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Three spheres of legal protection for NGO activity

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The transitional period which the Arab countries are going through, will undoubtedly change the face of the region. Although there are particularities within each Arab country, the institution of the state has proved to be a failure. Youngsters, who in fact comprise the highest percentage of the population, are misrepresented on the political scene. Furthermore, the youth unemployment rate is rising. CSOs might be the answer to a generation of young people lacking prospects, as well as an opportunity to bring political and social change into communities from within by enabling unrepresented groups to participate in political decision-making. Additionally, NGOs could substitute to some extent malfunctioning state institutions.

Concerning the legal requirements needed to protect NGOs, there are some points to be taken into consideration. The main issue is not necessarily related to a particular law, but rather to the overall enforcement of laws in the social and political scene, rule of law.

Even when laws and regulation exist, the implementation is usually inefficient. It is not just the NGOs activity that might be imperilled, but workers and activists as well are targeted individually. Therefore, it is necessary to create laws regulating three different spheres. Laws related to civil rights are of major importance, as these would provide protection to the NGO members as individuals. Another set of laws required should on the one hand regulate the NGOs as bodies and on the other grant them protection in order to operate and function. A third essential set of laws should assure the efficient implementation of these laws, by creating a well functioning and transparent judiciary.

Laws are indeed the first and last guarantee for the rights of individuals and bodies within the society. Nevertheless the society, by monitoring state bureaucracy, indirectly ensures the creation and implementation of the law. Therefore, it is of uttermost importance that the NGOs themselves raise awareness at a social level regarding the efficiency and importance of their activity. Foreign-based NGOs as well as local NGOs funded by foreign countries might face scepticism from both national states and individuals. While this scepticism is not entirely justified, the high additional overhead costs might fuel prejudices created by years of corruption and inefficiency.

Even in countries that allow new political parties and CSOs, the regime in power might be a deciding factor in the overall shape and outcome of these organizations. For instance, trade unions are influenced by the ruling regime by promoting individuals loyal to the party in top positions. The political opposition in the state might also be a shaping factor. Since as a party they are very much restricted on the political scene, CSOs are the perfect means to achieve political goals and promote their ideology.

Finally an applicable, balanced, and efficient legal framework is essential to enable CSOs to develop and operate freely with a view to contribute in democratic processes.

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