

THE ARAB REVOLUTIONS

Reflections on the Role of Civil Society, Human Rights and New Media in the Transformation Processes

SAFRAN 09

**Schlaininger Arbeitspapiere für Friedensforschung,
Abrüstung und nachhaltige Entwicklung**

**Austrian Study Center for Peace and Conflict Resolution
Zsolt Sereghy, Sarah Bunk and Bert Preiss (eds.)**

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This publication series of the Austrian Study Center for Peace and Conflict Resolution (ASPR) gives young scientists the possibility to publish their research on international relations, peace and conflict, disarmament, and sustainable development. The SAFRAN series is open for other publications as well.

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Introduction

by Zsolt Sereghy, Sarah Bunk and Bert Preiss

On December 17, 2010, Mohamed Bouazizi, a Tunisian street vendor, set himself on fire in the Tunisian town of Sidi Bouzid in protest of the confiscation of his wares and the harassment and humiliation by a municipal official. At that time, no-one could have predicted that this event would be the catalyst of those series of violent events that have entirely transformed larger parts of the Middle East and North Africa – a process what today is commonly referred to as the “Arab Spring”.

The protest quickly spread across the country, forcing Tunisia’s long-ruling president Zine El Abdine Ben Ali to seek refuge in Saudi Arabia only after four weeks of desperate attempts to quell the uprising through means of sticks and carrots.

The day following Ben Ali’s departure from Tunis, on January 17, 2011, another young man immolated himself, this time near Egypt’s Parliament in Cairo. Within a week, organised mass demonstrations began on the capital’s central Tahrir Square demanding the ousting of President Hosni Mubarak who had been ruling the largest of the Arab nations since 1981. After 18 days of demonstrations, on February 11, Vice President Omar Suleiman announced that Mubarak had resigned as president and transferred authority to the Supreme Court of Armed Forces. Later that year, Mubarak was also ordered to stand trial on charges of premeditated murder and misuse of political power.

As can be seen from the prospect of more than a year, the protests have succeeded to set political transformation in these countries in motion. However, it remains to be seen whether this cascade of revolutions has initiated an actual process of democratization, which will equally fulfil its adherents’ aspirations. To date, reactionary forces and repressive regimes in several countries, especially in Syria, remain adamantly determined to stay in power and fight their respective opposition by resorting to violent means. While prospects in those countries for a successful revolution are therefore rather dim, developments elsewhere seem promising, as for instance in Tunisia.

Despite differing outlooks, the revolutions throughout the Arab world displayed a remarkable common feature. They essentially started off with nonviolent means and quickly managed mobilizing millions of protesters, who pressed for democratic reforms and regime change via mass demonstrations, strikes and peaceful marches. As often before, those in power usually tried to oppress this civil resistance with brute force. However, they proved unsuccessful in cracking down the protests and entirely unable to silence public demands. Although occasional escalations into violence occurred during rallies as well, the majority of the protesters remained nonviolent. Libya and Syria are exceptions to this rule: where in both cases governments resorted to vastly disproportionate and indiscriminate violence, leaving thousands dead, their opposition also seemed to see no other choice than to resort to violent struggle. While civil war broke out in Libya and was only terminated by international intervention through NATO, the outcome of Syria’s ongoing protests and demonstrations is still uncertain.

In Tunisia, the events of the Arab Spring have paved the way to the country’s first democratic elections since decades. The moderate Islamist Ennahda (Renaissance) Party, the winner of

the October elections, formed a government with two secular parties. However, while Tunisia seems to have been spared from the ongoing acts of violence characteristic to uprisings in Egypt, Yemen, Bahrain, Libya, and most notably, Syria, the country's new government is still to face a number of challenges and obstacles in the system's process of democratic transition.

In Egypt, not least due to the army's involvement in Mubarak's removal and the subsequent formation of a transitional military government, the democratization process seems to face a whole series of obstacles threatening to bog down the process. Slow reforms, ethno-religious violence between Islamists and the Copts, tensions along the Israeli-Egyptian border, and ongoing mass protests against the army's reluctance to transfer power after the November-December elections becloud the country's prospects for a successful democratization process. As it seems, the Egyptian Army is still unwilling and/or incapable to effectively govern the country, on the other hand however, it is also reluctant to give up its privileged powers and control over large sections of the country's major economic enterprises.

In the rest of the Arab World, however, *anciens régimes* are seemingly trying to stay in power at any price. Yemen's crisis for instance, that was successful to break President Saleh's rule, is still far from being solved. While the regime in Sana'a has eventually agreed to accept the Gulf Cooperation Council-brokered plan promising Saleh three final months in power and exemption from trial afterward for a smooth handing-over of authority, ongoing violence and state fragmentation along tribal lines are still the most apparent characteristics of everyday Yemeni reality.

On 24 November 2011, post-Gadhafi Libya saw the inauguration of a transitional government aiming to stabilize the country after months of extremely violent civil war dividing the country and protracted power struggles following the killing of its infamous dictator. A change as momentous as it is, Libya's new rulers are to face various questions in the near future including the determination of the country's political fundamentals and outlook, tribal and ethnic tensions, the circumstances of Gadhafi's murder and the fair trial of the fallen dictator's son, Saif Al Islam.

However, while most of the states of the Arab Spring have to deal now with the aftermaths of their revolutions and are taking the first steps in their transition process, Syria's Bashar Al Assad still maintains his power by force amidst rising civilian death toll, leaving the country on the brink of civil war. Despite the still growing number of protesters, increasing international pressure on the Arab League and at the UN-level and condemnation by former allies such as Turkey, Assad refuses to end the violence and instead commands his army to bombard oppositional strongholds such as the city of Homs for days on end. Effective international responses and sanctions against the decades-old Baath apparatus have so far been marred by Russia and China in terms of arms supply and UN-Security Council support. Coupled with the opposition's weakness due to its lack of political unity and leadership, these severe obstacles project many hurdles and much possible discord even in case of an assumed success of a late Damascene spring.

Just over a year has passed since the beginning of the Arab Spring, yet it would still be premature to draw valid conclusions regarding the outcomes of the revolutionary events. It is, however, apparent that the transition processes occurring in the Arab countries have frequently been accompanied by violence and human rights abuses, for which both the besieged regimes and the protesting – and even more, the successful – opposition

movements have been responsible. Moreover, removing a hated dictator is not the panacea removing all the accumulated frustrations of entire generations. More often, such a momentum is not more than the sole cause uniting otherwise diverse, competitive or even conflicting oppositional groups, which also differ widely in their goals and outlooks. Thus, the issue of how successful oppositional movements deal with their victory and newly assumed power is increasingly a challenge as big as ousting dictators.

Consequently, there is an immense need for reaching a better understanding of the events and implications of the Arab Spring, which requires in-depth analyses from multi-dimensional perspectives drawing from various disciplines and approaches.

... in this SAFRAN

Hence, this SAFRAN edition intends to contribute to the understanding of certain important aspects of the Arab Spring. It brings together four selected papers by young scientists and practitioners aiming to shed light on a number of issues crucial for the events. The particular focus is on the role of civil society, new media and human rights in shaping the transformation processes in the Arab World.

Firstly, Markus Sabadello explores the role social media has played in the democratization processes of the Arab Spring and organization of its mass protests. His detailed analysis attempts to refine popular misconceptions about the notion that declared social media – especially Facebook and Twitter – as the single most important weapon of protesters by adding a contrasting view of how these technologies were used by the opposed regimes. In addition, Sabadello identifies how actors from Western countries have contributed to the events and the role technological developments play for political movements.

Secondly, Léonie-Jana Wagner offers a human rights-based approach to observe the events of Tunisia and Egypt and to present a theoretical starting point for a development-oriented transformation designed for countries characterised by rapidly expanding populations and weak basic human rights standards. By drawing on relevant international human rights treaties, the analysis puts the foreseeable course of transformations likely to occur in a number of Arab Spring countries into a theoretical framework, thus enabling to assess the involvement of all members of a given society. The paper also seeks to highlight a selection of human rights-based principles with particular relevance for the reform processes and for the specific goal of overall social inclusion.

Thirdly, Zsolt Sereghy examines the specific case of Lebanon, a country of traditionally turbulent and more often than not violent political life, which has seemingly been exempted from the main course of the Arab Spring. By analysing a number of relevant factors that have contributed to the outbreak of violence elsewhere in the region, it should become apparent that the Lebanese state shows a surprisingly diverse picture in comparison with its fellow Arab neighbours in the wider region. Hence, its uniquely democratic and pluralistic political system, lack of ruling regime, particular outward-looking identity, religiously diverse society, and unrestricted media landscape that were all guaranteeing turmoil and sustaining the looming of a 15-years long civil war in the past now seem to have saved Beirut from a violent spring.

Finally, Pascal Schumacher reflects upon the May 2010 Gaza flotilla incident by analyzing it through seven characteristics of civil disobedience – a concept of crucial relevance to the events of the Arab Spring – and puts it in the context of the Palestinian-Israeli conflict. Schumacher then illustrates the role acts of civil disobedience could play in resolving this entrenched conflict and further results it may have had. Additionally, the legitimacy of the flotilla incident and acts of disobedience in general is investigated by applying certain criteria for legitimate civil disobedience.

The Role of New Media for the Democratization Processes in the Arab World

Markus Sabadello

"If your government shuts down your Internet, it's time to shut down your government."

-- Message on social networks during the 2011 Egypt revolution

Introduction

The year 2011 has seen a number of revolutionary political movements in the Arab World. Today, these movements, which had shared root causes, shared values, and shared strategies for civil resistance, are sometimes collectively referred to as the "Arab Spring". Over the course of these events unfolding, and from a perspective of media reporting, they have also been called by the catchy-sounding terms "Twitter Revolution" or "Facebook Revolution". This suggests a strong role of the respective social medias and Internet services, and indeed they have been used in a number of ways by both the authoritarian governments and by the oppositional popular movements that challenged them. Right from the beginning, we should leave no doubt that these terms can be very misleading and exaggerating the role of technology. Moreover, the Arab revolutions would most likely still have taken place without the Internet, just like previous revolutions have also taken place with the respective communication technologies that were available at their time. Early media reports tended to celebrate Facebook and other social media as inherently liberating technologies, however, one must be careful not to fall into the trap of "techno-utopism" by overlooking adverse aspects of technology, and by overestimating its overall potential. After all, revolutions are not started and carried out by technologies, but rather by people, by their burning desires and their fearless ingenuity.

Despite this risk of overstating their potential, the so-called "new media" such as the Internet or mobile phones have certainly played a major role in the way modern political revolutions and democratization processes take place, and in the way how these events are witnessed and supported by external

actors. The purpose of this article is to evaluate the actual potential of new media for such democratization processes, to take a more detailed look at a few specific cases such as the revolutions in Tunisia and Egypt, to evaluate the involvement of the West, and to examine some deeper technological aspects of the events.

New media for democratization processes

"We had no freedom of assembly in the streets of Cairo, so we assembled in cyberspace instead."

-- Egyptian activist

The use of terms such as "Twitter Revolution" in early media reports during the Arab Spring suggested that new media have suddenly emerged as omnipotent weapons for easily overcoming authoritarian regimes. However, the use of modern information and communication technologies by political movements is not new: In 1994, the Zapatista Army of National Liberation (EZLN) in Chiapas, Mexico pioneered the use of new media for political goals by communicating its motivations and demands through a public network of sympathizers and supporters all around the world. In 2000, the Serbian Otpor! movement opposing and launching a campaign against the socialist regime of Slobodan Milošević was famous for having a website for recruitment and political outreach even before it had an office. In 2008, hundreds of thousands of people, organized through Facebook, held a march in the Colombian capital Bogotá to protest the continuing, violent activities of the Revolutionary Armed Forces of Colombia (FARC). Although the use of new media during the Arab Spring has been portrayed as a novelty, in fact it only appears to be a logical continuation of their uses by earlier political movements. What is different today is that new media have played a more prominent role than before, that they have been used in more effective and determinate ways, and that the movements' protagonists were able to draw from previous as well as from each other's experiences. For example, actors in Egypt used similar new media techniques as their "predecessors" in Tunisia.

Before evaluating the amount of influence new media indeed had in the Arab Spring revolutions, it appears useful to take a look at the extent to which they were actually available and used by the general population. The "Arab

Social Media Report” by the Dubai School of Government provides penetration and usage data of some new media services within the respective region. For example, according to this report, in spring 2011 Facebook had a penetration rate of 22.49% in Tunisia, and 7.66% in Egypt. Twitter had a penetration rate of 0.34% in Tunisia, and 0.15% in Egypt. This means that although these Internet services have been hailed as having greatly influenced the revolutions of the Arab Spring, a majority of the population was not actually connected to them, and is therefore likely to have received news of the events through more traditional media or through word-of-mouth communication.

So how exactly can the Internet or mobile phones influence the initiation, course and outcome of revolutionary movements? According to a report by the United States Institute for Peace on “New Media in Contentious Politics”, there are several levels of new media influence that can be distinguished. While these levels are complex, interrelated and difficult to research empirically when applied to specific cases, they provide a useful framework:

- *Individual Transformation*: New media can affect politics via the effects they have on individuals, their competencies and their political views, e.g. new participants can be recruited to a movement.
- *Intergroup Relations*: New media can promote or undermine the bonding of group members to one another, and the bridging of members of different groups.
- *Collective Action*: New media can be used to initiate and organize collective action, such as marches or demonstrations.
- *Regime Policies*: New media can help established regimes to maintain their power in various ways, such as through censorship or counter-propaganda.
- *External Attention*: Information about a movement such as its ideologies and goals can be published to a wide audience, both domestically and internationally. This can happen in the form of manifestos, statements, demands, images or videos on web sites or social networking services. As a result, political sympathy or hostility from outside actors can be mobilized.

In Tunisia for example, Facebook as well as Youtube were used to spread images of the riots in the town of Sidi Bouzid following the self-immolation of Mohamed Bouazizi on

December 17, 2010. Even though long-term resentments against the government such as unemployment, corruption and restricted civil liberties have existed for some time, it was the publicity around the events in Sidi Bouzid that laid the emotional foundation for the outbreak of the revolution.¹ One user stated in a message on the Twitter micro-blogging platform: “Let’s hope that this event in Sidi Bouzid isn’t limited to Bouazizi’s health ... this is only the beginning!!!” One Facebook group that has generated significant support is “Nhar 3la 3ammar” (“Day of Ammar”), which has criticized the restricted freedom of speech in the country.

Similarly, in Egypt, a famous Facebook group named “We are all Khaled Said” was set up by activists to raise awareness and generate sympathies for Khaled Mohamed Saeed,² who was beaten to death by police on June 6, 2011, which is generally considered to be the single most decisive event that led to the 2011 Egyptian Revolution. One leading Facebook activist who was involved in setting up this group and has emerged as a public face of the protests in Egypt was Google executive Wael Ghonim.³ This has led to the company celebrating itself as promoting democracy. Another important Facebook group that contributed to the uprising was the “April 6 Youth Movement”.⁴ Twitter was also used by the protesters to organize their collective actions, primarily through the “#jan25 hashtag”, which on the Twitter platform acts as a keyword that can be searched for and subscribed to. The Facebook event titled “The Day of the Revolution Against Torture, Poverty, Corruption and Unemployment” which called for mass protests on January 25, 2011 was advertised through Twitter and received more than 80,000 clicks.

Countermeasures

“Unfortunately, I have to get out of Egypt, to be able to speak about the plight of the Egyptians.”

-- Mohamed El Baradei

One important and inevitable aspect of the use of the Internet and other media in revolutionary political movements is that they are naturally

¹ For example, see Abouzeid, 2011.

² Arabic: خالد محمد سعيد, different transliterations to the Latin alphabet exist.

³ For example, see The Telegraph, 2011.

⁴ For example, see Wired Magazine, 2011.

not only available to members and supporters of such movements, but also to governments and their supporters in at least the same way. In fact, some of the key institutions responsible for operating communication infrastructures (telecommunications companies and Internet service providers), are typically easily controlled by the governments of the countries where they operate. Therefore, movements that are directed against an established governmental authority will often find themselves confronted with an imbalance of power not only in the form of control over traditional media, police forces, the army and other institutions, but also on the Internet, which governments can easily monitor, analyze, manipulate, slow down or turn off altogether. Historically, attempts by established authorities to control and manipulate information and communication have a long tradition, from the Catholic Church's early attempts to control Gutenberg's printing technology to the fearsome propaganda machine of German National Socialism. In this tradition of "knowledge is power", it is not surprising that today, authoritarian regimes attempt to maintain their power to a great extent by controlling the dissemination of information, and that information and communication technologies become powerful weapons for both the government and the governed. While some countries provide Internet services in a very free and unrestricted manner, others exert tight control in the name of security.⁵

In Tunisia, censorship of traditional media as well as of the Internet has existed well before the beginning of the uprising. All control over the Internet was centralized within the government, which has not hesitated to filter and shut down websites at will⁶. During the 2011 revolution, Internet services such as Youtube, Wikileaks, human rights web sites and activist blogs were censored, and the government has even gone as far as stealing its citizens' passwords on Facebook, in order to invade, manipulate and delete content on their social networking accounts.⁷ Moreover, countermeasures by the government were not limited to the online world: for instance, dissident bloggers such as Slim Amamou and

Azyz Amamy, who had covered the events in Sidi Bouzid, were identified, threatened and imprisoned.⁸

In Egypt, among a whole array of countermeasures, the regime has gone as far as blocking Internet access entirely,⁹ both for domestic users and for incoming international requests, which is a move that is unprecedented in Internet history. The rationale behind such measures is clear: Movements relying on the Internet for organization and public outreach can be hurt by infiltrating or disabling the communication infrastructure which they rely on.

Apart from simple censorship of communication infrastructure, popular movements relying on the Internet may also face more severe difficulties. This was demonstrated most effectively by the failure of the 2009 Iran Green Movement to achieve its goals. Just like the technology can be used by protesters to disseminate their political positions, to spread images such as the one of Neda Agha-Soltan, and to organize themselves, it can equally be used in at least the same ways by their opponents in the political establishment, for example to undermine the movement's outreach efforts, or to monitor and then effectively combat its organizational structure, which can be as simple as analyzing suspected activists' Facebook pages or the lists of their followers on Twitter. This is precisely what happened in Iran: In addition to censoring the Internet and shutting down mobile phone services, the government turned to the Internet to mobilize its own supporters online, to identify its opponents¹⁰ using Flickr or Youtube, and to subsequently execute a devastating police crackdown on the movement. As a result, the 2009 Iran Green Movement is often used as an example to dispel the utopian myth of omnipotent new media for political freedom, and to illustrate the limits of their potential. After millions of Twitter users coloured their profiles green in support of the Green Movement, one tweet pointed out the futility of such actions, stating: "Note to would-be

⁵ For a report on Internet freedom and censorship world-wide, see Freedom House, 2011.

⁶ For example, see <http://anarc.koumbit.org/censuretunisie>.

⁷ See O'Brien, 2011.

⁸ For example, see Reporters Without Borders, 2011.

⁹ For example, see Kanalley, Egypt's Internet Shut Down, 2011.

¹⁰ See Morozov, Internet in Iran, 2011.

revolutionaries: you can remove the green tint from your pictures now; it didn't work."¹¹

During the 2011 Libyan civil war, the government also attempted to use its control over the Internet against the uprising. Soon after the first protests, individual social networking services were censored, and later Internet access was shut down entirely.¹² The government also used the Internet to learn about the rebel movement's organizational structure and about individual actors' identities. One famous Libyan blogger and media activist, Mohammed Nabbous, founder of the first private TV station in rebel territory, was killed by a sniper of loyalist forces in Benghazi on March 19, 2011, indicating the government's awareness of the threat that both classic and new media can pose to it.

In the 2011 Syrian uprising, new media such as weblogs and social networks were also used to organize protests and to communicate human rights violations to an audience both within and outside of Syria. However, activists seem to have learned lessons from events in other countries. Reportedly, opposition actors in this particular conflict were afraid that government hackers were browsing the Internet to search for dissidents and track them down via social media websites. Also, it appears that even though access to Facebook had been blocked for some time, it was later reopened as the government discovered that it was useful for identifying and tracking down dissidents.¹³

From all these examples, governmental countermeasures in the online world can be summarized as falling into four broad categories: Selective censorship of certain web sites and services, shutting off connectivity altogether, online counter-propaganda, and the identification and tracking down of activists and sympathizers. One of the best-known critics of new media's potential for supporting political revolutions, Evgeny Morozov – known for coining terms such as "digital dictatorship" – suggests that the Internet may actually be more useful to authoritarian regimes than to the popular movements that oppose them.¹⁴

¹¹ See this Twitter post: <http://twitter.com/evgenymorozov/status/3489960834>.

¹² See Kanalley, Libya Internet Shut Down Amid Protests, Later Restored, 2011.

¹³ See Reuters, 2011.

¹⁴ For example, see Morozov, 2010.

Moreover, even if a society had unlimited access to online information and communication systems, it might still not be able to overcome an authoritarian regime.¹⁵

Involvement of the West

"Both the American people and nations that censor the Internet should understand that our government is committed to helping promote Internet freedom."

-- Hillary Clinton

The developed nations of the West have often been criticized for having shown political support to leaders such as Zine el-Abidine Ben Ali, Hosni Mubarak and Muammar al-Gaddafi for a long time, justifying this support with security interests and with the fight against terrorism. What is less known is that Western support for authoritarian governments in the Arab countries occurred not only politically, but also on the technological level. For example, the filtering technology that had been used by the Tunisian government for Internet censorship – SmartFilter – came straight from American security company McAfee.

Despite their original support for the established regimes, actors from Europe and the U.S. have also more and more aided the opposition and contributed to the success of the Arab Spring uprisings in numerous ways, for example in the form of American financial assistance, or through the training of activists by former members of the Serbian Otpor! movement and by their Centre for Applied Nonviolent Action and Strategies (CANVAS). When it comes to the use of new media, Western nations, individuals, and organizations have also made noteworthy contributions. For example, the blogging platform "Global Voices" runs a so-called bridge-blogging service where volunteer authors, translators and editors attempt to provide reports from a local perspective that cannot normally be found in the mainstream media, therefore raising awareness in the West for events in the Arab World. For instance, it is possible on this platform to read English translations of Egyptian blog posts that had originally been written in Arabic.

As another example for Western involvement, the self-proclaimed hacker collective "Anonymous" – known for numerous online actions of civil disobedience and for using

¹⁵ For example, see Morozov, Does the Internet spread democracy, 2009.

hacking techniques in the interest of achieving political goals (“hacktivism”) – attempted to support the Tunisian opposition by initiating so-called Distributed Denial of Service (DDoS) attacks against institutions of the government, e.g. the offices of the president, the prime minister and the Ministry of Interior. Also, companies in the West helped people in the Arab World to circumvent Internet censorship and other restrictions imposed by authoritarian governments. For example, the Dutch service provider xs4all set up special dial-in phone lines for Egyptian Internet users after their government had shut down all Internet connectivity.¹⁶ While slow and expensive, this provided at least a minimal opportunity for activists to send e-mails, blog posts, etc. to the world. In a similar effort, Google also assisted the Egyptian opposition by setting up the speak2tweet service, which made it possible to leave voicemail messages under certain telephone numbers. These messages were then picked up by specially designed software and automatically converted to messages on the Twitter micro-blogging platform. According to the Google corporate blog, by providing this service, the company hoped to enable more Egyptians to be heard “at this very difficult time.”¹⁷

During the 2009 Iran Green Movement, the U.S. State Department urged Twitter to delay a planned upgrade that would have hindered Iranian opposition activists in their communication. This incident resulted in a discussion on whether interventions like this constitute illegitimate interference with Iran’s internal affairs. Since Hillary Clinton’s speech “Remarks on Internet Freedom” in January 2010, it is obvious that the promotion of a world-wide, free and open Internet has become a high-level U.S. political objective. The logic behind this speech is that the spreading of technology will also result in the spreading of democracy, freedom and human rights, and that the Internet is a new tool in the arsenal for the West’s ambitions to promote its values. One contemporary term for this strategy is “Digital Diplomacy”, however again the idea is not new: As early as in 1993, media entrepreneur Rupert Murdoch said, “Advances in the technology of telecommunications have proved an unambiguous threat to totalitarian regimes everywhere.” In 1999, George W.

¹⁶ See <http://scorpio.home.xs4all.nl/egypt.txt>.

¹⁷ See <http://googleblog.blogspot.com/2011/01/some-weekend-work-that-will-hopefully.html>.

Bush told us to “Imagine if the Internet took hold in China. Imagine how freedom would spread.”

Apart from the discussion whether the strategy of spreading democracy with the help of technology actually works, one question that has to be asked in this context is whether such ambitions are based on altruism and sincere empathy for oppressed and disadvantaged people in certain nations, or whether there are also good old-fashioned political interests involved. On the one hand, the defence of civil liberties online has to be applauded and supported. On the other hand, the close cooperation of Western governments with Silicon Valley tech companies also fuels speculations that the spreading of Facebook, Twitter, Youtube and similar services around the world might over time function more and more as an extension of U.S. power and a tool of its foreign policy and diplomatic efforts. Hence, it is feared that instead of being independent and neutral, the spread of these technologies might lead to a form of cultural hegemony or imperialism.¹⁸ As another indication of the increased integration of new media companies with the political landscape, Facebook has recently founded a political action committee (PAC) with the purpose of raising money to support politicians with positions favourable to the company’s goals, namely “promoting the value of innovation to our economy while giving people the power to share and make the world more open and connected.”¹⁹

What should also not be left out when discussing the role of the West is that Facebook, Twitter and other social media have not only played a role for political movements “far away” in the Arab World, but also in European countries. In Moldova, after the 2009 parliamentary elections, citizens used the Twitter “#pman” hash-tag to organize protests, which were answered by the government shutting down cell phone service on the biggest square in the capital Chisinau.²⁰ In Belarus, after the 2010 presidential elections, as well as after the 2011 independence day, protests were organized through “VKontakte” (a Facebook-like social networking service

¹⁸ See Morozov, *The Digital Dictatorship*, 2010.

¹⁹ See <http://www.nytimes.com/2011/09/27/us/politics/in-turn-to-politics-facebook-starts-a-pac.html>.

²⁰ See Morozov, *Moldova’s Twitter Revolution*, 2009.

popular in post-Soviet countries) that the government responded by censoring certain communication on the Internet.²¹ Moreover, even in stable democracies deep within Europe, where no revolutionary movements are challenging the government, there is an increasing tendency of Internet control, using similar methods as authoritarian regimes did during the Arab Spring.²²

About Technology

"Here we don't really have Internet, we have a national Intranet."

-- Tunisian Activist

The information and communication technologies that played the biggest role during the Arab Spring revolutions were the social networking service Facebook, the micro-blogging platform Twitter, and the video hosting platform Youtube. Besides Internet services, mobile phones also played a major role, for example for taking pictures during riots, or sending SMS text messages. In an analysis of how useful these technologies can potentially be for governments and oppositions, it is also necessary to take a closer look at how exactly they function and how they are constructed. Basically, communication on the Internet consists of a hardware layer (routers, modems, fiber-optic cables, wireless adapters, satellites, etc.) and a software layer (the actual Internet services we use, such as Facebook, Skype, E-Mail, etc.).²³ Originally, its early developers designed the Internet as a decentralized, redundant network highly resistant against manipulation and disruption. In today's practice however, many aspects of the network both on the hardware and software layer are highly centralized and therefore can be easily controlled. For example, the reason why the Egyptian government succeeded in shutting

down the country's Internet connectivity was that almost all of its connections were controlled by only four major companies,, which have implemented the shutdown in a concerted action within only 15 minutes.²⁴ Also, social networking services such as Facebook or Twitter are centralized on the software layer, making it easy to monitor and manipulate all communication that takes place on their services. These patterns of centralization of the Internet have made it possible in the first place for authoritarian regimes to implement shutdowns impose censorship, and to use new media to their advantage.

During the Arab Spring, repressive online measures such as censorship or service shutdown were common weapons in the arsenal of governments. There are technical approaches to circumvent such obstructive measures, for example the use of proxy servers, alternative DNS root name servers, private alternative network devices and the anonymisation of peer-to-peer networks.

A number of technology-related and technological projects promising to make access to information, social networking and other interaction on the Internet more free, open and democratic, more empowering for individuals, and less vulnerable to manipulation or restriction are underway. The most common means to achieve these goals are to deploy both hardware and software that is inherently decentralized and supports anonymous and encrypted communication in order to make it difficult to identify individuals and control their communication:

- *Tor*²⁵ is one of the most popular projects, which has been used extensively during both the Tunisian and Egyptian revolutions²⁶. It allows users to transmit messages and access websites anonymously by sharing and disguising communication with other participants in a distributed network.
- *Psiphon*²⁷ is a so-called proxy server software, which enables users to access censored websites by establishing

²¹ See Albert, 2011.

²² For a discussion on such parallels see Morgan, 2011. The most prominent example for Internet control in the West might be the highly controversial Data Retention Directive (Directive 2006/24/EC) of the European Union, which requires member states to store sensitive telecommunications data for a period of six to twenty-four months.

²³ This is of course a simplification. For a more comprehensive description of the various layers of the Internet and other communication systems, frameworks such as the OSI model or the TCP/IP model are used.

²⁴ See Cowie, 2011.

²⁵ <http://www.torproject.org/>

²⁶ According to Niiler (2011), the number of downloads of the Tor software has increased significantly when Egypt's Internet connectivity was shut down.

²⁷ <http://psiphon.ca/>

connections through an intermediate, non-censored system. The project views the Internet as a “global commons” that should neither be restricted nor controlled.

- *FreedomBox*²⁸ is a software project initiated by Columbia University law professor Eben Moglen, who has frequently criticized the Internet’s ability to monitor people’s behaviour. The project’s stated purpose is to “facilitate free communication among people, safely and securely, beyond the ambition of the strongest power to penetrate.” The project’s website explicitly describes itself as a “platform that resists oppression and censorship”, and as “an organizing tool for democratic activities in hostile regimes”.
- *Tonika*²⁹ provides social networks based on principles that human societies implement organically in daily life with robust security, anonymity, resilience, and performance.
- Similarly, *Diaspora*³⁰ is also a decentralized social networking software that tries to provide Facebook-like functionality without being dependent on a single entity which controls all participants.
- The *Serval project*³¹ (“uniting the world through communication”) goes as far as stating that communication should be a human right. It focuses on mobile phones and tries to develop a software that makes these work under any circumstances and without infrastructure.
- The *Commotion wireless project*³² specifically references the protests in Tunisia, Egypt and Libya, and argues that “democratic activists around the globe need a secure and reliable platform to ensure their communications cannot be controlled or cut off by authoritarian regimes”.
- Wireless community networks such as *Freifunk*³³ attempt to provide Internet connectivity for everyone as a grassroots effort independent of commercial providers.
- *OpenBTS*³⁴ in conjunction with the *Asterisk*³⁵ open-source software enables

classic telephone devices to function in an environment where no commercial, centralized infrastructure is available.

The list of such projects is growing, as is public awareness of the deficiencies and technical vulnerabilities of the existing, highly centralized infrastructure. Political, financial and academic resources are also more and more devoted to such efforts. For example, the New America Foundation³⁶ supports projects to build technology for a distributed, open-source telecommunications system; the MIT’s Center for Civic Media³⁷ researches and invents “new technologies that support and foster civic media and political action”; while the University of Toronto’s *Citizen Lab*³⁸ and the Harvard Berkman Center for Internet & Society’s “*Internet & Democracy project*” are initiatives with an explicit focus on the Middle East.³⁹

Conclusion

Since the early days of e-Mail and the World Wide Web, new media have always been accompanied by great utopist hopes of bringing more peace and democracy to the world. Today, as terms such as “Twitter Revolution” are used to describe recent events in Arab countries, this vision is again popular despite the complex role of technology that is behind it. Any popular narratives that portray new media as powerful weapons, citizens as inherently organized and technologically empowered, and authoritarian regimes as vulnerable, are dangerous oversimplifications of the reality. A more accurate statement would be that Youtube, Facebook, Twitter, and the like merely present both sides of an old fight with new weapons. Hence it is incorrect to say that social networks are capable of initiating a revolution. It is equally incorrect to say that social networks did not play a significant role during the Arab Spring. Also, the use of social networking platforms and other Internet services for political struggle has not been invented during the Arab Spring, and it will not end with it.

It is interesting to note that the various uses of new media for political struggle and civil disobedience can to some extent be traced back and related to Gene Sharp’s classic 198

²⁸ <http://freedomboxfoundation.org/>

²⁹ <http://5ttt.org/>

³⁰ <http://joindiaspora.com/>

³¹ <http://www.servalproject.org/>

³² <http://tech.chambana.net/projects/commotion>

³³ <http://start.freifunk.net/>

³⁴ <http://openbts.sourceforge.net/>

³⁵ <http://www.asterisk.org/>

³⁶ <http://newamerica.net/>

³⁷ <http://civic.mit.edu/>

³⁸ <http://citizenlab.org/tag/internet-freedom/>

³⁹ <http://cyber.law.harvard.edu/research/internet-democracy>

methods of nonviolent action.⁴⁰ For example, setting up a website or Youtube channel fits into the “Protest and Persuasion” category, the use of firewall and censorship circumvention technologies is a form of “Noncooperation”, and the hacking into government infrastructure constitutes an act of “Nonviolent Intervention”.

It is certain that in future comparable events, the use of social media will become more natural and more sophisticated, as will that of countermeasures. Technologies evolve and lessons are being learned from the way they have influenced political movements in recent years. The general utopian vision is about a world where communication technologies are people-centred and open, and where they support free and democratic societies. In order to make the Internet live up to this vision and for a more peaceful world altogether, it will be necessary to work on more decentralized and pluralistic social networking technologies, to have an infrastructure that is more resistant to surveillance and disruption, to find a reasonable balance between anonymity and veracity, and to encourage women, marginalized groups, and minorities to play more active roles in the development and use of such new media technologies. In a globalized and highly interconnected world, these are topics that concern more than just the Arab World.

Currently, no existing technologies are inherently peaceful and democratic, and none of them is resistant against being used in ways that counteract such ideals. However, at the same time, it is reasonable to believe that we can work towards creating these.

Another question for the future will be how new media can be used not only for initiating a revolution, which is the “sexy” part that the mainstream media usually focuses on, but also for the difficult challenges that follow such reconciliation and peace-building, establishing democratic state institutions, supporting an active civil society, or strengthening human rights. In the Arab World as well as in other places, it is likely that new media will play an important role in transforming and stabilizing countries, the same manner they have been one of the crucial factors influencing the respective revolutions.

⁴⁰ See Sharp, 1973.

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Politics as Unusual in the Arab World: Ensuring the Inclusion of the Excluded by Using a Rights-Based Approach¹

Léonie Jana Wagner

Introduction

The people's movements in the Arab world, triggered by the self-immolation of young and unemployed Mohamed Bouazizi in the Tunisian city Sidi Bouzid, have led to unprecedented hopes for a democratic transformation of the region. As a surprise to many observers, the protesters demanded freedom, dignity and justice, thus directly building on human rights categories to call for a new form of politics, which aims at enhancing their possibilities to participate.² In many places, they also were calling for the downfall of the existing repressive systems, which have not been working towards realizing the values demanded by the protesters but rather towards securing the interests of their power holders.

However, while the initial euphoria over the events of the Arab Spring, as it is commonly described, can still be felt on the streets of Kairo and Tunis, the magnitude of the challenges associated with the transformation

¹ The views put forward in this article are solely those of the author.

² Turki argues that the self-immolation of Bouazizi can already be taken as a clear sign of a citizen protesting against human rights discriminatory practices such as repression, humiliation and degradation by the state agencies, which seem to perceive human beings more as objects than as right holders. Other Arab authors also point to the close relationship between the demands of the protesters and human rights norms. cf. Turki, Mohamed (2011): Kritik, Menschenrechte und Revolution. Einsichten aus der arabisch-islamischen Philosophie. Speaking manuscript for the workshop „Human Rights in trans-cultural Perspective“ from the 1st – 2nd of July 2011 in Kassel, pp.1 and 12-13. Cf. also the respective articles in Heinrich-Böll-Stiftung (2011): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut.

demanded by the movements cannot be ignored either. What seems to be particularly challenging is working towards the comprehensive and equal inclusion of all societal groups in the upcoming reforms and towards strengthening the involvement of previous marginalised parts of society, such as the youth as an important driver of the protests, women and other disadvantaged groups. This article argues that a human rights-based approach is well placed to deal with these challenges ahead given that some of its elements such as the principles of participation and non-discrimination are – as will be shown – particularly qualified to ensure the inclusion of formerly disadvantaged societal groups. This is why a rights-based approach should serve as a guiding framework for Arab as well as external actors interested in supporting the transition period.

Drawing on an analysis of the relevant international human rights treaties, in the following the essential elements of a rights-based approach will be presented as a first step.. Derived from this perspective, a three-dimensional approach will be proposed in order to work towards a thorough involvement of all members of society in the course of the upcoming Arab transformations. In a third step, it shall be analysed which principles stemming from a human rights-based approach seem to be of particular relevance for the reform processes and for the specific goal of realizing social inclusion. In this chapter, it is also attempted to identify first concrete steps, which seem particularly pressing in terms of implementing the principles in the Arab context. In summary, some conclusive recommendations to internal and external actors will be highlighted.

The focus of this article is placed on Tunisia and Egypt. However, a human rights-based approach might also serve as a valuable starting point for a development-oriented transformation geared towards expanding the population's participation and its rights in countries where a change of power has not (yet) occurred. This is particularly applicable for those states whose governments have signalled a certain willingness for reform³ as a

³ However, the respective concessions of the region's power holders have been partial at best, and have been primarily focused on improving the material living conditions of their citizens, while in parallel expanding the

reaction to the Arab Spring – e.g. Morocco and Jordan.⁴

Core elements of a human rights-based approach

A human rights-based approach conceptualizes human beings as holders of equal rights, which belong to everyone by virtue of being human. They shall thoroughly protect a person's inherent, indivisible and inalienable dignity. Human beings are seen as subjects with an active role; a perception, which echoes the demand of the Arab protesters that the state apparatus should treat them neither as pure „inhabitants“, „objects“ nor as a mere group of „bodies“, but as free citizens and holders of rights.⁵ The entitlements of human beings as right holders are primarily geared towards their domestic state. According to this conception, the latter functions as duty bearer, whose task consists of respecting, protecting and guaranteeing the rights of its population. This implies that state actors

- must refrain from interfering with or curtailing the enjoyment of human rights (“duty to respect”)
- must adopt measures which prevent the unlawful infringement of human rights by third actors such as other individuals, groups or enterprises (“duty to protect”)
- must take adequate legislative, administrative, budgetary, judicial and other action to ensure the comprehensive realization of all rights (“duty to guarantee”).⁶

repression mechanisms and imposing demonstration bans aimed at weakening the emancipatory potential of the population and the assertiveness of the opposition movements. For this aspect cf. *in extenso*: Mattes, Hanspeter; Faath, Sigrid (2011): Der Machtwechsel in Tunesien und politische Reformperspektiven in Nahost. GIGA Focus Nahost 1/2011. Hamburg.

⁴ In contrast, the starting points for a transformation process based on a rights-framework are difficult to ascertain for those country contexts, in which (violent) conflicts are ongoing.

⁵ As regards this demand of the protesters cf. Turki (2011), pp. 12-13.

⁶ This tripartite typology on human rights implementation has been promoted by the UN Committee on Economic Social and Cultural Rights. Today, this differentiation is well

As a guidance on which norms are to fall under the concept of human rights and the tripartite typology presented here, it is common to point to the “Universal Declaration of Human Rights“ (UDHR) from 1948. In addition, it is important to include the “International Covenant on Civil and Political Rights“ (ICCPR) and the “International Covenant on Economic Social and Cultural Rights“ from 1966 that have transferred the content of the UDHR – which had been adopted as a generally not-binding resolution of the General Assembly of the United Nations (UN)⁷ – in fulfilment of obligations under public international law. Taken together, these documents usually are referred to as the “International Bill of Rights“. In addition, further treaties concluded under the auspices of the UN belong to the body of internationally recognized human rights. These documents build on the norms laid down in the International Bill of Rights and specify the latter with a view to certain thematic fields or particularly vulnerable groups. Prominent examples are the “Convention on the Elimination of Discrimination against Women“ (CEDAW) from 1979, the “Convention on the Rights of the Child“ (CRC) from 1989 and the “Convention on the Rights of Persons with Disabilities“ from 2006.

The provisions contained in these treaties codify both civil and political rights, such as the right to life, the prohibition of slavery and torture, the right to the application of certain rule-of-law principles like the right to a fair trial, the freedom of religion, the freedom of assembly, the freedom of speech and the right to political participation as well as economic,

accepted. Cf. for example Lingnau, Hildegard (2005): Menschenrechte und Entwicklungszusammenarbeit. Perspektiven eines Menschenrechtsansatzes in der deutschen und internationalen Entwicklungspolitik. In: Messner, Dirk; Scholz, Imme (ed.): Zukunftsfragen der Entwicklungspolitik. Baden-Baden, pp.91-92. As regards this typology and the basic features of a human rights based approach in general cf. Kämpf; Andrea; Würth, Anna (2010): Mehr Menschenrechte in die Entwicklungspolitik! Policy Paper Nr. 15 des Deutschen Instituts für Menschenrechte. Berlin.

⁷ Nowadays many authors argue that the UDHR or at least a substantial part of its clauses has become customary law and is therefore also of a legally binding nature. Cf. for example Tomuschat, Christian (2008): Human Rights between Idealism and Realism. 2nd ed. New York, p.37.

social and cultural rights. To the latter category belong, for example, the right to work, the right to education, the right to food and the right to health, the right to social security and the right to an adequate standard of living as well as the right of everyone to enjoy the benefits of progress and to participate in cultural life.

Hence, the way a state treats its population and how it phrases its policies is not arbitrary or up to the respective power holders, but is determined by the framework given by these internationally codified rights: the state and its subordinate authorities are obliged to gear its policies towards the respect, protection and guarantee of human rights, use their resources specifically for this purpose and prioritize this objective over other interests and policy goals.⁸

Beyond that, however, the relevant treaty provisions also emphasize the importance of international cooperation for the universal realization of human rights. The concept of a shared responsibility is already inherent in the UDHR and the ICESCR and has been repeated over and over again in subsequent conventions and UN declarations.⁹ It demands the members of the international community, which are in a position to do so, to assist other states in the realization of their obligations in a complementary fashion. This applies in particular to cases in which the domestic state has deployed all its available resources without achieving sufficient results regarding the implementation of human rights or – at the very least – regarding the realization of its correspondent core obligations.¹⁰ Although the nature and extent of such extraterritorial state

obligations is still contested in the literature and not accepted universally in politics, there seems to be an emerging consensus that activities undertaken within the scope of international (development) cooperation must not have detrimental effects on the enjoyment of human rights in other countries and should be conform with human rights standards.¹¹ This imposes certain limits to the pursuit of other interest, such as economic or security concerns. In addition, already the UDHR calls for the creation of an international order in which the rights set forth in the Declaration can be fully realized.¹²

A three-dimensional approach for the comprehensive realization of human rights

All states of the Arab world have joined at least one – and generally several – international human rights treaties; they have also committed themselves to the promotion of human rights as member states of the UN;¹³ in addition, having been introduced in domestic law, the norms of international human rights law are reflected in many constitutions and legal texts of the Arab countries. Hence, the obligation of the region's state authorities to

⁸ Cf. UN Committee on Economic Social and Cultural Rights (1990): General Comment No. 3. The Nature of States parties obligations (Art. 2, par. 1). UN Doc. E/1991/23, para. 13 and Sengupta, Arjun (2006): Human rights and extreme poverty. Report of the independent expert to the 62nd Session of the Commission on Human Rights. UN Doc. E/CN.4/2006/43, pp.10-11.

⁹ Cf. for example Art. 22 and 28 of the UDHR, Art. 2, para 1 and Art. 11 of the ICESCR, Art. 4 of the CRC and Art. 2 of the UN Millennium Declaration of 8th of September 2000.

¹⁰ The concept of core obligations developed by the UN Committee on Economic Social and Cultural Rights shall ensure the satisfaction of minimum essential levels of each right, thus preventing that the *raison d'être* of the rights will be curtailed. Cf. UN Committee on Economic Social and Cultural Rights (1990), para 10 ff.

¹¹ The latter aspect is demanded by the UN Convention on the Rights of Persons with Disabilities as the most recent internationally adopted human rights treaty in a standalone article (Art. 32). This has led some authors to claim for a dynamic interpretation of human rights law, which adequately reflects the development of this subject matter in recent years, thus allowing a greater open-mindedness towards extraterritorial state obligations in the field of human rights. On this aspect cf. for example Vandenhoe, Wouter (2009): Economic, Social and Cultural Rights: Is there a Legal Obligation to Cooperate Internationally for Development? In: International Journal of Children's Rights.17 (2009), pp.23 ff. and Gómez Isa, Felipe (2009): Transnational Obligations in the Field of Economic, Social and Cultural Rights. In: Revista Electrónica de Estudios Internacionales. Vol.18, 2009. Available at: www.reei.org/reei18/doc/Articulo_GOMEZ_Felipe.pdf, as well as Skogly, Sigrun I. (2010): Extraterritoriality – Universal Human Rights without Universal Obligations? In: Joseph, Sarah; McBeth, Adam (Hg.): Research Handbook on International Human Rights Law. Cheltenham, pp.71 ff.

¹² Cf. Art. 28 of the UDHR.

¹³ On this aspect, cf. in particular Art. 1, 55 and 56 of the UN Charter.

implement human rights and to design their policies in a rights-oriented way has been clearly articulated *de iure* for a long time; however, the public duty bearers have demonstrated a long-standing lack of political will to comply with these norms, and so far, neither civil society nor other actors have been able to bring about a significant change in this behaviour. With the Arab spring, a window of opportunity has arisen to find a new foundation on which to build state-society relations. According to the core elements of a human rights-based approach as introduced above, this redirection – with the support of external actors where appropriate – should focus on three levels to ensure a comprehensive involvement of all societal groups:¹⁴

1.) *Strengthening the right holders*

Here, the focus is placed on ensuring that human beings know about their rights and are able to assert them *vis-à-vis* the state as duty bearer. They should have the necessary capacities and knowledge to introduce and represent their entitlements and interests in political negotiation and decision-making processes effectively. Hence, this dimension aims at the empowerment of right holders, i.e. at the strengthening of their self-help capacities and at the development of individual and collective courses of action, e.g. by human rights education for members of civil society or by supporting their skills of articulation, negotiation, organization and assertiveness.

2.) *Improving the capacities of the duty bearer*

At the same time, improving the capacities of state actors to respect, protect and guarantee the rights of their population is of great importance. This implies responding to the right holders' demands constructively and to manage and frame political decision-making and implementation processes in such a way that these are involved and taken into account in an adequate manner. Strengthening the public authorities' awareness for and orientation towards human rights and ensuring their governmental and administrative action at national and sub-national level is consistent with human rights norms is the objective of this dimension.

3.) *Development and long-term anchoring of a conducive legal and institutional framework*

Finally, developing and consistently anchoring conducive legal and institutional framework conditions will also be crucial for the comprehensive realization of human rights. This not only implies the full introduction of human rights in domestic law but also the institutionalization of democratic processes and the establishment of rule-of-law procedures and appropriate control- and complaints-mechanisms. Ultimately, this dimension is about developing general conditions which ensure that right holders and duty bearers do not oppose each other constantly in an antagonistic way, but engage in a constructive relationship, e.g. by exchanging their views and having a dialogue enabled by the development of spaces of interaction.

¹⁴ For the three dimensions presented here cf. the conceptual framework of German development policy as regards the support for political involvement which, however, for the most part does not refer to human rights terminology: BMZ (2009): Promoting Resilient States and Constructive State-Society Relations – Legitimacy, Transparency, Accountability. Special 168. Bonn. Many human rights based approaches focus on the first two dimensions (strengthening the duty bearers and the right holders), while the third one – the development of relevant framework conditions – is often relatively neglected. Cf. UNDG (2003): UN Statement of Common Understanding on a Human Rights Based Approach to Development Cooperation and Programming. New York.

Which principles of a human rights-based approach are of particular relevance for the Arab context and what does their application imply?

A human rights-based approach contains several basic principles, which can be deduced from the relevant human rights treaties listed above. To these closely inter-related principles belong: freedom from discrimination/equality of opportunities (a); involvement/participation (b); accountability/transparency (c); indivisibility and inter-dependence of human rights (d); sometimes, the principle of self-determination (e) is also mentioned in this context. According to a human rights-based approach, these

principles do not only stipulate policy goals, but also constitute standards, which are obligatory for public authorities when formulating and implementing their policies. These principles are also applicable to the design and realization of international (development) cooperation, i.e. they also need to be taken into account by US-American and European actors running measures in support of the reform processes in the Arab region.¹⁵

Subsequently, it shall be explored what the particular principles entail. In doing so, it is also asked which concrete implications can be drawn from them when applied to the current Arab context as action-guiding for the upcoming transformation processes. Not least, this exercise shall demonstrate that a systematic consideration of this approach can ensure that the focus of reforms is placed on the inclusion of previously marginalised and disadvantaged groups:

a) *Freedom from discrimination / equality of opportunities*

„All human beings are born free and equal in dignity and rights“. It is already the beginning of the first article of the UDHR, which indicates that it is implied by the very conception of human rights – according to which all persons living in this world are endowed with dignity and the same and inalienable rights without any preconditions – that discrimination and exclusion cannot be tolerated.¹⁶ Freedom from discrimination is established prominently in all international human rights conventions. Accordingly, all public policies must be designed in a way that is free from discrimination and geared towards equality of opportunities.¹⁷ For the Arab transformation processes, this implies taking into account the interests of all right holders when shaping and implementing reforms. The application of this principle may also require particular support for marginalized and vulnerable societal groups, which so far have been confronted with barriers or structural obstacles when it comes to their human rights enjoyment. In such a situation, special action might be needed to achieve the thorough inclusion and equal

access of all to social institutions and resources.

Although the protesters have been prevalently young, educated and male, the movements have been supported by the societies' entire demographic spectrum.¹⁸ Hence, one can build on this sentiment of solidarity and collectivity. However, while doing so it is crucial to not forget that previously marginalized groups might have specific needs; in terms of the perspective described above, special attention should be given to these.

This holds primarily true for the revolting youth, whose anger for the old static power relations has become evident in the revolutions; hence, mechanisms for a stronger political – but also economic and cultural – involvement as well as for the rapprochement between the generations need to be found for them. This seems even more relevant when taking into account the forecasts for the region's demographic development, according to which the percentage of people under 25 years of age will reach the number of 60 by the year 2015.¹⁹ However, this also applies to women whose access to political, societal and economic processes has also often been limited. For example, according to estimates of the Inter-Parliamentary Union, the Arab countries account for the lowest percentage of female parliamentarians worldwide.²⁰ There are already first signs indicating that the interests of women might get jeopardized in the transformation. For instance, it is telling that women's groups, which came together at the 8th of March 2011 to celebrate the International Women's Day, have been sent home by the same men with whom they were protesting side by side a couple of days earlier. In Egypt, only one woman has been appointed as minister for the interim government, in

¹⁵ Cf. Kämpf; Würth (2010), pp.9 ff.; UNDG (2003), pp.1-2.; Nyamu-Musembi, Celestine; Cornwall, Andrea (2004): What is the „rights-based approach“ all about? Perspectives from international development agencies. IDS Working Paper 234. Brighton, pp.40 ff.

¹⁶ Cf. Tomuschat (2008), pp.47.

¹⁷ Cf. Kämpf; Würth (2010), p.11.

¹⁸ Cf. Rabbani, Mouin (2011): The Arab Revolts. Ten Tentative Observations. In: Heinrich-Böll-Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, p.13.

¹⁹ Cf. Traboulsi, Favaz (2011): Revolutions Bring Down Ideas as Well! In: Rabbani, Mouin (2011): The Arab Revolts. Ten Tentative Observations. In: Heinrich-Böll-Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, p.14.

²⁰ Cf. Inter-Parliamentary Union (2011): Women in Parliament in 2010. The Year in Perspective. Geneva, p.3.

Tunisia there are two female interim ministers. The low representation of women continues in the committees, which have been put in place in both countries to get to grips with the upcoming reforms.²¹ This development underlines the need for concerted efforts to do justice to the principle of non-discrimination and to take into account the rights of women adequately: a gender perspective and an appropriate representation of women in the pending legal and constitutional reforms as well as in all other processes concerning the political transformation is needed. Specific measures are also required to promote the role of women as voters and candidates in the upcoming elections. One option would be the introduction of gender quotas, which in the past have already proved successful to increase the participation of women in the region.²² This example is already followed by Tunisia, where it was decided that the percentage of women for the political parties' candidate lists must be at least 50 per cent.

Of course, external actors are also requested to systematically focus their support measures on improving the conditions of disadvantaged groups and persons. In doing so they should, however, act with great sensitivity and consider the political context.²³

b) Participation / Involvement

Human rights are intrinsically connected with the entitlement to involvement. This does not only follow from the rights to participation as laid down in the relevant international human right treaties,²⁴ but can also be deduced from the overall human rights norm system itself, which conceptualizes right holders as active subjects. A reasoning committed to a human rights-based approach sees involvement as a

political process, which captures society in its entirety, and at the same time democratizes it from below.²⁵ Thus, a policy following this approach must go beyond point-by-point participation and aim at the equal involvement of all members of society in political, social and economic processes. This implies that a focus on holding elections alone does not suffice; rather, one must take into account the whole election cycle and the broader political context.

For the comprehensive guarantee of political involvement in the region, it will be important to better coordinate and channel the sparsely formalized protests, which in part had been formed spontaneously during the Arab Spring. These need to become inclusive social movements, which are able to bring their influence to bear during the entire transition process and beyond. The existing traditional civil society institutions, which usually had been marginalized or co-opted by the regimes and largely stood apart during the revolutions, should also transform themselves and focus to a larger extent on the actual needs of the Arab citizens.²⁶ In this context, it will be key to remove the emergency legislation, which significantly limits the articulation and participation of civil society organisations, and to introduce reforms in the law of association in order to realize true freedom of assembly.²⁷ Taking into account that the weakness of party systems has been a major obstacle for democratic consolidation in many African countries, the promotion of inclusive political parties as a significant link between state and society should also be an important focus. This becomes even more pressing when considering that the region's political parties suffered from a general erosion in the past – so far, not even in Tunisia and Egypt political parties manage to attract significant parts of the population as supporters behind them. Despite a rhetoric claiming otherwise, donors often tend to focus on the support for individual

²¹ Cf. Rahman-Rabbani, Hanan Abdel (2011): In the Wake of the Arab Revolts: Women's Rights in the Balance. In: Heinrich-Böll-Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, pp.220-221.

²² Cf. Rahman-Rabbani (2011) p.21 and 219 ff. and Inter-Parliamentary Union (2011), p.3,

²³ Women's movements in the Arab world have often been accused of pursuing a Western agenda, which contributed to their further social exclusion. cf. Rahman-Rabbani (2011), pp.223-224.

²⁴ Requirements regarding participation and involvement are particularly pronounced in the ICCPR, CEDAW, CRC and the Convention on the Rights of Persons with Disabilities.

²⁵ Cf. Kämpf; Würth (2010), p.10.

²⁶ Cf. Nehme, Adib (2011): Whither the Political and Social Movement in Arab Countries. In: Heinrich-Böll-Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, p.104-105.

²⁷ Cf. Samour, Nahed; Würth, Anna (2011): Menschenrechte dringend gesucht. Neue Strategien für die Menschenrechtspolitik gegenüber dem Nahen Osten und Nordafrika. Deutsches Institut für Menschenrechte Essay Nr. 12. Berlin, p.9 ff.

civil society groups – especially for non-governmental organizations (NGOs) – and to neglect support to the establishment of a pluralistic political party system.²⁸ In addition, the development and exercise of function of National Human Rights Institutes should be advanced.²⁹

In addition, it is important to support political involvement at sub-national level. Surveys indicate that the population's opinion on power holders and public authorities at local level are fairly negative – this may not come to a surprise given that most local governing authorities have not been directly elected, but put in charge by central governments.³⁰ Given that on the local level policy changes can be experienced in the daily life of people rather quickly and that citizens can get engaged in decision-making processes directly affecting themselves in a less complicated way, local elections and the promotion of sub-national democratic processes should be considered a priority.

Not least, the principle of participation requires that traditional and/or religious groups and representatives of political Islam, to which a significant part of the population is sympathetic,³¹ should be involved in an adequate way. This applies as long as these groups do not obviously strive for curtailing the rights of other actors or violating basic democratic principles. Despite the often cited „bugbear Islamism“,³² it must be acknowledged

that Islamic groups have the same right to participation as any other group; it cannot be denied to them when one strives for the development of an inclusive, representative and just state. In addition, experience indicates that social groups often will appear as spoilers in the reform process, if they are excluded from participation *ex ante*.³³

Naturally, following the principle presented here is also incumbent on the engagement of external actors. Their projects should unconditionally support the representation of all societal and political forces. The requirement for a comprehensive involvement also extends to the development processes and programmes supported by external actors themselves. In this context it is necessary that affected right holders have the chance to participate with regard to planning, decision-making and results.

c) *Accountability / Transparency*

If a duty bearer does not fulfil the requirements stemming from human rights, accountability comes into play as a decisive element in the relationship between right holders and duty bearers in the framework of human rights norms. To begin with, accountability requires transparency of state action and freely accessible information about resources, political deeds and their results. This is necessary in the first place to detect possible omissions or violations of human rights norms on part of the duty bearer. If the latter shall be held accountable as a second step, adequate structures and institutions are necessary, too. A comprehensive realization of this principle requires horizontal accountability, which is achieved by an effective division of powers, and vertical accountability, which takes place through the control of state agencies by informed citizens and an independent media.³⁴

With a view to the Arab upheavals, particular attention should be paid to limiting the superiority of the executive, which is dominant in all countries of the region. This can be

²⁸ Cf. Youngs, Richard (2011): What not to do in the Middle East and North Africa. FRIDE Policy Brief No. 70. Madrid, at 5 as well as Gallup Center (2011): Egypt from Tahrir to Transition. Egyptians on their Assets and Challenges and What Leaders should do about it. Abu Dhabi, pp.2 and 8.

²⁹ Cf. Samour; Würth (2011) pp.10-11.

³⁰ Cf. Gallup Center (2011): pp.10.

³¹ For example, 75 per cent of the Egyptian population is sympathetic to the Muslim Brotherhood. Cf. Gallup Center (2011): p.14.

³² Asseburg, Muriel (2011): Schreckgespenst Islamismus. Ägyptens Jugend will keine Ideologien, sondern Freiheit. Commentary for taz.de on the 1st of February 2011. The demonization of Islamic groups has not only been pursued by Western actors, but also by the Arab power holders who used to defend their maintenance of power as a „fortress against radical Islamism“ necessary for the stability of the region and to appeal for legitimization and support on this basis. Cf.

Samour; Würth (2011), p.7 and Trboulsi (2011), p.18.

³³ Cf. Youngs (2011) pp.5-6. and Beydoun, Ahmad (2011): The Revolutions in Tunisia and Egypt. The People without Populism. In: Heinrich Böll Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut. p.24 as well as Samour; Würth (2011) p.24.

³⁴ Cf. Kämpf; Würth (2010), pp.10-11.

achieved by supporting an independent judiciary and strengthening the region's parliaments. Both institutions often have been regarded as a tool by the authoritarian governments rather than state authorities on their own. Therefore, gaining back the trust of citizens in these institutions will be crucial. As an example, one activity could be to foster a regional exchange between judges to increase their resilience against the exertion of influence by the government.³⁵

Given the significant role the police and the army plays in the Arab context, it is also pressing to bring the security apparatus under the control of accountability mechanisms, even if this may complicate a transformation that is supported by the army. Experience shows that the military – even if it plays a supportive role in preparing elections and at the beginning of a transition – may later oppose democratic consolidation and the comprehensive transfer of power to civil actors if the security apparatus has not been subjected to democratic accountability in a timely manner.³⁶

Not least, establishing effective accountability mechanisms at all levels also constitutes a significant contribution to work against the region's wide-spread corruption.³⁷

According to a right-based understanding, the principle of accountability is also applicable to donor contributions and the activities of development cooperation organizations themselves; this means, for instance, that effective accountability mechanisms must be put in place with regard to the design and the evaluation of respective programmes and projects.

d) *Indivisibility and inter-dependence of human rights*

The principle of indivisibility and inter-dependence of human rights purports the need

³⁵ Cf. Saghib, Nizar (2011): We are Not Accomplices of Power! In: Heinrich Böll Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, at 226 ff. and Samour; Würth (2011) p.11.

³⁶ Cf. Youngs (2011) p.4.

³⁷ Cf. Samad, Ziad Abdel; Mohamadieh, Kinda (2011): The Revolutions of the Arab Region. Socio-economic Questions at the Heart of Successful Ways Forward. In: Heinrich Böll Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, pp.112 ff.

to realize all human rights in order to do justice to human dignity in a comprehensive way. To reflect the human rights ideal of „freedom from fear and want“,³⁸ civil and political rights as well as economic, social and cultural rights need to be realized.³⁹ A person should not fear (arbitrary) state action, but in addition to that specific (material) framework conditions, such as the access to certain goods and services, must also be in place to ensure that enjoyment of human rights is not constrained by the individual living circumstances.

For the current situation in the Arab region, this principle can serve as an important guidance to ensure that the political liberalization and carrying out of free and fair elections – on which many external actors also seem to focus – is linked to the progressive fulfilment of social and economic rights. It should not be forgotten that the protests were also sparked by widespread unemployment, the shortage of affordable food and housing as well as by the lack of qualitative health care.⁴⁰ If in the foreseeable future no perceptible progress will be made in this area, the prevailing optimism can switch completely despite greater political freedoms. Focusing on the realization of economic and social rights is not only necessary, taking into account that a situation in which human beings starve in freedom must

³⁸ For this aspect cf. para 3 of the preamble of the ICESCR as well as the identical wording in the preamble of the ICCPR as well as Art. 28 of the UDHR. The expression „freedom from fear and want“ was coined by US President Truman in his famous „Four Freedoms Address“ (January 1941), in which he commented on the cornerstones of a post-war order.

³⁹ For a long time the view was held that economic social and cultural rights – also known as the „second generation“ of rights – did not have the same legal status as civil and political rights as the so-called „first generation“ of rights. Nowadays, the position that both „rights generations“ are equivalent to each other largely prevails; a position which is shared by the author. For an introduction to this subject cf. for example ICJ (2008): Courts and the Legal Enforcement of Economic, Social and Cultural Rights. Comparative experiences of justiciability. Geneva.

⁴⁰ Cf. Mattes; Faath (2011), pp.1 ff. According to a survey by the Pew Research Center, 82 per cent of the Egyptians underline how important the improvement of their economic situation continues to be for them after the fall of Mubarak, cited in Gallup Center (2011) p.4.

ultimately be described as a *contradictio in adjecto* from a human rights perspective.⁴¹ It is also necessary considering that social and economic inequalities affect negatively the way in which political and civil rights are made use of. Thus, studies show that formally acknowledged political participation rights are ultimately constrained by citizen's living conditions; their usage decreases the greater the poverty level and the longer the latter endures.⁴²

At the same time, the realization of social and economic rights does not imply to focus purely on the generation of economic growth. In fact, many countries of the region have achieved relatively high growth rates in recent years. The challenge rather is that this growth has not benefited the majority of the population⁴³ and that great economic disparities continue to prevail. One can observe the centralization of national resources in the hands of a few persons who are usually part of or closely connected with the families in power. This led to a situation in which national goods were often treated as private property of elites, while large parts of the population – and, in particular, the educated youth – continued to be excluded from the country's economic and productive cycles. In addition, the widespread poverty was largely neglected by state agencies and not addressed by their economic policies in a targeted way.⁴⁴ A human rights-based approach requires that state

development must not allow elite-capturing, i.e. the self-enrichment of the government and the elites tied to it. Instead, the public welfare and the ever-growing realization of human rights norms for all should be increased.⁴⁵ According to this understanding, the focus must be placed on the reduction of socio-economic inequalities. Besides redistributive measures and social policies adjusted to the population's entitlements – in particular to implementing their rights to health, to education and to adequate housing – it will be crucial to focus on the creation of employment opportunities in accordance with market needs as an expression of the progressive realization of the right to work. Instead of relying on the exploitation of oil and other national commodities, the development of productive economic sectors and the use of the agricultural potential of some Arab countries⁴⁶ should feature more prominently in the economic policies. As a reaction to the increased food prices one could possibly also put in practice a recommendation of the UNDP Arab Development Report and implement the right to food „through a social contract that would commit rich Arab countries to support the process of eliminating hunger in the region as a whole.”⁴⁷

An important lesson learnt of other transitions is that new power holders can acquire national resources in the same way as their predecessors, thus leading to a repetition of the elite capturing-phenomenon. This is particular the case in rentier states. Hence, if democratization shall be successful, resource-rich countries must reform their rentier economies in parallel. Therefore, in the Arab context institutional rules regulating the control over oil, gas and other natural resources and prohibiting their exploitation by the governing authorities for individual benefit maximization

⁴¹Cf. Nuscheler, Franz (1992): Menschenrechte und Entwicklung – Recht auf Entwicklung. In: ders.; Nohlen, Dieter (Hg.): Handbuch der Dritten Welt. Grundprobleme. Theorien. Strategien. Tome 1. 3. ed. Bonn, p.276.

⁴² Cf. Böhnke, Petra (2011): Ungleiche Verteilung politischer und zivilgesellschaftlicher Partizipation. In: Aus Politik und Zeitgeschichte. 1-2/2011. 3. January 2011, pp.18 ff. Sure enough, this argument shall not support a view according to which a state order based on political and civil rights is only meaningful when a society is free from poverty and has undergone a (economically defined) development process. Rather, it is necessary to strive towards the equal realization of both so-called generations of rights.

⁴³ For example, while Egypt's Gross National Product has grown by 5 per cent, only one fifth of the population perceived an improvement of their economic situation. Gallup Center (2011), pp.13-14.

⁴⁴ Cf. Samad; Mohamadieh (2011), pp.112 ff.

⁴⁵ Cf. O'Manique, John (1992): Human Rights and Development. In: Human Rights Quarterly. Vol. 14, No. 1, pp.94-95.

⁴⁶ This applies particularly to the Lebanon, Jordan and Yemen.

⁴⁷ Cited in Samad; Mohamadieh (2011), p.115. For the aspects discussed in this paragraph cf. *ibid.*, pp.112 ff. and Zurayk, Rami (2011): Feeding the Arab Uprising. In: Heinrich Böll Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, pp.112 ff. as well as Awad, Ibrahim (2011): Freedom is the Prerequisite for Bread. In: *ibid.* pp.126 ff.

should be adopted immediately.⁴⁸ In this respect, much will also depend on the support of the West, given that in the past Western actors have been more interested to exempt this sector from – in their view – insecure political reform processes, as they benefited from existing arrangements.⁴⁹

Western actors should support the realization of economic, social and cultural rights in the region also at a more general level; strengthening their development cooperation is only one aspect in this context. Other important supportive measures would be to grant the Arab countries comprehensive access to the EU market, the removal of still existing EU tariffs as well as the initiation of a debt relief.

e) *Self-determination*

Being the first addressee of international human rights law, the responsibility for implementing its norms rests primarily with the respective domestic state. Both Covenants from 1966 stress in their first article the people's right to self-determination. From a human rights perspective this is not without challenges, given that the principle has been put forward by authoritarian regimes to justify their domestic power relations, which often grossly contradicted human rights norms.⁵⁰ However, such an argument misconstrues and ignores the fact that this right does not constitute an entitlement of *governments* to formulate their national policies according to their individual interest. If one reads this norm in conjunction with other human rights principles, it becomes clear that it is about the self-determination of the *state* in its entirety, i.e. of the people as the sovereign bearer of state power, which are free to determine the state's political status, economic, social and cultural development and to decide about its natural wealth. Taking into consideration the inter-dependence of human rights, it is furthermore important that this self-determination process is based on democratic principles, which in the end does not lead to conditions curtailing the human rights of individual members of society or of groups.⁵¹

⁴⁸ Cf. Youngs (2011), p.4.

⁴⁹ Cf. Traboulsi (2011), pp.18-19.

⁵⁰ Various secession movements have also referred to the people's right to self-determination in order to legitimize their claims.

⁵¹ In the development discourse, the principle of national „ownership“ has become an

Despite its frequent mistakable use, it seems vital to add self-determination to the list of human right principles, which are of particular significance for the upcoming transformation processes in the Arab world. The expression of the „people“, which want to determine the political processes of their country, has been taken up and repeated by the protesters many times.⁵² Although this demand was directed primarily at the domestic power holders, it also implies warning words for external actors such as the EU and the US. The special feature of the Arab people's movements consists in its internal dynamic and emergence, which should not be jeopardized in any case.⁵³ Surveys indicate that the Arab populations attribute great value to their political independence and self-determination. They feel great confidence in their capacities to organize the next steps such as elections on their own and are sceptical towards the influence of external actors.⁵⁴ This is hardly surprising given that the West – in conjunction with speculating about the incompatibility between „Western“ values of democracy and an Arab world reduced to Islam – has often made its security and economic interests the guidelines for its policy towards the region and, in so far, ultimately contributed to the stabilization of the regimes.⁵⁵ After – quite tellingly – hesitating initially, Western actors have expressed now their commitment to a policy shift and to support for the upcoming reforms. If this commitment is to be realized they need to find a „balance between doing too much and doing too little.“⁵⁶

Taking into account the principle of self-determination requires first and foremost that external actors do not act in a patriarchal or imperialistic manner, but instead align themselves to the internal dynamics initiated

important point of reference since the Paris Declaration on Aid Effectiveness (2005); as long as this principle is understood as democratic self-determination of developing countries acting on their own responsibility, it can be argued to follow the same approach.

⁵² Cf. Ali Atassi, Mohammad (2011): What the people want...In: Heinrich Böll Stiftung (ed.): Perspectives. Political analysis and commentary from the Middle East. # 2 May 2011, Special Issue. Beirut, p.29.

⁵³ Cf. Youngs (2011), p.1.

⁵⁴ Cf. Gallup Center (2011), p.11 ff.

⁵⁵ Cf. Ali Atassi (2011) pp.28 ff. and Traboulsi (2011) pp.17 ff.

⁵⁶ Youngs (2011), p. 1.

by the local population. Neither should they present themselves as masters or offer blueprints for the reform processes, nor should they mistakenly presume that a transformation based on human rights and democratic principles will inevitably lead to Europeanization or to the development of a Western state model.⁵⁷ Human rights constitute a certain (minimum) standard, which leaves room for forming a state order according to a culture-specific context, historically determined circumstances and prevailing preferences of the respective population. This shall be taken into account by external actors when it comes to religion and traditional structures, which both play a relatively important role in the Arab societies. From the perspective of a human rights-based approach, there is no reason why such attitudes should not be adequately incorporated in the transformation, as long as these do not negatively impede other human rights, such as the freedom of religion, freedom of speech or the accountability of governmental action. However, there are several indicators that this is not desired by the majority of the Arab populations: for example, surveys reveal that although religion plays an important role for 96 per cent of the Egyptian population, the acceptance of freedom of speech by 92 per cent and freedom of religion by 67 per cent is also high. Moreover, contrary to the fears of Western actors, less than one per cent believe Iran should serve as a political model.⁵⁸ In the Arab spring, religious groups did not take a leading part.⁵⁹

From the point of view of Western actors it seems advisable – instead of continuously stressing the separation of religion and the state – to focus on the development of civic awareness – a perspective, which has already been strengthened by the Arab Spring. It cannot be assumed that the relationship between religion and secularism in the Arab world will be the same as in Europe. Most likely, the necessary distance to endogenous political processes will be kept when donors support the anchoring and institutionalization of democratic principles and procedural

reforms necessary for democratization, and when they refrain from promoting individual parties or actors that in their eyes seem to be the most moderate, charismatic or promising reform actors.⁶⁰ Support and advisory services for some of the pending reforms, such as the design of the election system, might even be delivered by democracies from the global South, such as South Africa, whose respective experience might be of greater relevance than the one of the European countries;⁶¹ possibly, this might be promoted by triangular cooperation.

Conclusion

The revolutions carried by the Arab populations constitute a historic opportunity to establish a new social contract in the countries of the region, which enables the comprehensive and equal involvement of all in political, economic and social processes. This article has argued that the internationally codified human rights norms should constitute the guideline for this transformation. By focusing on the principles of non-discrimination, participation, accountability, indivisibility and self-determination associated with them it can be ensured that this process will be responsive to the demands put forward by the movements. In addition, taking a human rights-based approach as a guideline will prevent in the course of the transformation from forgetting about the revolutions' ideals of freedom, dignity, equality and justice. A human rights-based approach highlights the necessity to promote a constructive relationship between state and society through a three-fold approach, which strengthens the capacities of the people as rights holders to claim and assert their rights (1) as well as the capacities of the state duty bearers to respond to them adequately (2) and anchors conducive legal and institutional framework conditions (3). Although a respective transformation will be a long-term process, and thus will require endurance, the first steps on the way have been made already.

Western actors can support this process if they also coin their action according to the

⁵⁷ On this thought cf. Youngs (2011), pp.5-6.

⁵⁸ A clear majority of the Egyptian people do not desire a theocratic, but a representative and democratic form of government, in which clerics only play an advisory role. cf. Gallup Center (2011), p.4 ff.

⁵⁹ Cf. Zurayk (2011), p.122 and Rabbani (2011) p.13.

⁶⁰ Cf. Youngs (2011) p.2 ff. and Gallup Center (2011) p.15.

⁶¹ Thus, surveys conducted by the Think Tank FRIDE indicate that Arab civil society organizations can profit little from the transformation experiences of Southern and Eastern Europe. Cf. Youngs (2011) pp.6 and 28, and Rabbani (2011) p.10.

approach described above. They should be particularly sensitive to adequately observing the principle of self-determination, i.e. they should not confuse their interest with local preferences. If setbacks in the course of the transformation arise, it will be important to not immediately fall back on the old rhetoric of the structural incompatibility between democracy and the „Arab nature“ – a thesis which proved itself wrong by the Arab spring.⁶² External actors will support the transformation and a progressive realization of human rights best if they – in accordance with the Universal Declaration of Human Rights – promote the establishment of a conducive environment not only at the national but also on the global level. In particular, this points to the establishment of a more just economic and trading system worldwide. Europe and the US need to work towards restoring their credibility, which they – due to their policies of the last decades – have lost in the eyes of many Arab people. In this context, the coherence between their own political action and human rights standards will be crucial, ensuring that the latter will not be sacrificed for short-term economic and security policy considerations.⁶³ Given that the recent development has proven that policies contradictory to human rights ultimately cannot guarantee stability, this will also be the best way to address the legitimate security concerns of the West in the long run. Finally, this also implies to issue clear criticism with regard to the “hard” cases of the region in which the people’s movements have not been successful so far, or in which the human rights situations does not improve, as well as to make sure that the down-bringing of walls in

⁶² Past experience shows that external actors often withdraw their support for democracy after two election cycles, because they believe that democratic consolidation has already been reached. However, since democratic processes are per sé of a long-term nature, authoritarian push-backs might still occur later in these country contexts. Cf. Youngs (2011), p.5.

⁶³ However, permission of the German federal government to export 200 Leopard-tanks to Saudi-Arabia, shortly after the democracy movement in Bahrain was crushed by force by Saudi-Arabian military in early summer 2011 gives little hope for a change of course. Cf. GKKE (2011): Statement von Prälat Dr. Bernhard Felmberg zur Rüstungsexportgenehmigung von Leopard-Panzern nach Saudi Arabien of 4th of July 2011. Berlin.

the Arab region does not lead to the building of new ones in Europe through inhuman asylum and migration policies.

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Will the Arab Spring Make a Stop at Beirut's Gates?

Zsolt Sereghy

Introduction

Egypt, Tunisia, and the wealthy Gulf monarchies were once places to which people would flee when politics became too turbulent in Lebanon. In 2011, however, people from besieged capitals across the Arab world headed for the relative calm of the Cedar State. As it has been reported, while the events of the Arab Spring turned violent in many of the region's countries, there has been a "sense of calm, even complacency, in the Lebanese political class about the stability of the political scene and of their relative insulation from the wave of Arab protests (Lynch, March 2011)." That is, of course, not to say that Lebanon's political scene is quiet; it goes on with all its usual infightings and polarisation, but after all, few members of the country's political elite seem to be particularly worried that Lebanon would experience any kind of protest waves similar to the events of Tunis, Cairo, al-Manama, Tripoli, or Damascus. This is even more striking, since Lebanon, positioned unfortunately among bellicose neighbours, and thus being a prime example for a country serving as military playground of neighbouring powers, would very much be prone to spill-over effects and proxy wars. Moreover, the country, with "an amalgam of religious communities and their myriad sub-divisions [...], is the sectarian state *par excellence* and was almost designed to be the everlasting battleground for others (Hirst 2010: 47)." That is why it is odd that in 2011, amidst the waves of popular rage against established power in Tunisia, Egypt, Libya, Syria, Jordan, Bahrain, and Yemen, civil war-torn Lebanon exhibits a comparatively resilient system and an unusually calm atmosphere.

Thus, this article intends to investigate how the country has managed to isolate itself from the turmoil of the time and what keeps it so surprisingly and unusually stable. In order to do so, we look first at Lebanon's strong, often particular identities shaped by geography and history, as well as the region's ethno-religious heterogeneity, before assessing the nation's unique political system, which, despite widespread corruption and its rigid sectarianism, enables the existence of a

comparatively liberal, pluralistic political atmosphere. After that, attention shall be given to the extraordinary features of Lebanese society that is arguably the most open in the Arab world, "in everything from tolerance of homosexuality to the transparency of its banks and its relatively unhindered press system (Martin, 2011)." Within this context, it is also important to assess why Lebanese society remained so untouched by the movements occurring in the rest of the Arab world. Most importantly, this section shall highlight the fundamental implications of Lebanon's uniquely free media as well as the way social media is dealt with by the country's political leaders.

Politics

State Formation and Identity

Forming the western, coastal part of *Bilād ash-Shām*, or historic Greater Syria, Mount Lebanon's historically predominantly Christian and Druze population has a long history of Western European exposure. The most prominent among the Levant's Christian communities, the Maronites were able to maintain their own autonomous emirate within the Ottoman Empire, and secure its Western guarantee. This unprecedented openness to (and dependence from) the West – particularly towards France that had been regarded as the Maronite community's premier protector – resulted in Mount Lebanon's constant allegiance to Europe. That transformed the country into the hub of Western missionary education and the primary mediator of Western ideologies and technical advancements towards the wider region. Consequently, Lebanese contribution to the *Nahda*, or 19th century Arabic cultural revival, and more importantly, to the transmission of European political ideologies (among them to the creation and spread of Arab nationalist ideology) is pivotal. Following World War I, by detaching Mount Lebanon from the rest of Syria and enlarging it with significant, but Muslim-dominated territories, the French mandatory power fulfilled Maronite claims of an independent 'Christian homeland'.

However, *Grand Liban's* other sectarian communities, accounting for the majority of the population, also had strong ties to external powers, which made a consensus over the country's orientation – Christian-favored Western vs. Muslim-favored Arab/Muslim – impossible. Hence, following independence in 1943, the National Pact, a compromise

between sectarian elites, defined Lebanon as an independent country (as opposed to Muslim demands of reincorporation into Syria), but with an 'Arab face' (as opposed to Maronite claims of a 'Phoenician', i.e. distinctively non-Arab identity), and imposed a unique, but extremely weak and fragile sectarian power-sharing system (Kaufmann 2004:172). However, after independence and more intensively, following the 1975-1990 Civil War, the imposed neutrality of the state level could not prevent sectarian elites to maintain their foreign alignments – most notably Sunni-Saudi/Gulf/Egyptian, Shi'ite-Iranian, and Christian-Western nexuses (Najem 2005:103).

Consequently, the combination of Lebanon's religious and ethnic heterogeneity and its sectarian system only allowed the emergence of a very weak 'Lebanese identity' that would rarely transcend sectarian divides. However, as a post-civil war study suggests, ongoing sectarian violence and demographic shifts tend to facilitate the formation of a stronger sense of 'Lebanese nationhood' among younger generations (Harik 1993:43), whereas other, more recent reports suggest that the power of sectarian politics are not to be underestimated (Azar 2009:18). For instance, recent rallies demanding the abolition of confessional separation were attended only by a handful of mostly leftist students, while the majority of the youth remains loyal to its sect and thus keeps religious segregation.¹

Political System

Modern Lebanon's constitutional order is based on the combination of the 1926 written Constitution and the 1943 unwritten National Pact, which represents a compromise between the leaders of the country's by-then most prominent communities brought together into one single polity without historical precedence by the French mandatory in 1920. To secure the functioning of this new political entity, the ruling Maronite and Sunni political class concocted a system referred to as *confessional democracy* – a system enabling equilibrium through communal power sharing based on the first and, until today, last census conducted in 1932, which showed a marginal Christian majority of 51 per cent. As its earliest fundament, the 1926 Constitution defined the republic's different governmental components,

institutions and organs setting up the presidency, the cabinet, the parliament, but without defining sectarian distributions.

As the second fundament, the 1943 National Pact, the founding stone of Lebanon's independence, included an oral understanding about the proportioning of governmental, military, and bureaucratic positions among sectarian communities. "*In essence, the Maronites hung onto the maximum possible prerogatives compatible with keeping non-Christians in the political system, while the Sunni leadership dominated non-Christians.*" According to this – basically Maronite-Sunni – deal, the former held the powerful, French-style executive presidency, while the subordinate but strategic post of the prime minister was reserved for the latter. The country's than third largest, but notoriously underprivileged community, the Shi'ites, were given chairmanship of parliament, referred to as "the second presidency", which was in fact little more than a representative position in the early decades of Lebanese independence. In addition to the presidency, the Maronites also secured the most prominent positions in the military, security institutions, and the single-chamber parliament where they succeeded to enforce a 6:5 Christian-Muslim ratio by allowing electoral districts to have seats divided between sectarian proportions, with the same quotas being introduced in public bureaucracy.

Despite significant demographical shifts in the Christian-non-Christian population ratio since 1932, which have been to the disadvantage of the former and caused by differential natural increase and continuously high emigration rates, political allocations remained frozen for decades. Consequently, the Maronite ruling elite avoided conducting another official census in order to preserve the delicate balance of 1932. This resulted in the absence of reliable and up-to-date statistical data and demographic studies. Estimates from the 1990s, however, indicate a significant Christian decline from 51 per cent in 1932 to 35-40 per cent in the late 1980s – mainly due to a widening Christian-Muslim fertility and emigration gap.² Naturally, this demographic evolution is not without considerable political importance.

¹ "The Great Arab Spring and Its Implications" (22.03.2011) <http://marxistfromlebanon.-blogspot.com/2011/03/great-arab-spring-and-its-implications.html>

² For more information on these and a number of other studies and estimations, cf. Harris 1997: 82-85.

Recently, the traditional Christian-Muslim sectarian distinction seems to have given way to a more complex, triangular distinction between Christians, Sunnis, and Shiites. This tri-polarity seems to be the result of a sharpening Sunni-Shiite divide fuelled by the rapid demographic rise of the latter as well as the Maronites increasing gravitation into a more cohesive communal block with other Christians. Due to its extremely late debut on the Lebanese political stage and fragmented political representation, the Shiite community's coherence has been fragile and thus failed to present itself as the country's largest minority. Although being Lebanon's sole community without substantial numbers of co-religionists in the neighbouring countries and thus with no communal interest across the borders, Shiites have only recently started to show interest for active participation in the Lebanese state – actually well after the formal end of the Civil War (Harris 1997: 85-90). In part this is due to the fact that subsequent Lebanese central governments have always failed to focus on the development and integration of the country's Shiite-populated and geographically peripheral Southern and Northeastern regions (South Lebanon and the Beqaa valley). Consequently, this notoriously underprivileged group has never benefited from the blessings of a developed infrastructure, school system, health care, and investment. These circumstances in turn resulted in the emergence of strong regional confessional movements – the Amal during and Hezbollah right after the Civil War – which has not just secured military defence during violent struggles and political representation, but also provided the represented communities with the material benefits of the deficient infrastructure. Consequently, because of its strong popular support, Hezbollah was able to establish itself as a democratically elected political party and began demanding more influence in the government by calling for a stronger role in an expanded cabinet that would effectively give the group veto power over government decisions.

Thus, it can be concluded that Lebanon's sectarian system, fragile, weak, and imperfect as it is, has mainly resulted in the emergence and maintenance of a comparatively pluralistic and democratic political system. Unlike the region's Arab states, the Lebanese system was never able to produce single-party regimes, such as the Ba'ath in numerous other Arab nations, or military regimes ruled by a single dictator. Instead, Lebanon's sectarian

elites and their foreign patrons have managed to ensure that none of the major sects would opt out of the system, call for foreign intervention in order to seize power over the whole of the country. *Ipsa facto*, however, the Lebanese population's inherent fear of the prospect of power-monopolization by one single sect also hinders the emergence of widespread popular support for a strong Lebanese state. That inherent weakness of the state in turn results in the practice of 'states within the state' providing basic services such as health care, education, infrastructure – e.g. the PLO before, Christian militias during, and Hezbollah since the Civil War (Kurtulus 2011).

The Post-Taif Political Arena

Since the formal end of the Lebanese Civil War that was waged from 1975 until 1989 and the ratification of the Saudi-brokered Taif Accord in 1990³, the country has exhibited noticeable recovery, massive foreign investment, and signs of relative stability during the 1990s. However, the assassination of former Prime Minister Rafiq Hariri on 14 February 2005 plunged the war-torn Cedar State once again into a political abyss. Since then, the country has witnessed a string of political assassinations aimed at key anti-Syrian political figures, and faced yet again another Israeli military invasion in July 2006 (Knio 2008:445).

Despite this renewed turmoil, the 2005 "Cedar Revolution" had also put an end to decades of

³ The Taif Accord, as it became known later, aimed to replace Lebanon's political structure based on the duality of the 1926 Constitution and the 1943 National Pact and envisaged a solution to the Lebanese crisis in two periods. It gave birth to the Second Lebanese Republic conceived to be leading to a future Third Republic, in which political sectarianism would be abolished. The system would be inaugurated by the election of the first non-sectarian parliament, while the sects would be given representation in a Senate-like second chamber of parliament to vote on issues of national character. In reality, however, the solution found only little support among the country's community leaders and, in practical terms, resulted in the reproduction of the sectarian system, though at least with some pivotal modifications. First and foremost, the Agreement modified the hitherto 6:5 Christian-Muslim ratio in the distribution of parliamentary seats, thus increasing their number from 55 to 128 (Traboulsi 2007:244-246).

Syria's military presence in the country. Consequently, Lebanon was expected by many to serve as a model of successful democratization for the rest of the Middle East. However, with the withdrawal of external forces, which have not been regarded as occupiers by many of Lebanon's political blocs, there has been little change in the general political landscape. After 2005, Lebanon's domestic politics remained utterly divided with looming issues, such as the Hezbollah's disarmament, the ramifications of the 2006 Israel-Hezbollah war, the 2007 power struggle that brought the country to the brink of a new civil war,⁴ or the recent indictments issued by the UN Special Tribunal for Lebanon (STL) against alleged members of Hezbollah (Berti 2011).

This particularly worrisome and uncertain political atmosphere has been the result of the internal power vacuum created by the collapse of Saad Hariri's government in January 2011. The subsequent creation of a new cabinet under PM Najib Mikati in the same month has been a long-awaited step that has put an end to the uncertainty caused by the internal power vacuum. However, the new cabinet, comprising 18 ministries from the hitherto oppositional March 8 movement and 12 independent – in fact pro-March 8 – candidates, is not including a single member of the March 14 coalition, thus rendering the country's current political arena highly unbalanced and prone to conflict.

As a further problem, by allowing the increasing Syrian penetration of Lebanese domestic politics, the new cabinet seems to bring the country back to the ideology and practices of the pre-Cedar Revolution era. As Berti remarks, Bashar al-Assad's regime appears to have been heavily involved in the process that led to the formation of the Hezbollah-dominated executive. Moreover,

⁴ In November 2007, President Émile Lahoud steps down after parliament fails to elect his successor. Institutional paralysis and political turmoil shows symptoms of a new civil war. In the same month, Hezbollah storms Central Beirut after Council of Ministers' decision to shut down the party's independent telecommunication network. The Qatari brokered Doha Agreement ends 18-months political crisis by giving veto power to opposition and paving the way to unity government, and presidential elections. In May 2008, army chief Michel Suleiman is elected president (Kurtulus 2011).

Syria has been highly supportive of the new direction taken by Lebanese politics. Given Syria's ongoing internal turmoil and the mounting international pressure on its regime, Lebanon's pro-Syrian stance is not something that Assad could easily abstain from. It is very likely that Syria chooses to make excessive use of its re-established strong influence in Lebanon in order to attempt restoring both its domestic and regional power position (Berti 2011). However, a scenario bringing Lebanon closer to Syria would very much threaten to undo most of the achievements of post-Cedar Revolution governments.

On the domestic level, the *de facto* marginalization of the Cedar Revolution's leading political force, the anti-Syrian, pro-Western March 14 Movement, leaves a large segment of the Lebanese population, and especially the Sunni community, unrepresented. Consequently, the exacerbation of Lebanon's existing sectarian divisions is already giving rise to internal political tensions among the different sectarian groups.

On the international level, rapprochement with Syria threatens to influence Lebanon's close foreign policy alliance with the United States. This trend is particularly unfortunate at a time when the US sees its influence crumbling in the wider region and thus would have a strategic interest to rely on and even strengthen cooperation with Lebanon. However, with Hezbollah as the dominant force within the new cabinet as well as public threats from their allied Christian leader Michel Aoun to "splint the arm of US intelligence in Lebanon (NOW Lebanon 11 June 2011)," concerns about the future stability of US-Lebanese relations are not exaggerated.

Hence, it seems that Lebanon's current political process of uncertainty – again, mainly induced by external factors – is the main reason why the country's political path is so much diverging both from its home-grown Cedar Revolution as well as from the general tide of the Arab Spring looming outside its borders. It is quite remarkable that a country which traditionally serves as a transmission point of ideas and ideologies between Orient and Occident is so much isolated at a time when uprisings in its wider neighbourhood are demanding values – such as democracy and freedom, in both of which Lebanon could serve as a comparably eminent regional example. Instead, Lebanese domestic politics is bogged

down with internal struggles as well as a penetrating Syrian regime.

Consequently, the future of Lebanese politics seems to be very much dependent on the fate of its Syrian neighbour. Utterly simplified, a downfall of Syria's incumbent regime would allegedly weaken Hezbollah - and the March 8 coalition - and subsequently lead to the rise of Saad Hariri's pro-Western anti-Syrian Sunni-Christian March 14 Movement. On the other hand, the survival of the Assads would bolster Hezbollah, and thus maintain Syrian influence and the current domestic power structure. In case of both scenarios however, it is important to consider, that Lebanon's political landscape is fundamentally differing from those of the Arab countries where popular uprisings have taken place so far.

As it has been pointed out earlier, the Lebanese system, the only relatively democratic structure in the region, has succeeded to prevent the emergence of a single-party autocratic regime characteristic to the Mideast's political architecture. Of course, one might still argue that the country's power-sharing based sectarian system failed to prevent the eruption of violence, foreign penetration, and political turmoil. However, the general demands of the Arab Spring - ousting dictators, achieving freedom of speech, advancing human rights, and introducing democracy - have more or less already been achieved in Lebanon. In order to understand these crucial differences, we will subsequently look at the country's media landscape, since this factor is regarded to have had pivotal implications on the course of the popular uprisings elsewhere in the Arab world.

Society and Media

As it has become apparent, Lebanon's political landscape and dynamics are very much the result of the country's distinct sectarian structure.⁵ Despite of this anachronistic system, Lebanon, especially in a regional comparison, is in many aspects a profoundly modern country. This modernity becomes apparent when looking at some basic socio-economic figures: 89 per cent of the population lives in urban settlements, with alone Beirut

⁵ At this point it is important to remark that the Lebanese system - based on the power-sharing system of the country's dominant sect-based elites - is often simultaneously referred to as confessionalism, sectarianism, consociationalism, or communitarism.

accounting for 49,7 per cent of the total population. The Lebanese economy is a service-based economy: 72 per cent of the country's 2005 GDP had been produced in the tertiary sector (cited in Mutin 2007). Furthermore, with a GDP per capita rate of US\$10,019, Lebanon is much better off than many of the Arab Spring's principal host countries (cf. Tunisia: US\$4,160; Egypt: US\$2,772; Syria: US\$2,892⁶). Also, given the country's historic exposure to the West as well as the multitude of long-established Lebanese oversee diasporas - most notably in Northern and Latin America, France, Western Africa, and more recently in the Gulf,

Lebanon's society - with varying degrees among the various sects, of course - is profoundly overt and cosmopolitan, being it measured in democratic practices, LGBT rights, or the lack of censorship. Moreover, Lebanese urbanity is further reproduced by the country's mostly privately owned, sect-affiliated educational system, which often allows most or all subjects to be thought in a foreign language - French or English - according to foreign curricula. Consequently, many urban Lebanese tend to be more fluent in a European language than in Standard Arabic (Jarrār 2007:474).

Despite of the extent of foreign exposure and integration into democratic modernity that is rarely to be found in other Arab countries, both the Lebanese State and its society is still very much defined by the pervasive primordial role of traditional leading families, clans, sectarian elites, as well as networks of solidarity around them (Feki & de Ficquelmont 2008:56). The system of traditional leaders, or *zuamā* (sing. *zā'im*), involves utmost allegiance and loyalty (including support in election times) by a certain group of adherents (belonging to a certain geographic region or religious sect) to a certain *zā'im*, in return for services and access to powerbrokers. The relationship between the two parties requires a system of obligations and political commitment, which - being a vestige of feudal Lebanon - fosters a bond of fidelity between adherents and their leader and provides the individual *zā'im* with undisputed leadership and authority over the local community. In the 1980s, the *zuamā* were in many cases the direct descendants of the great feudal families of the past. Primary examples of these leading families include the

⁶ Only Libya shows a slightly higher figure: \$12,062. All data refers to 2010 figures or estimates. Source: CIA World Factbook.

Druze Joumblatts as well as the Christian Chammoun, Eddé, Frangié, Lahoud, and Murr families. In addition to this traditional form of clientelism, the circumstances and the aftermath of the 1975-1990 Civil War gave rise to a new elite that included a new stratum of emerging leaders who enjoyed power by virtue of sheer military force, individual charisma, or entrepreneurship such as the Christian Gemayels or the Sunni Hariris. Today, the families of these old and new elites are occupying key positions in Lebanon's political, economic, and cultural life (FSD 2010).

Thus, Lebanon's societal structure – a combination of deep-rooted and omnipresent clientelism and traditional extravertedness – has produced a system fairly incomparable to the systems of other Arab nations. This form of pluralistic democracy that gives space to competing sectarian interests but also guarantees individual participation in a relatively liberal atmosphere is arguably a contributor to Lebanon's calmness amidst the waves of the Arab Spring, which primarily fights for goals that are already more or less achieved in the Cedar State. Of course, compared with Gaddafi's privileged tribe in Libya, or the Assads' ruling Alawite clan in Syria, there are certain elements and structures that are not unknown in Lebanon. The country's sectarian system, however, as well as the Lebanese society's inherent fear of shifting the power-balance into the hand of a single sect, has prevented the system from being hijacked by a single party.

Media

The role of social media networks, most prominently Twitter and Facebook, has been debated extensively ever since uprisings in the Arab world began. While some have argued that the new and more open means and forms of communication enabled by these networks have been vital organizing tools, others have insisted that social media has been merely an additional weapon for a small stratum of protesters having access to these technologies. Regardless of which stance one takes, media, both traditional and social, seem to have a fundamentally different status in Lebanon compared to the main venues of the Arab Spring events.

As for the traditional media forms, i.e. press and broadcasting, Lebanon has long been regarded as having one of the most open and diverse media landscapes in the Arab Middle East. In a region that has produced some of the most restrictive media environments in the

world and where the curtailment of press freedom is rather norm than exception, Lebanon's media is characterised by the absence of the "red lines" of censorship as well as by state support for press freedom and freedom of expression. According to a 2006 IPI report, "criticism of state authorities and political figures is a regular feature in most publications and broadcasts, as is discussion of religious, social and economic issues (IPI 2006:7)." Historically, Lebanon was the first Arab country to introduce printing and publish a newspaper, and also, to permit private radio and television. Consequently, pre-Civil War Beirut was the hub of Arabic-language media and publishing, where censorship restrictions of the neighbouring Arab regimes were not applied⁷. Even today, with a myriad of independent television and radio stations, dozens of privately owned pan-Arab, regional, and national newspapers and periodicals,⁸ Lebanese media has a huge impact outside the tiny nation's borders, despite the increasingly fierce concurrence dictated from the Arab Gulf – most notably by Qatar's Al Jazeera Channel (Gonzales-Quijano 2003:65).

As for social media, Lebanon was also one of the first Arab nations to embrace the Internet (Gonzales-Quijano 2003:65). Though with 29 per cent, Lebanese Internet use is not as high as in the Gulf, it is much higher than in the countries primarily affected by the Arab Spring (Tunisia: 3,6%; Egypt: 20.1%; Syria: 19.1%⁹). On top of this relatively high Internet penetration, it has to be noted that similarly to the press Lebanese authorities largely refrain from imposing censorship on the accessibility to Internet content. Consequently, unlike in many Mideast nations, major social media providers, microblogging sites, and blogs are retrievable without restrictions. However, the Lebanese way of dealing with social media has an even more intriguing face. During the course of the Arab Spring, the country's political elite seemed to have grasped the importance of Internet-based communication. As it has been reported, numerous prominent

⁷ According to a popular proverb, the best pieces of Arabic journalism were written in Cairo, printed in Beirut, and read in Baghdad.

⁸ As the IPI report adds though, political interests have a strong influence though, as most media owners are affiliated with either a political party or a religious sect and content reflects their respective ideologies (IPI 2006:2).

⁹ Source: Internet World Stats 2011, <http://www.internetworldstats.com>.

Lebanese politicians, including former PM Hariri and current PM Mikati, have begun tapping Facebook and the microblogging website Twitter in order to connect with the country's younger generation who retrieve their information primarily from the Internet. By adopting a casual style and even allowing occasional live Q&A sessions,¹⁰ political figures seem to have understood the crucial role social networking sites are playing in the grass roots movements fanning the flames of the ongoing Arab uprisings. Moreover, they also seem to have realised that participation in the social media gives them more exposure and thus a wider public audience (Daily Star, cited in Jerusalem Post 11.10.2011).

Conclusion

Whether the wind of change reaches Beirut is difficult to predict. Looking at, however, what has been argued here, one might acknowledge that in the Lebanese context all the features that have contributed to the eruption of revolutions throughout the Arab world have a very distinct form and unique nature. As it has been argued, Lebanon's fragmented sectarian political architecture, which has been prone to instability and has caused so much conflict in the past, has managed to prevent unilateral power monopolization and the emergence of a ruling regime, or, let alone, of a despot. Shaky and prone to foreign penetration as it is, Lebanon's confessional democracy seems to guarantee a certain odd calmness at this time. Moreover, even if the Lebanese would have one single party to oppose or rise up against, the society's inherent polarisation as well as the existence of a myriad of – often competing – communal identities at the cost of a unitary sense of Lebanese nationhood would probably prevent a nation-wide uprising, as it has been the case in Tunisia and Egypt where the sense of *appartenance* to the same nation has not been questioned by the people protesting on

¹⁰ For instance, former Prime Minister Saad Hariri - who tweets under @HaririSaad - uses the website for frequent live question-and-answer sessions, where he answers questions from his followers on issues ranging from the UN Special Tribunal on his father's assassination to his favourite films. His casual style and English-language only tweets – such as his debuting one: “hi everyone hope you had a great day, i am online lets [sic] get started” – indicates the desired target audience, young, educated and urban population he seeks to address (Daily Star, cited in Jerusalem Post 11.10.2011).

the streets. And ultimately, the existence of a free, vibrant, open and pluralist media that plays an imperative role in keeping a largely cosmopolitan society informed of political developments and in promoting inter-community dialogue by giving space to a wide range of opinion and analysis also contributes to Lebanon's unusual tranquillity. *Ipsa facto*, odd as it sounds, all what has been fought for by demonstrators elsewhere in the Arab world, such as freedom of speech, freedom of press, democracy, the ousting of dictators and oppressive regimes, or human rights, are more or less achieved in contemporary Lebanon and represent no issues in the public debate. Hence, while Beirut is still far from being a safe haven of the blessed, its perennial uniqueness and hybridity on the edge of east and west might this time turn out to be a fortunate circumstance for this strife-torn country.

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The Gaza Flotilla: a Case of Civil Disobedience?

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Introduction

Many are the cases of disobedience from the ancient times to the modern era, which have acquired a special status in the political and historical conscience and which have accompanied students throughout their learning process. Today, examples of disobedience in people's daily lives are frequent and if those cases are mentioned in the media, they are for the most part included in the news briefly, because they cause disorder or they are marred by a specific humour or a surprising heroism in a neoliberal society,¹ blamed for making the modern barbarism of individualism and profit-making reign supreme. Relations in our modern society are becoming increasingly complicated and cases of civil disobedience can also appear in the context of the *communitisation* of the international society, involving various actors at different levels of society as a whole.

The objective of this essay is to reflect upon the Gaza flotilla, especially that of 31st May 2010,² to analyze it in relation to the

¹ For example: Considering themselves as privileged, officials of the Russian Federation drive recklessly, improperly using their blue lights, and by doing so have caused many accidents, some with fatal outcomes. In response, members of the Russian Car Owners Federation launched an initiative in Moscow, followed by other associations, invoking the equality between citizens. They protest by putting blue buckets atop their cars. In turn law enforcement authorities arrested protesters. Manfred Quiring (21 April 2010) "Mit Buddeleimer gegen die Willkür der Regierung", Welt Online.

² The flotilla was organised by the NGO "Free Gaza Movement", whose members are generally from what is called the traditionals of the pro-Palestinian mobilisation, with a large investment of the Turkish NGO "Humanitarian Relief Foundation", also called "Insani Yardim Vakfı" (IHH), and many other NGOs across the world. The French civil society participated through the Committee for Charity and Support for Palestinians (CBSP), overseeing the actions of several NGOs involved in Palestinian projects.

characteristics of civil disobedience, to initiate a discussion on the legitimacy of this action aimed to force a blockade imposed by the Israeli State, and to contextualize the Israeli-Palestinian conflict which gives it a specific meaning. This essay manifests the intention to go beyond the raw facts, not to limit it to *daily news* and to take an interest in the phenomena under the guise of the temporal. In any case, the reflections outlined here do not claim to be exhaustive.

The incident of 31st May 2010 caused nine deaths³ and strong reactions in both diplomatic circles and society as such. The investigations conducted under the UN concluded that the use of force was disproportionate during the take-over operation, but that the naval blockade was considered "legal".⁴ This can be considered as being a digression to indicate that legality and legitimacy stop relating when it is accepted that an order can be legal but unfair.⁵

³ "On 31 May 2010 at 4.26 a.m. a flotilla of six vessels was boarded and taken over by Israeli Defense Forces 72 nautical miles from land. The vessels were carrying people and humanitarian supplies. The flotilla had been directed to change course by the Israeli forces who stated that the coast of Gaza was under a naval blockade. Nine passengers lost their lives [on the Mavi Marmara, a Turkish boat] and many others were wounded as a result of the use of force during the take-over operation by Israeli forces." United Nations (September 2011) "Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident."

⁴ In the first stage, the UN Human Rights Council, using a special procedure, established an independent international fact-finding mission, which in September 2010 issued a report concluding that Israel demonstrated a "totally unnecessary violence". In August 2010, given the seriousness of the facts, the UN Secretary-General set up a Committee of experts to investigate the flotilla incident. United Nations (27 September 2010) "Fact-Finding Mission on the Israeli attack on the Flotilla carrying humanitarian assistance to Gaza presents report to Human Rights Council".

⁵ Institut international de philosophie politique (1967) *L'idée de légitimité* [The idea of legitimacy], coll. *Annales de philosophie politique*, Paris: Presses universitaires de France, 38.

Section 1: Analysis of the example of the Gaza flotilla through the seven characteristics of civil disobedience

According to a modern definition by María José Falcón Y Tella, civil disobedience is “the conscious and intentional, public and collective breaking of the law, normally using peaceful means, appealing to ethical principles, voluntarily accepting legal sanctions, and with an innovative goal.”⁶ François Ost, crossing several philosophical definitions, revealed seven constituent and cumulative characteristics of civil disobedience.⁷

The press release, published on 31st May 2010 by the French Committee for Charity and Support for the Palestinians (CBSP or Comité de secours et de bienfaisance aux Palestiniens) on the same day of the events – the real facts not being confirmed yet, so on the spot – captures the emotions and intentions of the flotilla organisers.⁸

⁶ M.J. Falcón Y Tella (2004) “The Presumption of Innocence and Civil Disobedience”, in Proceedings of the 21st IVR World Congress, Madrid: Archives for Philosophy of Law and Social Philosophy, 176.

⁷ F. Ost (2000) « La désobéissance civile : jalons pour un débat » [Civil disobedience: grounds for a debate], *Obéir et désobéir. Le citoyen face à la loi*, Brussels: Éditions de l’Université de Bruxelles, 16-19.

⁸ “The raid by the Israeli military forces against the flotilla that was willing to lift the Gaza blockade killed about twenty people among the activists and injured many others. Nothing, absolutely nothing can justify such a violent outburst against activists and parliamentarians who were carrying basic necessities to the Palestinians in Gaza. After having inflicted on Gazans a murderous raid, asphyxiating them by an unacceptable blockade, Israeli authorities showed again the same contempt for human life. First we would like to pay tribute to the victims who were killed or wounded, while trying to express their humanitarian solidarity to the Palestinian people imprisoned in Gaza. We express our deep concern about the fate of people detained in Israel, while and especially since Israeli authorities just submitted to the military censor all information on these events. We demand their immediate release, the restitution of the boarded vessels and the goods they contained. We demand the establishment of an international commission of investigation under the aegis of the Security Council of the United Nations. We urge the French government and the European Union to compel Israeli authorities, on pain of sanctions,

Progressively it will be cross-referenced with the seven characteristics in question.

(1) Trespassing a rule of positive law

Is it a criminal offence to force the naval blockade imposed by the Israeli state and not to comply with an injunction? At least from a theoretical point of view, the activists cannot ignore that, under the Israeli criminal law, it is a criminal offence to force a naval blockade, and, in that event, to refuse to compel with injunctions. As for the limits of the territorial jurisdiction, the Israeli judges are likely to make an ex-post review of the applicability of criminal law. The activists, by wanting to break the blockade, which is a deliberately positive action, are knowingly taking the risk of a military action against them, to violate the Israeli criminal law and to expose themselves to possible criminal prosecutions.

(2) Public attitude

After upstream diplomatic exchanges between Turkey and Israel, the departure of the flotilla knows an international coverage. The activists plan to defy the Israeli authorities and to show the world that they are able to deliver humanitarian aid directly to the Palestinians in Gaza, unlike an international community that is powerless to the prolonged closure of borders. In addition, the use of social networks almost in real time and the presence of journalists on board allow them to directly reach a large audience in the most distant boundaries of privacy in order to appeal to their conscience by sending live pictures on the progress of the flotilla.

(3) Collective movement

The presence of some 700 passengers, parliamentarians, NGO members and journalists, gathering many different nationalities, largely shows a collective movement driven by civil society. The organisation of the flotilla is based on a group commitment, representing an active minority that has the ability to join and organise. David Hume, in a certainly different context, reminds us that the agreement of the opinion is the instrument that legitimates any public action: “It is therefore, on opinion only that government is founded; and this maxim extends to the most

to immediately end the Gaza blockade and to support efforts to end the impunity of the Israeli authorities. CGT, FSU, Platerforme des ONG française pour la Palestine, RCDP” (31 mai 2010) “Bateau pour Gaza : un crime injustifiable”.

despotic (...) to the most free (...).⁹ In our modern international community, does the role of civil society, NGOs and public opinion, in its broadest sense, juxtapose the role that the agreement of the opinion plays internally within states? World public opinion and the many forces that have a decisive influence on the formation of international law can influence a filling of the imperfections and injustices revealed by the events.

(4) To use generally peaceful means

It seems, at first glance, easy to conclude that, without a military intervention, the Gaza flotilla is moving peacefully towards the Gaza coast. Nevertheless, this is not obvious, as it raises the question of the Israeli choice towards the impasse of losing control of its own blockade, on the one hand, and the not exclusively semantic question of a certain degree of implicit violence in the desire to “force” the Israeli vice, on the other side. Although Israel denounced the seizure of weapons and physical resistance from the activists, there were no guns into the seized arsenal. The use of force by the activists, whose ultimate violent act is throwing chairs against elite soldiers, does not seem excessively disproportionate. Is non-violence impossible when fighting against a norm perceived as unfair, even if the principle of non-violence must prevail in order to obtain changes? In their press release, the CBSP activists charge the Israeli authorities alone for the violent outburst. The Israeli soldiers obeyed and chose the path of conformity by accepting the orders of the authority. Here is the illustration that “whenever the principles which are obeyed and those which are disobeyed are irreconcilable, an act of obedience to one principle is necessarily an act of disobedience to its counterpart, and vice versa. Antigone is the classic example of this dichotomy.”¹⁰ However, the Israeli government criticises the proximity of one of the co-organisers, the IHH, with Al Qaeda and Hamas. It is difficult to assess whether it is a defensive propaganda or, on the contrary, an organisation who is willing to go as far as to share a violent ideology, which does not respect the rule of law and which would then affect the legitimacy of its action.

(5) To accept the risk of sanctions

⁹ D. Hume (1753) *Essays and treatises on several subjects*, London: 20.

¹⁰ E. Fromm (1983) *On disobedience and other essays*, London: Routledge & Kegan Paul plc, 3.

The flotilla forces the military to intervene by using means of restraint in order to prevent the progression beyond the blockade. Thus, the activists are risking their own physical safety. Moreover, they must not ignore that their behaviour is likely to generate long term sentences under broad interpretations of offences, including violations of national sovereignty of the Israeli state, assistance to the enemy or resistance to the lawful actions of the armed forces. Apparently, they deliberately exposed themselves to sanctions, but beyond that, little evidence permits to say how much they are really willing to accept the consequences of their behaviour. Are they not implicitly hoping by doing so, that evidences of support from people and political entities allow them finally to shirk their responsibility? On the one hand, the collective expression by official notice of a civic attitude defying any sanction and, on the other hand, the possible individual hope of the activists, especially psychological, do not necessarily tally. The CBSP press release, demanding the immediate release of the activists, could indicate the prevalence of the second consideration: a refusal to accept the risk of sanctions. However, uncertainty persists towards a heterogeneous group composed of individuals, unable to be the subject of generalisation. In this context, a question arises: why did the Israeli state not prosecute the arrested activists? Would this be in order not to provoke public opinion, to prevent diplomatic reactions, to avoid the vexed question of the nature of the courts to seize or not to risk a court verdict that could be embarrassing?

(6) To pursue an innovative end, the repeal or the amendment of a norm (including a policy)

The activists claim they want to rebel against the injustice of a blockade, considering the closure of the Gaza borders contrary to international law, and against the resulting living conditions seriously undermining Gazans' dignity. It is the withdrawal of the military, which imposes a hermetic closure, that is aimed at and, to take up the comments of other NGOs, it is the opening of the world to Gazans that is the ultimate goal: the closure of which has often been referred to as “the biggest prison in the world”. Their goal is political: it aims at lifting a blockade, which results from Israeli unilateral decision, within the global framework of broader UN resolutions, and thus in respect of public international law. If the activists' goal is a

change in the “government policy”,¹¹ then they are in a context of civil disobedience. If, on the other hand, their goal goes beyond this framework by claiming a more fundamental transformation of the peace process, and even of the international community, in order to address malfunctioning or generally to enforce human rights for Palestinians as a whole, it gets closer to the concept of resistance to oppression.

(7) *Appeal to higher principles*

A priori, it is the injustice against the Palestinians that is guiding the activists' actions. They appeal to higher principles of respect for human life, human solidarity, freedom of movement and the end of impunity for Israeli actions violating human rights. By doing so, they refer to the rules of the democratic game of a *vindictory* sanction, organised by society, as opposed to that of a *vindictive* nature, directly arising from individuals. Despite the fact that the international community can describe the blockage as “legal”, the activists believe that its implementation by the Israeli authorities violates the higher principles of human rights, such as human dignity. By the collective strength of their idea, they reject the isolation they consider unfair and arbitrary. As a consequence, are they not in advance to the call contained in Stephane Hessel's booklet, *Time for Outrage!*,¹² which states that indignation alone is insufficient? However, we should moderate an approach that might be too idealistic: it cannot be excluded that some participants pursue other goals, which may challenge the presumption of good faith that is surrounding the organisation of the flotilla. On one hand, some elements could proceed with a more aggressive agenda towards the Israeli state, driven by a desire to harm, and, on the other hand, the transport of primary humanitarian aid, particularly legitimizing the organisation of this flotilla, could not match the real needs of the Palestinians of Gaza. The development of an underground economy has flooded the local market with food and vital products of all kinds. Would the real goal, heading all derived motives, not be the political signal to oppose a blockade, now obscuring the supply of humanitarian aid, which could only be a pretext of a highly symbolic value and able to challenge the public awareness?

¹¹ J. Rawls (1987) *Théorie de la justice* [A Theory of Justice], Paris: Seuil, 405.

¹² S. Hessel (2012) *Indignez-vous !* [Time for outrage!], Montpellier: Indigène éditions.

Section 2: Study on legitimacy

The intention to give legitimacy to civil disobedience is opposed to the Kantian conception of power, which requires obedience in all circumstances, regardless of the excesses that may accompany the exercise of it. “The subject ought not to reason subtly for the sake of action about the origin of this authority (...) with regard to the obedience he owes it.”¹³ This adamant refusal does not prevail anymore in contemporary democratic societies that, within its limits, can accommodate a justification process of disobedience.

In fact, the territory and the borders are at the heart of the argument in the Israeli-Palestinian conflict and not the compensation for two historical tragedies, namely the Shoah and the Nakba. The two people claim their right to live on the same land with great conviction.¹⁴ Each negotiating effort inevitably faces an existential confrontation. The actors do not hesitate to change their speeches, invoking in turn their legal, historical, moral, religious or political legitimacy, as far as they serve the purpose of their respective reasoning in order to question the legitimacy of the other.¹⁵ With regard to the legitimacy of the action of the flotilla, in a broader context of the conflict, the indignation is justified, or better justifiable, only when it relates to fundamental values of human rights, which claim universality and permanence in time.

(1) *A context of democratic rule of law?*

Palestinian and Israeli societies are characterized by an overrepresentation of extreme positions, which is different from the traditional conception of democracies where the moderated majority sets rules. On the Palestinian side, those who accept the peaceful coexistence of two states do not seem to be in phase with the population. In the same way, on the Israeli side, extreme positions of ultra-Orthodox inspiration strongly influence the political agenda. The frustration with the inability to talk results in the fact that peace does not mobilize the directly involved people.¹⁶ The Palestinian political system,

¹³ I. Kant (1996) *The Metaphysics of Morals*, Cambridge: Cambridge University Press, 95.

¹⁴ B. Wasserstein (2003) *Israel und Palästina, Warum kämpfen sie und wie können sie aufhören?* Munich: C.H. Beck, 87-118.

¹⁵ B. Wasserstein, op. cit., 8-10.

¹⁶ S. Cohen (December 2010) “Israël : la paix ne mobilise plus” [Israel: peace is not

characterized by a concentration of powers at the President's level, reflects a "patrimonial" or "neo-patrimonial" conception rather than a democratic one.¹⁷ The crucial question to analyze the action of the flotilla is if the Israeli state can be considered a democratic state, in order not to end up in a context of an action taken against a tyrannical government.

The Israeli government is established or consecrated by universal suffrage, which is the foundation of any democratic legitimacy.¹⁸ The democratic state is not a fixed concept: its construction varies in time and space and, above all, it is characterised by a certain degree of instability. And as Jürgen Habermas has pointed out, the democratic state will always be a fragile, delicate and, above all, fallible construction, subject to revision.¹⁹ A democratic minimum is given, but some arguments could be made to question the democratic nature of the Israeli society. On the one hand, military representatives are omnipresent, in all state structures, while their presence can be justified by the state of permanent threat to external security, if the rules of a democratic organisation are not compromised. On the other hand, observers cite numerous convictions for corruption of prominent politicians, allegation including in itself the proof of its opposite, since it confirms, above all, the proper functioning of an independent judiciary in a democratic state.

An argument that seems the most relevant is the profound connection between the foundations of democracy and human rights, which forms a link that is not one-sided and based on a constantly evolving reciprocal interaction.²⁰

mobilising any more], Alternatives internationales, special issue no. 8, 96-97 and S. Hessel (2012) Indignez-vous ! [Time for outrage!], Montpellier: Indigène éditions, 18.

¹⁷ D. Herz (2003) Palästina, Gaza und Westbank, Geschichte, Politik, Kultur, Munich: C.H. Beck, 132.

¹⁸ Institut international de philosophie politique, op. cit., 7.

¹⁹ J. Habermas (1987) Droit et démocratie, entre faits et normes [Law and Democracy, Between facts and norms], translated from German to French by R. Rochlitz and Chr. Bouchindhomme, Paris: Gallimard, 411.

²⁰ A. Ubeda de Torres (2011) Les rapports entre démocraties et droits de l'Homme [Links between democracies and human rights], Brussels: Bruylant.

Finally, the international dimension is added that, by an amplifying effect, makes the philosophical analysis even more complex.

(2) Legitimate reasons to disobey?

The activists seem to respect the *substantive condition* of indignation against a measure that threatens the general interest. Disobedience is justified by the seriousness of the infringement of human rights and fundamental freedoms against the Palestinian population. The organisation of a peaceful flotilla, as a means, does not exceed the right measure and is proportionally positioned towards its goal, namely the infringement of the right to dignity, suffered by Gaza citizens. But it still raises a paradox when committing an offence in order to pursue legitimate principles. The violation of human rights, caused by a prolonged isolation of Gaza, broke the link of adherence to Israeli policies and the activists feel entitled not to give a practical authority to the blockade.

This raises the other question of the *formal condition*: the exhaustion of all means of protest available in a democratic society. The Oslo agreements had raised hopes that have since long vanished. Admittedly, the means of dialogue seem inexhaustible, but at the time of the organisation of the flotilla, the dialogue seemed *exhausted*, with parties bridleing against preconditions. Towards a situation perceived as unfair and that seems stabilised, the choice of disobedience is considered by the organisers to be a way of opening up new forms of dialogue. From an objective point of view, it should be noted that the contrary is an option just as valid. Disobedience in the case of the flotilla can be legitimised if the real intention is to support the fair international order, to empower the people in their fundamental rights and this with full respect of democratic rules. Arguably, the order of the international community has not been completed: it is paralysed in this confrontational context characterized by the exercise of veto rights, enshrined in the wake of World War II, and the absence of a binding international jurisdiction for all states. Those failures are maintaining an injustice against a weakened people and under an uncompleted universal rule of law. In this case, the lethargy of the system is flouted by actions such as the flotilla case, which contribute to the vitality of gestation of a *fairer* international society. A posteriori, it appears that the dialogue on peace, including a consensus on borders and their management, has not exhausted all its resources: for example, the debate on the recognition of a Palestinian state in several

international forums, the Palestinian wish to recognize the jurisdiction of the ICC (International Criminal Court) and the release of Gilad Shalit put new incentives to the resumption of peace negotiations.

(3) An example of legitimate resistance to the oppressor?

A priori, because of the democratic nature of the Israeli state, we would avoid of calling it a scenario of oppression. Nevertheless, the question is still arising in the context of an international community suffering from a democratic deficit and in a situation of continuing violations of the right to self-determination of the Palestinian people and repetitive violations of universally recognized human rights. The right to self-determination is part of the *ius cogens*. These imperative norms impose themselves on any subject of international law and have grown into a body of substantial rules, forming a true international and constitutional law and claiming a primacy over any contrary act.²¹ The question then invites to consider if we are in the presence of an oppression that appears through actions committed by public authorities, characterized by the violation of human rights. In the broader context of the Israeli-Palestinian conflict, the oppression could be exploited, while the application of this concept to the only naval blockade is more complex. On the one hand, the Israeli authorities have withdrawn from the Gaza territory,²² no longer assume the function of public authority and control only a part of the borders, by operating from the outside. A paradox is inherent in the self-defence invoked by the Israeli state: the transgression of the right measure in terms of consequences with respect of the civilian population has removed the indispensable condition of legitimacy to its right of defence. On the other hand, following the reasoning of the committee of experts appointed by the UN Secretary General, the naval blockade is "legal" as a protection against external security threats. What fundamentally distinguishes civil disobedience from resistance to oppression is that the latter is a right, a general right to protest, while the former is not a right and, moreover, it comes to

²¹ R. Kolb (2003) *Réflexions de philosophie du droit international* [Study on the philosophy of international law], Brussels: Bruylant, 184.

²² See the situation of Palestinians in Gaza during the Israeli occupation: A. Hass (2003) *Gaza, Tage und Nächte in einem besetzten Land*, Munich: C.H. Beck, not. 372-376.

maintaining its support to the political regime²³.

Within the framework of this analysis, resistance to oppression is part of a wider context of protest, which denounces a perceived overall situation of oppression against the Palestinian people by Israeli policies, justifiable by the imperatives of the general interest, civil peace and shared happiness,²⁴ while civil disobedience aims to disobey the unilateral act of imposing a naval blockade in its function of defence against abuse of power, without pursuing political goals of a different nature. In the case of the flotilla, the separation between these two concepts is vague; disobedience would rather be in between. They, however, have the desire to respect human rights in common, while their differences in interpretation primarily arise from projects of resistance of some groups and individuals involved in the pro-Palestinian movement. In other words, and remaining very cautious towards these affirmations, the case of the Gaza flotilla could be considered a case of civil disobedience, which might be seen as part of a broader movement of resistance against the perceived oppression of the Palestinian people. The activists, by disobeying "in a civil manner", believe they are "holder of the right"²⁵ to support Gazans in order to remedy a violation of human rights. And beyond that, deliberately facing the authority of the State of Israel by breaking the blockade, they are likely to claim the right of a general protest, addressing the oppression of the Palestinian people and the absolute necessity to respect human rights.

Although elaborated in another time and another context, the approach of the Israeli government can in some way remind of the theory of the natural state, not followed to the end of its reasoning, by Thomas Hobbes: in order to lead to civil state, "that in the natural state of men, sure and irresistible power gives the right of ruling and commanding those who cannot resist; so that the right to do anything

²³ G. Koubi (2000) "Penser le droit de résistance à l'oppression dans les sociétés démocratiques contemporaines" [To think of the right to resist the oppression in contemporary democratic societies], *Obéir et désobéir. Le citoyen face à la loi*, Brussels: Éditions de l'Université de Bruxelles, 141.

²⁴ G. Koubi, op. cit., 125.

²⁵ D. Lochak (1998) "Désobéir à la loi" (To disobey the law), *Mélanges J. Mourgeon. Pouvoir et liberté*, Brussels: Bruylant, 191-208.

whatsoever is an essential and direct attribute of omnipotence.” But Hobbes continues and says that men cannot expect long preservation in this state of domination and there is to “seek peace when some hope of having peace exists...”²⁶ Subject to the same remark, with regard to the impotence of the parties and the international community to end the conflict, are we witnessing an interaction of civil society in a moment of crisis full of ambiguity where, according to the theory of Hegel, obsolete elements are separating from the elements of the future? Is the interaction supported by disobedience able to influence the peace process in the context of a globalisation inspired as an alternative to prevent the “non-reconciliation”?

The philosopher and sociologist Georg Simmel somehow anticipated, in 1903, a long conflict by noting that regardless of the negative nature of a conflict, it is a kind of “social relationship” that unites the warring parties in the struggle between them. He makes three hypotheses to end the conflict. The first one is the “victory” of one over the other. In this case, Israel, with a military superiority, can however not win in this conflict. The second one is the “compromise”, the one that the peace process continues and whose realisation is the division of the disputed lands. The third one is the “reconciliation” (close to “Verzeihen”), frequently seen in a religious dimension and not necessarily in a rational one.²⁷

Can repeated disobediences such as flotilla cases, refusals to perform the military service in Palestinian territories or peaceful walks on the border posts inspire the resolution of the conflict without undermining the democratic state structures and the layout of the international community by strengthening in their functioning respect for human rights? If it were possible, civil disobedience would play a stimulating role that could mobilise the action of the international community and leaders of the parties to the conflict.

Conclusion

A priori, the Gaza flotilla organisation meets the characteristics of civil disobedience. Some doubts remain about the willingness to accept a sanction and about the sincerity of all participants according to the overriding

principles invoked. But the willingness of organisers to repeat Gaza flotillas pre-empted the conscious and stated thought of the respect for human rights. Some caution is required in order not to become a naïve and dogmatic adherent to human rights in an unbalanced way, the effect of which is to become blind to the legitimate aspiration for the security of Israeli citizens.

Disobedience actions of the flotilla type do not have automatic legitimacy; they can only be justified when they relate to fundamental values with full respect of the rule of law, after exhausting all avenues of dialogue and without exceeding the right measure. With great caution, they could be part of a broader protest, aiming the oppression of the Palestinian people, taking the shape of a legitimate resistance to the oppressor in the context of the modern international community.

But more generally in relation to the Palestinian conflict, when the international law is in a too flagrant contradiction with the new conceptions and realities, there may be a moral surge, which opens a process of transformation. To do so, the moral is going to seek a political support, which in turn easily uses the public opinion. Therefore, there are progresses accomplished in this field, including by the forming of NGOs. The various forces pressure in an internationalist way, requiring action or motivating governments to waive certain measures incompatible with public rights and liberties.

The Gaza flotilla incident did not result in the abrogation or the modification of a (political) standard, namely the lifting of a naval blockade, which is considered “legal” by the United Nations, but whose legitimacy is challenged by the activists because of its perceived unfairness. The disproportion in the Israeli military intervention is not sufficient alone to establish the unfairness that primarily results from the violation of the right to self-determination of the Palestinian people, the non-compliance with human rights and the unworthy life conditions imposed on the Gaza population.

However, the flotilla in the role of a democratic stimulation mobilised the public awareness, raised by a stigmatisation of the disproportionate force used by the Israeli military. The Israeli leadership is now forced to use moderation if it does not want to risk a regional destabilization that would go beyond the Israeli-Palestinian conflict, and a self-limitation of its control power that could

²⁶ T. Hobbes (1998) *On the citizen*, Cambridge: Cambridge University Press, 31.

²⁷ G. Simmel (1956) *Conflict*, translated by K.H. Wolff, London: The free press, 110-123.

improve the life conditions of the Gazans. The will of the “true God on earth” in its pure Hegelian conception, which is “the actual reality of concrete freedom²⁸”, is limited by external pressure.

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Das Buch zur Sommerakademie 2011:

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Peace Center Schlaining

The Austrian Study Center for Peace and Conflict Resolution (ASPR) was founded in September 1982 as an independent, non-profit and non-partisan organization. The ASPR aims to contribute to the promotion of peace and peaceful conflict resolution and to the dissemination of practical ideas for peace, including its developmental and environmental aspects. In order to carry out these tasks, the ASPR conducts and evaluates research in line with its objectives, engages in training and education, and conducts scientific courses.

It also publishes several periodicals (Dialog, Friedensforum, Working Papers, SAFRAN) dealing with peace issues. Several major conferences are organized each year, including the summer academy and an annual international meeting of peace researchers on "The State of Peace".

ASPR was the founder of the European University Center for Peace Studies (EPU). A European Peace Museum in Schlaining Castle has been established. In order to help to facilitate ASPR activities, ASPR set up a unique infrastructure including the Peace Library in a former synagogue, a Conference Center in Schlaining Castle, the Hotel Burg Schlaining, and Haus International, which is a student hostel. For these and other efforts, the ASPR was awarded the UN "Peace Messenger" status in 1987, and, together with the EPU, the UNESCO-Price for Peace Education 1995. Since 2010 the ASPR and the now renamed and under private law newly established European Peace University are separate organizations, but maintain a close cooperation.

The revolutions that occurred in the Arab World since February 2011 were a surprise to many researchers and commentators and ultimately also to the Arab people. The scope and speed of events of the Arab Spring initiated a whole series of transformation processes towards democratization. However, to date it still remains unclear if and in which of the Arab countries a change from dictatorship, authoritarianism and patrimonialism to democracy can be achieved. As a phenomenon, the transition processes have frequently been accompanied by violence and human rights abuses, for which both the old regimes and the opposition movements have been responsible. Nevertheless, there are also positive developments underway, such as the introduction of reforms to strengthen the involvement of previously marginalized sections of society, like women and the youth.

This SAFRAN issue brings together selected contributions from young scientists and practitioners exploring the role that civil society, new media and human rights issues have played in shaping the transformation processes in the Arab World. Together their reflections provide fresh insights into the particular nature and dynamics of the Arab revolutions and also advance suggestions to resolve current democratization issues.

With contributions by Markus Sabadello, Pascal Schumacher, Zsolt Sereghy and Léonie Jana Wagner.

SAFRAN

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