

## **Middle East democracy and the empty dialogue with Europe**

*WESTERN LEADERS SHOULD NOT SHY AWAY FROM SUPPORTING NON-VIOLENT DISSENT AGAINST AUTOCRACY*

**By Chibli Mallat**

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There are limited occasions when Hegel's "ruse of history" operates to suddenly transform an otherwise anodyne event into a momentous breakthrough. This works negatively, as when Jean Jaurès was gunned down on the eve of World War I, depriving the forces of peace from their most articulate symbol, or when Mahmoud Ahmadinejad succeeded in a troubled and surprising election, in June 2005, and set back with fiery and vain bombast a course for the Iranian Revolution that had become far wiser under his predecessor Mohammad Khatami. More rarely, the ruse of history works positively, when someone like Jean Monnet finds himself at the heart of a new European construct in 1951, on the eve of the announcement of the Coal and Steel Community that develops, slowly and surely, into a formidable legal continent presently known as the EU.

The ruse of history combines uneasily with the law of unintended consequences. An action will trigger a sudden, large, positive movement. Unless that movement is institutionalized, the hopes of its actors for a better world get drowned by events that they no longer control.

So when it comes for the search of a better Middle East, and of a useful dialogue with the EU to help it along, good ideas are not sufficient, and the ruse of history get undermined by either hostile forces, or simply by the heavy status quo inherent to the established order. The EU has been in retreat since the Constitution failed to materialize in 2005, and this adds to the difficulty of an interlocutor for a far more difficult set of countries East and South of the Mediterranean.

### **Dictators on notice**

In the troubled search for a ruse of history, an idea that would set matters in motion, I can relate some initiatives, at a personal level, that I hoped would snowball in the morally right direction sought in action. Let me mention three in particular.

One occasion was the case brought under the Belgian universal jurisdiction law to try the former Israeli Prime Minister Ariel Sharon for his responsibility in the Sabra and Chatila massacre in June 2001. There are books and articles about that trial, so the image is as complex as it is rich. The victims won the case on February 12, 2003, when the Supreme Court in Belgium, the Court

of Cassation, held that the trial should proceed. The law on universal jurisdiction was changed retroactively under considerable US pressure to prevent the trial from going forward, but the victory of the victims stands in history as a unique judicial achievement. Indeed, the line between the Goldstone report, and his call for a recourse to the ICC may yet materialize if the Israeli government and the ruling authorities in Gaza fail to conduct serious prosecutions in their respective territories.

The Goldstone report is rooted in the same idea behind the Sharon case: justice instead of violence. This also was behind the deep movement, across the Middle East, for the trial of such brutal dictators suspected of mass crime: Sudanese President Omar Bashir for genocide in Darfur, with a recent confirmation of that grave charge by the Appeals Chamber of the International Criminal Court; possibly Syrian President Bashar Assad for the assassination of former Lebanese Premier Rafik Hariri and several other Lebanese, despite a so far fledgling UN Special Tribunal for Lebanon; Libyan leader Moammar Gadhafi for the disappearance of Imam Musa al-Sadr, after his indictment in a Lebanese court and the issuance of an arrest warrant against him and his aides. This is no longer theoretical. Despite the judicial process's flaws, Saddam Hussein was tried for war and genocide in Iraq.

In my brief experience as a seeker of political office, another occasion was the presidential campaign which I started in Lebanon in 2005 to bring to an end the forcibly extended mandate of Emile Lahoud. What appears as a footnote in history might have already had consequences well beyond the Lebanese frustrated experiment. The Cedar Revolution triggered the movement on the streets of Cairo that forced President Hosni Mubarak to change the Constitution in the Spring of 2005, only to imprison Ayman Nour when the non-violent revolutionary fervor died down on the streets of Beirut and Cairo. Amr Moussa and Mohamed ElBaradei, both men from within the Cairene establishment, are now seeking presidential office despite the attempts of the Mubaraks to establish a dynasty. This is a major development in Egypt, despite the immense hurdles created by Mubarak to prevent the process from going forward, as underlined in Marian Ottaway's article on this page.

In fairness, the first such daring challenge in the Arab world did not take place in Lebanon in 2005, but in Palestine when Samiha Khalil challenged Yasser Arafat to the presidency of the Palestinian Authority in January 1996, and in Israel in 1999 when Azmeh Bishara campaigned for the Prime Ministership before the law was changed to prevent any such challenge by an Arab contender. One should also see the 2009 challenges to Ahmadinejad and to Afghan President Hamid Karzai in this perspective. So far these challenges to undemocratic extension in power of the incumbent dictator or president have failed, but Lahoud was eventually forced out, as well as Pervez Musharraf in Pakistan, and tragically in Iraq when half a million foreign soldiers occupied the country in 2003 to dislodge Saddam Hussein.

**“The monarchy must shed its absolute hold on Arab countries, or else leave”**

Mubarak, Assad, Gadhafi and Bashir, are all on notice for ruler-for-life dictatorship, some, including high officials in Israel for crimes against humanity, and the story is far from over for Karzai. The Lebanese presidential campaign is bearing fruit, it now needs a successful challenge to brutal absolute rulers for life that are at the root of the stagnation and violence across the region.

A third example is negative. It was in November 2002. I was invited by the same Amr Moussa, together with a group of so-called Arab intellectuals, to discuss ways forward in an Arab world troubled by the consequences of September 11 and the wave of democratization afoot across the region. I had been in Cairo previously, once as a guest of Saadeddin Ibrahim. In Cairo at the Arab League, I had a brief occasion to say a few words, and I regret not to have used the occasion to question the vacuity of such a meeting for "intellectuals" when one of us, and a courageous and distinguished Egyptian professor at that, was held in jail for his opinions. With a Kuwaiti colleague, we tried to do something in private for Saadeddin, but that was far from enough, and my public silence then I have always regretted. I hope Moussa does not pay in his rising challenge afoot against the Mubarak dynasty the same ugly price which Saadeddin Ibrahim paid, and continues to pay in forced exile.

So since I am speaking in Jordan, let me take stock of that lesson, and underline the particular form of absolutism and political nepotism that operates in this country. Jordan is no better than Spain and Denmark, and the people of the Kingdom of Jordan deserves no less than the people of the Kingdoms of Spain and Denmark. It is all too easy to criticize Israel from the comfort of an Arab capital, an exercise we excel at. As long as we do not clean up our act in our own country, and speak truth to power in our home first, nothing will change, and matters will only get worse for both rulers and the ruled. The monarchy must shed its absolute hold on Arab countries where it is the governance system, or else leave. This is essential in Saudi Arabia, Jordan and Morocco.

What does this eclectic assessment of the dominant political issues in the region - democracy and human rights - say about dialogue with Europe and the West generally ?

### **Giving meaning to dialogue**

One type of dialogue is between civil society representatives with their European counterparts, as is the case in numerous conferences. This is useful and should be intensified, but in and by itself it does not have earth-shattering consequences. In countries like Tunisia, the intensity of policing civil society representatives is such that meetings like the present one is hard to carry out in Tunis, and this says a good deal about the need not to lump all the Middle East countries together. I might have just been hard on Jordan, a country I am extremely fond of, and my grandfather had a unique literary friendship with its founder, the late King Abdallah, whose guest he was almost a hundred years ago. Jordan remains a far more open country than Saudi Arabia or Libya, and this openness to international civil society dialogue should be cherished, preserved and increased. But it won't be earth-shattering.

More important is the dominant dialogue of the respective political leaders in Europe and the region. I have had occasions to talk about the vacuity of the “dialogueurs en chef” at a meeting in the European Parliament in 2004. Let me refine the said category: usually it is the heads of state who are dialoguing with each other, and President Nicholas Sarkozy's “Union pour la Méditerranée” will fail as miserably as the Barcelona process, because there is nothing for the people of the Middle East in these heads of state dialogue except for more authoritarianism by the Middle East leaders. When it comes to non-democratic countries, the chiefs, be they prime ministers, presidents, emirs or kings, talk to their democratic counterparts North of the Mediterranean about anything but democracy. The dialogue will be fruitful only when the new EU president and Foreign Affairs boss, and the leaders of every single democratic country in Europe and elsewhere tell Karzai, Assad or Gadhafi, when they meet them, that they are illegitimate.

Alternatively, there is non-dialogue, that is the refusal for decent heads of state to meet with local dictators. It is always preferable to the vacuous dialogue just described, but it is not invariably good. Its main problem is that it freezes also all other dialogue, and often isolates the people beneath, who get punished by their humiliated leaders. In cases of a willful ostracization, like Iraq's Saddam, or Zimbabwe's Mugabe, or now Iran's Ahmadinejad and Korea's Kim Jong-II, we have not seen palpable results. Non-dialogue at the top generally means that all dialogue at all levels gets frozen by the miffed dictator. I have no solution for this, but maybe one day a miracle will occur, and that sort of diplomatic language where Middle East leaders hear from their counterparts what they exactly think of them may be acceptable, even put on the record for the people of the Middle East to watch and enjoy. I am not against dreaming, but this is for the moment a dream carried too far.

In-between total rejection and empty dialogue lies a panoply of serious actions around the dictator that will yield medium-term results, and should be tried: from limiting tourism, shopping and health visas to the top officials and tortioners and their relatives, to entertaining law suits by their victims under universal jurisdiction rules. What is no longer acceptable is the smiling handshake of the dictator's hand.

In all of this, the premise is non-violence. So long as challengers to Middle East rulers do not advocate violence, there is not a single reason why their speech and action should be hindered or punished by their governments. Mohammad Bazzi put it forcefully last week in “Nation” about the imprisonment of 78-year old former judge Haithem al-Maleh in Damascus. There is no excuse whatsoever for European leaders to shy away from openly and emphatically supporting non-violent dissent in the Middle East, as they did openly against the Soviet system before the fall of the Berlin Wall.

Two final, practical instances: the world will long pay the price of accepting the results of the rigged election in Afghanistan in November, and there will be no peace in this country so long as Karzai is not held responsible for starting a dictatorship, for what else can he be now called but a

dictator? Iran is another case in point. I have, as has my colleague Shireen Ebadi, criticized President Barack Obama for his muted attitude toward that extraordinary non-violent revolution in Iran which started this summer and bravely continues six months into an unprecedented Stalinist-like repression. There is no moral incertitude in the case of Iran: oppressive rule that has rigged an election must be told that is oppressive, that it has rigged the elections, and that it cannot kill protesting youth and stage Stalinist trials. Period. The West has still not drawn the lesson of the deadlock of the WMD argument in the case against Saddam Hussein. It is this aspect of Iranian rule, democracy and human rights, far more than the nuclear issue, that should be the basis of any dialogue with Iran.

Freedom fighters in the Middle East are not taken seriously in Europe and the West, a sad legacy of the worst aspects of colonialism. There is no successful relation which does not start with that acknowledgment of this systemic failure which continues to dominate the Euro-Med scene, and the larger Western-Middle Eastern non-principled, muffled, dead-ended dialogues.

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