

REFORMING EGYPT: IN SEARCH OF A STRATEGY

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REFORMING EGYPT: IN SEARCH OF A STRATEGY

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Egypt's first multi-candidate presidential election, a response to U.S. pressure, was a false start for reform. Formal pluralism has never seriously limited the dominance of President Mubarak's National Democratic Party (NDP); extension to the presidential level is a token so long as the opposition is too weak to produce plausible candidates. If the further reforms Mubarak has promised are to be meaningful, they should be aimed at recasting state/NDP relations and, above all, enhancing parliament's powers. As a start, Mubarak should ensure free and fair November legislative elections. The legal opposition must make the case for these changes and overcome its divisions if it is to become relevant and be able to compete with the Muslim Brothers for popular influence. The U.S. and others should support judicial supervision of elections, refrain from pressing for quick, cosmetic results, and back a longer-term, genuine reform process.

Mubarak's decision to revise the constitution to permit multiple-candidate presidential elections was unexpected, an effort to neutralise especially external demands for change with a dramatic move. But because it preceded reform at other levels, the legislation bore the stamp of entrenched NDP interests and bitterly disappointed the opposition parties. It did galvanise debate: several taboos went by the board as opposition movements demonstrated in disregard of the Emergency Law and opposition newspapers published outspoken criticisms of the government and the president.

But all this distracted attention from the need for deeper political reform. The outcome was a set of constitutional and legislative changes which fell far short of what was required. Instead of permitting an orderly opening up of political space after years of authoritarian rule over a lifeless political environment, it confirmed the NDP's domination and determination to allow no serious opposition within the system. The low turnout on 7 September 2005 suggests that Egyptians clearly saw it as such.

After this false start, it is urgent to persuade the authorities to chart a new course capable of recovering public

confidence and to prepare the post-Mubarak transition. They are unlikely to be convinced by mere exhortations or doctrinaire criticisms. Opposition forces, therefore, need to reconsider their approach and overcome the shortcomings that their failure to influence developments since February has highlighted.

Outside the legal opposition parties, the running chiefly has been made by a new organisation, the Egyptian Movement for Change, known by its slogan *Kifaya!* ("Enough!"). But Kifaya has remained essentially a protest movement, targeting Mubarak personally and articulating a bitter rejection of the status quo rather than a constructive vision of how it might be transformed. This has harmed its relations with the parties and precluded an effective alliance for reform. Kifaya has agitated in the streets without seriously attempting to influence parliamentary deliberations on the government's agenda, while the opposition parties in parliament have lacked effective relays outside it and have been predictably outvoted by the NDP. The result is that neither wing of the secular opposition has been able to make appreciable gains, leaving the Muslim Brothers, despite the handicap of illegality, still the most substantial opposition force in political life.

Because the conditions for a genuinely contested presidential election simply did not exist, it would be a mistake for external actors, notably the U.S., to attach much importance to the way it was conducted. In the short term, progress hinges rather on the legislative elections that will be held in the next few weeks. The election of a more representative and pluralist People's Assembly in particular could become the point of departure for a fresh and more serious reform project, redound to the government's credit and provide an effective response to international pressures. It is doubtful that such an outcome can be secured by international monitors; the Egyptian judiciary is far better placed to oversee the elections effectively, as they demonstrated in 2000. It is important that they be authorised to play this role fully.

President Mubarak can do most to ensure that the legislative elections are conducted properly. In announcing his candidacy on 28 July he committed himself to an agenda of further reforms, and he has won a fifth term on this platform. Both internal opposition and external actors should seek to persuade him that it is in the national interest that a truly representative, legitimate parliament be elected and that he can most effectively preserve and even enhance his own authority and legitimacy, not to mention his place in history, by ensuring that this happens.

RECOMMENDATIONS

To the Egyptian Movement for Change and Other Extra-Parliamentary Groups Calling for Reform:

1. Devise a strategy aimed at influencing both the main opposition parties and the governing authorities with a view to promoting genuinely representative, law-bound government and protecting themselves and associated movements against repression.
2. Make the centrepiece of this strategy the demand for a genuinely democratic parliament and advocate this by:
 - (a) advancing a practical, political case;
 - (b) engaging reform-minded members of the ruling NDP as well as other parties with the aim of securing the broadest possible support; and
 - (c) reaching out to other associations and movements of civil society, especially professional associations, syndicates, trade unions and women's groups.
3. Reaffirm that the movement is not a political party, is not in competition with any existing political party and will not itself contest elections, and refrain from personal attacks on office-holders at any level.

To the Egyptian Government:

4. Recognise that the most important reform required is of the national parliament, in the first instance the People's Assembly, so that it can play its full role by:
 - (a) providing for the proper representation of the people and their orderly participation in the political system;
 - (b) holding government accountable by critically scrutinising policy decisions and the performance of the government and individual ministers; and

- (c) supporting independence of the judiciary by acting as a counterweight to the executive.
5. Take necessary measures to ensure that the coming legislative elections are free and fair, including:
 - (a) authorising the judiciary, on conditions (including the duration of balloting) to be agreed with the Egyptian Judges Club, to supervise the election process across the country and at all levels;
 - (b) authorising the presence of accredited representatives of all competing parties and independent candidates at polling stations and during the vote-counting; and
 - (c) suspending all clauses of the Emergency Law that impede peaceful, constitutional political activity, including public meetings and demonstrations, for the duration of the election campaign.
6. Recognise the need, as an integral part of the wider process of political reform, to regularise the status of the Muslim Brothers to permit them to participate in political life and take preliminary steps to prepare for this, notably by:
 - (a) legalising the Brothers as an association and, pending this, ceasing the arbitrary arrest of Muslim Brothers on the grounds of membership of a banned organisation and releasing all Brothers currently detained on those grounds alone;
 - (b) considering revisions to the laws on political parties and non-governmental organisations to allow the Muslim Brothers (and other non-violent organisations with a religious reference) to participate collectively in politics;
 - (c) considering how state supervision of religious endowments and institutions can be dissociated from the governing party; and
 - (d) engaging the leadership of the Muslim Brothers in an open dialogue on these issues.
7. Repeal the Emergency Law without delay and allow the fullest public debate over and parliamentary scrutiny of any proposed anti-terrorism legislation.

To the Main Opposition Political Parties (the Wafd, the Nasserist Party, Tagammu', Al-Ghad):

8. Contest the legislative elections on a "democratic unity" platform of political reform that prioritises

the establishment of an empowered, representative parliament, by forming a united block (*kutla*) which:

- (a) endorses a single platform and electoral strategy;
- (b) negotiates agreement on which party's candidate will be backed in each constituency;
- (c) designates party members at local and regional levels as accredited representatives of the block's candidates to observe polling and vote-counting procedures;
- (d) seeks participation of the smaller legal parties in the block where possible; and
- (e) considers where appropriate the option of supporting genuinely pro-reform NDP candidates.

To the U.S. Government, the European Union and its Member States:

9. Recognise that the advent of a genuinely representative and empowered national parliament is the fundamental strategic reform needed to permit real progress towards the rule of law and democracy and declare support for this objective.
10. Recognise that the best way to ensure free and fair legislative elections in the coming weeks is for the Egyptian judiciary to exercise effective supervision of the entire process and for accredited candidates' representatives to witness the balloting and vote-counting and, accordingly:
 - (a) encourage the Egyptian government to agree to this and to make the necessary arrangements with the Judges Club and the political parties to facilitate it; and
 - (b) offer to provide technical and logistical support if this is requested.

Cairo/Brussels, 4 October 2005

REFORMING EGYPT: IN SEARCH OF A STRATEGY

I. EGYPT'S FALSE "SPRING"

A. MUBARAK'S FEBRUARY SURPRISE

On 26 February 2005 President Mubarak announced his decision to secure a revision of article 76 of the constitution, which defines the procedure for choosing the President of the Republic.¹ His announcement² and subsequent letter to parliament made three things clear. First, the principle -- never before recognised or operative in Egyptian political life -- that the people should elect their president by choosing from multiple candidates at last was conceded, in theory at least. Secondly, this principle would be limited by the requirement that candidates must have the support of members of the two houses of the national parliament, the People's Assembly (*Majlis al-Sha'ab*) and the Shura [Consultative] Council (*Majlis al-Shura*), and of local councils, the precise number of such endorsements to be specified by a law. Thirdly, this requirement would be partially waived for the election scheduled for autumn 2005; while applying to all candidates in subsequent elections; in 2005 it would apply only to independent candidates. Legal parties would be free to nominate candidates from among their own leaders whether or not they had the support of members of the two houses of the national parliament and local councils.³

¹ Under article 76 prior to its amendment, the lower house (the People's Assembly) voted to nominate a single presidential candidate, whose name was then submitted to the national electorate for ratification by referendum (the term "plebiscite" is used in English versions of official texts), a procedure which required a two-thirds majority in support of the nomination in the People's Assembly, while offering ordinary Egyptians no choice beyond voting "Yes" or "No" to the sole name on the ballot.

² Made during a speech at the University of Menoufiyah, the governorate in the Nile delta which includes the President's home town of Kafr al-Muselha.

³ Crisis Group interview with Mohamed Kamal, professor of politics at Cairo University, member of the National Democratic Party's Policies Secretariat and head of the Policies Secretariat's Youth Committee, Cairo, 26 February 2005.

This announcement took the political class as well as the wider public entirely by surprise and galvanised a debate of unprecedented proportions. The President's proposal was generally (although not universally) welcomed as a step in the right direction but assessments of its wider and longer-term significance varied considerably. Three broad appraisals were offered:

- the proposal was a minor step, without significant implications for the coming presidential election,⁴ quite insufficient in itself,⁵ and needed to be complemented by other measures such as limiting to two the number of terms the President may serve (by revising article 77 of the constitution)⁶ and repealing the Emergency Law;⁷

⁴ Crisis Group interview with Bahey El-Din Hassan, Director of the Cairo Institute for Human Rights Studies (CIHRS), 17 March 2005; in an informal poll conducted at the American University in Cairo (AUC) following the President's announcement, 70 per cent of the more than 100 respondents said that "they believed there would not be free and fair elections in fall 2005" (results of this poll announced to AUC debate, 16 March 2005). This view seems to have been shared by ordinary Egyptians; a small farmer in Al-Fayyoun governorate south west of Cairo told Crisis Group that local people were all aware of the President's announcement but nobody thought it would make any practical difference to the outcome of the election. Crisis Group interview, Tunis village, Al-Fayyoun, 18 March 2005. Mounir Fakhri Abdelnour, member of the People's Assembly and head of the Wafd Party parliamentary group, took a similar view of the short-term significance. Crisis Group interview, Cairo, 15 March 2005.

⁵ A leading Kifaya activist, George Ishak, told a 16 March 2005 debate at AUC, which Crisis Group attended, "what has happened is not enough", prompting Issam Elerian of the Muslim Brothers, who was also on the panel, to remark, to general laughter, that Kifaya (Enough) should now rename itself *Mish Kifaya* (Not Enough). The well-known writer and columnist Mohamed Sid Ahmed told Crisis Group that the proposed change "opens up possibilities beyond the 2005 elections but less than the minimum required", Crisis Group interview, Cairo, 21 March 2005.

⁶ Crisis Group interview with Abdelhalim Qandil, editor of *Al-'arabi* newspaper and member of the leadership of the Nasserist Party (*Al-Hizb al-Nasiri*), Cairo, 20 April 2005; Crisis Group interview with Mohammed Habib, First Deputy to the General Guide of the Muslim Brothers, Cairo, 20 April, 2005. Article

- the proposal was in principle welcome, if insufficient, but much depended on the conditions to be specified in the law to be voted by parliament, which could reduce it to a merely cosmetic change;⁸
- the proposal, however slight its immediate political effects, would have very important and positive longer term effects, essentially because it would pave the way for a more balanced and representative People's Assembly.

The third of these assessments was in one way the most interesting as well as the most optimistic, in that it pointed beyond the issue of presidential elections to the proposal's broader implications. Dīaa Rashwan explained:

President Mubarak's decision is very important for the Egyptian political system. It will affect other institutions, the People's Assembly, the local councils and the political parties. In the People's Assembly, it will no longer be necessary for the NDP⁹ to keep its two-thirds majority, so elections can be freer; this may not be approved this year, but it will be for 2011. Concerning the local councils, for a long time these have had no importance at the national level, only at the level of local administration, services, etc. Now political forces will have to take these seriously and be present at this level.¹⁰

77 reads: "The term of the Presidency is six Gregorian years starting from the date of the announcement of the result of the plebiscite. The President of the Republic may be re-elected for other successive terms".

⁷ Crisis Group interviews with Dr Issam Elerian, a prominent member of the Muslim Brothers and Treasurer of the Doctors' Syndicate, Cairo, 3 March 2005; Abdallah Senawi, chief editor of *Al-'arabi* newspaper and member of the Political Bureau of the Nasserist Party, Cairo, 26 April 2005; and Hussein Abd al-Razzaq, General Secretary of Tagammu', Cairo, 27 April, 2005.

⁸ Issam Elerian of the Muslim Brothers told Crisis Group, "the Devil is in the details". Crisis Group interview, Cairo, 3 March 2005. The importance of the conditions to be specified in the law on the presidential election was also stressed by, among others, Abu 'l Ala Madi, head of the (unrecognised) Centre Party, *Hizb al-Wasat*, Crisis Group interview, Cairo, 6 March 2005, and Mounir Fakhri Abdelnour of the Wafd, Crisis Group interview, Cairo, 15 March 2005.

⁹ President Mubarak's National Democratic Party.

¹⁰ Crisis Group interview with Dīaa Rashwan, Cairo, 16 March 2005; Dīaa Rashwan is an analyst at the Al-Ahram Center for Political and Strategic Studies and a founder-member of Kifaya.

B. THE SENSE OF MOMENTUM

Rashwan's analysis of the implications for the People's Assembly was shared by the NDP's Mohamed Kamal, who told Crisis Group, "the NDP will be less sensitive about maintaining a two-thirds majority in parliament. Now it does not need that, although I am sure it will fight for every seat".¹¹ Writer and commentator Mohamed Sid Ahmed agreed, arguing that, for the NDP, "60 per cent of the seats in parliament would be more stable than 90 per cent".¹² For the Wafd Party, Mounir Fakhri Abdelnour told Crisis Group that the proposed amendment

is much more than significant, it is fundamental. Article 76 is the cornerstone of the whole regime. The amendment will have profound implications and also severe implications, because of the uncertainty. It is a fundamental change. We support and approve it.¹³

Meanwhile, other developments during March and April contributed to a sense of momentum and guarded optimism which even the small-scale recrudescence of terrorism did not dampen.¹⁴ On 13 March, Al-Ghad party leader Ayman Nour, who had been stripped of his

¹¹ Crisis Group interview with Mohamed Kamal, Cairo, 17 March 2005.

¹² Crisis Group interview with Mohamed Sid Ahmed, Cairo, 21 March 2005. Although the old article 76 required the NDP to muster a two-thirds majority in support of its nominee for the presidency, the NDP leaders have always sought a wide margin of safety by securing some 90 per cent of the People Assembly seats. Dr Abou Taleb Hassan of the Al-Ahram Centre expressed a similar view to Sid Ahmed's of the longer-term significance of the change, Crisis Group interview, Cairo, 16 March 2005.

¹³ Crisis Group interview with Mounir Fakhri Abdelnour, Cairo, 15 March 2005.

¹⁴ On 29 March 2005 a Hungarian couple kissing in the popular tourist bazaar of Khan al-Khalili in Islamic Cairo were stabbed by an Egyptian, incurring minor injuries. On 7 April, a bomb explosion in Khan al-Khalili killed three tourists and injured several others. On 30 April, a further bomb explosion occurred in Abdel Moneim Riadh Square in downtown Cairo; according to official reports, the bomber was one of the perpetrators of the 7 April attack and was himself killed; about an hour later, his sister and fiancée reportedly opened fire on a tourist bus in the Sayyida Aïsha district of Cairo but injured no one and then committed suicide by turning their guns on themselves. According to a senior Egyptian intelligence source, the incidents of 7 and 30 April concerned members of a single family, were without wider implications and there was no question of a serious revival of terrorism, Crisis Group interview, Cairo, 10 May 2005; Montasser Al-Zayyat, an Islamist lawyer well-known for defending members of *al-Gama'a al-Islamiyya* in the 1990s, was reported as stating a similar view by liberal newspaper *Al-Ahrrar* on 19 April 2005.

parliamentary immunity and arrested on forgery charges on 29 January,¹⁵ was released from prison on bail pending trial.¹⁶ The *Kifaya* movement continued to hold demonstrations,¹⁷ benefiting at first from a measure of tacit indulgence on the authorities' part. Not to be outdone, the Muslim Brothers in late March also started organising demonstrations,¹⁸ although in their case paying for this audacity with the arrests of hundreds of their members, including senior leaders.¹⁹

The widely respected Judges Club, which represents Egypt's 8,000 judges, entered the fray: on 2 April Counselor Yehia Ismail, who had served as president of the judicial supervisory committee during the 2000 legislative elections, declared that judicial supervision was useless unless conducted throughout the entire election procedure, from voter registration to vote counting, and without interference from the ministry of interior. The Judges Club subsequently declared that its members would refuse to supervise elections unless these conditions were met.²⁰ Stirrings of activism began to manifest

themselves in syndicates (professional associations)²¹ and universities, where student demonstrations echoed *Kifaya's* agitation,²² and meetings of university professors contested the presence of state security agents on campuses.²³

¹⁵ The Nour affair attracted much bad publicity for the Egyptian government, especially in the U.S. and Britain. See "Egypt's test for Mr Bush", *The Washington Post*, 2 February 2005, and "Tangerine dream", *Financial Times*, 12 February 2005.

¹⁶ See "Mubarak lets his rival out of jail", *Observer*, 13 March 2005.

¹⁷ In an ambitious move, *Kifaya* attempted to hold simultaneous demonstrations in fourteen governorates on 27 April 2005; it succeeded in four, but the demonstrations in the other ten were prevented by the authorities and some 150 demonstrators were arrested (50 in Cairo, 100 elsewhere). Further *Kifaya* demonstrations were held in Cairo on 10 and 13 May.

¹⁸ Nineteen Muslim Brothers were detained after a big demonstration (estimated at 20,000) at Tanta in the Nile Delta on 22 April 2005. The Brothers held another big demonstration, against the Emergency Law and for further reform, with some 5,000 taking part, in Ramses Square in Cairo on 4 May and simultaneous demonstrations in eight other governorates; over 400 Brothers were arrested on this occasion. Over 200 more arrests were made following further large demonstrations on 6 May. The Brothers held further demonstrations after Friday prayers in Cairo and other governorates on 13 May and again in Cairo on 20 May and 27 May.

¹⁹ Issam Elerian and three other senior Brothers were arrested at Elerian's home on 6 May, *Al-Ahram*, 7 May 2005; Mahmoud Ezzat, Secretary General of the Association, was arrested with 24 others on 22 May, *Al-Ahram*, 23 May 2005; Ezzat was the most senior Brother to be arrested since 1996.

²⁰ An extraordinary meeting of the general assembly of judges, with some 1,500 attending, was held in Alexandria on 16 April 2005 and resolved not to take any part in judicial supervision of elections under existing conditions; it also called for a full national meeting of the Judges Club in Cairo on 13 May, *Al-'arabi*, 17 April 2005 and *Al-Masry al-Youm*, 17 April 2005; see also "Egypt's judges take a stand against electoral fraud",

Financial Times, 17 April 2005. Subsequent meetings were held at the Judges Club in Tanta and Beni Suef on 29 April, *Al-Wafd*, 30 April 2005. The 13 May meeting was held as planned, with some 2,500 judges taking part, and confirmed the decision taken at Alexandria, pending review at a meeting scheduled for 2 September, *Al-Ahram*, 14 May 2005 and *Al-Wafd*, 15 May 2005; see also Mona El-Nahhas, "Final warning: a heated Judges Club meeting results in a potential deadlock over supervising presidential elections", *Al-Ahram Weekly*, 19-25 May, 2005. For an informed analysis, see Nathan J. Brown and Hesham Nasr, "Egypt's judges step forward", Washington DC, Carnegie Endowment for International Peace, May 2005. Subsequently, after protracted and complex manoeuvres and exchanges, a compromise of sorts was reached in August, although the Judges Club remained critical of and dissatisfied with the arrangements; see Mona El-Nahhas, "Bringing judges back to the polls", *Al-Ahram Weekly*, 11-17 August 2005, and Lindsay Wise, "The watchers: judges and civil society leaders unhappy with access to balloting", *Cairo Magazine*, 8 September 2005.

²¹ Notably (in addition to the big demonstration for freedom and the repeal of the Emergency Law by the Muslim Brother-influenced Doctors' Syndicate in Tanta on 22 April 2005): the petition supported by medical students in support of the Judges Club, *Al-Masry al-Youm*, 1 May 2005; the demonstration by journalists demanding the abolition of prison sentences for publishing offences, *Al-Masry al-Youm*, 5 May 2005; a demonstration in Cairo by workers belonging to the preparatory committee of the conference of Egypt's labour union calling for free and representative trade unions, criticising the president of the Union of Egyptian Workers, Sayed Rashed, as elected unconstitutionally and saying they had had "enough!" of him, *Al-Masry al-Youm*, 8 May 2005; the sit-in on 13 May at the Lawyers' Syndicate in Cairo by members of several syndicates to publicise support for the position of the Judges Club, *Al-Masry al-Youm*, 14 May 2005; and the demonstration on 22 May in front of the High Court by 200 lawyers demanding the release of 25 lawyers arrested in police round-ups, *Al-Masry al-Youm*, 23 May 2005.

²² On 19 April 2005, 125 medical students at Sayed Galal hospital went on hunger strike to protest against the hospital director, *Al-Masry al-Youm*, 20 April 2005; on 29 April, students at Tanta University demonstrated on campus against the emergency law, *Al-Masry al-Youm*, 1 May 2005.

²³ 250 professors from Cairo, Ain Shams and Helwan universities demonstrated against the interference of the state security forces on university campuses and against the Emergency Law, *Al-Masry al-Youm*, 20 April 2005; the next day professors signed a petition making these points, *Al-Ahram*, 21 April 2005; on 9 May professors in the engineering department at Cairo University protested the detention of two of their colleagues who had visited Issam Elerian prior to his

These developments appeared to bear out Mohamed Kamal's claim that President Mubarak's announcement had "injected energy into the society at large".²⁴ Mohamed Sid Ahmed told Crisis Group that "there is a certain irreversibility about what is happening. A different game is being introduced".²⁵

II. THE SEASON OF DISILLUSIONMENT

During May and June the mood darkened considerably. As the amendment to article 76 and the draft presidential election law went through debate in parliament and the Constitutional Court, the initiative passed to the NDP leaders in the People's Assembly and the Shura Council. The result was to drain the proposed amendment of most of its positive potential, by imposing conditions on the eligibility of presidential candidates that effectively restored the NDP's control over the election process. Immediately following the passage of the amendment and presidential election law, parliament debated revisions to laws on political rights, political parties, the People's Assembly, the Shura Council and the press, the resulting revisions bearing the hallmark of the NDP's partisan self-interest. All these laws in their final form, like the amendment to article 76, were passed with opposition MPs voting against. Thus, the entire agenda of so-called "reform" passed into law without securing the consent of any force or interest outside the ruling party, a fact which strongly suggests that internal, as opposed to external (primarily U.S.), pressure played little part in prompting President Mubarak's original initiative.

A. THE AMENDMENT TO ARTICLE 76

The amendment as voted by the People's Assembly on 10 May and ratified by referendum on 25 May conforms to the general principles outlined by President Mubarak in his 26 February speech and letter to parliament, but imposes stringent conditions on their operation:

- ❑ it requires all presidential candidate nominations to be supported by at least 250 members of the representative bodies, including 65 members of the People's Assembly,²⁶ 25 members of the Shura Council,²⁷ and ten members of local councils in fourteen²⁸ governorates, the remaining twenty to be drawn from any of the above;
- ❑ it waives this set of conditions for all legal political parties desiring to field candidates in

arrest, *Al-Masry al-Youm*, 10 May 2005; on 15 May, over 3,000 university teachers at Cairo University and 700 professors at Mansourah University demonstrated to demand the release of detained colleagues and students, the end of state security interference on campus and repeal of the Emergency Law, *Al-Masry al-Youm*, 16 May 2005.

²⁴ Crisis Group interview with Mohamed Kamal, Cairo, 17 March 2005.

²⁵ Crisis Group interview with Mohamed Sid Ahmed, Cairo, 21 March 2005.

²⁶ The total membership of the People's Assembly has varied over the years. Since the last elections in 2000, it has had 454 members (444 elected and ten appointed by the president).

²⁷ The Shura Council has 264 members (two thirds elected, one third appointed by the president).

²⁸ That is, at least 140 members of local councils. There are 26 governorates in all; the principle thus was that candidates should have substantial support in over half of these.

2005, but maintains them for all independent, non-party candidates; and

- it provides that in all presidential elections after 2005, only parties which (i) are active (i.e. not "frozen"),²⁹ (ii) at least five years old and (iii) have won at least 5 per cent of the seats in the People's Assembly and 5 per cent of the seats in the Shura Council may field candidates, and that those candidates must have held a senior position in the party leadership for at least a year.³⁰

Thus, in 2005, there was no barrier in the amended article 76 to existing legal parties fielding candidates to compete with the ruling NDP's candidate (President Mubarak). But independent candidates faced a very high barrier, given the NDP's massive control of both houses of parliament and local councils. This was enough to prevent the Muslim Brothers from fielding a candidate as an independent, as well as to rule out the candidacies of intellectuals known for their critical views, notably the prominent academic Saad Eddine Ibrahim and the feminist writer Nawal Al-Saadawi.³¹

But the most important implication is that it will be extremely difficult even for legal parties to field candidates in future presidential elections. Not one of them has anything like 5 per cent of the seats in either of the two houses of parliament,³² and there is no reason to assume that this will be significantly changed by the next legislative elections. The Wafd, which among legal opposition parties won the highest tally of People's Assembly seats (six) in the 2000 legislative elections, would have to more than quadruple this in the 2010 legislative elections to field a candidate in the 2011 presidential election.

The constitutional requirement of 5 per cent of the seats in both houses, therefore, will make it easy for the NDP to ensure that its candidate faces little or no competition and give it a powerful and continuing incentive to guarantee this by doing everything in its power to deny to any legal opposition party 5 per cent of the seats. Alternatively, the regime and the NDP leadership may choose to use the 5 per cent requirement to keep the opposition parties divided among themselves, by informally agreeing to allow one of them to increase its tally of seats to the required level but using this favour (and the tacit threat to reallocate it subsequently) as a lever to secure docility on other matters. In either eventuality, the new constitutional requirement provides no incentive to the NDP to accept, let alone embrace, a new, genuinely pluralist and democratic, political game.

Thus while the new procedure for choosing the president no longer requires the NDP to preserve its huge parliamentary majority to ensure that two-thirds of the People's Assembly supports the nomination, it gives the party every incentive to try, one way or another, to preserve very nearly the same scale of dominance of the two houses.

The amendment also established an "Independent Commission for the Supervision of the Presidential Elections"³³ and stipulates that the presidential election will be completed in one day, thus making effective judicial supervision across the country impossible.

Finally, a most important and remarkable aspect of the amendment to article 76 as finally voted is the fact that these extremely stringent conditions of eligibility and the controversial composition and prerogatives of the presidential election commission were included in it at

²⁹ The Political Parties Committee, which licenses political parties and exercises a supervisory authority over them, has the power to "freeze" parties in certain circumstances -- oblige them to suspend all activity, while not actually dissolving them. At least six parties have been frozen in recent years.

³⁰ *Al-Ahram*, 11 May 2005; see also the five-page document published by the National Democratic Party, General Secretariat, Policy Committee: "The amendment to Article 76 of the Constitution", Cairo (in English, undated, but May 2005).

³¹ Reuters, "Durcissement des conditions d'éligibilité en Egypte", 5 May 2005. Saad Eddine Ibrahim eventually announced that he was "freezing" his candidacy on 18 July, *Al-Masry al-Youm*, 19 July 2005.

³² The People's Assembly elected in 2000 has 454 members: NDP 417 (91.85 per cent), Al-Wafd six (1.32 per cent), Tagammu' five (1.10 per cent), Al-Ahrar one (0.22 per cent), Nasserists one (0.22 per cent), Independents (Muslim Brothers) fourteen (3.08 per cent) and ten members appointed by the President; several Wafd deputies defected to the Al-Ghad Party following its legalisation in late 2004.

³³ Its main features are as follows: it is composed of ten members; its decisions require the support of seven; it is presided over by the Chief Justice of the Supreme Constitutional Court; four other members (in addition to its president) are senior judges (namely, the most senior serving Deputy President of the Supreme Constitutional Court, the Court of Cassation and the High Administrative Court, plus the President of the Cairo Court of Appeal); the remaining five members are to be "independent and neutral public figures", three chosen by the People's Assembly and two by the Shura Council; it has a five-year term and is exclusively competent to supervise the presidential election process, including accepting nominations, announcing the names of accepted candidates, supervising election procedures and vote counting and announcing the results; it issues its own regulations and is "competent to establish general sub-committees from among members of the judiciary to monitor the various phases of the election process under its supervision"; it has final competence to rule on any challenge submitted in relation to the presidential elections, and its decision is final, with no appeal. NDP, "The Amendment to Article 76", op. cit.

all. It was open to the authorities to specify these matters in the presidential election law instead and they were initially expected to do so.³⁴ By enshrining them in the constitution itself, they have made revision far harder, an index of their future intentions as well of the value they place on national consensus.

An immediate consequence of this decision was that the amendment, instead of enjoying a substantial measure of cross-party support, was vigorously if not bitterly opposed by all opposition parties represented in parliament.³⁵ The depth of feeling can be gauged from the fact that not only was the amendment widely described as "meaningless",³⁶ but numerous leading figures went so far as to say that the previous system of referendums or plebiscites under the old article 76 was preferable.³⁷ This judgment was not confined to opposition parties; a well-known NDP member, Dr Osama Al-Ghazali Harb, voted against the penultimate version in the Shura Council on the grounds that it went against the spirit and purpose of the amendment as originally put forward.³⁸ On 17 May,

three leading opposition parties, the Wafd, Tagammu' and the Nasserist Party, held a joint press conference at which they called for a boycott of the 25 May referendum on the amendment.³⁹ On the same day, the General Guide of the Muslim Brothers, Mohamed Mahdi Akef, declared that the Brothers would also boycott the referendum and called on all Egyptians to do so.⁴⁰

According to official figures, 53.6 per cent of Egypt's 32 million registered electors took part in the referendum, with 82.8 per cent voting "Yes" and 17 per cent voting "No".⁴¹ Opposition papers subsequently cast doubt on the turn-out and claimed vote-rigging had occurred and that some citizens did not know what they were voting for.⁴² Subsequently the Independent Committee for Monitoring Elections (established by a consortium of Egyptian human rights organisations) challenged the official figures and criticized the voting procedures.⁴³ On 1 July, a report prepared by a committee of judges and counselors established by the Egyptian Judges Club criticised numerous aspects of the referendum, notably that it had not been subject to serious judicial supervision.⁴⁴ For many observers, however, the most striking events of 25 May were the violent attacks on peaceful *Kifaya* demonstrators in two different parts of Cairo, in which women were particularly targeted, and several subjected to horrifying and protracted indecent assault, apparently by NDP activists, under the indulgent eye of the police.⁴⁵

The prospect, which some observers saw in the first weeks following President Mubarak's announcement, that the revision of article 76 would remove the NDP's need to enjoy overwhelming control of parliament in order to retain the presidency and thus open up the legislative branch to a more balanced and substantial form of political pluralism appeared to have evaporated.

³⁴ Crisis Group interview with Mohamed Kamel, 26 February 2005.

³⁵ Seventeen of Egypt's 21 legal political parties have no seats in the People's Assembly. For the vote in the Shura Council on 8 May, see *Al-Wafd*, 9 May 2005. In the People's Assembly, the amendment in its final form was passed with 405 in favour, 34 against and twelve absent. Only one opposition MP voted in favour, Heidar Al Baghdadi of the Nasserist Party, which considered his vote a defection and expelled him, *Al-Ahram* 11 May 2005.

³⁶ See article in *Al-Wafd*, 8 May 2005; Muslim Brothers General Guide Mohamed Mahdi Akef described the amendment as "empty of all meaning" in a press conference on the same day, *Al-Masry al-Youm*, 9 May 2005, a description he repeated nine days later, *Al-Wafd*, 18 May 2005.

³⁷ See the attack on the amendment in *Al-Wafd*, 8 May 2005, and the formal statement of the Wafd Party's stance against the amendment in *Al-Wafd*, 11 May 2005; also on 8 May, Dr Rifaat Said, leader of the left-wing *Tagammu'* party, expressed his disappointment with the amendment and said that the old referendum system was actually better, since the new system would lead to more fraud in parliamentary elections, quoted in *Al-Masry al-Youm*, 7 May 2005; in his press conference on 8 May, the General Guide of the Muslim Brothers, Mohamed Mahdi Akef, said that he was asking MPs belonging to the Muslim Brothers to vote against it, *Al-Masry al-Youm* 9, May 2005. Subsequently, Professor Ibrahim Darwish, Professor of Constitutional Law at Cairo University, declared that the amendment was the worst thing that could have happened to the reform process as it blocked other possible reforms and replaced the referendum system with a worse one, *Al-Masry al-Youm*, 9 June 2005.

³⁸ *Al-Masry al-Youm*, 10 May 2005; the amendment voted by the Shura Council on 8 May required independent presidential candidates to have the support of 300 members of parliament and local councils; this was reduced to 250 in the final version put to the vote in the People's Assembly on 10 May.

³⁹ *Al-Wafd*, 18 May 2005.

⁴⁰ *Ibid.*

⁴¹ *Al-Ahram*, 26 May 2005.

⁴² See *Al-Wafd*, 26, 27, 28, 30 and 31 May and 3 June 2005; *Al-Masry al-Youm*, 26 May, 7 June 2005.

⁴³ *Al-Masry al-Youm*, 31 May 2005. The Independent Committee for Monitoring Elections includes the Ibn Khaldun Center, the Kalema Centre for Human Rights, Legal Aid, Raya and the Center for Development of Democratic Dialogue.

⁴⁴ See *Al-Masry al-Youm*, 2 July 2005; the Honorary President of the Egyptian Judges' Club, Judge Yahia Rifa'i, endorsed the report two days later and stated that the referendum process was invalid, and the official results were not correct, *Al-Masry al-Youm*, 4 July 2005.

⁴⁵ See *Al-Wafd*, 29 May, 2005, *Al-Masry al-Youm*, 29 and 30 May 2005; also Robert Fisk, "Mubarak's goon squads", *The Independent*, 27 May 2005; "Repression de l'opposition: les forces de l'ordre sur la sellette", *L'Orient Le Jour*, 30 May, 2005; and "Egyptians protest at attack on women activists", *Financial Times*, 2 June 2005.

B. THE OTHER LAWS

In June and early July, parliament enacted a series of laws governing political activity, beginning with the presidential election law made necessary by the constitutional revision and following with revisions to the laws concerning, respectively, political parties, political rights, the People's Assembly and the Shura Council.⁴⁶ These laws unquestionably disadvantaged the opposition parties and reflected both the NDP's determination to preserve its overall control of the political system and its illiberal outlook.

The Presidential Election Law enacted by the People's Assembly on 16 June 2005⁴⁷ limited the election campaign to 21 days, instead of the 28 requested by opposition parties, and voting to one day, despite the fact that this would make proper judicial supervision impossible.⁴⁸

The revised Political Parties Law⁴⁹ enacted on 4 July revoked the stipulations that parties should not contradict the principles of Islamic law or the ideals of the 23 July 1952 Revolution and provided for new parties to be legalised automatically unless the Political Parties Committee (PPC) registered its refusal to license them within 90 days of notification of formation. In other respects, however, it is less liberal than the previous law. It requires applications for authorisation by new parties to be supported by 1,000 signatures, from at least ten of the 26 governorates, instead of the 50 signatures previously needed, and to include documents detailing sources of party funds; it also prohibits parties from publishing more than two newspapers and from receiving foreign funding.⁵⁰ In addition, it modified the composition of the PPC,⁵¹ which considers applications by new parties and

oversees the behaviour and activity of existing ones, and, instead of relaxing the PPC's control over the political parties, it actually increased this, notably by empowering the PPC:

- to freeze a party's activities (i) if the party, or one of its leading members, begins to espouse principles differing from the original party line, or (ii) if freezing the party in question is "in the national interest"; and
- to ascertain that parties are pursuing "democratic practices" and "the national interest" and to refer those found to be in breach on either count to the Prosecutor-General, who may bring a case before the Parties Court (an affiliate of the Supreme Administrative Court).

The illiberal nature of these changes is self-evident: they increase the already extraordinary power of an organ of the executive branch over the outlook, policy and activity of parties. But this is only half the story. The current head of the PPC in his capacity as President of the Shura Council, Safwat Sherif, is the Secretary General of the NDP; another of the PPC's senior members, Minister of People's Assembly Affairs Kamal Shazli, is also a leading member of the NDP.⁵² And the three "independent public figures" who now figure in the PPC are to be appointed by the People's Assembly, which the NDP dominates. Thus the revised composition and enhanced powers of the PPC reinforces NDP domination over the opposition as well as the government. That a state body dominated by the governing party should be empowered to determine whether or not opposition parties are behaving "democratically" or "in the national interest", let alone remaining true to or deviating from their own political principles, is powerful evidence of the absence of a democratic outlook in ruling circles.

The revised Law on Political Rights⁵³ introduced new penalties for journalists and newspapers convicted of publishing false information with intent to affect election results and new penalties for any candidate who accepts foreign funding. It also created a commission to oversee elections to the People's Assembly and the Shura Council; the composition of this commission guarantees NDP control, in practice, of the electoral process.⁵⁴

⁴⁶ A revised Press Law was also tabled but the debate was not concluded before the end of the parliamentary session.

⁴⁷ After this vote the law was submitted to the Supreme Constitutional Council, which amended certain articles concerning secondary issues; these changes were accepted by the People's Assembly on 29 June, *Al-Ahram*, 30 June 2005.

⁴⁸ In doing this the People's Assembly cancelled the Shura Council's earlier concession to the opposition on the length of the campaign and dismissed the Judges Club's insistence that three days of voting were needed for the judges to be able to supervise correctly.

⁴⁹ This revised the existing law (Law 40 of 1956).

⁵⁰ The law also requires that a new party represent a "new addition" to political life, in place of the previous requirement that its platform should be "distinct" from existing ones; this revision was if anything more illiberal than the previous wording.

⁵¹ The PPC continues to be chaired by the President of the Shura Council and to include the minister of the interior, the minister for People's Assembly affairs and three former judges,

but the justice minister was dropped, and three "independent public figures" were added, raising its membership from seven to nine.

⁵² Kamal Shazli is in fact the Deputy Secretary General of the NDP and thus Safwat Sherif's lieutenant in the party apparatus.

⁵³ This revised the existing law (Law 73 of 1956).

⁵⁴ The commission's eleven members are: the minister of justice (chair), a representative of the interior ministry, three

Finally, the People's Assembly Law and the Shura Council Law voted on 29 June forbid political parties and candidates from using public buildings such as mosques and prayer sites or research and scientific establishments in their election campaigns.⁵⁵

C. THE IMPLICATIONS

The reforms enacted over the past several months have made no qualitative change in the form of government or political system. Beyond the abstract concession of the electoral principle at the presidential level, which had no substantive effect on the choice of President, the other changes have been secondary. Whatever concessions have been made have been balanced if not outweighed by measures designed to tighten things up. Above all, the massive domination of the party-political sphere and of all electoral procedures by the ruling NDP has been confirmed, if not reinforced, and with it, the systematic confusion of the NDP with the state itself.

This outcome belied the authorities' proclaimed desire for "consensus". The measures enacted were virtually all opposed by the opposition parties represented in parliament. The "National Dialogue" between the NDP and the opposition has proved largely a waste of time.⁵⁶ But the outcome also suggested that the authorities had

senior judges and six independent members chosen by the People's Assembly and the Shura Council.

⁵⁵ They also fix the penalty for candidates guilty of receiving foreign funding at between 50,000 and 100,000 Egyptian pounds (approximately €7,234 and €14,468) plus permanent loss of political rights, raise the financial compensation to candidates from 75 to 1,000 Egyptian pounds (approximately from €0.85 to €44.69) per month, and require candidates to provide documentary proof that they have completed secondary school and can read and write.

⁵⁶ President Mubarak's announcement in February 2005 of his intention to secure the amendment of article 76 was taken without reference to the National Dialogue between the NDP and the opposition parties, in which it had been agreed that no constitutional changes were in prospect prior to the president's re-selection for a fifth term. The Dialogue, the fifth such process to be launched since Mubarak took office in 1981 (previous national dialogues had been held in 1982, 1986, 1988 and 1993), was announced by Mubarak in September 2003 but only really got started on 31 January 2005. In its first session, all the main party leaders agreed not to push for constitutional reform until after Mubarak's nomination (then assumed to be equivalent to election) for a fifth term. See Gamal Essam El-Din, "Truncated agenda for National Dialogue", *Al-Ahram Weekly*, 27 January-2 February 2005. Thus Mubarak's announcement on 26 February 2005 was received as a virtual disavowal of the Dialogue by those participating in it. The main opposition parties withdrew from the Dialogue in March, leaving the NDP talking to minor parties.

no real reformist intentions in the political sphere. While undoubtedly intent on reform in economic policy and in certain sectoral policy areas (such as education),⁵⁷ they appeared to consider that these required not a political corollary but rather conservation of the political status quo in all important respects for the time being. Thus, ironically, when senior NDP members told Crisis Group in March 2005, somewhat implausibly, that the President's initiative did not mark a departure from the NDP's previous position, they seem in retrospect to have been speaking the simple truth.

This assessment undoubtedly needs to be nuanced in light of President Mubarak's subsequent statement, in a speech on 28 July 2005 announcing his candidacy,⁵⁸ of his intention if elected to introduce further measures of constitutional and political reform, including measures to "create a better balance" between the executive and the legislature and, within the executive, between the presidency and the cabinet, as well as the repeal of the Emergency Law and its replacement by a new national security or anti-terrorism law.⁵⁹

This was arguably a shrewd and imaginative move. Coming at a moment when opposition resentment over the reform legislation was intense and the national mood extremely sombre and anxious in the wake of the terrorist attacks at Sharm El Sheikh five days earlier, it enabled him to recapture the political initiative and to demonstrate his sensitivity to the reformist currents of domestic opinion. Instead of standing simply on his record, he cast himself as the candidate of further reform, in a manner which, once again, took the opposition entirely by surprise.⁶⁰

A purely cynical interpretation might see Mubarak's speech as merely another manoeuvre to take the wind out of the opposition's sails. Just as the original decision to revise article 76 picked up a longstanding opposition

⁵⁷ See "Breaking the mould of inertia", *Financial Times*, 23 November 2004.

⁵⁸ This important speech, like that of 26 February, was made in his home district of Menoufiah, this time at his old school in Shibeen al-Kom. It may herald far more significant changes than the first speech, yet received much less attention from the Egyptian and international media. Its implications are discussed below.

⁵⁹ "President Mubarak's speech at Al-Masa'i al-Mashkoura school in Shibeen al-Kom", 28 July 2005; English text made available by the Egyptian State Information Service (www.sis.eg).

⁶⁰ The main opposition parties appeared almost dumbfounded by Mubarak's move; only the Muslim Brothers' General Guide, Mohamed Mahdy Akef, seemed to grasp its importance, when he declared that the president's speech and talk about further reform had been entirely unexpected and had come as a shock to everyone, *Al-Masry al-Youm*, 29 July 2005.

demand for popular election to replace ratification by plebiscite in the choice of president, so Mubarak's latest promises picked up other opposition demands, notably for repeal of the Emergency Law and a limitation of presidential power. If the experience of these past months is a guide, one can expect these reforms to be conceded formally in a way which empties them of substantive content and thereby conserves the status quo. But whether matters actually develop in this way depends in part on the behaviour of the opposition forces themselves.

The disappointing outcome of the "Cairo Spring" underlined the weaknesses of those forces pressing for substantive reform every bit as much as it revealed the limits of the reformist impulses in ruling circles. The opposition badly needs to draw the moral of its own failure between February and July 2005 to influence the government's agenda effectively if it is to devise a proper strategy aimed at making the most of the fresh opportunity for reform which may soon arise.

III. THE WEAKNESS OF THE OPPOSITION

The opposition today consists of three main categories. The most radical criticisms of the status quo have come from movements calling for reform which are not themselves political parties; the most prominent has been the "Egyptian Movement for Change" (*Al-Haraka al-Masriyya min ajli 'l-Taghyir*), widely known by its slogan *Kifaya!* (Enough!). Since early June a new movement in this category is the "National Rally for Democratic Transformation" (*Al-Tagammu' al-Watani li 'l-Tahawwul al-Dimuqrati*), headed by former Prime Minister Aziz Sedqi.

A second category is that of the legal opposition parties, of which there are now 21. Only four -- the Wafd, Tagammu', the Nasserist Party and Al-Ghad -- are in parliament, however. They participated in the National Dialogue with the NDP until March, when they withdrew on the grounds that it served no purpose. Most of the smaller parties, which have little or no public support, continued to participate, and some even fielded candidates in the presidential election. In doing so, they were not challenging the regime but undoubtedly performing a service to it by giving the election a pluralist appearance and splitting any opposition vote. Regardless of the intentions of their leaders and members, they cannot be said to constitute serious opposition forces and will not be given individual consideration here.

Finally, the Society of the Muslim Brothers occupies a category to itself as the oldest political organisation in Egypt (except for the Wafd). It is the only organisation that can claim to rival the NDP in social presence and influence, and the only political organisation with an explicit reference to Islam, by virtue of which it is banned and subject to frequent harassment.

A. THE MOVEMENTS FOR REFORM

1. Kifaya

Kifaya came to prominence in late 2004 and has garnered the lion's share of international media attention since.⁶¹ It is an agitational movement which has distinguished itself by vehement attacks on President Mubarak's rule

⁶¹ See William Safire, "Kifaya!", *The New York Times*, 27 March 2005; Heba Saleh, "Enough, political activists tell Egypt's authoritarian president", *Financial Times*, 3 June 2005; Mona El-Tahawy, "Marching in Cairo, because enough is enough", *International Herald Tribune*, 29 June 2005.

and above all by its tactic of holding public demonstrations in central Cairo and elsewhere, in defiance of the law. While this breaking of taboos (criticising the President, daring to demonstrate) is seen by many Egyptian as well as external observers as of historic significance,⁶² the movement has few other achievements to its credit and has been in some disarray since late May.

From the outset, Kifaya focused on two main targets: the prospect of continued rule by President Mubarak and what it calls "the monopoly of power", the concentration of decision-making powers in the presidency. A third issue, ancillary to the first two, has been the prospect, which Kifaya strongly opposes, of Gamal Mubarak succeeding his father. Kifaya has made clear its positions on a number of other issues. It calls for an end to the Emergency Law and all other legislation that hinder civil liberties, release of political prisoners, abolition of the Political Parties Committee, independence of the judiciary and of professional syndicates and trade unions, and freedom of the press. But this litany is widely shared and Kifaya's support has not seriously diluted its concentration on the Mubarak presidency and its "monopoly of power". The content of its agitation has been overwhelmingly negative. Rather than press for a specific reform, it has agitated against specific, if prominent, aspects of the status quo. Thus, Kifaya has been in essence merely a protest movement.

As such, it can claim to have had a significant short-term impact; the "Kifaya effect" can be seen in the derived or parallel agitations which have developed, notably the protests by university teachers against the presence and interference of state security agents on university campuses. They also include the emergence of sectoral movements that are either off-shoots of Kifaya (such as "Youth For Change", "Writers for Change", "Journalists for Change", "Workers for Change"⁶³ and even "Peasants for Change"⁶⁴) or sectoral responses to secondary issues which have arisen, notably in the context of brutal attacks on Kifaya demonstrators on 25 May and 30 July. Among the latter are *Shafeinkum* (literally: "We Are Watching

You") which aims to put the behaviour of the regime and its security forces in the spotlight and monitor the elections,⁶⁵ and *Al-Shar'a Lina* ("The Streets Belong To Us"). More generally, there is some evidence that Kifaya's boldness has stimulated the questioning of authority at other levels of society. But it is also possible that this ferment and effervescence will prove short-lived and that, following President Mubarak's re-election, traditional routines will be reasserted and practices characteristic of the old order re-imposed.

For Kifaya's agitation has in reality got nowhere with regard to the issues it has prioritised nor gained any other significant concession from the authorities. Its decision to target President Mubarak and the issue of presidential power was arguably a strategic error. The anti-Mubarak line has made little or no impression on the public, for the very good reason that neither Kifaya nor any other opposition force has had a plausible alternative candidate, and no one has doubted Mubarak would get another term. To attack Mubarak as part of a campaign for someone else would have made sense. But that is not what Kifaya has done. Without positive demands, Kifaya's anti-Mubarak line has come across as an end in itself. Not only has this guaranteed the authorities' implacable hostility, but it has also divided potential democratic reform forces and left Kifaya at logger-heads with the main opposition parties,⁶⁶ isolated and easy prey for repression.

A more effective form of agitation could have given priority to several alternative issues. Thus, the NDP's near-total monopoly of the political sphere could have been raised without targeting the president personally but rather in a manner the opposition parties could have supported. Alternatively, mobilisation could have focused on positive demands, such as empowerment of the parliament, thereby addressing the issue of presidential

⁶² That the taboo on demonstrating has not yet been definitively broken can be gauged from the fact that two opposition parties later dissociated themselves from Kifaya over this issue (see fn. 66 below); on 8 May 2005, the pro-government paper *Al-Goumhouria* published a vehement attack on street demonstrations as unconstitutional, disturbing the peace, instigated by foreign powers and treasonous. On 17 May, senior presidential adviser Osama El-Baz declared in a talk at the Institute of National Planning that he was against demonstrations, which he said were just a way of attracting the attention of the foreign press, *Al-Masry al-Youm*, 18 May 2005.

⁶³ See *Al-Masry al-Youm*, 3 and 6 June and 18 July 2005.

⁶⁴ *Al-Masry al-Youm*, 13 July 2005.

⁶⁵ *Al-Masry al-Youm*, 18 August 2005.

⁶⁶ Notably with the leftwing Tagammu' party, whose leader Rifaat Said attacked Kifaya in late May, criticising in particular some of its slogans as inappropriate; on 7 June, Tagammu' announced that it was ceasing to cooperate with Kifaya and complained of its repeated attacks on the Tagammu' leadership; see *Al-Masry al-Youm*, 27 May and 4, 7, 8 and 9 June 2005; *Al-Wafd*, 8 June 2005. On 3 June, opposition parties at a meeting in Alexandria attacked Kifaya (as well as the Muslim Brothers); the Liberal Party (Al-Ahrar) withdrew its support from Kifaya, saying it was against demonstrations, as did the small Al-Jeel party; more seriously, representatives of the Wafd and Tagammu' said that cooperating with Kifaya would cause the opposition to fall into a trap that state security was setting, *Al-Masry al-Youm*, 4 June 2005. A subsequent meeting to mend relations between Kifaya and Tagammu' was hosted by former Prime Minister Aziz Sedqi at his Cairo office on 12 June, *Nahdet Misr*, 13 June 2005.

power constructively, by identifying in what way the distribution of political power should be reformed, instead of merely attacking the architect and beneficiary of the current distribution. Agitation for the empowerment of parliament might have been less immediately electrifying for domestic opinion⁶⁷ and attracted less international attention but it would have tended to unify the opposition,⁶⁸ since all parties would stand in principle to benefit, and a unified opposition campaigning over this issue would have stood a far better chance of eventually awakening popular support. Crucially, such agitation would have breached the Muslim Brothers' near monopoly of the proposal to give more power to parliament⁶⁹ and could, therefore, have laid the basis for the development of a non-Islamist opposition capable of competing with the Brothers.

Finally, while going its own way and expressing its indifference to, if not contempt for, the opposition parties,⁷⁰ Kifaya from the outset has been fishing for support primarily within the same small microcosm of the political class to which the parties and virtually all their active members belong. Most of its demonstrations have been held in the same few venues in downtown Cairo; as Diaa Rashwan commented to Crisis Group, "observe the demonstrations: where are the masses?"⁷¹ There is a strong case for the view that Kifaya has been incoherent and has lacked an appropriate strategy.

⁶⁷ Kifaya's success in mobilising popular support should not be overestimated; its demonstrations have mostly been small, a few hundred on average, often the same highly committed individuals. This point is discussed below.

⁶⁸ This tendency might have been resisted by individual party leaders jealous of their fiefdoms and reluctant to boost an extra-parliamentary movement outside their control but a movement campaigning on this basis could have exerted considerable influence on party activists and put the leaderships under useful pressure.

⁶⁹ On taking office in early 2004, the new General Guide, Mohamed Mahdy Akef, for the first time identified the Muslim Brothers with the radical constitutional demand for a "parliamentary republic" in place of the present presidential constitution. With this, the Brothers arguably outflanked secular democrats. See Crisis Group Briefing N° 13, *Islamism in North Africa II: Egypt's Opportunity*, 20 April 2004. The demand for a parliamentary republic was echoed at a conference in Cairo on July 5-7, 2004 held by the Cairo Institute for Human Rights Studies, the Egyptian Organisation for Human Rights and *International Politics* magazine; see the conference report, "Priorities and mechanisms of reform in the Arab world", CIHRS, Cairo, (2004), p. 14.

⁷⁰ As leading Kifaya activist George Ishak told Crisis Group, "You want frank speaking? I don't believe in the parties; they are rubbish!", Crisis Group interview, Cairo, 18 April 2005.

⁷¹ Crisis Group interview, Cairo, 16 March 2005.

This shortcoming is almost certainly congenital. The movement originally dates from late 2003⁷² and is in essence an evolution of the anti-Mubarak agitation which was already under way in 2002-2003.⁷³ This was largely Nasserist in outlook, with the Nasserist weekly *Al-'arabi* setting the pace and various leftist groupings providing reinforcement. While it included calls for constitutional reform, there can be little doubt that this criticism of the Mubarak presidency was primarily rooted in hostility to its foreign and domestic policies (the retreat from Arab nationalism and anti-imperialism and the embracing of neo-liberal economics at the expense of the Nasser era's paternalist and egalitarian socialism), as distinct from its undemocratic features.⁷⁴ While its founders made efforts to enlist activists of other political viewpoints, it is arguably an alliance of Nasserists and Communists which has constituted Kifaya's core leadership and set its agenda.⁷⁵

This does not mean that such elements are not committed to democratic reform, although it should not be taken for granted: some Nasserists are quite open about their interest in the possibility of the army, reinvigorated with nationalist principles, resolving "the Mubarak question"

⁷² The idea to found Kifaya was agreed in November 2003 at a meeting at the home of *Wasat* party leader Abu 'l-Ala Madi, held to discuss political prospects in light of the presidential and parliamentary elections due in 2005. The meeting, attended by Communists, Islamists, Nasserists and Liberals, agreed to set up a steering committee of seven members. After protracted discussions through the first eight months of 2004, sufficient agreement was reached to enable Kifaya to go public with a declaration, signed by some 300 intellectuals, academics, artists, students, workers and farmers which was then read to and debated at a conference, attended by some 500 people, in Cairo on 21 September 2004 and timed to coincide with the NDP's annual conference. The conference adopted the name (the Egyptian Movement for Change and chose 35 activists to organise the movement, seven of whom were charged with responsibility for day-to-day activity, Crisis Group interview with George Ishak, Cairo, 18 April 2005.

⁷³ See Crisis Group Briefing N°9, *The Challenge of Political Reform: Egypt After the Iraq War*, 30 September 2003.

⁷⁴ As Diaa Rashwan told Crisis Group, "the initiative to found Kifaya came from the generation which fought Sadat at the end of the 1970s", Crisis Group interview, Cairo, 16 March 2005.

⁷⁵ Abdallah Senawi, chief editor of *Al-'arabi*, told Crisis Group, "Kifaya is the natural offspring of *Al-'arabi*, and its slogans were first put forward by *Al-'arabi*...Most Kifaya activists are Nasserists", Crisis Group interview, Cairo, 26 April 2005. The "small committee" running Kifaya on a day-to-day basis had grown to nine by April 2005: three Nasserists, two Communists, two Liberals, one Muslim Brother, and *Wasat* party leader Abu 'l-Ala Madi, Crisis Group interview with George Ishak, Cairo, 18 April 2005.

in its own way,⁷⁶ perhaps as the armed forces have just dealt with President Ould Taya in Mauritania.⁷⁷ The point is rather that their own political and ideological backgrounds have not equipped them with any experience or understanding of how effective agitation for democratic political reform should be conducted. The failure to understand the crucial strategic importance of prioritising a major positive reform demand as the basis for unifying the opposition and securing popular support has severely limited Kifaya's appeal even within the democratic reformist wing of the political class. As Bahey El-Din Hassan, director of the Cairo Institute for Human Rights Studies (CIHRS), told Crisis Group:

I am not a member of Kifaya. Kifaya is dominated by pan-Arabists. It focuses only on the President -- not our [CIHRS's] priority. I agree [with their criticisms of the Mubarak presidency], but who is the replacement? So my focus is to change the political environment, not to replace Mubarak or Gamal Mubarak by someone else.⁷⁸

Lacking clear focus on a positive democratic demand, Kifaya has tried to compensate by publishing documents calling for a new democratic constitution, to be drafted by a constituent assembly,⁷⁹ and for a national coalition government to manage the transition to democracy.⁸⁰ The obvious problem with these notions -- however democratic and attractive they may appear in the abstract -- is the unbridgeable gap between ends and means: under present circumstances, Egypt's opposition forces, even if they managed to combine, would be unable to secure the adoption and practical implementation of either. The ideas are essentially utopian, and appear to have been adopted by Kifaya for form's sake, since they have not figured prominently in its public rhetoric.

⁷⁶ Abdelhalim Qandil, editor of *Al-'arabi*, told Crisis Group that a social explosion could not be ruled out, and in this event an army intervention would be a strong possibility; he argued, however, that the army would not be able, or seek, to rule, as in Nasser's day, but would clean house and establish a new political framework, inclusive of all major forces (including the Muslim Brothers) based on more, not less, political liberty, Crisis Group interview, Cairo, 20 April 2005. It is not only Nasserists who, at least intermittently, look to the army to resolve matters in this way; a similar conception was outlined by Hisham Kassem, the strongly liberal and Western-oriented publisher of *Al-Masry al-Youm*, Crisis Group interview, Cairo, 3 March 2005.

⁷⁷ See the article canvassing this scenario by emigré Egyptian commentator Mohammad Abdelhakim Diab in *Al-Quds al-'arabi*, 22 August 2005. This article should not be taken as expressing a party line, however.

⁷⁸ Crisis Group interview, Cairo, 17 March 2005.

⁷⁹ See "The Egypt We Want", Kifaya at www.harakamasria.net.

⁸⁰ "A Program for A Transition Phase", Kifaya (not dated but around late June 2005).

As a result, the movement has proved unable to move beyond its fundamentally negative stance, and this has embroiled it in debilitating controversies. Its hostility towards the regime led it to call for a boycott of both the 25 May referendum and the September presidential elections. This impelled Kifaya to devote its energies to purely negative campaigns on ephemeral issues and thereby demonstrated its limitations as a movement which invariably reacted negatively, by reflex, to the regime's initiatives instead of trying either to influence these or seize the initiative itself. As well as attracting the wrath of the authorities, this precipitated a division within Kifaya between supporters of the boycott tactic (headed by George Ishak) and opponents and so weakened the movement.⁸¹

Consequently, the original "Egyptian Movement for Change" has been losing control of the agitation it launched, as autonomous groupings have appropriated the "Kifaya!" slogan and organised their own demonstrations. In recent months, two independent groups, "Youth for Change" (*Al-Shabab min ajli 'l-Taghyir*) and "the Popular Campaign" (*al-Hamla al-Sha'abiyya*) have eclipsed much of the older generation of activists involved in the original movement. A Trotskyist group, the "Revolutionary Socialists" (*al-Ishtirakiyyun al-Thawriyyun*), has also come to the fore and, if anything, reinforced the intransigent and rejectionist nature of Kifaya agitation. This has further alienated much of the older generation of more realistic socialists who supported the original movement.⁸²

The Kifaya agitation, in both its original and more recent, derived variants, has reached a crossroads. Now that President Mubarak has promised to do something about the concentration of power in the presidency, it is very possible Kifaya will be rendered redundant. As long as it fails to advance positive propositions concerning how power is to be redistributed from the presidency to other institutions (such as the prime minister's office, the Council of Ministers, and above all the parliament), it will have nothing against which to measure Mubarak's

⁸¹ Crisis Group interview with Mohamed El-Sayed Said, deputy director of the Al-Ahram Center for Political and Strategic Studies and a member of Kifaya, Cairo, 5 June 2005.

⁸² Crisis Group interview with Professor Hilmy Shaaraoui, Cairo, 14 September 2005; he works at the Arab Center for Research, is a member of Tagammu' and was an initial signatory of Kifaya's manifesto; he told Crisis Group his generation of socialists within Kifaya recognised the need for the movement to advance positive reform demands but they could make no impression on the younger generation attracted to the "Revolutionary Socialists". For a portrait of the younger militant activists, see Negar Azimi, "Egypt's youth have had enough", www.openDemocracy.net, 1 September 2005.

promises or proposals and no alternative to offer to them or to the perspectives of the more radical, younger activists -- and its own survival will be in doubt.

2. The National Rally for Democratic Transformation⁸³

The movement of former Prime Minister Sedqi (1972-1973, under Sadat) includes in its leadership former Foreign Minister Dr. Murad Ghaleb; a professor of constitutional law, Dr Yahia Gamal; a professor of politics and well-known columnist, Dr Hassan Nafaa; the editor of the weekly *Al-Ousboua*, Mustafa Bakri, who is the movement's official spokesperson; and former Housing Minister Hasaballah El-Kafrawy. It announced itself at a press conference in Cairo on 4 June 2005,⁸⁴ and its founding conference, at the Lawyers' Syndicate in Cairo on 13 July, was attended by over 500 people,⁸⁵ including Muslim Brothers General Guide Mohamed Mahdy Akef and Kifaya's George Ishak.

The National Rally distinguishes itself from Kifaya by lack of personal animus against the Mubaraks but above all by tactical prudence.⁸⁶ It is not interested in organising demonstrations, and its concern to stick to peaceful methods leads it to envisage a strategy of persuasion aimed at the present regime. It is by no means confident this will work, however. Hassan Nafaa told Crisis Group, "the safest scenario is to try to convince Mubarak to act, but we think this is a non-starter".⁸⁷ In other words, the National Rally appears unsure of its strategy and has not really gone beyond a preliminary statement of its views.

From the outset, it argued that the country's acute economic and social problems are the result of bad government, that the present regime is characterised above all by "corruption and tyranny", that it has elevated the former into a "technique of government" and that a new constitution is needed. In his address to the 13 July conference, Aziz Sedqi called for:

- a campaign to eradicate corruption (including prosecution of officials) and establish transparency;
- repeal of the Emergency Law or at least its suspension during the elections; and

⁸³ In Arabic: *Al-Tagammu' al-Watani li 'l-Tahawwul al-Dimuqrati*.

⁸⁴ *Al-Masry al-Youm*, 5 June 2005.

⁸⁵ Crisis Group interview with Hassan Nafaa, Cairo, 14 July 2005; this estimate contrasts with *Al-Ousboua's* claim (17 July 2005) that over 2,500 people attended the conference.

⁸⁶ Some National Rally members, notably Hassan Nafaa, are also members of Kifaya. Crisis Group interview with Hassan Nafaa, Cairo, 14 July 2005.

⁸⁷ *Ibid.*

- full judicial supervision of all elections.

He also attacked the 25 May referendum results as fraudulent, argued that all the reform legislation passed was accordingly invalid, and called for a boycott of the presidential elections, although the movement subsequently changed its position on the last point.⁸⁸ At the same time, he insisted that the parliamentary elections would be the real test for democratic forces and called for all organisations to prepare for them as a unified force in order to pressure the government to organise them fairly.

However, the main thrust of the movement seems to be its critique of corruption.⁸⁹ While this has played to Sedqi's own strengths⁹⁰ and resonates with a wider public, it has not been accompanied by specific, practical proposals, beyond suggesting the formation of a "Committee for Eradicating Corruption".⁹¹ Instead, the National Rally has tended, like Kifaya, to advocate democratic and constitutional reform in the abstract. Hassan Nafaa told Crisis Group:

In order to have real democracy, it is necessary to rewrite the whole constitution. The 1971 constitution is now obsolete. A new constitution is needed which enshrines the principles of democracy, transparency, the separation of powers, and the necessity of checks and balances.⁹²

The National Rally has called for "a general meeting of all the national and democratic forces in the country" to draw up a new constitution⁹³ but no such meeting appears to be in prospect.

B. THE POLITICAL PARTIES

An overriding question is whether or not any regime will tolerate, no less encourage, the development of political institutions beyond the control of the government itself....Since the Nasserist period, all such groups in

⁸⁸ On 23 August 2005, the National Rally issued a statement saying that it was not boycotting the election, and its members were free to vote as they liked, *Al-Masry al-Youm*, 24 August 2005.

⁸⁹ *Al-Ousboua*, 17 July 2005.

⁹⁰ Sedqi's public standing depends in large part on his reputation as someone who has held high political office without compromising his personal integrity. His name is also linked to the policy of developing Egypt's industries, which lends authority to his critique of the corruption involved in recent moves to privatise state-owned industries. Crisis Group interview with Hassan Nafaa, Cairo, 14 July 2005.

⁹¹ *Al-Masry al-Youm*, 14 July 2005.

⁹² Crisis Group interview with Hassan Nafaa, Cairo, 14 July 2005.

⁹³ *Al-Masry al-Youm*, 5 June 2005.

Egypt have been extensions of the political regime itself, with little effective independence.⁹⁴

1. The party system

The substantial political pluralism which existed in Egypt under the monarchy from the end of the First World War⁹⁵ was abolished by the Free Officers following their seizure of power in July 1952. Today's very limited party-political pluralism is not a revival of the earlier system but the creation of the Free Officers' regime in its post-Nasser phase. It has been tailored to the requirements of the regime, has functioned to preserve the status quo, and cannot be the source of a serious reform impulse.

The current party system dates from 1976, when President Sadat broke the Arab Socialist Union -- the sole legal party -- into three distinct parties.⁹⁶ He and his government retained control of the centre grouping, which subsequently became the National Democratic Party. The leftwing fragment, led by former Free Officer Khaled Mohieddine, became *Tagammu'* (short for the National Rally for Unity and Progress, *Al-Tagammu' Al-Watani Al-Wahdawi Al-Taquadumi*) and the rightwing fragment, led by former Free Officer Mustapha Kamal Murad, became the Liberal Party, *Al-Ahrar*. In 1977, a second leftwing party, the Socialist Labour Party (*Hizb Al-Amal Al-Ishiraki*) was authorised, and in 1978 the original party of liberal constitutional nationalism, the *Wafd*, banned since 1954, was re-legalised as the New Wafd Party. In this way, Sadat played a divide and rule game on the regime's left and right flanks. Only one additional party was legalised during the 1980s, the *Umma* Party (1984), but eight new ones were allowed in the 1990s,⁹⁷ and six have been authorised over the last five years.⁹⁸

While this multi-party system enables the regime to claim that it is pluralist, indeed democratic, it actually demonstrates the severe limitations of the pluralist principle when unaccompanied by other conditions of democratic government. For the pluralist system has not seriously qualified the very undemocratic nature of the state; far from placing the NDP under the pressure of healthy political competition, in practice it does the opposite. The supervisory control exercised by the state (through the Political Parties Committee and other administrative and legal mechanisms) enables it to manage the system in such a way as to organise competition only among the also-rans -- the opposition parties locked in permanent and more or less futile rivalry with one another -- while sparing the NDP from any serious challenge. Abu 'l-Ala Madi, the leader of the (unauthorised) *Wasat* [Centre] Party and a founder of *Kifaya*, told Crisis Group:

The regime has been controlling the opposition parties for the last twenty years. Most parties accept this -- they are not really in opposition. So opposition is developing outside the parties -- notably *Kifaya*.⁹⁹

The NDP, being the permanent party of government, has a monopoly of state patronage and is easily able to maintain the bulk of its electoral support on this basis. The only other force with patronage at its command is the Muslim Brothers, who derive a substantial amount of support from the social services they provide through various associations.¹⁰⁰ But the Brothers are illegal and thus prevented from capitalising on their social base to constitute a real electoral challenge to the NDP, beyond the limited number of parliamentarians they are able to elect as independents. The legal parties control no patronage whatever and, crucially, have no prospect of acquiring any; they can offer virtually nothing to the electorate, which overwhelmingly ignores them.

The weakness of the opposition parties at the national level is, if anything, exceeded by their weakness in the elected councils which play key roles in the system of local government. Mustafa Kamal El-Sayed told Crisis Group:

al-Wahdawi al-Dimuqrati, 1993); and the Solidarity Party (*Hizb al-Takafil*, 1995).

⁹⁸ The Egypt 2000 Party (*Hizb Misr 2000*, 2000); the Democratic Generation Party (*Hizb al-Jeel al-Dimuqrati*, 2000); the National Accord Party (*Hizb al-Wafaq al-Watani*, 2000); the Tomorrow Party (*Hizb al-Ghad*, 2004); the Free Social Constitution Party (*Hizb al-Dusturi al-Ijtima'i al-Hurr*, 2004) and the Social Peace Party (*Hizb al-Salam al-Ijtima'i*, 2004).

⁹⁹ Crisis Group interview, Cairo, 6 March 2005.

¹⁰⁰ Crisis Group interview with Diaa Rashwan, Cairo, 16 March 2005.

⁹⁴ John Waterbury, "Whence will come Egypt's future leadership?" in Phebe Marr (ed.), *Egypt at the crossroads: Domestic stability and regional role* (Washington DC, 1999), pp. 17-28.

⁹⁵ This pluralism was embodied above all in the original Wafd party (founded by Saad Zaghloul in 1919) and, from 1928 onwards, in Hassan Al-Banna's Muslim Brothers, both of which were banned in 1954.

⁹⁶ This development had been foreshadowed by his decision to encourage the formation of three distinct "platforms" within the ASU in 1971; the parties formed in 1976 were developments of these "platforms".

⁹⁷ The Green Party (*Al-Hizb al-Khudr*, 1991); the Nasserist Democratic Arab Party (*Al-Hizb al-'arabi al-Dimuqrati al-Nassiri*, 1992); the Democratic Popular Party (*Al-Hizb al-Sha'abi al-Dimuqrati*, 1992); the Egypt Arab Socialist Party (*Hizb Misr al-'arabi al-Ishiraki*, 1992); the Young Egypt Party (*Hizb Misr al-Fata*, 1992); the Social Justice Party (*Hizb al-Adala al-Ijtima'iyya*, 1993); the Democratic Unity Party (*Hizb*

The law regulating the elections for these councils is quite a strange one. It allows for electoral lists, but no individual candidacies, and if a list gets 51 per cent of the vote, it wins 100 per cent of the seats. [As a result] the local councils are completely dominated by the NDP.¹⁰¹

Moreover, the constitutional requirement that elections to legislative bodies be subject to judicial supervision is prevented from operating in the case of local councils on the grounds that they are part of the executive rather than legislative branch of the state.¹⁰²

This matters all the more because local opinion can be a significant political force. As Sarah Ben Nefissa told Crisis Group, "the electoral game at the local level is not a foregone conclusion".¹⁰³ This was vividly demonstrated in the 2000 legislative elections, when controversial choices of candidates by local NDP sections prompted many disappointed NDP contenders to run as independents against the official NDP candidate and win. (Immediately after their election, these independents rejoined the NDP in the People's Assembly, where the party's leaders welcomed them with open arms.) The inability of opposition parties to make headway in municipal and regional elections ensures that political divisions at these levels are played out within the NDP instead of enabling them to put down roots and acquire government experience. The absence of significant party-political competition at the local level is a fundamental factor in the opposition's chronic weakness at the national level.¹⁰⁴

In this way, formal pluralism works to guarantee the NDP's permanent monopoly of power and preclude serious accountability. It ensures that society is denied genuinely representative and accountable government and fosters arbitrary abuse of power and widespread corruption. This is connected to the fact that the parties mostly originate in executive fiat.

2. The opposition parties: creatures of the regime

The Arab Socialist Union, from which the NDP, Tagammu' and Al-Ahrar all derive, evolved from the Liberation Rally, established by the Free Officers' regime in 1954. Both the Liberation Rally and its ASU successor were in reality state apparatuses. They were not political groupings which had formed within the parliament, nor autonomous movements developed by elements of society, nor the expression of a particular ideology or program vision; they were set up by an essentially military regime to perform legitimating and co-opting functions on its behalf.

This means that neither the NDP nor the vast majority (if not the totality) of the other so-called parties are really political parties as this term is understood in Western democracies. Some members of the political class are well aware of this. A prominent analyst calls the NDP "a state apparatus".¹⁰⁵ Academic and columnist Hassan Nafaa told Crisis Group:

The NDP is not a real political party. It is not an ideological trend. It represents only those who wish to be linked to the state. It was formed after Sadat was in power. The president created the party to support the president in power. No separation exists between state and party.¹⁰⁶

In fact, however, most of the parties which have been legalised since 1976 have similarly been the product of government fiat. The only important exception has been the Wafd, which claims a history going back to 1919. But it is only a partial exception, since it owes its legal existence today to the government, like all the others.

A striking feature is that the parties have very little inner life and consequently very little appeal even to those with an impulse to political activism.¹⁰⁷ Typically, opposition parties are (like the NDP) led by immovable and aging autocrats,¹⁰⁸ who tend to ignore or stifle internal dissent

¹⁰¹ Crisis Group interview, Cairo, 17 March 2005.

¹⁰² Ibid.

¹⁰³ Crisis Group interview with Sarah Ben Nefissa, researcher at the Institut de Recherche sur le Développement, Cairo, 27 June 2005.

¹⁰⁴ The significance of this appeared to be recognised by Hishem Kassem, editor of *Al-Masry al-Youm* and Vice President for International Affairs of the Al-Ghad party, when he told Crisis Group that he thought President Mubarak's decision "to start reform from the top of the hierarchy" was "a very dangerous thing", and reform "should start at the bottom, from the bottom up", Crisis Group interview, Cairo, 3 March 2005.

¹⁰⁵ Crisis Group interview with Amr El-Choubaki, analyst at the Al-Ahram Center for Political and Strategic Studies, Cairo, 20 April 2005.

¹⁰⁶ Crisis Group interview with Hassan Nafaa, Cairo, 14 July 2005.

¹⁰⁷ As Abdallah Senawi, member of the Nasserist Party's Political Bureau and chief editor of *Al-'arabi* newspaper, told Crisis Group, "if you were Egyptian, you would not take part in the political parties. All the channels to hope were blocked; this led to the death of political life", Crisis Group interview, Cairo, 26 April 2005.

¹⁰⁸ Wafd Party leader No'man Goma'a is 71, Tagammu' leader Rifaat Saïd is 73 and Nasserist Party leader Dia al-Din Dawoud is 79.

rather than encourage debate and its arbitration by democratic procedures. This is particularly evident in the leftist Tagammu' party, whose leader, Rifaat Said, is accused by senior figures of ignoring party policy on key questions,¹⁰⁹ but there are comparable divisions within the Nasserist party¹¹⁰ and the Wafd and indeed within most parties to some degree.¹¹¹

One consequence is the frustration of party activists and a tendency for young, dynamic figures to break away and found new parties. At times, it is the party leaders themselves, unwilling or unable to accommodate younger talent, who have precipitated their departure. Thus, Ayman Nour, a rising star in the Wafd,¹¹² fell out with its leader, No'man Goma'a, and was expelled in March 2001; after a period as an independent parliamentarian and brief membership in the Misr Party, he founded Al-Ghad.¹¹³ Similarly, Hamdine Sabahy a popular young independent Nasserist parliamentarian who has also been a target of the regime's repressive reflex,¹¹⁴ clashed with the party's leader, Dia al-Din Dawoud, and broke away to found *Hizb al-Karama* (the Dignity Party), which has yet to be authorised. The founder of the Centre Party (*Hizb al-Wasat*), Abu 'l-Ala Madi, who

broke with the Muslim Brothers in the mid-1990s to launch his new venture, is in some respects a similar case.¹¹⁵

These splits have not been based primarily on ideological or even program differences: Al-Ghad shares the same liberal outlook as the Wafd, and Al-Karama retains the main elements of the Nasserist vision.¹¹⁶ Rather, the ambitious younger activists who have led these breakaways have, with some reason, held the autocratic leaders of their previous parties primarily responsible for the problem.¹¹⁷ Ironically, their own behaviour has tended to imitate that of the old leaders. Al-Ghad, for example, has been almost exclusively identified with Ayman Nour; while his qualities as an orator with the common touch are widely appreciated, stand in marked contrast to Goma'a and help explain his higher vote in the presidential election,¹¹⁸ his party leadership has been highly individualist and autocratic. His former party colleague, Mona Makram Ebeid, said:

Ayman has no way of thinking about structure....[He] does everything. He is the head of the party. He is the editor in chief [of its paper, *Al-Ghad*]. He is a member of parliament. He is the head of the Board. He does not listen to anyone.¹¹⁹

¹⁰⁹ Crisis Group interview with Abd al-Ghaffar Shukr, Cairo, 7 May 2005. Abd al-Ghaffar Shukr is a founder of Tagammu' and a member of its Central Committee and Political Bureau since 1976; he was its deputy Secretary General, responsible for party development, but resigned this post in 1998.

¹¹⁰ Crisis Group interview with Professor Mustafa Kamal al-Sayed of Cairo University, Cairo, 17 March 2005.

¹¹¹ As Bahey El-Din Hassan of the Cairo Institute for Human Rights Studies put it, "there are not only divisions between the parties, there are also chronic divisions inside the parties. This is mostly because of the political and legal environment", Crisis Group interview, Cairo, 17 March 2005.

¹¹² This became clear when, following his re-election to the People's Assembly in 2000 (having been originally elected in 1995), Nour stood for deputy speaker and, to general astonishment, received 161 votes, a wholly unprecedented success for an opposition MP, which made him a marked man.

¹¹³ According to one account, Goma'a was pressured by the government to expel Nour, and the Misr Party was frozen by the Higher Parties Council days after Nour joined; see Joshua Stacher, "Parties Over: The Demise of Egypt's Opposition Parties", *British Journal of Middle Eastern Studies*, 31, 2 (November 2004), pp. 215-233. Thus, it appears that it was ultimately the regime itself that was refusing to accommodate dynamic new talent in the political system and using both informal pressure and administrative measures to nip this prospect in the bud.

¹¹⁴ Having taken part in a public demonstration against the Iraq war on 23 March 2003, Sabahy and fellow MP Mohamed Farid Hassanein were beaten up by plainclothes state security officers and held in detention for a week, in blatant violation of their parliamentary immunity. See Crisis Group Briefing, *The Challenge of Political Reform*, op. cit.

Thus these breakaways have not resolved the problems underlying Egypt's political stagnation, the primary source of the frustration to which they bear witness. The founding of Al-Ghad, for example, aggravated the fragmentation and thus the political weakness of the liberal wing of the political class, which had already been in severe difficulties given the regime's adoption of a liberal economic and

¹¹⁵ For a discussion of the Wasat Party, see Crisis Group Briefing, *Islamism in North Africa II*, op. cit.

¹¹⁶ Crisis Group interview with Professor Mustafa Kamal Al-Sayed of Cairo University, Cairo, 17 March 2005.

¹¹⁷ Asked what had been at issue in the dispute between Sabahy and Dawoud, Abdallah Senawi, chief editor of the Nasserist paper *Al-'arabi* and member of the Political Bureau of the Nasserist Party, said, "I don't know; perhaps organisational issues: who should lead...", Crisis Group interview, Cairo, 26 April 2005.

¹¹⁸ According to official figures released on 9 September 2005, Ayman Nour came a distant second. President Mubarak received 6,316,784 votes, 88.57 per cent of valid votes; Nour received 540,405 votes, 7.57 per cent; and Goma received 208,891 votes, 2.93 per cent. A more detailed analysis of the presidential election will be provided in a forthcoming Crisis Group report.

¹¹⁹ Crisis Group interview, Cairo, 7 July 2005. The granddaughter of Makram Ebeid Pasha, Secretary General of the Wafd pre-1952, Mona Makram Ebeid is a professor of politics at the American University in Cairo and a former Wafd MP. She resigned as Secretary General of Al-Ghad on 29 May 2005.

social agenda.¹²⁰ They are symptomatic of a general impasse within political life which the established opposition parties are unable to transcend.

In the words of Mona Makram Ebeid:

Everything that happens in these opposition parties is a mirror of the system and the governing party: the centralisation of power, the undemocratic mentality, the lack of openness to different ideas, the lack of teamwork, the lack of vision, the failure to come up with alternatives, the neglect to build up grass-roots support.¹²¹

This state of affairs has meant that, notwithstanding Western media hyping of Ayman Nour's prospects, the opposition has been incapable of producing a plausible alternative to President Mubarak, given the government's longstanding refusal to allow the Muslim Brothers to function as a legal party.¹²²

3. The vicious circle

Over the years, the regime undoubtedly has deliberately connived at the weakness of the opposition parties.¹²³ But the situation today is not one that can be easily or quickly turned around, in view of the degree of public alienation from political life and the resulting isolation of the political elite. Dīaa Rashwan told Crisis Group:

The problem is much deeper than the weakness of the parties.... We do not have a real political demand in the country. For the Egyptian masses, the real demands are socio-economic. Where the masses are concerned, we don't find big numbers demanding political rights. Political demands concern the Egyptian elite, not the masses. This is why the elite is isolated.... It is also why we cannot have a Georgia or Ukraine here. Only external

affairs issues -- Palestine, Iraq -- get the people onto the streets.¹²⁴

However, while the "lack of political demand" can be treated as a given today, it is itself a product of other factors, which can be identified and, in principle, addressed. One has already been mentioned: how the opposition parties are effectively frozen out of competition for control of local government and thereby prevented from informing and mobilising political opinion at the grass roots.

A second factor relates directly to another element of government policy, namely the law on non-governmental organisations, which makes a radical distinction between associations -- which must be non-political (article 11) -- and parties, and works to keep the two far apart. An association may not have political purposes or objectives,¹²⁵ and may, therefore, not have ties with or proclaim its support for a party. Denied the right to develop formal links with the voluntary sector, the parties are kept in a state of virtual social quarantine, which severely limits (if not wholly precludes) their capacity to perform a serious representative function. Meanwhile the NDP, through its control of or identification with the state and government, maintains strong patron-client links with many associations and can count on their electoral support.¹²⁶

A third factor, which powerfully reinforces the first two, is the Emergency Law. It authorises the government to prohibit strikes, demonstrations and public meetings and censor or close newspapers in the name of national

¹²⁰ As Mustafa Kamal Al-Sayed told Crisis Group, "the Wafd has nothing to say on the economy that is different from the NDP", Crisis Group interview, Cairo, 17 March 2005.

¹²¹ Crisis Group interview, Cairo, 7 July 2005.

¹²² For an extended discussion of this point, see Crisis Group Briefing, *Islamism in North Africa II*, op. cit.

¹²³ A fact that is also widely recognised in Egypt; as Issam Elerian of the Muslim Brothers put it, "the political system over the last half century has killed the political capacities of all the people" (declaration at public debate at AUC, Cairo, 16 March 2005). See also Eberhard Kienle, *A Grand Delusion: Democracy and Economic Reform in Egypt* (London and New York, 2001) and Stacher, op. cit. The way in which the regime has connived at the parties' inner lifelessness is especially obvious, given the insistence of the Political Parties Committee not only that each party should represent a distinct idea but also that they may not modify their outlook subsequently on pain of being dissolved for "deviating" from original principles.

¹²⁴ Crisis Group interview with Dīaa Rashwan, Cairo, 16 March 2005.

¹²⁵ For example, neither the Egyptian Movement for Change (i.e. Kifaya) nor Aziz Sedqi's National Rally for Democratic Transformation can secure legal status as NGOs under the present law, given their political objectives, despite the fact that they are not parties in the sense of organisations with electoral ambitions.

¹²⁶ Article 11 of the NGO law is not always enforced against associations inclined to support the NDP; see the report concerning certain NGOs in the Misr al-Gedida (Heliopolis) district of Cairo which had openly developed links to the NDP, *Al-Masry al-Youm*, 2 May 2005. This also applies to trade unions, notably the Egyptian Federation Of Labour Unions, whose leader, Sayed Rashed, stated on 18 May 2005 that workers backed Mubarak for another term, *Al-Akhbar*, 19 May 2005. On 22 June, Rashed asked the General Assembly of the Federation to applaud Mubarak's achievements and demonstrate its support for his candidacy, *Al-Masry al-Youm*, 23 June 2005. Tagammu', the main party of the left, has been prevented from developing any effective link with organised labour. Crisis Group interview with Dīaa Rashwan, Cairo, 16 March 2005.

security and so is a major, permanent constraint on political freedoms in general and the public activities of the opposition parties in particular.

The most fundamental factor, however, is the extreme weakness of the state's legislative branch in relation to the executive. That the parliament is not a major arena of decision-making but merely rubber-stamps decisions taken elsewhere (in the Council of Ministers and, above all, the Presidency)¹²⁷ has several consequences:

- the government is to a large degree technocratic.¹²⁸ A significant element of each ministerial team is drawn from business or the professions (doctors, university teachers) and is entrusted with portfolios on the strength of technical expertise, despite having no political experience or standing. Thus, the government stands in an arbitrary relationship to even the notional system of political representation centred on the national parliament and "individuals with the capacity to mediate among diverse groups or mobilise multiple constituencies are in short supply".¹²⁹
- the numerous voluntary associations are oriented directly to the executive -- the ministerial departments and administration -- rather than the legislature. As a result, many if not most notionally independent voluntary associations and NGOs are the clients in some degree of the executive, which possesses considerable powers of supervision, including the ability to influence the composition of their boards, intervene in and impose binding arbitration on internal disputes and dissolve them outright.¹³⁰ They are accordingly prevented from furnishing organised constituencies to opposition parties;
- much of society is relatively indifferent to the rigging of legislative elections. The protests of the opposition parties and human rights groups have not been widely echoed; business and organised

labour -- which have direct access to government -- have been wholly unconcerned. Were parliament to become a serious arena of decision-making, this indifference would likely disappear, and opposition parties could increase their tally of seats and acquire the strength to challenge the laws which load the dice against them and guarantee NDP dominance; and

- because it is unable to curb the executive, the legislative branch cannot help to guarantee the independence of the judiciary.¹³¹

The weakness of the national parliament and its consequent lack of authority and standing in public life are made clear by the casual manner and impunity with which the government violates the immunity of opposition parliamentarians when it chooses. They are also routinely reconfirmed by the votes at regular intervals to renew the Emergency Law.

A vicious circle is in operation. The identifiable consequences of the chronic weakness of the national parliament ensure the chronic weakness of the opposition parties and the permanent domination of political life at all levels by the executive branch and the NDP, the two being very largely identified with one another. An important general corollary of this syndrome, which prevents the various parties from having any stimulating effect on one another as well as from exercising any genuinely representative function, is the sheer dearth of political talent. Dīaa Rashwan said:

Everyone knows the political parties are in crisis. Should Mubarak not be a candidate, even the NDP would have a problem choosing a national candidate....The parties must become nurseries of politicians.¹³²

However, in present circumstances this is largely precluded.

¹²⁷ For an instructive discussion of this point, see the chapter on Egypt in Abdo Baklini, Guilain Denoëux and Robert Springborg, *Legislative politics in the Arab world: the Resurgence of democratic institutions* (Boulder, CO: Lynne Reiner, 1999).

¹²⁸ For a scholarly discussion of the technocratic tradition in Egypt, see Timothy Mitchell, *Rule of experts: Egypt, techno-politics, modernity* (Berkeley and Los Angeles, 2002).

¹²⁹ Waterbury, op. cit., p. 21.

¹³⁰ As Joshua Stacher has noted, in recent years "the government has reinforced some of its more draconian laws such as Law 32/1964 that subordinates non-governmental associations to the Ministry of Social Affairs. In this case, Law 84/2002 was easily passed by parliament in June 2002 and shows the regime's persisting goal of curtailing civil society and specifically human rights organisations", Stacher, op. cit., p. 217.

¹³¹ The Egyptian Judges Club has been waging a long-term campaign to restore the independence of the judiciary, which it considers has been severely infringed by the Free Officers' regime since 1952 but especially in recent years. In 1990 it published detailed proposals for reform of the judiciary, which it has been pressing ever since. It claims the support of all opposition parties for this. Crisis Group interview with Judge Yahia Refa'i, president of the Judges Club 1986-1991 and now honorary president, and Judge Hesham El-Bastawissi, vice president of the Court of Cassation, Cairo, 19 April 2005.

¹³² Crisis Group interview with Dīaa Rashwan, Cairo, 16 March 2005.

C. THE MUSLIM BROTHERS, AN AMBIGUOUS PRESENCE

The Society of the Muslim Brothers has been prominent in the events of the last eight months but the net effect arguably has been minimal. The Brothers' general attitude appears to have been one of prudent watchfulness, sceptical of the reform potential of the initiatives taken by others and concerned above all to safeguard their own position and influence.

While they initially welcomed President Mubarak's announcement concerning the amendment of article 76,¹³³ they coupled this with statements that it was insufficient on its own¹³⁴ and wary concern about the conditions that would be attached. Issam Elerian told Crisis Group that he thought the president's amendment meant that Egypt was merely following the Tunisian model¹³⁵ and added, "we remember Sadat's very nice amendment to the constitution in 1976 and the talk of a multi-party system then. We are not going to be bitten twice by the same snake".¹³⁶

Subsequently, as the very restrictive conditions of eligibility became clear in April-May 2005, the Brothers decided the revision had been "emptied of all meaning", strongly denounced this and called for a boycott of the 25 May referendum.¹³⁷ They took care not to call for a boycott of the presidential election, while publicly encouraging their members to vote as their consciences

dictated.¹³⁸ The turnout and results suggest the Brothers made no serious attempt to influence the election by throwing their weight behind any candidate, preferring to conserve their strength for another day.

The Brothers have been similarly cautious towards Kifaya. They allowed their members to join on an individual basis¹³⁹ and at no point overtly opposed its activity. They made clear, however, their differences early on. Elerian told Crisis Group:

Unfortunately the Kifaya movement has the wrong goal; they stress the amendment of the constitution. We support this but we don't make it the first priority. The priority is to end the situation of martial law and the false multi-party system.¹⁴⁰

Before long, they began to organise their own demonstrations, a move most probably chiefly motivated by concern not to allow Kifaya a monopoly of the street. These demonstrations marched to the Brothers' distinctive agenda and slogans (demanding more freedom, real reform and an end to the Emergency Law) and massively dwarfed Kifaya's,¹⁴¹ thus reminding all that the Brothers, not the upstart Kifaya, are the real force capable of mobilizing the public.

This lesson was delivered at a price for the demonstrations crossed a red line. The unwritten rule had been that the Brothers could hold occasional big demonstrations on foreign policy issues (Palestine, Iraq, etc.), with regime agreement¹⁴² but a challenge on domestic issues was another matter. The authorities reacted vigorously, arresting hundreds of Brothers on 27 April, up to 1,500 on 4 May and several hundred more on 6 May, the latter including Issam Elerian and three other senior leaders. On 22 May, following the call to boycott the referendum, Secretary General Mahmoud Ezzat was arrested. By early

¹³³ Crisis Group interviews with Issam Elerian, Cairo, 3 March 2005, and Mohammed Habib, first deputy to the general guide, Cairo, 20 April 2005.

¹³⁴ The Brothers argue that article 77 also needs to be amended to limit the president to two four-year terms (a term is presently six years); in addition to other amendments to reduce the powers of the president, they also seek repeal of the Emergency Law, abolition of special courts and all laws of exception, release of all political prisoners, and full independent judicial supervision of elections. Crisis Group interview with Mohammed Habib, first deputy to the general guide, Cairo, 20 April 2005. Other opposition parties also subscribe to these demands.

¹³⁵ Presidential elections in Tunisia have been formally pluralist since 1989 but are invariably won by the incumbent, Zine al-Abidine Benali, with huge majorities (94.5 per cent in 2004, down from 99 per cent in 1999).

¹³⁶ Crisis Group interview with Issam Elerian, Cairo, 3 March 2005. Elerian further stated that the Brothers favoured the conditions of eligibility that obtain in Algeria, where a would-be candidate has only to obtain 75,000 signatures of individual citizens drawn from a certain number of governorates.

¹³⁷ Abd al-Moneim Abu 'l-Futuh, member of the Muslim Brothers' Guidance Bureau, later described the amendment to article 76 as finally voted as "a political scam", Crisis Group interview, Cairo, 7 June 2005.

¹³⁸ *Al-Ahram*, 22 August 2005.

¹³⁹ Crisis Group interview with Mohammed Habib, Cairo, 20 April 2005.

¹⁴⁰ Crisis Group interview, Cairo, 3 March 2005. This wariness towards Kifaya was reciprocated. George Ishak told Crisis Group, "sometime they [the Brothers] play with us, sometimes they play with the government; they are not clear", Crisis Group interview, Cairo, 18 April 2005.

¹⁴¹ These included the demonstrations at Tanta in the Nile delta, where some 20,000 were reported as attending a meeting at the Doctors' Syndicate on 22 April, *Al-Masry al-Youm*, 26 April 2005; those in Cairo and eight other governorates on 4 May, calling for an end to the Emergency Law and for true reform, *Al-Masry al-Youm*, 5 May 2005, and those in Cairo, Daqahliyya, Ismailiyya and Suez governorates on 6 May, *Al-Masry al-Youm*, 7 May 2005.

¹⁴² For example, the big anti-war demonstration on 10 March 2003; see Crisis Group Briefing, *The Challenge of Political Reform*, op. cit.

June, the Brothers were claiming some 3,000 members had been arrested, of whom 861 were still in prison, "held in very bad conditions".¹⁴³ Most of these were eventually freed, including Ezzat (28 August). For reasons that are quite unclear, Elerian remains in detention.¹⁴⁴

Having flexed their muscles, the Brothers then made their own offer of leadership to the reform movement by sponsoring establishment of "The National Alliance for Reform" (*Al-Tahâluḥ al-Watani li 'l-Islah*), intended to unify all reform currents,¹⁴⁵ but this did not get far. Although several organisations and parties, including Kifaya and the Wafd, attended the founding meeting at the Journalists' Syndicate in Cairo on 13 June, they mostly stayed out of the Alliance, which was eventually reduced to the Brothers and the "Revolutionary Socialist" grouping. It quickly showed its limits when the constituent elements were unable to agree on slogans at a joint demonstration in Cairo on 20 July; the leftist marchers went back on their commitment not to shout anti-Mubarak slogans, at which point the Brothers first drowned them out with Islamist slogans and then, abruptly, abandoned the demonstration.¹⁴⁶

The collapse of this initiative left the Brothers face to face with the regime and rumours began to circulate of a back-door "deal".¹⁴⁷ But the low-key stance which the Brothers adopted during the presidential election fell a long way short of supporting Mubarak -- something which General Guide Mohamed Mahdy Akef's public call on the Brothers and their supporters to vote as they wished,

but not for "tyrants", implicitly ruled out. Subsequent remarks by Akef suggested a willingness to consider abandoning the Brothers' long-standing ambition to become a legal party and renew ties with the Wafd instead.¹⁴⁸ But it is not certain that Akef was speaking for the movement as a whole on this key issue, and the Brothers may be divided over their strategic options.

In short, nothing has been resolved concerning the Brothers' status and ambiguous political role. That said, while the legal parties have shied away from involvement in the Brothers' initiatives, their attitude toward the movement's inclusion in normal political life varies. Newcomers Kifaya and Al-Ghad tend to a clear-cut position. Ayman Nour told Crisis Group, "we respect them and the fact that they are a political current for nearly 80 years now. We are in favour of their being legal".¹⁴⁹ For Kifaya, George Ishak commented:

I appreciate that they will be a political party; let them show themselves. I believe that, if they were able to compete in an election, they would win 10 to 15 per cent. But for as long as they are forced to remain in hiding, people think there are three or four million of them; this is not true: there are 30,000 to 40,000 of them, no more.¹⁵⁰

The older parties have tended to be more nuanced. The Nasserist Party favours involving "the Muslim Brothers

¹⁴³ Crisis Group interview with Abd al-Moneim Abu 'l-Futuh, Cairo, 7 June 2005. Some detained Brothers were subsequently released; on 18 June, Attorney General Maher Abd al-Wahed announced that only 37 Brothers remained in custody, *Al-Ahram*, 19 June 2005, but the Brothers immediately issued a statement denying this and claiming that 306 were still in prison, *Al-Masry al-Youm*, 20 June 2005.

¹⁴⁴ Invited to comment, Mahmoud Ezzat said, "The state's security apparatus arrests our members, arbitrarily charging them with the usual accusations -- belonging to an outlawed organisation, threatening national security, distributing illegal leaflets, etc. Just as arrests are conducted on an arbitrary basis, those released are also let go arbitrarily", Jano Charbel, "Dealing with the man", *Cairo Magazine*, 8 September 2006.

¹⁴⁵ *Al-Masry al-Youm*, 14 June 2005.

¹⁴⁶ *Al-Masry al-Youm*, 22 July 2005.

¹⁴⁷ See *Al-Masry al-Youm*, 21 June 2005, which quoted unnamed "parliamentary sources" as affirming that, following a meeting between two Independent MPs belonging to the Brothers and Zakaria Azmy, head of President Mubarak's office, some kind of legal status for the Brothers was in prospect as part of a deal intended "to calm the situation". The next day, *Al-Ghad* (the newspaper of that party) reported that seventeen Muslim Brothers had signed a petition to Akef calling for the Brothers to move away from politics and "return" to religious missionary activity (*al-da'wa*).

¹⁴⁸ On 31 August 2005, Wafd leader and presidential candidate No'man Goma'a visited the headquarters of the Muslim Brothers (as well as those of Tagammu' and the Nasserist Party and several syndicates), and General Guide Mohamed Mahdy Akef declared that there were deep and continuing ties between the Brothers and the Wafd, *Al-Wafd*, 1 September 2005. In an interview on the Orbit network on 4 September, Akef reportedly declared that the Brothers do not need to create a political party, and "political work represented only 10 per cent of their activity", French Embassy in Cairo Press Service, "Revue de la presse Égyptienne", 5 September 2005, citing Egyptian daily *Nahdet Misr*. These developments fuelled speculation that the Brothers might be thinking of renewing the alliance they had with the Wafd in the early 1980s, which enabled them to win 40 parliamentary seats on the Wafd ticket in 1984, *Al-Ahram*, 5 September 2005. In an interview the next day, Akef declared that the Brothers did not have the strength to make Mubarak lose the election even if they wanted to, that he would like to resolve the conflict with the government, and was seeking dialogue, *Al-Masry al-Youm*, 5 September 2005.

¹⁴⁹ Crisis Group interview with Ayman Nour, Cairo, 24 April, 2005. This does not, however, appear to have been regarded by all Nour's colleagues as official party policy; when he made a similar statement during his campaign, one of the party's prominent non-Muslim members, Priest Filopater, resigned, *Al-Akhbar*, 7 September 2005.

¹⁵⁰ Crisis Group interview with George Ishak, Cairo, 18 April 2005.

and the Islamist current" in the political process and "supports a legal party for Islamists"¹⁵¹ -- a position which stops short of supporting legalisation of the Brothers as a party while not excluding this if certain conditions are met.¹⁵² Tagammu' is clearly split: its leader, Rifaat Saïd, is well known for his opposition to Islamists in general and the Brothers in particular, but other senior figures take a different view. Abd al-Ghaffar Shukr said:

Hussein Abd al-Razzaq and I and others in the leadership see the importance of dealing with the Muslim Brothers and encouraging them to be more moderate, and the importance to Egypt of a civil party [*hizb madani*] with an Islamic background.¹⁵³

This position is close, if not identical, to the Nasserists'. Outside the formal parties, support for legalisation also appears to have grown within the reformist wing of the intelligentsia. Amr El-Choubaki, an analyst, said:

It is possible to integrate them. But this requires, first, a serious democratic process which integrates political activists generally, and then, on the Brothers' side, they have to decide, to choose, between *al-da'wa* [the religious mission] and *al-haraka al-siyassa* [the political movement].¹⁵⁴

Substantially the same view was presented by Mohamed El-Sayed Saïd, deputy director of the Al-Ahram Center for Political and Strategic Studies, who insisted that it was important for the Brothers to become "a civil party instead of a religious movement in order to reduce the risk of splitting the country into Muslims and Christians. We have to negotiate with them the transition to a political party". But he warned this was easier said than done, given the danger that any change might be a matter "only of changing names. For the heart is the heart, motives are motives..."¹⁵⁵

Saïd's remark raises the key and very problematical question: what does the requirement for the Brothers to

become a "civil" as opposed to a "religious" party mean in practice? If it means they should not be led by clerics (the *'ulama*, religious leaders), this is already the case. If it means they should renounce the religious basis of their political convictions, this is arguably demanding the impossible or requiring them to engage in massive hypocrisy (as Saïd suggests). If it means they should abandon the religious missionary work -- *al-da'wa* -- at the core of their broader social activism, this is demanding that they somehow quarantine their political activity from the other activities which found their social presence, thereby reducing their capacity to provide political representation for their social constituency, or abandon these other activities altogether, a step they almost certainly will refuse to take.

The lack of clarity of opposition viewpoints on this issue is connected to the fact that they are in reality little more than variations on the position of the regime itself, which has refused to countenance "religious parties" as a matter of principle since Sadat's introduction of formal multi-partyism in 1976.¹⁵⁶ Quite apart from its illiberal aspect,¹⁵⁷ there are two major problems with this principle.

The first is that the meaning of "religious" here is unclear. If the objection is to a confessional party that only Muslims might join, the Brothers can truthfully reply that they have long been willing to accept non-Muslims, notably Copts, as members. If the objection is to a sectarian party expressing hostility towards Egyptians of other faiths, this principle need not imply a ban on religious parties as such, but would be adequately dealt with by a law banning the incitement of religious intolerance. Why a party founded on religious beliefs but which is neither strictly confessional nor aggressively sectarian should be banned is unclear.

The second is that, if the real objection is to the exploitation of the Islamic religion for partisan purposes, the regime itself can reasonably be accused of practising what it deplors. The NDP's permanent monopoly of political power means that the principle of state supervision of the religious sphere has become confused with the NDP's control of official Islam and its manipulation of this for partisan advantage. A notable recent instance was when both leading official *'ulama* and the minister for religious endowments called on all Egyptians to vote in the 25 May referendum on the

¹⁵¹ Crisis Group interview with Abdallah Senawi, Cairo, 26 April 2005.

¹⁵² The conditions specified by Senawi, *ibid*, were that the Brothers disband their Special Organisation (the clandestine paramilitary organisation they undoubtedly had in the pre-1952 period but which is widely believed to have been disbanded long ago) and become a normal political party, which means among other things that they cease to trade on religion and "stop waving the Qur'an".

¹⁵³ Crisis Group interview with Abd al-Ghaffar Shukr, Cairo, 7 May 2005.

¹⁵⁴ Crisis Group interview with Dr Amr El-Choubaki, Cairo, 20 April 2005.

¹⁵⁵ Crisis Group interview with Mohamed El-Sayed Saïd, Cairo, 5 June 2005.

¹⁵⁶ See Crisis Group Briefing, *Islamism in North Africa II: Egypt's Opportunity*, *op. cit.*

¹⁵⁷ Liberal political principle does not support, let alone demand, the banning of religious parties in the sense of parties with an explicit religious reference; such parties have played major roles in the government and politics of several European democracies, notably the Christian Democratic parties in Germany and Italy.

amendment of article 76 -- an amendment all major opposition parties opposed -- as a religious duty.¹⁵⁸ To sustain the principle that Islam should be above party politics requires at the very least that the NDP itself respect this principle, which in turn requires the state supervision of official Islam to be explicitly and radically dissociated from the NDP.

The regime has seemed on much firmer ground when arguing pragmatically that to legalise the Brothers as a party would be to repeat Algeria's mistake and destabilise the country. But what destabilised Algeria was not the legalisation of Islamist parties as such,¹⁵⁹ but the decision to legalise the Islamic Salvation Front (*Front Islamique du Salut*, FIS) in 1989 at a time when other opposition parties were in disarray or did not yet exist, and thereby allow the FIS to acquire a monopoly of radical populist opposition to the regime and bitterly polarise the country.¹⁶⁰ To allow the Muslim Brothers, who are in any case a much more sober and prudent movement than Algeria's FIS originally was, to compete as a political party would pose little threat to stability once the secular opposition parties have been allowed to establish themselves as significant players with their own shares of popular audiences, such that a proper balance exists in the political sphere.

Achieving this balance will not be easy and will on the most optimistic assessments take several years at least. It follows that early legalisation of the Brothers as a political party would be potentially destabilising and unwise, especially in view of the existence of a substantial Christian minority (a factor crucially absent from the Algerian equation). Egypt's Copts would almost certainly feel gravely threatened by the legalisation of the Brothers in advance of other broader political reforms. They suffer a significant degree of informal religious discrimination in public life as it is, especially in the liberal professions

in which they are prominent,¹⁶¹ and some, possibly many, view the prospect of further Islamist advances in public life with great anxiety.¹⁶² At present, they largely support the regime and the NDP in return for what they see as its protection against the advance of the Islamist movement; should the regime abruptly legalise the Muslim Brothers before taking other vital measures of reform such as ensure satisfactory representation for Copts through other effective political channels, there is a real risk that some Copts would react by establishing a confessional Christian party.

Thus, as Saïd warned, the possibility of a new political polarisation along confessional-sectarian lines cannot be discounted. It would not represent an advance towards democracy, and it is extremely important that external pressure for political reform should not have the effect of pushing Egypt towards this scenario.

A proper public debate over these matters is yet to take place. As a result, it is unclear whether overall support for legalisation has grown. The position of the government and the NDP remains unchanged. As a senior figure in the NDP's Policies Secretariat insisted, "we can't allow them to form a political party".¹⁶³ (The proposal that the Brothers should be brought within the law as an association rather than as a political party, at least in the first instance, has not been given serious consideration to date.¹⁶⁴) But, given the pressure that has developed in especially U.S. and British media commentary in recent months,¹⁶⁵ the authorities may find it increasingly difficult

¹⁵⁸ In early May the minister for religious endowments, Dr Mahmoud Hamdy Zagzoug, warned against the use of mosques and religious speeches for electoral purposes (*Al-Akhbar* 12 May 2005), but subsequently declared that it was a religious duty for Egyptians to vote in the referendum, for which he was criticised by professors at Al-Azhar University (*Al-Masry al-Youm*, 20 May 2005). On 20 May, Egypt's Mufti repeated Zagzoug's line that voting was a religious duty (*Al-Gomhouriyya*, 21 May 2005) and on 22 May Dr Zagzoug reiterated it, saying that to boycott the referendum would be a sin (*Al-Masry al-Youm*, 23 May 2005).

¹⁵⁹ Algeria today has several legal Islamist parties which contest elections and are represented in Parliament without this threatening national political stability. See Crisis Group Middle East/North Africa Report, *Islamism, Violence and Reform in Algeria: Turning The Page*, Cairo/Brussels 31 July 2004.

¹⁶⁰ *Ibid.*

¹⁶¹ Notably, but not only, the medical profession.

¹⁶² A successful Coptic businessman, mid-40s, told Crisis Group that all his Coptic friends and colleagues were actively preparing for the day when emigration to the West would be preferable to remaining in an Egypt where the pressure of religious discrimination had become intolerable. Crisis Group interview, Cairo, May 2005.

¹⁶³ Crisis Group interview, Cairo, 10, May 2005.

¹⁶⁴ This proposal was recommended by Crisis Group in its Briefing, *Islamism in North Africa II: Egypt's Opportunity*, op. cit. The only argument against it that Crisis Group has heard is that the Brothers themselves only want to be legalised as a full political party. This amounts to allowing an organisation officially regarded as criminal to exercise a veto over regime policy. The government could certainly legalise the Brothers as an association if it wanted to.

¹⁶⁵ See notably Brian Whitaker: "Reform but little change for Egypt's voters", *Guardian*, 11 May and "Egypt must let its people go", *Guardian*, 16 May 2005; Saad Eddin Ibrahim, "Islam can vote, if we let it", *The New York Times*, 21 May, 2005; Daniel Williams, "Muslim Brothers lead campaign for democracy in Egypt", *The Washington Post*, world edition, 22 May 2005; Jackson Diehl, "Egypt's chance to lead", *The Washington Post*, 23 May, 2005; Roula Khalef, "America should open dialogue with Islamists", *Financial Times*, 28 May 2005; Simon Tisdall, "Democracy's advance in Egypt brings

to duck the issue, especially if they continue to deny serious prospects of development to the non-Islamist opposition. Some elements of the NDP's reformist wing seem to recognise that if they do not allow secular parties to spread their wings, they will be forced to legalise the Brothers. Mohamed Kamal, of the NDP Policies Secretariat, said:

In the future, definitely, the issue of the relation of religion with the state will have to be resolved. There is a definite need to integrate [the Brothers] into the political system. Personally, I am against legalising them as a political party. I think the solution is to enhance and strengthen the secular political parties in order to fill the vacuum in the political system that is being filled by the Islamists.¹⁶⁶

Reliance on the development of a strong non-Islamist political opposition rather than the Brothers' legalisation as a party appears to be the formal position of the NDP's Policies Secretariat headed by Gamal Mubarak. As a senior party official put it, they envisage the emergence of a new credible opposition party "in the next five to ten years".¹⁶⁷ There is no guarantee that this will occur, of course, and the NDP as well as the state with which it is intertwined may well continue to prevent significant development of the secular opposition. As Professor Mustafa Kamel El Sayed explains, a major argument in favour of legalising the Brothers is precisely that:

only this would revitalize the NDP and ensure fair elections. Other parties don't have large followings, so unless there is a big change in the law on political parties, there can be no revitalisation of Egyptian politics except through the integration of the Muslim Brothers. If there is neither a radical reform of the law on political parties nor an integrations of the Muslim Brothers, then: *plus ça change, plus c'est la meme chose*.¹⁶⁸

dilemma for U.S.", *Guardian*, 21 June 2005; Aijaz Zaka Syeed, "Why the West must engage Islamists", *International Herald Tribune*, 29 June 2005; Jonathan Steele, "Egypt must give political Islam the air to breathe", *Guardian*, 29 July 2005; and Simon Tisdall, "Bush's dream of democratic Middle East may rest on engaging with Islamists", *Guardian*, 9 September 2005.

¹⁶⁶ Crisis Group interview, Cairo, 17 March 2005.

¹⁶⁷ Crisis Group interview, Cairo, 10 May 2005.

¹⁶⁸ "The more things change, the more they stay the same". Crisis Group interview with Professor Mustafa Kamel El-Sayed, Cairo, 17 March 2005.

IV. RETHINKING THE STRATEGY OF REFORM

A. MUBARAK'S JULY SURPRISE

In his 28 July 2005 speech, President Mubarak outlined an entirely new agenda of constitutional and legislative reforms, to:

- "reshape the relationship between the legislative and executive authorities in a way that creates a greater balance between them and strengthens the parliament's role in ensuring oversight and accountability";
- "reinforce the cabinet's role, widen its mandate and further the scope of government participation with the president in the duties of the executive authority";
- "provide the best electoral system which guarantees an increased chance for party representation in our representative councils, and will consolidate the presence and representation of women in parliament";
- "bring about a new and enhanced concept for local administration, strengthening its powers and furthering decentralisation";
- "entail further checks on the powers of the president"; and
- "provides a legislative substitute to combat terrorism and replace the current Emergency Law".¹⁶⁹

This is a remarkable agenda. It picks up on the complaints of Kifaya and others about the excessive concentration of power in the presidency and proposes not only to introduce checks on the exercise of presidential power but also to redistribute power to other instances within the executive branch (the prime minister, the cabinet) and to parliament. It also at least appears to envisage reform of the electoral system and of local government and repeal of the Emergency Law and its replacement by anti-terrorism legislation. A notable absence is any proposal to safeguard or restore the independence of the judiciary but, while this is a significant omission, these proposals are more comprehensive and, in principle, more important than the amendment to article 76 announced last February.

¹⁶⁹ "Mubarak's speech delivered at Al-Masa'i al-Mashkoura School in Shibeen el Kom", 28 July 2005, English text, op. cit.

In this way, President Mubarak stole a march on the opposition and regained the political initiative. Where Kifaya had merely posed the problem of "monopoly of power", Mubarak offered a coherent and potentially far-reaching answer to it which, in its reference to parliamentary oversight and accountability, is also, potentially, an element of the answer to the problem of corruption raised by Aziz Sedqi's movement and others.

In light of the way the legislative program of April-July was steamrollered over opposition objections, it is unrealistic to suppose that Mubarak made this new move in response to domestic pressure. Rather, he was almost certainly responding primarily to U.S. pressure, as expressed by Secretary of State Condoleezza Rice in her speech at the American University in Cairo on 20 June 2005¹⁷⁰ and perhaps also as relayed by the NDP's Policies Secretariat.¹⁷¹ Important questions arise, including whether he is in earnest about these proposals and how he proposes to realise these reforms if the opposition parties remain shackled by laws, some enacted as recently as June and July.

There is a serious danger that opposition circles will fail to ask these and related questions and instead adopt a cynical attitude. The temptation to do so is understandable, given the regime's record. The vagueness of the proposals, it could be argued, suggest that nothing definite or desirable is in prospect. But to base their response to Mubarak's agenda on negative experience and a cynical interpretation of his intentions could well be to waste a major opportunity. The conception outlined at Menoufiyah was just that, an outline, in which the President left himself room for manoeuvre. It is entirely possible that, if implementation of this agenda is left to the regime alone, it will produce predominantly token changes. Yet, at a minimum it has opened up for debate a range of fundamental issues and put forward general principles which opposition forces can accept, indeed

welcome as Mubarak's belated conversion to key aspects of their own views. And its very vagueness provides the opposition the opportunity to respond with precise propositions of its own.

This is what the opposition parties and reform movements should now do. The alternative is to adopt a passive, wait-and-see, stance which would tend to minimise the reform potential of the new agenda and confirm the opposition's irrelevance. But if the opposition is to make itself truly relevant and become a significant player in the new phase of reform now in prospect, it is essential that it draws the main lessons from the experience of the last eight months.

B. THE NEED FOR A UNIFYING IDEA AND STRATEGIC DEMAND

Most if not all of the opposition forces -- whether movements such as Kifaya and the National Rally, the legal parties or the Muslim Brothers -- have paid lip service to the ideal of unifying their political energies in the quest for progressive reform. In practice, however, unity has been achieved only on the basis of negative ideas ("Enough!", "Against monopoly of power", "Against corruption") or highly abstract notions ("Change", "Transformation") or utopian proposals (for example, to rewrite the constitution from scratch).¹⁷² Such notions cannot be the foundation for substantial political unity; such unity as they have prompted has proved ephemeral. Only a clear, positive and realisable proposal can unify opposition energies on a sustainable basis.

Several proposals for reform might reasonably be advocated with some hope of eventually making headway. These include the proposal, supported by most major opposition parties, to abolish the Political Parties Committee as an indefensible constraint on the legitimate rights of constitutional opposition parties and the proposal to reform the system of local elections so as to end the NDP's monopoly of local government. They also include the proposal to revise the law on NGOs to allow them to develop links with legal political parties and permit associations with political objectives that are not, and do not aspire to be, parties seeking public office through elections but which nonetheless have important contributions to make to political life as sources of

¹⁷⁰ In which Rice notably declared, "The day must come when the rule of law replaces emergency decrees...", U.S. Department of State, "Remarks at the American University in Cairo", 20 June 2005, www.state.gov/secretary/rm/2005/48328.htm.

¹⁷¹ The NDP "reformers" around Gamal Mubarak, many of whom have degrees from U.S. universities and extensive U.S. connections, played an important and increasingly visible role in the election campaign, seeking in particular to present a new image of the president. The increasing influence of Gamal Mubarak and the NDP Policies Secretariat which he heads was underlined by the wholesale change in editors of the main state-controlled press in July, but has been visible to informed observers for some time; as Mohamed Sid Ahmed told Crisis Group, "a planned, organized, transition is underway, delivering power to another generation". Crisis Group interview, Cairo, 21 March 2005.

¹⁷² The Algerian experience of 1989-1991 shows clearly the danger of a fledgling opposition movement allowing itself to be diverted from advancing realistic demands for reform into abstract debates over alternative constitutional schemes. There is no reason to expect unanimity over such things and every reason to fear polarisation between partisans of rival and mutually exclusive constitutional formulas.

ideas.¹⁷³ All deserve to be advocated energetically in the coming months but on their own are probably too specific to unify the opposition as a whole.

There is, however, an important demand for political reform which is consistent with the three partial reforms mentioned above and on which most if not all opposition forces agree in principle: the demand for the empowerment of parliament. Three of the main opposition parties -- the Wafd, Tagammu' and Al-Ghad -- explicitly support this,¹⁷⁴ as do the Muslim Brothers. It is, as explained, a precondition for ending the rigging of legislative elections, and the development of parliamentary oversight is arguably a precondition for curbing corruption. More generally, the ability of the legislative branch to curb the executive is a fundamental precondition for the independence of the judiciary.

Above all, the empowerment of parliament is a precondition for the renewal of political life and the reinvigoration of parties. It is a demand which President Mubarak implicitly committed himself to conceding, at least in some degree. By doing so, he implicitly acknowledged that, far from weakening the state, it would be in its interest.

The potential significance of this should not be missed. Many democratic reform measures are resisted by governments, in the Middle East and North Africa as elsewhere, because they are perceived as weakening the state. However, redistribution of power in some degree from the executive to the legislative branch can be defended as making for better, more effective and more legitimate government and thus strengthening the state as a whole. The fact that President Mubarak is now an advocate of reforms to achieve "a greater balance"

between the executive and the legislature means that opposition advocates can claim to be promoting the national interest, and his government can no longer stigmatise them as disloyal or subversive. This creates the possibility for a real political debate that might conceivably result in a substantial degree of national consensus on the eventual reform.

It is, therefore, open to the opposition to make it their central strategic objective to ensure that the reform ultimately enacted on this matter turns out to be substantial. And in developing a campaign with this perspective, it should have a better opportunity than in many years to attract the attention of the depoliticised and apolitical mass of the population, since the empowerment of parliament is also, and crucially, the precondition for the effective representation of ordinary Egyptians.

It should be possible for the main opposition parties to form an electoral block on the basis of an agreed set of proposals for democratic reform and to seek the support of the electorate for these demands in the parliamentary elections. A multi-party block (*kutla*) is a familiar tactic in contemporary Arab politics, and there is no good reason for the Egyptian opposition parties to resist this. A unified opposition campaign with these objectives and politically competent leadership could make an impression on the wider population that none of the opposition parties and reform movements on their own have been able to do. The initiative could transform the condition of the opposition as a whole, enable it to overcome its debilitating divisions and become collectively a significant player in the reform process.

If something of this sort does not happen in time for this year's parliamentary elections, it will be five years before another chance presents itself, and the opposition parties will have condemned themselves to impotence and irrelevance. In light of the severe limitations of the extra-parliamentary reform movements, such a failure by the main opposition parties would confirm the impotence of the opposition as a whole and confront onlookers with the reality that President Mubarak with his new agenda is the only horse running.

¹⁷³ The fledgling reform movements which exist clearly have an interest in such a revision to the law, since this would regularise their own legal status and signify government recognition of them as legitimate actors in public life.

¹⁷⁴ Measures to empower parliament were items four and five on the list of political reforms proposed by the Wafd candidate, No'man Goma'a, in his election platform and item nine (of nine) on the list proposed by Al-Ghad candidate Ayman Nour; see the handbook published by the Egypt State Information Service (SIS), "Presidential elections 2005 compendium", which provides information on all ten candidates and their platforms. That Tagammu support the empowerment of the legislature was affirmed by the party's general secretary, Hussein Abd al-Razzaq, Crisis Group interview, Cairo, 27 April 2005, and by Political Bureau member Abd al-Ghaffar Shukr, Crisis Group interview, Cairo, 7 May 2005. Of the main opposition parties, only the Nasserist Party appears not to attach importance to this proposal but, given its support for a reduction of presidential powers, it would probably support moves in this direction.

V. CONCLUSION

For external forces, and especially Washington, to insist on political reform when the internal forces pressing for it were extremely weak, largely unrepresented in parliament and wholly incapable of influencing the deliberative and legislative processes, was virtually to ask for the mere tinkering and purely cosmetic changes which have occurred. If Iraq shows the difficulty of promoting democratic ideals via militarily-enforced regime change, Egypt demonstrates that substantive democratisation cannot result from rhetorical and diplomatic pressure at a time when the internal balance of forces is clearly unfavourable.

The Egyptian authorities have to be persuaded that it is in their interest to allow more freedom of action to constitutional opposition parties and movements which are loyal to the state but opposed to the NDP. This requires them to see their interest in clarifying and rectifying the relationship between state and NDP and establishing a very clear distinction between the two. But it also requires them to recognise that effective government needs the ruling party to be subject to criticism and scrutiny such as only a strong parliamentary opposition can provide and that, for this criticism and scrutiny to be truly effective, it must emanate from an opposition party which is a credible electoral rival. In short, the authorities must be persuaded to accept the need for a peaceful revolution, the abandonment of the repressive instruments of the now decadent Free Officers' State and the advent of genuine electoral competition for government office permitting, through regular alternation in power, the true enfranchisement of the people.

This may seem a tall order. But it would be a mistake for supporters of democratic reform to act on the assumption that the authorities cannot be persuaded, for the very good reason that major change is actually inevitable.

It is universally understood that President Mubarak has now begun his final term and will leave the political stage in 2011 at the latest. Whoever succeeds him, it can be said with near certainty, will not be able to govern Egypt in the way Mubarak has governed it. The great concentration of power in the presidency, which Kifaya and others have deplored and Mubarak himself has now undertaken to reduce, has not been solely an effect of constitutional texts, but has been built up over the years. Having held a succession of military commands, Mubarak brought considerable managerial experience and a reputation for competence to the presidency, and he has built on that consistently over the last 24 years. His successor will not bring anything like the same personal

authority to the office. The concentration of power in the presidency will inevitably go into reverse on Mubarak's departure.

It is not in the state's interest that this process be unplanned and anarchic. It is especially important that it not lead to a multiplication of rival power centres within the executive itself.¹⁷⁵ Whether or not Mubarak's proposals are consciously based on the realisation that some redistribution of power is unavoidable and needs to be managed intelligently in advance, they can be strongly defended on that basis.

Thought-out proposals by the opposition parties and reform movements on this matter can be defended on the same grounds. They should be able to make full use of the argument that, should Gamal Mubarak become a presidential candidate, his succession would gain in legitimacy in proportion to the degree of real consensus achieved between government and opposition on the redistribution of power and prerogatives between the executive and the legislature and between the government and the opposition parties that will have been arranged in the meantime.

Thus, the task of winning reform through political argument and persuasion should not be shirked, however onerous and unpromising it may appear at present. It is open to opposition forces pressing for reform to take the president at his word and put him under pressure to prove that he is in earnest by following the logic of his own declarations. Much depends on whether they do this with the required unity, energy, persistence and intelligence.

In the short term, the legislative elections offer an opportunity to President Mubarak to make a highly significant gesture to the opposition parties that would establish a wholly new degree of confidence in him and lay the basis for a serious and fruitful debate on reform in the succeeding months. This would be to accept the view of the Judges Club as to how the constitutional requirement of judicial supervision of the elections should be interpreted and put into practice.

Western governments and the U.S. in particular should support this idea. It would be a mistake for them to focus on international election monitors, which would be to insist on empowering non-Egyptians and thus confuse the issue. It is the legitimate Egyptian actors -- judges, political parties and national NGOs engaged in monitoring -- who need to be empowered if the election process and results are to be accepted as valid and thus

¹⁷⁵ As happened notably in Algeria after the death of President Boumediène in 1978, with grave results.

produce a parliament with the authority to discharge its functions and assume new ones.

Finally, it also is important that the various actors recognise the scale and variety of the problems to be resolved and frame their time horizons realistically and responsibly. In particular, Western governments should neither press unthinkingly for early legalisation of the Muslim Brothers as a party nor endorse the regime's conservatism and inertia on this question. Rather they should encourage it to address the issue seriously in all its complexities: the need to legalise the Muslim Brotherhood quickly as an association; the need to allow other political parties to develop their social presence so as to reduce the risk of instability; and, in time, the need to allow the Muslim Brothers to participate collectively in political

life. What needs to be initiated now is a far-reaching process of genuine, not cosmetic, reform, which deals with the real political problems of the state and devises progressive solutions that, by enlarging the space for debate and fostering purposeful participation, harness a wider range of energies and improve the political climate.

No quick fixes are possible. External pressure to "produce results" in short order should not be applied. Advice is another matter, however. And if the NDP reformers are sincere about wanting to see a credible opposition party emerge over the next five years or so, they would be well advised to recognise that the time to start making that possible is now.

Cairo/Brussels, 4 October 2005

APPENDIX A

MAP OF EGYPT

