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# Pushback Against NGOs in Egypt

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*This article discusses the current political conditions within Egypt, and how its position in the world community impedes the development and operation of domestic NGOs. Understanding the resistance that NGOs and democracy activists face helps illuminate the dilemmas involved in democracy promotion under present conditions. Awareness about the inconsistencies in NGO policy within Egypt will hopefully induce sympathy and pressure from the international community for Egypt to revise its behavior towards NGOs.*

## Introduction

In recent years, various political and social indicators have surfaced that highlight a mounting backlash in developing and transitional nations against the rise of civil society as well as the think tanks and other non-governmental organizations (NGOs) that are active within it. As part of a global trend against democratic avenues of participation, increasing state suppression of NGOs has appeared in nations ranging from Belarus to Tunisia. The rising prominence of domestic NGOs and their growing success at engaging the public has increasingly been met with threats from governments that seek to constrain their operations and, in extreme cases, to orchestrate their collapse. Historically, public policy think tanks in developing and transitioning countries have been key civil society actors: they often bring attention to critical policy issues and help create legislation and regulations that provide all NGOs the space to operate freely. Since think tanks are often in the vanguard of civil society movements, they are frequently the primary targets of legal and extralegal restraints designed to limit their number, role, and influence. It is for this reason that we are giving them special consideration.

The Egypt case study was one of five countries selected for a comparative study designed to document and analyze this alarming transnational trend. Among the study's key findings is a detailed picture of the rising and systematic use of both legal and extralegal means in restraining domestic NGOs. Common legal measures of governmental pushback include the following:

- Registration Limitations
- Funding Restrictions
- Government Oversight/Monitoring
- Explicit Legal Restrictions on NGO Activities

Governments have also increased the range and penetration of extralegal measures targeted at the same domestic NGOs:

- State Control of Media Outlets
- Suppression of Key Leaders
- Threats of Armed Force
- Underdeveloped Legal/Operating Environment

Each of the five nations highlighted in the larger study have applied most if not all of these legal and extralegal approaches to their particular domestic situations. The similarity of these tactics and those

evidenced in Egypt should be cause for increased international awareness and action by NGOs, donors, and intergovernmental organizations.

### **Regime Type and State of Civil Society**

The Egyptian government emerges in liberal discourse as a perennial violator of human rights and a staunch opponent of authentic liberal democracy in the Middle East. However, Egypt consistently receives praise from the American government as well as some European governments for being a “moderate” Arab state—a description referring to both its position vis-à-vis Israel and its stance against the operation of many Islamist movements in the region.<sup>2</sup> This dichotomous characterization is the simplest way to point out the inherent contradiction facing democracy activists in Egypt, who often face a battle within their state as well as on the international field in order to gain positions as brokers of social and political power.

After Egypt gained independence from Britain in 1922 and the Western-backed King Farouk I was ousted in 1952, Gamal Abdel Nasser led the state in consolidating political, economic, and social power under a central government. Nicola Pratt states that in the postcolonial period, “[Egypt] has exercised hegemony through a combination of a nationalist-patriarchal discourse, the institutional framework of corporatism, and the economic structures of the public sector.” By hegemony, she means “the ‘ensemble’ of discursive, economic, and institutional structures through which rulers exercise their power.”<sup>3</sup> As a result, public paths to political and socioeconomic power have been traditionally limited in the name of protecting the interests of the state as a corporate entity. However, recent developments have altered the state’s preeminent role as domestic power broker in these areas.

Since 1981, after the assassination of Anwar Sadat, President Hosni Mubarak has overseen a gradual opening up of the economy and turned towards privatization as a method of generating wealth and modernizing Egyptian business and institutions. However, he has maintained the status quo in politics, taking little or no initiative to reform the political system.<sup>4</sup> Since his inauguration as president, “emergency laws” have been in place to suppress political dissent and allow the government to break up any public gatherings or demonstrations deemed oppositional to the regime’s interest.<sup>5</sup> During this period of slow reform, NGOs and think tanks have emerged to influence the debate about political and social power—namely, to advocate a reorientation of sociopolitical power away from the state and towards private citizens.

Yet Mubarak has consistently blocked significant opportunities for civil society by employing legal and extralegal means to ensure that liberalization proceeds only at a rate that is desirable to the Egyptian establishment. This establishment, which is centered on the National Democratic Party (NDP), has vested interests in the economy developed over years of nepotism and patronage—entrenching deals between the political and business communities.<sup>6</sup> However, the so-called “New Guard of the NDP,” led by the president’s son Gamal Mubarak, a likely inheritor of the presidency, appears to be more engaged with economic modernization; he has equipped Egypt for “global economic competitiveness” by, for example, removing state subsidies. The removal of the old-guard elements from his father’s generation seems to be moving as slowly as economic reform.<sup>7</sup> The current conflict between political reformers and the state is an example of how the state continues to embrace its role as patron, strong-arming opponents into supporting a particularly slow type of reform that “entrenches a system in which NGOs are treated as the children of a paternalistic government.”<sup>8</sup> It is currently unclear as to whether a new Mubarak presidency would be more receptive to NGO involvement in domestic politics.

The history of the Egyptian state’s repressive control of NGOs shows parallels to obstacles that NGOs have faced in the other countries. However, one distinguishing characteristic of the regime is its position as a confidant of the current U.S. administration—and all other U.S. administrations since the 1970s. Mubarak inherited the Egypt of Sadat, boasting the second largest amount of annual military aid from the United States (behind Israel). For helping the U.S. with the Israel-Palestine conflict and accepting its regional presence in the Gulf, Egypt has received much economic assistance while tempering American criticism of its human rights abuses and restrictions on civil society. This situation does not mean that American administrations resist calling for democratic change in Egypt, only that

the United States has vested interests in maintaining a strong alliance with the Mubarak regime.<sup>9</sup> Democracy activists cite this close relationship as one of the major impediments to building a more equitable and free Egyptian society. For allowing Egypt a free hand in restraining groups like the Muslim Brotherhood and other civil society actors calling for greater reform, American policy “cements the perception among Egyptians that Washington blesses autocratic regimes.”<sup>10</sup>

## NGO Climate

In its annual report, Freedom House International gave Egypt a “downward trend arrow” for 2007, with a political rights score of 6, a civil liberties score of 5, and an overall rating of “not free.”<sup>11</sup> The current NGO climate reflects this trend, and although Egyptian society shows many cultural indicators of philanthropy and is demonstrably committed to the founding of NGOs, official registration, long-term development, and the growth of NGOs is significantly limited under current political conditions.

The Egyptian NGO scene began to take off in the years after the October (1973) War between Egypt and Israel. By the mid-1990s, Egypt boasted the largest NGO community in the southern global community, including the rest of the Arab world.<sup>12</sup> However, at the same point in time, approximately a quarter of the NGOs then registered with the Ministry of Social Affairs were in fact inactive.<sup>13</sup>

LaTowsky groups most of Egypt’s NGOs under five categories: (1) community development organizations, (2) religious welfare associations, (3) private-member associations, (4) non-religious welfare organizations, and (5) scientific/public cultural organizations.<sup>14</sup> Religious support bases from both the Muslim and Coptic Christian communities can extend into the community development organizations, with many as well extending into the private-member associations. In fact, the Muslim Brotherhood in the 1980s became very powerful in lawyers’ and writers’ syndicates, effectively turning these groups into “religious-friendly” institutions.<sup>15</sup>

Despite the large number of NGOs in the country, a fifth of Egypt’s population lives in poverty; therefore, its citizens cannot be expected to donate as much money to charitable organizations as do the citizens of Western Europe or the United States.<sup>16</sup> However, Egypt is a mostly Muslim country, so the religious obligation of *zakat* contributes significantly to the strength and operation of many charitable organizations with religious association.<sup>17</sup> International religious charities associated with both the Coptic Christian and Muslim communities are also active in promoting social welfare in terms of education, orphanages, hospitals, and agricultural development. Other organizations require assistance in the form of grants, with much assistance traditionally coming from abroad in the form of foreign grants or international aid. Yet the debate surrounding the funding of NGOs from abroad has piqued interest in government and non-government groups in recent years.

The so-called “foreign funding debate” revolves around the fact that it is illegal under certain circumstances for NGOs in Egypt to accept funds from foreign organizations or governments (this is elaborated upon in the section on legal restrictions, below). Essentially, officials in the government view the foreign funding of domestic NGOs as a potential method for achieving political reorientation of social groups away from state control. The debate can be seen as replicating an oppositional binary inherited from the colonial period in which “domestic mechanisms of authoritarianism” mediate a power struggle between the ruling establishment and those out of power.<sup>18</sup> Critics accuse NGOs of representing a “homogeneous bloc of Western interests seeking to dominate Egypt.” This perspective in turn “creates a ‘siege mentality’” among actors who believe they are acting in the government and state’s national interests, who are then able to justify abusing the rights of those who oppose them in the name of national security, state unity, preservation, etc. Nicola Pratt makes three assertions to undermine the common argument put forth by the anti-NGO side in the debate: (1) “the West is not a homogenous bloc of interests,” (2) “Egypt is not a homogenous bloc of interests,” and (3) “the process of globalization provides new challenges, such as multi-national corporations, environmental degradation, and human trafficking, that do not subscribe to the paradigm of Western domination over Third World or periphery countries.”<sup>19</sup> She found through interviewing many NGO activists that the strength of the anti-foreign funding argument lies not in any flaw in the pro-foreign funding side, but in the “anti” side’s monopoly of nationalism. By placing the world against Egypt in an “us vs. them”

dichotomy, those critical of the work of NGOs can undermine any nationalist or patriotic reason put forth by NGO activists for justifying the work that they do for Egyptian society.[20](#)

Even the NGOs lucky enough to obtain registration from the Ministry of Cultural Affairs must maintain a close relationship with the Ministry and appease bureaucrats who are capable of obstructing their operation. In such an environment, though, the Egyptian government can permit the free operation of NGOs that closely serve the interests of the regime, and thus appear to be NGO-friendly. One obvious example of such an NGO is that run by Gamal Mubarak, the son of the President. He is the chairman of the Future Generation Foundation (FGF), an NPO "with the aim of bolstering Egypt's bold strategy for achieving sustainable economic growth through global competition by helping to create a tech-oriented and skilled workforce that could confront the needs of the new century."[21](#) The organization's website shows that board members of FGF include the Minister of Trade and Industry, the minister of Housing, Utilities, and Urban Development, and several prominent bankers and industrialists.[22](#) That three members of the board of this NGO have direct connections to the government leaves little doubt that the FGF qualifies as an "ersatz NGO."

NGOs that are not supported in the mainstream opinion of the government and NGOs that appear to have a "patron-client" relationship with international donors are likely to be closed down by the government.[23](#) The next section describes in detail the legal methods with which the Egyptian government can limit the activities of NGOs and justify their closure. Following that is a description of the security services that the government employs to police the NGO community.

## **Recent Developments**

Civil society in Egypt has passed through three distinct phases during which the government has developed various legal methods to control and affect the breadth and depth of its reach into civil society its control over the activity of NGOs. Each of these three phases has had its own set of codes and regulations.

The first phase of civil society development, which took place up until World War II, had mostly private, philanthropic organizations as the mainstay of civil society. As these organizations were under the auspices of royal family members, the government did not get involved with regulations.

During the second phase of civil society development, which began under the rule of President Nasser, the government and its role in society as a whole shifted. The state became authoritarian, and as such, began to pursue policies aimed at societal control. The Civic Association Code, Law 32/1964, gave the government great powers over civil society, including the power to reject the formation of organizations and to consolidate or dissolve groups at its discretion. Of great importance to current Egyptian society is the Emergency Law, which was implemented in 1967 during the Arab-Israeli War. The law dramatically expanded police powers, suspended constitutional rights, and legalized censorship. The law is pertinent to NGO pushback as it gives the government the legal right to act in any manner which it believes is needed for its national security.[24](#)

The third and current phase of Egyptian civil society development began in the 1980s with the emergence of a new role for civil society: that of "participant in the processes of development and democratic evolution."[25](#) In this period, the government has increasingly focused on economic development, which has allowed for the implementation of more liberal, market-oriented economic reform. However, that spirit of liberalism and reform has yet to cross over to the political realm. The legal restraints against Egyptian civil society that the government developed during this period will be further detailed in the next section.

## **Legal Methods of Restraint**

Egyptian civil society has evolved alongside government restrictions which have become stricter over time. In 1999, the Egyptian government began to entertain the idea of a law that pertained specifically to NGOs. The draft of the law that was to regulate NGOs, Law No.153, was crafted by the

government without the direct consultation of civil society and was sent to Parliament for approval. It was approved, but it was criticized as unconstitutional and was repealed by the Supreme Constitutional Court in 2000 for procedural reasons. Though repealed, this law laid the groundwork for the law which was to come, Law 84/2002.<sup>[26](#)</sup>

Law 84/2002 was quickly and quietly passed, again with no consultation from the NGOs it would come to affect. The law was very similar in content to Law 153 and would be used “as a tool for the government elite to control CSOs.”<sup>[27](#)</sup> The law is very broad in scope and allows the government to control almost every level of NGO operation. Law 84 allows the government to undermine efforts of the political opposition by regulating out of existence NGOs that question state authority, through regulations during the registration stage, the ability to deny the legal foundations of an NGO, and the power to refuse access to procured funding. The law also allows the government to regulate not just the formal existence of NGOs but also their goals and intentions. Article 11 of Law 84 is particularly used to prevent the registration of NGOs based on what their goals are perceived to be. The government can control the composition of an NGO’s board as well as demand minutes from all its meetings. If an NGO does not operate satisfactorily, Law 84 provides the government many options: it can impose steep fines, jail the NGO’s members, or even dissolve the organization for breaking rules, whether clearly defined or not, established by Law 84.<sup>[28](#)</sup>

From the beginning, NGOs face large obstacles. For an NGO to be legal, it must be registered with the state. While some NGOs try to avoid registration, many find it nearly impossible to operate successfully without the government-issued NGO identification number. The many who do decide to register have to go through the Ministry of Social Affairs, which Article 2 of Law 84 established as the government authority to approve or disapprove NGO registrations. The Office of State Security also plays a large role in overseeing registration, but its role is extralegal and not provided for explicitly in the law. Registration is mandatory under Law 84 for any group that has more than ten members and exists “for a purpose other than gaining physical profit.”<sup>[29](#)</sup> The Ministry is able to reject applications under Article 11 of the Law, which outlines, albeit vaguely, prohibited NGO activities. Rejections can also be based in disapproval of an organization’s founding members or for “any provisions in an association’s article of incorporation that it determines violate the law.”<sup>[30](#)</sup> When Human Rights Watch obtained data on registrations that occurred after Law 84 was implemented, it found that of the thirty NGOs it traced, seven had successfully registered, five were fighting Ministry rejection through litigation, and the remaining groups had decided to pursue alternative legal options.<sup>[31](#)</sup>

One major obstacle in registration for many NGOs is compliance with Article 11. This Article allows the Ministry to reject applications on the ground that the NGO in question is “threatening national unity or violating public order or morals.”<sup>[32](#)</sup> Human Rights Watch describes Article 11 as “a tool with which to block the registration of groups whose behavior or goals do not fit within the narrow margins the state favors.”<sup>[33](#)</sup> At least five human rights NGOs had been denied registration as of June 2005 due to “security concerns” or other Article 11 considerations: the Egyptian Center for Housing Rights, the Egyptian Initiative for Personal Rights, the Egyptian Association Against Torture, the Civil Observatory for Human Rights, and the World Center for Human Rights. And the label “threatening,” which is at the center of Article 11, seems to be one that faces no real standards of scrutiny. Additionally, when NGOs try to fight rejections based on Article 11 grounds, they often receive little additional explanation for their rejections, or face long court battles that can drain their funding. When the Egyptian Association Against Torture attempted to challenge its rejections, the Ministry, five weeks after a request, vaguely informed the group that “its objectives breached Law 84 in practice and in spirit and violated the public order.”<sup>[34](#)</sup>

If an NGO successfully navigates the challenge of registration with the Ministry, it faces additional hurdles in operation. Law 84 allows the government great freedom of interference in almost all NGO activities, with the threat of dissolution always looming in the background. According to Article 25, the Ministry has the right to send “representatives to an organization’s meetings and even call a meeting of the general assembly.”<sup>[35](#)</sup> The Ministry also requires that the NGO send the Ministry a copy of the minutes from each meeting within thirty days of it taking place. Regulation of activity is also attained through rules regarding the composition and number of board members. The Board of Directors must comprise an odd number, anywhere between five and fifteen, and a list of those nominated as board members must be submitted for approval to the Ministry sixty days before the election. Board



nominees can be removed by the Ministry for “non-fulfillment of nomination requirements” according to Article 34.<sup>36</sup> Human Rights Watch found cases in which individuals were blocked from participating in board elections for two NGOs, one focused on human rights and the other on development.<sup>37</sup>

Another realm in which the Ministry exercises great control is the funding of NGOs. Many NGOs have come to rely on foreign funding to keep their organizations running, since domestic sources of funding are often few and far between. However, according to Article 17, “associations may not accept foreign funding without explicit authorization from the Ministry of Social Affairs.”<sup>38</sup> There are strict protocols regarding the transfer of foreign funds, one of which stipulates that all foreign funds must be deposited into designated bank accounts during the review period, none of which the NGO can access. The law also states that the Ministry must give its final decision within sixty days. However, since the NGO cannot access any of the funds during this period, the waiting period can often drive the NGO to insolvency. This complication frustrates many NGOs, as one NGO leader said to Human Rights Watch: “The sixty days are an issue—of course the government will take longer, and we won’t be able to touch it. Our operational funding is vital. It is essential we get it in time, and it’s the hardest to find. The electricity [bill] must be paid.”<sup>39</sup> Many organizations that had experienced trouble with registration find that gaining permission to use their foreign-donated funds can be equally trying.

The relationship between the government and NGOs is often marked by distrust, as the government perceives many NGOs to be “wealthy groups corrupted by foreign political interests.”<sup>40</sup> The dynamics and difficulties in the registration process are thus often affected by the social, economic, and political differences between NGO activists and government officials. Additionally, corruption in the government, confusion among officials, and lack of knowledge of the complicated NGO laws contribute to the difficulties many NGOs face. Belligerence from government officials makes legitimate NGO work in Egypt even more difficult. One NGO leader remarked that whenever he went to the Ministry he “took a copy of the law in one hand and the executive regulations in another. [I] would read aloud different provisions to them and they would say ‘but we have orders to do it this way.’”<sup>41</sup> Many of these barriers to NGOs within the Ministry bureaucracy “appear to be the bureaucratic expression of political resistance” to voices of opposition in Egypt.<sup>42</sup>

Groups that break any of the rules laid out in Article 84 may face fines, penalties, jail time, or even dissolution. If an NGO tries to avoid registration, activities deemed “clandestine” can be punished with up to a year in prison and hefty fines. However, the law is so vaguely defined that many NGOs are subject to penalty without being clearly forewarned of their illegal activity. We have to remember that any activity that threatens national unity or violates public order or morals can be punished; furthermore, any activity seen as political is illegal. This ban can cause issues when an NGO is accused of sponsoring a “campaign,” a word without non-political connotations in Egypt. When organizations are punished, they are done so collectively, which discourages many Egyptians from participating in these groups. Likewise, dissolution of an NGO can take place as a result of the actions of a single member.<sup>43</sup>

While many groups have faced sanctions as a result of Law 84’s penalties, the Ibn Khaldun Center for Development Studies in Egypt is a particularly poignant case. Its director, Dr. Saad Eddin Ibrahim, was arrested at gunpoint in 2000 with two of his employees and was then held for forty-five days while receiving no formal charges. The police along with about fifteen to twenty armored cars took Dr. Ibrahim to the center where he saw his building ransacked. After three years in and out of courts and jails, Dr. Ibrahim was acquitted after the high court of Cassation, the only independent court of Egypt, overturned all of the charges. Upon returning to the Center’s office, he likened its appearance to the “National Museum of Baghdad” after the looting that took place during the American invasion in 2003.<sup>44</sup> The formerly thriving NGO had been deprived of all of its computers, and the office was now unusable. Despite the government harassment, Dr. Ibrahim and his group decided to push forward and to continue on with their work. Dr. Ibrahim recently described his ordeal in the *Washington Post* and spoke out against the repression of Egyptian NGOs: “My real crime is speaking out in defense of the democratic governance Egyptians deserve.”<sup>45</sup> With deteriorating health and as a target of the Egyptian government, Dr. Ibrahim has been warned not to return to Egypt. He describes the current situation: “My family is worried, knowing that Egypt’s jails contain some 80,000 political prisoners and that disappearances are routinely ignored or chalked up to accidents. My fear is that these abuses will

spread if Egypt's allies and friends continue to stand by silently while this regime suppresses the country's democratic reformers."[46](#)

### **Extralegal Measures of NGO Pushback**

As articulated in the section on legal restrictions, Law No. 84/2002 does not explicitly describe a role for the security services concerning the application and registration of NGOs. Those organizations that continue to operate without direct approval from the Ministry of Cultural Affairs of all logistical and financial actions run the risk of being closed down by security services.[47](#) Thus, in Egypt, the actions of NGOs and the boundaries of their activism are influenced by the ever-present fear of security services.

By and large, Egypt boasts the largest overall security sector in the Middle East. However the majority of its spending and training is not devoted to the development of the armed forces, but rather to the larger and more numerous internal security services. These agencies include the General Intelligence and Security Service, the Military Security Service, the General Directorate of State Security Investigations, and the State Security Service.[48](#) Together, these agencies have worked to curtail NGO operation through a variety of methods. The most publicized aspect of Egypt's internal security apparatuses is their record for arbitrarily arresting, beating, and torturing civil society actors. Examples include unwarranted arrests of reporters, public beating of protestors, and the torture of prisoners. Many asylum-seekers who have fled to other countries have been tortured upon returning to Egypt, as have many political activists who have demonstrated to express their dissatisfaction with the Mubarak regime.[49](#)

Although NGOs and democracy activists frequently find themselves in the crosshairs of the Egyptian state when making demands for greater political power, the state's internal repression is aimed at other social currents as well. One of these other targeted groups is the Egyptian Muslim Brotherhood, publicly outlawed since 1954. The Brotherhood has agitated for recognition by the state as a legal political party and religious social movement for years; however, the state has demonstrated its intransigence in a number of ways, most notably during the early 1990s when a sub-war raged between the state security services and various militant factions within the Brotherhood.[50](#) The state's campaign to quash their activities influences NGO pushback because it serves as a pretext for the Egyptian security services to do everything necessary to maintain social order. With this rationale, NGO activists can be arrested and detained on legal grounds developed in response to prosecuting violent saboteurs and terrorists.

The toll exacted by the internal security services on Egyptian society has been well documented. Last year, the Egyptian Organization for Human Rights confirmed that at least 500 cases of police abuse took place since 1993, 167 of which resulted in death.[51](#) Also, reports have shown that Egypt's national budget overwhelmingly emphasizes internal security before other areas of public spending, such as healthcare.[52](#) The state's broad definition of "public order" has consistently been applied as an attempt to legalize any action by the security services, whose extralegal harassment, torture, and detention of NGO personnel has been exceedingly difficult to prosecute due to state anti-defamation laws and a byzantine network of legal rules protecting security personnel in the military courts. The imprisonment of Saad Eddin Ibrahim and the closing of the Ibn Khaldoun Center for Development Studies between 2000 and 2003, and the simultaneous rollercoaster of legal appeals that eventually granted him freedom, demonstrate the willingness of the security services to stifle inquiry into the problems that currently face Egyptian society and the economy in a difficult age of reform.

More recently, Egyptian bloggers who have written critically of the government have been targeted in much the same manner as Ibrahim— tried under anti-state defamation laws and imprisoned with minimal resources for legal defense. "Sandmonkey," also known as Abdel Kareem Nabil, was arrested and jailed for four years for "insulting Islam and Egyptian president, Hosni Mubarak, on his blog."[53](#) As in other countries like Syria, China, and Russia, the Internet is increasingly subject to censorship by the Ministry of Information and the various security networks in Egypt.[54](#) Yet the community of bloggers has shown that it can effectively aid opposition leaders and democracy activists in orchestrating anti-government protests, and also influence the dialogue about how best to



express their dissatisfaction with the current political climate.<sup>55</sup> In the 2005 election cycle, members of the blogging community demonstrated, through new technologies such as text-messaging and the Internet how to mobilize support for political movements like the Muslim Brotherhood and the *Kefaya* movement (a group of anti-government civil society actors agitating for greater civic inclusion and freedom, whose name means “enough” in Arabic).<sup>56</sup>

Ultimately, the Egyptian government wastes valuable time, resources, and human energy by harassing NGO personnel and detaining their members. Not only is the Egyptian government under-concerned with the structural problems facing the country, but the active campaigns carried out by the security services indicate government willingness to see the country suffer an intellectual stagnation. By employing extralegal measures to limit the activity of civil society actors, the Mubarak regime ensures that its top-down reforms can be carried out with as little internal criticism as possible. Without the advantage of other voices in the domestic dialogues over what to reform and how to reform, the government is unable to construct many meaningful relationships within Egyptian society that favor public accountability and efficiency in its development goals.

## Regional Implications

When examining the role and repression of civil society in Egypt, it is illuminating to compare the Egyptian situation to that in other countries of the Middle East. Augustus Richard Norton, in the introduction to his compilation on civil society in the Middle East, describes the regional situation: “Intolerant of peaceful political opposition and suspicious of independent political activities, the region’s governments have persistently moved to squash those political voices resistant to co-optation or intimidation.”<sup>57</sup> In terms of repression of civil society and political dissent, Egypt is on par with its peers and acting in a manner that seems to be normal in the region. Civil society in the Middle East as a whole “enjoys less autonomy than civil society in the West, and is therefore likely to be less vigorous and less efficacious in interaction with government institutions.”<sup>58</sup> Of potential interest is the fact that a human rights movement has emerged in the Middle East, a movement that has also been observed in Egypt.

As the hobbling of civil society has left a gap in the realm of popular expression in the Middle East, many countries, Egypt included, have seen the rise of a new ideology to fill that void— Islamism. While the government in Egypt may not like the fact that this movement has taken hold through such groups as the Muslim Brotherhood, Norton argues that “even when the governments have not purposely assisted the Islamists, the governments have aided the Islamists indirectly through limitations and restraints on associational life.”<sup>59</sup> Growth in popularity of Islamist parties and movements has been noted in all Middle Eastern countries. However, Egypt has tried to work through the use of its Emergency Law and its NGO Law, Law 84/2002, to prevent Islamic activists from rising to political power.<sup>60</sup> The role of Islamism in Egypt in the future will be of great importance, however, as more Islamist movements seek expression of their aims through civil society.

Although Egypt seems to follow the Middle Eastern trend with regard to limitations on civil society, it has a few features that make it a unique case. Egypt is an authoritarian state (like many in the region) that has seen a growth of the popularity of Islamism. However, Maha Abdel Rahman argues that a backlash against the Islamist movement and the repression of religious groups are increasingly emerging not just from direct orders from the government, but from secular civil society groups themselves. Competition within the civil society sphere for much-needed domestic funding that is not subject to Law 84 pits some civil society actors against one another, often in a conflict between secular and religious groups. This phenomenon has been termed “the privatization of repression.”<sup>61</sup> Exacerbating the tensions are the non-secular intellectuals who hope to take power entirely away from secular groups by allying themselves with the government. While the motivations of the secular intellectuals may be diverse, one common reason for their repression of the Islamists is rooted in their fear that “if the Islamists come to power, there is no guarantee that they would abide by the rules of democracy.”<sup>62</sup> And like other states in the region that have recently held elections — notably Palestine, Lebanon, and Iraq—there is a common precedent to limit the participation of religious actors in the political process.

## Policy Recommendations

While the Egyptian government often boasts of the growth and number of NGOs that populate its civil society, that growth has been tempered with repression. The freedoms of speech and press that are necessary for a flourishing and productive civil society have largely been replaced in Egypt with administrative hurdles and harassment from the security services. The government is able legally to prevent the registration of NGOs that have aims or goals which it believes to be compromising to Egyptian "security." Article 11 of Law 84 is so broadly and vaguely worded as to allow the Ministry of Social Affairs near-ultimate authority in rejecting any NGO application that may be construed as "threatening" to the regime. The threat of penalties, fines, and even dissolution puts NGOs in the position of trying to follow rules which they are bound to break, or trying to fly under the radar with their activity. Those who are caught face an uphill legal battle, as did Dr. Ibrahim of the Ibn Khaldun Center of Cairo. Additionally, the extralegal role of the security services guarantees that those who are caught breaking the laws will meet the heavy hand of punishment and harassment.

Legal reforms are needed in Egypt to in order produce a productive and flourishing civil society in which NGOs can operate. NGOs and other civil society members need to be thoughtfully and legitimately incorporated into the lawmaking process to produce a new NGO law which will make many of the administrative hurdles less daunting. The registration process needs to be streamlined with the rules for rejection or acceptance of the application of an NGO more clearly defined. There also needs to be a simplified appeals process in which the Ministry replies within allotted deadlines and gives concrete reasons for rejecting the application of an NGO. The process for obtaining funding should be made simpler as well. Many NGOs need more readily available funds in order to keep their organizations afloat. The government should decide whether to allow foreign funding in a timely manner so that NGOs can assess their financial needs more quickly.

Changes also need to be made within the government bureaucratic apparatus itself. The role of the Ministry versus the role of the security services needs to be clearly defined. As it stands, the security services have no legal role with respect to NGO registration and operation. However, the security services often decline NGO registrations. The two organizations need to be disentangled, and the NGO registration process de-politicized. Additionally, government bureaucrats need to be educated about the laws under which they operate. Some have even enforced the old NGO law from 1974. Ministry employees need to know thoroughly the laws that they are enforcing and carry them out across all the regions of Egypt equally. Most importantly, efficiency and transparency should be increased in all actions in order to make the regulation of Egyptian civil society more legitimate. NGOs are often at the mercy of the Ministry in terms of registration, funding, and appeals. The rules need to be adhered to in all processes, and time frames should be enforced and respected.

Finally, changes need to occur within the Egyptian community itself. NGOs will continue to face an uphill battle if they are perceived by the government and by the community at large as rich affiliates of foreign governments. Within the realm of the law, NGOs face the challenge of changing their perception. While their options are limited given the ban on political campaigns, through their persistence in their work and through good governance practices they should be able to help the community slowly see that they can be a force for good and for change. Additionally, if the laws are adjusted to shift punishments away from the collective and toward the individual, Egyptians may feel inclined to get involved with the work of NGOs and help build a more inclusive and democratic civil society.

## Notes

**1** James G. McGann is assistant director of the International Relations Program at the University of Pennsylvania and the president of McGann Associates. His books include *Think Tanks and Policy Advice in the U.S.: Academics, Advisors and Advocates* and *Comparative Think Tanks, Politics and Public Policy*.

**2** On many occasions, Egypt has condemned the actions of Hezbollah, al-Qaida, Hamas, and other Islamist groups that have used violence to articulate grievances against Israel, the United States, and other Western governments.

**3** "Hegemony and Counter-Hegemony in Egypt: Advocacy NGOs, Civil Society, and the State." *NGOs and Governance in the Arab World*. Ed. Ben Nafissa, Sarah, Nabil Abd al-Fatah, Sari Hanafi, and Carlos Milani. New York: The American University in Cairo Press, 2005. 126.

**4** 2005 was the first election cycle that permitted a multi-party presidential election; however, the validity of the election was fundamentally undermined by the imprisonment and restriction of Mubarak's opponents. See Lavin, Abigail. "Democracy on the Nile: The Story of Ayman Nour and Egypt's Problematic Attempt at Free Elections." *The Daily Standard*. 27 Mar 2006. Accessed March 2008  
<<http://www.weeklystandard.com/Content/Public/Articles/000/000/012/034kqgwf.asp>>

**5** Freedom House. "Freedom in the World – Egypt." Freedom House, 2007. Accessed 8 Mar 2008  
<<http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7170>>. These laws were actually renewed in 2006 for two more years. See Williams, Daniel. "Egypt Extends 25-Year-Old Emergency Law." *Washington Post* 1 May 2006. A13.

**6** And in the reform period, many businessmen held elected office. Owen, Roger. *State, Power and Politics in the Making of the Modern Middle East*. New York: Routledge Press, 2003.131.

**7** Dunne, Michele. "Egypt's National Democratic Party: The Search for Legitimacy." Carnegie Endowment for International Peace, 16 Nov 2007. Accessed March 2008  
<<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=19716&prog=zgp&proj=zme>>.

**8** Human Rights Watch. "Egypt: Margins of Repression: State Limits on Nongovernmental Organization Activism." *Human Rights Watch* 17.8 (July 2005): p.1.

**9** See Kessler, Glenn. "Rice Criticizes Allies In Call for Democracy." *Washington Post* 21 Jun 2005. A01.

**10** Hamzawy, Amr and Dina Bishara. "Burying Democracy Further in Egypt." *The Daily Star*, Beirut, Lebanon. 16 Mar 2007.

**11** A rating of 1 represents "most free," while a rating of 7 is "least free." Report is available online at  
<<http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7170>>.

**12** In 1997, Egypt had 14,000-15,000 private non-profit organizations, in addition to many more youth clubs, professional syndicates, and trade unions. See LaTowsky, Robert J. "Egypt's NGO Sector, A Briefing Paper." *Education for Development* 1.4 (1997): 1.

**13** Ibid., 4.

**14** Ibid., 5-7.

**15** Owen, 184-185.

**16** 2005 estimate. The Central Intelligence Agency. *The 2008 World Factbook*. Accessed 7 Jun 2008  
<<https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html#People>>.

**17** *Zakat* is considered one of the five pillars of Islam, and it requires those who are financially capable of meeting their immediate needs to donate 2.5% of their income to those in need within their communities.

**18** Pratt, Nicola. "NGOs and the 'Foreign Funding Debate' in Egypt." *Human Rights in the Arab World: Independent Voices*. Ed. Anthony Chase and Amr Hamzawy. Philadelphia: University of Pennsylvania Press, 2006. 124.

**19** Ibid., 124-125.

**20** Ibid., 125-126.

**21** Future Generation Foundation. "About us | Background." Future Generation Foundation. Accessed on 10 Mar 2008 <<http://www.fgf.org.eg/About.aspx?pageID=156>>

**22** Future Generation Foundation. "About us | Members." Future Generation Foundation. Accessed on 10 Mar 2008 <<http://www.fgf.org.eg/About.aspx?pageID=160>>.

**23** For a discussion on the issues facing international NGO relations between the global North and South, see Milani, Carlos. "Non-Governmental Organizations in Global Governance." *NGOs and Governance in the Arab World*. Eds. Sarah Ben Nefissa, Nabil Abd al-Fatah, Sari Hanafi, and Carlos Milani. New York: The American University in Cairo Press, 2005. 19-37.

**24** Agati, Mohamed. "Undermining Standards of Good Governance: Egypt 's NGO Law and Its Impact on the Transparency and Accountability of CSOs." International Center for Non-for-Profit Law, Apr 2002. Accessed Mar 2008 <[http://www.icnl.org/knowledge/ijnl/vol9iss2/special\\_4.htm](http://www.icnl.org/knowledge/ijnl/vol9iss2/special_4.htm)>.

**25** Agati.

**26** Ibid.

**27** Ibid.

**28** Ibid.

**29** Ibid.

**30** Ibid.

**31** Human Rights Watch, "Egypt: Margins of Repression."

**32** Ibid.

**33** Human Rights Watch, "Egypt: Margins of Repression."

**34** Ibid.

**35** Agati.

**36** Ibid.

**37** Human Rights Watch, "Egypt: Margins of Repression."

**38** Agati.

**39** Human Rights Watch, "Egypt: Margins of Repression."

**40** Ibid.

**41** Ibid.

**42** Ibid.

**43** Agati.

**44** Open Society Institute's Central Eurasia Project. "Freed Reformist Sees Hopes for Islamist Democracies." Open Society Institute, 5 May 2003. Accessed 18 Mar 2008.  
<[http://www.soros.org/initiatives/cep/events/egypt\\_20030505/summary](http://www.soros.org/initiatives/cep/events/egypt_20030505/summary)>.

**45** Ibrahim, Saad Eddin. "Egypt's Unchecked Repression." *Washington Post* 21 Aug 2007: A15. Accessed 18 Mar 2008 <<http://www.washingtonpost.com/wp-dyn/content/article/2007/08/20/AR2007082001500.html?referrer=emailarticle>>.

**46** Ibid.

**47** Human Rights Watch, "Egypt: Margins of Repression."

**48** See Federation of American Scientists. "Egypt: Intelligence Agencies." Federation of American Scientists, last updated 10 Jun 2008. <<http://www.fas.org/irp/world/egypt/index.html>>.

**49** See Human Rights Watch. "US: Halt Deportation to Torture in Egypt." Human Rights Watch, 1 Jun 2007. Accessed March 2008  
<<http://www.hrw.org/english/docs/2007/06/01/usdom16055.htm>>. See also Physicians for Human Rights. "Egypt: Torture of Anti-War Demonstrators Continues; Urgent Independent Investigation Needed." Physicians for Human Rights, 26 Mar 2003. Accessed March 2008  
<<http://physiciansforhumanrights.org/library/2003-03-26.html>>.

**50** Owen, 185.

**51** Paraphrased in Ibrahim.

**52** Ibid.

**53** Levinson, Charles. "Egypt's Blog Rebels Silenced by Jail." *Sunday Telegraph* 7 May 2007. Accessed March 2008  
<<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/05/06/wblog06.xml>>.

**54** For the first instance of Russia charging blogger with "inciting hatred and enmity," see "Russian Blogger Heads to Court After Fiery Comment." *The Other Russia* 13 Mar 2008. Accessed March 2008  
<<http://www.theotherussia.org/2008/03/13/russian-blogger-heads-to-court-after-fiery-comment>>. For Syrian instance, see "Civil Society News from Around the Region: Syria." *Civil Society and Democratization in the Arab World* (Aug 2007): 2.

**55** See Levinson, Chris. "Egypt's Growing Blogger Community Pushes Limits of Dissent." *Christian Science Monitor* 24 Aug 2005. <<http://www.csmonitor.com/2005/0824/p07s01-wome.html>>.

**56** See Stack, Liam. "Democratic Reforms Missing from Egypt's Political Debate." *The Daily Star*. Beirut, Lebanon. 13 Oct 2006.

**57** Norton, Augustus Richard. *Civil Society in the Middle East*, Volume 2. New York: Die Deutsche Bibliothek, 1996.

**58** Ibid., 1-16.

**59** Ibid.

**60** Yet these modes of repression do not guarantee total control of the political situation. In the 2005 elections, Muslim Brotherhood members registered as independents captured roughly 20% of parliamentary seats. See Otterman, Sharon. "Muslim Brotherhood and Egypt's Parliamentary Elections." Council on Foreign Relations, 1 Dec 2005. Accessed March 2008 <<http://www.cfr.org/publication/9319/#1>>.

**61** Rahman, Maha Abdel. "The Politics of unCivil Society in Egypt." *Review of African Political Economy* 29.91 (2002): 21-36. Accessed 18 Mar 2008 <<http://www.roape.org/cgi-bin/roape/show/0091.html>>.

**62** Ibid.