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## THE CHALLENGE OF POLITICAL REFORM: EGYPT AFTER THE IRAQ WAR

*This briefing is one of a series of occasional ICG briefing papers and reports that will address the issue of political reform in the Middle East and North Africa. The absence of a credible political life in most parts of the region, while not necessarily bound to produce violent conflict, is intimately connected to a host of questions that affect its longer-term stability:*

- ❑ *Ineffective political representation, popular participation and government responsiveness often translate into inadequate mechanisms to express and channel public discontent, creating the potential for extra-institutional protests. These may, in turn, take on more violent forms, especially at a time when regional developments (in the Israeli-Palestinian theatre and in Iraq) have polarised and radicalised public opinion.*
- ❑ *In the long run, the lack of genuine public accountability and transparency hampers sound economic development. While transparency and accountability are by no means a guarantee against corruption, their absence virtually ensures it. Also, without public participation, governments are likely to be more receptive to demands for economic reform emanating from the international community than from their own citizens. As a result, policy-makers risk taking insufficient account of the social and political impact of their decisions.*
- ❑ *Weakened political legitimacy and economic under-development undermine the Arab states' ability to play an effective part on the regional scene at a time of crisis when their constructive and creative leadership is more necessary than ever.*
- ❑ *The deficit of democratic representation may be a direct source of conflict, as in the case of Algeria.*

*Addressing this question is the governments' responsibility, but not theirs alone. Too often, opposition parties and civil society have contented themselves with vacuous slogans and unrealistic proposals that do not resonate with the people and further undermine the credibility of political action. In its analyses, ICG will focus on their behaviour as well.*

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### I. OVERVIEW

On the eve of the American-led war on Iraq, commentators and officials in the West and the Arab world outdid one another with predictions concerning its probable ripple effects. Supporters announced a democratic wave and a strengthening of pro-Western elements. Opponents predicted tumultuous upheaval throughout the region. In Egypt, as evidenced by the 26-28 September 2003 conference of the ruling National Democratic Party (NDP) and renewed activism by the opposition, a clear effect of the war has been to reinvigorate debate about political reform. But so far, that debate has unfolded in ways that neither war advocates nor critics predicted.

Egypt has witnessed a series of different, at times competing, developments:

- ❑ **Strengthened opposition to U.S. policies.** The deeply unpopular war, coming on top of the Palestinian intifada and Washington's perceived alignment with the Israeli government, has further mainstreamed opposition to U.S. policies in the Middle East. Individuals seeking to strike a more balanced and nuanced approach to the U.S. have been marginalised.
- ❑ **Emboldened challenges to the regime.** Domestic criticism of the government is nothing new. But the failure of Egypt and of the Arab states generally to prevent the American

invasion of Iraq, coupled with growing concern over economic issues – highlighted by the floating of the Egyptian pound in January 2003 – has prompted renewed challenge of the government's policies, notably those in the diplomatic arena. Far more openly than before, dissent has focused on the decisions and pronouncements of President Hosni Mubarak himself. Increasingly forthright charges that Egyptian decision-making is not truly sovereign but subject to American dictates are being voiced. Beyond the forcefulness of the critiques, what is also remarkable is the extent to which the regime has allowed them to be aired publicly. While there continue to be very tight controls on the political system, and regime opponents remain subject to arrest, the Egyptian press has provided an impressive amount of space for dissenting and critical discourses, and the regime has allowed some demonstrations.

□ **Growing consensus in favour of political reform, but disagreement over its content.**

Both the regime and the opposition appear to recognise that substantial reform is necessary, and the war has prompted them to clarify their respective projects. Otherwise, a significant gap exists. While the ruling National Democratic Party (NDP) has appeared primarily to favour long-term changes in political culture, opposition viewpoints have converged on a more ambitious constitutionalist agenda, notably a demand for amendment of the undemocratic portions of the 1971 constitution governing presidential selection and prerogatives.

- **Realignment of the opposition.** The old fault-line of Egyptian politics – the conflict between the Islamists and their adversaries – appears increasingly to be overshadowed by one in which the more pro-American wing of Egypt's elite is opposed to those deeply suspicious of U.S. motives in the region and critical of Egypt's alignment with Washington. Islamists have stated their willingness to put their more controversial societal projects to one side in order to ally with the secular opposition on two dominant themes: democracy and sovereignty, by which they mean Egypt's effective independence from the U.S., which intellectuals and activists perceive to be at growing risk. That said, the opposition remains mostly disconnected from ordinary citizens and hobbled by its other traditional shortcomings: lack of a credible and

practical alternative program and internal divisions. Indeed, the political debates between regime and opposition have largely been conducted within the political and intellectual elite, with little participation by the wider population. For most Egyptians, post-war discontent has focused on bread-and-butter matters such as steep rises in the cost of living, changes in municipal services and relations with the police. Shared opposition to the American invasion of Iraq may at least temporarily have bridged it, but the historic divide between elite and mass still very much obtains.

The Egyptian state has demonstrated remarkable stability over the years, weathering intense regional and domestic crises. There is no evidence of an internal threat to that stability at present and, in particular, on all available evidence, no indication of a resurgence of violent Islamist extremism. At the same time, there is little doubt that the war exposed a confidence gap between citizens and government that could widen as economic conditions worsen. The spontaneous anti-war demonstrations in March 2003 also heralded a new player on the scene: young people unaffiliated to any organised political group but thirsting for an effective political voice. Braving police crackdowns, they demanded more political and economic justice both in the region and at home, and highlighted the dearth of institutional channels for political participation. The absence of effective means for citizens to express their will peacefully is potentially harmful to both citizens and the regime.

Political participation and economic development have been core issues of Egyptian political debate for at least two decades. What is new is the sense of urgency and the general consensus, subscribed to in varying degrees by all actors, that movement towards a more inclusive political system has become a national priority. The country's elites (in government and in opposition) appear to have realised the importance of effectively incorporating Egypt's youth. Now they face the daunting task of going beyond slogans and instilling a true sense of belonging and inclusion, a task that would greatly benefit from a real debate on the content of reform as opposed to a sterile confrontation of rival monologues.

Several important lessons suggest themselves:

- If reformers within the regime and the NDP are to overcome internal resistance to political

change, they will need to widen the circle of debate, involve the public and work constructively with significant segments of the opposition. Until very recently, the tendency among NDP reformers in particular has been to single out their reform agenda (to transform Egypt's "political culture") and dismiss all others, namely those involving the repeal of laws that constrain political, associational and press freedoms. In the same vein, by claiming to be the "party of all Egyptians", the NDP has evinced discomfort with genuine multiparty politics and sought to marginalise other reform forces. NDP reformers should recognise that debate with domestic political forces outside the party would be beneficial to development of their own reform program, and that for this to happen, concessions to the opposition parties' demand for progress towards a more liberal political system will be required. If, as the evidence of the NDP Conference on 26-28 September 2003 suggests, the NDP reformers have begun to rethink their attitudes in this respect, this is a welcome change that needs to be encouraged and developed.

- The legacy of Egypt's present leadership will largely depend on its ability to develop the institutions and processes by which the next leader is chosen. Indeed, with the question of presidential succession now firmly on the political agenda, the regime needs to consider how to secure wider public consent for the election procedure and enact the reforms required to ensure that it is accepted as legitimate by public opinion.<sup>1</sup>
- For opposition parties to play an effective part in reforming the political system, they in turn will need to consider whether elements in the NDP reformers' program warrant their support. The succession debate is a case in point. Opposition discourse tends to overemphasise personalised criticism of Gamal Mubarak, the president's son, who many believe is being groomed for

succession. Far more effective would be a critique that put the question of who will succeed President Mubarak aside and focused on how that person ought to be selected. In other words, the opposition needs to articulate the conditions that the selection of any successor would have to meet to be deemed legitimate. Otherwise, it will be difficult if not impossible for the opposition to develop a strategy of promoting reform that includes selective engagement with the NDP reformers in a manner that might both work in their own favour and enlarge and invigorate political debate.

- Maintaining opposition unity is another important prerequisite for effective political activism. This will require opposition parties to distinguish between a (preferably small) number of essential reforms on which they can hope to agree and those secondary matters on which they can agree to disagree.
- The U.S. administration should take seriously the evidence of political damage that American-Egyptian relations have sustained as a consequence of its regional policies, notably its perceived bias in the Israeli-Palestinian conflict, its decision to topple the regime in Iraq, and its heavy-handed admonitions to Egypt and other Arab countries to reform. Washington's policies, and the manner of their implementation, have embarrassed a friendly government, aggravated its domestic difficulties and undermined the U.S.'s self-proclaimed reform agenda. Significantly, there is far greater anger directed at President Mubarak for supporting the U.S. than there is at the U.S. for supporting Mubarak. For a growing section of the Egyptian intelligentsia and political class, the cause of domestic democratic reform is increasingly associated with opposition to, rather than support for, U.S. policies. Ultimately, the preconditions for the U.S. to recover credibility as a promoter of democracy with Egyptian public opinion have less to do with its actions regarding democracy than with its regional policies. The U.S. would help the cause of reform best by more vigorously pursuing a just settlement of the Israeli-Palestinian conflict and de-Americanising the Iraqi occupation by both empowering the UN and accelerating transition to self-rule.

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<sup>1</sup>Article 76 of the 1971 Egyptian constitution specifies indirect election of the president; the People's Assembly (parliament) nominates a candidate by a two-thirds vote, who is then presented to the people in a referendum. If the nominee does not receive 51 per cent of the vote, the process is repeated with another candidate. Thus the electorate can, in theory, refuse to ratify parliament's nominee, but cannot itself choose between rival presidential candidates.

## II. THE IRAQ WAR: THE VIEW FROM EGYPT

In Egypt as in other Arab states, the period of the military campaign against Iraq saw government efforts to contain popular anger at the war in a climate already highly charged by events in Israel/Palestine. Put in a highly uncomfortable position by its relationship with the U.S., the regime responded by strengthening its anti-war message and, at times, joining the opposition's demonstrations. On the whole, however, protest against the war combined with and sharpened criticism of the regime. While this was essentially political and, apart from the demonstrations in February and March 2003, largely confined to the opposition parties and other dissident elements of the elite, it developed against a backdrop of growing discontent over economic issues, which has been straining popular acceptance of the regime.

### A. THE ECONOMIC DIMENSION

Overall, the war's economic impact on Egypt was less severe than forecast. The main loss was in exports to Iraq under the oil-for-food program, which had been worth an estimated U.S.\$1.2 billion to U.S.\$2 billion in 2002.<sup>2</sup> To offset this, the government announced that it was working to involve Egyptian construction companies in reconstruction projects in Iraq. The U.S. Congress approved \$300 million in direct economic aid to Egypt and \$2 billion in loan guarantees.<sup>3</sup> The GDP growth rate during the three quarters ending 31 March 2003 was 2.5 per cent, down from the forecast 4.6 per cent, while industrial production increased by only 2.1 per cent rather than the projected 6 per cent. At the same time, however, the minister of foreign trade announced a 38 per cent reduction in the trade deficit from January to March 2003, Suez Canal tolls brought in an unprecedented \$2.3 billion in FY 2002/2003,<sup>4</sup> and the tourism sector recovered faster than anticipated after the end of the war.<sup>5</sup>

However, the war came at a time of deepening economic difficulties for Egypt that have translated into steep cost-of-living increases, a decline in the purchasing power of ordinary Egyptians and, most recently, a number of unpopular government measures. Together, they continue to provide ammunition for critics of the government's general economic management.

Since 1999, recession and a liquidity crisis have afflicted the economy, which received further blows from the global downturn precipitated by the 11 September 2001 attacks in the U.S. The floating of the Egyptian pound on 28 January 2003 has had the most direct effect on Egyptians, in the form of significant price increases for basic commodities.<sup>6</sup> Due to the pound's depreciation relative to the dollar and euro, inflation was expected to hit a 3 per cent average for FY 2002-03. Government figures reported a 6 per cent price increase in the foodstuff sector, affecting staples such as sugar, cooking oil, rice, and tea, and "threatening a nation-wide surge in malnutrition".<sup>7</sup>

These developments came against a background of high unemployment, poverty, and an ill-funded education system, all structural problems directly affecting citizens' lives.<sup>8</sup> Adding to these ills are

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2003 was up 5 percent from June 2002; see Esmat Salaheddin, "Egypt sees limited tourism fallout from war", Reuters, 16 July 2003.

<sup>6</sup> Chairman of the NDP Economic Committee Mahmoud Mohieldine told ICG, "This economic measure was of our own making, not to please the World Bank or IMF. The alternative to the float was to lose one third of our reserves and to make interest rates higher than they already are". ICG interview, Cairo, 19 July 2003. Mohieldine is also a member of the NDP's General Secretariat and of the Policies Secretariat political bureau.

<sup>7</sup> Mona El-Fiqi, "Inflationary rumblings", *Al-Ahram Weekly*, 17-23 July 2003; "Egypt eyes Iraq", *Al-Ahram Weekly*, 22-28 May 2003; "The war tab", *Al-Ahram Weekly*, 26 June-2 July 2003; Yasser Sobhi, "Rise of the euro," *Al-Ahram Weekly*, 29 May-4 June 2003; Wael Gamal, "Oiling the slump", *Al-Ahram Weekly*, 5-11 June 2003; "Decline in trade deficit during first quarter of 2003", *Al-Ahram*, 27 July 2003. The Central Agency for Public Mobilisation and Statistics (CAPMAS) reported a general decline in Egyptians' purchasing power as a result of the pound depreciation. See Salah Sobh, "Prices of goods and services continue to rise", *Al-Ahali*, 25 June 2003.

<sup>8</sup> Government statistics put unemployment at nine per cent of the labour force and 20.4 per cent of adults aged 15-29 ("Egypt Human Development Report 2003", p.129), while both foreign and domestic non-government sources put it at 15 to 20 per cent. ICG interview with an Egyptian development economist, Cairo, 7 July 2003. In 2002, 20.4

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<sup>2</sup> Daliah Merzaban, "Tourism, trade brace for Iraq war", *Business Monthly*, March 2003. All figures expressed in dollars in this briefing paper are for U.S. dollars.

<sup>3</sup> *Cairo Times*, 17-23 April 2003.

<sup>4</sup> Niveen Wahish, "A twist of fate", *Al-Ahram Weekly*, 31 July-6 August 2003.

<sup>5</sup> Tourism minister Mamdouh El-Beltagi announced that losses to the sector were far less than the \$2 billion he had forecast before the war, and the number of tourists in June

recent and very unpopular official decisions to contract private European companies to collect Cairo and Giza governorates' trash, displacing traditional garbage collectors, and to tie the fee to households' electricity consumption. Citizens contested the measure before the administrative courts but lost. On 26 June 2003, the Egyptian National Postal Organisation announced higher delivery fees on retirement cheques, cutting into pensioners' limited incomes. Cairo Metro fares were raised to a uniform 75 piastres, replacing the older system of graduated fares based on distance travelled.<sup>9</sup>

Systematic criticism of the government's economic strategy largely remains the preserve of academic economists opposed to the 'neo-liberal' prescriptions of the international financial institutions.<sup>10</sup> The opposition parties, themselves divided over such issues, are far from developing an alternative credible economic vision capable of resonating with the public. But while the Iraq war changed nothing in this respect, popular exasperation with the economy has begun to dovetail with other, political, grounds for hostility to the regime. The link was made by a 26-year-old working-class participant in the January 2003 anti-war demonstration in Cairo:

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per cent of the Egyptian population (13.7 million people) were objectively poor, i.e. could not obtain basic food and non-food needs. In terms of subjective judgements of an acceptable minimum standard of living, overall poverty has been estimated at 43.8 per cent (29.3 million people); see UNDP, "Subjective Poverty and Social Capital: Towards a Comprehensive Strategy to Reduce Poverty", Cairo, 2003.

<sup>9</sup> Dena Rashed, "Trashed lives", *Al-Ahram Weekly*, 6-12 February 2003, and "Taking the trash out", *Al-Ahram Weekly* 31 July-6 August 2003. As one Cairo resident protested, "I do not understand what the relationship is between my consumption of electricity and my cleaning fees", quoted in Khaled Ezzelarab, "Sanitation blues", *Cairo Times*, 19-25 June 2003. For the text of the court ruling upholding the new sanitation system, see *Al-Ahram*, 27 July 2003. Despite the Cairo governor's announcement that sanitation fees will have a ceiling of LE10, the newspaper of the opposition Wafd party published invoices showing sanitation fees of LE15 and LE35 for residents of the low-income Imbaba neighbourhood, and one absurd invoice charging 2 piastres for electricity and LE20 for sanitation (*Al-Wafd*, 27 July 2003). See also Lina Attalah, "Pay for the Pension", *Cairo Times*, 3-9 July 2003.

<sup>10</sup> For detailed critiques by specialists, see Mahmoud Abdel Fadil, *Min Daftar Ahwal Al-Iqtisad al-Misri* [On the State of the Egyptian Economy] (Cairo, Dar Al-Hilal, 2003), and Galal Amin, *Kashf Al-Aqne'a An Nazariyyaat Al-Tanmiyya Al-Iqtisadiyya* [Unmasking Economic Development Theories] (Cairo, Dar Al-Hilal, 2002).

The danger facing Egypt is more than a war on Iraq. We're surrounded by danger everywhere, from pesticide-tainted food to state corruption. We pay the price anyway. A government that does this to its own people cannot stop a military attack on Iraq. Why do you think I'm unemployed and Iraq will be hit?<sup>11</sup>

It has also begun to be articulated within the intelligentsia; a well-known figure in Egyptian cultural life was recently moved to comment:

I consider this government to be a danger to national security because of its purposeful neglect of people's concerns and refusal to confront economic problems, which fills people with anger. I challenge anyone of those who clap all day for the government to deny or refute the well known truth on the Egyptian street that people are like hot hay stalks, ready to go off in sparks.<sup>12</sup>

## B. THE POLITICAL CONTROVERSY

While finding fault with the government is routine for the opposition, the controversy over the war widened the target of criticism to include the president, diversified the profile of dissenters beyond the usual suspects, and extended the ways in which opposition is expressed.

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<sup>11</sup> Quoted in Amira Howeidy, "Stepping into a burgeoning gap", *Al-Ahram Weekly*, 23-29 January 2003.

<sup>12</sup> Wahid Hamed, "Change your doorstep", *Al-Wafd*, 26 July 2003. Hamed is Egypt's most popular and successful film screenwriter. A year before the war, on 19 February 2002, Egypt witnessed the worst transport disaster in its history, when a third-class train carrying passengers home to Upper Egypt for a major Muslim holiday caught fire. The official death toll was 375, though eyewitnesses put it much higher. Harrowing scenes of burnt and suffocated victims horrified the nation and prompted calls in parliament for the cabinet's resignation. Prime Minister Atef Ebeid's attempt to blame the disaster on passengers' portable stoves intensified public anger at a seemingly indifferent and incompetent government. In October, a criminal court acquitted the ticket collectors and mechanics, and the presiding judge issued a striking condemnation of their scapegoating by the government. The symbolism of the incident was not lost on commentators: journalist Ibrahim Eissa wrote an article entitled "Nation in a train" (reprinted in Eissa's recently published collection, *Izhab ila Firawn* [Go to Pharaoh], (Cairo, Madbouli Bookshop, 2003), in which he likened the Egyptian people to burning passengers in a third-class train driven by an incompetent and dangerous driver whom they could not replace or hold to account.

There can be little doubt that the regime was genuinely against the war but it was caught in a bind, as it declared its opposition both to the war and to regime change by foreign diktat, while remaining committed to maintaining its strategic relationship with the U.S. President Mubarak repeatedly warned Washington against prioritising Iraq over the Palestinian issue and called for the conflict to be managed under UN auspices. He also asserted on state television on 27 March 2003 that Egypt was not providing assistance to the U.S.-led coalition. Nevertheless, protestors exploited the regime's perceived feebleness in thwarting the war to criticise it and the president himself ever more daringly.

Anti-war sentiment in the intelligentsia had been primed since December 2002, when a two-day conference opposing U.S. military action and supporting the Palestinian intifada drew a wide range of domestic and international participants. Small demonstrations started thereafter, with a campus protest at Cairo University on 5 February 2003 denouncing President Mubarak's invitation to Israeli Prime Minister Ariel Sharon for talks. (The meeting ultimately did not take place.)

Throughout this period, the regime sought to take into account public anger at U.S. and Israeli policies by showing greater tolerance for public demonstrations. On 27 February, with unprecedented cooperation between opposition parties and security agencies, 140,000 people filled Cairo Stadium to hear opposition leaders (including the Supreme Guide of the Association of Muslim Brothers) express opposition to war. On 5 March, in a bid to stay abreast of public opinion, the ruling National Democratic Party staged its own demonstration, bussing in public sector workers to fill the stadium. Prominently featured on the podium was the President's son, Gamal Mubarak, surrounded by NDP officials, Coptic and Muslim religious dignitaries and famous actors.

The regime's efforts were insufficient. The protests climaxed on 20 and 21 March when, for the first time since 1977, thousands of protestors unaffiliated to any organised political group broke through security cordons and filled Tahrir Square in central Cairo, repeatedly trying to march on the nearby American and British embassies.<sup>13</sup> They

held up posters of former president Gamal Abdel Nasser and placards that read, "Cry, Baheyya. Iraq will be bombed by Arab countries"<sup>14</sup> and Nasser's famous saying, "What was taken by force shall return by force". A poster of President Mubarak was torn down, and slogans expressing hostility to him were shouted. A persistent crowd demand was that the Suez Canal be closed to U.S. warships. Anti-war chants linking the fate of Baghdad to other Arab cities were also frequent: "Baghdad is Cairo! Jerusalem is Cairo"! "Today they're bombing Iraq, tomorrow they'll bomb Warraq"<sup>15</sup>

The demonstration in Tahrir Square defied the ban on street collective action strictly enforced since the January 1977 "bread riots" and was coordinated by young people through the new medium of cyberspace. As the journalist Ibrahim Eissa told ICG, "the anti-war demonstrations were organised by a new Internet generation that's more cultured and aware, the politicians always rode in on their coattails".<sup>16</sup> E-mail and mobile phone text messages circulated the previous day instructing protestors to converge on the square as soon as the first bomb hit Baghdad. A seasoned protest organiser said, "We can't claim to have brought more than 3,000 people to the square that day, the rest was spontaneous. But together we showed that we can break the fear and confront the government".<sup>17</sup>

Protest spilled over into direct criticism of the regime and the president, who was forced into a delicate balancing act. Following his televised speech on 19 March on the eve of the bombing of Baghdad, in which he blamed the Iraqi regime "for the grave position it has put us all in", 28 prominent intellectuals of diverse political and religious persuasions, including three columnists for Egypt's leading daily *Al-Ahram*, published a statement in the pan-Arab daily *Al-Hayat*

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For the 20,000 figure, see Amira Howeidy, "Street gaps", *Al-Ahram Weekly*, 3-9 April 2003.

<sup>14</sup> Baheyya is the name of a woman popularly held to symbolise Egypt.

<sup>15</sup> "Warraq" is a low-income Cairo neighbourhood. On the 20-21 March protest, see Paul Schemm, "A loss of control", *Cairo Times*, 27 March-2 April 2003.

<sup>16</sup> ICG interview, 10 June 2003; Eissa is the editor of the soon-to-be-reissued independent *Destour* newspaper, shut down by the government in 1998.

<sup>17</sup> ICG interview with Ashraf Al-Bayoumi, chemistry professor at Alexandria University and anti-war, anti-globalisation activist, 26 May 2003. Bayoumi was detained for fifteen days for leading a subsequent, much smaller, demonstration on 4 April.

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<sup>13</sup> Estimates of the number of protestors ranged from 10,000 to 20,000, to what organisers claimed were 40,000 people. See Paul Schemm, "Egypt struggles to control anti-war protests", *Middle East Report Online*, 31 March 2003.

openly disagreeing and placing the burden of responsibility squarely on American aggression and the flouting of international law. Commenting on the rarity of such direct criticism, one signatory, prominent writer Mohamed Sid Ahmed, commented, "it is high time criticism like this becomes banal".<sup>18</sup>

Police brutality against anti-war protestors reached new levels on 23 March when, in violation of their legal immunity, members of parliament Hamdeen Sabahy and Mohamed Farid Hasanein were beaten by plainclothes officers and detained on charges of fomenting anti-government actions and destroying public property. Although released on bail a week later, this was interpreted as a warning to all activists to stop street protests. The security forces' behaviour was censured by domestic and international human rights groups and the European Parliament.<sup>19</sup>

Cooperation between the government and the Association of the Muslim Brothers led to a 10,000-strong anti-war demonstration on 28 March, although rumours of a "honeymoon" between the regime and the Brothers were rebutted by the latter, and periodic round-ups and detention of leading Brothers resumed the next month.<sup>20</sup> The government cracked down again on 4 April, when a small group of activists armed with a court order authorising a demonstration were detained by State Security Intelligence, which also roughed up journalists. Security agents' behaviour led 37 Egyptian professionals to submit a formal complaint to the public prosecutor against both the president and the interior minister for ordering police to flout judicial decisions that guarantee Egyptian citizens their rights.<sup>21</sup>

The new boldness of elites and populace alike in breaching the ban on demonstrations and denouncing presidential decisions put the regime under pressure. President Mubarak refused the repeated calls to close off the Suez Canal by arguing that Egypt was bound by treaties. He also offered greater articulation of anti-war feeling by warning Washington of the consequences in Iraq, declaring, "If there is one Bin Laden now, there will be 100 Bin Ladens afterward".<sup>22</sup> But this did little to slow the momentum of dissent, which continued after the end of the military campaign.

### C. THE WAR AND PERCEPTIONS OF THE NATIONAL INTEREST

The war sparked a more general debate regarding the regime's ability to uphold national interests. Criticism of this kind pre-dates the war and has come from diverse ideological quarters. In late 2002, the respected pundit and former Nasser confidante Mohamed Hassanein Heikal lamented Egypt's "withdrawal from history" and its shrinking role in the Arab world.<sup>23</sup> From a different standpoint, Islamist intellectual, historian and former judge Tareq Al-Bishri wrote:

I dread that some in our government fear more for themselves from their people than for themselves and their people from external aggression. For them the security of the state and the political system comes before national security and the security of the political community.<sup>24</sup>

These criticisms increased after the war, with even regime-oriented commentators admitting "an absence of a real vision for joint Arab organisation. The Arabs now are even more divided from one another".<sup>25</sup> The main complaints are Egypt's

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<sup>18</sup> See Annik Lussier, "Taking exception", *Cairo Times*, 27 March-2 April 2003.

<sup>19</sup> See Gamal Essam El-Din, "Back in the limelight", *Al-Ahram Weekly*, 24-30 April 2003; see also Human Rights Watch (<http://hrw.org/press/2003/03/egypt>), "Egypt: Crackdown on Antiwar Protests, Use of Torture, Excessive Force by Cairo Police", 24 March 2003; "Egypt: Torture of Anti-war Demonstrators Continues, Urgent independent investigation needed", 26 March 2003; "Egypt: Torture in State Security Headquarters, Anti-war Activists Held Illegally Without Charge", 24 April 2003 and "Egypt: Activist Begins Hunger Strike as Detention is Extended", 1 August 2003.

<sup>20</sup> ICG interview with Abdel Menem Abul Fotouh, member of the Association's highest instance, the Guidance Bureau (*Maktab al-Irshad*), 24 June 2003. See also "Jilted Brothers", *Cairo Times*, 24-30 April 2003.

<sup>21</sup> Paul Schemm, "The demonstration that wasn't", *Cairo Times* 10-16 April 2003; Annik Lussier, "Thinning the red line", *Cairo Times*, 10-16 April 2003.

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<sup>22</sup> "Egypt's Mubarak Warns '100 Bin Ladens'", Associated Press, 31 March 2003.

<sup>23</sup> In a two-hour appearance on a private satellite TV channel; see Amira Howeidly, "Heikal's dream", *Al-Ahram Weekly*, 10-16 October 2002.

<sup>24</sup> Tareq Al-Bishri, *Al-Arab fi Muwajahat Al-Udwan* [The Arabs Confront Aggression] (Cairo, Dar al-Shorouq, 2002), p. 12.

<sup>25</sup> ICG interview with Makram Mohamed Ahmed, editor-in-chief of the weekly *Musawwar* and head of the government-owned Dar al-Hilal publishing house, 12 July 2003. See also the article by Hassan Nafaa, politics professor at Cairo University, in *Al-Hayat*, 4 April 2003.

marginalisation in the region and inability to chart an independent or even coherent foreign policy.<sup>26</sup>

As independent Nasserist parliamentarian, Hamdeen Sabahy, told ICG, “The war not only made Egypt an easier target for American hegemony, but cut it down to size on the Palestine question, pushing it to pressure the Palestinian factions to drop their resistance”.<sup>27</sup> Similarly, Osama Anwar Okasha, Egypt’s most popular TV screenwriter, wrote, “Day after day, Egypt withdraws into the shadows, losing its balance and compass and looking for any way to save face even if only a secondary role as mail carrier between Arafat and Abu Mazen and between them and the Americans and Israelis”.<sup>28</sup> Egypt’s role at the 3 June 2003 Sharm El-Sheikh summit with President Bush, President Mubarak, Crown Prince Abdullah of Saudi Arabia, King Abdullah of Jordan, King Hamad Bin Isa Al Khalifa of Bahrein and Palestinian Prime Minister Mahmoud Abbas that sought to kick-start the Israeli-Palestinian ‘Road Map’ was castigated. Supreme Guide of the Muslim Brothers Maamoun Al-Hodeibi declared,

The so-called Roadmap reinforces Zionist control. The intifada has been going on for three years and has disquieted the Zionist entity, but unfortunately they’re trying to end it now at the hands of Palestinians and some neighbouring Arab countries, principally Egypt and Jordan.<sup>29</sup>

President Mubarak responded to these criticisms, telling a meeting with university students in Alexandria on 26 July:

There are some voices that say Egypt wants to abort the intifada. We’re not aborting the

intifada or anything; we simply told the Palestinian factions to look out for their interests and agree on a common set of interests.<sup>30</sup>

Egyptians seized on the war and other incidents to denounce the apparent subservience to U.S. interests. For some, the war confirmed fears over U.S. intentions and led to calls for mobilisation against “the Sykes-Picot of the 21<sup>st</sup> Century”, in the words of the lead author of the UNDP’s *Arab Human Development Report*, Nader Fergany.<sup>31</sup> Egypt’s decision to sign a bilateral agreement granting U.S. officials immunity from prosecution by the International Criminal Court (ICC), despite having signed the ICC treaty in 2000, drew criticism from mainstream sources.<sup>32</sup> The well-known independent columnist Salama Ahmed Salama wondered, “Where is Egypt’s national interest in this? No one knows and no one is telling”.<sup>33</sup> Likewise, the announcement of the Middle East Partnership Initiative (MEPI) by Secretary of State Colin Powell on 12 December 2002 reinforced opposition to America’s behaviour and perceived Egyptian complicity.<sup>34</sup> MEPI was seen by some as a U.S. attempt to purge cultural discourse, educational curricula, and social relations of Islamic content under the guise of combating terrorism. Salama called it a “cultural invasion”.<sup>35</sup>

Mistrust of U.S. policy and concern at Egypt’s dependence reached a peak during the post-war months. A culture conference, educational curricula reforms, calls for modernising religious discourse and TV shows all became occasions for debating the so-called Americanisation of Egyptian culture and

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<sup>26</sup> Such disaffection dates back to the 1979 Camp David accords between Egypt and Israel, which remain controversial. Heikal provoked a spate of furious denials by officials when he claimed in July 2002 that the accords contained “secret clauses” that require Egypt to play a role in maintaining security in Gaza; see Howeidy, “Heikal’s dream”, op. cit. A letter writer opined, “The Camp David agreement between Israel and Egypt effectively took Egypt out of the conflict, although Egypt may be asked to provide some facilitating services every now and then. Almost all of Egypt’s weight was taken out of the conflict”, *Al-Ahram Weekly*, 17-23 July 2003. Others point to the benefits Egypt received as a result of the accords, including the return of the Sinai and substantial U.S. economic assistance.

<sup>27</sup> ICG interview, 16 July 2003.

<sup>28</sup> *Al-Arabi*, 20 July 2003.

<sup>29</sup> In an interview with the Brothers’ newspaper, *Afaaq Arabiyya*, 19 June 2003.

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<sup>30</sup> *Al-Ahram*, 27 July 2003.

<sup>31</sup> Nader Fergany, “The occupation of Iraq between the claims of liberation and imperial motives”, *Al-Mustaqbal Al-Arabi*, July 2003 [Arabic]. The reference is to the secret British-French agreement during the First World War that provided for a division of much of the Middle East between the two colonial powers.

<sup>32</sup> A news story noted that “the decision came as a shock to some and a disappointment to many”; see Soha Abdelaty, “Setting America above the law”, *Al-Ahram Weekly*, 17-23 July 2003. The article quoted Foreign Minister Ahmed Maher’s defence of the decision that Egypt had not yet ratified the ICC treaty, and the bilateral agreement was “reciprocal”.

<sup>33</sup> Salama Ahmed Salama, “Signs of haste”, *Al-Ahram Weekly*, 3-9 July 2003.

<sup>34</sup> MEPI allocates initial funding of \$29 million for pilot projects in education (especially for girls), economic reform, private sector development, and strengthening civil society. See <http://164.109.48.86/regional/nea/text/1212mepifs.htm>.

<sup>35</sup> ICG interview, 25 June 2003; the sentiment was echoed to ICG by Egyptians of all political persuasions.



society.<sup>36</sup> U.S. decisions or statements were almost invariably interpreted negatively through the prism of growing distrust. Though rumours of intervention in school curricula to change cultural values were denied by the U.S. ambassador, parliamentary and press debates kept the issue alive, with opposition deputies criticising a \$251 million USAID grant for education and health. The doyen of Egyptian educators, Hamed Ammar, said MEPI's plans to provide children's books in Arabic were designed to suppress nationalist ideas and Arab pride and downplay the negative effect of colonialism in Egyptian history.<sup>37</sup>

Eight prominent intellectuals (all secular save for one Islamist) boycotted a ministry of culture conference on 1-3 July entitled "Towards a New Cultural Discourse" in protest at overemphasis on "modernising religious discourse". They objected that "there is no mention of the occupation of Iraq

or the daily extermination of the Palestinian people or America's schemes to force its hegemony on the region, redraw its borders, culture, media and educational systems".<sup>38</sup>

On 23 June 2003, while an Egyptian delegation was arguing in the U.S. for a bilateral free trade agreement (FTA), U.S. Trade Representative Robert Zoellick told an audience at the World Economic Forum in Jordan that Egypt was backsliding on economic reform, and an FTA "isn't going to be handed to them just because Egypt is a big and important country".<sup>39</sup> This apparent policy change was linked to Egypt's decision to back out of a U.S.-sponsored WTO complaint against Europe's ban on genetically-modified foods.<sup>40</sup> Increased suspicion of all things American prompted doubts about the \$1.8 billion Egypt receives in U.S. aid every year with some going so far as to argue for spurning it and finding alternative development strategies.<sup>41</sup>

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<sup>36</sup> Statements by American officials also intensified anger at U.S. policies. For example, in an address to the annual meeting of the American Chamber of Commerce on 28 May 2003, Ambassador David Welch criticised *Al-Ahram* columnist Salama Ahmed Salama for "obtuse judgement" and praised editorialist and NDP parliamentarian Mustafa Al-Fiqqi. The ambassador's remarks and tone unleashed a torrent of criticism. The offending column by Salama had compared comments by U.S. Defence Secretary Donald Rumsfeld to some by Saddam Hussein and criticised what it considered extra-legal mistreatment of prisoners at Guantanamo Bay. The Fiqqi remarks that received praise were: "Egypt must lead the economic and democratic reform process in the region". See Gamal Essam El-Din, "Ardent advice", *Al-Ahram Weekly*, 5-11 June 2003.

<sup>37</sup> Ambassador Welch said he was disheartened by the press's mantra about the United States trying to change the curriculum: "Ladies and gentlemen, this is your business, not our business". He advocated decentralisation of school operations, more parental input, and a critical-thinking approach in schools, all cornerstones of the NDP's New Thought on education. See "Ardent advice", op. cit. The program nonetheless encountered criticism from opposition deputies, who charged that the USAID health grant aims to reduce rural women's fertility rates and that the education grant works to structure curricula around a pro-American worldview; see Gamal Essam El-Din, "A question of motives", *Al-Ahram Weekly*, 19-25 June 2003. Concerning a USAID-funded project on gender relations in Upper Egypt, see Amira El-Noshokaty, "Anger management", *Al-Ahram Weekly*, 26 June-2 July 2003. MEPI's "Promoting Knowledge" initiative includes a "Books program developed in partnership with the U.S. private sector and Ministries of Education in the region. These programs will provide children's books, translated into Arabic, for primary schools". See <http://164.109.48.86/regional/nea/summit/text2003/0613knowledg.htm>. For Hamed Ammar's comments, see *Al-Arabi*, 8 June 2003. For a symposium featuring pro- and anti-USAID opinions, see *Al-Ahram Weekly*, 21-27 June 2001.

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<sup>38</sup> Quoted in Amina Elbendary, "Preaching to the converted", *Al-Ahram Weekly*, 10-16 July 2003; see also *Al-Ushbu*, 14 July 2003 and Farouq Goweida, "Cultural or religious discourse?", *Al-Ahram*, 25 July 2003.

<sup>39</sup> "US beats Egypt with trade stick", *Financial Times*, 30 June 2003.

<sup>40</sup> Ibid. See also Khaled Ezzelarab, "Tit for tat", *Cairo Times*, 10-16 July 2003; Yasser Sobhi, "In a jam over GM foods", *Al-Ahram Weekly*, 10-16 July 2003. For the delegation visit to the U.S., see Gamal Essam El-Din, "Mission American hearts and minds", *Al-Ahram Weekly*, 3-9 July 2003 and "Where Egypt needs to go," ibid.

<sup>41</sup> At a June seminar at the Commercial Workers Syndicate on "The Reality and Future of U.S. Aid to Egypt", three economists from Cairo University, The Ministry of Planning and Al-Azhar University argued that aid benefits the U.S. more than Egypt since 80 per cent of its cost is recovered through the Commodity Import Program (CIP). As an alternative, they proposed raising the domestic savings rate by 25 per cent and relying on it to spur investment and growth, *Afaaq Arabiyya*, 19 June 2003. An influential annual economic review argued that the United States benefits far more from its aid to Egypt than the other way around and concluded: "Egypt as a leading regional state should seriously consider doing without foreign aid as part of a general transformation toward alternative types of international economic cooperation based mainly on attracting foreign direct investment"; see Al-Ahram Centre for Political and Strategic Studies, "Strategic Economic Trends 2002", page 214. This is not a unanimous view. The editor in chief of *Al-Ahram*, Ibrahim Nafie, wrote: "I also believe that many in Egypt have failed to appreciate the economic benefits U.S.-Egyptian relations have brought to Egypt over the past two decades. Emerging economically crippled from the 1973 war, Egypt soon became the second largest recipient of U.S. economic aid, which injected billions of dollars into vital development programs. And there can be no denying the many tangible

In some respects, orientation to U.S. policies has become the main index of where one stands politically in Egypt. Islamists, Nasserists, Arab nationalists, liberals, leftists, and independents have been brought together by opposition to the Iraq war.

Not all agree, however. A minority, while opposed to the war, sees salutary by-products of American intervention in ridding the Arab world of a despotic regime and indeed points to the growing domestic debate as evidence that this might unblock political development in other Arab countries, including Egypt.<sup>42</sup> In this group are some leading members of the NDP's Policies Secretariat, such as Abdel-Moneim Said, Director of the Al-Ahram Centre for Political and Strategic Studies (ACPSS), who told ICG:

There are two paradigms fighting within Egypt since the 1970s: a liberal group that is part of a global trend and a parochial Third Worldism that seeks an alternative development model.<sup>43</sup>

One implication of Said's view is that the fault-line in question is not at all new, and a strong anti-American strain has long existed in Egyptian politics. Overall, however, there is little doubt that the war energised the opposition, reinforced resistance to U.S. policies and highlighted the gulf between state and society, bringing into the open the emphatic anti-war position of the public and civil society, in contrast to a more cautious government caught between popular

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results these influxes of aid have produced". *Al-Ahram Weekly*, 29 March-4 April 2001.

<sup>42</sup> ICG interview with Hisham Kassem, editor of *Cairo Times*, 18 September 2003. A member of the Policies Secretariat, Osama El-Ghazali Harb, has sought to draw a distinction between opposition to the war and support for its outcome: "There are those among us who are waiting, indeed hoping, for Iraqi resistance against the occupation to explode. Some see any rapprochement with Iraq as tantamount to cooperating with the foreign occupation and bestowing upon it some legitimacy. Yet others are praying that Iraq under the Americans will turn into the paradise of the Middle East, that it will flourish politically and economically". *Al-Ahram Weekly*, 15-21 May 2003.

<sup>43</sup> ICG interview, 14 June 2003. After the war, Said wrote a series of articles refuting claims of American imperialism and blaming "the Arab propensity to court disaster, an art developed in tandem with Arab nationalist and religious movements and the characteristics they have come to share over the past few years". See, for example, "Falling at every hurdle", *Al-Ahram Weekly*, 10-16 July 2003. For the split in Egyptian politics between Islamists-nationalists and pro-Americans, see Omayma Abdel-Latif, "A tale of two visions", *Al-Ahram Weekly*, 29 May-4 June 2003.

demands and external pressures. According to Fahmi Howeidy, a prominent Islamist columnist, the war also heralded "the rise of the unorganised", both the masses of students eager for participation but uncommitted to and unrepresented by any political groups and ordinary citizens with no outlets for their opinions.<sup>44</sup> Whether or not, as some claim, "this rising generation is changing the rules of the game",<sup>45</sup> the institutional political vacuum which it has begun to invest predates the war. What to do about it is an item on both government and opposition agendas.

### III. THE IMPERATIVE OF REFORM: THE REGIME'S VIEW

#### A. BACKGROUND

The 2000 parliamentary elections, the first ever to be conducted under full judicial supervision,<sup>46</sup> proved somewhat of an embarrassment for the ruling NDP, whose official candidates won only 175 of 444 seats. While 213 candidates denied the party's nomination were elected as 'independents' but promptly re-joined the NDP so that it could claim an 87.7 per cent parliamentary majority (down from 94 per cent in 1995), the elections revealed the erosion of the party's appeal and prompted its leadership to institute a thorough house-cleaning. This culminated in the eighth annual party congress on 15-17 September 2002.<sup>47</sup> The decision to reform the party represented a break from the past and, according to some, faced not inconsiderable resistance from within the ranks.<sup>48</sup>

The NDP reforms focus primarily on re-establishing the party's ties to its grassroots by overhauling the membership database and rationalising internal party electoral mechanisms in preparation for the

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<sup>44</sup> ICG interview, Cairo, 16 June 2003; Howeidy is a prominent Islamist columnist at *Al-Ahram*. For the experience of young women radicalised during the anti-war demonstrations, see Lina Mahmoud, "What we know", *Al-Ahram Weekly*, 8-14 May 2003.

<sup>45</sup> ICG interview with Ibrahim Eissa, 10 June 2003.

<sup>46</sup> This followed a landmark 8 July 2000 ruling by the Supreme Constitutional Court that the existing electoral law violates the constitutional requirement for judicial oversight of all polling stations.

<sup>47</sup> For background on the congress, see Gamal Essam El-Din, "Countdown to 'new thinking'", *Al-Ahram Weekly*, 12-18 September 2002.

<sup>48</sup> ICG interview with senior Egyptian diplomat, September 2003.

parliamentary elections in 2005. A key change is the introduction of a 600-member electoral college in every electoral district to choose the local NDP candidate by absolute majority, in contrast to the old system of informal selection by party notables. Another innovation is systematic collection of membership fees, which average LE5/year for the claimed two million on the rolls, in order to generate revenues separate from the government budget.<sup>49</sup> To increase youth membership, the NDP is, for the first time, holding “town hall meetings” and “focus groups” (of fifteen people selected according to income criteria) both to inform young people about opportunities for participation and to change the ‘political culture’ by changing attitudes. The didactic function is a major purpose of such NDP meetings. Mohamed Kamal, a member of the NDP Policies Secretariat’s Political Bureau, told ICG:

For example, young people speak a different language, they don’t go along with the orientation of the state; they see the government as a caretaker, like their parents. The state’s view is that the private sector should play an important role in development, but most people don’t share this view. We need to change this political culture.<sup>50</sup>

The September 2002 party congress introduced new faces and new ideas under the motto “An Enlightened Vision and New Thought” and presented a reinvented NDP as a party “for all Egyptians”.<sup>51</sup> The main document outlined 28 “Basic Principles” governing the orientation of the Egyptian state. Domestically, the NDP identified itself as the party of “active centrism” reflecting the “moderation of the majority of Egyptians”. Democracy, human rights, youth and women’s participation were listed as key commitments, as was an active role for Egypt in the world economy and a prominent political role in the Arab, Islamic and African arenas. Arab-Israel

peace is a key objective (Principle 24), based on the 1991 Madrid Conference formula of land for peace.

The NDP’s New Thought openly embraces export-led growth and the free market, while also acknowledging the state’s role in ensuring a measure of equity.<sup>52</sup> A leading party economist told ICG:

Our short term and midterm goals are high growth rates, as simple as that and as difficult as that. A dynamic, liberal economy is able to create jobs and put Egypt on the world economic map of investment. Even if the state manages projects, everything should be done according to market discipline or market pricing. There’s a full realisation that the country has managed to do a lot over the past twenty years but at the same time if you compare us to neighbouring countries there are differences not to our advantage. And there is a kind of concern that time is of the essence.<sup>53</sup>

## **B. THE NDP’S NEW FACE**

The announcement of these ideas in September 2002 was accompanied by important new faces, principally 39-year-old Gamal Mubarak, son of President Mubarak, who was promoted to head the newly created Policies Secretariat (PS).<sup>54</sup> One of five Secretariats added to the party structure,<sup>55</sup> the PS has a nine-member Political Bureau, a 123-member Higher

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<sup>49</sup> ICG interview with Safieddine Kharboush, member of the NDP Higher Council for Policies, 9 July 2003; Dr Kharboush is also deputy dean of the Cairo University Faculty of Economics and Political Science and adviser to the Minister of Youth.

<sup>50</sup> ICG interview, 17 June 2003; Dr. Kamal is also a professor of Political Science at Cairo University.

<sup>51</sup> According to Safieddine Kharboush, reform of the party structure was inspired by the example of Tony Blair’s transformation of the British Labour Party as well as the experiences of majority parties in Malaysia and Denmark, ICG interview, 9 July 2003.

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<sup>52</sup> “The NDP views the market economy and mechanisms of supply and demand and individual initiative in light of free competition as guarantees of the effective distribution and best use of national resources. The NDP also believes that the state plays a major role in equitably distributing these resources and activating their utilisation without obstacles and with oversight by independent, credible, and capable institutions” (Principle 17 of NDP document of Basic Principles, September 2002).

<sup>53</sup> ICG interview with Mahmoud Mohieldine, Cairo, 19 July 2003.

<sup>54</sup> Gamal Mubarak is a former investment banker with the Bank of America in Cairo and London. While chairing the private equity fund, Medinvest Associates Ltd., he founded the Future Generation Foundation in November 1998, an NGO that focuses on executive leadership training and human resource development, readying young Egyptians for the job market “so as to secure for Egypt a prominent position on the global economic map”. “The Future Generation Foundation and Participatory Development: Working for a Better Tomorrow”, featured in United Nations Development Program, “Egypt Human Development Report 2003”, Cairo, 2003, p. 57.

<sup>55</sup> The others secretariats are for membership, political culture, local councils and financial affairs.

Council for Policies (HCP) and six specialised committees reflecting the NDP's priorities: education, population and health care, economic directions, youth and participation, women's role in development, and Egypt and the world. The members of the HCP are appointed by the General Secretariat and are drawn overwhelmingly from business circles and academia. The members of the Political Bureau are also members of the HCP and mostly economists.<sup>56</sup>

According to party documents and members, the PS represents the "capabilities of the party", and even the NDP's critics admit that it brings together "the best minds in Egypt".<sup>57</sup> The mandate of the PS is to devise ways to modernise the party by de-linking it from the government. "The NDP is the government of the party and not the party of the government" was a major motto at the September Congress.<sup>58</sup> The PS is entrusted with crafting public policies in a more rigorous fashion and proposing them to the government; as Mohamed Kamal told ICG, "it's a think tank for political and economic reform ideas".<sup>59</sup>

PS members assert that their project is aimed at building a strong majority party representative of its constituents as part of a broader move to strengthen multiparty democracy. As Mahmoud Mohieldine put it,

We're not really after building a one-party system, we appreciate that there are other parties around. Playing alone is not really fun in anything, but at the same time we shouldn't be expected to take opposition parties by the hand.<sup>60</sup>

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<sup>56</sup> They are: Gamal Mubarak; Ahmed Ezz, parliamentarian, steel magnate and head of the parliament's budget committee; Hatem Qaranshawi, economic adviser to the Prime Minister; Hossam Badrawi, parliamentarian, head of the parliament's education committee; Alia Mahdi, deputy dean of the Cairo University Faculty of Economics and Political Science; Lobna Abdel Latif, economist; Mohamed Kamal, professor of politics at Cairo University; Mahmoud Mohieldine; and Youssef Boutros Ghali, minister of foreign trade.

<sup>57</sup> ICG interview with Abdel Ghaffar Shukr, researcher, Arab Centre for Research, and Political Bureau member of the leftist Tagammu party, 9 July 2003.

<sup>58</sup> For an important critical analysis of the NDP's Congress and new documents, and particularly the party's failure to distinguish itself from the state, see *Al-Taqrir al-Istratiji al-Arabi* [Arab Strategic Report], Al-Ahram Centre for Political and Strategic Studies, Cairo, 2003, pp. 423-433.

<sup>59</sup> ICG interview, 17 June 2003.

<sup>60</sup> ICG interview, 19 July 2003.

He summarised the NDP's New Thought as follows: "We're moving from a party that relies on a few people to a party of institutions".<sup>61</sup> This point was reiterated by Gamal Mubarak in his address to the NDP Annual Conference on 26 September 2003.

While critics charge that the changes are no more than a facelift and a cover for the younger Mubarak's grooming for the presidency, supporters argue strongly that he is part of a broad-based, new generation that has the know-how and skills to lead Egypt into the future. There is little doubt that Gamal Mubarak has played a leading part in the drive for NDP reform. At the same time, however, his role and growing prominence have become the central prism through which many observers assess, and some seek to discredit, the party's changes.<sup>62</sup>

Ever since President Mubarak appointed him to the NDP General Secretariat in 2000, there has been considerable speculation about his political future. Gamal's appointment to the new Policy Secretariat in September 2002 coincided with a spate of corruption cases against former ministers and high-ranking officials, thus encouraging assessments that the anti-corruption campaign was a move to marginalise the old guard and burnish his image.<sup>63</sup> His chairmanship of senior delegations to the U.S. in February and June 2003, his regular appearances on state-owned television, and front-page coverage of his statements in the semi-official press all reinforce popular belief that he is being groomed as presidential heir.

This has been officially and repeatedly denied. In September 2002, presidential adviser Osama El-Baz told *Newsweek* that "Gamal Mubarak is not running for any official office. He's interested in public issues, like any young man interested in the future of his country, but he's not going to pursue any official position".<sup>64</sup> In May 2003, Gamal

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<sup>61</sup> Ibid.

<sup>62</sup> Several high-profile reforms followed the September 2002 NDP Congress. On 17 December 2002, President Mubarak announced that Coptic Christmas, celebrated by Egypt's Copts (6 to 10 per cent of the population), would be a national holiday. In January 2003, President Mubarak appointed a lawyer, Tahani El-Gebali, as the first woman judge on the Supreme Constitutional Court.

<sup>63</sup> The opposition Nasserist party's newspaper interpreted the campaign as a move to portray Gamal as the party's "saviour from corruption"; see *Al-Arabi*, May 18, 2003.

<sup>64</sup> Cited in Jonathan Schanzer, "Gamal Mubarak: Successor Story in Egypt"?, Washington Institute for Near East Policy No. 669, 17 October 2002.

himself told an audience of 600 at his old school, the American University in Cairo (AUC):

There are rumours that I am being groomed for the post, but they are baseless and have nothing to do with reality. Scaling down my activities is not an option; I want to encourage the youth to be active and I will not alter the role I believe in.<sup>65</sup>

Asked in the U.S. the following month whether he would be Egypt's president one day, he told an interviewer on U.S. television:

The issue is not to try and personalise the process of change; the issue is to focus on the process and to shed light on the reality in Egypt today. A lot of young Egyptians are stepping forward to play a leading role in shaping the future.<sup>66</sup>

To a similar question at a conference in Washington, he said, "I'm pretty much satisfied with what I'm doing now".<sup>67</sup> Egyptian opposition commentators were not persuaded; instead, they see these as less than emphatic denials that signal the road is being paved for him to assume power.

President Mubarak has never designated a vice president, the post remaining unfilled since Mubarak succeeded the assassinated Anwar Sadat in October 1981. The vacancy has kept the succession issue alive, with the name of Gamal Mubarak alternating with that of General Omar Suleiman, Director of General Intelligence. Speculation is also encouraged by awareness that Gamal Mubarak is now only one year short of the minimum presidential age (40) set by the constitution and that in 2005 Hosni Mubarak will have completed his fourth term and a presidential election will be due.<sup>68</sup> President Mubarak has not explicitly committed himself on the succession issue.

Egyptian opinion is divided over which of the two main succession options is more likely to prevail.

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<sup>65</sup> Quoted in Nevine Khalil, "Young minds, open debate", *Al-Ahram Weekly*, 8-14 May 2003.

<sup>66</sup> 26 June 2003, <http://www.weta.org/worldtalk/transcript/062603.html>.

<sup>67</sup> "Will Gamal succeed his father in Egypt"?, Reuters, 30 June 2003.

<sup>68</sup> The 1971 constitution sets a six-year term for the president in Article 77, amended by Anwar Sadat in 1980 to enable the president to serve an unlimited number of terms.

Those who bank on a military president argue that the army is the principal political arbiter in Egypt and the guarantor of regime stability. Every president since the July 1952 Free Officers coup that overthrew the monarchy has come from the military: Gamal Abdel Nasser, Anwar Sadat and Mubarak, who is a career air force officer. Some opposition figures expect this tradition to be maintained.<sup>69</sup>

### C. RECENT REFORMS AND THE SEPTEMBER 2003 NDP CONFERENCE

On 6 March 2003, after his return from the U.S., Gamal Mubarak announced that the NDP Policies Secretariat was recommending a reform package for the party to introduce to parliament. The bills proposed abolishing the controversial State Security courts and the hard labour penalty and establishing a National Council on Human Rights. The State Security courts have long been criticised by domestic and international human rights groups for falling far short of international standards for fair trials and gained further notoriety when they twice sentenced Egyptian-American sociologist Saad Eddin Ibrahim to seven years imprisonment in 2001 and 2002. The hard labour penalty has not been imposed for 30 years.

Supporters hailed the initiatives as evidence of the NDP's capacity for reform and Egypt's efforts to align its justice system with international legal standards, while critics discounted them as cosmetic tinkering.<sup>70</sup> Placed on parliament's fast track, the bills were passed by the NDP majority on 17 June, despite opposition objections.<sup>71</sup> The other important government bill passed (in May) by parliament was the Banking Law, which granted the Central Bank of Egypt (CBE) greater oversight powers over banks to rectify a spate of bad loans made to tycoons who

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<sup>69</sup> ICG interview with Abdel Halim Qandil, editor of the Nasserist weekly *Al-Arabi*, 23 June 2003.

<sup>70</sup> Annik Lussier, "Government make-up"?, *Cairo Times*, 13-19 March 2003; "Shuffling the Courts", *Al-Ahram Weekly*, 5-11 June 2003. An NDP official explained that abolishing the State Security courts where corruption trials frequently took place would make it easier to extradite businessmen who defaulted on bank loans then fled the country; see Gamal Essam El-Din, "Only half the story", *Al-Ahram Weekly*, 13-19 March 2003.

<sup>71</sup> For the parliamentary debate, see "Be grateful, citizen", *Cairo Times*, 19-25 June 2003, and "More than window-dressing"?, *Al-Ahram Weekly*, 19-25 June 2003.

fled the country, though it stopped short of giving it autonomy to set monetary policy.<sup>72</sup>

The 26-28 September 2003 NDP Conference, attended by ICG, provided evidence that the ambitions of NDP reformers go beyond these measures.<sup>73</sup> The Policies Secretariat submitted a discussion document entitled "Citizenship Rights and Democracy: an invitation to participate",<sup>74</sup> which argues for further reform under four headings:

- reviving the concept of citizenship and modernising the structure of the relationship between citizen and state;
- providing effective justice to citizens;
- modernising the cultural structure; and
- enabling civil society institutions to play an effective role in the development process.<sup>75</sup>

The ideas sketched in the document still remain to be developed into specific practical proposals and, most importantly, implemented. Still, a striking feature was the call for "a review of the legislation governing political parties and the exercise of political rights" to cover professional associations and unions as well as parties. This apparent gesture towards the opposition seemed to imply a new, more liberal, conception of political pluralism.<sup>76</sup>

In his closing address to delegates, President Mubarak announced his intention to repeal all presidential decrees issued under the terms of the Emergency Law "other than those necessary to the security of the country". While the statement's precise meaning was unclear, it would appear to

mark a change in the regime's approach that owes something, at least, to the vigour with which more ambitious and controversial proposals are being urged by the opposition.

#### IV. THE IMPERATIVE OF REFORM: THE OPPOSITION'S VIEW

A conspicuous recent development has been the opposition's revival of proposals for political and constitutional reform, with the demand for direct presidential election topping the list. Here is where the gap between regime and opposition concepts of reform is most evident. It would be wrong to posit two internally unified camps; opposition circles in particular remain divided in numerous ways. But there is evidence of a trend away from traditional schisms and toward adoption by opposition and independents of a common basic set of political demands.

##### A. SCEPTICISM ABOUT NDP REFORMS

The regime's critics, who broadly include human rights activists, a number of intellectuals and editorialists and opposition politicians of various shades, have begun to converge in their attitude toward government reform overtures. The most common charges have been that the NDP measures are superficial tinkering designed to "soak up" domestic demands for reform<sup>77</sup> and especially to respond to post-11 September U.S. pressure on moderate Arab governments to democratise.<sup>78</sup> Critics have argued that they lack a

<sup>72</sup> Glen Carey, "Declaration of independence"?, *Cairo Times*, 24-30 April 2003; Gamal Essam El-Din, "Compromising the CBE"?, *Al-Ahram Weekly*, 10-16 April 2003.

<sup>73</sup> The conference was the first of what are henceforth to become annual events.

<sup>74</sup> Interestingly, the task of formally presenting the document to the conference fell to Information Minister, and longstanding NDP dignitary, Safwat Sherif, in what some interpreted as a deliberate step to suggest that even the NDP's "old guard" accepts and is implicated in the reformers' project.

<sup>75</sup> National Democratic Party: "Citizenship Rights and Democracy: an Invitation to Participate" [*Al-Hizb al-Watani al-Dimuqrâti: Huqûq al-Muwâtani wa 'l-Dimuqrâtiya: Da'wa li'l-Mushâraka*], Cairo, September 2003, pp. 5-16.

<sup>76</sup> *Ibid*, pp. 13-16.

<sup>77</sup> ICG interview with Abul Ela Madi, 19 July 2003. Madi broke with the Muslim Brothers to found the moderate Islamist *Wasat* [Centre] party, twice refused legal recognition by the government. He was tried before a military tribunal in 1996 after his first attempt. Egypt has a government body called "the Political Parties Committee", created by the Political Parties Law (40/1977), that vets applications for political parties. The seven-member committee includes the Ministers of the Interior, Justice, and Parliamentary Affairs, along with two judges. It has rejected numerous applications since its inception, including those of *Wasat*. Rejected parties can take their case to the "Political Parties Court", which has often overruled the Committee's decisions. For example, the Nasserist Party was recognised in 1992 as the result of such a court order.

<sup>78</sup> ICG interviews with Fahmi Howeidy, 16 June 2003; Salama Ahmed Salama, 25 June 2003; Abdel Ghaffar Shukr, 9 July 2003; and Gihane al-Halafawi, 11 June 2003. Al-Halafawi is the first woman to stand for parliament as a candidate of the Muslim Brothers. In the first round of the 2000 elections, she won a majority in the Alexandria Raml

substantial constituency<sup>79</sup> and leave the status quo – and the NDP political monopoly – intact.<sup>80</sup>

Specifically, critics note that the abolition of the State Security courts (whose verdicts were subject to appeal) did not affect the Emergency State Security courts, whose verdicts are final, subject only to presidential review. They also point out that the 17 June law empowers the prosecution to detain individuals for six months, instead of the previous four days. While they welcome the proposed Human Rights Council, they observe that it lacks autonomy since it is affiliated to the Shura Council (the upper house of parliament), one third of whose members are presidential appointees. Critics in parliament also noted that the Council has no say about torture in prisons and police stations, arguably Egypt's leading human rights problem.<sup>81</sup>

Egypt's post-war human rights developments have been mixed. The oldest human rights group, the Egyptian Organisation for Human Rights (EOHR), was finally legalised, after eighteen years in legal limbo.<sup>82</sup> In another noteworthy step, Saad Eddin Ibrahim was acquitted by the Court of Cassation (high appeals court) on 18 March 2003 and re-opened his Ibn Khaldoun Centre for Development Studies.<sup>83</sup> However, two other rights organisations were denied

legal status due to the objections of State Security.<sup>84</sup> As noted, periodic round-ups and detentions of members of the Muslim Brothers by State Security Intelligence resumed after the war, according to their members in retaliation for their active anti-war stance.<sup>85</sup> And in August, detained anti-war protestor Ashraf Ibrahim and four others were charged with reviving a communist organisation and referred to an Emergency State Security Court.<sup>86</sup>

Abolishing the Emergency Law is the demand most frequently heard by ICG as a basic first step to prove that the regime is serious about reform.<sup>87</sup> Asked the NDP's position on emergency rule, PS member Safieddine Kharboush said, "There's a large trend in the party opposed to its extension, and we hope that the current state of calm continues, and 2006 will be the last year of emergency law".<sup>88</sup>

NDP officials deny they are responding to external pressure. At the AUC meeting in May, Gamal Mubarak said, "I think it's time we stop viewing reform as something which is always imposed from outside. It is part of our vision for our country".<sup>89</sup> Members of the NDP Policies Secretariat make the same point. Abdel Moneim Said, for example, stated that "it is absolutely crucial to make a distinction between our genuine need for reform and the pressure which others (in this case, the Americans) put us

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district; the government cancelled the elections, and when by-elections were held in June 2002, a massive security presence prevented her supporters from entering polling stations, ensuring her defeat by the NDP candidate; see "Democracy died today", *Cairo Times*, 4-10 July 2002.

<sup>79</sup> ICG interview with Fahmi Howeidy, 16 June 2003.

<sup>80</sup> ICG interview with Salama Ahmed Salama, 25 June 2003. That the NDP reformers may have been aware of and sensitive to this criticism is suggested by Gamal Mubarak's declaration, in his address to the NDP Conference on 26 September 2003, that "political action is not the monopoly of the NDP".

<sup>81</sup> Gamal Essam El-Din, "Rights council draws criticism", *Al-Ahram Weekly*, 29 May-4 June 2003. A December 2002 Amnesty International report stated, "Torture is a long-standing concern in Egypt, documented by Amnesty International for more than two decades". Amnesty International, "Egypt: No protection – systematic torture continues", AI Index: MDE 12/031/2002. On 20 November 2002, the UN Committee against Torture expressed "particular concern at the widespread evidence of torture in premises of the Egyptian State Security Intelligence", AI Index: MDE 12/040/2002.

<sup>82</sup> This was done under the new Associations Law (84/2002) ratified by the president in June 2002. Gihan Shahine, "Braced for new challenges", *Al-Ahram Weekly*, 10-16 July 2003.

<sup>83</sup> On the re-opening of the centre, see Charles Levinson, "Back in Operation", *Cairo Times*, 3-9 July 2003.

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<sup>84</sup> Mariz Tadros, "Proof of the pudding", *Al-Ahram Weekly*, 19-25 June 2003; Human Rights Watch, "Egypt's New Chill on Rights Groups", 21 June 2003.

<sup>85</sup> ICG interview with Abdel Menem Abul Fotouh, 24 June, 2003. The most recent roundup of Muslim Brothers on 8 September 2003 included former parliamentarian Gamal Heshmat, *Al-Ahram Weekly*, 11-17 September 2003.

<sup>86</sup> This is the first time since 1983 that a court case has been filed against communists. The defendants face a maximum sentence of fifteen years imprisonment if found guilty. Amira Howeidy, "Hasty indictment", *Al-Ahram Weekly*, 14-20 August 2003.

<sup>87</sup> Emergency Law 162/1958 was imposed almost continuously from 1958 to 1981 and has been repeatedly extended since then by the NDP's majority in parliament, most recently in February 2003 until 2006. Together with a 1914 decree imposed by the British authorities at the outbreak of the First World War criminalising public gatherings of more than five persons, it empowers the authorities to detain anyone without charge for unspecified and renewable periods. Estimates of the number of detainees held without charge in Egypt's political prisons range from 16,000 to 30,000; the Interior Ministry does not issue figures.

<sup>88</sup> ICG interview, 9 July 2003.

<sup>89</sup> "Young Minds, open debate", *Al-Ahram Weekly*, 8-14 May 2003.

under to move in the same direction".<sup>90</sup> NDP Economic Committee chairman Mahmoud Mohieldine told ICG, "The three initiatives related to human rights are just a start; we didn't say this is the end of the process".<sup>91</sup> Policies Secretariat politburo member Mohamed Kamal concurred: "Remember that this is a totally new process, barely a year has passed, and nobody's claiming we have the vision to change everything; but it's a good beginning".<sup>92</sup>

As mentioned, critics also have sought to discredit the NDP reform effort by arguing that it is part of a campaign to legitimise Gamal Mubarak's entry into politics as a prelude to the presidential succession. They claim that Gamal does not promise real change, but would be "one more cog in the same old wheel",<sup>93</sup> and cite his pronouncements as evidence that he does not depart fundamentally from his father's policies.<sup>94</sup> "Inheritance of power" (*tawrih al-sulta*) has become a new theme in Egyptian political discourse,<sup>95</sup> and some voices have risen against the "shadow government" of the PS that allegedly bypasses the cabinet.<sup>96</sup>

To a surprising degree, the debate has been allowed to take place in public.. On 14 October 2002, at a well-

attended public lecture at AUC, Mohamed Hassanein Heikal argued that Egypt is too politically advanced for familial or tribal bases of political power and called on the president to oversee the transformation from charismatic authority to rational-legal political legitimation.<sup>97</sup> In December, the first online Arabic petition against the rumoured succession was posted on the Internet and gathered over 1,000 signatures in a month. "We call on all parties, political forces, civil society... to stand up against this plan", said the appeal, titled "No to hereditary rule in Egypt".<sup>98</sup> The opposition Nasserist party's weekly paper, *Al-Arabi*, has campaigned incessantly against a Gamal succession, publishing unprecedentedly uninhibited criticism of the President.<sup>99</sup>

Opposition also took the unusual form of legal challenges. In June 2003, independent parliamentarian Adel Eid tabled a written question requiring the Prime Minister to clarify Gamal's constitutional status.<sup>100</sup> In July, prominent rights lawyer Essam Al-Islamboly filed suit against President Mubarak before the administrative courts arguing that the constitution requires, not merely authorises, him to designate a vice president.<sup>101</sup> Another lawyer, Nabih El-Wahsh, filed a case with the administrative courts arguing that the Policies Secretariat should be dissolved because Article

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<sup>90</sup> *Al-Ahram Weekly*, 29 May-4 June 2003. Policies Secretariat member Harb has also made the point that "we cannot afford to reject reform just because outsiders demand it. This would be arrogant, impractical, and would defeat our own purpose". *Al-Ahram Weekly*, 27 June-3 July 2003.

<sup>91</sup> ICG interview, 19 July 2003.

<sup>92</sup> ICG interview, 17 June 2003.

<sup>93</sup> ICG interview with Magdi Hussein, editor of *Al-Shaab*, 26 June 2003. *Al-Shaab* is the Islamist-inflected muckraking newspaper shut down by the government in May 2000; thirteen court rulings in favour of Hussein's claim to be allowed to resume publication have been without effect.

<sup>94</sup> During the February 2003 U.S. trip, Gamal Mubarak said that reform of Egypt's presidential selection procedure was "not on the agenda"; see Jackson Diehl, "Gorbachev on the Nile"?, *The Washington Post*, 10 February 2003.

<sup>95</sup> This was notably one of the main slogans of a small demonstration on 9 March 2003 protesting the extension of emergency rule; see Paul Schemm, "Domestic demonstration", *Cairo Times*, 13-19 March 2003. A satirical article written by Saad Eddin Ibrahim in 2000 in a Lebanese magazine lampooning the tendency of Arab presidents to bequeath power to their sons was rumoured to be a cause of his arrest and prosecution; see Mona El-Ghobashy, "The Antinomies of the Saad Eddin Ibrahim Case", *Middle East Report Online*, 15 August 2002.

<sup>96</sup> In response to such criticisms, Gamal Mubarak has said, "The growing prominence of the Policy Secretariat is primarily due to how active it has been ever since the party's congress in September 2002"; see Gamal Essam El-Din, "Back in the limelight", *Al-Ahram Weekly*, 24-30 April 2003.

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<sup>97</sup> See Amina Elbendary, "The future is now", *Al-Ahram Weekly*, 17-23 October 2002.

<sup>98</sup> Sarah El Deeb, "Online petition tackles Egypt succession", Associated Press, 15 January 2003.

<sup>99</sup> The influential annual review *The Arab Strategic Report* put out by the quasi-governmental Al-Ahram Centre for Political and Strategic Studies (ACPSS), cited *Al-Arabi's* boldness favourably: "The paper's position on the NDP Congress was considered by some to broach all the no-go zones, and brought up issues no other newspaper in Egypt could handle. It is one of the few instances where a newspaper succeeds in transferring the murmurs of the Egyptian elite out into the open realm of discussion, to the credit of the newspaper and Egypt's democratic experiment alike", pp. 433-434.

<sup>100</sup> The text of the question reads: "What is the constitutional status of Mr Gamal Mubarak, secretary-general of the Policies Secretariat of the National Democratic Party, which enables him to hold political and economic meetings and negotiations with officials in the United States during his many trips there? Who funds these trips, the state or the NDP?", in *Al-Arabi*, 15 June 2003.

<sup>101</sup> ICG interview with Essam Al-Islamboly, 10 June 2003. The suit is the first time the vice presidency issue has taken on legal dimensions. Al-Islamboly's brief capitalises on the constitution's ambiguity on whether the president is enabled or required to select a vice president. The ruling is scheduled for 11 November 2003. The Egyptian administrative court system enables any citizen to sue any state employee, from a low-level bureaucrat to the president of the republic.



138 of the constitution “stipulates that the general policies of the state and the supervision of their implementation are the exclusive preserve of the president and the government”.<sup>102</sup>

Finally, scepticism about Gamal has dovetailed with growing anti-U.S. sentiment, with criticism of his high-profile U.S. trips and suggestions that his targeted constituency is less domestic than foreign.<sup>103</sup>

## B. THE REVIVAL OF CONSTITUTIONALISM

The swift military success of the U.S.-led campaign in Iraq renewed momentum for political and constitutional reform<sup>104</sup> and fused democracy and national independence as the two fundamental goals. Indeed, some members of the opposition argued that the war compelled Egypt to reform, lest it find itself being reformed from abroad. According to the managing editor of a leftist newspaper, “to delay political and constitutional reform as if it was a grant to subjects rather than a right of citizens is to invite outside intervention in our domestic affairs, since democracy in the Arab world has now become a domestic American concern”.<sup>105</sup>

During and after the war, the common refrain of numerous articles by prominent intellectuals, petitions and statements was the pressing need to put aside historical differences between political factions in the face of a common threat. On 19 April 2003, the leftist Tagammu party issued a position paper titled, “Resistance and Democracy – The Way to Confront

American Aggression”. Also in April, a group of Egyptian intellectuals authored a ten-point program calling for “A New National Project to Confront the Imperialist American Attack”, which gave pride of place to democratic legislative, political, and constitutional reform. By July, when respected Marxist intellectual Anouar Abdel Malek called for “a powerful and cohesive national front”,<sup>106</sup> such views had already gained ground in Islamist circles. As leading Islamist columnist Fahmi Howeydi told ICG:

I’ve stopped writing about *shari’a* (Islamic law) now because it’s not the priority. The number one problem is independence and democracy. The gravity of the situation has reduced the rifts between the different political trends to this old-new common ground.<sup>107</sup>

Subsequently, the Muslim Brothers called on the government to “reconcile with its citizens with a program of real political reform where citizens can feel that they participate effectively in public life and are not pariahs outside it”.<sup>108</sup> Their Supreme Guide, Maamoun Al-Hodeibi, declared:

The features of reform are clear and called for even by non-Islamists. There is a consensus that a government which doesn’t reflect the popular will can never succeed in any field, be it economics or politics or military affairs.<sup>109</sup>

Since the 1970s at least, diverse Egyptian political forces have come together in multi-generational alliances to call on the state to democratise.<sup>110</sup> All political groups and parties, including the Muslim Brothers, now articulate the following precise demands:

- lift emergency rule imposed since October 1981 and uphold constitutionally-enshrined rights of peaceful assembly and demonstration;

<sup>102</sup> Quoted in Gamal Essam El-Din, “NDP gears up”, *Al-Ahram Weekly*, 24-30 July 2003.

<sup>103</sup> See the open letter to Gamal Mubarak by former Ambassador Amin Yusri headlined, “Your electoral constituency is here in Egypt, not in America”, *Al-Arabi*, 6 July 2003 and Muhammad Abdel Hakam Diyab, “Negative outcome of America trip”, *Al-Quds Al-Arabi*, 12 July 2003. For the argument that the succession scenario is supported by Egypt’s pro-American business community, see also *Al-Arabi*, 27 July 2003.

<sup>104</sup> Such projects date back to the late 1970s and include a proposal to model a new constitution after a 1954 document commissioned by the Free Officers but then discarded because its content (including a powerful legislature and a nine-member Supreme Court with powers of judicial review) was deemed too liberal and restrictive of presidential prerogatives; see Mona El-Ghobashy, “Unsettling the Authorities: Constitutional Reform in Egypt”, *Middle East Report* 226 (Spring 2003), pp. 28-34.

<sup>105</sup> Amina al-Naqqash in *Al-Ahali*, 23 July 2003.

<sup>106</sup> Anouar Abdel Malek, “The united front”, *Al-Ahram Weekly*, 10-16 July 2003.

<sup>107</sup> ICG interview, 16 June 2003.

<sup>108</sup> See Abdel Hamid Al-Ghazali in *Afaaq Arabiyya*, 31 July 2003.

<sup>109</sup> Quoted in *Afaaq Arabiyya*, 19 June 2003.

<sup>110</sup> El-Ghobashy, op. cit. See also Abdel Ghaffar Shukr, *Al-Tahalufat Al-Siyasiya wa Al-‘amal Al-Mushtarak fi Misr 1976-1993* [Political Alliances in Egypt, 1976-1993], (Cairo, Kitab al-Ahali, 1994).

- hold free and fair parliamentary elections supervised by the judiciary and an independent election monitoring commission;
- reform the constitution, particularly by substituting direct popular election of the president from multiple candidates for the present indirect selection by popular referendum of a single candidate chosen by parliament;
- lift all legal restrictions on political parties (Law 40/1977), professional syndicates (Law 100/93), non-governmental organisations (Law 84/2002) and the press (Law 96/1996), especially the two-year imprisonment penalty for libel and slander; and
- end trial of civilians before military tribunals.

The far-reaching powers granted the president by the 1971 Constitution at the expense of parliament have always troubled opposition activists, and the war reinvigorated the impulse to curb these. In addition to scrapping indirect election of the president, activists call for abolishing Article 74, which essentially grants absolute powers in the event of “a danger that threatens national unity or obstructs state institutions from carrying out their constitutional functions”. Proposals to transform Egypt into a parliamentary republic and make the president a symbolic head of state were also aired.<sup>111</sup>

This new focus on constitutional reform brought an issue previously confined to legal scholars and elite activists into public debate, forcing NDP officials to respond. In July, Minister of Information and NDP Secretary-General Safwat Al-Sherif declared that calls for constitutional reform “are rejected because they come at the expense of national stability and unity...[the constitution] has provided the president of the republic with the powers required to combat terrorism and protect civilian life from disintegration by extremist forces”.<sup>112</sup>

Members of the NDP Policies Secretariat express more nuanced positions, indicating that there is internal party debate. Abdel-Moneim Said told ICG:

It’s no longer a sin to talk about changing the constitution, but there are fears that if we do, the Islamists will push for more Islamic content, and the left will fear losing socialist gains. The president and others are fearful that they won’t be able to gather a national consensus on constitutional reform.<sup>113</sup>

Another PS and HPC member, Safieddine Kharboush, stated,

The NDP’s position is that constitutional reform is not a priority, that we can have political reform without constitutional reform; it’s not a matter of texts. Within the party, there is a debate about constitutional modification, but it concerns the outdated economic clauses in the constitution, not the issue of presidential selection.<sup>114</sup>

The key difference between the NDP and the opposition hinges on the meaning and content of democratisation. For the NDP, the process of democracy begins by changing political culture and instilling democratic values. As Youth Minister Alieddine Hilal Dessouki argued, “You can’t have democracy without democrats. You cannot have democracy imposed on authoritarian societies”,<sup>115</sup> a view echoed by Mohamed Kamal of the Policies Secretariat politburo, who told ICG:

The issue of democratic political culture is extremely important. You learn democracy at home and in school, through civic education. I don’t believe in changing things by laws but through actions.<sup>116</sup>

Critics reject this view. Columnist Fahmi Howeidly told ICG, “the civil society they like to talk about is an effect of democracy, not the other way around.

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<sup>111</sup> See notably Osama Anwar Okasha, “Summer and fall hallucinations”, *Al-Wafd*, 27 July 2003. The leading advocate of a parliamentary republic is the journalist and editor of the cultural weekly *Al-Qahira*, Salah Eissa, in his book *Dustur fi Sunduq al-Qimama* [Constitution in the Trash Bin: The Story of the 1954 Draft Constitution], (Cairo, Cairo Institute for Human Rights Studies, 2001).

<sup>112</sup> Quoted in Gamal Essam El-Din, “NDP Gears up”, *Al-Ahram Weekly*, 24-30 July 2003; see also “Egypt’s NDP accused of blocking reform”, Agence France-Presse, 20

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July 2003. For criticism of Sherif’s comments, see Salama Ahmed Salama’s column in *Al-Ahram*, 20 July 2003.

<sup>113</sup> ICG interview 14 June 2003.

<sup>114</sup> ICG interview, 9 July 2003.

<sup>115</sup> Quoted in Jane Perlez, “Egyptians See U.S. as Meddling in Their Politics”, *The New York Times*, 3 October 2002.

<sup>116</sup> ICG interview, 17 June 2003.

They're putting the cart before the horse".<sup>117</sup>  
Reform Islamist Abul Ela Madi told ICG:

It's arrogant and insulting to argue that the Egyptian people aren't ready for democratisation. They keep talking about destabilising change and gradual change, and for 22 years there's been no change! I'll accept that foundational changes shouldn't be a priority, but give me a concrete timetable of reform. Free parliamentary elections are the key, after which can come foundational changes like amending the constitution and direct election of the president.<sup>118</sup>

For the opposition, democratisation begins with concrete legal and constitutional reforms, notably lifting emergency rule and holding free parliamentary elections. *Al-Ahram* columnist Salama Ahmed Salama summarised:

Real reform must begin with changing the electoral law, cleaning out voter lists, setting up an independent electoral commission, even having foreign observers – there's no problem with that. There must be equal opportunities for all parties, not an NDP monopoly; all trends must participate. The president has to step down from the chairmanship of the NDP. This is a basic requirement. They have to stop persecuting the Islamist trend and using it as a bogey. If these steps aren't taken, there'll be apathy or a sudden conflagration instigated by some crisis, as so often happens in Egypt.<sup>119</sup>

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<sup>117</sup> ICG interview, 16 June 2003.

<sup>118</sup> ICG interview, 19 July 2003.

<sup>119</sup> ICG interview with Salama Ahmed Salama, 25 June 2003. Salama's point about the Islamist "bogey" is widely shared; ICG found general scepticism (and not just among Islamists) about the prospect of an Islamist "take-over" of democratic elections. Researcher Abdel Ghaffar Shukr said, "The government is skilled at using objectively existing conditions to forever delay reform, like their claim that they want to avoid repeating the Algeria scenario", ICG interview, 9 July 2003. Projections of the Muslim Brothers' share of the vote in free parliamentary elections range from 15 to 30 per cent, based on their performance in the first round of the 2000 parliamentary vote. Reformist Islamist Abul Ela Madi said, "Islamists will get no more than 15 to 20 per cent of the vote, and the NDP will garner 30 to 40 per cent if it's transformed into a real party", ICG interview, 19 July 2003. *Al-Arabi* editor Abdel Halim Qandil estimated that Islamists would get one third of votes, pro-business candidates another third, and Nasserist and other candidates the final third, ICG interview, 23 June 2003.

Whether the opposition's convergence on a basic prescription for reform will translate into tangible collective action is an open question. Continuous emergency rule precludes effective political organisation, and in the past the twin pitfalls of government co-optation and factional disputes have scuttled incipient reform blocs. More fundamentally, the opposition has yet to overcome serious structural weaknesses such as sclerotic internal party structures and crippling and interminable leadership disputes. Opposition parties have paltry bases and lack effective links to potential constituents. Many Egyptians cannot even name the major parties. In short, the opposition faces the substantial task of becoming relevant to a disaffected and politically sceptical public.<sup>120</sup>

## V. CONCLUSION

The ripple effects of the war continue to be felt, but how they ultimately will affect Egypt's political future remains uncertain. The regime has had to weather a major regional crisis and has paid a domestic price in doing so. People demonstrated in the thousands in Egypt's cities for the first time in many years but the demonstrations were quickly contained and petered out by April. Opposition forces received some mileage from the crisis, intensified their criticism of the U.S. and the regime and sought to clarify their positions but they continue to display weaknesses which limit their ability to present a credible and practical alternative.

The regime, especially through the refurbished NDP, has accelerated the pace of reforms, but these are still received sceptically by critics and so far lack significant public resonance.<sup>121</sup> Placed in an extremely uncomfortable position by U.S. policies in Iraq and on the Israel-Palestinian front and already strained by economic conditions, the government has undoubtedly suffered further erosion of popular respect and support, but it has not been destabilised.

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<sup>120</sup> For the ills plaguing Egyptian opposition parties, see Wahid Abdel Meguid, *al-Ahزاب al-Misriyya min al-Dakhil* [Egyptian parties from the inside], (Cairo, Markaz al-Mahrousa, 1993).

<sup>121</sup> This briefing went to press immediately after the NDP Conference on 26-28 September 2003 and thus before the reactions of opposition parties and independent commentators to the interesting new elements in the NDP's political reform repertoire could be gauged.

Within the opposition and the dissident intelligentsia, developments that have occurred should be appraised in conjunction with those that have not. The convergence of leftist, nationalist, liberal-democratic and Islamist tendencies on a shared position – the demand for democratic and constitutional reform and defence of national sovereignty against American interventionism – appears to transcend old ideological and programmatic divisions. But a common platform of demands does not necessarily imply a common strategy, and organisationally the opposition remains fragmented. For all the talk of a ‘united front’, no new party or organised movement with a strategy and program has emerged as yet.

There is, in all this, a clear message to the United States. Its policy choices will count for much: if it continues to fail to promote a settlement perceived as equitable in the Israel-Palestine dispute, if its wider regional stance continues to be perceived as aggressive, and if its policy towards Egypt continues to appear interventionist, hostility could be broadened and deepened. A clear debacle in Iraq could have a similar effect. This is a widely shared view, including by reformists within the NDP.<sup>122</sup>

The message to Egypt’s political actors is equally clear, and there is at least some indication in the growing consensus on the need for political reform that it is being understood. The trend began some time ago but has been accelerated by the war and by the new assertiveness of some members of the younger generation whose activism came to the fore in the city and campus demonstrations last spring and remains outside both the opposition parties and the NDP. Channelling these activists and ensuring that their protests remain within institutional bounds will require redoubled efforts to strengthen mechanisms both for the peaceful expression of discontent and for the political system’s responsiveness. In particular, the

would-be activists will need to be convinced of the utility and relevance of peaceful political procedures.

For the NDP reformers, the challenge will be to build on the September 2003 conference and increase the credibility of their program and strategy. Opposition charges that their reforms are mainly cosmetic and directed at an essentially American audience have had considerable resonance. An important question, therefore, is whether the reformers can gain significant support beyond elite circles for their project while meaningfully enhancing its substantive content. Crucially, in this connection, it remains to be seen whether they will follow through on their recently announced proposal to liberalise legislation governing political parties, professional associations and syndicates.

While their discourse may well reflect widespread public attitudes, opposition parties have only a limited audience for their own views; the circulations of their newspapers are small, and their organised presence in society is modest. The only exception is the Association of the Muslim Brothers but its alignment with other opposition forces is not necessarily something the latter can count on. It thus remains to be seen whether convergence on a reform agenda will translate into effective collective action.<sup>123</sup>

More generally, the conflict between the two visions of reform should not obscure the fact that there is a consensus substantial reform of some kind is necessary, indeed long overdue. The nature of the conflict means, however, that the relationship between the two visions risks proving sterile, with their supporters negating each other. At least until the recent party conference, the NDP reformers appeared not to have reflected on how the presence of a rival project might be turned to advantage; the same could be said of the main opposition forces, with both sides expressing zero-sum conceptions of the game they are playing and appearing to consider their rivals as forces to be defeated or by-passed rather than harnessed.

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<sup>122</sup> Discussing steps the U.S. should take to promote democracy, Harb noted: “The success of the U.S. in resolving [the Israeli-Palestinian] conflict in a manner that fulfils the legitimate rights of the Palestinian people. . . would create a new climate in the region, one that is different from that seen over the past half a century or so, one in which democracy may finally thrive. . . . [T]he Arabs are watching to see how the Americans intend to act in Iraq. Will the United States really create a free and independent regime in that country? Will it end its occupation at the earliest opportunity? Or, will it drag its feet and dig itself into a hole?” *Al-Ahram Weekly*, 14-20 August 2003.

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<sup>123</sup> On 23 April 2003, the heads of the four main Egyptian opposition parties (Labour, leftist Tagammu, liberal Wafd and Nasserist) agreed to schedule a three-day conference for early July. This was subsequently postponed to September due to disagreements over whether to invite the NDP and controversy over excluding the Muslim Brothers. Wafd party head No‘man Gomaa insisted on inviting representatives of the NDP in an inclusive dialogue, while the other party chairmen disagreed, citing the NDP’s monopolisation of power as the chief problem.

By aiming to develop the NDP into a rejuvenated catch-all party of the centre, its new reformers have seemed intent on confining opposition forces to a very restricted role on the margin of political life. The rhetoric in evidence at the NDP Conference was novel and, should it be put into practice, would herald a break from traditional monopolistic attitudes and a move from formal to substantive political pluralism. Such a development would require bold steps from the regime and a corresponding evolution in the opposition parties' attitude as well.

By expressing unqualified hostility to a Gamal Mubarak succession and dismissing the NDP reform agenda as window-dressing for that scenario while palpably lacking the power to carry through

the more ambitious strategy its rhetoric suggests it favours, the opposition has appeared to deprive itself of the option of conditionally supporting elements of that agenda. If the opposition responds positively to the new aspects of the NDP's reform program, it should be able not only to put the ruling party's intentions to a necessary test, but also potentially set in motion a fruitful, albeit still competitive, dialogue between the two main visions of reform. If such a development does not occur, and the old, essentially negative, attitudes reassert themselves on both sides, the prospects for effective reform of the character and scale required will be diminished, and the prospects for other, perhaps less constructive, developments reinforced.

**Cairo/Brussels, 30 September 2003**

**APPENDIX A:**  
**MAP OF EGYPT**

