

Arab Reform Bulletin

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Note from the Editor:

Elections in Iraq and Palestine, as well as President Bush's strong emphasis on democratization in his inaugural and State of the Union addresses, have focused the world's attention on prospects for reform in Arab countries. This month's edition examines challenges in the wake of the Iraqi and Palestinian elections, and includes updates of reform-related developments throughout the region as well as a schedule of upcoming events. I am delighted to join the Carnegie Endowment as editor of the *Bulletin*, and I look forward to your feedback and suggestions.

—Michele Dunne

The Arabic edition of this issue of the *Arab Reform Bulletin* will be available by February 22 at <http://www.alwatan.com.kw/arb>.

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Insights and Analysis

After the Iraqi Elections: High Stakes

By Phebe Marr

As the elections end, the hard work of constructing the new Iraq begins. While Iraqi voters can congratulate themselves on a remarkable achievement in the face of extraordinary difficulties, the situation remains precarious. Voting took place mainly (though not wholly) along ethnic and sectarian lines, and centrists with a pan-Iraqi focus did poorly. Now delegates of the new 275-member Assembly must come together to develop a constitutional framework for all of Iraq. If they succeed, Iraq's situation will begin to turn around; if not, the state itself, to say nothing of its democratic future, will be in jeopardy.

Four issues will be of paramount importance: Kurdish self-rule and decentralization, religion's role in the state, bringing Sunnis into a national consensus, and relations with the United States and the coalition forces. Of the four, the Kurdish issue may be the most important. While mainstream Iraqi politicians agree that some form of decentralized government or federalism is needed, they disagree about how to satisfy Kurdish aspirations while keeping the state intact. The two dominant Kurdish parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, call for a confederation between an Iraqi Kurdistan and an Arab Iraq, an arrangement that the Arab majority and minorities in the north will resist. At issue is how much authority the Kurdish Regional Government would have in its territory as well as how best to reintegrate the Kurds, who have been isolated since 1991, into national life.

The Kurds would also like to enlarge the territory they control to include Kirkuk and towns and villages along the Jabal Hamrin south to Khanaqin—territory they claim has a Kurdish majority. Kurds are fairly adamant about Kirkuk, but other Iraqis will not give up the oil-rich province easily. Moreover, Kirkuk is home to a mixed population of Turkomans, Christians, and Arabs as well as Kurds. Kirkuk is a potential flashpoint that can be settled by giving a dominant role to the local communities, who have been able to live together peaceably in the past.

Even beyond the Kurds, Iraqis in other areas (Basra, for example) have begun talking about a federal arrangement—an Iraq divided into four or five large blocs of territory with Baghdad as a central hub. This kind of decentralization is new to Iraq and suggests Lebanonization. Most Arabs, especially the newly emerging Shiite majority, want to govern a unified Iraq and will seek to avoid such an outcome.

A second major debate will center on the role of Sharia (Islamic law) in the new Constitution. Few Iraqis want a theocratic state along the Iranian model with clerics governing, but Sharia could be enshrined in the Constitution as one source or even the primary source of law. Such a development would mostly affect personal status laws. Strong Islamic currents will push in this direction, among them the two Shiite parties (the Supreme Council for the Islamic Revolution in Iraq and Dawa) in the winning United Iraqi Alliance. But the counterweight of secular forces, chiefly among the Kurds and a number of educated Sunnis and Shiites, suggests that some

compromise will be found. Women, who should comprise about one-third of the legislature, may also be in a position to press for their rights.

The third critical issue is how the new government will handle the disenfranchisement of Sunnis, essential to eventually ending the insurgency. Although Sunnis are expected to be underrepresented—perhaps dramatically—in the Assembly, they can be drawn into the constitutional process informally. Shiite and Kurdish reluctance to make peace with former Baathists and Iraqi army officers will be an obstacle, but if no accommodation is made, the insurgency will continue to sap the energy and resources needed to build a new Iraq.

Last is the question of how to deal with the United States and the coalition forces, an important issue for the longer term but perhaps the least contentious for now. A weak new government that must maintain itself in power, face an insurgency, and create some stability for development is unlikely to call for the immediate withdrawal of foreign forces. A flexible status-of-forces agreement that points the way to a departure as soon as possible would probably finesse this issue for the moment.

The elections have given Iraqis a sense of ownership of the political process and a new measure of self-confidence. But elections have not solved the fundamental, even existential, problems of the country, which must be addressed via the constitutional process. Iraq's future as a nascent democracy depends on whether the new delegates can compromise on their separate agendas. To accomplish this they will need to revive a lost sense of Iraqi identity and a shared purpose in rebuilding their torn country—together.

Phebe Marr is a Senior Fellow at the United States Institute of Peace. The views expressed are her own. The U.S. Institute of Peace is an independent organization created and funded by Congress to promote research, education, and training on the prevention, management and resolution of international conflicts. Marr is also the author of The Modern History of Iraq, Second Edition (Boulder: Westview Press, 2003).

Palestine: The Region's Second Democracy?

By Ziad Abu-Amer

By adopting free and democratic elections at the presidential, legislative, and local levels, Palestinians may be laying down the foundation of another working democracy in the Middle East. In the January 9 presidential election, none of the seven candidates, including Mahmoud Abbas (Abu Mazen), took victory for granted. This was evident in the hard campaigning by Fatah and Abu Mazen in these elections, and also in the anxiety inside Fatah regarding the outcome. Palestinian state television gave candidates equal airtime to present their programs. Abu Mazen won the elections with only 62 percent of the vote. The new president's swearing-in ceremony was delayed for a few days by a court ruling pending charges regarding election violations. Such signs of democracy carry great symbolic and practical significance in the Palestinian setting.

In addition to the presidential election, the first two rounds of the municipal elections (December 23 in 26 West Bank municipalities and January 27 in 10 Gaza municipalities) reflected the pluralistic nature of Palestinian politics. There was fierce competition between Fatah and Hamas (the Islamic Resistance Movement, the main opposition party), a pattern likely to be repeated in future rounds of municipal elections as well as in legislative elections now scheduled for July 17. The Palestinian Legislative Council (PLC) is currently working on a new election law based on a mixture of proportional representation (taking the whole country as one electoral district) and a district system. This law is likely to allow for broader participation and representation in the new Council.

In addition to the importance for Palestinians themselves, Palestine's electoral undertaking is likely to have a regional spillover effect, making it less comfortable for regimes in the area to continue conducting uncontested presidential referenda, and then announcing results of 90 or even 100 percent in favor. By providing an example of free, democratic, and pluralistic elections, the Palestinians may be contributing to the process of reform in the Arab world as a whole.

For this demonstration effect to last, however, the Palestinian example has to overcome many obstacles and become irreversible. The most challenging of these obstacles is the continuing Israeli occupation. The Palestinians managed to conduct free elections under occupation but they cannot build a full democracy under occupation. For a democracy to emerge, thrive, and be sustained, it requires a certain degree of stability and prosperity. A political process to end this occupation and establish an independent Palestinian state, as described by President Bush's June 2002 speech and the Road Map, must be set in motion in parallel to the democratic process that has now been set in motion by the ongoing wave of elections in Palestine.

Palestinian reform also faces critical internal challenges. One-time elections, or elections every ten years or so, do not build a democracy. This year's presidential and legislative elections are the first since 1996. The ongoing municipal elections are the first to take place in Gaza, and the second in the West Bank, since the municipal elections that took place under the Israeli occupation in 1976. One of the primary reasons for the malfunction of the Palestinian Authority, the spread of corruption and inefficiency, and perhaps even for the breakdown of the peace process, was the failure of the Palestinians to conduct routine and periodic elections. In the absence of elections, accountability and transparency cease to be possible. Therefore, periodic and routine elections at all levels—presidential, legislative and municipal—are a must for creating and consolidating the democratic experience in Palestine. These issues are in the core discussions between Abu Mazen and his Fatah movement and the various political groups, including Hamas, as integral items in any future national accord that provides for political participation and power sharing.

Establishing a strong democratic tradition also requires a true separation of powers, supremacy of the rule of law, strict observance of the principles of accountability and transparency, and a persistent fight against inefficiency, corruption, and chaos in Palestinian society. Elections alone cannot make a democracy; they must be matched by efforts to address the complex economic and social problems in the Palestinian society, particularly poverty and unemployment.

A democratic process has been set in motion, changing the dynamics of Palestinian politics. It is up to Palestinians to make this process irreversible. President Abbas won the elections on a program calling for ending the "militarization of the Intifada," a euphemism for stopping violence. For the Palestinians to heed this call in practice, they need to be convinced that there is a viable alternative that will end their agony and bring them closer to freedom and independence. This is where the help of the international community is needed most.

Dr. Ziad Abu-Amr is an elected member of the Palestinian Legislative Council from Gaza and former Minister of Culture in the Palestinian Authority.

Israeli Approaches to Palestinian Reform

By Yossi Alpher

During the Arafat era, Israelis were ambivalent, even cynical, about the Palestinian reform process. The election of Mahmoud Abbas (Abu Mazen), who appears to be more genuinely committed to reform, will perhaps produce a more positive Israeli attitude. But for a host of reasons, in some circles the skepticism will persist.

Initially, with the advent of the Palestinian Authority in 1994, the Rabin government ignored Palestinian financial corruption—indeed, at times collaborated in stashing away funds on behalf of Arafat—and condoned Arafat's dictatorial tendencies and the proliferation of security organizations. From Israel's standpoint, as long as Arafat delivered on security and the peace process could proceed, it mattered little what sort of regime he maintained. Israel, after all, had never cited lack of reform in Egypt or Jordan as reasons not to make or maintain peace with its Arab neighbors. Indeed, in the Palestinian case Israel did insist upon the establishment of a democratic regime structure as part of the Oslo process, but by and large Israeli interest in that process went no further.

After the peace process collapsed in 2000 and violence broke out, the new government headed by Ariel Sharon began to insist on reform of the Palestinian security services as a means of satisfying Israel's demand for a cessation of violence prior to the resumption of negotiations. With the advent of a radically new U.S. approach after the September 11, 2001 attacks, the Israeli political and security establishment joined in the U.S. call for Palestinian political and financial reform, and generally agreed to assist (subject to security concerns) this new, more comprehensive reform process.

As we enter the Abu Mazen era, the experiences of recent years have created a number of different schools of thought in Israel concerning Palestinian reform. The cynics, mainly but not only on the political right, continue to believe that Palestinians, indeed Arabs in general, are incapable of serious financial, political and security reform. They attribute this to fundamental anti-democratic attributes of Arab culture: attitudes toward women, clan-based societies, Islamist tendencies, etc. Broadly speaking, they expect Abu Mazen to fail, just as they anticipate failure in Iraq.

Prime Minister Sharon himself almost certainly belongs to the cynics. But he will cooperate with reform programs and indeed adopt them as criteria for political progress because he understands that this approach is vital for maintaining close relations with the Bush administration. Yet to the extent that Abu Mazen is perceived to be succeeding at reform and the Palestinian experiment in democracy and transparency is held up as a success, Sharon will be in a predicament. Simply put, he does not want to make the territorial concessions that would be deemed necessary to create a stable two-state solution between Israel and a democratic Palestine. Hence Sharon, who is in general deeply skeptical concerning peace agreements with Israel's neighbors, is likely to play down Abu Mazen's reform successes, and to seek to use additional, but limited, disengagement initiatives to preempt a political process.

A successful Palestinian reform process would present an even greater challenge to the Sharansky/Netanyahu neo-conservative school of Middle East reform, which predicates any and all progress toward peace on Arab democratization and reform. Suppose Abu Mazen succeeds? Will Sharansky, who has long championed the West Bank settlements, now agree that they be removed? Or will he prove what his critics say, that the democratization demand is merely an excuse for holding onto land?

There are also elements of Israeli society that are likely to take a more positive view of Palestinian reform and peace. There are bureaucratic and NGO technocrats who have always been interested in assisting Palestinian reform, as well as a relatively small camp on the left that will advocate an immediate return to comprehensive peace negotiations, regardless of the status of Palestinian reform efforts. Neither of these groups is likely to wield significant political influence for now. The Israeli security establishment, on the other hand, could become an effective advocate of territorial and other compromise if it recognized as a genuine, trustworthy security partner that had succeeded in stamping out Palestinian terrorism.

Which Israeli approach to Palestinian reform prevails depends on many factors. Some are external to Israel—for example Abu Mazen's success or failure, the success or failure of reform in Iraq and its overall ramifications for the Arab world, and the Bush administration's assessment of the Palestinian effort and willingness to back it by placing demands upon Israel. But the more significant factors will be internal to Israel, especially the outcome of Sharon's Gaza disengagement program and the political landscape that emerges in its aftermath.

Yossi Alpher is former director of the Jaffee Center for Strategic Studies, Tel Aviv University, and a former senior adviser to Prime Minister Ehud Barak. He currently co-edits bitterlemons.org and bitterlemons-international.org.

Palestinian Reform and International Assistance

By Larry Garber

On March 1, the Quartet (the United States, United Nations, European Union, and Russia) and other donors will meet in London to discuss ways to support the new Palestinian leadership in carrying out political, economic, and security reform, as well as preparing for Israeli

disengagement from Gaza. Hosted by British Prime Minister Tony Blair, the meeting builds on several years of donor efforts and will set the stage for a subsequent pledging conference.

Sustained international effort to press for Palestinian Authority (PA) reform emerged following President Bush's June 2002 speech, in which he explicitly tied movement toward Palestinian statehood with PA reform. Within weeks of Bush's speech, key donors (the United States, European Union, Russia, UN Secretary General, Norway, Japan, World Bank, and International Monetary Fund) formed the Task Force on Palestinian Reform (TFPR). Working with seven reform support groups organized by donors physically operating in the Palestinian territories, the TFPR established a series of specific benchmarks against which PA performance was evaluated at subsequent TFPR meetings in 2002 and 2003. This extensive international attention ensured that the issue of reform remained on the front burner, even as the socioeconomic situation in the Palestinian Territories deteriorated, and the conflict between Palestinian militants and Israeli Defense Forces intensified.

Since 2000, Palestinian reform efforts have been driven by internal as well as external pressures, especially advocacy by various Palestinian Legislative Council (PLC) members and civil society activists. Together, these Palestinians made the issues of reform and anti-corruption a dominant theme in Palestinian political discourse. Even more important, internal pressures led to the appointment of the well-respected former International Monetary Fund (IMF) Resident Representative Salam Fayyad as Minister of Finance in June 2002, the PLC rejection of Arafat's proposed cabinet (deemed insufficiently reform-minded) in September 2002, and the strengthening of the Prime Minister's authorities in March 2003. Fayyad, in particular, has revolutionized PA practices, earning the trust of the international community and the Israeli authorities.

Elections, viewed by all as an integral component of the reform agenda, from the outset created a conundrum for the international community as well as for Palestinians. Despite profound rhetorical commitment to democratic processes, the United States was ambivalent about holding Palestinian presidential elections while Arafat was alive. For their part, Arafat and his inner circle were reluctant to schedule legislative or local elections, which they feared might result in a repudiation of their rule. Indeed, following Arafat's death, there was a serious debate regarding whether Abu Mazen should be elected or simply crowned. Nonetheless, the pressure of Palestinian reformers, who have long advocated elections as a means to create a new dynamic in Palestinian society, bore fruit first with the decision to organize phased municipal elections and then the decision to schedule a presidential election within 60 days of Arafat's death, as required by the Palestinian Basic Law.

Tellingly, the issue of security reform has not been on the TFPR agenda. Rather, the United States, with the concurrence of both the Israeli government and the PA, preferred to address this subject in a separate and exclusive forum, which represented an outgrowth of the arrangements that had existed since the Oslo Accords were signed in 1993. The consequence of this policy decision was that security reform was detached from broader discussions of political and economic reform, including those areas such as rule of law and judicial reform, whereas there should have been an organic connectivity if the goal was a democratic system of government.

Many Palestinians view the above as ancient history and are hoping that, with Mahmoud Abbas's election, an improved future awaits them. Consequences of the reform process of the past five years, however, will continue to inform developments during the coming months. For example, 2003 amendments to the Basic Law, seen as an important reform measure to curtail Arafat's monopoly on power, now limit Mahmoud Abbas's constitutional authority to the appointment of a prime minister and a limited number of other circumscribed ministerial responsibilities. The independent Central Election Commission, whose establishment was one of the major achievements of Palestinian reformers and which performed admirably in organizing the presidential election, has seen the resignation of several senior officials who believe the Commission was subjected to inappropriate, heavy-handed actions by senior Abbas supporters on election day. Most notably, the PA must now bring security reform back under its control in order to reestablish a monopoly of authority over the use of force for all who operate within the Palestinian territories.

All these efforts will take place under a bright international spotlight. Following the March 1 meeting, the TFPR will undoubtedly revitalize efforts both in their capitals and in the Palestinian territories.

Larry Garber, currently Executive Director of the New Israel Fund, directed the United States Agency for International Development (USAID) program in the West Bank and Gaza from 1999 to 2004.

Prospects for Palestinian Security Reform

By Alastair Crooke

Events since PLO Chairman Arafat's demise—the unexpectedly smooth transfer of business to a pragmatic leader committed to negotiations and reform, Palestinian security forces' efforts to stop militant attacks, and the Israeli-Palestinian truce announced at the February 8 Sharm Al Sheikh summit—have brought a wave of optimism to analyses of Palestinian affairs. Observers are seeing this as the window for the reform of Palestinian security services, a crackdown on militants, and the opportunity to call Israeli Prime Minister Sharon's bluff in respect to further steps along the route of the Road Map. This reading of the situation, however, is almost certainly misconceived. Even should the security services be consolidated and reformed, and attacks on Israelis ceased temporarily, an effective and lasting crackdown on militants is unlikely. The problem is not reform; the problem is mandate.

Expectation of a real crackdown of the sort demanded by Israel and enshrined in the Road Map—disarming groups such as Hamas and dismantling their militant capabilities—flies in the face of the lessons of recent years and the changes within the Palestinian constituency. As a Fatah Tanzeem leader and member of the Security Forces expressed it succinctly: “Hamas does not believe Sharon to be serious about a Palestinian state; Hamas doubts U.S. willingness to press Israel; and it also doubts that the Palestinian Authority has the ability to be effective in achieving a state. And are we are going to arrest and kill them for this?” The Hamas discourse on

the failure of Oslo and other incremental measures is no longer a minority sentiment; it has become the consensus. Polls that suggest otherwise should be treated with caution.

Still, so far the international community neither acknowledges nor accepts this erosion of credibility of incremental approaches and the consequent collapse of Fatah's mandate to dismantle and destroy its rivals. We overlook the evidence that Fatah no longer has the political will or legitimacy to arrest those who are perceived as resisting Israeli occupation. We refuse to see that marginalizing and isolating some Palestinian groups from the political process did not prevent them from frustrating the efforts of former Secretary of State Colin Powell, former Director of Central Intelligence George Tenet, and General Anthony Zinni to return to the security arrangements and commitments of the status quo ante. We ignore the fact that these groups are not a handful of armed militants, but are political movements deeply embedded in all levels of Palestinian society.

New Palestinian President Mahmoud Abbas (Abu Mazen) is trying now to co-opt Hamas and other militant groups. This may be his intention, but he is unlikely to succeed. Fatah has chosen to attempt to gain legitimacy via a presidential election that was little more than internal Fatah housekeeping. It was never probable that Hamas would contend the presidential election. The real test of Abu Mazen's mandate, the Palestinian Legislative Council elections in which Hamas is likely to participate, has been postponed until July 2005. Elections within Fatah itself are set to follow the legislative elections. By putting the process in reverse order, Abu Mazen and Fatah are in essence postponing real change rather than pursuing it. In these circumstances, it is not clear that Abu Mazen will be able to deliver the power sharing he has offered to Hamas. Will he gain the support of Fatah's Central Committee for this radical departure? Hamas, for its part, remains doubtful that Abu Mazen will extract true reciprocity from Israel.

If the international community is genuinely seeking an end to conflict, it needs to help recreate legitimacy and a critical mass of popular support for the means and objectives that we are urging upon the Palestinians and Israelis. This would require a genuinely inclusive political process, through fair elections, that would include other factions such as Hamas within some power sharing agreement. Internal Palestinian accommodation would permit the selection of negotiating objectives and a negotiating team that are broad-based and mandated to make difficult decisions. The international community should not shy away from the fact that political inclusiveness is an Israeli benefit as much as a Palestinian requirement for any durable outcome.

The international community should save the money it plans to spend on security reform and focus on creating a real mandate. Security in a place such as Gaza is not about more computers, guns, and four-wheel drive SUVs. It is about legitimacy and credibility in a society in which one brother may belong to Hamas and the other may be a Palestinian Authority policeman. To shift our policies in favor of inclusiveness and away from support for Palestinian disunity is the path to re-legitimize security policy. International pressure on Abu Mazen to confront militants may end paradoxically by further weakening and dividing Fatah to the benefit of other factions.

Alastair Crooke formerly was adviser to EU High Representative, Javier Solana, and is now

Director of the Conflicts Forum. He was involved in facilitating Palestinian-Israeli cease-fire efforts between 2001 and 2003.

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News and Views

Iraqi Elections

Final results for the January 30 Iraqi elections for a Transitional National Assembly, 18 district councils, and an Iraqi Kurdistan National Assembly, have not yet been released. The Iraqi Electoral Commission was scheduled to release the final results on February 10, but announced that they would be delayed while 300 ballot boxes are re-examined. After receiving complaints of electoral irregularities from local election monitors as well as international monitors based in Jordan, the commission conducted an inquiry and found ballot boxes had been tampered with, mainly in the northern city of Mosul. Officials in the electoral commission announced a voter turnout of 60 percent.

Partial results released by the Iraqi Electoral Commission on February 7 indicate that the United Iraqi Alliance, a coalition of Shiite political parties backed by Grand Ayatollah Ali Al Sistani, has garnered 2.3 million votes, leading the field of 111 parties. The Kurdish Alliance (the Kurdistan Democratic Party and the Patriotic Union of Kurdistan) is in second place so far with 1.1 million ballots, and Interim Prime Minister Ayad Allawi's list is third with 620,000 votes. The United Iraqi Alliance also won 36 percent of the 265,000 absentee votes cast by Iraqis abroad, compared to 29 percent for the main Kurdish coalition and nine percent for Allawi's list, according to a complete count released by the Switzerland-based International Organization for Migration, which organized the vote in 14 countries. Iraqi expatriates were allowed to vote for the 275-seat National Assembly contest but not for members of the 18 provincial councils.

Once final election results are released, seats in the National Assembly will be allocated by proportional representation. The Assembly will elect a president and deputies, who will then choose a Prime Minister and cabinet. The Assembly is tasked with drafting a constitution by mid-August, on which Iraqis will vote by October 2005. If accepted by more than 50 percent of voters, elections for a new assembly will be held within two months. If it is rejected, the National Assembly will be dissolved and Iraqis will elect a second one to redraft the constitution. The permanent constitution also will fail if rejected by two-thirds of the voters of any three provinces.

Palestinian Elections

[Click here for the results of the Palestinian presidential elections.](#)

Palestinian and international observers monitored the elections extensively and judged the voting to be generally free and fair despite shortcomings. According to a report by the National Democratic Institute (NDI) and the Carter Center, "the election was contested vigorously and

administered fairly” but there were scattered incidents of intimidation and harassment by some Fatah activists. East Jerusalem voting was problematic due to the lack of proper facilities and clear procedures. Members of the Palestinian Central Elections Commission (CEC) resigned after controversy over their decision to extend the voting time by two hours and to allow citizens to use identification cards to vote at the nearest polling center instead of previously designated centers.

According to the CEC, 802,077 people voted, about 48 percent of the 1.6 million eligible Palestinian voters in the West Bank and Gaza Strip. Hamas (the Islamic Resistance Movement) and Islamic Jihad called for a boycott of the election.

Palestinian Authority Interim Chairman Rawhi Fattouh announced January 8 that Palestinian Legislative Council (PLC) elections will be held July 17. The PLC is currently debating amendments to the electoral law.

Municipal Elections

Hamas made a strong showing in the first stage of municipal elections in the West Bank and Gaza Strip. In the Gaza elections on January 27, Hamas won seven of the ten councils. In the West Bank elections on December 23, Hamas won eight of the 26 councils, an apparent surprise because the 26 municipalities were handpicked as Fatah strongholds. Fatah won 12 West Bank councils and six went to independent candidates. Hamas, which participated in elections for the first time, ran on an anti-corruption ticket. The elections were marked by a high voter turnout: 85 percent in Gaza and 81 percent in the West Bank. The next round of municipal elections will be held on April 28 and will include the large population centers of Gaza: Khan Younis, Rafah, and Gaza City.

Egyptian Opposition Leader Arrested; Groups Rally for Constitutional Reform

Ayman Nour, member of Egypt’s Parliament and founder of the recently legalized opposition Al Ghad (“Tomorrow”) Party was stripped of his parliamentary immunity and arrested January 29 on charges of forging signatures on documents under which his party was registered. The Supreme State Security Prosecutor on January 31 extended his detention for 45 days. Nour denied the charges and said the arrest was meant to silence his party, which has pushed for constitutional reform and open presidential elections. The Supreme Press Council, a division of the Shura Council (the Upper House of Parliament) responsible for licensing newspapers, closed down the party’s newspaper *Al Ghad* just hours before its first edition on February 9, due to an alleged dispute over the paper’s editorship.

The crackdown on Al Ghad occurred in the context of campaigns by civil society and opposition groups for political and constitutional reform addressing mounting debate over President Hosni Mubarak’s intention to seek a fifth six-year term. In a symbolic challenge to Mubarak, three intellectuals—sociologist Saad Eddin Ibrahim, feminist writer and activist Nawal Al Saadawi, and former MP Muhammad Farid Hassanein—announced in December their desire to run for the presidency. The Defense of Democracy Committee, led by leftist Tagammu Party Secretary

General Hussein Abdul Razeq, presented a draft constitution on January 10 that would curtail presidential powers by making the president accountable to a democratically elected parliament. The Popular Campaign for Change (also known as Kifaya, or "Enough"), an umbrella group of human rights and civil society organizations, staged public protests on December 12 and February 4 against a fifth term for President Mubarak. Three members were arrested on January 28 for "incitement against public order" as they distributed leaflets at the annual Cairo International Book Fair calling for the demonstration on February 4. In a letter to President Mubarak, Human Rights Watch demanded the release of Nour and the three Kifaya activists.

The constitutional issue also figured in debates surrounding meetings that began on January 31 between the ruling National Democratic Party (NDP) and 15 opposition parties. While several opposition parties reportedly agreed to postpone demands for constitutional amendment until after the presidential referendum, a subcommittee formed by NDP vice chair Kamal Al Shazli and the heads of the opposition Wafd and Tagammu parties will continue to meet to discuss the issue. In an interview on his way to the African summit in Nigeria on January 29, President Mubarak asserted that calls for constitutional change were "futile." Under the current Egyptian Constitution, the People's Assembly chooses a single candidate for the presidency, who is then presented to the public in a referendum. The nomination is scheduled for May and the presidential referendum for September. Egypt will also hold elections for the Lower House of Parliament, the People's Assembly, in October.

Municipal Elections Begin in Saudi Arabia; Protesters Flogged in December

Elections for half of the seats on municipal councils began February 10 in Riyadh, with additional rounds elsewhere in the country on March 3 and April 21. The remaining council members will be appointed. Women are excluded from voting or candidacy. While less than half of those eligible to vote registered, Riyadh saw active campaigning by candidates in the days leading up to the vote.

In response to speculation over changes in the Shura Council, Defense Minister Sultan Bin Abdul Aziz stated January 26 that the government will expand the council from 120 to 150 members and grant its members wider powers, but that no elections will take place. Currently, the council's powers are limited to making recommendations on legislation as well as questioning ministers.

A Saudi court sentenced 21 people to two to six months imprisonment and flogging for participating in a public demonstration in Jeddah on December 16. The demonstrations, which called for an elected government, an independent judiciary, and a new Islamic constitution, were organized by Saad Al Faqih, a London-based Saudi dissident who heads the Movement for Islamic Reform and has been accused by the United States and Saudi Arabia of having ties to Al Qaeda. The New York-based group Human Rights Watch accused the Saudi government of violating the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Saudi Arabia became a signatory in 1997. It is unusual for protestors and political dissidents to be sentenced to flogging, which is usually reserved for moral offenses such as adultery.

Human Rights Step in Libya

Libya's Parliament, the General People's Congress, on January 12 abolished the People's Court, an exceptional court that tried political cases. The Parliament also resolved to establish a new committee on legal affairs and human rights. Amnesty International welcomed these developments as a "step forward for human rights in Libya" and called for the abolition of other institutions related to the People's Court, as well as the transfer of all pending cases to the ordinary criminal court system. Amnesty International also highlighted that there are still many prisoners of conscience in Libya including 85 who were sentenced on appeal in December 2004 to between ten years' imprisonment and the death penalty on allegations that they supported the banned Al Jama'a Al Islamiyya Al Libiyya (Libyan Islamic Group).

Morocco Moves Forward on Human Rights Issues

Victims and relatives of victims of disappearances and arbitrary detention are presenting testimonies before the Moroccan public in a series of hearings broadcast on national television and radio. The hearings, which do not permit the victims to identify individuals responsible for the violations, are organized by the Equity and Reconciliation Commission established by King Muhammad VI in January 2004 to investigate cases of disappearances and detention that occurred between 1956 and 1999. In a related development, the Moroccan cabinet endorsed a bill on December 28 that amends the existing criminal code to prohibit torture as defined by the International Convention against Torture. Morocco also signed the Arab Charter on Human Rights on December 27, becoming the fourth Arab country to do so. Jordan, Egypt, and Saudi Arabia have also signed the Charter, which was approved by the Arab League summit in Tunis in May 2004.

New Cabinet in Bahrain

Bahrain's king Sheikh Hamad Bin Isa Al Khalifa swore in a new cabinet on January 15, elevating several reform-minded ministers. He also added two new members, including Fatima Al Balushi, who becomes the second female minister in Bahrain. Although some members of the government's old guard lost their portfolios, opposition groups criticized the government for keeping many prominent ministers in strategic positions. Members of the royal family hold ten of the 21 cabinet seats, including key portfolios such as oil, defense, interior, and foreign affairs. In another development, the Bahrain Human Rights Center resumed its activities on January 6, in defiance of its September 2004 closure by the former Minister of Labor and Social Affairs on the grounds that it had violated the 1989 associations law. The center lacks official status, as it is no longer functioning under the associations law.

Lebanese Cabinet Endorses Controversial Electoral Law

In light of Parliamentary elections scheduled for May 2005, Lebanon's cabinet endorsed a new electoral law on January 27 that divides the country into small electoral districts (qadas) along

confessional lines, with voting based on a majority system. The decision to adopt qadas, which passed with the support of 23 ministers out of the 29 present, is largely viewed to favor the Christian opposition as it separates the Christian voters from the Muslim electorate, which constitutes a majority in many significant areas. One controversial issue is the division of Beirut into three districts grouping its different religious communities, in an apparent attempt to decrease the representation of former Prime Minister Rafik Hariri. Political forces opposing the law call for a proportional representation system based on the larger governorate as electoral district. Opposition and pro-government figures criticized the fact that the cabinet dropped proposals to lower the voting age from 21 to 18 and to allocate 30 percent of parliamentary seats to female candidates.

The cabinet also endorsed article 68 of the Media Coverage Law, which allows the government to shut down indefinitely any media institution that broadcasts advertising for candidates in the run-up to elections. Lebanon's Audiovisual Media Union criticized the ban as a "violation of the media plurality principle, public freedom, and the rights of citizens to information." The draft electoral law has been submitted to Parliament for a vote by February 15.

Reform Initiative in Jordan

In a televised address on January 26, King Abdullah announced an initiative to decentralize political and fiscal authority by redrawing the current administrative divisions and transferring responsibility for planning, spending, and service delivery from the Parliament and central ministries to directly elected local councils.

Upcoming Events

- Saudi Municipal Elections: Half the members of municipal councils are scheduled to be elected February 10 in Riyadh; March 3 in the Eastern Province as well as the Asir, Baha, Jizan, and Najran regions; and April 21 in Mecca, Medina, Qasim, Al Jawf, the Northern border region, Tabuk and Hail.
- Meeting on strengthening the Palestinian Authority: March 1, London.
- Meeting of G-8 and Arab League Foreign Ministers: March 2-3, Cairo.
- League of Arab States summit: March 22, Algiers.

Views from the Arab Press

The recent elections in Iraq prompted extensive debate in the Arab press. A February 5 editorial in Iraqi daily *Al Zaman* expresses optimism about the elections. It argues that even those who were not able to vote for security or political reasons will have the opportunity to participate in the political process.

In an article in *Ash-Sharq Al Awsat* on January 31, Ahmad Al Rabi asserts that Iraqi citizens have thrown the ball into the politicians' court and Iraqi leaders now have to fulfill constituents' demands for security and the rule of law. Saudi writer Tawfiq Al Saif calls on the winners of the elections to launch a national dialogue with the forces which opposed the elections. Writing in Saudi Arabia's *Okaz* on February 5, he warns that minority groups must not feel excluded from the political process. Ghassan Sharbel, editor of the pan-Arab *Al Hayat*, emphasizes in an op-ed on January 30 that the consequences of the Iraqi elections are not limited to Iraq but have regional implications. The elections give the United States the opportunity to redefine its role in the region and raise questions regarding Iraq-Iran relations, the future of Kurdistan, and sectarian tensions in the Middle East.

By contrast, a January 31 opinion piece by Abdul Bari Al Atwan, editor of the London-based pan-Arab daily *Al Quds Al Arabi*, argues that the elections in Iraq were staged and sent a negative message to the Arab public because they were conducted under an occupation. Leading Islamist commentator Fahmi Howeidi accuses the U.S. government of using the elections to legitimize the system it imposed on the Iraqi people. In an article in the pan-Arab newspaper *Ash-Sharq Al Awsat* on February 2, he argues that the elections did not transfer any decision-making power to Iraqis. Writing in Jordan's independent daily *Al Ghad* on February 5, Tarek Dilwani argues that the U.S. strategy in Iraq has been to support Shiite secular forces led by Ayad Allawi as a way to satisfy Shiites in Iraq and at the same time achieve U.S. goals in the country.

Ali Al Jerbawi, former head of the Palestinian Central Elections Commission, writes about the recent Palestinian elections in the semi-official Palestinian daily *Al Ayyam* on February 5. He warns that elections and political pluralism are necessary but not sufficient for the creation of a democratic system. In a piece in *Ash-Sharq Al-Awsat* on January 3, Lebanese journalist Samir Atallah contends that democracy is more probable in Palestine than in Iraq because the Palestinians have a history of media freedom and political dissent.

President George Bush's inauguration and State of the Union speeches, which focused heavily on the need for freedom in the region, were received with skepticism in the Arab press. Writing in Lebanon's leading independent paper *Al Nahar*, Rafiq Khouri criticizes President Bush's rhetoric on democracy, saying that the United States continues to support authoritarian regimes. He asserts that democracy in the region is an illusion as long as Iraq is under occupation and the Arab-Israeli conflict remains unresolved. The year 2005 will not witness real change in the Arab world, argues Salah Al Din Hafez in a January 5 article in Egypt's government-owned *Al Ahram*. Together, the U.S. government and the leaders of the Middle East will oppose any real democratic reform this year and for years to come.

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Read On

As international attention is focused on the Iraqi elections, several recent writings analyze the current situation and future challenges in Iraq. Ahmed S. Hashim argues that signs of multi-

layered conflict do not bode well for Iraq's future stability in "Iraq: From Insurgency to Civil War?" (*Current History*, vol. 104, no. 678, January 2005, 10-18). Kenneth Katzman contends that a power sharing agreement among major factions is the model most likely to end the insurgency ("Possible Pathways for Iraq's Political Evolution," *Middle East Policy*, vol. 11, no. 4, December 2004, 58-64). In "Ayatollah Ali al-Sistani and the Democratization of Post-Saddam Iraq," Babak Rahimi observes that Al Sistani's strengthening of civil society in southern Iraq might play a crucial role in the building of democratic governance at the local level, but he could also have a negative influence by pushing for a Sharia-based constitution (*MERIA*, vol. 8, no. 4, December 2004). Adeed Dawisha's "Democratic Attitudes and Practices in Iraq, 1921-1958," challenges the view that democracy in Iraq is untenable because of a lack of democratic traditions (*Middle East Journal*, vol. 59, no. 1, Winter 2005, 11-30). In "Post-Election Iraq: Facing the Constitutional Challenge," Nathan Brown analyzes the challenges that will confront Iraq's newly elected National Assembly, particularly in drafting the permanent constitution (Carnegie Endowment for International Peace, Policy Outlook, February 2005).

Michael E. O'Hanlon criticizes the U.S. armed forces for failing to provide security after destroying Iraq's government ("Iraq Without a Plan," *Policy Review*, no. 128, December 2004/January 2005, 33-46). A recent report by the International Crisis Group (ICG) argues for a "dual disengagement" strategy to meet the new realities in Iraq: a gradual U.S. political and military disengagement from Iraq and a clear Iraqi distancing from the United States ("What Can the U.S. Do in Iraq?" ICG, Middle East Report no. 34, December 22, 2004). Two articles in the latest issue of *Foreign Affairs* also address the U.S. role in Iraq. In "Iraq: Winning the Unwinnable War" James Dobbins argues that the United States should reduce and ultimately eliminate its military presence, train Iraqis to beat the insurgency on their own, and cooperate with neighboring states (*Foreign Affairs*, vol. 84, no. 1, January/February 2005, 16-26). Edward N. Luttwak, on the other hand, calls for immediate American disengagement from Iraq ("Iraq: The Logic of Disengagement," *Foreign Affairs*, vol. 84, no. 1, January/February 2005, 26-37).

In an analysis of the political implications of PLO leader Yasser Arafat's death, a report by the International Crisis Group (ICG) calls on the new Palestinian leadership to revitalize Palestinian institutions and integrate the Islamist opposition into the political system ("After Arafat? Challenges and Prospects," ICG Middle East Briefing, December 23, 2004). Glenn E. Robinson sees it as a rare historic opportunity for beneficial change through a revitalization of Palestinian politics, but warns that Palestine faces structural conditions that will not be changed easily ("After Arafat," *Current History*, vol. 104, no. 678, January 2005, 19-24). Nathan Brown provides insight on the Palestinian elections in "Frequently (and less frequently) Asked Questions About Palestinian Presidential Elections" (Carnegie Endowment for International Peace, Briefing Document, January 2005).

Several writings examine aspects of democratic reform in specific Arab countries. Joseph A. Kéchichian contends that democracy is developing at a "painfully slow" pace in the states of the Gulf Cooperation Council but he is hopeful that the process will empower citizens to assume a greater share of governance ("Democratization in Gulf Monarchies: A New Challenge to the GCC," *Middle East Policy*, vol. 11, no. 4, December 2004, 35-57). Yustina Saleh argues that Egypt's legal and judicial institutions fail to provide adequate protection of the rights of religious

minorities (“Law, The Rule of Law and Religious Minorities in Muslim Countries: The Case of Egypt,” *MERIA*, vol. 8, no. 4, December 2004). Hesham Al Awadi explores the reasons behind Egyptian President Hosni Mubarak’s policy changes towards moderate Islamists in “Mubarak and the Islamists: Why Did the ‘Honeymoon’ End?” (*The Middle East Journal*, vol. 59, no. 1, Winter 2005, 62-80). In “An Unexpected Mandate? The April 8, 2004 Algerian Presidential Elections” Robert P. Parks attributes President Abdelaziz Bouteflika’s reelection to the opposition’s inability to generate an electoral platform that resounded with public opinion (*The Middle East Journal*, vol. 59, no. 1, Winter 2005, 98-106). Robert Satloff views Jordanian King Abdullah’s initiative for decentralizing political and fiscal authority in the kingdom as one of the means by which the monarch hopes to keep pace with the democratizing trend in the Middle East, headlined by the success of recent Palestinian and Iraqi elections (“A Reform Initiative in Jordan: Trying to Keep Pace with Iraqi and Palestinian Elections,” Washington Institute for Near East Policy, Policy Watch no. 953, February 4, 2005).

Two publications address the reform potential of Islamists. A new book by Reuel Marc Gerecht argues that “those who have hated the United States most—Shiite clerics and Sunni fundamentalists—hold the keys to spreading democracy among the faithful” (*The Islamic Paradox: Shiite Clerics, Sunni Fundamentalists, and the Coming of Arab Democracy*, Washington, D.C.: AEI Press, November 2004). In “Unity Through Opposition: Islam as an Instrument of Radical Political Change” Thomas Butko argues that Islamists’ indigenous ideology, strong organization, and long-term strategy render them the only credible alternative to the region’s inefficient and repressive regimes (*MERIA*, vol. 8, no. 4, December 2004).

The human rights situation in several Middle Eastern countries did not improve in 2004, according to the annual report of the New York-based watchdog group Human Rights Watch. In most countries the key human rights concerns are arbitrary detention, mistreatment of detainees, restriction on freedom of movement, and lack of official accountability (*World Report 2005*, Human Rights Watch, January 2005). Human Rights Watch also released a report on January 25 documenting abuses committed by Iraqi security forces against people in detention (“The New Iraq? Torture and Ill-treatment of Detainees in Iraqi Custody” Human Rights Watch, January 2005).

Three articles address the overall role of the United States in the region. In “The Limits of Shock and Awe: America in the Middle East,” Augustus Richard Norton and Farhad Kazemi argue that suspicions of U.S. motives in the Middle East undermine its proclaimed project of reform (*Current History*, vol.104, no. 678, January 2005, 3-9). Dennis Ross calls on the U.S. to adopt a more modest definition of success in Iraq, foster a moderate Palestinian leadership by re-engaging in the peace process, and support Muslim reformers in the region (“The Middle East Predicament,” *Foreign Affairs*, vol. 84, no. 1, January/February 2005, 61-74). In “Close, But No Democracy” Ray Takeyh contends that the U.S. must realize that unless Arab regimes allows pluralism, power-sharing and judicial independence, liberal autocracy—not democracy—will be the result (*The National Interest*, Winter 2004/05).

Several new Carnegie Endowment publications consider aspects of U.S. policy toward reform in the region. A new edited volume by Thomas Carothers and Marina Ottaway examines the

current state of Arab politics and explores the possible elements of a U.S. democracy promotion strategy for the region. For information about the book, *Uncharted Journey: Promoting Democracy in the Middle East*, click here (Washington, D.C.: Carnegie Endowment for International Peace, 2005). Carothers proposes re-launching the Middle East Partnership Initiative (MEPI) as a private foundation in “A Better Way to Support Middle East Reform” (Carnegie Endowment for International Peace, Policy Brief no. 33, February 2005). This would allow MEPI to develop greater expertise in the region, use more flexible, effective aid methods, and gain some independence from other U.S. programs and policies that serve conflicting ends. Ottaway and Amr Hamzawy argue that for the United States and Europe to work productively together in promoting political reform in the Middle East, they should pursue separate but complementary policies that emphasize the respective strengths of each side (“Political Reform in the Middle East: Can the United States and Europe Work Together?” Carnegie Endowment for International Peace, Policy Outlook, December 2004).

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