

The Role of Law...

Friday's discussions touched on the need for a culture of respect for human rights and of trust in the rule of law in order to protect and embrace diversity in the transitional MENA region. But the question today was: what law?

International human rights conventions have been signed in most states, but this doesn't guarantee their implementation.

The newly drafted constitutions still show a preference for the implementation of Islamic law, but how can this ensure diversity and inclusivity are embedded in society if Islamic law is so often considered to be in conflict with human rights law?

"If Islamic law is to be used as a source of law, then it must be subject to demands of the revolution: bread, dignity, social justice for all," insisted one Fellow.

Free and open public discourse surrounding the application of both Sharia and Fiqh must be allowed and encouraged if it is going to form the basis of governments' interactions with their citizens.

"If you can't handle Islamic law to be debated, then take it out of the public sphere," the Fellow added.

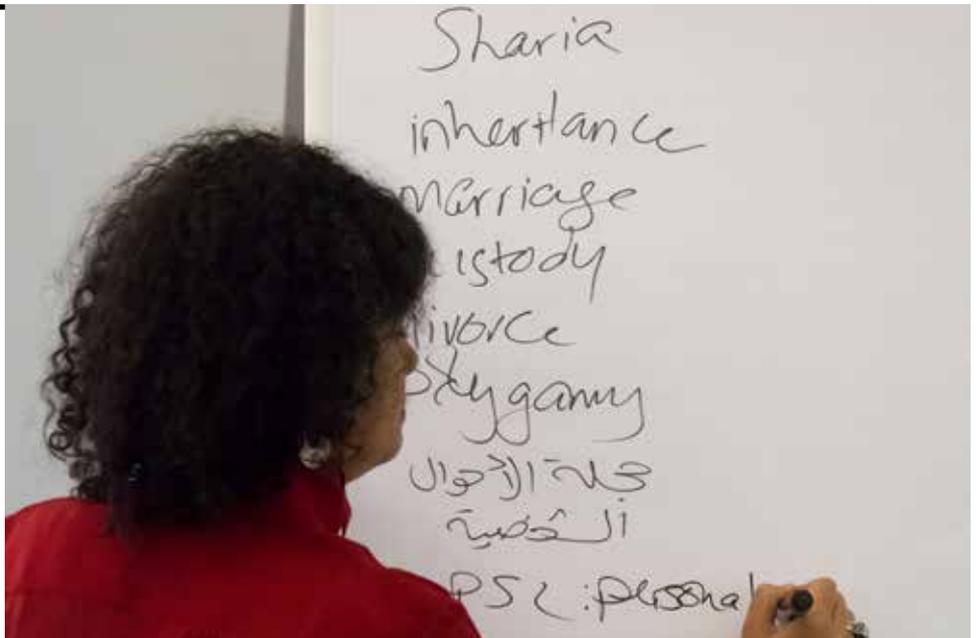
...And the Role of Policy

Policy formation involves much more than just passing laws, Fellows heard today.

Policy is the plan to achieve an end goal, be that greater freedom of speech, better public health, or ending female genital mutilation. This plan then uses all available tools; one of these tools is enacting legislation, but it is by no means the only one.

Given officials' reluctance to truly engage with their citizens (see adjacent story on Libya), civil society have a great role to play in driving policies that address not just political and civil rights but also economic, social and cultural rights.

But capacity building is needed to help these burgeoning groups identify and utilize all available tools, from surveying public opinion, writing policy briefs and engaging with media as well as politicians.



Marwa Sharafeldin lists the many different aspects of Islamic family law

Analyzing our "fortunate mess" Case studies from Egypt, Libya, Tunisia and Yemen tell of stalled progress

The one striking similarity in Egypt, Libya, Tunisia and Yemen is the pessimism.

"The situation in Yemen is a mess... We don't know if we should regret the actions of the Arab Spring," stated one Fellow.

Since 2012 fractious fighting has continued. In the North sectarianism is taking hold, whilst in the South, a feeling of betrayal has led to increased separatist sentiment.

The new establishment is now "sharing the sweets among themselves" making ordinary Yemenis question what – if any – real progress has been made.

In Libya, the once united sectors of society have lost common purpose now that Gaddafi is gone. Despite successful elections, the GNC remains elusive, with the lack of constituency offices stopping citizens from accessing their elected representatives.

"If you want something done, you'd better have a militia," one Fellow remarked. Powerful militias are now essentially holding Libya to ransom.

In Egypt, a culture of retribution

has taken hold. A developing group mentality – both of the majority and minorities – has led to a dehumanization of marginalized sections of society, in turn leading to increased violence coupled with an avoidance of personal responsibility.

Tunisia was the birthplace of the Arab Spring. It was the state of the economy and unemployment that led to Mohamed Bouazizi's self-immolation – yet economic issues abound still.

Positives could be found in the fact that election processes have been established and human rights norms appear to be taking root, with the new governments at least paying lip-service even if their actions still leave a lot to be desired. And even if politicians are still behind the curve on human rights, an "opinion poll you didn't expect to come out of Libya" indicated that staggeringly high proportions of respondents said they believed in such rights as women's equality and freedom of the press.

But as to just how much this poll reflects the whole population remains uncertain, much like the region's future.



Human rights advocate and Chair of the Arab Human Rights Fund, Fateh Azzam opens the Salzburg Global session on 'Getting Transition Right'

Interview: Fateh Azzam

“There are a lot of challenges to progress”

Oscar Tollast

The Board Chair of the Arab Human Rights Fund suggests the biggest priority in the Middle East and North Africa region is to create a shared common vision.

Fateh Azzam spoke at Salzburg Global as part of a seminar session entitled, ‘Getting Transition Right: A Rights-based Approach towards Diversity & Inclusivity’.

The session, which started on Friday, is being hosted by Salzburg Global and the Arab Human Rights Fund and will focus in particular on four key countries in the midst of transitions that can pilot new approaches to diversity management: Egypt, Tunisia, Libya, and Yemen.

Mr Azzam, who helped establish the Fund, has served on the boards of several Palestinian, Arab and international human rights organizations.

Prior to this, he served as regional representative for the Middle East for the United Nations High Commissioner for Human Rights from 2006 until 2012.

In a Q&A with Salzburg Global, he revealed the biggest challenges facing diversity and inclusivity in the region, what issues need to be prioritized and what role policy has to play.

What’s brought you to Salzburg Global this weekend?

We’ve co-organized with the Salzburg Global Seminar this discussion on diversity and inclusion in the Middle East and North Africa region.

Why did you decide to partner with Salzburg Global?

It came up by chance in a discussion between one of our staff members and people at Salzburg and it just seemed like a very good idea.

We in the Arab Human Rights Fund are moving more – besides doing philanthropy [and] grant-making in the human rights arena – we are also moving more towards creating a forum and developing the think-tank expertise to help people around the region think in human rights terms, to consider some of the human rights issues and the best ways to move around.

It just seems that the partnership for this particular topic, given what’s going on in the region, was a very important idea at this time.

What are the discussions centered on this weekend?

They’ll be centered on identifying what the issues are in terms of inclusion and

exclusion, and in terms of diversity. Not so much diversity management, but the relationship between how we encourage more inclusion and how we promote inclusion in the context of human rights. How can human rights and diversity interact?

That was raised actually in the first session. Is it a matter of creating a culture of diversity where human rights can be protected and guaranteed and respected, or is it an insistence on respect and the guarantee of human rights that can lead to more inclusive societies and societies that are at more acceptance of diversity when you protect inclusion by the rule of law and by guaranteeing human rights?

Whilst these discussions take place, what do you feel are the biggest priorities?

I think the biggest priority right now is to try and create – not consensus – but at least some common ground, some common vision in the region. There are so many things changing right now in the transitions after the revolts of the last couple of years.

People are so focused on the problems and on the reasons why we need a change but there’s not enough

discussion on what kind of vision for the future do we have and do we want. For us of course, as a human rights actor – the Arab Human Rights Fund – it is a human rights vision. It's a vision of inclusion.

It's a vision of the rule of law based on respect for human rights. How can we get people in the region to think in those directions so that the promise of the revolution can become real and not drowned in the differences, problems and issues, and the historic exclusions that have created the revolts in the first place?

What motivated you to get into this line of work in the first place?

I've been in this line of work for 30 years. A well-known American politician – I think it was Kennedy – said one time, 'If you're not part of the solution, you're part of the problem.'

So if you don't like the way a situation is, then you have a responsibility to do something to change it. Even if your role can be tiny and miniscule, it is a role and you have something to say, so you might as well jump in and try and do it.

You find people that you can do it with, you find colleagues, [and] you find people of like mind that you can work with to make it happen. That's what I've been doing for most of my life. That's what a lot of the people here are doing. It's a commitment to taking on a personal responsibility to be part of the change.

What do you feel are the biggest challenges to progress being made?

I feel there are a lot of challenges to progress. One [of them] is interference. There is a lot of interference. There's a lot of regional interference, a lot of international interference.

Everyone wants to play in our yard, and everybody has something to say and finds people they want to support. Another big, big problem is that there are a lot of vested interests: people that have power and don't want to give up that power. These people are allied to many of the people who are interfering from the outside as well so that the voice of the people gets lost.

The voices get lost, and that's one of the most important things from a conversation about inclusion: how do we make sure peoples' voices are heard again? I think that's what we have to



Ghanim al Najjar, professor of political science at Kuwait University, and Fateh Azzan share their pessimistic concerns regarding post-revolution progress in the MENA region

be looking for. That's a big challenge. How do you get people who have too much power to give up some of that power and allow others in?

What role does policy have to play in terms of diversity and inclusion?

We have to define policy first. Policy is not politics. Policy is having a direction, having a set of principles to guide what your politics should do. You have to have an idea that can then be translated into a policy that says, 'I want to go in that direction.'

For example, if you don't have an educational policy, then anybody can educate anyone they want and you can actually end up in a situation where differences are deepened and exclusion gets even worse.

Whereas if you have a policy on education that says education has to be inclusive, education has to be broad, education has to start at this level and go to that level, and has to incorporate human rights ideas in the education, then that policy can move us towards where we want to go.

What are you hoping to get out of this session?

First of all, the dialogue itself is crucially valuable on its own. Even if nothing else comes out, it's the fact that people have come together and will go back to their countries and take some of the different ideas that were shared. That's a very important outcome.

But then if we can manage to also get a set of recommendations for later to follow up in terms of developing policy ideas or policy directions in that specific national context - but also for the region as a whole - for each of the participants to take back and maybe try and build coalitions and move in that direction, then we would have had a very good impact from the meeting.

Of course, for the Arab Human Rights Fund, having tried to play this role as convener, [we are hoping] to be able to come back and get some interesting new ideas or clear ideas about not only our funding but where are program can go to help move this agenda of inclusivity and diversity forward.



Civil society groups in the region need to learn how to formulate and drive policy, explained Laith Kubba, senior director for the MENA programs at the National Endowment for Democracy. Groups need to take advantage of all tools available including surveying public opinion, writing policy briefs and engaging with media as well as politicians.

From the Floor Quotes from the day's discussions

“ We're in a fortunate mess! ”

“ [Yemen] could become a new Syria. ”

“ [In Yemen,] we don't have a military anymore. We just have militias that belong to different military men from old regime. ”

“ If you want to get something done in Libya, get a militia! ...Militias are now basically holding government to ransom and running the country. ”

“ 98% [of Libyans] believe in freedom of expression and the press. ”

“ The revolution's slogan 'bread, dignity and social justice' has been forgotten in favor of asking people if they are pro or against Islamists or pro or against the military. ”

“ When you ask if someone is for freedom of expression and equality of

course they say yes, but how do they want this concept applied? ...There is a disconnect between the principle and the practice. ”

“ If fiqh is going to be the basis for government interaction with its citizens, it must be open to consideration and discussion... If you cannot bare for fiqh to be debated by all people in the public sphere then it doesn't belong in the public sphere. ”

“ Too many people lack the intellectual bravery to discuss Islamic law. ”

“ If you are a Muslim, you have agency to discuss Islamic Law. If you are a non-Muslim subject to Islamic Law, you also have agency to discuss Islamic Law! ”

“ The biggest fight that exists post-Revolution is whether Sharia will be the the source of law or a source of law. ”

All quotes are approximate and thus have not been attributed to individuals. If you would like your quote amended and attributed so that it may appear in the session report, please notify Salzburg Global Editor Louise Hallman or Session Rapporteur Aimee Thomson.

Calling all bloggers!

We know many of you here are writers, journalists and bloggers and we welcome submissions to our website, SalzburgGlobal.org.

If you're interested in writing either an op-ed style article or a personal reflection blog post whilst you're here this week, please let Salzburg Global Editor, Louise Hallman know or email your submission directly to lhallman@salzburgglobal.org.

If you intend to write for your own publication either whilst you're here or afterward the session, please make sure to observe the Chatham House Rule (information on which is in your Welcome Pack). If you're in any doubt, do not hesitate to contact Louise.

You can also join in the conversation on Twitter with the hashtag [#SGSmena](https://twitter.com/SGSmena) and see all your fellow Fellows on Twitter via the list www.twitter.com/salzburgglobal/lists/SGS-508

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