

The background of the slide features three white towers with blue, textured spherical tops, set against a clear blue sky. The towers are positioned vertically, with the one on the right being the tallest and most prominent. The text is overlaid on a semi-transparent white box in the lower half of the image.

Human Rights Gateway to the Gulf?

Can Kuwait be used to improve the human rights situation in the GCC member states?

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Introduction

The states of the Gulf¹ are at this moment in time more important to Europe than they have ever been in the past: On the political level threats like Iran's nuclear ambitions, state and nation building in Iraq, and international Islamic terrorism confirm the region's importance. On the economic side, with energy economies still overwhelmingly hydrocarbon based, the EU remains dependent on these states for the large quantities of oil and natural gas they export. And, perhaps more importantly, because of their large reserves, Europe will remain dependent on their energy exports for the foreseeable future.

Yet these Gulf countries on which we so depend remain completely different from us. Most of these differences we must accept – that they are Muslim majority countries, that they have economies that are largely based on their possession of large quantities of natural resources – but some we can try to change. It has been a longstanding goal of Dutch foreign policy to promote human rights and the international legal order in the world, and the specific situation of the Gulf states offers possibilities for the Netherlands government to promote human rights observance.

This thesis then, is concerned with a possible way to make this human rights policy more effective. As Kuwait has, according to some, shown to be a regional frontrunner in regards of liberalisation and democratisation,² the extent to which the Netherlands can tap into this position and use Kuwait as a gateway to the region for Dutch human rights policy will be looked into in the next 70 pages.

Research questions

The main and central question that this thesis attempts to answer is, as mentioned in the previous paragraph, **"To what extent can Kuwait be used as a gateway for Dutch human rights policy in the GCC region?"** A counter question that a critical reader might pose would be "Why Kuwait?" The answer to that is that there is a certain impression, among academics, the media and the informed public, that Kuwait is furthest along the way to Western-style democracy and implementation of human rights policy. How much truth this idea holds will be large part of the first two chapters of this thesis.

There are good reasons for isolating Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, the six member states of the GCC (Gulf Cooperation Council³) and not focusing on the wider region of the Gulf or the Arabian Peninsula. Chapter four will deal with the specific dynamics internal to the GCC, but a justification for not including states from outside the GCC must be given here: The six GCC member states are culturally and demographically relatively similar, especially when compared with the other countries of the region.

The countries excluded by focusing on the GCC and not the Gulf region or the Arabian Peninsula are Iran, Iraq and Yemen.

Though Yemen has ambitions of becoming a member of the GCC at some time in the future, its recent development has been unlike that of any of the GCC member states. Yemen is a republic, unlike the monarchical GCC states, and has directed its attention towards the countries of East Africa to a far larger extent than any other state on the Arabian Peninsula. Economically, Yemen is much poorer than any of the GCC states.

¹ Though in common usage in Western Europe and North America, the name 'Persian Gulf' is not used in the region itself, as it has political connotations and implies legitimacy to Iranian claims on other states' territories. Likewise the term 'Arabian Gulf,' though used extensively in the Arab (Gulf) states, is politically loaded. Therefore in this thesis I will simply use 'Gulf' instead of 'Persian Gulf'.

² Nonneman, G., 'Political reform in the Gulf monarchies: From liberalisation to democratisation? A comparative perspective' Sir William Luce Fellowship Paper 6 (June 2006) p8

³ The full English name of the GCC is officially 'Cooperation Council for the Arab States of the Gulf,' though 'GCC' or 'Gulf Cooperation Council' are the terms most often used to refer to the organization.

Iraq too is excluded because politically it is immensely different from the GCC monarchies, and because it is still seen as an aggressive neighbour, with which cooperating is difficult at best. Though in economic policymaking Iraq is sometimes grouped with the GCC member states, with regards to human rights it is in an entirely different phase of development. The Iraqi government is still working on asserting its own power in all of the country. Apart from the lengthy process of state building in Iraq itself, the government will also have to work on its policy towards its neighbours in order for the full UN Chapter VII sanctions to be lifted. Especially the issues of Kuwaiti nationals that have been missing since the 1990-1991 Gulf War, and the demarcation of the border with Kuwait have hindered relations between Iraq and the GCC states, and have prevented the Iraqi government from normalizing its international status.⁴

The GCC states view Iran as a regional 'bad guy' to an even larger extent than they do Iraq. The ever present military threat posed by the Islamic Republic was even one of the most important reasons for the founding of the GCC. Aside from remaining a destabilising factor in the region, and an enemy to its neighbours across the Gulf, Iran also has a human rights record that can be fairly considered to be appalling by any standard. The standard of repression in the Islamic Republic rises far beyond those human rights violations reported on the GCC states. Because of these reasons, it would be impossible to include Iran in any regional approach to human rights promotion aimed at maximizing results in the GCC states.

The four chapters in this thesis are arranged in a way that moves the description from the most general to the most specific topics that are of interest.

Chapter one will look into views on human rights in the Netherlands and in the Gulf. This includes discussions about where these rights come from (in a metaphysical sense), how universality is to be treated, and whether or not any possible differences preclude cooperation between the Netherlands and Gulf states. The goal here is to find out in which Gulf states conceptions on human rights are most compatible with those of the Netherlands in a way that allows fruitful cooperation. Then a short overview will be given of the most recent developments and priorities in the human rights policy of the current Dutch government.

The second chapter will deal with current human rights situations in the GCC countries. First, a statistical section will rank the states on the different scales that are available for human rights ratings. Then, a narrative section will detail the specific problems that underlie these abstract data, and will provide the necessary societal context to the statistical results. This chapter will also touch on the room that is available for foreign governments and NGOs (both local and foreign) have in improving human rights situations and awareness.

The current activities undertaken by the Netherlands government, other states' governments, and international organizations are the subject of chapter three. This chapter will show whether there already is a strong Dutch presence in this field, either by implementing projects or by supporting the activities of others. An existing working relationship, and appreciation shown by the Kuwaiti government for this work, will make it more likely that increased efforts are accepted.

The fourth and final chapter will deal with the gateway function that is present in the central question. Is it possible for standards of governance to spill over geographic borders in this region? To answer this question, issues such as regional political competition and multilateral fora will be discussed.

⁴ 'Ban urges Iraq to show "tangible" progress to obligations towards Kuwait' (16-07-2011) [<http://www.kuna.net.kw/NewsAgenciesPublicSite/ArticleDetails.aspx?id=2180458&Language=en> retrieved 08-09-2011]

Societal relevance

Arab Spring

During the last eight months, the Middle East has changed considerably. Long established dictatorships in Tunisia and Egypt have fallen, the Libyan regime seems on the brink of total collapse, and the Syrian president has proven himself willing to do almost anything to stay in power. This wave of revolutions, perhaps the largest in the Middle East since the 1950s, has also had its effect on the Gulf states. Especially Bahrain, with its explosive demography, has been the focal point of Western attention, though all of the states in the region, from Iraq to Oman, have seen protest.

The big question that is still up in the air, is about the future: What shape will democracy take in the newly liberated states of North Africa? Will another strongman use periodic referenda to legitimize his power, or will real democracy take hold? These issues are obviously human rights related. Political participation for all and the rights of minorities are essential for states that seek a democratic future. Though the Gulf has not been as tightly gripped by the so-called 'Arab Spring' as North Africa, there is a recognized need for democratization in the Gulf as well.

Human rights in Dutch foreign policy

Though scholars are still divided on the exact nature of the importance of human rights in Dutch foreign policy (Is it part of a centuries old tradition? Is it a result of the Netherlands' dependency on international trade?),⁵ the simple fact is that the Netherlands government has since the 1970s publicly committed itself to the promotion of human rights, even going so far as to introduce it into the constitution of 1983. In November of 2007, the Ministry of Foreign Affairs published its new human rights strategy, entitled *Human dignity for all*, in which human rights are explicitly made a part of all aspects of the foreign policy of the Netherlands.⁶ And though the current minister of Foreign Affairs, Uri Rosenthal has stated that he doesn't want to focus as much on human rights as his direct predecessor Maxime Verhagen (currently minister for Economic Affairs, Agriculture and Innovation), this strategy still stands and Rosenthal has called human rights the third pillar of his foreign policy (behind global stability and security, and welfare and jobs for Dutch citizens).⁷ By stating that human rights should factor into all aspects of foreign relations, the Ministry of Foreign Affairs followed the European Union's External Relations policy, which states the same.⁸

Discussions about development aid

Human rights assistance to other countries has in the Netherlands been in the domain of international development aid.⁹ In recent years, international development has come under increased criticism. Though part of the criticism levelled against the government for spending money on improving the lives of those outside the country, instead of its own citizens, can be blamed on the economic recession, support for development cooperation in general seems to be in decline. Whatever the reason is, there is no way around the fact that the government will have to spend less in the next few

⁵ Kuitenbrouwer, M., 'Nederland en de mensenrechten, 1795-1995' in M. Kuitenbrouwer and M. Leenders, *Geschiedenis van de mensenrechten. Bouwstenen voor een interdisciplinaire benadering* (Hilversum 2000) pp156-221

⁶ Ministry of Foreign Affairs, *Human dignity for all. A human rights strategy for foreign policy* (The Hague 2007)

⁷ "Diplomatie als rustiek tijdverdrijf is voorbij", *De Volkskrant* 11-12-2010

⁸ European Commission External Relations, 'Human rights at the heart of European Union External Relations' brochure (2009) [http://www.eeas.europa.eu/library/publications/2009_human_rights_leaflet_en.pdf retrieved 06-12-2010]

⁹ Though there is a current and ongoing discussion about the terms 'development aid', 'international cooperation' and 'development cooperation' not least in the Netherlands, this discussion clearly falls outside the scope of this report. The terms are used in this report interchangeably. For the debate on this topic, see Kremer, M., P. van Lieshout and R. Went, *Less pretension, more ambition: Development policy in times of globalization* (Amsterdam 2010) pp270-272; and AIV, *Cohesion in international cooperation. Response to the WRR report 'Less pretension, more ambition'* (The Hague 2010) pp12-13.

years. Taking this into account, increasing the efficiency of the human rights policy simply has to happen. The government that took office in October of 2010 has already announced that it will choose fewer countries to engage in development cooperation than before, as was also advised by both the Scientific Council for Government Policy (WRR – Wetenschappelijke Raad voor het Regeringsbeleid) and the Advisory Council on International Affairs (AIV – Adviesraad Internationale Vraagstukken).¹⁰

In the updated strategy for human rights in the foreign policy of the Netherlands that was published in April of 2011, effectiveness is in fact one of the key concepts: "Effectiveness of the policy is paramount. Because of this, we have to be selective and seek cooperation."¹¹ Though the need to cooperate with other partners is stressed, other strategies can enhance the effectiveness of the policy as well. The idea explored in this thesis is just one of these strategies: If an investment in one country can have a regional effect, this clearly is the optimal outcome and money will likely be spent in this country.

The opening of the Gulf

The states in the Gulf region, responding to both external and internal pressure, are working on improving their human rights record.¹² As with any such policy, this happens with leaps and bounds, and is met with resistance from different sides along the way. A vibrant discussion is taking place in both the field of interpretation of Islam, and that of human rights, to find out whether human rights correspond with Islamic values and whether or not they fit within the political culture of the Arab states. The Netherlands government is working towards promoting human rights in a sustainable way, which means it will have to be accepted by the local population, who will have to have a share in the process. This project will look into whether Kuwait is the place where there is most room for acceptance of the Dutch views on human rights, in order to further influence the rest of the region.

The 'War on Terror'

The reaction by the West to the rise of fundamentalist Islam and the terrorist attacks on the US, London and Madrid has been, apart from the invasions of Afghanistan and Iraq, to promote human rights and democratization in the Middle East. The climate in which sentiments that foster terrorism rise, is that of repression and lack of accountability and good governance. If used within a comprehensive context, human rights promotion and democratization can work to counter the rise of terrorist tendencies.¹³

Is Islam compatible with human rights?

For more than a century, Muslim writers from across the world have debated the compatibility of Islam with modernity.¹⁴ In recent years, in large part due to the rise of international Islamic terrorism, fears of 'political Islam', and the possible accession of Muslim majority Turkey to the European Union, this discussion has also reached Europe. The discussion features such extremes as on the one hand Geert Wilders, who claims that Islam is a violent and totalitarian political ideology, and on the

¹⁰ Kremer, M., P. van Lieshout and R. Went, *Less pretension, more ambition: Development policy in times of globalization* (Amsterdam 2010) pp226-228; AIV, *Cohesion in international cooperation. Response to the WRR report 'Less pretension, more ambition'* (The Hague 2010) p24

¹¹ *Handelingen Tweede Kamer der Staten Generaal 2010-2011* 32 735 nr1: 'Verantwoordelijk voor vrijheid. Mensenrechten in het buitenlands beleid'

¹² United Nations Office of the High Commissioner for Human Rights (OHCHR), 'Human rights chief visits Gulf region' [<http://www.ohchr.org/EN/NewsEvents/Pages/HCVisitsGulfRegion.aspx> retrieved 07-09-2010]

¹³ Windsor, J.L., 'Promoting democratization can combat terrorism' in *The Washington quarterly* 26-3 (Summer 2003) pp43-58; Giannone, D., 'Security through democratization in the Middle East: A comparative analysis of the European Union's policies' EU GRASP Working paper 16 (June 2010) p4

¹⁴ See, for instance, the various writings from the seventeenth century up to our own time collected in Donohue, J.J. and J.L. Esposito, *Islam in transition: Muslim perspectives* (Oxford 2007)

other Islamic leaders in the Middle East, who have grown disenchanted with the West's steady emphasis on universal values that they might not totally subscribe to. By laying out views on human rights and the actual human rights situations (and by questioning how much of this is directly related to presumed Islamic values), this thesis will contribute to this debate.

The Gulf's strategic importance for European (energy) security

For the physical and energy security of Europe, stability in the Gulf region is essential. This begs the question of whether or not the West should support authoritarian dictatorships that might defend (internal) stability, but do so at a price to human rights. Though in the short term a military strongman or dynastic authoritarian ruler may be able to guarantee oil exports and to fight religious extremism, the case of Iraq (and Egypt and Syria in the wider region) shows that these leaders too can fall out of grace with the West. In the long run, stable and peaceful democracies in the Gulf region will probably be the most desirable outcome, especially for the more 'value-oriented' countries of Europe.

Scientific relevance

As it stands, this thesis has more similarities with policy documents than with purely academic texts. The approach used here is relatively innovative, but only insofar as regards published scientific material. It stands to reason that hundreds of assessments like this are made every year, though they might be found in different fields and be about different regions, but they just never get published.

If there is direct scientific relevance to be found in this project, it is that it brings together for the first time information about human rights in the six GCC member states. In literature on human rights policy and promotion efforts this region has received little attention. Literature on human rights conceptions has often treated all of the Arab world or even all Muslim majority countries as one block, whereas the particular characteristics of the oil-rich Gulf region might set it apart from the other Arab states. In both categories of literature the Gulf is unique, but has not received its due attention yet.

Likewise, economically oriented analysis of issues similar to those in the Gulf have in the past lumped together all states that supposedly suffer under the 'resource curse.' And while it is true that some characteristics of rentier states stay the same across a large and relatively diverse group of countries, there are also considerable differences between for instance, Venezuela, Angola and Russia on the one hand, and the Gulf states on the other. Though a part of this is based on the fact that some of the oil rich states of the Gulf are extreme rentier states, with a national income that is in no way proportionate to their relatively small (citizen) populations, some specific issues and mechanisms may also be based in culture, demographics and other factors.

Isolating the Gulf states as objects of research prevents overly broad conclusions from rising up, and opens up the possibility of getting an in-depth view of these states that share many characteristics, but also show some interesting differences: Though the GCC can be characterised as "one cultural lake"¹⁵ because of the common language and Sunni Arab domination, and the economies that even in states that no longer possess oil reserves are still very much based on the systems that evolved during the previous oil boom, there are differences in the degree of national unity present, sectarian and ethnic differences, and the particular phase in the oil economy in which the states find themselves.

¹⁵ Crystal, J., 'Political reform and the prospects for democratic transition in the Gulf', *FRIDE Working papers* 11 (2005) p5

Literature

When reviewing the existing literature on human rights in foreign policy, one immediately notices that a relatively large portion of it is written by Dutch authors, of which a considerable number also write specifically on Dutch policy.¹⁶ This, combined with the relatively large body of texts produced by the Ministry of Foreign Affairs (MFA) and its independent Advisory Council on International Affairs (Adviesraad Internationale Vraagstukken – AIV) makes it fairly easy to acquire information on human rights in the foreign policy of the Netherlands in general.

The Middle East, though, has almost completely been ignored by academics writing on human rights policy. Instead, they focus mainly on three categories of countries: those with which the Netherlands has a development relationship; those in which the most flagrant and serious human rights violations take place; and those which have a special position towards the Netherlands due to another (non human rights related) reason. This last category includes for instance the old adversaries of the Cold War as dealt with by Baudet,¹⁷ or the authoritarian countries of Southern Europe that were welcomed as partners in NATO regardless of their poor record in human rights.¹⁸ Of these three categories, the Gulf region shares the most characteristics with the last group, which has been written about because of their geopolitical importance for the Netherlands. Though other parts of the Middle East will fall within the category of countries that receive Dutch development assistance, the GCC states have already developed up to a point where they don't need any financial contributions from Europe. This of course has to do with oil, which is also the source of the strategic importance of these countries, upon which Western Europe depends for its energy security. The reason little has been written about them probably lies in the fact that the era of their importance has only just begun, with both oil prices and international Islamic terrorism still on the rise. They are still very much developing their human rights record, and there is no clear turning point yet like there was with the revolutions of the 1970s in Southern Europe and the end of the Cold War in the East.

The policy documents by the MFA and the AIV do not offer specifics on the Gulf region either. Neither the memorandum accompanying the MFA's budget for 2010¹⁹ nor the human rights strategy published in 2007²⁰ mention any specific region extensively. And though the 2011 update of the human rights strategy makes numerous references to recent developments in the Middle East, no clear policy is announced, besides a commitment to the freedom of expression for those in the Middle East that strive for democracy and freedom²¹.

Some useful documents that are available, however, are a number of reports dealing with the human rights situation, either in the world, in the Arab countries, or in specific countries. These will be very useful in determining the relative position of Kuwait in regards to human rights policies and violations. These include reports by, inter alia, Human Rights Watch, the United Nations Development Programme, the Cairo Institute for Human Rights Studies and the National Society for Human Rights of Saudi Arabia.²²

¹⁶ Peter Baehr and Monique Castermans-Holleman are the primary examples of this. They wrote the general *The role of human rights in foreign policy* (New York 2004), and about the Dutch policy, with Fred Grünfeld, *Human rights in the foreign policy of the Netherlands* (Oxford 2002)

¹⁷ Baudet, F., 'Het heeft onze aandacht'. *Nederland en de rechten van de mens in Oost-Europa en Joegoslavië, 1972-1989* (Amsterdam 2001)

¹⁸ De Goede, T., 'De mensenrechten in het Nederlandse buitenlands beleid ten aanzien van Spanje, Portugal en Griekeland, 1945-1975' in Kuitenbrouwer and Leenders, *Geschiedenis van de mensenrechten* pp227-258

¹⁹ *HTK 2009-2010 V nr2: 'Vaststelling van de begrotingsstaat van het Ministerie van Buitenlandse Zaken (V) voor het jaar 2010 – Memorie van Toelichting'*

²⁰ MFA, *Human dignity for all*

²¹ *HTK 2010-2011 32 735 nr1: 'Verantwoordelijk voor vrijheid. Mensenrechten in het buitenlands beleid'*

²² Human Rights Watch, *World report 2009* (New York 2009); United Nations Development Programme, *Arab human development report 2009. Challenges to human development in the Arab countries* (New York 2009); Cairo Institute for Human Rights Studies, *Bastion of impunity, mirage of freedom. Human rights in the Arab*

In addition to the lack of information about the region in human rights scholarship, the thesis will have to tackle the interesting problem of there not being a theory of horizontal spill over of governance standards. Though it is not my goal to fill this gap now, by signalling precedents and by highlighting similarities with other spill over processes, this thesis might contribute to the production of such a theory in the future.

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Mike van de Weijer,
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Chapter One: Human Rights Perspectives

Though human rights are supposedly universal, states around the world interpret them differently. This has always been the case: During the production of the Universal Declaration of Human Rights, states were bitterly divided over what it was to contain and what significance the document was to have. Even the universality of this basic document is now being debated, as according to its critics it is a product of Western dominance at the time of its writing. Because it is not a treaty but is generally viewed as an elaboration of the 'fundamental freedoms' and 'human rights' contained in the United Nations Charter,²³ new member states to the UN have no choice but to implicitly accept the Universal Declaration.

Nevertheless, even states that have raised doubts about the universality of the Universal Declaration, or states that have criticised the West for imposing its views on other parts of the world have voiced their support for the principle of human rights. There is no single state, not even North Korea,²⁴ that denies the existence and importance of human rights. Every state has its own perspective on human rights, as a result of history, ideology and the specific domestic and international situations of the country.

The main aim of this chapter is to investigate in which GCC country the government's views are closest to those held by the Netherlands government. States with similar perspectives on a subject are obviously easier to influence than those with radically different views. In addition to this, substantive efforts to improve the human rights situation will be more readily accepted and even supported by the local government if it deems its views and that of a possible donor as compatible or complementary.

Views on universality and cultural margins on both sides are necessarily a part of the operationalization of this comparison: Small differences might be defended as cultural particularities by Gulf states (or the Netherlands), but if the other side considers these specific aspects as universal and not subject to cultural appreciation, this can be a major stumbling block in the human rights relation. Likewise, large differences may exist in some areas, but if both partners agree that these areas are governed according to cultural specifics, the problem can be less imposing than the differences would at first imply.

The chapter will close with an overview of recent developments of the human rights policy in the Netherlands. The priorities listed by the incumbent government will offer a good basis for comparison of the GCC states in the next chapter.

I. The Dutch perspective

There are several schools of thought on the background of Dutch human rights policy. One group, including many politicians, and prominent authors as Voorhoeve, Wels, and Baehr, maintains that a tradition of legal-mindedness, pacifism and moralism is the basis of the Dutch support for the international legal order. Another group thinks that this traditional legalism is only practiced on the rhetorical level, as the Netherlands is only a small country and too dependent on others and on larger international developments to operationalize its idealistic views. Kossmann and Scheffer, finally,

²³ *Charter of the United Nations*, Chapter I: Purposes and principles, Article 1 (San Francisco 1945)

²⁴ *Socialist Constitution of the Democratic People's Republic of Korea*, Chapter V: Fundamental rights and duties of citizens (Pyongyang 1998)

doubt even the existence of this idealism, which they say is only a smoke screen to protect the real Dutch interests: trade and protection of the international status quo.²⁵

Regardless of whichever of these scenarios might hold the most truth, during the past four decades, human rights have grown to become a central point in Dutch foreign relations. In 1979 the government published its *Human Rights and Foreign Policy (De Rechten van de Mens in het Buitenlands Beleid)*²⁶, a first note which became the basis of the prominent role of human rights in the foreign policy of the Netherlands in the last phase of the Cold war and the period directly after.²⁷ This commitment was further solidified in 1999 with the appointment of the country's first ambassador for human rights.²⁸

In the preface of the *Human Rights and Foreign Policy* note, the government puts forward the metaphysical basis of its commitment to human rights: "The fundamental starting point of the idea of human rights after all is that one sees the individual as an autonomous entity, is entitled to certain rights and freedoms because he is a human being and not from his being part of a larger whole such as a tribe, a class, a people or a State."²⁹ The implication of this line of reasoning, which is further elaborated on in the first and second chapters, is that firstly human rights are indeed universal, and that secondly they are a subject for international relations, as any person has rights regardless of what state they live in.

Though they are universal, the government states that "Human rights do not constitute an unchanging permanent object; their substance has to be specified with regard for diverse situations and conceptions."³⁰ It is exactly this need to formulate the substance of human rights in a dialogue that makes human rights a part of international relations: Because human rights are based in a consensus, all states have in theory agreed to allow themselves to be held accountable to violations.³¹

The framing of human rights that presents itself in *Human Rights and Foreign Policy* and that was reaffirmed by later government can be said to be the result of three intellectual traditions, especially in its emphasis on universality and inalienability. First, because rights are considered to be a natural part of being human, a strong component of Enlightenment thinking is present. Second, because of the focus on the person both as a human and an individual, there is a clear influence from humanism. Third and last, because of the absolute disconnection with any political or religious ideology, because of the acceptance of completely different conceptions of human rights, and perhaps most importantly because of the realization of the ever-changing and constructed nature of human rights, at least some postmodernism can be perceived.

Looking at the different categories or generations of human rights, most authors agree that, though subsequent governments have reaffirmed the universality and equality of on the one hand civil and political rights and on the other economic, social and cultural rights, Dutch policy has mainly been aimed at protecting civil and political rights, as in most Western democracies. With regards to collective versus individual rights, the Netherlands again fits in with the general Western trend, and has

²⁵ Baudet, F., and P. Malcontent, 'The Dutchman's burden? Nederland en de internationale rechtsorde in de twintigste eeuw' in B. de Graaff, D. Hellema and B. van der Zwan (eds.), *De Nederlandse buitenlandse politiek in de twintigste eeuw* (Amsterdam 2004)

²⁶ Though 'De Rechten van de Mens in het Buitenlands Beleid' translates to 'Human rights in Foreign Policy' rather than '... and Foreign Policy,' this is the title that the Dutch government chose for its 1980 publication of the official English version of the note submitted to the House of Representatives.

²⁷ *Handelingen van de Tweede Kamer der Staten Generaal 1978-1979* nr 15 571 nr. 2

²⁸ Baudet and Malcontent, 'The Dutchman's burden?' p70

²⁹ *HTK 1978-1979* nr 15 571 nr. 2

³⁰ Ibidem

³¹ Ibidem

always chosen individual rights as the focal point of attention, because the individual as a person, and therefore as a human being, is the basis of the existence of human rights.³²

II. Human rights and Islam

To say that much has been written on the (in-)compatibility of Islam with human rights in the last decade would almost be an understatement. In the wake of the so-called Global War on Terror and as part of the broader discussion in Europe about integration of migrants from Muslim majority countries, an overwhelming amount of publications has been put forward to argue either for or against Islam as a religion of peace, democracy and equality. The truth, of course, is somewhere in the middle, as it often is.

Various regimes in a wide range of Muslim majority countries have claimed to have based their policies and politics on true Islamic values. The policies themselves, however, have been widely divergent. This leads to the question whether there actually is such a thing as Islamic values, especially in a field that is so important to our whole understanding of justice and society as human rights. Or are these references to Islam by political leaders just rhetoric and do they only seek legitimization for the policies they would implement anyway? The latter is at least partly true. It is impossible for leaders of Muslim majority states to distance themselves from Islam, and they must couch their policies in Islamic terms to protect their legitimacy. Daniel Price shows that "even secular leaders must make references to Islam and frame calls to action in an Islamic context."³³ But at the same time it cannot be true that there is no basic Islamic value system and that it is all just rhetoric constructed to sell their policies to a religion-oriented electorate. This would deny the existence of purely religious philosophy and the legal tradition which is such a large part of Islamic thought.

When one claims to present the Islamic view on human rights, this is often understood as the literalist view, which holds that no human rights norms – or even any kind of laws – exist aside from those covered in the Quran or the Hadiths (the traditional stories about the prophet Muhammad that have come to be a major source of Islamic law). Another conception of Islam, a more reform-oriented philosophy that is called the 'humanist approach of Islam' by Akbarzadeh and MacQueen, is challenging the literalist view.³⁴

Though Price uses the more elaborate ideological typology developed by Shepard with its five categories (secularism, Islamic modernism, radical Islamism, traditionalism and neo-traditionalism),³⁵ splitting the thinkers into the two groups proposed by Akbarzadeh and MacQueen is acceptable here, because only the Islamic contents of views towards human rights are relevant here, and not their position towards the rest of Western development and politics. The five groups of Shepard also fall within the two views put forward by Akbarzadeh and MacQueen as far as human rights are concerned: The traditionalists and neo-traditionalists most likely take a literalist view, while the secularists, modernists and Islamists permit the kind of interpretation and adaptation that are part of the humanist approach. The other parts of the different societies' disposition with regards to modernism and Western development will further be dealt with in the sections about the individual countries.

³² Baudet, F., *Het heeft onze aandacht* pp32-34; Baehr, Castermans-Holleman and Grünfeld, *Human rights in the foreign policy of the Netherlands* pp6-7

³³ Price, D.E., *Islamic political culture, democracy, and human rights. A comparative study* (Westport 1999) pp157-164, quote from p183

³⁴ Akbarzadeh, S., and B. MacQueen, 'Framing the debate on Islam and human rights' in S. Akbarzadeh and B. MacQueen (eds.), *Islam and human rights in practice. Perspectives across the Ummah* (New York 2008) pp1-8

³⁵ Shepard, W.E., 'Islam and ideology: towards a typology' in *International journal of Middle East studies* 19 (1987) pp307-336; Price, *Islamic political culture, democracy, and human rights.* pp137-157

A. The literalist view

In the literalist perception of Islam, there is a clear dichotomy between the holy scripture on the one hand, and secular laws on the other. Islamic law (Shariah), as taken from Quran, Hadith, and Sunna, is viewed as being eternal and immutable. Secular law, by contrast, can be changed to suit the situation and needs of the country, and may change depending on new insights or information. This dichotomy explicitly places Islamic law – which comes from God – above secular laws – which have been made by men.³⁶ It is very clear that human rights treaties and frameworks are also made by men: Though the negotiation processes themselves are perhaps not visible, everyone is keenly aware that the global human rights regime is a product of the different states' interests, and not of intervention by a higher power. Besides this, human rights are generally viewed as being imposed by the West either going through the UN – in establishing the normative frameworks – or unilaterally – in punishing states that don't adhere to the standards.

Critics of literal reading of the Quran point to the fact that it is impossible to always act literally as in the scripture for two reasons: Firstly there are now many new situations and interactions which were unimaginable in the seventh century when the Quran was written. To find situations in the Quran that can be compared to very modern situations (including complicated financial instruments and interactions on the internet) already includes a considerable measure of interpretation. Secondly, the Quran to some extent, and the Hadith and Sunna to an even larger extent offer contradictory advice on what to do, even internally. Because the Quran is a historical document and a book that has been compiled from revelations that are supposed to have come to Muhammad over the course of decades, many parts contradict others. This is even more true of the apocryphal Hadiths and Sunna. These may be viewed and treated as traditional law now, but they were instrumentalised and composed in the past to serve the purposes of worldly rulers.³⁷

Heiner Bielefeldt identifies three main fields in which shariah and human rights are in conflict: Gender equality, religious freedoms, and corporal punishment.³⁸ Of these three, the first two have to do with emancipation and equality, while the third is an important aspect of physical integrity. All have a specific basis in history and ideas on these issues were shaped in the period in which Islam emerged and became a major religion.

With regard to gender, Islam might have been a significant improvement over previous systems when it was introduced in the seventh century, but in comparison with modern understanding of gender relations, it is lacking severely. The limited power of a woman to represent herself, inheritance laws, and, perhaps most visible, the laws regarding marriage and divorce "still reflect the unequal status of the genders, discriminating against women."³⁹

The same image present itself when the traditional stance of Islam vis-à-vis other religions is reviewed: In the medieval world it was exceptional that a religion would not forcibly convert those in newly-conquered territories and in fact, heterodox "Christian minorities and dissidents preferred living under Islamic rule to being persecuted by their fellow Christians in the Byzantine and Habsburg empires."⁴⁰ But the problem here is that Islam treats the status of dhimmi (the religious minority status granted to Jews, Christians and later Hindus) as a privilege.⁴¹ In this way it becomes an aspect

³⁶ Akbarzadeh and MacQueen, 'Framing the debate on Islam and human rights' p4

³⁷ Ibidem p3-6

³⁸ Bielefeldt, H., 'Muslim voices in the human rights debate' in *Human Rights Quarterly* 17 (1995) pp587-617, pp595-597

³⁹ Ibidem p597

⁴⁰ Ibidem

⁴¹ Arzt, D.E., 'The application of human rights law in Islamic states' in *Human Rights Quarterly* 12-2 (May 1990) pp202-230, p205

of the power relationship between the religions, with Islam in a position to grant this right to other, 'lower' religions. This challenges the conception of religious freedom on the basis of equality that is central to the Western understanding of this right. Members of religious minorities that have not been granted dhimmi status – such as Baha'is or adherents of animist religions – face discrimination that is an even more manifest violation of the freedom of religion.

Another violation to religious freedom, or rather freedom of conscience, that emerges from the fact that Islam places itself above other religions, is the prohibition of apostasy. Muslims converting to another religion face severe repercussions, both socially and legally. The traditional punishment would be the death penalty, but even in states that adhere to the most traditional reading of Islam this is rare. More commonly, the marriages of apostates are dissolved and they lose their right to inherit from Muslim family members.⁴²

Corporal punishment does not receive the substantive analysis that Bielefeldt offers for gender inequality and religious freedom. This is due to the fact that serious corporal punishment is, in most countries, merely a historicality and not a fact of daily life. Apart from Saudi Arabia, where corporal punishment has remained the norm since the advent of Islam, it is only reintroduced in those states that choose to orient themselves more towards the more traditional reading of Islamic law: Bielefeldt mentions that although flogging has remained widespread, amputations of limbs and stonings of persons have only fairly recently (since the late 1970s) been reintroduced in Iran, Sudan and Pakistan.⁴³

These are only the single most identifiable points of conflict, but as mentioned before, they show signs of an underlying philosophical issue: The largest problem of the literalist reading of Islam is that it fundamentally does not accept other systems of belief on the basis of equality. This not only directly applies to religious differences, but also to the human rights regime. The implication of the exclusivity of Islam is that if there is to a global human rights regime, it can only be based on the Islamic laws and principles.

B. The modernist/humanist view⁴⁴

According to Akbarzadeh and MacQueen "[t]he humanist approach in Islam offers significant promise"⁴⁵ with regards to human rights. The modernists view the world changing about them and feel that they must themselves do something in order to keep Islam compatible with new situations that crop up. The modernists argue that the values presented in the Quran and other traditional sources are just that, values, and not examples that should be emulated in a completely different context. Because of this, the modernist school of thought is less essentialist and does not prescribe any sort of substance with regard to policies: It is the task of any society to shape human rights views, all the while remembering the central values of justice, fairness and equality.⁴⁶

This kind of reformism is still in its infancy, though, and clear currents of thought within the wider school have not yet come to the surface. Likewise, there has been little experience with the application of the humanist view, as governments in the Middle East continue to define themselves as Is-

⁴² Bielefeldt, H., "'Western' versus 'Islamic' human rights conceptions? A critique of cultural essentialism in the discussion on human rights' in *Political Theory* 28-1 (February 2000) pp90-121, p103

⁴³ Bielefeldt, H., 'Muslim voices in the human rights debate' in *Human Rights Quarterly* 17 (1995) pp587-617, pp600-601

⁴⁴ Though there are some differences in nuance between 'modernism' and 'humanism' in the context of the debate of human rights in Islam, the terms are used interchangeably here for the sake of brevity. A substantive review of the differences within the non-literalist camp would take up too much room and falls outside of the scope of this thesis.

⁴⁵ Akbarzadeh and MacQueen, 'Framing the debate on Islam and human rights' p3

⁴⁶ Ibidem pp2-5; Bielefeldt, "'Western' versus 'Islamic' human rights conceptions?' pp106-108

Islamic traditionalists and more often than not make explicit references to shariah law in the texts of their constitutions. This holds true not only for states traditionally considered to be Islamic in nature, such as the monarchies of the Arabian peninsula, but even for nominally socialist states like Syria and Egypt. The Cairo Declaration on Human Rights in Islam, which is considered to be the Arab world's counterpart to the Universal Declaration of Human Rights and the European Declaration of Human Rights, does the same: It considers "fundamental rights and universal freedoms in Islam [as] an integral part of the Islamic religion" and explicitly states that "[a]ll the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah."⁴⁷ A religiously neutral or secular state as (sometimes) advocated by such authors as Abdullah Ahmed An-Na'im and Tariq Ramadan still seems to be a dream for the future in the Middle East. It is at this moment impossible to tell how common application of the humanist conception will affect the rights of the populations of Muslim-majority countries.⁴⁸

One interesting aspect to note is that in some countries, Islamist movements have embraced the humanist approach, as it gives them the possibility to contest the ruling elites, whom they consider to be unislamic. Only time will tell whether the participation of these groups in the democratic system can truly change their ideas. Critics fear that fundamentalists only support new democratic rights in order to grab absolute power themselves, and warn that the rise of for example Hamas in the Palestinian territories or the Muslim Brotherhood in Egypt will lead to 'one man, one vote, one time'.⁴⁹

Though from the Dutch point of view the reformist approach to human rights in Islam is a definite improvement over the traditionalist approach, the philosophical problem signalled in the section on traditionalist conception remains: Shariah is still considered to be the basis of human rights.⁵⁰ In the views on human rights most common in Dutch society, academia, and government circles, humans have rights simply because they are persons and these rights are there for everyone, without any reference to religious scripture. Human rights are disconnected from any particular political ideology in this interpretation, though some argue that human rights have themselves *become* the ideology.⁵¹

In the past however, differences in opinion about the metaphysical sources of human rights conceptions have not hindered the Netherlands government in working with whoever was willing to advance the cause of human rights. In fact, in *Human Rights in Foreign Policy*, the government lists different conceptions as one of the main things that have been taken into account when engaging in a dialogue about human rights with others and other states.⁵² Between the Dutch postmodern humanist views on human rights and the Islamic modernist humanist school of thought, there is at least some "overlapping consensus," as Bielefeldt (invoking John Rawls) calls it.⁵³ With regards to the traditionalist conception, this is less the case, but on specific issues and aspects some overlap can be found.

⁴⁷ OIC, *The Cairo declaration on human rights in Islam* (Cairo 1990); Bielefeldt, "'Western" versus "Islamic" human rights conceptions?' pp103-106

⁴⁸ Akbarzadeh and MacQueen, 'Framing the debate on Islam and human rights' pp3-6

⁴⁹ Ibidem pp2-8; Hicks, N., 'Does islamist human rights activism offer a remedy to the crisis of human rights implementation in the Middle East?' in *Human rights quarterly* 24-2 (May 2002) pp361-381

⁵⁰ Bielefeldt, "'Western" versus "Islamic" human rights conceptions?' pp108-112

⁵¹ Gready, P., 'The politics of human rights' in *Third world quarterly* 24-4 (August 2003) pp745-757

⁵² *HTK* 1978-1979 nr 15 571 nr. 2

⁵³ Bielefeldt, "'Western" versus "Islamic" human rights conceptions?' pp114-117

III. Human rights views in the Gulf states

As the actual situations in the different Gulf countries will be dealt with in the next chapter, only stated views are taken into account here, and not the realities on the ground. There is often a marked difference between the official views of the states and their rulers, those of other (religious) élites, and those of the population. In addition to this, some states might be unable, because of a lack of resources, manpower, support, or time, to implement their policies.

The sources for official views on human rights by states include constitutions, treaties (and, perhaps more importantly, reservations made by the signatories), and remarks and statements in international fora, such as the Universal Periodic Review of the United Nations Human Rights Council.

A. Bahrain

In its 2008 National Report for the Universal Periodic Review by the United Nations Human Rights Council, the government of Bahrain describes its own system as somewhat of a hybrid: "[T]he system for which they [the Constitution of Bahrain and the National Action Charter of 2001] provided was a constitutional monarchy based on the principle of *shura* (consultation) – the ideal model for government in Islam – and the principle of popular participation in the exercise of power – a concept that underpins modern political thought."⁵⁴

The reforms that took place in the years immediately following the rise to power of King Hamad bin Isa al-Khalifa were quite far-reaching, especially when seen in contrast with the rule of his late father, who had been Emir since the early 1960s and refused to reinstate the parliament after resolving it in 1975. Emir Isa, who himself was Sunni, had at first attempted to govern democratically over his population, of which the majority is Shia.⁵⁵ After the elected parliament refused to confirm the State Security Law of 1974, the Emir chose to disband parliament and rule on as an autocrat. In the 1990s repression reached a high point, so the reforms proposed by Emir and later King Hamad came as a surprise. The reform process in Bahrain has been gradual, reflecting tensions within the élite and royal family: One example of this is that though the king had promised to give only the elected *Majlis al-Nuwab* legislative authority, this reform went too far for some conservatives, including his uncle, the Prime Minister. In the constitution promulgated in 2002, both the elected *Majlis al-Nuwab* and the appointed *Majlis al-Shura* had legislative power, and their mandates can only be changed by royal decree.⁵⁶ The conservative and progressive camps in Bahraini politics are both very influential and it seems that the course the King has chosen is informed as much by compromise with conservatives as it is by pragmatism and the desire for stability in the country.⁵⁷

In addition to the conservative critics of the king's progressive reform policies, there are also opposition figures who think the process is not going fast enough and is not far-reaching enough. These mainly Shia activists are unhappy with the pace of reform and demand immediate changes and in some cases even call for what would amount to revolution. These changes however would seriously jeopardise the stability and even the continuity of the kingdom; they are highly unlikely to be accepted by either conservatives or pragmatic idealists. Steven Wright rightly argues that "[t]rying to work against the system in a confrontational manner will only strengthen the support base of the conservatives within the government and undermine the position of pragmatists such as the King."⁵⁸

⁵⁴ 'National report submitted in accordance with paragraph 15(A) of the Annex to Human Rights Council resolution 5/1 – Bahrain' (11-03-2008) [UN document code A/HRC/WG.6/1/BHR/1]

⁵⁵ The consequences of this particular demographic situation will be further dealt with in the narrative portion of Chapter Two

⁵⁶ Wright, S., 'Generational change and elite-driven reforms in the Kingdom of Bahrain', *Sir William Luce Fellowship Paper 7* (June 2006) pp14-17

⁵⁷ Ibidem pp12-16; Mohammed, N.S.A., 'Political reform in Bahrain: The price of stability' in *Middle East intelligence bulletin* 4-9 (September 2002)

⁵⁸ Wright, 'Generational change and elite-driven reforms in the Kingdom of Bahrain' pp16-21 quote from p19

B. Kuwait

As late as 1997, observers could write that "Kuwait has the only parliament in the Gulf."⁵⁹ At that moment, Kuwait had had a parliament since the early 1960s, when it first achieved independence from the United Kingdom, though the Emir had dissolved the National Assembly and ruled by decree in two periods (1976-1981 and 1986-1992). The tradition of liberal reform in Kuwait is relatively old, and the royal family has through the years mostly supported reform.⁶⁰ One example of such progressive policies is the royal decree of 2005, which gave women the right to vote. This initiative had been opposed by the National Assembly, and in fact rejected by them in 1999, due to opposition of more conservative members of Parliament.⁶¹

The discussion about women's suffrage also highlights the big problem for reform in Kuwait: The largely liberal royal family faces opposition from both the Islamist and the tribal side. These politicians, who are not organized in formal parties but operate in 'blocs' or coalitions of convenience, oppose liberal reform policies because they are seen as un-Islamic, foreign, or simply not in accordance with Kuwaiti national character.

In addition to the opposition by politicians, parts of the Kuwaiti population also seems to be increasingly opposed to further reform. For a large part this can be attributed to complacency, as Kuwaitis are content with what they have achieved for now. Indeed, the rights of most Kuwaiti citizens are fairly well-protected and guaranteed by law, but taking only this as a marker would disregard the fact that the majority of the population of Kuwait consists of non-citizens, whose rights are not (yet) fully protected. It is unlikely that large numbers of Kuwaitis will push for more rights for the non-citizen groups that are most at risk, including foreign labourers, as any reforms would likely come at a cost to themselves: If foreign residents would be allowed to participate in Kuwaiti politics, they would form a majority; if more labour rights would be implemented, this would limit the access to cheap foreign labour.⁶²

C. Oman

When the Sultanate of Oman suddenly moved to the centre of Dutch public opinion in March of 2011 (when the Dutch queen visited the country), *De Volkskrant* described Sultan Qaboos as an 'enlightened dictator of a mild police state'.⁶³ This is probably quite an apt description of the situation in the Sultanate. The government headed by Sultan Qaboos does not tolerate dissent and gives the population little opportunity to get involved in affairs of state, but in return it buys the cooperation of the Omani citizens with economic progress and as of yet limited political reform.

Though the constitution of Oman provides for freedom of the press and freedom of expression, a great deal of self-censorship takes place, as other laws prohibit criticism of the sultan or "messages of any form that violate public order."⁶⁴ In addition to this, all imported media material is subject to inspection by Omani government officials before publication.

The prevalent view on human rights among the population as well as the leadership of the Sultanate of Oman seems to be that the sultan knows what is best for his population, and that they would all do well to listen to him. The role played by Islam is similar to that in Kuwait, Qatar and the UAE: The sultan has presented himself as protector of certain Islamic values but is not himself part of the clerical establishment, and apart from more secular-minded critics of the government, there are also voices that call for a more stringent adherence to Islam.

⁵⁹ Sadowski, J.Y., 'Prospects for democracy in the Middle East: The case of Kuwait' in *The Fletcher forum of world affairs* 21-1 (Winter/Spring 1997) pp57-71, p59

⁶⁰ Crystal, 'Political reform and the prospects for democratic transition in the Gulf' pp1-2

⁶¹ Tétréault, M.A., 'A state of two minds: State cultures, women and politics in Kuwait' in *International journal of Middle East studies* 33 (2001) pp203-220, p204;

⁶² Crystal, 'Political reform and the prospects for democratic transition in the Gulf' pp6-7

⁶³ 'Verlicht dictator van 'milde politiestaat'', in *De Volkskrant* 08-03-2011

⁶⁴ United States Department of State Bureau of Democracy, Human Rights, and Labor, *2010 Human Rights Report - Oman* (08-04-2011)

D. Qatar

Together with the UAE, of which it almost became a member at independence, Qatar has the image of being one of the more modern of the Gulf states. The peninsular state is known the world over for hosting Al-Jazeera, and the presence of this prominent and successful media outlet is indeed a testament to press freedom. The Qatar sheikh and government did not establish Al-Jazeera (which received a \$ 137 million state loan during its first five years of operation and still does not run a profit) out of love for press freedom, however. Al-Jazeera expert Hugh Miles states that "[i]f Al Jazeera has a bias, it is a commercial one." The royal family of Qatar grants the news broadcaster freedom to do as it wants in order to draw in viewers and present the state as a viable commercial centre in the region and to "shore up Western support in the event that Iran, Iraq, or Saudi Arabia should decide to invade."⁶⁵

Much of the rest of the posture of Qatar seems to have the same reasoning behind it. It is not out of love for the people, or democracy, or even in order for the royal family to be able to hold onto power that Qatar is more liberal than some of its neighbours, but rather as a result of the quest for commercial and economic dominance.

Officially, Islamic shariah is still the main source of legislation, but Qatar does not go as far as other states in applying it, especially in areas that are highly visible or relevant to foreign (Western) visitors and investors. The Qatar government, for instance, in 2009 completed construction on the Indian Interdenominational Christian Church Complex, with a Roman Catholic church building already open for services and separate Anglican, Eastern Orthodox, Coptic and Syrian churches still under construction.⁶⁶

Aside from domestic freedoms, Qatar's desire for dominance can also be seen from its diplomatic efforts. It is the only Gulf state that has opened full diplomatic relations with Israel (though they have been broken off as a result of the 2008-2009 Gaza conflict) and has officially hosted Israeli heads of government.

These factors all show that the economy is the primary concern of the leaders of Qatar, but that they also a very keenly aware of their image in the West. Another positive point is the fact that room for dissent that is given as part of a plan to boost the economy might also lead to demand for more substantive reform, including a real democracy with the opportunity for the people to demand a change of government.

E. Saudi Arabia

The Kingdom of Saudi Arabia is one of the few countries in the world that do not even attempt to claim to be democracies.⁶⁷ As it considers the Quran and Sunnah to be its constitution, there is no written constitution. Although a 'Basic Law of Government' does exist, has many of the qualities often found in a constitution, and is therefore often viewed as the constitution of Saudi Arabia even if it does not bear this title. Over recent decades the kingdom has had to implement an increasing amount of worldly laws, in order to regulate all things non-Quranic, from traffic citations to migrant labour. The result of this development is that two parallel legal systems have come to exist and that in this constellation, the shariah (which has not been codified anywhere) is still considered the supreme source of legislation.⁶⁸

⁶⁵ Miles, H., 'Think Again: Al Jazeera' in *Foreign Policy* 12-06-2006

⁶⁶ United States Department of State, Bureau of Democracy, Human Rights and Labour, *International Religious Freedom Report 2010 - Qatar* (17-11-2010)

⁶⁷ The only other countries that do not self-identify as democracies are the Vatican State (which is a clerical monarchy) and Brunei (which is a constitutional sultanate, and which actually has elections for local governments as does Saudi Arabia). Myanmar, which is the fourth country usually quoted in this list, adopted a constitution that mentions multi-party democracy as the form of government in May of 2008.

⁶⁸ Vogel, F.E., *Islamic law and legal system: Studies of Saudi Arabia* (Leiden 2000) pxiv; Crystal, 'Political reform and the prospects for democratic transition in the Gulf' p8; Aba-Namay, R., 'The recent constitutional reforms in Saudi Arabia' in *The international and comparative law quarterly* 42-2 (April 1993) pp295-331, pp295-303

This understanding of Islam being the only possible source of law and ethics constricts the rest of the debate. When Saudi authorities make mention in their UPR report of "[t]he Kingdom's belief that human rights are a universal human heritage to which all peoples are entitled,"⁶⁹ this refers to the conception of human rights already limited by the Saudi interpretation of Islam: The Basic Law of Government explicitly states that "judges shall be subject to no authority other than that of the Islamic Shari'a in the Kingdom" (art. 46).⁷⁰ Another example of this grounding of all human rights norms in Islam, is the remark in the section on discrimination in the same UPR report, that the Ministry of Islamic Affairs issued "periodic circulars to the imams and preachers of mosques directing them to remind people, in their weekly sermons, of the ethics and magnanimous teachings of Islam and, in particular, the principles of justice, equality, tolerance and rejection of bigotry and all forms or racial discrimination."⁷¹

In the past distinct differences in character between members of the house of Saud have presented themselves. The present king, Abdollah bin Abdul Aziz, has been a proponent of a more liberal line and has come into conflict with more supporters of a more religious policy, including his half-brother prince Nayef, who has held the post of Minister of Interior for over thirty years (since 1975). Both king Abdollah and crown prince Sultan are in bad health and it stands to reason that prince Nayef, who in 2009 was named Second Deputy Prime Minister, has good chances of becoming king in the near future. This would give the religious establishment more power over policy and would likely lead to some liberal reforms that were initiated by King Abdollah being overturned.⁷² Though this all is just speculation and the real outcome of a Saudi power struggle is very uncertain (as affairs of the house of Saud are generally kept away from the public eye), these conflicts do illustrate the point that there are two competing élites, both with their own very different philosophy.

F. United Arab Emirates

Like Qatar, the UAE have a reputation for being modern and liberal. This is mostly due to the image that leading emirates Dubai and Abu Dhabi project of being business friendly and Western-oriented. For the UAE in general this is less true than for Qatar, however. Due to the federal nature of the country there are considerable differences between seven individual emirates. Abu Dhabi and Dubai, true to their image, are more free than some others that aspire to a more conservative reputation. The federal makeup of the state is also the reason the government of the UAE itself gives for their not having acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and several optional protocols related the women's and children's rights.⁷³ The considerations of the more liberal emirates are mostly the same as for Qatar: In order to become the leading financial and commercial centre in the region, states cannot be too repressive (or the at least cannot be seen to be too repressive). Other emirates share more characteristics with Oman: There is little room for the population to speak out as government is dominated by tribal leaders and although freedom of press and expression are enshrined in the constitution and laws of the emirates, there is a great deal of self-censorship taking place.

⁶⁹ 'National report submitted in accordance with paragraph 15(a) of the Annex to Human Rights Council resolution 5/1 – Saudi Arabia' (December 2008) [UN document code A/HRC/WG.6/4/SAU/1]

⁷⁰ Ibidem

⁷¹ Ibidem

⁷² Doran, M.S., 'The Saudi paradox' in *Foreign Affairs* 83-1 (January/February 2004); BBC News, 'Who's who: Senior Saudis' 30-10-2007 [http://news.bbc.co.uk/2/hi/middle_east/7068977.stm retrieved 07-12-2010]; 'Hardline prince moves closer to Saudi Arabia's throne', *The Telegraph* 29-03-2009; BBC News, 'Saudi royal health scare: Why it matters' 22-11-2010 [<http://www.bbc.co.uk/news/world-middle-east-11811873> retrieved 07-12-2010]

⁷³ 'National report submitted in accordance with paragraph 15(a) of the Annex to Human Rights Council resolution 5/1 United Arab Emirates' (September 2008) [UN document code A/HRC/WG.6/3/ARE/1]

IV. Universalism

Traditional (literalist) Islamic law holds that the only universal and inalienable rights are those that belong to Allah. All other rights can only be derived from the duties the individual faces: They are earned by deference and submission to God, not natural rights enjoyed simply because one is an individual. In addition to this, in Islamic thought on the relationship between the individual and his surroundings, the relationship between a single person and a state or community is thought to be less adversarial than in Western philosophy. This has led to a situation in which checks on government power are believed to be unnecessary: The ruler would always act in the best interest of the community and what is good for the community is also good for its individual members.⁷⁴

Regardless of this religious grounding of the human rights idea and the relatively weak position of the individual, Islamic states have overwhelmingly accepted the Universal Declaration of Human Rights, in which they recognize "the inherent dignity and [...] the equal and inalienable rights of all members of the human family."⁷⁵ As the Universal Declaration is not a legally binding treaty, it has no signatories. It was voted on in 1948 and Afghanistan, Egypt, Iran, Iraq, Syria and Lebanon voted in favour, with Saudi Arabia being the only Muslim majority country that abstained from voting.⁷⁶ There were no votes against the declaration. From that time onward, the Declaration was implied to apply equally to all states in the world. It is telling that Saudi Arabia abstained, as this at the time was the only traditionalist Islamic state.

What is perhaps also telling is that the 1990 Cairo Declaration on Human Rights in Islam nowhere references the 1948 Universal Declaration. The word 'universal' itself even only shows up once: In reference to the all-encompassing civilization of Islam that God gave to humanity. This infinitely smaller emphasis on universality at the time was a symptom of the rise of conservatism in the Muslim world that had been renewed since the middle of the 1970s.⁷⁷

The renewed rise of conservatism in Islam has continued until this day. Even if populations on the whole do not always become more religious, political leaders have to present themselves as being increasingly orthodox, in order to compete for the loyalty of their most religious constituents with their opposition, which may include fundamentalists and even terrorists, and to compete with clerical authorities that have a parallel and competing claim to power.⁷⁸

Abdullah An-Na'im, however, notes that while "[i]t is true that not all Muslim countries have endorsed or ratified these instruments, [...] neither have they publicly repudiated them. The human rights idea is too powerful and popular now for any government to oppose openly."⁷⁹ This means that the universality of agreements that have come into force are not invalidated by traditionalist governments' exception to universality as a Western-imposed concept. They will have to cooperate with the West within the framework of these agreements or abrogate them.

⁷⁴ Arzt, 'The application of human rights law in Islamic states' pp205-207

⁷⁵ 'Universal Declaration of Human Rights - Preamble' (Paris 1948)

⁷⁶ Lebanon is listed here as a Muslim majority state, though religious statistics for the country have been unavailable since 1932. Even if the majority of Lebanese was not Muslim in 1948, a sizeable minority was, which means that the joint Maronite-Sunni leadership would have had to take into account Muslim sensitivities regardless of the actual number.

⁷⁷ Hanafi, H., 'The origin of modern conservatism and Islamic fundamentalism' in E. Gellner (ed.), *Islamic dilemmas: Reformers, nationalists and industrialization* (Berlin 1985) pp94-103, pp94-95; Ajami, F., 'Stress in the Arab triangle' in *Foreign Policy* 29 (Winter 1977-1978) pp90-108, pp90-96; Bielefeldt, "'Western" versus "Islamic" human rights conceptions?' pp105-106

⁷⁸ 'Da'wa, Jihad, and Salafism in Saudi Arabia and Yemen', Carnegie Endowment Event Podcast [<http://www.carnegieendowment.org/events/?fa=eventDetail&id=1227> retrieved 05-03-2011]; 'Down the Salafi Road' in *Al-Ahram* 1027 (16-12-2010); 'Egypt's fundamentalist Salafists rise in wake of Mubarak's fall' in *The Washington Post* 25-03-2011

⁷⁹ An-Na'im, A.A., 'Human rights in the Muslim world: Socio-political conditions and scriptural imperatives' in *Harvard Human Rights Journal* 3-13 (1990) pp13-52, p16

Though more moderate or reformist thinkers still overwhelmingly derive their philosophy (in general, but their philosophy of justice and governance in particular) from Islamic tradition and the Quran, they are much closer to accepting the brand of pluralism that underpins the universality of human rights as viewed by Western eyes.

This is perhaps most clearly pointed out by Akbarzadeh and MacQueen, who describe the reform school of thought as focusing on "the need for Muslim communities to reconcile with the human rights regime [of which universality, equality and inalienability are essential parts], not to manipulate the concept of human rights to further particular social interests."⁸⁰

In theory, this makes working with reform-oriented leaders of Muslim majority states much easier than working with their more traditionalist counterparts. Unfortunately, most reformists are philosophers and not heads of state. Of course, there is no clear line between modernists and traditionalists, but by far the most leaders of Islamic countries are in the traditionalist part of the continuum. This is no surprise: As mentioned above, leaders of most Muslim states have to compete with fundamentalists and clerics for positions of power. Additionally, most of the Islamic world is not (yet) ruled truly democratically. Elites are entrenched and are mostly concerned with protecting their own position. Changing their rhetoric on something as elementary as the relationship between law and religion is not something they will likely do, even more so if it means they might be removed from office by the population. Those who do offer new ideas are often marginalized, in a clear bid to preserve the status quo.

Universality is one of the cornerstones of official Dutch human rights policy. This means that the Netherlands government believes that everyone is entitled to their rights, regardless even of their own thoughts on this subject. The implication is that groups that derive their regard for human rights only from a particular understanding of Islam are not disqualified from receiving assistance in the field of human rights.

In fact, the Netherlands have supported catholic human rights and peace activists in Poland and Central America without anyone really raising the issue. In the current political climate, with its visible current of anti-Islamic thought, such support for islamists is unlikely to go over unnoticed, however. Still, it is absolutely imperative to get Islamic-oriented human rights activists on board: Firstly, the populations are more likely to respond positively if human rights policy is presented in a framework of Islamic thought, rather than as something purely Western. Secondly, hard core secularist human right activists can hardly be found in the Middle East, due to the pervasiveness of religion. And if they are to be found, they are likely to be relatively marginalised figures, or to be proponents of totalitarian communism or some other flavour of human rights that is even more incongruent with Dutch liberal and democratic values than Islamic human rights thought is. Thirdly, and in connection with the previous reason, Dutch human rights policy attaches a great value to religious freedom. To exclude human rights activists from Dutch supports for religious reasons would therefore be a contradiction of the policy itself. As long as Islamic activists are not favoured over others *because* of their particular religious background,⁸¹ supporting Islamic human rights activists is not something that contradicts Dutch policy.

V. Recent developments in Dutch human rights policy

Because a new government came into office in the autumn of 2010, and because this new government differs considerably in composition and ideology from the previous one, an update of the 2007 human rights strategy was published in April 2011. Not only the composition and the plans of the new government warranted an update, but so did the worldwide economic crisis that began in 2008 and still has not ended. The update comes at a time when the Middle East is going through rapid and

⁸⁰ Akbarzadeh and MacQueen, 'Framing the debate on Islam and human rights' p3

⁸¹ They can be favoured for other reasons, such as the fact that there are no other available, that they are likely the most effective partners, but not for the contents of their religious beliefs.

unexpected political developments: Popular movements have brought down the governments of Egypt and Tunisia, the regime of Libya is falling apart and in Syria repression has been the only real answer to the demand of the people for democracy.

The update to the human rights strategy, which bears the title 'Responsible for freedom', identifies three fields on which the Netherlands should focus its foreign human rights policy, each of which has several specific rights and issues that are considered central to its field:

- Freedom and democracy
 - Freedom of religion and freedom of conscience;
 - Freedom from discrimination, with a focus on discrimination based on gender and sexual orientation;
 - Freedom of expression, with a focus on free access to the internet;
- Freedom and security
 - A strong condemnation of cruel regimes and structural human rights violators;
 - Support for human rights defenders;
- Freedom and prosperity
 - Fundamental labour rights and a level playing field;
 - Basic economic rights.

Of these issues, the freedom of expression and internet is directly linked to the events of the Arab Spring. The other subjects are not explicitly connected to any region or recent developments. One of the main goals of the updated strategy is to "help create circumstances that promote respect for human rights."⁸² The freedoms and issues listed above indeed seem to be geared towards this objective: They are the necessary basic freedoms that enable individuals to further improve their situations themselves.

VI. Preliminary conclusion

Taking into account the contents of this first chapter, including views on human rights in Islam in general and in the specific Gulf states, it seems that much of the main question (can any one state in the GCC be used as a gateway into the region) still stands. What can be said, however, is that Saudi Arabia seems at the very outset to be a less likely candidate for Dutch human rights efforts, because of its emphasis on religion above all else. It is simply the most conservatively Islamic country in the region and in fact the world, so any agenda that includes aspects that do not immediately conform to Islamic views will have a hard time being accepted in the Kingdom.

Of the smaller Gulf states, Oman seems the least likely partner, because of the strong role played by the Sultan in keeping things as they are. In Bahrain, Kuwait, Qatar and the UAE the royal families have to a larger extent allowed societies to modernize, or have even themselves been major drivers of these modernizations. For Qatar and the UAE, it seems that human rights and political reform are matters of prestige and image, rather than there being a real drive for improvement *per se*. Such a drive does seem to be present in Bahrain, where King Hamad ended his father's repressive campaign almost as soon as he took office, and in Kuwait, where there is a relatively longstanding tradition of reform.

⁸² HTK 2010-2011 32 735 nr1: 'Verantwoordelijk voor vrijheid. Mensenrechten in het buitenlands beleid'

Chapter Two: Human Rights Situations

Arriving at a diagnosis of the current human rights situation in the Gulf countries is useful for two reasons. First of all, if countries in the sample have had appalling human rights records for a long time, it is unlikely that they will reform overnight and become a shining beacon of freedom to the region. Instead of this, in order to get the most of its money's worth, the Dutch government could consider latching onto the state that has the best upward trend, and support this state to further improve its human rights situation. Especially when the areas in which the government posts strong results are in those fields identified in the previous chapter as being a priority for the Netherlands government, this offers the promise of further fruitful cooperation. The second reason is that the room that is available to work towards (further) improvement is also a part of the human rights situation. Even if a state has a lot of room for improvement in its human rights record, if it does not offer governments, NGOs, or individuals space to actually improve the human rights situation, nothing can be done.

Comparing the human rights records of different countries purely on the basis of statistics is a dangerous activity. Though human rights have become a central point to international politics in recent decades, at this moment there is no single universally accepted statistical indicator of all countries' standing: What is captured in indicators of human rights differs considerably depending on which researcher is analysing the situation, his or her professional affiliation and personal (political) background. Still, there are some indicators that have found wide use both in scholarly and policy cycles.⁸³ Here those indicators will be used that most clearly measure the rights prioritized by the Netherlands government, as discussed in the previous chapter.

To complement the statistical comparison, a narrative section is needed. Statistics deal in averages and only convey abstract numbers. If the human rights climate is politicized and has become the bone of contention in an internal conflict, this can not be found in the statistics. The same goes for the exclusion of women (by most metrics at least) and minority groups. To counter this shortcoming inherent in the use of statistics, the narrative second portion of this chapter is included.

I. Statistical comparison

Todd Landman identifies four possible aims of using statistics for human rights: contextual description of violations; classification of violations; mapping and pattern recognition over time and space; and second-order analysis.⁸⁴ In this research project, the third one is the primary objective, to compare the situations in the different countries in the sample. Landman's ethical hangup – that using statistics for human rights research runs the risk of dehumanizing the subjects⁸⁵ – is taken care of by the second portion of this chapter, which will compare the more human narratives of the six countries. Though there has been some fierce criticism of the overuse of statistics in bringing human rights violations to the public eye, some of which is explicitly mentioned or hinted at by Landman, the author also argues that academics are not helped by ignoring the available data, "nor does it allow for the kind of continued human rights activism that seeks to eliminate the worst forms of human behaviour."⁸⁶

⁸³ Häusermann, J., and T. Landman, 'Map making and analysis of the main international initiatives on developing indicators on democracy and good governance' (Colchester 2003) [<http://www.oecd.org/dataoecd/0/28/20755719.pdf>] pp1-6

⁸⁴ Landman, T., 'Measuring human rights: principle, practice and policy' in *Human rights quarterly* 26-4 (November 2004) pp906-931, p909

⁸⁵ *Ibidem* pp909-910

⁸⁶ *Ibidem* p909

Of the freedoms listed as a priority in the previous chapter, four are well defined by the Netherlands government itself, and not overly broad, so as to allow statistical indicators for them to be used: Freedom of religion and conscience, freedom from gender discrimination, freedom of expression, and labour rights. The rights mentioned under the heading of basic economic rights that level the playing field are too broad and undefined to allow for a simple score. The issues under the heading 'Freedom and security' are matters of Dutch policy, where the Netherlands government is the only party able to act. These issues also generally apply only to those states with the very worst human rights situations.

In order to be able to compare the different indicators, it is best to take all of them from the same dataset. This also takes care of the possible problem of overlap of indicators: If the indicators come from the same dataset, they are already discrete and they are in fact supposed to be used in parallel. The one human rights dataset that covers all of the four freedoms mentioned above, and does so in indicators that are relatively easy to compare, is the CIRI Human Rights Dataset.⁸⁷

The drawback in using the dataset is that it measures situations on a very simple 0-2 or 0-3 scale, on which 0 means a very unfree situation, and the maximum of 2 or 3 (which depends on the variable measures) denotes a very free situation. This makes results for the GCC states quite hard to really compare, because in a given year, half the countries might score 0 and the other half 1. For instance in the 'Religious Freedom' graph (graph 1 in the appendix), all Gulf states are either 0 or 1 with Bahrain scoring a 2 just one time in a decade. This not only makes the graph difficult to read, it also makes it more difficult to see any more nuanced differences that might exist between the states in the sample. Regardless of this handicap, even the graphs that are indeed measured on a 0-2 scale give some information.

The graph on religious freedom (graph 1) shows that Kuwait, Oman, Qatar and Bahrain currently have the best record in this regard, with Bahrain even scoring a 2 in 2008. Oman is the only state that really performed at a stable level, remaining at 1 throughout the 2000-2009 period.

For women's rights two graphs have to be consulted, as the CIRI project gives separate indicators for this issue. Though women's social rights are also a part of the dataset, it is not presented here, because for most years, no score is given for the six GCC states. Political and economic rights of women are left as possible indicators of gender discrimination. The women's political rights graph (graph 2) shows that these rights have certainly been on the rise. In 2009 Bahrain, Kuwait, Oman and the UAE scored a 2, and even the conservative Saudi Arabia is moving away from a 0 score. The graph on women's economic rights (graph 3), however, shows a slight deterioration of the regional average. Though Oman and the UAE at one point scored a of 2, only Oman has been able to keep up this performance. Perhaps unsurprisingly, none of the GCC states attain the maximum score of 3 on either economic or political rights for women.

The graph on freedom of speech (graph 4) gives little reason for optimism either: Since a temporary peak in 2002, the freedom of speech score of the region as a whole has deteriorated, and in the most recent year measured, all countries score a 0.

Worker's rights (graph 5) too arrived at a low point in 2009, though in recent years Oman and Bahrain have been able to raise the regional average somewhat.

Though the graphs derived from the CIRI database lack fine definition due to their scoring method, they do show that it is difficult to identify a clear regional trend towards either the positive or the negative. In the last decade women's political rights in the region as a whole for instance seem to

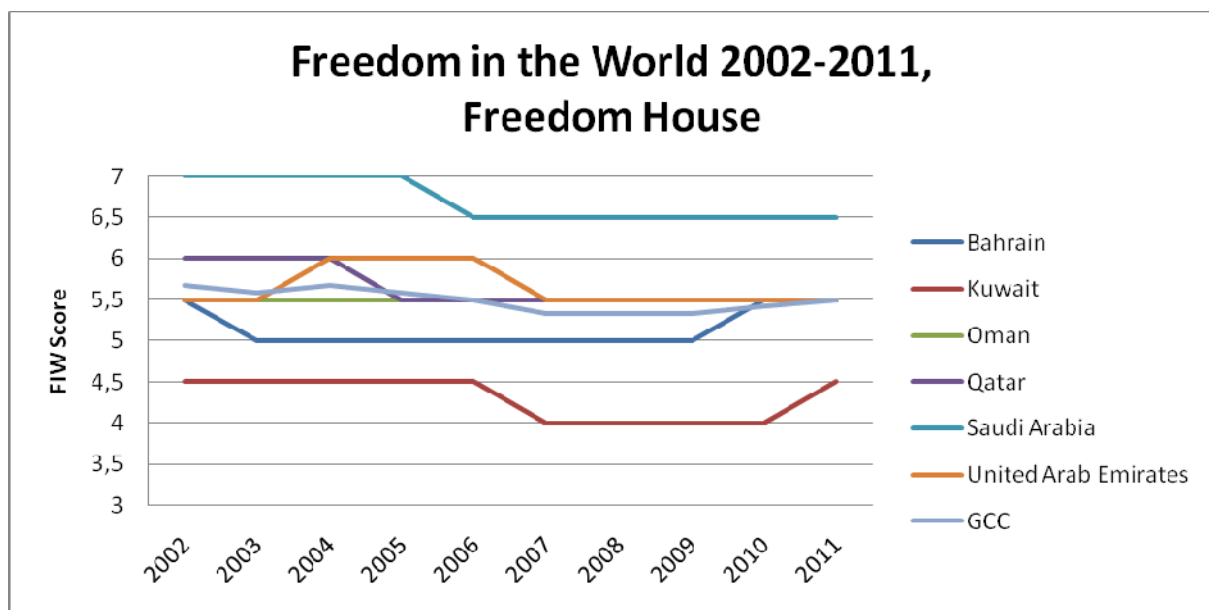
⁸⁷ Cingranelli, D.L., and D.L. Richards, 'The Cingranelli-Richards (CIRI) Human Rights Dataset' (15-08-2010) [<http://ciri.binghamton.edu/>] The contents of each indicators are quoted below the graphs in the appendix, starting on page 57. The scale of the graphs in the appendix, as well as the accompanying text, shows what the maximum is for every indicator.

have improved, while their economic rights have deteriorated. The graphs for religious freedom and worker's rights show little movement in general.

One possible conclusion that one could take away from these graphs is that Oman is a top performer in the region: For religious freedom and women's rights it has been relatively consistent in remaining at the top. Another conclusion is that Saudi Arabia in general does not perform well. As will be shown in the narrative section of this chapter, for Saudi Arabia this conclusion is right on the mark. For Oman, however, the graphs are unduly positive.

This has to do with a second problem (besides the first problem of the CIRI dataset offering data with a low resolution): The rights and freedoms listed here are possible enablers of more general freedom, but they are by no means ways of guaranteeing freedom. The political system and situation too are important in determining the real amount of freedom the inhabitants of these six countries enjoy, as is the way laws and rights are actually implemented.

Before moving on the narrative portion, then, it might prove worthwhile to look at a more general indicator of the human rights situation. One that takes into account the separate freedoms dealt with previously, as well as more general political issues. One such indicator is the *Freedom in the World* score determined by Freedom House, which measures political and civil liberties.⁸⁸ Every year, Freedom House ranks all countries in the world on a 1 to 7 scale. A score of 1 means that a country is fully free. A score of 7 denotes a brutally repressive state of affairs. Freedom House itself determines the scores up to 2,5 as free, scores 3 through 5 as partly free and 5,5 and everything over as not free.



The Freedom House data confirms the first of the conclusion derived from the CIRI data: Saudi Arabia is the state with the worst record. Though it has improved since 2006, it remains at the absolute top of the scale. Kuwait and Bahrain are the most free states, according the Freedom House, with Kuwait being the only 'partly' free country in the sample. The other GCC states post results similar to each other and Bahrain too tends towards the GCC average. Whether or not this assessment is more accurate than the (less comprehensive) one derived from the CIRI data will be the subject of the next section, the narrative comparison of the GCC states.

⁸⁸ Freedom House, 'Freedom in the World' [<http://www.freedomhouse.org/template.cfm?page=15&year=0> retrieved 08-09-2011]

II. Narrative comparison

Some human rights related problems that plague the Gulf apply to all states in the region. These will first be dealt with, and then the specifics of every country's situation will be given. This includes not only an assessment of the human rights situation, but also of the political circumstances in the country, and whether or not they are conducive to an increased effort in human rights promotion.

A. Gulf wide issues

Religious liberties

It goes without saying that Islam is the religion of the vast majority of the population of the Gulf states. Kuwait, Qatar, the UAE and Saudi Arabia have mainly Sunni populations and are ruled by Sunni royal families. Bahrain's population is predominantly Shia, but it has a Sunni royal family. In Oman, both the royal family and the majority of the population belong to the Ibadi sect of Islam, which is distinct from both Shia and Sunni Islam and enjoys limited popularity outside of the country. Though in the GCC states religious minorities are not exposed to mortal danger as they are in Iraq, they do not enjoy full equality either. In general, the sect of Islam adhered to by the royal family is supported, while others are discriminated against actively and passively to varying degrees. In general this means that Sunni Islam is supported: Sunni mosques are more easily built than other places of worship and Sunni clerics are often salaried by the government (in Oman this applies to both the Sunni and the Ibadi sects of Islam). The extent to which other faiths and sects are discriminated against varies: In the Kingdom of Saudi Arabia freedoms of those not adhering to the Wahabi understanding of Sunni Islam are severely curtailed,⁸⁹ but in Qatar and the UAE even believers in religions such as Buddhism and the Baha'i faith experience little (government) interference in their services. In general, Christians are not hindered very much, though this has less to do with Christianity being an Abrahamic religion than with the fact that European and North American business brings in a lot of money; Judaism, another Abrahamic religion, did not receive the same leniency, obviously for political reasons connected to the Israeli-Palestinian conflict.⁹⁰

The US State Department's 2010 Religious Freedoms Report leaves one with the impression that religious freedoms for non-Sunni Muslims are best guaranteed in Qatar and the United Arab Emirates, though a US embassy official in an interview mentioned that Kuwait was the "best in the GCC." Still, he described the situation there as "good but not great." While Shia and Sunni inhabitants of Kuwait are fairly well-integrated, it can hardly be called a paragon of pluralism, nor can any of the other Gulf states.⁹¹

Foreign labour

Throughout the Gulf, a large part of the workforce is made up of non-nationals. Although statistics are not readily available for all six countries for recent years, it can safely be said that in Kuwait, Qatar and the UAE a very large majority of the workforce comes from foreign labour and that in Bahrain, Saudi Arabia, and Oman about half the labour force is made up of non-nationals.⁹²

In general, foreign labourers in the Gulf do not enjoy the full spectrum of rights that they are entitled to, and labour laws either offer little protection or are simply not implemented in any meaningful

⁸⁹ Cairo Institute for Human Rights Studies, *Bastion of impunity, mirage of reform. Human rights in the Arab region* pp173-176

⁹⁰ United States Department of State Bureau of Democracy, Human Rights and Labour, *International Religious Freedom Report 2010 – Near East and North Africa* (17-11-2010)

⁹¹ State Department, *International Religious Freedom Report 2010 – Near East and North Africa*; Interview with US political officer in Kuwait Mr Garth Hall and Netherlands political officer in Kuwait Ms Dana Ahmad, 22-11-2010

⁹² Mohammed, N.S.A., *Population and development of the Arab Gulf states. The case of Bahrain, Oman and Kuwait* (Burlington 2003) pp6-9

way. The groups that are hit hardest by this are the predominantly Asian low wage workers in construction and domestic service. Mohammad Auwal states that "[i]t is worth noting that the majority of migrant workers report being treated and paid fairly," and that a good 70 to 80 percent of the workers do not experience any kind of abuse or forced labour, but this still leaves "20-to-30 percent of the estimated 10 million" of workers in the Gulf.⁹³

The first opportunity for abuse occurs before the migrant workers even leave their own country: They are promised high salaries in the Gulf, but they have to put up a large sum up front in order to be recruited by the labour agency and travel to the Gulf. Recruitment agencies in the Gulf function as sponsors for the purpose of visa and residency applications, and because of this, the workers are tied to the recruitment agency. Subsequent abuse occurs in the workplace, and can consist of sexual, physical and psychological abuse, as well as generally unsafe working environments (eg. for construction workers in the UAE) and the withholding of salary payments. When workers have complaints about their treatment they have nowhere to turn: Often escape from their employers is punishable by law and there are considerable barriers to access to legal mechanisms by migrant workers.⁹⁴

For domestic staff, including housemaids, cleaners, gardeners, nannies, and drivers, this *kafala* or *kafeel* system has been widely compared with slavery, as employers pay a large sum (of up to several thousands of US dollars in local currency) to the recruitment agency in order to take in the migrant workers. The unfairness and inequity of the system is recognized even at the highest level, as perhaps best exemplified by the Bahraini minister of labour comparing it to slavery in the Gulf News paper in May of 2009,⁹⁵ and governments throughout the region are looking at ways to reform the system.⁹⁶

There are, however, considerable doubts about to what extent labour reforms will really change the migrant workers situations. At present, Jordan has carried out the most far reaching legislative reform in the region, with among other improvements standard contracts for migrant workers and the inclusion of domestic workers in the country's labour laws.⁹⁷ In a private interview, a Southeast Asian diplomat stated however that the situation in Jordan was much worse than that in Kuwait, which has not (yet) implemented similar reforms: Recruitment agencies receive a lot more for their services, wages are left unpaid for longer and more abuse is reported.⁹⁸ Outside observers expect that though Gulf governments talk about reforms and might actually change laws, little change in the actual situation of the migrant workers is to be expected.⁹⁹

The near universal demand for change in the region, though, offers a possibility for Western governments and interested NGOs to work towards the improvement of the situation of migrant workers. By offering assistance in writing laws and setting up new systems for immigration either bilaterally, multilaterally or through organisations such as the ILO (International Labour Organisation) and the IOM (International Organisation for Migration), they can attempt to influence the governments of the Gulf and try to make sure that reforms will be substantive, rather than just cosmetic.

⁹³ Auwal, M.A., 'Ending the exploitation of migrant workers in the Gulf' in *The Fletcher forum of world affairs* 34-2 (Summer 2010) pp87-108, p91

⁹⁴ Ibidem pp87-98; Human Rights Watch, *Walls at every turn. Abuse of migrant domestic workers through Kuwait's sponsorship system* (New York 2010) pp2-13; Human Rights Watch, *Slow reform. Protection of migrant domestic workers in Asia and the Middle East* (New York 2010) pp3-5; Yali, A.J., 'Kafeel' system tied to violations of workers' rights' in *Arab times* (28-09-2010)

⁹⁵ Toumi, H., 'Bahrain's decision to scrap sponsorship rule elicits mixed response' in *Gulf News* (05-05-2009)

⁹⁶ Human Rights Watch, *Slow reform* pp11-17

⁹⁷ Human Rights Watch, *Slow reform. Protection of migrant domestic workers in Asia and the Middle East* (New York 2010) pp14-15

⁹⁸ Personal interview with author, 09-10-2010

⁹⁹ Personal interview with author, 09-10-2010; Interview with US political officer in Kuwait Mr Garth Hall and Netherlands political officer in Kuwait Ms Dana Ahmad, 22-11-2010

Women's rights

Though the Cairo Institute for Human Rights Studies (CIHRS) observes some major improvements in women's rights, and women's rights activism, in the last decade, it also states that "[t]he general status of women in the Arab region remains dependent upon the conflicting considerations and calculations of Arab regimes."¹⁰⁰ In the view of the CIHRS, Arab governments use women's rights rhetoric to show that they are dedicated to human rights, and that they are willing to reform, but only without risking actual change in their societies: The laws might be easily changed, but religious, cultural and other societal norms continue to hold back women in the Arab world.

Roughly a decade and a half ago, two of the biggest problems for women in the Arab world were personal status laws and education for women.¹⁰¹ Today, only the second seems to have changed. Personal status laws remain the most visible proof of the subordinate societal position in which Arab women find themselves. And though access to education for women has markedly improved in the last fifteen years (women in fact outperform men in enrolment rates and academic results),¹⁰² women find themselves with little opportunity to apply their newfound knowledge, because there is still a very male-oriented professional culture in a large number of work environments.¹⁰³

Personal status laws govern the personal and family relations of individuals. They determine (among other things) the relative positions of spouses, who can inherit (and in which circumstances), and how marriages and divorces are regulated. Though other aspects of women's rights might change, as noted above, the personal status laws are generally very resistant to change. So while more and more professions are slowly being opened up to women, they still are not free to decide on the fundamentals of their own lives.¹⁰⁴

B. Bahrain

Though the current king of Bahrain, King Hamad bin Isa Al Khalifa, came into office with a wave of surprising liberal reforms, Bahrain is not currently viewed as an example for the rest of the region. It seems that a standstill has been reached, with the king not willing to grant more freedoms to his population, even though they would fit in with his earlier programme of reform. The reason for this is the fact that the human rights situation in Bahrain has become almost completely politicised, which in turn is a result of the specific demographic and sectarian situation in the island kingdom.

As mentioned in chapter one, the royal family of Bahrain is Sunni, while the majority of Bahrainis are Shia. The problems that arise from this are not exclusively domestic in nature. Iran is the major Shia power in the region. It is considered a threat to the Gulf states, posing both a direct military danger and a danger of political intervention in the domestic affairs of the smaller states. Fear of Iran has been a constant factor in the politics of the Gulf states since the 1979 Islamic revolution and the related break with the US. Not hindered much by the lack of clear (public) evidence, Gulf governments periodically state their belief that Iran is supporting subversive Shia elements in their countries. Continued rhetoric from Iran, and actual support from the Islamic Republic for Hezbollah in Lebanon, makes it easy for the Gulf states' governments to take this line, with the (tacit) support of many Western countries. In the case of Bahrain, the Shia-Sunni divide is all the more relevant, because the Shia are in the majority. The support for the government by the United States is also pretty much a given, with the American fifth fleet and Navy Central Command (responsible not only for the Persian

¹⁰⁰ Cairo Institute for Human Rights Studies, *Bastion of impunity, mirage of reform. Human rights in the Arab region* p197

¹⁰¹ al-Hibri, A., 'Islam, law and custom: Redefining Muslim Women's Rights' in *American University Journal of International Law and Policy* 12-1 (1997) pp1-44, pp1-4

¹⁰² UNESCO-BEIRUT, 'Literacy and adult education in the Arab world' (September 2003 conference paper) [http://www.unesco.org/education/uie/pdf/country/arab_world.pdf retrieved 02-03-2011] pp57-58; United Nations Development Programme Regional Bureau for Arab States, *The Arab human development report 2005: Towards the rise of women in the Arab world* (New York 2006) pp76-84

¹⁰³ Ibidem p7

¹⁰⁴ Tucker, J.E., *Women, family and gender in Islamic law* (Cambridge 2008) pp76-83

Gulf, the Arabian Sea and the Gulf of Oman, but also for the coast of East Africa) based on the monarchy's main island.

There is a very broad variety of opposition groups in Bahrain. Some are moderate and/or secular, while others are fundamentalist in nature, either on the Sunni or the Shia side. In the 1990s, under the previous king, Shia Bahrainis were indeed discriminated against. Under King Hamad, this hasn't stopped completely, as voting districts still favour Sunni regions of the state, and the armed forces and police are mainly made up of Sunnis, but the situation has markedly improved. At the moment king Hamad came to power, several Shia opposition leaders were released, and their organisations have enjoyed more freedom than any time before. Even through the events of the spring of 2011, the government's response to Shia protests has remained relatively restrained, when compared to the reaction to the protests that erupted in 1994. At that time King Isa and the Bahrain security forces under command of former colonial police officer Ian Henderson reacted with extreme repression.

At the moment, radical Shia groups make heavy use of the human rights discourse. So much even, that it is difficult to be involved in human rights in the island kingdom and not be involved with these groups. As a result, the government is wary of any groups set up to improve human rights. Though the concept itself was in the past a priority of the king, it is as if the words 'human rights' have become tainted. The government does however, attempt to seize back the human rights discourse: the government, much like that of many other states (including the Netherlands) is in the process of setting up a National Human Rights Institute in accordance with the Paris principles. Because of the large media presence of the opposition groups relative to that of the government, and because of the tardiness in setting up the national institute, it does not look like the Bahrain government will very soon succeed in reclaiming the cause of human rights.

The resulting politization of human rights makes it nearly impossible for another government to be active in this field on a large scale. Considerable effort is involved in figuring out which groups can be worked with, and even then, government suspicion might harm efforts to support reform. This is the major argument against Bahrain as a focal point for human rights attention from the Netherlands.

In recent months, the Bahrain government has responded with some degree of repression to events that have been connected to the revolutions in Tunisia, Egypt and Libya. Large numbers of arrests of protesters have been reported, as well as some forty deaths. Another part of the response has been an increase in social subsidies to citizens. Human rights organisations, such as Amnesty International have, rightly, decried the violent reaction. It would, however, be unreasonable to suggest that Bahrain has turned into a police state, as some have suggested.

Activists connected with the more radical 'human rights' groups are still able to publish a weekly newsletter and update their website (which is hosted in Bahrain itself). If the government of Bahrain were truly repressive, these channels of communication would also be closed, and groups like the Bahrain Center for Human Rights would have been deprived of their means of complaining about repression. As long as complaints from inside the country itself keep coming in, the situation, though worrying, is not yet catastrophic. It is when reports stop coming that the real trouble begins.

C. Kuwait

As mentioned in chapter one, Kuwait is the oldest democracy in the Gulf. Though the head of state has unconstitutionally dissolved the unicameral National Assembly twice (in 1976-1981 and 1986-1992), parliamentary democracy in Kuwait seems to be going strong. Parliament has been willing to assert itself and is not, as is the case in some other states in the region, generally deferential to the monarch's will. This became particularly visible in 2006, when the National Assembly emerged victorious from a struggle between two branches of the royal family in the so-called double transition

crisis, in which Parliament deposed the new Emir just moments before he could step down himself.¹⁰⁵

Other states in the region have recognized the "vitality of the Kuwaiti polity."¹⁰⁶ GCC governments took note of the lack of foreign pressure on the elections of 2006 and 2009. Gulf media, as well as pressure groups, used the relative success of the Kuwaiti elections to pressure their own governments: They too would be able to enhance their legitimacy by having meaningful elections for a parliament with actual authority.¹⁰⁷

The freedom Parliament has afforded itself also translates to other parts of society. Though laws governing associations and organisations are rather strict, Kuwait has a relatively vibrant civil society. Laws requiring pressure groups to register with the Ministry of Social Affairs are in place, but the government generally tolerates organisations that fail to do so.

Ironically, the fact that Kuwait is the most advanced democracy in the region has also frustrated some attempts at reform. When the Emir first tried to grant women the right to vote in 1999, the newly elected National Assembly (of which a majority were members of the tribal and Islamist blocs) blocked the required ratification of this decree.¹⁰⁸ Michael Herb identifies a second problem with Kuwait's high level of political participation: the majority of the Kuwait citizen population works in public service, or state-owned enterprises and depends on the state for income. Though, as Herb states, "[t]he paychecks that Gulf citizens receive from jobs held in the public sector are nominally tied to services rendered, [...] their pay might better be thought of as a monthly disbursement from the national trust fund."¹⁰⁹ Any project proposed by the royal family that would either directly benefit the private sector and non-citizens, or simply cost the government money, is therefore seen as a threat to the 'citizen subsidy.' In states where the government is purely autocratic, this would not be a problem, because the reforms can be pushed through regardless, but when the citizens get a choice, as is that situation in Kuwait, they can and will frustrate these proposals.¹¹⁰

A specific societal problem in Kuwait is that of the 'Bidun,' the large number of stateless Arabs that live in the country. When Kuwait became fully independent of the UK, many of the residents of Kuwait who lived outside the major urban centre did not register for Kuwaiti nationality. Over time, this group grew. Nationals of other Arab states who had lost or destroyed their nationality papers also blended into the Bidun category.¹¹¹ After the war between Iraq and Iran, and the Gulf War, the government grew suspicious of Bidun, as they were of dubious loyalty and thus a possible threat to the national security of Kuwait. As a result, the position of the Bidun deteriorated and they were classified as illegal residents instead of stateless persons.

As in all Gulf states, the distinction between citizen and non-citizen is one of the most important dividing lines in Kuwaiti society. Many benefits are only afforded to Kuwaiti citizens, and non-citizen

¹⁰⁵ Fattah, H.M., 'Ailing Emir of Kuwait steps down, ending a succession crisis' in *The New York Times* 24-01-2006; Butcher, T., 'Kuwait in crisis as sick emir abdicates' in *The Telegraph* 24-01-2006; Brown, N.J., 'What is at stake in Kuwait's parliamentary elections?' in *Carnegie Endowment Middle East Program Web Commentary* (May 2008) [http://www.carnegieendowment.org/files/brown_kuwait_elections_FAQ_final.pdf retrieved 03-03-2011]

¹⁰⁶ Assiri, A.R., 'The 2006 Parliamentary Elections in Kuwait: A New Age in Political Participation' in *Digest of Middle East Studies* 16-2 (Fall 2007) pp22-44, p37

¹⁰⁷ Ibidem pp36-38; 'Clinton lauds Kuwait at 'Manama', *Kuwait Times* (05-12-2010)

¹⁰⁸ Assiri, 'The 2006 Parliamentary Elections in Kuwait' pp36-38

¹⁰⁹ Herb, M., 'A Nation of Bureaucrats: Political Participation and Economic Diversification in Kuwait and the United Arab Emirates' in *International Journal of Middle East Studies* 41 (2009) pp375-395, p382

¹¹⁰ Ibidem pp379-383

¹¹¹ It is simply impossible to determine the ratio of non-registered Kuwaiti versus outside immigrant within the group of Bidun, because their claims rest on their (collective) self-identification as pre-1961 Kuwaitis who simply did not register for nationality. It is therefore unlikely that a survey among Bidun regarding their backgrounds will yield reliable results. Likewise, the government has a stake in denying any of them have a right to citizenship and claims that they are all illegal residents.

Arabs are seen as only one rung higher on the social ladder than migrant workers from Southeast or South Asia. Bidun activists have over the years repeatedly petitioned government to rectify the situation. The Kuwait government recognises that the Bidun situation is one of the largest social problems to plague the country, and has promised to develop a policy (often including tens of thousands of nationalisations) several times over.

As it stands, however, a solution has not been reached. Plans were presented in 2009, 2010, and most recently in March 2011. Implementation is still invisible and given the track record the government of Kuwait has of not delivering on its promises to Bidun, it is unlikely that the problem will be solved in the very near future.¹¹²

D. Oman

The picture of Oman that emerges from the statistics is of a country that is more or less average in most ways. This image is borne out by most reports. Outside of the issues addressed in the general section of this chapter, human rights organisations and foreign governments report little in the way of specific human rights abuse and problems.

Oman has a specific religious demography, with Ibadism (an early form of Islam distinct from both the Sunni and Shia sect) as the most prevalent form of Islam. The Ibadi community is generally conservative, but not generally more so than the conservative branches of Sunni Islam found in the other Gulf states. The unique religious situation places Oman outside of the regional Shia-Sunni conflict, which in turn has positive effects for Oman's Shia: they are not discriminated against as much as in Saudi Arabia or Bahrain.¹¹³

Political participation in Oman is limited. The real power rests in the hands of the Sultan, who is advised by a Majlis al-Dawla (State Council) of which he appoints the members himself, and a Majlis al-Shura (Consultative Council), elected by his subjects. The Sultan has recently initiated some reforms, in light of public demands for greater freedoms following the revolutions in Egypt and Tunisia. It is unclear whether these reforms will lead to more actual freedoms now stability has returned to most of the Arabian Peninsula and Oman has once again removed itself from the limelight. All things considered, it is unlikely that Sultan Qaboos will allow large scale political participation. Having little say in the affairs of state is the price that the population is content to pay in return for the stability he brings.¹¹⁴

The relative absence of Oman from the international scene makes it hard to use appeals to the state's image as a way to improve their human rights record. Oman is less dependent on (Western) investment than its more business oriented neighbours and is generally content to be regarded as a quiet country where not much happens.

E. Qatar

The Emirate of Qatar has recently made noticeable strides in both enhancing political participation and in invigorating civil society activity. Many of the activities in this field are thanks to the personal efforts of King Hamad and his wife, Sheikah Mozah. This has led to the strange situation that human rights and democratization activism in Qatar is not coming from the grass roots level, but rather is stimulated from the top most level.

As was discussed in the first chapter, these efforts by the royal family have a basis in the king's desire for the country to become the economic and financial centre of the region. It probably comes as no

¹¹² Human Rights Watch, *Prisoners of the Past. Kuwaiti Bidun and the Burden of Statelessness* (New York 2011) pp11-34

¹¹³ United States Department of State - Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2010 - Oman* (17-11-2010)

¹¹⁴ United States Department of State - Bureau of Democracy, Human Rights, and Labor, *2010 Human Rights Report - Oman* (08-04-2011)

surprise then, that the issues where a change would be the most visible, especially to Western (businessmen's) eyes, are the first to improve. The position of women has clearly improved, with Qatar even being the first country in the Gulf to allow women to vote (though only for the Municipal Council, national elections will take place in 2013 at the earliest). The degree of freedom of religion enjoyed in Qatar is also relatively large. Though highly visible outward displays of non-Sunni Muslim religions are not appreciated, Christian churches have recently been established.¹¹⁵

The main drawback of these improvements lies in their origin: These are not the reforms that the population of Qatar needs, but rather reforms that will make the country look good in the eyes of the West. Too many of the recent changes are dependent on two people, the king and queen. Should they be succeeded by someone with a less liberal personal philosophy, or simply change their mind, the reform project in Qatar stands to fall to pieces.

On the other hand, the obsession of Qatar with their image can also be used to further the human rights agenda. Qatar can't be seen to be lagging behind when other states reform and will follow suit on transformations that seem to go on in the region.¹¹⁶

F. Saudi Arabia

As was already mentioned in the first chapter, the Kingdom of Saudi Arabia is quite probably the most religiously conservative country in the world. The government (which is more or less synonymous with the ruling branch of the royal family) awards its citizens some freedoms, instead of regarding these liberties as inalienable rights, and even only does so in cases where Islamic law gives reason to do so.¹¹⁷

The graphs in the first section of this chapter show that of the GCC member states, Saudi Arabia is the country with the worst human rights situation in most regards. Current king Abdollah bin Abdulaziz al-Saud has experimented with offering small freedoms to the population, but the picture that emerges from the statistics is quite accurate: there are few opportunities for the people to make themselves heard and minority groups and women are especially bad off.

Even a 'good' characteristic of the Kingdom is not exclusively positive; Though strict adherence to Shariah law has led to low crime rates and relatively little violence between civilians, this result is attained by imposing a religious system of legislation and by unreasonably harsh punishments.¹¹⁸ This makes an unequivocally positive assessment of even this seemingly good quality of Saudi society difficult.

As in Bahrain, Sunni-Shia relations are somewhat of a problem in Saudi Arabia. Out of the total population of the country, Shia only make up about ten to fifteen percent, but in the oil-rich Eastern Province they form a considerably larger minority.¹¹⁹ Shia as well as adherents of other faiths are severely discriminated against. For instance, in court testimony given by individuals who are not practising Sunni Muslims can be simply ignored. In practice, Shia Muslims and members of polytheistic religious communities (primarily Hindu Indians) suffer most from religious discrimination, with (European) Christians receiving better treatment, though still worse than Sunni Arabs.¹²⁰

¹¹⁵ United States Department of State - Bureau of Democracy, Human Rights, and Labor, *2010 Human Rights Report - Qatar* (08-04-2011); United States Department of State - Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2010 - Qatar* (17-11-2010); Nonneman, 'Political reform in the Gulf monarchies' p5-11

¹¹⁶ Nonneman, 'Political reform in the Gulf monarchies' p5-11

¹¹⁷ Vogel, *Islamic Law and Legal System* ppxi-xiv

¹¹⁸ Vogel, *Islamic Law and Legal System* p252

¹¹⁹ United States Department of State - Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2010 - Saudi Arabia* (17-11-2010); The report also points out the difficulty in obtaining accurate religious demographics.

¹²⁰ Ibidem; Jones, T., 'The Iraq Effect in Saudi Arabia' in *Middle East Report* 237 (Winter 2005) pp20-25; Jones, T., 'Saudi Arabia's Not So New Anti-Shi'ism' in *Middle East Report* 242 (Spring 2007) pp29-32

There is considerable room for improvement of the human rights situation in Saudi Arabia, and the room for activism by foreign governments and NGOs is growing. The Kingdom is still a long way away from being the country in which outside efforts to improve human rights will be the most productive; The laws regulating associations and their activities are restrictive even for Gulf standards. Criticism of the king is not only illegal, but also a considerable social faux-pas. Of the GCC member states, Saudi Arabia is probably the country least conducive to regional efforts to improve human rights.

G. United Arab Emirates

Because the United Arab Emirates are a federation of seven states with widely differing economic and social characteristics, it is difficult to give a simple qualification of the human rights situation in the country. On the one hand there are Dubai and Abu Dhabi, cities billed as luxurious paradises with dynamic economies, and on the other hand there are Emirates like Sharjah and Fujairah, states that most Westerners will never see on the news or in person and that are considerably more conservative.

The federal nature of the UAE also makes the political system relatively opaque. The Federal Supreme Council (FSC), consisting of the leaders of the seven Emirates, is the highest legislative and executive power. Though a Federal National Council (FNC) of deputies also exists, there is little opportunity for the population to influence government policies: Only twenty out of the forty members of the FNC are elected and even these are chosen by an electoral college of about 130 000 members rather than in a general election.¹²¹ In addition, the FSC is not required to consult the FNC about its plans and policies and the FNC in fact requires cabinet permission to put a subject on the parliamentary agenda. On the level of individual Emirates, the possibilities of political participation tend to be even worse, with the heads of royal families exerting near absolute power.¹²²

Though Dubai was hit hard by the international financial crisis of 2008/2009, both Dubai and Abu Dhabi are still experiencing an economic boom. With this comes the construction of the enormous sky scrapers that have come to dominate the skyline of the Gulf coast. The active construction sector has increased demands for foreign labor. The South and Southeast Asian construction workers that come in are treated badly, both socially and in the sense of labor laws not being upheld or simply not offering adequate protection. Recently there has been more attention for this problem, but it remains a dark side of the UAE that foreigners and Emirati alike do not like being confronted with. According to Ahmed Kanna, "[t]o most Emiratis and wealthy expatriates, these workers do not exist, either physically or morally."¹²³ Though there is less construction going on in other Emirates like Sharjah, accommodations and circumstances are actually worse, "because they are not under the scrutiny from international organizations the same way that Dubai is."¹²⁴

This example makes clear one of the possible keys to human rights activism in the UAE. Like in Qatar, and to a lesser extent Bahrain and Kuwait, visibility and imago are issues that the government of the UAE is almost obsessed with. In part this is due to the prominent role of Dubai and Abu Dhabi in both politics and the economy.

Traditionally, the rules of these two Emirates have been elected into the position of prime minister and president, respectively. Together Dubai and Abu Dhabi make up almost half of the UAE popula-

¹²¹ Al-Lawati, A., '74% of voters are below 40 years', *Gulfnews.com* (14-07-2011) [<http://gulfnews.com/news/gulf/uae/government/74-of-voters-are-below-40-years-1.838145> retrieved 30-07-2011]

¹²² United States Department of State - Bureau of Democracy, Human Rights, and Labor, *2010 Human Rights Report - United Arab Emirates* (08-04-2011)

¹²³ Kanna, A., 'Dubai in a Jagged World' in *Middle East Report* 243 (Summer 2007) pp22-29, p27

¹²⁴ Ibidem; Hari, J., 'The dark side of Dubai' in *The Independent* 07-04-2009

tion and are responsible for an overwhelmingly large portion of the country's GDP.¹²⁵ These two Emirates are very dependent on Western investment and economic activities and consequently want to keep up a positive image.

It is, however, unlikely that a highly public campaign of naming and shaming would be very productive. This would probably be construed by the local leadership as a smear campaign and would make them distance themselves from Western activism, rather than engender the wanted reforms. The use of subtle influence and repeated reminders of the fact that the UAE's positive image is one of the main reasons for its success are more likely to get the desired results.

III. Preliminary conclusion

Together, the statistics and the narratives give reason for some limited preliminary conclusions.

The first conclusion seems to be that within the GCC region, Saudi Arabia is the country with the worst human rights record. Legally the rights and freedoms of the kingdom's population are limited, but in some circumstances, practical freedoms may exist. Still, the situation in Saudi Arabia in general is worse than in the other five GCC member states.

An overview of the statistical evidence seems to indicate that the human rights situation in these five states is similar. From the narrative portion it seems that within certain bandwidths, this is indeed the case. But if one had to list the Gulf states in order of which states have the best human rights situation, Kuwait and Qatar would be at the top of that list. Bahrain, the UAE and Oman come next, and Saudi Arabia coming in last.

The biggest difference between Qatar and Kuwait lies in the basis of the human rights policies and reforms. The main motor behind human rights improvements in Qatar is the king, and it seems that the degree of real support among the population is questionable. In Kuwait, a totally different situation exists: The country is the only Gulf state with a somewhat functioning parliamentary democracy and the desire for reform seems to be shared by the population and the royal family. This seems to indicate that Kuwait is the country in which human rights efforts by the Netherlands government will fall into the most fertile soil. Kuwait will, better than Qatar, offer the possibility for the "structural improvement of the human rights situation"¹²⁶ that the Netherlands government desires to contribute to.

¹²⁵ Ahir, A., 'UAE Economy: Impact of Dubai crisis', *Moneybol* [<http://moneybol.com/uae-economy-impact-of-dubai-crisis/> retrieved 12-05-2011]

¹²⁶ *HTK 2010-2011* 32 735 nr1: 'Verantwoordelijk voor vrijheid. Mensenrechten in het buitenlands beleid'

Chapter Three: Human Rights Activities

Though the Netherlands is a small country, its large role in the field of human rights has been noted by others internationally. The quote that gets most use as evidence of this, is one from Jan Egeland: "The Netherlands has probably become the most effective human rights advocate today."¹²⁷ Even more than twenty-five years later, the thought that is behind this quote still applies: The Netherlands is an active and productive player in the field of human rights.

This short chapter will deal with the activities currently carried out in the field of human rights in Kuwait, and their results. After sketching a broad picture of the organizations and their efforts, a short analysis will be given of the way the Kuwaiti government itself assesses these activities.

I. Human rights efforts in Kuwait

As noted in the two earlier chapters, Kuwait can be considered a somewhat fertile breeding ground for human rights policy: The government and the urban population have a relatively liberal view on the issue and the country presents a stable and already improving situation.

A. The Netherlands

The Netherlands government has in recent years been very active in some of the fields that have been identified in the previous chapter as still being a problem in Kuwait: Migration and labour; and women's rights. On these issues, Dutch efforts have taken on the shape of a more or less structured approach and policy. Other issues are dealt with on a more ad-hoc basis, as is the general reporting on human rights issues, which by nature is reactive.

Migration and labour

Cooperation with local players is essential in the Kuwaiti context. For projects related to migration and labour a very good working relationship exists between the Netherlands embassy and the IOM (International Organisation for Migration) office in Kuwait. This organisation is accepted by the Kuwaiti government as being the foremost responsible entity in its field, and the Kuwaiti government has regularly called upon the expertise of the IOM to help solve migration related issues.¹²⁸

The efforts by the Netherlands embassy in Kuwait to support the work of the local IOM representation take the form of regular sponsorship. Though this leaves little room for influencing the contents of the activities themselves, it is quite unique in and of itself that a government (other than that of Kuwait itself) supports these activities on this scale. To get a quick idea of just how unique the efforts of the Netherlands government in supporting the IOM in Kuwait are, a simple look at their website suffices: Of the three themes mentioned on the IOM Kuwait website, the Netherlands embassy is involved in two: 'Regulating Migration' and 'Facilitating Migration'. No other donor governments (other than that of Kuwait) are even mentioned by name on the main website.¹²⁹

Activities under these themes often take the form of workshops and training sessions. By discussing sensitive issues such as temporary contract worker's migration and trafficking in persons, state officials and outside (IOM) experts can come to identify best practices to deal with these problems.

As the IOM office in Kuwait is the only full size IOM country office in the GCC area, and many of the migration issues that apply to Kuwait apply to the whole region, the Netherlands-sponsored IOM

¹²⁷ Egeland, J., 'Focus on human rights – ineffective big states, potent small states' in *Journal of peace research* 21-3 (1984) p210

¹²⁸ 'Government of Kuwait reaffirms support for IOM humanitarian efforts' 14-12-2010 [http://iom.int/jahia/Jahia/media/press-briefing-notes/pbnEU/cache/offonce/lang/en?entryId=28869-retrieved 07-01-2011]

¹²⁹ 'IOM Kuwait' [http://www.iom.int/jahia/Jahia/kuwait retrieved 10-01-2010]

activities constitute a regional forum for GCC governments. Because it is located in Kuwait, though, the government of Kuwait has the easiest and most direct access to the expertise of the IOM.

Women's rights

The best example of a project in the field of women's rights is also one of the prize winners of the 2010 Chaillot Prize. This award by the European Commission for human rights activities in the GCC member states in 2010 went to the Kuwait Bar Association (KBA) for their work on integrating female lawyers into the judiciary.¹³⁰ In May of 2010, the KBA organised a conference on the role of women in the judiciary. The event received financial support from the Netherlands embassy and the American Bar Association Rule of Law Initiative. Women judges from the Netherlands, the United States, France, Bahrain and Morocco were invited to speak about their experiences.

In recent years, a lot has changed in the position of women in Kuwait, but it is still impossible for them to serve as judges or public prosecutors. In the courtesy visits paid in advance of the actual conference sessions, a broad desire for this to change was noted; the Minister of Justice and the Prime Minister showed that they are open to the idea of admitting women to the judiciary. The conference itself attracted considerable media attention, with the *Kuwait Times* devoting a front page article to it.¹³¹ According to the activists and organisers themselves, this media attention created momentum for the inclusion of women in the judiciary. Netherlands ambassador Ton Boon von Ochssée afterward noted that "[t]his event could be a tipping point in accepting women as judges in Kuwait." Prime Minister Nasser Al-Mohammed Al-Ahmad al-Jaber Al-Sabah, who received the foreign female judges who spoke at the conference, stated that it was time for men and women to move "hand in hand" on this issue, and that he believed it only to be a matter of time before women would be integrated into the judiciary of his country.¹³²

At the moment of writing (August 2011) Kuwait has still not appointed a female judge or prosecutor and it is lagging behind somewhat in this regard: Bahrain, the UAE, Oman and Qatar all allowed women to become judges sometime in the last decade.¹³³ Kuwait will have to catch up. Still the activity and its outcome hold value for the other states as well: Critics of the way women's rights have been implemented in the Gulf states until now maintain that even in states that have accepted women judges, a lot more needs to be done. The number of women has to rise, and societal acceptance of women in decision making position has to be enhanced.¹³⁴

The projects mentioned here came to be before the current government published its new strategy and priorities (listed in chapter one). They do, however, fit in nearly perfectly. The women's rights projects work against discrimination based on gender, one of the aspects of the Freedom and Democracy domain of the updated strategy. The various projects benefiting migrant labourers strive to provide them basic economic rights, which is a part of the Freedom and Prosperity domain of the strategy update.

Comparing the human rights projects of the Netherlands government in Kuwait with those in the other GCC states, the similarity of the projects is striking. Women's rights and workers' rights receive

¹³⁰ 'Chaillot Prize 2010' [<http://delsau.ec.europa.eu/en/whatsnew/ChaillotPrize2010.htm> retrieved 10-01-2011] The prize was awarded two candidates ex aequo: the Kuwait Bar Association and the Multi Purpose Women Cooperative in Herfah, Saudi Arabia.

¹³¹ 'Calls for women to be in judiciary', *Kuwait Times* 18-05-2010

¹³² American Bar Association Rule of Law Initiative, 'Final Program Report - Women and the Judiciary' (July 2010)

¹³³ 'Social norms against women in judiciary', *Kuwait Times* 19-05-2010

¹³⁴ Dunne, M., 'Women's Political Participation in the Gulf: A Conversation with Activists Fatin Bundagji (Saudi Arabia), Rola Dashti (Kuwait), Munira Fakhro (Bahrain)' (12-08-2008) [<http://carnegieendowment.org/2008/08/12/women-s-political-participation-in-gulf-conversation-with-activists-fatin-bundagji-saudi-arabia-rola-dashti-kuwait-munira-fakhro-bahrain/jq5> retrieved 16-01-2011]

attention everywhere. Considering that these are problems that are prevalent all over the Gulf, as noted in chapter two, this comes as no surprise. There is a possible difference, though, as can be seen from the projects in Kuwait: There are projects that seek to improve the situation in one state, and projects that can apply to the whole region. Sometimes it is difficult to separate these issues, as activities that are organised to be bilateral in nature can have multilateral results or indirect audiences. The female judges conference in Kuwait is a clear example of a bilateral activity, where the goal is to improve the situation specifically in Kuwait. The GCC-wide workshops organised together with the IOM are at the other side of the spectrum: Here a regional problem is dealt with by officials from all member states. Coincidentally, in the UAE and Qatar, Dutch projects for women's rights and gender equalities have had this regional appeal, while activities on other issues such as labour laws and human rights defenders have been bilateral.¹³⁵

B. Other states' governments

There are other governments besides that of the Netherlands that are active in the field of human rights in Kuwait. Some governments, such as the British and the German government choose to focus on (informal) dialogue as an instrument of their human rights policy. Other governments, such as that of France and the United States, have adopted a strategy more like that of the Netherlands, with projects on specific issues.

Coincidentally, recent projects by both the French and the American embassy have included women's rights projects. This shows on the one hand that women's rights are a field in which improvement can reasonably be expected to be achieved, and on the other hand that Kuwaiti society is reasonably receptive to these improvements.

Forum for the Future - Gender Equality

In May 2011, the French government organised a two day conference on gender equality. This happened in Kuwait, within the framework of the Forum for the Future organisation set up by the G8 summit of 2004 in Virginia to promote political, economic and social reform in North Africa and the broader Middle East region.

The conference dealt with gender equality and women's rights issues in the broadest sense, with subjects ranging from personal status laws to education rights. Representatives of civil society organisations from France and the Middle East attended the workshop and in the end adopted a final declaration with recommendations to the governments of the region. Though these recommendations are in no way legally binding, the sponsorship by the G8 and local governments offers a sense of legitimacy that would otherwise be impossible to attain.

The recommendations and statements that have come out of the workshop are not specific to Kuwait, nor are they meant to be. The fact that Kuwait hosted this conference with French help, however, does help to improve the position of Kuwaiti women: meetings like this are widely publicized in the local papers and national politicians use them as an opportunity to present new reforms or reaffirm their commitment to policies that are in the process of being implemented.

Middle East Partnership Initiative - Business and Professional Women

As a part of their longstanding Middle East Partnership Initiative, the US embassy in Kuwait supports the Kuwait Business and Professional Women organisation, which is a spinoff of the Kuwait Economic Society, itself set up by the Kuwaiti government in 1970 to engender reform. As a part of the International Federation of Business and Professional Women, BPW Kuwait offers a forum for women from the professional community to meet each other. The organisation also is involved in advocating for a larger role for professional women in society. It has hosted exhibitions showcasing various kinds of works by women.

¹³⁵ Ministry of Foreign Affairs, 'Mensenrechtenrapportage 2010' (July 2011)

Kuwait in the United Nations Human Rights Council

As events in Syria took a more bloody turn in the spring of 2011, the country was strongly pressured to retract its bid for membership of the United Nations Human Rights Council. When it did so in May, Kuwait filled the vacancy, after also being urged to do so by Western governments. As is shown by the retraction of Syria's candidacy and the suspension of Libya's membership of the Human Rights Council in March of 2011, states that serve on it are under increased international scrutiny. Kuwait's membership, which was confirmed soon after the country entered its bid, increases the leverage the international community has to further work towards improving the human rights situation.¹³⁶

C. Activities by others/non-state actors

Non-state actors as well as states' governments are involved in human rights work in Kuwait. Perhaps unsurprisingly, one of the main players in this field is the United Nations. The United Nations Development Programme has an office in Kuwait, from which it "is helping build and share solutions to the challenges of:

- Democratic Governance
- Environment and Energy
- Gender and Social Development."¹³⁷

Of these, 'Democratic Governance' and 'Gender and Social Developments' obviously are the fields that are human rights related. In the field of 'Democratic Governance', five projects are currently (July 2011) underway, with a focus on the quality of work carried out by the Kuwaiti system of public administration. There is more activity, and perhaps also more dynamism, in the other field, 'Gender and Social Development.'

Though gender mainstreaming and empowering women politically, socially and economically are at the core of this focus area, projects to improve the position of children and disabled persons are also a part of the programme. The projects that the UNDP carries out in Kuwait are somewhat less high profile than the events organised by the various embassies, but they tend to come in a somewhat more constant stream and constitute a long-standing relationship of cooperation with the Kuwaiti government and its agencies on every possible level.

II. Results of human rights efforts

It is often difficult to identify whether changes in legislation of human rights practice have been a result of recent activity by outsiders, other forms of outside pressure or incentive, a result of the internal decision making process moving forward, or a combination of any of these factors. One of the conclusions of chapter two, however, was that Kuwait is not only one of the countries with the best human rights records, but also the country in which there seems to be the most support for human rights reform and activism in the Gulf.

With regards to the activities of the Netherlands, especially the policy towards women's rights seems to have had an effect. The position of women in official positions in Kuwait is improving. There are likely to soon become judges, and Kuwait is increasing the number of women that make up the state's diplomatic service.

III. Views of the Kuwaiti government on human rights efforts

As mentioned before, the main difference between Kuwait and Qatar is the fact that in Kuwait the support for human rights activism and reform is broader. The government of Kuwait has long ago accepted the fact that its citizens demand a role in the shaping of the future of the country. Because

¹³⁶ BBC News, 'Syria 'pulls out' of race for UN rights council spot' 10-05-2011
[<http://www.bbc.co.uk/news/world-europe-13356024> retrieved 12-09-2011]

¹³⁷ 'About UNDP Kuwait' [<http://www.undp-kuwait.org/> retrieved 16-07-2011]

of this, grass roots activities are more easy to organise, and their results are more likely to be taken on board as the government develops new policies.

High level government officials in Kuwait are generally eager to lash onto the human rights activities of others, but they are reluctant to organise them themselves. Instead, they focus on legislation and declarations as a source of reform, and offer their support to projects initiated by other governments and NGOs. A good example of this receptive attitude is the support offered by the Prime Minister and the Justice Minister for the inclusion of women in the judiciary mentioned earlier.

This implicit policy implies that the Kuwaiti government in general is happy with the way other entities push forward the human rights agenda in the country. Their continued support of human rights events, combined with their appreciative words both in public and in private, and the fact that the human rights situation in Kuwait is good and improving, is a sign that efforts by the Netherlands government and others are well-received by the government of Kuwait.

Apart from internal political reasons, there are also historical reasons for Kuwait's receptive attitude towards Western pressure for reform. In 2001 American researcher Kenneth Katzman remarked that a possible explanation for the fact that Kuwait is most open to US overtures and pressure for political reform "is that Kuwait feels it owes its national survival to the United States."¹³⁸

Ten years later the same author would remark that "Kuwait is considered perhaps the furthest along in the Gulf on democratization" and that this would lead some to believe that the US should focus on governments that were more reluctant in allowing civil society activism and public participation.¹³⁹

This Kuwaiti state of affairs can be contrasted with that in Qatar, where, as stated before, the king and queen are the main drivers of human rights-related reform. Their insistence to keep the process in their own hands is not only positive (in the sense that it is good to have support for the human rights agenda on the highest level), but also shows that they are reluctant to have other states, or NGOs run away with the human rights discourse and set the agenda. Of course, no foreign government or organisation can do whatever it pleases in the field of human rights in Kuwait, but there is much less sense of a central authority that guides what can and what can't be done than in Qatar.

IV. Preliminary Conclusion

the Netherlands is already involved in solving those problems in Kuwait that also plague the rest of the region. The programmes and projects that the Netherlands embassy supports are not unique to Kuwait, so much of the solutions arrived at through the activities in Kuwait are already ready for export to the rest of the region. The same applies to many of the activities carried out by other state and non-state actors: the solutions and policies that are developed in the open atmosphere of Kuwait are generally regarded as fairly suitable for export to the other GCC countries.

This makes Kuwait a location where policies can be developed and then transposed by the foreign governments and NGOs that have initiated them. The next chapter will look into the question whether there are efficient methods to make the human rights agenda cross borders.

¹³⁸ Katzman, K., 'Persian Gulf: Political Reform and U.S. Policy' in J.V. Canfield (ed.), *The Middle East in Turmoil I* (New York 2001) pp111-132, p119

¹³⁹ Katzman, K., *CRS Report RS21513- Kuwait: Security, Reform and U.S. Policy* (26-04-2001) [<http://fpc.state.gov/documents/organization/162743.pdf>]

Chapter Four: Human Rights Gateway

The central question that will be dealt with in this chapter is to what extent it is possible to use one state to influence the rest of the region. First this chapter will look into possible precedents of functional spillover within regions, both in general and in human rights-related fields. This will be followed by a short review of geographic spillover, also known as the 'contagion' or 'demonstration' effect. Then the regional mechanisms that are present in the Gulf will be reviewed to see whether or not they have a part to play in the dissemination of human rights. Finally, Kuwait's position within these networks will be dealt with.

I. Functional spillover

When talking about functional spillover, there is one name that absolutely cannot go unmentioned: Ernst Haas. In his 1958 work *The uniting of Europe*, Haas posited that in the European context, cooperation in one field (in the case of Europe a common market for coal and steel and a payment union) had led and would lead to integration and cooperation in other areas.¹⁴⁰ Though he himself insisted that his analysis of European integration was only descriptive and in no way constituted a general model, (neo-)functionalists have taken his description and assigned it almost law-like qualities.¹⁴¹ Though neofunctionalism should be used as post hoc explanation instead of a model, this section will deal with the question of the extent to which the Gulf region fits within the neofunctionalist theory of integration, and which possible chances this regional dynamism provides.

By the middle of the 1970s Haas reviewed the European integration process and found that it had stalled. French president De Gaulle's refusal to take his seat at the negotiating table (the so-called 'empty chair crisis') and the general loss of speed in expanding areas of competence and mandates for European institutions in the 1970s led to the publication of *The obsolescence of regional integration theory*, in which Haas abandoned the theory that had been his brain child.¹⁴² Others took the torch, however, especially from the 1990s onward, and continued to see value in neofunctionalism, adapting it to the new circumstances that have arisen since the early days of European integration.

A. Mechanisms

Not without reason Wayne Sandholtz and Alec Stone Sweet posited in 1997 that "[t]he primary theoretical divide in EC studies has been between intergovernmentalism and neo-functionalism[,]"¹⁴³ and it is exactly in this division that much becomes clear about the mechanisms that are claimed to be behind regional integration (though, as Ben Rosamond states, the division has often been misrepresented to appear more of a 'great debate' than warranted¹⁴⁴). Intergovernmentalists state that the process of regional integration is only driven by the member states' governments, and that these governments choose to integrate only when and insofar as it serves their own national interests. Neofunctionalism, however, assumes that the regional body itself, after being imparted with some supranational power, becomes a driver of further integration.

Intergovernmentalism imparts no added value to the integration process itself: The only outcome of regional arrangements will be that outcome to which all member states present at the negotiating table can agree. This approach precludes the possibility of human rights standards of the regional body ever rising above those of the individual member states and in fact makes it likely that any

¹⁴⁰ Haas, E.B., *The uniting of Europe* (Stanford 1958)

¹⁴¹ Ibidem ppxi-xii; Ruggie, J.G., et al., 'Transformations in world politics: The intellectual contributions of Ernst B. Haas.' In *Annual review of political science* 8 (2005) pp271-296, pp273-277

¹⁴² Haas, E.B., *The obsolescence of regional integration theory* (Berkeley 1975)

¹⁴³ Stone Sweet, A., and W. Sandholtz, 'European integration and supranational governance' in *Journal of European public policy* 4-3 (September 1997) pp297-317, p298

¹⁴⁴ Rosamond, B., 'The uniting of Europe and the foundation of EU studies: Revisiting the neofunctionalism of Ernst B. Haas' in *Journal of European public policy* 12-2 (2005) pp237-254, p241

standards that can be agreed on will even be below the average of the member states' standards. For this reason the mechanisms of intergovernmentalism will not be dealt with further in this section of the thesis.

Neofunctionalism, as developed by Haas (from 1958 onward) and adapted by Sandholtz and Stone Sweet in their contribution to the *Oxford Handbook of the European Union*,¹⁴⁵ presumes that regional integration has the following mechanisms:

First one sector decides that a regional body is needed in order to facilitate cross-border transactions in their field, to formulate rules and to resolve conflicts. This then leads to an increase in cross-border transactions that also need an increase in governing bodies. As officials of the regional organisation begin to see themselves more as representatives of the region and its interests than as member states' representatives, they will increasingly produce pro-integrative policies that go beyond the interests of individual member states or the results of the member states' intergovernmental deals.¹⁴⁶

B. Where has integration run this course?

Because of the theory's provenance in the writings of Haas on early European integration, neofunctionalists have overwhelmingly focused on Europe as a topic for research. The integration of Europe has arguably been the most successful regional integration process, as it has led to the moving of very large amounts of policy to the regional level. This process of spillover does not only mean that different sectors get drawn into the process (eg. agriculture as well as mining) but that completely different fields come under supranational authority (eg. social policy as well as customs policy).

The regional organisation currently known as the EU started its life in the 1950s as the European Coal and Steel Community. In devising plans to better organise a common market for coal and steel, it was found that in order to facilitate this market, other economic arrangements were also needed. Over time, this led to the ECSC's High Authority becoming the European Commission and gradually assuming more and more responsibilities.

Looking back now after five decades and from a situation wherein the majority of the member states' rules and standards are actually based on European ones, it is possible to say that the process of European integration and expansion of the mandates of the European authorities has been very uneven. Though economic integration surpassed expectations in the early periods of integration, this period was also characterised by spectacular failures to integrate the fields of security and politics. The 1960s and 1970s showed a decrease in enthusiasm for integration that was so sharp that even Haas, as mentioned before, lost confidence. Eventually it took five decades of relatively small steps (though the steps were collected and solidified in the Single European Act (1986), the Maastricht Treaty (1992) and the Lisbon Treaty (2007)) for Europe to get a substantive measure of political integration.

Another region in which spillover has been argued to have occurred is West Africa, with the expansion of the mandate of ECOWAS (the Economic Community of West African States¹⁴⁷) to political issues in addition to the original economic objectives of the community. In 1975 ECOWAS was founded as a purely economically oriented regional organisation, but in 1990 it intervened in the civil war in Liberia with the ECOWAS Monitoring Group (ECOMOG).

¹⁴⁵ Sandholtz, W., and A. Stone Sweet, 'Neofunctionalism and supranational governance' in E. Jones, A. Menon and S. Weatherill (eds.), *Oxford Handbook of the European Union* (Oxford 2011 [forthcoming]). Sandholtz and Stone Sweet mention that Haas told them that they had changed the contents of neofunctionalist theory enough to warrant a new name, but they did not agree with this themselves.

¹⁴⁶ *Ibidem* pp3-16; Rosamond, 'The uniting of Europe and the foundation of EU studies' pp241-246

¹⁴⁷ Since the withdrawal of Mauritania in 2002, ECOWAS consists of the 15 member states Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

With this first foray of ECOWAS into political affairs it became clear that ECOWAS would have to concern itself with similar issues in the future and a commission set out to review the core ECOWAS treaty. In 1993 a new treaty was signed, one that included a range of topics much broader than the economic policy coordination mentioned in the original document. Instead now political affairs were made part of ECOWAS' mandate and a new social dimension was added, which included a "section on the Community's fundamental principles which includes a commitment by Member States to recognize, promote and protect the rights contained in the African Charter on Human and People's Rights [...] as well as a commitment to social justice and popular participation in development."¹⁴⁸ With this, ECOWAS gave itself a new *raison d'être* and increased its relevance for regional integration in West Africa.¹⁴⁹

Relative to other African regional integration schemes, there has been a lot of attention for West Africa, but compared to the study of European integration, little has been written on ECOWAS. There is still considerable debate on what factors drove the organisation's entry into politics. While it is true that there was a request for support against Charles Taylor's NPFL (National Patriotic Front of Liberia) from deposed Liberian president Samuel Doe (himself having come to power in a coup ten years before) to ECOWAS, it would have been more than conceivable that the organisation would have refused to become engaged in the conflict, as the United States also refused to intervene.¹⁵⁰

Several causes have been identified for the expansion of ECOWAS' activities. Ademola Adeleke argues that the hegemonic ambitions of the regime of Nigeria was the basis of the intervention, and that the only reason Nigeria did not intervene unilaterally was to preserve its international image.¹⁵¹

On the other hand David Wippmann, who served as an advisor to the Interim Government of Liberia in the early 1990s, states that "ECOWAS assumed that role by default"¹⁵² as the US and UN declined to intervene even though the civil war was a major threat to peace and stability.¹⁵³ It is very difficult to isolate either of these motives, and attempting to do so without knowing all the particulars and the specific thoughts of everyone involved.

Whatever the motives were, ECOWAS is now also a political organisation. The processes that have lead to this are not nearly the same as those that led to the increasing integration of the European Community. There was no recognition by officials of the regional authority that some political integration was needed to further the economic goals of the organisation, and no gradual process of increasing supranationalism. Instead, a political catalyst led to a sudden realisation that ECOWAS was a regional arrangement that was already available and that it might just as well have a political dimension. Spillover in West Africa then, has been deliberate rather than spontaneous.¹⁵⁴

There are some striking similarities between the GCC and ECOWAS that may offer hope for functional spillover into human rights in the Gulf:

Perhaps most important for the GCC, ECOWAS' development is seen as being generally intergovernmental in nature, as states concede little power to a supranational authority that is totally detached from the member states' bureaucracies. As will become clear below, the GCC can be characterized as

¹⁴⁸ Robert, R., 'The social dimension of regional integration in ECOWAS', ILO Policy integration department working paper 49 (December 2004) p10

¹⁴⁹ Ibidem p10; Aryeetey, E., 'Regional integration in West Africa', OECD Development centre working paper 170 (March 2001) p16

¹⁵⁰ Levitt, J., 'Humanitarian intervention by regional actors in internal conflicts: The cases of ECOWAS in Liberia and Sierra Leone' in *Temple international and comparative law journal* 12-2 (Fall 1998) pp333-375, pp342-351

¹⁵¹ Adeleke, A., 'The politics and diplomacy of peacekeeping in West Africa: The Ecowas operation in Liberia' in *The journal of modern African studies* 33-4 (December 1995) pp569-593, pp576-578

¹⁵² Wippmann, D., 'Enforcing the peace: ECOWAS and the Liberian civil war' in L.F. Damrosch (ed.), *Enforcing restraint. Collective intervention in internal conflicts* (New York 1993) pp157-204, p159

¹⁵³ Ibidem pp157-159

¹⁵⁴ Ebobrah, S.T., *Legitimacy and feasibility of human rights realization through regional economic communities in Africa: The case of the economic community of West African states* (Pretoria 2009 [unpublished doctoral thesis]) pp68-73

having only a very small amount of supranationalism. Though Europe developed a strong supranational authority from the start (the High Authority of the European Community for Coal and Steel and the European Commission it developed into), ECOWAS has no such permanent body that is separated from the member states and their governments.

In addition to this, ECOWAS started its life as an organisation similar to the GCC: One with a limited economic scope. And like the GCC, ECOWAS largely failed to deliver on its promises in the field of (sub-)regional economic integration. If one considers frustration with these failures to have been one of the main causes of the ECOWAS' foray into the field of politics (as Solomon Ebobrah does),¹⁵⁵ one might also recognize in similar complaints uttered about the GCC the prediction of a shift to political integration.

Furthermore, a concern that plagues Gulf integration, the supposed dominance of the Kingdom of Saudi Arabia as the largest state in the region, has a parallel in the leading position Nigeria has in ECOWAS. Instead of overpowering the smaller states, Nigeria has been a major integrative force for the region.

The differences between the GCC and ECOWAS, however, are also striking:

Though Nigeria and Saudi Arabia are both potential regional leaders, Saudi Arabia is much less likely to lead integration efforts than its African counterpart. Even in the field of economics, Saudi Arabia has frustrated regionalised arrangements by dealing with outside partners on a strictly bilateral basis.¹⁵⁶

The monarchies of the Gulf are economically very different from the states of West Africa. This means that their whole political economies are different, and that power is dispensed in a totally different way. The dire shortage and constant need to loan that is present in West Africa is not present in the Gulf. Instead, there is a surplus of money (though it is concentrated in the hands of a limited number of individuals even in situations where all citizens share in the natural resource revenues) and many political conflicts in fact deal with issues of how to spend the budget surpluses.

Though the wider region is plagued by conflict, there is in fact very little reason to assume that a collective intervention of the scale of the ECOWAS intervention in Liberia will occur on the Arabian peninsula. The GCC states have strong defense arrangements with the US and UK, and these large global powers are very likely to stand by their main energy suppliers in any kind of regional security crisis, which precludes the possible necessity of an indigenous security solution in case of conflict.

When, in March of 2011, the government of Bahrain requested the other GCC states to assist in maintaining stability, this support came in the guise of the *Peninsula Shield Force*, a GCC joint military force. As of yet, there seems to be little evidence that the renewed use of the Peninsula Shield mechanism (which was previously used in the Gulf War and in the 2003 US-led invasion of Iraq) has led to increased political cooperation between GCC states.

C. The position of human rights in function spillover

In the often described spillover story of the European Union, human rights do not play a big role. At the same time that the beginnings of economic integration in Western Europe were laid, a bigger group of European nations had already met in an attempt to set up a community with shared ideas about the rule of law, democracy and human rights. As a result, this Council of Europe became the leading driver of human rights in Europe. Though the 1957 Rome Treaty and subsequent EEC and EU treaties do reaffirm the commitment of member states to shared standards of human rights, the EU has never needed to spill over into this field; an organisation with a wider membership (also including the Eastern European and Soviet republics and non-European observers), its own institutions including a permanent court for human rights (the European Court for Human Rights in Strasbourg), and its own treaties was already in existence. Had the Council of Europe not had a permanent Court,

¹⁵⁵ Ibidem p73

¹⁵⁶ Dar, H.A. and J.R. Presley, 'The Gulf Co-operation Council: A slow path to integration?' in *The World Economy* 24-9 (September 2001) pp1161-1178, p1177

it would have been likely that the European Union, especially in its post-Maastricht phase, would have afforded more attention to human rights and perhaps would have set up its own human rights court (in which case it might have been added to the Court of Justice of the European Union).

The story of the expansion of the ECOWAS mandate paints a different picture: Here political cooperation came with a shock and included human rights standards from the outset. On the other hand, one can easily ask how much of the human rights rhetoric will actually be acted upon in the West African states. Some have already claimed that the whole community is little more than an instrument in the foreign policy of Nigeria,¹⁵⁷ and critics could easily claim that the talk of human rights in the context of ECOWAS is little more than that, and that real human rights implementation does not rank very high on the community's agenda.

D. Possibilities for the Gulf

Neofunctionalism presumes that bureaucrats that represent the regional body and (elected) officials from the member states will choose to transport some policies and topics exclusively to the authority of the regional organisation in their attempt to maximize welfare, thereby creating an increasing amount of supranationalism. In the case of the GCC, this has not happened, most probably because of the political culture in the region and because of the strong ties that the local bureaucracies hold with their own government. In the words of Legrenzi, "GCC bureaucrats [still] see themselves very much as functionaries of the member states."¹⁵⁸ As a result, these GCC bureaucrats do not push for policies that are most beneficial to the region as whole or to the regional organisation, but instead serve the narrow interests of their own country.¹⁵⁹

The economic sphere is a logical first sector in which regionalisation can occur, as is evidenced by European integration: Establishing a payment union and a free trade area are relatively uninvasive measures and are likely to benefit all member states. The GCC has seen some amount of regional economic integration, but projects such as the single GCC currency are noteworthy mostly because of the fact that they never seem to materialise and deadlines are constantly being broken.¹⁶⁰ Coordination does take place, and decisions that favour further integration are taken from time to time, but implementation in the national bureaucracies and economies of the member states is severely lacking and often totally absent.¹⁶¹ Some of this is inherent in the problem of patronage and political culture mentioned above, but the fact that the GCC states have relatively little trade among themselves and largely export the same good, oil, to the rest of the world also makes economic integration less necessary and less attractive to the Gulf's rulers. The lack of private business is a complicating factor here, as the large government involvement in even non-oil related business renders the Gulf markets relatively inaccessible to foreign investors. Though foreign direct investment (FDI) would allow the Gulf states to diversify their economies (which they recognise is needed in order to offset decreasing oil revenue in the future) the governments are reluctant to give up their direct control of the companies they dominate, and the income these activities generate, as there is most often no system of direct taxation present. This has led to the privatisation agenda of the GCC not being implemented in any meaningful way.¹⁶²

¹⁵⁷ Adeleke, 'The politics and diplomacy of peacekeeping in West Africa' pp576-578

¹⁵⁸ Legrenzi, M., 'Did the GCC make a difference? Institutional realities and (un)intended consequences', EUI Working papers RSCAS 2006/01 (January 2006) p1

¹⁵⁹ Ibidem pp1-2

¹⁶⁰ Ramady, M.A., 'EU crisis management: Lessons for GCC' in *Arab News* 22-11-2010; Dar and Presley, 'The Gulf Co-operation Council: A slow path to integration?' pp1161-164, pp1176-1177; Hertog, S., 'The GCC and Arab economic integration: A new paradigm' in *Middle East Policy* 14-1 (Spring 2007) pp52-68, pp52-59

¹⁶¹ Legrenzi, 'Did the GCC make a difference?' pp2-6

¹⁶² Dar and Presley, 'The Gulf Co-operation Council: A slow path to integration?' pp1161-1164, pp1176-1177; Hertog, 'The GCC and Arab economic integration' pp52-59

Steffen Hertog, however, sees the GCC as the dominant player inside the wider Arab region and predicts that there is also political potential in regional cooperation: FDI flows from the Gulf to the other Arab states (including East African states in the periphery of the Arab region) and the GCC member states are regional economic leaders, even if they do not act together as a regional bloc. Theoretically, the investments by the GCC states in the region would lead to these states being more interested in peace and stability, as war and conflict would harm economic prospects. This would lead to the GCC becoming the "anchor of stability in the Arab world."¹⁶³ Hertog's theory sees the GCC taking up a larger role on the international stage as a force for stability, but the author remains silent about the real substance of this role. Though he notes the growing GCC influence in Syria and Lebanon, it is unclear whether the stability that the Gulf might want to export is an oppressive one or a more progressive and democratic one.¹⁶⁴ Surveying the nature of regimes in both the Gulf and the wider Arab world, it seems unlikely that any drive for stability is going to consist of democracy being exported by states that have not fully implemented it themselves. In addition to that, democracy has a bad reputation among the Arab states: It is seen to be polarising politics, with Shia and Sunni, Islamist and secularist played off against each other, to lead to the potential breakup of states (the Iraqi Arabs for instance fear a Kurdish separatist movement with democratic legitimacy), and to lead to a bigger role of the Islamic clergy in public life, which is unwanted in both the (nominally socialist) Arab republics and the (relatively liberal) Gulf monarchies.¹⁶⁵

As a slow spill over seems unlikely, does a sudden one, like the politization of ECOWAS then hold promise for the Gulf? This does not look like a probable scenario either. There would have to be some large, shocking external threat to force the states to work together. Two American invasions in Iraq and the general War on Terror have not provided this great incentive. The most likely case in which the Gulf states would be forced to cooperate more closely politically would be if a war between either of the Gulf states and Iran would break out. And even then, it seems more likely that Western (British and American) support would be counted on, or that Saudi Arabia would take up the gauntlet and lead the defense on its own. Either way, it is nonsensical to make the expansion of the mandate of the GCC dependent on large scale aggression from Iran, as such an event is unlikely, impossible to plan for, and would destroy more than can possibly be achieved by advanced regional political cooperation.

A point of caution has to be made here: For all the positive proof of neofunctionalism that is provided by the cases of the EU and ECOWAS, there is a multitude of other cases in which no meaningful spillover occurred. In fact, the evidence seems to be stacked against neofunctionalism and functional spillover: All over the world economic regional blocs have remained just that and have not experienced a further drive for integration. Mercosur (the common market in South America), the Association of Southeast Asian Nations (ASEAN), the North American Free Trade Agreement (NAFTA) show that regional economic integration does not necessarily lead to more political cooperation. The case of OPEC, the oil production cartel of which all Gulf states except Bahrain are members shows that even economic cooperation in one industry does not necessarily lead to more cooperation even in very closely related industries: The natural gas industry will likely get its own cartel, even though most countries active in OPEC are also prospective members of an international natural gas grouping.¹⁶⁶

¹⁶³ Hertog, 'The GCC and Arab economic integration' p67

¹⁶⁴ Ibidem pp66-68

¹⁶⁵ Kechichian, J.A., 'Democratization in Gulf monarchies: A new challenge to the GCC' in *Middle East policy* 9-4 (Winter 2004) pp37-57, pp38-40

¹⁶⁶ 'Russia pushes for an 'OPEC' for natural-gas nations' in *Christian Science Monitor* 30-11-2008; 'Iran, Qatar, Russia form gas alliance' in *The Wall Street Journal* 22-11-2008

The tentative conclusion on perspectives for the spillover of GCC economic integration into the fields of human rights must then be that it might happen, but it is not very probable and cannot be counted on with any certainty.

II. Geographic spillover

In his 1991 book *The Third Wave: Democratization in the late twentieth century*, Samuel Huntington observes that democratization has in the past often occurred in short burst in which a relatively large number of states experience a transition from authoritarianism to democracy. According to Huntington, these waves can be found in the nineteenth century (the advent of democracy in Europe and North America), after World War II, and lastly from the middle of the 1970s until at least the publication of *The Third Wave* at the beginning of the 1990s. One of the factors that are at work in this process "may be variously termed demonstration effect, contagion, diffusion, emulation, snowballing, or perhaps even the domino effect."¹⁶⁷ In this mechanism a successful democratization in one country may demonstrate to opposition movements in other countries firstly that transition is in fact possible, secondly how it is possible, and thirdly which mistakes to avoid.¹⁶⁸

Huntington himself already saw that there was an important geographic component in the demonstration effect in addition to a temporal one: Instead of demonstrating possibilities to vastly different populations halfway across the globe, "the changes in these lead countries [...] helped stimulate demands for comparable changes in neighbouring and culturally similar countries."¹⁶⁹

A. Mechanisms

The mechanisms that are behind the supposed geographic spillover of governance standards, such as in the demonstration effect described by Huntington, Laurence Whitehead and Philippe Schmitter, are still largely unknown. This is due to the fact that these authors, and most others who try to find evidence for geographical clustering of transitions, take the state as their level of analysis and as the main actors in the system they describe; they afford less attention to domestic circumstances and dynamism that might contribute to transition.

Another shortcoming of the articles looking into international dimensions of transition is that they often make global comparisons with a very large sample of countries (most often all states that have remained independent throughout the timeframe chosen). As a result of this their conclusions are often weak and vague, and the general rules they devise are rendered toothless by large numbers of reservations and conditions. Without going into the specifics of states' situations, little more has been found than correlations and statistical implications, and it is unclear exactly how geographic spillover in fact functions.

Those authors who attempt to apply the contagion thesis to particular countries in more substantive case studies find that not only is it nearly impossible to find out why contagion takes place in some states but not in others, as even Laurence Whitehead, one of the leading proponents of contagion concedes, but also to what extent contagion has contributed to a situation of which the outcome is a given. A very precise and indefinable interplay between just the right amounts of demonstration and internal action under perfect circumstances seems to be necessary for contagion to happen, and even then it is impossible to isolate the different mechanisms at play and identify a catalyst, lead causes for transition or main players in the process.¹⁷⁰

¹⁶⁷ Huntington, S.P., *The third wave: Democratization in the late twentieth century* (London 1991) p100

¹⁶⁸ Ibidem pp100-105

¹⁶⁹ Ibidem p105

¹⁷⁰ McLaren, L.M., *Constructing democracy in Southern Europe: A comparative analysis of Italy, Spain, and Turkey* (London 2008) pp232-236; Nolting, A.K., 'External actors in processes of democratic consolidation. The European Union and Malawi' in J. Haynes (ed.), *Democracy and political change in the 'Third World* (London 2001) pp97-114, pp102-104; Whitehead, L., 'Three international dimensions of democratization' in L. Whitehead (ed.), *The international dimensions of democratization. Europe and the Americas* (Oxford 1996) pp6-9

B. Where has integration run this course?

Whether or not the fact that states that have democratized in either of the three waves (as observed by Huntington) have done so because of their contiguity or proximity is still subject to intense debate. The relatively close clustering in time of the transitions seem to indicate that the economic cycle has played at least some role. The fact that the Second Wave occurred in the contiguous states of Western Europe is connected with the fact that the Western Allies liberated a large part of Europe from the occupation by Nazi Germany and its allies. As such, much of the second Wave's contiguity is not determined by the dynamics of democratization, but rather explained by the logics (and logistics) of the military campaign of the US and its allies. The non-European and non- (directly) World War II related part of the Second Wave by Huntington's own admission does not mean much; the Latin American transitions to democracy either did not last long, did not offer real democracy or took place in marginal states such as Costa Rica.¹⁷¹

This leaves the first and third waves. The states that were hit by these waves too enjoyed roughly the same circumstances when they democratized, and it can be questioned whether a demonstration effect was the strongest driver of reform. The states of Western Europe (and the United States) in the nineteenth century shared many of the dynamics that lead to democratization, but they responded to them in wildly different ways. The fact that most of the post-Soviet states of Eastern Europe all started to democratise at roughly the same time was no coincidence, as circumstances were alike in all these countries: Newly independent from domination by Moscow, an economy that had proven to be inefficient, comparable social structures across the range. The fact that some revolutionaries were inspired by others elsewhere seems to be evidence of the demonstration effect as a catalyst, rather than a real driver of reform.

C. Position of human rights in geographic spillover

The theory of geographic spillover has been devised particularly with regards to democratization. Although Huntington chooses to use the narrow definition of democracy as only a system for selecting leaders,¹⁷² it is clear that there is a connection with human rights. The right to political participation is important in itself and very often an indicator of the broader human rights situation in a country.

Though it would be possible to point to waves in which military dictators or other types of autocrats came to power (Europe in the 1920-1930s is the most obvious example), these have never been described as such and it seems that no authors have attempted to establish a pattern of coups like the pattern of democratization found by the adherents of geographic spillover.

D. Possibilities for the Gulf

The thesis of the geographic spread of governance values holds some promise for the Gulf: Looking at reforms that have taken place over the last decade, it seems that the Gulf is right in the middle a wave of reforms. Many reforms have been closely grouped in time. Women's suffrage, for example was first granted in Qatar in 1999 and then progressively throughout the rest of the Gulf.¹⁷³ It does not seem, however, that a powerful demonstration effect plays any role in this dynamic; female suffrage is something that is implemented top down, and though women activists sometimes unite on a (sub-)regional basis, the fulfilment of their demands is still very much dependent upon the whims of the monarch. The process at work here seems not to be a learning process for regimes or activists, but one of competition by the states themselves, which will be dealt with below.

Though a geographic factor is present in reforms in the Gulf region, there is little reason to assume that this factor has a predictive power. Only after the fact is it possible to determine what has spilled over and in what order the reforms have travelled throughout the region. The fact that the model

¹⁷¹ Huntington, *The third wave* pp18-19

¹⁷² Ibidem pp5-6

¹⁷³ Henderson, S., 'Women in Gulf politics: A progress report' in *Washington Institute for Near East Policy PolicyWatch* 1008 (28-06-2005)

lacks clear and defined mechanisms makes it impossible to base policy on it, as the outcome will likely remain very unpredictable.

III. Regional mechanisms in the Gulf

A. GCC

Though as described above, the GCC as an organisation offers only very limited promise for the spill-over of democracy, there is another important dynamic in which the GCC has proven to be quite successful: Matteo Legrenzi notes that In addition to an 'Arab' identity, sub-regional cooperation has led to the emergence of a distinct 'Arabian' identity shared by members of the GCC member states.¹⁷⁴ Evidence of this can be found even by just a cursory reading of the criminal reports in the newspapers published around the Gulf: There are three distinct categories of people: 'Citizens' (of the respective state that the paper is published in), 'GCC nationals', and 'expats' (which includes Asian migrant workers, other Arabs, as well as Europeans and North Americans).

For GCC governments themselves, the makeup of the organisation has become a natural grouping: The six states are all monarchies located on the Arabian peninsula and share many other economic, social and cultural characteristics. Approaching the states as one group even outside the formal framework of the GCC is now accepted as a natural occurrence by these governments.

Civic activism too has embraced the GCC identity: sub-regional cooperation and coordination takes place and problems and best practice solutions are identified based on the sub-regional framework.¹⁷⁵ Additionally, the GCC label is used as a flag to avoid criticizing specific states: By stating that an NGO is looking for ways to solve a GCC-wide problem, it avoids having to identify any of the six states as a worst offender.

Legrenzi's statement that "GCC governments are keen to promote the GCC as a regional body because this highlights their role as positive 'global citizens' that are willing to engage in regional cooperation"¹⁷⁶ shows something more than the rise of the GCC as a conceptual framework: The Gulf states all want to emphasise that they are "good guys" on the global stage. In this context, the GCC grouping works as a natural base for comparison. States want to reform in order to stay ahead of the other states that are likely to be seen in the same light.

When the new king of Bahrain chose to reform his country, he did not do solely because of his liberal agenda: "Political reforms," Nadeya Sayed Ali Mohammed writes, "were also seen as a way to bolster the country's standing internationally."¹⁷⁷ This mindset seems to apply equally to the other Gulf states: They simply have to reform to keep up their image of being developed states. This also means that they will have to keep up with each other. When one state reforms in order to gain a step up on the others, the others are placed at a disadvantage.

This sub-regional competition may not be enough to drive reforms by and of itself, but it can very well work to increase the impetus of reform. If rulers are already predisposed to favour human rights reform, "a desire to be seen as the most progressive reformer within the GCC" can be a powerful catalyst.¹⁷⁸ This dynamic will be dealt with in more substance in the following paragraph.

The GCC as an entity of 'identity diplomacy', however, entails exclusion as well as inclusion. It is an identity that is crafted in part at least in order to differentiate the Gulf states from other Arab states, including their Gulf neighbour Iraq. Though the Arab Gulf states supported Iraq during its war with Iran, this support quickly turned into fear and animosity with the occupation of Kuwait and the 1990-

¹⁷⁴ Legrenzi, 'Did the GCC make a difference?' pp1-4

¹⁷⁵ Ibidem pp4-5

¹⁷⁶ Ibidem p4

¹⁷⁷ Mohammed, 'Political reform in Bahrain'

¹⁷⁸ Wright, 'Generational change and elite-driven reforms in the Kingdom of Bahrain' p10

1991 Gulf War. Subsequently, the GCC states did not want to do anything with Iraq. The current problems of Iraq following the 2003 American invasion of the country have exacerbated the concerns of the Gulf states: They view Iraq as a liability and source of possible problems. A spillover of extremism into the Gulf, the rise of another Shia-dominated state in the North and a general decrease in regional stability will do little to endear the governments of the GCC member states to Iraq.

As briefly touched upon in the introduction, this attitude towards Iraq precludes a human rights policy that addresses Iraq in the same framework as the GCC states. The GCC states will view it as an insult to be compared with Iraq, which they consider an unstable state that does not even have a firm grasp on its own population. The GCC states also rightly consider Iraq's problems to be quite different in nature. It will take some years first for the situation in Iraq to completely stabilise and then for 'the new Iraq' to take shape, and only then can we determine whether or not the problems that are present in the GCC states also apply to Iraq, and whether or not the possible solutions proposed can also be used there. For the moment, Iraq will either have to be a category of itself, or taken together with other distinctly post-conflict states such as Afghanistan or Lebanon.

The EU-GCC Free Trade Agreement

The European Union and the GCC have been in negotiations about a free trade agreement (FTA) between the two blocs since 1990. A trade agreement between the two would be logical because the EU is the GCC's primary trading partner, with the GCC being the sixth largest export market for EU goods. After negotiations came to a halt because of uncertainty about the future nature of the GCC in the 1990s, they were rebooted in 2001.¹⁷⁹

In recent years, little headway has been made, though. In part, this has to do with European insistence on including human rights and political reforms in the agreement. Since the middle of the 1990s, the EU has worked on mainstreaming human rights, which means that a human rights clause has to be a part of every agreement with third countries, regardless of whether the agreement itself is concerned with human rights or political issues.¹⁸⁰ Though such a step would be logical not only for the EU but for the GCC as well, as the organization has transformed itself into a regional body that also has a social agenda to implement, some Gulf states have opposed the inclusion of these issues in a free trade agreement.¹⁸¹ Apart from political differences of opinion, economic conflicts too hinder a rapid conclusion of the process. The fact that they already enjoy significant benefits from being in the EU's Generalized System of Preferences (GSP), gives the Gulf states less reason to insist on a speedy conclusion of the FTA negotiations. GSP membership carries no further requisites and provides preferential market access without involving human rights or political issues. On the other hand, it is very unlikely that the EU will come back on its longstanding policy of human rights mainstreaming and remove this issue from the negotiations. It is at this moment impossible to say how this impasse will be resolved.

In any case, it is interesting to look at who are going to be the main architects on the GCC side of the FTA. Because Saudi Arabia and the UAE are by far the most active trading partners to the EU (see Table 1¹⁸²), it is likely that any resolution will include considerable input from them. And even if the

¹⁷⁹ 'EU-GCC technical negotiations bring final FTA agreement closer' (12-01-2007)

[http://trade.ec.europa.eu/doclib/docs/2007/january/tradoc_133087.pdf retrieved 13-06-2011]

¹⁸⁰ European Commission, 'Furthering Human Rights and Democracy across the Globe', (December 2007)

[http://www.eeas.europa.eu/human_rights/docs/brochure07_en.pdf retrieved 13-06-2011] p13; De Gucht, K.,

'Trade Policy and Human Rights' (13-10-2010)

[http://trade.ec.europa.eu/doclib/docs/2010/october/tradoc_146727.pdf retrieved 13-06-2011]

¹⁸¹ Ahearn, R.J., 'Europe's Preferential Trade Agreements: Status, Content and Implications' (03-03-2011)

[<http://www.fas.org/sgp/crs/row/R41143.pdf> retrieved 13-06-2011]

¹⁸² All data taken from 'European Commission: Trade: Gulf region (Bilateral relations)'

[<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/gulf-region/> retrieved 13-06-2011]

EU-GCC FTA did not have the historical significance of being the likely first FTA between two integrated markets, the EU would probably give priority to these two countries if bilateral agreements would have to be negotiated. A compromise then would most likely accommodate the views of these states. And in fact these states have been the major obstacles, while Kuwait has attempted to facilitate progress on the FTA negotiation - including human rights. As has been pointed out in chapter two, Saudi Arabia can hardly be considered a front runner on human rights issues.

A possible outcome of this whole process is that the human rights clause of the FTA remains in place, but that implementation will remain limited to unobtrusive consultations without repercussions or mechanisms that go

beyond the recommendation level, like those already carried out in the United Nations Universal Periodic Review Framework. It stands to reason then, that the EU-GCC Free Trade Agreement will not

be the main instrument for improving human rights in the Gulf region.

	2009			2010		
	Imports	Exports	Total trade	Imports	Exports	Total trade
Bahrain	0,4	1,7	2,1	0,7	1,5	2,2
Kuwait	2,9	3,7	6,6	3,8	4,1	7,9
Oman	0,5	2,5	3,0	0,5	3,0	3,5
Qatar	3,2	5,3	8,5	7,8	5,3	13,1
Saudi Arabia	11,7	19,6	31,3	15,9	23,0	38,9
UAE	3,8	25,1	28,9	5,7	27,7	33,4
GCC Total	22,5	57,9	80,4	34,4	64,6	99,0

Table 1: EU-GCC trade - In billions of Euros. Imports are goods and services flowing from the EU to the GCC, exports are goods and service flowing from the GCC to the EU.

B. Competition in the GCC

The GCC area is a distinct cultural area in which the individual states are in strong competition with each other in many different fields.¹⁸³ This competition is not only expressed by the desire of nearly every state in the Gulf wanting to become a global financial centre or to house permanent GCC institutions (should they ever really materialise), but also in political and human rights related reforms. Though it is difficult to pinpoint these exact reforms at any point in time, as many have to do with the application of existing laws rather than new legislation being developed, it appears that many policy changes are clustered in time. This perhaps becomes best visible with an issue already touched upon in the section on geographic spillover, that *is* very binary in nature and that did require new legislation: women's suffrage.

Women's suffrage has long been an contentious issue in the Gulf, with clerics and conservatives insisting that it is against Islam to extend the right to vote to women, and even women themselves campaigning against women's suffrage.¹⁸⁴ Even though political participation is limited, female suffrage is viewed as a symbolically important issue. It was first granted by the emir of Qatar, in 1997, a fact that in itself proves that "women's rights in the Arab Gulf states are the gift of monarchs, not parliaments."¹⁸⁵ In 1999, the emir of Kuwait attempted to extend suffrage to women, only to have this move blocked by his National Assembly. Bahrain successfully implemented the measure in 2002, with Oman enfranchising women a year later. Kuwait finally succeeded in 2005, and the UAE followed in 2006.

The short period in which these states all followed each other in giving women the right to vote, in some cases even for a body that has no real tasks or power, shows that of the smaller Gulf states, none will want to be seen to be lagging behind. The conservative kingdom of Saudi Arabia still does not allow women to even drive a car, much less vote. On other issues, such as labour law or immigration systems, a similar regional effect exists, though it is less visible. As noted earlier, the consider-

¹⁸³ Legrenzi, 'Did the GCC make a difference?' pp1-4

¹⁸⁴ Janardhan, N., 'In the Gulf, Women Are Not Women's Best Friends' in *The Daily Star* 20-06-2005

¹⁸⁵ Tétreault, M.A., 'Kuwait's Annus Mirabilis' (07-09-2006), [<http://www.merip.org/mero/mero090706> retrieved 18-06-2011)

able efforts by the government of Qatar to host Al Jazeera and provide a positive environment for the channel to operate in (as well as millions of dollars in start up cash) must also be seen in the light of regional competition: Qatar wants to be, or wants the world to consider it, a haven of free speech in the Middle East.¹⁸⁶

At the basis of the competition dynamic is a drive among the governments in the region of maintaining their image. Bahrain, Kuwait, Qatar and the UAE consider themselves to be rich, liberal and modern countries. Compared with their neighbours Oman and Saudi Arabia, but also with the wider Arab world, they have been successful in projecting this image. A part of the reason for this insistence on their reputation lies in the growing awareness that natural resources will run out in the coming century, and that they will need to attract investment and economic activity from abroad in order to keep up the current standard of living.

Given that there is no real mechanism described in the various theories on contagion or geographic spillover, this regional competition aspect might very well be it. At least for the Gulf, when this aspect is assumed to be the mysterious element conspicuously absent from the writings of Huntington and Whitehead, many political, social, and economic developments can at least partly be explained.

C. Kuwait's position in the region

At one point in time, Kuwait was a state that all other in the region looked up to. This status is long gone, though. Several reasons can be identified for this relative loss of status in the region:

Firstly, the fact itself that Kuwait was once ahead of its neighbours has placed it in a bad position. Because other states started their development at a later moment, they could learn from the path taken by Kuwait and alter their own way forward based on Kuwait's experiences. The head start also gave rise to the idea that Kuwait was already a liberal and fully developed state and needed no further reform. Other states developed their government and society at a later date, and as a result have now more modern institutions and infrastructures.

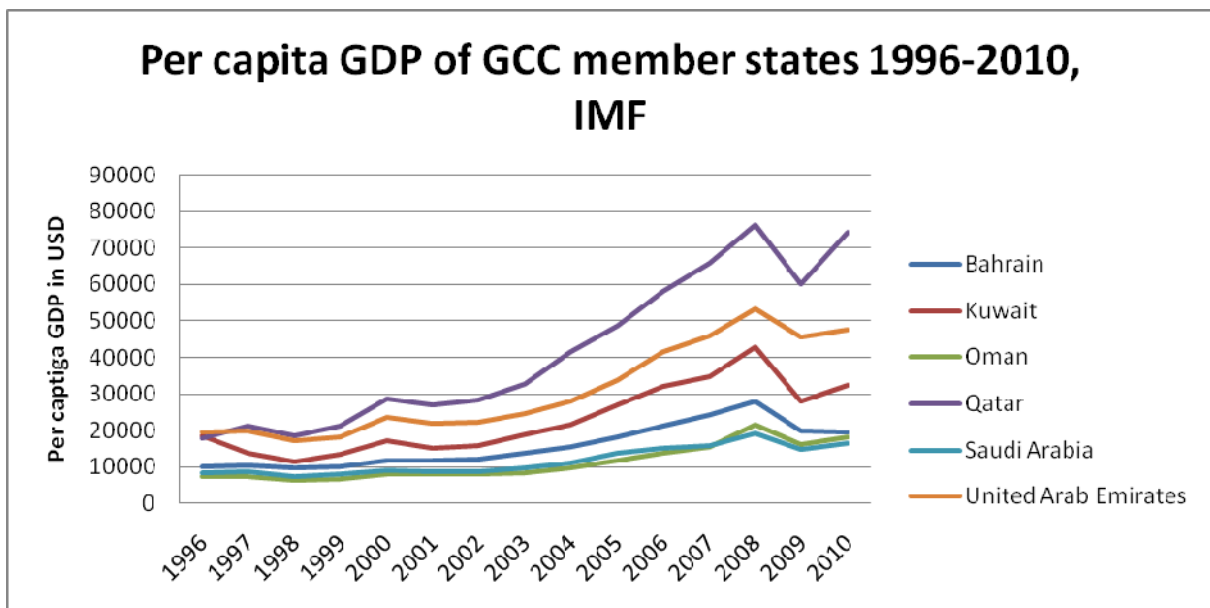
Secondly, the Iraqi invasion of 1990 severely damaged the country in every conceivable way. The damage brought upon the Kuwaiti infrastructure and economy haven taken a long time to repair and is in some cases still very visible. Perhaps the best illustration of this is the National Museum of Kuwait. It was looted by Iraqi forces during the invasion and even today three quarters of the museum are empty, its buildings are in a constant state of disrepair and the metal detectors at the museums entrance are either not working because of technical problems or because the few museum staff don't know how to operate them. The museum probably does not receive more than ten visitors per day.

Thirdly and as already briefly noted in the second chapter, Kuwait has gotten stuck in the place where it is because of its democratization. This seems to be a paradox, but it is in fact related to the complacency with Kuwait's development mentioned in the first chapter. In addition to this emotional side to the issue, there are also political and economic processes at work here: The public sector in Kuwait employs a large number of staff simply to employ them. Every Kuwaiti citizen has the right to a job, and government jobs do not require a whole lot of effort. Herb argues that these jobs do not pay for services rendered, but are rather used as a way for the Kuwaiti government to indirectly pay out its oil rents to its citizens. Because of this, major development projects never (or hardly ever) materialise, as these would primarily serve the private sector at the cost of public funds. The private sector employs mainly non-citizens, so this is seen by Kuwaitis as harmful to their direct stream of

¹⁸⁶ Miles, H., *Al Jazeera. The Inside Story of the Arab News Channel That Is Challenging the West* (New York 2005) pp346-351

revenue. "[P]erhaps ironically," Herb comments, "what prevents Kuwait from following in the path of Dubai and its neighbouring emirates is precisely its high levels of political participation."¹⁸⁷

The result of these three (sometimes interplaying) processes are that Kuwait has lost its prominent position and is no longer the envy of the Gulf. Economically too it has been eclipsed by Qatar and the UAE, states that invest large sums in development projects and are really looking to diversify their economies (mainly by moving away from purely hydro-carbon based economies) in order to future-proof their countries. This strategy seems to have paid off: Relative to the less diversified Kuwaiti and Saudi economies, the economies of the UAE and Qatar have grown, both nominally and per capita, as shown in graphs 7 and 8. Though the exploitation of Liquefied Natural Gas (LNG) plays a part in the growth of Qatar and the Emirates, the economic diversification into other (non energy-related) sectors is also already paying dividends.¹⁸⁸



Because of its social norms too, Kuwait is seen by Westerners as a place that is somewhat backward. Bahrain, Qatar and the UAE attract more Westerners (and more importantly, their business) by allowing alcohol, hosting sporting and music events, and by offering a generally more 'modern' atmosphere.

On the larger international stage, Kuwait does not distinguish itself as much as some of its neighbours: The ruling families of some of the United Arab Emirates and especially Qatar are actively involved in resolving regional conflicts (like that in Lebanon), whereas Kuwait is hardly ever heard of in this context.¹⁸⁹

The fields in which other states still look up to Kuwait are also rapidly encroached upon by competitors: With more and more states accepting limited political participation (at least cosmetically), Kuwait is at risk of losing its status of sole democracy in the medium to long term. In the field of media

¹⁸⁷ Herb, M., 'Parliaments, economic diversification and labour markets in Kuwait and the UAE', Conference paper presented at the 49th ISA Convention in San Francisco, 26-03-2008

¹⁸⁸ Herb, 'A nation of bureaucrats' pp375-376; Dunning, T., 'Resource dependence, economic performance and political stability' in *Journal of conflict resolution* 49-4 (August 2005) pp451-482, p475

¹⁸⁹ BBC News, 'Lebanon heads for lengthy political deadlock' 12-01-2011 [<http://www.bbc.co.uk/news/world-middle-east-12177765> retrieved 18-01-2011]; Worth, R.F., 'Qatar, playing all sides, is a nonstop mediator' in *The New York Times* (09-07-2008)

freedom, it seems to be taking a step backwards,¹⁹⁰ while Qatar is developing its international credentials in this field by hosting Al-Jazeera.

All of these cultural, social, economic and governmental factors combined make it somewhat difficult to use Kuwait as an example. Not only in the eyes of the other Gulf states, but also in the eyes of the world, others have taken on a regional leadership role: Qatar, Dubai and Abu Dhabi are characterised by glitter and economic activity and they have to a large extent overshadowed Kuwait.

Kuwait's position at the forefront of liberal reform can possibly be salvaged, though this would require quite extensive cooperation from the Kuwaiti authorities, and as outlined above, exactly the fact that the state is already a democracy would probably preclude this support. It would have to explicitly be in Kuwait's interest to retain the leadership role on human rights, and as Wright correctly pointed out, the desire to be a leader in this field alone is not enough reason to push reform forward.¹⁹¹

The fact that Kuwait's achievements in other fields have lagged compared to those of some of the other states (notably Qatar) also makes the argument that human rights reform is a good choice for the future of the country harder to sell. In fact, the contrary position seems to be supported by the evidence: the more absolute power resides with the royal family, the more development projects get pushed through.¹⁹²

On the other hand, the case could also be made that the past or present condition of Kuwait on the competition ladder of the Gulf is irrelevant. Oman, a state that has almost none of the (business) aspirations of its neighbours to the west, is playing along in the dynamic of competition just like any other state. And taking into account the different fields in which the Gulf states compete with one another, Kuwait is nowhere near the bottom of the putative ranking of GCC states.

A more thorough investigation of the competition dynamic (for which there is simply not enough room in this report) would probably show that different rankings can be made for every possible field, ranging from economic prosperity to religious rights for specific minorities. This then would show where Kuwait is in various fields and would likely at least partly negate the assumption that Kuwait is on a downward spiral relative to its Gulf neighbours.

Though some reforms can be pushed through by royals in a matter of days, it is unlikely that a real democracy will soon be allowed in any of the other Gulf states. The political reform processes that have been implemented by their monarchs have been too top-down in organisation, so the parliamentarians of Qatar or the UAE would be either deferential to the monarch or constantly fear for a rollback of democracy (that would probably also be accepted by the population). Because Kuwait is the only of the GCC member states where real and credible pressure can also come from below, it is likely to remain the sole democracy in the region. And it is this single characteristic that might keep up Kuwait's ranking in the great game of Gulf competition.

IV. Preliminary conclusion

Too little can be authoritatively said about vertical (neofunctional) spillover to predict developments in the Gulf to take place and to take a shape that can be compared to the EU or ECOWAS. For horizontal (geographical) spillover, much of the underlying mechanism is not self-evident either. In the Gulf, developments might prove to be contagious through the strong regional sense of identity and the related competition between the states.

The GCC might not have to be taken on board as a regional organization, as it remains mainly economic in nature and shows little sign of expanding into other policy areas. Though the EU is putting in

¹⁹⁰ Interview with US political officer in Kuwait Mr Garth Hall, 22-11-2010

¹⁹¹ Wright, 'Generational change and elite-driven reforms in the Kingdom of Bahrain' p10

¹⁹² Herb, 'A nation of bureaucrats' pp379-380

a valiant effort to improve human rights with the FTA, it is unlikely that this instrument will bring the much needed change.

The GCC's relevance as an instrument of a shared Gulf identity, however, can hardly be overstated. Its member states compare themselves more with each other than with states outside of the region. The GCC simply is the primary conceptual framework for the governments of its members, and their populations.

Within this context of comparison and competition, Kuwait was at one time the absolute front runner. Though it is still highly regarded in relation to political development, Qatar and the UAE have become the leading states in the GCC. Of these two, the UAE is the current economic front runner. Qatar, through the personal efforts of the king and queen (as described in chapter two) has taken on the image of being leading in reform issues. It is not clear, though, whether Kuwait's declining position would be of much relevance, with the competition dynamic itself being so strong that even Oman plays a part in it.

Conclusion

To answer the main question of this thesis: **Kuwait can probably be very well used as a gateway for Dutch human rights policy in the Gulf region.** Just simply providing this answer would not make much of a conclusion, though.

Chapter one has shown that there are considerable differences between the human rights conceptions in the Gulf and those in the Netherlands. Though on the traditionalist-reformist continuum, no state takes it philosophy entirely from the former, it immediately becomes clear that the Kingdom of Saudi Arabia is the most conservatively Islamic country of the sample. The smaller Gulf states are more liberal, and take pride in this fact. Kuwait is the exception even among the smaller modern monarchies, because it is the only state with a real history of democratic participation.

The outcome of chapter two has been that Saudi Arabia, which simply does not seem interested in human rights if they do not come with a healthy dose of Islam, is the state with the worst human rights record in the GCC. The narrative section of the chapter made clear that Bahrain is a difficult country to do business in, that the UAE presents a mixed bag of results, that Qatar is dependent on the personal whims of the king and his wife, and that Kuwait has relatively few problems that it does not share with the rest of the region.

In chapter three, a brief overview of the activities of the Netherlands and others showed that their efforts in Kuwait are already aimed at these regional problems, and again, that Kuwait is a relatively fertile ground for conducting activities that support the development of human rights policies, and that its culture of reform will likely make human rights improvements more sustainable than they would be in any of the other GCC member states.

Chapter four failed to show any formal gateway mechanisms in either theories of spillover or in the GCC as an institutional player, but drew attention to the Gulf as a cultural space with a strong dynamic of regional competition, which also extends to the field of human rights and politics. Kuwait's position in this regional competition framework is declining, but it is unclear whether this decline is defining or even relevant.

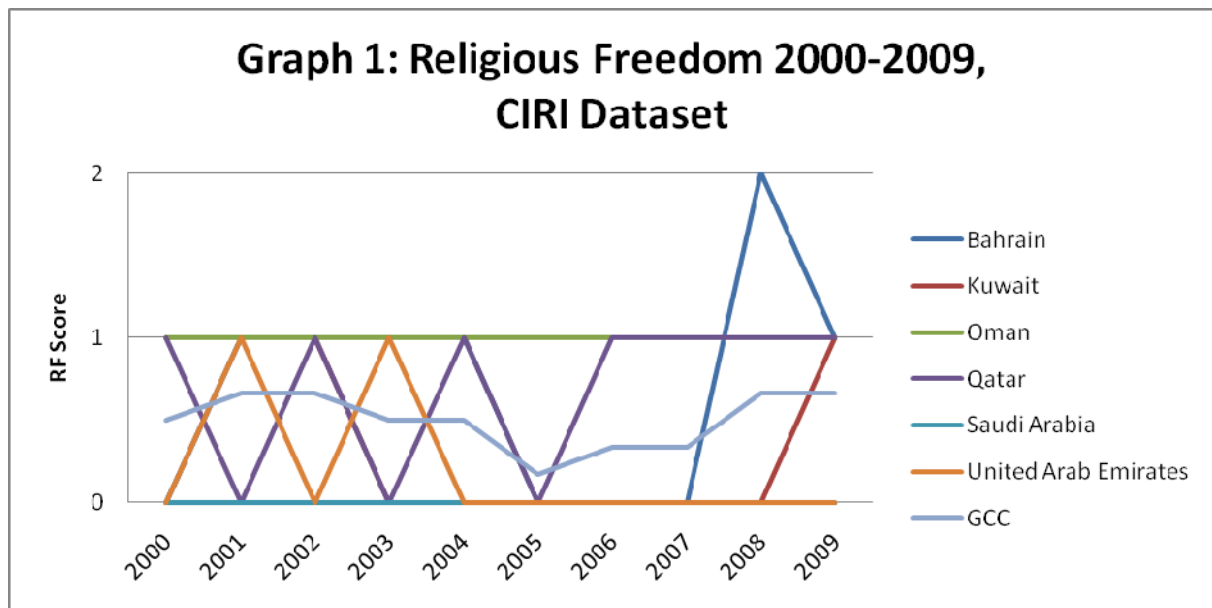
The case for Kuwait, then, can be made on the basis of this information:

- It has a tradition of (relative) democracy and liberal reform;
- The Emir and the royal family (and, as a consequence, the government) seem to have a perspective on human rights that is at the very least compatible with Dutch human rights conceptions;
- There is support for reform at the grass roots level, making any improvement in policy almost infinitely more sustainable than in a state where the royals are the only ones pushing new policies forward.
- The activities that the Netherlands government is engaged in already constitute a very large part of international human rights efforts in the country, and the assessment of these activities by the Kuwait government comes out largely positive;
- The activities that the Netherlands government is engaged in deal with issues that are the same Gulf- (or at least GCC-) wide. This makes the solutions that come out of these activities at least partly fit for export, imitation or for other governments of the region to build upon;
- Kuwait presents a situation that can still be improved, where improvement is accepted, and that is stable and safe enough to work in.

The factor that seems to be working against Kuwait is its declining position in regional competition. More in depth research into this dynamic is necessary, though, to find out whether this is a disquali-

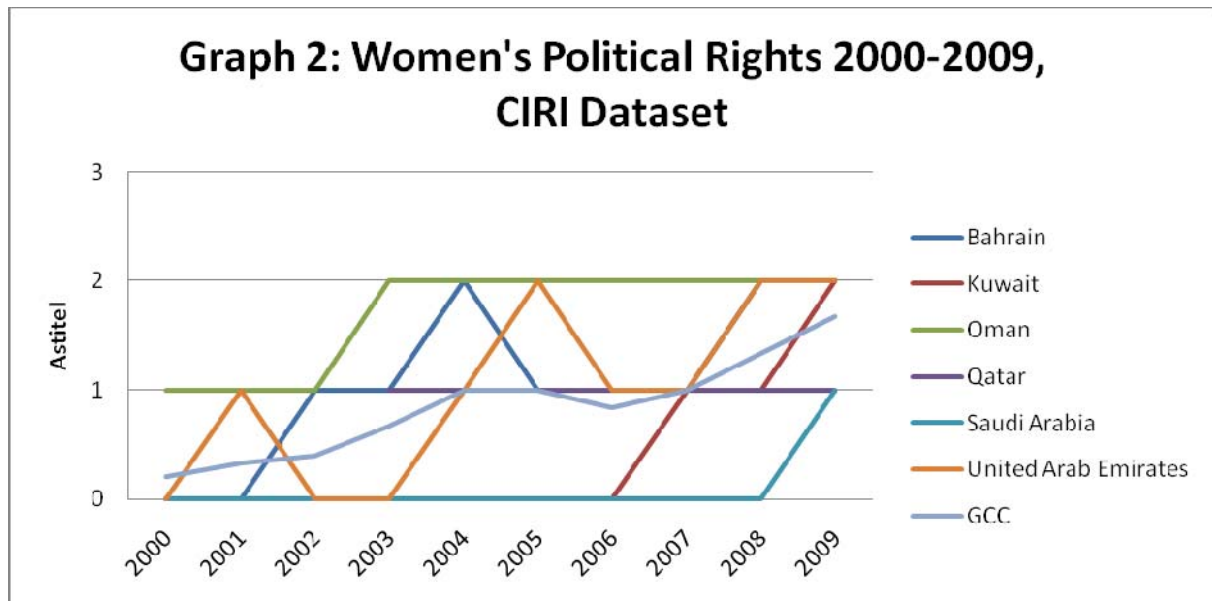
fyng factor for Kuwait. The current evidence does not seem to suggest that Kuwait is a bad enough position to completely lose its leadership position in all fields.

The final conclusion of all this is that if a choice has to be made, Kuwait seems to be the best country in which to focus Dutch human rights efforts. It is the country in which Dutch policy can be most productive, in which changes will be most sustainable, and in which there is the most freedom to work.

Appendix: Graphs and tables¹⁹³

Freedom of Religion: This variable indicates the extent to which the freedom of citizens to exercise and practice their religious beliefs is subject to actual government restrictions. Citizens should be able to freely practice their religion and proselytize (attempt to convert) other citizens to their religion as long as such attempts are done in a non-coercive, peaceful manner. A score of 0 indicates that government restrictions on religious practices are severe and widespread. A score of 1 indicates such practices are moderate, and a 2 indicates such practices are practically absent.

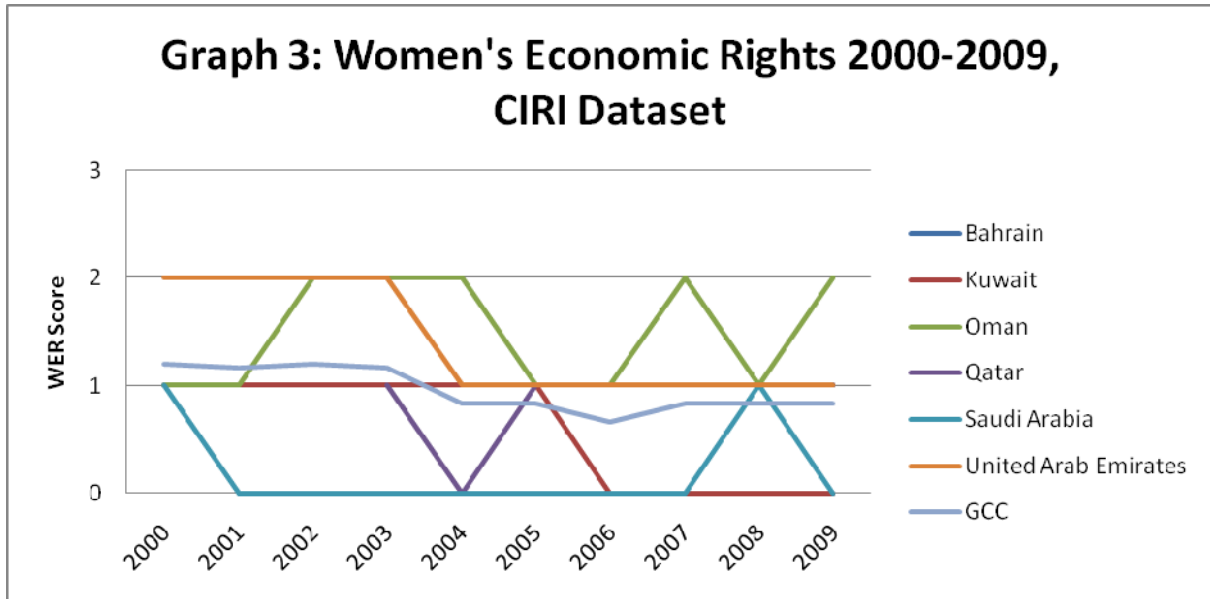
¹⁹³ The definitions for what is measured by each of the graphs from the CIRI Dataset are taken from [http://ciri.binghamton.edu/documentation/ciri_variables_short_descriptions.pdf retrieved 11-09-2011]



Women's political rights: Women's political rights include a number of internationally recognized rights. These rights include:

- The right to vote
- The right to run for political office
- The right to hold elected and appointed government positions
- The right to join political parties
- The right to petition government officials

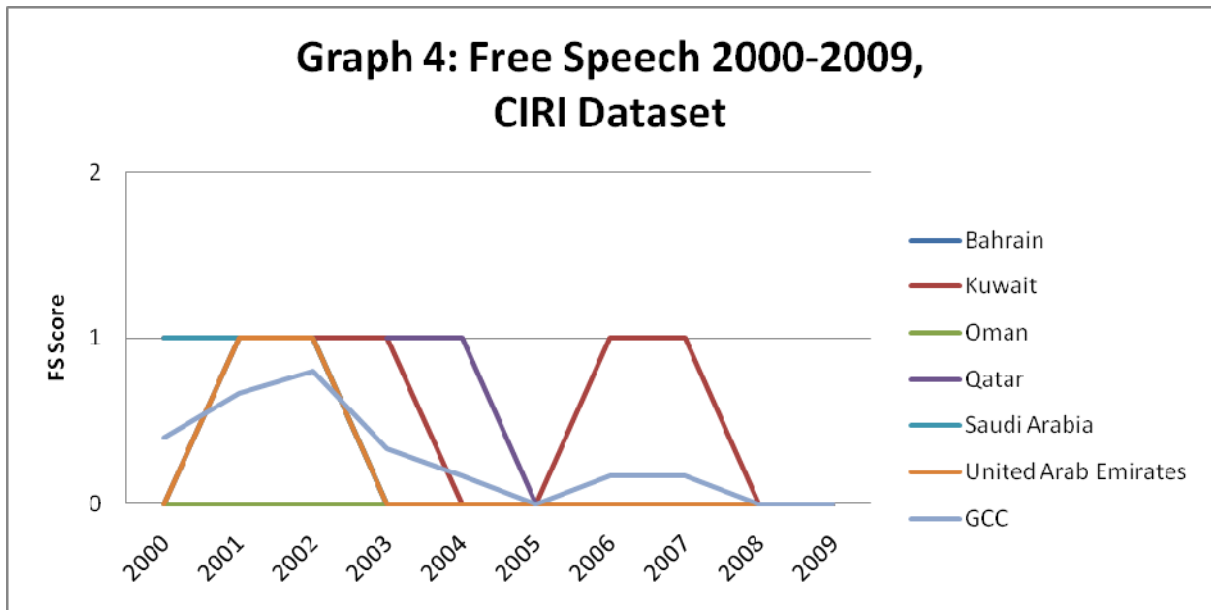
A score of 0 indicates that women's political rights were not guaranteed by law during a given year. A score of 1 indicates that women's political rights were guaranteed in law, but severely prohibited in practice. A score of 2 indicates that women's political rights were guaranteed in law, but were still moderately prohibited in practice. Finally, a score of 3 indicates that women's political rights were guaranteed in both law and practice.



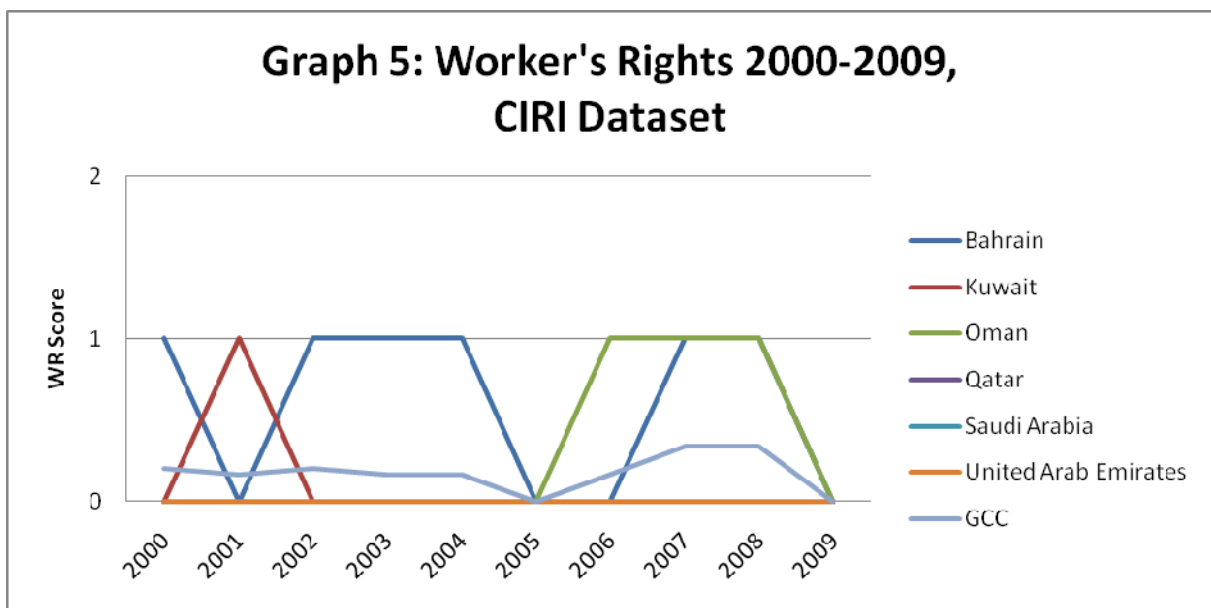
Women's economic rights: Women's economic rights include a number of internationally recognized rights. These rights include:

- Equal pay for equal work
- Free choice of profession or employment without the need to obtain a husband or male relative's consent
- The right to gainful employment without the need to obtain a husband or male relative's consent
- Equality in hiring and promotion practices
- Job security (maternity leave, unemployment benefits, no arbitrary firing or layoffs, etc...)
- Non-discrimination by employers
- The right to be free from sexual harassment in the workplace
- The right to work at night
- The right to work in occupations classified as dangerous
- The right to work in the military and the police force

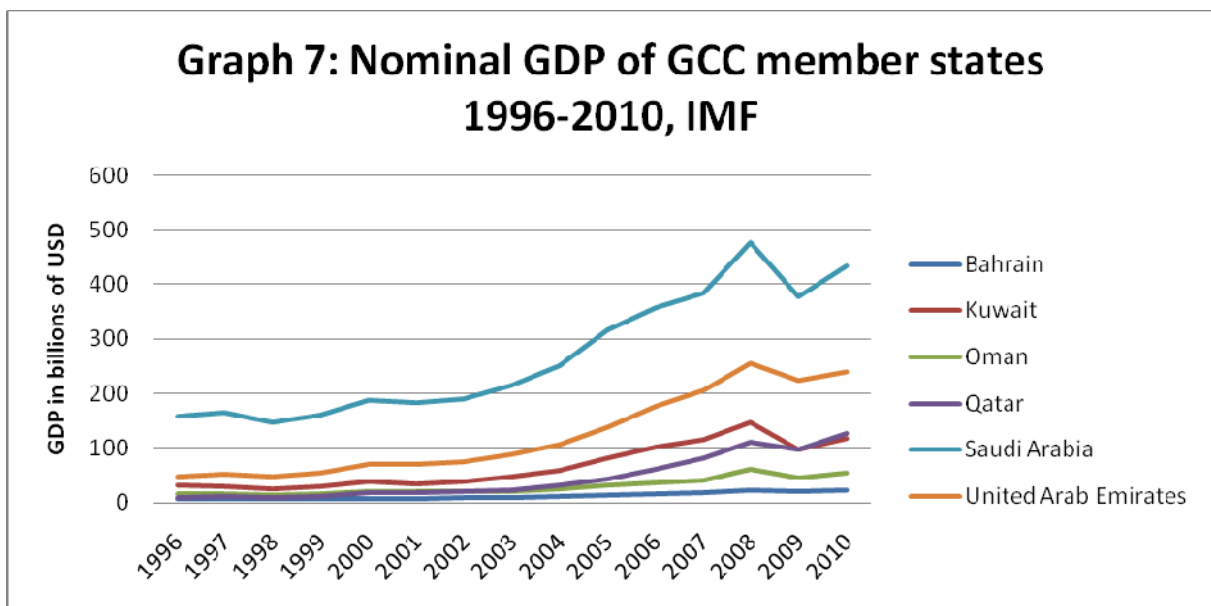
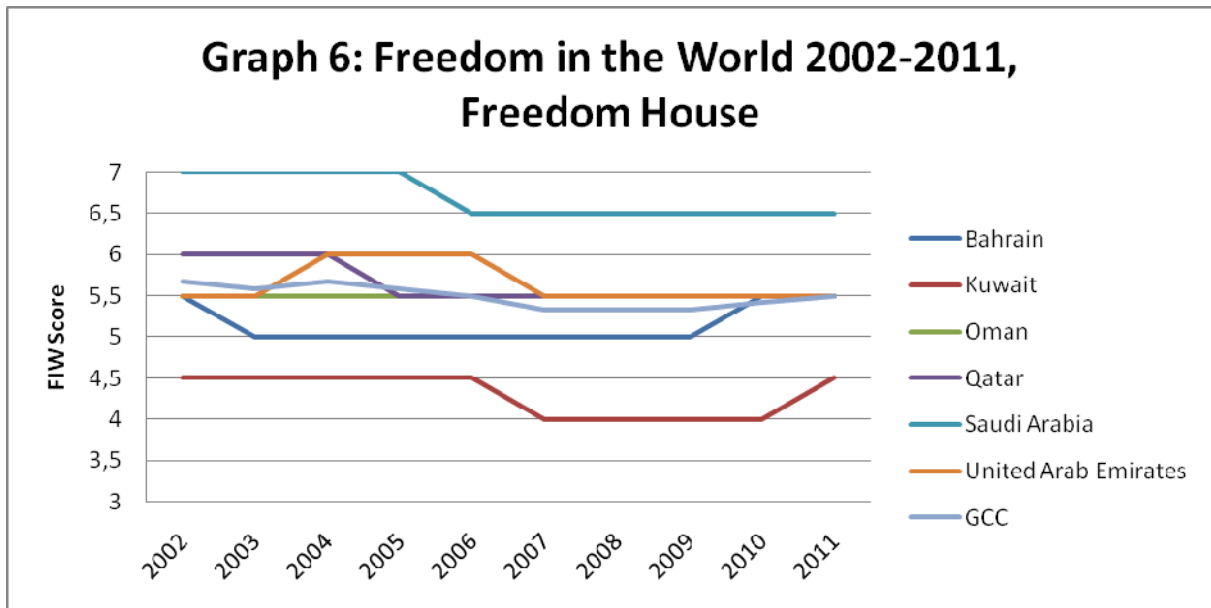
A score of 0 indicates that there were no economic rights for women in law and that systematic discrimination based on sex may have been built into law. A score of 1 indicates that women had some economic rights under law, but these rights were not effectively enforced. A score of 2 indicates that women had some economic rights under law, and the government effectively enforced these rights in practice while still allowing a low level of discrimination against women in economic matters. Finally, a score of 3 indicates that all or nearly all of women's economic rights were guaranteed by law and the government fully and vigorously enforces these laws in practice.



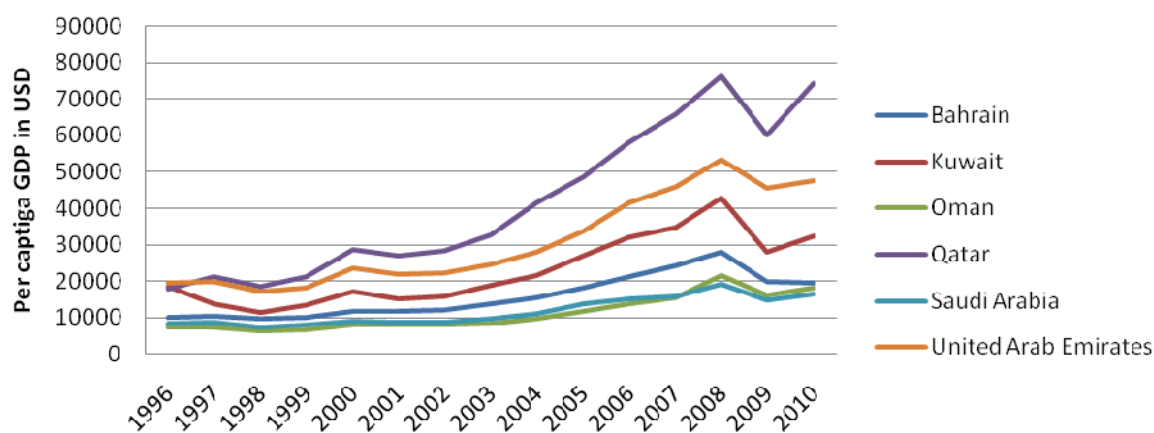
Freedom of Speech: This variable indicates the extent to which freedoms of speech and press are affected by government censorship, including ownership of media outlets. Censorship is any form of restriction that is placed on freedom of the press, speech or expression. Expression may be in the form of art or music. A score of 0 indicates that government censorship of the media was complete; a score of 1 indicates that there was some government censorship of the media; and a score of 2 indicates that there was no government censorship of the media in a given year.



Worker's rights: Workers should have freedom of association at their workplaces and the right to bargain collectively with their employers. This variable indicates the extent to which workers enjoy these and other internationally recognized rights at work, including a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. A score of 0 indicates that workers' rights were severely restricted; a score of 1 indicates that workers' rights were somewhat restricted; and a score of 2 indicates that workers' rights were fully protected during the year in question.



**Graph 8: Per capita GDP of GCC member states
1996-2010, IMF**



	2009			2010		
	Imports	Exports	Total trade	Imports	Exports	Total trade
Bahrain	0,4	1,7	2,1	0,7	1,5	2,2
Kuwait	2,9	3,7	6,6	3,8	4,1	7,9
Oman	0,5	2,5	3,0	0,5	3,0	3,5
Qatar	3,2	5,3	8,5	7,8	5,3	13,1
Saudi Arabia	11,7	19,6	31,3	15,9	23,0	38,9
UAE	3,8	25,1	28,9	5,7	27,7	33,4
GCC Total	22,5	57,9	80,4	34,4	64,6	99,0

Table 1: EU-GCC trade - In billions of Euros. Imports are goods and services flowing from the EU to the GCC, exports are goods and service flowing from the GCC to the EU.¹

Executive Summary

The main and central question that this thesis attempts to answer is "To what extent can Kuwait be used as a gateway for Dutch human rights policy in the GCC region?" The relevance of this question lies into the need for focus in Dutch development policy, combined with the importance of the states in the Gulf for the (energy) security of Europe, and the so-called Arab Spring that has rocked the Middle East during the last eight months. The GCC (Gulf Cooperation Council) consists of six member states: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

The Netherlands have a history of promoting human rights in other parts of the world that goes back to at least the 1970s. Its human rights conceptions come from a broad range of sources, including humanism, the Enlightenment and postmodernism. Islamic human rights views, on the other side of the relationship, come in a spectrum ranging from fully traditionalist (there are no other sources of human rights ideas than the teachings of the prophet) to completely modernist (the Quran only presents values and actual policies need to be tailor made to fit present situations).

Of the Gulf states, Saudi Arabia is, almost obviously, closest to the traditionalist/literalist side of the spectrum. The smaller Gulf states differ less from each other than from Saudi Arabia, though even within this group, there are differences: Oman is more traditionalist, while Kuwait and Qatar seem to be more modernist.

Though the human rights views of none of the Gulf states closely resemble those held in the Netherlands, those held by most countries besides Saudi Arabia are at least compatible with Dutch policy. As a part of the Dutch view on universalism, human rights promotion is even extended to those who have a vastly different understanding of the concept itself. In the Arab world, much has been made of recent claims that the human rights regime is Western invention forcibly imposed on other countries. No Arab state, however, has explicitly withdrawn itself from the global human rights system.

A statistical review of the Gulf States based on the priorities that the Netherlands government has recently set for its foreign human rights policy, does not present a clear 'winner', though the Freedom House statistics on civil and political liberties point to Saudi Arabia being the least free of the six, and Kuwait being the most free.

Some human rights issues are more or less equal across the Gulf: problems related to labour and immigration, the position of women and religious freedoms.

Religious rights for minorities are often not protected well enough. Obviously this problem has a basis in the prominence of Islam in the public and political life of the Gulf. This problem is worse in Sunni dominated monarchies with large Shia minorities, such as Bahrain and (parts of) Saudi Arabia. The acceptance of various denominations of Christianity has been growing, however.

Much of the manual labour in the Gulf (especially in the smaller Gulf states) is carried out by non-nationals. This group includes both construction workers and domestic staff. The position of these, often East Asian, labourers is weak, and the sponsorship system in place has been widely likened to slavery. Reform has constantly been promised, but is only beginning to be implemented.

Over the last few decades, the position of women in the Gulf (and the Arab world in general) has improved, but still they remain under control of their male family members. Though women's opportunities for education have improved, personal status laws and societal norms still place women in a subordinate societal position.

The largest specific human rights-related problem in Bahrain is its explosive religious demography. Shia are discriminated against, but extremists on their side have succeeded in seizing the human rights discourse. This has politicized the concept of human rights and makes it very difficult for foreign governments to operate in Bahrain.

Kuwait is the oldest and only real democracy of the GCC states. Because of this, reform has stalled in some fields. Improving the situation of migrants, for instance would cut into the funds from which the government gives its citizens their salaries and stipends. Because these citizens have a say, they can frustrate programmes that do not benefit themselves. Outside of this, there is the problem of a

large number of stateless Arabs that live within Kuwait, for which the government has often promised a solution, but not yet implemented one.

Oman as a country seems to be mostly content to be ruled by what is considered to be more or less a benevolent dictator. In part due to this fact, political participation is limited.

The king and queen of Qatar have embarked on an ambitious programme of reform, which not only includes hosting cultural and sporting events with regional appeal, but also funding Al-Jazeera and instigating political reform. Though the Qatari population has welcomed reform, it is still very much a process led by the royal family instead of one arising from demand in the country.

As was already mentioned, Saudi Arabia is simply the most conservative country in the region. And though there is considerable room for improvement in the human rights situation of the Kingdom, there is little room to work towards improving it, because both institutional and social norms that make it difficult to work in Saudi Arabia.

The United Arab Emirates is a federation of seven emirates with rather wildly differing human rights practices. Abu Dhabi and Dubai are the emirates that the West keeps its eyes on, and as a result the governments of these two emirates have instigated some reforms. The other emirates, however, simply don't exist for most Westerners, and their governments feel less pressure than the two leading states in the federation.

The above seems to point to Kuwait as being the most reasonable state in which to focus human rights efforts: its record is not considerably worse than that of other states and the fact that human rights reform is not simply a royal pet project (as is the case in Qatar) makes any improvement more sustainable.

The projects that the Netherlands government, other states' governments and the United Nations are engaged in in the state of Kuwait are already largely oriented towards problems that have a regional dimension, or problems that the GCC member states all deal with on some scale. Recent projects have included workshops about international migration and the promotion of women's activities in various sectors of society.

Kuwait offers a relative free and open society in which outside players can develop policies and solutions for export to the other GCC states.

With regards to the possibility of one state to serve as a gateway into the region, both the theory of functional spillover and the idea of geographic spillover do not give reason to predict such a mechanism for the Gulf.

Though functional spillover has occurred in the European Union (and its predecessor organisations) and the Economic Community of West African States (ECOWAS), the past development of the GCC does not make an expansion of the GCC mandate into the political sphere very likely: integration has been uneven and the measure of supranationalism has been limited at best.

The mechanisms for a geographic spillover or contagion effect are still shrouded in mystery. A real demonstration effect does not seem to play a major role in the Gulf, though the regional competition dynamic (which will be dealt with below) could be regarded as a variation to the theme of contagion. While the GCC as an institutional framework offers little hope for a broadening of the mandate, it has (perhaps inadvertently) succeeded in transforming the region into a conceptual framework. In the minds of governments and populations in the region, and those of policy makers abroad, the GCC is simply one space.

The free trade agreement being negotiated on by the EU and the GCC at the moment (and since 1990) is unlikely to bring considerable improvements to the human rights situation in the Gulf, even though the EU has, through the mainstreaming policy, made human rights a part of its trade policy: Even if the Gulf states would not have objected against the inclusion of a political paragraph in the agreement, the governments of the UAE and Saudi Arabia (the EU's biggest trade partners within the GCC) are the most likely architects of a compromise, and the human rights histories of these states are worse than those of, say, Kuwait and Qatar.

With the GCC as one conceptual space comes an internal regional dynamic of competition: if one state implements a policy, the other states are often fast to follow. This becomes visible, for instance, in the ten year span in which all of the smaller Gulf states granted the right to vote to women. The obsession of the smaller states with their image, which is needed to attract Western business and money, is an important underlying issue.

Though it was at one point a forerunner in nearly all matters, Kuwait has lost its regional position to Qatar and the UAE, which are more vibrant and have better succeeded in diversifying their economies. It is, however, unlikely that this fact would completely disqualify Kuwait from the regional competition. Oman, the country that prefers staying out of the limelight also competes with the other states. Additionally, Kuwait will for at least some years remain the only democracy of the GCC member states.

Taking in all of the above, the outcome of this report must be that Kuwait would be a sensible country in which to focus human rights efforts in order to have them spread into the rest of the region. The broad support for a reform agenda would make improvements more sustainable than in Qatar, where reform has been an élite project. The regional competition element makes a spread of policy very much possible, even if formal theories for spillover are at the moment still lacking.

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