

NGOS IN THE ARAB WORLD POST-ARAB UPRISINGS
WORKING PAPER SERIES

INTRODUCTION
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I. PURPOSE OF STUDY

The Arab Uprisings that began in December 2011 in Tunisia have created a series of ongoing processes throughout the Arab world. Massive popular movements led to the removal of long-standing autocrats in Tunisia, Egypt, and Yemen. International intervention and an armed rebel movement also led to the removal of Libya's head of state. Today, the uprisings in Bahrain, Yemen, and Syria have become consumed by civil war driven by proxy regional interests. While revolutions, and counterrevolutions, continue in nearly all of these countries, until late 2011 they were sites of unfettered optimism and euphoria.

Whatever could be said about the varied meanings of these movements, Arab populations had successfully asserted themselves as active subjects constitutive of the state rather than its indistinguishable and expendable objects. In this context, civil society within the Arab world became very "sexy" among scholars, donors, and governments alike. This piqued interest generated new funding opportunities, new exchanges of expertise, new studies, and hundreds of conferences all eager to explore and explain what had happened, what was happening, and what was going to happen next.

The creation of new organizations, non-profit corporations and non-governmental organizations alike, were among the primary consequences of such international interest. Despite their salient role, the precise status of these organizations (i.e., number, origins, funding sources) and their implications has received little scrutiny. The dearth of such research has left a gaping hole in the analysis of transformative social change and ongoing conflict throughout the region.

This research initiative seeks to contribute to this scarce literature in four contexts: Egypt, Tunisia, Yemen, and Palestine. While foreign funding led to the creation of new opportunities for otherwise marginalized communities in Tunisia, in Egypt, new regimes targeted Non-Governmental Organizations (NGOs) as sources of national discord and instability. Meanwhile, in Palestine, where NGOs have proliferated since the early nineties, professional activism has supplanted popular mobilization and helped to contain, rather than resolve, the conflict. In Yemen, the Uprisings marked a regression for NGO development and intensified sectarian divisions between them. The aim of this research initiative is to explore these dynamics more thoroughly.

The research findings are not exhaustive and can be further developed. For this reason, they are collated here as a *Working Paper Series*. Their purpose is to provide an empirical basis upon which to develop research. They can also be the first pieces in a region-wide research initiative that includes other sites of significant or incremental change including Libya, Morocco, Jordan, Bahrain, and Kuwait. In addition to expanding the scope of these findings, the research initiative can also benefit from greater depth. In particular, a thorough literature review on civil society

organizations stands to significantly enrich this *Working Paper Series*.

II. Research Methodology

The Legal Agenda and Arab Studies Institute in collaboration with the Asfari Institute vetted and chose one to two researchers in Egypt, Yemen, Tunisia, and Palestine to conduct research. They asked researchers to consider the following questions as they laid out their research agenda:

- 1) How many NGOs have been established since the aftermath of the Arab Uprisings? (If organizations have been formed as corporations or law firms due to domestic law, include those and indicate the relevant restrictions)
- 2) What was the total number of NGOs before the Uprisings? What is the total number as of January 2014?
- 3) What foundations are the primary funders of NGOs in your country of interest? Are there any pervasive conditions that they impose upon all recipients?
- 4) Has the staff of particular NGOs significantly increased? If so, which ones and how have they grown?
- 5) What is the relationship between NGOs and political parties, if any?
- 6) What is the average staff size of NGOs? Indicate the staff size for the most relevant NGOs.
- 7) What is the primary output of existing and new NGOs i.e., reports, press releases, policy recommendations?
- 8) What is the primary activity of existing and new NGOs i.e., direct services, international advocacy, domestic lobbying, strategic litigation, public awareness, media campaigns?
- 9) What is the role of international law and human rights in the mission of each NGO?
- 10) Does the NGO have unique relationships to foreign states? If so, to which ones and what does that relationship look like?
- 11) What laws govern the regulation and activities of existing and new NGOs?

Beyond the provision of guiding questions, the sponsoring institutions did not impose a single methodological approach upon the researchers. That, together with the distinct contexts of each country, or country under occupation in the case of Palestine, resulted in starkly divergent findings.

Researchers in Tunisia and Palestine used a similar approach: a quantitative overview of NGO development based upon data from the Ministry of Interior that reveals the geographic distribution of the NGOs as well as their annual growth. The researchers then conducted interviews with, and distributed a questionnaire to, a sample of the listed NGOs. Researchers in Palestine and Tunisia buttressed their findings with existing literature and available news sources. Whereas Yemen, Tunisia, and Egypt experienced Uprisings and a transition, in Palestine there is no state and there were no Uprisings. The researchers therefore chose 2006 as the critical juncture to examine since that was the year in which Hamas won parliamentary elections. Their sample included 42 NGOs distributed between the West Bank and the Gaza Strip. In Tunisia, the researchers conducted 120 interviews (one-on-one, phone, and in three working groups) and received 55 responses to their questionnaire. They chose January 2011 as the pivotal juncture in their research because that was the month of Zine Al Abidine Ben Ali's departure.

Due to a hostile environment in Egypt, the researcher could not obtain data from the Ministry of Solidarity and had to estimate the total number of NGOs based upon existing literature. The researcher narrowed the sample pool to human rights NGOs in particular. Those NGOs receive international funding, are targeted by the government, and have been visible in the transitional process. The researcher then narrowed the sample size to 12 human rights NGOs based on their level of activity. She sent them a questionnaire and conducted interviews with them. The researcher buttressed her findings with existing literature and news media. She chose February 2011 as the pivotal juncture for marking the departure of Hosni Mubarak as well as July 2013 for marking military coup led by Abdelfattah Al Sisi. Only one of the 12 human rights NGOs examined was established after 2011.

The Yemen researcher examined developments among NGOs between 2011 and 2014. Due to ongoing conflict in Yemen, the researcher did not conduct interviews or distribute questionnaires. Instead, the research is based on data from the Ministry of Social Affairs and Labor and coupled with existing literature and news media.

Upon completion of their first drafts, researchers, together with discussants from the sponsoring institutions, convened a workshop in Beirut, Lebanon in October 2014 to discuss their initial findings. Following this workshop, the participating discussants submitted feedback to each of the researchers and asked for revisions and clarification. The researchers submitted their revised findings in July 2015.

III. SUMMARY OF FINDINGS

Ongoing turmoil hampered research in each of the four contexts. Palestine witnessed yet another devastating military offensive against the besieged Gaza Strip in the Summer 2014. Egypt witnessed a terse presidential reign by the Muslim Brotherhood that culminated in a military coup in July 2013 and a counterrevolution that persists. What was once hailed as a bloodless transition in Yemen has devolved into a bloody civil war marked by sectarianism and maintained by proxy regional forces. Tunisia has fared relatively better than its aforementioned counterparts. However, even it has not been spared from an ongoing, and often violent, struggle to assume power and the monopoly over the use of force. Notwithstanding these challenges, the researchers completed a herculean task in documenting new hurdles facing NGOs, new opportunities that have become available to them, and confrontations with both their society and state. Due to these challenges as well as divergent methodological approaches, there is little to moderate resonance among the research findings.

1. DISTINCT CONTEXTS

The lack of more significant resonance among the reports reflects distinct contexts. In Palestine, there is no state and is therefore unique for boasting a civil society without a state. Additionally, Palestine has not experienced an Arab Uprising. Nevertheless, it has been the site of a significantly large number of NGOs since the early nineties and similarly underwent a boon in its civil society sector. In order to properly study the impact of foreign intervention as well as local developments, the researchers chose to study the growth of NGOs following the 2006 electoral victory of Hamas. Following this juncture, international donors flocked to support a particular

political agenda. Rather than support civil society generally, international donors supported Fatah-affiliated organizations. In order to avoid the legal trappings associated with supporting Hamas, designated as a terrorist organization by the United States and the European Union, international NGOs established local chapters in the Gaza Strip rather than support Gazan-based Palestinian organizations. According to the Palestinian Ministry of Interior, individuals established 1,520 new NGOs between 2006 and 2014, at an average rate of 191 new organizations each year. This rate in growth is historically unparalleled. The number of new NGOs established in eight years is nearly double the total number of NGOs established between 1966 and 2005 (1,243 NGOs). Of the 1,520 organizations established since 2006, 83.5% were established in the West Bank, while 16.5% of them were established in the Gaza Strip.

Yemen is particularly distinct, because unlike other contexts where the Arab Uprisings marked a surge in civil society organizations, the uprising in Yemen marked a slight regression. The end of Yemen's division in 1990 marked the first significant juncture in the history of its civil society. Upon the unification of the war-torn country in the early nineties, Yemenis began to organize themselves in NGOs. However, the concept of NGOs paled alongside other formations, namely tribe/clan formations. Nonetheless, civil society organizations steadily grew and experienced a boon between 2001 and 2011. By the late 2011, registered NGOs numbered 8,371. Between the ouster of Saleh in 2011 and 2013, individuals established 1,383 new organizations bringing the total number of NGOs to 9,700. The ouster of Ali Abdullah Saleh in 2011 initiated a transitional phase that has since devolved into a civil war. Since Ali's departure, civil society organizations took on a sectarian dimension and became more starkly affiliated with national political trends rather than a distinct grassroots counter-culture.

Tunisia is unique for being the first country to successfully remove an autocratic ruler. The promise that Tunisia offered to the rest of the Middle East helps to explain the significant boon in civil society organizations following Ben Ali's removal from power. Individuals established 10,000 organizations in thirty-three years between 1988 and 2011. Between 2011 and 2013, following Ben Ali's ouster, they established approximately 7,245 new organizations, at rate of approximately 2,000 new associations each year. This spike in the number of NGOs is partly explained by legislative amendments. The transitional leadership amended the law governing NGOs making it easier to establish a new organization and reducing governmental oversight. Prior to 2014, the Tunisian regime strictly controlled civil society and leveraged it to "polish" its image among the international community. Most NGOs established after the first political shift in Tunisia in November 1987 sought to improve elementary education and lacked a political agenda. In contrast, the boon since Ben Ali's ouster in 2014 is marked by "spontaneity, independence, and struggle." The spike in NGOs is also explained by international donor enthusiasm. For example, the European Union and the United Nations Development Fund contributed 24 million Tunisian dinars to civil society organizations between 2011 and 2014.

Egypt is the largest Arab state and is the site of the greatest number of NGOs by far. Though exact numbers are unavailable, an estimated 24,600 NGOs existed as of 2010. At first, the removal of Hosni Mubarak signaled a boon in NGOs as international funding spiked and kept pace with national enthusiasm to steward a post-revolutionary Egypt. That positive trend reversed after the military coup in July 2013. At this juncture, NGOs joined the criticism of the regime for its excessive use of force and its detention policies against protestors. In response, the

state “launched a war against these organizations.” State forces stormed NGO offices, confiscated their equipment, and interrogated their employees. The Ministry of Social Consolidation also drafted a law aimed at truncating the number of NGOs as well as their permissible mandate. In response to a campaign mounted by a coalition of NGOs against the law, the Ministry decided to undergo a case-by-case review of each NGO instead; a move that nevertheless hovers as a constant threat to their activities and the safety of their employees.

2. TRENDS

Despite their distinct contexts and divergent methodological approaches, a few common trends appeared among the four case studies. These included an increase in international funding with political overtones; shifts in the relationship between civil society and the state on the one hand, and society on the other; and distinctions within the class of NGOs indicating broader societal shifts. These trends merit greater study and comparison.

a. INTERNATIONAL FUNDING

The boon of civil society organizations across Palestine, Yemen, Egypt, and Tunisia is attributable to international funding. Such funding has come with its biases reflective of governmental interests. In some instances, the flow of donor funding has a determinant impact. This is not always the case as civil society in some contexts has collaborated to pushback on donor demands or to refuse their funding all together. Still in other contexts, governmental restrictions on the flow of international aid have tempered the impact of such intervention.

In Palestine, “the financial support is only given because the community of international donors is concerned with ensuring the continuity of certain ‘functions,’ which can support Palestinian society and always keeps it one step away from complete breakdown.” For example, international donors heed Israel’s military restrictions on the movement of goods and people. Rather than provide aid to challenge those restrictions, donors provide aid based on their conditional acceptance. In effect, while donor aid to NGOs can help alleviate the harsh conditions of Israel’s occupation, it also reinforces and legitimizes Israel’s infrastructure of control. Moreover, since Hamas’s assumption of power in the Gaza Strip in 2007, foreign donors joined in the boycott of Hamas. They also halted their aid to “non-governmental Islamic projects and joint projects of Islamic and non-Islamic organizations.”

In the immediate aftermath of Ben Ali’s removal, international donors flocked to support new associations in Tunisia. Most of them funded hitherto prohibited activities related to civil and political rights and categorized as ‘citizenship projects.’ These included not only traditional donors like the United Nations, the European Union, France, and Germany but also new funders including the Open Society Foundation, Holland, Denmark, the United Kingdom, Sweden, Finland, Switzerland, as well as donor organizations from the United States and Qatar. Support for associations increased by as much as four times for some organizations after 2011. Funding during this three-year period came in two stages: the first lasted until nearly eight months following national elections in October 2013. This funding lacked coordination and was not closely monitored. From mid-2012 to the present, donors have become more stringent in their provision of funds and have discerned organizations based on their strategy, funding sustainability, and demonstrated work product.

The most significant donors in Yemen include several U.S. institutions like the Department of State, the National Endowment of Democracy, and the National Democratic Institute for International Affairs, and the U.S Agency for International Development. They also include several UN agencies, the German Agency for International Cooperation, CARE of France, and Oxfam of Britain, among others. Following Ali Abdullah Saleh's removal, Saudi Arabia convened a donors conference for Yemen's development in Riyadh. Donor pressure resulted in a commitment by Yemen's transitional government to strengthen its relationship with civil society organizations. The agreement stipulated that government would establish a higher council to oversee these relationships. Forty percent (40%) of the higher council would be government representatives while 60% would be representatives of civil society organizations. Priority would be given to the most vulnerable communities. Although the higher council should have been announced in June 2014, it has yet to be established. Reasons for the delay include anxiety by some organizations that politically-affiliated NGOs within the council will lead to a government takeover of the body by other means. Additionally, several new NGOs established after 2011 have been explicitly excluded. Despite the donor pressure to establish a higher council and prioritize civil society, it has not moved forward in Yemen.

Egypt-based NGOs are numerous and have been well-established before the Uprisings that began in early 2011. The human rights NGOs are dependent on international aid and all of the 12 organizations included in the study consider funding a partnership with the financier. Still, they have collaborated to resist donor prerogatives by submitting their grants for funding without consideration for significant amendment. Six of the organizations refuse funding as a matter of principle from governments and their embassies. Another two accept it on a case-by-case basis. In general, there is a greater level of trust of European funding agencies than of American ones. Following the removal of Mubarak in late January 2011, international funding helped NGOs expand their staff as well as their project areas. The Uprisings also witnessed the growth of youth initiatives that refused to organize themselves as NGOs but instead maintained the form of a loose network. These initiatives did not seek nor receive funding.

b. BATTLE AGAINST THE STATE & SOCIETAL DISTRUST

As a result of the internecine conflict between Fatah and Hamas, Palestinian NGOs across the political spectrum suffered. Both ruling parties in the West Bank and the Gaza Strip introduced new procedures for establishing NGOs including new bylaws standards, security checks, tax clearance, bank account clearances. These legal hurdles enabled ruling parties to make it more cumbersome to establish and/or maintain a NGO. It also allowed them to verify the political affiliation of the founding members of NGOs thus controlling their numbers. The MoI in the Gaza Strip shut down more than 42 associations while the MoI in the West Bank shut down more than 100 associations and centers.

The relationship between Tunisian society and civil society was especially tense before the 2011 transition and continues to influence the perception of associations. Until 2011, the regime had both coopted civil society in order to improve its image before the international community. Moreover, society does not value civil society because its efficacy is not visibly tangible or quantifiable. Additionally, society could not easily distinguish the work of associations and

national and local political machinations. While societal support for associations has not markedly improved, Tunisia's transitional government dramatically altered its relationship to them. In particular, the transitional government annulled the 1959 law regulating associations that enabled the state to control, penetrate, and monitor associations. The 2011 decree cancelled this law and made it easier to establish and maintain independent organizations. The decree has made membership the purview of each association; reduced the age of eligibility to establish an association from 20 to 16; made residents, and not just citizens of Tunisia, able to establish associations; and subjects government regulation of associations to judicial oversight among other strides. These positive developments set the Tunisian case study apart from the other country case studies in this Working Paper Series.

Following the removal of Yemen's Saleh in 2011, the government's security and political grip on civil society dramatically loosened. Whereas prior to 2011, the Ministry of Social Affairs and Labor played a significant oversight function in the establishment of new associations marked by close scrutiny of well-known activists, since the transition, there is less strict oversight. As a result of this shift, following Saleh's removal in 2011 led to an immediate spike in NGOs that quickly waned. This trend led to a significant rise of NGOs related to Islamist movements, especially to the Political Islamist Movement represented by the Yemeni Gathering Platform for Reform. Even Saleh's General People's Congress Party began to organize themselves in NGOs in order to fill the political vacuum and to benefit from international funding. The political space also allowed long-time activists to form organizations as well like the Citizenship Organization for Human Rights. These organizations could not escape the sectarian polarization shaping Yemeni national politics; a process exacerbated by the National Dialogue process. These battles subsumed their organizational goals and ultimately led to a decline in their activities. Moreover, because these NGOs have been associated with a well-known individual and functioned like mini authoritarian regimes, they are viewed with skepticism to disdain among Yemeni society.

The Egyptian regime "launched a war" against civil society following the military coup in early July. Notwithstanding their scrutiny of the Muslim Brotherhood during its presidential tenure, NGOs became a target once their scrutiny shifted onto the Sisi Regime. In particular, NGOs criticized the Regime's excessive use of force and liberal detention policies of the Muslim Brotherhood. Regime forces raided the offices of the Egyptian Center for Economic and Social Rights twice between December 2013 and May 2014. In July 2014, the Ministry of Solidarity publicly threatened NGOs to register as civil associations, rather than non-profit civil and legal firms. NGOs that failed to register would be dissolved and/or its leading employees and board members would be legally prosecuted. In response, 23 human rights organizations submitted a memo objecting to the law and requested a dialogue. Civil society organizations also launched a campaign in October 2014 called *The Civil Society is a Right for You and Me* in order to rehabilitate its tarnished image among Egyptian society. Ultimately, the Ministry decided to review each organization on a case-by-case basis. Although the Regime did not materialize its threats against NGOs, the organizations realize that the Regime's ability to do so at any time is a real possibility.

c. CHARITIES, NGOS, AND OTHER INTERNAL DISTINCTIONS

In each of these contexts, NGOs works as a stand-in for a much broader category that represents societal associations independent of the government. There are several internal distinctions within the NGO categories that represent societal trends. Among these distinctions is one between charity associations and NGOs. Charity associations seek to provide basic goods like health, education, and basic goods and tend to be religious in nature. In contrast, NGOs are generally secular and have a more pointed agenda dealing with political reform like human rights and the rule of law. This description is overly broad and glosses over the more intricate distinctions between various civil associations in each context but works to identify a salient trend among the case studies.

By 2005, charity associations (40.4%) constituted the largest number of associations in Palestine followed by youth and sports organizations (30.4%). Human rights organizations constituted 2.6% of all associations. Following Hamas's parliamentary victory in 2006 and preceding its jurisdictional control over the Gaza Strip in 2007, charities grew at a relatively slower rate than other associations. Between 2006 and 2014, individuals established 177 new charities; 235 new youth and sports associations; 98 new human rights associations; and 197 new women's associations. Forty percent (40%) of all new organizations established during this time were established in Ramallah, the nominal capital of the West Bank.

This distinction assumes a geographic dimension in Tunisia. Of the 7, 245 associations established between 2011 and 2014, nearly half or 1,898 associations were established in the Greater Tunis area. Sixty-nine percent of those associations are human rights organizations. In contrast, only 810 of new associations were established in the southeast of the country. Nearly 25% of them are charity associations with religious dimensions. In total, since 2011, of all associations established, 1,200 are charity associations; 1,100 are cultural and artistic associations; 980 are developmental associations; 200 are human rights organizations; and 68 are women's rights organizations. Prior to the transition in Tunisia, the state categorized associations into three categories: Normal (with eight sub-categories); National Interest; and Foreign Associations. The 2011 decree annulled these categories. Nearly 16% of the 120 organizations interviewed, distribute food and aid to communities in need. This indicates a more fluid distinction between NGOs and charities.

The distinction in Yemen is between cooperative unions and civil institutions. The former category includes general, sociable, consumer, intellectual, residential, sea related, and crafts. Civil institutions are comprised of charities, institutions, social, cultural, professional, scientific, and fraternities. By the end of 2013, individuals registered 1925 cooperative unions and 7,356 civil associations. Agricultural associations constituted the largest number of cooperative unions while social associations constituted the largest number of civil institutions. All organizations are disproportionately concentrated in San'aa and its provinces. While human rights organizations, trade unions, and developmental initiatives are similarly registered under one of these two categories, they are distinctly regarded as NGOs for having a political agenda.

In Egypt, NGOs take distinct legal forms depending on their mission. Civil associations are those NGOs regulated closely by the government. They include charities and are dependent on donations from Egyptians. They work to provide basic goods, education, health, and care for vulnerable communities. A few human rights organizations take this form as well. The vast

majority of human rights NGOs register as non-profit law firms or non-profit civil firms in order to escape the excessive control of the government. Although the latest draft of the Egyptian constitution provides for the freedom of assembly (Article 73) and the freedom to form civil associations and institutions (Article 75), the NGO law allows for significant government intervention into the affairs of NGOs. This includes eliminating members of the NGO's administrative council deemed unsuitable without review. NGOs registered as non-profit law and civil firms receive funding from international donors subjecting them to additional scrutiny.

IV. CONCLUSION AND NEXT STEPS

These trends and observations are not comprehensive. The research findings feature other cleavages regarding NGO corruption, employment conditions, and societal shifts not described above in greater detail. More significantly, perhaps, are the myriad divergences, in substance and methodological approach, that merit greater scrutiny. This summary of the findings is intended to provide a snapshot of some of the most salient trends among the four case studies: Egypt, Yemen, Tunisia, and Palestine. Next steps for building on this Working Paper Series include continuing the research across the region for greater comparative perspective both as case studies for impact of the Arab Uprisings as well as to examine the development of NGOs under relatively "calm" circumstances. In the case that this initiative is continued, an optimal methodological approach should be suggested to all researchers for the sake of greater internal coherence. In addition to producing new supplementary material, these findings are intended to provide an empirical basis upon which to develop research. Next steps also include developing a literature review of material on civil society organizations in general and in the Middle East in particular.

RESEARCHER BIOS

Majid Al Muthhaji is a Yemeni writer and researcher based in Yemen.

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INSTITUTIONAL SPONSORS

The Legal Agenda

The Legal Agenda is a Beirut-based non-governmental non-profit organization that addresses issues of legal activism, reform, and transformation in the context of social and political change in the Arab world. It aims to challenge conventional wisdom that the law is a 'technical' matter of little social influence. This 'technical' definition hinders public accountability, undermines a rights-based discourse of change, and dismisses legal activism as a tool for advancing the interests of disadvantaged groups in society.

Arab Studies Institute

The Arab Studies Institute is a not-for-profit organization that produces knowledge on matters related to the Arab world and its relations. It serves as an institute in its own right and as an umbrella organization for five other subsidiaries: the *Arab Studies Journal*, *Jadaliyya*, *Quilting Point*, *FAMA* (Forum on Arab and Muslim Affairs), and *Tadween Publishing*.

Asfari Institute for Civil Society and Citizenship

The Asfari Institute for Civil Society and Citizenship based at the American University of Beirut seeks to advance research and other initiatives to support the development of an informed citizenry engaged at all levels of Arab associational life and promote openness, transparency, and accountability in the region.