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# Democracy promotion and the practices of governance in the Egyptian context: the understanding of democracy in the EU document

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## European Union and Democracy Promotion in the Middle East-

### Promoting Democracy or Acting in line with Democratic Principles?

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#### Introduction:

The European Union's policy of promoting Democratic reforms in the Middle East has become a subject of a growing theoretical interest. The dominant view tends to portray the EU as a normative power with an objective of socializing the region with a set of global processes and universal principles i.e. trade and economic liberalization, rule of law and peaceful resolutions of armed conflicts. According to these views, a European active role in promoting these principles will secure the two parties interests- the European interests of combating Islamic radicalization and controlling illegal migration and the anticipations of the southern Mediterranean countries to get more integrated into the global economy. **The paper argues that while this self-proclaimed vision of the European role in the region may help to open new channels for public debate in the region, it may curb the cultivation of democratic ethos and practices on the long run.** By portraying the EU as naturally democratic actor, the ferment internal debate about the EU policies at home is usually obscured and the transplantation the same policies abroad is represented as a normal positive development. Moreover, this vision implies a risk of reducing the concept of Democracy to a set of constitutional and institutional arrangements with the consensus building as its end-point. A careful reading in the EU official stands demonstrate that the EU institutions tend to neglect, or at least to be less responsive to, the vast majority of the democratic struggles that question the efficiency and justice of the EU supported policies in the fields of economic liberalization or the conflict resolution. Public protests against the liberalization of public services in Egypt and Morocco or the continuous opposition of plans of Israeli/ Palestinian conflicts are illustrating examples. In these cases, the EU stands end up feeding into the same discourse of the entrenched authoritarian regimes that turn down these movements as "symptoms of anti-modernization sentiments". **As such, there is a need to embark on a radical aspect change that problematizes the EU vision as an external normative actor.** A number of critical voices plea for an imagination of the EU in the region as an internal actor that is being caught among different webs of power struggles that continuously shape and deform its policies and programs. In this regard, the question will change form whether the EU is doing enough to promote Democracy in the region to be whether the EU is acting in line with the democratic rules or not. Only by opening to the democratic ethos of questioning and debating, the EU can contribute to the democratization of the region. The major terrains of the eruption of democratic practices will be the economic and regional policies favored or directly implemented by the EU. I will illustrate this argument by focusing on the European strategy of promoting Democracy in Egypt- a major trade partner and a key strategic alley of the EU and the US in the region. The findings are based on a textual analysis of the documents that regulate the bilateral relations with Egypt and a first hand experience through my work at the Delegation of the European

Commission in the country. Finally, I will conclude with mapping out some policy implications that the proposed aspect change may bring about.

***Democracy promotion and the practices of governance in the Egyptian context: the understanding of democracy in the EU documents regulating the relations with Egypt***

Since the declaration of the G8 initiative of border Middle East in 2004, Democracy promotion has become cross cutting theme in the European foreign policy the Southern Mediterranean. In general, there three major tracks of bilateral relation with the country.

- 1. Association Agreement and the European Neighborhood Action Plane:** Egypt ratified its association agreement with the EU at 2004. The agreement is the document that sets the legal framework of the relations between the two countries. It is rather general and spells out the principles of the future cooperation. It includes the famous clause N. two that none of the actions between the two entities should go against the principles of Democracy and human rights. This clause exists in similar agreements that EU has with other entities and it is widely known as the essential clause. The Association Agreement was followed by adopting a joint Action Plan in the framework of the new European Neighborhood Policy in 2007. The ENP is an attempt to incarnate the successful enlargement experience to bring about political and economic reforms in the neighboring countries using accession to the European Union as an incentive. Obviously, joining the EU is not possible in this case, but more free trade with Europe or freedoms of movement are among encouraging incentives for these countries. Unlike the Association Agreement, the Action Plan is more detailed and it determines areas of actions and specific objectives. The first chapter of the plan spells out in details the objectives in the field of democratic reforms and human rights promotion. The follow up on these objectives take place through joint subcommittees that observe the developments in each of these sectors as well as an association council that is held annually on the ministerial level. The European Commission from its side produces quarterly and annual reports that investigate whether Egypt is acting in line with its commitment in the Action Plan. These are rather key reports as they encapsulate the European Commission view of the developments in the country.
- 2. Strategy paper, indicative program and programs:** in light of the reports' findings and the dialogue in the sub committees, the European Commission concludes its strategy

paper. This includes the EU's own vision on the required actions to help the Egyptian side fulfilling its commitments in the Action Plan. The strategy paper informs the indicative program that specifies in more details the areas of European actions and allocate the budget to the programming phase for five years time that gets revised and updated in the middle period.

- 3. European Instrument for Democracy and Human Right (EIDHR):** This rather independent instrument is run by the delegations of the European commission. An annual ad hoc assessment of the context in the country defines the EIDHR themes for the year. That is why the EIDHR programs are the most dynamic and changing track of democracy promotion policies.

***Undecidability of conception of Democracy:***

The careful observation of these sets of documents and practices confirm what a number of writings have already noticed that there is no clear-cut or one unified definition of that object being promoted- Democracy. It is conflated and interweaved with a multitude of concepts e.g. human Rights, Human security, Rule of Law and Good Governance. In a sense, Democracy means every thing and nothing specific at the same time. I take the absence of the definition as an example of the constitutive tension that hunts the concept of Democracy itself- the tension between Democracy as a practice of governance and Democracy as a practice of freedom or as Aletta Norval calls, a practice of "aversion". This tension, or what Chantal Mouff called the democratic paradox, is amplified and become more clear while being promoted outside Europe. I will try to elaborate a bit on this paradoxical nature of Democracy.

Following Foucault, James Tully characterises practices of governance as 'forms of reason and organisation through which individuals and groups coordinate their various activities'. These practices include 'the language games in which both governors and governed recognise each others as partners in the practice, communicate and co-ordinate their activities, raise problems and propose solutions, and renegotiate their form of government, including languages of administration and normative legitimation'. On this account, relations of power – 'by which some individuals or groups govern the conduct of other individuals or groups.....are also relations of governance. Such practices are always accompanied by practices of freedom through which the rules of the game can be modified and contested by those subject to them. William Connolly situates Democracy at this juncture of practices by arguing that, "Democratic politics is a site of tension or

productive ambiguity between governance and disturbance of naturalized identities. It survives only while this tension is kept alive.

I argue that this tension has not kept alive in the course of the EU efforts to promote Democracy in the Middle East. The first dimension of the democratic practice has been hegemonic while pursuing Democracy promotion in the region. The various texts that I mentioned before portray a region that is lagging far behind its potential and thus not being able to catch up with a set of universal process. Among the elements of the pictures are a Corrupt and dis-functioning administration, endemic unemployment and poverty rate, especially among young people and closed channels of political participation that leads to further polarization and fragmentation of the regions polities. Obviously, the imperatives of Europe's security are at the background- the concerns over the illegal migrants and the Islamic radicalization are unmistakable. As such, Democracy is represented in relation to other reforms that may bring about order and stability to the region. This includes Trade and economic liberalization, building an accountable and functioning administration and preserving human rights. Democracy is understood here as a set of institutional and constitutional arrangements with the consensus building as its ultimate objective. It is a practice of continuous rationalization that tams the elements of antagonism and pushes them to the frontiers of the society. Interrelated to the above-mentioned conception, the EU appears as the embodiment of these values on the international scene. It tends to socialize the region with the imperatives of human rights and rule of law. For example, ratifying a set of founding human rights declarations is a pre-condition to move one stage of the relation with a specific country into another. EU is viewed as promoting a set of universal values that are in harmony with each other. As such, the EU self-interest is hocked up into a universal human rights discourse- a clear corollary with Tully's notion on the imperial right.

Since the early-modern period, European states have asserted a crucial ... feature of modern constitutional democracy: the imperial right of European states and their companies to trade freely in non-European societies and the duty to civilize non-European peoples, together with the corrective duty of hospitality of non-European peoples to open themselves to trade and civilization. If Indigenous peoples resist and defend their own constitutional forms and constituent powers and civilizations, and thus violate the international duty of hospitality, the imperial powers have the right and duty to impose coercively the 'conditions' of trade, hospitality and civilization;

namely, the appropriate features of modern constitutional forms and constituent powers.

**Nevertheless, other views of democracy has never been absent from these founding documents.** A careful look on the indicative programs, different programs and EIDHR projects, demonstrates an understanding of democracy that is not reduced to its institutional and procedural aspects. Some of these programs focus on combating the culture of police officers' impunity in a context marked with four decades of entrenched authoritarianism. Moreover, in few cases the EC delegation has financed programs that campaign against EU supported policies of Trade and Services Liberalization. This being said, **I shall assert one more time that this conception of democracy is far from being hegemonic.** I will not examine that conception of Democracy at length only because of the time constrains, not because it is less significant or influential.

***EU Democracy promotion efforts in practice:***

The above-explained conception of Democracy imposes strict limitations the EU calls for democratic reforms. These limitations are clear in the two levels of the EU's action- the policy or strategy level and the level of programs or projects. Due to the dominance of this conception, the EU institutions end being isolated from the sites of democratic practices and unable to react to most of the authoritarian measures that it criticizes. As such, the attempts to support the rising democratic struggles are usually subverted into programs aiming at modernizing governance techniques in accordance with the regime's priorities. I shall move to a concrete discussion of this rather abstract judgment.

As for the policy level, the EU's communication with the Egyptian political spectrum is marked by a striking imbalance. While the European Commission and the member states engage in continuous dialogue with marginal liberal or secular forces, the EU famously refrains from any direct contact with the Islamist movement, especially the Egyptian Muslim Brotherhood. The latter is the major, yet outlawed, opposition group in the country. Although the group managed to achieve remarkable electoral success by winning 20% of the Peoples' Assembly seats (the lower chamber) in the ballot of 2005, the EU contact with the group is still limited to its parliamentary bloc. Ironically, it is a common knowledge that the group's parliamentary bloc is not the most influential wing inside a strictly centralized group whereby the decision is concentrated in a number of limited key bodies like the Guidance Bureau and the Political Bureau. Moreover, the European Commission visits to the Muslim

Brotherhood parliamentarians are rather rare and they usually end up with the two sides engaging in a formal dialogue that is very poor on substance. The declared reasons of this policy refer to the Muslim Brotherhood stands concerning the Arab-Israeli conflict as well as its shallow line on women and minorities rights. Indeed, while it is true that the group's line is still ambiguous on many questions, the group has repeatedly denounced violence and announced its intention to abide with the democratic principles. Above all, there is a kind of consensus among the European Commission officials that ambiguous stands concerning Democracy cannot be a valid reason to reduce the contacts with the major opposition group in the country. However, this internal consensus has not managed yet to change the reluctant position of the member states and some groups in the Parliament.

Moreover, the EU reaction to the continuous crackdowns on the group is similarly confused and reluctant. **The trial of 50 key leaders of the group before an exceptional Military Tribunal in 2007 is a very striking one.** The case ended with sentences between three to ten years of imprisonment without the possibility to challenge the ruling before higher instance courts. Although the European Commission took note of the case in its quarterly and annual reports, this criticism never materialized in a concrete action to condemn the procedure like a demarche or so. The negative impact of the EU's strategy concerning the Islamists becomes clearer if we compare the EU reactions to the crackdown on the Muslim Brotherhood with its reaction to similar violations against liberal forces or Civil Society activists. **Take the case of Dr. Ayman Nour, a leader of a liberal party and a former candidate in the presidential elections in 2005.** The latter was sentenced for five years after being charged of "falsifying the approving signatures needed to license the party- a pretty much Russian style charge. The amount of pressures, especially coming from the European Parliament and a number of liberal and Christian democratic European parties, led to an early release of Nour in 2009 followed by an official reception of Nour at the European Parliament! Accordingly, there is no wonder that even the casual observers in the press claim that the EU is willing to back the Democracy proponents only if they share the EU's ideological framework.

The above-mentioned confusion is not limited to the case of the islamist forces. Indeed, the EU is similarly isolated from a wide range of democratic struggles that erupt outside the formal political spectrum or the NGOs. **The wave of public sector workers strikes and the various parallel social protests that reached their peak throughout the years 2007 to 2008 stand as the most striking examples.** These waves of protests erupted as response to the

new phase of economic liberalization that started in 2004- the date of appointing the government of Dr. Nazif in office. These protests that varied from general strikes to silent sit-ins in front of governmental agencies have brought the economic liberalization measures as well as the long established ways of claim making to the question. In the case of the public sector, the corporatist style of Trade Unionism, inherited from the Nasserist era, has been widely discredited. Calls for independent and democratic Trade Unions have been brought back to the forefront after more than five decades of liquidating the Egyptian labor movement. Ethos of questioning, contesting and negotiating are struggling with the clientelist politics that dominant the sites of work. In a number of rural areas, especially during **the first strike of the Al-Mahalla Spinning and Weaving Mill in 2007**, women have actively participated in these wide protests challenging conventional rules about the women public activism. As such, the spaces of struggle against the new economic policies have become the sites of cultivating democratic subjectivities and ethos.

Yet the EU official reports tend either to neglect these protests or to render them symptomatic of the regime's legitimacy crisis; a crisis that the EU has nothing to do with. In both cases, these struggles are usually represented as signs of a dangerous tendency towards more polarization in an already disordered polity. They are never thought in as struggles that aim to question policies and elaborate alternatives. In this regard, while it is possible to adopt social programs that tend to alleviate the negative impacts of the new economic policies, the logic of these policies themselves has never been subject to question. Indeed, it is not far from truth to claim that there is a kind of consent among the EU officials that revisiting the EU's policies in a context of transparency is itself a democratic act even though it is not necessarily considered part of Democracy promotion effort. However, this consent is still trumped by the imperatives of economic liberalizations.

Consequently, the EU ends up in a number of instances acting against the calls coming from sectors of the Civil Society- its major partner in the field of Democracy promotion. **The ongoing debate concerning the new legislation of Health Insurance can serve as an illustrative case.** The governmental plan to embark on partial liberalization of the Health Insurance is eventually supported and funded by the European Commission. Such a step has agitated a wide opposition among various actors including a number of the EU's Civil Society beneficiaries. The EU has never embarked on any kind of consultation with these bodies. Nor has it tried to integrate their demands into its joint project with the government. Other



cases like the cooperation in fields of immigration policies and liberalization of trade can stand as additional illustrative examples.

Moreover, the EU's reaction to the crackdown on the protest leaders has been similar to its reaction to the crackdowns on the Muslim Brotherhood- reluctant, skeptical or almost absent. Ironically enough, the EU has repeatedly denounced the extension of the state of emergency, **yet it did not react to the use of Emergency Law against three leaders of the Al-Mahala Mill's second strike in 2008.** The charges of resorting to violence and vandalism perplexed the European Commission officials and undermined the possibility of a demarche or a public statement. This is not to talk about less visible forms of intimidation that is practiced against leaders of strike in their work places.

In practice, these self-imposed limitations lead the EU policies of Democracy promotion to converge with the government's vision on democratization; one that subsumes it under the imperatives of "modernization". It is not far from truth to argue that the history of Egypt during the last century was marked by the modern state apparatus quest to widen the domain the modern practices of governance to include a wide range of actors and institutions who were not initially in. Sites of army, public education, judicial litigation, capitalist market, public sector factories and many others have been the sites of tormenting attempts to producing and interpellating modern subjects. Complicit to this process was a vision of an organic society that is able to assimilate and find a place for every new comer-productive woman that contribute to development of the whole society, an active worker and disciplined working force, and above all a modern citizen who identify with the nation state and who is endowed with a set of rights of citizenship. However, these rights are exercised against communal authorities that still entrenched in its old position and escaping the logic of law. As such, citizenship rights have taken the form of empowering the citizen by the state not empowering the citizen against the state. Parallel to this move was the exclusion of any element of antagonism outside the organic unity of the nation. Any form of modern radicalization that might distort this gradual development was equally ruled out. For example, the Wafd party, the party that was leading the struggle against the British mandate and which representing Egyptian bourgeoisie eager the colonial state apparatus, smashed the communist movement. The same applies to Nasser with both communists and islamists.

In this regard, the current official conception of democratization has developed through the same lenses. The last constitutional amendments conducted in 2007 under the vein of "modernizing the constitution" as well as the recent communications of the ruling National

Democratic Party demonstrate that democratic transition is understood as a gradual inclusion of wide range of actors into the same domain of the state modernizing actions with the objective of maintaining the stability of the society and its own smooth development into a higher stage. This process necessitates the jeopardizing the communal authorities and the displacement of elements of antagonism to the margin of the society. According to the same logic, politics is subverted into a kind of technocratic administration of interests in an originally harmonious society. Being democratic, or democratic subjectivity, is defined in contrast to fanaticism or irresponsible populism- it is about rationalizing or even controlling the public debate. As such, the EU conception with its focus on the primacy of market economy, good governance and the rule of law fits perfectly into this logic.

Throughout the negotiation of the Indicative Programs or the work of the Sub-Committees, the major bulk of the Democracy promotion budget gets pumped into quasi-governmental bodies. The vast majority of these projects tend to support the institution building process, especially the judiciary or the local municipalities. Other projects focus on the promotion of the citizenship rights with the partnership of civil society. **The case of joint projects with the newly established commissions of Human Rights, Women and Motherhood and Childhood are illustrative cases that will be discussed in details.** These three bodies almost monopolize the Democracy promotion budget of the EU. The money allocations take place under the conditions of engaging Civil Society in the implementing phase. However, the organizations working in these projects usually embody the same technocratic logic of modernization.

In this regard, the work of a number of postcolonial theorists will be helpful in order to understand this dynamic. For example Pata Chatterjee suggests that the actors of civil society are often part of the elites of those societies, representing the high ground of modernity, and that they tend to remain split from the 'unorganized subaltern domain' (Chatterjee, 2004, 39). Chatterjee (2004, p. 47) also notes that activities in this terrain – what he call 'political society' – cause much discomfort for progressive elites, given that they are based upon 'loose and often transient mobilizations, building on communication structures that would not ordinarily be recognized as political (for instance, religious assemblies or cultural festivals'. This terrain is also the terrain of micro-practices of governance in which not only state agencies but also increasingly non-governmental organisations are involved in the management of 'welfare functions' previously provided exclusively by the state. This terrain – non-political from the point of view of a narrow conception of democracy – is

becoming a key site of contestation and negotiation. EU ends up confined to the borders of the civil society and in complete isolation from the political domain whereby the democratic subjectivities are being cultivated.

As such, modernization has become the nodal point around which the European conception of democracy and the Egyptian government's one are eventually converging. This convergence is commonly described by activists on both sides of the Mediterranean as "collusion" or "betrayal". Indeed, some of these provocative characterizations are flirting with a latent colonial tendency in the EU discourse on Democracy. By portraying the Egyptian government as "maneuvering" party and that the EU as being in "collusion" or "betrayal" of its own principles, the European self-proclaimed sense of normative, or even moral, superiority gets buttressed. In this regard, not only the undemocratic character of the EU's economic and regional policy is obscured, the internal conflict the European identity and future become more blurry as well. And this will bring me to the final part.

***EU policies of Democracy promotion and the aversive conception of democracy: towards a democratization of the EU's policies in Egypt***

The contradiction of the current model of Democracy promotion indicates that there is a need for a "radical aspect change" concerning the two issues that the paper is tackling- the conception of Democracy that is promoted by the European union and the EU's role in this process. As for the concept of Democracy, Democracy will cease to be understood as set of arrangements being promoted in isolation from other policies. It will be rather viewed as kind of practices that overflow any set of policies and programs; it is not situated in one domain of action like the modernizing constituency of state apparatus and civil society. We need to direct our focus towards new sites of democratic practice different from the Civil Society organizations. I shall argue that the sites of recent workers and social protests are the proper sites of forming democratic subjectivities and ethos. Consequently, we should go beyond the captivating image of the EU as a monolithic actor in an external relation to the region. I tried to illustrate how the EU institutions are caught up among different webs of power struggles, transnational networks of actors and competing discourses that continuously shape and deform their policies and programs e.g. the Egyptian state quest for modernization, the civil society networks, the market economy imperatives and the regional military conflicts. **In this regard, the question will no longer be whether the EU is doing enough to promote Democracy in the region; it will rather be whether the EU is open and**

**responsive to these democratic struggles.** In other words, the best way to support the development of the rising democratic practices in Egypt and the region is by learning how to live with these practices, which means to start thinking on how to democratize the EU institutions and policies as actors that contribute to the every day practices of governance in the Egyptian relaiity.

Usually, the calls for such an aspect change are criticized for its lack of concrete policy recommendations. I think we may try to figure out few policy implications that such a change may bring about:

**First,** it has become of salient importance that the EU institutions should engage in a wider dialogue with Civil Society and other activists in the phase of designing and implementing socio-economic policies. In this regard, the EU may opt not to increase its funding of Democracy promotion projects. Indeed, democratizing its economic and social policies does not require any increase in costs.

**Second,** this leads to focus on another crucial point that is being entirely neglected by the EU officials, which is the possible contribution of the EU's stubborn opponents inside Europe itself in supporting Democracy in Egypt. If the EU officials to embark on radical aspect change towards considering the EU not as necessarily a democratic actor, they may endorse the very fact that the project of the EU itself is contested inside Europe. This endorsement may change the whole profile of the EU's policies towards more democratic character. For example, the EU may invite Trade unions activists who are critical towards the EU economic regulations. The European Commission may play a role in establishing links between the Egyptian Civil Society activists who are lobbying against the EU' supported economic policies and European activists who are active in the same fields in Europe. Indeed, this will be a practical contribution to weaken the tight legislative and security grip on the Egyptian NGOs activities by opening new channels of actions for them. Meanwhile, this practice may help in changing the technocratic and quasi-colonial character of the EU's policies. By appearing to the local audience as contested project this may help to cultivate the democratic subjectivity beneath the Democracy promotion activities and institutions.

**Third,** as for the programs of democracy promotion themselves, the EU may opt for widening the scope of the already existing programs that focus on the disruptive side of Democratic practice e.g. supporting organizations that are active in challenging the constitutionality of legislations or those who fight against the culture of impunity among

police officers by providing legal assistance to the victims of torture. In this regard, it is of a great importance to revisit the outcomes of the capacity building programs that are conducted with the government or quasi-governmental institutions. Questions of how these programs perceived and the paths that the participants follow in their public life after finishing these programs should be tackled. There are a number of concrete suggestions that can be taken up.

**Fourth**, the support of the contestational practices should not be selective. This "common sense" notion seems to be somehow problematic in the Egyptian context due to controversies of Islamic opposition that I tried to explain above. The EU will not concede of its own principles by defending the right of fair trial for "non-democratic" actors. This being said, the endorsement of the previous point leads in many cases to an exaggerated focus on the dialogue with the Islamist forces as a way to support democratization in the region. While having nothing in principle against these recommendation, it should be taken into consideration that backing the practices of contestation and disruptions will definitely go in a number of cases against the preferences of the Islamic movement. Women question is not the only famous example. A number of violations against the freedom of expression took place against bloggers or casual free lancers who tended to problematize well-established interpretations of Islamic theology. As such, I clearly diverge with Pace's views that the EU should not risk the legitimacy of its intervention by acting against the religious sentiments of the people. Indeed, The EU should not sacrifice the objectives of supporting democratic subjectivity for seeking popularity of its efforts in the immediate future.

**To conclude**, it is obvious that replacing the hegemonic conception of Democracy with another aversive one is not a voluntary European act. Opening to calls for revising the economic policies or the European approach to the Arab-Israeli conflict are rather strategic decisions that depend in its actualization on a change in the power relations, across both Europe and the Middle East. Since this development is not foreseen in the near future, the EU should curb its colonial tendency and learn how to live with the objective limitations on its role in promoting democracy in the region. However, this is not a call for cynicism. It is rather a call to change the terrain of action towards more opening to the growing democratic struggles. It is only by opening to the fact that Europe is a contested project and representing this fact outside Europe that Europe can live up to its own principles.