

Feb 3 2012

Egypt's Civil Society Crackdown: a Test for US-Egyptian Relations

Magdalena C. Delgado

By Sarah E. Yerkes. The relationship between the United States and Egypt has reached one of its lowest points in decades following a series of steps by the Egyptian military to prevent the operation of both international and domestic civil society organisations. Culminating in a [raid on the offices of several NGOs](#) on December 29, the Egyptian military regime (known as the Supreme Council of the Armed Forces, or SCAF) has initiated a harsh crackdown on Egyptian human rights organisations as well as US and European NGOs operating in Egypt. This crackdown is a test for the US-Egyptian relationship. Will the United States stand by as the SCAF rolls back Egyptian rights of association and expression? Or will the US government use the large weapon in its arsenal – \$1.3 billion in military aid – to show the SCAF that its behavior has consequences?



Egyptian soldiers in front of US NGO, National Democratic Institute, in Cairo

The SCAF: Mubarak 2.0?

One of the main criticisms of the SCAF's behavior in recent months is that it has not demonstrated a desire to transition to democracy, as it was put in power to do, but rather has adopted Mubarak-era tactics and levels of repression. Like many of his fellow Arab autocrats, Mubarak used a strategy of selective repression to control civil society and political opposition, cracking down hard on the most threatening organisations (particularly the Muslim Brotherhood and other Islamist groups) but generally tolerating other NGOs. Thus, under Mubarak civil society blossomed, with 25,000-30,000 NGOs operating in Egypt at the end of the Mubarak regime.

However, the legal environment under which NGOs operated and continue to operate is highly restrictive and complex. The civil society sector is regulated primarily by the Associations Law, but is also influenced by the Political Parties Law, the Penal Code, and the Emergency Law. Egyptian citizens are granted the power to form associations under the Egyptian Constitution, as long as those associations are not "hostile to the social system, clandestine, or have a military character." The Associations Law (Law 84 of 2002) requires that all civil society organisations formally register with the Ministry of Social Solidarity (MOSS), the government body that oversees civil society activity. The Associations Law technically grants MOSS the power to dissolve NGOs and forbids them from engaging in political activity, however under Mubarak it was applied arbitrarily and infrequently, with human rights groups receiving the brunt of the regime's pushback.

There is no question that more political NGOs (such as human rights groups and women's rights groups) were under close scrutiny under Mubarak, with the State Security Services regularly harassing and spying on NGO activities. However, scholars and policymakers regularly applauded Egypt for having one of the most vibrant civil society sectors in the developing world, let alone the Arab world. This is because despite the laws on the books, NGOs that played by the government's rules and stayed away from redlines, such as criticising the Mubarak regime and the military, were able to operate with minimal government interference.

Within this context, the SCAF's recent treatment of the American, European and Egyptian NGOs that have been shut down and are now under judicial investigation, seems extreme. In the case of the Egyptian NGOs, it appears that their only "crime" is accepting foreign funding, which is legal under Egyptian law. The Associations Law grants MOSS oversight of all foreign funding that NGOs receive, but does not prohibit Egyptian NGOs from accepting foreign grants and donations, as long as they are submitted through the proper channels. Many of the targeted organisations were [working on elections monitoring](#), which suggests that the SCAF had more sinister motives than simply cleaning up funding issues.

The American and European NGOs are facing different charges. All foreign NGOs are required to register with the Ministry of Foreign Affairs. While Freedom House is a new player in Egypt, the International Republican Institute (IRI) and the National Democratic Institute (NDI) have both applied for official registration with the Egyptian government and have been awaiting a response for years. NDI was told in June that their registration process was suspended due to "[political reasons](#)." Both NDI and IRI ran into trouble with the Egyptian government in 2006, when their licenses were suspended during a period of harsh criticism by the George W. Bush administration of the Mubarak regime. But the groups were since allowed back in the country and as [US Senator John McCain has argued](#), IRI and NDI provide skills training and technical assistance to burgeoning political parties and new voters. They are not fomenting opposition against the SCAF.

This recent crackdown is especially appalling given the positive role civil society played during and immediately following the Egyptian revolution. During my interviews with civil society actors in June, shortly after the revolution ended, Egyptians expressed a mix of cautious optimism and outright euphoria over the changing civil society environment. NGO activists across the board noted that the redlines had changed and no topic was off-limits, with the exception of the military. While no efforts have been made to formally change the Associations Law or other legal restrictions on civil society, within the post-revolutionary environment it was clear that civil society had a large role to play in aiding the democratic transition by registering people to vote, conducting political party training and developing overall political awareness programs. Today, rather than opening up the civil society environment, a typical phase in a democratic transition, the Egyptian government is debating a new Associations Law that is reported to be even harsher than Law 84.

The US Role: Walking the Line between Influence and Interference

Thus far, the United States has had a difficult job navigating its role as one of Egypt's most important allies. A theme of the revolution has been a rejection of Western influence in Egypt's affairs. Thus, Egyptian citizens and government officials have made a show out of rejecting US assistance in the democratic transitions process, calling US financial and technical assistance unwanted foreign interference. Egyptian civil society actors who have relied on US and European funding for their NGO activities for years were careful to loudly reject calls for increased US funding of civil society in the months following the revolution, while simultaneously lining up in droves outside the US Agency for International Development, the largest foreign funder in Egypt. Thus, in dealing with civil society groups, the United States must be careful to respect the wishes of NGOs by quietly assisting them, rather than taking credit for their success or the success of the revolution.

The Egyptian government has thumbed its nose at the US government multiple times since the Egyptian revolution of 2011. The SCAF has accused foreign forces of fomenting the continued protests in Tahrir Square (as well as the revolution itself). On January 26, 2012 six US citizens were [barred from leaving Egypt](#), including the son of the US Secretary of Transportation Ray LaHood, an unprecedented move. A few of those Americans barred from leaving Egypt have now taken up shelter at the US Embassy in Cairo, ostensibly to protect themselves from arrest and shield them from further harassment until the US State Department has convinced the Egyptian government to lift the travel ban.

Most recently, Egypt's Justice Minister Adel Abdelhamid Abdallah [returned a letter sent](#) by US Ambassador Anne Patterson, requesting a lift on the travel ban of the American NGO workers. Justifying his actions, Minister Abdallah said that the letter should have been sent to the investigating judges, not to him. And newly elected Prime Minister Mohamed Saad al-Katatni has said that Ambassador Patterson's letter represents [unwanted foreign interference](#) in Egypt's activities. These are just two more in a long line of examples of the Egyptian government flexing its muscles in the face of the United States

Recommendations

The US government has two main priorities in resolving this crisis: to repair the US-Egyptian bilateral relationship and to ensure the protection of Egyptian civil society from undue government interference. While it may seem counter-intuitive, the best move the US government can make to address the first point is to withhold the \$1.3 billion in US military aid to Egypt until the military successfully transitions power to a civilian government with an approved constitution that sufficiently protects the freedoms of association, expression and religion. The SCAF has made clear that backchannel and other forms of subtle pressure will not sway its behavior. Rather, the SCAF seems intent on proving its defiance rather than cooperation with the US government. Furthermore, according to the 2012 Foreign and Operations Bill, the US cannot release the military aid until the US government certifies that Egypt is "supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law." Releasing the aid now would be hypocritical and remove any possible leverage the US government has in the long run.

Second, the US government should rescind the \$300,000 in economic and social assistance to Egypt. This money flows through the Ministry of International Cooperation, headed by Fayza Aboul Naga, one of the harshest critics of civil society. The US government can promise a reinstatement of the assistance once Egypt amends its Associations Law to reflect a more open, transparent registration and funding process.

Third, the US government should encourage international NGOs operating in Egypt (and elsewhere) to abide by existing laws, no matter how convoluted they may be. Focusing on encouraging the Egyptian government to change the law to be more free and transparent rather than acting as if the law does not exist prevents the possibility for future trouble down the road. The drastic step of withholding all aid to Egypt is just that, but it is also necessary. Critics might argue that if the US no longer provides aid to Egypt, other, less democratic, states will fill in the gap, such as Iran or China. This is not likely. Another fear is that once aid is no longer on the table, Egypt will renege on its peace treaty with Israel. This would only invite an even harsher US response, one the Egyptian government is unlikely to tolerate. At the end of the day the SCAF needs the United States as much as the United States needs Egypt. Up until this point, the United States has not provided consequences for any of the Egyptian government's actions, instead applauding Egypt for its free and fair parliamentary elections and supporting the transitions process as disjointed and insincere as it has been. Withholding US aid to Egypt is a loud and clear message that the rights of the Egyptian people of association and expression, two of the most basic democratic rights, will not be traded for a continued strategic military relationship.

Sarah E. Yerkes is a Ph.D. candidate in the Department of Government at Georgetown University.

This entry was posted in [Middle East](#) and tagged [Arab Spring](#), [Egypt](#), [NGO](#), [SCAF](#). Bookmark the [permalink](#).