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Hearing: Democracy and Governance in the Middle East and North Africa

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Introduction

Chairwoman Ros-Lehtinen, Ranking Member Deutch and distinguished members of the subcommittee, it is honor to appear before you today. I would ask that my full statement be admitted into the record.

On behalf of Freedom House, let me commend you for holding this timely hearing and convey my appreciation for the opportunity to address the important issue of formidable impediments facing democracy and human rights program implementers in the Middle East and North Africa (MENA).

I am proud to share this space with my esteemed colleagues from IRI, NDI and IFES, venerable sister organizations committed to bolstering democratic institutions and processes around the world. All of our organizations have extensive experience in the MENA region, one of the world's most repressive, where only 1 in 20 people live in countries ranked “free” by Freedom House, where people can express their opinions freely and take part in elections that meet international standards.

For more than 75 years, Freedom House, founded very intentionally as a bipartisan organization, has been at the forefront of the struggle to advance democracy and fundamental freedoms. We pursue this goal through a combination of research and analysis, advocacy in the U.S. and internationally, and programs on the ground designed to empower local partners, ensuring that they have the requisite array of tools and strategies to be effective catalysts of non-violent democratic change.

Our present programming in the MENA region focuses on Tunisia, where we are supporting civil society to monitor and advance critical justice sector reforms while in Jordan we are working with local partners on women’s economic empowerment. We have implemented projects in several other countries including Egypt, Morocco, Yemen and Kuwait. Our emergency assistance program has helped more than 900 individuals and organizations with security trainings, legal representation expenses, advocacy grants and relocation.

Global and MENA Region Trends

In our annual *Freedom in the World* reports, we have chronicled more than a decade-long global decline in the state of political rights and civil liberties. Dozens of countries with poor records regressed further while some that had made significant progress along the democratic path experienced backsliding. In several cases this could be attributed to the emergence of virulent populism.

At the same time, as documented in our recent report, *Breaking Down Democracy*, we are witnessing the rise of modern authoritarianism and the corresponding assault on liberal democracy. The new wave of repressive rule is arguably unprecedented in its combination of global scope and degree of collaboration, typified by the active exporting of “worst practices” rather than simple passive diffusion of ideas. Suppression of dissent at home is matched by a concerted strategy on the part of the leading authoritarian states such as China, Russia, Iran and Saudi Arabia to aggressively challenge democratic norms and undermine multilateral institutions that have democracy and human rights as part of their mandate.

It is a far more sophisticated version of brutal dictatorship that characterized previous eras, though there is no shortage of autocratic regimes prepared to engage in large-scale deadly violence against their own people. Syria, North Korea, Sudan, and arguably the Philippines, are just some of the most egregious rights-violating governments.

The Middle East and North Africa region offers a grim political landscape. Some six years after the beginning of the Arab Spring, which inspired tremendous hope that democracy might take root in a region known for despotic rulers and the absence of fundamental freedoms and the rule of law, the aspirations of tens of millions of people across the region have been largely vanquished.

With the exception of Tunisia, which is struggling to build on uneven democratic progress the past few years and carries the burden of trying to dispel the widely subscribed view that democracy cannot thrive in the Arab World, many of the authoritarian regimes proved resilient in the face of popular grassroots movements, weathering the political storm and reasserting their monopoly on power.

However, it would be a mistake to paint the MENA region with a single brush stroke. There is political variation; some national environments are more open than others. Morocco, Lebanon, Jordan and most obviously Tunisia, present fewer hurdles to in-country programming than do consolidated authoritarian systems such as Egypt, Saudi Arabia, Iran and Bahrain or than conflict-torn countries including Syria, Libya and Yemen. But even where there is a modicum of political space as in the monarchies of Morocco and Jordan, it is still bounded by red lines and other restrictions that inhibit broad-based political participation.

Sectarian cleavages and an enduring struggle for political influence between Saudi Arabia and Iran also exact a toll on democracy activists and others committed to a very different future for the MENA region. There are dynamics at work within these societies that will generate opportunities for change. But today, across the region's broad expanse, internationally-focused NGOs and their would-be local partners that engage in democracy and human rights related programming must contend with environments that are inimical to the goals of these efforts.

Having largely prevented formal political opposition from forming or suppressed it where there was any sign of gaining influence, the region's governments have focused their attention on civil society as a potential threat to authoritarian power. In addition to creating a political environment hostile to the formation of organizations involved in promoting democratic reforms and respect for human rights, these regimes have resorted to demonizing and stigmatizing activists and advocates, portraying them as purveyors of alien values, self-interested deceivers looking to secure grants from international donors, disrupters of domestic tranquility, and even as terrorists. And they have no problem getting out their message, relying on State controlled mass media and the dearth of independent reporting that could provide at least a measure of alternative views.

The governments have also relied on subservient legislatures and judicial systems to claim they are upholding the rule of law in a cynical attempt to give a patina of legitimacy to a determined effort to stifle what is seen as a threatening sub-sector of civil society. In some countries, a proliferation of GONGOs –Government Organized NGOs—has also been an effective strategy embraced by the State to create the impression among the citizenry and with the international community that civil society is supportive of government policies.

And yet, despite all these profound challenges and ever-present risks, courageous women and men continue to put their lives on the line in seeking to exercise their basic rights, including freedoms of expression, association, assembly and religious belief. In some cases they have partnered with U.S. organizations like those represented here today, to carry out projects to help bolster their capacity to push for peaceful democratic change, form political parties to compete for political power, address the terribly unequal status of women, or to hold government to account in an effort to combat the twin scourges of corruption and impunity.

Major Impediments

Far and away the most daunting obstacles to effective implementation of democracy and human rights programs in the MENA region are those erected by ruling elites to prevent challenges to their dominant place in society. To them, citizens demanding a voice in how a country is governed, independent professional journalists investigating suspected corruption, or historically marginalized communities attempting to organize to have their legitimate grievances addressed -- all of these constitute threats that must be confronted.

But rather than weaken or eliminate these barriers, U.S. policy and practice often has the opposite effect, fortifying them and in the process damaging U.S. interests and prospects for democratic political change.

There are a few distinct yet inter-related major impediments in the MENA region that make implementing democracy and human rights projects so challenging and merit elaboration.

Shrinking Civic Space

The closing of civic space is shorthand for a multi-dimensional attempt by governments as well as by some non-state actors to erect a variety of obstacles to keep citizens from organizing effectively to promote their common goals. This is particularly true of those who have taken up the struggle for democratic reform, respect for human rights, and for accountable governance at the national or local level, though it can also ensnare those working on socio-economic development if it involves empowering people who then challenge the authorities.

Closing of civic space can take many different forms. Often it entails legal restrictions on protests and other activities or on the ability to receive funding from foreign sources, including from the U.S. or other governments. Laws criminalizing defamation are quite common and can be effective in encouraging self-censorship among journalists and activists with a threat of large fines and jail time. Anti-terrorism laws have become ubiquitous across the region and are framed so broadly as to invite widespread abuse, enabling the countries' leaders to go after political opponents that neither advocate nor employ violence.

Authorities can also establish excessively stringent registration or reporting requirements, unleash frequent visits from the tax inspection service or the fire marshal or resort to planting drugs on activists. There is no end to the creativity of authoritarian governments when it comes to ways to harass, intimidate and incarcerate, often by manipulating the legal system in societies that are subject to rule *by* law, not rule *of* law.

The crackdowns on the core freedoms of expression, association and assembly make it exceptionally difficult for nascent organizations upgrade their capacity, forge coalitions, mobilize citizens or undertake just about any activity that could be seen as a challenge to the dominant power structure. Whatever the means, the objective is the same -- to eradicate or render wholly ineffective formal political opposition or civil society intent on bringing about systemic change.

The shortage of political oxygen also has the effect of exacerbating sectarian cleavages and contributing to radicalization because festering grievances go mostly ignored. Without a reliable, institutionalized means to deal with these problems in a fair way, citizens,

especially young people, can become disaffected, seeing no path to improve their circumstances through normal political mechanisms.

Dearth of Accountability and Rampant Impunity

That the denial of fundamental freedoms is endemic in the MENA region is distressing enough but it is the lack of accountability and a corresponding culture of impunity that makes it so challenging to design and implement effective DRG programs that address the underlying causes of the problem.

Because there is nothing akin to a reliable system of institutional checks and balances or a robust civil society and independent media performing a watchdog role, those in power face little scrutiny. They are abetted by very low levels of transparency when it comes to government functions, all of which minimizes the prospect of holding accountable perpetrators of human rights violations, large scale corruption and other transgressions.

One of the consequences of widespread impunity is a lack of trust in a country's political leadership and institutions of government. The resulting frustration and anger can help galvanize people-powered action as it did in the heady early days of the Arab Spring. But especially after almost all those popular uprisings produced relatively little in the way of tangible democratic progress (not even slightly more pluralistic political systems), we may be looking at a situation where citizens become cynical, more atomized and much less likely to believe they have the ability to influence decisions that affect their lives and to alter the status quo.

Young people may be the most vulnerable to abandoning hope, a grave setback for the possibility of one day seeing potent democracy movements across the region. MENA countries can ill afford to have the next generation opt out of civic life because studies show they tend to be more open-minded and more embracing of values we associate with democratic societies. It will also mean that programs designed to advance the prospects for democratic reform may not be able to tap into what should be a comparatively strong constituency for such change.

Violent Extremism and the Security State

The rise of violent extremism has had an enormous impact on the entire region, albeit appreciably more in some countries than others, elevating the priority attached to security both by the region's governments and by the U.S. and donor states that have provided outside support. There is little question that the rise of Al-Qaeda, the Islamic State and other radical movements pose genuine security threats to the populations of MENA countries. The question is how to respond most effectively to the threat without trampling the rights of citizens and refraining from employing strategies that will exacerbate and expand rather than mitigate the threat.

In this environment, governments that might have tolerated the existence of civil society organizations pressing for democratic reform no longer see a need to do so, putting in jeopardy much needed programs that, ironically, are trying to tackle some of the underlying causes of the very same extremist violence with which the governments must now contend. Invoking a threat to citizen security is a time-tested way to rally support for what might otherwise be an embattled regime. It could also become a convenient pretext to crush all dissent and political challengers and rule with an iron fist, particularly if the government is skilled at labeling pro-democracy voices as disloyal.

Anti-terrorism laws across the MENA region are routinely crafted so as to give governments even more latitude to do whatever they think is necessary to contain and defeat radical forces. In countries where there are few constraints on executive or royal authority, there is ample room for selective application of these and related laws. Democracy and human rights campaigners, journalists and members of the political opposition, if it exists, are easy targets in a situation where labeling an individual a terrorist all but ensures the State can act with impunity. Indeed in many instances it is harsh repression by MENA governments against perceived enemies and the inability or unwillingness to address the legitimate grievances of historically marginalized communities that has fueled extremism by creating conditions that increase the likelihood some people will be radicalized and mobilized.

Where extremist groups have provoked large-scale armed conflict – as in Yemen, Syria, Iraq and elsewhere – it can be exceedingly difficult to undertake projects, particularly ones geared to engaging those societies' ample democracy deficits.

Funding Levels and Flexibility

The resources made available by the U.S. government for democracy and human rights projects are a fraction of the funding for broader social and economic development work and security-related programming. In fiscal year 2016, more than 75 percent of foreign assistance for the MENA region went to peace and security funding, while less than five percent went to democracy, human rights, and governance (DRG) funding. The level of DRG funding is also exceedingly modest compared to the nature of the challenge and the importance of progress in this sphere to advancement in others, including broader-based economic opportunities and the multi-dimensional battle against violent extremism.

It is also worth noting that of the funding dedicated to DRG activities in the MENA region, a significant portion goes to working with government institutions. While this type of programming can be very effective under certain circumstances, spending scarce DRG funding to implement programs in conjunction with authoritarian regimes that have no interest in actual democratic reform is a waste of taxpayer dollars.

In addition, of the funding that does go to civil society, a significant portion is directed towards formal NGOs. When operating in closed political environments like those encountered in almost all MENA countries, having to work almost exclusively with formerly constituted NGOs or being limited to partnering with NGOs in general rather than having some flexibility to provide support to other types of local actors constrains implementer creativity and prospective impact.

Recommendations

The complexity of the challenges to implementing effective DRG programming in the Middle East and North Africa precludes the formulation of simple cure-all solutions. The recommendations below largely correspond to the aforementioned principal impediments.

1. Congress and the Executive Branch should work together to ensure that U.S. foreign policy towards the MENA region has a strong emphasis on protecting human rights, strengthening government accountability, broadening political competition and promoting pluralism. Programs to advance these goals have a much higher likelihood of success and durable impact when they are consistent with overall U.S. policy. Policies and programs that reflect our core values will advance our interests while steering us clear of the pernicious false trade-off between security and stability on the one hand and respect for fundamental freedoms on the other. Pyrrhic stability should not be an acceptable policy aspiration.

Giving strategic partners and allies a pass on human rights and accountable governance undermines our national security interests over the longer-term while also eroding our credibility and moral authority with populations in those societies and beyond.

The U.S. also should not shy away from promoting an inclusive vision of democracy, one in which all people, including historically marginalized communities, can actually exercise their basic rights and have the ability to influence decisions that affect their lives. It places us on the right side of history or, more accurately, on the right side of men and women risking their lives in many MENA countries to shape a democratic future for those societies. Inclusive democratic societies are not only more fair and just but are more likely to prosper economically, deal more effectively with inevitable and healthy political contestation through debate and compromise rather than violent conflict, and are ultimately more resilient.

The Executive and Legislative branches should do more than simply provide resources for DRG programs. U.S. diplomats, senior White House officials as well as Members of Congress can publically demonstrate solidarity with embattled democracy and human rights activists and NGOs – if the latter are comfortable with such an embrace. Understandably, to the extent U.S. or other foreign powers are

seen as backing corrupt and rights-violating regimes, high profile demonstrations of support for local civil society actors may be rebuffed. Collective action with counterparts from other influential democratic donor countries can be even more effective.

2. DRG funding for the MENA region should focus primarily on civil society and promoting political competition, civic participation and accountability of ruling elites to the citizenry. Providing support to state institutions may be part of an effective strategy but only where there is demonstrated political will to undertake meaningful reforms. Funding for innovative, locally-owned DRG projects should also be at a level that reflects the outsized importance of progress on people-driven democratic governance for moving the country forward socio-economically. Even in active conflict zones there is a case for DRG funding if there are individuals or organizations documenting and reporting on human rights abuses, as the information they gather could well prove critical to one day bringing perpetrators to justice, striking a powerful blow against impunity.

Security assistance, a major source of U.S. government funding in the MENA region, should be conditioned on the would-be recipient government meeting at least minimum standards for human rights and democratic accountability. Such assistance could also be crafted in ways that would contribute more directly to DRG-related goals.

USAID and the State Department should deepen ongoing discussions that include civil society about possible ways to support emerging movements, inchoate groups, and nascent networks rather than just formally constituted NGOs that have the capacity to put together strong proposals and boast proven administrative skills but may not be as connected in their communities or have identifiable constituencies. Especially in highly restrictive environments where traditional NGOs are comparatively easy targets for the authorities, greater donor flexibility to identify more nimble, dynamic and creative actors would be an important innovation. This strategy does not mean abandoning NGOs; it's a call to add to the tool box.

3. The United States should work with like-minded governments to press states across the MENA region on issues of corruption and impunity, which have proven absolutely cancerous from the standpoint of the legitimacy of governing institutions. Sanctions regimes such as the *Global Magnitsky Human Rights Accountability Act* should be utilized whenever appropriate to bring accountability for corruption and human rights violations. Blocking or revoking U.S. visas or freezing the U.S.-based assets of officials engaged in these activities will not end those practices but it could serve as a deterrent to others and is another tool in the fight against corruption and human rights abuses that will bring hope to activists and organizations taking aim at impunity at high levels.

Conclusion

Progress on democratic reform and adherence to internationally recognized human rights is no panacea to solve the panoply of profound political, economic, social and security challenges in the Middle East and North Africa. But there is little chance that countries would make meaningful progress across that full spectrum and meet the aspirations of the people who call MENA home without greater freedom and accountable governance. Such programs represent a long-term investment in a more democratic and prosperous future.

Freedom House urges Members of Congress and administration officials at the highest levels to support robust democracy, human rights and governance programming and the broader policies that reinforce them as the most effective strategy for helping courageous, committed and skilled change makers succeed in achieving their ambitious goal to transform their respective societies.