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Research Report

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Human Rights Dialogue with Arab States

Argumentation patterns of authoritarian regimes as a challenge for a values-based foreign policy

Jannis Grimm and Stephan Roll

Germany is being met with rejection from the governments of Arab states when it calls for human rights to be respected. If those being addressed do not outright refuse to engage in dialogue, they usually rely on four patterns of argumentation to ward off corresponding demands: (1) the human rights situation in their own country is already improving, but the process still needs time, (2) concerns such as economic development and the fight against terrorism should take precedence over civil rights, (3) human rights are a Western construct and ignore the cultural characteristics of the societies being addressed, and (4) Western human rights policy is characterised by double standards. German officials should be aware of these objections and counter them proactively when they engage in dialogue on human rights. Above all, the German government should engage the accusations of cultural imperialism and double standards, not least because these beliefs are widespread among the populations of Arab countries. To counterbalance these accusations, the universal claim of human rights should be emphasised more strongly – especially in the context of a feminist foreign policy. Additionally, self-interests that potentially undermine the proclaimed values-based approach should be identified and articulated more clearly. Finally, the dialogue on human rights should be underpinned by concrete measures.

Human rights in the Middle East and North Africa (MENA) region are in a bad way. This conclusion is not only drawn from the relevant reports of organisations such as Amnesty International and Human Rights Watch. In the current "Freedom in the World" report by the US non-governmental organisation (NGO) Freedom House, 16 of the 22 members of the Arab League are classified as "unfree" and the remaining six as only "partially free". The V-Dem Institute's index ranks the region as the worst in the world in terms of civil liberties. And the latest report by Reporters Without Borders also paints a bleak picture: There are no less than 10 countries in the Middle East among the 31 countries ranked at the bottom of the press freedom ranking; in almost all of the others, the situation is rated as "difficult" — and the trend is downwards.

This persistently precarious human rights situation is a challenge for Germany in view of its own claim of pursuing a

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values-based approach to foreign policy. On the one hand, the political leaders in the region are hardly interested in a constructive, results-oriented dialogue on human rights. At the same time, other interests are limiting Germany's willingness and ability to exert targeted pressure. Since Russia's invasion of Ukraine, at the latest, the states of the region have gained in importance as energy suppliers; they are increasingly perceived as potential partners in dealing with irregular migration and have recently elevated their economic importance through substantial cooperation with German companies, especially in the infrastructure sector. Against this backdrop, they are becoming more confident about confronting Western human rights policy. This was brought home to the German government once again in February of this year, when the Commissioner for Human Rights Policy and Humanitarian Assistance had to cancel a planned trip to Egypt. Cairo had brusquely informed her that her visit was currently not welcome.

This complete refusal to engage in dialogue is not new, but it is by no means the rule. Four patterns of argumentation can be identified that Arab governments regularly resort to in the context of discussions on human rights, albeit not always consistently and in various combinations.

Human rights as a promise for the future

"I just want to remind the world that American women had to wait a long time to get their right to vote. So we need time." This was the response of Saudi Crown Prince Muhammad bin Salman in 2016 when asked in an interview about the status of women in the kingdom. He was following a tried and tested pattern of argumentation that regional autocrats had favoured already before the upheavals of the so-called Arab Spring. The value of human rights is not fundamentally being questioned here. Instead, they are presented as a long-term goal that can only be achieved gradually — in the sense of catching up in terms of development — and therefore will take time. This narrative proves to be particularly effective in deflecting external criticism, as it affirms human rights as a globally valid and shared norm, and it even acknowledges deficits as regards the respect for and guarantee of rights and freedoms. It relativises political responsibility for these deficits, however, by kicking the can down the road and referring to technical hurdles, a lack of organisational or structural capacities and recourse, or simply the longer timeframe required for real reforms and visible improvements in the field of human rights.

Indeed, not all human rights can be enforced overnight. However, political freedoms in particular are in the hands of the respective regimes. Whether imprisoned women's rights activists in Saudi Arabia are released, for example, is decided solely by Muhammad bin Salman himself. In parallel to this discursive strategy — and rather than making a real effort at tangible progress — the ruling regimes often simulate a willingness to reform by creating institutions such as national human rights councils that are tasked with monitoring the human rights situation, or by publishing state strategy papers that are meant to signal an interest in improving the situation. The toolbox of symbolic actions also includes signing international and regional human rights agreements, which hardly have any impact in the absence of effective monitoring and enforcement mechanisms.

Promises about the future of human rights are primarily directed outwards. They are hardly ever found in official Arabic-language discourses — neither in government declarations nor in state-affiliated media — for it would mean a certain degree of self-abasement vis-à-vis external critics to admit one's own development shortcomings. Such an attitude breaks with the self-image of independence and strength that is cultivated domestically as part of populist and nationalist discourses on authority.

Selective approach to human rights

"You must not define human rights so narrowly [...]. If you don't get an education, if you don't have a roof over your head, if you can't find a job, if you have no hope for a future, then your human rights are being violated," said Egyptian President Abdel Fatah al-Sisi in 2015, responding to accusations by human rights organisations that state repression had intensified under his rule compared to his predecessors. Socio-economic development and economic participation are thereby reframed as human rights issues that take priority over other personal rights. This narrative epitomises another common argumentation pattern of regional decision-makers that is also often used in domestic political discourse. Socio-economic concerns are therein instrumentalised to offset the country's obvious violation of the physical integrity of the population, its negligence of identity-based human rights, or its failure to protect minorities.

It is noteworthy that this argument is based on a selective approach to the individual elements of what is itself a holistic concept of human rights. Only some of its core elements are thereby acknowledged or publicly presented as desirable by the respective regimes. Those elements of the human rights canon that can be exploited for the sake of image and political mobilisation are exaggerated and, if necessary, also exploited economically through the distribution of rents. By contrast, other legal claims that could threaten authoritarian rule — such as the protection of freedom of speech and assembly — are marginalised or left out altogether.

As part of this "cherry-picking", some governments have recognised the profiling potential of institutionalising women's and gender equality rights: Jordan declared men and women equal before the law, and Morocco ratified the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Oman, on the other hand, publicly established a hotline for domestic violence cases, but it failed to create solid support mechanisms such as shelters or legal assistance to support victims. Saudi Arabia introduced its first personal status law in March 2022, which the political leadership has since praised as a great victory for women's rights. At the same time, there have been implementation problems in all four countries, albeit to varying degrees. Above all, however, human rights organisations criticise "pinkwashing" and that these selective commitments to women's rights are aimed at covering up serious shortcomings in the protection of other basic rights, such as physical integrity, the right to fair trials, and the right to freedom of movement.

The selective emphasis on human rights was taken to extremes by Egyptian President Al-Sisi, who even declared the war on terror a "new human right". In truth, "counterterrorism" has hardly been primarily about protecting the population, but has mainly served as an effective cover for, and justification of, excessive state violence and the repression of dissent — in Egypt as much as in other countries in the region.

Accusation of cultural imperialism

"We are not colonised, we are an independent, sovereign country and we know exactly what we are doing," Tunisian President Kais Saied replied in February 2023 to US and German criticism of the deteriorating human rights situation in his country. According to this pattern of argumentation, human rights are an expression of a new Western "value imperialism" that maintains continuity with Europe's imperialist and colonial past. Accordingly, human rights norms serve to morally devalue governments and societies in the Global South. The true reasons behind the external criticism, in turn, are alleged to be neocolonial ambitions as well as Islamophobic and racist motives. What used to be the *mission civilisatrice*, so this narrative goes,

has now come back disguised as supposedly universal human rights norms — a useful tool to impose conditionality when it comes to security and economic cooperation, to justify the interference in internal affairs and, in extreme cases, to legitimise military intervention.

The nature of this pattern of argumenttation is more confrontational and for a long time was mainly a feature of pariah regimes. However, it is currently experiencing a comeback across the entire region, especially where regimes have been banking on nationalism and populism to mobilise support and legitimise their authoritarian rule, such as in Egypt, Saudi Arabia, and — most recently — Tunisia.

At the same time, anti-colonial framings are also quite popular at the societal level. This is true not only for Islamist and nationalist circles, whose political programmes and visions of state—society relations are often shaped by the motif of a "unique and original way" into modernity (e.g. on the basis of Islamic dogmas or a social contract that prioritises national security and social homogeneity over personal rights and civil liberties). But they are also prominent among those segments of civil society that played a leading role in mobilising anti-authoritarian protests in the region over the past decade, whose main protagonists also routinely voice criticism of the West's values-based foreign policy, which is often perceived as interventionist and insensitive to the sociocultural settings it targets.

This antagonism, which at first seems contradictory, is partly due to the fact that Western human rights demands towards Arab regimes in the period after the "Arab Spring" have, in fact, hardly translated into tangible progress or better protection of these same civil society milieus. On the contrary, greater exposure has often proven to be a double-edged sword: Marginalised and threatened actors, such as LGBTIQ communities, representatives of religious minorities, and women's rights initiatives, repeatedly experience being invited to high-level talks and having their concerns included in the foreign policy strategy papers of Western states. At the same time, however, this symbolic upgrading exposes them to an increased risk of repression.

Accusation of double standards

"Forgive me if I doubt the intention of the European countries that have stood idly by over the last 10 years while migrants fleeing conflict, devastation and poverty drowned at the bottom of the Mediterranean." This is how the Qatari artist Ghada Al Khater commented in 2022 on Europe's criticism about the human rights situation in her country, the venue of the World Cup at the time.

The accusation of double standards and a selective sanctioning of human rights violations is often levelled by Arab officials, but it is also widespread in the civil societies of the region. In addition to European migration policy and the obvious disregard for human rights and international law at Europe's external borders — especially in dealing with refugees in the Mediterranean — it is primarily fed by three developments.

First, there has been a global trend of autocratisation for some years, involving both a consolidation of authoritarianism and an erosion of democratic systems. The latter undermines the supposed moral superiority of Western states in the debate on human rights, as they themselves are now increasingly struggling to preserve once-won civil liberties and personal rights.

Second, the resolute response to Russia's aggression against Ukraine reveals how Europe counters war crimes differently. On the Arab side, it is perceived as inconsistent when — in the case of the Ukraine war — Europe takes in refugees, legally prosecutes criminals, sanctions Russia's crimes, and denounces Moscow's illegal occupation policy, while similarly tangible consequences are absent in the case of serious human rights violations in the course of military conflicts in Yemen, Libya and, most recently, Sudan.

Third, there is a lack of understanding in large parts of the Arab population about the stances of Western states on Middle East politics, especially with regard to the Israeli occupation of the West Bank. From this point of view, Western governments react far too reservedly to violations of human rights and international law by Israel, mostly limiting themselves to mantra-like appeals for de-escalation on both sides. This restraint is contrasted with the more proactive steps that have been taken against Russia and Iran, for example, and then used as evidence that the West is, in fact, applying double standards in its support of human rights.

Such criticism is by no means merely tactical. For the authoritarian Arab regimes, the Israeli occupation and declarations of solidarity with the Palestinian cause may be a mere playing card to score political points against the West and to strengthen their own domestic legitimacy. For large parts of the Arab population, however, the emotional significance of the suffering in Palestine is high, and the solidarity expressed is sincere. Even those activists who have been most consistent in their efforts for years to shed light on human rights abuses in Arab countries and to grant universal rights of freedom and equality are leading the way in criticising Western double standards. In fact, almost all human rights NGOs in the region support the BDS (boycott, divestment, sanctions) movement against Israel, which is strongly condemned in Germany. This condemnation, in turn, like the bans on Palestinian solidarity rallies due to accusations of anti-Semitism, cements the image of the West following double standards when it comes to criticising human rights violations and granting freedom of assembly and speech.

Conclusions regarding Germany's human rights dialogue with Arab nations

In principle, it is not very effective to rely on dialogue as the sole instrument of human rights policy vis-à-vis authoritarian regimes. After all, the more or less systematic violations of human rights are indispensable for securing their rule. The power of argument alone is thus unlikely to persuade autocrats to improve the corresponding situation in their countries. It is therefore all the more important that the dialogue not be conducted predominantly in back rooms or in isolation — for example by human rights commissioners or the special representatives for individual conflict hotspots — but publicly and as part of public diplomacy.

As far as the patterns of argumentation presented here are concerned, the German government should address the accusations of cultural imperialism and double standards in particular. They are also widespread among the populations of nearly all Arab nations (unlike the claim that the implementation of human rights is merely a matter of time, and unlike the justification of relevant shortcomings through hierarchisation and selection).

The accusation of cultural imperialism is taken up by parts of Arab civil society because the impression has become firmly established there that the focus of Western human rights policy is no longer on physical integrity and socio-economic well-being, but on identity policy issues, the promotion of women's and LGBTQI rights, and the rights of religious minorities — concerns that are partly rejected by the local populations. The fact that human rights issues are embedded in a decidedly feminist foreign and development policy is likely to reinforce this image. Germany in particular, while still seen as one of the few European states with a genuine commitment to human rights promotion in the region, is increasingly perceived as an actor that brings minority rights to the fore. Moreover, the concept of feminist foreign and development policy is viewed sceptically, even by some partners in the human rights community of Arab countries. They are justifiably concerned that it will draw public attention to minorities and marginalised groups, who could face additional dangers

without being safeguarded by adequate accompanying protection mechanisms.

German decision-makers should be as aware of such possible effects as of the fact that Arab regimes have recognised the potential of the feminist approach to divert attention from other human rights shortcomings by ostensibly strengthening women's rights. In the context of human rights dialogue, therefore, it is less this controversial label and more the concrete claim of universal human rights that should be accentuated.

At the same time, cultural relativist argumentation patterns must be resolutely opposed, even if they are shared by parts of the mostly highly polarised populations. It is true that, on the surface, the populations of the MENA region sometimes appear unique in their strong support for authoritarian regimes and their repressive policies — especially where restrictions on rights affect religious, ethnic, political, and sexual minorities. But this image is deceiving: Often, public dissent against the authoritarian trend is not visible because of the risks involved in speaking out. Critical voices have been silenced by repression or fear of consequences.

In any case, as a matter of principle, authoritarian sentiments — even if popular — must never guide a values-based foreign policy founded on the universalistic claim of human rights. Rather, it is this very claim that must be proactively defended. This can be done by pointing out that human rights norms are by no means a Western construct, but instead represent an obligation under international law of the actors being addressed. Moreover, surveys show that the desire for democratic norms and laws anchored in the rule of law, an end to state violence and despotism, and respect for human and civil rights is still strong in the region — even if representatives of the regimes there occasionally claim the opposite.

The accusation of double standards is based primarily on perceived inconsistencies in German human rights policy. There are complaints about the discrepancy between the propagated claims of human rights policy and the actual policy; the lack of consistency when it comes to reacting to corresponding deficiencies in the region and beyond; as well as the lack of attention to, varying assessments of, and divergent sanctions on the human rights violations of individual states. Large parts of progressive civil society in the MENA region find it hard to understand why arms deals continue to be conducted with authoritarian regimes, despite massive human rights violations and the level of state violence against citizens. Likewise, the fact that economic cooperation worth billions is rarely conditioned on concrete improvements in human rights, such as the release of individual activists from prison, undermines the narrative of a values-driven foreign policy — both among the regimes and the populations of the region. And the fact that human rights violations in Palestine — committed within the context of the Israeli occupation — are insufficiently addressed and sanctioned is perceived as a grave injustice across the region.

The accusation of double standards is particularly serious because it calls into question the credibility of German human rights policy. This charge cannot be countered through dialogue alone. Admittedly it can help if Germany is honest to a certain extent and openly communicates which other interests and considerations might stand in the way of a more resolute commitment to human rights. In addition, the seriousness of the concern can be underlined if corresponding appeals are made not only within the framework of institutionalised formats, but at all levels of dialogue. Criticism should be expressed less in general terms and more in relation to concrete grievances.

But ultimately, credibility in human rights dialogue cannot be achieved through words alone — it also requires action. It is important to name the problems and call for their resolution. Ultimately, however, the success of dialogue depends to a large extent on the degree to which the German

government is prepared to subordinate other policy goals to its commitment to human rights and prioritise the protection of human rights standards across all government units.

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