all forms of ethnic and religious discrimination come to an end

Israeli policies have compromised the security of most Arab countries. Some of the most harmful were the ones designed to fragment the region and inflame sectarian and racial strife

countries and the rest of the world. For such relationships to be healthy and sustainable, they have to be based on common interests and mutual benefits at all levels, and free of dependence, hegemonic tendencies, and imbalances in cultural and political interactions.

## 3. Justice in Palestine

Justice in the Arab region will not be fully realized until it is achieved in Palestine. The region will continue to be vulnerable to conflicts, and the legitimacy of States and the regional system will remain questionable so long as the Palestinian people is prevented from exercising its right to self-determination, and until all forms of ethnic and religious discrimination that underpin Palestinian oppression come to an end. Notions that are not part of international law, such as that of the Promised Land, cannot be the bases for a solution. An end to the conflict can only come about in the framework of globally accepted principles of human justice, embodied by the Charter of the United Nations and the Universal Declaration of Human Rights.

Israeli policies have compromised the security not only of the Palestinians, but also of most Arab peoples and countries. Some of the most harmful policies, dating back to the creation of Israel, were the ones designed to fragment the region and inflame sectarian and racial strife within it. For example, the diaries of Moshe Sharett, the second Prime Minister of Israel, reveal that Israel had been planning to establish a Christian State in Lebanon since the 1950s.[5] During the Lebanese civil war, Israel attempted to put this plan into action. Subsequently, "A Strategy for Israel in the Nineteen Eighties" stressed the importance of partitioning Egypt and establishing a Coptic State in the south, of dividing Iraq, Lebanon and the Syrian Arab Republic into religious and ethnic areas, and of partitioning the Arabian Peninsula and transforming Jordan into a Palestinian State.[6]

Israel encouraged the United States to invade Iraq, causing the collapse of its institutions and the development of a sectarian quota system. The United States Secretary of State, John Kerry, has revealed that the current Israeli Prime Minister, Benjamin Netanyahu, had urged the United States to invade Iraq during a congressional visit in 2002.[7]

Israeli nuclear weapons threaten the security of all Arabs. Given the lack of confidence in the international system of justice, which is turning a blind eye to this arsenal, some countries might be tempted to secure nuclear arms in order to keep pace, with all the attendant risks for the region and for international peace and security. The failure to hold Israel accountable for its violations of international law, which all countries have adopted to ensure a better world, undermines the international system. Exceptions do not last indefinitely; either they are overturned or they multiply to the point that the system itself collapses.

The most dangerous of Israeli policies are those rooted in the concept of the ethno-religious purity of the State, embodied in Israel's demand that the world recognize it as a State for Jews only. That flies in the face of key principles of the Charter of the United Nations upholding human equality and prohibiting religious and ethnic discrimination. The potential danger of such notions is not limited to the continued oppression of Palestinians; it could fuel ethnic and religious conflict and encourage the creation of similarly exclusive States, with all the attendant bloodshed and destruction.

To tackle the situation in Palestine, we must begin by rejecting the concept of an exclusive religious State, if the world is to avoid redrawing borders across the globe along religious lines. We must apply the provisions of the Charter of the United Nations and the principles of international law and justice, chiefly with regard to the return of Palestinian refugees to their homes without exception or equivocation. Negotiations aimed at achieving that goal must focus on the actual implementation of international law, rather than on the need to apply it.

Regardless of whether the solution is two States or one, and the latter is gaining momentum in the light of Israel's thwarting of the former (box 8.3), it must be based on the principles of justice, equality and non-discrimination between people in rights and obligations. Under any solution, the equality of all, irrespective of race or religion, must be ensured and incompatible laws and practices abolished. Israeli law, which allows Jews to become citizens of Israel simply by virtue of being Jewish but denies Palestinians the right to return simply because they are not Jewish, is a blatant example of religious discrimination that is inconsistent with any resolution to the conflict.

International law supports the right of Palestinians to resist occupation. General Assembly resolution 3246 (XXIX) reaffirms the legitimacy of the peoples' struggle for liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle.

International responsibility for the situation in Palestine is evident, but Arab countries need to shoulder their responsibilities too and play a key role in ending the oppression suffered by Palestinians, so as to achieve justice, protect their own national interests, respond to the wishes of their peoples and stave off threats to the region posed by Israel. Moves by some of them to normalize relations with Israel, when Palestinian rights are being flagrantly violated, exacerbate the sense of betrayal felt by the people of those countries who have sacrificed so much to liberate Palestine, have consistently supported Palestinian rights and consider Palestine to be the primary Arab cause. Moreover,

To tackle the situation in Palestine, we must reject the concept of an exclusive religious State, if the world is to avoid redrawing borders along religious lines. We must apply the provisions of the Charter of the United Nations and the principles of international law, chiefly with regard to the return of Palestinian refugees to their homes without exception or equivocation

### **Box 8.3** Avi Shlaim: By eliminating the two-State solution, Israel has brought the one-State solution to the fore

For many years the hot question was whether the best solution for the Israel-Palestine conflict was two States or one binational State. This debate intensified after the 1993 Oslo Accord which pointed to, but failed to deliver, two States. Since Oslo, Israel has expanded its colonies and their infrastructure on the West Bank to a point where a viable Palestinian State is no longer feasible. By signing the Oslo Accord the Palestine Liberation Organization gave up its claim to 78 per cent of mandate Palestine in the expectation of eventually getting an independent State on the remaining 22 per cent comprising the Gaza Strip and the West Bank. But it was not to be. Israel under the leadership of Benjamin Netanyahu, following the assassination of Yitzhak Rabin, reneged on its side of the deal.

By pursuing the aggressive and illegal Zionist colonial project on the West Bank, Israel has all but eliminated the two-State solution. Once this falls by the wayside, the one-State solution comes to the fore. This re-opens the question that has been present since the inception of the State: how is an ethnocracy with one ethnic group dominating the polity compatible with equal rights for all its citizens?

It is stating the blindingly obvious that in a one-State scenario with no Jewish majority, Israel would face an even starker choice between being an ethnocentric State or a democratic one. Israel's leaders know this all too well. This is why they have so far avoided formal annexation of the West Bank, preferring to secure their control through creeping annexation. If one State is the only serious alternative to the status quo, it is surely not anti-Semitic to interrogate its nature and substance or to argue for a secular State with equal rights for all its citizens.

**Source:** Avi Shlaim and Gwyn Daniel, "The Labour Party, Israel, and anti-Semitism", 7 May 2016. Available from www.opendemocracy.net/avi-shlaim-gwyn-daniel/labour-party-israel-and-antisemitism.

By pursuing the aggressive and illegal Zionist colonial project on the West Bank, Israel has all but eliminated the two-State solution. Once this falls by the wayside, the one-State solution comes to the fore

the potential outcome of such moves is difficult to predict.

Although most Arabs are preoccupied with domestic issues, 75 per cent of them still see the Palestine issue as a common cause for all Arabs, and 85 per cent oppose recognizing the State of Israel.[8] This stance manifests itself in numerous ways, including through popular movements, petitions and articles refusing any dealings with Israel before justice is achieved in Palestine. Actions have included a call in Jordan, heeded by many, to turn off lights for an hour in protest at the signing by Jordan of an agreement to import gas from Israel;[9] a rare petition launched by the "Saudis against normalization" group and signed by around 2,500

Saudi intellectuals and academics, and subsequently by citizens from other GCC countries, rejecting any move to normalize ties with Israel and demanding the strict enforcement of the boycott;[10] the withdrawal from circulation by the Algerian Ministry of Education, after widespread protests, of a school textbook in which Palestine was designated as Israel;[11] and broadly supported campaigns by civil society organizations in Morocco against the normalization of relations with Israel, calls to boycott illegally imported Israeli products[12] and demonstrations against the participation of Israel in the international climate change conference held in Marrakesh in November 2016.

Numerous leading scientists, artists and authors have voiced condemnation of Israeli practices and called for Israel to be held accountable for its violations and crimes. All that reflects a rising tide of criticism around the world, including in the West, that could soon reach a tipping point and see Israel obliged to comply with international law. Arab countries have a duty to encourage this trend so as to expedite the achievement of a just solution to the Palestinian cause.

## 4. Economic growth and well-being

Justice cannot be fully achieved without liberating people from fear and want, and providing equal opportunities for all to participate in their countries' economies and benefit from development. This goal is not linked to a specific economic system, but rather to a model that places individuals at the heart of the development process. Many Arab countries eschewed that approach when implementing structural reform programmes in the 1980s and 1990s. Consequently, the resulting growth bypassed the poor and disadvantaged groups, increased economic marginalization and created social imbalances.

To ensure economic well-being, Arab Governments must not shy away from a development role that ensures human development for all. That requires economic and social institutions, including education and health care systems, to build people's capabilities and ensure the equitable distribution of development gains. To that end, everything possible must be done to stamp out discriminatory laws and practices and to combat that gravest of breaches of justice, corruption. Human development thrives when all take part in economic processes and have a voice in decisions affecting their lives.

Governments must ensure an enabling economic environment that drives growth, allows individuals to apply their skills in productive work, and cares for those who cannot work through social protection programmes. Economic and social justice begins when ground rules of good governance are established to ensure that Government priorities reflect people's wishes and to enable the public to hold decision-makers accountable.

Justice cannot be fully achieved without liberating people from fear and want, and providing equal opportunities for all to participate in their countries' economies and benefit from development

To ensure economic well-being, Arab Governments must not shy away from their development role and must combat that gravest of breaches of justice, corruption

There can be no justice or development without an end to the region's civil wars. Any attempt to end the conflicts that does not provide society with a minimum of justice or address the injustices that led to war and violence in the first place will be little more than a temporary truce before the next war

## C. Conditions for achieving strategy goals

The authors of this report believe that the four above-mentioned goals, however unrealistic they may appear today, are perfectly achievable with the necessary radical political and economic reforms; and if Arabs unite to end civil wars, strive for greater political and economic integration, and work together for a cultural renaissance that promotes free thought and creates an advanced society that is in tune with its own heritage and creatively interacts with the rest of the world.

### 1. End civil wars

There can be no justice or development without an end to the region's civil wars. There is no ready-made solution; any attempt to end the conflicts that does not provide society with a minimum of justice or address the injustices that led to war and violence in the first place will be little more than a temporary truce before the next war. Any solution must first and foremost respect the interests of people in the countries concerned, and then those of the rest of the region. It must: end hostilities; protect civilians; prevent partition and displacement; enable the safe return of migrants and refugees; lead to the establishment of non-sectarian democracies that respect human rights; put a definitive end to foreign military presence; and establish a system of transitional justice through the consensus of all domestic stakeholders that would provide for compensation of victims while strengthening peace and social cohesion.

Whatever the nature of eventual peace agreements, they must be grounded in consensus and a shared sense of fairness and pave the way for equal citizenship and the creation of just and transparent institutions fundamentally different from their pre-war counterparts. It is also vital to oust those responsible for the violence, who built their power by inciting fear and extremism and creating ethnic, national and religious divisions.

#### a. Path to a solution: Syria

The Syrian civil war is the most complex of the numerous conflicts blighting the region. Its effects have spread to Iraq, Jordan and Lebanon. The majority of regional powers have become entangled in it, along with the Russian Federation, and the United States and their allies. The solution we propose could be a model for other countries in conflict in the region, including Iraq, Libya and Yemen.

The Syrian conflict has taken on all the hallmarks of a war of attrition, with all sides backed by regional and global powers that are supplying them with arms and/or interfering directly in the conflict. As long as the Syrian Government controls some sea ports and airports, but fails to secure all its land borders, arms from

regional and global players will flow to it and the opposition. The violence will go on unless a political solution based on an internationally backed regional agreement, is arrived at.

Given the multiplicity of actors in each camp and the might of their respective backers, an end to the Syrian war is unlikely to come through a decisive battle leading to the victory of either side. Military advance on the ground, such as the seizure of a city or village, no matter how significant, does not necessarily imply complete and final victory. If the Government forces gain ground, they must still convince inhabitants of the Government's political authority. Coercion, as an alternative to persuasion, will not work where the abundance of weapons nullifies the victor's comparative advantage and oppressive capacity. Conversely, an opposition group that secures territory must also demonstrate its political legitimacy. Military gains, by any party in this war cannot last, unless they are followed by some form of political process that involves all other parties.

Any peace agreement must be underpinned by a united Arab position, the central planks of which should include a rejection of the country's partition along sectarian or ethic lines and of any form of authoritarian rule, regardless of its ideological nature, or religious and sectarian identity. With non-Arab regional powers, Iran and Turkey, having an interest in preventing the partition of Iraq or the Syrian Arab Republic along ethnic lines, and Arab countries having an interest in preventing partition along any lines, a united regional position against partition in general can be forged, and would assist in ending the conflict.

The aerial intervention by foreign powers, and the involvement of regional powers on the ground have an adverse impact when those powers behave as occupying forces striving to achieve their narrow national interests without considering those of the Syrian population. However, the temporary presence of regional forces in the country could be beneficial if their aim were to stop the fighting, initiate a transition towards a fully democratic system that preserves the unity and territorial integrity of Syria, liberate the occupied Syrian Golan Heights, and ensure the independence of political decision-making in the country.

The deployment of a mixed regional force, comprising mostly Arabs that can be trusted by the different warring parties, and supported by Iran, Turkey and global institutions, would facilitate disarmament and restoring peace and security. It would also allow for early pluralistic general elections in line with an electoral law approved by all warring parties, and in which all Syrians are eligible to vote. Such a regional force would separate the warring parties and prevent reprisals. The units of such a force, contributed

Whatever the nature of eventual peace agreements, they must be grounded in a shared sense of fairness and pave the way for equal citizenship and the creation of just and transparent institutions

It is also vital to oust those responsible for the violence, who built their power by inciting fear and extremism and creating ethnic, national and religious divisions

Any peace agreement must be underpinned by a united Arab position including rejection of partition along sectarian or ethic lines and of authoritarian rule

With non-Arab regional powers, Iran and Turkey, having an interest in preventing the partition of Iraq or the Syrian Arab Republic along ethnic lines, a united regional position against partition can be forged

by various regional actors, would encompass divisions acceptable to the opposition and others acceptable to the Government, so as to balance each other out and neutralize warring Syrian groups, thereby preventing the dissipation of the country's capacity to maintain cohesion during the transition period.

A shift in domestic policy aimed at ensuring some degree of public satisfaction is vital for bringing about a peaceful solution to the conflict. International parties must also cease their wrangling over the strategic alliances of the Syrian Arab Republic. Attempts to tug the country to and fro between one alliance and another, and the fight over Syria, are key reasons behind the conflict. Years of war have shown that transforming the country into an arena for playing out international rivalries does nothing for the country and does not resolve the rivalry. Under our proposed solution, we suggest altering Syrian domestic policy but not necessarily its foreign policy, which should be left to the will of the people.

### b. Peacekeeping: transitional justice, and security and political reform

Achieving transitional justice after a war is key to preserving peace. People have a right to know about the violations that took place in the course of a civil war, whether committed by a dictatorship or during invasion and occupation.[13] Any attempt at transitional justice must be informed by a detailed analysis of the root causes of the conflict, and of violations of civil, political, economic, social and cultural rights; the identification of patterns of discrimination and vulnerable groups, such as minorities, women and children; and a critical assessment of the state of justice institutions and the security apparatus.[14] An active civil society should push for a greater degree of efficiency, accountability and supervision of transitional justice mechanisms.[15]

Some Arab countries have had successful transitional justice experiences. Morocco was the first in the region to establish a justice and reconciliation commission, in 2004,[16] to tackle past oppression that had claimed thousands of victims. The commission recommended compensating the victims, placing checks on the powers of the executive branch, strengthening the legislative branch and promoting judicial independence. The transitional process in Tunisia is another success story. The Constituent Assembly (temporary parliament) established a new framework for transitional justice in 2013. The Truth and Dignity Commission (TDC) was established, according to the Organic Law on Establishing and Organizing Transitional Justice. The TDC has received over 65,000 complaints of abuse and has investigated over 10,000 cases to date. In November 2016, the first televised public hearings were held, in a historic display of

truth and justice, and an attempt to make peace with a painful past.

Peacekeeping involves the implementation of disarmament programmes and the reintegration of combatants into their communities. This is of vital importance in the Arab region, where hundreds of thousands of fighters are currently waging war in Iraq, Libya, the Syrian Arab Republic and Yemen. United Nations experience in supporting peace-building, disarmament, demobilization and reintegration initiatives[17] shows that, more often than not, combatants lack skills to earn a living as civilians without a support network. Often this leads them to resort to crime or political violence, especially given the chronic poverty, unemployment, and limited social protection and psychological and social support in the region. This constitutes a threat to fragile peace-building efforts in the period immediately following the cessation of hostilities.

Sweeping reform of the security sector is needed throughout the region. The existing structures have to be replaced by new institutions with a radically different approach and mandate in terms of doctrine, terms of reference, training and practices, monitoring and accountability.

Even in the best of circumstances, security sector reform is complex, politically sensitive and lengthy. However, a complete overhaul is key to achieving a lasting peace. For warring groups to lay down their arms, they must be persuaded that the Government and armed forces will not crush their organizations and supporters. Taking credible steps towards radical and comprehensive reform, such as providing vocational and rights training to members of the security forces, promoting public scrutiny of their activities, and placing the military leadership under the authority of a civilian Government, could be the best way to reassure the opposition.[18]

It is vital that members of post-conflict security institutions respect human rights and conform to the highest standards of professionalism in and out of the workplace. Such changes require support and commitment from the political class. The security sector must not fall into power-sharing traps, allowing itself to fragment into personal fiefdoms of powerful figures. Rather, its loyalty must be redirected to the constitution. Employment and promotions in the sector must be based on merit, not favouritism.

In Iraq, Libya, the Sudan, the Syrian Arab Republic and Yemen, where the political exclusion of some ethnic and sectarian groups has resulted in injustices, protests and the rise of non-governmental armed groups and State-supported paramilitary organizations, public institutions must be redefined and rebuilt on the basis of inclusion and equality for all if the transition from civil war to peace and well-being is to be made.

Peacekeeping involves the implementation of disarmament programmes and the reintegration of combatants into their communities

Sweeping reform of the security sector is needed throughout the region. The existing structures have to be replaced by new institutions with a radically different approach, be it in conflict-affected countries or non-conflict affected ones

Where the political exclusion of some ethnic and sectarian groups has resulted in injustices, protests and the rise of non-governmental armed groups and State-supported paramilitary organizations, public institutions must be redefined and rebuilt on the basis of inclusion and equality for all

Building a peaceful State requires sturdy national mechanisms for security and conflict resolution that draw their legitimacy from the people. That means an effective judiciary, and trustworthy police forces and public service providers, through which social groups can express their needs and priorities and resolve differences without resorting to violence. When countries create such an environment, rather than focusing on the interests of a few individuals and groups, the urge to secure services illegally or violently evaporates.[19]

Ensuring security, justice, the rule of law and economic stability, and dismantling the logic of the war economy are key responsibilities of the State in the post-war period of rebuilding.

## 2. Cultural reform

Despotism has profoundly damaged individuals, entire societies, and social and cultural values. Pro-establishment intellectuals in both their secular and religious guises, bear a good deal of the responsibility for this dire state of affairs. To cement their power, they have advocated a culture of submission and resignation to one's fate as the inevitable result of God's will or the law of nature. Arabs appear to be caught between two kinds of fire, the perceived hellfire in the afterlife that religious hardliners seeking obedience threaten; and the physical fire on Earth belching from imported weapons in the hands of foreign military powers, an array of armed groups, and national armies and police forces, many of whom are trained and armed by foreigners.

### a. A reformed approach to heritage

Thought, whether scientific, artistic or philosophical/moral, comes from and becomes heritage, even when such thought is in fact a struggle to break free from heritage. In the Arab region today, both the orientalists and the reactionaries choose to use the term "heritage", not to refer to culture with its deep roots and its magnificent diversity, but rather to refer to its most rigid elements, or to those elements that either side thinks are rigid. Unfortunately, many of those who proclaim themselves to be advocates of reform, call for turning the page, and consider the Umma's rich past to be an 'impediment to civilization' rather than a source of creative vitality indispensable for renewal and innovation.

This erroneous view, which reduces heritage to its most rigid elements, confuses thought and the history of thought. Whether to condemn or to glorify, such biased approaches sever ideas from the region's heritage from both their historical context and the present. This biased view hinders the necessary process of critical differentiation between ideas rooted in heritage that remain relevant in contemporary thought and susceptible to development, and those that might be less so but are

nonetheless important milestones in the history of human thought.

In contrast to the above, there are two positive approaches to dealing with heritage: a critical approach that allows for all areas of thought in all fields of human endeavour, whether theoretical or applied, to move forward; and a revivalist approach where new potentials are found in heritage, tradition and classical thought, bringing that which was marginal to the forefront or vice versa.

Both approaches are key to maintaining the vitality and renewal of any civilization, drawing on heritage and past experiences, and on the achievements of other civilizations, which form part of our shared human heritage.

The approach to heritage and tradition should not be caught in the false ideological dichotomy of being either for or against religion. Theoretical and practical, scientific and literary, moral and aesthetic, and abstract and applied aspects of traditional thought should all be addressed. Arabs and Muslims have a rich cultural heritage, which should not be reduced to an ideological quarrel; rather it should be made use of, in its entirety, for the construction of a native, unimported and unimposed renaissance. This, of course, is true of other civilizations and cultural traditions as well. European heritage, for example, cannot be confined, as was the case in the middle ages and in early modernity, to the question of religion. Like the Arabic Islamic civilization, today's Europe is the outcome of a variety of traditions: Greek, Roman, Germanic, Slavic, Arab, Turkish, Persian, Zoroastrian, Judaic, Sabean, Christian and Islamic.

### b. A reformed approach to modernity

What we usually call modernity is not necessarily a rupture with the thinking of the past, but rather the qualitative result of its quantitative accumulation. Such qualitative shifts are often, but not always, the result of advances in science and technology. Guided by, but no limited to, the material sciences, modernity encompasses all aspects of human thought or behaviour that are subject to 'reason'. Nonetheless, the definition of human reason, human rationality and, therefore, of humanity, has been a subject of endless debate between modernists, post-modernists and post-colonialists.

Hence, the advocates of "modernity" as an intellectual, cultural and eventually a political project are not exempt from the need for revision. Those advocates come in two groups, those to whom modernity is an outcome of their native historical process, and imitators to whom modernity came as the legitimizing discourse of foreign colonial invaders. For the first group, reform of modern thought is linked to three issues. Firstly, the need to benefit from post-modern criticism of the unjustified certainty of modern schools of

Pro-establishment intellectuals in both their secular and religious guises have advocated a culture of submission and resignation to one's fate as the inevitable result of God's will or the law of nature

Many of those who proclaim themselves to be advocates of reform, call for turning the page, and consider the Umma's rich past to be an 'impediment to civilization' rather than a source of creative vitality indispensable for renewal and innovation

thought; doubt should be cast over the confident assertion, borrowed from nineteenth century natural sciences, of the attainability, or even attainment, of truth. This excessive confidence placed in the subjugation of life to that Eurocentric 'reason' is heedless of the various definitions of what is considered reason, reasonable, and rational, which differ fundamentally from one time to another and from one place to another. Secondly, revising the notion that material efficiency and profit-driven market standards are central pillars of human survival; a notion that has contaminated nature and culture, and commodified everything, including human beings. Thirdly, recognizing the double standards and the abuse of material power, which this modern economic order has bestowed upon those who first created it, allowing them to treat entire nations as inferiors, to the point of considering the majority of humans, not human, or not human enough yet.

As for the imitators, the disciples who see colonialism as a fundamentally educational historical process, with modernity as its principle lesson, revision must look also, at three aspects. Firstly, they need to expose the illusion that advancement is possible by embracing the outcomes of a foreign historical process, without actually going through that process, that is, without the historical struggles that produced the economic social and political order they so admire. Secondly, they should revise the feasibility of consumption (of both ideas and commodities) without innovation, and consider the danger of economic, political, military and even intellectual dependence on colonial and neo-colonial overlords. Thirdly, they should consider the dire consequences of having ruling elites, and indeed entire ruling classes, that treat their people in the same manner with which colonial elites treated the conquered natives. Those local disciples and successors of colonialism that legitimize their authoritarian rule by arguing that they are modernizing elites with a mission to civilize their own populations, should be aware of the stark similarities between their discourse and that of their colonial predecessors.

To the ruling, dependent elites that succeeded colonial rule, modernity is a political ideology, or even a political discourse that guarantees their hegemony, not a philosophy that basis human existence on scientific knowledge. Thus, most such native ruling elites 'colonize' their own countries, and 'conquer' their own people, treating their subjects with the same contempt with which Western colonial powers treat those native elites. Such elites become deputies or vassals of colonialism, neo-colonialism and imperialism. They govern their people in such a way as to guarantee their own interests, which are congruent with the interests of their colonial masters.

Advocates of tradition and advocates of modernity should therefore consider

fundamental reforms concomitantly. A reform of traditional thought involves seeking an alternative, non-colonial modernity, which is the fruit of a native historical process, rather than the wholesale importation of a model that is unfit for local conditions and needs.

### c. Critical revision of both traditional and modernist discourses

The cultural deadlock plaguing Arab societies today derives from the clash between a traditional elite that champions the cause of preserving identity, independence and therefor heritage, and a modernist elite that advocates what it considers to be the cause of progress. At the core of this clash is a dispute between basing the socio-political order on native yet religious, or on secular yet colonial in origin, foundations. Ethical and existential choices in all areas of life are affected by this dichotomy. The only way to resolve this disagreement is by reforming the underlying references that inform the conflicting positions of both sides of the debate.

A genuinely modern mode of thought cannot be reduced to imitating the experiences of others. Free thought contributes to the development of critical thinking, which Arab societies need. In lieu of earlier fabricated attempts to uncritically reconcile heritage with Eurocentric modernity using slogans such as "authenticity and contemporaneity", "science and faith", both heritage and modernity should be dealt with critically. The former should not be reduced to its mainstream elements, nor to its marginal fringe, but should be approached in all its depth and diversity. As for modernity, our critical evaluations should not be limited to its North American and European versions, but rather encompass broader human experience, from China, India, the rest of Asia, sub-Saharan Africa and Latin America. Identifying a new cultural reference does not imply entrenchment in that which is ancient and local, or immersion in that which is contemporaneous yet imported and imposed, nor does it entail an uncritical blending of both. Rather, it requires a critical evaluation of traditional and contemporary models through a dialectical process to develop a new synthesis.

### d. Curbing sectarian strife

Sectarian strife poses an existential threat to the Arab region. In Iraq, the Syrian Arab Republic, Yemen and other Arab countries, refugees are in the millions, and those killed are in the hundreds of thousands. Authoritarianism has transformed the native blessings of this region, its cultural wealth and diversity, into a series of calamities. Arab States born with a legitimacy deficit, since colonial powers drew their borders, faced further loss of legitimacy by their successive military defeats against Israel. Instead of remedying that legitimacy deficit, they wielded the carrot of bribery and the stick of oppression further weakening their

A reformed approach to heritage is key to maintaining the vitality of any civilization, drawing on past experiences and on the achievements of other civilizations, which form part of our shared human heritage

Reform of modern thought is linked to three issues: exposing the illusion that advancement is possible by embracing the outcomes of foreign historical processes; revizing the feasibility of consumption without innovation; and considering the consequences of having ruling elites that treat their people in the same manner with which colonial elites treated the conquered natives

### Box 8.4 Is history repeating itself? Sunni-Shiite wars will breed attrition, dependence, weakness, and, eventually, disintegration

In the aftermath of the Persian-Ottoman war in the age of Nader Shah, the British focused their efforts on gaining a stronger foothold in South Persia and Iraq. Moreover, the Russian Tsar Peter the Great was able to realize his dream of controlling the Caspian Sea in the mid-eighteenth century. Thereafter, European powers set their sights on the Middle East and its main gateways to the East (Egypt and the Levant), after the British took total control of the Gulf waterways. During that period, a new era of "peace" took hold among the region's statelets, in which, however, the ruling "Islamic" families had no say. This forced peace set the stage for plans by the global powers to turn Iran, Turkey and the Arab countries into their "spheres of influence". What had begun as a dispute between two Islamic States over passages to Europe and the rest of the world turned into a conflict between the global powers for control of those States. The same fate was in store for the Qajar dynasty in Iran and the Ottoman Empire: attrition, dependence, weakness, and eventually disintegration. And just as this belated "peace" was not of a Shiite-Sunni nature, the first wars in terms of their causes and objectives were not Sunni-Shiite either, even if they solicited the sectarian mobilization of both Sunni and Shiite followers.

**Source:** وجيه كوثراني، الفقيه والسلطان: جدلية الدين والسياسة في تجربتين تاريخيتين العثمانية والصفوية-القاجارية، ط 1 (بيروت، المركز العربي للأبحاث ودراسة السياسات، 2015)، ص ص. 92-93.

positions. Fearful of their societies uniting against them, the ruling classes have always sought to divide people on religious, sectarian and ethnic grounds as an easy way to maintain power. Where the rulers of an Arab country are innocent of such machinations, they can be sure regional opponents will kindle sectarian strife in order to topple them. For dictators use sectarianism as a tool of domestic and foreign policy.

Although no two historical situations are identical, the past can still provide examples against which to compare the present. Whenever political discord and sectarian infighting erupt in the region, protracted periods of foreign invasion follow. It has been thus for over a thousand years. When fighting intensified between the Seljuks and the Fatimids, the Franks invaded Jerusalem and the Levantine coast. While the Ottomans, Safavids and Mamluks fought each other on land, the Portuguese and Spaniards were busy taking control of the world's seas and encircling the region, removing all the empires of the region

from the ranks of world powers. When the Arabs fought the Turks in the First World War, the French and British seized the Levant and Iraq, and Israel was founded. Today, continued ethnic and sectarian infighting within the Umma undoubtedly makes the region vulnerable to foreign invasion and long-term bondage.[20]

The war raging in the Arab region today, in which sectarian rhetoric is used by all parties, brings to mind the Thirty Years' War between Catholics and Protestants, which was mostly waged on German territory in the first half of the seventeenth century. Various elites fought for power using religion to increase their clout and resources. Three decades later, the warring parties had exhausted their forces and signed the Peace of Westphalia in 1648. This treaty is still relevant today as it enshrines the obligation of citizens to comply with the laws of their State only, and not the demands of other religious or secular entities.[21] The principle of parity between two unequal groups (itio in partes) was adopted in decision-making to spare all from any sense of injustice.[22] France, a Catholic State that had collaborated with the Protestants, emerged from the war as the most powerful country in Europe.

Undoubtedly, sectarian groups, in terms of thought and ideology, exist in the Arab world, but they are few. Most of those who encourage sectarianism belong to groups that use sectarian thought for political purposes. Those groups, whether non-State actors or part of official regimes, seek to create enemies so as to maintain their control over their constituencies. As for the first category, physical violence cannot be used against them because it is as counterproductive as it is unethical, as people cling still tighter to their belief the more their adversaries pressure them to relinquish it. Two ways of resisting such groups suggest themselves: reforming religious and sectarian thought by appealing to common heritage as a basis for unity and cooperation; and raising awareness of the imminent threat to the entire region, and all its sects, posed by existing and potential occupation by foreign forces that are encouraged by internal fighting to come and stay. When dealing with the second category, those dictators who maintain their power by dividing people and weakening society, the only option is resistance by all means until a new social contract is forged to achieve social equality and restore to the State its primary functions of protection and care for all.

### e. Educational reform

Developing the education system is a key tool for a cultural renaissance. Education systems enable individuals to fulfil their potential and advance their countries.

Education plays a significant role in cultural reform. Incorporating human rights into primary education protects

A reform of traditional thought involves seeking an alternative, non-colonial modernity, which is the fruit of a native historical process, rather than the wholesale importation of a model that is unfit for local conditions and needs

In lieu of earlier fabricated attempts to uncritically reconcile heritage with Eurocentric modernity, both heritage and modernity should be dealt with critically through a dialectical process to develop a new synthesis

Sectarian strife poses an existential threat to the Arab region

children, young people and adults against attempts to violate their rights by State institutions, or even by society, schools and family members. Instilling knowledge in children about their rights guarantees their protection and drives social development. Equality and freedom, notably freedom of thought and belief, are antidotes to sectarian and ethnic fragmentation.

Educational reform must inculcate in young people the concepts of equal citizenship, and deepen Arabs' sense of belonging to a united region with a common culture. This requires laws that protect and celebrate diversity, and that preserve the Arabic language as a tool of that shared culture. Schools of history, philosophy, theology and the languages spoken in the Arab region must be established. Arab culture, prose and poetry are not confined to the Arabs. Promoting the exchange of knowledge in language, literature and culture from early childhood, between people of different ethnic origins and communities in the region, is vital for their development and growth.

Reform of the formal education system is necessary in order to build the capabilities of all people, provide them with equal opportunities in the labour market and improve their living conditions. In most Arab countries, the current education system is biased against the poor, given the sub-standard teaching provided by State schools attended by children from the middle and poorer classes, compared to that of private schools that only wealthy families can afford. Disparities in the quality of education translate into still greater disparities in employment opportunities for the rich and the poor.

For education to fulfil its role in developing culture and achieving justice, the State should invest seriously in education planning, upgrading curricula, training teachers and administration staff, ensuring equal education for all, and learning from the expertise and best practices of other regions. Justice demands that State education be improved to bring it up to par with private education. In addition, free compulsory education should be extended to cover a minimum of 10 years. Only then will education become a tool for bridging the gap between social groups and an effective means of promoting upward social mobility, lifting the poor out of poverty and providing equal opportunities for all.

### f. Media freedom and ethics

The media is a key force shaping public opinion and social awareness. Traditional media, chiefly local and satellite television, remain the primary source of political news and views, despite the rapid rise of new media, especially social media tools, which have become a supplementary source of news and a space for both negative and positive interaction.

A close look at the media shows that they are not impartial. Acute

political divisions in the region on many issues are echoed by media outlets that push the political agendas of States, parties and other groups engaged either in bloody conflicts or major political confrontation. The media have become so involved in those conflicts that no one source can be relied on solely for an objective view of developments in the region. Television viewers are subjected to programmes that distort some events and justify others, or simply overlook developments that do not fit their agendas. Of greatest concern is the direct or indirect incitement carried out by some media, whether intentionally or inadvertently.

Despite the negative repercussions of this situation on a region already suffering from acute divisions, a problem arises when discussing media regulation or control: it is impossible to task a body with media regulation without jeopardizing freedom of expression. Either absolute freedom prevails, provided that it is accompanied by a strong sense of responsibility and professionalism, or the media is subjected to constant content and language censorship. The experience of many countries shows that national media, including in Western countries that take pride in media freedom and objectivity, becomes an instrument of war when their country is at war or in a quasi-war situation.

Media empowerment is based on absolute respect for freedom of opinion and expression. It is the media's duty to portray reality accurately – and the region's problems cannot be resolved without knowledge of the truth. Free media pave the way for gradual change without threatening stability. Though hypocritical media that glorify the ruling regime and its achievements cannot prevent change forever, it makes it more abrupt and violent when it happens. Authorities that seek to shield themselves from open media criticism are deluded and live with a false sense of security. Unaware of people's concerns and unable to discern risks, they fail to act in time to alter their modus operandi.

Journalists, newspapers and broadcasters critical of the authorities need safeguards to protect them from violence, prosecution on security grounds, censorship and closure. In conflict areas, journalists and other media workers are entitled to protection from physical or moral harm. In return, the media and media professionals should avoid abusing their influence and should adhere to a code of ethics, under the supervision of free, transparent unions.

Empowering the media requires the full respect of freedoms of opinion and expression. It also requires providing people with a space to exercise their citizenship by accessing facts through organized and independent outlets, protected by laws guaranteeing the safety of journalists and media organizations

Whenever political discord and sectarian infighting erupt in the region, protracted periods of foreign invasion follow. It has been thus for over a thousand years

Most of those who encourage sectarianism belong to groups that use sectarian thought for political purposes

Two ways of resisting suggest themselves: reforming religious and sectarian thought by appealing to common heritage as a basis for unity and cooperation; and raising awareness of the threat to the region, and all its sects, posed by existing and potential occupation by foreign forces

that express controversial views or criticize those in power. Freedom of the press does not mean the absence of a regulatory body and a descent into chaos, resulting in further political, economic and social unrest of the kind that has erupted on several fronts and in various countries around the region. However, people cannot exercise their rights without access to the information they need to make their own conclusions about the burning issues of the day. Media regulatory bodies should have the power to prohibit the monopolization of the media by political or financial elites, which always works to the detriment of the general public.

The media can play a pivotal role in raising awareness of key problems and issues facing the region, in spite of deeply entrenched divisions. Just as the media have at one time or another been used to incite sectarian or ethnic hatred, they can also be a tool for unity, dialogue and mutual cultural enrichment. They can focus the public's mind on issues that are vital for the region, especially combating racism and occupation, and upholding the rights of Arabs, in general, and of Palestinians, in particular.

## 3. Military, political and economic reform

The crisis of legitimacy in the Arab region has turned dictatorship and corruption into a system of rule. Such regimes invariably consume great amounts of resources and lavish spending on the security apparatus and armed forces, whose raison d'être is to protect the regime rather than the people. While effective at dealing with groups and organizations that oppose the regime, they are unable to defend the country from foreign interference, especially if it is from powers that provide them with weapons and military training. Money is also thrown at bloated bureaucracies that are used to bribe people and make them dependent on State-controlled salaries, thereby serving as methods of public appeasement and assurance rather than productive administrative bodies. If we factor in the financial losses due to corruption, the extent of the waste of financial resources becomes clear. All of this leads to shortfalls in social services and economic growth, in addition to the failure to protect the country from foreign invasion and occupation. Such failures exacerbate the crisis of legitimacy, which those in power attempt to address with increased doses of tyranny and corruption.

The uprisings that began in 2011 were no more than an episode in a long succession of attempts by the Arab peoples to resist national and regional political systems established without their consent, and which employ the colonial approaches of oppression and coercion to control citizens. Given that the issues that spurred the revolts remain unresolved, it is fair to say that they were a first wave in a series of uprisings. These movements were generally led by the urban

middle class, some of whom enjoyed temporary power as a result, but then failed to meet people's demands. The next wave may well be more violent and less open to negotiation. Countries in which peaceful protests were quashed and the uprisings contained or outmanoeuvred, are not far from those where peaceful demonstrations were met with armed force resulting in civil war. The suppressed rage in the former may be greater than the declared anger in the latter, precisely because it is suppressed. Political and economic reform is needed urgently, not so much to stabilize countries or, still less, to maintain regimes in power, but to keep countless citizens alive and avoid violence on a scale that neither local nor international armies will be able to contain.

The details of reform may vary from one country to the next, but they must cover the following three broad areas: political reform through a new social contract based on persuasion and satisfaction of the population rather than coercion; security reform through defence strategies based on local arms production, and the preparation of the armed forces for asymmetric warfare to make them more efficient and cost-effective in warding off external threats, to enhance their efficacy in ensuring independent national political decision-making, and to keep them out of domestic politics and end their role of silencing opposition; and economic reform leading to knowledge-based economies and economic diversification in tune with national needs and the global economic context. Rentierism is a principal weakness of Arab economies, leaving them exposed to commodity price shocks and vulnerable to foreign interventions. In the past few years, a number of Arab countries, especially in the Gulf, have taken positive steps towards diversifying their economies and reducing dependence on natural resources as their main source of income. That is a welcome change but it needs to be complemented by a series of social reforms that enhance the participation of all groups, especially women and young people, in advancing and developing the economy.

When a government is accepted as legitimate, it can spend less on carrot and stick strategies. Bloated bureaucracies designed to politically appease large sections of society can be rolled back to increase efficiency and reduce costs. With reform, it becomes easier to tackle corruption because legitimate stable Governments have no need for it, and to eliminate expenditure on the machinery of repression.

Stamping out corruption is key to economic reform. It requires the setting up of strong and autonomous oversight bodies, protected from the interference of the authorities or influential elites, to investigate cases of corruption. Their creation must go

Equality and freedom, notably freedom of thought and belief, are antidotes to sectarian and ethnic fragmentation

Free media pave the way for gradual change without threatening stability. Though hypocritical media that glorify the ruling regime and its achievements cannot prevent change forever, it makes it more abrupt and violent when it happens

Journalists, newspapers and broadcasters critical of the authorities need safeguards to protect them from violence, prosecution on security grounds, censorship and closure

Media professionals should avoid abusing their influence and should adhere to a code of ethics

hand in hand with the separation of powers. An independent judiciary can ensure the inviolability of such bodies, eradicate the impunity of politicians and influential persons and ensure the equality of all before the law. In other words, a new social contract makes the eradication of corruption necessary and possible.

Legislation and regulations must be amended in order to create clear mechanisms for concluding contracts and deals, including infrastructure contracts and consulting agreements. Amendments are also needed to deal with nepotism, since administrative appointments are commonly made on the basis of family, sect or clan connections. For some employees, especially in the public sector, bribe-taking has become a necessity brought on by low salaries. Laws should guarantee the payment of fair salaries, thereby making it possible to achieve decent living standards without the need for illegal sources of income.

To achieve justice, economic growth must be inclusive and must be able to generate opportunities for decent work. Just economic growth cannot be measured using only macro data, such as GNI and GDP; it must also benefit poor and marginalized groups. This can be accomplished through fiscal policies that impose higher taxes on the wealthy and large corporations in order to fund social and economic safety nets for the vulnerable, including health care and unemployment benefits, while taking into account the importance of attracting investment and strengthening the private sector. Arab Governments must attempt to shrink the informal labour market by enacting laws guaranteeing fair wages for the working class, and by adopting policies to encourage initiatives to set up small and medium enterprises that generate decent jobs.

Inter-Arab cooperation could facilitate economic reform. There is fiscal space in resource-rich Arab countries that are short of labour, which resource-poor countries with abundant labour lack. Creating an institutional environment conducive to internal and direct foreign investment can help in maximizing the utilization of resources in both country groups In conflict-affected Arab countries, reconstruction requires integrated regional efforts to secure resources that no single Arab country can provide, necessitating the establishment of specialized Arab institutions, such as an Arab fund for the reconstruction of war-torn countries.

## 4. Arab integration

The fragmentation afflicting the Arab world complicates the achievement of this strategy's goals. True national independence, justice for Palestine and a visible end to civil wars cannot be secured without close regional cooperation on political and defence issues. An economic renaissance ensuring the well-being of all is not achievable without comprehensive Arab economic integration. Small

fragmented States find it hard to make a place for themselves on the world stage, ensure their independence and sovereignty, or develop knowledge-based and innovative productive capabilities that move them towards a knowledge-based economy. An ESCWA report, Arab Integration: A 21st Century Imperative, sets out a strategic vision for achieving that aim through political, economic, cultural, educational and environmental integration.

The report calls for implementation of the 1957 Arab Economic Unity Agreement, which envisages a common market of Arab countries within which there would be: free movement of people and capital; free exchange of goods and products; freedom of residence, work and economic activity anywhere within the common market; free use of modes of transport and civil ports and airports; and guarantees on the rights of ownership, bequest and inheritance for all Arab citizens across the common market.

In the short term, efforts should focus on: establishing the Arab Customs Union and the full implementation of the Greater Arab Free Trade Area (GAFTA); developing the infrastructure, institutions and legislation, including laws protecting migrant workers, needed for integration; completing the process of linking Arab countries via road and rail networks, transnational power grids and modern communications; and creating direct maritime links between Arab ports.

Political cooperation should focus on the following three areas: support for democratic rule; liberation from occupation and foreign domination; and effective Arab collaboration in international forums to protect Arab interests, primarily the liberation of Palestine from Israeli occupation. Arab political coordination should also contribute to reforming the international system to make it more compliant with international principles that uphold peace, security, justice and well-being for all humanity.

In practical terms, the League of Arab States could be developed to become a league for Arab peoples, accountable to an elected Arab parliament. That would require reviewing its structure and voting system. Until then, the League must play a role in peacefully resolving conflicts in the region. Defence coordination between Arab countries should lead to a revival of joint Arab defence industries, and to an exchange of experiences on popular defence strategies in addition to conventional military systems.

Arab integration also means the generation of knowledge and its application in all areas of life, by enhancing Arab scientific and technological research capacity and establishing regional research centres. For that to happen, an education reform programme must be implemented across the region, and an Arab quality assurance institution must be set up to oversee

Just as the media have at one time or another been used to incite sectarian or ethnic hatred, they can also be a tool for unity, dialogue and mutual cultural enrichment

Given that the issues that spurred the revolts remain unresolved, it is fair to say that they were a first wave in a series of uprisings; the next wave may well be more violent and less open to negotiation

Political and economic reform is needed urgently to keep countless citizens alive

Stamping out corruption is key to economic reform

To achieve justice, economic growth must be inclusive and must be able to generate opportunities for decent work

periodic evaluations of all educational institutions to ensure that they nurture a new generation capable of self-learning and innovation.

Environmental protection is vital to ensuring sustainable human development and guaranteeing water, food and energy security in the region. Close Arab cooperation on environmental issues can help to address water scarcity in the region by supporting scientific research on solar-powered desalination, identifying drought- and salt-tolerant crops, and developing appropriate irrigation and fertilization methods.

### 5. Peaceful ties with neighbouring countries and regional blocs

In this report, we consider the relationships between Arab countries and their neighbours from a strategic perspective, differentiating between countries that have cultural and historical connections with the Arabs and that pose no existential threat to them, and others that have colonized Arab countries and violated the rights of their peoples and whose hostile policies pose serious threats to several Arab peoples.

The Arab region faces two types of threats, an external threat posed by Israel, with its superior military power, expansionary policies and history of hostility, and an internal one emanating from current sectarian and ethnic divisions that threaten to unravel Arab societies and plunge them into endless civil wars. Arab countries should forge strategic relations with neighbouring countries that have a common perspective with Arabs on these two threats. Since Iran and Turkey have a geostrategic interest in preventing the further partition of the region into sectarian statelets, and since they both have opposed the occupation of Palestine and supported, to varying degrees, the struggle for its liberation, cooperation or an alliance with both is advisable and necessary.

Other global developments may render such an alliance more pressing. The rise of Islamophobia, the targeting of Muslims in some countries, and the emergence of new leaders who adopt such views present a common threat to all: Sunnis and Shiites, Arabs, Persians, Turks, and Kurds. Prudence and wisdom should push Arab countries, Iran and Turkey to cooperate in the face of such threats.

The difficulties of such a proposal are not lost upon the authors. The relationships of many Arab Governments with their neighbours are marked by sharp differences, which have at times deteriorated into political or even armed conflict, whether in the form of proxy wars or direct confrontations such as in the case of the Iraq-Iran War. To make cooperation possible, all parties should revisit their strategies and positions. Arab countries need to realize that Iran and Turkey can be

their allies instead of their opponents. However, they will first have to implement internal reforms that strengthen social cohesion within their countries, and forge stronger Arab coordination to ensure that relations with neighbouring countries are healthy alliances between equals. As for neighbouring countries, they must refrain from interfering in the internal affairs of Arab countries, and from adopting a sectarian discourse, or providing support to armed groups that pursue a sectarian agenda. Support from any country around the world for the struggle of the Palestinian people against occupation, and to liberate their land and secure their rights, should be welcomed by all parties.

A strategy urging Arab cooperation with Iran and Turkey goes both ways, and the latter powers should also take confidence-building measures. Different channels can serve as conduits for building this new strategic partnerships, including existing frameworks of cooperation between the League of Arab States and the Organization of Islamic Cooperation, of which Iran and Turkey are members, along with several Central Asian republics. The conflicts in Iraq and the Syrian Arab Republic threaten to divide them along ethnic and sectarian lines, posing a threat to many other countries, including Iran and Turkey. No security or strategic benefit will be felt by Turkey, Iran or Arab countries from supporting one sect in Iraq and the Syrian Arab Republic against the others, nor from direct military intervention or violating human rights in these two countries directly or by supporting despotic Governments that usurp the rights of their people, starve them or bomb them. However, cooperating with Arab countries to preserve the territorial integrity of Iraq and the Syrian Arab Republic, and to resist Israeli occupation would serve them all and the region as a whole.

A rapprochement with Iran and Turkey can help heal the sectarian rifts in the Mashreq, bring an end to the Iraqi and Syrian civil wars, and lead to the emergence of a powerful anti-occupation alliance that can protect the region from the schemes of occupiers and former colonizers, and promote its development and economic growth.

Relations with African countries should also be strengthened. Overall, the interest of Arab countries in forging strategic relations with African countries, including direct neighbours in the Nile basin, the Horn of Africa or the southern Sahel, have fluctuated over time. Such relations are elevated to strategic levels when crises erupt, but accorded a lower priority when such crises are defused. Although heightened interest has recently been shown in Arab-African relations, much remains to be done.

A concerted Arab effort is required to strengthen relations with Africa. Cooperation between the two

Fragmentation complicates the achievement of this strategy's goals. True national independence, justice for Palestine and a visible end to civil wars cannot be secured without close regional cooperation

An economic renaissance ensuring the well-being of all is not achievable without comprehensive Arab economic integration

The League of Arab States must play a role in peacefully resolving conflicts in the region

groups will be beneficial to Arab and African countries that face myriad development challenges, if it is based on clear and agreed principles and goals. Given the increasing importance of African countries, the League of Arab States should bring new life to existing channels of cooperation by focusing on specific initiatives and issues of common interest. The Arab-African dialogue has led to only four summits in more than 40 years, which falls well short of what is required.

## 6. Reforming the system of international relations

After the Second World War, the system of global governance achieved commendable success in the humanitarian and development fields, but failed to deliver global peace and security. The system succeeded in preventing a major conflict in Europe after 1945, yet failed to prevent an epidemic of local and regional wars fought by proxy on behalf of those powers. The business of war, like many others, has been offshored to the Third World to cut costs to the major powers, but at a high price for the men, women and children who have fallen victim to those wars.

The region has not been treated justly by the global system of governance since the days of the League of Nations. It was partitioned against the will of its people; a religious State, where it is sufficient to be Jewish to become a citizen, was established at a time when borders were imposed elsewhere in the region along invented national identities; and a blind eye was turned to assaults by that State on its divided neighbours.

The injustice continues today with the insistence on tackling the Israeli occupation and that country's expansionary plans through negotiations between two sides unequal in terms of power. The basic tenets of justice are further violated when the negotiations are moderated by international parties that pose as honest mediators between Arabs and Israelis while simultaneously affirming their eternal alliance with Israel and granting it impunity for its violations of international law through their veto power in the Security Council. This not only does not pave the way to an independent Palestinian State, but rather leads to endless waves of armed conflict between Arabs and Israel that may not remain confined to the Middle Eastern theatre of war.

Arabs must join the international effort to reform the Security Council. They must strive to regulate the use of the veto in the Security Council by limiting the number of times a permanent member can exercise it during a set period. Using the veto to contravene the Charter of the United Nations or protect a country in breach thereof must be prohibited. Membership of the Council should be enlarged and its powers vis-à-vis the General Assembly should

be amended to ensure that the former does not become a tool of oligarchical control over the fate of humanity without taking into account the desires of the majority of States represented in the latter.

Reforms implemented in the World Bank and IMF following the 2008 financial crisis have done little to alter their strategic approach to development over the past 70 years. The reforms were essentially designed to give greater voice and representation to emerging economic powers in the institutions' governing bodies in view of their increasing clout, yet the actual reforms focused on political co-optation rather than on ensuring justice or meeting the needs of countries facing significant development challenges. Developing countries, including Arab countries, thus have not benefited. The reforms did include provisions to abandon the practice of placing a United States citizen at the head of the World Bank and a European as IMF managing director, to amend representation levels in order to boost the influence of developing economies over decision-making, and to strive for greater equality and fairness in granting them loans, but the majority have not been implemented.

The international community needs to recognize how dangerous for collective human security are notions such as "the war against terror" and

In this report, we consider the relationships between Arab countries and their neighbours from a strategic perspective, differentiating between countries that have historical connections with the Arabs and that pose no threat to them, and others that have colonized Arab countries and whose hostile policies pose serious threats to several Arab peoples

**Box 8.5** Language of the war on terror, war and terrorism

The importance of the precise use of language can be illustrated by the powerful valence in the Middle East context of terms such as "terrorism", "security", "self-determination", "autonomy", "honest broker", and "peace process". Each of these terms has set conditions not only for perceptions, but also for possibilities. Moreover, these terms have come to take on a specific meaning, frequently one that is heavily loaded in favour of one side, and is far removed from what logic or balance would seem to dictate. Thus in the American/Israeli official lexicon, "terrorism" in the Middle East context has come to apply exclusively to the actions of Arab militants, whether those of the Palestine Liberation Organization (PLO), Hamas, Hizballah, or others. Under these peculiar terminological rules, the actions of the militaries of Israel and the United States cannot be described as "terrorism", irrespective of how many Palestinians, Lebanese, Iraqi, or Afghan civilians may have died at their hands.

**Source:** Rashid Khalidi, *Brokers of Deceit: How the US has Undermined Peace in the Middle East* (Boston, Beacon Press, 2013).

A rapprochement with Iran and Turkey can help heal the sectarian rifts in the Mashreq, and bring an end to the Iraqi and Syrian civil wars

After the Second World War, the system of global governance achieved commendable success in the humanitarian and development fields, but failed to deliver global peace and security

"pre-emptive strikes", which authorize major powers to declare war on other countries, or whole communities within them, without regard even for the few internationally accepted rules of war and the protection of civilians. The so-called "war on terror" also allows authoritarian regimes to crush opposition groups by labelling them as terrorists. Since 2001, the "war on terror" has resulted in more victims than terrorism itself. The international community should remember that many national liberation movements that founded the majority of today's countries were initially labelled as terrorist groups. Without those anti-colonial resistance movements, the General Assembly might today have 80 per cent fewer members than it actually does.

## D. The foundations of revival

What is set out above might seem difficult to achieve, but grand hopes do not come true easily. The regional scene pursuant to the 2011 uprisings gave pause to some of those who rose up demanding their freedom. Regimes targeted the self-confidence of people and societies and pursued every possible policy to erode it. State media made division, defeat and fragmentation look like the natural order of things. The remnants of the regimes that fell, and regimes that came close to falling in 2011, dominated the scene. Those regimes, even at their most powerful, behaved like remnants do, hanging on to the last vestiges of their power, acting with ever greater ferocity in fear of the people uniting against them. They killed and detained their citizens, and dehumanised them through State media and political discourse. Many leaders, seemingly forgetting that they belong to the same culture they condemn, espoused the idea of "Arab exceptionalism", claiming in all too familiar colonial language that, given their religion and social structures, Arabs are unable to change and unfit for democratic rule.

The latest popular uprisings for freedom in the region will not be lost; their outcome will serve as a springboard from which to carry on the struggle in the future. Those who wager on people's complacency will inevitably lose.

### 1. The power of the peoples

Over the years, peoples of the Arab region have demonstrated their vitality and proven their ability to ultimately accomplish their goals. They fought to free themselves from colonialism in the twentieth century. They were not deterred by oppression, intimidation and death, and sacrificed unwaveringly to achieve their independence. A total of 45,000 Algerians were killed by colonial forces in one day; the population responded by offering a million more martyrs to live in freedom and dignity. The Palestinian people were uprooted from their land

70 years ago. Their existence has been denied, and attempts have been made to eradicate them politically, culturally and morally. None of this has undermined their determination, and they continue to struggle to reclaim their rights and achieve justice despite a balance of power tilted against them, and the absolute bias of some Western powers towards Israel and against justice in Palestine.

Arab peoples sustained for a while hopes that the ruling elites would deliver on the promised justice. As time went by, their hope waned and they rose up against oppression, igniting a process of change starting from Tunisia. Uprisings spread across the Arab region, with demonstrators filling squares in vast numbers demanding freedom, justice and dignity. Two leaders were ousted in the space of two months.

During the revolt in Egypt that began on 25 January 2011, the ruling elite ran through its supply of excuses, threats and promises, and exhausted its means of oppression, prompting its key figures and media supporters to proclaim that overthrowing governments through street demonstrations was not the Arab or Muslim way. The response from Egyptian squares, and from most of the Arab region, was a ceaseless thunderous chant: "Down with the regime".

Government leaders had misjudged the situation, possibly led astray by events of the recent past: Arab leaders ruled for life, relinquishing power only as a result of death, military coup or foreign invasion. Previous popular uprisings had never targeted their own governments; they had been directed against occupying and colonizing powers or in support of another Arab people.

The 2011 uprisings may not have brought about all that had been hoped of them in the region, but they broke once and for all a number of taboos and planted a revolutionary seed in Arab minds, individually and collectively. The barrier of fear has collapsed, ending the submission of broad segments of Arab society to oppressive regimes. Fear of the authorities, of chaos and war, and of the unknown was overwhelmed by the collective desire for change.

Arab regimes had attempted to convince their people that the alternative to them was chaos, uncertainty, violence and war; and that the people's goals were unachievable as long as the authorities had intelligence and security services able to crush any move by the people to effect change. Those delusions were swept away in January 2011 by the news that the then Tunisian President, Zine al-Abidine Ben Ali, had fled the country. At that historic moment, the gaze of all Arabs aware of the injustice around them turned from their television screens to the seat of government in their own countries, and they asked themselves: if the

The injustice continues today with the insistence on tackling the Israeli occupation and that country's expansionary plans through negotiations between two sides unequal in terms of power

The international community needs to recognize how dangerous for collective human security are notions such as "the war against terror" and "pre-emptive strikes"

Such notions authorize major powers to declare war on other countries, or whole communities within them, without regard even for the few internationally accepted rules of war and the protection of civilians

Arab peoples sustained for a while hopes that the ruling elites would deliver on the promised justice. As time went by, their hope waned and they rose up against oppression

Tunisians managed it, can we not do the same? The response came swiftly in the form of an announcement that the leader of Egypt, the largest Arab country, was stepping down. Speculation turned to certainty and confidence grew in the power of the people, individually and collectively, to achieve what had previously seemed impossible.

Arabs will never be the same as they were before the 2011 uprisings. Most young Arabs are unconvinced by suggestions that the uprisings were the direct cause of the wars and tragedies afflicting many Arab countries, or the hardships weighing on others. They are more certain than ever that the regimes that reacted to their peaceful uprisings with violence and did not hesitate to plunge their countries into bloody civil wars are not worthy to govern.

Some regimes attempted to turn people against one another by inciting sectarian strife. The occupying

### **Box 8.6** Iraqis chant against sectarianism and corruption

Iraqis have never been as creative in criticizing their political leaders or denouncing their poor living conditions. They have designed cartoons, created sarcastic slogans chanted in the streets, and made videos that have been circulated on social media networks. Two emblematic slogans have marked the protests and emphasised their fight against corruption and sectarianism, bism al-din bakuna al-haramiyya ("in the name of religion we were robbed by the thieves") and hashd dhid al-irhab wa hashd dhid al-fasad ("popular mobilisation against terrorism and popular mobilisation against corruption"). Through these slogans, protesters have not only rejected top officials' corruption but also the instrumentalisation of religion to control power and wealth by the so-called tujjar al-din ("merchants of religion"). Instead many demonstrators called for a dawla madaniyya (secular state) and a reform of the political system to put an end to the post-2003 ethno-sectarian quota system, thus directly questioning the legitimacy of the current ruling Shiite elites. Moreover, the slogan Tehran barra barra, Karbala tibqa hurra ("Tehran out out, Karbala will become free") chanted in the streets of the Shiite city of Karbala revealed the national, and to an extent even nationalistic, essence of the movement. Sectarian or ethnic slogans have been remarkably absent during the protests – except when some groups tried to infiltrate the protests to create division – and only the Iraqi flag has been raised.

**Source:** Chérine Chams El-Dine, "Iraq between popular momentum and frozen reforms", Arab Reform Initiative, March 2016. Available from www.arab-reform.net/en/node/922.

forces in Iraq did just that when they destroyed State institutions and established the sectarian quota system. Although some people have fallen into this trap, awareness of its dangers is on the rise. In Iraq, millions took to the streets in the summer of 2015 to demonstrate against sectarian strife, corruption and government mismanagement (box 8.6). This occurred at a time when so-called Islamic State was at the height of its expansion, with fighters positioned only a few kilometres from Baghdad and suicide bomb attacks rocking cities around the country. Iraqis refused to wait for a respite or to give in to fear of the security forces; they refused to postpone their outburst of anger against their Government.

Moreover, in the summer of 2015, tens of thousands demonstrated in Lebanon against political corruption. These were the first demonstrations in decades not called for or sponsored by the political groups or parties that have controlled the public space since at least the civil war. The pressure exercised by this movement, which gained the support of the Lebanese public and was unanimously condemned in a rare show of unity by leading figures of the Lebanese political establishment, resulted in the formation of many youth groups. The decision of many independents to create electoral lists and run in the 2016 municipal elections in several Lebanese villages and towns was a direct result of this movement. It was the first time that independents and civil society had challenged the dominance of the parties and other established political forces over municipal councils, especially in Beirut.

Such events call for optimism, or at least for recognition that there are people in the region who are not sitting still, but rather changing their mind-set, learning from their and others' mistakes, and debunking ideas that have prevailed for decades and allowed political regimes to act without scrutiny or accountability. We may conclude from the growing public involvement in popular movements and increased awareness, especially among young people, that a key factor for change and progress is rapidly materializing in the Arab region.

## 2. Confidence and hope: Tunisia

The Tunisian uprising ignited a spark of hope that the revolts would succeed in securing the demands of the people. The demonstrations unleashed by the self-immolation of Mohamed Bouazizi on 17 December 2010 toppled a leader whose 23 years in power had immersed the country in poverty, corruption and dictatorial rule.

The Tunisian experience dispelled the suggestion that Arab peoples can only be ruled with an iron fist, bearing in mind the sacrifices of the Tunisian people and the martyrs who died for freedom, dignity and justice.

Since the ousting of Mr. Ben Ali, Tunisians have elected two Presidents, Mohamed Moncef Marzouki in 2011

The 2011 uprisings may not have brought about all that had been hoped of them, but they broke a number of taboos and planted a revolutionary seed in Arab minds

Arabs are unconvinced that the uprisings were the direct cause of the wars afflicting many Arab countries. They are certain that the regimes that reacted to their peaceful uprisings with violence are not worthy to govern

Several events call for optimism, or at least for recognition that there are people in the region who are not sitting still, but rather debunking ideas that have prevailed for decades and allowed regimes to act without accountability

The Tunisian experience dispelled the suggestion that Arab peoples can only be ruled with an iron fist

and Mohamed Beji Caid Essebsi in 2014, demonstrating their commitment to a peaceful transition of power. They also elected a Constituent Assembly that succeeded in drafting a new constitution following some three years of inclusive national dialogue. This accomplishment was not the result of foreign or regional support. On the contrary, weak foreign intervention may have contributed to its success. By presenting a successful model for liberation from dictatorship, the Tunisian uprising boosted the confidence of Arab peoples in their ability to control their own destiny, and in the triumph of consensus over discord, dialogue over contention, and participation over exclusion.

## The question of culture

Arab culture, which flourished in the past, carries within it the seeds for a new renaissance. Much in Arab and Islamic civilization, particularly its strong call for equality between individuals, social classes and races, could provide the underpinnings for future social mobilization.

Some observers point to the abhorrent practices carried out by certain military groups in the raging civil wars and proclaim a general decay in values. However, the values of people are not those of their oppressors and their awareness is vaster than their rulers would like to believe. Civil wars are not a product of people's culture or some predisposition; they arise from the structures and systems forcefully imposed upon them by colonialists and dictators.

Colonialism, the source and cause of contemporary authoritarian rule in the region, is receding. Neither direct colonial rule nor its proxy corollary, through local dictatorial regimes, can prevail any longer in the face of the massive numbers of people armed with an unimpeded ability to communicate between them. The only option rulers have is to whittle away at the unity of people, sow discord among them and pit one group against the other. Though some people in the region have adopted this divisive agenda, the vast majority stand against it, committed to the values of coexistence and mutual respect.

A region that unleashed the 2011 uprisings could do so yet again. Despite the difficulties encountered in their aftermath, Arabs have not given up their struggle for the fundamentals of democracy: freedom, justice and equality. Around half of them believe that the "Arab spring" has stalled, but that ultimately its goals will be met.[23] The number of people who believe that democracy is the best system of government has risen from 67 per cent in 2011 to 72 per cent in 2015.[24] The vast majority of Arabs refuse to label followers of other religions as infidels and believe that democratic transition, followed by a solution to the Palestinian question, is the main prerequisite for eradicating terrorism.

Indicators show that a striking 77 per cent of Arabs are interested in the political affairs of their countries, an elevated rate compared with that of other countries.[25] Some 54 per cent of Arabs say that they do not belong to any political party or movement and that no party or movement represents them.[26] This shows that today's parties and movements neither meet people's expectations nor enjoy their trust; highlights the mature critical thinking and ambitious demands of a large portion of the population; and indicates that new broad-based movements or parties could be established in the foreseeable future.

Youth are probably the most affected by the absence of justice in the region, and their dissatisfaction is rising. Some may have migrated in search of a better life and others may have been lured into armed or extremist groups, but the majority will not rest until tyranny is swept away and freedom and justice are achieved. Youth are the future and hope of the Arab region, and there is no better way to conclude this report than by giving the floor to them (box 8.7).

This accomplishment was not the result of foreign or regional support. On the contrary, weak foreign intervention may have contributed to its success

The values of people are not those of their oppressors. Civil wars are not a product of people's culture or some predisposition; they arise from the structures and systems forcefully imposed upon them

**Box 8.7** Voice of young Arabs

**I. On tyranny:**

Eliminate all forms of tyranny, by all available means, provided that one form is not substituted by another.

Form bodies to monitor, document and curb violations committed by regimes against their people.

Establish, pending the fall of dictatorial regimes, local and regional people's courts to try the members of such regimes and their security services for human rights violations and crimes, including detention, torture and killings.

Release all political detainees and prisoners of conscience.

Pay material and moral compensation to victims for their detention, abduction or persecution by regimes and their security services.

Develop a unified vision for the Arab region that paves the way for a new value-based social contract.

Invest in education.

Dismantle all security services implicated in human rights violations and substitute them with bodies that uphold human rights and are subject to public scrutiny.

Secure the rights of incoming and outgoing refugees and migrants.

Around half of surveyed Arab citizens believe that the "Arab spring" has stalled, but that ultimately its goals will be met

Youth are probably the most affected by the absence of justice in the region, and their dissatisfaction is rising. The majority will not rest until tyranny is swept away and freedom and justice are achieved

**II. Palestine and colonialism:**

We define Palestine as "historical Palestine", stretching from the Jordan River in the east to the Mediterranean Sea in the west, and from Ras Naqoura and Safad in the north to Rafah and the port of Aqaba in the south. It spans all the land that came under the British mandate in 1921 and was occupied in 1948 and 1967.

We insist on the right of all Palestinians to return immediately and unconditionally to their land. We call for mechanisms to facilitate their return and for regional and international safeguards offering physical and legal protection to Palestinian individuals or groups that exercise their legitimate right to return.

We call for the prosecution of the Israeli Government, soldiers and settlers for crimes of ethnic cleansing committed against Palestinians and Arabs. Pending such prosecution, we call for the establishment of regional and international people's courts to hold them accountable.

We demand that Israel, in addition to allowing Palestinians to return, pay compensation to all Arabs who have borne the brunt of its crimes since 1948, including Palestinian refugees and Palestinians from the territories occupied in 1948, the West Bank, Gaza and the diaspora.

We demand the release of all Palestinian and Arab detainees from Israeli prisons.

We call for the establishment of an official popular mechanism to protect the rights of diaspora Palestinians. To that end, we call for the creation of a body to monitor, document and curb Israeli actions targeting Palestinians.

We demand the formation of a popular committee and an official commission to identify, expose and criminalize Israeli organizations, and those backed by Israel or its allies, that partake in, instigate or finance racist activities against Arabs, Muslims and sympathisers with the Palestinian cause around the world.

We request the establishment of regional and international people's courts to hold United States administrations, including the then presidents, defence secretaries and military commanders, accountable for the invasion of Iraq and for war crimes committed against the Iraqi people.

We demand that the United States pay compensation to the Iraqi people commensurate with human, material and political losses incurred as a result of the United States occupation of Iraq.

**III. Values of an alternative political regime:**

We consider that a just State is founded on the following:

a. Endorsement by the people of the State's form, cultural foundations, geographical boundaries and system of government, none of which shall be imposed by military force.

b. Popular support for rulers through measurable mechanisms rather than military force or any form of coercion and abduction.

c. The peaceful rotation of power.

d. Permanent public scrutiny of the authorities, in particular the police and the armed forces.

e. Legitimate popular armed resistance in self-defence against foreign invasion if the official armed forces are incapable of or otherwise prevented from fulfilling their duties.

f. Equal rights and duties for all, without discrimination on the grounds of religion, race, colour or gender. Individuals shall not be punished or rewarded for characteristics over which they have no control.

g. Equal opportunities to enable people to achieve their potential and decent living standards.

h. The provision of basic services, above all universal education and health care, free from economic and social marginalization.

i. Human rights and public and private freedoms enshrined in constitutions without any legal constraints.

j. An impartial and independent judiciary.

k. (k) Freedom of expression and the right to political representation for all segments of society, without quota systems or factional divisions.

l. Good governance and efforts to combat financial and political corruption.

m. The right and capacity of local communities to administer their own affairs, ensure equitable treatment for their individual members, safeguard their political and social rights, and preserve their dignity in the face of oppression by State agencies.

**Source:** لقاء الشباب العربي، "العدالة والمنطقة العربية بعد انتفاضات 2011"، 29 نيسان/أبريل 2016، عمّان، المملكة الأردنية الهاشمية. Available from https://secure.avaaz.org/ar/petition/lshbb_lrby_ltGyyr_nHw_mjtm_rby_kthr_dlan/?pv=4.

*The tyranny, injustice and foreign violations of Arab rights witnessed today in the region cannot go on indefinitely. Injustice threatens not only the region's stability, but also the very existence of Arab States. The popular uprisings and armed movements that have appeared in the region over the past six years are*

The popular uprisings and armed movements that have appeared in the region over the past six years are no mere coincidence, but rather the result of decades of injustice that most Arab peoples have borne, and which they are no longer prepared to tolerate

Change is coming; it cannot be stopped, but peoples can still determine its nature and outcome. Radical reform of government systems and legislative, executive and judicial institutions, reinstating the people as a source of State legitimacy, is the only viable option, for the alternative is destructive violence that will engulf all

*no mere coincidence, but rather the result of decades of injustice that most Arab peoples have borne, and which they are no longer prepared to tolerate.*

*Change is coming; its green shoots have begun to show. It cannot be stopped, but peoples can still determine its nature and outcome. Radical reform of government systems and legislative, executive and judicial institutions, reinstating the people as a source of State legitimacy, is the only viable option, for the alternative is destructive violence that will engulf all.*

*Information and communication technology has transformed the world into a small village, where dispossessed and oppressed Arabs can see people in other parts of the world enjoying freedom, dignity and prosperity. If Arab Governments wish to avoid further angry demonstrations, they must, before it is too late, launch a raft of political, economic and social reforms to ensure justice, equality and equal opportunities for all, thereby enabling them to achieve their full potential, live with dignity and have a say in all decisions that affect their lives.*

*Governments must seriously address the persistent spread of sectarian polarization. Needless to say, sectarian and exclusivist thought cannot be eradicated through violence, but rather by freeing people from the scourge of injustice and degradation, achieving development underpinned by good governance, combating political and financial corruption, and establishing an impartial and independent judiciary.*

*All forms of foreign intervention that bring harm to the region's peoples and their cities and towns must end in all Arab countries. The Palestinian cause has always united Arabs; the current situation in the region cannot be resolved as long as the Israeli occupation, or indeed any other occupation, continues.*

*This report is a testimony to difficult times and a declaration of a collective desire to meet the challenges and rise again. The alternative is not merely more injustice affecting one group or another, but rather the wiping out of the oppressed and the oppressors.*

*We put forward a vision and recommendations for achieving justice aimed not only at Governments and leaders, but at all vital forces in the region and those who wish it well. Those who read it are free to concur or disagree with*

*its content or adapt its ideas. Our primary ambition is to raise an alarm and initiate a dialogue, in the hope of a fruitful outcome. As Abd al-Rahman al-Kawakibi might say:*

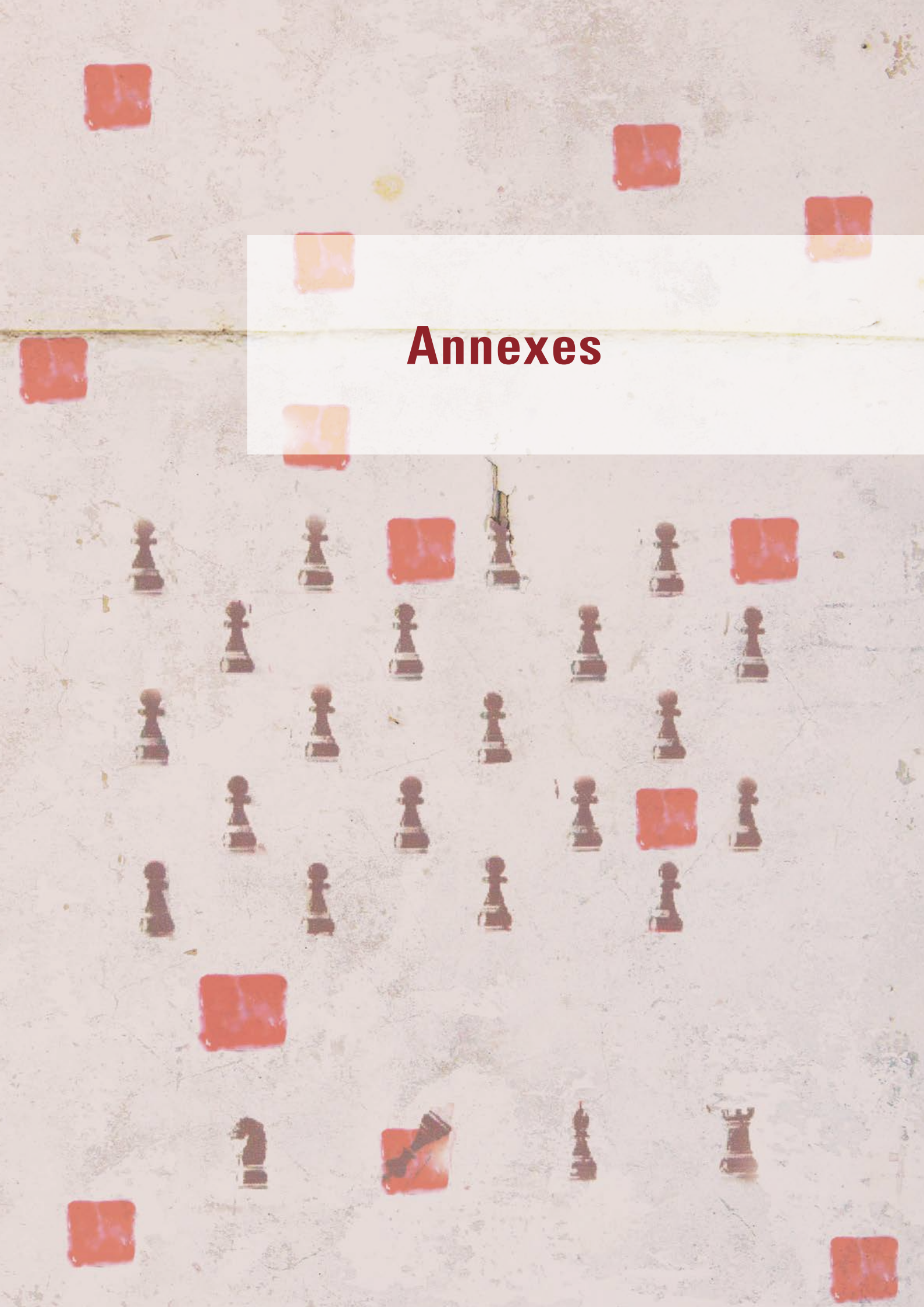
*"This is a cry in the wilderness*

*If it goes with the wind today,*

*Tomorrow, it will come back with a hurricane."*

This report is a testimony to difficult times and a declaration of a collective desire to meet the challenges and rise again. The alternative is not merely more injustice affecting one group or another, but rather the wiping out of the oppressed and the oppressors

# Annexes



# Annexes

# Annexe 1
## Inequality of opportunity in education

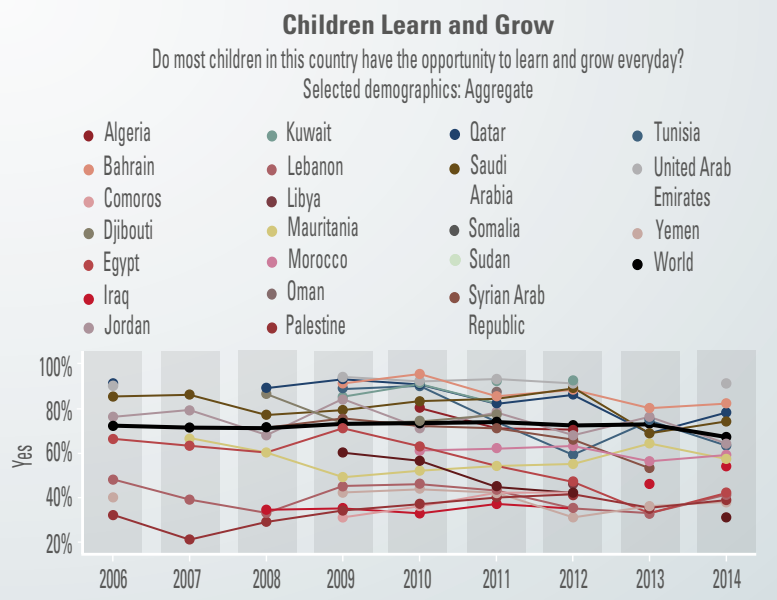
Arab countries have made significant progress in education. However, most of their accomplishments have focused on increasing the number of people with diplomas, rather than promoting the civic values or providing the workforce with skills required in the labour market. High youth unemployment and long waiting times for school-leavers before they are offered work have eroded public trust in education as the path to social opportunity,[1] especially among low and middle-income groups. That, in turn, is undermining the social contract underpinned by the principle of social mobility through education.

A good starting point for analysing education in the region is people's perceptions of the availability of opportunities for children to thrive in their societies. A Gallup Poll shows that education opportunities enjoyed by Arab children are below the global average.

Several studies have attempted to measure inequality of opportunity in education and its trends over time.[2] This section uses fourth and eighth grade students' test scores in mathematics and science, collected by the Trends in Mathematics and Science Study (TIMSS) in 1999, 2003, 2007 and 2011, and student test scores in reading from the Programme for International Student Assessment (PISA) in 2000, 2003, 2006, 2009 and 2012.

Those two international tests provide comparable data on educational achievement for several developed and developing countries. Eleven Arab countries participated in the fifth round of TIMSS (grade eight) in 2011 and four took part in PISA in 2012.

**Figure 1.** Gallup Poll on education opportunities available to children




**Source:** Gallup World Poll Database, 2014.

In this section we examine how the TIMSS scores are affected by external factors, such as social circumstances. It concludes that the more influence such factors have on educational performance, the less impact students' efforts have on their success.

According to the TIMSS international achievement benchmarks (under which 400 is considered a low score, 475 is intermediate, 550 is high and 625 is advanced), the performance of Arab countries is deemed low at best.

The last column of table 1 shows national education expenditure per pupil (as a percentage of GDP per capita). There is no clear relationship between a country's education spending and its national test scores. Qatar, with high education expenditure, has low test scores. However, Lebanon, which spends more than 50 per cent less on education that the other countries in the table, has the highest math score.

Table 2 shows average grade scores by sex for mathematics, science and reading. At the bottom of each table, the average scores for Arab countries in the sample are compared with those of non-Arab developing countries participating in the surveys. In almost all Arab countries, girls outperform boys in fourth grade mathematics and science. The United Arab Emirates is the only exception, where boys and girls perform similarly. The dominance of girls in the fourth grade is unique to Arab countries; it is not significant in other

**Table 1.** Average scores and education expenditure

| | 4th grade | | 8th grade | | | Education expenditure per pupil (% GDP per capita) |
|---|---|---|---|---|---|---|
| | Mathematics | Science | Mathematics | Science | Reading | |
| Bahrain | | | 394.1 | 440.0 | | 13.8 |
| Jordan | | | 405.8 | 450.8 | 399.4 | - |
| Lebanon | | | 448.9 | 405.2 | | 5.9 |
| Morocco | 334.6 | 263.7 | 374.2 | 379.6 | | 23.3 |
| Oman | 384.9 | 377.0 | 359.7 | 416.8 | | 15.4 |
| Palestine | | | 403.7 | 420.9 | | - |
| Qatar | 412.9 | 394.2 | 357.5 | 361.1 | 341.2 | 15.8 |
| Saudi Arabia | 410.2 | 429.4 | 387.7 | 432.5 | | 19.4 |
| Syrian Arab Republic | | | 382.3 | 429.2 | | 18.7 |
| Tunisia | | | 426.9 | 440.6 | 405.2 | 23.9 |
| United Arab Emirates | 434.4 | 427.8 | 413.6 | 417.4 | 406.0 | - |
| Arab countries | 395.4 | 378.4 | 395.9 | 417.6 | 388.0 | 17.0 |
| Non-Arab countries | 454.7 | 465.3 | 452.6 | 450.9 | 438.3 | 17.8 |

**Table 2.** Average scores by sex

| (a) 4th grade | | | | |
|---|---|---|---|---|
| | Mathematics | | Science | |
| | Girls | Boys | Girls | Boys |
| Morocco | 338.1 | 331.4 | 268.2 | 259.5 |
| Oman | 398.2 | 372.0 | 394.2 | 360.3 |
| Qatar | 419.9 | 406.6 | 408.1 | 381.6 |
| Saudi Arabia | 417.8 | 402.1 | 452.5 | 404.6 |
| United Arab Emirates | 438.3 | 430.4 | 437.1 | 418.6 |
| Arab countries | 402.5 | 388.5 | 392.0 | 364.9 |
| Non-Arab countries | 459.0 | 456.1 | 452.4 | 451.1 |

| (b) 8th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | Science | | Reading | |
| | Girls | Boys | Girls | Boys | Girls | Boys |
| Bahrain | 418.0 | 371.2 | 473.6 | 407.9 | | |
| Jordan | 418.3 | 393.7 | 470.6 | 431.7 | 432.6 | 363.8 |
| Lebanon | 443.0 | 456.5 | 402.3 | 408.9 | | |
| Morocco | 373.4 | 374.8 | 380.5 | 378.8 | | |
| Oman | 392.0 | 324.9 | 456.2 | 374.4 | | |
| Palestine | 415.1 | 391.8 | 433.9 | 407.3 | | |
| Qatar | 366.6 | 348.3 | 375.1 | 346.8 | 383.6 | 299.6 |
| Saudi Arabia | 395.4 | 380.4 | 446.0 | 419.7 | | |
| Syrian Arab Republic | 377.2 | 387.5 | 425.9 | 432.6 | | |
| Tunisia | 419.1 | 435.4 | 432.8 | 449.2 | 418.8 | 389.4 |
| United Arab Emirates | 430.7 | 398.0 | 438.9 | 397.8 | 437.0 | 374.2 |
| Arab countries | 404.4 | 387.5 | 430.5 | 405.0 | 418.0 | 356.8 |
| Non-Arab countries | 453.2 | 452.2 | 453.7 | 448.4 | 453.7 | 422.4 |

developing countries. In the eighth grade, their performance in math and science is on a par with that of boys, if not better. In all countries, girls score consistently higher, by a large margin, than boys in reading.

Table 3 shows average scores by community type (rural/urban). In fourth grade, pupils from urban and rural areas in most Arab countries perform very similarly. Bahrain is the only country where rural students significantly outperform their urban counterparts. Urban and rural students also have similar reading skills in all Arab countries. The last two rows show that the rural-urban gap in average scores is much larger in non-Arab than in Arab countries.

**Table 3.** Average scores by community type

| (a) 4th grade | | | | |
|---|---|---|---|---|
| | Mathematics | | Science | |
| | Rural | Urban | Rural | Urban |
| Morocco | 320.8 | 344.8 | 246.2 | 275.5 |
| Oman | 380.0 | 378.8 | 374.9 | 368.6 |
| Qatar | 419.9 | 413.1 | 402.3 | 395.4 |
| Saudi Arabia | 406.0 | 411.0 | 423.2 | 430.3 |
| United Arab Emirates | 411.6 | 434.7 | 407.5 | 428.0 |
| Arab countries | 387.7 | 396.5 | 370.8 | 379.6 |
| Non-Arab countries | 434.3 | 475.4 | 425.4 | 474.2 |

| (b) 8th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | Science | | Reading | |
| | Rural | Urban | Rural | Urban | Rural | Urban |
| Bahrain | 414.6 | 387.1 | 465.3 | 431.4 | | |
| Jordan | 387.5 | 414.4 | 434.1 | 458.6 | 384.6 | 401.6 |
| Lebanon | 435.6 | 452.7 | 384.3 | 410.4 | | |
| Morocco | 351.3 | 381.3 | 359.8 | 385.6 | | |
| Oman | 359.7 | 360.7 | 415.3 | 418.7 | | |
| Palestine | 406.6 | 402.2 | 422.0 | 420.3 | | |
| Qatar | 331.7 | 361.0 | 356.4 | 361.6 | 337.2 | 341.9 |
| Saudi Arabia | 371.8 | 389.6 | 415.0 | 435.2 | | |
| Syrian Arab Republic | 380.7 | 384.1 | 428.3 | 430.2 | | |
| Tunisia | 404.2 | 436.2 | 424.7 | 447.0 | 408.6 | 405.1 |
| United Arab Emirates | 401.0 | 417.8 | 408.7 | 420.7 | 417.2 | 405.1 |
| Arab countries | 385.9 | 398.8 | 410.4 | 420.0 | 386.9 | 388.4 |
| Non-Arab countries | 428.7 | 468.3 | 428.9 | 468.0 | 407.3 | 446.1 |

Table 4 shows the average scores in public and private schools. In fourth and eighth grades, there is a clear pattern in favour of private schools in all Arab countries. The exception with regard to reading is Tunisia, where, surprisingly, public schools outperform private schools.

Tables 5 and 6 show the average test scores in fourth and eighth grade in relation to the education of pupils' parents. Parents' education is grouped into three levels: primary or less, secondary and tertiary. Both tables show a strong relationship between the level of parents' education and their children's scores. Across the board, children in more educated households perform

**Table 4.** Average score by school type

| (a) 4th grade | | | | |
|---|---|---|---|---|
| | Mathematics | | Mathematics | |
| | Private | Public | Private | Public |
| Morocco | 435.1 | 324.3 | 382.9 | 251.4 |
| Oman | 423.3 | 378.4 | 411.6 | 371.2 |
| Qatar | 469.8 | 393.2 | 442.5 | 377.4 |
| Saudi Arabia | 426.4 | 408.3 | 457.2 | 428.1 |
| United Arab Emirates | 447.2 | 383.2 | 439.0 | 379.2 |
| Arab countries | 440.4 | 377.5 | 426.6 | 361.5 |
| Non-Arab countries | 499.2 | 418.1 | 519.4 | 439.2 |

| (b) 8th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | Science | | Reading | |
| | Private | Public | Private | Public | Private | Public |
| Bahrain | 471.0 | 384.5 | 488.2 | 434.0 | | |
| Lebanon | 468.8 | 414.9 | 432.1 | 359.2 | | |
| Morocco | 505.6 | 366.1 | 486.7 | 373.0 | | |
| Oman | 416.1 | 358.5 | 434.8 | 416.5 | | |
| Palestine | 411.3 | 399.4 | 425.0 | 418.6 | | |
| Qatar | 422.7 | 349.3 | 418.8 | 353.8 | 380.1 | 335.7 |
| Saudi Arabia | 411.3 | 386.2 | 449.8 | 431.4 | | |
| Syrian Arab Republic | 447.6 | 382.0 | 476.5 | 428.7 | | |
| Tunisia | 396.5 | 427.2 | 412.3 | 440.9 | 286.1 | 406.4 |
| United Arab Emirates | 425.7 | 411.4 | 421.2 | 418.8 | 405.7 | 406.8 |
| Arab countries | 437.7 | 388.0 | 444.5 | 407.5 | 357.3 | 383.0 |
| Non-Arab countries | - | - | - | - | 435.3 | 439.2 |

**Table 5.** Average score by fathers' education

| (a) 4th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | | Mathematics | | |
| | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary |
| Morocco | 329.4 | 349.1 | 398.5 | 252.9 | 283.8 | 341.7 |
| Oman | 359.5 | 386.1 | 436.7 | 348.7 | 379.4 | 436.7 |
| Qatar | 338.9 | 397.0 | 455.2 | 311.3 | 378.9 | 445.6 |
| Saudi Arabia | 382.1 | 411.0 | 436.2 | 392.7 | 431.3 | 462.4 |
| United Arab Emirates | 374.7 | 403.1 | 470.8 | 363.1 | 396.1 | 468.3 |
| Arab countries | 356.9 | 389.3 | 439.5 | 333.7 | 373.9 | 430.9 |
| Non-Arab countries | 420.3 | 467.3 | 516.9 | 412.4 | 465.9 | 521.2 |

| (b) 8th grade | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Mathematics | | | Science | | | Reading | | |
| | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary |
| Bahrain | 352.9 | 386.1 | 439.5 | 389.9 | 438.4 | 476.7 | | | |
| Jordan | 372.5 | 400.3 | 444.0 | 418.8 | 451.3 | 483.3 | 370.6 | 394.9 | 415.7 |
| Lebanon | 426.1 | 452.6 | 486.7 | 380.3 | 411.0 | 455.9 | | | |
| Morocco | 360.6 | 374.8 | 424.0 | 370.4 | 380.9 | 421.0 | | | |
| Oman | 342.2 | 374.8 | 400.2 | 398.0 | 436.8 | 458.7 | | | |
| Palestine | 388.8 | 408.6 | 439.4 | 401.6 | 427.1 | 457.0 | | | |
| Qatar | 309.5 | 332.4 | 394.1 | 324.6 | 336.2 | 397.4 | 327.5 | 337.3 | 347.9 |
| Saudi Arabia | 365.5 | 385.2 | 416.7 | 409.2 | 430.3 | 458.6 | | | |
| Syrian Arab Republic | 375.6 | 383.0 | 407.5 | 419.9 | 430.5 | 450.9 | | | |
| Tunisia | 414.7 | 417.0 | 469.5 | 432.2 | 434.0 | 472.1 | 383.1 | 406.9 | 433.5 |
| United Arab Emirates | 381.4 | 411.8 | 434.8 | 388.2 | 415.1 | 440.0 | 389.7 | 403.4 | 414.5 |
| Arab countries | 371.8 | 393.3 | 432.4 | 393.9 | 417.4 | 452.0 | 367.7 | 385.6 | 402.9 |
| Non-Arab countries | 413.0 | 448.2 | 498.9 | 409.1 | 447.6 | 494.8 | 412.5 | 439.5 | 469.3 |

significantly better than those with poorly educated parents.

TIMSS does not provide a measure of income or wealth for students' families. However, using a series of asset ownership indicators from TIMSS (computer, Internet, own room, etc.), a proxy for household wealth has been developed for this study. Table 7 shows the average mathematics and science scores in

**Table 6.** Average score by mothers' education

| (a) 4th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | | Science | | |
| | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary |
| Morocco | 333.5 | 361.9 | 393.1 | 260.9 | 300.7 | 329.4 |
| Oman | 362.6 | 393.3 | 457.4 | 351.2 | 387.2 | 458.5 |
| Qatar | 350.7 | 406.1 | 456.6 | 329.2 | 390.4 | 444.0 |
| Saudi Arabia | 390.3 | 415.3 | 437.8 | 402.6 | 436.4 | 466.1 |
| United Arab Emirates | 380.7 | 411.1 | 474.0 | 367.2 | 404.1 | 472.6 |
| Arab countries | 363.6 | 397.5 | 443.8 | 342.2 | 383.8 | 434.1 |
| Non-Arab countries | 423.7 | 467.6 | 520.5 | 417.0 | 465.4 | 524.5 |

| (b) 8th grade | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Mathematics | | | Science | | | Reading | | |
| | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary | Primary or less | Secondary | Tertiary |
| Bahrain | 374.8 | 388.8 | 431.3 | 415.4 | 440.4 | 472.8 | | | |
| Jordan | 358.5 | 408.3 | 441.3 | 410.9 | 455.6 | 484.5 | 370.0 | 397.7 | 414.4 |
| Lebanon | 416.9 | 456.8 | 487.4 | 371.7 | 413.9 | 456.8 | | | |
| Morocco | 366.3 | 385.6 | 438.2 | 375.5 | 388.7 | 435.6 | | | |
| Oman | 358.0 | 375.9 | 393.5 | 415.0 | 438.0 | 452.1 | | | |
| Palestine | 386.5 | 410.8 | 443.5 | 406.8 | 426.5 | 463.4 | | | |
| Qatar | 317.2 | 334.8 | 392.9 | 319.2 | 339.4 | 397.2 | 325.4 | 344.0 | 346.4 |
| Saudi Arabia | 383.7 | 388.5 | 421.5 | 427.4 | 433.2 | 464.3 | | | |
| Syrian Arab Republic | 377.5 | 388.0 | 401.3 | 422.7 | 435.0 | 447.3 | | | |
| Tunisia | 411.6 | 424.6 | 481.8 | 432.6 | 438.3 | 480.1 | 390.6 | 414.5 | 434.4 |
| United Arab Emirates | 390.2 | 417.8 | 436.9 | 397.5 | 421.5 | 441.8 | 402.2 | 402.0 | 415.9 |
| Arab countries | 376.5 | 398.2 | 433.6 | 399.5 | 421.0 | 454.2 | 372.1 | 389.6 | 402.8 |
| Non-Arab countries | 416.1 | 452.3 | 503.3 | 409.6 | 451.6 | 500.0 | 417.0 | 442.6 | 468.7 |

**Table 7.** Average score by wealth

| | Mathematics | | | Science | | |
|---|---|---|---|---|---|---|
| | Low asset own. | Medium asset own. | High asset own. | Low asset own. | Medium asset own. | High asset own. |
| Bahrain | 388.3 | 397.2 | 408.6 | 436.1 | 447.1 | 449.5 |
| Jordan | 399.4 | 411.3 | 420.8 | 449.7 | 456.8 | 463.1 |
| Lebanon | 429.1 | 453.6 | 474.5 | 380.3 | 409.8 | 439.5 |
| Morocco | 358.6 | 378.5 | 397.9 | 369.6 | 383.9 | 398.3 |
| Oman | 351.1 | 368.1 | 371.7 | 407.8 | 425.8 | 429.7 |
| Palestine | 389.0 | 416.0 | 414.3 | 401.1 | 432.6 | 438.2 |
| Qatar | 343.8 | 359.6 | 380.4 | 344.0 | 366.3 | 384.4 |
| Saudi Arabia | 384.8 | 393.6 | 393.7 | 428.3 | 437.9 | 438.5 |
| Syrian Arab Republic | 369.1 | 395.8 | 388.7 | 417.0 | 440.4 | 437.5 |
| Tunisia | 408.1 | 427.8 | 450.4 | 427.9 | 442.8 | 456.2 |
| United Arab Emirates | 411.5 | 419.0 | 414.1 | 419.2 | 421.3 | 415.7 |
| Arab countries | 384.8 | 401.9 | 410.5 | 407.4 | 424.1 | 431.9 |
| Non-Arab countries | 432.0 | 456.8 | 476.6 | 430.6 | 455.8 | 477.0 |

line with this asset ownership index. It reveals that children from affluent families perform better than those from disadvantaged families.

**Table 8.** Inequality in test scores

| (a) 4th grade | | | | | | |
|---|---|---|---|---|---|---|
| | Mathematics | | | Science | | |
| | Rural | Urban | Total | Rural | Urban | Total |
| Morocco | 0.166 | 0.147 | 0.158 | 0.264 | 0.226 | 0.246 |
| Oman | 0.147 | 0.145 | 0.144 | 0.181 | 0.178 | 0.176 |
| Qatar | 0.119 | 0.142 | 0.139 | 0.151 | 0.178 | 0.175 |
| Saudi Arabia | 0.134 | 0.126 | 0.128 | 0.141 | 0.130 | 0.132 |
| United Arab Emirates | 0.112 | 0.124 | 0.123 | 0.129 | 0.142 | 0.141 |
| Arab countries | 0.136 | 0.137 | 0.138 | 0.173 | 0.171 | 0.174 |
| Non-Arab countries | 0.107 | 0.089 | 0.099 | 0.139 | 0.094 | 0.114 |

| (b) 8th grade | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Mathematics | | | Science | | | Reading | | |
| | Rural | Urban | Total | Rural | Urban | Total | Rural | Urban | Total |
| Bahrain | 0.108 | 0.132 | 0.127 | 0.102 | 0.125 | 0.120 | | | |
| Jordan | 0.140 | 0.125 | 0.130 | 0.128 | 0.114 | 0.119 | 0.113 | 0.111 | 0.111 |
| Lebanon | 0.094 | 0.088 | 0.090 | 0.130 | 0.127 | 0.129 | | | |
| Morocco | 0.110 | 0.119 | 0.118 | 0.113 | 0.116 | 0.116 | | | |
| Oman | 0.157 | 0.151 | 0.154 | 0.143 | 0.137 | 0.140 | | | |
| Palestine | 0.134 | 0.132 | 0.133 | 0.132 | 0.133 | 0.133 | | | |
| Qatar | 0.138 | 0.143 | 0.143 | 0.153 | 0.163 | 0.162 | 0.124 | 0.153 | 0.149 |
| Saudi Arabia | 0.126 | 0.122 | 0.124 | 0.102 | 0.096 | 0.098 | | | |
| Syrian Arab Republic | 0.134 | 0.131 | 0.133 | 0.102 | 0.100 | 0.101 | | | |
| Tunisia | 0.088 | 0.092 | 0.093 | 0.076 | 0.078 | 0.078 | 0.093 | 0.115 | 0.114 |
| United Arab Emirates | 0.101 | 0.099 | 0.100 | 0.109 | 0.108 | 0.109 | 0.110 | 0.111 | 0.112 |
| Arab countries | 0.121 | 0.121 | 0.122 | 0.117 | 0.118 | 0.119 | 0.110 | 0.123 | 0.122 |
| Non-Arab countries | 0.109 | 0.109 | 0.113 | 0.120 | 0.106 | 0.116 | 0.103 | 0.100 | 0.103 |

Table 8 shows the Gini coefficients of test scores in mathematics, science and reading by community type. There is no clear pattern of disparities in scores between rural and urban areas. In general, inequalities in scores in Arab countries are higher than in non-Arab countries, especially in the fourth grade. However, eighth grade inequality of scores in Arab countries is less than in non-Arab developing countries. This provides evidence of sizable inequality of opportunity in early stages of education, when family characteristics are more relevant.

The Arab region shows high levels of unequal opportunity in education, with Egypt, Jordan and the United Arab Emirates reporting the greatest inequality in overall test scores. Family background is the most

**Table 9.** Inequality of opportunity in education

| | Mathematics | | Science | |
|---|---|---|---|---|
| | 2007 | 2011 | 2007 | 2011 |
| Algeria | 0.07 | -- | 0.07 | -- |
| Bahrain | 0.25 | 0.4 | 0.3 | 0.41 |
| Egypt | 0.33 | -- | 0.31 | -- |
| Jordan | 0.25 | 0.28 | 0.3 | 0.36 |
| Kuwait | 0.23 | -- | 0.27 | -- |
| Lebanon | 0.37 | 0.35 | 0.43 | 0.35 |
| Morocco | 0.21 | 0.28 | 0.17 | 0.24 |
| Oman | 0.27 | 0.35 | 0.3 | 0.4 |
| Palestine | 0.25 | 0.23 | 0.25 | 0.24 |
| Qatar | 0.32 | 0.34 | 0.47 | 0.38 |
| Saudi Arabia | 0.28 | 0.23 | 0.3 | 0.27 |
| Tunisia | 0.26 | 0.27 | 0.21 | 0.23 |
| United Arab Emirates | -- | 0.24 | -- | 0.26 |
| United Arab Emirates – Dubai | 0.39 | 0.33 | 0.28 | 0.47 |

**Source:** Elaboration from TIMSS 2007 and 2011 surveys.

important determinant of inequality, followed by area of residence.[3]

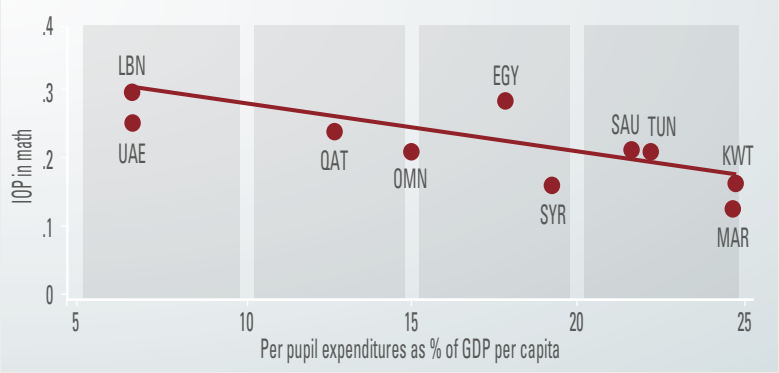
Data on inequality of education opportunity from household surveys conducted in seven Arab countries were used to estimate the extent to which household circumstances affect school attendance and the ability of children to reach secondary school. Inequality varies considerably across the region. Yemen and Iraq have the least equality of opportunity, and Jordan and Tunisia the most. In Yemen, only 6 per cent of girls and 40 per cent of boys who live with uneducated parents or in rural areas are enrolled in school, compared with 95 per cent of girls and 100 per cent of boys in Tunisia.[4]

According to TIMSS data, inequality of opportunity in education is high in almost all Arab countries, except Algeria, which is in line with non-Arab countries at the higher end of the range. Moreover, inequality of opportunity appears to have worsened between the two survey rounds in Bahrain, Morocco and Oman.

Studies have shown that education expenditure does not affect student scores. However, high public spending (as a percentage of GDP per capita) results in less inequality of opportunity in education (figure 2).

Studies show that free higher education is not an equalizing factor in Arab societies, because students able

**Figure 2.** Public expenditure on education and inequality of opportunity




**Source:** Salehi-Isfahani, Hassine, and Assaad 2014.

to benefit from free higher education come from relatively affluent groups.[5] As a result, in Egypt, individuals whose parents have completed tertiary education and live in urban areas have a 98.5 per cent chance of accessing tertiary education, while those with uneducated parents in rural Upper Egypt had only a 5.5 per cent chance. A regional study shows that key factors explaining inequality of opportunity in education are family characteristics, followed by community characteristics.[6]

# Annexe 2

## New methodological tools to measure inequality of opportunity

With regard to our analysis on justice, inequality tells only part of the story. There is "good" inequality, both on moral and economic grounds, which may be both the cause and the result of people making unequal efforts in study and at work. However, there is also "bad" inequality, which results from circumstances (such as gender, place of residence, parents' socioeconomic status) beyond people's control and provokes a sense of injustice accompanied by either grievance or resignation. It should not therefore be taken for granted that higher levels of measured inequality are worse than lower levels. For example, in rigid societies with limited social mobility, low levels of inequality might be considered more unfair than in societies where inequality measurements are high but social mobility is possible. The usual measures of inequality, such as the Gini index, fail to capture deep layers of inequality that are closer to the idea and perception of unfairness.

Equality of opportunity means that a person's chances to succeed in life should be unrelated to predetermined circumstances at birth. It is a relatively recent concept that has been used with different socioeconomic variables.[7] Its methodological aim is to decompose factors contributing to inequality of opportunities into two big groups, namely circumstances and efforts, plus a residual that is due to luck. Circumstances and efforts might interact, given that circumstances might influence the level of effort exerted. It is therefore more effective to compare between people belonging to the same group, so that an individual's efforts and circumstances can be compared to their relevant benchmarks. However, including and estimating all possible circumstances that might influence an individual's degree of effort is an arduous task.

The literature in this field in the Arab region is very recent, but includes studies focusing on inequality of opportunities in earnings,[8] wealth[9] and education,[10] and inequality of opportunities for children[11] and in health outcomes.[12] The preliminary findings show that, despite limited (Gini) inequality in household consumption, inequality of opportunity pervades all areas of people's lives in the region, particularly in pre-primary education[13] and at school entry.[14] It is also considerable throughout basic and secondary education, and especially in accessing higher

education.[15] There is also substantial inequality in the higher education system, as in the case of Egypt.[16] However, inequality of opportunity does not stop with unequal chances to accumulate human capital. It continues following entry into the labour market and throughout the work-life cycle. Social justice could be enhanced in the region if policymakers paid particular attention to these critical stages in the lives of Arab citizen: early childhood, education achievements and school-to-work transition.

## Early childhood development

As Nobel laureate James Heckman's work shows, early childhood is a critical stage in life because it influences the development of the sensory-motor, cognitive-language and socio-emotional skills, which in turn influence a wide range of outcomes later in life (e.g. school achievement, labour productivity, health status, propensity to crime and teen pregnancy, among others). One study shows that early biological and psychosocial conditions affect individual development through changes in brain structure and function, and have a life-long impact on the individual.[17] Such interventions normally record the highest rates of return compared to other social programmes. However, in this stage of life, children are too young to try to influence outcomes. Hence, almost all differences in early childhood outcome indicators can be attributed to inequality of opportunities.

Another study finds that malnutrition in Egypt is one of the main factors behind chronic diseases in adulthood, causing sizeable reductions in employment.[18] Egypt is one of the least equitable countries in terms of skilled attendants at birth and measles immunizations for children.[19] A cross-country analysis reveals that Egypt has a high concentration of indices in under-five mortality rates and infant mortality rates compared with other countries.[20] Another study, using demographic health surveys to examine patterns of inequality of opportunity in child health outcomes in a number of Arab countries and in Turkey, found that inequality in Egypt is rising over time. Regional inequality is the single greatest factor affecting children's height and weight, followed by demographics and parents' education. In summary, reasons of both equity and efficiency underline the need for equality of human development opportunities for Arab children.[21]

The effects of inequality of opportunity on primary education enrolment have also received considerable attention. In a number of cross-country analyses, which include Egypt, socioeconomic status is found to be an important explanatory variable with regard to schooling.[22]

A study on inequality of opportunity in children's health, nutrition, early learning and cognitive development found that Egypt had very high inequality in terms of prenatal care,

while urban-rural divides largely explained unequal rates of stunting. Moreover, household wealth had a significant impact on early childhood education.[23]

## Early childhood development in Arab countries

In this section, we evaluate opportunities for early childhood development in 10 Arab countries where micro-data are available: Algeria, the Comoros, Djibouti, Jordan, Mauritania, Morocco, Palestine, Somalia, the Sudan and Tunisia. It expands on the geographic and historical coverage used in El-Kogali and Krafft.

Early childhood development is evaluated using a number of indicators for mothers' care during pregnancy and child delivery, as well as children's access to nutrition, health, parental care and developmental activities. The evaluation compares not only countries in the region, but also demographic groups within each country. Inequality is imputed across households with different socioeconomic backgrounds to identify the most and least advantaged households according to multiple criteria, and to quantify inequality of access to development opportunities. Overall inequality is decomposed by its various sources to estimate the role of various drivers of inequality in early childhood development opportunities in each country.

Early childhood development opportunities across Arab countries are evaluated in order to identify countries where children, on average, have the greatest and weakest opportunities for healthy growth and development. The prevalence of early childhood development opportunities among the poorest versus the wealthiest one-fifth of households is then evaluated, taking household wealth as a summary indicator for families' socioeconomic status, which is thought to drive children's access to opportunities. Multiple determinants of children's access to opportunities are then evaluated using multiple regression analysis. The most and least advantaged households are identified according to their values on the various socioeconomic variables, and inequality in access to early childhood development between the most and least advantaged households is imputed using estimated regression coefficients. Lastly, the dissimilarity in prevalence of various early childhood development activities across households with different socioeconomic characteristics is quantified and decomposed according to the contributions of individual socioeconomic factors. This will serve to verify to what extent household wealth is an appropriate summary indicator for children's access to early childhood development opportunities.

Table 1 sets out the distribution of the selected early childhood development indicators across 10 surveys from nine Arab countries. It shows that the measures of

women's care during pregnancy and child delivery, as well as children's physical growth potential and access to health, parental care and developmental activities, vary significantly across those nine countries. Palestine has the highest rates of women's care, low rates of adverse health outcomes among children in terms of mortality and under-growth, and the best infrastructure for child development in terms of preschool education programmes. Palestinian children have better access to iodized salt and other nutrition compared to other Arab countries. These trends have remained unchanged since the 2006 wave of the PAPFAM survey and had further improved by 2014. On the other end of the spectrum, Somalia has the lowest rates of women's care, very high rates of child mortality, stunting and underweight, and low availability of formal preschool education. Children have poor access to iodized salt and nutrition. The bottom row of table 1 shows that the early childhood development rates presented are, for the most part, within the ranges identified.[24]

Table 2 supplements the findings in table 1 by evaluating early childhood development opportunities between the poorest one-fifth and the wealthiest one-fifth of households. Household wealth is used as a summary indicator for families' socioeconomic status, driving children's access to early childhood development opportunities. Across the vast majority of results in table 2 for most countries and most early childhood development indicators, opportunities improve with household wealth, thus validating the choice of household wealth as an indicator of families' socioeconomic background. The disparity between the poorest and the richest households is largest for discretionary and market-provided early childhood development activities, such as nursery and preschool (early childhood education (ECE) and early childhood care and education (ECCE)), while they are low for activities subject to cultural norms, such as child disciplining and the use of children for house chores.

Table 3 adds to the analysis by jointly considering several potential drivers of children's access to early childhood development opportunities. As already explained, the least advantaged households are taken to be those in the bottom wealth quintile, in rural areas where women (or mothers) and their partners (or children's fathers, or household heads) have received no formal education. In models explaining early childhood development opportunities, girls are considered less advantaged owing to potential discriminatory norms between boys and girls. In models explaining iodization of salt, households with female heads are taken to be less advantaged, because they are thought to be economically disadvantaged. In models explaining other early childhood development opportunities, however, gender of

the household head is not used as a criterion for demarcating the least and the most advantaged households.

In table 3, differences between the least and most advantaged show that children in the poorest, least educated, rural households (including girls in female-led households) have the least access to development opportunities. Differences in early childhood development prevalence rates between the least and most advantaged households are larger than the differences in table 2, indicating that household wealth is just one contributing factor in overall inequality of children's access to early childhood development opportunities.

Table 4 quantifies the dissimilarity in prevalence rates of various early childhood development activities across households with different socioeconomic characteristics. It shows that, for most early childhood development indicators, between 1 per cent and 66 per cent of those early childhood development opportunities should be redistributed across socioeconomic classes from more to less advantaged groups.

Table 5 decomposes the dissimilarity in prevalence rates of early childhood development activities according to the contributions of individual socioeconomic characteristics. It shows the effects of various factors on inequality in development opportunities. Dissimilarity in household wealth is found to account for 20-35 per cent of inequality in early childhood development opportunities across most countries and early childhood development indicators. The mother's education accounts for 10-20 per cent across most countries and early childhood development indicators. The father's education accounts for a similar fraction. The rural versus urban residence distinction accounts for 5-20 per cent. Lastly, systematic differences across regions account for 10-30 per cent of inequality.

**Table 1.** Comparison of early childhood development indicators across Arab countries (% of children with access to early childhood development)

| | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Under-weight | Wasted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Algeria 2006** | 89.4 | 55.8 | 95.2 | 89.2 | . | . | 12.4 | 4.1 | 3.9 | 58.4 | 61.7 | 8.9 | 23.9 | 87.3 | 22.2 |
| **Comoros 2012** | 92.4 | 57.4 | 83.8 | 63.7 | 2.1 | 3.3 | 29.6 | 15.6 | 11.1 | 91.0 | . | . | . | . | 25.0 |
| **Djibouti 2006** | 92.3 | . | 92.9 | 45.7 | . | . | 32.6 | 30.3 | 30.1 | . | 26.5 | 14.1 | . | 69.6 | 18.6 |
| **Mauritania 2007** | 73.9 | . | 57.9 | 36.5 | . | . | 26.9 | 30.4 | 13.3 | 1.6 | 36.1 | . | 7.2 | . | . |
| **Morocco 2006** | . | . | . | . | . | . | . | . | . | 19.6 | 58.0 | 40.2 | 42.4 | 95.8 | 19.4 |
| **Morocco 2011** | 77.6 | 41.8 | 23.3 | 51.9 | . | . | . | . | . | . | 34.8 | . | . | . | . |
| **Palestine 2014** | 99.4 | 96.0 | 99.6 | 87.3 | 1.0 | 1.7 | 7.4 | 1.4 | 1.2 | 73.8 | 79.0 | 26.9 | 90.0 | 94.1 | . |
| **Somalia 2006** | . | . | . | 9.7 | 3.8 | 8.4 | 38.1 | 36.3 | 11.8 | 1.5 | 65.0 | 2.3 | 13.6 | . | 52.1 |
| **Sudan 2006** | 60.0 | 38.9 | 62.1 | 27.9 | . | . | . | . | . | 11.4 | . | . | . | . | . |
| **Tunisia 2006** | 53.0 | . | . | 85.5 | . | . | 6.4 | 3.4 | 2.8 | . | 53.8 | 27.3 | . | 98.5 | . |
| **El-Kogali & Krafft sample (min-max)** | 47.0-99.1 | [a]30.6-94.5 | 35.7-99.6 | 30.7-93.0 | 1.0-4.0 | 1.5-7.1 | 7.6-53.1 | [a]6.9-45.6 | 6.4-[a]22.3 | 0.4-87.7 | 25.5-81.6 | 2.7-40.2 | [a]6.0-89.0 | 36.2-95.5 | 7.0-24.0 |

**Notes:** This table is comparable to table 2A.1 in El-Kogali and Krafft, 2015, p. 44.

"." means unavailable due to missing variables or small sample sizes.

[a] In a subsample of five-six countries where the indicator is available.

**Table 2.** Access to early childhood development among bottom vs. top wealth quintile households (% of children with access to early childhood development)

| | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Under-weight | Wasted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Algeria 2006** | 76.0-97.9 | 36.7-77.0 | 87.7-98.5 | 81.8-95.7 | . | . | 17.0-8.9 | 5.6-2.7 | 3.8-4.9 | 40.2-79.9 | 48.5-74.7 | 3.2-20.8 | 6.2-48.1 | 84.0-89.7 | 19.0-25.8 |
| **Comoros 2012** | 87.5-95.1 | 43.4-69.5 | 67.8-95.2 | 42.8-72.2 | 1.4-3.2 | 2.6-5.2 | 37.5-22.1 | 20.0-10.2 | 13.3-10.4 | 97.0-86.9 | . | . | . | . | 28.3-11.1 |
| **Djibouti 2006** | 86.3-94.2 | . | 83.6-93.3 | 44.5-53.6 | . | . | 43.2-25.4 | 38.8-22.8 | 33.1-24.7 | . | 22.4-40.1 | 5.8-23.3 | . | 71.8-58.0 | 22.6-7.4 |
| **Jordan 2009** | | | | | | | | | | | | | | | |
| **Mauritania 2007** | 52.2-93.9 | . | 19.6-96.5 | 26.9-38.5 | . | . | 33.0-17.3 | 39.9-14.1 | 16.3-6.6 | 1.5-3.2 | 27.6-46.5 | . | 2.5-18.7 | . | . |
| **Morocco 2006** | . | . | . | . | . | . | . | . | . | 6.8-34.0 | 38.6-83.6 | 6.3-82.8 | 7.7-75.3 | 97.4-93.0 | 12.1-20.4 |
| **Morocco 2011** | 50.3-98.8 | 12.2-75.7 | 13.3-37.3 | 44.0-54.9 | . | . | . | . | . | . | 15.8-59.4 | . | . | . | . |
| **Palestine 2014** | 99.5-98.8 | 95.9-97.3 | 99.6-99.3 | 93.6-73.1 | 0.9-0.6 | 1.8-1.2 | 7.6-7.0 | 1.6-1.6 | 0.9-1.8 | 78.5-71.6 | 70.1-88.5 | 21.2-39.9 | 92.4-93.5 | 96.5-90.8 | . |
| **Somalia 2006** | — | — | — | 4.2-20.1 | 2.9-3.4 | 7.7-8.5 | 48.0-21.6 | 48.9-16.1 | 15.4-4.9 | 1.8-2.2 | 63.0-69.9 | 0.5-6.0 | 0.0-18.5 | . | 59.6-52.9 |
| **Sudan 2006** | 29.7-95.3 | 14.3-72.7 | 38.3-94.3 | 3.8-5.8 | . | . | . | . | . | 25.6-3.5 | . | . | . | . | . |
| **Tunisia 2006** | 26.4-81.7 | . | . | 79.6-83.9 | . | . | 13.1-3.6 | 5.9-1.5 | 2.4-2.2 | . | 23.8-72.5 | 4.8-53.2 | . | 98.6-99.2 | . |

**Notes:** This table is comparable to Table 2A.1 in El-Kogali and Krafft, 2015, p. 44.

"." means unavailable due to missing data.

"--" means non-representative due to estimation issues such as small sample sizes.

**Table 3.** Access to early childhood development across least vs. most advantaged households (% of children with access to early childhood development)

| | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Under-weight | Wasted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Algeria 2006** | 60.0-99.5 | | 60.6-98.8 | 75.4-96.7 | . | . | 26.9-6.8 | 13.5-1.3 | 5.8-4.4 | 14.0-93.4 | 34.0-82.7 | 3.3-36.9 | 4.4-60.6 | 86.7-84.9 | 15.9-25.4 |
| **Comoros 2012** | 76.7-97.4 | | 57.2-99.9 | 66.6-94.0 | 2.3-5.7 | 4.1-5.6 | 21.3-10.3 | 17.2-4.3 | 13.2-10.6 | 98.9-86.8 | . | . | . | . | 32.2-7.7 |
| **Djibouti 2006** | 42.3-99.2 | . | 38.0-96.9 | 27.7-55.2 | . | . | 47.5-34.5 | 52.6-25.6 | 48.4-25.5 | . | 12.6-42.9 | 4.5-28.4 | . | 66.7-58.1 | 24.4-10.6 |
| **Jordan 2009** | | | | | | | | | | | | | | | |
| **Mauritania 2007** | 57.2-93.7 | | 16.3-96.9 | 24.0-14.8 | . | . | 32.8-11.8 | 40.0-13.3 | 16.3-10.6 | 1.0-3.0 | 25.0-58.6 | . | 1.6-67.6 | . | . |
| **Morocco 2006** | . | . | . | . | . | . | . | . | . | 20.23-54.69 | 41.25-84.09 | 2.96-90.50 | 2.64-93.33 | 95.89-94.06 | 14.45-27.27 |
| **Morocco 2011** | 66.11-100.0 | 11.8-94.4 | 25.2-32.8 | 52.6-56.2 | . | . | . | . | . | . | 13.0-76.5 | . | . | . | . |
| **Palestine 2014** | 100.0-99.6 | | 100.0-99.4 | 100.0-79.9 | 0.9-0.8 | 1.8-1.5 | 45.8-4.7 | 0.0-1.0 | 0.0-0.5 | 72.4-90.1 | 50.7-85.9 | 18.2-60.8 | 42.1-98.7 | 100.0-92.8 | . |
| **Somalia 2006** | — | — | 23.0-81.9 | 2.9-13.7 | 3.4-5.4 | 8.4-7.2 | 52.5-10.0 | 49.4-7.5 | 12.2-8.1 | 0.5-4.6 | 0.3-16.1 | 60.9-82.5 | 0.02-19.96 | . | 59.5-47.9 |
| **Sudan 2006** | 20.4-99.9 | 7.9-82.6 | 35.0-99.7 | 0.2-70.8 | . | . | . | . | . | 30.7-2.8 | . | . | . | . | . |
| **Tunisia 2006** | 29.9-94.5 | . | . | 77.7-85.8 | . | . | 5.4-2.9 | 1.5-4.2 | 1.2-4.1 | . | 25.8-81.7 | 1.6-80.8 | — | 100.0-93.3 | . |

**Notes:** This table is comparable to figures 2.23-2.28 in El-Kogali & Krafft, 2015, pp. 39-43.

"." Means unavailable due to missing data.

"--" means unavailable due to estimation issues such as small sample sizes, missing variables, or perfect collinearity or perfect prediction of outcomes among explanatory variables.

Least vs. most advantaged households are identified as those in the bottom vs. top quintile of income distribution, in rural vs. urban areas, in disadvantaged vs. most advantaged regions within the country, with mother and household head with no vs. higher education (with female vs. male child, in all cases but prenatal care and skilled delivery; and with female vs. male household head, in case of iodized salt).

**Table 4.** Opportunities to be redistributed (Dissimilarity Index, %)

| | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Algeria 2006** | 4.62 (1.21) | | 2.57 (1.05) | 2.79 (1.41) | . | . | 14.84 (4.31) | 13.20 (1.34) | 7.15 (1.28) | 33.43 (7.78) | 30.08 (4.08) | 2.79 (1.56) | 6.51 (6.84) |
| **Comoros 2012** | 2.30 (1.40) | | 6.81 (1.98) | 14.03 (6.63) | 37.36 (25.46) | 30.61 (18.72) | 15.01 (6.07) | 1.91 (1.11) | . | . | . | . | 14.57 (15.05) |
| **Djibouti 2006** | 2.31 (1.93) | . | 2.96 (1.86) | 7.65 (11.12) | . | . | 12.43 (6.51) | . | 15.65 (8.67) | 34.57 (28.43) | . | 7.07 (5.98) | 23.24 (15.62) |
| **Jordan 2009** | | | | | | | | | | | | | |
| **Mauritania 2007** | 9.45 (2.47) | | 25.62 (3.17) | 12.27 (6.72) | . | . | 11.26 (3.85) | 29.58 (15.89) | 11.96 (3.00) | . | 35.53 (14.81) | . | . |
| **Morocco 2006** | . | . | . | . | . | . | . | 32.17 (4.88) | 14.98 (2.80) | 36.65 (4.24) | 32.56 (4.28) | 1.89 (1.74) | 24.62 (11.49) |
| **Morocco 2011** | 11.38 (2.79) | 25.69 (4.40) | 22.58 (7.45) | 7.40 (3.85) | . | . | . | . | 22.21 (3.59) | . | . | . | . |
| **Palestine 2014** | 0.22 (0.38) | | 0.14 (0.31) | 3.41 (1.86) | 38.32 (23.01) | 33.69 (17.75) | 11.24 (8.00) | 4.99 (1.28) | 4.01 (1.72) | 14.72 (4.89) | 2.65 (1.25) | 1.36 (1.22) | . |
| **Somalia 2006** | -- | -- | 66.31 (43.12) | 45.23 (21.49) | 12.20 (11.24) | 5.87 (7.95) | 16.51 (2.95) | 29.38 (18.23) | 3.86 (1.75) | 46.41 (19.93) | 59.09 (35.16) | . | 9.58 (4.94) |
| **Sudan 2006** | 20.35 (1.52) | 24.40 (2.74) | 16.10 (1.68) | 33.81 (2.83) | . | . | . | 58.12 (3.58) | . | . | . | . | . |
| **Tunisia 2006** | 18.67 (3.53) | . | . | 4.75 (5.48) | . | . | 26.01 (15.90) | . | 17.75 (4.66) | 34.33 (7.56) | — | 0.87 (1.55) | . |

**Notes:** This table is comparable to table 2.1 in El-Kogali & Krafft, 2015, p. 37.

"." means unavailable due to missing data.

"--" means unavailable due to estimation issues such as small sample sizes, missing variables, or perfect collinearity or perfect prediction of outcomes among explanatory variables. Standard error in parentheses. Significant at * 5 per cent, ** 1 per cent, *** 0.1 per cent level, two-sided t-test.

**Table 5.** Contributions of selected background characteristics to inequality in early childhood development opportunities (%)

| | | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wealth | Algeria 2006 | 25.81 | | 22.08 | 28.06 | . | . | 32.12 | 26.90 | 34.34 | 32.36 | 31.77 | 2.93 | 23.76 |
| | Comoros 2012 | 21.27 | | 26.41 | 21.60 | 3.50 | 3.20 | 19.14 | 64.50 | . | . | | . | 33.11 |
| | Djibouti 2006 | 22.27 | . | 30.42 | 30.64 | . | . | 36.83 | . | 44.01 | 21.26 | . | 34.13 | 35.35 |
| | Jordan 2009 | | | | | | | | | | | | | |
| | Mauritania 2007 | 46.10 | | 37.24 | 28.66 | . | . | 28.90 | 34.95 | 18.28 | . | 27.49 | . | . |
| | Morocco 2006 | . | . | . | . | . | . | . | 22.15 | 29.18 | 34.81 | 31.94 | 20.68 | 15.45 |
| | Morocco 2011 | 30.60 | 34.49 | 14.39 | 26.17 | . | . | . | . | 25.62 | . | . | . | . |
| | Palestine 2014 | 44.02 | | 32.71 | 47.00 | 14.65 | 6.78 | 8.37 | 18.22 | 40.55 | 36.26 | 23.06 | 30.76 | . |
| | Somalia 2006 | — | — | 19.53 | 19.38 | 43.47 | 27.56 | 27.22 | 39.96 | 11.08 | 22.72 | 32.99 | . | 16.48 |
| | Sudan 2006 | 23.49 | 31.46 | 29.86 | 32.52 | . | . | . | 16.96 | . | . | . | . | . |
| | Tunisia 2006 | 31.43 | . | . | 26.99 | . | . | 20.91 | . | 21.79 | 25.48 | — | 14.33 | . |

| | | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Woman's/ mother's education | Algeria 2006 | 32.26 | | 23.59 | 32.55 | . | . | 24.93 | 25.80 | 19.58 | 26.06 | 28.26 | 3.79 | 15.87 |
| | Comoros 2012 | 32.81 | | 23.99 | 12.75 | 18.72 | 21.90 | 19.99 | — | . | . | | . | — |
| | Djibouti 2006 | 6.67 | . | 3.79 | 19.32 | . | . | 10.51 | . | 12.73 | 21.31 | . | 33.18 | 6.07 |
| | Jordan 2009 | | | | | | | | | | | | | |
| | Mauritania 2007 | 8.72 | | 9.33 | 14.98 | . | . | 12.62 | 18.38 | 12.74 | . | 25.45 | . | . |
| | Morocco 2006 | | | | | | | | 4.61 | 9.18 | 8.09 | 9.00 | 6.79 | 16.28 |
| | Morocco 2011 | 19.82 | 18.72 | 7.95 | 10.48 | . | . | . | . | 19.83 | . | . | . | . |
| | Palestine 2014 | 4.32 | | 5.84 | 2.81 | 79.19 | 90.52 | 43.10 | 6.77 | 12.91 | 26.73 | 24.10 | 3.57 | . |
| | Somalia 2006 | — | — | 13.22 | 2.71 | 18.57 | 26.51 | 7.47 | 12.54 | 3.72 | 7.80 | 12.89 | . | 17.76 |
| | Sudan 2006 | 13.85 | 22.96 | 29.61 | 13.43 | . | . | . | 3.51 | . | . | . | . | . |
| | Tunisia 2006 | 19.88 | . | . | 5.85 | . | . | 18.09 | . | 17.12 | 20.86 | — | 12.07 | . |

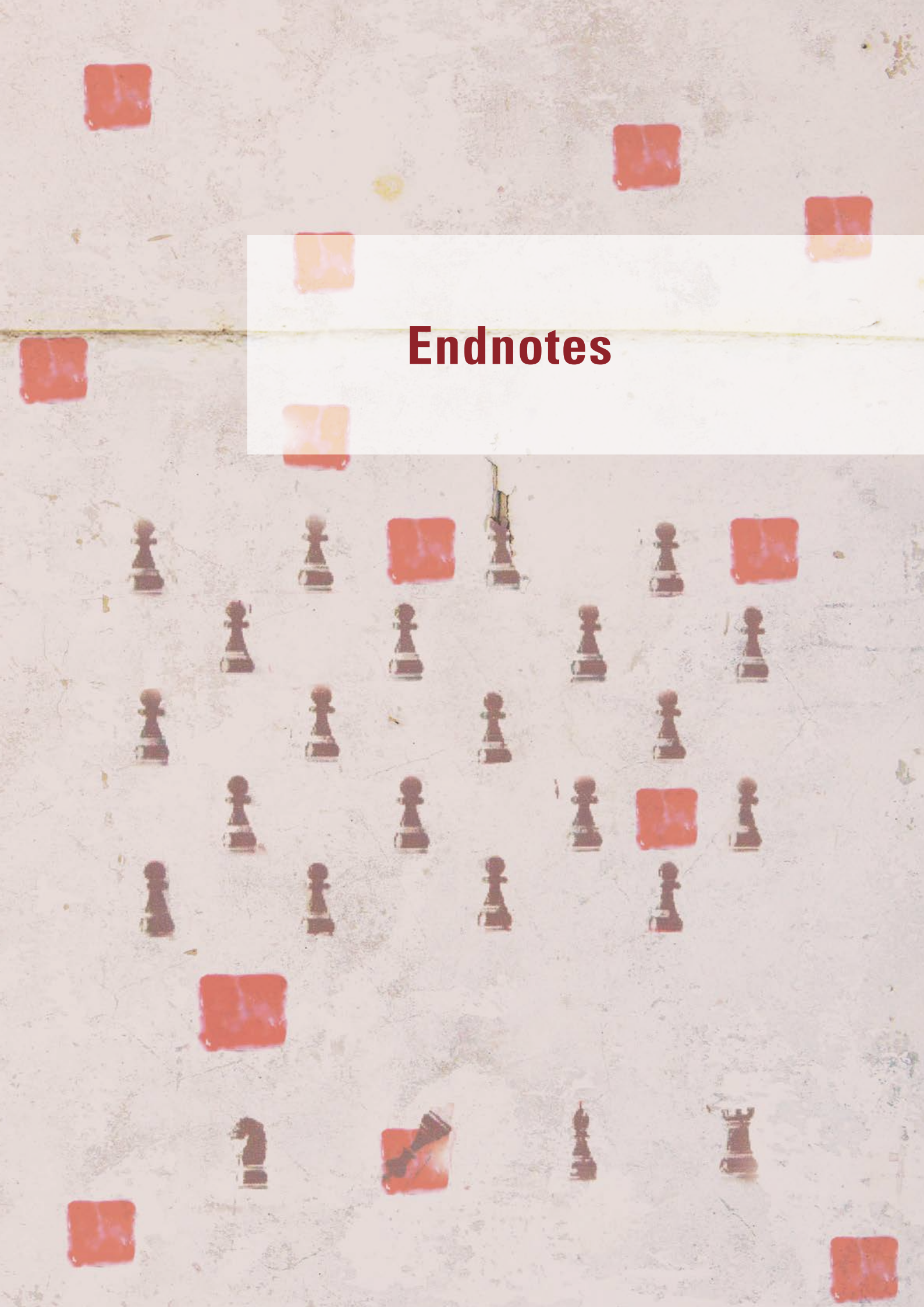
| | | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Father's/ partner's/ household head's education | Algeria 2006 | 25.30 | | 22.74 | 24.13 | . | . | 22.99 | 13.54 | 16.40 | 16.15 | 18.43 | 13.94 | 33.32 |
| | Comoros 2012 | 27.04 | | 8.27 | 11.00 | 24.01 | 23.50 | 16.47 | — | . | . | | . | — |
| | Djibouti 2006 | 10.98 | . | 11.39 | 16.10 | . | . | 22.43 | . | 24.56 | 32.45 | . | 18.62 | 22.39 |
| | Jordan 2009 | | | | | | | | | | | | | |
| | Mauritania 2007 | 7.17 | | 4.29 | 2.13 | . | . | 7.01 | 7.15 | 4.12 | . | 10.17 | . | . |
| | Morocco 2006 | . | . | . | . | . | . | . | 2.41 | 9.30 | 3.68 | 7.28 | 10.69 | 10.30 |
| | Morocco 2011 | 14.64 | 15.74 | 5.73 | 11.25 | . | . | . | . | 13.79 | . | . | . | . |
| | Palestine 2014 | 42.39 | | 59.11 | 5.18 | — | — | 27.81 | 11.86 | 8.72 | 23.11 | 27.18 | 27.14 | . |
| | Somalia 2006 | — | — | 27.17 | 7.34 | — | — | 7.18 | 33.04 | 11.19 | 24.30 | 15.08 | . | 25.43 |
| | Sudan 2006 | 10.72 | 17.67 | 15.21 | 10.05 | . | . | . | 0.04 | . | . | . | . | . |
| | Tunisia 2006 | 9.92 | . | . | 28.00 | . | . | 20.02 | . | 13.46 | 8.22 | — | 24.33 | . |

| | | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rural | Algeria 2006 | 14.54 | | 15.44 | 8.35 | . | . | 4.91 | 7.64 | 12.39 | 9.46 | 15.98 | 0.16 | 7.01 |
| | Comoros 2012 | 7.37 | | 13.13 | 0.65 | 13.38 | 17.04 | 2.70 | 0.94 | . | . | | . | 16.38 |
| | Djibouti 2006 | 31.43 | . | 30.44 | 4.85 | . | . | 2.24 | . | 4.26 | 3.53 | . | 6.06 | 0.74 |
| | Jordan 2009 | | | | | | | | | | | | | |
| | Mauritania 2007 | 18.41 | | 27.25 | 8.15 | . | . | 19.89 | 2.28 | 13.47 | . | 17.56 | . | . |
| | Morocco 2006 | . | . | . | . | . | . | . | 25.49 | 22.31 | 41.07 | 37.69 | 3.46 | 5.95 |
| | Morocco 2011 | 22.19 | 18.10 | 17.98 | 16.00 | . | . | . | . | 27.17 | . | . | . | . |
| | Palestine 2014 | 2.93 | | 0.18 | 11.06 | 4.55 | 0.28 | 1.44 | 5.66 | 2.64 | 3.69 | 2.04 | 1.47 | . |
| | Somalia 2006 | — | — | 38.54 | 35.49 | — | — | 10.47 | 8.96 | 3.23 | 26.20 | 13.75 | . | 2.79 |
| | Sudan 2006 | 1.80 | 10.81 | 3.93 | 2.04 | . | . | . | 7.32 | . | . | . | . | . |
| | Tunisia 2006 | 8.91 | . | . | 2.10 | . | . | 10.68 | . | 21.64 | 32.43 | — | 1.42 | . |

| | | Prenatal care | Prenatal visits: 4+ | Skilled delivery | Fully immun. | Neonatal mortality | Infant mort. | Stunted | Iodized salt | 4+ dvlp. activities | ECCE/ presc. | ECE/ presc. | Violent discipl. | Child labor |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Region | Algeria 2006 | 2.02 | | 16.02 | 6.02 | . | . | 13.16 | 25.85 | 16.97 | 14.71 | 5.34 | 76.67 | 0.13 |
| | Comoros 2012 | 1.54 | | 27.58 | 45.87 | 22.46 | 4.47 | 35.19 | 33.67 | . | . | . | . | 40.69 |
| | Djibouti 2006 | 28.66 | . | 23.96 | 26.69 | . | . | 20.40 | . | 14.11 | 20.92 | . | 0.98 | 31.67 |
| | Jordan 2009 | | | | | | | | | | | | | |
| | Mauritania 2007 | 18.65 | | 20.84 | 41.12 | . | . | 29.93 | 28.35 | 50.42 | . | 18.40 | . | . |
| | Morocco 2006 | . | . | . | . | . | . | . | 43.70 | 29.17 | 11.81 | 13.32 | 56.54 | 46.44 |
| | Morocco 2011 | 12.58 | 12.69 | 53.43 | 35.47 | . | . | . | . | 13.43 | . | . | . | . |
| | Palestine 2014 | 6.34 | | 2.14 | 31.80 | 0.16 | 0.58 | 8.27 | 57.36 | 34.68 | 9.25 | 21.86 | 34.58 | . |
| | Somalia 2006 | — | — | 1.53 | 32.12 | 26.90 | 12.93 | 47.46 | 0.16 | 70.29 | 18.78 | 25.12 | . | 31.30 |
| | Sudan 2006 | 48.63 | 16.10 | 20.66 | 40.19 | . | . | . | 70.56 | . | . | . | . | . |
| | Tunisia 2006 | 29.24 | . | . | 35.63 | . | . | 27.50 | . | 24.23 | 11.61 | — | 37.56 | . |

**Notes:** "." means unavailable due to missing data.
"--" means unavailable due to estimation issues such as small sample sizes, missing variables, or perfect collinearity or perfect prediction of outcomes among explanatory variables.
Region is an administrative area, such as a state, or a group of areas.

# Endnotes



# Endnotes

# Endnotes

## Chapter 1. **On the concept of justice**

1. فارس كمال نظمي، 2006.
2. محمد أحمد عبد الغني، 2004.
3. فارس كمال نظمي، 2006.
4. محمد أحمد عبد الغني، 2004.
5. Luke 9:27.
6. صبري محمد خليل خيري، 2011.
7. ابن تيمية، من دون تاريخ، مجموع الفتاوى، مجلد 28، ص. 146.
8. الشهرستاني، 1993.
9. Welburn, 2013.
10. Gosseries, 2008.
11. Bahdi, 2007.
12. محمد الهيني، n.d.،.
13. Jost and Kay, 2010.
14. عليان بوزيان، 2013.
15. Materni, 2013.
16. Ibid.
17. List and Doerner, 2012.

## Chapter 2. **Justice among people in Arab countries**

1. United Nations Economic and Social commission for Western Asia (ESCWA), 2016a.
2. The Gini coefficient ranges between 0 and 1, and increases as inequality rises.
3. Bibi and Nabli, 2009.
4. ESCWA, 2016a.
5. The Middle East refers to Egypt, Iran, Iraq, Jordan, Lebanon, the Syrian Arab Republic, Yemen and the GCC countries.
6. https://www.icij.org/project/swiss-leaks/explore-swiss-leaks-data.
7. Some 11.5 million confidential documents belonging to the Mossack Fonseca law firm were leaked. Available from https://panamapapers.icij.org.
8. Hlasny and Intini, 2015.
9. Assaad and others, 2012.
10. Krafft and El-Kogali, 2014صفاء الكوقلي وكارولين كرافت، 2015؛ .
11. United Nations Children's Fund (UNICEF), 2015.
12. United Nations High Commissioner for Refugees (UNHCR), 2016.
13. Human Rights Watch, 2016a.
14. A/71/86-E/2016/13.
15. Ibid., p. 5.
16. Al-Hroub, 2011, p. 8.
17. Amin and others 2012; Assaad, 2013.
18. Barsoum, 2015; Brown and others, 2014.
19. Gatti, Roberta and others, 2011.
20. Al-Kibsi and others, 2015, p. 18.
21. مجلس السكان الدولي، 2011.
22. Measuring poverty has geographical implications: (a) variations in the distribution of income and expenditure in urban areas are greater than those in undeveloped rural areas. Consequently, median values are more accurate when measuring variations between developed and underdeveloped areas than average values; (b) the rate of poverty tends to be higher in marginalized, sparsely populated areas. However, a large number of poor persons living in deprived urban areas can be overlooked because they are incorporated into the average values of those areas. In Iraq, Lebanon and Libya, the number of poor urban dwellers is equivalent to or exceeds the total of rural poor.
23. World Bank, 2011b.
24. Ibid.
25. Amara and Ayadi, 2013.
26. Amara and Jemmali, 2015.
27. World Bank, 2011b.
28. Ibid.
29. Ibid.
30. Katayama, 2009.
31. World Bank, 2011b.
32. The ELMO index is based on income distribution. It assumes that the richest segment of the population lives in urban areas, and the poorest in rural areas. It calculates the maximum estimated disparity levels between urban and rural areas, then compares actual urban-rural disparity levels with maximum disparity levels.
33. World Bank, 2011b.
34. Ibid.
35. Based on Hassine, 2014, using sections of household surveys and the Cowell and Jenkins approach.
36. World Bank, 2009.
37. World Bank, 2011b.

38. Akin, 2005.
39. Katayama, 2009.
40. Rizk and Abou-Ali, 2015.
41. Krafft, 2012.
42. Hassine, 2014.
43. Assaad, 2010.
44. مجلس السكان الدولي، 2009.
45. World Bank, 2012a.
46. World Bank, 2011b.
47. World Bank, 2013.
48. Arab Barometer III, implemented over the period 2012-2014, covered Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Saudi Arabia, the Sudan, Tunisia and Yemen. Similarly to the previous two waves, the aim was to measure and track over time the attitudes, values and behavioural patterns of people with regard to pluralism, freedom, tolerance and equal opportunity; social and interpersonal trust; social, religious and political identity; conceptions of governance and an understanding of democracy; and civic engagement and political participation.
49. Serajuddin and Verme, 2015.
50. Ibid.
51. Verme and others, 2014a.

### Chapter 3. **Justice between Different Groups in Society**

1. A/RES/2200 (XXI).
2. A/RES/36/55.
3. A/RES/47/135.
4. www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/Human-Rights/cairo.pdf.
5. www.unicef.org/tdad/arabcharterhumanrights.doc.
6. United Nations Development Programme (UNDP), 2004, p. 116.
7. Guillaume, A., 1955, p. 233.
8. مسعود ضاهر، 2005.
9. جاد الكريم الجباعي، 2010.
10. Müllerson, 1997.
11. https://chronicle.fanack.com/syria/history-past-to-present/from-antiquity-to-french-mandate/ (accessed January 2016).
12. جاد الكريم الجباعي، 2010.
13. محمد غنيم، 2012.
14. Basic Law of Governance, 1992, articles 1, 7, 8, 23 and 26. Available from www.wipo.int/edocs/lexdocs/laws/en/sa/sa016en.pdf.
15. Wehrey, 2014.
16. Human Rights Watch, 2009.
17. Gilbert, 2015; Brownlee, 2013.
18. International Labour Office, 2007.
19. نادر شكري، 2015.
20. شفيق ناظم الغبرا، 2016.
21. Bryant, 2013.
22. Human Rights Watch, 2009.
23. Human Rights Watch, 2015.
24. سليمان شفيق، 2016.
25. Human Rights Watch, 2011.
26. المجلس القومي لحقوق الإنسان، 2011.
27. المجلس القومي لحقوق الإنسان، 2014.
28. ويكي ثورة، 2013.
29. Euro-Mid Observer for Human Rights, 2013.
30. Human Rights Watch, 2014.
31. Ibid.
32. Freedom House, 2015.
33. مايكل فارس، 2013.
34. Tadros, 2015.
35. محمد غنيم، 2012.
36. Barbarani, 2014.
37. Human Rights Watch, 1993, chapter 13.
38. Bowler, 2015.
39. Amnesty International, 2016.
40. Human Rights Watch, 1995.
41. هيثم مناع، 2004.
42. Lynch and Ali, 2006.
43. هيثم مناع، 2004.
44. S/2016/460.
45. Siege Watch, 2016.
46. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2016.
47. A/HRC/31/68.
48. العربية، 2015.
49. A/HRC/31/68.
50. Ibid.
51. United Nations Educational, Scientific and Cultural Organization (UNESCO), no date.
52. العربية، 2007.
53. Gurman, 2013.
54. وكالة أنباء براثا، 2007.
55. A/HRC/31/68.
56. Chmaytelli, 2016.
57. Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Assistance Mission for Iraq (UNAMI), 2015.
58. ESCWA and University of St Andrews, 2016.
59. With the exception of Somalia and the Sudan.
60. Nazir and Tomppert, 2005; Associated Press, 2014; Bani Ali, 2014.
61. Center of Arab Women for Training and Research (CAWTAR), 2015.
62. ESCWA, 2013a.
63. Ibid.
64. CAWTAR, 2015.
65. UNDP, 2006.
66. Inter-Parliamentary Union, 2016.
67. Women and girls constitute 49.6 per cent of the

number of Syrian refugees in neighbouring countries, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), Syria Regional Refugee Response. Available from http://data.unhcr.org/syrianrefugees/regional.php (accessed 20 January 2016).
68. نظرة للدراسات النسوية، 2016.
69. ESCWA, 2015b.
70. ESCWA, 2015a.
71. UNICEF, 2014.
72. وزارة الدولة لشؤون المرأة، العراق، 2014.
73. نادين نمري، 2015.
74. United Nations Population Fund (UNFPA), 2015, p. 28.
75. Abdul-Hamid, 2011; نادين نمري، 2015.
76. Defense for Children International, MENA Regional Desk, 2015.
77. Ibid.
78. ILO Modeled estimate for 2013, Arab countries Average.
79. ESCWA, 2011.
80. Sarangi and Abu-Ismail, 2015.
81. Amnesty International, 2011.
82. مي أحمد، 2015.
83. Amnesty International, 2015.
84. الإسكوا، 2015.
85. Kronfol, Sibai and Rizk, 2014.
86. Ibid.
87. HelpAge International and Handicap International, 2014, p. 22.
88. ESCWA and International Organization for Migration, 2015.
89. Migrant-Rights.org, 2013.
90. Walk Free Foundation, 2016.
91. Dryden-Peterson, 2011.

### Chapter 4. **When injustice befalls whole peoples: the case of Palestine**

1. International Jewish Anti-Zionist Network, 2008.
2. United Kingdom, the National Archives, FO 78/390. Available from http://discovery.nationalarchives.gov.uk/results/r?_q=FO+78%2F390&_p=1800&_hb=tna&_tsj=C10128&Refine+subjects=Refine.
3. United Kingdom, the National Archives, FO 822/14, pp. 374-375.
4. A/PV.124, A/PV.125, A/PV.126, A/PV.128.
5. Abu-Sitta, 1998.
6. Byman, 2011, p. 270.
7. Hart, 1989, p. 54.
8. Davidson, 2012, p. 75.
9. Hart, 2009, p. 61.
10. Kimmerling, 2003, pp. 3-4.
11. Hart, 1989, pp. 19-20.
12. Prisoner Support and Human Rights Association (ADDAMEER), 2015.
13. A/HRC/22/63, paras. 63-64.
14. Haisan, 2016, p. 8; Parker, 2013; Alam, 2009.
15. A/RES/181(II), Part I (B), article 10 (d).
16. A/RES/181(II), Part I (C), chap. 2, article 2.
17. CERD/C/ISR/CO/14-16.
18. United States Department of State, 2014.
19. The Guardian, 2014.
20. Lis and Ravid, 2016.
21. Charter of the United Nations, para. 2 of the preamble; chap. 1, article 1 (2-3), article 2 (1); chap. 4, article 13 (1b), chap. 9, article 55 (c); chap. 12, article 76 (c).
22. Charter of the United Nations, chap. 1, article 2 (4); A/RES/25/2625 (XXV), principle 1.
23. S/RES/497.
24. Charter of the United Nations, chap. 1, article 1 (2) and chap. 9, articles 55-56; A/RES/25/2625 (XXV).
25. A/RES/25/2625.
26. A/HRC/25/67, para. 23.
27. Security Council resolutions: S/RES/93 (1951), S/RES/106 (1955), S/RES/111 (1956), S/RES/228 (1966), S/RES/316 (1972), S/RES/332 (1973), S/RES/337 (1973), S/RES/487 (1981), S/RES/497 (1981).
28. Security Council resolutions: S/RES/468 (1980), S/RES/469 (1980), S/RES/484 (1980), S/RES/608 (1988), S/RES/641 (1989), S/RES/694 (1991).
29. Security Council resolutions: S/RES/54 (1948), S/RES/111 (1956), S/RES/233 (1967), S/RES/234 (1967),S/RES/236 (1967), S/RES/237 (1967), S/RES/248 (1968), S/RES/250 (1968), S/RES/252 (1968), S/RES/256 (1968), S/RES/262 (1968), S/RES/267 (1969), S/RES/270 (1969), S/RES/280 (1970), S/RES/285 (1970),S/RES/298 (1971), S/RES/313 (1972), S/RES/316 (1972), S/RES/468 (1980), S/RES/476 (1980), S/RES/484 (1980), S/RES/607 (1988), S/RES/608 (1988), S/RES/641 (1989), S/RES/672 (1990), S/RES/681 (1990).
30. Security Council resolutions: S/RES/54 (1948), S/RES/233 (1967), S/RES/234 (1967), S/RES/236 (1967),S/RES/237 (1967), S/RES/250 (1968), S/RES/252 (1968), S/RES/267 (1969), S/RES/298 (1980), S/RES/468 (1967),S/RES/476 (1980), S/RES/484 (1980), S/RES/607 (1988), S/RES/608 (1988), S/RES/641 (1989), S/RES/672 (1990), S/RES/673 (1990), S/RES/681 (1990).
31. A/69/941-S/2012/432.
32. International Committee of the Red Cross, 2004.
33. Security Council resolutions: S/RES/237 (1967), S/RES/271 (1969), S/RES/446 (1979), S/RES/465 (1980), S/RES/471 (1980), S/RES/476 (1980), S/RES/484 (1980), S/RES/592 (1986), S/RES/605 (1987), S/RES/636 (1989), S/RES/641 (1989), S/RES/672 (1990), S/RES/673 (1990), S/RES/681 (1990), S/RES/726 (1992), S/RES/799 (1992), S/RES/1322 (2000), S/RES/1544 (2004).
34. International Court of Justice, 2004.

35. Ibid., para. 120.
36. A/HRC/12/48, paras. 1172, 1434, 1921.
37. Defense for Children International Palestine, 2016.
38. Sedley and others, 2012, p. 30.
39. Human Rights Watch, 2002b, p. 36; E/CN.4/1997/16, para. 27.
40. Human Rights Watch, 2001b.
41. Oxford Public Interest Lawyers, 2004, para. 8.
42. Palestinian Centre for Human Rights, 2003, p. 8.
43. A/65/331, para. 17.
44. Horowitz and others, 2011, p. 309.
45. Human Rights Watch, 2002a, p. 8.
46. E/CN.4/1996/18, para. 28.
47. Al-Haq, 1987-1988, p. 198.
48. Canadians for Justice and Peace in the Middle East, 2011 (articles 70 and 71); Human Rights Watch, 2001a, p. 23 (article 72); Darcy, 2003, p. 13 (article 73).
49. A/HRC/RES/S-9/1; A/HRC/RES/S-12/1; A/HRC/16/71, para. 48; A/67/372, para. 28.
50. A/HRC/31/40, para. 42.
51. E/CN.4/2000/25, para. 34; A/HRC/25/67, para 60.
52. A/HRC/31/40.
53. Ibid.
54. OCHA, 2016b.
55. A/HRC/RES/S-21/1, para 13.
56. A/HRC/29/CRP.4, para. 668.
57. A/HRC/12/48.
58. Article 146: "Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a 'prima facie' case". Available from www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=6F96EE4C7D1E72CAC12563CD0051C63A.
59. Rome Statute of the International Criminal Court, 1998, article 7, paras. 1-2; A/CONF.183/9.
60. CERD/C/ISR/CO/14-16, paras. 11, 15 and 24-27.
61. A/HRC/25/67, p. 27, para. 78.
62. A/HRC/4/17, p. 3.
63. رغد جرايسي وتمار فلدمن، 2014، ص. 11; CCPR/C/ISR/CO/4, para. 7.
64. الجهاز المركزي للإحصاء الفلسطيني، 2014، أوضاع الفلسطينيين في نهاية عام 2014. Available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_Ar_PalnE2014A.pdf.
65. الجهاز المركزي للإحصاء الفلسطيني، 2014.
66. Law of Return 5710-1950. Available from www.mfa.gov.il/mfa/mfa-archive/1950-1959/pages/law%20of%20return%205710-1950.aspx; Keinon and Abu Toameh, 2014; Erlanger, 2007; Shavit, 2003.
67. Universal Declaration of Human Rights, 1948, article 13 (2): "Everyone has the right to leave any country, including his own, and to return to his country".
68. International Covenant on Civil and Political Rights, 1966, article 12 (4): "No one shall be arbitrarily deprived of the right to enter his own country".
69. Waxman, 2006, p. 164; and Prosor, 2012.
70. Israeli Absentees' Property Law, 5710-1950, articles 2-3. Available from www.israellawresourcecenter.org/israellaws/fulltext/absenteepropertylaw.htm.
71. Badil Resource Centre for Palestinian Residency and Refugee Rights, 2013.
72. Dajani, 2005, p. 41.
73. Absentees' Property (Compensation) Law, 1973, article 1. Available from www.jewishvirtuallibrary.org/jsource/Peace/absentee.html.
74. Adalah, the Legal Center for Arab Minority Rights in Israel, 2009.
75. B'tselem, Israeli Information Center for Human Rights in the Occupied Territories, 2014, p. 5.
76. Jaraisy and Feldman, 2014.
77. A/HRC/22/63, para. 47.
78. United States Department of State, 2013, p. 53; A/HRC/14/26/Add.1.
79. CERD/C/ISR/CO/14-16, para. 27.
80. Linder, 2014, p. 5.
81. Ibid., p. 8.
82. Yehuda and others, 2014, pp. 7, 63 and 67-68.
83. CRC/C/ISR/CO/2-4, para. 35.
84. World Health Organization, 2015.
85. Israeli Medical Association, 2014.
86. CCPR/C/ISR/CO/4, para. 16.
87. Amnesty International, 2014.
88. Yehuda and others, 2014, p. 9.
89. Ibid., pp. 104-105.
90. Ibid., pp. 105-107.
91. A/68/77-E/2013/13, para. 60.
92. HAMOKED, Centre for the Defence of the Individual, 2015, p. 5.
93. Yehuda and others, 2014, p. 115.
94. A/68/513, para. 15.
95. A/68/77-E/2013/13, para. 38.
96. Peace Now. Available from http://peacenow.org.il/eng/sites/default/files/Settlement_Development%20Data_241215.xls (accessed 10 March 2016).
97. A/68/77-E/2013/13, paras. 10-11.
98. Yehuda and others, 2014, pp. 117-119.
99. Under the Interim Agreement on the West Bank and the Gaza Strip (Oslo II), Area C is part of the occupied Palestinian territory under Israeli control for security

and administrative purposes and constitutes around 61 per cent of the West Bank.
100. CCPR/C/ISR/CO/4, para. 9.
101. Yehuda and others, 2014, p. 6.
102. Ibid., p. 8.
103. Ibid., pp. 8-9.
104. Ibid., p. 98.
105. A/68/513, paras. 24-26.
106. Yehuda and others, 2014, p. 9.
107. TD/B/61/3, para. 44.
108. Palestinian Central Bureau of Statistics, 2015. Available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_WWD2015E.pdf.
109. UN Habitat, 2015, pp. 9-10.
110. OCHA, 2011.
111. UN Habitat, 2015, pp. 9-10.
112. A/69/81-E/2014/13, para. 13.
113. OCHA, 2014.
114. Dahan, 2014, p. 7.
115. Ibid., p. 79.
116. A/70/82-E/2015/13, para. 13.
117. CERD/C/ISR/CO/14-16, para. 11.
118. CRC/C/ISR/CO/2-4, para. 29.
119. Adalah, 2012.
120. Ibid.; CERD/I/ISR/CO/14-16, paras. 11 and 15-18.
121. The Jewish National Fund owns approximately 13 per cent of the area of Israel, exclusively reserved for Jewish people. See www.adalah.org/en/content/view/6991.
122. Dajani, 2005, p. 41.
123. Adalah, 2011b.
124. Nakba (catastrophe) is the name that Palestinians, including those with Israeli citizenship, give to the anniversary of the declaration of the State of Israel on 15 May 1948.
125. Adalah, 2011a.
126. Adalah, 2002.
127. CERD/C/ISR/CO/14-16, para. 16.
128. Dahan, 2014, p. 21.
129. Ibid., p. 22.
130. Ibid.
131. Ibid., pp. 7-14.
132. CERD/C/ISR/CO/14-16, para. 19.
133. CCPR/C/ISR/CO/4, para. 8.
134. Dahan, 2014, p. 16.

### Chapter 5. **The Crisis of Justice in the Arab Region: Features and Causes**

1. Al-Barghouti, 2008, pp. 97-104.
2. Ayubi, 1995, p. 87.
3. عاصم الدسوقي، 2008.
4. يحيى الجمل، 1987، ص ص. 355-357.
5. Ibid.
6. أشواق عباس، 2016، ص. 50.
7. Hudson, 1996, p. 329.
8. Owen, 2004, p. 239.
9. Weiner, 2007, p. 127.
10. Waterbury, 1983, pp. 67-68; Gelvin, 2011, p. 272.
11. Byrne, 2013; De Bellaigue, 2013; Weiner, 2007, pp. 81-92.
12. Weiner, 2007, p. 560, note 81.
13. Owen, 2012, pp. 16-17.
14. Rathmell, 1995, p. 163.
15. Owen, 2012, pp. 16-17.
16. Halimi, 2011.
17. Davidson, 2013.
18. Ibid.
19. Ibid.
20. Malik and Awadallah, 2011, pp. 1 and 4.
21. Richards and Waterbury, 1996, p. 17.
22. Ghali and others, 2012, p. 9.
23. Kienle, 2012, p. 77.
24. برهان غليون، 2015، ص ص. 38-39.
25. Kaufmann, 2011, pp. 29-30.
26. Arab Center for Research and Policy Studies, 2015.
27. Askari, 2013, p. 120.
28. Owen, 2012, pp. 26-27.
29. وليم نجيب نصار، 2016، ص. 111.
30. Owen, 2012, p. 27.
31. Michael Hudson quoted in Owen, 2012, p. 28.
32. Gause, III, 2003, p. 274.
33. وليم نجيب نصار، 2016، ص. 112.
34. Owen, 2012, p. 28.
35. Bellin, 2012.
36. International Crisis Group, 2011, p. 7.
37. عبد الإله بلقزيز، 2016؛ أديب نعمة، 2014، ص. 38.
38. عبد الرحمن الكواكبي، 2011.
39. هيثم مناع، 2014.
40. عبد الإله بلقزيز، 2010.
41. Ibid.
42. يحيى الجمل، 1987، ص ص. 355-365.
43. برهان غليون، 2015، ص. 156.
44. عبد الحسين شعبان، 2015.
45. جمال بندحمان، 2013.
46. محمد العجاتي وشيماء الشرقاوي، 2014.
47. عبد الحسين شعبان، 2015؛ برهان غليون، 2015، ص. 154.
48. Meijer and al-Zwaini, 2015, p. 13.
49. ماجد كيالي، 2014، ص. 188.
50. Ibid.
51. وليم نجيب نصار، 2016، ص. 72.
52. محمد العجاتي وشيماء الشرقاوي، 2014.
53. عبد الحسين شعبان، 2015.
54. Ibid.
55. عمرو عادلي، 2014.
56. Acemoglu and Robinson, 2012, pp. 82-83.
57. North and others, 2013.

58. Acemoglu and Robinson, 2012.
59. World Bank, 2011c.
60. Schmitter and Karl, 1991.
61. Carothers, 2002.
62. Walker and others, 2007.
63. علي القاسمي، 2006.
64. Ibid.
65. حسن حنفي، 2012؛ علي القاسمي، 2006.
66. حسن حنفي، 2012.
67. Chekir and Diwan, 2014, p. 2.
68. Heydemann, 2004; Owen, 2004; Henry and Springborg, 2010.
69. Faccio, Masulis and McConnell, 2006.
70. North and others, 2013.
71. Chekir and Diwan, 2014.
72. Boubakri, Cosset and Saffar, 2009.
73. Schiffbauer and others, 2015.
74. Rijkers and others, 2014, pp. 5-6.
75. This analysis includes only companies owned directly by Ben Ali, so the estimates reflect minimums.
76. Schiffbauer and others, 2015.
77. Transparency International, 2015.
78. Arab Center for Research and Policy Studies, 2015, p. 97.
79. Pring, 2016.
80. Transparency International, 2015; Schwarz and others, 2016; Global Integrity database, available from https://www.globalintegrity.org/downloads (accessed 1 June 2016); Freedom House, 2016; Worldwide Governance Indicators database, available from http://info.worldbank.org/governance/wgi/index.aspx#home (accessed 1 June 2016).
81. Touati, 2014.
82. Alissa, 2008.
83. Touati, 2014.
84. Ibid.
85. Sayigh, 2012 and 2015.
86. خلود سباعي، 2015.
87. أديب نعمة، 2014، ص ص. 37-38.
88. Amin and others, 2012, chap. two.
89. Kaufmann, 2012.

## Chapter 6. External Factors Impeding the Achievement of Justice in the Arab Region

1. Caney, 2005.
2. Shuman, 1945, p. 85.
3. Lake, 2004.
4. Gorman, 2001, p. 7.
5. Maiese, 2004.
6. The New York Times, 1959.
7. Gendzier, 2006; Byrne, 2013; Kornbluh, 1998.
8. Neff, 1993.
9. International Monetary Fund (IMF), 2016.
10. Woods, 2008.
11. محمد العريان، 2014.
12. Wee and others, 2014.
13. Dyer, 2015.
14. Yao, Tian and Singh, 2014.
15. For more information on the Washington Consensus, see www.cid.harvard.edu/cidtrade/issues/washington.html (accessed 15 January 2017).
16. Shafaeddin, 2005.
17. طالب عوض، 2013.
18. The Guardian, 2003.
19. Parnohadiningrat, 2004.
20. Riedel, 2011.
21. Henry, 2005.
22. Campbell, 2014.
23. Piketty, 2014.
24. Hardoon, Ayele and Fuentes-Nieva, 2016, p. 2.
25. Stierli and others, 2014, pp. 23-24.
26. United Nations, Department of Economic and Social Affairs, 2013.
27. Milanovic, 2015.
28. Oxfam America, 2016.
29. Seery and others, 2014.
30. The Economist, 2015c.
31. Data from the Forbes website, available from www.forbes.com/billionaires/list/ (accessed 15 January 2017).
32. Wearden, 2011.
33. World Centric, 2003.
34. GFI is a non-profit, US-based research and advisory organization, producing "analysis of illicit financial flows, advising developing country Governments on policy, and promoting transparency in the international financial system as a means to global development and security", available from www.gfintegrity.org/about/ (accessed 15 January 2017).
35. Hollingshead, 2010.
36. Hogg and others, 2008.
37. Von Haldenwag and Kerkow, 2013.
38. The Economist, 2015a, p. 25.
39. Schliess, 2013.
40. Bruch, Wolfarth and Michalcik, 2012.
41. Stiglitz and Hersh, 2015.
42. Neate, 2012.
43. Brown, 2011.
44. Bunting, 2011.
45. Brown, 2011.
46. Bunting, 2011.
47. Stiglitz, 2002, p. 62.
48. Data from the United Nations Treaty Collection website, available from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en#9 (accessed 15 January 2017).
49. Chan and Simons, 2016.

50. بي بي سي، 2015.
51. محمد حامد البديوي، 2015.
52. Olivet and Eberhardt, 2013.
53. Olivet and Eberhardt, 2012, p. 8.
54. World Bank, 2015.
55. E/1998/22-E/C.12/1997/10.
56. Hufbauer and others, 2008.
57. Annan, 2004; Pan, 2003.


### Chapter 7. **Consequences of the Absence of Justice in the Arab World**


1. United Nations Development Programme (UNDP), 2015, p. 215.
2. أسعد عبد الرحمن، 2004.
3. رفيق عبد السلام، 2004.
4. فارس حامد عبد الكريم، 2009.
5. أسعد عبد الرحمن، 2004.
6. Ibid.
7. International Labour Organization (ILO) and UNDP, 2012.
8. ESCWA, 2014b.
9. ESCWA, 2014b, p. 36.
10. ESCWA, 2014c.
11. طارق علي جماز، دون تاريخ، ص. 82.
12. مهند حمّامي، 2013؛ جامعة الدول العربية، إدارة السياسات السكانية والهجرة، 2008.
13. أرسطو، 1947.
14. غازي دحمان، 2008.
15. Al-Nasrawi, 1991, pp. 162-163.
16. Hinnebusch, 2003, p. 36.
17. Ibid., p.41; Al-Nasrawi, 1991, pp. 109-113, 120-121, 127; Kubursi and Mansur, 1993, p. 13.
18. Hinnebusch, 2003, p. 41.
19. Fleurant and others, 2016.
20. Ibid.
21. Dalacoura, 2012, p. 67.
22. Costello, Jenkins and Aly, 2015, p. 90.
23. Sayigh, 2016.
24. www.who.int/violenceprevention/approach/definition/en (accessed 11 January 2017).
25. www.haythammanna.net/articles%20arabic/agresion.htm (accessed 11 January 2017).
26. فواز جرجس، 2016.
27. Hazbun, 2015, pp. 55-56.
28. OCHA, 2015a.
29. UNICEF, 2016b, p. 5.
30. OCHA, 2016c.
31. OCHA, 2016a.
32. World Food Programme (WFP), 2016.
33. UNICEF, 2016.
34. Ibid.
35. OCHA, 2015b.
36. Ibid.
37. Walk Free Foundation, 2016, p. 81.
38. OHCHR and UNAMI, 2015.


### Chapter 8. **The Road to Justice**


1. UNICEF, 2016a, p. 9.
2. UNICEF, 2016b, p. 5.
3. Annan, 2015.
4. Hlasny and Intini, 2015.
5. موشيه شاريت، 1966.
6. Shahak, 1982.
7. Mackey, 2015.
8. المركز العربي للأبحاث ودراسة السياسات، 2015.
9. رأي اليوم، 2016.
10. وردبرس.كوم، 2016.
11. الجزيرة.نت، 2016.
12. هافينغتون بوست، 2016.
13. E/CN.4/2004/88.
14. ESCWA, 2016b.
15. ESCWA, 2013b.
16. ظهير شريف رقم 1.04.42، مرسوم ملكي صادر في 10 أبريل/نيسان 2004 الذي يحدِّد النظام الأساسي لهيئة الإنصاف والمصالحة. كما يحدد مهام الهيئة وسلطاتها وهيكليتها. Available from www.hrw.org/legacy/arabic/reports/2005/morocco1105/5.htm.
17. United Nations Disarmament, Demobilization and Reintegration Resource Center. Available from http://unddr.org/countryoverview.aspx (accessed 26 April 2016).
18. Willcoxon, forthcoming.
19. Call and Wyeth, 2008, p. 12.
20. وجيه كوثراني، 2015.
21. Wilson, 2008.
22. www.britannica.com/topic/history-of-Europe/The-European-war-in-Germany-1635-45.
23. المركز العربي للأبحاث ودراسات السياسات، ص. 329.
24. Ibid., p. 136.
25. Pew Research Center, 2014.
26. المركز العربي للأبحاث ودراسات السياسات، ص. 223.


### Annexe I. **Inequality of opportunity in education**

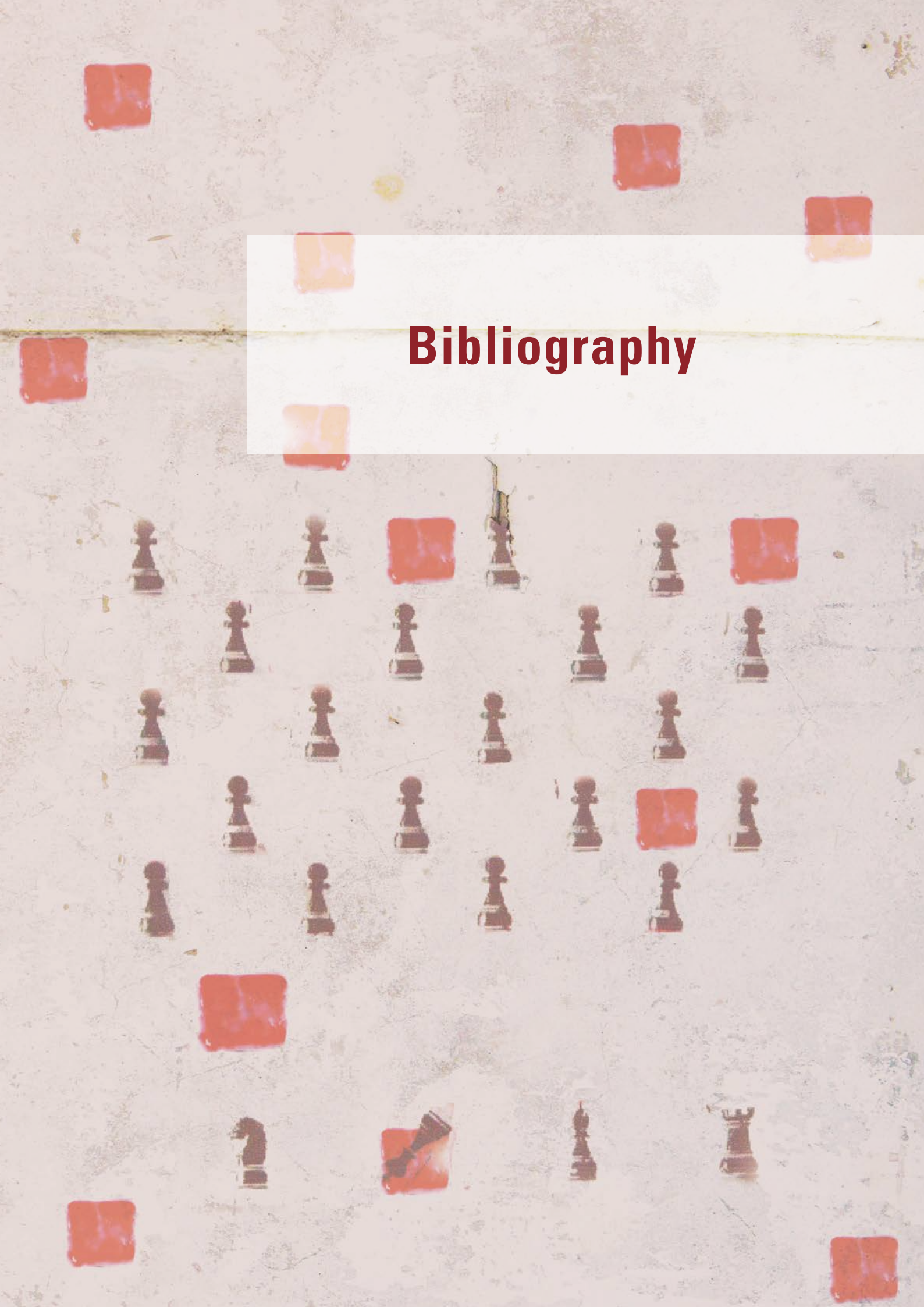

1. Salehi-Isfahani, 2012.
2. Ersado and Gignoux, 2014; Salehi-Isfahani and others, 2013; 2012.
3. Assaad and others, 2012.
4. Assaad and others, 2014b.
5. Assaad and others, 2010.
6. Assaad and others, 2012.


### Annexe II. **New Methodological Tools to Measure Inequality of Opportunity**


1. John Roemer, 1998.
2. Hassine, 2012.
3. El Enbaby, 2012.

4. Assaad and others, 2012.
5. Krafft and El-Kogali, 2014; 2015.
6. Assaad and others, 2012.
7. Krafft and El-Kogali, 2014; 2015.
8. Elbadawy, 2015; Krafft, 2012.
9. Assaad, 2013.
10. Krafft and others, 2013.
11. Walker and others, 2007.
12. Rocco and others, 2011.
13. Barros and others, 2012.
14. Wagstaff, 2003.
15. Assaad and others, 2012.
16. Filmer and Pritchett, 1999; Filmer, 2005; Smits, 2007; and Huisman and Smits, 2009.
17. Krafft and El-Kogali, 2015.
18. Ibid.

# Bibliography



# Bibliography

# Bibliography

## Arabic


ابن تيمية (من دون تاريخ). مجموع *الفتاوى*، مجلد 28.

ابن خلدون (من دون تاريخ). *المقدمة*، الباب الثالث، الفصل 43، طبعة دار الكتاب. بيروت.

أرسطو (1947). *السياسة*. ترجمة أحمد لطفي السيد، كتاب 5، جزء XI. القاهرة: الدار القومية للطباعة والنشر.

أسعد عبد الرحمن (2004). الاستبداد وحكم التغلب في أنظمة الحكم العربية المعاصرة، 3 تشرين الأول/أكتوبر.
http://www.aljazeera.net/home/print/466530fd-e741-4721-acd2-a85c1ce6092a/14319e25-197b-4f66-95b2-79a7a46bfd1d.

أشواق عباس (2016). *أزمة بناء الدولة العربية المعاصرة: مقاربة نقدية لمفهوم الإصلاح وإشكالية التكامل العقلاني*. بيروت: مركز .دراسات الوحدة العربية.

أديب نعمة (2014). *الدولة الغنائمية والربيع العربي*. بيروت: دار الفارابي.

الأمم المتحدة المفوضية السامية لشؤون اللاجئين (2013). مستقبل سوريا: أزمة الأطفال اللاجئين، تشرين الثاني/نوفمبر.
http://www.unhcr.org/ar/52a059056.html.

الأمم المتحدة، مكتب تنسيق الشؤون الإنسانية، أوتشا (2011). القدس الشرقية: مخاوف رئيسية إزاء الأوضاع الإنسانية. تقرير خاص، آذار/مارس. القدس الشرقية.
https://www.ochaopt.org/sites/default/files/ocha_opt_jerusalem_report_2011_03_23_web_arabic.pdf.

أنس زكي (2012). الأزهر يرفض إقامة حسينيات بمصر، 20 أيار/مايو.
http://www.aljazeera.net/news/arabic.

إيمان أحمد رجب (2010). *النظام الإقليمي العربي في مرحلة ما بعد الاحتلال الأمريكي للعراق*. بيروت: مركز دراسات الوحدة العربية.

الباروميتر العربي (2012-2014). باروميتر الديمقراطية العربي، الدورة الثالثة.
http://www.arabbarometer.org/ar/content/%D8%A7%D9%84%D8%AF%D9%88%D8%B1%D8%A9-%D8%A7%D9%84%D8%AB%D8%A7%D9%84%D8%AB%D8%A9.

برهان غليون (2015). *المحنة العربية: الدولة ضد الأمة*، ط 1. الدوحة: المركز العربي للأبحاث ودراسة السياسات.

بي بي سي (2015). المحكمة الجنائية الدولية تطلب من جنوب أفريقيا القبض على الرئيس البشير، 14 حزيران/يونيو.

http://www.bbc.com/arabic/middleeast/2015150613/06/_south_africa_bashir_sudan_icc_arrest.

تميم البرغوثي (2007). *الوطنية الأليفة: الوفد وبناء الدولة الوطنية في ظل الاستعمار*. القاهرة: دار الكتب والوثائق القومية.

توماس هوبز (2011). *اللفياثان: الأصول الطبيعية والسياسية لسلطة الدولة*. ترجمة ديانا حبيب حرب، وبشرى صعب. مراجعة وتقديم رضوان السيد، ط 1. أبو ظبي: هيئة أبو ظبي للثقافة والتراث (كلمة). http://www.alkottob.com/onlineread/2282.html.

جاد الكريم الجباعي (2010). مسألة الأقليّات. http://cdf-sy.org/content/index.php?option=com_content&view=article&id=294:2010-08-15-21-37-15&catid=9:2010-07-06-15-20-36&Itemid=10.

جامعة الدول العربية، إدارة السياسات السكانية والهجرة (2008). *التقرير الإقليمي لهجرة العمل العربية: هجرة الكفاءات، نزيف أم فرص؟* سلسلة دراسات وتقارير حول السكان والتنمية في المنطقة العربية. القاهرة.

جايسون براونلي (2013). *العنف ضد الأقباط والمرحلة الانتقالية في مصر*. واشنطن، دي. سي.: مركز كارنيغي للشرق الأوسط.

الجزيرة.نت (2016). الجزائر تسحب كتاباً مدرسياً بسبب إسرائيل، 16 أيلول/سبتمبر. http://www.aljazeera.net/news/arabic.

جمال بندحمان، (2013). *المواطنة المسؤولة: دليل المفاهيم والمواضيع*. لندن. http://citizenshipgate.com/en/wp-content/uploads/2013/04/Responsible-Citizenship-A-guide-to-concepts-and-topics1.pdf.

الجهاز المركزي للإحصاء الفلسطيني (2014). واقع اللاجئين الفلسطينيين، عشية اليوم العالمي للاجئين، 20 حزيران/يونيو. www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=ar&ItemID=1146&mid=3915&wversion=Staging.

حسن حنفي (2012). الاندماج في مسار التاريخ من جديد للخروج من حالة الاغتراب. محاضرة في ختام أعمال محور "اللغة والهوية"، مؤتمر العلوم الاجتماعية والإنسانية. المركز العربي للأبحاث ودراسة السياسات، آذار/مارس.

خلود سباعي (2015). العدالة الاجتماعية والانتفاضات العربية. *السفير*، 30 نيسان/أبريل.

راجي أسعد (2012). المساواة للجميع؟ سياسة مجانية التعليم العالي العام في مصر تخلق عدم تكافؤ في الفرص. في *التعليم العالي في مصر: هل تؤدي المجانية الى تكافؤ الفرص؟* تحرير أسماء البدوي. القاهرة: مجلس السكان الدولي.

رأي اليوم (2016). نجاح لافت لمبادرة اطفاء الانوار و88% من الاردنيين ضد اتفاقية الغاز الإسرائيلي، 4 تشرين الأول/أكتوبر. http://www.raialyoum.com/?p=534587.

رغيد الصلح (2006). *لبنان والعروبة: الهوية الوطنية وتكوين الدولة*. بيروت: دار الساقي.

رفيق عبد السلام (2004). الاستبداد الحداثي العربي، 3 تشرين الأول/أكتوبر. http://www.aljazeera.net.

زهير الخويلدي (2012). الإرادة والاختيار والعدل عند الفارابي. *الحوار المتمدن*، العدد 3858. http://www.ahewar.org/debat/show.art.asp?aid=325279.

سعيد بنسعيد العلوي (2014). العدالة أولاً: من وعي التغيير إلى تغيير الوعي. في *ما العدالة؟ معالجات في السياق العربي*. الدوحة: المركز العربي للأبحاث ودراسة السياسات.

سليمان شفيق (2016). من افتتاحية الكرازة إلى افتتاحية الوطن .. الاقباط يبنون كنائسهم بدماء الشهداء، 18 تموز/يوليو. http://www.copts-united.com/Article.php?I=2765&A=265352.

شفيق ناظم الغبرا (2016). معركة الموصل بين الهوية والحقوق والمستقبل، 20 تشرين الأول/أكتوبر. http://www.alhayat.com/m/opinion/18025443.

الشهرستاني (1993). *الملل والنحل*. ط 3. بيروت: دار المعارف.

صبري محمد خليل خيري (2011). مفهوم العدل الاجتماعي في الفكر الاجتماعي المقارن، 15 تشرين الأول/أكتوبر. https://drsabrikhalil.wordpress.com.

صفاء الكوقلي، وكارولين كرافت (2015). *توسيع نطاق الفرص للجيل القادم: تنمية الطفولة المبكرة في الشرق الأوسط وشمال أفريقيا*. واشنطن دي. سي.: البنك الدولي. https://openknowledge.worldbank.org/handle/10986/21287.

طارق علي جماز (من دون تاريخ). *التنمية الاقتصادية والبشرية*. الدانمرك: الأكاديمية العربية المفتوحة بالدانمرك. http://www.ao-academy.org/docs/al_tanmiyah_aliqtisadiyah_wa_albashariyah_1505009.pdf.

طالب عوض (2013). عدالة النظام التجاري الدولي المعاصر والبدائل المتاحة أمام الدول النامية، 6 أيار/مايو. http://ujnews2.ju.edu.jo/en/english/Lists/StudiesAndResearchs/DispForm.aspx?ID=111.

عاصم الدسوقي (2008). *كبار ملاك الأراضي الزراعية ودورهم في المجتمع المصري 1914-1952*. القاهرة: دار الشروق.

عبد الإله بلقزيز (2010). أزمة الشرعية في النظام السياسي العربي. *المستقبل العربي*، السنة 33، العدد 378 (آب/أغسطس)، ص ص. 78-124.

_____ (2016). "الربيع العربي": جردة حساب أولية. *المستقبل العربي*، السنة 39، العدد 447 (أيار/مايو)، ص ص. 29-44.

عبد الحسين شعبان (2015). مقابلة أجراها يوسف عبداهة، محمود، *الحوار المتمدن*. 20 أيار/مايو. http://www.ahewar.org/debat/show.art.asp?aid=468819.

عبد الرحمن الكواكبي (2011). *طبائع الاستبداد ومصارع الاستعباد*. القاهرة: كلمات عربية للترجمة والنشر.

العربية (2007). فرض حظر التجول بالبصرة إثر تفجير مرقد طلحة بن عبيد االله، 15 حزيران/يونيو. http://www.alarabiya.net/articles/2007/06/15/35513.html.

_____ (2015). عودة 1000 لاجئ من تركيا إلى «تل أبيض» السورية، 18 حزيران/يونيو. http://www.alarabiya.net/ar.

عصام محمد شنطي (2000). *فهرس المخطوطات المصورة: التاريخ*، الجزء الثاني. معهد

المخطوطات العربية، المنظمة العربية للتربية والثقافة والعلوم.

علي بن أبي طالب (2002). *نهج البلاغة*، شرح علي محمد علي دخيل، ط 1. بيروت: دار المرتضى.

_____ (2009). *نفحات الولاية: شرح عصري جامع لنهج البلاغة*، شرح ناصر مكارم الشيرازي، الجزء الخامس. بيروت: دار جواد الأئمة.

علي القاسمي (2006). اختلالات النظام التعليمي في البلدان العربية وعرقلة التنمية البشرية، أيار/مايو. http://www.atinternational.org/forums/showthread.php?t=11642.

عليان بوزيان (2013). القيمة الدستورية لمبدأ العدالة الاجتماعية والحماية القضائية له: دراسة تطبيقية مقارنة على الدساتير العربية الحديثة. *الأكاديمية للدراسات الاجتماعية والإنسانية*، العدد 10، (حزيران/يونيو)، ص ص. 106-121.
http://www.univ-chlef.dz/ratsh/RATSH_AR/la_revue_N_10/Article_Revue_Academique_N_10_2013/Science_eco_admin/article_05.PDF.

عمرو عادلي (2014). دور الدولة الاقتصادي وإعادة تصميم نموذج التنمية في مصر، 31 كانون الأول/ديسمبر. http://carnegie-mec.org/2014/12/31/ar-pub-57674.

غازي دحمان (2008). عرض كتاب سلطة الاستبداد والمجتمع المقهور، 4 كانون الأول/ديسمبر. http://www.aljazeera.net.

غيث بن غيث (2013). الفضائل الأخلاقية في نظرية السعادة عند الغزالي، 13 كانون الثاني/يناير. http://philo-ethique.alafdal.net/t153-topic.

فارس حامد عبد الكريم (2009). نحو محو ثقافة الدكتاتورية في دولة القانون والديمقراطية، 16 كانون الثاني/يناير.
http://www.ssrcaw.org/ar/print.art.asp?aid=159700&ac=2#sthash.GEuEpVu8.dpuf.

فارس كمال نظمي (2006). مفهوم العدالة في الفكر الاجتماعي: من حمورابي إلى ماركس. *الحوار المتمدن*، العدد 1671.
http://www.ahewar.org/debat/show.art.asp?aid=75400.

فاروق شريف (2015). الحزام العربي بين الحقيقة والخيال، 7 أيلول/سبتمبر. http://www.alquds.co.uk/?p=399155.

فاطمة سبيتي قاسم، (2015). *سياسة الأحزاب، والدين، والمرأة في القيادة: لبنان من منظور مقارن*. بيروت: مركز دراسات الوحدة العربية.

فرانز فانون (2004). *معذبو الأرض*. ترجمة سامي الدروبي، وجمال أتاسي. بيروت: دار الفارابي.

كارولين كرافت، أسماء البدوي، وراجي أسعد (2012). الالتحاق بالتخصصات المختلفة: وجه آخر لعدم تكافؤ الفرص. في *التعليم العالي في مصر: هل تؤدي المجانية الى تكافؤ الفرص؟* تحرير أسماء البدوي. القاهرة: مجلس السكان الدولي.

كورالي برنغ (2016). *الناس والفساد: دراسة مسحية للشرق الأوسط وشمال أفريقيا*. برلين: منظمة الشفافية الدولية.

اللجنة الاقتصادية والاجتماعية لغربي آسيا، الإسكوا (2012). *أسواق العمل وسياسة سوق العمل في منطقة الإسكوا*، التقرير الرابع، السياسة الاجتماعية المتكاملة. E/ESCWA/SDD/2011/3.

_____ (2015). *الملامح الديمغرافية للمنطقة العربية: تحقيق العائد الديمغرافي* (متوقع). E/ESCWA/SDD/2015/Technical Paper.12.

ماجد كيالي (2014). محنة الدولة والمواطنة والديمقراطية في العالم العربي. *شؤون فلسطينية*، العدد 256 (ربيع)، ص ص. 188-215.

مازن جابر (2012). عديمو الجنسية في الشرق الأوسط وشمال أفريقيا. *موارد: الأقليات وحقوق الإنسان*، العدد 19 (شتاء)، ص ص. 79-81.
http://www.amnestymena.org/Issues/M19.pdf.

ماهر عابد (2011). ثنائية الاستبداد والفساد .. أثرها في إفشال التنمية، 17 كانون الأول/ديسمبر.
http://www.globalarabnetwork.com/economics-and-development/economic-reports/6486-2011-12-18-002527.

مايكل فارس (2013). الأنبا إرميا: الاعتداء على 73 كنيسة و212 من ممتلكات الأقباط حتى الآن، 19 آب/أغسطس. http://www.youm7.com.

مجلس السكان الدولي (2009). *مسح النشء والشباب في مصر: التقرير النهائي*. القاهرة.

_____ (2011). *مسح النشء والشباب في مصر: التقرير النهائي*. القاهرة.

المجلس القومي لحقوق الإنسان (2011). تقرير المجلس عن أحداث ماسبيرو، 2 تشرين الثاني/نوفمبر. http://www.nchregypt.org/index.php/activities/2010-02-07-16-18-44/2010-03-09-13-06-01/500-2011-11-02-19-51-28.html.

_____ (2014). *تقرير لجنة تقصي الحقائق حول أحداث فض اعتصام رابعة العدوية*. القاهرة. http://www.sis.gov.eg/Newvr/final%20rab3a%20report%20march2014.pdf.

محمد أحمد عبد الغني (2004). العدالة الاجتماعية في ضوء الفكر الإسلامي المعاصر. أطروحة أُعدَّت لنيل درجة الدكتوراه في الدراسات الإسْلاميَّة.
http://www.kantakji.com/media/5097/r330.doc.

محمد إمام، وعبد الرحمن أبو العُلا (2014). رابعة... مجزرة الانقلاب. http://www.aljazeera.net.

محمد جمال باروت (2013). *التكون التاريخي الحديث للجزيرة السورية: أسئلة وإشكاليات التحول من البدونة إلى العمران الحضري*، ط 1. بيروت: المركز العربي للأبحاث ودارسة السياسات.

محمد حامد البديوي (2015). المحكمة الجنائية الدولية والسعي نحو عدالة غائبة: قراءة في دور المحكمة وأزماتها السياسية، 26 حزيران/يونيو.
http://www.sasapost.com/opinion/international-criminal-court.

محمد العجاتي، وشيماء الشرقاوي (2014). المواطنة والحراك العربي.. قراءة في الدساتير والواقع والبنية ما بعد الانتفاضات العربية. ورقة تم تقديمها لمؤتمر "أثر الانتفاضات العربية على المواطنة في العالم العربي". جامعة البلمند، تشرين الثاني/نوفمبر.

محمد غنيم (2012). شيعة مصر: الحقيقة الغائبة. *موارد: الأقليات وحقوق الإنسان*، العدد 19 (شتاء)، ص ص. 59-62. www.amnestymena.org/Issues/M19.pdf.

محمد الهيني (من دون تاريخ). دراسة في القانون: الأسس والمنطلقات الدستورية لإصلاح وتطوير العدالة. http://www.assabah.press.ma/?view=article&tmpl=component&layout=default&id=40830.

المركز العربي للأبحاث ودراسة السياسات (2014). *ما العدالة؟ معالجات في السياق العربي*. الدوحة.

مركز المرأة العربية للتدريب والبحوث، كوثر (2015). *تقرير تنمية المرأة العربية 2015: المرأة العربية والتشريعات*. تونس.

مسعود ضاهر (2005). خريطة الأقليات في الوطن العربي: فسيفساء من الأعراق واللغات والديانات شكلت هوية المنطقة ومشاكلها. *الشرق الأوسط*، 15 نيسان/أبريل. http://archive.aawsat.com/details.asp?article=293653&issueno=9635#.Vz68cfl97RY.

مها الشهري (2013). غياب العدالة الاجتماعية. *الحياة*، 13 تشرين الأول/أكتوبر.

موشيه شاريت (1966). *يوميات شخصية*. ترجمة احمد خليفة. بيروت: مؤسسة الدراسات الفلسطينية. http://www.sharett.org.il/downloads/books/yoma%20in%20arabic/diary_in_arabic.pdf.

مي أحمد (2015). النديم وحرية الفكر: 289 حالة تعذيب و16 واقعة اغتصاب وتحرش بالسجون خلال عام.. ومقتل 21 طالباً والقبض على 761 بالجامعات، 27 حزيران/يونيو. http://albedaiah.com/news/2015/06/27/92149.

نادر شكري (2015). برلمان 2015: نجاح 9 أقباط بالمرحلة الثانية و3 بالأولى و24 بالقوائم، 3 كانون الأول/ديسمبر. http://www.wataninet.com.

نادين نمري (2015). ضرب الأطفال مباح في القوانين العربية، 3 تشرين الأول/أكتوبر 2015. http://raseef22.com/life/2015/10/03/child-abuse-is-permitted-in-arab-laws.

نبيل علي صالح (2004). محنة الاستبداد السياسي والاجتماعي في العالم العربي. *الحوار المتمدن*، العدد 758، 28 شباط/فبراير. http://www.ahewar.org/debat/show.art.asp?aid=15253.

نظرة للدراسات النسوية (2016). في إطار الجلسة 60 للجنة وضع المرأة التابعة للأمم المتحدة: 57 منظمة من الشرق الأوسط وشمال أفريقيا تطالب بتعديلات تشريعية لمحاربة العنف الجنسي ضد النساء، ورقة مناصرة، 12 آذار/مارس. http://nazra.org/sites/nazra/files/attachments/svawmena-arb.pdf.

هيثم مناع (2004). *عديمو الجنسية في سوريا*، ط 3. باريس: اللجنة العربية لحقوق الإنسان. http://hem.bredband.net/dccls2/r1.htm.

_____ (2014). *العهد والعقد في الثقافة العربية الإسلامية*. جنيف: المعهد الاسكندنافي لحقوق الإنسان.

_____ (2015). *خلافة داعش*، ط 1. بيروت: بيسان.

هيومن رايتس ووتش (2011). مصر: التحقيق العسكري في أحداث ماسبيرو إهدار للعدالة، 25 تشرين الأول/أكتوبر. https://www.hrw.org/ar/news/2011/10/25/244347.

وجيه كوثراني (2015). *الفقيه والسلطان: جدلية الدين والسياسة في تجربتين تاريخيتين العثمانية والصفوية-القاجارية*، ط 1. بيروت: المركز العربي للأبحاث ودراسة السياسات.

وردبرس.كوم (2016). الخليج العربي يرفض التطبيع مع الكيان الصهيوني، تموز/يوليو. https://ansaudis.wordpress.com.

وزارة الدولة لشؤون المرأة، العراق (2014). الخطة الوطنية لقرار مجلس الأمن 1325 (المرأة والأمن والسلام). https://www.unglobalcompact.org/system/attachments/cop_2014/123511/original/1325_Security_(1)_(1).pdf?1416783240.

وكالة أنباء براثا (2007). ممثلية محافظة النجف في هولندا تستنكر الأعمال اللامسؤولة لقناة

الجزيرة، 5 أيار/مايو. http://www.sistani.org/arabic/in-news/1024.

ويكي ثورة (2013). تقرير شامل: حصر ضحايا فض اعتصام رابعة تفصيلياً، وآلية الحصر، 3 أيلول/سبتمبر. https://wikithawra.wordpress.com/2013/09/03/rabiadisperal14aug/.

وليم نجيب نصار (2016). *مأزق الديمقراطية في الوطن العربي في ظل النظم "البتريمونيالية الجديدة" الأردن نموذجاً*. بيروت: مركز دراسات الوحدة العربية.

يحيى الجمل (1987). أنظمة الحكم في الوطن العربي. في *أزمة الديمقراطية في الوطن العربي*. بيروت: مركز دراسات الوحدة العربية.

## English

Abdul-Hamid, Yara (2011). *Child Rights Situation Analysis: Middle East and North Africa*. Sweden: Save the Children.

Abras, Ana, and others (2013). Inequality of opportunities in the labor market: evidence from life in transition surveys in Europe and Central Asia. *IZA Journal of Labor & Development*, vol. 2, No. 7, pp. 1-22.

Abu-Ismail, Khalid, Gihan Abou Taleb, and Racha Ramadan (2012). Rethinking global poverty measurement. Working Paper, No. 93. Brazil: International Policy Centre for Inclusive Growth (IPC-IG). Available from http://www.ipc-undp.org/pub/IPCWorkingPaper93.pdf.

Acemoglu, Daron, and James A. Robinson (2012). *Why Nations Fail: the Origins of Power, Prosperity, and Poverty*. New York: Crown Publishers.

Adalah, the Legal Center for Arab Minority Rights in Israel (2002). Law of Political Parties. Available from www.adalah.org/en/law/view/512.

_____ (2009). Israel Land Administration Law-Amendment No.7. Available from www.adalah.org/en/law/view/505.

_____ (2011a). Budget Foundations Law (Amendment No. 40) 5771-2011. Available from www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/33-Budget-Foundations-Law-Amendment40-Nakba-Law.pdf.

_____ (2011b). Law to Amend the Cooperative Societies Ordinance (No. 8), 5771-2011. Available from www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/12-Admissions-Committees-Law-2011.pdf.

_____ (2012). Discriminatory Laws Database. Available from www.adalah.org/en/content/view/7771.

Akin, Mustafa Seref (2005). Education and fertility: a panel data analysis for Middle Eastern countries. *The Journal of Developing Areas*, vol. 39, No. 1 (Fall), pp. 55-69.

Akkari, Abdeljalil (2010). Privatizing education in the Maghreb: a path for a two-tiered education system. In *World Yearbook of Education 2010: Education and the Arab World: Political Projects, Struggles, and Geometries of Power*, Andre E. Mazawi and Ronald G. Sultana, eds. London: Routledge.

Alam, M. Shahid (2009). *Israeli Exceptionalism: the Destabilizing Logic of Zionism*. London: Palgrave Macmillan.

Alesina, Alberto, Rafael Di Tella, and Robert MacCulloch (2004). Inequality and happiness: are Europeans and Americans different? *Journal of Public Economics*, vol. 88, Issue No. 9-10, pp. 2009-2042.

Ali, Yahya A. (2013). Private tutoring in Jordan: underpinning factors and impacts. *International Journal of Humanities and Social Science*, vol. 3, No. 13 (July), pp. 109-114.

Alissa, Sufyan (2008). Arab states: corruption and reform, 23 August. Available from http://carnegieendowment.org/sada/?fa=21410.

Alpher, Yossi (2015). *Periphery: Israel's Search for Middle East Allies*. London: Rowman & littlefield.

Alvaredo, Facundo, and Thomas Piketty (2014). Measuring top incomes and inequality in the Middle East: data limitations and illustration with the case of Egypt. Working Paper Series, No. 832. Cairo: Economic Research Forum. Available from http://erf.org.eg/publications/measuring-top-incomes-Inequality-middle-east-data-limitations-illustration-case-egypt/.

Amara, Mohamed, and Hatem Jemmali (2015). Household and contextual indicators of poverty in Tunisia: a multilevel analysis. Working Paper Series, No. 968. Cairo: Economic Research Forum. Available from http://erf.org.eg/publications/household-and-contextual-indicators-of-poverty-in-tunisia-a-multilevel-analysis/.

Amara, Mohamed, and Mohamed Ayadi (2013). The local geographies of welfare in Tunisia: does neighbourhood matter? *International Journal of Social Welfare*, vol. 22, Issue No.1 (January), pp. 90-103.

_____ (2014). Local employment growth in the coastal area of Tunisia: spatial filtering approach. *Middle East Development Journal*, vol. 6, Issue No. 2 (July), pp. 255-284.

Americans for Democracy & Human Rights in Bahrain (2016). From the ground: systematic torture in Bahrain, 9 February. Available from http://www.adhrb.org/2016/02/analysis-adhrb-un-complaint-documentation-database/.

Americans for Democracy & Human Rights in Bahrain, Bahrain Center for Human Rights, and the Bahrain Institute for Rights and Democracy (2015). *Apart in Their Own Land: Government Discrimination against Shia in Bahrain*, vol. 2, *Economic Disclusion, Cultural Marginalization, and Media Discrimination*. Washington, D.C.

Amiel, Yoram, and Frank A. Cowell (1992). Measurement of income inequality: experimental test by questionnaire. *Journal of Public Economics*, vol. 47, Issue No. 1, pp. 3-26.

Amin, Magdi and others (2012). *After the Spring: Economic Transitions in the Arab World*. Oxford: Oxford University Press.

Amnesty International (2011). Egypt: military pledges to stop forced 'virginity tests', 27 June. Available from https://www.amnesty.org/en/press-releases/2011/06/egypt-military-pledges-stop-forced-virginity-tests/.

_____ (2014). *Trigger-Happy: Israel's use of Excessive Force in the West Bank*. London.

_____ (2015). *Generation Jail: Egypt's Youth Go From Protest to Prison*. London.

_____ (2016). United Arab Emirates (UAE): end arbitrary and politically-motivated stripping of nationality, 21 March. Available from https://www.amnesty.org/en/documents/mde25/3719/2016/en/.

Annan, Kofi (2004). Interview by BBC. United Kingdom, 16 September. Available from http://news.bbc.co.uk/2/hi/middle_east/3661134.stm.

_____ (2015). US invasion of Iraq helped create Islamic state, 8 February. Available from http://inserbia.info/today/2015/02/kofi-annan-us-invasion-of-iraq-helped-create-islamic-state/.

Arab Center for Research and Policy Studies (2015). *Arab Opinion Index: Arab Public Opinion Program*. Doha.

Aran, Meltem A., and Lire Ersado (2013). Inequality of opportunity in access to basic services among Egyptian Children. Development Analytics Research Paper Series, No. 1304. Istanbul: Development Analytics and World Bank. Available from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2292461.

Askari, Hossein (2013). *Conflicts in the Persian Gulf: Origins and Evolution*. New York: Palgrave Macmillan.

Assaad, Ragui (1997). Kinship ties, social networks, and segmented labor markets: evidence from the construction sector in Egypt. *Journal of Development Economics*, vol. 52, pp. 1-30.

_____ (1999). Matching severance payments with worker losses in the Egyptian public sector. *The World Bank Economic Review*, vol. 13, No. 1, pp. 117-153.

_____ (2010). Equality for all? Egypt's free public higher education policy breeds inequality of opportunity. Policy Perspective, No. 2 (December). Cairo: Economic Research Forum.

_____ (2012). The structure and evolution of employment in Jordan. Working Paper Series, No. 674. Cairo: Economic Research Forum.

_____ (2013). Making sense of Arab Labor markets: the enduring legacy of dualism. IZA Discussion Paper Series, No. 7573. Bonn: Institute for the Study of Labor. Available from http://ftp.iza.org/dp7573.pdf.

_____ (2014). The structure and evolution of employment in Jordan. In *The Jordanian Labor Market in the New Millennium*, Ragui Assaad, ed. Oxford, United Kingdom: Oxford University Press.

Assaad, Ragui, and Caroline Krafft (2015a). The evolution of labor supply and unemployment in the Egyptian economy: 1988-2012. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford, United Kingdom: Oxford University Press.

_____ (2015b). Is free basic education in Egypt a reality or a myth? *International Journal of Education Development*, vol. 45 (November), pp. 16-30.

_____ (2015c). The structure and evolution of employment in Egypt: 1998-2012. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford, United Kingdom: Oxford University Press.

Assaad, Ragui, Caroline Krafft, and Djavad Salehi-Isfahani (2014). Does the type of higher education affect labor market outcomes? A Comparison of Egypt and Jordan. Working Paper Series, No. 826. Cairo: Economic Research Forum.

Assaad, Ragui, Djavad Salehi-Isfahani, and Rana Hendy (2014). Inequality of opportunity in educational attainment in Middle East and North Africa: evidence from household Surveys. Working Paper Series, No. 834. Cairo: Economic Research Forum.

Assaad, Ragui, Eslam Badawy, and Caroline Krafft (2014). Differences in pedagogy, accountability, and perceptions of quality by type of higher education in Egypt and Jordan. Working Paper Series, No. 828. Cairo: Economic Research Forum.

Assaad, Ragui, and others (2012). Inequality of opportunity in child health in the Arab World and Turkey. *Middle East Development Journal*, vol. 4, Issue No.2, pp. 1-37.

Associated Press (2011). Egypt army admits "virginity tests" on women, 27 June. Available from http://www.cbsnews.com/news/egypt-army-admits-virginity-tests-on-women/.

_____ (2014). A look at the rights of Arab women, 8 March. Available from http://bigstory.ap.org/article/look-rights-arab-women.

Ayubi, Nazih N. (1995). *Over-stating the Arab State: Politics and Society in the Middle East*. London: I.B.Tauris.

Aziz, Judi (2014). Syria Kurds commemorate Kurdish uprising of 2004, 12 March. Available from http://aranews.net/2014/03/residents-of-syria-s-qamishli-commemorate-kurdish-uprising-of-2004.

Badil Resource Center for Palestinian Residency and Refugee Rights (2013). Report submitted on 30 September 2013 by BADIL resource center for Palestinian residency and refugee rights. Universal Periodic Review (UPR)-Israel. Bethlehem. Available from http://www.upr-info.org/sites/default/files/document/israel/session_17_-_october_2013/badil_resource_center_upr17_isr_e_update.pdf.

Bahdi, Reem (2007). Background paper on women's access to justice in the MENA region. Prepared for the International Development Research Centre, Women's Rights and Citizenship (WRC) Program, Middle East Regional Office and Middle East and North African Regional Office. Cairo (December 9-11). Available from http://www.uwindsor.ca/law/rbahdi/sites/uwindsor.ca.law.rbahdi/files/womens_access_to_justice_in_mena-bahdi_en.pdf.

Banerjee, Abhijit V., and Esther Duflo (2011a). *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty*. New York, NY: PublicAffairs.

_____ (2011b). Why aren't children learning? *Development Outreach*, vol. 13, No. 1 (April), pp. 36-44. New York, NY: PublicAffairs.

Bani Ali, Abdullah (2014). In Jordan, child rights for foreign mothers will add to strengths, 21 January. Available from http://www.thenational.ae/thenationalconversation/comment/in-jordan-child-rights-for-foreign-mothers-will-add-to-strengths.

Bank for International Settlements (2011). *BIS Quarterly Review*. Basel. Available from http://www.bis.org/publ/qtrpdf/r_qt1112.htm.

Barbarani, Sofia (2014). Iraq Kurds press states to recognise genocide, 14 April. Available from http://www.aljazeera.com/indepth/features/2014/04/iraq-kurds-press-states-recognise-genocide-anfal-201441371637191288.html.

Barber, Ben, and Stephen Epstein, eds. (2004). *Iraq's Legacy of Terror Mass Graves*. Washington, D.C.: U.S. Agency for International Development.

Al-Barghouti, Tamim (2008). *The Umma and the Dawla: the Nation-State and the Arab Middle East*. London: Pluto Press.

Barros, Ricardo Paes de, and others (2009). *Measuring Inequality of Opportunities in Latin America and the Caribbean*. Washington, D.C.: World Bank.

Barsoum, Ghada F. (2004). The employment crisis of female graduates in Egypt: an ethnographic account. *Cairo Papers*, vol. 25, No. 3.

_____ (2010). When there is "no respect" at work: job quality issues for women in Egypt's private sector. *OIDA International Journal of Sustainable Development*, vol. 1, No. 1 (August), pp. 67-80.

_____ (2014). Aligning incentives to reforming higher education in Egypt: the role of private institutions. Working Paper Series, No. 833. Cairo: Economic Research Forum.

_____ (2015). Young people's job aspirations in Egypt and the continued preference for a government job. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford: Oxford University Press.

Barsoum, Ghada, and Nader Mryyan (2014). Incentives structure and accountability in the Jordanian higher education system. Working Paper Series, No. 835. Cairo: Economic Research Forum.

BBC news (1991). Saddam's Iraq: key events, Gulf war 1990-1991. Available from http://news.bbc.co.uk/1/shared/spl/hi/middle_east/02/iraq_events/html/ground_war.stm.

Beaumont, Peter (2004). PM admits graves claim 'untrue', 18 July. Available from http://www.theguardian.com/politics/2004/jul/18/iraq.iraq1.

Becker, Sascha O., and Andrea Ichino (2002). Estimation of average treatment effects based on propensity scores. *The Stata Journal*, vol. 2, No. 4, pp. 358-377.

Bellin, Eva (2012). Reconsidering the robustness of authoritarianism in the Middle East: lessons from the Arab region. *Comparative Politics*, vol. 44, No. 2 (January), pp. 127-149.

Benaabdelaali, Wail, Said Hanchane, and Abdelhak Kamal (2012). Educational inequality in the world, 1950-2010: estimates from a new data set. Cahiers du LEAD, No. 2012-1. Toulon: Université de Toulon. Available from http://lead.univ-tln.fr/fichiers/2012-1.pdf.

Ben-Dror, Elad (2015). *Ralph Bunche and the Arab-Israeli Conflict: Mediation and the UN, 1947-1949*. Israeli history, politics and society series. London: Routledge.

Bibi, Sami, and AbdelRahmen El-Lahga (2010a). Decomposing income inequality in the Arab region. Working Paper Series, No. 557. Cairo: Economic Research Forum.

_____ (2010b). A Unified Framework to measuring inequality in the Arab countries. Working Paper Series, No. 567. Cairo: Economic Research Forum.

Bibi, Sami, and Mustapha K. Nabli (2009). Income inequality in the Arab region: data and measurement, patterns and trends. *Middle East Development Journal*, vol. 1, Issue No. 2 (December).

_____ (2010). Equity and inequality in the Arab region. ERF Policy Research Report, No. 33. Cairo: Economic Research Forum.

Binzel, Christine (2011). Decline in social mobility: unfulfilled aspirations among Egypt's educated Youth. IZA Discussion Paper Series, No. 6139. Bonn: Institute for the Study of Labor.

Bol, Thijs, and Herman G. van de Werfhorst (2013). Educational systems and the trade-off between labor market allocation and equality of educational opportunity. *Comparative Education Review*, vol. 57, No. 2 (May), pp. 285-308.

Boubakri, Narjess, Jean-Claude Cosset, and Walid Saffar (2009). Politically connected firms: an international event, April. Available from https://www.researchgate.net/publication/229053340_Politically_connected_firms_an_international_event_study.

Bourguignon, François, Francisco H. G. Ferreira, and Marta Menendez (2007). Inequality of opportunity in Brazil. *The Review of Income and Wealth*, vol. 53, No. 4 (November), pp. 585-618.

Bowler, Natasha (2015). When Bahrain says you're not Bahraini anymore, 18 August. Available from http://foreignpolicy.com/2015/08/18/when-bahrain-says-youre-not-bahraini-anymore.

Brixi, Hana, Ellen Lust, and Micheal Woolcook (2015). *Trust, Voice and Incentives: Learning from Local Success Stories in Service Delivery in the Middle East and North Africa*. Washington, D.C.: World Bank.

Brown, Lester Russell (2011). *World on the Edge: How to Prevent Environmental and Economic Collapse*. London: Earthscan.

Brown, Ryan Andrew, and others (2014). *Youth in Jordan: Transitions from Education to Employment*. Santa Monica, CA.: RAND Corporation. Available from http://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR556/RAND_RR556.pdf.

Brownlee, Jason (2013). *Violence against Copts in Egypt*. Washington, D.C: Carnegie Endowment for International Peace.

Bruch, Carl, Ross Wolfarth, and Vladislav Michalcik (2012). Natural resources, post-conflict reconstruction, and regional integration: Lessons from the Marshall Plan and other reconstruction efforts. In *Assessing and Restoring Natural Resources in Post-conflict Peace Building*, David Jensen and Steve Lonergan, eds. London: Earthscan.

Brunello, Giorgio, and Daniele Checchi (2007). Does school tracking affect equality of opportunity? New international evidence. *Economic Policy*, vol. 22, Issue No. 52, pp. 781-861.

Bryant, Christa Case (2013). What the Middle East would be like without Christians, 22 December. Available from http://www.csmonitor.com/World/Middle-

East/2013/1222/What-the-Middle-East-would-be-like-without-Christians.

B'Tselem, Israeli Information Center for Human Rights in the Occupied Territories (2014). 47 years of temporary occupation, June. Available from http://www.btselem.org/download/201406_47_year_long_temporary_occupation_eng.pdf.

Bunting, Madeleine (2011). How land grabs in Africa could herald a new dystopian age of hunger, 28 January. Available from https://www.theguardian.com/global-development/poverty-matters/2011/jan/28/africa-land-grabs-food-security.

Burston, Bradely (2015). It's time to admit it. Israeli policy is what it is: apartheid, 17 August. Available from http://www.haaretz.com/blogs/a-special-place-in-hell/1.671538.

Byman, Danial (2011). *A High Price: the Triumphs and Failures of Israeli Counterterrorism*. New York: Oxford University Press.

Byrne, Malcom (2013). CIA admits it was behind Iran's coup: the agency finally owns up to its role in the 1953 operation, 19 August. Available from http://foreignpolicy.com/2013/08/19/cia-admits-it-was-behind-irans-coup/.

Calderon-Mejia, Valentina, Fernando Cantu-Bazaldua, and Youssef Chaitani (2015). *The Socio-Economic Impact of Forced Migration on Host Communities: Challenges and Opportunities for the Arab Region*. E/ESCWA/OES/2015/Wp.5.

Call, Charles T., and Vanessa Hawkins Wyeth, eds. (2008). *Building States to Build Peace*. London: Lynne Rienner Publishers.

Campbell, Duncan (2014). Israel's Mordechai Vanunu is as much a hero as Edward Snowden, 20 April. Available from https://www.theguardian.com/commentisfree/2014/apr/20/israel-mordechai-vanunu-hero-edward-snowden.

Canadians for Justice and Peace in the Middle East (2011). Palestinian and Israeli prisoners. Factsheet Series, No. 130. Montreal, QC. Available from https://d3n8a8pro7vhmx.cloudfront.net/cjpme/pages/1151/attachments/original/1433449526/130-En-Factsheet-Palestinian_and_Israeli_Prisoners-v8.pdf?1433449526.

Caney, Simon (2005). *Justice Beyond Borders: A Global Political Theory*. Oxford: Oxford University Press.

Carothers, Thomas (2002). The end of transition paradigm. *Journal of Democracy*, vol. 13, No. 1, pp. 2-18.

Carr, Edward Hallett (2001). *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of the International Relations*. New York: Palgrave.

Chan, Sewell, and Marlise Simons (2016). South Africa to withdraw from international criminal court, 21 October. Available from http://www.nytimes.com/2016/10/22/world/africa/south-africa-international-criminal-court.html?_r=0.

Charbonneau, Louis (2016). Israel elected to head permanent U.N committee for first time, 13 June. Available from http://www.reuters.com/article/us-israel-un-idUSKCN0YZ2FT.

Chekir, Hamouda, and Ishac Diwan (2014). Crony capitalism in Egypt. *Journal of Globalization and Development*, vol. 5, Issue No. 2 (December), pp. 177-211.

Chmaytelli, Maher (2016). Top Shi'ite cleric urges restraint in assault on Iraq's Falluja, 26 May. Available from http://www.reuters.com/article/us-mideast-crisis-iraq-falluja-sistani-idUSKCN0YG113.

Cohn, Marjorie (2015). The tangle of US-Israeli double standards, 26 March. Available from https://consortiumnews.com/2015/03/26/the-tangle-of-us-israeli-double-standards/.

Costello, Matthew, J. Craig Jenkins, and Hassan Aly (2015). Bread, justice, or opportunity? the determinants of the Arab awakening protests. World Development, vol. 67, (March).

Crespo-Cuaresma, Jesus, Samir K.C., and Petra Sauer (2012). Gini coefficients of educational attainment: age group specific trends in educational (in)equality. Available from http://paa2012.princeton.edu/papers/121621.

Dahan, Tal (2014). *Situation Report: the State of Human Rights in Israel and the OPT*, Ryan Shandler, and Zoe Beaudry eds., translated by Yoana Gonen and Kol Milah. Tel Aviv: The Association for Civil Rights in Israel.

Dajani, Souad R. (2005). *Ruling Palestine: a History of the Legally Sanctioned Jewish-Israeli Seizure of land and Housing in Palestine*. Geneva: Centre on Housing Rights and Evictions; Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights.

Dalacoura, Katerina (2012). The 2011 uprisings in the Arab Middle East: political change and geopolitical Implications. *International Affairs*, vol. 88, pp. 63-79.

Dang, Hai-Anh, and F. Halsey Rogers (2008). The growing phenomenon of private tutoring: does it deepen human capital, widen inequalities, or waste resources? *World Bank Research Observer*, vol. 23, No. 2 (September), pp. 161-200.

Darcy, Shane (2003). *Israeli's Punitive House Demolition Policy: Collective Punishment in Violation of International Law*. Ramallah: Al-Haq.

Davidson, Christopher M. (2013). *After the Sheikhs: the Coming Collapse of the Gulf Monarchies*. New York: Oxford University Press.

Davidson, Lawrence (2012). *Cultural Genocide*. New Brunswick, NJ.: Rutgers University Press.

De Bellaigue, Christopher (2013). *Patriot of Persia: Muhammad Mossadegh and a Tragic Anglo-American Coup*. New York: Harper Collins.

Defense for Children International, MENA Regional Desk (2015). *Overview of Child Rights Situation in Arab Countries*. Palestine.

Defense for Children International Palestine (2016). Distribution of Palestinian Child Fatalities by Month. Available from http://www.dci-palestine.org/child_fatalities_by_month.

Dickson, Harold Richard Patrick (1956). *Kuwait and her Neighbours*. London: George Allen & Unwin LTD.

Douidich Mohamed, and others (2013). Estimating quarterly poverty rates using labor force surveys: a primer. Policy Research Working Paper, No. 6466 (May). Washington, D.C.: World Bank.

Dryden-Peterson, Sarah (2011). *Refugee Education: A Global Review*, November. Geneva: UNHCR.

Duclos, Jean-Yves, and Abdelkrim Araar (2006). *Poverty and Equity: Measurement, Policy and Estimation with DAD*. New York, NY: Springer; Ottawa: International Development Research Centre.

Duesenberry, James Stemble (1949). *Income, Saving and the Theory of Consumer Behaviour*, vol. 87. Cambridge, MA: Harvard University Press.

Dyer, Geoff (2015). Superpowers circle each other in contest to control Asia's future. *Financial Times*, 15 March.

The Economist (2015a). *Pocket World in Figures, 2015*. London: Profile Books.

_____ (2015b). A serviceable deal: TPP is intended to spark a boom in trade in services, but it will be decades in the making, 14 November. Available from http://www.economist.com/news/finance-and-economics/21678253-tpp-intended-spark-boom-trade-services-it-will-be-decades.

_____ (2015c). When what comes down doesn't go up, 2 May. Available from http://www.economist.com/news/briefing/21650086-salaries-rich-countries-are-stagnating-even-growth-returns-and-politicians-are-paying.

_____ (2015d). Who's Afraid of America? The military playing field is more even than it has been for many years. That is a big problem for the West, 13 June. Available from http://www.economist.com/news/international/21654066-military-playing-field-more-even-it-has-been-many-years-big.

Elbadawy, Asmaa (2015). Education in Egypt: improvements in attainment, problems with quality and inequality. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford: Oxford University Press.

Elbadawy, Asmaa, and others (2007). Private and group tutoring in Egypt: where is the gender inequality? Working Paper Series, No. 0429 (October). Available from http://iussp2009.princeton.edu/papers/91279.

Elbers, Chris, and others (2005). Re-interpreting sub-group inequality decompositions. Policy Research Working Paper, No. 3687. Washington, D.C.: World Bank.

El-Erian, Mohamed (2014). The fragmentation of Bretton Woods, 15 August. Available from https://www.project-syndicate.org/commentary/mohamed-a--el-erian-says-that-refusal-to-reform-the-imf-and-the-world-bank-is-making-the-world-more-dangerous.

Erlanger, Steven (2007). Olmert Rejects Right of Return for Palestinians, 31 March. Available from http://www.nytimes.com/2007/03/31/world/middleeast/31mideast.html?_r=0.

Ersado, Lire, and Jeremie Gignoux (2014). Egypt: inequality of opportunity in education. Policy Research Working Paper, No. 6996. Washington, D.C.: World Bank.

Euro-Mid Observer for Human Rights (2013). *Egypt Military Crackdown: Bodies pile up as escalation continues amid the slaughter*, August. Geneva.

Evans, Graham, and Jeffrey Newnham (1998). *The Penguin Dictionary of international Relations*. London: Penguin Group.

Faccio, Mara, Ronald W. Masulis, and John J. McConnell (2006). Political connections and corporate bailouts. *The Journal of Finance*, vol. 61, No. 6, pp. 2597-2635.

Fahim, Yasmine, and Noha Sami (2010). Financing higher education in Egypt. In *Financing Higher Education in Arab Countries*, Ahamd Galal and Taher Kanaan, eds. Cairo: Economic Research Forum.

Ferreira, Francisco H.G., and Jérémie Gignoux (2011). The measurement of inequality of opportunity: theory and an application to Latin America. *Review of Income and Wealth*, vol. 57, No. 4 (December), pp. 622-657.

_____ (2014). The measurement of educational inequality: achievement and opportunity. *The World Bank Economic Review*, vol. 28, No. 2 (May), pp. 210-246.

Filmer, Deon (2005). Disability, poverty, and schooling in developing countries: results from 11 household surveys. Policy Research Working Paper, No. 3794. Washington, D.C.: World Bank.

Filmer, Deon, and Lant Pritchett (1999). The impact of public spending on health: does money matter? *Social Science & Medicine*, vol. 49, Issue No.10 (November), pp. 1309-1323.

Fleurant, Aude, and others (2016). Trends in international arms transfers. SIPRI Fact Sheet, February. Solna: Stockholm International Peace Research Institute. Available from https://www.sipri.org/sites/default/files/SIPRIFS1602.pdf.

Freedom House (2015). *Freedom in the World: Egypt Country Report*. Washington, D.C.

_____ (2016). *Freedom in the World: Anxious Dictators, Wavering Democracies: Global Freedom Under Pressure*. Washington, D.C.

Freeman, Samuel, eds. (1999). *John Rawls: Collected Papers*. Cambridge: Harvard University Press.

Gallup (2013). Gallup World Poll Database. Available from http://www.gallup.com/services/170945/world-poll.aspx. Accessed 5 March 2016.

_____ (2014). Gallup World Poll Database. Available from http://www.gallup.com/services/170945/world-poll.aspx. Accessed 5 March 2016.

Gatti, Roberta, and others (2011). Striving for better jobs: the challenge of informality in the Middle East and North Africa region. Mena Knowledge and Learning, No. 49. Washington, D.C.: World Bank.

_____ (2013). *Jobs for Shared Prosperity: Time for Action in the Middle East and North Africa*. Washington, D.C.: World Bank.

Gause, III, F. Gregory (1994). *Oil Monarchies, Domestic and Security Challenges in the Arab Gulf States*. New York: Council on Foreign Relations Press.

_____ (2003). "Balancing what? Threat perception and alliance choice in the Gulf". *Security Studies*, vol. 13, No. 2 (winter), pp. 273-305.

Gelvin, James L. (2011). *The Modern Middle East: a History*. Oxford: Oxford University Press.

Gendzier, Irene L. (2006). *Notes from the Minefield: United States Intervention in Lebanon and the Middle East, 1945-1958: with a New Preface*. New York: Columbia University Press.

Gerges, Fawaz, eds. (2014). *The New Middle East: Protest and Revolution in the Arab World*. Cambridge: Cambridge University Press.

Ghali, Amine and others (2012). The Arab spring: one year after, transformation Dynamics, prospects for democratization and the future of Arab-European cooperation. Europe in Dialogue, No. 2. Gütersloh: Bertelsmann Stiftung. Available from https://www.bertelsmann-stiftung.de/fileadmin/files/Projekte/88_Europa_staerken_und_verbinden/Europe-in-Dialogue_022012_Arab_Spring.pdf.

Gilbert, Lela (2015). Egypt's Coptic Christians - braced for persecution, 25 May. Available from http://www.hudson.org/research/11318-egypt-s-coptic-christians-braced-for-persecution.

GlobalSecurity.org (no date). Saudi Arabia – Shia. Available from http://www.globalsecurity.org/military/world/gulf/sa-shia.htm.

_____ (no date). Syrian people – Kurds. Available from http://www.globalsecurity.org/military/world/syria/kurds.htm.

Gorman, Robert F. (2001). *Great Debates at the United Nations: An Encyclopaedia of Fifty Key Issues-1945-2000*. Westport: Greenwood Press.

Gosseries, Axel (2008). Theories of intergenerational justice: a synopsis. *S.A.P.I.EN.S*, vol. 1, No. 1 (May). Available from https://sapiens.revues.org/165#text.

The Guardian (2003). Kicking the subsidies, 18 August. Available from http://www.theguardian.com/politics/2003/aug/18/foreignpolicy.wto.

_____ (2014). Netanyahu pushes to define Israel as nation state of Jewish people only, 4 May. Available from www.theguardian.com/world/2014/may/04/binyamin-netanyahu-israel-jewish-state.

Guillaume, A. (1955). *The Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah*. Oxford: Oxford University Press.

Gurman, Hannah, ed. (2013). *Hearts and Minds: A People's History of Counterinsurgency*. New York: The New Press.

Halimi, Serge (2011). The impossible happened: the Arab wall Begins to fall. *Le Monde Diplomatique*, 4 February.

HAMOKED, Center for the Defence of the Individual (2015). *Report on Human Rights Violations Perpetrated by Israel in the Summer of 2014*. Jerusalem.

Hammami, Mouhanad (2013). Expat Arab health professionals: brain drain or brain gain? Paper presented at the Doha International Family Institute Population Seminar: Impact of Changing Population Dynamics on the Arab Family. Qatar National Convention Centre, 2-3 December.

Hanushek, Eric A., and Ludger Wößmann (2006). Does educational tracking affect performance and inequality? Differences - in - differences evidence across Countries. *The Economic Journal*, vol. 116, Issue No. 510, pp. C63-C76.

Al-Haq (1987-1988). *Punishing A Nation: Human Rights Violations during the*

*Palestinian Uprising*. Ramallah.

Hardoon, Deborah, Sophia Ayele, and Ricardo Fuentes-Nieva (2016). An economy for the 1%: how privilege and power in the economy drive extreme inequality and how this can be stopped. Oxfam Briefing Papers, No. 210. United Kingdom: Oxfam. Available from http://policy-practice.oxfam.org.uk/publications/an-economy-for-the-1-how-privilege-and-power-in-the-economy-drive-extreme-inequ-592643.

Hart, Alan (1989). *Arafat, a Political Biography*, first American edition. Bloomington: Indiana University Press.

_____ (2009). *Zionism the Real Enemy of the Jews*, vol. 1, *the False Messiah*. Atlanta, GA.: Clarity Press Inc.

Hasian, Marouf (2016). *Israel's Military Operations in Gaza: Telegenic Lawfare and Warfare*. London: Routledge.

Hassine, Nadia Belhaj (2011). Inequality of opportunity in Egypt. *The World Bank Economic Review*, vol. 26, Issue No. 2, pp. 265-295.

_____ (2014). Economic inequality in the Arab region. Policy Research Working Paper; No. 6911. Washington, D.C.: World Bank. Available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2014/06/09/000158349_20140609130102/Rendered/PDF/WPS6911.pdf.

Hazbun, Waleed (2015). A history of insecurity: from the Arab uprisings to ISIS. *Middle East Policy*, vol. XXII, No.3 (Fall).

Heckman, James (2012). Invest in early childhood development: reduce deficits, strengthen the economy, 7 December. Available from http://heckmanequation.org/content/resource/invest-early-childhood-development-reduce-deficits-strengthen-economy.

HelpAge International, and Handicap International (2014). *Hidden Victims of the Syrian Crisis: Disabled, Injured and Older Refugees*. London; Lyon Cedex. Available from http://d3n8a8pro7vhmx.cloudfront.net/handicapinternational/pages/454/attachments/original/1397045203/Hidden_Victims_of_the_Syrian_Crisis%E2%80%94disabled__injured_and_older_refugees.pdf?1397045203, p. 22.

Hendy Rana (2012). Is the labor market fair enough? Available from http://fesp-eg.org/wp-content/uploads/2012/02/Rana-Hendy-Is-the-labor-market-fair-enoughpdf.pdf.

_____ (2015). Women's participation in the Egyptian labor market. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford: Oxford University Press.

Henry, Clement Moore, and Robert Springborg (2010). *Globalization and Politics of Development in the Middle East*, second edition. Cambridge: Cambridge University Press.

Henry, Terrence (2005). The covert option: can sabotage and assassination stop Iran from going nuclear? *The Atlantic*, (December).

Hertog, Steffen (2010). *Princes, Brokers, and Bureaucrats: Oil and the State in Saudi Arabia*. Ithaca and London: Cornell University Press.

Heydemann, Steven, ed. (2004). *Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited*. New York, N.Y.: Palgrave Macmillan.

Hinnebusch, Raymond (2003). *The International Politics of the Middle East*. Oxford: Manchester University Press.

Hirschman, Albert O., and Michael Rothschild (1973). The changing tolerance for income inequality in the course of economic development: with a mathematical appendix. *The Quarterly Journal of Economics*, vol. 87, No. 4 (November), pp. 544-566.

Hlasny, Vladimir, and Vito Intini (2015). *Opportunities for Early Childhood Development in Arab Countries: Profile and Evolution of Inequality and its Sources*. E/ESCWA/2015/WP.7.

Hogg, Andrew, and others (2008). *Death and Taxes*. London: Christian Aid. Available from http://www.christianaid.org.uk/images/deathandtaxes.pdf.

Hollingshead, Ann (2010). *The Implied Tax Revenue Loss from Trade Mispricing*. Washington, D.C.: Global Financial Integrity.

Horowitz, Adam, Lizzy Ratner, and Philip Weiss, eds. (2011). *The Goldstone Report: the Legacy of the Landmark Investigation of the Gaza Conflict*. New York: Nation Books.

Al-Hroub, Anies (2011). *UNRWA School Dropouts in Palestinian Refugee Camps in Lebanon: A Qualitative Study*, November. Beirut: Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut (AUB) and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Available from https://www.aub.edu.lb/ifi/public_policy/pal_camps/Documents/research_reports/20111212ifi_pc_unrwa_research_report01_hroub_english.pdf.

Hudson, Michael (1996). To play the hegemon: fifty years of US Policy toward the Middle East. *Middle East Journal*, vol. 50, No. 3 (Summer).

_____ (1999). *Middle East Dilemma: the Politics and Economics of Arab Integration*. London: I. B. Tauris.

Hufbauer, Gary Clyde, and others (2008). *Economic Sanctions: New Directions for the 21st Century*. Massachusetts. Available from https://piie.com/sites/default/files/publications/papers/hufbauer0708ppt.pdf.

Huisman, Janine, and Jeroen Smits. (2009). Effects of household and district-level factors on primary school enrollment in 30 developing countries. *World Development*, vol. 37, Issue No. 1 (January), pp. 179-193.

Human Rights Watch (1993). *Genocide in Iraq: The Anfal Campaign against the Kurds*. New York.

_____ (1995). *The Bedoons of Kuwait: "citizens without citizenship"*. New York.

_____ (2001a). Center of the storm: a case study of human rights abuses in Hebron District. Human Rights Watch Report, vol. 13, No.2. New York. Available from https://www.hrw.org/reports/2001/israel/hebron-v2.pdf.

_____ (2001b). *The Obligations of Israel and the Palestinian Authority under International Law*. New York. Available from https://www.hrw.org/reports/2001/

israel/hebron6-04.htm#P454_87690.

_____ (2002a). Israel, the occupied West Bank and Gaza Strip, and the Palestinian authority territories, in a dark hour: the use of civilians during IDF arrest operations. Human Rights Watch Report, vol. 14, No.2. New York. Available from https://www.hrw.org/reports/2002/israel2/israel0402.pdf.

_____ (2002b). Israel, the occupied West Bank and Gaza Strip, and the Palestinian authority territories, Jenin: IDF military operations. Human Rights Watch Report, vol. 14, No.3. New York. Available from https://www.hrw.org/reports/2002/israel3/israel0502.pdf.

_____ (2009). *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*. New York, NY.

_____ (2014). All according to plan: the Rab'a massacre and mass killings of protesters in Egypt, 12 August. Available from https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt.

_____ (2015). *World Report 2015: Events of 2014*. New York.

_____ (2016a). *"We're Afraid for their Future": Barriers to Education for Syrian Refugee Children in Jordan*. New York.

_____ (2016b). *World Report 2016: Events of 2015*. New York.

Huntington, Samuel P. (1999). The lonely superpower. *Foreign Affairs*, (March/April).

Hurd, Ian (2007). *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press.

International Committee of the Red Cross (2004). What is international humanitarian law? July. Available from https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf.

International Consortium of Investigative Journalist (2016). Massive leak reveals offshore accounts of world leaders, 3 April. Available from https://www.publicintegrity.org/2016/04/03/19503/massive-leak-reveals-offshore-accounts-world-leaders.

International Court of Justice (2004). *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory: Advisory Opinion*. The Hague.

International Crisis Group (2011). Popular protest in North Africa and the Middle East, Egypt victorious? Middle East/North Africa Report, No. 101. Brussels. Available from https://www.crisisgroup.org/middle-east-north-africa/north-africa/egypt/popular-protest-north-africa-and-middle-east-i-egypt-victorious.

International Jewish Anti-Zionist Network (2008). *Charter of the International Jewish anti-Zionist Network*. Available from http://www.ijan.org/wp-content/uploads/2015/02/IJAN-Charter-Booklet.pdf.

International Labour Office (2007). Discrimination at work in the Middle East and North Africa, 13 April. Available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_92_en.pdf.

International Labour Organization, ILO, and United Nations Development

Programme, UNDP (2012). *Rethinking Economic Growth: Towards Productive and Inclusive Arab Societies*. Beirut: ILO Regional Office for the Arab States.

International Monetary Fund (2016). The IMF and the World Bank, Factsheet, September. Available from http://www.imf.org/About/Factsheets/Sheets/2016/07/27/15/31/IMF-World-Bank?pdf=1.

Inter-Parliamentary Union (2016). Women in National Parliaments Database. Available from http://www.ipu.org/wmn-e/world.htm. Accessed April 2016.

Israeli Medical Association (2014). *The Physician's Guide to Treating the Detainee/Prisoner on a Hunger Strike*. Tel Aviv. Available from http://www.ima.org.il/Ima/FormStorage/Type8/IMAHungerEN.pdf.

Jamal, Amaney, and Vickie Langohr (2009). Moving beyond democracy: what causes variations in the level of gender equality across Arab States. Ithaca, NY: Cornell University. Available from https://www.princeton.edu/~ajamal/Jamal_Langohr.pdf.

Jaraisy, Raghad, and Tamar Feldman (2014). *The Status of the Right to Demonstrate in the Occupied Territories*, Tal Dahan, ed. Tel Aviv: The Association for Civil Rights in Israel.

Jost, John T., and Aaron C. Kay (2010). Social justice: history, theory and research. In *Handbook of Social Psychology*, fifth edition, vol. 2, Susan T. Fiske, Danile T. Gilbert, and Gardner Lindzey, eds. Ontario: University of Waterloo.

Kanaan, Taher, Mamdouh Al-Salamat, and May Hanania (2010). Financing higher education in Jordan. In *financing higher education in Arab countries*, Ahmad Galal and Taher Kanaan eds. ERF Policy Research Report, No. 34. Cairo: Economic Research Forum.

Kar, Dev and Joseph Spanjers (2014). *Illicit Financial Flows from Developing Countries: 2003-2012*. Washington, D.C.: Global Financial Integrity.

Katayama, Hiroyuki. (2009). *Geographical Disparities in Enrollment, Attainment and Learning Achievements in the MENA Region*. Unpublished.

Kaufmann, Daniel (2011). Governance and the Arab world transition: reflections, empirics and implications for the international community. Brookings Blum Roundtable Policy Briefs. Available from http://www.brookings.edu/~/media/research/files/reports/2012/3/09-governance-arab-world-kaufmann/2011_blum_governance_arab_world_kaufmann.pdf.

_____ (2012). Governance, aid and corruption in transition: taking state capture seriously, 26 March. Available from http://www.brookings.edu/opinions/2012/0326_state_capture_kaufmann.aspx.

Keinon, Herb and Khaled Abu Toameh (2014). Natanyahu on Palestinian right of return: there is no room for maneuver, 16 January. Available from http://www.jpost.com/printarticle.aspx?id=338329.

Kerr, Sari Pekkala, Tuomas Pekkarinen, and Roope Uusitalo (2013). School tracking and development of cognitive skills. *Journal of Labor Economics*, vol. 31, No. 3 (July), pp. 577-602.

Khalidi, Rashid (2013). *Brokers of Deceit: How the U.S. has Undermined Peace in the*

*Middle East*. Boston: Beacon street.

Al-Kibsi, Gassan, and others (2015). *Saudi Arabia Beyond Oil: the Investment and Productivity Transformation*, December. Saudi Arabia: Mckinsey & Company. Available from http://espas.eu/orbis/sites/default/files/generated/document/en/MGI%20Saudi%20Arabia_Full%20report_December%202015.pdf.

Kienle, Eberhard (2012). Looking ahead: prospects for democratization and better governance in the Arab world. In *The Arab Spring: One Year After, Transformation Dynamics, Prospects for Democratization and the Future of Arab-European Cooperation*. Europe in Dialogue, No. 2. Gütersloh: Bertelsmann Stiftung.

Kimmerling, Baruch (2003). *Politicide: Ariel Sharon's War against the Palestinians*. London: Verso.

Klein, John P., and Melvin L. Moeschberger (2003). *Survival Analysis: Techniques for Censored and Truncated Data*, 2nd ed. New York: Springer.

Kornbluh, Peter (1998). Chile and the United States: declassified documents relating to the military coup, September 11, 1973, 11 September. Available from http://nsarchive.gwu.edu/NSAEBB/NSAEBB8/nsaebb8i.htm.

Krafft, Caroline (2012). Challenges facing the Egyptian education system: access, quality, and inequality. SYPE Policy Brief Series, No. 2. New York: Population Council. Available from http://www.popcouncil.org/uploads/pdfs/2012PGY_SYPEPolicyBrief2.pdf.

_____ (2014). Inequality of opportunity in the labor market for higher education graduates in Egypt and Jordan. Paper presented at the International Economic Association, 17th World Congress, 6-10 June 2014. Jordan.

Krafft, Caroline, and Ragui Assaad (2015). Inequality of opportunity in the labor market for higher education graduates in Egypt and Jordan. Working Paper Series, No. 932. Cairo: Economic Research Forum. Available from http://erf.org.eg/publications/inequality-of-opportunity-in-the-labor-market-for-higher-education-graduates-in-egypt-and-jordan/.

Krafft, Caroline, and Safaa El-Kogali (2014). Inequalities in early childhood development in the Middle East and North Africa. Working Paper Series, No. 856. Cairo: Economic Research Forum. Available from http://erf.org.eg/publications/inequalities-in-early-childhood-development-in-the-middle-east-and-north-africa/.

_____ (2015). *Expanding Opportunities for the Next Generation: Early Childhood Development in the Middle East and North Africa*. New York: World Bank.

Kronfol, Nabil, Abla Mehio Sibai, and Anthony Rizk (2014). *Ageing in the Arab Region: Trends, Implications and Policy Options*. Beirut: Economic and Social Commission for Western Asia (ESCWA).

Kubursi, Atif, and Salim Mansur (1993). Oil and the Gulf war: an "American century" or a "New World Order". *Arab Studies Quarterly*, vol. 15, No. 4 (fall), pp. 1-17.

La Porta, Rafael, and others (1999). The quality of government. *The Journal of Law, Economics, and Organization*, vol. 15, No. 1, pp. 222-279.

Lake, David A. (2004). *Hierarchy in International Relations: Authority, Sovereignty, and the New Structure of World Politics*. San Diego. Available from https://bc.sas.

upenn.edu/system/files/Lake_04.21.05.pdf.

_____ (2009). *Hierarchy in International Relations*. Ithaca: Cornell University Press.

Linder, Aviel (2014). *Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory*, translated by Ron Makleff. Jerusalem: Public Committee Against Torture in Israel.

Lis, Jonathan, and Barak Ravid (2016). Likud source: Israeli death penalty for terrorists won't apply to Jews, 22 May. Available from http://www.haaretz.com/israel-news/.premium-1.720896?date=1464855762590.

List, Regina A., and Wolfgang Doerner, eds. *Civil Society, Conflict and Violence*. CIVICUS Global Study of Civil Society Series. London and New York: Bloomsbury Academic, 2012.

Lulu, Tahiyya (2011). The real story of Bahrain's divided society, 3 March. Available from http://www.theguardian.com/commentisfree/2011/mar/03/bahrain-sunnis-shia-divided-society.

Lynch, Maureen, and Perveen Ali (2006). *Buried Alive: Stateless Kurds in Syria*. Washington, D.C.: Refugees international.

Mackey, Robert (2015). Kerry reminds congress Netanyahu advised U.S. to invade Iraq. 25 February. Available from http://www.nytimes.com/2015/02/26/world/middleeast/kerry-reminds-congress-netanyahu-advised-us-to-invade-iraq.html?_r=0.

Maiese, Michelle (2004). Procedural justice, updated June 2013 by Heidi Burgess and Sarah Cast, January. Available from http://www.beyondintractability.org/essay/procedural-justice.

Malik, Adeel, and Bassem Awadallah (2011). The economics of the Arab spring. CSAE Working Paper WPS/2011-23. Oxford: Center for the Study of African Economies. Available from http://www.csae.ox.ac.uk/workingpapers/pdfs/csae-wps-2011-23.pdf.

Mann, James (2004). *Rise of the Vulcans: the History of Bush's War Cabinet*. New York: Penguin Group.

Marrero, Gustavo A., and Juan G. Rodríguez (2013). Inequality of opportunity and growth. *Journal of Development Economics*, vol. 104, (September), pp. 107-122.

Marx, Karl (1875). Critique of the Gotha program. In *Marx/Engels Selected Works*, vol. 3, Part I, pp. 13-30 (May). Moscow: Progress Publishers. Available from https://www.marxists.org/archive/marx/works/1875/gotha.

Materni, M.C. (2013). Criminal punishment and the pursuit of justice. *British Journal of American Legal Studies*, vol. 2, Issue No. 1 (Spring), pp. 263-304.

McCormick, Barry, and Jackline Wahba (2005). Why do the young and educated in LDCs concentrate in Large cities? Evidence from Migration Data. *Economica*, vol. 72, No. 285 (February), pp. 39-67.

Meijer, Roel and Laila Al-Zwaini (2015). *Citizenship Rights and the Arab Uprisings: Towards a New Political Order*. Netherlands. Available from http://www.iob-

evaluatie.nl/sites/iob-evaluatie.nl/files/Citizenship%20rights%20and%20the%20Arab%20uprisings%20%E2%80%93%20towards%20a%20new%20political%20order.pdf.

Migrant-Rights.org (2013). السعودية: 400 ألف عامل هارب خلال العام الماضي, November 21. Available from https://www.migrant-rights.org/ar.

Milanovic, Branko (2015). Trends in global income inequality and their political implications, 22 February. Available from http://glineq.blogspot.com/2015/02/trends-in-global-income-inequality-and.html.

Mryyan, Nader (2012). Demographics, labor force participation and unemployment in Jordan. Working Paper Series, No. 670. Cairo: Economic Research Forum.

_____ (2014). Demographics, labor force participation, and Unemployment in Jordan. In *The Jordanian Labor Market in the New Millennium*, Ragui Assaad, ed. Oxford, United Kingdom: Oxford University Press.

Mullerson, Rein (1997). *Human Rights Diplomacy*. London: Routledge.

Al-Nasrawi, Abbas (1991). *Arab Nationalism, Oil, and the Political Economy of Dependency*. New York: Greenwood Press.

Nazir, Sameena, and Leigh Tomppert, eds. (2005). *Women's Rights in the Middle East and North Africa: Citizenship and Justice*. Washington, D.C: Freedom House.

Ncube, Mthuli, John Anyanwu, and Kjell Hausken (2013). Inequality, economic growth and poverty in the Middle East and North Africa (MENA). Working Paper Series, No. 195. Tunisia: African Development Bank.

Neate, Rupert (2012). UK Investors gather for controversial Africa land summit, 26 June. Available from https://www.theguardian.com/business/2012/jun/26/uk-investors-africa-land-summit.

Neff, Donald (1993). The U.S. cast the first of 29 Security Council vetoes to shield Israel. *Washington Report on Middle East Affairs*, (September/October), p. 82. Available from http://www.wrmea.org/1993-september-october/the-u.s.-cast-the-first-of-29-security-council-vetoes-to-shield-israel.html.

The New York Times (1959). Dulles formulated and conducted U.S. foreign policy for more than six years, 25 May. Available from http://www.nytimes.com/learning/general/onthisday/bday/0225.html#top.

North, Douglas C., and others, eds. (2013). *In the Shadow of Violence: Politics, Economics, and the Problems of Development*. Cambridge: Cambridge University Press.

Nugent, Jeffrey B., and Mohamed Saleh (2009). Intergenerational transmission of, and returns to human capital and changes therein over time: empirical evidence from Egypt. Working Paper Series, No. 468. Cairo: Economic Research Forum.

O'Brien, ERC (2016). People across Syria continue to face horrific deprivation and violence, says UN Humanitarian Chief, 3 June. Available from http://www.unocha.org/top-stories/all-stories/people-across-syria-continue-face-horrific-deprivation-and-violence-says-un-.

Office of the United Nations High Commissioner for Human Rights, OHCHR,

and United Nations Assistance Mission for Iraq, UNAMI (2015). *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*. Baghdad. Available from http://www.ohchr.org/Documents/Countries/IQ/UNAMIReport1May31October2015.pdf.

Olivet, Cecilia, and Pia Eberhardt (2012). *Profiting From Injustice: How Law Firms, Arbitrators and Financiers are Fuelling an Investment Arbitration Boom*. Brussels: Corporate Europe Observatory and the Transnational Institute.

_____ (2013). Challenging the investment arbitration industry, 12 February. Available from https://www.tni.org/en/article/challenging-investment-arbitration-industry.

Organisation for Economic Co-operation and Development (2012). *Public and Private Schools: How Management and Funding Relate to their Socio-Economic Profile*. Paris.

Organisation for Economic Co-operation and Development, and World Bank (2010). R*eviews of National Policies for Education: Higher Education in Egypt.* Available from http://www.oecd.org/edu/innovation-education/reviewsofnationalpoliciesforeducationhighereducationinegypt2010.htm.

Owen, Roger (2004). *State, Power and Politics in the Making of the Modern Middle East*, 3rd edition. London: Routledge.

_____ (2012). *The Rise and Fall of Arab Presidents for Life*. Cambridge: Harvard University Press.

Oxfam America (2016). Top 50 US companies stash a trillion dollars offshore while benefitting from trillions in government support, 14 April. Available from https://www.oxfamamerica.org/press/top-50-us-companies-stash-a-trillion-dollars-offshore-while-benefitting-from-trillions-in-government-support/.

Oxford Public Interest Lawyers (2004). *Legal Consequences of Israel's Construction of a Separation Barrier in the Occupied Territories*. Oxford: University of Oxford. Available from http://www2.law.ox.ac.uk/opbp/OXPIL%20Israel%20Barrier%20Executive%20Summary.pdf.

Palestinian Centre for Human Rights (2003). *Report on Violations of International Human Rights and Humanitarian Law Committed by the Israeli Military in Beit Hanoun From the Period 15 May – 30 June*. Khan Yunis. Available from http://www.pchrgaza.org/files/Reports/English/pdf_spec/Beit%20Hanoun%20Report%202003.pdf.

Pan, Esther (2003). Iraq: justifying the war, 17 October. Available from http://www.cfr.org/iraq/iraq-justifying-war/p7689.

Parker, Brad (2013). Israeli exceptionalism at the United Nations, 14 November. Available from http://972mag.com/israeli-exceptionalism-at-the-united-nations/81857/.

Parnohadiningrat, Sudjadnan (2004). Opening statement to the Third session on the preparatory committee for the 2005 review conference of the parties to the treaty on the Non-proliferation of nuclear weapons. New York. Available from https://web.archive.org/web/20051120114626/http://www.indonesiamission-ny.org/

issuebaru/Events/opening_npt.htm.

Peck, Don (2012). The long tradition of killing Middle Eastern nuclear scientists, 12 January. Available from http://www.theatlantic.com/international/archive/2012/01/the-long-tradition-of-killing-middle-eastern-nuclear-scientists/251338/.

Pew Research Center (2014). Political Participation and Knowledge Database. Available from http://www.people-press.org/2014/06/26/section-10-political-participation-interest-and-knowledge/pp-2014-06-26-typology-10-02/. Accessed 20 August 2016.

Piketty, Thomas (2014). *Capital in the Twenty-first Century*. Cambridge, Massachusetts London: The Belknap Press of Harvard University Press.

Pring, Coralie (2016). *People and Corruption: Middle East and North Africa Survey*. Berlin: Transparency International.

Prisoner Support and Human Rights Association, ADDAMEER (2015). Administrative Detention, December. Available from www.addameer.org/printpdf/561.

Prosor, Ron (2012). Informal comments to the media by H.E. Mr. Ron Prosor, Permanent representative of Israel to the United Nations, on the situation in the Middle East including the Palestinian Territories, 14 November. Available from http://webtv.un.org/watch/ron-prosor-israel-on-the-situation-in-the-middle-east-including-the-palestinian-territories-security-council-media-stakeout/1969350690001.

Rathmell, Andrew (1995). *Secret War in the Middle East: the Covert Struggle for Syria, 1949-1961*. London: Tauris Academic Studies.

Rawls, John (1999). A Theory of Justice. Cambridge, Massachusetts: Harvard University Press.

Richards, Alan and John Waterbury (1996). *A Political Economy of the Middle East*, second edition. Oxford: Westview Press.

Riedel, Bruce (2011). Iran blusters but Israel has the edge, 28 September. Available from https://www.brookings.edu/opinions/iran-blusters-but-israel-has-the-edge/.

Rijkers, Bob, Caroline Freund, and Antonio Nucifora (2014). All in the family: state capture in Tunisia. Policy Research Working Paper, No. 6810. Washington, D.C.: World Bank.

Rizk, Reham, and Hala Abou-Ali (2015). Informality and Socio-Economic Well-Being of Women in Egypt. Working Paper Series, No. 910. Cairo: Economic Research Forum.

Rodrik, Dani (2007). *One Economics, Many Recipes: Globalization, Institutions, and Economic Growth*. Princeton, New Jersey: Princeton University Press.

Roemer, John E. (1998). *Equality of opportunity*. Cambridge: Harvard University Press.

Rosenbaum, Paul, and Donald B. Rubin (1983). The central role of the propensity score in observational studies for causal effects. *Biometrika*, vol. 70, No. 1, pp. 41-55.

Runciman, Walter Garrison (1966). *Relative deprivation and social justice: a study of attitudes to social inequality in twentieth-century England*. Oakland, CA.:

University of California Press.

Rutstein, Shea O., and Kiersten Johnson (2004). *The DHS Wealth Index*. DHS Comparative Reports No. 6. Calverton, Maryland: ORC Marco.

Said, Mona (2014). Wage formation and earnings inequality in the Jordanian labor market. In *The Jordanian Labor Market in the New Millennium*, Ragui Assaad, ed. Oxford, United Kingdom: Oxford University Press.

_____ (2015). Wages and inequality in the Egyptian labor market in an era of financial crisis and revolution. In *The Egyptian Labor Market in an Era of Revolution*, Ragui Assaad and Caroline Krafft, eds. Oxford, United Kingdom: Oxford University Press.

Salehi-Isfahani, Djavad (2012). Education, jobs, and equity in the Middle East and North Africa. *Comparative Economic Studies*, vol. 54, Issue No. 4 (December), pp. 843-861.

Salehi-Isfahani, Djavad, Insan Tunali, and Ragui Assaad (2009). A comparative study of returns to education of urban men in Egypt, Iran, and Turkey. *Middle East Development Journal*, vol. 1, Issue No. 2, pp. 145-187.

Salehi-Isfahani, Djavad, Nadia Belhaj Hassine, and Ragui Assaad (2014). Equality of opportunity in educational achievement in the Middle East and North Africa. *Journal of Economic Inequality*, vol. 12, Issue No. 4, pp. 489-515.

Saqqa, Katia (2007). The urgent need for a standardized law of building houses of worship, 30 May. Available from http://www.arabwestreport.info/en/year-2007/week-22/32-urgent-need-standardized-law-building-houses-worship.

Sarangi, Niranjan, and Khalid Abu-Ismail (2015). Economic growth, inequality and poverty in the Arab region. *Issues Brief for the Arab Sustainable Development Report*. UN-ESCWA.

Saraswathi, Vani (2015). Careless media reporting on Qatar leaves migrant workers more vulnerable, 29 May. Available from http://www.migrant-rights.org/2015/05/careless-media-reporting-on-qatar-leaves-migrant-workers-more-vulnerable/.

Sayigh, Yezid (2012). Above the state: the officers' republic in Egypt, 1 August. Available from http://carnegie-mec.org/2012/08/01/above-state-officers-republic-in-egypt-pub-48972.

_____ (2015). The return of Egypt's military interest groups, 21 December. Available from http://carnegieendowment.org/syriaincrisis/?fa=62337.

_____ (2016). Dilemmas of Reform: Policing in Arab Transitions. Beirut: Carnegie Middle East Center. Available from http://carnegie-mec.org/2016/03/30/dilemmas-of-reform-policing-in-arab-transitions-pub-63090.

Schiffbauer, Marc, and others (2015). *Jobs or Privileges: Unleashing the Employment Potential of the Middle East and North Africa*. Mena Development Report. Washington, D.C.: World Bank.

Schliess, Gero (2013). Trans-Atlantic free trade tango, 13 April. Available from http://www.dw.com/en/trans-atlantic-free-trade-tango/a-16741485.

Schmitt, Eric (1991). U.S. Army Buried Iraqi Soldiers Alive in Gulf War. *The New York*

*Times*, 15 September.

Schmitter, Philippe C., and Terry Lynn Karl (1991). What democracy is … and is not. *Journal of Democracy*, vol. 2, No. 3 (Summer), pp. 75-88.

Schuman, Fredrick L. (1945). Regionalism and spheres of influence. In *Peace Security & the United Nations*, Hans J. Morgenthau, eds. Chicago: Chicago University Press.

Schutz, Gabriela, Heinrich W. Ursprung, and Ludger Woessmann (2008). Education policy and equality of opportunity. *Kyklos*, vol. 61, Issue No. 2 (May), pp. 279-330.

Schwarz, Robert, Sabine Donner, and Hauke Hartmann (2016). *Transformation Index BTI 2016: Political Management in International Comparison*, translated by Barbara Serfozo. Gütersloh: Bertelsmann Stiftung.

Sedley, Stephen, and others (2012). *Children in Military Custody*. London.

Seery, Emma, and others (2014). *Even it Up: Time to End Extreme Inequality*. United Kingdom: Oxfam GB.

Serajuddin, Umar, and Paolo Verme (2015). Who is deprived? Who feels deprived? Labor deprivation, youth and gender in Morocco. *Review of Income and Wealth*, vol. 61, No. 1 (March), pp. 140-163.

Shafaeddin, S. Mehdi (2005). Trade liberalization and economic reform in developing countries: structural change or de-industrialization? UNCTAD Discussion Papers, No. 179 (April). Geneva: United Nations Conference on Trade and Development. Available from http://unctad.org/en/docs/osgdp20053_en.pdf.

Shahak, Israel, eds. (1982). *The Zionist Plan for the Middle East*. Belmont: Association of Arab-American University Graduates, Inc. Available from http://www.informationclearinghouse.info/pdf/The%20Zionist%20Plan%20for%20the%20Middle%20East.pdf.

Shalaby, Marwa (2016). Women's political representation and authoritarianism in the Arab world. In *Women and Gender in Middle East Politics*. Washington, D.C.: POMEPS Studies.

Shavit, Ari (2003). Ariel Sharon to Haaretz: 'Iraq war created an opportunity with the Palestinians we can't miss', 13 April. Available from http://www.haaretz.com/ariel-sharon-to-haaretz-iraq-war-created-an-opportunity-with-the-palestinians-we-can-t-miss-1.13058.

Siege Watch (2016). *Second Quarterly Report on Besieged Areas in Syria May 2016*. Washington, D.C.: The Syria Institute; Netherlands: PAX.

Silva, Joana, Victoria Levin, and Matteo Morgandi (2012). Inclusion and resilience: the way forward for social safety nets in the Middle East and North Africa. Mena Development Report, No. 72975. Washington, D.C.: World Bank.

Abu-Sitta, Salman (1998). The Towns and Villages Depopulated by the Zionist Invasion of 1948. Available from www.palestineremembered.com/Acre/Maps/Story1261.html.

Smits, Jeroen (2007). Family background and context effects on educational participation in five Arab countries. NiCE Working Paper, No. 07-106. Netherlands:

Nijmegen Center for Economics. Available from http://www.ru.nl/economie/onderzoek/nice-working-papers/.

Sobhy, Hania (2012). The de-facto privatization of secondary education in Egypt: a study of private tutoring in technical and general schools. *Compare: A Journal of Comparative and International Education*, vol. 42, Issue No. 1, pp.47-67.

Song, Sang-Hyun (2015). Interview by Lionel Barber. Financial Times, 13 March. Available from http://www.ft.com/cms/s/2/e9fc4382-c89f-11e4-8617-00144feab7de.html.

Stierli, Markus, and others (2014). *Global Wealth Report*. Switzerland: Credit Suisse.

Stiglitz, Joseph E. (2002). *Globalization and its Discontents*. New York: W.W. Norton & Company.

Stockholm International Peace Research Institute (n. d.). SIPRI Military Expenditure Database. Available from https://www.sipri.org/databases/milex. Accessed April 2016.

Taamouti, Mohamed, and Mustapha Ziroili (2011). Individual determinants of female labor participation in Morocco. Proceedings of the 2011 World Statistics Congress, session STS039, 58th (August). The Hague: International Statistical Institute. Available from http://2011.isiproceedings.org/papers/650024.pdf.

Tadros, Samuel (2015). Egypt two years after Morsi: Part I, 20 May. Available from http://www.hudson.org/content/researchattachments/attachment/1471/hhrg_114_fa13_wstate_tadros_s_20150520.pdf.

Tam, Henry (2011). U-shaped female labor participation with economic development: some panel data evidence. *Economics Letters*, vol. 110, pp.140-142.

Tosun, Mehmet Serkan, and Serdar Yilmaz (2008). Centralization, decentralization, and conflict in the Middle East and North Africa. Policy Research Working Paper, No. 4774 Washington, D.C.: World Bank.

Touati, Kamel (2014). Determinants of economic corruption in the Arab countries: dangers and remedies. *Journal of Economics Studies and Research*, vol. 2014, article ID 124996. Available from http://www.ibimapublishing.com/journals/JESR/2014/124996/124996.pdf.

Townsend, Robert M. (2011). *Financial Systems in Developing Economies: Growth, Inequality and Policy Evaluation in Thailand*. New York: Oxford University Press.

Transparency International (2015). *Corruption Perceptions Index 2015*. Berlin. Available from http://www.transparency.org/cpi2015.

Tsani, Stella, and others (2012). Female labor force participation and economic development in Southern Mediterranean countries: what scenarios for 2030? MEDPRO Technical Report, No. 19 (December). Available from http://aei.pitt.edu/59153/1/No_19_Tsani_et_al_Female_Labour_Force_Participation.pdf.

Tyler, Patrick E. (1992). U.S. strategy plan calls for insuring no rivals develop a one-superpower world, 8 March. Available from http://work.colum.edu/~amiller/wolfowitz1992.htm.

United Nations Children's Fund, UNICEF (2014). *A Study on Early Marriage in Jordan*. Amman.

_____ (2015). *Education under Fire: How Conflict in the Middle East is Depriving Children of their Schooling*.

_____ (2016a). *Children on the Brink: the Impact of Violence and Conflict on Yemen and its Children*. Yemen.

_____ (2016b). *A Heavy Price for Children: Violence Destroys Childhoods in Iraq*. Iraq. Available from http://www.unicef.org/iraq/Iraq_Heavy_Price.pdf.

United Nations Department of Economic and Social Affairs (2013). *Report of the World Social Situation 2013: Inequality Matters*. New York, NY. ST/ESA/345.

United Nations Development Programme, UNDP (2004). *Arab Human Development Report, 2004: Towards Freedom in the Arab World*. New York, NY.

_____ (2006). *The Arab Human Development Report 2005: Towards the Rise of Women in the Arab World*. New York, NY.

_____ (2015). *Human Development Report 2015: Work for Human Development*. New York, NY.

United Nations Development Programme (UNDP), and Arab Fund for Economic and Social Development (2003). *Arab Human Development Report 2003: Building a Knowledge Society*. New York, NY.

United Nations Economic and Social commission for Western Asia, ESCWA (2011). *Population in the Arab Region: Trends and Implications*. E/ESCWA/SDD/2011/ Technical paper.6.

_____ (2012). *Labour Markets and Labour Market Policy in the ESCWA Region, Report IV, Integrated Social Policy*. E/ESCWA/SDD/2011/3.

_____ (2013a). *Combating Domestic Violence against Women and Girls: Policies to Empower Women in the Arab Region*. E/ESCWA/ECW/2013/4.

_____ (2013b). *Participation and Civic Engagement Policy Brief Series, Policy Brief One: Participation and Transitional Justice*. E/ESCWA/SDD/2013/Technical Paper.5.

_____ (2014a). *Arab Integration: A 21st Century Development Imperative*. E/ ESCWA/OES/2013/3.

_____ (2014b). *Arab Middle Class: Measurement and Role in Driving Change*. E/ ESCWA/EDGD/2014/2.

_____ (2014c). *Conflict in the Syrian Arab Republic: Macroeconomic Implications and Obstacles to Achieving the Millennium Development Goals*. E/ESCWA/ EDGD/2014/Technical Paper.5.

_____ (2015a). *Child Marriage in Humanitarian Settings in the Arab Region*. E/ ESCWA/ECW/2015/2.

_____ (2015b). Identifying the legislative gaps that need to be filled for the application of Security Council resolution 1325 (2000) on women and security and peace in selected Arab States. E/ESCWA/ECW/2015/Technical paper.4.

_____ (2016a). *Arab Development Outlook: Vision 2030*. E/ESCWA/EDID/2015/3.

_____ (2016b). *Arab Governance Report II: Governance and Institutional*

*Transformations in Conflict-Affected Arab Countries*. E/ESCWA/ECRI/2016/1.

United Nations Economic and Social commission for Western Asia, ESCWA, and International Organization for Migration, IOM (2015). *2015 Situation Report on International Migration: Migration, Displacement and Development in a Changing Arab Region*. E/ESCWA/SDD/2015/1.

United Nations Economic and Social commission for Western Asia (ESCWA), and University of St Andrews, (2016). *Syria at Five Years on War*. Available from https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/syria-war-five-years_0.pdf.

United Nations Economic and Social Council, Commission on Human Rights (2004). *Independent study on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of impunity*, by Professor Diane Orentlicher. E/CN.4/2004/88.

United Nations Educational, Scientific and Cultural Organization, UNESCO (no date). Samarra Shrine Restoration. Available from www.unesco.org/new/en/iraq-office/culture/samarra-shrine-restoration.

United Nations High Commissioner for Refugees, UNHCR (2016). UNHCR Lebanon Back to school. Beirut. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/Backtoschoolbrochure2016portal.pdf.

United Nations Human Settlements Programme, UN-HABITAT (2015). *Right to Develop: Planning Palestinian Communities in East Jerusalem*. East Jerusalem.

United Nations Office for the Coordination of Humanitarian Affairs, UNOCHA (2011). East Jerusalem: key humanitarian concerns. Special Focus, March. East Jerusalem. Available from https://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf.

_____ (2014). East Jerusalem: Key humanitarian concerns. Key Facts, August. Available from http://www.ochaopt.org/documents/ocha_opt_jerusalem_factsheet_august2014_english.pdf.

_____ (2015a). *Humanitarian Response Plan 2016: Iraq*. Available from https://www.humanitarianresponse.info/en/system/files/documents/files/final_iraq_2016_hrp_0.pdf.

_____ (2015b). *Humanitarian Response Plan 2016: Libya*. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/libya_hrp_final_19_11_2015.pdf.

_____ (2016a). *Humanitarian Bulletin: Yemen*, No. 8 (1 February). Available from http://reliefweb.int/report/yemen/yemen-humanitarian-bulletin-issue-8-issued-1-february-2016-enar.

_____ (2016b). Record number of demolitions in 2016; casualty toll declines, 29 December. Available from http://www.ochaopt.org/content/record-number-demolitions-2016-casualty-toll-declines.

_____ (2016c). Syria crisis: regional overview, about the crisis. Available from http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis#.

United Nations Population Fund, UNFPA (2015). *Demographic Perspectives on Female Genital Mutilation*. New York, NY.

United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA (2016). *Schools on the Front Line the Impact of Armed Conflict and Violence on UNRWA Schools and Education Services*. Amman.

United States Department of State (2013). *Israel 2013 Human Rights Report*. Available from www.state.gov/documents/organization/220570.pdf.

_____ (2014). *Israel 2014 Human Rights Report*. Available from www.state.gov/documents/organization/236814.pdf.

Vélez, Carlos E., Sherine Al-Shawarby, and Heba El-Laithy (2012). Equality of opportunity for children in Egypt, 2000-2009: achievements and challenges. Policy Research Working Paper, No. 6159. Washington, D.C.: World Bank.

Verme, Paolo (2014). Economic development and female labor participation in the Middle East and North Africa: a test of the u-Shape hypothesis. Policy Research Working Paper, No. 6927. Washington, D.C.: World Bank.

Verme, Paolo, Abdoul Gadiry Barry, and Jamal Guennouni (2014). Female labor participation in the Arab world: some evidence from panel data in Morocco. Policy Research Working Paper, No. 7031. Washington, D.C.: World Bank.

Verme, Paolo, and others (2014a). *Inside Inequality in the Arab Republic of Egypt: Facts and Perceptions Across People, Time, and Space*. Washington, D.C.: World Bank.

_____ (2014b). Labor mobility, economic shocks and jobless growth: evidence from panel data in Morocco. Policy Research Working Papers, No. 6795. Washington, D.C.: World Bank.

Von Haldenwang, Christian, and Uwe Kerkow (2013). Post 2015: The international battle against tax fraud and evasion, October. Available from https://www.researchgate.net/publication/280036324_Post_2015_The_International_Battle_Against_Tax_Fraud_and_Evasion.

Wahba, Jackline (2009). An overview of internal and international migration in Egypt. In *The Egyptian Labour Market Revisited*, Ragui Assaad, ed. Cairo: American University in Cairo Press.

_____ (2012). Immigration, emigration and the labor market in Jordan. Working Paper Series, No. 671. Cairo: Economic Research Forum.

Wahba, Jackline, and Yves Zenou (2005). Density, social networks, and job search methods: theory and application to Egypt. *Journal of Development Economics*, vol. 78, Issue No. 2 (December), pp. 443-473.

Walk Free Foundation (2014). *The Global Slavery Index*. Australia.

_____ (2016). *The Global Slavery Index*. Australia.

Walker, Susan P., and others (2007). Child development: risk factors for adverse outcomes in developing countries. *The Lancet*, vol. 369 (January), pp. 145-157.

Waterbury, John (1983). *The Egypt of Nasser and Sadat: the Political Economy of Two Regimes*. New Jersey: Princeton University Press.

Waxman, Dov (2006). *The Pursuit of Peace and the Crisis of Israeli Identity*. New York, N.Y.: Palgrave Macmillan.

Wearden, Graeme (2011). Warren Buffett calls for higher taxes for US super-rich, 15 August. Available from https://www.theguardian.com/business/2011/aug/15/warren-buffett-higher-taxes-super-rich.

Wee, Sui-Lee, and others (2014). China urges IMF to give more power to emerging markets, 15 January. Available from http://www.reuters.com/article/us-china-imf-idUSBREA0E1PT20140115.

Wehrey, Frederic (2013). *The Forgotten Uprising in Eastern Saudi Arabia*. Washington, D.C.: Carnegie Endownment for International Peace.

Wehrey, Frederic (2014). Saudi Arabia has a Shiite problem, 03 December. Available from http://foreignpolicy.com/2014/12/03/saudi-arabia-has-a-shiite-problem-royal-family-saud/.

Weiner, Tim (2007). *Legacy of Ashes: the History of the CIA*. New York: Doubleday Broadway publishing Group.

Welburn, Dominic (2013). Rawls, the well-ordered society and intergenerational justice. *Politics*, vol. 33, No. 1 (February), pp. 56-65.

Wickham, Carrie Rosefsky (2002). *Mobilizing Islam: Religion, Activism and Social Change in Egypt*. New York: Columbia University Press.

Wight, Martin (1978). *Power Politics*. London: Continuum.

Willcoxon, George (Forthcoming). *Peacebuilding, Recovery, and Post-War Risks*.

Wilson, Peter (2008). The Causes of the Thirty Years War 1618-48. *English Historical Review*, vol. CXXIII, No. 502.

Woessmann, Ludger, and others (2009). *School Accountability, Autonomy, and Choice around the World*. IFO Economic Policy Series. Cheltenham, UK: Edward Elgar.

Woods, Ngaire (2008). Bretton woods institutions. In *The Oxford Handbook on the United Nations*, Sam Daws and Thomas G. Weiss, eds. Oxford: Oxford University Press.

World Bank (2008). *The Road Not Traveled: Education Reform in the Middle East and North Africa*. Mena Development Report. Washington, D.C.: World Bank.

_____ (2009). *Arab Republic of Egypt, Upper Egypt: Pathways to Shared Growth*. Washington, D.C.: World Bank.

_____ (2011a). *Gender and Transport in the Middle East and North Africa Region: Case Studies from West Bank and Yemen*. Washington, D.C.

_____ (2011b). *Poor Places, Thriving People: How the Middle East and North Africa Can Rise Above Spatial Disparities*. Mena Development Report, No. 58997. Washington, D.C.

_____ (2011c). *World Development Report 2011: Conflict, Security, and Development*. Washington, D.C.

_____ (2012a). *Arab Republic of Egypt: Inequality of Opportunity in the Labor Market*. Washington, D.C.

_____ (2012b). *Reclaiming their Voice: New Perspectives from Young Women and*

*Men in Upper Egypt*. Washington, D.C.

_____ (2013). *Opening Doors: Gender Equality and Development in the Middle East and North Africa*. Mena Development Report, No. 75181. Washington, D.C.

_____ (2015). *International Centre for Settlement of Investment Disputes (ICSID): Annual Report*. Washington, D.C.

World Centric (2003). Social and Economic Injustice Database. Available from http://worldcentric.org/conscious-living/social-and-economic-injustice. Accessed 25 May 2016.

World Food Programme, WFP (2016). Yemen: Current Issues and What the World Food Programme is Doing. Available from https://www.wfp.org/countries/yemen. Accessed 28 June 2016.

World Health Organization, WHO (2015). UN Joint statement on new Israeli law on force-feeding of detainees, 8 August. Available from http://www.emro.who.int/pse/palestine-news/un-joint-statement-on-new-israeli-law-on-force-feeding-of-detainees.html.

Yaloon, Moshe (2016). Comment at the Munich Security Conference (msc), 14 February. Available from https://www.securityconference.de/en/media-library/video/comment-by-moshe-yaloon/filter/video/?tx_dreipctvmediacenter_mediacenter[venue]=36&cHash=0bc6b3b395262182242c737303ee713b.

Yao, Shunli, Yunhua Tian, and Loitongbam Bishwanjit Singh (2014). Trade liberalization and poverty reduction in China and ASEAN. Paper presented at the 8th ASEAN-China forum on social development and poverty reduction. Nay Pyi Taw, Myanmar, August.

Yehuda, Limor, and others (2014). *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, Tal Dahan, Tamar Feldman and Gili Re'I, eds. Tel Aviv: The Association for Civil Rights in Israel.

Younkins, Edward (2000). Justice in a free society. *Liberty Free Press*, 15 March. Available from http://www.quebecoislibre.org/younkins27.htm.

Arabs have become weary of injustice and oppression. Since 2011, waves of uprisings have washed across the region. Some have succeeded, paving the way for peaceful transitions towards democratic rule, while others have been met with brute force, which has led to bloody conflicts. The region has been pushed to the brink by the absence of justice within it and, more broadly, in the international system to which it belongs. Few in the region can escape injustice. Individuals are denied their rights to equality and a decent life, groups suffer discrimination based on religion, ethnicity or gender, and entire nations' right to self-determination has been violated. Judicious leaders listened to the people's demands and strove for reform, while those clinging to power chose to oppress, kill, bomb and displace millions, plunging countries into a furnace that has smothered both the rulers and those they rule.

This report is an attempt to understand injustice and its repercussions in the Arab region, and a call to respond to the oppressed who are demanding their stolen rights. It posits that the region is on the cusp of a significant transformation, which may be orchestrated by others against the interests of its people, or carried out by its people for their own collective benefit. Either way, change will affect regimes and societies, and possibly the borders of some countries. The report proposes methods to end the crisis, based on ensuring justice and respect for human dignity. It sees in the region's young, politically aware and active population, capable of communicating and effecting change, a real hope for the future despite all setbacks. The report warns of the consequences of relying on oppression. There can be no peace or development in the region without justice. No matter how long injustice persists, it will remain temporary and unsustainable in the long run.