



Seeds of Democracy?

*The Role of Non-Governmental Organizations in
Promoting Human Rights in Egypt*

Candidate number: 8011
Supervisor: Nils Butenschøn
Deadline for submission: 02/06/2008
Number of words: 19981

University of Oslo



“ *Democracy is the worst form of government except all those other forms that have been tried from time to time.*

*- Sir Winston Churchill in address
To House of Commons, Nov. 11, 1947.*

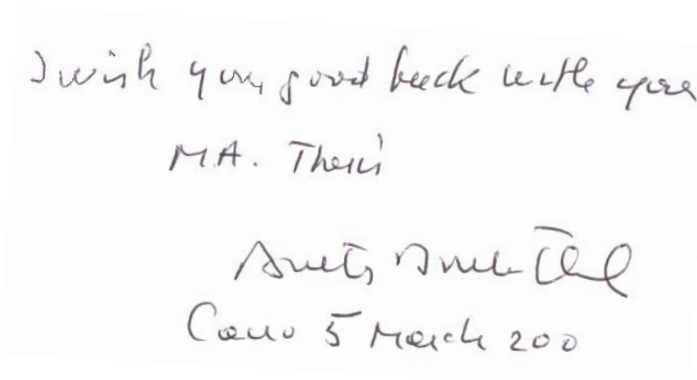


Acknowledgements

Many individuals and institutions have helped me in my research for this thesis.

I am in gratitude to all of them for completing this project. My supervisor, Mr. Nils Butenschøn at the Norwegian Centre for Human Rights has provided me with his advice and insight, and lending me his good name and personal contacts in Egypt. My old school, Buskerud University College, in particular Associate professor Lars Petter Soltvedt and the institute for political science bears the sole responsibility for financially making my field studies in Egypt possible. I would also like to thank the Norwegian Embassy in Cairo and the Egyptian Embassy in Oslo for providing me with information and necessary traveling permission. Your diplomatic courtesy is highly appreciated.

Last, but not least, I would like to thank the individuals of the organizations to which I have spoken, in particular His Excellency Mr. Boutros Boutros-Ghali of the National Council for Human Rights, Mr. Shallaby of the Arab Organization for Human Rights in Cairo, and to Enid Hill at the International Law Human Rights Outreach Project at American University in Cairo for good advices and opinions on the Human Rights situation. At last an honorary guest to the people of Egypt, who are struggling to obtain and defend their civil and political rights.



*I wish you good luck with your
M.A. Thesis
Amr, M. El
Cairo 5 March 2008*



A Summary Of: Seeds of Democracy?

The Role and Work of NGOs in Promoting Civil and Political Rights in Egypt

The Arab Republic of Egypt displays Human Rights problems not uncommon those generally found in the Middle East. Although having a growing economy, social development in general is hindered by lack of education, corruption, poverty and political status quo. The office of the president and the executive branch has extensive powers which frequently uses methods to curb serious political opposition such as, but not limited to, arrests and false charges and by denying the registration of new parties. Political rights necessary for democratic governance such as freedom of speech and freedom of assembly are eroded by a prolonged period of state of emergency. In this environment, domestic and international NGOs are working to treat complaints of individual Human Rights abuses, publish reports, issues statements and attempts to put the Human Rights situation on the national and international agenda.

Thomas Rises Spiral Theory on the work of the transnational Human Rights movement outlines five phases through which the state will go in its gradual acceptance of Human Rights norms. From repression, denial, tactical concessions, to prescriptive status and finally rule consistent behavior. Egypt displays several of the symptoms for being in the third phase -- namely having made tactical concessions such as the establishment of the National Council for Human Rights. However, the authorities still repress the Muslim Brotherhood, claiming they are dangerous fundamentalists, and justifying the repression with a reference to the "war on terror" by the US and its Western allies. Many countries, although being dissatisfied with the Human Rights situation in Egypt - refrains from public criticism because Egypt is viewed as moderate and friendly toward the west, and, as one scholar put it "still the best shot for Democracy in the Middle east".



Table of Contents

Chapter I: Introduction	1
1.1 Acknowledgements.....	3
1.2 Summary.....	4
1.3. Table of contents.....	5
1.3. Research Question.....	7
1.4. Additional reasons for choosing Egypt.....	8
Chapter II: From Face to Phase	10
2.1. Democracy and Human Rights: The Interdependent Relationship.....	11
2.2. The Spiral Theory on the Work of NGOs.....	12
2.3. Table I: Overview of the Spiral Theory.....	15
2.4. The Spiral Theory's application on Egypt.....	16
2.5. Methods and sources.....	16
2.6. Data collection & Source critique.....	18
Chapter III: Democracy in the Arab World	19
3.1. Orientalist School of Thought.....	20
3.2. Rental States Theory.....	21
3.3. Relevance to Human Rights NGOs.....	23
Chapter IV: Human Rights NGOs in Egypt	24
4.1. The NGO environment in Egypt.....	24
4.2. Introduction to three Human Rights NGOs.....	27
4.3. Egyptian Organization for Human Rights.....	28
4.4. Arab Organization for Human Rights.....	29
4.5. Temporary Conclusions on the work of NGOs.....	30
Chapter V: Egypt: A Constant State of Emergency	31
5.1. Use and abuse of the state of emergency.....	31
5.2. Freedom of speech.....	33
5.3. Unstoppable digital information.....	34
5.4. Facing Facebook.....	36



<u>Chapter VI: Dynamics of Regime and Opposition</u>	37
6.1. The Muslim brotherhood and the rise of Political Islam.....	37
6.2. The Government's response.....	38
6.3. Deflections of international criticism.....	40
6.4. The case of Amr Tharwat and the Ibn Khaldun Centre.....	40
6.5. The World Responds.....	41
6.6. End result.....	43
<u>Chapter VII: External Human Rights Advocacy</u>	44
7.1. United Nations Reports.....	44
7.2. Egypt - European Union Relations.....	46
7.3. Egypt - United States Relations.....	49
<u>Chapter IIX: Application of the Spiral Theory</u>	50
8.1. The two challenges of Risse.....	50
8.2. NCHR symptom of third phase?.....	52
8.3. Prescription for change.....	54
8.4. Conclusions.....	55
8.5. Recommendations for further research.....	58
<u>Chapter IX: Sources and references</u>	59
9.1. Books.....	59
9.2. Published reports and articles.....	59
9.3. Human Rights Watch.....	61
9.4. News articles.....	62
9.5. Other sources.....	63



Seeds of Democracy

The Role and Work of NGOs in promoting civil and political rights in Egypt

1.3 Research question

My research question is: What is the impact of Egyptian civil society organizations on the Egyptian authorities in terms of respect for civil and political rights? This is a qualitative case study of the non-governmental political forces in Egypt, and I hope to conduct it through the use of both field studies and review of written material available. I have chosen the topic based on three personal perceptions or hypotheses, and several reasons for convenience:

- The empirical testing of the application of Thomas Risse's spiral theory with regards to Egypt's development towards Democracy and Human Rights.¹
- The perception of an interdependent relationship between Human Rights and Democracy as elaborated below. The strong correlation between human rights and Democracy, both in theory and practice, and how the rule of law is a necessary precondition for the fulfillment of Human Rights.² Thus, in order to achieve satisfactory Human Rights standards in Egypt, at least a certain degree of democratic governance is necessary.

¹ Thomas Risse *et al* has developed a theoretical framework of the norms socialization process which takes place in the gradual transformation from an authoritarian and human rights repressive state through five phases (introduced thoroughly in chapter II).

² As stated in Persson, Göran (2003): *Government Communication 2003/04:20, "Human Rights in Swedish Foreign Policy"*: Although democracy and human rights are two separate concepts, there is a close connection between them. This is stated clearly in the Universal Declaration of Human Rights, which declares that it is an individual right to take part in government, either directly or through elected representatives. Respect for human rights contributes to – and is in most cases a precondition for – democratization.



- The perception that Human Rights NGOs and the civil society holds the key to democratization of Egypt, mainly because of the status quo of the political system. Thomas Risse et al. studied the work of national and international NGOs in Morocco and Tunisia, and how they brought about significant changes in those countries.³

1.4. Additional reasons for choosing Egypt

In addition to the reasons listed above, there are several reasons of convenience in choosing Egypt. With the limited time and resources of a master thesis, certain external factors guide my choices on how to conduct research. Firstly, contrary to authoritarian countries like Syria, Libya and Iran, Egypt has a relative access to empirical material which can be collected through field studies. The possibility for westerners to travel in Egypt is also easier than in the above mentioned countries.⁴ This availability to collect data is also increased by the contacts the Norwegian Centre for Human Rights has to the internationally recognized Ibn-Khaldun Center for Development Studies⁵ in Cairo, the National Council for Human Rights⁶, as well as the Cairo Institute of Human Rights.⁷

Egypt is a regional power and I presume its governance may have a positive symbolic influence on neighboring countries like Sudan and Libya as a matter of geographical proximity, and other Arabic countries in the Middle East as a matter of cultural influence. Hopefully, Democracy in Egypt will influence and inspire changes in these countries. According to Democratic peace theory⁸, two liberal democracies rarely or never go to war with each other. This may therefore reduce the possibility of a new war against Israel, and become a source of stability in the region. Fourthly, in the struggle against terror, cooperation with moderate (especially non-violent) Arab governments and

3 Risse, Thomas, Ropp C. Steven, Sikkink Kathryn, "The Power of Human Rights. International Norms and Domestic Change" Cambridge University Press 1999.

4 Norwegian State Department's traveling advice for Norwegian Citizens:
<http://www.landsider.no/land/egypt/reise/sikkerhet/sikkerhet.htm>

5 The Ibn Khaldun Center for Development Studies (ICDS) is a non-governmental professional institution, registered in Cairo since 1988 as a limited liability civil company (license no. 3044). Its headquarters is located in Mokattam Hills.

6 The NCHR is essentially an umbrella organization of Human Rights NGOs in Egypt.

7 The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization founded in 1994. It aims at promoting respect for principles of human rights and democracy, analyzing the difficulties facing the application of International human Rights Law and disseminating Human Rights Culture in the Arab Region.

8 Democratic peace theory is the claim that democracies rarely fight one another because they share common norms of peaceful redress of grievances and domestic institutions that constrain their course to war. (Rosato, Sebastian, (2003) *The Flaewd Logic of Democratic Peace Theory.*)



organizations is of vital importance. A democratic Egypt may serve to strengthen, encourage and consolidate Egypt's moderate elements. Therefore, the peaceful promotion of democracy is perhaps the most effective method in the "war on terror". As far as theoretical material is concerned, Thomas Risse's spiral model on transnational NGOs work for Human Rights uses Morocco as empirical example⁹. Morocco shares several equal traits with Egypt: an authoritarian North African country with one dominating person, (in Morocco, this was the monarch). Although I do not have the capacity in time and length to do a comparative study of Morocco and Egypt, Risse's chapter may provide a practical guide for Human Rights NGOs to bring about change in North African countries. The motive to examine NGOs in particular is twofold; the belief that Egypt has a static political system which maintains its status quo, thereby relying on non-governmental organizations for new ideas and democratic change; and a personal interest in the work of NGOs as an increasingly powerful source of influence both in politics and civil society in this age of globalization.

⁹ Risse, Thomas, Ropp C. Steven, Sikkink Kathryn, *"The Power of Human Rights. International Norms and domestic Change"* Cambridge University Press 1999.



From Face to Phase

An introduction to the Spiral Theory by Thomas Risse

In this chapter, I will give an introduction to the theories and the theoretical framework on which I intend to conduct my empirical analysis. This includes the relationship between Human Rights and Democratic governance, as well as the Spiral Theory by Thomas Risse et al, which outlines five phases of Human Rights norms socialization process through which, according to Risse, the transnational Human Rights movement can successfully promote change in target countries.

2.1 Democracy and Human Rights: The Interdependent relationship

Since my M.Phil. study program is exclusively about the study of Human Rights, proving the connection between Human Rights and Democracy is of vital importance. My thesis is based on the perception that there is a strong correlation between democratic rule and respect for Human Rights and their fulfillment, both in theory and practice. In terms of hard law, the most compelling link is in International Covenant on Civil and Political Rights, article 25, giving rights to take part in the conduct of public affairs, the right to enjoy free elections, to vote and to be elected.¹⁰ Likewise, the African Charter on Human and People's Rights, which legally entered into force in Egypt on the 03/04/1984⁹, has similar wording, although paragraph 1 of Article 13 conditions "in accordance with the provisions of the law" as a qualification for the right to freely participate in the government. This, I suspect, is more vulnerable to government limitations. The democratic values and principles are

10 Article 25 of the International Covenant on Civil and Political Rights: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; c) To have access, on general terms of equality, to public service in his country."

9 Article 13 of African Charter on Human And People's Rights: "1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. 2. Every citizen shall have the right of equal access to the public service of the country. 3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law."



further elaborated in the three UN human rights instruments that have come to be referred to as the International Bill of Human Rights. The Universal Declaration of Human Rights (in its Preamble) stresses the link between democracy and human rights by stating, “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” This formulation stresses that governments should refrain from tyranny and oppression and should ensure that human rights are protected by the rule of law. The Universal Declaration sets out the core principle of governance, “The will of the people, shall be the basis of authority of government” and goes on to explain, “This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage” (Article 21.3).¹¹ Similar provisions can be found in article 21, which also states, more specifically with a reference to democratic rule, that “*The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures*”¹² We can therefore establish that there's a strong basis for claiming democracy as a human right, both in soft law and hard law for the case in question. In terms of democratic human rights, freedom of thought, conscience and religion¹³, the right to hold opinions without interference¹⁴, freedom of speech¹⁵ as well as right to assembly¹⁶ and association¹⁷ are vital political rights found in the ICCPR, on which respect has been essential to any functioning democracy. I also hold an hypothesis that there is a strong correlation between a democratic system of governance, by definition depending on the political participation of its citizens, will be unable to successfully function, either in theory or practice, without fulfillment of basic civil and political rights such as freedom of speech, freedom of assembly and right to vote.

11 *Dias, J. Clarence: Democracy and the Challenge of Ethnicity and Inclusive Democracy.*
<http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN010199.pdf>

12 Article 21 of ICCPR:

(1) *Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*

(2) *Everyone has the right to equal access to public service in his country.*

(3) *The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*“

13 *United Nations International Covenant on Civil and Political Rights, Art. 18.*

14 *United Nations International Covenant on Civil and Political Rights Art. 19.*

15 *United Nations International Covenant on Civil and Political Rights Art. 19.2.*

16 *United Nations International Covenant on Civil and Political Rights Art. 21.*

17 *United Nations International Covenant on Civil and Political Rights Art. 22.*



2.2. The Spiral Theory on the work of NGOs

Risse et al argue that advocacy networks serve three purposes, which constitute necessary conditions for sustainable domestic change in the human rights area.¹⁸

- (1) They put norm-violating states on the international agenda in terms of moral consciousness rising. In doing so, they also remind liberal states of their own identity as promoters of human rights.

- (2) They empower and legitimate the claims of domestic opposition groups against norm-violating governments, and they partially protect the physical integrity of such groups from government oppression. Thus, they are crucial in mobilizing domestic opposition, social movements, and non-governmental organizations (NGOs) in target countries.

- (3) They challenge norm-violating governments by creating a transnational structure pressuring such regimes simultaneously “from above”, and “from below”¹⁹ The more the pressure can be sustained, the fewer options are available to political rulers to continue repression.

Thomas Risse et al has developed a theoretical framework of the norms socialization process which takes place in the gradual transformation from an authoritarian and human rights repressive state to being "rule consistent" in applying human rights standards. The spiral model outlines five typical phases which marks the process: repression, denial, tactical concessions, prescriptive status, and rule consistent behavior.²⁰ Risse et al's research begins when states are in the so called repression phase. Domestic societal opposition is too weak and / or too oppressed to present a significant challenge to the government. The level of repression varies greatly among the countries from extreme repression

18 Risse, Thomas, Ropp, Steven C., and Sikkink, Kathryn (1999): *The power of Human Rights: International norms and domestic change*, Cambridge University Press. ISBN: 521-65882-9, h., 0-521-65093-3, *ib.*

19 Brysk, Alison (1993) *From Above and Below: Social movements, the International system and Human Rights in Argentina*. *Comparative Political Studies* 26 (3): 259-285.

20 *Ibid.*



bordering on genocide, to much lower levels of repression as in the case of Tunisia. The phase of oppression can last for a very long time, since many oppressive states never make it to the agenda of the transnational advocacy network. Only if and when the transnational advocacy network succeeds in gathering sufficient information on the repression in the “target state” can it put the norm-violating state on the international agenda moving to phase II of the model.²¹ The second phase, known as the “denial phase”, comes as a direct result of the attention it receives in the first phase of the model. The initial activation of the transnational network often results from a particularly awesome violation of human rights such as a massacre and leads to the mobilization of the international community. The initial reaction by the norm-violating state is almost always, according to Risse et al, one of denial. “Denial” means that the norm-violating state refuses to accept the validity of international human rights norms themselves and that it opposes the suggestion that its national practices in this area are subject to international jurisdiction.²² Governments which publicly deny the validity of international human rights norms as interference in the internal affairs are at least implicitly aware that they face a problem in terms of their international reputation. If international pressures continue and escalate, the norm-violating state seeks cosmetic changes to pacify international criticism, and thereby brings the state to the third stage of the model, namely the tactical concessions stage.²³ Tactical concessions are made as intended defense against international criticism, and could be, for instance, the release of prisoners of conscience, the production of an annual human rights report, or greater permissiveness to domestic protest activities. When they make these minor concessions, states almost uniformly underestimate the impact of these changes, and overestimate their own support among their population. This, in turn, could lead to a strengthening of the domestic human rights opposition. Released prisoners of conscience may engage in oppositional political activity, the annual human rights report may be read and thoroughly criticized and thereby requiring more reports to be produced. People start losing their fears, and towards the end of the tactical concessions phase, norm-violating governments are no longer in control of the domestic situation. At this point, the situation is beginning to spiral out of the state's control, and in the prescriptive status phase (4) which follows, it has conceded that human rights standards are necessary and will attempt to implement them in all branches of the government. Prescriptive status means that the actors involved regularly refer to the

21 *Ibid*, p. 22.

22 *Ibid*, p. 23.

23 *Ibid*, p. 25.



human rights norm to describe and comment on their own behavior and that of others.²⁴ The validity claims of the norm are no longer controversial, even if the actual behavior continues violating the rules. Risse et al uses the following indicators for “prescriptive status”: Governments are considered as accepting the validity of Human Rights norms if and when: I. They ratify the respective international human rights conventions including the optional protocols. ii. The norms are institutionalized in the constitution and / or domestic law. iii. There is some institutionalized mechanism for citizens to complain about human rights violations and; IV. The discursive practices of the government acknowledge the validity of the human rights norms irrespective of the (domestic or international) audience, no longer denounce criticism as “interference in internal affairs,” and engage in a dialogue with their critics.

Prescriptive status is a necessary step toward, but not identical with, *rule-consistent behavior*.²⁵ Governments may accept the validity of human rights norms but still continue to torture prisoners or detain people without trial. Some times, national governments are not fully in control of their police and military forces, who commit the human rights violations. Risse et al claims that sustainable change in human rights conditions will only be achieved at this stage of the process when national governments are continuously pushed to live up to their claims and when the pressure “from below” and “from above” continues. After ratification of major international human rights treaties and sustained pressure from the human rights movement, it may move to the last phase of the model. In the pursuit of rule-consistent behavior, the state is consistent in applying the human rights norms, both in theory and practice. (5).²⁶ The spiral model presupposes the work of a transnational human rights movement, its ability to put pressure on the State "from above" and "from below" through accurate reports on the factual situation, and putting the target states' abuses on the international agenda. My perception of the weaknesses of the spiral model is that it's very hard to determine exactly what causes political changes. Some would say, for instance, that the fall of the Iron curtain of eastern Europe toward the end of the cold war were mainly caused by the external chain of events such as the failed Afghanistan campaign by the Soviet Union, Ronald Reagan's excessive military spending, or the visit by the Pope to Poland. Risse et al however, mainly contributes the change to

24 *Ibid*, p. 29.

25 *Ibid*, p. 31.

26 *Ibid*, p. 31.



the publication of the Helsinki Accords of 1975.²⁷ Due to these external events -- which are, of course, never equal in every empirical case -- the effectiveness of the transnational human rights advocacy network is hard to measure.

27 *Ibid*, p. 206.



2.3. Overview of the Spiral Model

Society	State	International / Transnational Institutions
<p>Domestic opposition</p> <p>Mobilization and strengthening of groups engaging human rights norms</p> <ul style="list-style-type: none"> ● New domestic actors and sustained links to transnational networks. ● Normative appeals ● Information ● Expansion in new political space ● Human Rights assuming center stage in societal discourse 	<p>1. Repression</p> <p>2. Denial. Repressive state denies validity of Human Rights norms as subject to international jurisdiction, claims non-intervention norm.</p> <p>3. Tactical Concessions</p> <ul style="list-style-type: none"> ● Concessions to the Human Rights Network. ● Reduced margin of maneuver regarding Human Rights. <p>Policy Change - Regime Change</p> <p>4. Prescriptive status State accepts international norm</p> <ul style="list-style-type: none"> ● Ratifies international treaties ● Institutionalizes norms 	<p>Transnational networks</p> <ul style="list-style-type: none"> ● Receive information ● Invoke international Human Rights Norms. ● Pressurize repressive state ● Mobilize international organizations and liberal states. <p>Sustained bilateral and multilateral pressure</p> <p>Reduced network mobilization</p>



2.4. The Spiral Theory's application on Egypt

On the question of the applicability of the spiral theory on Egypt, the fundamental question seems to be, as indeed in every assessment of these cases, what constitutes the indicators of every phase. To put it bluntly, when do we know when Egypt is in the tactical concessions phase? President Mubarak and his National Democratic Party (NDP) recently announced a new wave of reform initiatives, which have become critical to his son Gamal's positioning as a viable candidate in the next presidential election. Issues now on the table include easing eligibility requirements for candidacy in presidential elections, shifting power from the presidency to the legislative branch, and changing the system of parliamentary elections.²⁸ Are these changes mere cosmetic changes, sought to pacify international and domestic human rights criticism? Or do they have a legitimate aim in reforming the authoritarian government? Critics hold that the NDP's new political steps appear designed to seize the initiative amid widespread calls from the opposition and civil society groups for extensive constitutional amendment. They also aim at managing the Egyptian opposition—making sure there is enough competition to lend an air of credibility to future elections while marginalizing the Muslim Brotherhood (Egypt's largest opposition group) and increasing divisions between the Brotherhood and secular groups.²⁹ To research whether or not these changes are actually intended to promote democratic reforms or to fend off criticism, the careful study of the overall policies of the government are necessary.

2.5. Methods and sources

Methods link theory and evidence, provide the basic rules of enquiry, and provide the kind of tools that maximizes the kind of inferences that are drawn.³⁰ My disciplinary approach and field is political science. Not just because of my academic background, but because I find the political processes behind democratic development more interesting than the law, and hard law in particular. Moreover, I will use law as a reference point for what concrete goals on what democracy means. Given the nature of my research question, the conclusion can not be measured quantity, and I will therefore not conduct any quantity research, but rather qualitative.

28 Michele Dunne (2007): *Time to pursue Democracy in Egypt, Policy Outlook*.
Carnegie Endowment for International Peace:
http://www.carnegieendowment.org/files/Dunne_Egypt_FINAL2.pdf

29 Ibid.

30 Landman, Todd. (2006): *Studying Human Rights*, Routledge. ISBN: 0-415-32604-4.

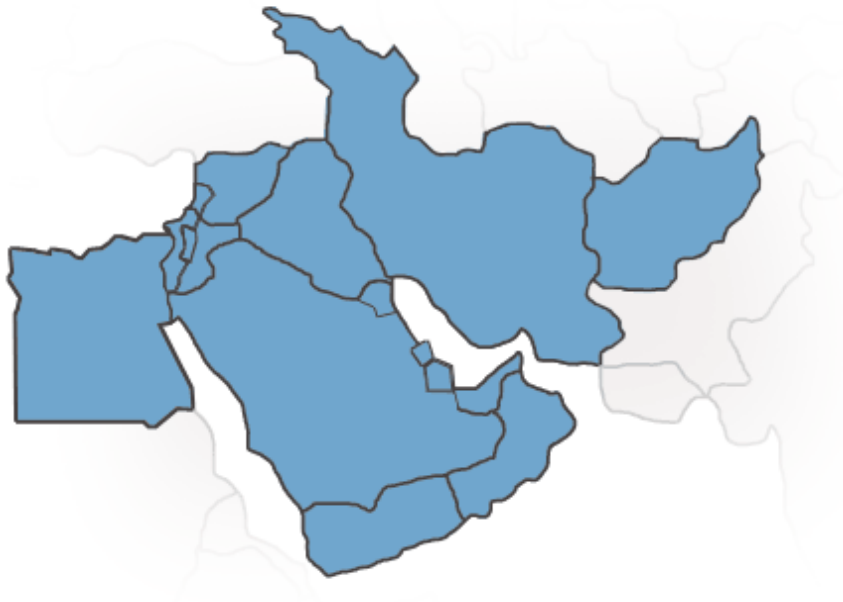


2.6. Data collection and source critique

When collecting empirical data, a critical selection of sources is of vital importance. My resources and time available does not give me the opportunity to travel much or in a significant length of time to collect data, which means I will have to rely on other studies and perceptions to draw my conclusions. NGO data can be very subjective. It is easy to imagine a great number of incentives an organization or political group may have in exaggerating its efficiency - this could be in order to justify increased funding, to exaggerate the seriousness of the human rights situation in order to get attention to the cause, or even understate its own efficiency and blame it on a lack of financial resources. My ability to personally interview the Human Rights NGOs were limited in time and scope to a week of field studies in Cairo. In my study, I will carefully examine reports from widely respected sources such as Human Rights Watch, Amnesty International, Carnegie Endowment for International Peace and Ibn Khaldun Center for Development. Together, I hope and think they will form an accurate description of the events in Egypt. The index of freedom produced by Freedom House has the most comprehensive coverage over time and across space but has been subject to widespread criticism for its continued opacity and ideological biases.³¹ Measures of political rights necessarily overlap with measures of democracy, but the most widely used measures include Vanhanen's index of democratization and the Polity IV set of institutional measures of democracy and autocracy. There is the further problem that rights scales are being used for measures of democracy and democracy scales for measures of human rights thereby conflating and confusing two concepts that overlap only partially.³²

31 *From Landman, Todd, (2004): Human Rights Quarterly 26.4 906-931 Measuring Human Rights: Principle, Practice, and Policy. Despite its two checklists for civil and political rights, there is still some mystery as to how information collected using the checklists is ultimately converted into the 1-7 scales. Moreover, throughout the period of coverage (1972-present), Freedom House either underestimates rights abuses in certain parts of the world or overestimates them in others, and it tends to reward countries for economic freedom. See Todd Landman, Economic Development and Democracy: The View From Latin America, 47 POL. STUD. 607 (1999); Foweraker & Krznaric, supra note 59; Gerardo Munck, Conceptualizing and Measuring Democracy: Evaluating Alternative Ideas, 35 COMP. POL. STUD. 5 (2002).*

32 *From Landman, Todd, (2004): Human Rights Quarterly 26.4 906-931 Measuring Human Rights: Principle, Practice, and Policy. Landman, Economic Development and Democracy, supra note 63; Foweraker & Krznaric, supra note 59; DAVID BEETHAM, DEMOCRACY AND HUMAN RIGHTS 91-114 (1999).*



Democracy in the Arab World

When assessing the impact of Egyptian civil society organizations upon the authorities in terms of respect for international Human Rights standards, one must, as a point of departure, understand the political climate and history of the Middle East in general, as well as Egypt in specific. In this chapter, I will therefore give a brief introduction to the prospects of Democracy in the Middle East.³³

According to the World Bank, the Arab world is the only region in the world with a negative democratic development.³⁴ Several schools of thought have developed in order to explain the lack of liberal democracy in this region. The theoretical explanations in this regard fall broadly into four

³³ For this purpose, the terms "The Arab World" and "Middle East" are used interchangeably, while neither of them are accurately and objectively defined. However, this picture shows the Arab World to be comprised of Saudi Arabia, Yemen, The United Arab Emirates, Egypt, Israel, Jordan, Oman, Syria, Iran, Iraq, Kuwait, and Afghanistan.

³⁴ Kjetil Selvik: *Apollon*, Research magazine for the University of Oslo. Nr. 3/2006, p. 26.



basic theoretical frameworks depending upon the extent to which they attach primary importance to cultural, socio-economic, structural preconditioned and international factors. These broad approaches are in fact sort of derivations from the general theories of democratization.³⁵

3.1. Orientalist School of Thought

The first is the "political culture", or simply "culture" in the region - especially among the Orientalist school of thought among western scholars, which attempts to explain the abundance of "despotic" regimes. For these scholars the religion of Islam, particularly, constitutes the core of the political culture in the region. For these scholars, a separation of religion and the state cannot be imagined and any division between private and public, the state and society, has not been known in Islam. Consequently, politics remain as static as religion and it is virtually impossible to notice any change in the region. Historically, myriads of scholars in the West, from Aristotle to Weber, including Machiavelli, Bodin, Bacon, Harrington, Montesquieu, Hegel and Marx, had classified the political regimes in the Orient as "despotic" and tyrannical, contrary to the Western monarchies, which had more humanistic governments.³⁶ For example, according to Montesquieu, there were significant differences between (Western) monarchies and (Oriental) despotisms. First, although the Western monarchies depended upon the inequalities among the classes, people in the Oriental despotism were all slaves. Second, a Western monarch rules the country in accordance with the formal laws, rules and customs; an Oriental despot rules the country arbitrarily and according to his personal desire.³⁷ Similar ideas could be noticed even in more contemporary debates of global resurgence of democracy and democratization. This view is often criticized as Eurocentric,³⁸ and fails to explain democracy for instance in Turkey, which, although politically secular, has a predominantly Muslim population. It also fails to explain how Muslims in the west can be politically active, when the claim is that Islam does not allow any distinct separation between private and public, the state and society.

35 Usul, Ali Resul (15/2004): "Democracy and democratization in the Middle East: Old Problem New context", *Turkish Review of Middle East Studies. Annual 2004* - 15.

36 Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1973), p. 463.

37 Anderson, *Lineages of the Absolutist State*, p. 464; B.S. Turner, *Orientalism, Postmodernism and Globalism* (London: Routledge, 1994), p. 25.

38 Usul, Ali Resul (15/2004): "Democracy and democratization in the Middle East: Old Problem New context", *Turkish Review of Middle East Studies. Annual 2004* - 15.



3.2. Rental States theory

The second school of thought which attempts to explain the lack of democracy in the Middle East often highlights the concept known as "rental states" - and utilizes political economy rather than sociological factors. Many countries in the Middle East receive a substantial part of their income from national resources, such as oil production and export.³⁹ How does oil hinder democratization?

There main reasons are often referred:

- Since the recourse-rich governments do not need collection of taxes from their citizens, they exploit low tax rates and patronage systems to relieve pressures for greater political participation and greater accountability.
- The oil revenue makes the state too strong against their societies and thus retards development of liberal democracy.
- Since the economic growth is based solely on the sales of oil, the social and cultural changes of modernization and hence democracy is out of question.⁴⁰

On the other hand, there are important criticisms towards the rentier state thesis. It's over deterministic arguments tending to link existence of abundant oil and non-democratic regimes while ignoring the other structural, historical and cultural contexts are frequently questioned.⁴¹ Second, if this is the most central obstacle to democracy, democratic but oil rich states such as Norway, the UK and the Netherlands would be hard to explain. Brymen, Korany and Noble think that the rentier state thesis fails to explain the more recent political changes in the states that have a significant oil wealth, such as Kuwait and Saudi Arabia.⁴² Nonetheless, the rentier state thesis is still very important tool used by the political scientists to explain the absence of liberal democracies in the region. Recently, Michael Ross demonstrated empirically that the oil impedes democracy thesis is valid.⁴³ Samuel

39 *Ibid.*

40 Usul, Ali Resul (15/2004): "Democracy and democratization in the Middle East: Old Problem New context", *Turkish Review of Middle East Studies. Annual 2004 - 15.*

41 *Ibid.*

42 Rex Brymen et al 'Introduction: Theoretical Perspectives on Arab Liberalization and Democratization', in Rex Brynen, Bahgat Korany and Paul Noble (eds.) *Political Liberalization and Democratization in the Arab World: Volume 1 Theoretical Perspectives* (Boulder: Lynne Rienner Publishers, 1995), p. 16.

43 Usul, Ali Resul (15/2004): "Democracy and democratization in the Middle East: Old Problem New context", *Turkish Review of Middle East Studies. Annual 2004 - 15.*



Huntington, in this regard, argues that “the third wave of democratization”⁴⁴ bypassed the Middle East because many of the states in the region “depend heavily on oil exports, which enhances the control of the state bureaucracy.”⁴⁵ Kjetil Selvik at the University of Oslo also supports the rental state theory, and specifies: in Middle Eastern countries, whoever controls politics usually also dominates finances. This gives the political elite financial incentives to deny the population a democratic development and access to political decisions.⁴⁶ According to Max Weber, two essential elements in the promotion of democracy in Europe were the judicial legitimization and the class struggle. A court system was developed with written laws and regulations, where the citizens had rights and duties. The growth of social classes enabled them to put power behind their demands for a representative political rule. In the Ottoman Empire around the eastern Mediterranean and North Africa (including Egypt), rights and privileges were traditionally distributed by the Sultan. Private ownership rights were non-existent, which many consider to be a precondition for democracy.⁴⁷ By advancing up the military ladders, revolutionary leaders from the lower middle classes managed to seize power by coups in several countries. Republics were introduced in Egypt (1952), Iraq (1958), and Libya (1969). Their ideology was often a mixture of Arabic nationalism and socialism. While the new rulers created their own political and financial aristocracy, separation of power remained absent.⁴⁸ These rulers seized and defended their power with violence; a leader who gains power by taking the life of his predecessor, and in doing so runs the risk of having his own life taken, lets go of power only when he in turn is eliminated. He stops short of no crime in order to cling to power (and life) for as long as possible. This is the classic scenario in Arab countries today, and Egypt is no different. Gamal Abdel Nasser of Egypt deposed King Farouk I in 1952, escaped various assassination attempts. His successor, Anwar Sadat was killed, while the present ruler, Hosni Mubarak, have survived six similar assassination attempts.⁴⁹ This is important, above all, because the security situation is used as a justification for curbing civil and political rights. Egypt has been in a constant state of emergency since 1981 following the assassination of President Sadat.

44 *The Third Wave of Democratization is a term coined by Samuel P. Huntington to describe the global trend that has seen more than 60 countries experience democratic transitions since 1974.*

45 *Huntington, Third Wave, pp. 31-2.*

46 *Statement by Kjetil Selvik (PhD): Apollon, Research magazine for the University of Oslo. Nr. 3/2006, p. 26.*

47 *Ibid.*

48 *Ibid.*

49 *Diamond, Larry, Plattner, Marc F., & Brumberg, Daniel: (2003) Islam and Democracy in the Middle East, Johns Hopkins University and the National Endowment for Democracy.*



3.3. Relevance to the work of NGOs

These theoretical perspectives are important because it determines which strategy would be most effective for NGOs in their pursuit for civil and political rights. If the rental states theory proves true, and the socioeconomic perspective should be taken into consideration, one should aim at promoting a less rigid and powerful state bureaucracy through government reforms and demand stronger accounting and oversight services. A fair division of the revenues from oil and gas is also important. The revenues should benefit the country and not private individuals. The ability to develop a just legal framework is of vital importance. However, if the problem is culture and religion as indicated in the Orientalist school, a quite other approach may be necessary. Culture is not static, it can and will adapt and evolve in time. A development toward a democratic culture is necessary; meaning a culture in which the free exchange of ideas are tolerated, where issues of truth and falsehood as judged in an open market of public opinion, and where the competition for power is not a struggle for life and death. Though undoubtedly time consuming, I believe these attitudes can be promoted through education and dissemination.



Human Rights NGOs in Egypt

Egyptian NGOs have assumed an important role in development and political processes over the last two decades. This is reflected in their growing numbers, the diversification of their activities, and the large amounts of funds channeled through them by bilateral and multilateral donor organizations⁵⁰. In this chapter, I will introduce and evaluate three Human Rights NGOs in Egypt, as well as the overall political and judicial environment for NGOs operating in Egypt.

4.1. The NGO environment in Egypt

Where political parties can be denied permission to establish, organizations which aims to relive of humanitarian needs presumably carries a moral weight that is hard to the government to reject. In 1996, an official estimate put the number of NGOs in Egypt at 15,000, while an independent study⁵¹ gave a figure of 19,348. Yet, more recently, a study of the Egyptian economy in the 1990s⁵² estimates the number of NGOs at 28,000. These NGOs are registered with, and regulated by, the Ministry of Social Affairs (MOSA) and have operated under law 32 of 1964 until recently. Abdelrahman writes that, despite the current regime's record of human rights violations and an emergency law which has been in effect for virtually the last 28 years, election manipulation and systematic suppression of any real opposition, it can claim - ironically - to be the most 'democratic' of Egypt's post-1952 regimes. Using the criteria found in associational democracy and contemporary civil society discourse, which imply that the multiplication of voluntary associations is the guarantee of a vibrant civil society, which in turn is the main constituent of democracy, Egypt could be regarded as becoming more 'democratic'. The last two decades have witnessed a relative multiplicity and activation of organizations in civil society. This has been reflected in a relatively greater freedom expression, especially of the press, the licensing of hundreds of new publications, the growing

50 Abdelrahman, Maha M (2004): *Civil Society Exposed. The politics of NGOs in Egypt.* Palgrave MacMillian, NY.

51 Salamon & Anheier
Weiss & Wurzel, (1998); *The Economics and politics of Transition to an Open Market Economy.* Egypt.



number of political parties, and the expansion in the number of NGOs.⁵³

However, the government also represses the freedom of activities for NGOs. These organizations - by their very nature - defend and promote human rights which in turn translate to actual oppositional power. For instance, if the right to participate in the public affairs in Egypt was granted the Muslim Brotherhood, they could seriously threaten the NDPs monopoly on power. On 3 June 2002 Egypt's Parliament passed a law regulating non-governmental organizations in Egypt, which imposes a wide range of restrictions on the management, operation and financing of NGOs. The law provides criminal penalties for offences even if they amount to no more than the exercise of freedom of association as guaranteed in international treaties. "This law seriously curtails the right to freedom of association as guaranteed in international law," Amnesty International said.⁵⁴ The new law is largely based on Law 153 of 1999, which was ruled unconstitutional in June 2000 on procedural grounds. In May 2000 the UN Committee for Economic, Social and Cultural Rights expressed concerns regarding Law 153, noting that it "gives the government control over the rights of NGOs to manage their own activities, including seeking external funding."⁵⁵ The new law has retained the restrictive regulations of the previous law. Under the new law, NGOs must receive prior approval by the authorities for several activities, including conducting board elections (Article 34), joining an organization outside Egypt (Article 16) and receiving funding from abroad (Article 17).

In addition the new law introduces provisions, which entitle the Ministry of Social Affairs to order the dissolution of an NGO without having to seek the ruling of a court. Reasons for ordering the dissolution can include engagement in prohibited political or unionist activities and receipt of unauthorized funding from abroad.⁵⁶ Strict regulations on foreign funding in Egypt were criticized in May 2000 by the United Nations Committee for Economic Social and Cultural Rights in relation to the now suspended NGO law.⁵⁷ The Committee expressed concern that the law "gives the government control over the rights of NGOs to manage their own activities, including seeking external funding."⁵⁸

53 Abdelrahman, Maha M (2004): *Civil Society Exposed. The politics of NGOs in Egypt.* Palgrave MacMillian, NY. p. 108.

54 Amnesty International Press Release: "Egypt: Stop criminalizing human rights activists." June 25th, 2002. <http://asiapacific.amnesty.org/library/Index/ENGMDE120222002?open&of=ENG-2D3>

55 Ibid.

56 Ibid.

57 See also previous joint statements MDE 12/023/2000, 14 July 2000 and MDE 12/025/2000, 4. August 2000.

58 Joint Statement by nine NGOs on the situation in Egypt: Available at:



On 30 June 2000, the government arrest human rights defender Dr. Saad Eddin Ibrahim, Director of the Ibn Khaldun Center for Development Studies, in his home in Cairo together with the centre's chief accountant, Nadia 'Abd al-Nur. In the ensuing days several of the Ibn Khaldun Center's staff and others affiliated to the institution were arrested and detained for days or weeks with out being formally charged. At the end of August all detainees had been released from custody.⁵⁹ The world responded immediately to put pressure on the Egyptian regime. In a joint statement, Amnesty International, Article 19, Euro- Mediterranean Human Rights Network, Human Rights Watch, International Federation of Human Rights (FIDH), Lawyers Committee for Human Rights Minority Rights Group, Observatory for the Protection of Human Rights Defenders, and the World Organization against Torture (OMCT) expressed concern that the trial against Saad Eddin Ibrahim and 27 others before a Supreme State Security Court would not meet international fair trial standards.⁶⁰ To analyze these events, it is interesting to note the government's perception of the Human Rights NGOs as a threat, to the extent that they must be regulated and even persecuted for such trivial activities as accepting funding from abroad of disseminating information and statements. Clearly, the government wants to cut the link between the Egyptian Human Rights organizations and the international human rights movement. To obtain a shroud of legitimacy, the detainees are tried before courts, but the regime often has to resort to military trials and military decrees, despite the fact that the detainees are civilians. The military is easier to control for President Mubarak, being the commander in chief and a former general. The military also has a culture of obedience to its superiors unrivaled in civilian society. Mary Robinson, UN High Commissioner for Human Rights visited Egypt two weeks after the ratification of the new NGO-law. Robinson said she had received assurances that the prohibition of NGOs' involvement in political activity will be restricted to "the activity of political parties that seek to overthrow the government and to change the power structure."⁶¹ This formulation by the Egyptian authorities is rather vague. The realization of human rights can itself lead to both a change of the power structure and an open competition for power, which I suspect, the authorities perceive as threatening. Human rights organizations had protested that although some of them were invited for consultations, their demands were not reflected in the

<http://asiapacific.amnesty.org/library/Index/ENGMDE120352000?open&of=ENG-2D3>.

59 *Ibid.*

60 *Joint Statement of 9 NGOs: Concerns about trials and NGO activists.*

<http://asiapacific.amnesty.org/library/Index/ENGMDE120352000?open&of=ENG-2D3>

61 *Al-Ahram Weekly: "NGO Controversy drags on": <http://weekly.ahram.org.eg/1999/433/eg9.htm>*



final version. NGOs complained that the gains they struggled to enshrine in the law were drained out of the final version, after it passed through the cabinet and People's Assembly.⁶²

4.2. Introduction to three Egyptian Human Rights NGOs

The National Council for Human Rights (NCHR) is the largest and most significant Human Rights NGO in Egypt. It is essentially an umbrella organization of different NGOs, which treats individual complaints, issues annual reports and offers its views on the legal situation in Egypt. It was established in 2003, and consists of a nine different committees, which each specialized in different Human Rights fields, e.g. civil and political rights, economic social and cultural rights and legislative issues. In addition, the Council has the ability to establish ad hoc committees on certain issues if the need arises. The NCHR has the status as a national institution for human rights, which could potentially give it considerable moral weight in opposition to government human rights abuses. As a national institution, it is only partly independent from the state. NCHR operates under the Paris principles of National institutions⁶³, relating to the status and functioning of national institutions for protection and promotion of human rights. The principles includes a broad mandate to raise any human rights issues the institution wants to, and to advise, criticize, and affect national legislation, and to cooperate with the United Nations.⁶⁴ NCHR consists of 27 commissioners who all represent different organizations. All these members are appointed by the Shoura Council, which is the upper house of the Egyptian Parliament. This is a symbolic gesture, with the intent that NCHR should represent the State as such and not the government.

The president of the NCHR is former general secretary of the UN, Mr. Boutros Boutros-Ghali, whom is met in Cairo on the 6th of March 2008. His focus of attention was not directed toward the current challenges of democratization in Egypt, but rather the need to create an “international democracy” by reforming the UN and establishing human rights councils in other countries. He also discarded corruption as a significant problem in Egypt, approved of the status of the “political committee” (see chapter 5) and the illegality of the Muslim brotherhood. “Egypt,” he said, “is practically in a state of civil war with fundamentalists”, and “therefore we must talk about applying humanitarian law as much as human rights law”. Rather than focusing too much on

62 *Ibid.*

63 *Paris Principles of National Human Rights institutions:*
<http://www.unhchr.ch/html/menu6/2/fs19.htm#annex>

64 *Ibid.*



promoting political changes, NCHR mostly directs its resources toward serving individual complains. This represents a deliberate choice of strategy, and may hinder the organization in promoting larger improvements in the Human Rights situation. Since its founding in 2003, the results of its work are questionable. NCHR has not been able to stop the widespread use of torture or detention without trial, or to have the state of emergency lifted and replaced with more suitable legislation.

4.3. The Egyptian Organization for Human Rights

EOHR was founded in 1985 as one of the oldest and premier non-governmental organizations (NGO)⁶⁵ and its headquarters are in Cairo. EOHR has a national membership of 2,300 and has seventeen provincial branches located throughout Egypt. By comparison, Amnesty International Norway has some 48,000 members, and only a 4,6 million population to recruit from, while there are over 80 million in Egypt. EOHR is non-profitable NGO working within the framework of the principles established in Universal Declaration of Human Rights and all other international human rights instruments regardless of the identity or the affiliation of the victim(s) or of the violator(s). EOHR is part of the International and Arab human rights movement and it cooperates with the United Nations and their body concerned with human rights and the international and regional organization for human rights as well as establishes contacts with these organizations to exchange support. EOHR was granted a Special Constitutive with the United Nations Economic and Social Council in 2006. This consultative status enables EOHR to enhance its activities and interaction with the United Nations by participating in the activities of the International Council for Human Rights, according to ECOSOC decision 31/1996, aiming to reinforce the principles of human rights stipulated in the Universal Declaration for Human Rights, Vienna Declaration and all other international human rights documents. EOHR is also a member of five international organizations; the Arab Organization for Human Rights (AOHR), L' Organization Mondiale Contre La Torture (OMCT), Federation International Des Droits De L'Homme (FIDH), the International Commission for Jurists(ICJ), and the International Freedom of Expression Exchange (IFEX).⁶⁶

⁶⁵ *Please note that the information provided about the technicalities, the organization, and the member rates about the EOHR and the AOHR are subjective and provided by the organizations themselves. This should be treated as such, given that organizations may have financial incentives to exaggerate their own efficiency. (See also methodology chapter).*

⁶⁶ *Webpage of the Egyptian Organization for Human Rights, at <http://www.eohr.org/info/about.shtml>*



In its promotion for Human Rights, EOHR:

- Sends fact-finding missions including visiting the prisons in order to collect testimonies
- Ascertaining and documenting the information about human rights violations,
- Issues urgent appeals, press releases, reports and publications on human rights violations
- Promote and spread human rights awareness among individuals and groups through publications, conferences, seminars and studies.
- It also contacts the Egyptian governmental and non-governmental bodies and institutions as well as the international, regional and national organizations to cooperate with them to get information and to take action to respect and enhance human rights.

4.4. Arab Organization for Human Rights

The Arab Organization for Human Rights was founded on 1 Dec 1983, Limassol (Cyprus), when Statutes were adopted, following resolution of a meeting Apr 1983, Hammamet (Tunisia).⁶⁷ I was fortunate enough to meet with Mr. Alaa Shalaby of the AOHR on Sunday 9th of March 2008. The aims of AOHR is to call for respect of human rights and fundamental freedoms of all citizens and residents of the Arab world; defend any individual whose human rights are subjected to violations which are contrary to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural rights and the International Covenant on Civil and Political Rights; Endeavour, regardless of political considerations, to obtain release of detained or imprisoned persons, and seek relief and assistance for persons whose freedom is restricted in any way or who are subject to coercion of any kind because of their beliefs and political convictions, or for reasons of race, sex, color or language; protest in cases where a fair trial is not guaranteed; provide legal assistance where necessary and possible; call for improvements in conditions of prisoners of conscience; work for amnesty of persons sentenced for political reasons. To the extent of its activities, AOHR carries out field missions in an effort to release political prisoners, in some cases as an observer and in other as a member of the defense panel. It receives complaints from individuals, groups and organizations and contacts the concerned authorities. In addition to the offering of legal assistance in several cases, the Organization provides financial assistance to families of victims. In coordination with Arab Lawyers'

67 Webpage of the Arab Organization for Human Rights, available at <http://aohr.org/>



Union launched a campaign for Freedom for Prisoners of Conscience in the Arab World. Conferences and seminars. Instrumental in setting up Arab Institute for Human Rights.⁶⁸

4.5. Temporary conclusions on the work of NGOs

There is no doubt that the NGOs in Egypt operate in the same manner as the Western based Human Rights NGOs. This being facilitating Human Rights (shadow) reports, press releases, statements, urgent appeals, fact finding missions, legal aid to individuals with HR complaints, as well as education and information dissemination. However, the working conditions for promoting civil and political rights are more difficult. The ability to sharply criticize the government on issues of corruption, election fraud or violations of freedom of speech is limited. This can result in arrests or detention, either by a civilian or a military tribunal. When this happens, the NGOs and individuals depend on a powerful international network to visualize the violations and put pressure on the government, as evidenced by detention of Dr. Saad Eddin Ibrahim. Financing remains a problem for the NGOs. By its very nature, NGOs want to remain independent from the government to uphold its credibility and integrity. Two major sources of income remain: membership contributions from the Egyptian population, and external funding from foreign sources. Membership is difficult to sell because of the vast poverty in Egypt and because of the general lack of education and alienation from politics. The grass root support obtained by Human Rights organizations in the West is generally lacking in Egypt. The Egyptian Organization for Human Rights, for instance, only has 2300 members out of a population of over 70 million, despite having over 17 provincial offices. The government laws and regulations make it increasingly difficult to operate. The new NGO-law introduces provisions, which entitle the Ministry of Social Affairs to order the dissolution of an NGO without having to seek the ruling of a court, and to must approve foreign funding of the organization.

68 Ibid.



Egypt: In Constant State of Emergency

Having given a brief introduction to the theories explaining the absence of liberal democracy in the Middle East, I will now give an introduction to the political climate in Egypt. This includes both the state of emergency and the human rights violations of the most central political rights such as the freedom of speech. I will proceed and explain by giving concrete examples of the struggle for information and control between the regime and the opposition.

5.1 Use and abuse of the State of Emergency

Despite calls for the state of emergency in Egypt to be lifted, it was renewed in April for two years. The state of emergency, in force continuously since 1981, facilitated human rights violations including prolonged detention without charge, torture and ill-treatment, undue restrictions on freedom of speech, association and assembly, and unfair trials before military courts and (Emergency) Supreme State Security Courts.⁶⁹ The government set up a committee in March to prepare a new anti-terrorism law to replace the emergency legislation. In February parliament voted to delay for two years local elections scheduled for April. The government said the delay would allow time for the drafting of a new law to strengthen the powers of local council administration, but critics said it would make it more difficult for potential independent candidates for the presidency to meet new conditions of registration introduced in 2005.⁷⁰ Egypt undoubtedly has one of the longest states of emergency globally. Emergency powers were implemented in 1981, after the assassination of President Anwar Sadat, and have been in force ever since. The government said the planned constitutional changes will enhance Egypt's democracy and allow it to fight terrorism more effectively⁷¹, but Human Rights NGOs and critics point out that the curbing of civil liberties may just as well be used in the prevention of serious political opposition. According to a Human Rights Watch

69 Amnesty International Report 2007. Available at: <http://www.amnesty.org/en/region/middle-east-and-north-africa/north-africa/egypt>

70 Ibid.

71 BBC News story, March 27 2007, available at: http://news.bbc.co.uk/2/hi/middle_east/6481909.stm



report, On September 4, Cairo governor Abd al-Azzem Wazeer issued a decree shutting down Association for Human Rights Legal Aid (AHRLA), which reports on human rights violations and provides legal assistance to victims. The decree cites article 17 of the Law on Associations (84/2002), which bans nongovernmental organizations from receiving foreign funding without prior government permission.⁷² AHRLA's board chairman, Tarek Khater, who is a founding member of the organization, told Human Rights Watch that the grants in question date back to 2003 and 2004. The donors include the Canadian International Development Agency, the Swiss Embassy in Cairo, and the US-based National Endowment for Democracy. AHRLA requested permission from the Ministry of Social Solidarity to accept the grants, as required by law, but finally proceeded to use the funds after ministry officials repeatedly delayed giving approval.⁷³ The wide-ranging and extensive powers given to the security forces under the state of emergency enable them to arrest at will people suspected of being a threat to national security and public order absent any showing of probable cause. Such persons can be held in detention without charge for prolonged periods. Similarly, censorship of the press can be imposed and newspapers ordered to shut down if the authorities decide that such measures are required for reasons of national security or public safety. Under Article 80(d) of the penal code, individuals can be sentenced from six months to five years for disseminating damaging information abroad.⁷⁴ Concluding therefore that the government prohibits organizations from exchanging information with, as well as receiving financing from international organizations, could be an example of how the Egyptian government attempts to cut the link between international Human Rights NGOs and domestic NGOs under the pretext of preventing terrorism financing. This link is vital in the application of Thomas Risse's spiral theory. According to Human Rights Watch, by impeding and preventing the emergence and legal recognition of new political parties and placing unreasonable restrictions on existing ones, the Egyptian government is failing to ensure that basic rights under Egyptian and international law are respected.⁷⁵ The Egyptian Constitution sets out that the government of Egypt is based upon a multiparty system,⁷⁶ and that participation in public life is a national duty for each citizen.⁷⁷ The first article of Egypt's political parties law affirms that

72 *Human Rights Watch Report, "Egypt: Reverse Decree Closing Human Rights Organization"*
<http://hrw.org/english/docs/2007/09/18/egypt16898.htm>

73 *Ibid.*

74 *Ibid.*

75 *"Human Rights Watch Report, January 2007.: "Monopolizing Power. Egypt's Political Parties Law"*

76 *Article 5.*

77 *Article 62.*



“Egyptians have the right to create political parties, and that every Egyptian has the right to belong to any political party.” Yet the repeated and apparently often arbitrary rejection of applications from the Wasat Party, the Karama Party and tens of others over the last decades is at odds with the law and constitution. In addition, the government, acting through the PCC, has banned or placed unreasonable restrictions on existing parties.⁷⁸ On January 6th 2007, Abu Al-Illa Madi, a 48 year old activist from Cairo pleaded his case before Egypt's Supreme Administrative Court. He has appeared in court a dozen times over the last 10 years. His purpose is to try to register his Wasat (centrist) party, once again. This is a case study how the Egyptian government uses the political parties law to prevent the formation of new parties, as the PCC has denied the legal recognition and license to operate as a political party to Wasat three times over the course of the last ten years, with the stated reason that its political platform is not unique enough.⁷⁹ A powerful network of legal and practical restrictions limits freedom of association in Egypt. Understanding this framework is vital to any assessment of civil society's operational environment and the NGO law. In principle, the Egyptian constitution protects the right to: freedom of speech (Article 47); freedom of the press (Article 48); literary and scientific research (Article 49); peaceable assembly (Article 54); to form association (Article 55); and to create unions and professional syndicates (Article 56). The Egyptian Constitutional Court has often upheld these constitutional rights, as has the State Council (majlis al-dawla, or administrative court). In reality, however, the government has severely undermined these rights through its long-term use of restrictive legislation.⁸⁰

5. 2. Freedom of speech

Beyond doubt one of the most important preconditioned human rights in the advancement of democratic governance is the application of freedom of speech. If freedom of speech is implemented in practice, the public can not just freely exchange political and philosophical ideas, but also expose problems of corruption, incompetence or injustice. According to my sources in the Norwegian Ministry of Foreign Affairs, three things are never criticized publicly in Egypt: a) the military, b) the president, and c) religion. According to Amnesty International, the rights to freedom of expression,

78 Human Rights Watch Report, January 2007. “Monopolizing Power. Egypt's Political Parties Law.”

79 Ibid p. 11.

80 Human Rights Watch Report: Egypt: On the margins of repression.
http://hrw.org/reports/2005/egypt0705/4.htm#_Toc107039610



association and assembly continued to be restricted. Some NGOs faced obstacles registering and obtaining legal status. Journalists continued to be threatened, harassed and imprisoned because of their work. Tal'at Sadat, nephew of the assassinated former President Mohamed Anwar Sadat, was sentenced to one year's imprisonment with labor and a fine in October for defaming the armed forces and spreading "false rumors". He had given a series of media interviews in which he alleged that senior army officers had been implicated in the killing of the former president by Islamist soldiers in 1981. He also suggested that President Hosni Mubarak - then Vice-President - had been involved. Although a civilian, he was tried and convicted by a military court, after being stripped of his parliamentary immunity.⁸¹ In July, a controversial press law was passed by parliament according to which press freedom continued to be restricted. Certain publishing offences, such as insulting public officials, continued to carry custodial sentences. Independent and opposition newspapers withheld publication for a day in protest at the new law and hundreds of media workers protested outside the National Assembly. Ibrahim Eissa, chief editor of the opposition newspaper al-Dostour, Sahar Zaki, a journalist on the newspaper, and Saied Mohamed Abdullah were sentenced in June to one year's imprisonment and a fine for insulting the President and spreading false rumors. The charges related to articles in April reporting a lawsuit by Saied Mohamed Abdullah against the President and senior officials in the ruling National Democratic Party. The case was still before the Court of Appeal at the end of the year.⁸²

5.3. Unstoppable digital information?

The use of internet and mobile phones has exploded in Egypt in the last ten years, much like in the rest of the world. This new technology challenges the government's monopoly on published information, and can spread very rapidly across borders, resulting in world attention in a particular situation or cause. The amount of cell phones with digital camera technology ensures that there are millions of cameras in the public sphere at any given time. The internet also offers a chance to be anonymous while spreading this information, thereby making the publishers more daunting in their statements. The government has attempted to meet this new threat by arresting bloggers.

In 2006, the international group Reporters without Borders added Egypt to its "enemies of the

81 *Amnesty International Report 2007. Available at: <http://www.amnesty.org/en/region/middle-east-and-north-africa/north-africa/egypt>*

82 *Ibid.*



internet", a list of 13 countries which censor what their people can see online and harass those who publish views considered unacceptable by the state. Egypt was added because of the arrest of bloggers during pro-democracy demonstrations. All were subsequently released. Another reason cited by Reporters without Borders was police pressure on a Christian blogger from southern Egypt who eventually had to shut down her website. The group says it is uneasy about a court ruling which gave the Egyptian government the right to shut down any internet site deemed a threat to national security.

⁸³ According to the BBC, a court in the port city of Alexandria has sentenced a young Egyptian blogger to four years' jail for contempt of religion, insulting the president and spreading false information. Abdel Kareem Nabil Soliman, 22, is the first Egyptian blogger to stand trial for views expressed on the internet. The case against him was based on a complaint from al-Azhar University, where he studied law until he was expelled last year because of his critical writings about religion. Mr. Nabil had declared himself a secularist who does not fast during Ramadan and he criticized al-Azhar, the most prestigious institution of religious learning in the Sunni Muslim world. He accused it of spreading radical ideas and suppressing freedom of thought.⁸⁴ Mr. Soliman's arrest in November provoked an outcry from the blogging community inside Egypt and internationally. Blogger Wael Abbas, a "Free Kareem" campaign - using his blogging name Kareem Amer - was launched and human rights groups say he is a prisoner of conscience, held only for his opinions. Many activists now consider that the outcome of Mr. Soliman's trial is an indication of the shape of things to come for Egypt's small but increasingly outspoken online community. In this country of 80 million people, there are some 6,000 active bloggers. Only a tiny fraction of them deal with political and human rights issues, but in the last two years, these bloggers have had an impact on the political debate which far surpasses their number.⁸⁵ Bloggers also play an important role in Egypt's small pro-democracy movement. They advertise in advance the times and venues of political protests, and then post pictures and accounts of how the police dealt with the demonstrations.

83 BBC News Story, "Egyptian Bloggers fears State Curb".
http://news.bbc.co.uk/2/hi/middle_east/6386613.stm

84 Ibid.

85 Ibid.



5.4. Facing Facebook

Facebook is a popular internet site which allows users to create profiles and join special groups (chat rooms) and display support for different causes. A young Egyptian student, Esraa Abdel-Fattah, used Facebook in order to create the group "6 April: A Nationwide Strike", fuelling people's intentions to peacefully protest against rising food prices.⁸⁶ She was detained for 16 days and then finally released. Her detention received heavy coverage in the media and consolidated her image as a popular hero among young Egyptians. Detention is only one card the state can play in dealing with virtual protesters. There is an ongoing debate over whether the regime intends to block, or at least strictly monitor, the Facebook pages that have become a tool in the political mobilization of Egypt's "disaffected" young.⁸⁷ Observers approached by the Newspaper Al-Ahram Weekly believe such a security-oriented step is not only destined to fail but may have drastic repercussions. "It is unwise, not to say impossible, to deal with Egypt's virtual community with the same security-oriented mindset the state uses in confronting on-the-ground challenges," says Amr Elshobaki of Al-Ahram Centre for Strategic and Political Studies". From a purely practical point of view, Elshobaki points out, shutting Facebook will have little impact since "the pages that are closed can easily be re-loaded on other sites." Technology, says political analyst Nabil Abdel-Fattah, has provided young people with spaces that transcend the barriers that nation-states might want to impose. "There are hundreds of websites that bloggers have created so that their voices can be heard loud and clear."⁸⁸

86 Al-Ahram Weekly: "Facing Facebook":
<http://weekly.ahram.org.eg/2008/895/eg5.htm>

87 Ibid.

88 Ibid.



Dynamics of Regime And Opposition

In order to explain and highlight the interplay between the government and the civil society, I will examine recent events in the past years in which the opposition and civil society has attempted to challenge the government, and the governments response. There is a constant dynamic in which both the government and the opposition test limits. The government can arrest and harass, while the NGOs' secret weapon is international attention.

From within and without, Arab regimes have faced a democratic challenge in the recent years. According to Barry Rubin at the Washington Institute for Near East Studies, the challenge originally arose from domestic, reform-minded groups frustrated by the shortcomings of their governments and the failings of Arab rulers over many years. Increasingly, Arab states were falling further behind other countries in areas such as living standard, civic rights, treatment of women and responsiveness to rapid changes in the world. This effort was joined and reinforced by Western, especially US policies. Finally, around 2004, Islamist groups also began to demand more civic rights and freer elections.⁸⁹

6.1. The Muslim brotherhood and the rise of Political Islam

The rise of political Islam has resulted in a great number of articles, publications and studies -- not to mention a heated debate. Propelled by events such as the introduction of the Islamic Republic in Iran in 1979, the assassination of Anwar Sadat in 1981 and September 11th in 2001, many authoritarian leaders seek to crack down on the religious

““ People support the Muslim brotherhood because they are fed up with corruption.

My Coffee house discussion partner in Cairo who wishes to remain anonymous because of the illegal status of the Muslim brotherhood.

⁸⁹ Rubin, Barry (2007): “Pushback or Progress? Arab Regimes Respond to Democracy’s Challenge”, *The Washington Institute for Near East Policy*.



movements and the political alternative they represent. On one hand, these movements are still identified with images of 'terrorism' and irrationality, especially in the Western media. On the other hand, attempts are made to study this political phenomenon within the changing political and socio-economic, as well as cultural contexts in which it appeared and continues to operate. Overall, political Islam, and in particular the Muslim Brotherhood (from this point of view) represents a reaction to the political exclusion, corruption and poor economic development and inequalities in Egypt.⁹⁰ The Islamist groups in Egypt are unified by their opposition to what they regard as a corrupt and un-Islamic political and social order, and by their alternative program based on Sha'ria. Opposition parties and movements reacted in different ways to the presidential election in 2005 and its results. Nine parties, most notably the liberal Wafd and the newly established Tomorrow (al-Ghad), put forth candidates to compete with Mubarak. But the leftist Unionist (al-Tajammu) and the Arab-Nasserite (al-Arabi an-Nasseri) parties as well as new protest groups such as the Egyptian Movement for Change, Enough (Kifaya), chose to boycott the elections. The Muslim Brotherhood (al-Ikhwan) called on Egyptians to participate in the election without voicing explicit support for a candidate. Instead, the Brotherhood confined itself to issuing ambiguous statements, which were interpreted as being against a fifth term for Mubarak and in favor of Ayman Nour, Tomorrow's candidate.⁹¹

6.2. Government's response

Arab regimes usually neutralized the democratic challenge by using a multilayered response that included repression, redefinition, and co-optation. In some cases - which deserve more attention than they have received to date - governments even made some domestic changes.⁹² Egyptian authorities have attempted to meet the political challenge from the Muslim brotherhood by arrests and detention, especially ahead of scheduled elections. Human Rights Watch has collected the names of 226 members of the banned, nonviolent organization, Egypt's largest opposition group, currently held by Egyptian authorities. According to a report from the Human Rights Committee, security forces originally arrested Khairat al-Shatir, deputy supreme guide of the Muslim Brotherhood, and 16 other

⁹⁰ Ibid.

⁹¹ Carnage Endowment for International Peace: Dynamics of Regime and Opposition. Available at <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17595>

⁹² Rubin, Barry (2008) Pushback or Progress? Policy Focus #5, September 2007. The Washington Institute for Near East Policy.



prominent members of the organization in simultaneous predawn raids on December 14 2007, along with more than 140 students from Al-Azhar University, and later charged them with supplying the students with combat training, knives, and chains. On January 29, a Cairo criminal court judge dismissed all charges against al-Shatir and his co-defendants and ordered their immediate release. The judge in his ruling specifically called on the government to respect his decision. The government ignored the judge's order. Moments after their acquittal, al-Shatir and 15 other senior members were re-arrested by the police. On February 6, President Hosni Mubarak, acting in his capacity as commander of the military, transferred their cases and those of 24 other Muslim Brotherhood members to a military tribunal.⁹³ This shows that the presidency is willing to shift tactics and methods in order to silence the opposition, even when the governments own courts reject the charges. This is a violation of freedom of speech, the right to a fair and public trial, and the right to political participation. The Muslim Brotherhood has no proven record as a violent organization. The regime criticizes the movement for being undemocratic, and insincere in its commitment to democracy, nonviolence, pluralism and rotation of power. However, the record of the Brotherhood in the 1980s and 1990s in professional associations, faculty clubs and student unions suggest otherwise. It is important for Mubarak's regime to not allow them to run for election, because they both represent a genuine political challenge, and because allowing them to run would prove that they participate in - and thereby support - the concept of democracy. As a result of increasing domestic pressures for political reform, President Mubarak in 2005 decreed, and the Parliament in 2006 confirmed, modification of clause 76 of the Constitution to make the selection of the president for the first time in Egyptian history by popular vote (instead of by parliamentary nomination followed by a referendum). However, this amendment was so constrained by qualifying conditions that it made it virtually impossible for any would be presidential candidate to prevent a realistic challenge to the incumbent president or anyone else nominated by the ruling NDP. In September 2005, presidential elections took place, in which nine contestants ran. As expected, President Mubarak won an overwhelming 86.3% of the vote.⁹⁴

93 *Human Rights Watch Report, "Egypt: Muslim Brotherhood Detainees Face Military Tribunals"*
<http://www.hrw.org/english/docs/2007/02/15/egypt15329.htm>

94 *Zaki, Moheb (2007): Ibn Khaldun Centre For Development Studies: Annual Report on the Civil Society and Democratization in the Arab World.*



6.3. Deflections of international criticism

The Government balances between hindering serious political opposition in Egypt, and at the same time not attracting too much negative attention internationally. The fact that EU and the ECC countries issued a declaration in support of the acquittal of Dr. Ibrahim from the Ibn Khaldun Centre for Development shows that the government went too far in its suppression of freedom of speech.

At the same time, institutions can be made and laws drafted which are both aimed to suppress human rights domestically, and at the same time deflect criticism from abroad. Measures such as the creation of the National Human Rights Council (NCHR) are easy to sell as a visible improvement of the situation, while its actual effectiveness is highly questionable. The NGO law can in practice be applied quite harshly to critical NGOs, while statements from public officials stress that “we have to streamline their work and provide them with more freedom. Nevertheless, there has to be a balance between the freedoms of individuals and those of the community.”⁹⁵ The definition of, and indeed, the necessity the government has of “streamlining the work of NGOs” is unspecified. In order to give a more insightful view of the dynamic struggle between the government and the opposition, I will now present the case of Amr Tharwat of the Ibn Khaldun Centre for Development studies.

6.4. The case of Amr Tharwat and the Ibn Khaldun Centre

During a meeting in Prague in early June between U.S. President George Bush and human rights and democracy activists from 17 different countries, Dr. Ibrahim of the Ibn-Khaldun Centre for Development Studies asked President Bush to pressure the Egyptian government to implement the reform commitments President Mubarak made during the presidential election campaign in 2005. Ibrahim also implored President Bush to link U.S. aid to Egypt to the pace of Mubarak's socio-political reforms and to the release of all political prisoners in Egypt.⁹⁶ The Egyptian authorities must have viewed this as a serious threat. A series of articles in different state media outlets urged the authorities to once again close down the Ibn Khaldoun Center and accused Dr. Ibrahim of being a “traitor” and a “collaborationist” because of his efforts to subject U.S. foreign assistance to Egypt to human rights conditions. This media campaign coincided with a complaint against Dr. Ibrahim submitted the week before to the Public Prosecutor by a member of the ruling National Democratic

95 *Al-Ahram Newspaper*: “NGO Controversy drags on”: <http://weekly.ahram.org.eg/1999/433/eg9.htm>

96 *Human Rights First: Egyptian Activists Punished for Advocating Reform*:
http://www.humanrightsfirst.org/middle_east/egypt/alert_062807_tharwat.htm



Party, Nabil Luca Bibawi accusing the ICDS chair of “spying” and “damaging Egypt’s economic interests.” These attacks appeared to be in reprisal for Dr. Ibrahim’s public support for subjecting U.S. foreign assistance to Egypt to human rights conditions.⁹⁷

On May 30, 2007, before dawn, Amr Tharwat, a researcher at the Ibn Khaldoun Center for Development Studies (ICDS) was arrested by State Security Officers at his family’s home in the Matrya neighborhood in Cairo. Amr Tharwat is the coordinator of the ICDS’s initiative to monitor the elections for the Shoura Council (Egypt’s upper house of Parliament) that took place over two rounds on June 11 and June 18, 2007. Along with Amr Tharwat, the State Security officers arrested his cousin, Ahmed el-Sayed, and confiscated files, books and computers that were found in the apartment. On the same night, another relative of Mr. Tharwat, Abdellatif Mohamed Said, was also detained by the Egyptian authorities. Two days earlier, on May 29, they had arrested Ahmed Dahmash and Abdelhamid Abdelrahman, and on June 17 it was Ayman Abdelrahman’s turn to be apprehended.⁹⁸ Mr. Tharwat and the other detained men are members of the Quranic Group, which is a peaceful religious movement that stresses the importance of religious interpretations based on the Quran over those derived from other traditional sources, the Sunna and the Hadith. After three weeks of incommunicado detention during which the fate and whereabouts of the five men remained unknown, their lawyers were notified that their clients’ case was being referred to the High State Security Prosecutor who charged them with “insulting religion.”

6.5. The world responds

The case of Tharwat generated a storm of protests and attention abroad, as the news story spread among NGOs and blogs on the Internet. The New York Times even addressed the case under the heading “Arrests in Egypt Point Toward a Crackdown”⁹⁹ Marco Cappato of ALDE wrote the following question to the European Commission, in defense of Tharwat.¹⁰⁰

On Wednesday 30 May 2007, Mr Amr Tharwat, an employee at the Ibn Khaldun Center for Development Studies, was arrested by Egyptian State Security at his family's residence in Cairo's Matereya district. Mr Tharwat was the major organizer of the recent Shoura Election monitoring as

97 *Ibid.*

98 *Ibid.*

99 *New York Times: “Arrests in Egypt Point Toward a Crackdown”*
http://www.nytimes.com/2007/06/15/world/africa/15egypt.html?_r=1&oref=slogin

100 *Letter from EUP regarding the Arrest of Amr Tharwat and four other family members:*
<http://www.icds.org/english/activities/pressreleases/07/campaign/amr-tharwat-eup.html>



well as the Ibn Khaldun public opinion polling that was carried out earlier this year. In addition to Mr Tharwat, the Egyptian authorities arrested four other people staying at the house of Dr Ahmed Sobhy (Adellatif Mohamed Saied, Ahmed Dahmash, Abdelhamed Abdelrahman, Ahmed El Sayed) and confiscated files, books, and computers that were found on the premises. Those arrested were originally taken to the Shubra El Khima police station, but in the seven days since their arrest nothing has been heard regarding their whereabouts or the nature of the charges filed against them. Although several human rights organizations as well as the team of lawyers working on this case have made repeated requests to the Egyptian Government regarding this issue, they have received no response until now.

Questions for the Commission:

1. Is the Commission aware of the above facts and has it formally requested clarification regarding this matter from the Egyptian authorities? If so, what replies have been received?
2. Does it not consider that these elements put at stake the Egyptian Government's credibility in the light of its obligations to fulfill the terms set out in Article 2 of the EU-Egypt association agreement, concerning respect for human rights?
3. What action has it taken and/or will it take in order to induce the Egyptian authorities to immediately disclose the location of those arrested and to allow them access to legal representation?

He received the following answer from Mrs. Ferrero-Waldner on behalf of the European Commission: "The Commission is concerned about the increasing number of reports concerning cases of human rights violations in Egypt. The Commission is aware of the above case and, through the Commission Delegation in Egypt and together with Member States is following its developments closely. The EU raises individual human rights cases with the Egyptian authorities as appropriate based on verified information on a particular case. The call for greater political reform and respect of



human rights constitutes an intrinsic part of the EU's partnership with Egypt. The Commission, together with Member States, is therefore using all the means at its disposal to encourage Egyptian authorities to progress in this area. The EU, based notably on the provisions of Article 2 of the Association Agreement, has consistently raised the importance of respecting human rights in its contacts with the Egyptian authorities at all levels. Moreover, a formal dialogue on human rights and democracy issues is further provided for in the EU-Egypt Action Plan under the European Neighborhood Policy through the relevant sub-committee.”

6.6. End result

For the first time since their arrest, the five men were finally allowed, on June 21, to see their families and meet with their lawyers for a few minutes. On October 6, 2007, the Egyptian authorities released Amr Tharwat and his colleagues after detaining them for 130 days. This was achieved by appealing to the international community. At some point, the Egyptian authorities realized that the negative publicity it gained abroad was potentially more damaging than the work of Tharwat and the Ibn Khaldun. This is not the first time that the Ibn Khaldun Center and its members have faced government reprisal for their human rights and pro-democracy activities. In 2000, Dr. Ibrahim and several ICDS researchers were imprisoned and prosecuted for their election monitoring activities. Dr Ibrahim and ICDS staff members were brought to trial before an Emergency State Security Court. Ibrahim was convicted on charges of “receiving foreign funding without permission”, “disseminating false information abroad” and “misappropriation of funds”, and sentenced to seven years' hard labor. In 2003, following an international campaign to support him and intense pressure from the international community, Egypt's Court of Cassation declared his earlier trials improper and acquitted him and his associates of the Ibn Khaldun Center of all charges. The Center reopened later in 2006.¹⁰¹ I will now take a closer look at the external human rights advocacy facing the Egyptian regime.

101 Human Rights First: Egyptian Activists Punished for Advocating Reform:
http://www.humanrightsfirst.org/middle_east/egypt/alert_062807_tharwat.htm



External Human Rights Advocacy

According to Rise's spiral theory, an external (international) pressure for Human Rights is vital in achieving Human Rights standards.¹⁰² In order to put pressure on the government from “above and below”, the international community of states and nations must communicate clearly to the government what is acceptable and what is not. In this chapter, I will give an overview of the International Human Rights pressure facing Egypt, and how these transnational organizations cooperate with the Egyptian NGOs.

7.1. United Nations Reports

International forums and institutions can play a vital role in incremental change of its member states. However, Egypt continues to delay the process of establishing the UN Human Rights Council by trying to limit the freedom of its independent experts, restricting the participation of domestic NGOs in its activities, and, most significantly, seeking to strip the Council of its monitoring and protective functions that are essential to guaranteeing its independence and effectiveness in the promotion and protection of human rights anywhere in the world.¹⁰³ In its concluding observations of the Human Rights Committee to Egypt in 2002¹⁰⁴, the Committee expresses 24 Principal subjects of concern and recommendations, including:

102 Risse, Thomas, Ropp C. Steven, Sikkink Kathryn, (1999): “The Power of Human Rights. International Norms and Domestic Change” Cambridge University Press 1999. ISBN: 521-65882-9, h.,0-521-65093-3, *ib.*

103 Zaki, Moheb (2007): *Ibn Khaldun Centre For Development Studies: Annual Report on the Civil Society and Democratization in the Arab World.*

104 *Concluding observations of the Human Rights Committee regarding Egypt 28/11/2002:CCPR/CO/76/EGY. (Concluding Observations/Comments).Convention Abbreviation: CCPR HUMAN RIGHTS COMMITTEE,Seventy-sixth session. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.76.EGY.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.76.EGY.En?Opendocument)*



- I The Committee regrets the lack of clarity surrounding the question of the legal standing of the Covenant in relation to domestic law and the attendant consequences.
- iii The Committee is disturbed by the fact that the state of emergency proclaimed by Egypt in 1981 is still in effect, meaning that the State party has been in a semi-permanent state of emergency ever since.
- ix While understanding the security requirements associated with efforts to combat terrorism, the Committee voices concern at their effects on the human rights situation in Egypt, particularly in relation to articles 6, 7, 9 and 14 of the Covenant.
- x The Committee is concerned about infringements of the right to freedom of religion or belief.
- xi The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.
- xiii While noting the efforts the State party has made to ensure that people are educated about human rights and tolerance, the Committee observes that results in this area are still inadequate.
- xiv The Committee is concerned at the restrictions placed by Egyptian legislation and practice on the foundation of non-governmental organizations and the activities of such organizations such as efforts to secure foreign funding, which require prior approval from the authorities on pain of criminal penalties (article 22 of the Covenant).
- xv The Committee notes the de jure and de facto impediments to the establishment and functioning of political parties, primarily created by the committee set up under the Political Parties Act No. 40 of 1977, without full guarantees of independence (articles 22 and 25 of the Covenant).
- xvi The State party should disseminate widely the text of its periodic reports and the present concluding observations.

Note that the committee criticizes both the situation for NGOs and the overall abilities for political parties to register and operate. Egypt has failed to submit a human rights report for 2006, and its last report was filed in 2002. It is hard to say how much influence the HRC committee has on Egypt's human rights situation, but without accompanying public attention I think its effects are limited as of now. Ibn Khaldun's Report of Civil Society and Democratization in the Arab world stresses that combined transatlantic disagreement over democratizing strategy towards the Arab countries has weakened the reform momentum which gathered strength following the U.S. drive to democratize the



region in the wake of 9/11. While the Bush administration pursued an aggressive campaign in the belief that freedom and democracy are priority goals for the Arab people, and political reform can and should be pushed without regard to any other considerations, the European policymakers largely believed that no radical reforms can be expected so long as the Israeli-Palestinian conflict continues to obsess the minds of most Arab intellectuals and the overwhelming majority of the politically active segment of Arab societies.¹⁰⁵

7.2. Egypt - European Union relations

The Euro-Med initiative downplayed democratization and evolved to mirror the Social Cohesion Strategy upon which the EU's own political and economic integration is based. In this vision, based on the European experience, only when threat perceptions change is a cooperative system viable. Hence, in the EU's view, the crucial pre-condition to the fostering of democracy in the Arab countries requires first addressing the security issues emanating from the regional conflicts, particularly the Israeli-Palestinian conflict which has bedeviled Arab politics for three quarters of a century, and, more recently, the Iraq war that threatens to destabilize the entire Middle East. Risse's Spiral Theory stresses that the NGOs also play a vital role in reminding liberal states of their identity as Human Rights defenders. The 'shaming' effect in international relations -- often judged to be significant by political scientists -- can serve as a powerful force, given the condition that the state cares about its international reputation. Egypt is widely considered to be relatively moderate, tourist-friendly and friendly toward the West. This image is undoubtedly something the Egyptians would like to preserve, which is why a European Parliament declaration¹⁰⁶ on the dissatisfaction on the Human Rights situation in Egypt in January 2008 created quite uproar. It reads (emphasis added):

“..Whereas [EU] attaches great importance to relations with Egypt and considers *fair and transparent elections* as the only way to make progress towards a more democratic society and underlines the importance of Egypt and EU-Egypt relations for the stability and development of the EU-Mediterranean area,

105 Zaki, Moheb (2007): *Ibn Khaldun Centre For Development Studies: Annual Report on the Civil Society and Democratization in the Arab World*.

106 *European Parliament resolution on the situation in Egypt, 16th of January 2008. RSP/2008/2509 Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P6-RC-2008-0023&language=EN>*



D. whereas the *Egyptian authorities have promised to put an end to the imprisonment of journalists, but this promise has so far gone unfulfilled,*

E. whereas the opposition presidential candidate Ayman Nour is still serving a five-year prison sentence *following an unfair trial in 2005 on politically motivated charges*, and whereas his health is deteriorating as a consequence of this imprisonment,”

F. having regard to the closure of the Centre for Trade Union and Workers' Services and its branches, *the first time an advocacy NGO has been closed down by an executive decision, and the closing down of the Association for Human Rights Legal Aid (AHLRA)* and the ensuing verdict against the human rights activist Kamal Abbas, the general coordinator of the centre, for committing libel against Mohammed Mostafa, following his publication of an essay in Kalam Sanya,

1. Recognizes the role that Egypt plays in the Middle East peace process and the importance that EU-Egypt relations have for the entire Euro-Mediterranean area and in the fight against international terrorism and fundamentalism, but *points out that respect for human rights is a fundamental value of the EU-Egypt Association Agreement* and reaffirms the importance of the Euro-Mediterranean Partnership for promoting the rule of law and fundamental freedoms;

2. Considers that the recent arrests and action against NGOs and human rights defenders undermines the commitments entered into by the Egyptian Government concerning fundamental rights and freedoms and the democratic process in the country; supports the campaign by nongovernmental organizations for freedom of organization launched on 13 May 2007 by 34 NGOs as a follow-up to the first collective report on administrative and security harassment;



3. Calls on the Egyptian Government to end all forms of harassment, including judicial measures, the detention of media professionals and, more generally, human rights defenders and activists calling for reforms and to fully respect freedom of expression, in conformity with Article 19 of the UN International Covenant on Civil and Political Rights; (..)”

What effect did this Declaration have on the Human Rights situation in Egypt? The EU parliament not only mentions specific areas of dissatisfaction, but it also uses quite strong language in its condemnation. However, in the EU, the members states themselves decide their foreign policy, and the EU parliament consists of representatives directly elected by the population. Therefore they can be considered independents who do not speak for the countries. The Parliament has merely an indirect effect on foreign policy; the Parliament must approve all development grants, including those overseas. For example, the support for post-war Iraq reconstruction, or incentives for the cessation of Iranian nuclear development, must be supported by the Parliament. Nonetheless, the declaration sparked a furious response in Egypt, according to Al-Ahram Weekly, “No sooner had news of the resolution reached the assembly than speaker Fathi Sorour was joined by a majority of members of the ruling National Democratic Party (NDP) in a public display of fury. Shortly before leaving on a parliamentary visit to France and England, Sorour said he was shocked by the draft resolution and threatened that if passed he would cut all ties with the European Parliament.”

“Opposition and independent MPs, quick to insist they refuse all forms of foreign interference in Egypt's affairs, do point out that the European Parliament's resolution rings alarm bells over Egypt's human rights record. Hussein Ibrahim, spokesman of the Muslim Brotherhood's parliamentary bloc, told Al-Ahram Weekly that “the issue of human rights has become a global language”.¹⁰⁷ The long term effects of this confrontational stance by the European Union to support Human Rights defenders, journalists and NGOs in Egypt is of course uncertain. It seems as if Human Rights abuses occurring at the local or mid management level are published picked up abroad and then returned to the top government level as criticism. The official response seems to be along the lines of “don't come and lecture us”. However, EU is emerging as a significant financial giant in international politics, and trades extensively with Egypt. Therefore, its ability to influence the Human Rights

107 Al Haram Weekly “NDP up in arms” : Available at: <http://weekly.ahram.org.eg/2008/881/eg2.htm>



situation is quite potential. At the same time, EU does not have the same need to preserve allies in the “war on terror” as the US does, having only a limited military engagement in the middle east.

7.3. Egypt - United States relations

Many scholars point out that the great powers of the world historically have played a negative role in the development of democracy in the Middle East. Being more interested in oil purchase and internal stability, the will to pursue democracy has some times been less dominant than the will to do business with whoever is in charge. Today, Egypt is heavily reliant on external funds from its ally, the US. My sources in the Norwegian Ministry of Foreign affairs gave me the following off-the-record analysis: The US, having the rather doubtful and unpredictable situation in Iraq, needs to consolidate its relationship with moderate Arab countries in its “war on terror”. The US needs that Egypt cracks down on fundamentalism, and at the same time keeps the peace agreement with Israel and closes the border to the Gaza strip to prevent arms smuggling. Therefore, the US continues to give Egypt financial support to fund its police and military apparatus.

The Egyptian government, on the other hand, is interested in preserving its hold on power.

This probably depends on the American financial support, and thus they disrupt the political work of the Muslim brotherhood, especially by arresting its leaders. In so doing, they attempt to show the USA that it is strongly opposed to fundamentalism, while at same time removing the only serious political challenge. The overall



The great and proud nation of Egypt has shown the way toward peace in the Middle East, and now should show the way toward democracy in the Middle East.

President George W. Bush at the 20th Anniversary of the National Endowment for Democracy, November 6th, 2003.

“war on terror”, serves to give the arrests a certain shroud of legitimacy which can be abused for political gain. Human Rights come second in priority to all these issues. According to many theorists and voters alike, security issues are, and should be, an undisputed number one priority in US foreign policy. When Human Rights are discussed, other countries in the Middle East generally dominate the both the picture and the debate, for instance Afghanistan or Iran. Therefore, the will of the most powerful nation on earth to publicly criticize Egypt for its Human Rights record is limited.



Application of the Spiral Theory

- Does the terrain fit the map?

I have now presented Thomas Risse's Spiral Theory, the overall situation in the middle east and Egypt for the promotion of democracy, the work of the NGOs and the external human rights advocacy. I will now attempt to give a high level analysis of these different factors and discuss the application and relevance of the spiral theory.

8.1. The two challenges of Risse

When considering the Spiral Theory, I first and foremost identify two challenges: 1. Does the theory fit at all to the events in Egypt, and 2. If it fits, what phase would I currently conclude Egypt be in?

There is no question Egypt is under both external and internal pressure from Human Rights NGOs. The government is pressured from “below” and “above” in accordance with the model. However, is the government's response similar to those outlined by Risse in the model? At first consideration, it seems as if Egypt displays symptoms of being in phases 1, 2, 3, and 4. The shutdown of the Association for Human Rights Legal Aid (AHRLA), the arrest of opposition candidate Ayman Nour and bloggers who expose torture are symptoms of the first stage of repression. Risse points out that the degree of repression can be quite varying, from arrests or harassment to bordering on genocide. In the 'repression' phase, domestic societal opposition is too weak or oppressed to “present a significant challenge to the government”¹⁰⁸ However, despite president Hosni Mubarak's hold on power for the past 28 years, I would argue that the Muslim brotherhood poses a significant political challenge to his party. The repression and illegal status of the brotherhood likely comes as a result of this, perhaps seen by the executive as a political necessity. Despite the lack of actual political

108 Risse, Thomas, Ropp, Steven C., and Sikkink, Kathryn (1999): *The power of Human Rights: International norms and domestic change*, Cambridge University Press. ISBN: 521-65882-9, h., 0-521-65093-3, ib. P. 22.



plurality in Egypt, and despite the closure of AHRLA, the amount of Human Rights movements and NGOs are very high, and they are, for the most part, able to operate in the open without too much harassment from the government. Restrictions are placed on the establishment of NGOs and the freedom of speech on which they depend, but these could be more aimed at society in general rather than the Human Rights movement in particular.

Does Egypt fit in the second phase of denial? In Egypt's last report to the UN Human Rights Committee, section 1 reads: "1. In conformity with the provisions of the Constitution the country has a democratic presidential system of government (..)" Despite the rigged elections and impediments to free political competition, (see chapter 5) one attempts to deny the actual realities of the authoritarian rule. Section 8 reads, "The Press is a popular and autonomous authority which pursues its mission freely and independently. The freedom to publish newspapers is guaranteed to public and private legal persons and political parties. It is forbidden to use administrative methods to censor, threaten, suspend or suppress a newspaper. Journalists have the right to obtain information and news and their work is subject to no authority other than the law." This statement does not reflect the many reports which decry the arrests of journalists and bloggers, on charges of insulting the president or religion. Egypt simply does not admit in this report that they have a problem with freedom of speech at all. We can therefore conclude that the regime attempts to deny its human rights abuses in its official reports to the Human Rights Council. Upon the publication of the statement by the European Parliament (referred to in the 'external human rights advocacy chapter), speaker of the parliament Fathi Sorour said: "I say to those who go to foreign institutions like the European Parliament to appeal to its members to meddle in the internal affairs of their country that the age of capitulation is over and Egypt no longer accepts the language of foreign dictates,"¹⁰⁹ It is interesting to note, in this regard, that Sorour dismisses the human rights criticism as "meddling in internal affairs". This is one of two classic signs of the denial phase: either denial of the human rights abuses themselves, or denial of the legitimacy of international concern for the situation. From a legal point of view, Sorour is wrong to assume that this is an internal matter. A state is sovereign as a point of departure, but when it signs unto international covenants, it willingly surrenders parts of its sovereignty to the international community.

109 Al-Ahram Weekly: "NDP up in arms": <http://weekly.ahram.org.eg/2008/881/eg2.htm>



8.2. NCHR as symptom of third phase?

Egypt also displays symptoms of the third phase. According to Risse, the concept of 'civil society' is often used to describe the variety of non-governmental political actors demanding democratization and human rights in Arab states. Yet, the existence of 'civil society' in an authoritarian state does not say much about the prospects for successful political change.¹ Societal actors in Arab civil societies do not have enough power to change the operating rules and the repressive practice of governments by pressure from inside alone. Their mobilization has to be supported from outside. By building up transnational relationships with human rights international non-governmental organizations (INGOs), domestic North African actors gained access to additional resources crucial in their political struggle for human rights change. (This being the case in Morocco and Tunisia).¹¹⁰ In the 1990s, the Ben Ali regime in Tunisia initiated a series of political reforms which claimed to promote democratization but turned out to be ineffective. In this case, the quick installation of institutional reforms after the regime change was so unexpected that national and international human rights critics were surprised and, as a consequence, the evolving networking process came to a sudden end. Ben Ali was successful in instrumentalizing the moral legitimacy of the human rights idea to stabilize the existing authoritarian state apparatus. Well known human rights activists were quickly co-opted and integrated in the new government.¹¹¹ Could this also be the case in Egypt, with the creation of the Human Rights Council? There is no doubt that the NCHR is not as effective as it could be -- partly because it focuses on individual complaints rather than serious political lobbyism, and partly because of the close ties which exists between the leaders and the president. The creation of the NCHR itself could be an indication of Mubarak's wish to deflect international criticism, while at the same time making the NCHR largely ineffective to hinder serious political change. The NCHR has no executive functions, but only an advisory role. Indeed, a lot of NGOs share this sentiment. Many Egyptian Human Rights organizations held a discussion meeting on 14 February 2004 in the headquarters of the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) to outline work strategies and discuss possibilities of coordinating efforts among NGOs during the forthcoming stages, and additionally to declare its stance regarding the National Council for Human Rights. Participants have agreed on the view that the government's establishment of a National Council for

110 Thomas, Ropp, Steven C., and Sikkink, Kathryn (1999): *The power of Human Rights: International norms and domestic change*, Cambridge University Press. ISBN: 521-65882-9, h., 0-521-65093-3, ib. P. 110.

111 *Ibid.* P. 111.



Human Rights at this time is an attempt to brush up the government's image in international society, particularly because of the violations of human rights in Egypt that have been shown through the many cases documented by human rights organizations. They have also considered this council as an attempt to constrict civil society and human rights organizations with the purpose of finishing the process that began with the issuing of NGOs law 84/2002. Participants ground their view of the National Council for Human Rights on their doubts towards the efficacy of a government initiative to enhance the status of human rights under emergency law, which include systematic practices that breach political, social and economic human rights as well as restricting the right to freedom of speech, formation of political parties and the publications.¹¹²

I personally disagree with Chairman Ghali on several issues. When I spoke to Mr. Ghali, he insisted that humanitarian law is as applicable as human rights law to the situation in Egypt. However, there have been no large scale violent conflicts in Egypt in modern time that can be characterized as suitable for the application of Humanitarian law. He also discards corruption as a problem in Egypt, while the Transparency International Corruption Perceptions Index ranks Egypt number 105 on a scale out of 179 countries in the survey.¹¹³ Boutros-Ghali should, of all people, therefore know that corruption, also including political corruption, is a major problem in Egypt. I also consider it a drawback, or at least a potential disqualifying element that he knows president Mubarak personally, and have done so for over 30 years. This may make it harder for him to represent an institution of which primary role is to expose and criticize government human rights violations, especially to the extent that the president personally has the power to control vast parts of the Egyptian state. Ghali's appointment was approved by the Shoura council (The Egyptian legislature's high chamber) upon nomination by President Mubarak.

However, the very fact that Egypt has begun talking “the human rights talk”, and engage in serious discussion with critics, publish annual human rights reports, etc. indicates that Egypt is in the third phase of the spiral model. At some point, the situation may spiral out of the regime's control. At the risk of putting too much emphasis on the individuals involved, it is interesting to note that both Hosni Mubarak and Boutros Boutros-Ghali are old men, (80 and 86 years old, respectively). This

112 *The Arabic Network for Human Rights Information: "Egyptian Human Rights NGOs Demand: Real & Prompt Political Reform. No Ineffective Entities."* <http://www.hrinfo.net/en/reports/2004/pr040207.shtml>

113 *Transparency International Corruption Perception Index (2007): Available at:* http://www.transparency.org/policy_research/surveys_indices/cpi/2007



means that when they retire, the existing institutional structures will be left to younger (and possibly more progressive) forces. The NCHR can play a more constructive role than intended under Boutros-Ghali's reign.

8.3. Prescription for change

Could Egypt be in the tactical prescriptive status phase? In Risse's model, governments are considered as accepting the validity of Human Rights norms (phase four) if and when:

- They ratify the respective international human rights conventions including the optional protocols;
- The norms are institutionalized in the constitution and / or domestic law;
- There is some institutionalized mechanism for citizens to complain about human rights violations;
- The discursive practices of the government acknowledge the validity of the human rights norms irrespective of the (domestic or international) audience, no longer denounce criticism as “interference in internal affairs,” and engage in a dialogue with their critics.

Egypt has ratified nine of the major Human Rights Conventions, including ICCPR. However, many important conventions are left with no action, such as Convention for the Protection of All Persons From Enforced Disappearance (CED), or the first optional protocol to the ICCPR.¹¹⁴ Regarding point two and three, it is clear that there exists provisions which protect individuals from abuse, but they are not followed in practice. The individuals can complain to the NCHR for individual judicial assistance, but the chances of actual improvement of the situation are limited. The last point is clearly not fulfilled. In addition to the rhetoric earlier mentioned in this chapter, the regime continues to justify human rights violations with a reference to the “war on terror”. This leads me to believe that the regime is not yet sincere in its stated aim to improve the situation. President Mubarak has launched proposals for constitutional reform which at first appear to be promising. Among the key amendments will be changes allowing all licensed political parties to nominate candidates for the presidency, giving the parliament more detailed oversight of the budget and clearer procedures for

114 <http://www.unhchr.ch/tbs/doc.nsf/newhvstatusbycountry?OpenView&Start=1&Count=250&Expand=54#54>



withdrawing confidence from the cabinet, and clarifying and limiting the president's emergency powers in preparation for issuance of a new counter terrorism law. However, the NDP's new political steps appear designed to seize the initiative amid widespread calls from the opposition and civil society groups for extensive constitutional amendment. They also aim at managing the Egyptian opposition—making sure there is enough competition to lend an air of credibility to future elections while marginalizing the Muslim Brotherhood and increasing divisions between the Brotherhood and secular groups. conflicting interests have prevented opposition groups from formulating a cohesive agenda for change, a situation exploited effectively by the NDP via its new initiatives.¹¹⁵

8.4. Conclusions

In my opinion, the Human Rights movement faces to major obstacles before democracy can be achieved and civil and political rights secured. The influence the NGOs have in promoting civil and political rights in Egypt are questionable at best. A sustained international pressure on the Egyptian regime is necessary in addition to the work already being done. The effects of this can be quite effective, as shown by the international outcry resulting from the arrest of Dr. Saad Eddin Ibrahim. However, the international pressure is mediocre at best, because issues such as security policies and trade relations often tend to dominate the international agenda above Human Rights. In terms of the Middle East, countries such as Iran, Saudi Arabia, and the Israel-Palestinian conflict tend to dominate the headlines and direct attention from the constant repressive, but perhaps uneventful, situation in Egypt. (See chapter VII). The domestic Human Rights criticism directed at the Egyptian regime faces several problems. Arrests, detentions and censorship are constant problems. Another is the lack of an understanding and an interested national audience. Egypt's population is vast, but poor, undereducated and in large part alienated from political affairs, other than issues which directly affects them such as food prices. The democracy movement appears to be an intellectual, and in large part, urban elite with access and resources to international reports and news. To sum up:

- The Egyptian NGOs are many, but small and operate under difficult conditions such as government restrictions, a limited audience and limited political influence. Their work is quite similar to that of NGOs in the West. Their best chance of adequately

¹¹⁵ Dunne, Michael. "Time to Pursue Democracy in Egypt", *Carnegie Endowment for International Peace*. Available at http://www.carnegieendowment.org/files/Dunne_Egypt_FINAL2.pdf



affecting the Human Rights situation to improve civil and political rights is to disseminate sufficient amounts of interesting (shocking) Human Rights abuses to get the attention of the International community. I will not dispute the effectiveness of the international pressure, as also evidenced by the public outcry following the arrest of Ayman Nour and Dr. Saad Eddin Ibrahim.

- The application for Risse's spiral theory is somewhat unnuanced: Egypt displays symptoms of denial, repression and tactical concessions at the same time. However, it seems that the regime is more restrictive in areas it considers threatening to its political dominance. Risse's theory puts almost all emphasis on the work of NGOs, while other political processes are treated second rate. Further, Risse uses obscure factors such as "world time" to explain how the development of international institutions catch states off guard, but does not explain this concept in detail. These factors make it harder to assess whether the model is applicable to the situation in Egypt. It also appears that the government is more restrictive and repressive in areas that that is perceived to be a direct threat to its monopoly on power (for instance the registration of new parties), and less restrictive in other areas, such as the establishment of NGOs. Consequently, it is hard to say whether one can actually conclude that all the political developments in Egypt fit into one phase or another. However, I would say that the spiral theory could give a valuable interpretation of the current situation and past development, that the situation has potential to gradually improve, and that Egypt is most probably in the third phase (of tactical concessions). This is evidenced by the establishment of the NCHR, which may represent the intent to fend off international criticism while at the same time not facilitate any actual improvements.



- Egypt has not moved on to the fourth phase of the model, mainly because of the mediocre external pressure. Information about human rights abuses are published by the NGOs in Egypt and made available to the public, but it's rarely able to dominate the international headlines and the international agenda, mostly because other countries and situations in the Middle East are considered more serious. Iran's executions or the wars and skirmishes in Lebanon, Israel, Iraq and Kurdistan are good examples. In addition, big powers such as the US and EU have an interest in stability. The US has in the past and recently issued strong rhetorical signals that democracy must be implemented in Egypt, but has so far been reluctant to put any actual pressure on the Egyptian regime. While the US supports the Mubarak regime financially, the EU threads more carefully because of its close proximity to Egypt. Despite this, EU recently issued a strong statement in condemnation of the situation in Egypt. This statement gained huge attention, but it's confrontational stance has failed to achieve any large scale improvement.
- The NGOs serves the three purposes outlined by Risse (See chapter II), they empower and legitimate claims of oppositional groups, they partially protect individuals from government oppression, but only to a certain extent are they able to bring human rights abuses to the international agenda. As earlier mentioned, the NGOs can hold the key to fostering respect for civil and political rights, but this requires that a stronger link be established to the International Human Rights movement, and perhaps that shaming campaigns are used to a larger extent than today. For instance, the tourism industry is a weak spot for Egypt, in which the tourists, for instance, could be made aware of the torture or unlawful detention taking place in Egyptian prisons. Thereby trying to embarrass the regime to the point of change.



8.5. Recommendations for further research

It is clear that more research needs to be conducted in order to validate or falsify the spiral theory as such. For instance, it appears uniform that a state can entertain several phases at the same time, and thereby leaves the question whether one can accurately say that entering one phase – with its unique characteristics – effectively excludes the possibility of simultaneously being in another phase. With regards to civil society, one of the biggest problems facing the NGOs is the general apathy and ignorance among large segments of the population. Having had the same government for the past 29 years, people feel a general indifference to politics, and have lost the belief that they can influence decision making and get rid of corruption. An interesting angle of research would then be how to inspire the population to participate in decisions, and how to educate them about human rights in a way they feel affects their lives. Human rights education can be conducted by NGOs and can harvest long term effects.



Bibliography

9.1. Books

Abdelrahman, Maha M (2004):

Civil Society Exposed. The politics of NGOs in Egypt.

Palgrave MacMillian, NY.

Diamond, Larry, Plattner, Marc F., & Brumberg, Daniel: (2003):

“Islam and Democracy in the Middle East”

Hopkins University and the National Endowment for Democracy.

Landman, Todd. (2006):

“Studying Human Rights”

Routledge. ISBN:0-415-32604-4. P. 37.

Risse, Thomas, Ropp C. Steven, Sikkink Kathryn, (1999):

“The Power of Human Rights. International Norms and Domestic Change”

Cambridge University Press 1999.

Weiss & Wurzel, (1998);

“The Economics and politics of Transition to an Open Market Economy. Egypt.”

OECD - Organisation for Economic Co-operation and Development: (ISBN 9264161244) (231).

9.2. Published reports and articles

Brysk, Alison (1993):

“From Above and Below: Social movements, the International system and Human Rights in Argentina.”: Comparative Political Studies 26 (3): 259-285.



Persson, Göran (2003): "Human Rights in Swedish Foreign Policy"

Swedish Government Communication 2003/04:20

European Parliament resolution on the situation in Egypt (2008):

RSP/2008/2509: 16th of January 2008: Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P6-RC-2008-0023&language=EN>

Dias, J. Clarence (2006): "Democracy and the Challenge of Ethnicity and Inclusive Democracy."

Available at: <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN010199.pdf>

Dunne, Michael (2007): "Time to Pursue Democracy in Egypt",

Carnegie Endowment for International Peace.

Available at http://www.carnegieendowment.org/files/Dunne_Egypt_FINAL2.pdf

Hamzawy, Amr (2005): "Dynamics of Regime and Opposition"

Carnegie Endowment for International Peace.

Available at <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17595>

Selvik, Kjetil: (Statement by), Apollon, Research magazine for the University of Oslo. Nr. 3/2006.

Landman, Todd, (2004):

"Measuring Human Rights. Principle, Practice, and Policy. Landman, Economic Development and Democracy". Human Rights Quarterly 26.4 906-931

Usul, Ali Resul (15/2004):

"Democracy and democratization in the Middle East: Old Problem New context",

Turkish Review of Middle East Studies. Annual 2004 - 15.



Rubin, Barry (2008):

“Pushback or Progress?”

Policy Focus #5, September 2007. The Washington Institute for Near East Policy.

Transparency International Corruption Perception Index (2007):

Available at: http://www.transparency.org/policy_research/surveys_indices/cpi/2007

The Arabic Network for Human Rights Information:

"Egyptian Human Rights NGOs Demand: Real & Prompt Political Reform. No Ineffective Entities."

Available at: <http://www.hrinfo.net/en/reports/2004/pr040207.shtml>

Zaki, Moheb (2007):

“Annual Report on the Civil Society and Democratization in the Arab World.”

Ibn Khaldun Centre For Development Studies.

9.3. Human Rights Watch

Human Rights Watch Report, January 2007,

“Monopolizing Power. Egypt's Political Parties Law.”:

Available at <http://hrw.org/backgrounder/mena/egypt0107/egypt0107web.pdf>

Human Rights Watch Report, “Egypt: Reverse Decree Closing Human Rights Organization”:

Available at: <http://hrw.org/english/docs/2007/09/18/egypt16898.htm>

Human Rights Watch Report: Egypt: On the margins of repression:

http://hrw.org/reports/2005/egypt0705/4.htm#_Toc107039610



9.4. News articles

BBC News: *“Egypt: A permanent emergency?”*
http://news.bbc.co.uk/2/hi/middle_east/6481909.stm

BBC News: *“Egyptian Bloggers fears State Curb”*
http://news.bbc.co.uk/2/hi/middle_east/6386613.stm

Al-Ahram Weekly: *“NGO Controversy drags on”*:
<http://weekly.ahram.org.eg/1999/433/eg9.htm>

Al-Ahram Weekly: *“Facing Facebook”*:
<http://weekly.ahram.org.eg/2008/895/eg5.htm>

Al-Ahram Weekly: *“NDP up in arms”*:
<http://weekly.ahram.org.eg/2008/881/eg2.htm>

New York Times: *“Arrests in Egypt Point Toward a Crackdown”*
[http://www.nytimes.com/2007/06/15/world/africa/15egypt.html?
_r=1&oref=slogin](http://www.nytimes.com/2007/06/15/world/africa/15egypt.html?_r=1&oref=slogin)



9.5. Other sources

CIA World Fact Book (Egypt):

<https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

United Nations Universal Declaration of Human Rights Preamble,

available at: <http://www.un.org/Overview/rights.html>

Human Rights First:

“Egyptian Activists Punished for Advocating Reform”:

http://www.humanrightsfirst.org/middle_east/egypt/alert_062807_tharwat.htm

Letter from EUP regarding the Arrest of Amr Tharwat and four other family members:

<http://www.eicds.org/english/activities/pressreleases/07/campaign/amr-tharwat-eup.html>

Paris Principles of National Human Rights institutions

Available at: <http://www.unhchr.ch/html/menu6/2/fs19.htm#annex>