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Political Parties, Justice Systems and the Poor:
The Experience of the Arab States

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In the 1990s, Arab states responses to the changing global environment fell into one of the following categories: 1) An authoritarian backlash, such as the one in Algeria and Sudan that led to and exacerbated civil wars and to the consolidation of military dictatorships in Iraq, Libya, and Syria; 2) The consolidation of monarchies, with little if any political openings, as in Saudi Arabia, United Arab Emirates, Qatar, Oman, and Bahrain; and 3) The opening of political systems to accommodate rising political forces largely by pacting agreements that guarantee the hegemonic political forces a privileged position in the power structure circumscribing the democratization process leading to the emergence of restricted electoral democracies.¹ Cases in point are Morocco, Tunisia, Jordan, Kuwait, Egypt, Yemen, and Lebanon. This paper in its first part focuses on this third type of response and analyzes the main characteristics of restricted democracies in each of the mentioned countries and examines the role that political parties and the administration of justice play in improving the conditions of the underprivileged groups classes. In the second part, the paper draws on the examples of authoritarian and the conservative monarchies of the Arab Gulf for comparative analytical purposes particularly in evaluating the role of the judiciary (since political parties are banned and virtually nonexistent) in defense of the underprivileged classes and groups.

I. Restricted Democracies

The term-restricted *democracy* denotes a political regime with a form of election that is not fully free yet allows political opposition limited access to power. It is an

¹ Restricted electoral democracies became also prevalent in Latin America and some were coined as *democradura*. See Guillermo O'Donnell, Philippe C. Schmitter and Laurence Whitehead, **Transition From Authoritarian Rule** (Baltimore: The Johns Hopkins University Press, 1993).

intermediate point between an authoritarian regime and what Robert Dahl termed as electoral democracy, “polyarchy.” Dahl defines polyarchy as incomplete democratized political regimes.² Restricted democracies can be differentiated according to their degrees of political freedoms, particularly freedom of association, the levels of political parties institutionalization, the independence of the judiciary, and responsiveness to the different social classes and groups interests.

Restricted democracies limit the abilities of political parties to organize freely and expand their power bases, and undermine their ability to present viable alternative agendas. One of the prime obstacles to the development of political parties as instruments of articulation of the different political, cultural, and class interests is the law of associations that governs the licensing process for political parties and the lack of an independent judiciary to adjudicate violations to the law. As a result, the destiny of political parties is left to the whims of the dominant political elites who change the rules of the political game depending on their reading of the threats that any given force poses on their hegemonic status. Arab states that are included under the genre of restricted democracies were selected on the basis of two criteria: a) They succeeded in holding one or more national elections characterized as fair by national and international observers during the last ten years; b) they allowed opposition political parties to compete. The states that meet these criteria are Tunisia, Morocco, Egypt, Yemen, Lebanon, and Jordan; Kuwait, too, qualifies, although it does not allow women to vote. In the following sections each of these countries is discussed.

² Robert Dahl, **Polyarchy: Political Participation and Opposition** (New Haven, Conn. Yale University Press, 1971), p. 8.

Tunisia's Swings Between Restriction and Authoritarianism

In Tunisia, the successor of Habib Bourquieba, Ben Ali, reneged on his pledge to open the political system, which led the country on an authoritarian path very similar to the one followed by Alberto Fujimori in Peru where electoral democracy was used to legitimize the ruler satisfying the dominant global discourse on democratization while strengthening the repressive apparatus of the state. The irony is that Ben Ali's pledge was a consequence of him signing in 1988 a "National Pact" with opposition political parties, non-governmental organizations, and unions in which they condemned the previous single-party regime of Habib Bourquieba for marginalizing institutions and personalizing and monopolizing political power.

An authoritarian ruler, Ben Ali nevertheless maintained some of the welfare-state policies instituted by his predecessor, such as giving priority to education and health; taking measures to alleviate unemployment, poverty, and regional inequalities; and instituting policies to promote women's rights. In 1998, Tunisia started adopting the policies of structural adjustment in accordance to the "Washington Consensus" signaling the end of universal healthcare and education but was not keen to introduce the IMF's request to abolish food subsidies and to freeze minimum wages.³ Free healthcare, education, and social welfare continue to be provided to low-income groups.

³ The economist John Williamson coined the term "Washington Consensus" in 1989. He called it that because of the support it obtained from the IMF, the World Bank and the U.S. government. He said it stood for ten policies: measures to promote trade and foreign direct investment, fiscal discipline (smaller budget deficits), fewer subsidies, tax reform, liberalized financial systems, competitive exchange rates, privatization, deregulation and measures to secure property rights. Although that there was a slight shift on one of the key premises of the Consensus that is "the rising tide of global free trade will lift all boats" but the core components of the program are still in operation.

The Rassemblement Constitutionnel Democratique party (RCD) that is headed by Ben Ali is the direct descendant of the Neo-Destour Party of Bourqueiba, which took power when Tunisia became independent in 1956. The party is the only national party in the country, with 2 million members and 7,800 branches. Under Ben Ali, its ideological orientation has become an eclectic mixture of left-leaning and neo-liberal principles.

There are six officially recognized opposition political parties, but they are weak and have limited popular support. Efforts to form a united opposition front have thus far failed, which contributed to the consolidation of the hegemonic status of the ruling party. The largest opposition group is the center-left Mouvement des Democraties Socialistes (MDS), which is split between supporters and opponents of Ben Ali. Leftist opposition groups include Harakat Ettajdid (HE, Renewal Movement, ex-communist party); the Rassemblement socialiste progressif (RSP); Parti Social Liberal (PSL); and the two pan-Arab political parties, Parti l'Unité Populaire (PUP) and the Union Democratique Unioniste (UDU). The most important Islamist group is Al-Nahda Party whose members ran as independents in 1989 and won 13 percent of the national vote in the parliamentary elections. The party is banned under the new Association Law that prohibits political parties based on religion, race, language, or region. Many of its leaders (including Rached Gahnouchi, its founder) are in prison or exile.

Labor and student unions and the legal opposition parties suffered important setbacks and blows due to the increasing state repression, but they also forced the state to reconsider some of its neo-liberal economic policies and its human rights violations. Al-Nahda Party and the Tunisian Communist Workers' Party along with organized labor and the student movement confronted the regime and were able to reduce some of the social

costs of privatization, but they were not strong enough to force Ben Ali to open the political process, legalize all political parties, and change the majority list system and the Laws of Association.

The judicial system remained largely controlled by the executive, limiting its impartiality. Hence political leaders were imprisoned and political parties and human rights organizations were banned, which limited the access of the underprivileged groups to justice. The legal system comprises civil and criminal courts, including the courts of appeal and the Supreme Court, as well as military tribunals within the Ministry of Defense. The constitution guarantees the independence of the judiciary, but it is part of the Ministry of Justice; the government appoints, assigns, grants tenure to, and transfers judges, making them subject to government manipulation. In February and April 2001, high school students and unemployed youths protested price hikes and changes in examination procedures, and the demonstrations ended in violence when the authorities failed to adjudicate the dispute. Such incidents are symptomatic of widening social conflicts left unresolved that increase the possibility of increasing state violence; the conditions of the lower classes are expected to deteriorate given the current global economic recession. The socio-economic costs of global economic decline will most likely be transferred to the most vulnerable groups, namely the poor, women, and children, in part because of the relative weakness of political parties, particularly those that could articulate the interests of these groups.

The Tunisian judicial system has its limitations, but it does provide individuals speedy recovery of their debts. This is achieved by a procedure called *injunction de payer* before a general jurisdiction judge. When the existence of a debt is established, the judge

grants the injunction to pay and the debtor cannot oppose the order. On average, the entire procedure from filing to payment takes less than a month. The legal costs are low (approximately \$54) when represented by a lawyer and free if the plaintiff handles the case.⁴ By way of comparison, in a country such as Venezuela, which has a similar level of economic development, the parties to the case must go through 31 independent procedural steps between the filing of the lawsuit and payment; legal fees are considerably higher, averaging \$2,000 for lawyers and \$2,500 for court fees.⁵ Tunisia's simplified and cost-effective procedures were mainly the products of the welfare state established by Bourqueiba.

The percentage of people living below the poverty line (19.9 percent) has been steady since the early 1990s given that the economy has been growing at 4.4 percent over the same period.⁶ Consequently affecting disproportionately the most vulnerable sectors in the so-called "shadow zones" in the rural areas where about 39 percent of the country population lives: Child mortality rate in the shadow areas is double that in the urban areas, and maternal mortality rates constitute about 52 percent of the total maternal deaths.

At another level, discrimination against women in terms of employment and wages has decreased over the years, but the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate compared with 2.2 percent of urban boys, 27 percent of rural girls, and less than 7 percent of urban boys.⁷

⁴ World Bank Report 2001, p. 123.

⁵ Ibid.

⁶ Entering the 21st century, **World Bank Report 1999/2000**, p. 183.

⁷ AFROL Gender Profile: Tunisia. <http://www.afrol.com/categories/women/profiles/tunisia>

With the economic slowdown and increasing unemployment, one can predict that future public policies may become less responsive to the need of the urban lower classes, working class, rural areas, and women, most particularly when the government continues to crackdown on the organizations that are set up to represent these groups limiting their ability to mobilize public support. In 2000, a notable increase in public protests accompanied the regime's "criminalizing" of unlicensed political activities,⁸ which further undermines the abilities of underprivileged groups to peacefully protest their grievances. Finally, the political fallouts of the U.S. "War on Terrorism" is most likely to reinforce the government crackdown on Islamist political parties as well as secular political groups and all other leftist opposition figures. Such conditions could usher in a more violent path for conflict resolution in light of the absence of an effective and independent judiciary that can mitigate and adjudicate social disputes.

Morocco and Its Restricted System

In Morocco, the monarch responded to domestic and international pressures by initiating a timid attempt to open the political system. Economic liberalization and a measured electoral democracy were introduced. However, the king, who claims to draw his power from the Divine, remains the maker and breaker in the political system. The authority of the king renders notions of separation of power as inapplicable; he appoints and dismisses prime ministers and cabinets. Among the innovations of the 1992 Constitution is that it gives the prime minister the right to propose to the king nominees for cabinet portfolios. However, the king retains the final word. The Constitution proclaims that the administration of justice is independent of the executive powers and it provides for a body, the Superior Council of Magistracy, to ensure that procedures

⁸ See Human Right Watch World Report 2001: Tunisia: Human Rights Developments.

regarding the promotion and discipline of judges are kept free. In fact, such freedom is circumscribed by the logic of Muslim law; the king, as commander of the faithful, grants the judges their mandate and in principle he can decide at any time to withdraw this mandate. In such a system, the king delegates justice.⁹

In this context, one might expect that political parties have little if any space at all to form, let alone influence the allocation of state resources, generate public policy, and expose corruption. In the peculiar context of Morocco, political parties and the state have developed an uneasy coexistence over most of the post-independence period. The state did not altogether ban political parties; rather, it banned Islamist parties while all the other groups were allowed to organize as long as they did not challenge the authority of the king and the ruling elite.

The opposition is dominated by the social democratic Union Socialiste des Forces Populaires (USFP) and the moderate Islamist Parti Istiqlal (PI). Each is affiliated with a trade union—the USFP with the Confederation Democratique du Travail (CDT) and Istiqlal with the Union Generale de Travailleurs Marocains (UGTM). USFD received 13.7 percent of the popular vote, winning 57 parliament seats in the last election held in 1997, and the PI received 13.19 percent, capturing 32 seats out of 325. Have the political parties made the regime more accountable to the underprivileged groups, namely, the urban poor, women, and children?

At the macro-economic level, political parties did not help in reducing the levels of poverty in Morocco, where more than 4 million live on less than \$1 a day and an

⁹ See Omar Bendourou, “Power and Opposition in Morocco,” *Journal of Democracy* 7 no.3 (1996), pp 108-122.

income disparity Gini index of 39.5.¹⁰ This was in part because political parties that have participated in government have been right wing and closely allied with the king. Their political goals and ideologies do not include redressing the increasing gap between rich and poor and addressing urban-rural and gender divides. Only in 1998 did the leftist political parties with a social agenda in tune with social divisions participate in government. Thus, it is premature to evaluate their role and outcome in terms of poverty reduction, but tentative comments can be made. The coalition government led by Abderahmanne Yousefi, the leader of the USFC leftist party, of forty ministers from seven center-left political parties, can claim credit for some improvements in human rights and political freedoms, but it has been less successful in lowering unemployment and raising the living standards following a decade of slow economic growth.¹¹ It was only after the labor unions mobilized in 2000 that the Government in order to avert a major strike agreed to increase the minimum wage by 10 percent and redraft the proposed labor code. Similarly, the ascendance of the political left to the Government had its imprints on the nature of some of the decisions taken, such as the response to workers unions and the hiring of an additional 17,000 public servants to alleviate urban unemployment. However, the challenge facing leftist political parties is formidable given the number of people living in poverty, which has risen by two-thirds in the 1990s. In 1999, the poverty rate increased to 19 percent. Poverty is greatest in the central and north-central regions, affecting 36 percent of rural dwellers and 24 percent of city-

¹⁰ Income disparities in restricted democracies are the highest in Tunisia (41.7), followed by Jordan (36.4); Yemen (33.4); Egypt (28.9), Kuwait (na) Lebanon (na) Human Development Report 2001. pp 182-4.

¹¹ Economic Intelligence Report : Morocco 2001, p.5.

dwellers in Meknes-Tafilalet.¹² The rural areas have been affected the most as a result of a systematic and longstanding neglect since colonial times.

Morocco is at a crossroads. If economic growth, which has been averaging only 1.9 percent between 1991 and 1998, persists at that level, unemployment could reach 27 percent in 2005.¹³ This economic situation coupled with acute social antagonisms make the role of the political parties vital to avoid violence. If the king remain committed to the rules of the political game, I believe that leftist and Islamist political parties will become critical players to negotiate conflicts and avoid the high economic and social costs of violence, particularly in light of the pending issue of the Western Sahara conflict.

The State needs to re-examine its expenditure priorities: At present, 5.1 percent of its GDP is allocated to defense as compared to 1.2 % of GDP on public health.¹⁴ Morocco will certainly be affected by the increasing global recession and the political and economic imperatives of the new “War on Terrorism” and its possible ramifications on its Islamist political parties. This makes the role of the political parties and its true representation and participation in the Government even more critical. One can argue that Morocco, unlike Tunisia, may stand a better chance to avert violent conflicts in the future because it has created a space for political parties.

Morocco has taken measures to combat corruption under pressures from political parties, labor unions, NGOs (such as Maroc 2020 and Transparency Marco), business groups (Confederacion Generale des Entreprises de Maroc), and international donors. The Yusefi government took concrete steps to make the judiciary more accountable and transparent. For example, in October 1999 some 60 magistrates were accused of

¹² Ibid, p.13.

¹³ Ibid.

¹⁴ HDR 2001, p.197.

corruption, 13 of whom were suspended for periods ranging from one to six months and 9 of whom were disbarred. It is interesting to note, however, that the judges in question put up a strong resistance and succeeded in avoiding further actions against them.¹⁵ Other measures were taken to strengthen the General Inspection Office of the Ministry of Justice in order to control corruption and establish an oversight mechanism. New laws were also introduced to eliminate the ambiguities and contradictions of the previous laws that offered opportunities for corruption.¹⁶ This anticorruption campaign was also undertaken to modernize the institutional-legal framework and to enable Morocco to better meet the demands of a global economy. As a result, investors' risks and the costs of economic transactions will be minimized. However, in the absence of sound social policies, it remains to be seen whether the poor will reap any immediate benefits from the Government's anti-corruption drive.

Egypt and the Perils of its Restricted Democracy

Egypt represents another variant of restricted democracy. Income disparity is not as acute as Morocco and Tunisia, due to the radical reforms introduced by Gamal Abdel Nasser after his coup in 1952, yet it remains an important source of social conflict. Nasser's agrarian revolution brought Egypt closer to the Korean and the East Asian model where resolving the agrarian question by reforming land tenure ameliorated class conflicts. Because of Egypt's central position in the Arab-Israeli conflict, resources were invested in war to the detriment of its economic and social growth. Its socialist past and the legacies of its war with Israel resulted in an authoritarian political system.

¹⁵ Guilain Denoeux, The Politics of Morocco's "Fight against Corruption," **Journal Middle East Policy** vol. , no.2 (February 2000).

¹⁶ Ibid.

This system, however, underwent significant changes in the last three decades in terms of the social class-base of the regime, land tenure, the role of the middle and working classes in the political process and the pace of Egypt's reincorporating into the world capitalist system after an absence of two decades.¹⁷ These changes propelled a process of expanding the social base of the regime through allowing traditional political parties such as al-Wafd and the outlawed Muslim Brotherhood, Tagammu', Nassererites, and Egyptian Communist parties, to participate in electoral politics.

In Egypt, the development of political parties as meaningful instruments of interests articulation and channels for political participation was hindered by a number of factors. The electoral laws are based on the party-list proportional representation (PR) system with a high threshold (8 percent), which make it difficult for opposition parties to win parliamentary seats. This PR system was changed in 1990 after the Supreme Constitutional Court ruled that the 1986 election PR law discriminated against independents.¹⁸ Then, the winner-takes-all system was introduced, which made it even more difficult for opposition parties to win parliament seats. Alongside electoral laws, gerrymandering, redistricting, access to media and campaign resources, coercion, and voter intimidation were instruments used by the ruling National Democratic Party to maintain its political hegemony.

As a result of the 2001 election, the banned Islamist opposition party Muslim Brotherhood is represented by 17 deputies in parliament, after its candidates ran as independents. Although they became the largest opposition bloc in parliament,

¹⁷ See John Waterbury, **The Egypt of Nasser and Sadat: The Political Economy of the Two Regimes** (Princeton: Princeton University Press, 1983).

¹⁸ Marsha Prispstein-Poususney, "Behind the Ballot-Box: Electoral Engineering in the Arab World" **Middle East Report** (Winter 1998).

reinvigorating debates in the 454-seat legislature, their ability to shape policy is limited. Their political goals and discourse remain limited to cultural issues pertaining to their political interpretation of Islamic thought and to urging the government to respect human rights and end the state of emergency. The goals of the Muslim Brotherhood fall short of articulating a program that addresses the plight of the lower classes and the underprivileged group. This limits their role even if they manage to increase their parliamentary seats.

Despite the limitations of efforts to open the political process, voters did gain an opportunity to punish the ruling party candidates by voting for independent candidates. Such voters were motivated by social grievances and the lack of government response. They were given an instrument to influence electoral outcome, but they were not yet powerful enough to influence policy because of the lack of accountability between elected and electors. The result was that the NDP's official candidates won only 175 seats, with 65 percent of deputies in the outgoing legislature losing their seats. However, the NDP was able to co-copt them and to maintain its 2/3 majority in parliament and its hegemony over public policy, allocation of resources, and safeguarding the perpetual presidency of Husni Mubarak. The liberal Wafd Party, the second most important party, won only 7 seats. The winner-take-all- electoral system clearly discriminates against smaller political parties, leaving them outside the political process and by extension excluding the underprivileged groups. With such political configurations, Egypt's restricted electoral democracy largely remains a one-party system with authoritarian tendencies.

The judiciary in Egypt is relatively independent of the executive when compared with Morocco and Tunisia. The Constitutional Court was able to push for a more transparent electoral system on two occasions: one in light of the 1987 election and again in 2001 when it imposed full judicial supervision on a polling post after it was controlled by the ruling party and its clients with the support of the state's security apparatuses. As a result, voters are still intimidated, but to a lesser degree.

The increasing autonomy of the judicial system marks a departure from the authoritarian model under which no separation of power existed. Ironically, however, this departure was coupled with the infusion of new laws that reduced the legal instruments at the disposal of the underprivileged classes. This change is consistent with the "Washington consensus" and its neo-liberal accent. In a way, the Egyptian model rekindles the old debate between social rights and political rights. Critics claim that laws and their administration are social construct and thus are not social class-neutral. Hence, the access to justice and the adjudication process depend on the ideology and class interests upon which jurisprudence is constructed and the class interests it is suppose to serve the most.¹⁹

In this context, it is important to discuss the implications of Law 96/92, one of the cornerstones of Egypt's economic liberalization program. This law, which took effect in 1997, put an end to Nasser's agrarian revolution, which favored the small and poor peasant. The law has gradually reorganized the relationship between landowners and tenants and generated serious land conflicts that remain unresolved. The purpose behind

¹⁹ For example in 1966 Jamal al Utayfi, a prominent legal scholar, argued that the land laws of 1948 that regulated the relationship between landowners and tenants was the product of the capitalist era that gave the landowners too strong a position that needed to be changed. In effect new laws were enacted in the 1960s which again were reversed in 1992. See Nathan Brown, **The Rule of Law in the Arab World** (Cambridge, Uk: Cambridge University Press, 1997), p. 85.

Law 96 is to accelerate the integration of the Egyptian countryside into the global capitalist market by providing large landowners the right to use their land and to plant export-oriented crops as they see fit. This opened economic opportunities for large agribusiness while undermining the peasant economy, and it resulted in an increase in violent land conflicts. In 1997, several thousand peasants gathered for a protest march in two provinces of Minya, and in the confrontation that ensued the houses of local landowners were burned and a bus was set in fire. Three protesters were killed and another 20 were injured. Other peasants protested in the Nile Delta and set fire to the agricultural ministry in an attempt to destroy official records establishing landownership. During the first six months of 1999, land disputes claimed the life of 18 persons; 97 were injured and 135 were detained. These land related conflicts were concentrated in 35 villages 20 of which are in Upper Egypt.²⁰

These are just a few examples of serious land conflicts resulting from the Egyptian government's liberalization policies. Giving landowners the right to raise land rents and applying market-oriented policies has left poor land tenants with few options other than protest and violence.

Political parties and organizations were very slow to understand and react to the gravity of Law 96. In 1997 leftist organizations such as Farmers Union of the Tagammu Party, the Nasserites, and the Islamist-oriented Labor Party joined forces to call the government to delay the implementation of the law for another five years. While political parties in Cairo were trying to mobilize peasants for nonviolent actions, peasants rioted elsewhere. Ultimately, the channels of representations (political parties and farmers organizations) could not reconcile the radically opposed class interests of the landowners

²⁰ Land Center for Human Rights 1999-2000.

and peasants. Peasants put up a strong resistance. In the words of one peasant from Kamshih who resisted a police raid to evict them: “If they indeed come to take our land, what do I have to lose, then? So I do not care if I end in prison.”²¹ According to another peasant, this one from Ezbet Abu Nisar: “the landlords tried to take away from us land we have been farming for seventy years and we fought back.”²²

During the Nasser era the State enacted laws that protected peasants against increases in rents and market prices and prohibited landowners from ejecting tenants. Subsequent laws increased the rent significantly, which in 1997 became 22 times the tax value of the land (that is, less than a third of the market value). The rents were expected to increase from LE 850 per feddan per year to LE 2,500 a year.²³ No peasant can afford such increases; and around 710,000 households are (about a quarter of rural Egypt) are affected directly, together with around 230,000 sharecroppers.²⁴

According to the International Food Policy Research Institute (IFPRI) 1997 survey, agricultural landholdings were key determinants of the economic health of rural families and noted the incidence of poverty among landholders was markedly lower (23 percent) than among those without landholdings (35 percent). The survey found that the levels of consumption were directly related to the size of landholdings. This decline in rural consumption continued between 1997 and 1999 coinciding with the application of Law 96.

²¹ Karim El-Gawhary, “Nothing More to Lose: Landowners, Tenants, and Economic Liberalization in Egypt,” *Middle East Report* (July-September, 1997).; see also Steve Negus, “Peasants Face Mass Evictions” <http://www.cairotimes.com/content/issues/ecref/peafac5.html>

²² Negus,

²³ Ibid

²⁴ Ibid.

The full and more recent effects of the Law 96 are not yet assessed, but from the initial data and information available some observations can be made. According to one study of a randomly selected number of households in the governate of Beni Sueif, the rapid doubling and tripling of land rents has led to the loss of all or part of the land by over 40 percent of households that have been cultivating these lands.²⁵ The loss of land increased the pool of floating labor, thereby depressing rural wages and increasing unemployment and underemployment. One of the most damaging effects of Law 96 has been the increase in child labor and the increased incidence of poverty among children in rural areas. Consequently, about one million children between the ages of seven and twelve are hired by agricultural cooperatives to work in cotton pest management under subhuman condition.

Opposition political parties have thus far little, if any, effect on the government application of Law 96; and peasant resistance although suppressed for now is expected to ignite again. Recurring incidents of violence and homicides have increased in the last three years, indicating that the issue is far from resolved. Reports have been made of landlords using armed thugs to forcefully evict and even kill tenants. These incidents acquire additional importance if seen within the context of an inefficient legal system where an eviction case could take more than 1,000 days to clear.²⁶ The irony is that Law 96 was meant to serve the landowners, yet the pace of adjudication of the law did not satisfy some of them, which led them to enforce it by illegal means. Such conditions propel actors (individuals or collectivities) to settle their disputes by violent means

²⁵ Human Rights Watch 2001.

²⁶ See World Development Report 1997. World Development Report 2002. p. 122. See also Institute for the Study and Development of Legal Systems, **Country Project: Egypt** 2000. This is addition to the costs of litigation since in Egypt as well as Lebanon, Morocco, and Yemen simple debt collection case requires to be heard by professional judges in general jurisdiction courts

because other means are less efficient.²⁷ Arbitration and mediation channels of land disputes have collapsed particularly after introducing Law 26/1994, which eliminated the elections of village chiefs. They are now appointed by the government. Village chiefs are pivotal in the mediation of land disputes in rural areas. Finally, the lengthy process of litigation and the suffocating backlog has rendered the process inefficient.

An average civil litigation requires thirty to forty appearances before the first instance court, and only 15 percent to 20 percent of the cases are prepared with sufficient evidence and legal documents for a judge decision. The preparation phase can take as much as two years, whereas the adjudication does not exceed two months. The low legal fees in Egypt makes it relatively easy for lower income groups to access the system provided they can afford to take the time (30 to 40 court appearances) and more than two years to adjudicate the case.²⁸

In light of the above, it is not far-fetched to conclude that given the dire economic conditions in rural as well as in urban centers, rising levels of unemployment can generate serious violence if the regime does not try to open the political process for political parties, including the Muslim Brotherhood, in an attempt to negotiate social conflict by democratic means. The levels of violence, then, could change if there is an alteration in the restricted nature of the political process and actors' respective responses.²⁹ The "War on Terrorism" in Egypt can make matters even worse because it can exacerbate the regime's crackdown on Islamist groups, including those that do not

²⁷ For comparative cases where violence becomes a mode of conflict resolution see Nazih Richani, **Systems of Violence: The Political Economy of War and Peace in Colombia** (Albany, NY: SUNY Press, 2002)

²⁸ World Bank Report 2002, p.122. According to this source few countries make representation by a professional lawyer mandatory. Those that do are all middle-income and low-income countries among which three of four are from our restricted democracies, namely: Morocco, Egypt, Lebanon, and Yemen, Tunisia is the only exception (see above section on Tunisia).

²⁹ Ibid.

advocate political violence, as well as on secular progressive political parties such as Tagammu', Communists, and Nasserites, and then tightening the screws on political participation.

Restricted Democracies in Sectarian Societies

Despite the different level of socio-economic development of Lebanon and Yemen, both exhibit some similarities in their social cleavages that are worth analyzing. The two countries represent a variant of restricted democracies where tribal and sectarian cleavages come into play with socioeconomic and political variables influencing the distribution of political power, processes of political inclusion/exclusion, and the patterns of socio-economic development. Most political parties in such polities largely reflect in their sociology the most pronounced cleavage (tribal or sectarian allegiance) and in their behavior the main social grievance. This latter is mainly observed in the opposition parties.³⁰ The most explosive combination to the detriment of political stability and democratization is when the main cleavage and the main grievance coincide (for example, when the incidence of poverty is disproportionately higher in one group, and this same group is also underrepresented in the political structure). Yemen and Lebanon do not only contend with the troubled relationship of political parties with the state, the biases of the administration of justice, and the place of underprivileged groups figure in such configuration, but also the sectarian and tribal divides. Sectarian divides particularly if manifested violently tend to increase income disparities (as was the case in Lebanon and Yemen), increase crime rates, and increase the costs of economic transactions and

³⁰ See Richani, **Dilemmas of Democracy and Political Parties in Sectarian Societies, the Case of the PSP in Lebanon**. (New York: St. Martin's Press, 1997)

human development, hence affecting economic growth and the country's economic performance.

Political parties in vertically differentiated societies are instrumental in ameliorating social conflicts when the political system is inclusive enough to allow political participation without restrictions and providing political rules acceptable by most groups. Such success has been evident in Belgium and Switzerland historical experiences that avoided the downfalls exhibited mostly in third world countries.³¹ In sharp contrast, the political systems of Yemen, Sudan, (until 1990) and Lebanon's institutional arrangement (e.g. electoral laws, access and distribution of political power, economic and cultural resources) under which political parties contest power is not acceptable by key political groups. One or more major group perceives that the rules of the political game are discriminatory and hence detrimental to that group's vital political, economic, cultural, or sectarian interests.³² Consequently, political parties could become tools for mobilization polarizing the polity and leading to violent civil wars, as occurred in Lebanon, Yemen and Sudan.

A.Yemen: Tribal Politics and a Rentier Political Economy³³

In 1990, the Socialist Party of South Yemen and the General People's Congress [of the North's] signed an agreement to unify the country. Within a few months, about 40 political parties appeared on the scene, along with dozens of new newspapers and

³¹ See Arend Lijphart, **Democracy in Plural Societies: A Comparative Exploration** (New Haven, CT: Yale University Press, 1977).

³² See Nazih Richani, **Dilemmas of Democracy and Political Parties in Sectarian Societies**.

³³ A rentier political economy denotes high dependency on natural resources such oil, and a state that neither reflects the productive capacity of the domestic economy nor possesses the administrative or military ability to make demands upon its citizenry. See Lisa Andeson, **The State and Social Transformation in Tunisia and Libya** (Princeton, NJ: Princeton University Press, 1986). p.259. In 2000, for example, government revenues from oil and gas were 33% of its GDP, and from taxes only a 7.4% of its GDP. Economist Intelligence Report, **Country Profile Yemen 2001**.

magazines. Establishing a democratic arrangement was the only way to unify two states with differing social and political forces and a history of antagonisms.

In the democratization process, stability and continuity are supported by the following: (a) the elites must be committed to solving their differences by political means and accept the rules of the political game, and (b) the agreed upon rules must be flexible enough to accommodate the grievances of all parties. These two requirements were violated in Yemen. The Socialist Party (YSP) and its supporters in the south (including tribes) perceived that the pact was not implemented and that the General Peoples Congress tried to control the access to political power and state resources. In 1994, this perception led to violent confrontation between the northern troops and supporters of the YSP in the south. The north prevailed. Since then, confrontations stemming from the YSP-GPC conflict have constrained the democratization process, polarizing the polity and inhibiting the development of social capital. This has affected governmental allocations of resources: about 8.1 percent of the GNP goes to the military, as opposed to 2.1 percent on health, and 7 percent on education.³⁴ The country lags behind in areas of health and education; illiteracy rates are especially high among the female population, and infant and maternal mortality rates are high as well.³⁵ In the context of the other restricted democracies discussed in this paper, Yemen's military expenditures are second only to Jordan. Although one cannot attribute the high military expenditures only to the tribal divide but certainly it is a major contributing factor. The high military expenditure illustrates one of the costs of tribal divisions in a restricted system and its negative impact on the country's socioeconomic development.

³⁴ World Bank Report 2000-2001. p.287.

³⁵ This is consistent with a global trend where gender inequalities are often greater among the poor than the rich, See Engendering Development, p.61.

The GPC is not a political party in the Western sense in terms of organizational structure, internal democracy, membership requirements and ideology. It is an amalgam of mainly northern tribal chiefs and associates who joined forces to defend their political interests from the YSP. Such an umbrella group helped in widening the support base for President Abdallah Saleh and his ruling elite. In contrast, the YSP is a conventional party with a hierarchy typical of most Communist parties, organized in cells. Its ideology is close to the European- social democratic model after the YSP modified its Marxist-Leninist orientation. The YSP was not immune from tribal politics and allegiances, which were manifested during internal crises and in its troubled relationship with GPC. Since the YSP power base is mainly in the south, the north-south divide and the tribal politics that this involves, along with power politics and political-ideological differences largely affect its relationship with GPC. Under such a political environment, political parties have not been able to articulate political and social objectives that are consistent with the long-term interests of the public, most particularly the most vulnerable groups among them.

The Islah Party is the other most important political force in the country. Its leader, Shaykh Abdullah al-Ahmar, is the maximum leader of the Hashid tribal confederation and the most important tribal figure in Yemen. (The president's tribe forms part of the Hashid confederation.) The Islah Party forms an integral part of the system; it is a legitimizing force and at the same time plays the role of an "opposition" party within limited contours. The Islah Party and its ambiguous Islamist discourse attracted different strands of political Islam to its ranks, which made it a heterogeneous group. The Islah Party has had a limited role in serving the interests of the underserved

and the most vulnerable groups. Like most Islamist parties, the main focus of the Islah has been on cultural issues; their interpretations of Islam center on the status of women and their reproductive roles. It has no plan to address social and health problems such as maternal mortality rates, which is now among the highest in the world. It is also silent on high female illiteracy and school dropout rates, nor has it addressed the host of contributing causes such as limited family resources, gender socialization, lack of transportations, lack of incentives because of low returns of education, and unemployment. This is not surprising because the political power of Islah and the ruling party stem more from tribal politics than from being elected with political platforms under which they could be hold accountable. The Islah Party and GPC are accountable to tribal chiefs and business elite and are not accountable to the underprivileged members of these same tribes. In this mode, accountability reflects a power relationship in which, citizens and elected officials relationship is mediated by tribal and class structures. Finally, the YSP, whose political platform addresses the fundamental concerns of the poor and women, is left outside the political system, and its political role is very limited.

Moreover, the state suffers from two interrelated problems affecting governance and accountability. The state is unable to extract taxes from its citizens, which deprives the state from vital resources for the functioning of its bureaucracy and services.³⁶ It has been argued that if a state extracts its rents from exploiting natural resources and other public enterprises, this tends to reduce its citizens' claims on it. Yemen provides some support for this thesis. The state's inability to collect taxes may explain why developing countries that depend on natural resources (rentier states) have lagged behind in forging a

³⁶ See Michelle Benson and Jacek Kugler, "Power Parity and the Severity of Internal Violence" **Journal of Conflict Resolution**, Vol. 42, No.2, (April 1998). Pp. 196-209; see also World Bank Report 1999.

relationship between the ruled and the state conducive to governance and accountability. In most of these rentier states, the relationship between the ruling elites and the subordinate classes is one of patronage and clientelism underscored by rampant corruption. This is true of Yemen as well as all Arab Gulf states.

In Yemen, property taxes are mainly levied in cities, where it is appended to the electricity bill. In rural areas no property tax is collected, because of the resistance of the tribes. The inability of the state to have a coherent and enforceable property tax policy is a key indicator of the weakness of the state. Then the problem of governance and accountability becomes compounded with the nature of the state and its formation.³⁷ By way of comparison, the government tax revenue constitutes 13.7 percent only of Yemen's GDP, while in the U.S. is 20.4 percent of its GDP, and in the United Kingdom is 36.5 percent of its GDP.³⁸

The judicial system has been controlled by the executive since 1990, when the constitution was written. According to the constitution the president presides over the Supreme Judicial Council, which is the organ that names, promotes, and dismisses judges and approves the judiciary budget before it is submitted to the Ministry of Finance for inclusion in the overall government budget. As a result, the judiciary is not independent; it is tied to tribal politics and clientelism, and there is ample opportunity for corruption. Judges' salaries are very low and are barely sufficient to meet housing, qat, and food expenditures. Almost any lawyer can make more money than a judge or a prosecutor.³⁹ In fact, in October 2001, 20 judges were dismissed and 108 were forced to retire in an anti-

³⁷ See Richani, **Systems of Violence**. Chapter 2.

³⁸ World Development Report 2000/2001. p.300-1. The Economist Intelligence Report reports that Yemen taxes constitute only a 7.4% of its GDP. See note 31.

³⁹ Republic of Yemen Comprehensive Review Phase I Judicial and Legal system Building Blocks, World Bank, January 2000.

corruption sweep. However, these selective measures will not prevent future corruption because independent institutional mechanisms are lacking. The current Judicial Inspection Authority is a tool of the Supreme Judicial Council.

The judicial system is popularly perceived as inefficient in adjudicating disputes, especially when compared with other existing conflict resolution mechanisms such as tribal arbitration and mediation. About 70 percent of disputes are adjudicated through tribal arbitration. This parallel justice system is only reinforced by the inefficiency of the state and by the power of tradition. The court fees are low, but court employees commonly must be bribed to hide files and move them higher in the judge's calendar or make them disappear.⁴⁰ This explains why individuals opt to settle their disputes through the tribal system or by violence.

Most of the disputes in Yemen concern land titles and land ownership. Land conflicts are common in Morocco, Egypt and Yemen. About 80 percent of the cases in Yemen that make it to court are related to land disputes. Some of these disputes are attributed to the cumbersome process of land registration. It is not uncommon for owners to sell the same piece of land to several buyers or for people to sell property that they do not actually own.⁴¹

Yemen's restricted democracy is a complex system where the interplay of tribal political parties, regional divides, a weak state, and inefficient judiciary make it difficult for the most vulnerable sectors of the population to lobby for a reorientation of public resources. The only political force that might be able to articulate these interests along with its political grievance given the dominant position of the north political

⁴⁰ Ibid

⁴¹ Ibid.

establishment is the YSP. The YSP currently is a minor political player and is excluded from the ruling elite. Until this is corrected, political instability can be expected to continue, as will infant and maternal mortality, illiteracy, and low human development. The U.S. “War on Terrorism” and its attempt to enlist Arab support may also lead the ruling elite in Yemen to further restrict the political participation of Islamist and secular opposition groups, to the detriment of democratic political development.

B. Lebanon: “Sectocracy” and Warfare

Lebanon has had a restricted democratic system since 1943. This makes it unlike other cases of restricted democracies discussed in this paper, which mostly came about since the 1980s. (Kuwait started its flirtation with this process in the early 1970s with interruptions.) Lebanon’s sects represent the functional equivalent of tribes and its political system acknowledges only the sect as a unit of political representation. This type of political representation was explicitly recognized in the country’s 1943 and 1990 constitutions. Sects (like the tribes in Yemen) are vertical social divides where political power and public office depend on membership in the group rather than on political parties or on meritocracy.

Sectopolitics have covert and overt costs. When jobs are filled according to sectarian considerations, regardless of merit, covert costs include brain-drain, mediocrity, nepotism, clientelism, corruption, and inefficiency in government bureaucracies. Corrupt or inept individuals feel less accountable to the public they are supposed to serve than to their sect bosses who were behind their appointment, who most likely will defend them in the event that disciplinary measures are taken against them. In sectarian political systems, accountability and governance become seriously

compromised by the logic and dynamics of the system. The control of corruption becomes tied in with sectopolitics as was manifested during the anti-corruption drive launched by the government of Salim Hoss in 1999. This campaign failed chiefly because most sect leaders and their corrupt followers resisted shouldering their responsibility in controlling corruption and bringing about a more transparent system in handling state's resources.

The more obvious cost is sectopolitical polarization, which often leads to civil wars. The costs of the Lebanon's civil war exceeded \$25 billion; most of its economic infrastructure was destroyed, more than 65,000 people were killed, 84,000 were wounded, tens of thousands were handicapped, and 800,000 citizens (in a country circa of four million) were forcibly displaced. The costs of war have a bearing on income distribution and as is in most cases it increases the levels of poverty and widens the income distribution gap. In Lebanon, for example, the poor made up about 50 percent of the total population in 1959-1960 and decreasing to 22 percent in 1973-74, a year before the civil war (1975-1990). In 1994, the first systematic study carried out by UNDP found that the percentage of poor households increased again to 28 percent of which 7.5 percent lived in a state of abject poverty. This represented a 6 percent increase from their 1974 levels.⁴² The income distribution pattern in the mid-1990s resembled that of the 1960s; by 1995 52 percent of the population could be classified as low income.⁴³

⁴² Mapping of Living Conditions in Lebanon, UNDP, 1998 pp.39-40

⁴³ Ibid., p. 41.

In the 1990s Lebanon reinforced the sectarian system of political representation by stipulating the sects of the leaders of the three branches of government; the president had to be a Maronite, the speaker of parliament had to be Shiite, and the prime minister had to be a Sunni. A political troika is institutionalized in a process that often interrupted the functioning of governing since it required compromises that was something new to the ruling elite. The pre-1990 constitution provided ample power to the president, which made governing an easier affair than it was under the 1990 Taif Constitution, which provided more power to the speaker of parliament and the prime minister while reducing that of the president.

One of the main consequences of Lebanon's sectarian political representation was that it became more difficult for political parties to form and develop as cross-sectarian organizations in order to compete in national elections. The winner-take-all electoral system compounded by the sectarian distribution of parliamentary seats and sectopolitical polarization proved to be formidable enemies to secular political parties.⁴⁴ Despite the increase in members, most secular parties have been unable to win parliament seats. The only political parties that managed to become part of the political game were those that adhered by the sectarian system of political representation and ideologically projected themselves as defenders of their sect's political interests. Examples include the Shiite

⁴⁴ See Richani, **Dilemmas of Democracy**. Chapters 1, 3, and 5.

Amal Movement and Party of God; the Kataib and (the banned Lebanese Forces) as Maronite groups; the Progressive Socialist Party (PSP) representing a sector of the Druze; and a host of political forces and groups claiming to represent the Sunni. The Communist parties and other secular groups remain underrepresented in the political system. All of these political parties have hierarchical organizational structures and are organized by cells. Internal democratic practices for electing party officials are nominal, dissenting views are suppressed, and dissenters are mostly expelled from party ranks.

Opposition political parties, especially those of the left and labor unions, were instrumental in bringing into public debate the declining living standards of the working class and lower classes and were able to mobilize demonstrations against consumer price hikes, tax increases, and privatization of public enterprises and in support of political freedoms. The effectiveness of such mobilizations measured in terms of policy outcomes remain limited, but nonetheless forced the government to slow down its privatization drive. In the latest show of force was the government attempt to implement the public-sector restructuring program on the national airline, Middle East Airways (MEA). The company is 99 percent owned by the central bank since 1996 with staffed by 4,500 workers including 160 pilots operating only nine aircrafts. MEA is running a loss of some \$40 million a year. In order to prepare MEA for privatization the government pledged to cut-down the work force. The issue is contentious because most of the “surplus” labor was appointed by sect leaders and to satisfy the sectarian quota system applied in public employment. Since the surplus workers were Shiite the issue became entangled with sectopolitics. Political parties, such as the Shiite Party of God (Hizbollah) and labor unions, opposed the laying out of workers eventually a compromise was reached where

those laid out were compensated a handsome amount of money. The MEA case brought into play the complexities of labor-capital conflict in a system that privileges sects over other forms of political organization and the difficulty that this bring to bear on secular organizations such as political parties, labor unions, and non-governmental organizations.⁴⁵ This case also demonstrates the difficulty that a state faces in making its enterprises more efficient, productive and competitive in a global economy. I am not making the case for privatization, but my intention is to reveal the irrationality of sectopolitics and its irreconcilability with the imperatives of any rational economic planning.

The bureaucratic and judicial systems are based on the model left by the former colonial power, France. The judicial system is headed by a five-person Court of Justice dealing with matters of state, working along with four courts of cassations, 11 courts of appeal, and 56 lower courts. The judiciary is nominally independent but in reality is subject to government manipulation and to the meddling of the security services. The latter have always been an important instrument of coercion (less so during the civil war) but since 1990 have regained its notorious role thanks to Syria's support. Most courts deal with civil and criminal cases. The government appoints the prosecuting magistrates and normally applies pressure on the magistrates to influence verdicts and sentencing. Trials, particularly commercial ones, could last years. The lower classes have lesser access due to the costs of litigation and lawyers' fees.

Lebanon's dire economic conditions and the increased levels of poverty precipitated by the civil war and exacerbated by the ill-conceived economic policies pursued in the 1990s have left the country in an economic abyss. This condition is only

⁴⁵ Ibid.

complicated by a sectarian political system that constantly generates grievances that make it even more difficult to deal with the dislocation and social conflicts produced by economic development. These occur in a system that opposes the development of national cross-sectarian political parties that could help in negotiating and mitigating social conflicts, avoiding the economic costs of political instability, and charting a more balanced socio-economic policy that takes into account the interests of capital as well as labor. Lebanon's political and social forces have been exhausted by war and were caught off guard when the government decided its privatization plan and only an elite closely allied with finance capital was capable of articulating a response consistent with the "Washington Consensus" and its offspring.

Jordan: "Democratizing" by Default

Like Kuwait and Morocco, the kingdom of Jordan opened its political systems in response to a changing socio-economic and political environment. The political economy of this process varies depending on the alignment of domestic and international variables. Jordan enjoyed a period of prosperity in the 1970s and 1980s, thanks to the regional oil boom; the remittances of its workers in the Arab Gulf helped the Jordanian economy remain afloat, and the government was able to subsidize prices. During that period, the government could afford the political costs of suppressing dissent because it used effective instruments of co-optation and was supported by a growing and "content" middle class. Political freedoms were suppressed and political parties were banned in the 1970s, and parliament was suspended between 1974 and 1984.

By the late 1980s, Jordan defaulted on its foreign debt service and accordingly the IMF stepped in to make Jordan comply with the Washington Consensus. In 1989, the

government increased fuel prices by 30 percent, which prompted riots in the southern city of Ma'an, one of Jordan's main transport hubs. This riot was significant because Ma'an is one of the main tribal-support bases of the ruling monarchy, and any fracture in the regime's support base (in a country where the Palestinian population is a majority) could lead to its downfall. The political configuration of Jordan (tribal-Jordanian with a majority Palestinian population) in an atmosphere mobilized by the politics of privatization, coupled with the ongoing intifadah in Palestine, made it imprudent to carry out the "Washington Consensus" recommendations without also permitting a political opening in the system. King Hussein ended martial laws and ordered the full restoration of parliament and the legalization of political parties to ameliorate social conflicts. The first election was held in 1989.

During the 1990s the restricted electoral democracy suffered reversals caused by the serious political threat posed by the opposition. The King changed electoral laws to deny his political opponents success. Prior to the parliamentary elections of 1997, the electoral laws were changed, which led the opposition to boycott the election. The 1997 electoral law is biased against the non-urban voter where the majority of Jordanian of Palestinian origins resides and where the Islamist enjoys strong support.⁴⁶ This law favors the East Bank tribes. The Islamist boycott of the 1997 election gave tribal leaders and government supporters the opportunity to dominate parliament. Hussein died in 1999 and his son Abdullah succeeded him. The political scene is at best uncertain while the new monarch consolidates his power base.

⁴⁶ In July 2001 a new electoral law was approved but did not address the issue of its bias against urban voters.

Some Jordanian political parties have a long history and have become institutionalized in the sense that they have outlived their founders and have a complex organizational structure.⁴⁷ A common characteristic of most opposition political parties of restricted democracies is their long tradition. Arab political parties such as the Wafd and Muslim Brotherhood in Egypt; the Yemen Socialist Party; the socialist and communist parties in Morocco, Tunisia, and Lebanon; and some Islamist parties in Morocco and Jordan survived the periods of suppression and illegality. Their continuity facilitated the introduction of restricted democracies, helping states and ruling elites to widen their support base. This factor can explain why King Abdullah in Jordan like his counterpart in Morocco views the continuity of his regime as dependent in part on his ability to bring the opposition into the political process, particularly at a time when Jordan is undergoing economic structural changes and social tensions.

Political parties in Jordan (like those in Morocco, Lebanon, and Yemen and to a lesser extent in Egypt) face the formidable task of building cross-tribal or cross-sectarian organizations when political systems and social structures resist such efforts. In Jordan, tribal politics encouraged and sponsored by the government deprived Jordan's 22 political parties of any real influence, a condition that opened the political field to ethnopolitics during the last three decades. Obviously this weakened political parties in general. The only political party that was not suppressed was the Muslim Brotherhood and that was for tactical political reasons: the party expressed allegiance to the regime, and its anti-secular and anti-leftist discourse suited the government. The Muslim Brotherhood has emerged as the major political force in the country; ironically, it now

⁴⁷ Such definition of institutionalization draws on Samuel Huntington's **Political Order in Changing Societies** (New Haven: Yale University Press, 1969).

challenges the King's foreign policy toward Israel. It has access to substantial amounts of funds from charity organizations, which allows it to provide social services in poor neighborhoods, thereby expanding its popular networks.

The Islamist political program is strong in cultural-theological discourse and regarding the Arab-Israeli conflict, but without a clear socio-economic transformative agenda that focuses on the underprivileged groups. They are vocal against women's participation in the labor force, political process, reproductive rights, and for keeping women subordinate position in family structure sanctioned by personal status laws all of which are not compatible with the imperatives of economic development and human rights.

Although political parties have played a modest role in Jordan's political life, they have managed to focus attention on the detrimental effects of the IMF's recommended restructuring program and the potential loss of sovereignty in the wake of opening the economy.⁴⁸ They have also helped in slowing down this process by demonstrating against it in the late 1980s and again in 1996 in what were referred to as the "bread riots." These demonstrations forced the state and the IMF to revise the pace of their structural adjustment program but not its direction.⁴⁹ Consequently, the government was compelled to set up funds for low-income groups, maintain spending on health and education, and delay price increases in public utilities.

Jordan's constitution guarantees the independence of the judiciary. It clearly states that judges are "subject to no authority but that of the law." However, the King must approve the appointment and dismissal of judges, who in practice are supervised by the

⁴⁸ EIU Country Profile 2001, p.18.

⁴⁹ Ibid.p.18

Higher Judicial Council. The Jordanian system of civil law is rooted in the Code Napoleon, a French legal system implemented in Egypt in the early 19th century. Like most judicial systems in the Arab world except Egypt, the judiciary in Jordan is subservient to the executive and is only nominally independent. The access of subordinate classes to justice is limited due to the cumbersome process and the high costs of litigation.

Kuwait and its electoral flirtation

Kuwait is the most restricted democracy of the group discussed in this paper; it is the only one that excludes women from the political process. Like Jordan and Morocco, Kuwait is a hereditary monarchy, and the cabinet is formed by emir (ruler) decree. Its first National Assembly was elected in 1963 and its constitutional term is four years. The emir of Kuwait dissolved the Assembly on three occasions (1976, 1986, and 1999). The 16-member cabinet of 2001 includes seven members of the ruling family. Voting rights remain limited; only literate Kuwaiti males aged 30 and above are allowed to run for parliament, and only Kuwaiti men over 21 can vote.

The National Assembly has been pressing the ruling family for more transparency in financial matters, a greater role in designing oil policy, and more oversight of defense contracts. The increasing assertiveness of the National Assembly is due to its political make-up of groups that range from the Pan-Arabist to Pan-Islamist. In the 1999 election, 20 of the 50 seats in the assembly were won by candidates with pro-democracy credentials; 6 of the 20 described themselves as independents, and the remaining 14 were divided between the National Democratic Forum (NDF), established in 1991 as a successor of Arab Nationalist Movement, and the National Democratic

Movement, established after the 1996 election. The Islamist groups won around 20 seats.⁵⁰ These groups are not formally recognized as political parties but operate as clubs and caucuses. Some groups, such as the Movement to Cleanse Islamist Ranks, the Movement to Forbid the Forbidden, and secular parties, have clandestine organizations with cells structures

The overall impact of these groups on the political process and in making government more accountable is reflected in the National Assembly debates, but if we measure their impact in terms of policy outcomes the result is not promising. For example, the Islamist groups in the assembly blocked a bill that would have allowed women to participate in the political process and guaranteed some basic rights. These same groups are tied with the system of patronage extended by the ruling family to buy their allegiance. Sheikh Saad, a member of the ruling family, has provided financial support to the Islamist in parliament, which affects their agenda and voting behavior. This limits the possibility of other groups in parliament to push on the issue of governance, accountability, better distribution of income, corruption, and women's human rights.

The most notorious avenue of abuse and wasting state resource has been defense spending. Before the Iraqi invasion in 1991, Kuwait spent less than 5 percent of the GDP on defense. After the invasion the government defense and security budget increased between 27 percent to 33 percent amounting 7.5 of the GNP in 1997.⁵¹ Some members of parliament consider this a waste of money on equipment that Kuwait will

⁵⁰ The Economist Intelligence Unit, KuwaitCountry Profile 2001., pp.7-8.

⁵¹ World Bank Report, 2000-2001, p. 306.

never use; they also call it a golden opportunity for corruption. But they have thus far been unable to enact laws to control the situation.

The constitution stipulates the independence of the judiciary; judges are not subject to any authority. However, they are appointed by the emir. The highest court in the land is the Court of Cassation, which reviews decisions of the Court of Appeals. The Emir, however, retains the constitutional power to pardon or commute all sentences.

II. Authoritarian Regimes and Monarchies' Suppressive Backlash

It is in order here to briefly discuss the remaining Arab states and the manner in which their regimes responded to the global environment in the last decade and their political prospects. Most of these regimes have considerably weaker political opposition which allowed them to maintain their systems highly authoritarian (Syria, Iraq, Libya) and monarchies in Saudi Arabia, Qatar, Oman, United Arab Emirates, Bahrain. Both types of regimes were sustained by the influx of petrodollars (Iraq, Libya and to a lesser extent Syria) coupled with severe coercion. Political opposition is practically exterminated in all of them.

The monarchies with small populations were able to maintain their solid grip thanks to their rentier-economies and the wealth that trickled down. This allowed the development of welfare states and effective network system (along tribes and clans lines) of distributing patronage. Such condition minimized social conflicts in most of them. Bahrain and Saudi Arabia, nonetheless, have to contend with their respective restless Shiite populations that happened to be the most underprivileged politically and economically. Both states responded with violence and were able to keep the opposition at bay.

In the post-Gulf war era, however, hit by decline in oil returns, significant increases in expenditures on military-buildup, alongside with mismanagement of and corruption diminished the distributive capacities of these regimes. Consequently, the cooptation capabilities of the Gulf monarchies decreased with their decreasing resources. States such as Saudi Arabia ended with huge budget deficits (public sector debt increased from 87.6 percent of the GDP in 1996 to 102.1 percent of the GDP in 2001), which raised the specters of political instability.⁵² Consequently, signs of economic discontent appeared in Saudi Arabia spearheaded by Islamist groups that have a strong base of support among the disaffected regions such as Asir in the southwestern province. It is noticeable, in this respect, that most of the Saudi hijackers that carried out the September 11 attack against New York and Washington DC were from that region.

Now and because of the geostrategic importance of the Gulf region, -as the main theater of the “War on Terrorism” and for the stability of global capital,- the basic needs of its people for economic and social development, social justice and democracy are likely to occupy a back seat in the global agenda. It is becoming clearer that this new war will make it harder to achieve broader political participation and will further delay the required reform in governance. In the absence of equitable distribution of resources, the underprivileged classes, regions, sects, and groups will remain on the fringes of their national economies and the political process.

Finally, two important cases that stand out in the Arab countries are Algeria and Sudan both with protracted civil wars. Both cases represent instances of a political meltdown exacerbated by the world economy conditions along with uncompromising competing political elites. Algeria’s civil war and its timing on the eve of the collapse of

⁵² The Economist Intelligence Unit Forecast September 2001, Saudi Arabia.

the Soviet Union which ushered in a new global system underscored by the “Washington Consensus” indicated the inability of the ruling elite and its opponents to work out a new political game that correspond with these changes. Algeria started in the early 1980s reversing its model of state-led development and introducing liberal economic reforms. Such a change in direction was in part due to the declining oil revenues in the aftermath of the oil-price crash in 1985-86. Economic liberalization in times of crises coupled with dwindling resources generated riots and wide protest movements for the most part until the 1990 elections. The political elite attempted to co-opt the opposition by opening the political process by introducing the first multiparty election since the country independence in 1962. But such decision was not pacted with the forces of opposition in the similar mode that was applied by the restricted democracies that is carried out the transitions from singular-party rule to multiparty systems. This at least provides some clues of the nature of the transition, the level of antagonisms among the contending forces and the political elite preparedness to negotiate a new political game. Hence when the elections were held in 1990 which was contested by several political parties including the Front Islamique du Salut (FIS) leftist groups, and a then newly formed party from the Berber-speaking region, the Rassemblement pou la Culture el la Democratie (RCD). The FIS dominated the polls. The period that ensued was of political violence between FIS partisans and the government party (FLN). In the 1991 parliamentary election the FIS won 188 seats of the 231 seats on the first ballot, the FIS was clearly heading for a big victory which made the army step in to prevent this from happening. Since then Algeria has slid into a civil war.

Sudan's civil war has a longer trajectory than most of the cases discussed in this paper (Lebanon, Yemen and Algeria). In other words it is an intractable conflict, which started in 1955 with a mutiny of southern forces protesting the northern domination, a legacy of the colonial rule. In the post-colonial period the north-south cleavage widened and acquired new dynamics and became entangled with uneven processes of capitalist development, allocation of state resources, cultural-ideological differences, cold war realignments, and competition over natural resources. In 1972 an agreement was reached under which the north was given autonomy and allowed the incorporation of southern political elite into the political process survived almost twelve years. In 1983, the government decided to split the south into three distinct provinces, which was viewed by the southern elite as an attempt to circumvent its influence particularly in light of the development of southern oil resources and the construction of Jonglei Canal. Ever since a new phase of this protracted conflict started that was later enmeshed with the rise of an Islamist government made even more difficult for the southerner Christian and animist population to compromise with the northern elite.

The Algerian case exemplified a system that collapsed under the stress of a grave economic crises coupled with the introduction of structural adjustments while the political elite and its opponents were not ready to pact an agreement easing the transition to restricted type of electoral democracy. Sudan conflict and because its protracted nature and its ethnic/regional base was only exacerbated by socio-economic and cultural differentiations propelled by global forces ranging from international capital to the

political economy of aid which allowed the development of vested interest in maintaining the conflict rather than seeking a political solution.⁵³

III. Concluding Remarks

It is observed that the restricted electoral democracies are not uniform and each case has some unique properties. Yet some generalizations are in order. The case of Tunisia's political regime in a country with the highest economic growth (highest income disparity) and with a relatively large middle class has managed to be the most restricted among our sample yet score high in the human development index. Whereas the remaining regimes with serious economic crises punctuated by political instability or its potentiality managed to be less authoritarian. In this category we can mention the cases of Morocco, Egypt, and Jordan. In these cases political opposition succeeded in obtaining some political gains giving the regime insecurities. Egypt's case also stands out in one respect; its judicial system due to its legal tradition and strong institution has proved to be the most independent in our sample. This factor has helped in mitigating political conflicts between the ruling party and the opposition but with little bearing on the poor.

Yemen and Lebanon two cases that witnessed civil wars and their polities are organized largely along sectarian and tribal lines exhibited two different political patterns. In Yemen the ruling party managed to consolidate and expand its tribal base after delivering a strong military blow to the opposition in the south hence felt more secure and less compelled to raise the ceiling of its restricted democracy. In contrast,

⁵³ See David Keen, **The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989** (Princeton, NJ: Princeton University Press, 1994).

Lebanon's in light of its more fractured society than Yemen or any other society in the Arab region, the resumption of the political process has been based on the politics of compromises between main sect leaders, hence, a democratic arrangement has been a must to maintain a functioning political system and to avoid sliding back to violence.

Labor unions, political parties, women's groups, student movements, and other non-governmental organizations, that is the *critical mass* needed to expand the contours of restricted electoral democracies exhibit moderate levels of organization and strength in the restricted democracies discussed. Nonetheless, this *critical mass* invariably was able to moderate, slow down, and in some instances halt the economic restructuring policies advocated and enforced by the IMF.⁵⁴ Ironically, restricted electoral democracies were introduced with the prime objective to expand the power base of the states by allowing some political participation in times of crises and structural adjustment failed to comply fully with the terms and conditions of global capital and its institutions because of the latent forces unwittingly unleashed.

Nonetheless this might change with the new contingency: the war on terrorism. The political economy of the "War on Terrorism" and its regional and international imperatives could provide the ruling elites in the Arab states (as well elsewhere: in fact, there are new attempts to enact "anti-terrorism" laws in Latin America as new tool of political repression in countries such as Guatemala, Colombia, El Salvador and Nicaragua) with a chance to eliminate their vocal opposition, and hence facilitate the execution of the economic liberalization program by transferring the costs of such change to the most vulnerable segments of their population and to the weakest sectors of their

⁵⁴ See Antonio Gramsci, **Selections From the Prison Notebooks** (New York: International Publishers, 1971)

national economies (e.g., subsistence peasant economies, small scale industries, and public enterprises). Consequently, the danger on political freedom stems from the possible “criminalization” of social protest against such encroachments. Such a trend picked up momentum in Italy during the anti-globalization protests and is likely to increase in light of the terrorist attacks in New York and Washington DC. Hence, the limited political and human rights gains achieved in the 1990s could be compromised again as were the case during the cold war. To illustrate this point, the Secretary of State Colin Powell during his visit to Qatar after the September 11 attacks requested from its ruler to “tone down” the programs broadcasted from the Jazira network, one of the very few open/free platforms available in the Arab World. Powell’s attempt to restrict freedom of speech may be the tip of the iceberg of the unfolding “war on terrorism” discourse. And if it succeeds in setting the international tone, then, not only the restricted democracies of the Arab World are under threat, but political freedoms and democracy (polyarchy) worldwide may be very well suffer the dire consequences of this new war.

It is crucial in this concluding section to underscore that the limited political access to the political process, justice, and resource distribution is not gender neutral. This is reflected by the limited access to women to employment, political power, and leadership of political parties, property rights. All of these are compounded by institutional discriminatory laws and social structures that are observed in a number of these restricted democracies. The empirical evidence suggests that with increasing income distribution gap and increasing number of poor, women and children tend to have the lion share of the poor stricken sectors. Hence with the introduction of market economies giving the current laws, women will remain outside the formal economy, less

secure, lower wages, limited access to credit, and the most vulnerable in times of economic slow downs or recessions.

A key indicator for a frightening trend that affects negatively governance and the human development index is access to education. In this context it is important to mention the study of Esteve-Volart which links between growth in per capita GDP and gender inequality in primary schooling in the base year, using data from 90 countries and controlling for such variables as overall secondary educational and regional dummy variables. The study shows that a 1 percent increase in the female to male primary enrollment ratio increases the growth rate by more than 0.012 percentage point.⁵⁵ We also have evidence that shows that the dividends of economic growth, or for that matter economic slow down, are differentiated along class, gender, cultural, and ethnic lines. This differentiation largely depends on the respective group or class position in the hierarchy of political power and consequently how this hierarchy distributes gains and losses.

For example, in Latin America countries, which witnessed economic adjustment and a resurgence of *electoral democracies*, suggests that women conditions worsened during the structural transitions. Keeping in mind that laws in most Latin American countries were changed to accommodate women rights to access land ownership, credit, managerial position, and political power. This implies, that in the absence of similar laws in the Arab states could mean that the combination of structural adjustment, current discriminatory laws and weak political parties within the contours of restricted electoral

⁵⁵ World Bank Policy Research Report, **Engendering Development: Through Gender Equality in Rights Resources, and Voice** (Washington, D.C.: World Bank, 2001), p. 88.

democracies will only worsened already bad conditions of women, particularly in rural areas.

This condition is likely to exacerbate in the wake of the September 11 attack according to a World Bank assessment. The Bank predicts that economies dependent on non-oil commodity exports (e.g. Egypt, Morocco) and tourism (such as Lebanon, Tunisia) in the developing world will be hit the most which in turn will affect the most vulnerable people in the Arab countries discussed and in the global economy at large: women, children and the poor.