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About the Author

Michele Dunne is editor of the Carnegie Endowment's *Arab Reform Bulletin*, and visiting assistant professor of Arabic at Georgetown University. A specialist on Middle East affairs, formerly at the State Department and White House, Dunne is author of *Integrating Democracy Promotion into U.S. Middle East Policy*, and *Libya: Security Is Not Enough,* both available at www.CarnegieEndowment.org/pubs.

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THE POLITICAL OPENING THAT BEGAN in late 2004 in Egypt has been unlike any seen in the country in at least twenty years, perhaps in a half century. It has resulted so far in Egypt holding its first-ever presidential election as well as parliamentary elections that were significantly fairer and more transparent than in the past, although marred by violence. Political dissidents are making bolder demands, most of the taboos on criticizing the regime have been swept away, and there is now more opposition representation in Parliament than at any time since the 1952 Free Officers' coup. The Muslim Brotherhood, an illegal organization but also the only effective opposition party, made dramatic gains in the fall 2005 elections. Yet many observers inside and outside Egypt view the political reform steps made in 2004 and 2005 as no more than cosmetic measures taken to preserve rather than change an essentially authoritarian order. Has Egypt entered an era of irreversible momentum toward democratization, or is it merely undergoing a brief liberal episode that will not fundamentally change the way political power is exercised?

Egypt's history of start-and-stop liberalization and the limited scope of top-down political reform steps so far give ample reason for skepticism. Moreover, the 2005 elections highlighted other persistent problems in Egyptian politics, including voter apathy, weak political parties, and the use of security forces for political ends. There are also long-term implications of recent developments—civilianizing the presidency, for example, and legitimizing civil society monitoring of government performance—that contain the seeds of broader change. Whether they bear fruit depends in part on external actors, especially the United States, which can choose either to direct the Egyptian regime's attention repeatedly to internal calls for change or to support the regime in ignoring or responding minimally to such calls.

POLITICAL REFORM UNTIL 2000

Compared with other Arab countries, Egypt has a lengthy history of political participation, albeit one marked by episodes of expansion and contraction in liberties. Egypt's nineteenth-century rulers established a number of different consultative assemblies whose members were appointed or, in some cases, elected indirectly. They also founded a judiciary and adopted a corpus of laws drawing on both Islamic and European legal traditions. Egypt's 1882 Constitution provided for an elected Parliament with legislative powers, but British occupation short-circuited that process and the country did not have its first elected assembly in place until 1924. Although Egypt gained its nominal independence in 1922, British forces and advisors remained for another thirty years. During this period a three-way struggle among the king, the British, and a Parliament dominated by the liberal Wafd Party made for a chaotic political scene. King Fuad dissolved the Parliament numerous times and abrogated the relatively liberal 1923 Constitution in 1930, but public demands forced his successor, Faruq,

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to restore it unchanged in 1936. Tensions rose with the increased British military presence in Egypt during World War II, leading to a series of rigged elections and a rapid succession of cabinets from 1936 to 1952.

In 1952 a group of young officers carried out a bloodless coup, overturning the constitutional monarchy and eventually ousting British forces. The Free Officers also abrogated the 1923 Constitution and abolished all political parties. New constitutions in 1956 and 1964 provided for a measure of political participation, but Egypt was effectively a single-party system, in which dissent was repressed harshly, until the death of President Abdel Nasser in 1970. Anwar Sadat brought about a partial economic and political liberalization and allowed the emergence of a few tame opposition parties in the 1970s while also quietly encouraging the re-emergence of the Muslim Brotherhood (which played an active role in politics in the 1930s and 1940s, but was declared illegal by Nasser) as a counterbalance to leftist forces. Opposition to Sadat grew increasingly vociferous from 1977 onward due to controversial economic reform steps as well as his initiative to make peace with Israel. Sadat responded with repressive measures such as Law 95 of 1980, known as the Law of Shame, which criminalized many forms of expression. In September 1981 he arrested more than 1,000 of his critics from all parts of the political spectrum, a step often seen as leading to his assassination by an Islamist military officer that October.

Upon Sadat's assassination President Hosni Mubarak released Sadat's critics but also renewed the state of emergency under which Egypt had been ruled on and off since the 1950s, suspending many of the civil liberties provided in the 1971 Constitution. Political party life during the 1980s was reasonably lively, with the re-emergence of the Wafd Party and active participation of the Muslim Brotherhood via alliances with various legal parties. Elections in 1984 and 1987 produced parliaments with opposition representation of about 20 percent. A 1990 court-mandated switch from a proportional representation to individual district system, however, unseated the 1987 Parliament and hurt opposition parties' chances in subsequent elections.

The 1990s saw the rise of increasingly assertive Islamist opponents to the regime, including extremist groups that carried out a series of violent attacks on government officials, secular intellectuals, foreign tourists, and Christians. Partly in an effort to keep Islamists in check, Mubarak took steps during this period that hurt all Egyptians' ability to express themselves politically in either formal political institutions or more informal venues. [1] The 1993 Syndicates Law, 1995 Press Law, and 1999 Nongovernmental Associations Law curtailed freedoms of association and expression by imposing new governmental regulations and harsh penalties for violations. By the late 1990s not only had parliamentary politics become stagnant and virtually irrelevant to the life of the country, but alternative avenues for political expression were severely hampered as well.

SOURCES OF CHANGE

Just as it seemed that political life was moribund in the late 1990s, a series of internal and external developments began to alter the context within which the Egyptian political game was played. As President Mubarak began his fourth six-year term in 1999, he promised to uphold a Supreme Constitutional Court ruling calling for judicial supervision of elections. Mubarak pledged at that time to hold free and fair parliamentary elections in 2000, implicitly acknowledging for the first

time that previous elections were flawed. At the same time, speculation among Egyptians about presidential succession was rising. Mubarak was then aged 71 and his younger son Gamal, a banker by profession, was taking an increasingly active role in politics as a spokesman for business interests and youth, first as a nonpartisan activist and later in the National Democratic Party (NDP).

The 2000 parliamentary elections—the first to be supervised by judges—were by most accounts somewhat cleaner and more credible than the 1990 or 1995 elections, which were characterized by widespread fraud and violence. Widespread arrests of Muslim Brotherhood candidates and campaign workers, however, as well as intimidation of voters outside polling stations, marred the elections. Nonetheless, the NDP still suffered a major humiliation at the hands of independent candidates, who won more than half of the 444 seats up for election versus NDP's 38 percent. Ultimately, though, most of the independents—former NDP members passed over for nomination—later rejoined, providing the NDP with a solid 87 percent majority in the assembly.

As internal pressures for change began to surface, dramatic events also altered the global context. The 2001 terrorist attacks in the United States; subsequent U.S. invasions of Afghanistan and Iraq in 2002 and 2003; the holding of reasonably free elections in Palestine, Iraq, and Lebanon; and the U.S. adoption of democratization as a strategic goal for the Middle East all had important repercussions. Proliferating information outlets magnified the impact of these events, which were beamed live and uncensored into Egyptian homes and coffee shops by Arabic language satellite channels and debated in myriad chat rooms and blogs.

Modernization of the Ruling Party

The NDP's embarrassingly poor performance in 2000 gave Gamal Mubarak an opening to propose an overhaul aimed at making the NDP look and function more like a modern political party rather than an engine for recruiting support for the regime in exchange for government patronage. Drawing largely on the model of the British Labor Party, Gamal Mubarak designed and led a new Policy Secretariat that began to produce policy papers on a wide range of economic, political, and foreign affairs topics. He recruited a circle of young, reform-minded businesspeople and technocrats, some of whom were later placed in cabinet or party leadership positions. By 2004 Gamal Mubarak's imprint on the NDP was apparent, with the appointment of a cabinet full of his protégés (among them Prime Minister Ahmad Nazif) in July and the holding of a slickly packaged, media-friendly party conference in September showcasing the NDP's new image. Hosni Mubarak's presidential campaign in summer 2005—which featured Western-style stumping, clear promises for policy changes, and an attempt to show that the party was not using government resources in the campaign—showed the touch of Gamal and his circle. NDP parliamentary candidates also made an attempt to run more vibrant than usual campaigns in autumn 2005 and to show some uniformity in terms of electoral programs and slogans.

The NDP seemed destined for a further shakeup or even a rupture after the 2005 parliamentary elections, however, as the revamped party (in reality, still a blend of old and new approaches) fared no better than in 2000. NDP candidates won outright only 34 percent of races and, once again, it was only by reintegrating large numbers of prodigal sons that the party was able to secure its desired two-thirds majority. Moreover, the opposition representatives elected in 2005—28 percent of the People's Assembly—came overwhelmingly from the Muslim Brotherhood rather than from the secular parties with whom the NDP was accustomed to dealing.

The Opposition Awakens

In 2004 and 2005, new factions emerged inside opposition groups or split from them altogether, challenging parties to redefine their goals and strategies. As in the NDP, to some extent this change was generational. Throughout the 1970s and 1980s, a generation of activists was maturing inside organizations ranging from the Muslim Brotherhood to leftist and Nasserist groups via participation in student, professional syndicate, and municipal politics. In the Muslim Brotherhood, for example, activists in their 30s to 50s began to press during the 1990s for greater Brotherhood efforts to form a political party and to contest elections more openly. Several Brothers led by Abul Ila Madi left the Brotherhood to attempt to form the Center (Wasat) Party, which struggled from 1996 onward to attain licensing as a party. Other young leaders, such as Essam Al Eryan, remained within the Brotherhood but pushed for clearer articulation of the movement's political platform and greater democracy within the Brotherhood's essentially patriarchal structure, particularly after the deaths of two Brotherhood Supreme Guides in 2002 and 2004. Although the new Guide chosen was septuagenarian Mahdi Akef, his two deputies were prominent members of the younger generation. In March 2004 Akef openly embraced many of the younger generation's ideas in a new political program that expressed clearer support for principles of democratic government than the Brotherhood had done in the past.[2]

Nor was the Brotherhood alone in being pushed by a younger generation to begin challenging the political order more openly. Parliamentarian Hamdeen Sabahi left the Nasserist Party to form the Karama (Dignity) Party, which as of late 2005 was still engaged in an unsuccessful struggle for licensing. Ayman Nour, an assertive young parliamentarian who was ousted from the Wafd Party after a power struggle in 2001, founded the liberal secular Ghad (Tomorrow) Party, which was licensed in 2004 after a lengthy court fight. Nour's own battles with the regime were just beginning, however, as he and his party became the target of an apparent campaign to discredit a nascent rival. Charged with forging signatures on petitions to found the party, Nour nonetheless ran in the 2005 presidential election and won more than twice as many votes (nearly 8 percent of the total) as Wafd leader Noman Gomaa. In November, however, Nour lost his parliamentary seat to a former security officer put up by the NDP and in December Nour was convicted of forgery in a highly politicized trial and sentenced to five years in prison. The Ghad Party also began to splinter under the pressure.

In addition to parties, and quasiparties such as the Brotherhood, protest movements emerged that rejected the limitations imposed on parties. Such movements appeared to spring forth suddenly in late 2004 and 2005 but actually had their roots in demonstrations organized from 2001 through 2004 to protest regional issues (for example, the Israel-Palestine conflict and Iraq) that went on to criticize Egyptian policy and the government.

The most dynamic protest movement so far has been the Egyptian Movement for Change, an informal group of leftists, Nasserists, liberals, and Islamists—many of them younger generation dissidents rather than party leaders—that united in autumn 2004 around the idea of pushing for more radical change than the NDP had in mind. The movement held its first demonstration in December 2004 and quickly became known by the one-word slogan the silent demonstrators wore pasted over their mouths, "Kifaya" or "Enough." Immediately recognized as signifying opposition to the continued rule of Mubarak as well as to succession by his son, the slogan violated a long-held taboo against criticism of the president. Kifaya went on to hold regular protests which gradually increased from several dozen to several hundred participants, ignoring the need to request police permits for such gatherings under the state of emergency.

The 2005 legislative elections made clear, however, that secular opposition parties and movements were in no position to compete with the Muslim Brotherhood organizationally. The Brotherhood won a total of eighty-eight seats versus eleven for all secular opposition groups combined. Kifaya joined with the major opposition parties (Wafd, Tagammu, Nasserist), parties awaiting legalization (Wasat and Karama), and several other movements to form a "National Front" that attempted to coordinate candidate choices and programs within a unified opposition. What counted on election day, however, was that the Brotherhood had mobilized its supporters, who showed up to vote in large numbers and gave Brotherhood candidates a success rate of roughly 60 percent for the 150 seats which they contested. Results of the 2005 parliamentary elections are thus likely to bring about a total rethinking of strategies and alliances in secular opposition groups as well as within the NDP.

Fissures within the Establishment

Just as striking as 2005's reactivation of political opposition forces has been proreform activism by members of the judiciary and, to a lesser extent, by members of the ruling party. The Egyptian Judges Club, a largely social body that has lobbied on behalf of judicial independence episodically, passed a resolution in May 2005 threatening that it would not supervise upcoming elections unless the government approved a new law strengthening judicial independence and gave judges greater authority over elections. The threat was a potent one as the government could not hold elections without judicial supervision. The Judges Club also issued statements strongly critical of the conduct of the May 25 constitutional referendum and of the establishment of electoral commissions that were not truly independent. The minister of justice, an executive branch appointee, responded at first with efforts to divide and buy off judges but finally compromised with the club on a new draft judiciary law to be sent to Parliament in 2006 and agreed to give judges greater authority in supervising elections. Although the judges did not win all they had hoped from the government, their bold stroke—loudly cheered by opposition movements—was a lesson to all that leverage existed even within an authoritarian system if players were not afraid to use it.

In addition to the judiciary, several liberal members of the ruling party, brought in as part of the liberalizing trend spearheaded by Gamal Mubarak, pushed actively in 2005 for more assertive reform measures. One parliamentarian, a member of the Shura Council appointed by Mubarak, broke ranks with the party and voted against the May 2005 constitutional amendment, saying it precluded true competition for the presidency. Others made their dissatisfaction with the modest scope of NDP reform measures known in media interviews. In the immediate aftermath of the 2005 elections, rumors circulated about the possible creation of a new liberal political party combining likeminded members of the NDP and other parties.

EVALUATING RECENT REFORM MEASURES

Faced with growing criticism at home and abroad, President Mubarak and the NDP have responded with a flurry of political reform measures in the last few years. They generally fall into three categories: amendment of constitutional articles or laws governing political activity; creation of new, semi-independent oversight bodies; and abrogation of laws or regulations impinging on civil liberties. Such measures represent an apparent attempt to liberalize the political system within carefully controlled guidelines that will preserve NDP control for the foreseeable future. Even

with these changes, the Egyptian system will still preclude a realistic possibility of anyone other than the National Democratic Party coming into power for now. But some steps have long-term repercussions—civilianizing the presidency, for example, and legitimizing civil society oversight of government performance—that might over time lead toward democratization.

Amended Laws and New Oversight Bodies

Between early May and early July 2005, the Egyptian Parliament passed a number of important pieces of legislation directly related to political participation:

- Constitutional Amendment to Article 76, calling for direct popular election of the president and establishing an electoral commission

- Presidential Election Law 174 of 2005, specifying campaign regulations

- Political Rights Law 173 of 2005, establishing an electoral commission for parliamentary elections

- Political Parties Law 177 of 2005, changing procedures for forming parties[3]

Presidential Election. Direct popular election of the president is the most potentially significant change in the political system introduced by the new legislation, although the parameters established for candidate eligibility effectively hamper competition under current circumstances. Amended Article 76 and the Presidential Election Law give each licensed party the right to put a candidate on the ballot but subject that right to stiff conditions. For one, the party may only nominate a candidate that has been on its executive committee for at least a year, thereby preventing any party from nominating a popular figure outside the small circle of mostly elderly, well-known politicians. Also, while all registered parties were allowed to put a candidate on the ballot in the 2005 election, in future races a party will qualify to do so only if it has already been licensed for five years and if it holds 5 percent of seats in both the People's Assembly and Shura Council. No opposition party has held that many seats since the electoral system was changed from proportional representation to individual constituencies in 1990.

For political movements that have been denied registration as parties, notably the Muslim Brotherhood, it is even more difficult to contest presidential elections. To get on the ballot, an independent candidate must gather endorsements from 250 elected central and local government officials, including 14 percent of members of the upper and lower houses of Parliament. While the Brotherhood now holds enough seats in the lower house of parliament, it does not yet have the required members in the upper house and local councils.

Also noteworthy is that Article 77 of the Constitution, which allows the president an unlimited number of six-year terms, was left untouched in 2005.

Electoral Commissions. The Presidential Election and Political Rights laws created two distinct commissions to supervise presidential and parliamentary elections. While each is termed independent, they differ significantly in composition, distance from the government, and mode of electoral supervision. The Presidential Electoral Commission contains no executive branch officials, being a ten-member body headed by the chief of the Supreme Constitutional Court.

Other members include four senior sitting judges and five nonpartisan public figures selected by the two houses of Parliament. The eleven-member Parliamentary Electoral Commission, by contrast, contains two executive branch officials: the minister of justice, who chairs the commission, as well as a representative from the minister of interior. Among the other nine members are three sitting judges and six nonpartisan public figures nominated by Parliament, among whom three should be retired judges. Furthermore, those appointed by Parliament to the commissions were generally persons without the name recognition or reputation for independence required to challenge the government on electoral issues. But the newly assertive judiciary introduced a wild card into the game, as both presidential and parliamentary elections must be supervised by members of the judicial establishment.

Political Parties. The weakness of political parties and lack of meaningful competition are among the main impediments to democratization in Egypt, where the political scene has long been dominated by a single party.[4] The NDP maintains tight control of licensing, generally denying recognition to new parties that might offer competition while licensing a few that enjoy extremely limited popular support. From the mid-1990s onward, several parties with constituencies—the Ghad, Wasat, and Karama Parties—petitioned for recognition. All met with rejection from the Political Parties Committee of the Shura Council. A court order forced the committee to license the Ghad Party in late 2004, and similar rulings in summer 2005 seemed destined to force eventual licensing of the Wasat and Karama Parties.

The amended Political Parties Law passed in July 2005 speeds up the process somewhat, in that a new party is considered to be licensed if the Political Parties Committee has not objected within ninety days of its formation. The new law also expands membership in the committee, adding several nonpartisan figures. But the new law still enshrines ruling party control. The Political Parties Committee is now chaired by the head of the Shura Council—at present the secretary general of the NDP—and includes the ministers of Interior and Parliamentary Affairs. The law also maintains bans on parties with a basis in religion (effectively barring the Muslim Brotherhood) or those deemed not to "represent an addition to political life." Through such vague conditions and the presence of senior NDP members on the committee, the ruling party thus preserves its prerogative to nip potential competitors in the bud.

Steps on Civil Liberties and Human Rights

In 2003 the government took several steps to address longstanding criticism of the state of emergency under which Egypt has been ruled since 1981, though without lifting the state of emergency itself. In May 2003 the government formally abolished state security courts, which had been used since 1958 to prosecute national security cases, including political and religious offenses as well as some related to terrorism or espionage. State security courts had long been criticized by Egyptian and foreign human rights organizations because they offered no right of appeal and authorized heavier sentences than would have been permissible in regular criminal courts. Abolition of the courts was largely voided of meaning, however, by the continued existence of state security emergency courts, which continued to hand down verdicts in a small number of cases under rules similar to those of the abolished courts.[5] In addition, under the state of emergency it is still possible to refer civilians to trial in military court on terrorism charges.

So far the most significant NDP step regarding civil and human rights was the 2003 establishment of a National Council for Human Rights. The council has recently shown willingness, if not to take on the government directly, at least to make serious recommendations to the government and discuss them publicly. Its first annual report on human rights conditions, issued in April 2005, called for ending the state of emergency and catalogued dispassionately numerous complaints of torture in prisons and police stations. The council also is helping to establish channels through which nongovernmental organizations active in supporting human and civil rights can advocate policy changes. For example, the council agreed in July to cooperate with a coalition of twenty-two nongovernmental organizations monitoring the fall 2005 elections and publicly asked the government to permit and facilitate such monitoring. That the council is playing such a role is due partly to the fact that the heads of two prominent human rights organizations are council members, a step that was taken during the council's formation to increase its credibility.

Long-Term Implications

In the short run, the amended laws and other steps taken thus far constitute a marginal improvement in political and civil liberties rather than a definitive or irreversible turn toward democracy. In the long run, however, the amended laws might have more significant ripple effects.

One important repercussion of the new laws is the civilianization of the presidency. According to the new laws, when the next presidential election comes—in 2011 or before if President Mubarak leaves office—the NDP must nominate a candidate who has been in the party's senior leadership for at least a year. Such a process effectively excludes active military or security officers, who are barred from party membership, from being presidential contenders. Even if Mubarak chooses a vice president, who would have been the heir apparent before the constitutional amendment, that person cannot become the NDP candidate unless he also holds a senior party office. Thus the process of presidential succession has changed fundamentally, increasing the likelihood that after Mubarak, Egyptians will have their first civilian leader since 1952. It may also facilitate the succession of Gamal Mubarak, as he is a key member of what is now a small circle of potential nominees.

The creation of semigovernmental institutions such as the National Council on Human Rights and the electoral commissions also has had the effect, perhaps unintended, of legitimizing political activism by civil society groups. The National Council on Human Rights played a key role in persuading the government, through the new electoral commissions, to sanction the presence of thousands of poll monitors trained and organized by nongovernmental organizations. The monitoring not only greatly increased the public profile of such organizations but also constituted indirect acknowledgment by the government that such groups have a legitimate role to play in political affairs. Although such organizations remain relatively small and weak due to their inability so far to cultivate mass membership and support, they have been greatly emboldened by the experience of election monitoring. In the long term, they are likely to develop into more effective advocates of political reform than they have been until now.

LOOKING AHEAD: SOURCES OF CHANGE AND REFORM PRIORITIES

For Egypt to move toward democracy, the ruling establishment would have to share a great deal more power and open the system up to much more competition than it has to date. It would require significant further changes to the Constitution and laws related to civic freedoms and the balance of powers among the executive, legislative, and judicial branches. Changes in law are important, as Egypt's political system and culture are legalistic in nature. Even authoritarian rulers in Egypt have tended to revise laws or find legalistic ways to circumvent them (for example, the state of emergency) rather than to ignore or jettison them altogether. The quality of the changes, especially the extent to which they level the playing field among political forces, would also be important. The ruling party has shown itself to be quite capable of authoring and passing new laws that look reasonably democratic on the surface but that actually stack the deck heavily in the NDP's favor.

Significant consensus has emerged among proreform activists from all parts of the political spectrum about the steps needed in the coming years. Limiting presidential power and building up that of the legislature and judiciary tops the list. Another strong theme is the need to lift the state of emergency and revise other laws that constrict civil liberties. During his 2005 presidential campaign President Mubarak validated the need for reform by pledging to replace the state of emergency with a new antiterrorism law as well as to initiate further constitutional and legal reforms that would give more power to the legislature, increase judicial independence, and introduce new checks on the president's authority. His promises were greeted by the opposition with skepticism about how much will ultimately be delivered, particularly in light of 2005 legislation that not only gave less than it promised but also was pushed through Parliament with minimal discussion or opposition input. Still, Mubarak's promises give the opposition, as well as outside actors, an agenda to which he can be held accountable.

Changes in law alone, however, will not be sufficient if Egypt is to move toward democracy. The pervasive influence of security forces in Egyptian life—and the fact that the regime often uses the security establishment and the courts against political rivals—is an important extralegal factor that would need to be addressed. Egypt would also need to move toward civilian oversight of the military, which so far remains accountable only to the president.

Executive versus Legislative Power

Amending Article 76 of the Constitution made the Egyptian president subject to popular elections for the first time, but other elements of the Constitution—as well as political custom—still leave the president with a great deal of power and little accountability. Article 77, for example, sets the presidential term at six years but defines no term limits. The Muslim Brotherhood, Kifaya, and other opposition groups have called for amending Article 77 to shorten the presidential term to four years and to establish a limit of two consecutive terms. In addition, opposition groups and even some members of the NDP have called for revisiting amended Article 76 to make it easier to get onto the ballot. Allowing any registered party, or any party with representation in Parliament, to put a candidate on the ballot would make the race more competitive.

Some opposition groups, notably the Muslim Brotherhood, have called for a parliamentary system with a much weaker presidency, one that would be principally symbolic and nonpartisan, as well as detached from executive authority. Given the long-established tradition of powerful presidents

in Egypt, such a course would be possible only if there is a more radical shake-up of the system than currently seems likely.

Just as important as making the president more accountable would be strengthening the legislature, which lacks budgetary authority and generally does not originate legislation. Article 86 of the Constitution gives the People's Assembly authority over the "general budget of the state," but Article 115 specifies that the Assembly has no right to modify the budget without government approval. Furthermore, the budgets of the armed forces and internal security forces are considered state secrets and therefore not subject to parliamentary oversight. In addition, some ministries, notably the Ministry of Defense, which owns vast economic enterprises and the Ministry of Information, which runs the state-owned media, have their own off-budget sources of revenue. And while the Constitution gives the power to originate laws to both the Parliament and the president, in practice the executive branch generates nearly all legislation and the Parliament's role is purely reactive.

Executive versus Judicial Power

In recent years the judiciary has acquired additional credibility with the public because it has asserted its independence from the executive branch. When the Judges Club staged a confrontation with the government in May 2005, its primary goal was to force consideration of a proposed law of the judiciary drafted by the club in December 2004. The proposed law, which draws on earlier drafts going back to the mid 1980s, would give the judiciary full fiscal autonomy as well as independence over its own disciplinary proceedings. Although the judges ultimately failed in forcing their law onto the crowded parliamentary agenda before the assembly adjourned in early July, they apparently persuaded the minister of justice to withdraw a competing and more restrictive draft. Mubarak promised after he was elected that the judiciary would get its long-postponed hearing in the next parliamentary session.

While Mubarak generally has respected major court rulings on political issues, for example on judicial supervision of elections, he has also created and preserved alternative justice systems for suspects in terrorism, drug, espionage, political, and religious cases that detract from the judiciary's power. Lifting the state of emergency, which would abolish detention without charge and the state security emergency court system, as well as ending the trial of civilians before military courts, would correct this imbalance. In addition, however, Mubarak or his successor would have to order consistent implementation of judicial rulings by security services, which have often ignored or refused to implement certain rulings, such as calls for release of detainees held for years without charge or trial.

Political Parties

The relative strength of the Muslim Brotherhood versus political parties, including the NDP, in the 2005 elections suggests that steps to rectify a distorted political landscape are sorely needed. Currently, politics are polarized between a ruling party that uses a combination of patronage and intimidation to win support and a Muslim Brotherhood that is barred by law from becoming a party. In between are a collection of licensed parties that are mostly outdated and discredited (Wafd, Tagammu, Nasserists) or harassed by the regime (Ghad), and a few newer groups that have been denied licensing so far (Wasat, Karama).

Revising the current electoral law could significantly strengthen the role of parties. Returning to a proportional representation system similar to that which existed before 1990, or perhaps a mixed system that would allow independent representatives, would automatically raise the salience of the parties. In addition, the recently amended Political Parties Law would require further changes to remove the ruling party's stranglehold and allow new parties to emerge more naturally.

The system would continue to be skewed, however, unless some way is found for Islamists to be represented openly. Egypt may choose to maintain the ban on overtly religious parties but needs to undergo a process akin to that which has taken place in Morocco, Turkey, Jordan, Yemen, and other countries that have found formulas for Islamist participation within their systems.

Civil Liberties

Mubarak's promise to end the state of emergency potentially has wide-ranging implications for civil and human rights. According to Article 148 of the Constitution, the president has the right to declare a state of emergency for a "limited period" with parliamentary approval. Since 1994 this has been three years at a time. Emergency Law 162 of 1958, under which Egypt has been governed for much of the last forty years and continuously since 1981, hampers freedoms of expression and association in many ways. Authorities may carry out wiretaps and searches without warrants, censor the media, detain suspects without charge for prolonged periods, refer civilians to military or state security courts for trial, and prohibit public gatherings such as demonstrations or rallies. Although authorities typically have been selective in implementing such regulations—using them more often against Islamists than secular oppositions, for example—their existence creates a climate of fear and uncertainty. In theory, lifting the state of emergency would be an important step toward freeing political life, especially if the 1958 law itself were also abolished.

The danger, however, is that the government might reintroduce all or many of these restrictions on rights via a new counterterrorism law. While no one would deny Egypt's need to fight terrorism assertively in light of the renewal of large-scale attacks on tourist facilities in 2004 and 2005, there is reason for concern that the new law will incorporate many aspects of the emergency law into the regular penal code.

In addition to the emergency law, a series of deliberalizing laws passed in the 1990s would need significant revision to restore damaged civil liberties. As a general rule, the Egyptian government has tended to over-regulate nongovernmental entities such as professional and civil society associations partly because they emerged in the 1980s and 1990s as alternate forums for political activity by opposition groups, including the Muslim Brotherhood. The 1993 Syndicates Law would need amendment to remove provisions requiring unrealistically high quorums for elections. Provisions in the 1995 Press Law allowing incarceration of journalists convicted of libel should be removed. The 2002 NGO law would need thorough revision to lift excessively intrusive licensing and regulatory powers of the Ministry of Social Affairs, as well as the minister's ability to dissolve any nongovernmental organization by decree. A transparent process, in which interested parties in civil society have the opportunity for real input into new legislation, would be critical to a meaningful revision of such laws.

Role of the Security Services and the Military

The internal security services and the armed forces represent distinct challenges to the prospects for democratization in Egypt. Security services pose the more difficult near-term problem because they permeate and distort everyday life and political activity to an extent inconsistent with a democratic system. Egyptians are regularly required to inform security officers about political activities and discussions in which they have participated, leading to a climate of mutual suspicion. Security officers work with certain journalists to plant stories in the media, which are often directed at smearing the reputations of or creating divisions among opposition activists. The security services have also fanned the flames of differences inside opposition groups, contributing, for example, to a leadership crisis that brought down the Labor Party in 2000 and another inside the new Ghad Party in 2005. Furthermore, security services intimidate and abuse political prisoners to obtain information from or punish them.[6]

Senior Egyptian officials selectively use the security services and security courts to punish and isolate political rivals, but deny ever doing so. The cautionary tale of Ayman Nour—a rising star in opposition politics who ended 2005 in a prison cell after his electoral defeat by a former security officer and his conviction on trumped-up charges—is a case in point. If Egypt is to democratize, the role of the security services would have to be redefined as protecting the country and the state only from violent challenges such as those posed by terrorists rather than political challenges posed by nonviolent dissidents. Existing laws against torture also would need to be enforced in a serious way.

In contrast to the security forces, the armed forces have generally withdrawn from the political realm over the past twenty years, and the recent constitutional amendment makes another military president less likely. The last military leader with an independent political base was Field Marshal Abdel Halim Abu Ghazala, whom Mubarak removed from his position after a corruption scandal in 1989. Since then, senior military leaders have shown unwavering loyalty to Mubarak. They are likely to support any president legitimately chosen and are unlikely to take a position against further political reforms as they will not touch the military's extensive prerogatives in the near term. The armed forces represent a challenge to democratization, however, in that they belong in effect directly to the president and are not subject to real parliamentary or judicial oversight. In the long term, if Egypt is to democratize, the military and security forces would need to become subject to civilian authority through transparent budgets, parliamentary oversight, and a civilian president as commander-in-chief.

HOW OUTSIDERS CAN SUPPORT REFORM

Although calls for change from within Egypt have strengthened in recent years, they are still weak and could be easily ignored or suppressed by the regime if not for the fact that they enjoy the support of major outside powers. The United States and European Union are important to Egypt in terms of military and economic assistance, strategic cooperation, and trade; the government cannot afford to alienate them.

Yet Europe and the United States face difficult choices about how strongly and by which methods to encourage democratization, particularly as it has become clear that the Muslim Brotherhood is presently the only significant opposition group. If the United States and Europe press too aggressively

for change, there is a real possibility of alienating the Egyptian government or even of forcing Egypt into a chaotic political opening in which illiberal or undemocratic forces, whether Islamists or perhaps from the military, might emerge triumphant. If Europe and the United States are too patient, on the other hand, Egyptian advocates of reform might well go down in defeat while the country settles in for many more years of autocratic rule and stagnation.

The United States and Europe should maintain active support for democratization in Egypt despite the evident strength of Islamists and weakness of the secular opposition. For all their flaws, the 2005 parliamentary elections were a more authentic reflection of the state of political life in Egypt than previous elections. Longstanding impediments to democratization—overwhelming voter apathy, the extreme weakness of political parties, the need to work out some legitimate political role for Islamists, the role of security forces—are now acknowledged openly and can be addressed. The proper role for outside powers is not to impose or even suggest solutions to these problems but to promote the openness and provide resources that will enable Egyptians to address these problems themselves.

The nature of Islamist participation, for example, is a problem that does not lend itself to direct involvement by outsiders due to widespread suspicion of U.S. and also European intentions. U.S. and other Western diplomats should be free to meet with elected members of Parliament or other figures from the Muslim Brotherhood as is deemed useful to understand the movement's positions. A ban on such contacts serves no real purpose, as not even the Egyptian government accuses the Brotherhood of using terrorism. At the same time, the principal role of foreign governments is not to negotiate with oppositionists but to deal with the Egyptian government. Thus, what the United States and Europe can and should do is press the Egyptian government to keep open the political space needed for productive dialogue between Islamists and secularists. Such a dialogue among Egyptians themselves is where solutions to the problem of Islamist inclusion in the political sphere can emerge.

In a general sense, the single most important thing for the United States and Europe to do is to maintain and demonstrate an active interest in democratization in the coming years. Mubarak's last years in office, when he should be concerned about his legacy, and particularly the early years of his successor's term offer special opportunities that should not be squandered. While U.S. and European interest in reform would have little effect if Egyptians themselves were not pressing the issue, the United States and Europe have played important roles in drawing the Egyptian government's attention to internal demands for reform. Support by the United States and Europe for these internal demands can influence how quickly Mubarak follows up on his promises, how substantive his reform proposals are, and to what degree he accommodates opposing demands. Beyond the question of pace there is also one of methods: which combination of public statements, private diplomacy, and cooperation (including assistance and trade) is most likely to encourage meaningful political reform while averting radical or violent change?

Public Statements and Private Diplomacy

In commenting publicly on political reform in Egypt, the United States and Europe would be wise to focus on bolstering the calls of Egyptian reformers for the development of a democratic system. Keeping comments relevant to the current debate but also general in nature—for example, commenting on the importance of the principle of judicial independence rather than on the contents

of a draft law of the judiciary—shows that outside powers are in touch with what is going on while dampening claims of interference in internal affairs. In addition, it is important that senior U.S. and European officials object publicly to violence against or harassment of nonviolent dissidents in order to raise the cost to the Egyptian regime of such methods.

In constructing public statements, the United States and Europe will need to become increasingly sophisticated in distinguishing real from cosmetic reforms. Authoritarian and semiauthoritarian regimes are well known for taking steps that change the forms of political life but do not fundamentally alter the ways in which power is acquired and practiced; in fact, such reforms often effectively consolidate the ruling elite's hold on power. The United States found itself in such an awkward position in spring 2005, when senior U.S. officials at first praised Mubarak's initiative to open the presidency to elections as "bold," then later found themselves on the wrong side of the issue as reformers criticized the actual constitutional amendment as anticompetitive and undemocratic. While there is nothing wrong with commenting positively on government initiatives, such remarks should be calibrated carefully to reserve judgment until the initiative is translated into real steps and to contain clear expectations of further movement. If praise is unqualified, the message might be understood to mean that the government need go no further.

However important public statements may be, there is no substitute for direct, private engagement with Egyptian government officials, especially at the highest levels. As with public statements, the content of private messages should be relevant to current debates and should draw attention to the demands of Egyptians pressing for reform. Priority issues include the need for presidential term limits, a new judiciary law, electoral system reform, increased budgetary authority for Parliament, more liberal licensing of political parties, and fewer regulations for nongovernmental organizations. While conversations among high-level officials often remain general in nature, working level officials should carry on the conversation with greater specificity and link the general goals with specific incentives related to assistance and other forms of cooperation, including trade.

Assistance, Cooperation, and Trade

Economic and military assistance, as well as trade relationships, are among the tools the United States and Europe can and should use to promote democratization in Egypt. As a general principle, the United States and Europe should make clear that the amount and types of assistance they are willing to provide will depend in part on Egypt's progress toward democracy. Specific decisions on conditioning assistance or trade benefits should be made on a rolling basis, depending on which reform measures are urgent and where donors have the most leverage. In most cases political conditionality should be kept private between the donor state and Egypt, as making it public can back the Egyptian government into a corner. In a few cases—when an important issue is at stake and there appears to be no chance of reaching an understanding with the Egyptian government—it may be productive to expose differences publicly in order to show Egyptians that the United States and Europe are standing up for democratic principles.

In 2003 and 2004 the U.S. government reviewed its approximately $600 million annual economic assistance to Egypt with a view to promoting democracy, a goal also pursued by the U.S. Congress in hearings during 2004 and 2005. As a result, the United States changed its democracy assistance programs to focus more explicitly on political areas than it had previously done and began to choose at least some programs and partners without seeking approval from the Egyptian

government. These were constructive changes and allowed the United States, as well as Europe, to promote transparency in the 2005 parliamentary elections by funding the training of thousands of monitors by civil society organizations.

In democracy assistance programs in Egypt, the United States and Europe should maintain flexibility and keep goals to the short term so long as the situation remains fluid and it is not yet clear whether Egypt is in a real transition. Areas that deserve immediate attention include general voter apathy and lack of political mobilization, as well as political party weakness, both apparent in the 2005 elections. Potential programs might include large-scale civic education programs, perhaps using the thousands of trained election monitors, and training for political parties and groups in how to build and mobilize constituencies. Such programs would be most effective in addressing voter apathy, a longstanding phenomenon in Egypt, if institutions such as the Parliament began to gain some real weight within the political system. The United States and Europe often can support reformists most effectively not with funds but by pressing the Egyptian government to undertake policy changes that will open up the system to a greater degree.

Although the United States has taken steps to use its economic assistance more effectively to promote democratization, the military assistance relationship remains an untried avenue. The Egypt-U.S. military partnership is of significant strategic value to both countries, and the main purpose of the $1.3 billion in annual U.S. military assistance is to modernize the Egyptian military's equipment, doctrine, and training to facilitate interoperability of U.S. and Egyptian forces in the Middle East. While the strategic relationship does not undermine prospects for democratization in any direct way, it is also possible to leverage the close military relationship more effectively to help build support in the Egyptian military and civilian bureaucracy for political reform. Programs such as International Military Education and Training, currently funded at only $1.2 million annually, could be expanded to help expose senior and mid-level military officers to critical concepts such as civilian control of the military in democratic systems.

Trade is the most important dimension of Europe's relationship with Egypt and is becoming an increasingly important aspect of Egyptian-U.S. relations as well. Egypt and the United States have had the Trade and Investment Framework Agreement since 1999 and are discussing opening negotiations in 2006 for a full free-trade agreement. While such negotiations need not wait until the Egyptian political system has been thoroughly reformed, it would be prudent for the United States to hold off on free-trade talks—which in themselves will be a boon to Egypt, and particularly to the economic reform clique surrounding Gamal Mubarak—until they are certain that political reform is on a solid trajectory and will provide the needed environment for continued economic reforms.

The United States should take a lesson from the experience of the European Union, which reached an association agreement with Egypt in 2001 that initially included only a token human rights dialogue. Europe is now attempting to renegotiate the terms under its new Neighborhood Policy and to introduce a more serious linkage between progress on political reform and trade relations. The United States should articulate from the outset that the quality and pace of political reform in Egypt will be a key element determining how the U.S.-Egyptian relationship—political, military, economic, and trade—will develop in the coming years.

NOTES

1   For more on political deliberalization during the 1990s, see Eberhard Kienle, *A Grand Delusion: Democracy and Economic Reform in Egypt,* London: I.B. Tauris, 2001, pp. 52–64.

2   For a more detailed discussion of the evolution of the Muslim Brotherhood from the 1980s onward, see Mona El-Ghobashy, "The Metamorphosis of the Egyptian Muslim Brothers," *International Journal of Middle East Studies* 37 (2005), pp. 373–395.

3   In addition, the Parliament made minor adjustments to the People's Assembly Law (Law 175 of 2005, amending Law 38 of 1972) and Shura Council Law (Law 176 of 2005, amending Law 120 of 1980), to bring them into conformity with campaign and other regulations in the laws listed here.

4   Since the establishment of party politics, there has typically been one dominant party. Before the 1952 coup, the Wafd Party (founded by Saad Zaghloul during the 1919 revolt against British control) dominated political life, albeit within the context of a continuous triangular power struggle with the monarchy and the British. After 1952 the Revolutionary Command Council abolished all political parties and the monarchy. Eventually Nasser established a single party (first called the Liberation Rally, later the Arab Socialist Union) that is the forebear of today's National Democratic Party. Although Sadat reintroduced party pluralism in 1977, allowing the Wafd to re-emerge and engineering the creation of loyal parties to the right and left, the NDP continued to dominate the system through its connection to the president and monopoly on patronage.

5   For details of cases, see U.S. Department of State Country Reports on Human Rights Practices in Egypt for 2003 and 2004, available at http://www.state.gov/g/drl/rls/hrrpt/.

6   For more information on torture of political dissidents, see for example "Egypt's Torture Epidemic," Human Rights Watch briefing paper, February 2004.

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