

Change and Continuity in Egyptian Politics

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Egypt's political development between June 2003 and December 2004 is marked by a persistent political stagnation. A continuous polarization between the ruling National Democratic Party (NDP) and opposition parties and movements within civil society characterizes the national scene in this key player on the Southern Mediterranean shores. The "democratization in spurts" strategy adopted by the ruling elite over almost three decades has led to no more than minor transformations on the fringes of the political sphere.

During the period of the analysis, partially in response to regional and international circumstances, the NDP was undertaking a series of internal reforms. There was a significant injection of young technocrats, well-versed in the rhetoric of good governance and human rights, accompanied by efforts to modernize party structures. Particularly following the first annual convention of the NDP entitled "*Citizens Rights First*" (September 2003), the dominant impression was that the ruling party was on the verge of radical change in its workings and as a consequence, the way it perceives its role and interactions in the Egyptian political sphere. The policies and programs of the reformist group – mostly mid-career professionals, young business men and university staff members – circling around the president's son, though, have proved both fragile and in blatant contradiction to the demands of the major political forces of the country. The pub-

lic legitimacy given to the party's reform oriented Supreme Council of Politics headed by Gamal Mubarak, emanating out of the credibility of initiating reform discussions within the party and the undoubted appeal of new slogans such as "*let us reform our own house first*" and "*we invite all forces to dialogue with us on needed reforms,*" has withered away. Several structural limits of the NDP approach have become more apparent. The NDP has ignored the wide consensus that existed outside its own constituency, over the three reform imperatives needed to render the dream of democratization a realistic project in progress: amending the constitution; revising the selection process of the president, setting a limit on terms of office and minimizing his powers as head of the executive; and thirdly, changing the laws obstructing political parties and syndicate life. Throughout the period between June 2003 and December 2004, the inability of opposition parties and civil society representatives, liberal as well as religious based, to mobilize broader constituencies along the lines of these reform imperatives and subsequently the absence of internal pressures on the ruling elite have resulted, rhetoric aside, in a complete stagnation of Egyptian politics. Major structural deficiencies which hinder transformation to a democratic governance have remained unchanged. The Egyptian Constitution, which was issued in 1971 and amended a few times since then, vests enormous authority in the president as the head of the state and empowers the executive branch over both the legislative branch and the judiciary. The election of the president continues to be an uncompetitive process. The People's Assembly nominates the presidential

candidate by a two-thirds majority and he is then confirmed in a national referendum. The upcoming presidential elections in October 2005 will most probably follow the same pattern, in spite of the ongoing campaign of various opposition parties and movements since the summer of 2003, rallying for a constitutional amendment that allows direct pluralist presidential elections.

The major legitimating strategy for the Egyptian model of "democratization" has been twofold; on the one hand systematically evoking, both in discourse and in policy statements, the outworn mantra that economic reforms must come before political reform and on the other hand, that the population should be prepared for democracy. Substantial differences between the apologetic appraisals for restricted pluralism that dominated the political sphere during the 1970s and 1980s and the allegedly reform-oriented NDP of 2003 and 2004, with its overemphasis on economic modernization are difficult to point out. Once again the Egyptian regime has appeared between June 2003 and December 2004 to have assumed the mantle normally worn by democratic governments in liberal polities, having nominated itself as the legitimate representative of the real needs of the Egyptian society and not by freedom of association. In defending its approach the regime has put forward two additional notions: Egyptian particularity and regional exceptions. On the one side, the formula "Egyptian way to democratic transformation" has been systematically put forward by leading regime figures in a rather inflationary mode in the president's statements during the period of the analysis, to justify cosmetic and minor steps as synonym to required gradualism in introducing

FREEDOMS IN THE ARAB WORLD

The third report on Human Development in the Arab world offers an analysis on the lack of freedom and governance in Arab countries. According to the authors of this report, of all the obstacles to the Arab renaissance, the political restrictions placed on human development are the most persistent ones.

The report states that rights and freedoms in the Arab world are under constant low-level pressure, since freedoms are being threatened by two kinds of power: non-democratic regimes and traditional tribal authority. Political and civil liberties are at an insufficient level in the majority of Arab countries. Anti-terrorist strategy has led to a greater restriction on freedoms, especially on the freedom of speech and opinion. Moreover, the right to political participation is little more than a ritual in which constitutional provisions are applied rather than a full expression of the will of the electorate. These limitations are also to be seen in the case of basic individual rights of minorities and women, doubly excluded: both in law and in practice.

One of the new techniques used in this report was a survey to attempt to determine Arabs' opinions on the state of freedoms in their respective countries. The survey was carried out in five countries (Morocco, Algeria, Jordan, Palestine and Lebanon) and the general results showed that, from the point of view of the populace, the level of individual freedoms is comparatively high compared to that of "public" freedoms, which have a very low rating, especially with regard to governance. With reference to the aspects which have improved or deteriorated in recent years, the interviewees emphasised that freedoms connected with gender equality and marriage, opinion, education or minorities were the ones that had improved the most, whereas the greatest deterioration focused on corruption, a lack of transparency, the independence of the courts or inequality before the law.

The report refutes the theories that ascribe the breakdown of democracy in Arab countries to religious or cultural aspects. For the authors of this report, this breakdown is due to the convergence of political, economic and social structures which have suppressed social and political players liable to exploit the crises in the authoritarian regimes, in addition to specific factors like the international support for these regimes for reasons of stability, the lack of important political movements which prioritise freedoms, the appropriation of religion in order to perpetuate oppression or the pitfall of justifying the restriction of freedoms to avoid the accession to power of Islamic groups which would remove them.

The report reviews how the various structures of Arab states restrict freedoms. In legal terms there are two types of discrepancies which affect freedoms and rights equally: on one hand, the discrepancies between international standards and national constitutions and those which occur between constitutions and laws and, on the other hand, the gap between the whole legal framework and its actual implementation by governments. Despite the diversity of regimes in existence in the Arab world, the political structures have some similarities, such as the centralisation of power in the executive, which causes the latter to accumulate the greater part of all powers, the crisis in legitimacy, political impoverishment because of the difficulties of opposition parties to overcome restrictions on what is regarded as meddling by the authorities and the vicious circle of corruption, in some states considered as "structural" and which will only disappear with a radical reform of the political structure. Social structures also reflect these restrictions on freedom in a sequence which affects the family, education and the productive system and which ends up becoming part of the attitudes of Arab citizens.

The report recognises that modernisation has

led to remarkable achievements in the fields of health, education and infrastructures, but has not fulfilled the aspirations of development, security and freedom across the political board.

Before this overview, the report concludes that to attain a society of full freedom and governance will require an exhaustive reform programme in three related areas: internal, regional and global. Internally a structural reform is necessary which in political terms will involve the reform of certain practices (the abolition of the state of emergency, judicial independence, etc), legislation (modernisation, adaptation to international standards, practical application of existing laws, etc.) and policies (end of the monopoly on executive power, freedom of expression, parliamentary representation of citizens, development of civil society, etc.). In regional (pan-Arab) terms, it is necessary to transform currently inefficient institutions into regional mechanisms which will enable disputes between countries to be overcome and will stimulate integration, in order to establish mechanisms for the defence of human rights through the signature of the Arab Charter for Human Rights and the establishment of an Arab Human Rights Council and Tribunal. Finally, in global terms it is necessary to create effective channels for the resolution of conflicts and the development of an international instrument for arbitration, an initiative which the UN, whose credibility will be heightened through this development, ought to implement.

The report concludes that reform in Arab countries requires the full respect of freedom of expression, opinion and association, as well as the end of the marginalisation of certain social groups and exceptional laws and tribunals and should be based on principles of transparency and information.

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democratization measures to an Arab-Muslim society whose majority does not perceive democracy as a popular demand. However, gradualism without a, in time and scope, clear conceptualization of breakthroughs, such as amending the constitution and opening up the political sphere for new parties by means of abolishing existing restrictive mechanisms remains a corrupt, apologetic

defence of authoritarianism. On the other hand, the Egyptian regime has played, since the fall of Baghdad, the miserable game of frightening the population of any uncontrolled change as ultimately leading to disorder similar to post-war Iraq. Instable regional conditions have been permanently used to sort out and discredit calls on the ruling elite to permit deeper political reforms as irresponsibly

gibberish that has the potential of endangering Egypt's security. Looking at political developments in Egypt between June 2003 and December 2004 one can hardly ignore the fact that these different democratization-containment strategies have been extremely effective. After all Western democratization pressures on Mubarak have remained firmly in the realm of rhetoric rather than mov-

ing in the direction of political conditionality.

The system of power relationships, as well as the constitutional and legal arrangements organizing political participation, has remained essentially unchanged and semi-authoritarian in nature. Opposition movements, if not co-opted and controlled by the state authorities, have continued to be isolated. Any attempt to criticize the regime for its lack of commitment to reform, or to publicly articulate alternative political views originating out of liberal and religious civil society actors, has been chalked down by the ruling elite to one of two things: that the criticisms or views represent the demands of a handful of isolated intellectuals who have no understanding of what the masses really want, or that they represent a dangerous attempt on the part of Islamist movements to take over society and control the state.

Between June 2003 and December 2004, the Egyptian regime has used different strategies to retain its control over civil society actors. The State of Emergency, which was extended by the People's Assembly on 23rd February 2003 for three more years, continued to limit the ability of political and civic groups to associate and assemble freely. Political parties have been highly restricted in their activities. The Emergency Law prohibits parties from organizing public meetings without prior permission from the Ministry of Interior. Security forces have intensively utilized their unsupervised powers to arrest and detain individuals, a practice that has been systematic in the case of Islamist groups whose members are traditionally arrested prior to parliamentary or local elections. The legal framework for the NGOs in Egypt has been governed since 2002 by Law No. 84, which requires civic associations to register with the Ministry

of Social Affairs and opens up the gate of political manipulation through granting the Ministry the right to disband by administrative decree any association deemed to perform illegal activity. Furthermore, it prohibits NGOs from taking part in political or syndicate activities, as well as from receiving foreign funding needed without governmental approval. The Egyptian government has used these legal instruments to control and co-opt a great number of NGOs. Apart from the restrictive legal framework and the state cooptation, both political parties and NGOs have been facing various internal dilemmas. Opposition parties have not moved beyond the level of creating artificial structures that are not able to function as modern political parties and hence have been suffering from societal marginalization. NGOs have continued to be urban centred and to serve, apart from traditional religious networks, narrow constituencies. In general, the intermediary sphere between June 2003 and December 2004 has been highly controlled and has lacked effectiveness. One of the few positive aspects has been, though, the fact that opposition parties, NGOs and intellectual groups have managed to retain on the one hand their ability to criticize the authority and to keep open a minor space of political articulation on the other. These two factors have been responsible for the difference between Egypt and other more authoritarian states in the Middle East.

In contrast to other countries in the region, the political relevance of radical Islamism in Egypt has been declining in the period of analysis. The last wave of radical Islamist motivated violence can be dated back to the first half of the 1990s. State-led counter violence and repressive polices resulted in the destruction of the power resources of the

radical groups. In the last two years a significant revisionist rethinking of the radical Islamist legacy and a questioning of the use of violence for political objectives has been taking place among members of both al-Jamaa al-Islamiyya and al-Jihad Group and partially resulted in a greater distancing to religious motivated militancy. A rather limited number of radical Islamists have continued to propagate violence and to justify it by referring to regional conditions in Iraq, Palestine, etc. as well as to societal crises in Egypt. However, their political relevance has been diminishing rapidly. Within the Egyptian Islamist spectrum in general, moderate movements and activists have continued to gain political ground. They have retained the capacity of reaching out to considerable constituencies, although the government has continued its restrictive policy towards them, in order to limit the political space open to them. The Muslim Brotherhood, in particular and other groups such as the Wasat-Initiative have integrated liberal democracy as an objective in their discourse and programme. Therefore, a normative and pragmatic consensus about democracy has evolved gradually in the Egyptian public sphere, culminating in summer 2004 in different reform campaigns organized by secular and religious movements. A strategic platform for democratization has emerged and gained momentum. To call for constitutional reform, to abolish the Emergency Law, to have competitive elections for the presidency, to legalize political parties and to reform the legal framework that restricts their activities (mainly Law 40/1977) and finally, to form ad-hoc alliances for democratic change across ideological divisions, have been the rare encouraging signs of the stagnant political sphere in Egypt.

FREEDOM OF ASSOCIATION IN SYRIA: AN ISSUE STILL TO BE RESOLVED – A POSSIBILITY

The vast majority of liberal Arab academics and professionals are pressing for legal reform not only in Syria but also in other countries in the region. They stated as much in the conclusions of the meeting of the library of Alexandria in Egypt, which took place in 2004. The meeting highlighted the need for constitutional and legal reforms, as well as the need for free elections, the abolition of the emergency laws, proper recognition of freedom of expression, the creation of political parties and greater participation by women. In February 2004 more than 700 Syrian intellectuals signed a petition for democratisation and reform and for the abolition of the state of emergency.

In Syria, the current situation is that the government intervenes significantly in all spheres of civil society. But perhaps *control* and *freedom* might be better reconciled if the public administration had appropriate managerial training and information resources. Modern and efficient management and an effective capacity to process and pass data between the ministries of home affairs, justice and the economy, for instance, could minimise the need for the government to intervene directly in decision-making by the NGOs. The non-governmental associations and other bodies, the pillars of a pluralist civil society, are, of course, subject to control and restrictions in all countries. However, in those countries which are democratic, the monitoring of legality remains chiefly the responsibility of the associations themselves. Under a democracy, supervision by the government focuses particularly on reviewing the documentation produced and delivered by the associations to the authorities. An association may be hampered in its work because of an irregularity in the documentation submitted to the government or for failure to send in documentation which it was legally obliged to submit. Equally, it may be investigated and checked because of a complaint by third parties alleging that its activities are illegal. Its own actions will be, in turn, restricted by the law and subject to some form or other of judicial authority. In Syria, the law permits the government, with-

out being invited, to attend and participate in any meeting of any association. Such intervention appears to derive from the permanent suspicion that any action taken outside the bounds of public administration is illegal.

The presence of governmental officials during the decision-making process of a non-governmental association is an adulteration, if not a flagrant breach, of the right of assembly and association. It is, furthermore, an expensive practice and is clearly incompatible with the wish expressed by the Syrian government to promote the creation of associations and thus to recruit allies in its fight against poverty. Syria, a country with a population of 18 million, has a little over 600 registered associations. It is already very difficult for the ministries responsible – the Ministry of Home Affairs and the Ministry of Employment and Social Affairs – to carry out the governmental monitoring laid down by the 1958 law on associations, still in force. If the number of associations were to treble (resulting in a number that is still small in relation to the population, if we compare it with European countries), it would be difficult for the government to treble the number of officials in order to maintain the current monitoring system.

In order to promote freedom of association, there needs to be a change of mentality among the rulers and this could start with an acceptance of the fact that *freedom* and *control* are not incompatible. If the government received the teams and the training needed in exchange for evaluating the actions taken by the associations instead of passing judgement on their intentions, the situation would certainly improve. Evaluating actions taken would mean, in this context, examining their achievements, income and expenditure. In Syria, passing judgement on their intentions currently means, for example, sending a political commissioner to listen to and supervise the proceedings of the general meeting and to require an application for official permission to obtain a donation, as the current law on associations provides.

In general, one of the problems with this law is

that it is antiquated. It was drafted by an interventionist state* in which the government was the source of the majority of employment and capital. The situation today is not as it was in 1958: the population is growing much more rapidly than wealth and the state is physically unable to provide the fundamental public services to all its residents, much less decent and stable employment. Within this context, the Syrian NGOs could contribute staff and projects for economic and social development compatible with those planned by the government. In this way, the concept of the modern state could be broadened, so that it becomes not only a *provider* but also a *facilitator*. This could finally allow non-governmental agents to participate in identifying the needs of the people and in meeting them.

This would, without doubt, be a major change. The reality, however, is that it has already begun and can develop peacefully. In Syria, the state is no longer the absolute provider, and private enterprise is permitted. Companies offer and sell services which previously either did not exist or were offered by the state. By granting licences, such as mobile phone licences, the government is bringing services to a large section of the population without spending anything. The idea of being able to provide other services at no cost to public funds through the NGOs is very attractive to the government. And this genuine attraction could act as a Trojan horse for a gradual shift from the current perception of a society at the service of (or enslaved to) a government and a party to the perception of an executive power at the service of society and with responsibilities towards the citizens. The NGOs, like the multinationals, can bring international resources to the country which the state is not capable of generating. The former can collaborate in identifying and managing basic but non-profitable services and the latter can do the same for profitable services.

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* In fact, the law was drafted by Syria and Egypt, during the four-year period when the two countries were united.