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# WHY DOES THE RULE OF LAW MATTER TO MENA

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Dr. Sheikha Al Missned

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**Ladies and Gentleman,**

It is a pleasure to be with you in this conference, discussing the **Rule of Law** and **Access to Justice**, issues which are fundamental, not only to the development and progress of our societies, but I would contend, even to their very survival.

The title of this session asks the seemingly uncomplicated question: **“Why does the rule of law matter to MENA?”** Reflecting on this question from a background that does not include legal study or specialization, I found the answer to be rather straightforward. The Rule of Law is intricately linked with the tremendous development challenges and political threats facing our region today. From unemployment, poverty, corruption, ailing education systems, and worsening environmental crises to political tensions, civil conflicts and occupation, it is difficult to see how progress can be made on any of these fronts, without the strength and stability of our societies and without harnessing the enormous human resource potential in our region. Respecting the Rule of Law is paramount for strengthening society and for fostering healthy stability, the kind of stability that comes from unity, harmony, and a healthy relationship between citizen and State, and not the kind that has to be imposed by security forces. Without such stability, young men and women will not feel secure enough to pursue their potential and contribute to their society. Without the Rule of Law, we risk disenchanting youth and disengaging them from public life, which is an outcome we surely cannot afford.

However, the straightforwardness of the question, Ladies and Gentlemen, should not deceive us into underestimating the challenge of the process involved in achieving the lofty ideal that we call the Rule of Law or the equally important and related notion of Access to Justice.

The debate on whether the Rule of Law should be imposed from the top down or built up from the grassroots is a lively one, with passionate advocates on each side. As someone who works with youth and who witnesses the phase in their lives when young men and women explore ideas, values and identities, I would like to reflect with you the different ways in which the education systems in our region can work to ensure that the Rule of Law is woven into the very fabric of our societies and on the role of education systems in making the justice system understandable and accessible to every single member of society.

Of course, creating a culture of respect for the Rule of Law is a feat which requires the coming together of many factors, of which education is perhaps only one. However, this is the real value of cross-disciplinary gatherings such as this conference, where we each make our individual contributions but then work to weave them together into a comprehensive and integrated vision.

To understand what the education systems are asked to deliver, let us start with a discussion of what the Rule of Law means to the lay person whose very quality of life can be profoundly influenced by this ideal and by the extent of its implementation. The Rule of Law means that everyone in society stands equal in front of this magnificent thing we call “The Law.” It means that the law looks at us all the same, with no distinction between rich and poor, educated and illiterate, influential and powerless. It means that the law will treat us fairly; give us each our due; punish the perpetrator and stand up for the wronged, and that it will do so consistently and predictably. Central to the Rule of Law are concepts like: accountability; equality; fairness and transparency. Also central to this ideal is the protection of the weak and disadvantaged, who may have a particularly difficult time accessing the justice system. Justice systems which somehow exclude the vulnerable and marginalized and cannot extend them protection are fundamentally flawed. Where access is found lacking, it is a society’s moral responsibility to work on mechanisms that will help the justice system reach out to the vulnerable; mechanisms that make the law clear and legible to all sectors of society. There should be nothing cryptic or intimidating about the justice system. On the contrary, it should be a beacon of hope for those whom poverty and marginalization have submerged in darkness.

Incidentally, I would point out here that these values and ideals are not foreign or “exported”. The values of fairness, equality, and protection of the weak are inherent in our Islamic heritage and Arab traditions. Yet, over time, they have been distorted and altered in way that has unfortunately lead to gaps between the ideal and the reality in most countries.

But here we have to take a step back and see that this thing we call “the Law” will not craft itself perfectly. What is more, even if the law were to be perfectly crafted, there may be no guarantee that it will be implemented. It does not take much experience to know that what is

right is not necessarily what will come to pass. The Law needs to be protected and implemented by strong public institutions – institutions which are effective, efficient, transparent, non-corrupt and therefore, credible.

In all institutions, the Rule of Law necessitates that people take responsibility for their actions; that they are not afraid to hold themselves or others accountable for mistakes; and that they are supported in making the right decisions and taking necessary, though sometimes unpopular, positions. Most importantly however, people need to see that the system works in order to trust it and support it, rather than try to work around it.

For the Rule of Law to prevail, citizens in a society also need to know their rights and responsibilities. It is therefore particularly important to educate youth in this region about the meaning of citizenship: the rights and obligations that tie a citizen to his or her state. It has been my observation that our problem sometimes is not that we do not demand our rights or that we are not given them, but rather that we do not take the trouble to educate ourselves about our rights.

For those strong institutions to exist and for people to know and demand their rights, the foundations have to be built at a very early stage. At this point, one would naturally look to the educational systems, the main agents of socialization, to scrutinize the extent to which they have been able to play this role effectively in our Arab societies. After all, almost 1 in 4 persons in the MENA region are of school age (1 in 5 by 2025). So, are our education systems doing what they need to do to teach those values? Or are they reinforcing existing inequalities and flaws?

Modern education systems try to give students a reasonable base of knowledge in various subjects as well as teach them skills, like reading, writing, using a computer, or speaking a foreign language. Yet how often and how well do we teach the **skill** of listening to other arguments, the skill of seeing a situation through the eyes of others, the skill of negotiating fair compromises or resolving conflicts creatively and peacefully? Perhaps more importantly, to what extent do we teach our students that these skills are not meant to be confined to the walls of schools and universities; that they are not only about getting jobs; that their application

is not just in the labor market; that these are skills that they need to exist with others in peace and harmony? In addition to being taught and nurtured at schools and universities, these essential life skills must be transferred to other spheres of life, outside the academic setting.

Universities need to **teach students to become responsible citizens**, not just attractive job applicants. For example, civic engagement should be integrated into curricula, raising the awareness of students to the opportunities for public service, showing them that they are part of a bigger whole, and encouraging them to give their time and creativity to other members of their society.

**Legal education** in the Arab world must be examined carefully. In my view, legal education is not just about training judges and lawyers, although that is a very important role indeed. Rather, legal education should also be about raising legal literacy in society and reaching out to the weak and vulnerable to make sure that they know and understand their rights. Research is needed to identify context-specific impediments to accessing the justice system. Students of the law, who are the future lawyers and judges, must be morally committed to reaching out to all segments of society, but especially to the marginalized, to educate them about the system and to help make it inclusive accessible, not just financially, but also procedurally.

At Qatar University, we are trying to advance legal education through partnerships, such as the one with the American Bar Association – Rule of Law Initiative. Recently, the partnership has been expanded to include the introduction of a new course in legal advocacy and mentorship of women law students.

As an educator, and someone who has seen the challenge of education in the Arab World, I know that we have a very long way to go, and that we need to stand up to our responsibilities. Yet I also know that it is not up to education systems alone to promulgate and dedicate respect for the rule of law. Values of fairness, respect, tolerance, equality, and accountability must be **practiced and modeled** in the home, at work, and in all our organizations. Only then, can we be hopeful of a change.

It is a well know fact in education that children learn what they experience rather than what they are told or even shown. We cannot hope to teach our children that we are all equal in the eyes of God and the Law, and then deprive our daughters of an education or of their right to choose their marriage partners. We cannot teach them to respect rules when they see us ignoring ones as simple as traffic laws. We cannot teach our children that shirking responsibility and avoiding accountability is tantamount to corruption, when we do not follow up our words with actions. We cannot teach them that we have a responsibility to the weak and disadvantaged when they see us trampling their rights and misusing our advantages.

Children learn what they live. In fact, it is no secret that the double standards applied in the international political arena and the shortcomings of the international community in enforcing the Rule of Law in a fair and balanced manner is threatening to disenchant youth and to lead to their disengagement from public affairs.

In conclusion, I would say that our challenges to implementing and respecting the rule of law are so immense, that they cannot be possibly taken up by one group. The ideal needs to be built from the bottom up and enforced and modeled from the top down. Without exception, everyone can do something about this: teachers, parents, courts, Law schools, education systems, political institutions, etc. It is not a challenge we can afford to look away from.