Civic Space Monitor

Regional Report on Civic Space 2022

Civic Space in Arab Countries

More Extremism and Oppression, Reinforcing the Concomitance between the Civic and the Political Spheres

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Introduction

The state of civic space, the freedom to establish civil society organizations (CSOs), and the margin of liberty of these CSOs and all civil actors are some of the most important indicators of democracy in Arab countries. This particular importance derives from the fact that the Arab regimes, although they differ in form, institutions, and work mechanisms, are all neo-patrimonial in nature and only allow a limited margin for democracy and freedoms. While some regimes acknowledge the existence of a civil society that is relatively (but tangibly) independent from the realm of politics and from the market and its rules to a minimal extent, others deny people's right to form an independent civic space. Moreover, the neo-patrimonial nature is not limited to the regime and its institutions, but rather extends to societal structures and the predominant culture. The ideologies of the regime and the different political movements converge to restrict the freedom of expression, religion, and assembly and to refute the modern idea of civic citizenship.

The Arab NGO Network for Development (ANND) has established an observatory to constantly monitor developments in the civic space, with active participation from member organizations and independent researchers from different Arab countries. This monitoring effort has gained significant importance since the first wave of the Arab Spring (2011) and the subsequent developments that turned the Arab states and societies into a real-life laboratory for global trends in societal shift towards democracy in all its curves and failures. They became the testing grounds for the evolution of civil society, the role it plays in this shift, as well as for the ways in which the authorities and the international community interact with this civic space. The importance of the conclusions drawn and lessons learned from the experience of the region's countries exceeds the national or regional level and offers knowledge that is relevant at a global scale, given the richness and diversity of these experiences, their commonalities, and the lawlike rules regulating the relationship between the different actors, and between the civic and the political spheres, in the context of global and regional transformations.

The Civic Space Monitor report you are currently reading, issued in early 2023, comprises six national reports on Bahrain, Egypt, Tunisia, Iraq, Palestine, and Sudan, in addition to a regional report – as is usually the case – summarizing these six national reports and the overall developments in Arab countries during the period between the publication of this report and the previous one (one year or two at most).

This regional report consists of three main sections:

- First, an analytical introduction on the overall evolution of the civic space in Arab countries during the past year (or two);

- Second, an extensive review of the six national reports covering the same period; and

- Third, conclusions and lessons learned.

Evolution of Civic Space in the Arab States

Past Developments

The previous report covered the 2020-2021 period and primarily tackled the Covid-19 pandemic and its impact on the civic space. The report also looked into the major developments during that period, notably the second wave of the Arab Spring in Sudan, Lebanon, Iraq, and Algeria, and the level of freedom and effectiveness of civil society in these countries, in addition to the Sheikh Jarrah uprising in Palestine. The report also discussed a number of setbacks in other countries, including the Tunisian President's coup against the Constitution and State institutions in July 2021 and the military coup in Sudan in October 2021. Furthermore, the report commented on the dwindling of popular movements, most notably in Iraq, Lebanon, and Algeria, and the harsh circumstances in which CSOs operate in the other Arab countries.

The Covid-19 pandemic was the main pretext to counteract some of the progress made at the level of civil society after the Arab Spring. The goal was to impose more control and constraints on the freedom of work and movement. These constraints, imposed on society as a whole under health pretexts, are still ongoing despite the ebbing of the pandemic. The political and economic crises in most countries in the region, as well as the measures put in place to maintain security and stability and to ward off terrorism and threats to national security, were the common excuses used by most Arab governments to not only continue restraining the civic space, but also go the extra mile by imposing more severe measures, whether by reinstating the state of emergency or military governments, using non-state community actors to undermine civil society, and relying on religious, sectarian, or tribal ideologies to fight civil society and limit its activities.

Current Situation

The restrictions and oppressive measures imposed over the past two years continued to restrain and oppress civil society in 2022, not to mention that additional restrictions have been imposed. The ebbing of the Covid-19 pandemic did not have any actual positive effects in this regard, besides reinstating citizens' freedom of movement in general and reducing the constraints on organizing activities and public events. Meanwhile political, legal, or regulatory constraints that are not related to the health situation persisted. However, the clashes continued in the streets of Sudan, and the State's tones down its extremely authoritarian discourse in Egypt, possibly due to external pressures and the desire to improve its image before the Climate Change Conference in Sharm El-Sheikh (2022). However, this did not have any tangible or lasting positive impact on civil society. In general, the constraints and oppression have intensified in Arab countries. Change efforts in most countries have been derailed from their supposed democratic path, clearly drifting towards forms of autocracy, military rule, or dictatorship.

Most Arab countries (those covered in this year's research as well as others) witnessed multiple crises, some of which took the form of a multifaceted and extremely dangerous crisis (such as Lebanon, which is suffering from a complete institutional, economic, financial, and social collapse). A similar situation unfolded in Tunisia (which is witnessing a political and socio-economic crisis) and in Egypt (suffering from currency depreciation and the inflation of the public debt). Sudan's transitional path was halted, the wars in Yemen, Syria, and Libya continue to rage, and the intractable political and institutional crisis in Iraq persists. The Palestinian situation is further complicated by the Abraham Accords and the formation of the most extremist Israeli government since the creation of the occupation state, and so on and so forth. Moreover, a new debt crisis and a new round of agreements with the International Monetary Fund (IMF) are appearing on the horizon,

in addition to the increasing economic difficulties due to the long-term repercussions of the 2007/2008 crisis and Covid-19, as well as the Russian invasion of Ukraine and its economic repercussions. The Abraham Accords and the normalization with the occupation state (including the delineation of the Lebanese-Israeli maritime border through U.S. mediation) will also have a serious impact on civil society in Palestine and in the other countries that have signed the Accords.

Finally, there is a major gap that should be addressed in the reports on civic space, which is the need to monitor developments in the Gulf states more closely, especially in the Kingdom of Saudi Arabia, which require special consideration.

What Are the Activists Saying?

Within the context of the 2023 Anabtawi 32 course[1], and particularly in the preparatory stage, the participants were asked to identify the actors that play the most important role in restricting civic space/civil society and the primary methods and tools used for this purpose. One hundred and five (105) respondents participated from 18 out of 22 Arab countries (the countries that did not participate were the Kingdom of Saudi Arabia, Oman, the United Arab Emirates, and the Comoro Islands).[2]

In their responses, the participants identified four actors (or categories of actors) that influence (mostly negatively) civic space. These are:

1. The regime – the authority – the government/ministries and agencies, etc.: These actors all belong to the same category, despite having certain differences. What is meant by regime is the nature and philosophy of the governance system, such as a totalitarian regime or a dictatorship, etc. These types of regime do not recognize the very idea of civil society (totalitarian) or do not allow its independent formation (dictatorship). The terms authority

and government are used separately because there are instances where the government does not have the authority (like in Lebanon), while ministries and agencies or the judiciary can be stricter or more lenient in their practices than the presidential or official government discourse.

2. Society – tribes – religious institutions/figures, etc.: These entities are often referred to using euphemisms such as "those with social influence" or "non-state actors." In the vast majority of the examples, the role of religious ideology and institutions/figures is mentioned, as well as tribal (family) formations. These are viewed as parties that suppress or restrict civic space. Two observations should be made in this regard: The first is the overlap between the purely religious and the sectarian, as the religious institution is often related to a certain sect or confession, leading to the intertwinement of the religious (mostly ideological) with the sectarian, which is, in this case, either a specific expression of religious ideology, or is overcome by political and institutional functions. The second point is that societal pressure (religious/sectarian and tribal) specifically focuses on the civic space, citizenship, and modernity from an intellectual perspective, and on civil society action and everything related to individual freedoms, women's rights, and domestic and family matters from its own perspective.

3. International donors and actors: The influence of these parties depends on the country. However, they have certain points in common:

4. They present themselves as partners or supporters of CSOs and of the tripartite cooperation and partnership between civil society, the government, and the private sector;

5. They offer financial support to organizations that cooperate with them. This is often a considerable amount of support, provided that national organizations implement the projects of these funding bodies. The role and interventions of

these actors differ from one country to another;

6. They exert pressure on national organizations that fluctuates between soft pressure (influencing their work philosophy and agenda to be more in line with the donor's priorities or agendas or imposing administrative and monitoring measures designed by the donor that could sometimes be complicated); and direct political conditionality under the guise of counter-terrorism for instance, whereby funding could be ceased in case of non-compliance, or directly imposing activities and priorities on national organizations.

7. Self-imposed impediments: related to CSOs' capacities, expertise, and history. In this case, the actual extent of the civic space not only depends on the limits that are delineated and imposed by other actors (most notably those mentioned above), but also on the size, experiences, networking level, effectiveness, resources, and popular support of the various CSOs (associations, unions, social and popular movements...). These factors determine the actual extent of the civic space, compared to the extent that it could theoretically reach. In other words, we have a possible civic space and an actual civic space to which civil society's own capacities contribute, as well as its ability to expand this available space and positively impact its characteristics. The negative factors in this regard include the increasing number of associations and unions formed by the State under the pretense of civil society, or the civic organizations created by civic, religious, or nationalist political parties or movements, which do not have the necessary level of independence from their parent (or dominating) political party.

Methods and Pretexts Used to Restrict Civic Space

The methods and pretexts used by the aforementioned parties, particularly those affiliated with the government, the community, and donors, are one and the same, with varying degrees of oppression and restrictions from one country to another. There are, nonetheless, more significant differences of a qualitative nature which depend on the party in question, where each one (from the government, the community, or foreign donors) resorts to methods that are specific to them, though in general, they remain the same and are repeated on a large scale in most countries.

The regime/authority/government and their agencies generally resort to laws and legislations as a means of suppression. These include limiting the ability to form organizations and tightening the conditions to do so, requesting prior permission for activities or movements in public places, and restricting or preventing access to financial assistance and support – especially foreign aid – without prior approval from the government, which is often not granted. Sometimes, administrative procedures are made more complex, including bank transactions or general assembly meetings, whereby ministries or government bodies impose conditions on the members of administrative bodies, interfere with the electoral process, or prevent meeting and communicating with foreign parties and traveling. Restricting the freedom of the press and the freedom of expression is also one of these methods, as well as tightening control on cyberspace and impeding the right to access information. In strict regimes, it could go as far as directly prohibiting and dismantling associations or unions, as well as prosecuting and arresting activists. In exceptional cases, (such as in Iraq and Yemen), there is significant enmeshment between the authority, the government, and the irregular forces. It is a form of de facto authority that sometimes exists within government institutions. In this case, armed groups – which might be part of the authority or the government – tend to be

more violent and ruthless, committing murders and kidnappings and causing displacement among other forms of intimidation.

One of the characteristics of the restrictions imposed on civic space by community actors, especially tribal and religious/sectarian formations, is the particular focus on the CSOs' activities in the fields of human rights, gender equality, and personal freedoms. The preferred mode of operation of these parties is exerting pressure on feminist organizations specifically, using a set of ideological and cultural pretexts, including transgressing religious laws, violating societal norms and traditions, threatening the national or religious culture and identity, causing the disintegration of family and family bonds, and promoting a foreign, Western culture. These parties focus on the cultural dimension and social relations, in an attempt to limit civil society's actions that aim to promote the ideas of citizenship, civicism, and modernity, by portraying them as an evil threatening identity and community. The ultimate goal of this suppressive process is not only to prevent activities and put pressure to withdraw from certain conventions or make reservations about them (such as CEDAW), but also to form a cultural barrier to block any shift towards democracy and citizenship. Their most common methods are smear campaigns against associations and individuals, ideological-cultural intimidation, and the obstruction of certain activities. This transforms these community actors into a parallel authority to that of the law and an even more powerful one at times. Governments often use these parties when they do not wish to engage in a direct confrontation with CSOs for whatever reason, especially when they are trying to paint a positive image of themselves to international donors and organizations.
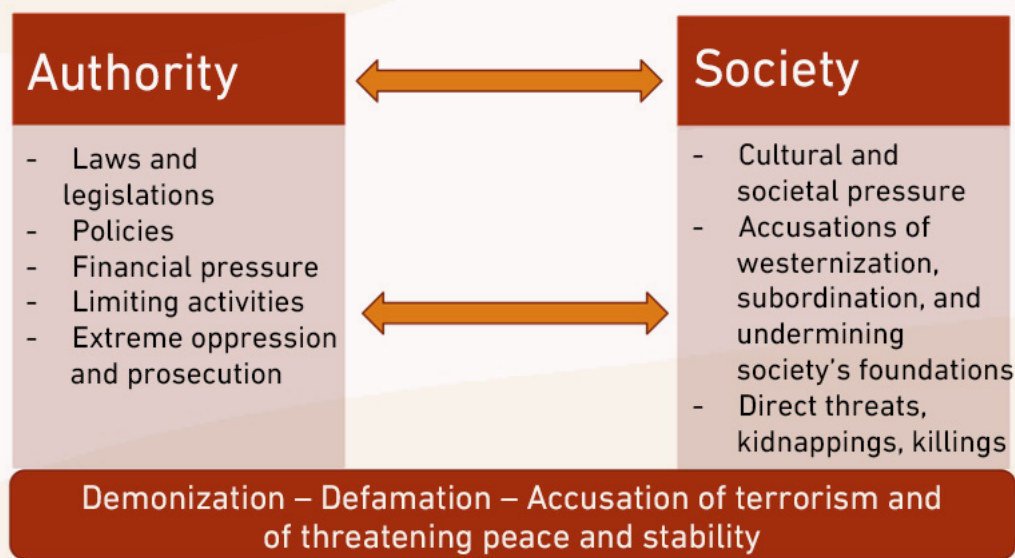
As for international donors and organizations, the restrictions they impose go hand in hand with the financial and moral support and the cooperation they offer. They takes on a procedural form, such as complicating funding procedures and conditions and influencing the work of associations through regular financial and administrative control over projects and activities. These parties also largely control the main directions of CSO activity by providing funding for specific fields that align with the donor's priorities.

At the political level, international donors and organizations are often in collusion with governments in their strategies, so they purposefully turn a blind eye to the violation of civil society freedoms to avoid angering governments. They also allocate considerable financial support (it could be the highest amount in certain cases) to non-independent organizations and associations that are affiliated with the government, to ensure their compliance with the foreign policies and priorities of donor countries (such as limiting immigration, maintaining stability, fighting terrorism...). In certain cases, the conditions imposed by international parties or foreign countries taken on a political nature, especially in terms of fighting terrorism, blocking funding for independent rights organizations under the pretext of supporting terrorism, and forcing associations that wish to receive funding to sign pledges (the example of Palestinian organizations is the most prominent in this regard).

What are the methods used to restrict civic space?

Authority
- Laws and legislations
- Policies
- Financial pressure
- Limiting activities
- Extreme oppression and prosecution

Society
- Cultural and societal pressure
- Accusations of westernization, subordination, and undermining society's foundations
- Direct threats, kidnappings, killings

Demonization – Defamation – Accusation of terrorism and of threatening peace and stability

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Lastly, all parties use smear campaigns against civil society and its activists. Examples of this include: accusations of subordination to foreign parties; cultural westernization; implementation of non-national agendas; financial corruption; threatening peace or national security; conspiring against the authority and serving the interests of internal, anti-government powers; terrorism; undermining public morals; causing the disintegration of families and societal relations; adopting destructive and imported ideologies.

Are there Any Specific Models?

If we solely focus on the most important parties (namely, the authority and government institutions, as well as conservative community associations), two distinct models of states/societies emerge:

- **Model 1:** Countries where the state – authority – government is the most prominent restrictive agent of civic space and where societal pressure ranges from low to medium and plays a complimentary role to the authority's pressure.

- **Model 2:** Countries where traditional and conservative community formations, such as tribes, religious institutions and militias, are the main source of pressure. This pressure equals, exceeds, or complements that of the government and its institutions. In this model, the authority turns a blind eye to the role of conservative societal pressure and implicitly or explicitly encourages it.

These two models are generalized, as countries classified in a certain model cannot be considered completely alike. In fact, there are many distinctions and differences between them. Generally speaking, however, we find countries where strict government suppression is coupled with strict societal restrictions (the ultimate case). In other places, there may be strict government suppression with less significant societal restrictions, and vice versa. These models help with comprehensive and critical thinking when identifying the sources of restrictions imposed on civil society and their level of strictness without oversimplifying the issue (previous ANND reports have explored these points).[3]

National Reports

Note on the Methodology

We present in the following section the national reports prepared by the national experts. The reports are published in full on the ANND website. It is worth mentioning that the following sections of this regional report are inevitably based on national reports. However, the analysis and conclusions are not a reproduction of the content of the national reports. They include ideas that do not necessarily reflect the point of view of the concerned national expert. The author of this regional report takes full responsibility for any interpretations, comments, or analyses of any kind figuring in this paper. Moreover, this report does not reference the sources mentioned in the original reports. These can be consulted in the national reports via the links provided in the footnotes.

Bahrain: Extreme Forms of Restriction and Possible Breakthroughs[4]

General Political, Economic, and Social Context

The Kingdom of Bahrain is a "constitutional monarchy." However, there have been many reservations over this designation since at least 2011, as experts and observers believe that the constitutional character of the State has significantly declined in favor of a tendency towards a pure monarchy. Bahrain is still living in a climate governed by the repercussions of the 2011 uprisings, especially the severe repression of the popular protest movement back then and the drifting from the "democratic" gains that characterized Bahrain's political life in the first decade of the new millennium, allowing for a greater margin of national dialogue and openness towards opposition forces, including some former opponents participating in the government.

The year 2011 dealt a heavy blow to this openness. A campaign of arrests and prosecutions was launched, resulting in the dissolution and banning of some associations (Al-Wefaq, Wa'ad, and Amal Association), as well as the arrest of several leaders and activists with harsh sentences issued against some of them (including 12 death sentences, and other life sentences and long-term imprisonment). This led to the return of sectarian polarization (the Shiite population feeling discriminated against and excluded) and political polarization (between the authorities and those classified as democrats and liberals) in the country.

The authority did not loosen its tight grip over the political situation. This also applied to civic space, which has always been affected by the political situation in the Kingdom. In September 2020, Bahrain signed a partnership and cooperation agreement with Israel within the framework of the Abraham Accords alongside other Gulf countries (and Morocco), contrary to the popular and political inclinations in the country, which caused an additional internal rift. Indeed, 23 civil organizations joined forces under the "Initiative Alliance," calling upon Bahrain to withdraw from the agreement, in support of the Palestinian cause.

The economic situation is also unstable. Public debt reached 122% of GDP in 2022, and the annual debt service is too high for the small country that is increasingly becoming dependent on aid from other Gulf states, especially Saudi Arabia and the UAE. This has affected the living and social conditions of the population. These socio-economic difficulties have left the regime more vulnerable to any popular movement, leading it to impose further restrictions on both the political and civic spaces.

Legal Framework Governing Civic Space

Decree-Law No. 21 of 1989 and its amendments regulate the activities of CSOs in Bahrain, within the framework of the Constitution, which stipulates that "The freedom to form associations and unions [...] is guaranteed under the rules and conditions laid down by law, provided that the fundamentals of the religion and public order are not infringed." However, the political setbacks mentioned above have also affected the Law on CSOs and on the activities of civil society. Successive amendments to the law were introduced in 2002, 2009, 2010, and 2013, and two additional amendments were made in 2018. These amendments all aimed to restrict civic space.

Three main amendments can be highlighted:

- The amendment of 2013 restricting access to financial resources and barring the collection of donations and access to aid except after obtaining an official permit from the Ministry. The amendment aggravated the penalties imposed on violators to ten years in prison (in addition to fines) if the funds are believed to serve terrorist purposes.

- First amendment introduced in 2018 (Article 43 of the Law), stipulating the following: "Board members shall enjoy all their civil and political rights." Accordingly, the concerned ministry issued a circular (in 2020) requiring CSOs to submit to the ministry a list of names of candidates for board membership, along with a copy of their personal phone numbers. The General Assembly may not hold meetings except after the approval of the Ministry of Interior (MoI). The latter has indeed rejected the names of some candidates and suggested others instead.

- The second amendment introduced in 2018 set a condition for any candidate wishing to join the Board of Directors of sports clubs and federations, stating that they "must not be a member of a political association."

- The amendment of 2022 prohibits members of political organizations and members of the Shura Council and Parliament from becoming Board members in sports clubs and federations and youth establishments.

As for the labor movement, the law governing the establishment of labor unions in companies was amended after 2011 to allow for the establishment of multiple labor federations and multiple unions in a single enterprise, which led to the division of the labor movement. The government also prohibited the establishment of any kind of labor organization in the public sector.

Legal Restrictions Enforced Immediately

These legal restrictions were put into immediate effect, and their enforcement was stricter that their actual provisions. During 2019-2020, Boards of Directors were dissolved and temporary Boards were appointed for more than 20 professional and charitable associations, including the Bahraini Medical Association and Bar Association. Several associations were also summoned to investigate their fundraising activities and donations, including through the sale of books and publications. CSOs were also prevented from receiving foreign civil society delegations. Further, they were prohibited from meeting with any foreign embassy or representative without prior permission. Due to security checks, by the end of 2020, over 15 charities and other organizations had submitted names of candidates for membership in their new Boards of Directors, more than 50% of which were rejected.

Government Restrictions

Bahraini authorities have adopted a wide range of restrictive and repressive measures:

1. Denying the right to run for office and vote, which is a matter related to citizens in general. The ban affected about 70,000 citizens (estimated number) as a result of the dissolution of some political organizations.

2. Restricting the freedom of the press; namely, closing the independent Al-Wasat newspaper (2017), arresting a number of journalists, and issuing sentences against them.

3. Strict crackdowns against social media activists by summoning them to court over tweets or posts made on Twitter, Facebook, and other platforms.

4. Tightening digital censorship, under the pretext of Covid-19. According to international reports, the government of Bahrain is among the countries that used Pegasus software (linked to Israel) to spy on Bahraini activists.

5. Strictly prohibiting any publication giving a voice to opponents of the government, including for academics, many of whom were dismissed from their positions at universities.

Pressure and Containment Methods

Additionally, the government resorted to a strategy of pressure and containment in addition to direct repression. It replaced independent associations and CSOs with representatives of loyalist associations, especially in international forums such as the Human Rights Council. The government also appointed loyalist representatives to the Boards of some associations that the ministry had dissolved, in leadership positions or as Board members in human rights institutions, such as the National Institution for Human Rights, to ensure the issuance of well-engineered human rights reports that are relatively acceptable to international organizations.

Overview of Civic Space in Bahrain

The crackdown on civic space in Bahrain can be summarized as follows:

The source of the restrictions is primarily the government/authority; the role of other actors is negligible compared to it.

The government does not differentiate between the political and the civic spaces, which leads to the misleading portrayal of the work areas of certain CSOs, as their work and activities in support of political and civil rights are given a political dimension.

The political dimension also manifests itself in the government's effort to link the Abraham Accords and cooperation with Israel, which are foreign policy issues, to domestic politics. In this sense, the initiative of associations rejecting the Abraham Accords is portrayed as an act of opposition to domestic politics and a point of disagreement in the area of civil rights and liberties.

Extreme repression has continued since the 2011 uprising in Bahrain. The restrictions have not been loosened, which reflects the significant concerns on the part of the government and the authority and further increases tensions with CSOs.

The government uses all restriction methods at its disposal (political, financial, administrative-procedural, judicial...) in a very extreme manner to prevent civil society from having an actual impact that could lead to any breakthrough in the status quo.

There is not much solidarity with Bahraini civil society in the environment directly surrounding Bahrain (Gulf Cooperation Council countries). Some objections are made through the UN human rights mechanisms. As for other countries, they are allies of the regime and are not interested in supporting the civil society, except through statements of solidarity issued by some organizations such as Human Rights

Watch, Transparency International, and Amnesty International, but these have no actual impact on the government's stances.

Tunisia: From a Scattered to a Unified Civil Society to Confront Autocracy[5]

Introduction

Tunisia represents a unique case of political and institutional transformation after the Arab Spring in the region. The transformations that the country has been undergoing, since 25 July 2021, are an unprecedented transition to autocracy in the Arab region. This overshadows every other dynamic and shapes the country's direction in the short term, with massive repercussions on civic space and the status of civil society, not to mention that it could undermine all the previous democratic achievements, which seemed to be, for a while, fortified gains that are difficult to reverse.

The main problem in the current situation of civil society in Tunisia is closely linked to drifting away from the path of democratic transition (with its mistakes and pitfalls) into an autocratic rule that is currently being imposed.

General Political, Economic, and Social Context

Tunisia is facing a deep structural crisis. The situation has worsened since President Kais Saied assumed power, dissolved the Parliament, abolished the Constitution, and declared a state of emergency. For the first time since the revolution, civic space is exposed to serious risks endangering the gains that were made after much struggle and sacrifice.

President Saied has unilaterally taken control of all

powers. This was reflected in the exceptional and unprecedented measures he took, namely:

- Dissolving the Parliament after suspending it and imposing travel bans on MPs, as they were considered "guilty" until proven innocent.

- Issuing Decree No. 117 of 23 September 2021, by virtue of which he granted himself absolute power to laws in the form of decrees covering all aspects of life without consulting or obtaining the approval of any party, including constitutional institutions.

- Organizing a national referendum on the issuance of a new constitution that he personally drafted (instead of the 2014 Constitution). He relied on the result of this referendum despite the low turnout, as the percentage of voters did not exceed one third of those registered in national registries.

- Issuing a new electoral law that he drafted himself, pursuant to which the first and second rounds of parliamentary elections were held (in December 2022 and January 2023). The new law excluded political parties from participation, limited the representation of candidates to their voters in local constituencies, and allowed their dismissal through a mechanism to withdraw their mandate. Voter turnout in both rounds reached only about 11%, which is the lowest percentage recorded in the history of Tunisian elections. Moreover, the Parliament formed pursuant to the new Constitution is not empowered to hold the government or the Head of State accountable.

- President Saied stripped the judiciary of its independence, subjecting its functions to the control of the executive power represented by the Head of State. He abolished the provision on the Supreme Judicial Council in the Constitution and dismissed 57 judges under various charges, referring 13 of them to courts specialized in terrorism cases.

- Freezing the National Anti-Corruption Commission, dismissing its president, and accusing him of corruption.

- Dismissing the chairman of the Independent High Authority for Elections, appointing a new chairman loyal to the President, and imposing his political will on the IHAF.

- Issuing a Presidential Order on 24 November 2021 abolishing the Ministry of Local Affairs and placing its central and regional structures under the control of the MoI. This ministry was one of the pillars of the path towards promoting democratic participation at the local level.

Tunisia under Autocracy

It is safe to say that Tunisia has become completely subject to an autocratic rule, which manages public affairs without any oversight by public institutions, parties, and CSOs. The President builds his legitimacy on the narrative of direct popular support through what is called a grassroots system. He speaks in the name of the people without the need for intermediary structures and organizations, such as parties and CSOs, which in his opinion falsify the will of the people. The President portrays himself not simply as a "just tyrant," but as a "rescuer" or "awaited savior" for the country and the people from corruption, based on a mandate that he considers absolute and cannot be revoked.

Socioeconomic Situation

Tunisia's public finances are currently strained due to an accumulated deficit since 2011, in addition to the continued excessive borrowing from local banks due to the country's inability to borrow from abroad. Further, the negotiations with the IMF have been lengthy and have only resulted in a preliminary staff-level agreement. However, this agreement has not entered into force, pending the government's implementation of its pledged reforms required by the IMF. Moreover, the repercussions of the Russian-Ukrainian war, the failure of government policies to control the local market, and the inability to control the parallel economy have caused a shortage of many essential goods and a significant spike in their prices.

The economic and political conditions have reflected negatively on the social climate, as manifestations of discontent and anger have increased among citizens. Over the past year, the country faced protest movements in various vital sectors, mainly:

- Renewed clashes with teachers due to the failure to address their precarious working conditions and to pay their salaries for several months.

- The waste crisis that has moved from one city to another (Aqrab, Sfax), resulting in confrontations and casualties.

- Irregular migration has reached unprecedented levels, leaving a significant number of victims from various Tunisian governorates. The victims' families in the village of Zarzis accused the maritime security authorities of having a possible role in the sinking of a boat, which sparked confrontations between security forces and residents.

- The health sector is facing risks due to the migration of doctors (along with other factors) and three major foreign laboratories leaving Tunisia, which has caused a shortage of various medicines, including vital medicines for chronic diseases.

- The continued unemployment crisis. The phenomenon of self-immolation in the streets or in front of public institutions has re-surged. This is a serious indication of the despair felt by the youth as a result of the deadlock and the lack of serious development initiatives.

These and other factors have led to the eruption of protest movements over the past year. The authorities have deployed security forces in response, leading violations that were condemned by human rights and civil society organizations.

Situation of Civil Society and Social Movements after July 25

Civil society had played a major role in the country's main historical developments, including during the political crisis of 2013. It managed to bring the country back to the constitutional path that produced the Constitution of 2014 with its democratic achievements (a role for which it won the Nobel Peace Prize in 2015.)

Civil society has clashed with the successive post-revolution governments over socioeconomic policies, the rights of women and marginalized groups, and the "democratic transition." Each time, civil society faced direct and indirect pressure, influenced by the general political climate and the overlapping of its action with that of political parties (convergence and divergence) on multiple occasions. This role was fortified by a series of strengths that ensured a positive environment fostering civil society, namely:

- A fair degree of independence, sectoral influence (especially women's and human rights movements), and popular presence (especially the Tunisian General Labor Union);

- Constitutional and legal protection provided by the 2014 Constitution and through the independent constitutional bodies and mechanisms established after the revolution;

- Continued progress in the constitutional path under an acceptable democratic umbrella, despite political maneuvers and conflicts;

- A reasonable amount of international support, with its advantages and shortcomings;

- Regional and international alliances and solidarity.

This positive environment, which is generally supportive of civil society, was reversed after July 25. This was represented in the imminent danger that targeted the political and constitutional system, forcibly transforming it into an autocratic rule, in addition to the systematic dismantling of all constitutional institutions, undermining the principle of the separation of powers, and not recognizing any intermediary institution. The focus over the past year (2022) was on dismantling the laws, Parliament, judiciary, government, and independent bodies that represent a favorable environment for civil society, thus paving the way for targeting and dismantling civil society – as it is seen as an intermediary body that constitutes an element of conspiracy against the power of the people and Tunisia, according to the President and his supporters.

Civil Society Rearranges its Priorities and Stances

The coup confused political parties and CSOs, including trade unions. The country was still under the impact of a multifaceted political, constitutional, and institutional crisis, which generated sharp conflicts within the Parliament, as well as between the latter, the government, and the President of the Republic, coupled with the deterioration of basic services (especially during Covid-19) and overlapping economic and social crises. This provided an ideal context for populist discourse and an appropriate moment for the President of the Republic to present himself as the savior of the country from this chaos. Tunisians welcomed this move by taking to the streets in a show of support, driven by the desire to overcome this deadlock.

The majority of parties, trade unions, and other CSOs supported the President's steps initially, believing that his measures would be temporary and that he would return to the constitutional and institutional path. However, it soon became clear that his actual intention was to establish an autocratic rule, reverse all the gains made by the revolution, and veer off the path of democratic transition. After the President completed his political takeover of the main constitutional institutions, he began to target civil society. This has been apparent through:

- Demonizing civil society; accusing its activists of serving foreign interests, of financial corruption, and of implementing foreign agendas hostile to the State and to Kais Saied.

- Putting financial pressure on CSOs through the complex measures imposed by the Central Bank and local banks. Some organizations were also banned from opening accounts, which prompted them to register as businesses in the commercial register in order to evade these restrictions. This subjected them to the Law on Combating Terrorism and Money Laundering.

- Crackdown on the press and the freedom of expression, in addition to disrupting the right to access information. This led to continued conflicts between the Press Syndicate on the one hand and the government and the Presidency of the Republic on the other, due to crackdowns on the freedom of the press, especially in criticizing the policies adopted by the President and his cabinet.

- Attempting to control unions, which is a complementary strategy to control political actors. The main developments in this regard included:

1. Trade unionists faced a sharp attack by the "formations" of President Saied's supporters, calling for the "purification" of the Tunisian General Labor Union; they considered that most of its leaders and figures are corrupt and mercenaries seeking to blackmail and sabotage the State.

2. Organizing a coup within the Tunisian Union for Agriculture and Fisheries with the support of the authorities. The latter recognized the new leadership as the sole representative of the sector.

3. Adopting the carrot and stick policy with businessmen: accusing many of them of plundering the State and of subordination to foreign parties; imposing travel bans on some businessmen, intimidating them with prosecution, and issuing a "criminal conciliation"

decree as a legal formula to rectify their legal situation in return for paying sums of money and pledging to help implement State projects.

Amending the Law on Associations

For months, a draft decree was being discussed within the relevant ministries to replace Law No. 88 of 2011, which adheres to international standards and guarantees the freedom of association as stipulated in the Constitution of 2014. The government, under the guidance of President Saied, introduced amendments to this Law that would grant the administration broad powers and discretion, enabling it to intervene in the work of associations, their funding, and their freedom of expression, in a manner that bears striking resemblance to the Egyptian scenario in this field.

In addition to the Law on Associations, which has yet to be promulgated, Article 5 of Decree No. 117 subjected the structure of parties, trade unions, associations, and various professional organizations, including their financing methods, to presidential decrees. Further, the draft Law on Associations revokes a major gain made in the previous law, which considered an association to be legal simply by notifying the state of its establishment.

From Confusion to Confrontation

As it became clear that the coup sought to sabotage the gains achieved by the revolution, CSOs, trade unions, and several political movements overcame their confusion and took back the initiative to restore the constitutional and democratic path.

Positive signs have emerged in this context. First, the Tunisian General Labor Union made a clear stance in this regard, by launching a social and political initiative in consultation with its former allies in civil society, such as the Tunisian League of Human Rights and the Order of Lawyers. The second sign

is the decreased popular support for the President, manifested in the widespread popular boycott of the recent parliamentary elections (89%). The third is the resumption of the popular protest movement, nationally and locally, against the dire socioeconomic situation. The fourth is the renewed dynamic in civil society sectors, especially the women's movement, in addition to the restoration of LTDH following its conference. It is hoped that the stances of the Tunisian Confederation of Industry, Trade and Handicrafts would advance in this direction as well.

The dynamics described above affirm the strong and organic nexus between the political path, on the one hand, and the situation of civil society on the other. This can be clearly seen in the Tunisian case; gradually reversing the democratic gains and shifting towards a change in the overall system of the modern civil state, which is based on representative and participatory democracy and on the role of intermediary bodies, and establishing an alternative, autocratic regime that dismantles parties, institutions, and civil society organizations, making the President a central force beyond any control or accountability (similar to the Qaddafi experience). Therefore, it appears that the path of targeting civil society begins with dismantling the civic space – the favorable environment that provides immunity and constitutional and legal protection to civil society – before attacking it directly. As for civil society organizations, their gains cannot be defended without restoring the overall national democratic and constitutional process. It is a national political agenda that cannot be circumvented, given the interlinkage between the political and the civic at the top (the authority) and at the base (civil society), which is reinforced by the current authority's political project.

Overview of Civic Space in Tunisia

The Tunisian case can be summarized as follows:

- The authority's plan to transition towards an autocracy is currently the main source of pressure on civic space.

- Popular pressure during the coup contributed to curbing all parties opposed to the President's plan. This pressure was used by the President's supporters, through intimidation campaigns targeting unions and civil society.

- The authority's political plan is based on changing the nature of societal structures, dismantling institutions and not separating the political from the civic, but rather integrating them. This is based on the authority's vision for the state, which rejects intermediate structures and seeks to reduce the political system to the people on the one hand and to the ruler-leader on the other.

- Civil society was influenced by the popular mood at the time of the coup. There was confusion and division in stances. However, civil society gradually retook the initiative and once again put forward a political-civil agenda represented in restoring the democratic and constitutional path.

- The international community has not been able to curb the rush towards autocratic rule. The Tunisian case prompts further reflection and examination of the implications of this reality.

- Civil society has to unify its ranks and develop a strategy to respond to the current situation, so that it can play a role similar to that of the Tunisian Quartet in 2013, taking into account the variables and differences in circumstances, facts, and contexts.

- The Tunisian experience shows that even if an institutionalized democratic progress occurs, and even if legal as well as constitutional immunity is provided to civil society for an entire decade (2011-2021), this does not mean that the gains achieved cannot be reversed. This requires studying the elements that may have weakened civil society during the previous period and limited the effectiveness of the battles it fought over the past decade and the strategies it implemented, in order to identify the shortcomings that enabled the autocratic project to advance at the expense of the democratic path.

Egypt: Confusion Temporarily Loosens the Grip of Power, Disparities in Civil Response[6]

General Political, Economic, and Social Context

Egypt adopts a presidential/parliamentary system pursuant to the Constitution of 2014. However, in reality, it is a hybrid form of military rule with a high degree of power in the hands of the President of the Republic since 2014, with the support of the military institution, which plays a key political and economic role in the country, in addition to the support of elite businessmen and senior State officials in the President's circle. For decades, Egypt had lived under explicit or implicit emergency laws that were imposed and lifted several times, without a significant change in State practices. The Emergency Law was officially lifted in 2021. However, a few days later, the House of Representatives passed three legislative amendments with the aim of "maintaining security" related to "protecting vital facilities," "combating terrorism," and "preserving State secrets." These amendments have been the preferred excuse to impose a state of emergency in several countries around the world. Further, the Covid-19 pandemic provided excuses to impose measures that restrict public and private freedoms as well as the activities of civil society and political opponents.

Meanwhile, the socioeconomic crisis has had a severe impact on Egypt, its people, and its institutions due to population density and low economic development indicators (debt accumulation, inflation, etc.) and social indicators (high poverty and inequalities, high prices of food and fuel, etc.) In response, the government has adopted a set of procedures and policies, mainly:

- Continued austerity measures related to social spending and lifting of subsidies;

- Repeatedly resorting to the IMF and its well-known prescriptions;

- Increased public debt;

- Privatization of various companies and sectors, under the guise of public-private partnerships;

- Implementing several mega projects with uncertain socioeconomic and environmental feasibility (Suez Canal Corridor Area Project, Administrative Capital, bridge projects, large infrastructure, etc.);

- Foreign companies (especially Gulf ones) acquiring a larger share of projects, banks, and institutions;

- Promoting all these policies, whose efficiency is questionable, using a populist discourse that glorifies achievements, even if fake, and mainstreams a culture of submission mixed with hatred and hostility towards everything that could hinder it.

Confusion... and the Temporary Loosening of the Iron Grip

At the end of summer 2021, a human rights strategy was launched in Egypt. The President of the Republic called for a national dialogue, after which many detainees were released and the cases of some were referred to courts. These developments gave some hope that the situation of human rights and civil society in Egypt might improve. By mid-2022, the Presidential Pardon Committee was activated; between 800 and 1,000 prisoners were released, according to sources.

However, these "positive" developments were marred by gaps and accompanied by practices that raised doubts and reservations regarding their seriousness, continuity, and ability to guarantee people's rights, mainly:

- The issuance of harsh sentences against some of those who were referred to courts;

- The continued detention of large numbers of civil activists, journalists, and political opponents;

- Re-arresting some of those who were released;

- Ongoing restrictions on the freedom of expression;

- Delays in settling the status of institutions.

- Therefore, it appears that even if a certain breakthrough in the discourse was achieved at the highest level of authority, with a partial improvement in legislation, State agencies – especially security agencies – and the judiciary have continued to adopt a strict approach in dealing with civil society and its institutions.

Legal Developments

No major developments at the level of legislation relating to civil society took place in 2022. Law No. 149 of 2019 remains in force; this law has tightened the grip on organizations that adopt a human rights approach in their work, while authorizing charitable organizations "in line with the state's plan." Financial obstacles, sanctions, and interference by government agencies in the work of organizations have all persisted, based on the Anti-Terrorism Law. Furthermore, laws are still selectively interpreted and implemented. Bureaucracy still plays a major role in prolonging the registration process for organizations that the State distrusts. Therefore, some of these organizations have decided to shut down. In the same context, financial pressures have been intensified, as the Egyptian Ministry of Social Solidarity (MoSS) issued, on May 1, a decision banning cash or in-kind donations for the benefit of NGOs through the use of electronic platforms or social media sites, except after applying for a specific permit stating the purpose of the fundraising activities and how the funds will be spent.

At the level of the freedom of expression, some articles in the law regulating sermons and religious lessons in mosques or similar public places were amended in February. The amendments limited religious speeches to experts who hold a permit from Al-Azhar and the Ministry of Endowments. Any person violating the law or the "true foundations of religion" or provoking strife will be imprisoned. Thus, there is now censorship on mosques and religious sermons, in addition to the censorship of the press and social media, with the continued crackdown on journalists and the press. The State's grip on the media continues to be tightened, suppressing any opposing voices. Meanwhile, the right to access information remains mere ink on paper.

Pressures from Above and Pulling the Rug from Beneath

The State has relatively softened its aggressive tone in order to keep pace with the general atmosphere accompanying the national dialogue. The MoSS has also launched several programs and campaigns in partnership with CSOs, especially to provide social aid pursuant to a charitable approach firstly and in support of the work of institutions operating within the framework of the "state's plan," in order to respond to the economic and living crisis and to exploit the resources of charitable associations for the benefit of its programs.

Most state institutions have been reluctant to change the prevailing pattern of dealing with civil society. The national dialogue points in one direction, while the practices of security agencies point in another. This clearly indicates the narrowing of public space and the complete obedience of actors in the political arena to the head of state. Still, it can be said that 2022 provided more space for civil society, especially due to the aforementioned reluctance. CSOs reacted differently to this relatively new climate, as clarified below:

Three Trends within Civil Society

After many years of severe restrictions, Egyptian civil society had two developments to contend with: the first is the aforementioned national dialogue initiative; and the second was the Climate Summit

"COP 27" held in Sharm El-Sheikh. Throughout that period, the dialectical relationship between the civil and the democratic (political) became one-sided, as civil society's ability to act became dependent on the margin allowed by the State, and its impact became very limited. This constituted the realistic context in which civil society had to respond to the new initiatives and developments.

Three different strategies were adopted by different associations and CSOs in Egypt:

1. Joining the authority's project: A group of organizations saw an opportunity to join the authority's project and plan. A document was issued and signed by a group of development and charitable organizations declaring the establishment of a federation to work jointly on "achieving the objectives and plans of the state and its leadership," with the support of the MoSS, which facilitated registration procedures.

2. External lobbying: A number of associations resorted to external parties in order to obtain protection and support, mainly due to the severe internal restrictions, as well as the judicial and security prosecutions. For instance, 8 human rights organizations called upon the European Union (EU) to strengthen the European-Egyptian partnership and advance bilateral relations with Egypt under specific criteria that would improve the human rights situation, prior to the bilateral meeting of the EU-Egyptian partnership held in the middle of the year. This ongoing approach indicates that civil society is not convinced that the national dialogue initiative is serious. In fact, it believes that things will not actually change and that the internal balance of power does not allow for any real impact.

3. Internal lobbying: This strategy was also adopted in previous years, expanding or narrowing according to the available margin of freedom. The national dialogue initiative was an opportunity to expand the internal lobbying movement based on the declared intention of conducting a national dialogue and the subsequent partial

loosening of the iron grip on public and civic space, whatever the reasons may be. Civil rights and development organizations attempted to benefit from this initiative to achieve some progress and make certain breakthroughs.

The Exceptional Case of COP 27

The climate summit was a major occasion for all national (and global) parties concerned with sustainable development and climate change. For Egyptian authorities, it was a key political opportunity to present Egypt and its government before the international community as a successful and effective state that respects sustainability and the recognized international order; is responsive to freedoms and human rights; and is committed to respecting the role of civil society. The national dialogue initiative and the partial loosening of the grip on civil society and the political opposition in Egypt may have been among the authorities' goals to respond to the accusations of international human rights organizations and some Global North states criticizing Egypt's human rights record. Further, their timing in 2022 may have been linked to the climate summit that Egypt hosted.

From civil society's perspective, the summit was also a major event to mobilize external support for human rights demands and to pressure the Egyptian authorities during the summit in order to make positive breakthroughs, especially since the summit provided a protected space with international immunity where the stakes can be raised. Further, the government's failure to respond or its attempt to suppress civil society movements and activities in parallel with the summit would have been an embarrassment. Egyptian and international organizations were highly active during the summit in Sharm El-Sheikh, especially regarding the release of detainee Alaa Abdel-Fattah, who was the symbol of the issue of political detention and crackdown on civil society and the opposition, beyond his personal case.

In response to this public event, CSOs adopted three strategies largely similar to those adopted regarding the national dialogue initiative:

- A set of organizations saw the summit as an opportunity to influence a major issue, which is climate justice in its political, social, and environmental dimensions. They also considered that they could score gains by engaging in this event in a "rational" manner, regardless of the human rights situation in Egypt;

- Partisans of external lobbying saw this event as an opportunity to launch a human rights campaign against repression in Egypt, even if it would possibly lead to crackdowns on the participants once the summit ended;

- Meanwhile, supporters of internal lobbying were more inclined towards a total boycott, considering that this event whitewashes the image of the regime and constitutes a danger to the participants from Egyptian civil society, even after its conclusion.

Moreover, delegates of organizations affiliated with the authorities had a weak presence in civil society movements. They failed to sabotage these movements as they were asked or volunteered to do in order to satisfy the authorities, due to the international rules adopted in organizing the summit, which provided immunity for civil society movements. The movements and pressures for the release of Alaa Abdel-Fattah, who was on a hunger strike at the time, embarrassed and flustered the government, especially since he holds both British and Egyptian citizenship. Government officials from around the world also pushed for his release. However, it is remarkable that the campaign, which reached an unprecedented level, did not achieve its desired goal, as the government did not release him.

This issue is an important indicator of the ability to make an impact using international pressure. It is also important for identifying strengths that give the Egyptian authorities immunity from any external or internal pressure, in addition to the pretexts it uses to defend its stances. Furthermore, this issue will also constitute a space for dialogue among Egyptian CSOs to assess the three strategies, the strengths and weaknesses of each, as well as the elements of contrast and complementarity between them.

By reviewing the different strategies, it is clear that the internal lobbying strategy was adopted the most this year (2022-2023). This marks a certain degree of progress compared to previous years, during which external lobbying was dominant – a strategy still adopted by some organizations operating from abroad.

Overview of Civic Space in Egypt

The crackdown on civic space in Egypt can be summarized as follows:

- The primary source of restrictions is the authority/government and its administrative, security, or judicial agencies, which play a significant role and have maintained strict restrictions even after the political discourse of the President has become more tolerant.

- Community, religious, and cultural authorities (including media outlets) complement the governments' restrictions and are generally under the tight control of the authority. A repressive religious and cultural discourse, especially regarding women's rights, and cultural justification for violence against women are blocking any modernist or religious discourse opposed to the authority (under the pretext of combating the Muslim Brotherhood).

- In addition to administrative, judicial, and financial restrictions, the authority uses (Islamic) terrorism, defamation of Egypt's reputation, and disturbance of public order as well as external relationships as pretexts to incite people against civil society in Egypt.

- Given Egypt's large area, various social

formations, and well-established community, civic, and rights-based action, the authority's ability to exert absolute control over the civic space is relatively limited (compared to Bahrain, which is a small country). The economic crisis, with its internal consequences, and the need for the International Monetary Fund and Western donors have led the authority to loosen its grip on civic space. However, the government sees itself as immune both internally (the greatness of Egypt and its rejection of Western prescriptions) and externally (terrorism, security, stability, gas, immigration, relationship with Israel, etc.), which is why it refuses to respond to any demand for a genuine democratization process or to commit to human rights standards. This gives it the ability to pursue its restrictive approach on civic space.

- Egypt's strategic orientation is still controlled by an ideology that is based on:

1. The idea of national greatness and the central role of the military institution;

2. Sowing fear of the return of terrorism and Islamists;

3. Cultural intimidation from modernism and the risk of social and family disintegration;

4. Fierce commitment to the free market and protection of business leaders as well as the partnerships with them, along with a highly concentrated state capitalism;

5. Centralized state leadership and the undermining of democracy, under the pretext of the "just despot."

These factors place the Egyptian neo-patrimonialist model between an outright military dictatorship (the regime maintains an institutional republican-parliamentary civil cover) and a totalitarian model. This generates a structural environment that is hostile to civil society.

Iraq: Civil Society vs. Authority, Militias, and Sectarianism in at the Level of Society and State[7]

Introduction

Civil society in Iraq faces a united front of parties that do not recognize it, are hostile to it, or try to severely restrict it. These parties are a coordinated and overlapping quartet consisting of the authority – non-state armed groups – tribal formations – and religious/sectarian institutions. Although each party has a certain level of autonomy, there are many commonalities between them, in terms of their stance towards civil society, which they do not consider as being "civil," especially when it clearly has a developmental and rights-based dimension. The influence of these parties overlaps, as they are present simultaneously and consecutively in the same State institutions and outside them, often making it hard to distinguish between their authoritarian official character and their civil character. It should also be noted that there are many external parties – especially regional ones – interfering in Iraq, to such an extent that they influence the details of internal politics and how popular movements are handled. In fact, these movements protest against the authority (represented by the government), against the community extensions of ruling parties and their militias, and against regional and external interventions in the affairs of the country and its people in a direct and provocative way.

General Political, Economic, and Social Context

The two most important developments in recent years were the 2019 popular movement that was part of the second wave of the Arab Spring revolutions, as well as the early parliamentary elections on October

10, 2021, which resulted from this wave and which Iraqis had hoped would mark the end of the political crisis/crises plaguing Iraqi governance institutions, especially the so-called "consociational democracy" model (borrowed from the sectarian Lebanese model). This is in fact a model of neo-patrimonial power sharing, distribution of decision-making centers in the State and its institutions, and sharing of significant resources represented by oil revenues, state budgets, major construction projects, and other sources of legal and illegal enrichment.

However, the reality was much different: The elections resulted in the resurgence of political divisions, since the political movement that gained the largest number of seats was unable to rule, and its MPs resigned from Parliament (Sadrist movement). Similar events had occurred in the past (notably in the 2010 elections, when Ayad Allawi obtained a majority and Nouri al-Maliki formed the government), but the power structure in Iraq has always been governed by negotiations whose two main sides were the United States and Iran. This reflects the strategy adopted by international and regional parties to deal with Iraq after 2003, which has relied on society and its formations more than the constitution, laws, and civil institutions for state-building, because these latter are mere skeletons that do not have an impact on the authority or society, in contrast to the reality during Saddam Hussein's Baathist regime at its best, when the party/State was in control of almost all aspects of life.

Economic, Social, and Environmental Situation

At the economic level, Iraq's oil resources may have caused many problems rather than help build a productive and strong economy and improve the population's quality of life. The country's rentier economy has led to increased corruption, which is deeply rooted in the system and is not a mere anomaly. At the social level, the wars,

conflicts, destruction, casualties, refugee crisis, and displacement that Iraq has suffered from have certainly led to a significant deterioration in the quality of life and to reliance on government resources and on the social assistance system. The failure of economic and social policies has also exacerbated poverty due to many structural causes.

In addition, the serious environmental problems in Iraq cannot be overlooked, given their direct and significant economic and social impacts. Water has become a scarce – and often polluted – resource in Iraq, triggering mass protests due to the lack of drinking and household consumption water, including in large cities, such as Basra, Iraq's second city after Baghdad, and its main oil production city, as well as many other cities and villages.

Shifts in Iraq and the Reality of Civil Society

The totalitarian Baathist regime adopted an ideology that did not recognize civil society and did not grant it relative autonomy from the State and its institutions. At that time, there were trade unions and popular organizations affiliated with the ruling party and entirely under its control, even though forms of traditional civil organization were inherent in society. As the regime's authority started to decline, especially after the invasion of Kuwait and the embargo on Iraq, the regime moved to a mixed nationalist and religious discourse and strengthened the role of tribes and traditional structures to compensate for its weakness. After the Coalition forces invaded Iraq in 2003, two developments took place gradually and simultaneously. The first one was the establishment of associations and NGOs in large numbers, encouraged and funded by donor states and international organizations, considering that this was a requirement for democratic transition in Iraq (in their perception). The second development, which occurred in parallel, was the unprecedented growth of role of religious-sectarian and tribal institutions that emerged on the political

and later institutional scene. These quickly became a political actor crucial in determining Iraq's destiny, especially since most of them created armed militias to fight extremist organizations (al-Qaeda and ISIS), protect themselves from other political formations, and influence the political process.

Thus, the development of the so-called civil society has not been an internal, evolutionary, and gradual process, but rather a sudden transition from the forced disappearance of independent social organizations to the large-scale spread of organizations and associations, with support from external and internal traditional actors (tribal and sectarian). This was done in line with foreign and acquisitive agendas under the pretext of development, or with the political agendas of Iraqi internal parties driven by their regional commitments. As is always the case, this approach provided a margin of freedom, enabling the establishment of independent associations, organizations, and civic networks that operate according to a right-based and developmental logic and which have played a meaningful role and suffered the most from the crackdown by the authority, militias, and community tribal and religious-sectarian powers.

Crackdown on Civic Space: Alliance of the State and Conservative Powers

We previously discussed the organic collusion between the State and non-sate actors in putting pressure on the civic space and rejecting the very concept of the "civic" (culture of citizenship and rights) in Iraq. The most influential actors can be identified as follows:

Instruments	Characteristics	Actor
State	- Especially the government and its institutions - Includes the provincial government in Kurdistan - Successive political and institutional crises lead to instability in institutional structures and in the relationship between the executive and legislative authorities - The changing of governments affects strategic aspects only partially in terms of the relationship with external parties and the neo-patrimonial sharing of resources - In the case of Kurdistan, the authority is still working according to the one-party model and sharing influence between the two main parties - The government and its institutions focus on political opposition and do not favor civic/rights-based thinking	- Especially the government and its institutions - Includes the provincial government in Kurdistan - Successive political and institutional crises lead to instability in institutional structures and in the relationship between the executive and legislative authorities - The changing of governments affects strategic aspects only partially in terms of the relationship with external parties and the neo-patrimonial sharing of resources - In the case of Kurdistan, the authority is still working according to the one-party model and sharing influence between the two main parties - The government and its institutions focus on political opposition and do not favor civic/rights-based thinking

Non-state armed groups	- Are opposed to the civic and rights-based concept and consider it to be of Western origin and foreign to Iraqi society - Are religious and sectarian institutions whose social base adheres to a specific doctrine - Overlap with the authority and militias, but are at the same time cultural and community authorities whose influence fluctuates depending on regions and population groups - Are weaker in Kurdistan where the nationalist ideology prevails	- Their main working tools focus on culture by spreading a religious ideology based on a specific doctrinal explanation in all spheres of life, including the details of personal life - Their main area of interest is to restrict everything related to women's rights and personal freedoms, believing that they represent a threat to the family and society - Use a prohibitive discourse and exchange services with the authority and militias to provide cultural and ideological justifications for repression by other parties
Sectarian/ religious institutions	- Are opposed to the civic and rights-based concept and consider it to be of Western origin and foreign to Iraqi society - Are religious and sectarian institutions whose social base adheres to a specific doctrine - Overlap with the authority and militias, but are at the same time cultural and community authorities whose influence fluctuates depending on regions and population groups - Are weaker in Kurdistan where the nationalist ideology prevails	- Their main working tools focus on culture by spreading a religious ideology based on a specific doctrinal explanation in all spheres of life, including the details of personal life - Their main area of interest is to restrict everything related to women's rights and personal freedoms, believing that they represent a threat to the family and society - Use a prohibitive discourse and exchange services with the authority and militias to provide cultural and ideological justifications for repression by other parties
Tribes	- Are opposed to the civic and rights-based concept and view civic action and citizenship as a threat to their patriarchal traditional authority - Operate according to the same approach as religious/sectarian institutions, but with a traditional social dimension (instead of the religious one), especially customs and traditions - Have varying degrees of presence according to regions and their social composition, are often stronger than religious institutions, have been used by the authority to fight ISIS (Awakening), and are present in the partisan power base in Kurdistan and overlap with it	- Have a sociocultural conservative background - Focus on restricting the freedom of action of civil society, especially with respect to women's rights and personal freedoms - Their forms of pressure are generally less violent than those of militias and religious/ sectarian institutions, but their pressure is effective in the prevention of a civic and rights-based culture and the development of independent individual and personal freedoms beyond the tribal-familial collective

Freedom of Press and Expression

Successive governments since 2003 have not enacted any new law in the place of those issued by former repressive authorities, and the draft freedom of expression law submitted by the government in 2011 was even harsher. Thus, NGOs have rejected this draft every time it was deliberated in Parliament, but they have failed to convince the government to revoke it and submit a new one. With regard to the press specifically, it is still governed by the Law No. 111 of 1969, which allows for the imprisonment of journalists for up to seven years in case they are convicted of insulting the government.

In terms of the authority's practices, a large number of journalists have been suppressed during the course of performing their duties. Non-state actors, for their part, have been more violent, since some parties and militias have urged their supporters to protest and break into media offices whenever they believe they are criticized, with increasing impunity. They are also protected by parties, which have an interest in fueling hostility to the freedom of expression and in undermining the press in Iraq.

Cyberspace and Hate Speech

For more than a decade, the law on cybercrime has been deliberated repeatedly in the framework of parliamentary legislative procedures, but to no avail. Civil society fears that the authority is trying to monopolize the process of drafting the law to guarantee its own interests, as it wishes to use this law as a means to restrict access to the Internet and to control the freedom of expression. Online platforms have turned into a hotbed of misinformation and fake news and of insults, defamation, and incitement to murder. These practices are carried out by the so-called "electronic armies" affiliated with parties and militias (such as the case of Reham Yacoub's assassination in Basra at the end of 2020).

Online violence and hate speech mainly focus on the most vulnerable groups in society, such as women and "minorities." Opposing parties also target each other, which has in many cases led to physical violence and armed conflict. In general, political opponents, rights activists, and journalists are the main victims of hate speech, including civil society organizations, which are accused of tearing families apart and promoting moral corruption.

Freedom of Assembly

At the State and legislation level, Coalition Authority Order No. 19 of 2003, which remains in force, still regulates the freedom of assembly, since Parliament has yet to issue a new law. Pursuant to the order in force, any public protest requires official approval 24 hours in advance, should have a specific date and location, and should not block public roads. Otherwise, security forces would prevent or disperse assemblies in any way, including excessive force. However, these conditions are applied by the government selectively, as protests are prevented when they are organized by popular actors for not meeting these conditions, while political parties are not bound by them.

By contrast, non-state actors (militias, tribes, partisan forces, etc.), who represent a de facto authority wherever they are present, have the ability to prevent any assembly or protest movement under many pretexts, and they can even resort to direct violence, including kidnapping, killing, sniping, and mass shooting at demonstrators or protestors (sometimes with the support of security forces present at the scene), as in the 2019 protests.

Civil Society Resists

Despite this environment that is hostile to the civic space and citizenship, some human rights and developmental civic powers have been able to shield themselves and protect their direct working environment from severe restrictions, benefitting

from the few State services and public institutions, as well as the government's need for external support on the one hand, and for internal associations and civic organizations on the other, in order to mitigate economic and living crises, bring aid to people, and foster reconciliation and peacebuilding after the catastrophic consequences of wars and ISIS control over a large portion of the country. Some positive results have been achieved in this field.

The human rights movement has been active and has issued national and sectoral reports aimed at internal advocacy and international forums. In addition, the popular movement of October 2019 resulted in some political formations that competed in the parliamentary elections, bringing some of their representatives (18 MPs) as well as a number of independents to the Parliament (which also happened in Lebanon).

However, these positive outcomes do not compensate for structural failures. The greatest danger that limits the effectiveness of civic space is the threats, harassment, and intimidation faced by leading human rights defenders, journalists, and civil society actors. This is due to the fact that these campaigns erode the civic space and prevent it from achieving its goals, especially after some activists in the protest movement have been assassinated or forcibly disappeared by unidentified armed elements.

Overview of Civic Space in Iraq

The situation of civic space in Iraq can be summarized as follows:

- In Iraq, distance between the State and the community – especially its traditional and conservative component – is almost nonexistent, since civic formations, which consist of armed organizations, tribes, and political/sectarian institutions, are a critical component of the authority, the State, and public institutions.

- Pressure on civil society and its activists (especially its civic and human rights organizations) by non-state actors is more violent than the restrictions imposed by the State and its institutions. Non-state actors use religious ideology, traditions, customs, and charges including the destruction of families and community relations as well as terrorism separately or jointly, in order to crack down on civic space to the maximum extent.

- Restrictions in Iraq are of a general nature. Iraqi federal authorities and the Kurdistan government share the same stance as non-state actors towards the civic space and human rights approach, although from different perspectives: In Kurdistan, that is due to the nationalist and totalitarian nature of the ruling party; the opposition to independent civil society whose main goal is combating corruption and building a civil state, which puts it in confrontation with the federal authorities in Kurdistan; the religious/sectarian ideology as well as clan and tribal relationships and culture contradict the civic concept due to the patriarchal nature of non-state actors. These structures and the culture they disseminate form a basis for the political authority, giving it much-needed legitimacy.

- Conflicts different branches of the authority and between the diverse political currents and social groups in Iraq, coupled with the multiple crises and the need for civil society, provide human rights organizations a margin of freedom, especially those working in the fields of social care and assistance and the implementation of projects in collaboration with the State and international organizations.

- There is a strong correlation between the political and the civic in Iraq. This is mainly due to the traditional ideology and culture, which play a specific role in the composition of the authority. By contrast, it is very important to distinguish between the civic space and the community space, in terms of the primary

motivation behind the work of organizations, because building a civil State that enjoys a level of independence from the components of the community and non-state actors is mandatory for promoting citizenship and democratization both in society and within the State.

- Global North countries use double standards in dealing with Iraq. Their formal speech via international organizations and NGOs and direct support from embassies promotes democracy, reconciliation, citizenship, and sustainability, whereas the critical political decisions they make are supportive of the State and, by extension, of the influential regional powers behind it, which are completely opposed to the idea of a civil State, keeping Iraq strategically under a political control and under a neo-patrimonial system that depletes the country's resources through corruption and a rentier economy.

Palestine: Civil Society Facing Occupation, Two Governments, and the Militarization of Society[8]

Introduction

The Palestinian civic space has emerged in a highly complicated context and under pressure from many conflicting sides, which join forces to set its limits and establish boundaries for the effectiveness of civil society, despite their different natures, perspectives, and interests. First, there is the occupation, which constitutes the sole authority in the occupied Palestinian territory since 1948 and Eastern Jerusalem, and whose effective authority extends beyond that to the West Bank and the Gaza Strip, despite the Oslo Accords, under which a national Palestinian authority was formed.

Second, there is the Ramallah authority/government, which exerts limited sovereignty in the West Bank because of the Israeli occupation's practices. Third, there is the de facto authority/government in Gaza controlled by the Hamas movement exclusively, which has an Islamic ideology and is independent from Ramallah, geographically and in terms of authoritarian practices and the attitude towards civil society.

The three authorities/governments (occupation, Ramallah, and Gaza) do represent society as a whole, nor do they deny the presence of other actors within the same society which have an impact on civic space. These actors primarily refer to types of conservative currents: tribal formations as well as religious institutions and their culture. There are also the Palestinian armed factions and organizations – some of which participate in the two governments and some do not – that generally adopt the concept of armed resistance to the occupation (whether they actually practice that or not). These factions apply their ideology to

the forms of resistance and culture and establish affiliate civil society organizations. Some aspects of militarization diverge from the conventional forms of civil resistance, as demonstrated by the first Intifada in 1987, which was perfectly civic and was an uprising by society as a whole against the occupation.

Finally, civil society organizations operate within a Palestinian society divided among the Green Line (1948 Palestinians), Gaza, West Bank, and the diaspora, with their only link being Palestinian national belonging. Otherwise, they are distinct societies in terms of their problems, characteristics, conditions, and the laws that govern them. What unites them is their resistance to the occupation and their sense of belonging to the concept/dream of a free and independent Palestine. In each of these geographical regions, there is a civic space with special characteristics determining the framework for the activity and effectiveness of civil society, but they all subscribe to the same general ideas, even though these are somewhat limited and are related to the future.

General Political, Economic, and Social Context

The Oslo Accords resulted in an unprecedented situation, as it created a national authority under an (actual) occupation. The Palestinian National Authority (PNA), currently divided into two governments, has very limited authority in every sense of the word. The "state's" borders are not respected, there is no national currency, it does not directly collect treasury resources, it lacks an actual national economy, and it lacks control over natural resources (such as water); settlements are spread all over the West Bank; Jerusalem is being Judaized; and Gaza is besieged. The PNA is also highly dependent on foreign countries, especially in terms of international financial assistance, which constitutes an essential resource that allows the government to perform its tasks and a vital factor in

financing the work, interventions, and projects of civil society organizations.

In short, Palestine is unable to exercise its rights in development at all levels: right to self-determination, right to control its resources, and right to determine its own national, economic, social, and environmental policies freely and independently.

International Community and Abraham Accords

The recent normalization agreements between the Israeli occupation authorities and some Arab states have directly affected Palestinian citizens and civil society. In general, Palestinians and their civil society enjoyed an advanced degree of international solidarity that provided them with some immunity from the occupation's violations. The discourse that distinguishes between the right to liberation from occupation and colonization on the one hand and terrorism on the other has been crucial in this regard.

However, the Abraham Accords that have been recently concluded with some Arab states have dealt a severe blow to this discourse, considering that normalization changes the prevailing culture regarding the colonial entity, turning it into an accepted and normal state. This provides it with guarantees and immunity from punishment for its human rights violations and deprives the legitimacy of the Palestinian struggle against occupation of its political, cultural, and ethical dimensions. This has a direct impact on the Arab stance and the level of Arab support, which is steadily declining.

The United States' hostility towards the Palestinian cause (under the Trump administration) has increased, which unevenly affected other states, including European ones. The pretext of terrorism and security threats has become more frequently used, and its practical repercussions have become more extreme. This has been clearly demonstrated

by the increasing violations of all of the Palestinians' rights by the occupation forces, which have amounted to field executions of Palestinians, in addition to the prevention of personal freedoms and the freedom of expression. Even the Palestinian Authority's practices have placed further pressure on civil society and the government's opponents, whether in Gaza or the West Bank, in order to keep up with external transformations or for internal considerations.

This is why the Abraham Accords and their international, regional, and internal implications represent external factors that affect the civic space, i.e. factors from the overall environment that determines the effectiveness of civil society in Palestine, which cannot be overlooked.

Multiplicity of Legal Authorities

The multiplicity of legal authorities is a unique feature of Palestine: some Ottoman laws, British Mandate laws, Israeli laws (in 1948 territories), Jordanian laws in the West Bank, Egyptian laws in Gaza Strip, and the Palestinian Liberation Organization's Revolutionary Law of 1979, in addition to the laws passed by the Legislative Council after the establishment of the Palestinian Authority in 1994, presidential decrees, decree-laws issued by the Palestinian President in Ramallah, and laws issued by the Legislative Council in the Gaza Strip through the Hamas-affiliated "Change and Reform Bloc." In the diaspora, Palestinian refugees are subject to laws of the countries they live in.

As for associations and civil society organizations, they are subject to the Law on Charitable Associations No. 1 of 2000 and its amendments, in addition to the Cabinet Regulation No. 3 of 2010 and its amendments regarding the work of non-profit organizations, as well as other complementary laws and regulations.

What changed in 2022 was the Anti-Money Laundering and Combating the Financing of Terrorism Draft Law No. (20) of 2022 issued by the Ramallah government to regulate the sector of non-profit organizations. It is quite evident that most of the provisions in this draft law involve clear violations of the freedom of work of associations and civil society organizations. Palestinian legislations consider that charitable associations and non-profit organizations are subject to this law, which places them under the control of many public authorities. This puts civil society organizations under high pressure, considering their heavy reliance on international funding whose political conditions are increasing.

Repression and Restrictions

Each authority/government imposes some restrictions on civic space and civil society organizations using its own methods and tools.

Occupation Authority

Legally and in practice, Israel is still an occupying force in its relation to Palestine and the Palestinians, whether in the West Bank, the Gaza Strip, or the 1948 territories. The Israeli occupation forces are the actual authorities in the economic and security fields, and even in the control of territories (siege on Gaza, West Bank Barrier, Area C, settlements, etc.). In addition, Israel has issued around 2,500 military orders in the West Bank and Gaza since 1967, some of which are still in force. The occupation forcefully imposes its laws and orders on Palestinians through the closures regime, break-ins, detentions, and land confiscation. The occupation authorities target Palestinian civil society organizations, especially those that are active in the field of human rights and the national rights of the Palestinians. For example, the offices of seven NGOs were stormed and closed down under the pretext of being terrorist organizations, after the occupation failed to cut international and European financial support to them. The

main pretext was terrorism and support of terrorist organizations.

Ramallah Government

Restrictions on Palestinian civil society organization persisted through the continued issuance of orders by decrees, the enactment of related regulations that affect the work of community organizations, dealing with civil society organizations from a security perspective through the Ministry of Interior, intervention in the internal affairs of organizations through non-registration or slow procedures for approving boards of directors, restrictive procedures by Palestinian banks and the Palestine Monetary Authority, in addition to interventions related to the membership of organizations and their representatives for political reasons. This was exacerbated by the divide between Fatah and Hamas and the establishment of two governments, since affiliation with or support to one of these two organizations became a justification for exclusion and additional restrictions. Similarly, attacks on protesters and excessive use of force were widespread in 2021 and 2022.

Restrictions on the right to access information, freedom of the press, and cyberspace have also intensified, in addition to the continuous renewal of the state of emergency through Presidential Decree No. (1) of 2022, under the pretext of the pandemic.

Gaza Government

The abovementioned examples of restrictions by the National Authority in Ramallah also apply to the Hamas government's practices in Gaza, but the latter takes on an ideological-cultural character due to its Islamic nature. The freedoms of expression and assembly continue to be suppressed through restrictions on or prevention of cultural and artistic events, pursuant to an undeclared internal decision by security services in Gaza, in addition to restrictions on orchestras and conservatories, which are required to obtain permits in advance to organize concerts, even for civil society organizations. Owners of venues, hotels, and restaurants should prepare a list of the activities and entities wishing to organize the events and submit them to the Tourism Police for prior approval. More information is needed when the number of participants exceeds 50 people.

The civil and security services of the Ministry of Interior are still interfering in the activities of many civil associations in Gaza, by attending their general assembly meetings and applying annual audit measures, bypassing the role of the competent ministry. Researchers and research service providers are summoned to investigate and inquire about their studies, research activities, and findings, in an effort to pressure and influence them to change or modify the findings.

The crackdown on civic space in Gaza is similar to that exerted by the Ramallah government, but with a higher level of intervention in cultural life and personal freedoms.

From Pressures by the Authority to Societal Pressures

As in the case in other countries, restrictions on civic space are not limited to the authority, government, State and its institutions, and laws; there are other sources of restrictions of a social nature. In the case of Palestine, two factors can be noted: the first is what could be considered as the culture of political polarization, where the main actor is the Palestinian armed factions and organizations; the second is the traditional conservative current represented by the role of tribes, which act under the pretext of religion, customs, and traditions to restrict the effectiveness of civil society.

Political Polarization

The culture of political polarization is widespread and well-established in the Palestinian popular consciousness, political programs, and ideology of the overwhelming majority of Palestinian parties and factions from all sides. This culture is also at the base of the establishment of the Palestinian Liberation Organization, which is the legitimate representative of the Palestinian people and the foundation of legitimacy of the Oslo Authority. This culture and the related practices are founded on the right to resist occupation by all legitimate means.

The purpose of this section is not to discuss the concept of political polarization per se, but rather its impact on the people, civic space, associations, and organizations, especially after 1994 and in the light of recent developments. One result of this culture is that all political parties and currents as well as factions (including Islamic factions) establish affiliated NGOs, associations, and institutions for social and charity work, implementation of projects, etc. This instills political polarization into civil society organizations, negatively affecting their civic role aimed at unifying society (similarly to the role that they played before the establishment of the National Authority, especially during the first Intifada of 1987). This exacerbates the negative effects on civic action. The relationship between the political party/faction and its civil society organization is generally asymmetric and does not respect the relative independence of civic action from political action; it also does not distinguish between the political role of civic action and the transformation of organizations into mouthpieces for the political party or current.

This points to a strong need to discuss this relation between the political-factional and the civic; between the comprehensive and continued popular resistance from a human rights perspective, and between military confrontations and unending wars.

Conservative Currents and Tribes

The influence of traditional conservative currents, formations, and tribes on society has increased in parallel with the failure of modern civic structures (such as the State, institutions, parties, unions, etc.) to achieve tangible results in their stated goals or in addressing crises. This disseminates an inward-looking culture that only cares about traditional formations and seeks to expand its influence from community relations and culture to the political level and public and private spaces. According to reports issued by women's organizations, murders of women and girls have been increasing in recent years across all Palestinian regions (Gaza, West Bank, and 1948 territories), in the light of the complicity of the State, its bodies, and judicial authorities or their inability to combat this phenomenon. The political activity of tribes has also turned into organized political action in some areas such as Al-Khalil, through political events calling for the withdrawal of Palestine from the CEDAW and serious attacks amounting to threats and calls for the prevention and prohibition of women's organizations, claiming that they pose a threat to the community and to family values. There are also similar phenomena in the domains of culture and personal freedoms.

This phenomenon is dangerous because it exerts direct societal pressure under the pretexts of religion, customs, traditions, family protection, and the rejection of Western culture, in the light of a weak implementation of statutory law and the rise of tribal customs. This puts pressure on civil society and the concepts of citizenship and modernization, especially with respect to women's rights, which undermines statutory law in favor of the power of tribes and traditional leaders and hampers the efforts to build a modern state, even under occupation.

The Political and The Civil in the Palestinian Case

The relationship between the political and civil in the Palestinian case is exceptional due to the occupation. In other words, there is a confrontation between the entire Palestinian people, as an occupied state, and the Israeli occupation authority. For decades, Palestinian civil society has played a direct national political role in resisting the occupation, driven by the right to self-determination, which is also at the core of the right to development. Its strategy is based on leveraging human rights and international law, as well as previous and current international solidarity with Palestinian rights in order to promote Palestinians' rights. The strategy also aims to ensure continued support to enable the Palestinians to implement their interventions and break the financial and political embargo imposed on civil society under the pretext of supporting terrorism and rejecting peace with Israel.

On the other hand, the Palestinian situation is similar to the situation in the rest of Arab countries, in terms of the interdependence between the political and the civil in the relationship with the national authority/government (in Ramallah and Gaza). The government's practices are repressive and strict towards civic space, which restricts the freedom of action and the freedom of expression until a political change occurs. This is not limited to resolving the disputes between Gaza and Ramallah; rather, it is related to the actual policies and practices, not only to the geographic-political division and the forms of repression in the two areas and under the two authorities, as is currently the case. Another concern is how to maintain an objective distance between civil action and the military action of factions in a way that frees CSOs from partisan subordination and liberates society from the harmful impacts of militarization.

Overview of Civic Space in Palestine

The crackdown on civic space in Palestine can be summarized as follows:

• The sources of restrictions on civic space include two states (the Israeli occupation and the State of Palestine) and two governments within the State of Palestine: one in Ramallah and another in Gaza, both of which practice similar restrictions with some differentiating features in terms of the strictness and focus points of each. The role of the traditional structures of repression is also expanding, particularly the clans who are gaining additional power in light of the diminished role of civil authority, especially regarding women's rights, personal status, and culture.

• The international dimension is another major source of restrictions on civic space, whether directly or through the occupation authorities (external occupation). The international community practices pressure by questioning the legitimacy of the Palestinian struggle (especially after the Abraham Accords) and claiming that civil society supports terrorism. Further, it takes the form of financial restrictions and direct political conditionality. On the occupation side, this takes the form of flagrant interventions and storming and closing down organizations' headquarters under the same claims, in addition to other more serious violations of Palestinian rights in general, including assaults, siege, assassinations, arrests, and mass violations of rights, including the right to development and self-determination.

• The national authorities in both Ramallah and Gaza use traditional restriction tools, such as restrictive laws and practices, security checks, interference of State agencies in the work of organizations, as well as financial and administrative restrictions to limit civil

society's ability to work, especially in the area of human rights and development, by influencing or protesting against policies.

- Despite the existence of a national authority and two governments, Palestinian civil society has national representation at the international level, based on human rights, International Law, and the right to development beyond direct political processes at international and regional levels. Thus, it still benefits from the global solidarity with the Palestinian people more than the Ramallah and Gaza governments. This role requires adopting medium- and long-term strategies from a civic and human rights perspective that go beyond the existing ones.

- The liberation of Palestinian civil society action from factional and partisan polarization is crucial in the strategies of civil society. This should be addressed in a bold yet realistic manner.

- While the National Authority represents a specific geographical area (in Ramallah and Gaza), Palestinian civil society represents the entire Palestinian people; in the West Bank, Gaza Strip, Jerusalem, the 1948 territories, and in the diaspora. In other words, its representation covers the entire Palestinian presence and is not limited to one geographical area. This requires developing strategies, actions, and initiatives that are different from the existing ones.

Sudan: Civil Society at the Heart of the Fight for Change[9]

Introduction

Sudan is still undergoing a political transition process that began in December 2018 and has not yet been completed, or – more precisely – it has not yet reached a relatively stable balance between the different parties involved in the conflict. The current stage began on 25 October 2021, when Lieutenant General Abdel Fattah al-Burhan, Chairperson of the Sovereign Council in the transitional authority, lead a coup d'état against the latter and the Constitutional that was ratified in 2019. The coup led to the abolition of the Transitional Period Agreement and the dissolution of its power structures. Moreover, it launched a cycle of violence perpetrated by the authorities against the civilian masses who rejected the coup, and continue to do so, using all means of unarmed resistance.

The protest movement against the current coup is still going strong, rejecting the monopoly of the military and the increased repression of both political and civil forces opposed to the coup. The people responded by consolidating the confrontation, primarily led by the resistance committees, which are gaining strength as trade unions restore their effective role. Therefore, the Sudanese landscape is more optimistic than other countries, as the people are still protesting and have not allowed coup authorities to rest nor to gain actual legitimacy. The conflict rages on.

General Political, Economic and Social Context

The coup authorities immediately launched a massive campaign, arresting the Prime Minister and six members of his cabinet and preventing

them from communicating with the outside world. They also used excessive violence to repress the protests that erupted upon the announcement of the coup and are still ongoing (the number of confirmed martyrs until 31 August 2022 totaled 117, with thousands injured and hundreds arbitrarily detained).

In the following months – due to internal and external pressure – the leader of the coup and the Chairperson of the Sovereign Council, Abdel Fattah al-Burhan, concluded an agreement with the Prime Minister of the transitional government Abdallah Hamdok, enabling the latter to form a new government, which nevertheless failed. The popular and political opposition refused to negotiate with the military, requesting the latter's immediate return to their barracks and the restoration of the constitutional political process under civilian leadership. The opposition also hindered the attempt of coup authorities to reach an understanding with the ousted Prime Minister (Hamdok) in order to break the impasse.

Three main features distinguish the current Sudanese landscape:

• First, the ongoing attempts of coup leaders to form a government, call for a "national dialogue" with the limited support of some foreign and international forces, and work towards building internal alliances in favor of this dialogue, including fueling and supporting the rifts in the Sudanese Forces for Freedom and Change (FFC - Central Council) and some armed factions;

• Second, the escalation of so-called tribal violence. Further, the authorities have fueled ethnic conflicts, turned a blind eye to them, or failed to intervene quickly and effectively to end these conflicts (such as the conflict in the town of Kreinik in Darfur - which resulted in the death of nearly 200 people and severely injured 130. Furthermore, many cases of rape were reported, while ten thousands of people were displaced. In July, 105 people were killed and

291 were injured in the Blue Nile region).

• The development of leadership structures within the protest movement and the shift in the roles of concerned parties, as the resistance committees dominated the political and civil landscape and played a major role in organizing and leading the protests, as we will explain in the sections below.

Freedom of Expression and Assembly

As mentioned above, the coup authority resorted to excessive violence against the popular movements (including convoys, protests, and sit-ins), using tear-gas, rubber and live bullets, and running over people with military vehicles. These violations also targeted hospitals and the wounded that were being treated there. The authority also cut off the Internet across the country (all telecom companies) during the large protest convoy, in order to limit organizers' ability to communicate and document the protests.

Meanwhile, the print versions of Al-Dimuqrati and El-Hadatha newspapers are no longer being published. Radio Hala 96, Radio Monte Carlo International, and BBC Radio also stopped broadcasting, before resuming their work two weeks later. Further, Al Jazeera's office was closed.

However, in May 2022, a decree was issued lifting the state of emergency that was imposed in the country. Sixty-three detainees were released (a very small number), as the coup regime was subjected to temporary pressures that urged it to take this partial step. Nevertheless, the violation of rights and the use of violence persisted after the issuance of the decree.

Socioeconomic Situation

The focus on political developments does not negate the importance of the socioeconomic dimension. Indeed, the latter was also affected by the coup, which caused the disruption of Sudan's international relations, the cessation of some aid, and the refraining of a number of states from providing support to Sudan – a country that was already overwhelmed by decades-long economic sanctions. Moreover, the lack of transparency regarding the economic and financial situation is exacerbating the crisis.

The closure of the Port of Sudan has paralyzed several sectors and decreased imports, which in turn led to trade stagnation. With the lack of political stability, investment projects have decreased, as well as development projects that were implemented during the transitional period, as international funding has been suspended.

In August 2022, the country witnessed a new wave of torrents and floods, and the authorities' response was very limited. In addition, restrictions on civil society limited its ability to stage a proper response.

These circumstances caused an overall deterioration in the standard of living of the majority of citizens, as well as widespread uncertainty amid the public regarding the foreseeable future in terms of the cost and availability of basic needs.

Resistance Committees at the Forefront of the Opposition

The Sudanese Professionals Association (SPA) played a major role at the beginning of the Sudanese movement (2019). It built alliances with political parties affiliated with FFC, with CSO coalitions, and with resistance committees that had a major role at grassroots level.

However, the evolution of positions and practices during the first phase of the transitional period in 2019-2021 (the second military coup against the

transitional agreement) led to many shifts, the results of which became clearer after the coup:

Differences in perspectives between the parties within the FFC, in addition to the fragmentation of the Central Council group that supports dialogue and reaching an agreement with the coup leadership;

The withdrawal of the Civil Society Coalition from the FFC as it had different perspectives and was keen on preserving its independence;

The diminished role of the SPA and of trade unions in general.

Who Are the Resistance Committees?

Sudanese resistance committees are mobilization forces that emerged recently in Sudanese society as a means of expression and opposition to the central regime and its oppressive practices. Resistance committees were established in residential areas (neighborhoods and localities), and their activities evolved from advocating for the local rights of population groups to demanding rights at the political level. These committees include all Sudanese cities, villages, and regions; according to some estimates, there are around 5,000 committees (the number might have doubled as new committees are constantly being established). The resistance committees' emergence and development are disputable, as there is not a common narrative about their emergence or a common description of their nature. A group of Sudanese researchers believe that these committees are a socio-political popular movement that was previously impossible in the Sudanese context. They compared this phenomenon to other African and Latin American experiences related to the creation of new popular democratic community organizations.

The national report argues that resistance

committees are popular grassroots organizations whose purpose is to mobilize an effective civil society that plays a political role in facing oppressive authorities and countering attempts to subvert the transitional process. The hope is that this would lead to a democratic transition, consolidation of constitutional practices, and compliance with human rights principles. Therefore, resistance committees are a component of civil society in the broader sense, as defined by human rights-development organizations, including ANND.

Political Role of Resistance Committees

After the military coup, resistance committees escalated their opposition and were supported by people from the anti-coup movement in most Sudanese cities and regions. The resistance committees developed their political action, as they tended to organize themselves in groups in neighborhoods, localities, cities, and then in states. These committees also worked on collectively developing political charters and statements expressing their political commitment to resist the coup and post-coup procedures. Therefore, the resistance committees are considered as a new, innovative, and predominant phenomenon on the Sudanese civil and political scene today.

In the first months of 2022, two important charters were drafted by the resistance committees: the Revolutionary Charter for People's Power and the Charter for the Establishment of the People's Authority. The first was drafted, revised, and then signed by resistance committees from 15 states; however, the second was drafted and adopted by most of the resistance committee coordinators in Khartoum. Both charters envision the structures of the transitional period after the expected fall of the coup regime, and both offer a general vision for state-building in Sudan (such as democracy, local governance, social justice, peace, combating corruption, etc.). In late June 2022, resistance committees across the country announced their intention to merge the two charters into one, into a unified list of principles to which all resistance committees in Sudan would subscribe. Resistance committees started collaborating and cooperating with other civil and community groups.

Evolution of the Sudanese Trade Union Movement

The Sudanese Professionals Association is the most known for coordinating and influencing the mass protests and escalations in 2019. In fact, the Sudanese trade union movement is one of the oldest in the region and has some of the most modern structures.

These alternative trade union frameworks were formed without the authorities' official recognition. However, they were considered trustworthy after their supportive stance towards the popular movement in 2018-2019; thus, they managed to take on a leading role in organizing and coordinating protest movements. It is worth noting that professional unions, such as those of doctors, engineers, university professors, journalists and artists, among others, played a predominant role; workers' unions also contributed but had a less powerful role.

As previously mentioned, the leadership role of the Sudanese Professionals Association faded with the emergence of the resistance committees, especially after the coup. In general, unions faced legal restrictions and a counter-campaign led by the authorities to delegitimize them and restrict their movement. However, unions are gradually regaining their role and effectiveness.

Civil Society Organizations and Power Relations

The common denominator between civil society

organizations and networks is the fact that they completely distanced themselves from the coup regime. After restrictions on civil society were loosened during the 2019-2021 transitional period, the coup restricted or canceled the activities of numerous civil society organizations. The coup also caused the suspension of a large part of the organizations' funding from international bodies.

As for the political process itself and the position of civil society with regard to the authority and their participation in the government, there have been many complications and differences in opinion. During the transitional period between the fall of the Salvation Regime in 2019 and the coup in 2021, the Alliance of Civil Forces was one of the components of the civil-political coalition that was leading the popular protests. It also took part in the government with a minister representing it directly. The majority of the forces opposing the Salvation Regime were more optimistic about the transitional process and therefore considered participating in the government. However, the situation changed for the Alliance of Civil Forces, which officially split from the Forces for Freedom and Change at the end of January 2022. While some believe that the participation of civil forces in the transitional authority was a positive and insightful experience despite its challenges, others saw it in a negative light and considered that it weakened the role of civil force in expanding civic space during the civil rule phase. Sudanese civil society needs to collectively evaluate and review this experience, as the intersection between the political power and civil society organizations has multiple consequences.

In addition to this important point, civil society's position since 2019 has been more radical in opposing the regime and the coup and less inclined to take part in compromises with the political components who have a military background. The Forces of Freedom and Change split after having disagreements on dealing with the coup; some of the parties of the Forces of Freedom and Change wanted to compromise, as did several armed parties in various regions of Sudan, where they rushed to establish compromises and quotas with the leaders of the military coup, claiming that they did so to achieve peace. This point should also be considered.

Overview of Civic Space in Sudan

The situation of civic space in Sudan can be summarized as follows:

• The crackdown on civil society and political activity in Sudan is primarily carried out by the military that came to power following the coup. It uses extreme violence to suppress protests and either fuels or turns a blind eye to tribal conflicts as an instrument to pressure society and the opposition.

• Sudan remains in the throes of a political shift that has yet to reach a balance of minimal and relative stability. The conflict with the authorities in charge of the military coup has persisted since October 2021, with no resolution in sight.

• Civil society and political forces are mainly focused on the political process of dealing with the coup. Some political and armed forces show an inclination to settle with the leaders of the coup. However, the prevailing stance among civil society actors (unions, civil organizations and associations, the women's movement, resistance committees) is to call for a complete civil authority and the overthrow of the coup regime.

• The resistance committees' leading role on the political scene and the evolution of their activities and rhetoric indicate their belief (and that of civil society) in their key political role from a civic position. Here, the term "civic" takes on two interrelated meanings: first, as in working towards a civil (non-military) government and authority that returns the army to the barracks; and, second, "civic" as in

citizenship, democracy, modernization.

- The scope of activities, tools and stakeholders in Sudan is wider than that of Tunisia (where resisting autocracy is the main priority) and Egypt (the military authority in Egypt is largely stable). However, Sudan's civil society, including resistance committees, the women's movement, and political parties, is still leading grassroots initiatives.

- The coup regime does not enjoy explicit international endorsement. The regime has faced some difficulties in its relations with certain countries and donors, whilst some Arab states have offered more direct and explicit support. However, it maintains communication and support (even implicit) through non-drastic stances, initiatives for dialogue and reconciliation (including occasional UN efforts), under the banner of peacekeeping. This serves to legitimize the coup, prolong its mandate, and dilute calls for a decisive transition to a civil state as stipulated in the 2019 Transitional Authority Agreement.

General Findings on Civic Space in Arab Countries

Summary of the Six Countries

The six case studies tackled in the national reports (Bahrain, Egypt, Tunisia, Iraq, Palestine, and Sudan) align with the trend highlighted in the general analysis of civic space in Arab countries at the beginning of the present report. However, the situation of these six countries does not cover all the characteristics of civic space or the working conditions of civil society across all 22 Arab countries.

The six countries fall under the 2 aforementioned models: model 1, where the pressure on civic space is mainly practiced by the state and its agencies; and model 2, where non-state societal and community stakeholders are more important parties than the state (or equally important) in controlling civil society. Out of the six countries, Bahrain provides the most extreme example of unilateral suppression by the government and state agencies of civil society action, with a marginal role for non-state actors. By contrast, Iraq is at the other end of the spectrum, where non-state actors have the strongest influence out of the six countries and are more restrictive than the Iraqi government. The remaining four states fall in between the two extremes.

For the purposes of comparison, the following table is color-coded to describe the level of restriction or negative influence on civic space from the four previously identified sources: authority/government, non-state actors, donors, and poor civil society capacities. The colors correspond to the following:

- Red corresponds to highly suppressive and crackdown practices by the relevant actor;

- Orange corresponds to less suppressive and crackdown practices than red;

- Yellow corresponds to the limited negative influence on civic space; or confusion, multiple directions, and influence;

- Blue corresponds to moderate, mostly positive practices towards civil society;

- Green corresponds to positive practices and stances towards civil society.

The table offers an approximate representation of the situation across the six countries. This assessment/description is limited to practices restricting civic space and civil society's freedom of action.

Table comparing the practices of each actor in terms of restricting or promoting civic space:

Table comparing the practices of each actor in terms of restricting or promoting civic space:

State / Actor	Authority/ Government	Non-State Actors	Donors and International Organizations	Organizations' Capacities
Bahrain	🔴 Red	🟡 Yellow	🟠 Orange	🟢 Green
Egypt	🔴 Red	🟠 Orange	🟡 Yellow	🟢 Green
Tunisia	🔴 Red	🔵 Blue	🔵 Blue	🟢 Green
Iraq	🟠 Orange	🔴 Red	🟡 Yellow	🔵 Blue
Palestine	🟠 Orange	🟠 Orange	🟠 Orange	🟢 Green
Sudan	🟠 Orange	🔵 Blue	🟡 Yellow	🟢 Green

This table shows that all six governments use restrictive policies and practices against civic space. The role of non-state actors is most pronounced in Iraq, and it takes on a negative stance towards civil society in Egypt and Palestine, while it has a more positive influence in Tunisia and Sudan (with an ongoing open conflict). Bahrain (yellow) points to the limited role of non-state actors in restricting civic space, whereby the government is almost solely engaging in restrictive practices through its own set tools. Donors and international organizations mostly have a negative influence in Bahrain (very limited interest by identified organizations to cooperate with civil society) and Palestine (severe pressure through funding and political conditions, affecting civil society's effectiveness). In Egypt, Palestine, and Sudan, the position of non-state actors is restricted and multidirectional. Lastly, CSO capacities, expertise ,as well as historical and current experiences are mostly positive across 5 out of the six countries, except for Iraq, where the situation is less positive, given the novelty of civil experiences and the overall negative role of donors.

Other Arab Countries

This description does not fully apply to all Arab countries. In fact, other countries have special characteristics and experiences and new elements compared to the six national reports. Previous annual civic space reports have addressed some. As such, the following could be noted.

The authority/government/state in all Arab countries tends to restrict civic space. What differs is not the essence of the positions or practices, but rather the level of restrictions. In some cases, the state could be historically weak and non-intrusive, which offers civic space more freedom (as in Lebanon) In other cases, the state is more stable and more influential and in need of positive interaction through partnership and collaboration with civil society, to align or humor international trends (e.g. Morocco, and Jordan to some extent). On the other

hand, some countries continue to adopt a quasi-totalitarian regime (Algeria, Syria), while others are at war or in open conflict, causing great confusion (Yemen, Syria, Libya, Somalia, etc.). Meanwhile, the diverse civic spaces in the Arab Gulf are not sufficiently analyzed. This knowledge gap should be addressed, and these countries should be at the heart of regional civil society networks.

The authorities are becoming more and more restrictive. Some have been adopting this policy for years, while others have loosened their restrictions in the last decade. However, in addition to the obvious cases of retrogression (Tunisia or Egypt), there is a common trend of cracking down on civic space, including the cyberspace, freedom of activity for civil society organizations, and Covid-19, which provided the opportunity to pursue this trend and consolidate it as a practice post-2020.

Non-state actors have varying degrees of influence, depending on government effectiveness and monopoly of legal violence. However, they mainly operate at the level of culture and media, maintaining a superficial role, fueling hate speech on social media, using traditional formations and extremist religious interpretations to undermine the transition towards a citizenship and human rights-based regime and "a modern democratic civil state," a common goal of all Arab Spring uprisings. This is an essential and structural paradox between the authorities' direction and that of civil society organizations and popular movements in the Arab region.

The effectiveness of international organizations (especially the United Nations) is decreasing everywhere (even globally) due to two factors: 1) the growing role of international financial institutions (International Monetary Fund, World Bank, World Trade Organization), and major economic powers (transnational companies, big economies and donors); 2) reduced performance of UN agencies, lack of independence from global powers, and complacency towards national governments in Arab countries at the expense of

democracy and human rights, under the pretext of maintaining stability and pursuing other priorities (migration, global economic crises, terrorism, etc.). As a result, the positive impact on civic space has been undermined, allowing extremist international parties to interfere in internal politics and control CSO decisions to serve their own agendas.

Revisiting the Political and the Civic

Previous reports have already tackled the link between civic space and politics in Arab countries and its impact on the traditional and new roles of civil society organizations. These reports generally confirmed this interlinkage from a theoretical-conceptual perspective and at the practical level as well, especially following the Arab Spring, which was a series of civil society uprisings and revolutions (although outside the institutionalized civil society frameworks).

The latest developments since the pandemic and other current events reinforce this interlinkage, which is almost turning into an organic nexus and a necessary condition for civil society action and its role in effecting change. The six national case studies presented in this report attest to that reality. Every country has a special civil-political nexus, since it is almost impossible to neglect the need for civil society's transformative role in Arab countries. This is a de facto political role, albeit non-partisan and not necessarily aiming to accede to power. That is the case in Tunisia, where civil society unity and interaction are key political components to restore the constitutional process and topple the autocratic rule. This nexus takes the form of calls to overthrow the military coup in Sudan and to meaningfully promote freedom in Egypt and Bahrain. It is a battle against the occupation in Palestine, as well as against the two governments in Ramallah and Gaza, both complicit in excluding the people from building a nation-state. In Iraq, there is also a nexus between building the state and effecting drastic

change in the regime and political class (as is the case in Lebanon). For countries at war (Syria, Yemen, Libya), this nexus is evident, aiming to stop the wars, build peace, challenge reconciliation processes, and ensure reconstruction without reproducing the same crises.

Since 2011, this nexus has taken various forms, and there have been many experiences of civil, political, and transformative action: participating in parliamentary elections, in the government, other political and popular practices and experiences, union action, etc. Civil society organizations adopting a developmental, rights-based, and transformative approach undoubtedly need to develop an objective and theoretical conceptualization of this nexus and to draft suitable strategies to successfully overcome the multiple challenges.

All indicators point to continued restrictions in the next few years, using crises and wars as a pretext to avoid resolving the structural problems of our region and the world. Therefore, civil society stands to endure years of struggles to protect its freedom and right to transform our communities and build a better future.

Endnotes

1 "Anabtawi" is an annual training course organized by the Arab Institute for Human Rights in cooperation with other partners. Human rights activists and participants from Arab CSOs participate in it. The name is an homage to Palestinian fighter Dr. Monzer Anabtawi, one of the Institute's founders. In 2022, the 32nd edition of the course took place in Tunisia. The responses of participants in the preparatory stage mentioned in this report were extracted from this course. This course was organized by the Arab Institute for Human Rights in partnership with ANND, the Tunisian Association for Reproductive Health, Abaad, and Basma from November 4 to 2022, 13.

2 The participation between states is not equal and not proportionate to their populations. Therefore, the participants' points of view could not be considered statistically representative of the participating countries, but they do give a very clear idea with a high level of integrity on the identity of the parties restricting civic space and the methods they adopt. We noticed a high degree of resemblance and commonalities among all states, as well as certain patterns which allows us to identify theoretical models that apply to a sub-group of countries. These findings are mentioned in the present report because they contribute to explaining the general context of Arab countries in the six national reports.

3 For more information, see the Regional Report on Civic Space in the Arab Region and Civic Space in Arab Countries: Concept and Problematics.

4 See the 2022 National Report on Bahrain.

5 See the 2022 National Report on Tunisia, prepared by Salah Al-Din Al-Jurashi.

6 See the 2022 National Report on Egypt.

7 See the 2022 National Report on Iraq, by Wael Monzer al-Bayati.

8 See the 2022 National Report on Palestine, by Baker al-Turkmani and Mahmoud Hamada.

9 See the 2022 National Report on Sudan, prepared by Qusay Hamrour and Ihsan Babiker.