

## IMAGES OF THE ARAB WORLD AND MIDDLE EAST— DEBATES ABOUT DEVELOPMENT AND REGIONAL INTEGRATION

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### I. INTRODUCTION

The United Nations Development Programme Regional Bureau of Arab States (UNDP RBAS) and the World Bank recently published a series of thoroughly researched reports addressing development in the Arab/Middle East North Africa (MENA) region.<sup>1</sup> Both series of reports

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<sup>1</sup> The UNDP reports are the following: U.N. DEV. PROGRAMME, ARAB FUND FOR ECON. AND SOC. DEV., ARAB HUMAN DEVELOPMENT REPORT 2002: CREATING OPPORTUNITIES FOR FUTURE GENERATIONS (2002) [hereinafter UNDP 2002]; U.N. DEV. PROGRAMME, ARAB FUND FOR ECON. AND SOC. DEV., ARAB HUMAN DEVELOPMENT REPORT 2003: BUILDING A KNOWLEDGE SOCIETY (2003) [hereinafter UNDP 2003]; U.N. DEV. PROGRAMME, ARAB FUND FOR ECON. AND SOC. DEV., ARAB HUMAN DEVELOPMENT REPORT 2004: TOWARDS FREEDOM IN THE ARAB WORLD (2004) [hereinafter UNDP 2004]; and U.N. DEV. PROGRAMME, ARAB FUND FOR ECON. AND SOC. DEV., ARAB HUMAN DEVELOPMENT REPORT 2005: TOWARDS THE RISE OF WOMEN IN THE ARAB WORLD (2005) [hereinafter UNDP 2005]. The World Bank reports are the following: WORLD BANK, MENA DEVELOPMENT REPORT, JOBS, GROWTH, AND GOVERNANCE IN THE MIDDLE EAST AND NORTH AFRICA: UNLOCKING THE POTENTIAL FOR PROSPERITY (2003) [hereinafter INTEGRATIVE REPORT]; WORLD BANK, MENA DEVELOPMENT REPORT, TRADE, INVESTMENT, AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA: ENGAGING THE WORLD (2003) [hereinafter TRADE, INVESTMENT]; WORLD BANK, MENA DEVELOPMENT REPORT, BETTER GOVERNANCE FOR DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA: ENHANCING INCLUSIVENESS AND ACCOUNTABILITY (2003) [hereinafter BETTER GOVERNANCE]; WORLD BANK, MENA DEVELOPMENT REPORT, GENDER AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA: WOMEN IN THE PUBLIC SPHERE (2004) [hereinafter GENDER]; and WORLD BANK, MENA DEVELOPMENT REPORT, UNLOCKING THE EMPLOYMENT POTENTIAL IN THE MIDDLE EAST AND NORTH AFRICA: TOWARD A NEW SOCIAL CONTRACT (2004) [hereinafter

were written for a broad, non-specialist audience and have garnered significant public attention.<sup>2</sup> Despite the popularity of the reports, to date, they have received little critical attention by legal scholars.<sup>3</sup>

The two organizations' reports examine similar development topics and target similar popular audiences. Although each set of reports employs prevalent theories of development, each uses a different definition of development. The UNDP RBAS reports' conception of development focuses on enlarging choices and enhancing human freedom. The World Bank reports' conception of development emphasizes economic growth and good governance.

Both the UNDP RBAS and World Bank reports consider regional integration amongst Arab/MENA states to be one of the primary means of achieving development. Indeed, in the past two decades, a plethora of regional trade agreements have been discussed in numerous books and articles;<sup>4</sup> as such, these debates can be situated amongst the broader discussions regarding regional trade agreements. The popularity of regional trade agreements was evidenced most recently when the member countries of the G8 issued a statement emphasizing that they will put more effort into negotiating regional and bilateral trade agreements and, in effect, reduce their efforts in concluding multilateral negotiations at the World Trade Organization under the Doha Development Round.<sup>5</sup>

Moreover, the reports' look to regional institutions is not surprising because the Arab world/MENA region's post-World War II history is laden with multiple attempts of regional integration in

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EMPLOYMENT]. Pinpoint references to these reports in this article are not exhaustive and are meant to exemplify certain characteristics in the respective reports.

<sup>2</sup> Rima Khalaf Hunaidi, U.N. Assistant Sec'y Gen., Dir., Reg'l Bureau for Arab States at U.N. Dev. Programme, *How Were the Arab Peoples Betrayed? Findings of the UNDP Arab Human Development Reports*, Speech before the Emile Bustani Middle East Seminar at MIT (Mar. 14, 2006) (notes on file with author) [hereinafter UNDP Speech]; and Mustapha Nabli, World Bank Chief Economist for the Middle East and North Africa, *World Bank Development Reports on the MENA Region*, Speech at World Bank and MEDEA Institute (Feb. 19, 2004), available at <http://www.medeabe/index.html?doc=1630> [hereinafter World Bank Speech].

<sup>3</sup> One notable exception is Michael Trebilcock, *Between Institutions and Culture: The UNDP's Arab Human Development Reports, 2002–2005*, 1 MIDDLE EAST L. & GOVERNANCE 210 (2009), available at <http://ssrn.com/abstract=1131309>.

<sup>4</sup> See Bryan Mercurio, *Regional Trade Agreements: Law, Policy and Practice* by David Gantz, 9 WORLD TRADE REV. 412, 412 (2010).

<sup>5</sup> Group of Eight, *G8 Muskoka Declaration Recovery and New Beginnings*, ¶ 26 (2010), [http://www.whitehouse.gov/sites/default/files/g8\\_muskoka\\_declaration.pdf](http://www.whitehouse.gov/sites/default/files/g8_muskoka_declaration.pdf).

divergent forms.<sup>6</sup> Since each series of reports has a different definition of development, each prescribes regional integration for different reasons. The UNDP RBAS reports prescribe regional integration in order to empower ordinary people, enhance human freedom, and strengthen Arab identity. The World Bank reports prescribe regional integration in order to achieve economic growth from trade liberalization and to ensure national governments achieve standards of good governance.

The reports by the two organizations, each with its own definition of development, present a juncture in the character of future trade agreements and regional integration that is actually part of the ongoing broader globalization and development debate.<sup>7</sup> In fact, the World Bank and the UNDP have and will continue to significantly influence general development discourse.<sup>8</sup> This means that policy-makers

<sup>6</sup> Rania S. Miniesy et al., *Intra-regional Trade Integration in the Middle East: Past Performance and Future Potential*, in TRADE POLICY AND ECONOMIC INTEGRATION IN THE MIDDLE EAST AND NORTH AFRICA: ECONOMIC BOUNDARIES IN FLUX 41, 42–3 (Hassan Hakimian & Jeffrey B. Nugent eds., 2004); Samiha Fawzi, *The Economics and Politics of Arab Economic Integration*, in ARAB ECONOMIC INTEGRATION: BETWEEN HOPE AND REALITY 13 (Ahmed Galal & Bernard Hoekman eds., 2003); see MUNZER FAYEK ANABTAWI, ARAB UNITY IN TERMS OF LAW 53 (1963); and ALFRED G. MUSREY, AN ARAB COMMON MARKET: A STUDY IN INTER-ARAB RELATIONS, 1920–1967 3 (1969). For an assessment of different contemporary regional integration projects, see Tomer Broude, *Regional Economic Integration in the Middle East and North Africa: A Primer*, in 1 EUROPEAN YEARBOOK OF INTERNATIONAL ECONOMIC LAW 269 (Jörg Philipp Herrman & Christoph Terhechte eds., 2010).

<sup>7</sup> For information on the close link between the recent “development” debate and the “globalization” debate, see, e.g., AMARTYA SEN, DEVELOPMENT AS FREEDOM (Alfred A. Knopf 1999) (1999); JOSEPH STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS (2002); DEVELOPMENT POLICY IN THE TWENTY FIRST CENTURY: BEYOND THE POST-WASHINGTON CONSENSUS 19 (Ben Fine, Costas Lapavistas & Jonathan Pincus eds., 2003); RETHINKING DEVELOPMENT ECONOMICS (Ha-Joon Chang ed., 2003); MARTIN WOLF, WHY GLOBALIZATION WORKS (2004); JAGDISH BHAGWATI, IN DEFENSE OF GLOBALIZATION 52 (2004); JEFFREY SACHS, THE END OF POVERTY: ECONOMIC POSSIBILITIES FOR OUR TIME (2005); DAVID ELLERMAN, HELPING PEOPLE HELP THEMSELVES: FROM THE WORLD BANK TO AN ALTERNATIVE PHILOSOPHY OF DEVELOPMENT ASSISTANCE (2005); and THE NEW DEVELOPMENT ECONOMICS: AFTER THE WASHINGTON CONSENSUS 47 (Jomo Kwame Sundaram & Ben Fine eds., 2006). For arguments regarding fundamental problems with the word “development” and its conceptualization, see, e.g., DEVELOPMENT AND ITS RATIONALITIES: PHILOSOPHICAL AND CULTURAL ASPECTS OF THE CONCEPT OF DEVELOPMENT (C.A. van Peursen & M.C. Doerer eds., 1985); THE DEVELOPMENT DICTIONARY: A GUIDE TO KNOWLEDGE AS POWER vi–vii (Wolfgang Sachs ed., 2d ed. 2010); and CRITICAL DEVELOPMENT THEORY: CONTRIBUTIONS TO A NEW PARADIGM (Ronaldo Munck & Denis O’Hearn eds., 1999).

<sup>8</sup> See, e.g., Balakrishnan Rajagopal, *Invoking The Rule Of Law In Post-Conflict Rebuilding: A Critical Examination*, 49 WM. & MARY L. REV. 1347, 1370–71 (2008); Robert B. Zoellick, World Bank Group Pres., Speech at the National Press Club in Washington D.C. (Oct. 10, 2007), 14 Law & Bus. Rev. Am. 243, 252 (2008). Countries in Africa were at a similar juncture in the 1980s. Two primary reports addressed development and regional integration. “The 1980 Lagos Plan of Action prepared by African governments under the auspices of the OAU [Organization of African Unity] and the UN Economic Commission on Africa, identified external economic

in the region will likely determine a vision of development and regional integration influenced by either one or both reports.

The aim of this article is to better understand each international organization's respective definition of development. This article will examine how each series of reports operationalizes its concept of development through the prescription for regional integration. This approach explicates the geographic assumptions and institutional implications that underlie each concept of development.<sup>9</sup> The benefits of this approach are two-fold: first, it rehearses the questions that would need to be asked if a multilateral regional legal institution were to be created; and second, it outlines how uncritical assumptions regarding geography can limit imagining development solutions. In other words, by unpacking the legal and institutional implications and geographic assumptions, this article explores the strengths, weakness, and ambiguities in the different conceptions of development.

In the end, this article determines that the UNDP RBAS reports are limited in imagining regional development solutions because of their cultural geographic assumptions of what constitutes "Arab." It also suggests that the World Bank's definition of development is ambiguous and this stems from its weak argument for regional integration and unclear political geography.

This article does not strictly compare the reports, as each organization has a different mandate, sources of financial support, and external perceptions of legitimacy. Instead, it analyzes each report and then runs their concept of development through its own prescription for regional integration. This tandem analysis is appropriate because the reports were not only published at approximately the same time about a similarly (though not exactly) delineated region and address similar issues, but also because each organization explicitly acknowledges the other's report.<sup>10</sup>

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dependence as a major factor accounting for Africa's poor economic performance . . . . [T]he World Bank's *Accelerated Development in Sub-Saharan Africa—An Agenda for Action Report* (1987) (Berg Report) [sic], prepared in consultation with African finance ministers, placed major emphasis on the improper economic policies pursued by sub-Saharan African governments as the primary cause of poor economic performance on the continent." James Thuo Gathii, *A Critical Appraisal of the NEPAD Agenda in Light of Africa's Place in the World Trade Regime in an Era of Market Centered Development*, 13 *TRANSNAT'L L. & CONTEMP. PROBS.* 179, 182 (2003).

<sup>9</sup> I draw some of my thinking on law and geography from *THE LEGAL GEOGRAPHIES READER: LAW, POWER AND SPACE* (Nicholas Blomley et al. eds., 2001); *LAW AND GEOGRAPHY* (Jane Holder & Carolyn Harrison eds., 2003); Tayyab Mahmud, *Geography and International Law: Towards a Postcolonial Mapping*, 5 *SANTA CLARA J. INT'L L.* 525 (2007).

<sup>10</sup> See, e.g., *GENDER*, *supra* note 1, at 22.

To be clear, the argument is not that one report's geographic assumption is more authentic than the other, or that one definition of development is necessarily better than the other. Rather, this article's intent is to examine how understanding different geographic assumptions can provide a more detailed appreciation of law and development prescriptions. As Edward Said notes, "Just as none of us is outside or beyond geography, none of us is completely free from the struggle over geography. That struggle is complex and interesting because it is not only about soldiers and cannons but also about ideas, about forms, about images and imaginings."<sup>11</sup>

My working premise is that there is nothing inherently self-explanatory in terms such as the "Arab world" or "Middle East." The term "Arab" is often used when authors intend to include notions of culture or language.<sup>12</sup> "Middle East" was a political demarcation which came into general use when the British government established their "Middle East Command" during the Second World War.<sup>13</sup> The purpose of my critical analysis is to examine how these reports impart their own regional images. By thus delineating each reports' geography, this article takes up the challenge set out by each development report by contributing various analytical tools that may help us better understand how to improve the lives of those individuals and communities living in the Arab/MENA region.

Part II outlines both reports. Part III examines the UNDP RBAS, and Part IV explores the World Bank reports. Finally, Part V concludes.

## II. OUTLINE OF THE REPORTS

### A. THE REPORTS

The UNDP RBAS published a series of annual reports, the *Arab Human Development Reports* (AHDRs), starting in 2002.<sup>14</sup> The reports were authored by a number of Arab scholars and intellectuals from a multitude of disciplines including economics, cultural studies, and

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<sup>11</sup> EDWARD SAID, *CULTURE AND IMPERIALISM* 7 (Vintage Books 1994) (1993).

<sup>12</sup> See, e.g., ALBERT HOURANI, *A HISTORY OF THE ARAB PEOPLES* (1991); PHILIP HITTI, *HISTORY OF THE ARABS* 4 (10th ed. 2002).

<sup>13</sup> ROYAL INST. INT'L AFFAIRS, *THE MIDDLE EAST: A POLITICAL AND ECONOMIC SURVEY* 1 (2d ed. 1954).

<sup>14</sup> UNDP 2002, *supra* note 1.

political science.<sup>15</sup> The AHDRs' goal was to review the Arab region in an "objective" manner based on "serious self-criticism."<sup>16</sup> It was intended to act "principally as a critique of, and a charter for, development processes relevant both at the regional and country levels."<sup>17</sup>

The tone of the reports has been self-described as one of "constructive impatience" stemming from intolerance of the current socio-economic situation in the Arab region and frustration with the rosy attitude arising from financial institutions.<sup>18</sup> The reports garnered much attention from the press, Arab people, and Arab state governments.<sup>19</sup> The main criticism from some Arab media outlets and many Arab state governments was that the reports exposed the region's weaknesses, thereby making the region and its national governments susceptible to instability and exploitation.<sup>20</sup> This defensive response by Arab state governments indicates that the reports struck a sensitive nerve with the current regimes.

The first AHDR was entitled *Creating Opportunities for Future Generations* (AHDR 2002). This report concluded that development in the Arab region was due to deficiencies in freedom, knowledge, and womanpower—and not a lack of resources.<sup>21</sup> These three points became the subject of subsequent reports: *Building a Knowledge Society* (2003) (AHDR 2003); *Towards Freedom in Arab Society* (2004) (AHDR 2004); and *Empowerment of Arab Women* (2005) (AHDR 2005). Together the 2002–2005 AHDRs formed the first "series" of reports. A new series has commenced with the publication of *Challenges to Human Security in the Arab Countries* (2009).<sup>22</sup>

The World Bank published a series of four reports with a fifth "integrative" report entitled *Jobs, Growth, and Governance in the Middle*

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<sup>15</sup> *Id.* at ix; UNDP 2003, *supra* note 1, at vii; UNDP 2004, *supra* note 1, at ix; UNDP 2005, *supra* note 1, at ix.

<sup>16</sup> UNDP 2004, *supra* note 1, at 1.

<sup>17</sup> *Recommended Readings: UN Arab Human Development Report Series*, U.N. ALLIANCE OF CIVILIZATIONS, <http://www.unaoc.org/content/view/72/105/lang.english/> (last visited Jan. 13, 2011).

<sup>18</sup> UNDP Speech, *supra* note 2.

<sup>19</sup> *Id.* Over one million people downloaded the first of the UNDP reports on development in the Arab region. For a positive review of the report see, e.g., *The Poor Arab Street*, THE ECONOMIST (Jul. 3, 2002), <http://www.economist.com/node/1212573>.

<sup>20</sup> *Living History Interview with ambassador Clovis Maksoud*, 16 TRANSNAT'L L. & CONTEMP. PROBS. 621, 628–29 (2007).

<sup>21</sup> UNDP 2002, *supra* note 1, at 27–29.

<sup>22</sup> *Arab States: Human Development Report*, U.N. DEV. PROGRAMME, <http://arabstates.undp.org/subpage.php?spid=14> (last visited Jan. 13, 2011).

*East and North Africa: Unlocking the Potential For Prosperity* (2003) (“Integrative Report”). The Integrative Report compiled findings from the following four reports: *Trade, Investment, and Development in the Middle East and North Africa: Engaging the World* (2003) (“Trade, Investment”); *Better Governance for Development in the Middle East and North Africa: Enhancing Inclusiveness and Accountability* (2003) (“Better Governance”); *Gender and Development in the Middle East and North Africa: Women in the Public Sphere* (2004) (“Gender”); and *Unlocking the Employment Potential in the Middle East and North Africa: Towards a New Social Contract* (2004) (“Employment”).<sup>23</sup>

The World Bank reports were written with the intent to “enrich the debate on the major development challenges of the region at the beginning of the 21<sup>st</sup> century.”<sup>24</sup> There are listed on the World Bank MENA website as “flagship reports.”<sup>25</sup> Similar to the AHDRs, the World Bank reports were written for the general public in order to address issues of development.<sup>26</sup> They had the same broad purpose and were intended for public debate, not to serve as a blueprint.<sup>27</sup>

The AHDRs have quickly become an intellectual resource, evidenced by how regularly they are referenced in the footnotes of legal articles addressing human rights or development in the region.<sup>28</sup> The World Bank reports, however, have been mostly ignored by the legal academic community.<sup>29</sup>

## B. THE ORGANIZATIONS

The World Bank and UNDP RBAS have published exemplary development publications that merit scrutiny alongside each other because the reports have explicitly engaged in a broad-based

<sup>23</sup> Hereinafter, the series of four reports as well as the integrative report will be collectively referred to as the World Bank reports.

<sup>24</sup> See INTEGRATIVE REPORT, *supra* note 1, at Prologue.

<sup>25</sup> *Publications & Reports*, WORLD BANK, <http://go.worldbank.org/9ZPPMIKUTO> (last visited Jan. 14, 2011).

<sup>26</sup> World Bank Speech, *supra* note 2; UNDP Speech, *supra* note 2.

<sup>27</sup> World Bank Speech, *supra* note 2; UNDP Speech, *supra* note 2.

<sup>28</sup> See, e.g., Mervat Rishmawi, *The Revised Arab Charter On Human Rights: A Step Forward?*, 5 HUMAN RIGHTS L. REV. 361, 369 (2005); Ibrahim Saleh, *Living in a Lie and Dying in Silence: The Trauma of Civil Society in the Middle East and North Africa*, 11 INT’L J. NOT-FOR-PROFIT L. 30 (2009).

<sup>29</sup> One example of an article that makes some reference to the World Bank reports in its footnotes is Susan L. Sakmar, *Globalization and Trade Initiatives in the Arab World: Historical Context, Progress to Date, and Prospects for the Future*, 42 U.S.F.L. REV. 919 (2008).

development debate with an acute awareness of the other organization's reports. Each report cites the same problems in the region: there has been and will continue to be a major population boom resulting in widespread unemployment, which is further aggravated by the region's failed and autocratic national governments.<sup>30</sup> The reports are similar in their tone of urgency and acknowledgement that change is imperative. Where the reports differ is in the characterization of the problem and the framing of a solution.

The reports were commissioned and published by regional bureaus within their respective umbrella international organizations and were influenced by each organization's mandate.<sup>31</sup> The World Bank defines itself as a development institution that is a "vital source of financial and technical assistance to developing countries around the world" and uses the catch phrase, "working for a world free of poverty."<sup>32</sup> The UNDP describes itself as the "UN's global development network, an organization advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life."<sup>33</sup>

Since each organization has a different mandate, each also has a different definition of development. The conceptions of development permeate through the reports and lead to varied reasoning for regional integration.

It would be inaccurate to assume that either the World Bank or United Nations has its own monolithic, cohesive agenda. The World Bank is disaggregated and, as a result, some of its projects actually conflict with each other.<sup>34</sup> Within the complex UN system, the UNDP is

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<sup>30</sup> See, e.g., UNDP 2002, *supra* note 1, at 92–94; UNDP 2003, *supra* note 1, at 9, 140; UNDP 2004, *supra* note 1, at 109, 122; UNDP 2005, *supra* note 1, at 8, 20, 38; BETTER GOVERNANCE, *supra* note 1, at 184, 199–205; EMPLOYMENT, *supra* note 1, at 38–39.

<sup>31</sup> World Bank Speech, *supra* note 2; UNDP Speech, *supra* note 2.

<sup>32</sup> About the World Bank, WORLD BANK, <http://www.worldbank.org/about> (last visited Oct. 29, 2010); The World Bank, WORLD BANK, <http://www.worldbank.org> (last visited Feb. 4, 2011). The World Bank is actually the term that refers to two institutions: the International Bank for Reconstruction and Development and the International Development Association.

<sup>33</sup> About UNDP, UNDP, <http://www.undp.org/about/> (last visited Oct. 29, 2010).

<sup>34</sup> Alvaro Santos, The World Bank's Uses of the "Rule Of Law" Promise in Economic Development, in *THE NEW LAW AND ECONOMIC DEVELOPMENT: A CRITICAL APPRAISAL* 253, 278, 290 (David Trubek & Alvaro Santos eds., 2006). The World Bank's analytical framework seems to be currently in transition. See WORLD BANK, *ECONOMIC GROWTH IN THE 1990S: LEARNING FROM A DECADE OF REFORM* (World Bank ed. 2005) (showing that the World Bank shows signs of trying to learn from the past). For more recent reports, see WORLD BANK, *WORLD DEVELOPMENT REPORT 2006: EQUITY AND DEVELOPMENT* (World Bank ed. 2005),

a program under the General Assembly.<sup>35</sup> Each UN organ structured differently and reports to different bodies.<sup>36</sup> One could also imagine that each UN organ may have varying degree of internal and external prestige, which may affect its relevance in public discourse.

Of course, the UNDP and World Bank are not the only organizations addressing development and regionalization. The United Nations Economic and Social Commission for Western Asia (ESCWA) and the League of Arab States (“Arab League”) also address these issues.<sup>37</sup> The mandate for both ESCWA and the Arab League is to treat regional integration amongst Arab states as a goal, more so than the World Bank and UNDP.<sup>38</sup> ESCWA and UNDP’s mandate overlap in that they were both created to improve social and economic development within and among a certain number of Arab states.<sup>39</sup> However, ESCWA occasionally appears to act as a political forum for Arab national governments.<sup>40</sup> The Arab League has mainly been a political bloc, albeit

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which focuses primarily on equity, “human capacities” and institutions, and is more akin to the UNDP Human Development Reports.

<sup>35</sup> See Organizational Chart of the United Nations System, UNITED NATIONS, [http://www.un.org/aboutun/chart\\_en.pdf](http://www.un.org/aboutun/chart_en.pdf) (last visited Oct. 29, 2010).

<sup>36</sup> *Id.*

<sup>37</sup> There is also the Arab Monetary Fund (AMF), whose primary mandate is to encourage stability and integration of the capital and financial markets of the Arab region. The AMF also includes within its mandate the promotion of trade amongst Arab states and conducts research and reports on the issue. It is not within the scope of this paper to analyze the discussion for trade integration within this milieu of the AMF. However, it is noteworthy that the AMF has strong ties with the World Bank, International Monetary Fund and World Trade Organization. The AMF regularly cooperates with the World Bank on various projects. Also, the AMF has signed a Memorandum of Understanding with the World Trade Organization to provide technical assistance and capacity building skills to enhance the participation of Arab countries in the multilateral trading system and trade negotiations. See Press Release, World Trade Organization, WTO-Arab Monetary Fund to Cooperate on Trade-Related Technical Assistance and Capacity Building for Arab countries (May 3, 2002), available at [http://www.wto.org/English/news\\_e/pres02\\_e/pr293\\_e.htm](http://www.wto.org/English/news_e/pres02_e/pr293_e.htm); *Seminars and Workshops: Joint Annual Seminar*, ARAB MONETARY FUND, <http://www.amf.org.ae/content/joint-annual-seminar> (last visited May 11, 2011).

<sup>38</sup> Profile: Arab League, BBC NEWS, [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/1550797.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/1550797.stm) (last updated June 14, 2010); UN-ESCWA... at a Glance, UNITED NATIONS-ECON. AND SOC. COMM’N FOR W. ASIA, 3, <http://www.escwa.un.org/about/Glance.pdf> (last visited Jan. 12, 2010).

<sup>39</sup> *United Nations Development Programme: Arab States*, UNITED NATIONS DEV. PROGRAMME, <http://arabstates.undp.org/> (last visited Feb. 6, 2011); ESCWA at a Glance, UNITED NATIONS ECON. AND SOC. COMM’N FOR W. ASIA, <http://www.escwa.un.org/about/main.asp> (last visited Jan. 12, 2011).

<sup>40</sup> ESCWA at a Glance, *supra* note 39. The ESCWA falls under the United Nations Secretariat whereas the UNDP is under the General Assembly. The ESCWA region includes Egypt, Jordan, Syria, Iraq, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Lebanon, Occupied Palestinian Territory and Saudi Arabia. *Id.* This geographic delineation is limited to certain members of the Arab League but excludes most of North Africa. In ESCWA’s reports, however,

ineffective in presenting or generating a unified, integrated Arab front.<sup>41</sup> Although the Arab League includes economic integration within its mandate, there has been very little progress in this regard.<sup>42</sup>

## II. UNDP REPORTS

### A. DEFINITION OF DEVELOPMENT/FRAMING THE PROBLEM

The AHDRs define development as the increase of human freedom by enlarging choices available to people.<sup>43</sup> The reports explicitly rely on Amartya Sen's thesis in *Development as Freedom*<sup>44</sup> and conceive of development more broadly than traditional economic indicators such as gross domestic product, gross national product, or economic growth.<sup>45</sup> The reports' working premise is that people have an *a priori* right to a "dignified life, materially and morally or spiritually, in body, self and soul."<sup>46</sup> Thus, the report considers that development builds upon the following two axes: building human capabilities to make it possible to achieve a higher level of human welfare, and the efficient and appropriate utilization of human capabilities.<sup>47</sup>

The AHDR 2004 directly tackles the central issue of "freedom," which the reports consider the core element of development.<sup>48</sup> In doing so, the AHDR 2004 asks, "[W]hat is the status of freedom and governance in the Arab countries?"<sup>49</sup> It outlines the following deficiencies in freedoms: curtailment of freedom of expression and association, government threats to individuals' lives, abuse of minorities, discrimination against women, malnutrition, and poor education.<sup>50</sup> The AHDRs' intended audience is the everyday Arab man and woman while the intended targets are Arab governments and the international

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"Arab region" and "Arab states" are commonly presented as the subject of inquiry and analysis. See, e.g., U.N. Econ. & Soc. for W. Asia, *The Millennium Development Goals in the Arab Region*, 60th Sess., Sept. 2005, U.N. Doc. E/ESCWA/SCU/2005/3/Rev.1 (Dec. 9, 2005).

<sup>41</sup> Clovis Maksoud, *Diminished Sovereignty, Enhanced Sovereignty: United Nations-Arab League Relations at 50*, 49 MIDDLE EAST J. 582, 582-584 (1995).

<sup>42</sup> Broude, *supra* note 6, at 269-271.

<sup>43</sup> See UNDP 2002, *supra* note 1, at 19; UNDP 2004, *supra* note 1, at 2.

<sup>44</sup> SEN, *supra* note 7.

<sup>45</sup> See UNDP 2002, *supra* note 1, at 19; UNDP 2004, *supra* note 1, at 2.

<sup>46</sup> UNDP 2004, *supra* note 1, at 2.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 8.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 8-11.

community.<sup>51</sup> The AHDRs contend that Arab governments remain autocratic and despotic while the international community has hindered possibilities of overcoming these regimes.<sup>52</sup> Examples of the international community's failings include the Israeli occupation of Palestinian territory and the U.S. led occupation of Iraq.<sup>53</sup> According to the reports, this has led to a variety of ill effects. The most direct concern is that these occupations led to insecurity and directly impacted human development in the region.<sup>54</sup> Moreover, occupations has also allowed autocratic Arab regimes, many supported by the U.S. in the past, to maintain a sense of "emergency" to justify extreme measures against their own citizens.<sup>55</sup>

Arguably, the reports' greatest strength is that their tone and substance helps empower individuals to overcome defeatism and encourages the criticism of entrenched autocracies and international powers. Having identified the hindrances to development, the AHDRs then consider Arab culture as a principal source for development and freedom.<sup>56</sup> The reports call for new Arab institutions enhancing regional integration amongst Arab states.<sup>57</sup> The next sections outline how the cultural geographic concept of "Arab" informs the UNDP RBAS development reports and its prescription for new Arab regional institutions.

## B. CULTURAL GEOGRAPHY OF THE ARAB WORLD

The reports identify two hurdles to Arab development and freedom: Arab despotic governments, and world dynamics of globalization and the international community as dominated by the American and European nations.<sup>58</sup> In turn, the text embraces a sense of Pan-Arabism based on culture and history to respond to these hurdles.<sup>59</sup>

The AHDR 2004 explicitly distances itself from Pan-Arab movements of the past such as Nasserism and Ba'athism and

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<sup>51</sup> UNDP Speech, *supra* note 2.

<sup>52</sup> *See, e.g.*, UNDP 2004, *supra* note 1, at 8, 12.

<sup>53</sup> UNDP 2002, *supra* note 1, at 1-2; UNDP 2004, *supra* note 1, at 29-35; UNDP 2003, *supra* note 1, at 23-27; UNDP 2005, UNDP 2005, *supra* note 1, at 4-5.

<sup>54</sup> UNDP 2005, *supra* note 1, at 4.

<sup>55</sup> *Id.* at 38-39.

<sup>56</sup> *See infra* notes 67-69.

<sup>57</sup> *See infra* notes 76-78.

<sup>58</sup> *See infra* notes 63-65.

<sup>59</sup> *See infra* notes 60-62, 65.

acknowledges that the “Arab liberation movement” of the past brandished romantic slogans and ended in bitter disappointment.<sup>60</sup> The reports use the notion of Arab culture partially as a response to the disappointment with the multiple forms of Arabism in the 1950s and 1960s.<sup>61</sup> The metric with which the report measures the “success” and “failure” of past political regimes is the fact that they achieved very little “freedom” in the Arab world.<sup>62</sup>

The second use of Arab culture is as a response to globalization and the international community.<sup>63</sup> The AHDR 2002 argues that the whole world is progressing and benefiting from globalization and the Arab region is lagging behind and needs to catch-up.<sup>64</sup> The AHDR 2002 describes globalization in the forms of global economic integration and trade liberalization as a serious “challenge.”<sup>65</sup> Globalization is presented neither positively nor negatively—rather it is described as a force so pervasive that Arab cooperation is necessary to cope with international competition.<sup>66</sup>

As a response, the report turns to Arab identity as the vehicle to negotiate the inevitability of the modern forces of globalization.<sup>67</sup> In trying to catch up with the rest of the world, the AHDR 2002 presents culture and values as instrumental for development because:

[T]hey help to shape people’s daily hopes, fears, ambitions, attitudes and actions, but they also are formative because they mould people’s ideals and inspire their dreams for a fulfilling life for themselves and future generations. . . . [B]y influencing values, they [governments] can affect the path of development.<sup>68</sup>

Then, discussions of Arab values and culture create a dichotomy between “traditional” Arab culture and “modern” global values.<sup>69</sup> The report reconciles this tension between cultural traditionalism and global modernity by stating that it can only be resolved by values of democracy,

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<sup>60</sup> UNDP 2004, *supra* note 1, at 58.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> See UNDP 2002, *supra* note 1, at 1–2.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 121.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 3–10, 23.

<sup>68</sup> *Id.* at 8.

<sup>69</sup> *Id.* at 8–9.

and it is through this democratic process that Arab countries can both contribute to and benefit from globalization.<sup>70</sup>

Moreover, the reports argue that the international community is dominated by the American and European nations, which at times have oppressed Arab communities through policies under the “war on terror” and through the occupation of Iraq.<sup>71</sup> This partially responds to the argument that there is something in Arab culture that is inherently against freedom, democracy, and Western civilization.<sup>72</sup> The AHDR 2004 makes it clear that:

[U]ndoubtedly, the real flaw behind the failure of democracy in several Arab countries is not cultural in origin. It lies in the convergence of political, social and economic structures that have suppressed or eliminated organized structures that have suppressed or eliminated social and political actors capable of turning authoritarian and totalitarian regimes to their advantage.<sup>73</sup>

Not only are the socio-cultural, historical references employed to make the report more accessible to the average Arab reader, but they also act to affirm the richness of Arab culture and show that it contains indigenous concepts of freedom and democracy that are familiar to the Western reader.<sup>74</sup>

### C. HOW AHDR CONCEPTS OF CULTURE LIMIT PRESCRIPTIONS FOR REGIONAL INTEGRATION

In addressing the earlier-noted problems of Arab despotic governments, globalization, and the international community as dominated by American and European states, the reports consider new pan-Arab institutions as a possible solution to drive change.<sup>75</sup> When outlining what positive outcomes Arab regional institutions have achieved, the reports have little to say other than that some regional

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<sup>70</sup> *Id.*

<sup>71</sup> UNDP 2003, *supra* note 1, at 26–27; UNDP 2004, *supra* note 1, at 65–67; UNDP 2005, *supra* note 1, at 38–49.

<sup>72</sup> UNDP 2004, *supra* note 1, at 68.

<sup>73</sup> *Id.* at 11.

<sup>74</sup> *E.g., id.* at 18 (“There is no stronger indication for the thirst of freedom and justice in the Arab conscience than the way these concepts recur in popular culture rich depictions of struggles against oppression and justice.”).

<sup>75</sup> *See infra* notes 78–80.

institutions do, in fact, exist.<sup>76</sup> The AHDR 2002 examines the various Arab regional organizations and generally criticizes these organizations for not providing a “well-defined conceptual frame of reference for human development, relying instead on developing institutional frameworks.”<sup>77</sup> Also, the AHDR 2004 notes that there are many people in the Arab world that think that the Arab League and the United Nations have been ineffective in bringing about any change in local governance and are not credible institutions.<sup>78</sup>

The AHDR 2004 outlines how regional integration would enhance freedom, thereby increasing human development:

First, it would reverse the deterioration of the pan-Arab liberation movements brought about by its division and weakness, and by some of its members’ vulnerability to external pressures. Second, it would help seize the opportunity currently being missed to establish the knowledge society in the Arab countries. This requires close and effective inter-Arab coordination the elements of which are present except for the political will and commitment . . . . Acquiring and using human capabilities at the national levels is enhanced through regional complementarity.<sup>79</sup>

According to the AHDR 2002, cooperation amongst Arab states is necessary to allow Arabs to participate in and benefit from the global economy.<sup>80</sup> The strongest argument that the reports make for regional integration is one about strength in numbers—the Arab world as a bloc increases its economic and political power regarding negotiations with external pressure from more powerful nations and globalization.<sup>81</sup>

Leaving aside the argument as to whether regional, as opposed to global, cooperation is desirable, the problem with the reports is they take for granted that *Arab* regional cooperation is necessary. This might be because the reports were written under the auspices of the UNDP RBAS, which by definition encompasses the Arab world. However, the reports’ definition of Arab is not necessarily countries under the auspices of UNDP RBAS, nor is it self-explanatory. Indeed, the AHDRs do not conspicuously define what countries are included in the Arab region. The first explicit definition of the term *Arab* is in a footnote in the AHDR

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<sup>76</sup> UNDP 2002, *supra* note 1, at 127–128; *see also* UNDP 2005, *supra* note 1, at 213–218.

<sup>77</sup> UNDP 2002, *supra* note 1, at 122.

<sup>78</sup> UNDP 2004, *supra* note 1, at 158–159.

<sup>79</sup> *Id.* at 158.

<sup>80</sup> UNDP 2002, *supra* note 1, at 122.

<sup>81</sup> *Id.* at 129–131.

2004. It defines Arab to mean “citizens of Arab countries inclusively.”<sup>82</sup> By looking at countries listed in charts, statistics, and analyses in the AHDRs, it appears that the term *Arab states* means the states within the Arab League.<sup>83</sup> By defining *Arab* as citizens of Arab countries, the report in effect includes all minorities in the region even if they are not culturally or linguistically Arab.

Nevertheless, the AHDRs’ use of the term *Arab* is more multifaceted than this formal political definition. The reports regularly mention both recent and historic popular culture, poetry, philosophy, intellectual history, and religious texts.<sup>84</sup> The reports use culture to argue that Arab culture includes ideas of freedom espoused by the AHDRs.<sup>85</sup> We can better understand how the AHDRs use Arab culture if we keep in mind that the reports are purported to be an exercise in “self-criticism” written primarily for an Arab audience.<sup>86</sup> The socio-cultural, historical references act as signposts for the average Arab reader, making the AHDR more accessible by providing a familiar terrain for the public to engage. This section outlines, however, how the reports’ particular use of Arab identity contributes to ambiguous prescriptions for development and regional integration.

The reports consider Arab culture to be the central normative source of ideas and norms that will lead to human freedom and development—Arab culture as a source of development.<sup>87</sup> As such, this article examines below how the reports construct the notion of *Arab* and how it contributes to limiting the ability to determine how development is to be achieved. To be clear, I am not challenging the use of culture or the normativity of Arab identity in debates about development.<sup>88</sup> Rather, I argue that within this particular construction of Arab identity, any

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<sup>82</sup> UNDP 2004, *supra* note 1, at 1.

<sup>83</sup> Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen. *The League of Arab States*, THE LEAGUE OF ARAB STATES, <http://www.al-bab.com/arab/docs/league.htm> (last visited Feb. 7, 2011).

<sup>84</sup> For one of the more nuanced characterization of Arab culture by the reports, see UNDP 2005, *supra* note 1, at 143–61.

<sup>85</sup> This is done within the actual text and inside “boxes” where the ideas discussed in the text are buttressed by references to quotations from prominent Arabic cultural and religious texts and personalities. For example under the heading “Freedom in Arab History” in UNDP 2004 the report directly quotes the Quran, literary and philosophical texts to show that conceptions of freedom are indigenous to Arab culture. UNDP 2004, *supra* note 1, at 53–64.

<sup>86</sup> *Id.* at 1.

<sup>87</sup> UNDP 2002, *supra* note 1, at 121–23.

<sup>88</sup> See, e.g., Trebilcock, *supra* note 3, at 210 (criticizing the reports’ emphasis on culture and lack of emphasis on economic growth).

development plans will build on an understanding of the past that presupposes the solution before conducting further analysis. *Arab* regional institutions are the assumed form to address development.

The reports suppose that Arab regional integration is necessary but provide very little guidance as to *how* to achieve regional integration. According to the reports, a major hurdle in integrating Arab countries has been Arab rulers' repression of their own people.<sup>89</sup> The reports' limitation in outlining how to overcome government repression is that its reasoning is circular—in order to bring about the national political will necessary to create regional institutions that will improve local governance and resist international pressures, the current form of national governance must be changed.<sup>90</sup> But, in order to change the form of national governance, regional cooperation is necessary.<sup>91</sup> This circularity likely stems from the reports' presumption that regional cooperation and integration necessarily means *Arab* regional cooperation. This presupposed underlying "Arabness" assumes that all individuals, communities, and countries within the Arab world have (more or less) the same political, social, and economic interests.

How this reasoning limits prescriptions to create regional cooperation and achieve human development is best exemplified in the AHDR 2004's characterization of the European Union (EU) as a "leading model" for regional integration.<sup>92</sup> The AHDR 2004 notes that the E.U. model developed from existing preconditions that:

[C]itizens are entitled to participate in government at the national level; representational bodies are already equipped with extensive legislative powers; there is a partnership between government, civil society organizations and market institutions; while the judiciary protects the rights of the parties.<sup>93</sup>

Unfortunately, the AHDRs are silent as to how to meet these preconditions in order to create an effective regional structure.

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<sup>89</sup> UNDP 2004, *supra* note 1, at 158.

<sup>90</sup> *Id.* at 174–75.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* at 174.

<sup>93</sup> *Id.* See also Bernard Hoekman & Patrick Messerlin, *Initial Conditions and Incentives for Arab Economic Integration: Can the European Community's Success Be Emulated?*, in ARAB ECONOMIC INTEGRATION: BETWEEN HOPE AND REALITY 102, 104–13 (Ahmed Galal & Bernard Hoekman eds., 2003).

The AHDR 2004 addresses the multiplicity of Arab identity as evidenced in the discussion of freedom in Arab history and culture:

The general call to respect human rights and to guarantee the fundamental freedoms of Arab citizens is no longer voiced for its own sake in Arab intellectual circles; these principles have become the two vital conditions for an Arab renaissance. Arab nationalists, liberals, Islamists, Marxists and independents unanimously proclaim the call. Not all agree on the limits of such freedoms and rights or on their scope of particular manifestations: some speak of personal freedom and freedom of belief, others speak of economic, social, political, and other freedoms. There are differences, sometimes fundamental, in how the various groups perceive these issues.<sup>94</sup>

Nevertheless, the tone of the report remains universalistic.<sup>95</sup> The authors frame the debate in distinctly liberal terms—they make any discussion concerning “identity” an issue about “rights and freedoms.”<sup>96</sup> The earlier-noted statement presupposes that a liberal would rather work towards an Arab renaissance than would a cosmopolitan. It also presupposes that a Marxist would rather not work towards the International, and that the Islamist would rather not work towards the Islamic Nation. There is debate about self-identification within the Arab states that extends beyond a difference in defining “rights and freedoms” that affects political economy. Every identity involves different sources of socio-economic power and intellectual energy. For example, an Islamist perspective may be sympathetic to Mecca/Riyadh or Tehran as sources of power—centers of influence that other identities would reject. Moreover, an Islamist’s view of the geopolitical world is most likely to be broader than the pan-Arabist’s which changes the vision of regional integration.<sup>97</sup>

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<sup>94</sup> UNDP 2004, *supra* note 1, at 60; *see also* UNDP 2003, *supra* note 1, at 44–45.

<sup>95</sup> Trebilcock, *supra* note 3.

<sup>96</sup> *See, e.g.*, UNDP 2004, *supra* note 1, at 60 (arguing that liberalism should not necessarily be incorporated in the same form from the West). They argue that liberalism can be adapted to the Arab experience without rejecting the liberal experience in the West. *See* Trebilcock, *supra* note 3.

<sup>97</sup> It is of course, arguable, determining what exactly constitutes the Arab or Muslim worlds. If one were to take a formal, state-centric view and compare the Arab League versus the Organisation of the Islamic Conference, they would see that the latter is made up of more states and a larger number of people. *Compare The League of Arab States*, *supra* note 83, with *Member States Page*, ORG. OF THE ISLAMIC CONFERENCE, <http://www.oic-oci.org/> (last visited Feb. 7, 2011) (follow “English” hyperlink; select “Member States” drop-down option; then follow “Member States” hyperlink).

For instance, the AHDR 2002 highlights how the Gulf Cooperation Council (G.C.C.) is a very good example of what the reports' authors may have had in mind regarding an Arab regional organization.<sup>98</sup> The G.C.C., however, would be a "sub-regional" bloc under the reports' "Arab world" geographic framework.<sup>99</sup> And yet, the reports never examine why there should not be sub-regional blocs within the Arab world. Moreover, why are the interests of Arab states in the Gulf the same as those in the Levant or those in North Africa? Why are the interests of Saudi Arabia the same as the United Arab Emirates? The Shi'ite and the Sunni in Bahrain? The Armenians and Kurds in Lebanon? The Kurds in Syria and the Kurds in Iraq? This all raises broader questions of geographic delineation such as: Why is the Arab state the main component of a regional institution? Why not sub-regions within the Arab world? Why not regional integration beyond the Arab world?

The AHDRs in general eschew a simplistic, teleological understanding of history. The AHDR 2003 notes that "failing to see history and heritage as living, ongoing and self-renewing human processes, where the march of progress is never complete, is misleading and therefore harmful to present and future generations."<sup>100</sup> Even with a sophisticated historical sensibility, any account of cultural identity is still informed by some particular narrative. According to the AHDRs' narrative, Arab culture's social and intellectual foundation lies in the Islamic empires of the Prophet Mohammed, first four Caliphs, the Umayyad Empire, and Abbasid Empire (a time span ranging from the 7<sup>th</sup> to 13<sup>th</sup> centuries C.E.). This was a culturally rich moment during which early Arab notions of freedom were examined and developed.<sup>101</sup>

The nineteenth century was the other important cultural moment in the AHDRs' story of Arab identity. According to the AHDR narrative this was era of diverse possibilities and contradictions. Western capitalism penetrated Arab society, radically reconfiguring human relations.<sup>102</sup> Western thought—especially French theories of liberty—provided Arab intellectuals the tools to challenge Ottoman and European

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<sup>98</sup> UNDP 2002, *supra* note 1, at 122–23.

<sup>99</sup> See *The Cooperation Council For The Arab States of The Gulf*, THE COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF, <http://www.gcc-sg.org/eng> (last visited Feb. 7, 2011).

<sup>100</sup> UNDP 2003, *supra* note 1, at 44.

<sup>101</sup> UNDP 2003, *supra* note 1, at 42; UNDP 2004, *supra* note 1, at 53, 153; UNDP 2005, *supra* note 1, at 165.

<sup>102</sup> UNDP 2005, *supra* note 1, at 165.

tyranny.<sup>103</sup> The nineteenth century was also the time of the first generation of the women's movement in the Arab world.<sup>104</sup> Continuing with the AHDRs, the final moment of importance the time of Arab nationalism in the 1950s and 1960s. During this time numerous visions of political and social Arab identity such as Nasserism and Ba'athism proliferated. Even though Arab political identity of the time was guarded if not sometimes hostile in regard to its relationship with the West, Arab cultural identity enthusiastically engaged Western ideas such as existentialism and Marxism.<sup>105</sup> Women's organizations and movements flourished during this time creating a momentum of gender politics that would last well into the 1980s.<sup>106</sup>

The AHDRs are most uncomfortable with the Arab nationalism of the 1950s and 1960s. Their frustration is that Arab national governments carried on the ideas of Arabism derived from the 1950s and 1960s and failed miserably by creating autocratic regimes and mismanaging the relationship with Israel and the West.<sup>107</sup>

Like many histories linked to contemporary identities, the AHDRs' cultural history and geography is stylized.<sup>108</sup> It selects what moments in the past have determined Arab identity, based on what is considered normatively desirable. We must therefore interrogate the AHDRs' notion of *Arab*.

First, it is necessary to examine the implications of the reports' goal to achieve an Arab "renaissance."<sup>109</sup> Implied in this particular call for a renaissance is an intention to reexamine the nineteenth century cultural moment described by some commentators as the *nahda* (which is the word for *cultural awakening* or *renaissance* in the Arabic language).<sup>110</sup> To Makdisi, the *nahda* of the late nineteenth and early twentieth centuries created a narrative of Arab identity.<sup>111</sup> Makdisi

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<sup>103</sup> UNDP 2003, *supra* note 1, at 43–44; UNDP 2004, *supra* note 1, at 54–55.

<sup>104</sup> UNDP 2005, *supra* note 1, at 124–39.

<sup>105</sup> UNDP 2004, *supra* note 1, at 55–56.

<sup>106</sup> UNDP 2005, *supra* note 1, at 124–39.

<sup>107</sup> UNDP 2004, *supra* note 1, at 58; UNDP 2005, *supra* note 1, at 38–39.

<sup>108</sup> See generally, BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (1983); *THE INVENTION OF TRADITION* (Eric Hobsbawm & Terence Ranger eds., 1992).

<sup>109</sup> See, e.g., UNDP 2004, *supra* note 1, at 1. The report purports to engage on a "historic mission" to attempt to stimulate a dialogue that "would pave the way for a process of social innovation leading to a genuine project for an Arab renaissance." *Id.*

<sup>110</sup> Saree Makdisi, 'Postcolonial' Literature in a Neocolonial World: Modern Arabic Culture and the End of Modernity, *BOUNDARY 2*, 1995, at 89.

<sup>111</sup> *Id.* at 89–90.

describes how the *nahda* was expressed in the 1950s and 1960s in the form of Arab nationalism and contributed to creation of Arab states.

As discussed earlier, the AHDRs are deeply disappointed with the history of Arab nationalism and state governments. It is the Arab states which were finally created in the 1950s and 1960s which the AHDRs take issue with. We can therefore extrapolate that to the AHDRs, the *nahda* is interpreted as a moment of Arab cultural awakening which later failed because it was formalized through autocratic states.

But, what is it about the *nahda* that the AHDRs want to capture by prescribing a renaissance of culture and knowledge? The answer lies in how the reports configure a particular notion of Arab culture. To be sure, the AHDRs do not want to return to the politics of the *nahda* but instead want to reinterpret Arab cultural identity for today. The *nahda* was a moment of cultural and political possibilities.<sup>112</sup> Therefore, by referencing a moment of possibilities, the AHDRs' call for a renaissance is part of its attempt to reclaim parts of history that may form the basis of creating an invigorated theory of development.

Whereas, the *nahda* inspired Arab *nationalism* in the 1950s and 1960s, the *nahda* is employed by the AHDRs to evoke a popular notion of Arab *unity* which transcends or avoids national boundaries.<sup>113</sup> The reports' historical cultural narrative of Arab unity attempts to reconfigure the history of Arab identity away from nationalist and state-based politics towards one focused on the idea of freedom that brings together the Arab world. The reports note how a great number of freedoms were obtained in the nineteenth century only to be lost in the 1950s and 1960s. The AHDRs also reference Arab philosophical and literary texts from pre-Ottoman Islamic empires or folk songs throughout the reports in a way that are meant to inspire the reader's notion of how freedom may challenge tyranny.<sup>114</sup> Indeed, the reports trace Arab origins of rights and freedoms to the time of pre-Ottoman Islamic empires, which continues the pattern of distancing the reports from the Arabism of the 1950s and 1960s. In sum, the AHDRs draw upon texts and moments from the Abbasid Empire, the nineteenth century, and mid-twentieth century in a way that finds and highlights the idea of freedom within a notion of Arab culture.

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<sup>112</sup> See generally *id.*

<sup>113</sup> Cf. *id.* at 108–10.

<sup>114</sup> See, e.g., UNDP 2004, *supra* note 1, at 18.

Recalling the discussion above, it may very well be necessary to evoke this sort of Arab identity to provide people with the confidence to politically mobilize and counter essentialist understandings of Arab culture in the past.<sup>115</sup> Indeed, the tone of the reports is refreshing, and its targeting of Arab regimes *and* the international community is commendable. The problem, however, is that the UNDP RBAS narrative is a particular notion of *Arabness* which by definition emphasizes Arab unity despite state boundaries. While this goal may be commendable, the AHDRs' conception of Arab culture does not encourage detailed historical analyses to understand the realities of today. With this sort of conception of Arab culture which takes unity as a given, it is therefore not surprising that the AHDRs provide little explanation as to why pan-Arab regional integration is necessary to achieve development and how such development can be achieved. Thus by attempting to empower Arab people, the reports may ironically be staving off deeper self-reflection and understanding.

### III. WORLD BANK REPORTS

#### A. DEFINITION OF DEVELOPMENT/FRAMING THE PROBLEM

The World Bank reports describe the problem of development in the MENA region as one premised by the fact that it has economically "fallen behind" the rest of the world.<sup>116</sup> In describing how the region has fallen behind, the World Bank presents what it considers a self-evident "simple statistic": world trade has grown at 8 percent per year in the last decade but the region's trade grew only 3 percent.<sup>117</sup> The proposed solution is to engage with the world economy and tap into "the rich stream of global commerce and investment" in order for the region to harness its economic potentialities.<sup>118</sup> More specifically, according to the reports, there has been a major population boom in the region that has

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<sup>115</sup> See generally EDWARD SAID, *ORIENTALISM* (Vintage Books ed. 1979) (explaining how European literature historically essentialized "Oriental" culture in the Arab world).

<sup>116</sup> TRADE, INVESTMENT, *supra* note 1, at xv.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

caused the main economic challenge of creating sufficient employment opportunities.<sup>119</sup>

The World Bank reports characterization of the development problem and solutions can generally be described as a recent manifestation of an “augmented Washington Consensus.”<sup>120</sup> The reports consider unemployment a waste of resources and a major threat to social and political stability.<sup>121</sup> The stipulated solution is to increase economic growth by liberalizing trade and increasing foreign investment.<sup>122</sup> The solution is presented like this: In order for the gains from growth to be attained, MENA countries need to improve their system of governance. Thus, once the system of governance is improved, increased employment due to gender equality and the exploitation of recent gains in growth can be utilized. Trade and investment offer the most viable engine for growth and is therefore the core of reform.<sup>123</sup>

The World Bank reports state that “the central issue going forward is for MENA countries to capture the largest gains possible from [global] economic integration and to take advantage of the opportunities missed for the past two decades.”<sup>124</sup> Since this is the central goal, “political leaders, labor unions and civil society” must all work in tandem and create a “consensus” towards liberalizing trade and increasing confidence in the private sector.<sup>125</sup> The title of the Integrative Report, *Jobs, Growth, and Better Governance*, is helpful in understanding the logical structure of the reports: the problem is identified (jobs), followed by the solution (growth), and the medium to deliver the solution (good governance).<sup>126</sup>

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<sup>119</sup> *Id.*

<sup>120</sup> I borrow this term from Dani Rodrik, *Goodbye Washington Consensus, Hello Washington Confusion?*, 44 J. ECON. LITERATURE 973, 978 Table 1 (2006). The original Washington Consensus development agenda included: 1. Fiscal discipline; 2. Reorientation of public expenditures; 3. Tax reform; 4. Financial liberalization; 5. Unified and competitive exchange rates; 6. Trade liberalization; 7. Openness to direct foreign investment; 8. Privatization; 9. Deregulation; and 10. Secure Property Rights. The recent “Augmented” Washington Consensus adds the following policies: 11. Corporate governance; 12. Anti-corruption; 13. Flexible labor markets; 14. WTO agreements; 15. Financial codes and standards; 16. “Prudent” capital-account opening; 17. Non-intermediate exchange rate regimes; 18. Independent central banks/inflation targeting; 19. Social safety nets; and 20. Targeted poverty reduction.

<sup>121</sup> TRADE, INVESTMENT, *supra* note 1, at xv.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 123.

<sup>125</sup> *Id.* at 149.

<sup>126</sup> See INTEGRATIVE REPORT, *supra* note 1.

The Integrative Report presents the relationship between governance and economic growth as a dynamic one:

The governance agenda is not a separate challenge, to be worked on at its own pace. It is a complementary and reinforcing agenda to reform efforts in private investment, trade, and economic diversification by changing governance mechanisms, thereby improving capacity and incentives within government while fostering a larger role for civil society in governance.<sup>127</sup>

The reports identify a difficulty in establishing the causal relationship between growth, policy reform, and good governance.<sup>128</sup> One may discern from this difficulty a tension amongst and within the different World Bank reports in defining whether development is achieved more by emphasizing economic growth or good governance.

The majority of reports treat economic development as the principal lens through which to examine trade and investment, gender, and employment.<sup>129</sup> However, *Better Governance* marks a shift in priority when compared to the other reports in the series. This is the particular World Bank report that addresses governance the most extensively and provides the driving prescriptive logic for policy makers.

The thesis of *Better Governance* is “that development in MENA—economic, social, and human—is being handicapped by weakness in the quality of public governance.”<sup>130</sup> *Better Governance* offers the following policies in order to overcome development deficiencies: “inclusiveness” (which includes equal participation and equal treatment) and “accountability” (which includes transparency and contestability).<sup>131</sup> The report states:

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<sup>127</sup> *Id.* at 8.

<sup>128</sup> See discussion *infra* Part B.1.

<sup>129</sup> TRADE, INVESTMENT, *supra* note 1, at 1 (“A new [economic] model, which is . . . more reliant on trade and private investment, promises to support faster growth and jobs needed in the region.”); GENDER, *supra* note 1, at 1 (“This book seeks to advance the gender equality discussion in the region by framing the issues in terms of economic necessity. It analyzes the potential for women’s greater economic contribution to the region’s new development model, which is further discussed in three parallel books on trade, employment, and governance.”); EMPLOYMENT, *supra* note 1, at 1 (“MENA needs a new development model that is based on a reinvigorated private sector, greater integration into the world economy, and better management of oil resources.”)

<sup>130</sup> BETTER GOVERNANCE, *supra* note 1, at 2.

<sup>131</sup> *Id.* at 1–2.

Policies and the quality of governance interact in complex ways, making it difficult to identify their individual contributions to growth. Policy reforms can lead to improvements in governance quality. Some evidence suggests that greater openness to trade is conducive to better governance.<sup>132</sup>

This statement exemplifies the difficulties in establishing a causal link between the elements of growth, policy reform, and good governance. The tone of the Integrative Report is different—it presents the causal links between the three elements more forcefully. The Integrative Report considers the three elements to be linked by a “complementary dynamic.”<sup>133</sup> *Better Governance* is less determinate and considers the elements to be linked by a “complex link.”<sup>134</sup>

The tensions between the Integrative Report and *Better Governance* are also evidenced within *Trade, Investment*. The report provides that it is unclear how to determine the content, pace, and sequence of trade reforms that need to be locally sensitive.<sup>135</sup> It notes that some historical evidence exists that many countries achieved growth through heterodox approaches to liberalizing trade and investment.<sup>136</sup> Despite this initial circumspect tone, the report then goes on to strongly suggest that the best approach to achieving gains from liberalized trade would be to quickly and non-incrementally adopt broad-based trade and tariff reforms accompanied by “bold” investment deregulation.<sup>137</sup>

*Better Governance*, by deemphasizing the economic and highlighting governance in its conception of development, seems to be complementing the AHDR. In fact, it actually makes direct reference to the AHDR 2002 to reinforce its thesis.<sup>138</sup> However, *Better Governance*, unlike the AHDRs (and most relevantly, the AHDR 2004), explicitly acknowledges the potential circularity of the problem of local institutions:

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<sup>132</sup> *Id.* at 88 box 2.1.

<sup>133</sup> INTEGRATIVE REPORT, *supra* note 1, at 8.

<sup>134</sup> BETTER GOVERNANCE, *supra* note 1, at 88 box 2.1 (separating the discussion of “better governance for economic development” from “better governance for social development,” which fits into an understanding of complex links).

<sup>135</sup> TRADE, INVESTMENT, *supra* note 1, at 5.

<sup>136</sup> *Id.*

<sup>137</sup> *Id.* at 6.

<sup>138</sup> BETTER GOVERNANCE, *supra* note 1, at 3.

[P]oor governance reflects the failure of institutions; yet the creation of better institutions itself requires the emergence of other institutions, notably active, inclusive, and responsible participation. . . . [T]he transition to good governance also requires tolerance of compromises and mistakes.<sup>139</sup> . . . .

[B]uilding governance is a two-way street: opening the governance arena without already capable institutions can lead to chaos; capable institutions themselves need such an opening—as well as stability—to emerge and thrive.<sup>140</sup>

The World Bank reports, like the AHDRs, prescribe regional integration as a primary vehicle to achieve its development goals.<sup>141</sup> The different World Bank reports, however, prescribe regional integration for different purposes. This is not surprising in light of the different definitions of development between the majority of the AHDRs and *Better Governance*. The next section explicates the different prescriptions for regional integration between *Trade, Investment* and *Better Governance* in order to better understand the difference between two understandings of development within the World Bank reports.

## B. REGIONAL INTEGRATION

### 1. REGIONAL INTEGRATION FOR THE PURPOSE OF LIBERALIZING TRADE

The World Bank's primary report, *Trade, Investment*, defines development as economic growth and considers liberalized trade and investment to be the main engines of growth.<sup>142</sup> According to *Trade, Investment*, regional agreements are an avenue to speed up the integration of MENA countries into the "global" economy.<sup>143</sup> The report argues that regional integration agreements should create a "deep" integration of agriculture, services, and labor in order to create increased growth from trade, investment, and finance in the region.<sup>144</sup> Therefore,

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<sup>139</sup> *Id.* at 16.

<sup>140</sup> *Id.* at 154.

<sup>141</sup> TRADE, INVESTMENT, *supra* note 1, at 207; BETTER GOVERNANCE, *supra* note 1, at xiv.

<sup>142</sup> TRADE, INVESTMENT, *supra* note 1, at 17; *see also* EMPLOYMENT, *supra* note 1, at 180–182.

<sup>143</sup> TRADE, INVESTMENT, *supra* note 1, at 207.

<sup>144</sup> *Id.* at 223 n.9. "Deep" level of integration means a high level of harmonization of product standards and customs procedures. "Widening" integration means liberalizing trade beyond goods to include services, capital and labor flows.

the report continues, agreements with more developed regions or countries should involve greater access to agricultural products to allow increased exports from MENA countries, greater export of temporary workers from MENA countries, and relaxed rules of origin and harmonized standards.<sup>145</sup>

*Trade, Investment* does not assume that regional integration agreements are the best or most efficient way of entering the multilateral trading community. Quite the opposite—the report assumes that entering the WTO is ideal for development.<sup>146</sup> The report, nevertheless, concedes that joining the WTO is politically and administratively difficult.<sup>147</sup> Thus, the report reconciles with the fact that regional integration agreements exist and should therefore be shaped in a manner conducive to future membership in a multilateral, global trading regime.<sup>148</sup> This concern about the WTO membership may change due to the fact that Arab/MENA countries are lining up to join the WTO.<sup>149</sup>

The report outlines deeper integration to entail greater cooperation to harmonize policies and administrative procedures across a broad range of activities, including customs operations, health and safety standards, licensing and certification, supervision of financial services, and competition/antitrust legislation.<sup>150</sup> It would also require greater openness to trade in services and freer flow of labor and capital.<sup>151</sup> The report summarizes the argument as such:

What would deep integration promise? A recent quantitative estimate suggests that the overall gains from liberalizing trade in both services and goods (and removing various regulatory nontariff barriers in the process) are about 6 to 10 percent of baseline GDP in Egypt and Tunisia, respectively.

The dynamic gains from liberalizing trade in goods and services can outstrip the static gains, with productivity improvements as the main driver. Estimating the dynamic benefits involves considerable

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<sup>145</sup> *Id.* at 207.

<sup>146</sup> *Id.* at 221.

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> Current members are Bahrain (1995), Djibouti (1995), Egypt (1995), Jordan (2000), Kuwait (1995), Mauritania (1995), Morocco (1995), Oman (2000), Qatar (1996), Saudi Arabia (2005), Tunisia (1995), and United Arab Emirates (1996). Algeria, Lebanon, Sudan, Syria and Yemen are negotiating to join. *Members and Observers*, WORLD TRADE ORG., [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm) (last visited Jan. 24, 2011).

<sup>150</sup> TRADE, INVESTMENT, *supra* note 1, at 220.

<sup>151</sup> *Id.*

uncertainty, but simulations suggest that they can be more than twice the static gains. Factors likely to enhance productivity in tradable goods include:

- Increased investment embodying new technology, to expand capacity and take advantage of greater export opportunities.
- Transfers of technology and management, known to come in through greater openness.
- Greater economies of scale, from the increase in production and the access to larger markets. [reference notes removed]<sup>152</sup>

An increasing number of development economists are suggesting that the purpose of trade is to generate “dynamic gains.”<sup>153</sup> Traditionally, neoclassical economists have made very few clear linkages between trade liberalization and growth especially in characterizing how trade liberalization affects resource allocation and income distribution.<sup>154</sup> In the past, the focus has been on static gains: “one-shot” gains from the comparative advantage in a particular sector until new circumstances arise that change the comparative advantage.<sup>155</sup>

The World Bank report’s argument for dynamic gains rests on the premise that primary gains made from trade are not strictly commercial but rather the indirect gains from the exchange of technologies and ideas.<sup>156</sup> The concept of dynamic gains considers, not simply resource reallocation (as is the case for static gains), but enhanced productivity from increased competition in the market.<sup>157</sup> Models

<sup>152</sup> *Id.*

<sup>153</sup> Paolo Guerrieri, *Trade Openness, Industrial Change and Economic Development*, in FINANCE AND COMPETITIVENESS IN DEVELOPING COUNTRIES 257, 258 (José M. Fanelli & Rohinton Medhora eds., 2002).

<sup>154</sup> See, e.g., DANI RODRIK, THE GLOBAL GOVERNANCE OF TRADE AS IF DEVELOPMENT REALLY MATTERED 12–14 (2001); MICHAEL TREBILCOCK & ROBERT HOWSE, THE REGULATION OF INTERNATIONAL TRADE 485 (3d ed. 2005); GERALD M. MEIER, BIOGRAPHY OF A SUBJECT: AN EVOLUTION OF DEVELOPMENT ECONOMICS 161–179 (2005); Zdenek Drabek & Sam Laird, *Can Trade Policy Help Mobilize Financial Resources For Economic Development?* (WTO Econ. Research & Analysis Div., Staff Working Paper ERAD-2001-02, Aug. 29, 2001), available at [http://www.wto.org/English/res\\_e/reser\\_e/ae0102\\_e.doc](http://www.wto.org/English/res_e/reser_e/ae0102_e.doc); Khalid Abu-Ismaïl, *The Myth of Export-Led Growth* (Econ. Research Forum Working Paper Series, Working Paper 0335), available at <http://www.erf.org/CMS/getFile.php?id=185>.

<sup>155</sup> Guerrieri, *supra* note 153, at 258; MEIER, *supra* note 154, at 24; Drabek & Laird, *supra* note 154, at 6.

<sup>156</sup> TRADE, INVESTMENT, *supra* note 1, at 220.

<sup>157</sup> Drabek & Laird, *supra* note 154, at 5–6.

constructed on the premise of dynamic gains examine notions such as imperfect competition, economies of scale, and countries' trade performance and competitiveness in light of intricacies such as technology transfer, intangible capital, and complex trade and industrial strategies at the level of firms and nations.<sup>158</sup>

*Trade, Investment* makes some reference to static gains, but this is not central to its argument for regional integration. Instead, it focuses on the potential dynamic gains.<sup>159</sup> Noting the language quoted above, the report characterizes the dynamic gains from deep integration as a "promise."<sup>160</sup> This marks the report's prescription with some prudence. New models and theories of dynamic gains are still being explored with the results remaining uncertain and far from conclusive.<sup>161</sup> Moreover, even if there is a correlation between trade and dynamic gains, what remains unclear is what mechanisms are necessary to ensure there is the transfer of technology and ideas. Furthermore, a problem remains as to how to make certain that the dynamic gains accrued actually alleviate poverty and promote development. Even if a country generates increased gains from economic growth (whether from a liberal trade regime or not), the gains do not necessarily correlate to changes in income distribution or domestic policy.<sup>162</sup>

## 2. REGIONAL INTEGRATION FOR THE PURPOSE OF IMPROVING GOOD GOVERNANCE

*Better Governance*, as discussed earlier, suggests that development problems stem from weak institutions, and that solutions will come from better institutions that improve governance. In the chapter entitled "Pathways to Good Governance," the report focuses on overcoming "the governance gap."<sup>163</sup> Most of the chapter focuses on advocating the benefits of the principles and values of good governance. One suggested benefit is the predicted inclusiveness that would arise from equal participation, equal treatment, and accountability through transparency and contestability.<sup>164</sup> For example, one benefit would be

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<sup>158</sup> Guerrieri, *supra* note 153, at 258.

<sup>159</sup> TRADE, INVESTMENT, *supra* note 1, at 220.

<sup>160</sup> *Id.*

<sup>161</sup> Abu-Isma'il, *supra* note 154, at 11.

<sup>162</sup> See, e.g., TREBILCOCK & HOWSE, *supra* note 154, at 485; MEIER, *supra* note 154, at 179.

<sup>163</sup> BETTER GOVERNANCE, *supra* note 1, at 151–178.

<sup>164</sup> *Id.* at 152, 158.

answering *why* good governance matters. Other ensued benefits are the mechanisms that enhance good governance. This might be something like more reliable information on public performance, or increased civil society participation (i.e. answering *what* good governance “looks like”).<sup>165</sup>

It is worth quoting the report in some length, for this is the only point in the chapter (and the report) that focuses on *how* to achieve good governance. According to the report, the first way of overcoming the governance gap is through popular organization:

Rising to the challenge of better governance is not solely, or even mainly, the responsibility of governments—because many in government as well as many outside government may resist the move to be more inclusive and more accountable. Although it inevitably requires action by governments, better governance also requires more proactive participation by the people. The governance challenge is, thus, a challenge for everyone in the region.<sup>166</sup>

The second way to achieve good governance is external to MENA and also is political:

In some cases, the prospects of deeper voluntary economic association with some industrial countries and organizations, such as the European Union, may reinforce a dynamic within a MENA country to improve governance. Such agreements themselves provide a lock-in device to help shore up the credibility of governance institutions. And outside partners can reinforce efforts to enhance human and institutional capacity within the region—both to monitor and to debate governance issues and to build staff capability in institutions that underpin good governance such as supreme audit organizations, which are within governments, and the media and citizen watchdog groups, which are outside governments).<sup>167</sup>

The first way to overcome the governance gap is to call for popular political action on a regional level.<sup>168</sup> The second way calls for

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<sup>165</sup> *Id.* at 156.

<sup>166</sup> *Id.* at 153.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

deep external voluntary association with industrialized countries and the EU<sup>169</sup>:

[C]ountries (their people and their governments) need to tolerate and promote continual open dialogue (which will encourage and protect the emerging participatory institutions) and to avoid scrapping the institutions if they yield outcomes that some people do not like. This tolerance may mean accepting second-best solutions, such as an agreement of major groups to share power in order to minimize risks of instability or even civil-strife. . .<sup>170</sup>

Read closely, however, the report not only displays a strong affinity with non-MENA industrialized countries but also distrusts local participatory action. According to the report, if “some people” are not pleased with the results (which is inevitable), they should learn to “tolerate” it and not participate to try to challenge or change these policies.<sup>171</sup> The report has no qualms prescribing political participation in one breath and then dissuading significant political challenges in the next. It suggests that people should only participate if they are on board with the broader vision of “good governance” even though what good governance will look like is unclear because “the transition is, by its nature, unchartered. And it will vary country by country.”<sup>172</sup>

Moreover, the report provides no explanation as to why industrial countries or the EU will provide a structure in their association with the MENA countries that will promote good governance. The report takes account of the power dynamic between the industrial countries and MENA and suggests that these countries can provide technical assistance for particular programs that maintain pressure to meet the principles and values of good governance.<sup>173</sup> The report assumes that external assistance and deep integration is, by definition, normatively desirable because it is

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<sup>169</sup> *Id.*

<sup>170</sup> *Id.* at 154.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*; see Kerry Rittich, *The Future of Law and Development: Second-Generation Reforms and the Incorporation of the Social*, in *THE NEW LAW AND ECONOMIC DEVELOPMENT: A CRITICAL APPRAISAL* 214–15 (David Trubek & Alvaro Santos eds., 2006) (critiquing “good governance” discourse); see also *GOOD GOVERNANCE IN THE ERA OF GLOBAL NEOLIBERALISM: CONFLICT AND DEPOLITISATION IN LATIN AMERICA, EASTERN EUROPE, ASIA AND AFRICA* (Jolle Demmers, Alex. Fernández Jilberto & Barbara Hogenboom eds., 2004) (giving case studies as to how “good governance” programs generated unwanted and unexpected results when put into play within national and local contexts).

<sup>173</sup> *BETTER GOVERNANCE*, *supra* note 1, at 153.

external to the MENA region. It considers the “credibility” that associations with industrialized countries will provide. The report never makes explicit why this association garners credibility (money? knowledge? prestige? neo-colonial instinct?). Nor does it explain why credibility from industrialized countries will provide for “good governance” mechanisms that meet the report’s criteria or that will improve development.

In sum, *Better Governance* has argued for a particular policy direction towards institutions of good governance combined with a particular economic policy goal of liberal trade and growth. It is one thing to consider the realities of continuous dialogue, negotiation, and political compromises and another to dissuade substantive challenges to policies. The report implicitly suggests that people and governments in MENA just have to trust the principles of good governance and the aid of industrialized countries and hope for the best.

### 3. DIFFERENT DEFINITIONS OF DEVELOPMENT AND IMAGES OF REGIONAL INTEGRATION

The various World Bank reports present different images of regional integration and do so for different reasons. To recap, *Trade, Investment* considers deep regional integration as a step toward benefiting from the economic growth generated from liberalized trade and eventually leading to global market integration.<sup>174</sup> *Better Governance* considers that integration with organizations and associations outside of MENA will improve mechanisms of governance.<sup>175</sup>

Read together the reports are not consistent in their images of regionalism. It is unclear whether MENA countries should integrate because regional integration is the most efficient way of achieving short-term growth and long-term global integration (as argued in *Trade, Investment*), or because it is the most effective path to good governance through deep integration with industrialized countries or the EU (as argued in *Better Governance*). Indeed, these can be contradictory purposes. For example, deep regional integration (as suggested by *Trade, Investment*) may lead to a strengthening MENA’s negotiating power as a bloc, which would affect any sort of integration with the EU or industrialized countries (as suggested by *Better Governance*). Moreover,

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<sup>174</sup> See *supra* Part III.B.1.

<sup>175</sup> See *supra* Part III.B.2.

if MENA forms an economic union it may actually entrench the current political regimes and forms of governance; even if this arrangement increased economic growth, it would be problematic according to *Better Governance's* definition of development. Moreover, if this union achieved great economic growth and political power it could also reduce the influence of the E.U. or industrialized countries.

Thus far, this article has suggested that the World Bank reports' potentially contradictory images of regional integration stem from the different underlying theories of development. The World Bank reports are unclear as to whether economic growth or good governance takes precedent over the other in the definition of development. What further contributes to the ambiguity, examined in the next section, is that the World Bank reports are inconsistent in what countries they consider included in the MENA region.

### C. POLITICAL GEOGRAPHY OF MENA

The reports' definitions of development and respective regional prescriptions are obfuscated by unclear political geography because each different definition of MENA used in the reports has different political and economic implications. Two of the reports define MENA differently. *Trade, Investment* uses a criterion composed of a mix of income bracket, available data, and geopolitics:

In World Bank geographic classification, the following 21 countries or territories constitute the Middle East and North Africa (MENA) region: six Gulf Cooperation Council (GCC) members (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates [UAE]), and 15 other countries or territories: Algeria, Djibouti, the Arab Republic of Egypt, Iraq, the Islamic Republic of Iran, Israel, Jordan, Lebanon, Libya, Malta, Morocco, the Republic of Yemen, the Syrian Arab Republic, Tunisia, and West Bank and Gaza. This report focuses on a subset of 16 countries that covers most (more than 90 percent) of the population and geographic size of the region: 10 low- and middle-income countries (Algeria, Djibouti, Egypt, Islamic Republic of Iran, Jordan, Lebanon, Morocco, Republic of Yemen, Syria, and Tunisia) and 6 partners in the G.C.C. Others are not covered in any depth because information is limited (Iraq, Libya), or they have special characteristics (West Bank and Gaza), or they are high-income (Israel, Malta). Although the countries in the region show considerable diversity in economic

structure and circumstances, certain commonalities and features allow a focus on broader regional trade and development issues in this chapter.<sup>176</sup>

*Gender* explicitly defines MENA as follows:

This report covers the following 19 countries and territories of the Middle East and North Africa: Algeria, Bahrain, Djibouti, the Arab Republic of Egypt, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, the Palestinian Territories, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia, the United Arab Emirates, and the Republic of Yemen. The region has a rich historical and cultural heritage, and it is the birthplace of some of the oldest civilizations and empires. About three-quarters of the region's 325 million people share the same language (Arabic)—the remainder speak Farsi—and the majority are Muslim. A great number of minority ethnic and religious groups inhabit the region. The region has established urban centers, yet the geography also includes large, relatively isolated regions with large rural populations. Some 40 percent of the population lives in nonurban areas, and some areas have extensive nomadic groups.<sup>177</sup>

Therefore, there are differences between World Bank reports in the MENA series. The World Bank and *Trade, Investment* use the term “West Bank and Gaza” whereas *Gender* uses “Palestinian Territories.”<sup>178</sup> *Gender* includes Djibouti, the Palestinian Territories, and Iraq in its definition of MENA, whereas *Trade, Investment* does not.

Moreover, the reports' list of countries differs from the World Bank's general definition of MENA. On the World Bank's website, it delineates MENA to include Israel and Malta, in contrast to the definition in its reports.<sup>179</sup> But the two World Bank reports exclude Israel and Malta for different reasons—*Gender* does so because it takes some sort of cultural-linguistic delineation<sup>180</sup> and *Trade, Investment* does so because of income brackets.<sup>181</sup>

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<sup>176</sup> TRADE, INVESTMENT, *supra* note 1, at 20.

<sup>177</sup> GENDER, *supra* note 1, at xvii.

<sup>178</sup> *Id.*

<sup>179</sup> *Middle East & North Africa: Countries*, WORLD BANK, <http://go.worldbank.org/7UEP77ZCB0> (last visited Feb. 9, 2011).

<sup>180</sup> See GENDER, *supra* note 1, at xvii.

<sup>181</sup> See TRADE, INVESTMENT, *supra* note 1, at 20.

*Gender*'s divergence may also be due to the nature of the report itself, which is the most "socially" oriented of the World Bank reports.<sup>182</sup> *Gender* makes explicit that it intends to discuss gender equality "in the region by framing the issues in terms of economic necessity," distinguishing it from when gender equality "issues in MENA are usually approached from a social, anthropological, or political angle."<sup>183</sup> The authors of *Gender* acknowledged that gender is a social construct and were very precise in the use of the term "gender inequality."<sup>184</sup> Unfortunately, they did not extend this consciousness of social constructs to their definition of MENA. Admittedly, however, the authors of *Gender* were still the only World Bank writers who had enough sense of geography to provide some explanation why certain countries were included in their construction of MENA.

Both the World Bank the World Bank MENA reports exclude Turkey from their delineation of MENA and instead place it under the "Europe and Central Asia."<sup>185</sup> This is noteworthy because Turkey is sometimes included in MENA by prominent scholars.<sup>186</sup> The exclusion of Turkey is not in and of itself problematic, but it may remove the region's Ottoman history from the analysis, remnants of which still exist in local language, custom, law, and bureaucracy.<sup>187</sup> The World Bank may exclude Turkey from MENA because it is helping Turkey apply to the EU<sup>188</sup> But Malta, a member of the EU, is included in the World Bank's definition of MENA, although it is excluded from the reports analyzed here.<sup>189</sup> Thus, it is difficult to determine why Turkey is not in any of the World Bank's definitions of MENA.

<sup>182</sup> For example, in GENDER, "gender" is broadly defined as "socially constructed and socially learned behaviors and expectations associated with females and males . . . . Like race, ethnicity, and class, gender is a social category that largely establishes one's life chances." GENDER, *supra* note 1, at xvii. See also Rittich, *supra* note 172, at 203 (stating how World Bank policies and publications are incorporating more "social" discourse).

<sup>183</sup> GENDER, *supra* note 1, at 1.

<sup>184</sup> *Id.*

<sup>185</sup> *Middle East & North Africa: Countries*, *supra* note 173.

<sup>186</sup> See, e.g., ALI ÇARKOĞLU ET AL., THE POLITICAL ECONOMY OF REGIONAL COOPERATION IN THE MIDDLE EAST 11 (1998); and TRADE POLICY AND ECONOMIC INTEGRATION IN THE MIDDLE EAST 5 (Hassan Hakimian & Jeffrey B. Nugent eds., 2004).

<sup>187</sup> See HOURANI, *supra* note 12; Hitti, *supra* note 12, at 199; ROGER OWEN, STATE, POWER AND POLITICS IN THE MAKING OF THE MODERN MIDDLE EAST 21 (3d ed. 2004).

<sup>188</sup> WORLD BANK, COUNTRY PARTNERSHIP STRATEGY WITH THE REPUBLIC OF TURKEY FOR THE PERIOD FY 2008-2011 6 (2008), available at [http://siteresources.worldbank.org/TURKEYEXTN/Resources/361711-1290610184383/Turkey\\_CPS\\_2008-2011.pdf](http://siteresources.worldbank.org/TURKEYEXTN/Resources/361711-1290610184383/Turkey_CPS_2008-2011.pdf).

<sup>189</sup> *Middle East & North Africa: Countries*, *supra* note 173.

In light of the discrepancy between the definitions of the World Bank, *Trade, Investment*, and *Gender*, it is regrettable that MENA was not defined in the Integrative Report. *Trade, Investment* takes the World Bank classification of MENA as its starting point and uses a variety of criteria to exclude countries included in World Bank definitions in its analysis.<sup>190</sup> *Gender* uses a different political geography all together and provides a limited explanation of how it included countries in its definition of MENA.<sup>191</sup> Other reports leave out a definition of MENA all together. The rationale for the discrepancy among the World Bank as an organization and the World Bank's MENA development reports is unclear. This may be because of the varying authorship of the reports. Nevertheless, with at least three different maps of MENA, this inconsistency implies that the authors may not have sufficiently considered the importance of geography in their analysis.

### CONCLUSION

If we hold the World Bank reports' map against UNDP RBAS reports' map, then we can see how different regional images have different political and economic implications and why concepts of geography matter in development debates. The World Bank includes Israel and Iran.<sup>192</sup> The UNDP RBAS includes Somalia and Sudan.<sup>193</sup> This brings into the regional map an element of volatility due to the recent and ongoing civil strife and war in those two countries.<sup>194</sup> The World Bank brings in a different political instability by including Iran and Israel—two states with a well-funded military and vehemently opposed to each other.

The difference between the organizations is most evident with respect to the characterization of the Israeli-Palestinian conflict. The World Bank report *Gender* lists "Palestinian Territories"<sup>195</sup> whereas UNDP RBAS lists the "Occupied Palestinian Territories."<sup>196</sup> UNDP RBAS reports' use of "Occupied Palestinian Territory" implies a judgment of Israel's position in the region. The explicit inclusion of

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<sup>190</sup> TRADE, INVESTMENT, *supra* note 1, at 20.

<sup>191</sup> GENDER, *supra* note 1, at xvii.

<sup>192</sup> *Middle East & North Africa: Countries*, *supra* note 173.

<sup>193</sup> *The League of Arab States*, *supra* note 83.

<sup>194</sup> This is further complicated by the fact that the conflict in Darfur, Sudan has been framed by some commentators as between "Arabs" and "non-Arabs."

<sup>195</sup> GENDER, *supra* note 1, at xvii.

<sup>196</sup> See UNDP 2004, *supra* note 1, at 1.

Israel and use of “West Bank and Gaza” by the World Bank is an acceptance by the World Bank, as an organization, to some degree, of the geopolitical status quo. Whereas *Gender* falls into a middle ground—it excludes Israel, does not use “West Bank and Gaza” and removes “Occupied” from “Palestinian Territories.”<sup>197</sup> The exclusion by *Trade, Investment* of “West Bank and Gaza” because its “special characteristics” without any explanation of what it considers those characteristics leaves the reader wondering why the Palestinians are written out of this report and what their role may be in regards to trade and development in the region.<sup>198</sup> This opaqueness suggests that with the exclusion of Israel, because of high income, and the Palestinian people, because of undefined special circumstances,<sup>199</sup> *Trade, Investment* considers the Palestinian people’s fate to be in the hands of the state of Israel and not with MENA.<sup>200</sup> To the UNDP RBAS reports, Israel’s role in the region and the world is a central concern because of (among other things) its occupation of Palestinian land,<sup>201</sup> whereas to the World Bank’s *Trade, Investment*, Israel is only a concern because its border crossings slow down the flow of goods from Jordan.<sup>202</sup>

In sum, what is lost from the UNDP’s narrow use of culture and the World Bank’s careless political geography is the ability to analyze mechanisms of governance, patterns of trade, and potential for development within actually existing conditions within the region. With these understandings, it is then also worth considering the fact that the “region consists of economies with similar production and export structures” not as a detriment to intraregional trade as commonly done,<sup>203</sup> but rather as a potential source of cooperation amongst actors within an industry. Even if we were take the World Bank reports’ weak “promise”

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<sup>197</sup> The World Bank reports, however, are not consistent and in some reports the authors use “West Bank and Gaza.” See, e.g., GENDER, *supra* note 1, at 7.

<sup>198</sup> TRADE, INVESTMENT, *supra* note 1, at 20.

<sup>199</sup> *Id.*

<sup>200</sup> Even though the West Bank and Gaza are excluded, in TRADE, INVESTMENT, it states that “[i]n recent years, Algeria, Egypt, Jordan, Lebanon, Morocco, the Palestinian Authority, and Tunisia have signed bilateral integration agreements with the EU, and Syria has started to negotiate one.” TRADE, INVESTMENT, *supra* note 1, at 207.

<sup>201</sup> See, e.g., UNDP 2004, *supra* note 1, at 3.

<sup>202</sup> TRADE, INVESTMENT, *supra* note 1, at 115–116. This is the only reference to Israel in the whole report.

<sup>203</sup> See, e.g., TRADE, INVESTMENT, *supra* note 1, at 214; BERNARD HOEKMAN & PATRICK MESSERLIN, HARNESING TRADE FOR DEVELOPMENT AND GROWTH IN THE MIDDLE EAST 29–32 (2002) (arguing that intraregional similarities creates conditions which reduces the flow of trade).

of dynamic gains from liberalized trade, an examination of the networks of people and knowledge is crucial in order to understand how technology and intangible capital can spill over. For example, citrus growers in the Levant could consider cooperative measures that would at least allow for sharing knowledge. Another example would be to look at how the various Arab communities around the world actually play a role in the trade and development patterns in the region.<sup>204</sup>

Within states, it is also important to acknowledge informal networks that are powerful mechanisms of governance.<sup>205</sup> *Better Governance* provides some examples of informal networks that have filled the governance void, for better or for worse, left by formal state governments. In Syria, recruitment for the government bureaucracy is overcome by political and familial preference.<sup>206</sup> *Diwaniyyas* (discussion salons) in Kuwait act as informal networks of individuals formed from overlapping professional, religious, political, and economic ties, which in effect constrain arbitrariness of the state and authoritarianism.<sup>207</sup> Also in Kuwait, when parliament was suspended, *jama'at ta'awuniyya* (neighborhood cooperative societies) served as important popular political platforms.<sup>208</sup> In Jordan, linkages of kin, culture, religion, and neighborliness are placed as a priority and act as a more efficient system of governance than the formal nation-state government in addressing human needs, regulating the exercise of power, protecting rights of individuals, and do so in a way that is relatively more inclusive, participatory, and transparent.<sup>209</sup> *Better Governance* asks:

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<sup>204</sup> Lebanon's emigrant community has become so expansive, providing a significant source of domestic income through remittance, that the foreign affairs ministry has been reconfigured as the Ministry of Foreign Affairs and Emigrants. See *The Republic of Lebanon: Ministry of Foreign Affairs and Emigrants, General Directorate of Emigrants*, THE REPUBLIC OF LEBANON, <http://www.emigrants.gov.lb/> (last visited Jan. 13, 2011); see also AMY CHUA, WORLD ON FIRE: HOW EXPORTING FREE MARKET DEMOCRACY BREEDS ETHNIC HATRED AND GLOBAL INSTABILITY 61–68, 115–120, 147–150 (2003) (analyzing the affluent Lebanese communities in West Africa and Latin America).

<sup>205</sup> See, e.g., Chantal Thomas, *Migrant Domestic Workers in Cairo: A Case Study of Informality in Legal and Economic Ordering*, 58 AM. J. COMP. L. 987 (2010); Chantal Thomas, *Illegal and Informal Labor and Migration: Observations on the Fragmentation of International Law*, COMP. LAB. L. & POL'Y J. (forthcoming 2010); GUILAIN DENOEU, URBAN UNREST IN THE MIDDLE EAST: A COMPARATIVE STUDY OF INFORMAL NETWORKS IN EGYPT, IRAN, AND LEBANON (1993).

<sup>206</sup> BETTER GOVERNANCE, *supra* note 1, at 50 box 1.7.

<sup>207</sup> *Id.* at 56 box 1.9.

<sup>208</sup> *Id.*

<sup>209</sup> *Id.* at 147 box 3.15.

Why are Egyptian bureaucrats so good at building roads, but slow at eradicating illiteracy? Why are the Lebanese administrators so effective at immunizing children, but so ineffective at drastically reducing infant mortality? And why has Tunisia been so successful at increasing the number of telephone mainlines, but not as effective in increasing access to the Internet, the tool for today's information age?<sup>210</sup>

This report, however, treats informal systems of governance as “factoids” sidelined in the main discussion about governance.<sup>211</sup> If we consider combinations of informal, non-nation-state, sub-national or regional networks, and systems of governance that have an effect upon communities, decision-making, and institution-building not as factoids but as an intermingled terrain, then we can ask more nuanced questions. Communities can work to identify entry points within current political and legal regimes in order to agitate for change and avoid the malaise and cynicism that both the UNDP and World Bank reports try to overcome.

Indeed, the issues addressed by the reports are not limited to texts produced by international organizations. Samir Kassir, a prominent professor of history and journalist in Lebanon, also examines issues of development in his essay *On Being Arab*, published in English after he was assassinated on June 2, 2005.<sup>212</sup> Like the World Bank and UNDP RBAS reports, Kassir takes a regional view to ask development questions. Like the AHDRs, Kassir uses the Arab world as his point of reference and also highlights how the culture and psychology of malaise and victimhood shackled the Arab world.<sup>213</sup> Kassir, however, does not frame his normative assessment in terms of economic growth, political governance, or formal regional integration. Nor does he take Arab identity as a given or evoke a nostalgic renaissance. Like the UNDP RBAS reports, he looks at the *nahda* as a revolutionary moment of Arab identity.<sup>214</sup> However, he calls for a more complex understanding of Arab geography and history in relation to their identity: “If Arabs don't reclaim this history [of the *nahda*], their relationship with modernity in

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<sup>210</sup> *Id.* at 12.

<sup>211</sup> *See generally* BETTER GOVERNANCE, *supra* note 1.

<sup>212</sup> SAMIR KASSIR, BEING ARAB (Will Hobson trans., 2006) (2004).

<sup>213</sup> *Id.* at 1–13.

<sup>214</sup> *Id.* at 40.

the twenty-first century will remained warped by misunderstanding.”<sup>215</sup> He situates this identity within a paradoxical history that has its origins in pre-Islamic time and a complex geography whose map is continuously drawn and redrawn.<sup>216</sup> To Kassir, history and especially geography have always been about political and economic struggles.<sup>217</sup> And only if we understand how those historical paradoxes and geographical relationships led to contemporary problems can we attempt to overcome development problems of today. This teaches that we must foreground historical and geographical debates in order to begin to understand questions of law, development, and regionalism.

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<sup>215</sup> *Id.* at 41. In fact to Kassir, “[t]he Arabs’ malaise is more a function of their geography than their history.” *Id.* at 67.

<sup>216</sup> *Id.* at 30–41, 67–78.

<sup>217</sup> *Id.*