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**NEW FORMS OF DEMOCRATIC
CITIZENSHIP IN THE MIDDLE
EAST AND NORTH AFRICA:
AN ALTERNATIVE APPROACH
FOR THE EU AND UNITED STATES**

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1. INTRODUCTION

The Arab Spring and its truncated aftermath raise many important questions about political reform. Citizenship and rights, in particular, form an important area of concern in light of the obstacles to wholesale democratization and to the reform of formal institutional structures in the Middle East and North Africa (MENA). As most regimes have pushed back strongly against societal pressure for political opening, many reformers hope that active citizenship can compensate for the lack of progress in other areas. One of the few enduring legacies of the flowering of democratic activism in 2011 is citizens' search for more active involvement in decisions that affect their day-to-day lives — even as the prospect of democratization has receded in most states. This has engendered much debate over how citizens across the region understand rights — and whether they seek a concept of citizenship that is distinct to the region.

Since the first rumblings of the Arab revolts in late 2010, the U.S. and EU governments and institutions have routinely promised to listen to local voices in devising and implementing their MENA policies. Their narrative has been one of supporting the local “ownership” of reform processes and buying into citizens' different understandings of democratic rights. In line with this, they should now direct their attention and resources to local initiatives that raise awareness and create the conditions for individual rights to expand in a way that makes citizenship more effective — even as prospects for institutional reform at the macro level remain uncertain. The challenges lie in identifying the right range of partners and in molding U.S. and EU support around local views and aspirations rather than their own political terms and concepts, even in the presence of controversial concepts of citizenship rights. Indeed, the debates following the Arab Awakening saw lively dialectics between often contradictory concepts of citizenship, highlighting how difficult it can be to reconcile individual and community rights, the relationship between the state and religion, or the role of women.

Over the last three years, our EUSPRING research project has explored exactly these issues. It has listened to and engaged with representatives from Egypt, Morocco, and Tunisia as they addressed fundamental questions about rights and citizenship. Since 2011, these three countries have experienced unprecedented intense and lively debates about citizenship and the different ways of enshrining rights within the new constitutions that were promulgated in each state following popular pressure. The EUSPRING project examined these debates as the three countries embarked on different political paths. Tunisia is attempting to consolidate a still fragile democracy, while security threats give rise to government responses that impinge negatively upon democratic rights. Egypt has reverted to a regime more repressive than that of former President Hosni Mubarak, and citizens' protests flare periodically and unpredictably. In Morocco, the monarchy codified several more liberal rights in the new constitution, but citizens continue to demand more far-reaching change.



2. DEMOCRATIC CITIZENSHIP THROUGH LOCAL EYES¹

Egypt has journeyed through revolution, brief rule by the Muslim Brotherhood, and back to a repressive military regime. The events of 2011 ushered in a period of great popular participation, but the process was derailed by debates over formalistic notions of rights. Citizens' groups were excluded from constitutional debates under the Muslim Brotherhood government. The regime that took over after the 2013 coup relied on a "silent majority" that was frightened of the post-revolutionary polarization, and is now passively witnessing the violent repression of any dissent. While the regime has shed any pretense of protecting basic rights, the constitution adopted in 2014 does guarantee formal rights, though it is deficient on religious minority rights, freedom of expression, and women's rights. The constitution is also ambiguous over the relationship between the state and religious rights. Stronger women's rights have been enshrined but practical change on the ground has yet to materialize, especially in rural areas. Cultural change is needed in parallel to formal constitutional change.

Morocco remains a monarchy with a constitution rather than a constitutional monarchy, even as steps have been taken toward making the decision-making process more responsive to elections. The 2011 constitution offers enhanced protection for some personal rights, although it does not include religious freedom. The document was put forward following social and political mobilization that had a strong focus on economic and social rights. The regime's fight against terrorism and hostility to foreign interference have been used to justify a crackdown on civil society including a revival of practices, such as the imprisonment of journalists, that had previously somewhat decreased. Civil society has pressed for stronger personal rights, now with a focus on "effective citizenship," and especially on the implementation of the rights now promised in the constitution. However, of the three countries considered here, Morocco has the civil society that is probably the least confrontational toward the state. Many Moroccans seem to understand citizenship to be about state and society working together, even if the state is not fully democratic, rather than being primarily or only about holding the state in check. Furthermore, the Islamists of the Party of Justice and Development, who came to office for the first time following elections in 2011, have taken on aspects of the social and economic agenda promoted by civil society political activism during the Moroccan Spring, and in particular seek to reduce corruption. However, Moroccans have also become increasingly frustrated with a riotous, feckless, and largely unaccountable party system, which has served to bolster the monarchy and the leadership of the king. The king himself remains endowed with vast executive powers, is seen as above party politics, and is widely respected as a mildly progressive ruler.

Since 2011, Tunisia's political life and society have been divided by deep differences over secularism and religion, though these divisions were overcome to underpin agreement over a new constitution in 2014. The constitution represents a huge step forward for Tunisian society. Political rights are fully embraced and codified, socio-economic rights are recognized, and women's rights are probably the most advanced in the Arab World. The ambiguities in the text reflect those issues that were most debated in the constitutional process and within civil society: the relationship between individual freedoms and religion, and the role of the state in safeguarding Islam. Moreover, the constitution does not clearly define the role of the state in guaranteeing socio-economic rights. Minority rights are not fully protected either. While individual freedoms are enshrined, including the right to belief, religious and ethnic minorities are not recognized. Political sensitivity over minority rights is increasing due

¹ The following section is based on the focus groups held in Egypt, Morocco, and Tunisia, and draws from the publications of the EUSPRING project, especially the three Citizenship Reports (one for each country) and the many Arab Citizenship Reviews. They can all be found at <http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/euspring/publicationsnew/>.

to the spread of Shia influence in a predominantly Sunni society. Women's rights, however advanced in the constitution, need to be more deeply embedded in society, especially in the rural areas. Furthermore, debates on rights have become more sensitive, as well as possibly more contentious, as the country has had to cope with the growing threat of terrorism. Crucially, terrorist attacks and growing security concerns since 2013 have presented Tunisian society with a tough dilemma. Already difficult discussions about the future of the country's democracy are being made even harder by the question of tradeoffs between freedom and security.

Notwithstanding the significant differences between the overall political trajectories of these three states, there are commonalities on the specific issue of citizenship and rights. Much local debate and mobilization has taken place around very practical concerns of citizenship, such as the practical application of socio-economic rights in welfare provisions. One core strand of citizen engagement since 2011 has been organized around informal social networks. The relevance of this strand has only increased as other processes and venues of reform have become less viable, reinforcing the focus on effective citizenship rather than formal democratic change. The priorities of this kind of engagement are above all related to pursuing socio-economic rights and combating corruption. This is essentially a kind of anti-elite mobilization, not dissimilar to the movements that have formed in Europe and elsewhere in recent years. Examples of such mobilization in the MENA region are animated by a concept of rights that is heavily focused on the citizen and the conviction that government performance should be more responsive, accountable, and clean. These efforts represent a form of activity that could facilitate democratic reforms, but also in some sense they reflect growing popular disillusion with the debates about overarching political questions and systems that flourished fleetingly in 2011 and 2012. Citizens' heightened engagement at the local micro-level has gone hand-in-hand with their apparent disengagement at the macro-level of national politics. Connected and parallel to this, the divide has widened between urban and rural populations' respective understandings and experiences of citizenship.

Running alongside the growing focus on localism that is oriented toward very practical matters is a higher-level debate about the relationship between religious and individual rights. This is, of course, far from new to the region, but it has evolved in a positive direction since 2011, even as overall advances in democracy at a systemic level have been disappointing. The more intense focus on individual rights has added complex questions to unresolved debates about how to implement such rights within the religious parameters to which these societies strongly adhere. It is striking that debates focus simultaneously on liberal notions of individual citizenship and on conservative religious values. The crucial area of women's rights is increasingly debated through this complex and uneasy prism. Our project's findings suggest that many citizens have become more supportive of both some liberal concepts and some conservative values simultaneously. Women's rights or the debates on religious and minority rights have been controversial, for instance. This extremely complex combination will militate against smooth, unilinear democratic change in the future — and poses a major challenge for the engagement by EU and U.S. external actors, for whom the notion of democratic change that is not broadly liberal has to date been problematic.

In the three countries surveyed, debates about rights offer great promise but are not without problems. This is because they are increasingly framed in terms of entitlements for particular groups or sectors of society, and much less in terms of mutual tolerance and compromise among them. The fact that multi-actor reform alliances have fractured or have become beset by constant tensions has driven many groups toward more maximalist concepts of their own notions of rights and citizenship. Tunisia has excelled in inculcating the notion of a national citizenship that is reform-oriented, although this achievement looks increasingly precarious due to the evolving security situation. In Egypt and to a lesser extent in Morocco, the kind of state-based consensus needed to underpin inclusive notions of citizenship is more clearly absent.

3. EU AND U.S. ENGAGEMENT

It is not clear that the EU or the United States have evolved to keep pace with the shift in debates about effective citizenship in MENA countries. Their engagement adheres to generic reform templates that only sporadically reflect the domestic trends described above.

The EU reacted relatively quickly to the Arab Spring with meaningful increases in aid. These were assembled together from existing budget lines rather than new sources. The EU targeted more resources at supporting democracy. Prior to the Arab Spring, roughly 5 percent of bilateral aid was earmarked for good governance, rule of law, human rights, and civil society, plus additional funding through specific budgets such as the European Instrument for Democracy and Human Rights (EIDHR). Since 2011, that percentage of bilateral aid has increased to between 10 and 15 percent of overall aid, complemented by growing budgets for the EIDHR, the Civil Society Facility, and the SPRING aid program. Tunisia has been the largest recipient in per capita and absolute terms, while in Egypt the priority accorded to supporting democracy has disappeared from aid allocations since the 2013 coup.²

EU delegations have been empowered to reach out to local grassroots organizations. The EU adopted a stronger focus on democracy and human rights through the new Strategic Guidelines on Human Rights of 2012 and two subsequent implementing action plans. The new European Endowment for Democracy also started operating in 2013 and has since funded initiatives across the region.

The question remains, though, as to how far this has been translated into more effective democracy support that is in line with the evolution of MENA reform debates. There was an initial rush to help that was reflected in the ways in which EU aid was planned, following which familiar disbursement problems slowed down implementation. Discrepancies between commitments and disbursements were due to problems in local absorption capacity, difficulties of governance, and political changes and violence in the region's transition countries. The "more for more" aid principal to incentivize democratic reforms and newly created specific funds for good governance were applied opaquely.

Overall, funding for governance reform from European states — mainly from a handful of bigger donors — and EU institutions remains small. The delivery channels have remained largely the same as before 2011. There has been a modest tilt toward more support for new civil society organizations, but the EU's focus is still on formal governance reforms more than on community-level citizenship of the kind outlined above. The EU has also tried to move toward a lighter, more flexible aid conditionality, which is now used in a more informal or unspoken manner, with the EU refraining from openly making high demands of partner countries.

The war in Syria and the resulting flow of refugees to Europe have fundamentally changed the hierarchy of priorities for the EU, though even before this crisis, the focus of its aid was shifting away from political reform toward humanitarian measures. Funds to manage the flow of refugees and its consequences now massively outweigh those for governance and other types of democracy aid. Taken alongside funding for counterterrorism cooperation, this means the EU is stretched in its support for long-term democratic reforms. Furthermore, there remains a discrepancy between EU policies and those of key member states such as France, Italy, and Spain that continue to prioritize the security and economic agenda in their bilateral relationships in the region.

Overall, and similarly to the United States, the EU went through a learning curve from short-lived enthusiasm about the changes in the MENA region to a retrenchment of the realities of the primacy

² See Rosa Balfour, Francesca Fabbri, and Richard Youngs (2016), "Report on Democracy Assistance from the European Union to the Middle East and North Africa," Working Paper No. 2, http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/euspring/euspring_eu_demo_assistance_on_template.4.pdf.

of security over democracy. As refugee challenges have accumulated and democratization has hit a wall in successive MENA states, the EU has eschewed any notable focus on routes to democratic citizenship rights.

The United States initially responded to the Arab Spring with some bold moves. In Egypt, it abandoned a long-term autocratic ally faced with mass protests. In 2011-12, it looked as though it were adopting a pro-democracy policy in the region. But in the last three years, with the deteriorating security situation and the apparent failure of transitions (except in Tunisia), the United States has returned to prioritizing security relations with regimes and subordinating democracy support to other priorities. Despite the rhetoric, democracy was in fact not the top U.S. priority even at the height of the uprisings or in the initial transition period, and the engagement was uneven. There was genuine diplomatic support and democracy assistance for Egypt and Tunisia, and an unprecedented attempt to work with elected Islamists that faded in Egypt as disillusion with the Muslim Brotherhood grew. Democracy NGOs such as the National Endowment for Democracy (NED), International Republican Institute, and National Democratic Institute were active but faced growing barriers, most notoriously in Egypt. By early 2013, the United States was moving back to prioritizing security and stability, focusing on core issues (the Arab-Israeli peace process, the Iran nuclear deal, terrorism and violent extremism), and restraining itself on democracy. There has since been a confused public messaging to Arab regimes and publics. Some encouragement for reforms and criticism for abuses continues (varying by country), but this is undermined by strong displays of support for regimes as security partners, a duality especially striking with Egypt.

While the United States tried to increase aid to support transitions, including for democracy and governance, to a degree it was constrained by the financial crisis and budgetary pressures. When democratic transitions were reversed and security worsened, U.S. diplomacy in support of democracy ebbed but democracy assistance continued (except in Egypt). Nonetheless this still represents only a small share of aid to the region compared to military and economic support. Democracy funding was 7 percent of the total in 2009 and is 6 percent of the latest presidential foreign aid request.³ Just as with the EU, the United States has found it increasingly difficult to spend democracy funds in countries due to security issues, local absorption capacity, and host-government restrictions (as shown most strikingly in Egypt by the trials of local and foreign employees of U.S. NGOs and European political foundations very soon after the fall of Mubarak). It has also faced persistent suspicion of its motives and anti-Americanism from governments and also some civil society groups.

Moreover, there has been only limited qualitative change in the way that U.S. aid is delivered, and the United States' engagement does not fully mirror the changing nature of grass-roots citizenship initiatives that our EUSPRING project has uncovered. The traditional channels for democracy assistance are still relied on. The Middle East Partnership Initiative (MEPI), created within the State Department in 2002 to provide democracy assistance and training to civil society groups and individuals, has seen its role downgraded. It has lost much of its independence and become less keen to fund independent NGOs and new, experimental projects. The Obama administration has belatedly sought to increase funding for the NED and the State Department's democracy bureau, perhaps seeing them as better able to operate in the difficult "closing-space" environment prevalent in the region than MEPI and USAID. Since 2011, the United States has formally emphasized civil society and a rights-based approach, yet its assistance has not always reflected this and sometimes even contradicted it. The administration has been trying to change legislation that allows the United States to fund civil society without permission of host governments. There has also been more focus on support for economic reform and development, which is argued to lead eventually to political and social change; but the focus here is on formal market and structural reforms rather than the kind of social and economic rights that animate discussion amongst MENA citizens.

³ Stephen McNerney and Cole Bockenfeld, "The Federal Budget and Appropriations for Fiscal Year 2017: Democracy, Governance, and Human Rights in the Middle East," Project on Middle East Democracy, 2016, <http://pomed.org/pomed-publications/fy17-budget-report/>.

4. MATCHING DEMOCRACY SUPPORT TO LOCAL CITIZENSHIP

There is a mismatch between the approaches of the EU and United States to supporting democracy in the MENA region and the debates there about citizenship and rights since 2011. The former show little evidence of taking on board the evolving local complexities that the EUSPRING project has uncovered in Egypt, Morocco, and Tunisia. The resilience of EU and U.S. democracy assistance in the region in the face of a worsening political and security environment is encouraging, but it is more the product of path dependency than of a clearly thought-through post-2011 agenda. It also does not necessarily mean a real change in the type of assistance provided and the channels used. EU and U.S. aid efforts need to focus on connecting with the new forms that democratic dynamics are taking in the region, however tenuous and uncertain they may be.

The EU and the United States must also resist the narrative that the Arab Spring has become an eternal and uniformly bleak Arab Winter, and thus the temptation of going back to focusing almost exclusively on security issues in engaging with the region. This is short-termist and ignores the fact that the socio-economic factors behind the 2011 revolutions are still present and could lead to further upheaval if rulers and their Western partners do not address them. There are several steps aligned with new local realities that the EU and the United States can take to engage with democratic movements more positively in order to shape the ongoing debates about citizenship.

Begin a genuine policy-oriented dialogue on different conceptions of democratic citizenship.

The EU and the United States are now ostensibly more open to engaging with non-Western social values in the process of supporting democracy, but they are still working out how to operationalize this apparent flexibility fully in their activities on the ground. They should convene a dialogue — that includes MENA stakeholders — specifically dedicated to understanding how outside actors can move beyond traditionally Western notions of citizenship and democracy and relate better to the local conceptions that are emerging. This would provide a space to debate potentially contentious issues like religion and women's rights. The United States and those EU members belonging to the Community of Democracies (alongside Morocco as its only MENA member) could also use this platform for an ongoing dialogue about the practical implications for democracy support of evolving notions of democracy outside the West. Bringing Tunisia into the organization would also be an important step in that effort.

Use citizenship as an entry point for cooperation where high-level democratization is blocked.

In many MENA countries today, there appears to be very little scope for the EU and the United States to engage with local actors in pursuit of full political openings because of state repression and sometimes also because of ambivalence within society about outside support. The rights narrative emanating from the Arab Spring still resonates strongly with the populations, however, and the EU and the United States should direct more of their assistance to projects that facilitate progress toward fuller and more meaningful citizenship for all, even if this falls short of producing dramatic democratic breakthroughs in the short and medium term.

Use common ground with MENA partners on socio-economic rights and anti-corruption to foster related cooperation on political rights.

One way for the EU and the United States to feed productively into the development of democratic citizenship in the region is through support for the popular movements that demand an economic order that is more just, less corrupt, and free of political cronyism. In this field, dialogue

and partnerships among civil society organizations in the MENA countries, in Europe, and the United States can promote a pluralist debate and exchange of conceptions of socio-economic rights as well as forms of engagement to advance them in difficult political contexts.

Give more support to inclusive economic growth. Supporting “bottom-up” exchanges on diverse concepts of citizenship could be accompanied by a greater focus within EU and U.S. development assistance on inclusive economic growth. This effort can empower constituencies from which future civic and political leaders may emerge to challenge the still widely corrupt elites that use their economic control to entrench their political power. External actors could add value by fostering ideas on how to link economic and social rights initiatives together with controversial political rights questions — a link so far conspicuously missing in most external aid interventions across the region.

Ring-fence part of democracy assistance funds for work with rural populations. Though they have already taken steps in this direction, democracy promoters should try harder to go beyond the comfort zone of working with urban and national-level institutions and civil society. The socio-economic and cultural divide between rural and urban areas in the MENA has deepened in recent years. While rapid urbanization has focused attention on dynamics taking place in fast-growing cities, history shows that there is no successful path to development and democratization when rural areas are left behind. The EU and United States should work in rural areas by expanding the range of partners they engage with and by supporting more local projects. They could also support legislative efforts toward decentralization. Local institutions, twinning exercises with European and U.S. partners, are also ways to make democracy aid relevant locally while bypassing the obstacles of high-level diplomacy.

Widen the range of social movements supported to increase pathways to democratic change.

Across all of the above points, it is imperative that the EU and the United States target their democracy support to the new and non-traditional social movements that have developed as a means of tapping into new thinking on citizenship rights — and also to counter regime restrictions on formally registered NGOs. This means revisiting their models of civil society support to move beyond traditional partners to newer grass-roots, often low-profile ones that are tackling citizenship-related issues at the local and community levels, to be identified by encouraging diplomatic representations in the countries to reach beyond their usual network. The EU and United States need to invest in mapping this less formalized social and political landscape, renewing efforts from the early days of the Arab Spring to identify interlocutors among new social actors. Instruments such as the United States’ MEPI and EU’s Civil Society Facility need to be reinvigorated in this line of work. These existing instruments also need to be retooled so that they do not simply fall back on the traditional model of civil society support that does not capture fully the issues of democratic citizenship raised here. In this respect, international multi-stakeholder initiatives, such as the Lifeline Embattled CSO Assistance Fund created to respond to the closing space for civil society, could also offer a path to engaging with a much wider range of groups and movements than has been the case so far.

It is clear that for the foreseeable future, political relations between Egypt, Morocco, and Tunisia, the EU and its member states, and the United States will continue to be driven by security and economic concerns. Yet it is equally clear that citizens’ underlying grievances that ignited the Arab Spring cannot be addressed without political reform in the region. Western policy must not merely continue its democracy support, but make sure that such support is better nuanced and tailored to local needs. EU and U.S. approaches to reform must be more sophisticated in circumventing the many negative developments and obstacles that multiply in today’s MENA region. The unprecedented debates about citizenship in which Egyptians, Moroccans, and Tunisians have taken part since the Arab Spring have

opened a window of opportunity to revise democracy support in a direction that better reflects local interpretations of citizenship and rights. External actors have yet to take full advantage of that opening.