Citizenship and Nation Building in the Arab World: Mechanisms to promote accountability and to fight corruption?

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Introduction:

This paper is based on a policy paper that I prepared in late 2007 to address diagnosing citizenship issues in the Middle East to form a position on empowering the roles of citizens in the policy making process and to recommend interventions accordingly. In addition to that fact, the paper was supposed to be used as a reference presented by Middle East Citizens Assembly (Regional NGO FORUM) to the policy makers and the donors who might be interested in making a real constructive relationship between the citizens and the states in the Arab world.

The paper addresses the citizenship concept and practices in general and not in any particular country, although I used some examples from specific countries. In the context of the paper, I also referred most of the time to the Arab World or the Arab States and not to the Middle East because Israel and Turkey have their own different citizenship[1] issues, which might need a separate research, that are not necessarily in common with the rest of the Arab Word problems.

Abstract:

In this paper I argued that citizenship in the majority of the Middle East countries is an interest based legal concept that is used by the government as a tool to ensure citizens' loyalty to the regime and to make sure they do their obligations regardless if they are enjoying their political, civil or social rights. Even issuing citizens' basic civil rights documents including certificates, national identity cards, and passports, is also based on a political decision. The citizens' perception that their rights are protected is used as a tool by the state to relatively guarantee their loyalty to the government and to serve its apparatuses in its capacity as the national guard of the homeland, under the cover of national duties.

I also argued that the failure of the state in founding a common developmental perception of citizenship among the citizens and the public servants was transformed negatively not only on the citizens' relation with the state, but also on their perception and practice of how their relationship would be among themselves on one hand and on classifying citizen layers per origin, economic, social and political statuson the

[1] They will be referred to in regards to citizenship among minorities.

other hand Such negative transformation strengthened bonds of care across boundaries of tribalism, localism, political affiliation, inequality, exclusion, ideologies, religion, power, nation and geography and even lead to destructive individualism and to creating a generation with a built in skeptic concept of who is a citizen. *Consequently, the performance of the citizen in his job was bound to self interest based approach more than adherence to responsibilities and duties, job description or ToR* in particular in the public sector which lead to small and big corruption and de development in the Arab world.

Arguments:

Citizenship equivalent in the Arab world is not usually based on the exact term perceived by the Western countries due to different political and historical conditions. The political decisions made in the Western societies were not based on kin and blood relations, while it was in the Arab word[2]. Manna' 1997[3] and many others state that the people pre Islam belonged to the tribe which was the representative of the government in the current terms. Such tribe identity continued to exist until today in a way or another regardless if the people were governed by Islamic or national governments. The relation to a national geographical homeland was manifested clearly as a result of the West occupation to the Arab lands, where the Arab nationals became fighters for freedom and then used this status for eligibility to govern and consequently became the home made oppressors. Thus, the confusion of who is a citizen continued to be in the minds of the Arab citizens until the revolutions started in Tunisia and then spread into Egypt, Libya, Yemen and Syria.

Until now, unless current research says otherwise on Tunisia and Egypt and other countries undergoing revolutions it is revealed that people realized that they are citizens first and not subjects "ra3aya or tab3een", and that they are eligible to for self determination. Thus the definitions of citizenship in terms of identity, nationalism, sense of membership, belonging, loyalty, inclusion, marginalization, sense of acceptance, homogeneity and sameness, exclusion and stigmatization is vanishing.

Accordingly, I argue that the civic engagement in deciding the destiny of a country is by the hands of the citizens and it should continue to be from bottom up to sustain and pave the road for sustainable development. Thus it should be manifested in the decision making process on the local level; starting by having an accountable internal management and policy making process on the community based organizations, the NGOs, going through the political parties and unions and ending by electing the constituencies local representatives on the municipal level.

An Enabling Environment For Constructive Presentation Of Citizenship

[2] It is important to notice that citizenship concept in terms of rights and responsibilities of the citizens toward the state and vise versa existed in the East but was not understood, comprehended or mastered by the peoples due to the fact that the relation between the people and the governor was perceived as a relation between a son and his father...

[3] Full references and bibliography are available in the original paper

Given that the majority of the Arab states are now, after the revolutions, more aware of the need for democratic responsiveness; in particular in the sense of being responsive to the relation between the government/sate[4] and its constituencies, dealing with the concept needs a comprehensive approach on the level of knowledge, attitudes and practices of the state and the citizens.
Consequently, one would ask three legitimate questions;

1. Where shall we start from, the state or the citizens?
2. Can we work on parallel levels? and
3. Whose responsibility to change the situation and make it better, the citizens, or the governments? And how?

Knowledge: Legal Awareness Of The Concept and Alliances

Apparently the citizenship concept itself has not been deeply and qualitatively studied in the Arab world, the studies available that address it are theoretical and the audiences of these studies are the intellectuals. Therefore, the starting point is not in the right direction. There is a need for field qualitative and quantitative studies to determine the citizens' awareness of and attitudes toward the concept. Afterwards, increasing the awareness of the citizens themselves on the concept should be addressed within the context of the culture of each country in a constructive way. I mean that the citizens are eager to learn more about their rights and responsibilities and would need more guided approach, in particular using the legal aid approach that can not be controversial by the governments. All the Arab constitutions present clearly that all people are equal citizens before the law. Such related articles in the constitutions are the 101 course for the learning process without fear. Accordingly legal awareness campaigns by the mandated civil society organizations and advocacy groups could lead to an increase of the public's perception of their rights. However, the articles of the constitution guaranteeing equality before the law should not be only theoretical The Arab states should implement them on the ground and those who are engaging themselves in the civic education of the people about their right should be provided the space by the governments to do their job.

On one hand, and parallel to that civil society should work more with the governments to introduce citizenship education as part of the curriculum, but with being aware how the concept is introduced to make sure that is not out of context and to foster using it as tool to serve the state and not as as a tool to foster loyalty to the government.

In addition to that, form public administration perspective, the public servants, each in his/his job related functions must be aware, or draw to his/her awareness by formal procedures that his duty is to serve the citizens, who are the tax payers of the public sector salaries, with a high service quality and without hesitation or nepotism and favoritism, and at the same time not to use the rigid text of the law to prevent citizens' access to their rights. Currently, the public servants are not aware, or skip, that their role is to serve the public and not to make use of their power. To make sure that this happens, governments can include/initiate the Citizens Rights Covenants tailored to the service provided for them i.e. patient rights, social rights, teachers' rights, employees' rights, and citizen rights per se.

The terms could not be used interchangeably

ATTITUDES

The challenge of changing the attitudes of the public servants of citizen rights is more complicated than increasing their knowledge in the subject matter. Of course they are aware of the citizen rights, but more often selective, and would easily use different law articles to make sure the citizen pays taxes, fees, etc. but not proactive to protect the citizens rights. The attitudes of the public servants themselves is truly determined by the political system and the power holders who govern the country and accordingly the public servants performance is bound by enforcing the laws without in terms of rigid texts and without the law spirit. Consequently, the public servants would not like to lose their jobs and accordingly they would interpret the law as a text and not as spirit as long as they are not held accountable to their deeds. The majority of the public servants would neither try to initiate nor to provide the citizens with their rights unless that they are aware that the citizen has some one "behind his tree" and not because of the of holding him accountable by law successfully The civil employees should not start thinking of retirement from almost month one on board. More problematic is the fact that citizens then and often forced to bribe the public servants in the Ikramyah/Bakhseesh[5] misleading principle to get their rights. This is true on the borders, at the ministries of interior and whenever the citizen needs a service from the state. Of course such situation will inculcate a negative attitude of the citizens towards the state and the public servants and it will lead to mistrust in the system and make some state's reform initiatives for reform perceived by the citizens as misleading and hypocritical which ultimately increases the level of small corruption This situation will change, only if the civil society, jointly with the agents of change in the public sector work on building an anti corruption built in mechanisms in the procedures and the systems to enforce transparency, accountability and integrity.

PERCEPTIONS AND PRACTISES

The Role of the State

The first thing the state should do is really to work with the citizens who brought into a power as partners who the have the right to form an opinion in the decision making process, politically, economically and socially. Such political well shall of course oblige the state to increase it budgets to improve the social welfare and the political participation of the citizens. Here, I don't mean only voting every four years, or participating an public questionnaire , but a continuous institutionalization way of enabling the civil society to be active, pro active and creative, ie participatory democracy.

The state should put systems in place and in particular formal procedures to make sure the citizens in general and the public servants in particular not only abide by the laws but also conceive the laws as tool for improving their life and not tools for punishing them only and the laws should be also legislated and implemented in that way. Such systems should have also regular monitoring procedures. That approach shall include

[5] It is often a bribe under the cover of a gift.

accountability and transparency systems and indicators for them to measure the performance of the public servants. Code of conduct, ethics regulations, regular training, and capacity development for the staff are a must to inculcate a positive perception of the role of the government in the people's mind. I claim that one main reason for the low ratio of voting in the USA and other countries in Europe is the fact that the average citizens take it for granted that what ever political party wins elections will abide by law and will not threat or abuse mainly their civil and political[6] rights.

At the same time, the state should establish empowering citizenship mechanisms to enhance the good conduct of the citizens and the public servants. A fair example to mention is the role of traffic police in the United Arab Emirates. The police run after the drivers who drive safely to provide them with incentives in addition to chasing the abusers of traffic law for ticketing them. Such a balance is quite fair and represents a good example of striking a balance between empowerment and punishment.

Revenues and Taxes collecting procedures and quality of services are also a tool to change the attitudes of the citizens. Respect for rule of law, fair and just law enforcement, equality before law, equal access to law, fair trials are also other mechanisms that can be used to re gain trust between the citizens and the state.

Protection of human rights and citizen rights including but not limited to freedoms; freedom of speech and opinion, movement, political affiliation and participation, property rights, gender equity, right to access to health, to work, to education, to social welfare should be part of the agenda of the policy makers of the Arab states for building democracy| on the political level.

However, such political and social rights could not be achieved if the state does not work to alleviate poverty and provide jobs for the people. The unemployed people are good candidates for the state's destruction politically and economically.

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Social and economic rights are closely linked to political and civil rights and people cannot participate in decision making freely unless they enjoy democratic rights. Therefore, the role of the CSOs here will be enhancing the citizens' knowledge and attitudes to make the change and at the same time giving them the skills to defend their rights. Parallel to that, to advocate among the donors to use their money as a tool of empowerment and pressure on the governments to reform. The themes of this section could be translated into concrete joint projects between the governments and the civil society.

The Role of the Civil Society

Citizens' Role is very crucial to make a change, but if the citizens themselves do not initiate and ask for the change, the governments will easily perceive that the citizens

[6] Civil, political and economic rights groups usually work to inform the citizens on how each candidate party will/ will not address those rights.

are happy and satisfied. Accordingly, the government will behave in away that is viewed as convenient, without being held accountable for its acts. Therefore, the work for citizenship and democracy should be from bottom- up also. Different professional and specialized NGOs should have their internal reform first and then can partnership and work with community based organizations and work for the citizens interests in their communities. .

Usually, the majority of civil society organizations start launching their initial programs to really respond to a gap or a need in the community. However, these organizations do not work enough on their own organizational behavior including their governance systems and internal control. The organizations become staff oriented chasing donors to keep their staff on board and start working on projects that are of interest to the donors rather than responsive to a program need in the community. Therefore, their role as representatives of the citizens in front of their governments becomes not that efficient and even de legitimized. Even, their legitimate requests for change would not be perceived as a community need but as a project that is funded by a donor. Worse than that is the mistrust of the citizens that will be a consequent of the organizations lack of transparency and accountability.

However, the NGOs who work on programs that are well studied and respond to the needs of their constituencies could build trust with the community, with the donors and with the governments. One typical example I recently recall is Musawa "the Palestinian Center for Law and Justice" Ramallah based organization in Palestine that almost closed by the end of 2006 due to lack of funding. This NGO strategically reviewed its financial and administrative systems and moved from working on projects into programs and then attracted many European donors in 2007. Another typical example is the leading Palestinian Adalah "Maintaining Justice" NGO in Israel that is membership based of more than two thousand citizens and lawyers. It relies on membership fees and donations more than donors and its programs are responsive to the needs of the Palestinians citizens in Israel. Nevertheless, the membership and the program criteria are not enough for NGOs working on promoting rule of law, respect for human and citizen to function. They need a constitutional umbrella to enable them legally to function.

Set of Options for CSOs to proceed

In order for the CSOs to proceed and face all the above written challenges and to effectively contribute to the promotion of citizenship in the Arab word, They have the option to act as staff driven and thus donor driven, advocacsy and lobbying NGO, or as community driven and responsive.

1. *At act as an staff driven NGO*

This option can limit the membership and leave it to be staff oriented. Thus the organization's real policy making body is the staff and the role of the board and the assembly is only procedural for minimum compliance to the law.

2. *Act as advocacy and lobbying groups:*

This option will enable the current members of different NGOs in each country to establish their own advocacy group by working on citizenship with different target groups including women, children and youth. Such option will also enable them to work not only with citizens but also with governmental institutions such as the ministry of education, parliament members and the private sector.

3. *Act as a peoples/grassroots/ citizens movement*

This option covers options one and two and then proceeds to a wide sector of the society; namely the grassroots; by trying to reach every citizen in each of the country members. This option could be the ultimate goal of visionary CSOs if we want a long term objective of having active citizens and active citizenship that will produce democratic societies. Precisely, given the role of IT and the internet, this option could be functional and productive by using virtual communities.

Conclusions

Accordingly, to have a clean democratic government, we need to have concerned citizens and an enabling environment to foster their demand for good governance and better perceived citizenship. Working from bottom up in parallel with working with the governments could be promising although it's a long way faced with challenges, including but not limited to logistical and behavioral constraints.

It's a human nature to reject change even in one's own daily life. That's the case unfortunately. However, following the revolutions in the Arab world the citizens awareness of their identity and that they are entitled to their human rights and citizen rights will make them make the necessary changes and should internalize it and implant it in their behavior in their daily life. However, the challenge is how to make the protection of the public interest perceived as a personal self-interest … Therefore, citizens have to be educated not only to know their civil, political and social rights and responsibilities, but also to change their attitudes towards their life and their role in raising the quality of the public sector performance

Afterwards, the work with the governments could be, to a certain extent, less challenging when the governments realize that their constituencies know what they want and will steadfast on their positions and will fight to hold the public servants accountable.