



European Conference of
Presidents of Parliament
Strasbourg, 20-21 September 2012

Conférence européenne des
Présidents de Parlement
Strasbourg, 20-21 septembre 2012



5 July 2012

Theme 3: Arab revolutions: challenges and opportunities

Background paper

1. Introduction

As from the end of 2010/the beginning of 2011, people in the Arab world went to the streets, and hundreds of them gave their lives in their quest for claim freedom and dignity: freedom from corrupt dictatorships which oppressed their fundamental human rights and political freedoms; dignity, which implies more than better economic and social conditions, and requires respect for individual rights and for the rule of law. The Arab revolutions have thus been inspired by the fundamental values upheld by the Council of Europe. Hence, a role for the latter and in particular for its Parliamentary Assembly, “the democratic conscience of the Organisation”, in the transformations in the Arab world.

The Parliamentary Assembly of the Council of Europe has for some time been promoting closer relations with the Organisation’s neighbouring countries, including in the Southern Mediterranean and Middle East.¹ Its aim has been precisely to promote the values it upholds beyond the borders of the 47 member States. It has repeatedly called for, and expressed support for, democratic transformation in neighbouring countries. Thus, for instance, in its [Resolution 1731 \(2010\)](#) on the Euro-Mediterranean region: call for a Council of Europe strategy, the Assembly stated that peace and stability in the Mediterranean can only be secured on the basis of democracy, the respect for human rights and the rule of law.

Whereas Israeli-Palestinian relations have been on the agenda of the Assembly for decades, with the Knesset enjoying observer status with the Assembly, as of 2008 the Assembly resolved to strengthen relations with the Maghreb countries. In [Resolution 1598 \(2008\)](#) on Strengthening co-operation with the Maghreb countries,² the Assembly decided to step up co-operation with the parliaments of the three Maghreb countries by inviting parliamentary delegations to attend plenary sessions of the Assembly and to be heard by the Political Affairs Committee.

Since the adoption of [Resolution 1598 \(2008\)](#), delegations of the parliaments of Algeria, Morocco and Tunisia have indeed often attended not only plenary debates but also committee meetings, in particular those of the Committee on Political Affairs and Democracy.

It was in 2010 in particular, with the entry into force of new rules providing for a status of Partner for Democracy with the Parliamentary Assembly, that the latter sent a strong signal to neighbouring countries of its wish for enhanced cooperation at inter-parliamentary level. The Partner for Democracy status has thus provided a concrete framework for sharing with Council of Europe neighbours the Assembly’s unparalleled experience in accompanying countries in transition and young democracies on the path of reform (see [Resolution 1680 \(2009\)](#) and [Rule 60 of the Rules of Procedure of the Assembly](#)).

The first parliament to apply for the new status, the Parliament of Morocco, was granted such status in June 2011; followed by the Palestinian National Council in October 2011.

Thus, when the Arab revolutions shook the entire world, at the end of 2010 / beginning of 2011, the Parliamentary Assembly had some concrete tools to offer and at least the prospect of a possible future cooperation with the parliaments of emerging democracies in its immediate neighbourhood.

¹ See also [Resolution 1506 \(2006\)](#) on the external relations of the Council of Europe, [Doc. 10956](#), report of the Political Affairs Committee, rapporteur: Mr Adrian Severin (Romania, SOC).

² See [Doc. 11474](#), rapporteur : Ms Josette Durrieu (France, SOC).

2. The response of the Parliamentary Assembly to the Arab revolutions

Only two weeks after the fall of the Ben Ali regime, the Assembly, in its [Resolution 1791 \(2011\)](#) on the situation in Tunisia³ adopted after a debate under urgent procedure, paid tribute to the courage and determination of the Tunisian people who, despite violent repression, had clearly shown the will to put an end to authoritarian rule and to transform Tunisia into a free, open and democratic country. The Assembly also commended the attitude of the Tunisian army, which had offered protection to the people during the troubles without interfering in politics. The Assembly already then mentioned the opportunities offered by the recently established Partner for Democracy status.

Following a visit by the Rapporteur and the Presidential Committee in Spring 2011, a new report was debated by the Assembly in June 2011 on the situation in Tunisia. In [Resolution 1819 \(2011\)](#), the Assembly noted that the process of democratic transition was underway and reaffirmed its readiness to put its experience in accompanying such a transition at the disposal of the Tunisians. It formulated a series of recommendations to the Tunisian transitional authorities and political forces aimed at ensuring that the elections to the Constituent Assembly in October 2011 would meet basic international standards. While expressing concern at the worsening economic and social situation in the country, which could turn people's enthusiasm into disillusion and disappointment, the Assembly called on Tunisian international partners to show genuine solidarity and provide real support to stimulate the Tunisian economy.

A new report ([Doc. 12949](#)) on the political transition in Tunisia was debated during the June 2012 part-session of the Assembly in the presence of the Speaker of the National Constituent Assembly of Tunisia, Mr Ben Jaafar. It takes stock of the developments in Tunisia up to June 2012, and particularly welcomes the elections to the Constituent Assembly which provided democratic legitimacy to the transition process. Though the country is faced with economic downturn, insecurity and the emergence of Islamist fundamentalism, the reform process is on the right path. The Assembly calls on the Tunisian Constituent Assembly to consolidate the *acquis* of the revolution by providing constitutional guarantees of fundamental democratic rights and freedoms, and to take advantage of the expertise and advice offered by the European Commission for Democracy through Law ([Venice Commission](#)). While welcoming the approval by the Committee of Ministers of the "Neighbourhood Co-operation Priorities for Tunisia for the period 2012-2014", [Resolution 1893 \(2012\)](#) encourages the Constituent Assembly to request Partner for Democracy status.

Moreover, the Assembly sent pre-electoral⁴, electoral⁵ and post-electoral observation missions to Tunisia in 2011, thus marking the considerable interest it attached to the first elections held in Tunisia after the fall of the Ben Ali regime.

In the meantime, a report ([Doc. 12699](#) and addendum) on cooperation with the emerging democracies in the Arab world was debated by the Assembly in October 2011, following a visit to Egypt by the Rapporteur, Mr Gardetto, together with the Rapporteur on the Middle East, Mr Vrettos. In [Resolution 1831\(2011\)](#), the Assembly welcomed and fully supported the emergence of democratic regimes in that region, noting that the people who had risen up were drawing their inspiration from the values upheld by the Council of Europe. It condemned unequivocally the use of violence against the populations, notably in Syria and Libya. The Assembly invited the emerging democracies in the neighbourhood of Europe to share the Council of Europe's experience in the field of democratic transition, in particular through the recently established Partner for Democracy status for the parliaments of these countries. It also drew attention to other instruments and mechanisms of the Organisation which could also contribute to progress towards democracy in Arab countries, in the framework of the Council of Europe policy towards its immediate neighbourhood – policy proposed by the Secretary General of the Organisation and approved by its Committee of Ministers.

Prompting discussion with all parties concerned on the desirability of convening a summit of heads of state and government of the democracies of Europe and the southern Mediterranean to discuss co-operation between the Council of Europe and the emerging democracies in the Arab countries in Europe's neighbourhood, the Assembly's report concluded by underlying:

"It is for the Arab states to make their own choices, but Europe must be ready to step up to the mark. If Europe now fails to show ambition and a clear, democratic and optimistic political vision for

³ See [Doc. 12497](#), report of the Political Affairs Committee, rapporteur: Ms Anne Brasseur (Luxembourg, ALDE).

⁴ See statement on 16.09.2011:

http://www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=6943.

⁵ See statement on 24.10.2011 :

http://www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7091.

the future, it will bequeath to future generations an environment still driven by political, cultural and religious dissent which could become insurmountable and which sooner or later will present it with a major problem.”

In April 2012, the Assembly debated under urgent procedure a report ([Doc. 12906](#)) on the situation in Syria. In [Resolution 1878 \(2012\)](#), the Assembly firmly condemned the widespread, systematic and gross human rights violations amounting to crimes against humanity committed by the Syrian military and security forces. It equally condemned the human rights violations committed by armed groups combating the regime. Regretting the continuing violations of the ceasefire and the increasing number of deaths, the Assembly underlined that Kofi Annan’s peace plan should be given every chance of success in order to avoid a fully fledged civil war. Its implementation and the total cessation of violence should ultimately guarantee the creation of a space where democratic changes can be brought about in Syria in a peaceful manner through a “Syrian-led political process” and eventually free and fair elections. The ethnic, cultural and religious diversity of Syria, together with its territorial integrity, should also be preserved in a future post-Assad Syria. Thus, the Assembly underlined that building this new Syria would require the active engagement of all parts of Syrian society in a sincere effort of pacification and reconstruction after a dramatic year of division and violence.

Prior, and subsequent to the debate on the situation in Syria, several statements were issued by several bodies of the Parliamentary Assembly, namely its President, its Standing Committee, its Bureau, its Committee on Political Affairs and Democracy, as well as the Chairman of the latter.⁶

During the April 2012 part-session, the Assembly also adopted [Resolution 1873 \(2012\)](#) and [Recommendation 1996 \(2012\)](#) on Equality between women and men: a condition for the success of the Arab Spring, following a debate with the participation of the Moroccan Minister of Solidarity, Women, Family and Social Development, Ms Bassima Hakkaoui. In these texts, the Assembly underlined that the vast process of constitutional and legislative reform under way in several countries of the Southern shore of the Mediterranean represented a unique opportunity for strengthening equality between women and men. Any policy and legal reform in this area, however, should be accompanied by an evolution of mentalities in order to have durable effects.

Prior to the debate, the Committee on Political Affairs and Democracy and the Committee on Equality and Non-Discrimination held a joint hearing on ‘Women in the Arab Spring’ in which, in addition to Ms Hakkaoui and Ms Meherzia Laabidi, Vice-President of the Tunisian Constituent Assembly, four courageous women from Egypt, Lybia, Syria and Yemen, who had taken a direct part in the demonstrations in their countries to ask for more democracy and equality, shared their personal testimony with members of the Assembly.

Moreover, representatives of political parties from Tunisia, Egypt and Libya held exchanges of views with the Committee on Political Affairs and Democracy or its Sub-Committee on the Middle East during 2011 and 2012. The Committee also held an exchange of views with members of Syrian civil society, who gave testimonies of their personal experience on the ground, and with experts on Syria and the wider region, in April 2012.

A report on the political transition in Egypt is being prepared by the Committee on Political Affairs and Democracy (Rapporteur: Mr Jean Charles Gardetto). At the same time, a debate under urgent procedure on The crisis of transition to democracy in Egypt ([Doc. 12981](#)) was held during the June 2012 part-session. In [Resolution 1892 \(2012\)](#), the Assembly, whilst welcoming “the election of the first civilian president in Egypt, following a ballot which, overall, was deemed to be free and fair, as an historical step in the country’s transition to democracy, it is deeply concerned that this follows the dissolution of the recently elected parliament and the constitutional changes enacted by the Supreme Council of the Armed Forces (SCAF)”. The Assembly noted that “serious questions arise as to the future of the democratic transition in Egypt. A fundamental challenge lying ahead is what will be the design of the balance of powers in Egypt in the near future and, in particular, how the Army will finally share power with the newly elected president and his future government, and when a new parliament will start functioning and resume its full legislative role. At the same time, without doubting the legitimacy of the new president or underestimating the importance of his election, caution is called for regarding fundamental issues such as the role of women or of religious minorities in the new Egypt. Thus the question arises whether or not the Sharia will be recognised as a primary source of the law in the future Constitution and, if so, how the Sharia can be reconciled with the principles of the rule of law and how the declared equality between men and women, Muslims and Christians can be effectively achieved.”

⁶ See Statements of [1 July 2012](#), [29 May 2012](#) ; [9 May 2012](#) ; [23 April 2012](#) ; [10 April 2012](#) ; [9 March 2012](#) ; [2 February 2012](#) ; [12 January 2012](#) ; [24 November 2011](#).

The Assembly further noted in conclusion “that the question of the new Constitution is emblematic and that all crucial issues listed above must be tackled, in one way or another, in this fundamental text.” In this respect it underlined “the important beneficial role which the Council of Europe could play, through its European Commission for Democracy through Law (Venice Commission), which has a unique and internationally recognised experience in constitutional drafting”. Finally, it reiterated “its readiness to share its experience in the field of democratic transition with the Egyptian institutions, in order to facilitate the difficult political transition in what is the largest country in the Middle East”.

3. What are the main challenges the Parliamentary Assembly identified in its texts?

- Free and fair elections and establishment of democratic institutions;
- Constitutional reform: the need to seek a consensus which is as wide as possible, a Constitution not being an issue for a majority/opposition game, but a fundamental document for the future of a society;
- Need to ensure respect for fundamental human rights against the risk of religious fundamentalism, including in particular freedom of speech (which is under threat from Islamist militant groups), as well as abolition of the death penalty;
-
- Role of women: need to protect the *acquis* and further promote women’s rights;
- Insecurity: the need to provide justice (including to the victims of the former regimes) and reaffirm the authority of the State;
- Need to guarantee freedom of the media (in Tunisia, for example, some elements of the majority try to silence the criticism of the government action, under the pretext that such criticism plays into the hands of the former regime);
- Need to empower civil society and ensure that it is part of the reform process;
- In Syria, the most urgent challenges include the end of the violence and the initiation of an inclusive political process which will lead to free and fair elections, in conformity with Kofi Annan’s peace plan.

4. What can the Council of Europe offer?

Concrete proposals have been made in the texts adopted by the Assembly ,including:

- Political support and a concrete framework for sharing experiences in democratic transition and exchanging views with parliamentarians from all over Europe, ultimately via the Partnership for Democracy status with the Assembly for the parliaments of neighbouring countries.
- Assistance in the field of constitutional and electoral reform, in particular through the Venice Commission.
- Accession to Council of Europe instruments and partial agreements open to non-member states (such as the Venice Commission, Group of States against Corruption, North-South Centre).
- Inspiration from principles and standards included in Council of Europe instruments which are not open to non-member states (such as the European Convention of Human Rights) and work carried out by Council of Europe bodies (such as the European Court of Human Rights, the European Commission against Racism and Intolerance - ECRI).
- Intergovernmental and parliamentary assistance programmes.

5. What contribution from national parliaments?

Many Council of Europe member states' parliaments have developed contacts and co-operation with parliaments in countries in the Southern Mediterranean and Middle East on a bilateral basis.

There is a need to co-ordinate such contributions so as to develop synergies and avoid unnecessary duplication.

Parliaments could share information on what they have done and what they are planning to do.