

EU PROMOTION OF *DEEP DEMOCRACY* IN EGYPT AFTER THE ARAB SPRING: A MISSED OPPORTUNITY?

LA PROMOCIÓN DE UNA DEMOCRACIA PROFUNDA POR LA UE EN EGIPTO TRAS LA PRIMAVERA ÁRABE: UNA OPORTUNIDAD PERDIDA?

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Summary: I. INTRODUCTION. II. EU PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN NEED OF CONCEPTUAL CLARIFICATION. III. TOWARDS DEEP DEMOCRACY. IV. EU HUMAN RIGHTS AND DEMOCRACY PROMOTION IN EGYPT BEFORE 2011. V. EU HUMAN RIGHTS AND DEMOCRACY PROMOTION IN EGYPT AFTER THE ARAB SPRING. VI. CONCLUSIONS

ABSTRACT: Egypt is an important strategic country for the EU. Since the inception of the *Barcelona process* in the mid-1990s, the EU has provided extensive economic and political support to the Mubarak authoritarian regime that supposedly offered security, stability, and economic opportunities to Europe, irrespective of the lack of significant progress in the area of human rights and democracy. The popular uprisings that led to the Arab Spring in 2011 revealed the limitations, contradictions, and short-termism of this approach. The EU was caught by surprise, and initially was hesitant as to which side to support. Once the revolution succeeded, the EU turned into a major supporter of the democratic process. The EU announced a paradigm shift in its relations with the Southern Mediterranean, a new partnership based in sustainable and inclusive growth, a greater role for civil society, and a renewed emphasis in human rights and democratic transformation. The main innovation of the EU's new approach to the region was the concept of *deep democracy*, a new term that generated high expectations. The core objective of our analysis is to explore to what extent EU policies towards Egypt have been influenced by the supposedly new paradigm developed by the EU through the concept of deep democracy. As this article has demonstrated, most changes in EU policies towards the Southern Mediterranean, particularly the reviewed ENP, are essentially rhetoric, since they do not substantially modify the traditionally top-down and business-oriented approach that has dominated these relations.

RESUMEN: Egipto es un país estratégico para la Unión Europea (UE). Desde el lanzamiento del denominado proceso de Barcelona a mediados de los años 90, la UE ha prestado un amplio apoyo

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económico y político al régimen autoritario de Mubarak, un régimen que supuestamente ofrecía seguridad, estabilidad y oportunidades económicas a Europa, sin que se tuviera en cuenta la falta de avances en el ámbito de los derechos humanos y la democracia. Las revueltas populares que alumbraron la primavera árabe en 2011 revelaron las limitaciones, contradicciones y cortoplacismo de este enfoque. La UE fue cogida por sorpresa, e inicialmente tuvo dudas acerca de a quién apoyar. Una vez que las revoluciones triunfaron en Túnez y Egipto, la UE se convirtió en una abanderada de las reformas democráticas. La UE anunció un cambio de paradigma en sus relaciones con el Mediterráneo Sur, una nueva relación basada en el crecimiento económico sostenible e inclusivo, un mayor papel para la sociedad civil, y un renovado énfasis en los derechos humanos y la democracia. La principal innovación vino de la mano del concepto de democracia profunda, un nuevo término que generó grandes expectativas. El objetivo de nuestro análisis es explorar hasta qué punto las políticas de la UE hacia Egipto se han visto influenciadas por el nuevo paradigma de la democracia profunda. Como este artículo demuestra, la mayor parte de los cambios en las políticas de la UE hacia el Mediterráneo Sur, especialmente la revisada Política Europea de Vecindad (PEV), son meramente retóricos, dado que no alteran sustancialmente el enfoque tradicional de estas políticas: un enfoque basado en la mejora de las relaciones económicas entre ambos lados del Mediterráneo.

KEY WORDS: European Union (EU), Human rights and democratization policies, European Neighbourhood Policy (ENP), Egypt, Arab Spring

PALABRAS CLAVE: Unión Europea (UE), Políticas de derechos humanos y democratización, Política Europea de Vecindad (PEV), Egipto, Primavera Árabe

I. INTRODUCTION

Egypt is an important strategic partner for the EU in the Southern Mediterranean due to strong reasons ranging from the guarantee of energy supply through the Suez Canal to the fight against illegal migration and terrorism in the region, or its role in the peace process between Israel and Palestine in the Middle East. Since the inception of the so-called *Barcelona process* in the mid-1990s and the adoption of the Association Agreement between the EU and Egypt in 2001, the EU has tried to incorporate human rights and democracy concerns into relations with the country, given the EU's ambition of being considered as a normative power. But the EU cannot be proud of its record in promoting human rights and democracy in the most populous country in the region, since other considerations have prominently dominated the scene. Security and stability have prevailed over human rights and democracy, and the EU and some Member States became active supporters of President Hosni Mubarak's authoritarian regime. When the waves of the Arab Spring arrived on the shores of Egypt in January 2011, the EU was initially hesitant and adopted a "wait and see" approach, until it was clear that President Mubarak had no option but to leave power. Then, the EU tried to adapt to the new scenario, and opened a process of critically rethinking some of its policies and instruments *vis-à-vis* the entire region, including Egypt. One of the policies in need of an in-depth revision was the European Neighbourhood Policy (ENP) launched in 2004. In fact, the revision of the ENP had already started in 2010, some months before the eruption of the uprisings in the Southern Mediterranean. The Arab Spring reinforced the need for reform and gave momentum to the process. In this context, the most significant

innovation of the reviewed ENP is the introduction of the concept of “deep democracy”. The aim of this article is to analyze the conceptual dimensions of this term, and to see to what extent this concept has framed the policies and programmes implemented by the EU in Egypt since 2011.

II. EU PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN NEED OF CONCEPTUAL CLARIFICATION

One of the most puzzling features of the EU’s action in the field of human rights and democracy is the lack of conceptual clarity¹. While the concept of human rights emanating from International Human Rights Law is fairly well-established, the conceptual approach to democracy is still plagued by vagueness, inconsistencies, ambiguities and competing visions². Very often, references to human rights and democracy are accompanied by concepts such as *good governance* and the *rule of law*. In spite of the adoption of the *EU Strategic Framework and Action Plan on Human Rights and Democracy* in June 2012³, the reality is that the EU is still missing a focused strategy on what it wants to achieve with its human rights and democracy policies and programmes. One very telling example is the introduction of the concept of “deep and sustainable democracy”⁴ in 2011 in the context of the review of the ENP. Surprisingly, this concept was not mentioned at all in the Strategic Framework adopted one year later, a crystal-clear sign of conceptual inconsistency.

Some scholars have argued that this conceptual indeterminacy on the part of the EU is basically due to the existence of different conceptions of human rights and democracy within the EU member states. While some of these endorse a liberal approach, others prefer a social-democratic view. But in the EU’s external relations a “fuzzy liberalism”⁵ prevails. Other commentators offer a much more sceptic account of the EU, given that “the EU acquis on democracy is simply non-existent”⁶.

In the same vein, the EU has not clearly delineated relations between human rights and democracy. It seems that the EU considers human rights and democracy as mutually

¹ LANDMAN, T. and LARIZZA, M., *EU Policy Discourse: Democracy, Governance and Human Rights*, International IDEA, Stockholm, 2010.

² WETZEL, A. and ORBIE, “The EU’s Promotion of External Democracy: In Search of the Plot”, *CEPS Policy Brief*, 2012, p. 2.

³ COUNCIL OF THE EUROPEAN UNION, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 11855/12, 25 June 2012.

⁴ JOINT COMMUNICATION BY THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY AND THE EUROPEAN COMMISSION, *A New Response to a Changing Neighbourhood. A Review of European Neighbourhood Policy*, COM(2011) 303, 25 May 2011.

⁵ KURKI, M., “Political Economy Perspective: Fuzzy Liberalism and EU Democracy Promotion: Why Concepts Matter”, in WETZEL, A. and ORBIE, J. (eds.), *The Substance of EU Democracy Promotion. Concepts and Cases*, Palgrave Macmillan, London, 2015, p. 35.

⁶ KOVHENOV, D., “Law Perspective: Praise Undeserved? The EU as a Democracy Promoter: A Sceptical Account”, in WETZEL, A. and ORBIE, J. (eds.), *op. cit.*, p. 27.

reinforcing, but this relation needs further reflection. While the protection of all human rights is a basic ingredient for a democratic system, some rights are more conducive to the strengthening of a democratic process. In general, the EU has prioritized human rights projects in the area of children and women's rights, projects that tend to be "relatively uncontroversial and less relevant to the promotion of democracy"⁷. Human rights projects in the field of political participation, freedom of expression and freedom of assembly are more controversial, therefore more likely to generate reactions and resistance from third countries⁸.

Additionally, the funding of EU democracy promotion activities "tends to be very technocratic"⁹, as if democracy promotion was a merely technical exercise rather than an ideological endeavour. According to Kurki, this depoliticization of EU democracy assistance to civil society organizations (CSOs) through the EIDHR hides a "neoliberal preference"¹⁰, turning CSOs into service providers instead of agents of political and social change, thus promoting a "liberal narrative" and a technocratic approach that do not challenge hegemonic discourses and politics¹¹.

Another criticism of the European model of human rights and democracy promotion is associated with the underlying economic agenda. Most of the time, although not always explicitly formulated, the human rights and democracy support package is accompanied by the promotion of a liberal market economy. According to Daniela Huber, "this is driven by the convictions that the liberalization of the economies of authoritarian countries, and their integration into the world economy, would pave the way for democratization"¹². This is precisely the model undergoing strong criticisms after the Arab Spring, since the root causes of the revolts have much to do with the deep inequalities and exclusions brought about by the liberalization policies imposed by Western countries and by the IMF and the World Bank¹³. The EU has been defined as a powerful "agent of globalization"¹⁴, since it fully supports the current process of

⁷ BICCHI, F., "Dilemmas of implementation: EU democracy assistance in the Mediterranean", *Democratization*, Vol. 17, 2010, p. 988.

⁸ REYNAERT, V., "Democracy through the Invisible Hand", in WETZEL, A. and ORBIE, J. (eds.), *op. cit.*, p. 156.

⁹ KURKI, M., *op. cit.*, p. 43.

¹⁰ *Ibid.*

¹¹ MÜHLENHOFF, H., "Funding Democracy, Funding Social Services? The European Instrument for Democracy and Human Rights in the Context of Competing Narratives in Turkey", *Journal of Balkan and Near Eastern Studies*, Vol. 16, No. 1, 2014, pp. 113-114.

¹² HUBER, D., "US and EU Human Rights and Democracy Promotion since the Arab Spring. Rethinking its Content, Targets and Instruments", *The International Spectator*, Vol. 48, 2013, p. 100.

¹³ This was also the case in Western support to democratic transitions in Central and Eastern Europe. While it is generally accepted that the EU's human rights and democracy promotion initiatives had a positive political impact, "the role of economic reform is more controversial", given that it "also contributed to poverty, inequality and the transformation of former nomenclature into the new rich", a process that paved the way for a great "disillusion with democracy", *Final Report. Evaluation of the PHARE and TACIS Democracy Programme, 1992-1997*, ISA Consult-European Institute-GJW Europe, Brighton-Hamburg, 1997, pp. 29-30.

¹⁴ KEUKELEIRE, S. and DELREUX, T., *The Foreign Policy of the European Union*, Palgrave Macmillan, London, 2014, p. 33.

globalization through its trade policy and the establishment of a neoliberal international economic order. Ultimately, the EU “contributes to international structures that, while positive in many ways, also reproduce and reinforce patterns of exclusion, alienation and uncertainty”¹⁵, thus paving the way for legitimate criticisms of arrogance and neocolonialism from the Global South¹⁶. This situation of social and economic exclusion associated to neoliberal economic and social agendas is precisely what ignited the protests that led to the revolutions in a number of Arab countries in 2010 and 2011¹⁷. As Pace and Cavatorta have critically underlined, “ordinary Arab citizens rose up against precisely those rigged neo-liberal reforms imposed by Western organizations like the IMF and the World Bank that has led to an even more unequal distribution of wealth in their countries and impoverished the masses over the last two decades”¹⁸. A coherent and consistent human rights and democracy promotion strategy needs a totally different economic agenda, an agenda that seriously takes into account that the enjoyment of socio-economic rights and human development are an integral part of any substantive democratic project. As Anne Wetzels has rightly emphasized, “a certain level of socio-economic equality is necessary for meaningful political equality”¹⁹.

What is quite clear is that the EU cannot pretend to export its model (if any) of human rights and democracy, since in a post-Western world²⁰ this generates strong and, somewhat, legitimate reactions and contestations. The EU needs to be more modest in its approach, paying attention to the local context, to the local actors, and the local ways of framing concepts such as human dignity, democracy, participation, and inclusion²¹. *National* and *local ownership* are key components of any meaningful strategy for the promotion of human rights and democracy²².

¹⁵ *Ibid.*

¹⁶ BARBÉ, E., “La UE como promotora de los derechos humanos en Naciones Unidas”, in BARBÉ, E. (dir.), *La Unión Europea en las relaciones internacionales*, Tecnos, Madrid, 2014, p. 413.

¹⁷ MUÑOZ NOGAL, E. and GÓMEZ ISA, F., “¡Pan, Libertad, Justicia Social! Las revueltas populares de Túnez y Egipto y la defensa de derechos económicos y sociales”, in BONET PÉREZ, J. and ALIJA FERNÁNDEZ, R.A. (eds.), *La exigibilidad de los derechos económicos, sociales y culturales en la Sociedad internacional del siglo XXI: una aproximación jurídica desde el Derecho internacional*, Marcial Pons, Barcelona, 2016, pp. 219-241.

¹⁸ PACE, M. and CAVATORTA, F., “The Arab Uprisings in Theoretical Perspective-An Introduction”, *Mediterranean Politics*, Vol. 17, 2012, p. 130.

¹⁹ WETZEL, A., *op. cit.*, p. 7.

²⁰ Western power is in a progressive decline, with the increasing economic and political relevance of emerging countries such as Brazil, Russia, India, China, South Africa (the so-called BRICS), the Gulf States or Turkey. This has led to some commentators proclaiming that we have entered a “post-Western World”, a new context in which the EU and the US cannot take the lead any more in issues that have to do with the promotion of a value-based international system. See DENNISON, S. and DWORKIN, A., *Towards an EU Human Rights Strategy for a Post-Western World*, ECFR, Brussels, 2010.

²¹ DAHINDEN, M., “Democracy Promotion at a Local Level: Experiences, Perspectives and Policy of Swiss International Cooperation”, *International Development Policy*, Vol. 4, No. 3, p. 113.

²² For a detailed analysis of the so-called *localisation* paradigm see DE FEYTER, K. *et al.* (eds.), *The Local Relevance of Human Rights*, Cambridge University Press, Cambridge, 2011.

III. TOWARDS DEEP DEMOCRACY

The origin of the term “deep democracy” lies at a meeting of Senior EU Officials on Egypt and Tunisia held in Brussels on 23 February 2011. After some visits to Cairo and Tunisia to test the course of events of “historic proportions”, the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, started by expressing a *mea culpa*: she openly recognized that “events in the region show that the old stability wasn’t working”, and that “political and economic reforms must go hand-in-hand”²³. After this explicit recognition of past mistakes by the EU, she affirmed that “we need to build what I call *Deep Democracy*” (emphasis added), including aspects such as “political reform, elections, institution building, fight against corruption, independent judiciary and support to civil society”²⁴. Clearly, these elements are essential ingredients of the liberal narrative of democracy, a narrative that emphasizes the relevance of civil and political rights for a meaningful process of democratization. In Tommaso Virgili’s view, deep democracy refers “*de facto* to liberal democracy”²⁵.

Immediately after her references to deep democracy, the High Representative addressed the issue of development, stating that “we also need to work on economic development”²⁶. It is however not clear whether or not economic development forms an integral part of the very concept of deep democracy, or whether it is simply an element of a context conducive to it. Besides, we find no explicit reference at all to socio-economic rights. These rights are conceived as development issues, not as true rights. According to some scholars, “although social and economic issues are not entirely absent from the revised ENP, they are never described as rights and are always noticeably distinct from any definition of deep democracy”²⁷. This is a clear manifestation of the conceptual inconsistencies and lack of clarity on the actual scope of the ill-defined concept of deep democracy, and goes against the well-established concept of indivisibility and interdependence of all human rights under International Human Rights Law.

Another relevant aspect that needs adequate attention is the mutual relationship between democratization on the one hand and economic development on the other. Before the Arab Spring, as we have already mentioned, the EU insisted on the liberal approach to this relationship. Liberalization and economic reforms would create the adequate conditions for democratization processes to take place²⁸. Now, the logic is the opposite, since, as proclaimed in the EU document outlining the review of the ENP, reforms based on the basic elements of deep democracy “will not only strengthen democracy but

²³ *Remarks by the EU High Representative Catherine Ashton at the Senior Officials’ Meeting on Egypt and Tunisia*, Brussels, 23 February 2011, p. 2.

²⁴ *Ibid.*

²⁵ VIRGILI, T., “The Arab Spring and the EU’s Democracy Promotion in Egypt: A Missed Appointment?”, *Perspectives on Federalism*, Vol. 6, No. 3, p. 45.

²⁶ *Remarks by the EU High Representative Catherine Ashton at the Senior Officials’ Meeting on Egypt and Tunisia*, Brussels, 23 February 2011, p. 2.

²⁷ TETI, A., THOMPSON, D. and NOBLE, C., “EU Democracy Assistance Discourse in Its New Response to a Changing Neighbourhood”, *Democracy and Security*, Vol. 9, 2013, p. 71.

²⁸ REYNAERT, V., *op. cit.*, p. 151.

help to create the conditions for sustainable and inclusive economic growth, stimulating trade and investment”²⁹. Accordingly, democratization has to be considered as a priority in the context of the new ENP, given that democratic reforms will operate “as a cause of economic growth, thus addressing socio-economic inclusion”³⁰. This new approach has major implications for the main objectives of the ENP. While in the past it focused on economic liberalization and reforms, now the priorities should go to democratic reforms. We will see to what extent this new approach has had any practical consequence in the way in which the EU has managed the ENP policies and programmes in Egypt. Unfortunately, rhetoric shifts are not always accompanied by effective changes on the ground.

In May 2011, in the context of the revision of the ENP, the EU further elaborated on the concept of deep democracy, adding the adjective “sustainable” to it without clarifying its nature and scope. According to the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, “deep and sustainable democracy” requires the following elements: “free and fair elections; freedom of association, expression and assembly and a free press and media; the rule of law administered by an independent judiciary and right to a fair trial; fighting against corruption; security and law enforcement sector reform (including the police) and the establishment of democratic control over armed and security forces”³¹. Surprisingly, we do not find the references to civil society that were present in the February document, while the emphasis on the role of civil society in the democratization processes is one of the main innovations in the new approach to the ENP after the Arab Spring.

The renewed emphasis on the importance of civil society for democracy and human rights is probably one of the main consequences of the EU’s new vision when it comes to relations with its neighbours in the Southern Mediterranean. The EU believes that “civil society actors have a significant share in the successful democratization process from a bottom-up perspective”³². A clear manifestation of this commitment is a Communication from the European Commission adopted in 2012 on Europe’s engagement with Civil Society Organisations (CSOs), which begins by underlining that “an empowered civil society is a crucial component of any democratic system”³³. It also established three priorities for EU support to CSOs: “to enhance efforts to promote a

²⁹ JOINT COMMUNICATION BY THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY AND THE EUROPEAN COMMISSION, *A New Response to a Changing Neighbourhood. A Review of European Neighbourhood Policy*, COM(2011) 303, 25 May 2011.

³⁰ TETI, A., THOMPSON, D. and NOBLE, C., *op. cit.*, p. 71.

³¹ JOINT COMMUNICATION BY THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY AND THE EUROPEAN COMMISSION, *A New Response...*, *op. cit.*

³² KNÜPFER, C., *The Shallowness of Deep Democracy? EU Democracy Promotion in the MENA Region after the Arab Spring*, Master’s Thesis, University of Amsterdam, 2014.

³³ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations*, Brussels, 12 September 2012 COM(2012) 492 final, p. 3.

conducive environment for CSOs; to promote a meaningful and structured participation for CSOs in domestic policies..., in the EU programming cycle and in international processes; and to increase local CSOs' capacity"³⁴. It is worth noting that in this Communication there is not a single reference to the concept of deep democracy, another clear signal of conceptual indeterminacy and ambiguity on the part of the EU.

The relevance given to CSOs by the EU in the process of democratization of the Southern Mediterranean after the Arab Spring can be seen in the adoption of two specific programmes addressed exclusively to CSOs. The Communication on "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean"³⁵, adopted in March 2011 as a response to the uprisings, announced the creation of a *Neighbourhood Civil Society Facility* aimed at strengthening CSOs in partner countries and promoting an enabling environment for their work³⁶. Although the budget was rather modest (€48,4 million between 2011 and 2013 for the Eastern and Southern Neighbourhood) and there was a risk of overlapping with other programmes such as the EIDHR, it could finance some relevant projects that may have an impact on the empowerment of CSOs to act as catalysers of democratic change. However, in the case of Egypt, with a budget of €600.000 for 2011, the programme was unable to have any significant impact³⁷, and focused basically on non-controversial issues such as climate change, agriculture and rural development, governance for employability, or youth employment promotion³⁸.

The second major innovation was the creation of the *European Endowment for Democracy* (EED) on 25 June 2012. Although the idea of setting up the EED was proposed by Poland in 2010 in the context of the significant deterioration of the human rights situation in Belarus, "the decisive momentum to create the EED... came in 2011, in the aftermath of the Arab Spring"³⁹. The EED is an independent foundation created at the initiative of both the EU and Member States aimed at channeling funds to those local actors that work for democratic change, particularly young leaders, independent media and journalists, non-registered NGOs, and trade unions. Given the flexible procedure, the fast screening of the grant applications, the possibility of submitting applications in Arabic, and the intention to fund local initiatives with strong democratic potential, the EED could eventually play a major role in Egypt⁴⁰. Unfortunately, the

³⁴ *Ibid.*, p. 4.

³⁵ EUROPEAN COMMISSION AND HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY, *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, Brussels, 8 March 2011, COM(2011) 200 final, 5.

³⁶ See http://ec.europa.eu/europeaid/documents/aap/2011/af_aap-spe_2011_enpi.pdf.

³⁷ EUROPEAN COURT OF AUDITORS, *EU Cooperation with Egypt in the Field of Governance*, Special Report No. 4, 2013.

³⁸ See http://www.enpi-info.eu/list_projects_med.php?subject=0&country=2&eupolicy=0. Only one project was funded under the heading "Strengthening democratic reform in the Southern Mediterranean".

³⁹ EUROPEAN ENDOWMENT FOR DEMOCRACY, *Supporting Democracy in the European Neighbourhood and Beyond*, Annual Report 2015, Brussels.

⁴⁰ TETI, A., THOMPSON, D. and NOBLE, C., *op. cit.*, p. 71. So far, the EED has only supported a small number of projects (in 2015 there were 13 EED on-going initiatives), but such projects have great

current political climate and the reluctance of the Egyptian authorities to allow foreign support to critical CSOs⁴¹ explain why the impact of the EED is still rather limited. An official of the EEAS working on Egypt told us that the projects funded necessarily have to be very “discrete”⁴². Otherwise, the reaction of the Egyptian authorities would close even further the narrow spaces that CSOs have to work for a more democratic and pluralistic society in the country. In the end, both the EU institutions that deal with democracy promotion programmes (particularly the EIDHR) and, to a lesser extent the EED end up somehow self-censoring, since they do not want to “challenge” the Government by funding CSOs without the knowledge and the consent of the domestic authorities. Therefore, it would be politically risky for both the EU and the EED to support CSOs that adopt a “confrontational” attitude with the Egyptian regime⁴³. We have to bear in mind that, according to Law 84/2002⁴⁴, one of the most restrictive laws on NGOs in the region, aimed at inhibiting foreign support to local CSOs and at controlling it, any CSO receiving foreign funds has to inform the Government about all the details of the project and needs its authorization for the operation of the project⁴⁵. This measure is a very significant obstacle for many local NGOs in need of foreign funds to pursue their activities⁴⁶. In the end, it is “a major instrument of the authoritarian elite to re-direct and control the financial flows from the EU”⁴⁷. This is especially risky in a country like Egypt, where many CSOs have very strong connections with the political and economic elites⁴⁸. In fact, there are some NGOs whose creation and operation is directly “inspired” by governmental circles: this is the case of the government-operated NGOs (the so-called GONGOs).

democratic potential if adequately implemented. These are the main projects: “Skills for tomorrow’s Egyptian politicians”; “Encouraging Women Empowerment and Activism in Egypt”; “Fair Elections and Effective Campaigns”, or “Legal Assistance to pro-democracy activists”, in <https://www.democracyendowment.eu/we-support/?country=egypt>. The European Parliament made an evaluation of the overall EED’s functioning and acknowledged “with satisfaction that despite its short period of activity and limited funds, and the challenges inherent in assessing the impact of democracy support actions,... the EED is delivering added value to existing EU democracy support through fast, flexible, bottom-up and demand-driven funding provided directly to beneficiaries...”, European Parliament, *Evaluation of Activities of the European Endowment for Democracy (EED)*, P8_TA-PROV(2015)0274, Resolution of 9 July 2015.

⁴¹ RUFFNER, T., *Under Threat. Egypt’s Systematic Campaign Against NGOs*, Project on the Middle East Democracy, Washington, D.C., 2015.

⁴² Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

⁴³ *Ibid.*

⁴⁴ Law 84/2002 on NGOs, in <http://www.bu.edu/bucflp/files/2012/01/Law-on-Nongovernmental-Organizations-Law-No.-84-of-2002.pdf>.

⁴⁵ In September 2014 the Egyptian Penal Code was amended to raise the penalties for accepting funding from a foreign country or a foreign or local private organization with the intent of harming “national interests”. The sanctions include a life sentence and enormous pecuniary fines.

⁴⁶ Interview with a local activist working for a major Egyptian human rights NGO. For security reasons, the person interviewed decided that her or his identity would remain anonymous.

⁴⁷ BAUER, P., *Egypt after the Revolution of 2011-Still a matter of Democracy versus Stability?*, Cairo University, Cairo, 2011.

⁴⁸ This is the case under the ENPI Programme for the promotion and protection of human rights and civil society in 2008 (€17 million). As stated by the European Court of Auditors, “two of the organisations selected to implement the programme... were public bodies created by the Mubarak regime, and specifically linked to the President’s wife, rather than government ministries”, EUROPEAN COURT OF AUDITORS, *op. cit.*, p. 15.

Most of the funds for human rights and democracy promotion that the EU and the EED channel to CSOs in Egypt go to NGOs based in the capital and which have international experience and global connections. A challenge that the EU faces is how to establish good relations with Islamic organizations, key local actors in areas of democratization and social justice in Egypt and in the whole region. The EU has been however reluctant so far to engage with Islamic organizations, given that their views on a number of issues differ from the European liberal approach. As highlighted by two analysts with experience in the Arab world, “there remains a certain danger that the EU’s open support for liberal and Western-style CSOs and its almost disregard for Islamic and traditional parts of civil society will only serve to widen the deepening social divide... and open the EU to accusations of partiality”⁴⁹.

Once again, we must stress that the EU has to make an extra effort when defining key concepts that will serve as a basis for its human rights and democracy policies and programmes. Otherwise, consistency, clarity and, above all, effectiveness could be negatively affected. As affirmed by Babayan and Viviani, deep democracy can be viewed as a “new buzz-term in the EU’s vocabulary”⁵⁰, as a new source of conceptual confusion, without adding much to existing conceptions of democracy. Following the opinion by Amirah-Fernández and Behr, we are inclined to conclude that “the EU has largely failed to give some meaning to most of the new catch phrases that it so liberally deploys..., and definitions of deep democracy vary throughout the speeches of EU officials”⁵¹.

IV. EU HUMAN RIGHTS AND DEMOCRACY PROMOTION IN EGYPT BEFORE 2011

The *Barcelona Declaration* adopted at the Euro-Mediterranean Conference in November 1995 intended to establish a comprehensive partnership among the countries of the two shores of the *Mare Nostrum*⁵². The Euro-Mediterranean Partnership (EMP) was based on measures in the fields of political dialogue, economic and financial cooperation, and advancements in the social, cultural and human dimension. One of the underlying ideas of this process of cooperation was that “stability and prosperity

⁴⁹ AMIRAH-FERNÁNDEZ, H. and BEHR, T., “The missing spring in the EU’s Mediterranean Policies”, *TGAE-Elcano*, Vol. 1, 2013, p. 6.

⁵⁰ BABAYAN, N. and VIVIANI, A., “Shocking Adjustments?EU Human Rights and Democracy Promotion”, *Transworld*, Vol. 18, 2013, p. 6.

⁵¹ AMIRAH-FERNÁNDEZ, H. and BEHR, T., *op. cit.*, p. 4. The truth is that EU officials do not pay much attention to conceptual issues and to communications and guidelines coming from the European Commission, they simply do not have the time to process the huge amount of official documents coming from Brussels. As one EU high-ranking official recognized very openly in an interview, “nobody read the guidelines of the Commission”, in KNÜPFER, C., *op. cit.*, p. 46.

⁵² For a detailed account of cooperation between the EU and Mediterranean countries since the first agreements in the 1970s see BLANC ALTEMIR, A., *La Unión Europea y el Mediterráneo. De los Primeros Acuerdos a la Primavera Árabe*, Tecnos, Madrid, 2012.

requires a strengthening of democracy and respect for human rights”⁵³. The Association Agreement that was concluded between the EU and Egypt in 2001⁵⁴ included the ritual human rights clause that the EU requires to all third countries. As established in Article 2 of the Agreement, “relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides their internal and international policy and constitutes *an essential element of this Agreement*” (emphasis added). The *European Neighbourhood Policy* (ENP) launched in 2004 is basically focused on economic integration and financial aid, but also has a human rights and democracy component. As a manifestation of these strategic objectives, the *EU/Egypt Action Plan* (2007) prioritized cooperation in the areas of trade, investment and growth so that Egypt can better integrate in the EU economic structures, but it also established as priorities some ambitious actions dealing with key democracy and human rights issues in Egypt. In particular, the Action Plan foresaw specific actions on strengthening participation in political life, on fostering the capacity of civil society to participate and contribute to the political process, on opening a dialogue with the Egyptian Government on human rights and democracy, on ensuring the independence of the judiciary, on engaging in a dialogue on the death penalty, on the rights of women and children, on freedom of association and expression, and on fundamental social rights and core labour standards, among many others.

The *Union for the Mediterranean* (UfM) created in 2008 following an initiative of French President Nicolas Sarkozy is an intergovernmental organization aimed at promoting regional cooperation and dialogue in the Euro-Mediterranean region. It is a fundamentally business-oriented framework in which human rights and democracy are not even explicitly mentioned. Some projects on women empowerment and education have been approved, but the human rights approach is totally absent. Timo Behr sees this shift from the multilateral framework of the Barcelona process to the more intergovernmental UfM as a worrying sign of an “increasing marginalization of human rights and democracy issues in the EU’s foreign policy agenda for the Mediterranean..., a decline in the EU’s normative agenda”⁵⁵. The European Commission has explicitly acknowledged that the UfM has not delivered the expected results and that “it needs to reform to fully realise its potential”⁵⁶.

All these cooperation frameworks between the EU and Egypt, with the exception of the UfM, insist on the relevance of human rights and democracy, opening the door to the

⁵³ Preamble of the *Barcelona Declaration* (1995).

⁵⁴ *Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part*. Signed in 2001, it entered into force in 2004.

⁵⁵ BEHR, T., “The European Union’s Mediterranean Policies after the Arab Spring: Can the Leopard Change its Spots?”, *Amsterdam Law Forum*, Vol. 4, No. 2, 2012, p. 78.

⁵⁶ EUROPEAN COMMISSION AND HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY, *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, Brussels, 8 March 2011, COM(2011) 200 final, 11.

application of the principle of conditionality if the third country does not make sufficient progress. But we must recognize that the EU has been very reluctant to apply this principle, in spite of a significant deterioration of the situation of human rights and democracy in Egypt under President Mubarak. Wouters and Duquet have referred to an “implementation deficit” in this area. Security and stability concerns have always prevailed over a strong commitment on human rights and democracy. In their view, “although constituting a form of political conditionality, bilateral relations have never been suspended because of human rights violations in partner States”⁵⁷. The EU supported for decades a Mubarak’s authoritarian regime which offered stability, access to natural resources in the region, and an adequate management and control of the rise of political Islam⁵⁸ (the *democratization-stability dilemma*)⁵⁹. Ann-Kristin Jonasson has referred to the “schizophrenic character” of EU policies, given that they are trapped by “two conflicting logics”⁶⁰: on the one hand, the EU pretends to act as a normative power in the international arena, but, on the other, the EU is always conditioned by security and stability concerns in such a strategic country as Egypt.

The uprisings in January 2011 clearly illustrate the shortcomings and weaknesses of the interest-driven EU approach to the promotion of human rights and democracy in Egypt, paving the way to legitimate criticisms of selectivity, double standards, and lack of effectiveness. As underlined by one scholar, “the Arab revolts have not only signified the failure of authoritarian ruling regimes, but also of EU policies towards the region”⁶¹. Most evaluations of the EU’s human rights and democracy promotion policies in Egypt do recognize the very limited impact of these policies. The European Commission (EC) itself did recognize its failures in the context of the review of the ENP. As the EC openly accepted, “recent events and the results of the review have shown that EU support to political reforms in neighbouring countries has met with *limited results*”⁶² (emphasis added). In the same vein, according to one evaluation by the European Court of Auditors on EU cooperation with Egypt in the field of governance, the main human rights and democracy projects in Egypt were “largely unsuccessful”⁶³. The content and scope of the (relatively) ambitious EU human rights and democracy agenda that can be found particularly in the 2007 EU/Egypt Action Plan were “filtered by the hosting

⁵⁷ WOUTERS, J. and DUQUET, S., “The Arab Uprisings and the European Union: In Search of a Comprehensive Strategy”, *Working Paper*, Leuven Centre for Global Governance Studies, Vol. 98, 2013, p. 9.

⁵⁸ Worries and concerns about the rise of political Islam highly conditioned the EU’s policies on human rights and democracy in the whole MENA region, SILVESTRI, S., “EU Relations with Islam in the Context of the EMP’s Cultural Dialogue”, *Mediterranean Politics*, Vol. 10, No. 3, 2005, p. 388.

⁵⁹ See DURAC, V., “The impact of external actors on the distribution of power in the Middle East: the case of Egypt”, *The Journal of North African Studies*, Vol. 14, 2009, pp. 75-90.

⁶⁰ JONASSON, A-K., “Constructions of Democracy: Meanings of ‘Democracy’ in the EU’s relations with the Mediterranean region”, *7th ECPR General Conference*, Bordeaux, 2013, p. 3.

⁶¹ ASKAR KARAKIR, I., “Limits of EU Democracy Promotion in the Arab Middle East: The Cases of Egypt and Morocco”, *Uluslararası Hukuk ve Politika*, 2014, p. 36.

⁶² JOINT COMMUNICATION BY THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY AND THE EUROPEAN COMMISSION, *A New Response to a Changing Neighbourhood. A Review of European Neighbourhood Policy*, COM(2011) 303, 25 May 2011, 1.

⁶³ EUROPEAN COURT OF AUDITORS, *op. cit.*, p. 15.

administration and thus got a more functional rather than a normative impact”⁶⁴. This is a clear manifestation of the progressive “functionalization” of the cooperation between the EU and Egypt, “focusing on capacity building and uncontested areas of societal modernization”⁶⁵. We must not forget that, overall, the core objectives of the EU’s policy towards the Southern Mediterranean are “the integration of the Mediterranean neighbours into the EU internal market” and the “reform of the state administrative capacity”⁶⁶ so that the state is in a position to offer security and stability to the EU in areas such as control of illegal migration or the fight against jihadist terrorism.

V. EU HUMAN RIGHTS AND DEMOCRACY PROMOTION IN EGYPT AFTER THE ARAB SPRING

The unexpected uprisings that took place first in Tunisia and then in Egypt in 2010 and 2011, respectively, caught Europe “by surprise”⁶⁷. A great sense of perplexity and confusion invaded European capitals, as they did not know what line of action to support in relation to their old “autocratic friends”⁶⁸. In the case of Egypt, given its geostrategic importance and its political weight in the region, initially the EU adopted a very cautious approach, and avoided any open criticism of the Mubarak regime. In the very beginning, the EU and some relevant Member States believed that the Mubarak regime could accommodate the demands of the protests that started on 25 January 2011 and pilot an orderly transition to democracy. From the EU’s perspective, “political reform led by a friendly regime was more preferable..., rather than regime change in the form of an uncontrolled process”⁶⁹. But this strategy very soon proved illusory, as the protesters in Tahrir Square were determined to push for a radical change of regime. On 4 February 2011, the European Council adopted a *Declaration on Egypt and the Region*, and “called on the Egyptian authorities to meet the aspirations of the Egyptian people with political reform not repression”⁷⁰. Although the Council did not explicitly demand Mubarak’s resignation, the EU changed its tone, trying to “distance itself from the Mubarak regime”⁷¹. The collapse of the Mubarak regime on 11 February 2011 sent a clear message to the EU and, as a consequence, it opened a process of reflection to adopt a new approach to relations with Egypt. Some days later, as we have already mentioned, the EU High Representative said that what Egypt and the whole region needed was “deep democracy”⁷², and that the EU had to develop a “fundamental review of the ENP”⁷³. There was a significant rhetoric shift in the EU, since from now onwards

⁶⁴ BAUER, P., *op. cit.*, p. 5.

⁶⁵ *Ibid.*

⁶⁶ REYNAERT, V., *op. cit.*, p. 152.

⁶⁷ KHALIFA ISAAC, S., “Europe and the Arab Revolutions. From a Weak to a Proactive Response in a Changing Neighbourhood”, *KFG Working Paper*, Vol. 39, 2012, p. 7.

⁶⁸ *Ibid.*

⁶⁹ ASKAR KARAKIR, I., *op. cit.*, p. 44.

⁷⁰ EUROPEAN COUNCIL, EUCO 2/1/11, Annex II, p. 14.

⁷¹ ASKAR KARAKIR, I., *op. cit.*, p. 44.

⁷² *Remarks by the EU High Representative Catherine Ashton at the Senior Officials’ Meeting on Egypt and Tunisia*, Brussels, 23 February 2011, p. 2.

⁷³ *Ibid.*

the EU insisted on the idea that democratic reforms and political reforms must go hand-in-hand; long-term stability cannot be achieved without the opening of political space to democratic reform. The new EU document outlining the main components of the reviewed ENP adopted in May 2011 stressed that the goal of the new approach is “to build and consolidate healthy democracies, and to pursue sustainable economic growth”⁷⁴. One of the pillars of this new approach is the principle of *conditionality*. EU support “will depend on progress in building and consolidating democracy and respect for the rule of law. The more and the faster a country progresses in its internal reforms, the more support it will get”⁷⁵ (*more for more*). On the contrary, for those countries that do not show sufficient commitment to democratic reforms, “the EU will reconsider or even reduce funding”⁷⁶ (*less for less*). The EU promised a substantial increase in the funds allocated to the whole region, but they will be conditional to a sincere commitment to the promotion of deep democracy. The relevant elements of deep democracy are “the main benchmarks against which the EU will assess progress and adapt levels of support”⁷⁷. The system of incentives would be based on the so-called “3Ms”: *Money*, *Markets* and *Mobility*. This would entail an increased financial assistance to the countries of the Southern Mediterranean, easier access of their goods and services to the EU market, and the establishment of a mobility partnership between people of the two shores of the Mediterranean⁷⁸.

In spite of the initial rhetoric ambitions of the EU to radically change its approach to the promotion of human rights and democracy in Egypt and the whole region after the Arab Spring, we must recognize that only some cosmetic changes have taken place. The EU “has reverted to business as usual with Egypt, despite the country’s return to authoritarian government”⁷⁹. The core tenets of the EU’s policies towards Egypt have remained largely unaltered. As has been rightly pointed out by Christin Knüpfer, “what has been framed as a new approach or even a paradigm change... is no more than a remapping of already existing priorities and approaches... The EU quickly returns to old patterns of prioritizing economic development as a driver for political development, leaving the claim of deep democracy as a rhetoric device”⁸⁰. More money has been promised to Egypt, some institutions and programmes have been created as a result of the Arab revolts, but the main drivers of EU’s policies are basically the same. According to Timo Behr, “current initiatives largely represent a continuation of the EU’s existing

⁷⁴ JOINT COMMUNICATION BY THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY AND THE EUROPEAN COMMISSION, *A New Response to a Changing Neighbourhood. A Review of European Neighbourhood Policy*, COM(2011) 303, 25 May 2011, p. 1.

⁷⁵ *Ibid.*, p. 3.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, p. 4.

⁷⁸ WOUTERS, J. and DUQUET, S., *op. cit.*, pp. 15-20.

⁷⁹ BALFOUR, R., FABBRI, F. and YOUNGS, R., *Report on Democracy Assistance from the European Union to the Middle East and North Africa*, EUSPRING Report, 2016, p. 6, available at http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/euspring/euspring_eu_demo_assistance_on_template.4.pdf.

⁸⁰ KNÜPFER, C., *op. cit.*, p. 7.

policies”⁸¹, therefore the EU’s new policy “is unlikely to have a significant impact or to translate into a new role for the EU as a promoter of sustainable stability in the region”⁸².

For instance, the SPRING (*Support to Partnership, Reforms and Inclusive Growth*) initiative was adopted in September 2011 with a budget of €350 million for the period 2011-2013. The main goal of the programme to be financed under the ENP was “to respond to the socioeconomic challenges of the countries of the Southern Mediterranean and to support them in their transition to democracy”⁸³, and it was based on the more for more principle. Given the enormous socioeconomic and political challenges in the Southern Mediterranean, it is obvious that this programme lacks financial strength, thus not representing an appealing incentive to the leaders of the region. This lack of teeth may help explain the “SPRING’s silent disappearance” in 2013, “contrasting the bravura with which it was once announced”⁸⁴. This is a clear example of an *ad hoc* programme created by the EU to respond to the Arab Spring that did not respond to a strategic vision on the role to be played by the EU in the Southern Mediterranean. As we will see, this lack of strategy and improvisation have also affected other EU policies and programmes, such as the Civil Society Facility (CSF) already analyzed.

Ultimately, given the serious violations of human rights and democracy taking place in Egypt and the progressive deterioration of the situation⁸⁵, unfortunately we are inclined to share the pessimistic conclusions expressed by Tommaso Virgili: “the EU has been both unable and unwilling to use negative and positive conditionality in order to drive the various Egyptian governments to build a deep democracy”. In the next sections we will explore the main reasons that explain both the inability and the unwillingness on the part of the EU to promote deep democracy in Egypt.

1. Lack of a defined strategy on Human Rights and Democracy Promotion in Egypt

In spite of the (mainly rhetoric) initial reactions by the EU to the historic events that have helped shape a rather different political and social context on the other side of the Mediterranean, we must recognize that the responses given to this new scenario so far do not derive from a strategic vision on the part of the EU about its new role in such a key region. At most, the new policies and programmes can be described as an accumulation of new policies sponsored by some EU Member States rather than as a

⁸¹ BEHR, T., *op. cit.*, p. 83.

⁸² *Ibid.*, p. 87.

⁸³ EUROPEAN COMMISSION, *EU Response to the Arab Spring: the SPRING Programme*, MEMO/11/636, 27 September 2011.

⁸⁴ DUQUET, S. and WOUTERS, J., “In Search of Green Shoots: Assessing the EU’s SPRING Programme”, *Mediterranean Yearbook*, 2015, p. 232.

⁸⁵ HUMAN RIGHTS COUNCIL, *Report of the Working Group on the Universal Periodic Review, Egypt*, UN Doc. A/HRC/28/16, 24 December 2014. See also AMNESTY INTERNATIONAL, *Egypt: Rampant Torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi*, 3 July 2014, available at <https://www.amnesty.org/en/latest/news/2014/07/egypt-anniversary-morsi-ousting/>.

targeted strategy arising out from a process of collective and deep reflection within the relevant bodies of the EU. This is the case of the UfM proposed by French President Sarkozy or of the EED's initiative under the auspices of Poland before the eruption of the revolts in the Arab world. In Balfour's opinion, the EU's actions as a response to the Arab Spring have been "tools-based rather than strategy-led", thus undermining the capacity of the EU to have a clear picture of what it wants to achieve in the field of human rights and democracy in the region⁸⁶. Dimitry Kochenov has also expressed a negative view about this lack of strategic objectives on the part of the EU. In his view, "the EU spends, equating this activity with democracy promotion"⁸⁷. Sometimes, the evaluations of the EU's human rights and democracy programmes see the funds allocated as a clear sign of increased commitment. This is a wrong assumption, since the lack of a clearly defined strategy can make these programmes relatively successful in the short term and in the local context that benefited from the programme, but totally irrelevant in the long-term.

Even the seemingly most direct innovation that can be found in the relevant official documents adopted by the EU, the concept of "deep democracy", is plagued with vagueness, uncertainty, and theoretical inconsistencies. Indeed, it is very surprising that in recent EU documents on human rights and democracy the concept of deep democracy has simply vanished. The announced review of the ENP can be described, at best, as "more of the same"⁸⁸, thus not implying the long-awaited paradigm shift in the EU's policies *vis-à-vis* the Southern Mediterranean. In Wouters and Duquet's view, "it is doubtful whether these renewed (ENP), untouched (EIDHR), and somewhat redundant (EED) frameworks will have a significant impact in the Arab region"⁸⁹.

In the case of Egypt, there is nothing really new under the sun; most of the human rights and democracy policies and programmes are a continuation of previous ones. Since 2011, only some financially modest new programmes such as the CSF, the SPRING, or the EED have been adopted to promote human rights and democracy in the country. We must recognize that the political context in the country is not conducive to advancing an ambitious human rights and democracy agenda. Both the Morsi Government (2012-2013) and the Al-Sisi Government have been extremely reluctant to engage in an open and sincere dialogue on human rights and democracy with the EU. On the contrary, they have taken very restrictive measures to close spaces to those actors, both external and domestic, working on human rights and democracy. As explicitly recognized by an EU official, although the "politically correct response is that human rights and democracy are a core objective for the EU in its relations with Egypt", reality shows that these issues are "very sensitive"; the EU deals with these issues very carefully and "in a context of a region in crisis with an increasing problem of terrorism"⁹⁰. As always, the

⁸⁶ BALFOUR, R., *EU Conditionality after the Arab Spring*, European Institute of the Mediterranean, Barcelona, 2012, p. 25.

⁸⁷ KOCHENOV, D., *op. cit.*, p. 31.

⁸⁸ TOCCI, N., "One Year On: A Balance Sheet of the EU's Response to the Arab Spring", *Op-Med. Opinions on the Mediterranean*, Washington D.C., 2012.

⁸⁹ WOUTERS, J. and DUQUET, S., *op. cit.*, p. 23.

⁹⁰ Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

stability-democracy dilemma is back, and it plays a major role in defining the content and scope of overall cooperation between the EU and Egypt.

The EU's Country Strategy Paper (CSP) on Egypt covering the period 2007-2013 has not been revised since the revolution of January 2011⁹¹. This CSP, drafted under the ENP, aims at providing a strategic framework for cooperation between the EU and Egypt. The objective of the EU strategy is "to develop a privileged partnership through deeper political cooperation and economic integration, supported by the appropriate package of financial assistance and other ENP instruments"⁹². The CSP established three main priority objectives: political reform and good governance; competitiveness and productivity of the economy; and socio-economic sustainability of the development process. In the context of the first priority, most efforts were aimed at increasing the capacity of the state institutions entrusted with the promotion of democracy and the rule of law, in particular supporting the independence and effectiveness of the judiciary. There is a reference to the need to increase the capacities of civil society, but the approach is mainly top-down, aimed at strengthening state capacities. This CSP was drafted in 2007, in a totally different context in Egypt. It is urgent to develop a new CSP that takes into account the new scenarios and the new challenges that both the EU and Egypt are facing. According to the new vision of the EU after the Arab Spring, deep democracy should be the silver thread of the new strategy towards Egypt. It is clear that the old stability paradigm did not work properly, since it only served to consolidate Mubarak's authoritarian regime until its collapse. Therefore, the emphasis must be on promoting human rights and democracy as the best means for achieving a stable and prosperous Egypt. So far, there are no clear indications that the EU has had either the capacity or the willingness to push for this reviewed approach.

2. Need for a Joint Strategy between the EU and its Member States

One of the main structural features of the EU's Common Foreign and Security Policy (CFSP) is its dual nature. On the one hand, it mainly has an intergovernmental character but, on the other, the EU is progressively assuming more and more functions⁹³. Therefore, the relevant bodies of the EU always have to take into consideration the domestic foreign policies of member states, particularly on such sensitive issues as human rights and democracy promotion in a strategic country like Egypt. We have to recognize that when key strategic interests of relevant Member States are at stake, the margin of manoeuvre of the EU tends to be much more limited. According to one EU official working on Egypt, one of the main obstacles facing an effective EU policy on human rights and democracy is that "Member States are not united"⁹⁴. The Egyptian

⁹¹ In fact, most of the bilateral frameworks of cooperation between the EU and Egypt are "frozen" since 2011.

⁹² EUROPEAN COMMISSION, *Egypt Country Strategy Paper 2007-2013*, 4 January 2007.

⁹³ MORILLAS, P., "Institutionalization or Intergovernmental Decision-Taking in Foreign Policy: The Implementation of the Lisbon Treaty", in CARDWELL, P.J. (ed.), *EU External Relations Law and Policy in the Post-Lisbon Era*, Asser Press, The Hague, 2012, pp. 119-134. See also WESSELS, W. and BOPP, F., "The Institutional Architecture of CFSP after the Lisbon Treaty- Constitutional breakthrough or challenges ahead?", *CEPS Research Paper*, No. 10, 2008.

⁹⁴ Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

Government is fully aware of this division among the 28 Member States, and “plays with it, exploits this division”⁹⁵ to its benefit. Sometimes, the Egyptian Government talks openly about this division in meetings with the EU Delegation in Egypt, since it knows that it hinders a common and strong European position on key human rights and democracy issues in the country⁹⁶.

This was the case of the EU’s initial reaction to the Arab Spring, defined as a “watered-down compromise between irreconcilable positions”⁹⁷. In the beginning, when the revolts started on January 2011 in Egypt, the EU was not able to articulate a fully clear position as to which side to support. Initially, driven by some core Member States, the EU opted for a wait and see approach, avoiding taking a clear stance against President Mubarak⁹⁸. The statement by the President of the European Council, Herman Van Rompuy, on 29 January 2011 is very illustrative of this timid reaction: “I am deeply troubled by the spiral of violence... I sincerely hope that the promises of openness by President Mubarak will translate into concrete action”⁹⁹. Ultimately, Mubarak’s regime still represented stability, security and control of flows of illegal migration for many European capitals. When it was clear that Mubarak was no longer a durable solution for the future of Egypt, the EU supported the new line of action. But the EU was always behind the events, reactive instead of proactive, and some EU Member States were much more decisive than others. As has been underlined by Timo Behr, “in particular during the initial phase of the Arab Spring, the EU’s common institutions were regularly sidelined by the Member States and were unable to function as a catalyst for a common policy”¹⁰⁰.

This division among the 28 EU Member States was much deeper when Islamist President Morsi was ousted from power after a *coup d’état* led by some officials of the Egyptian military elite on 3 July 2013. The EU was not even able “to call the Army’s bloody intervention by its name: a coup d’état”¹⁰¹, given the strong reticence expressed by some Member States. While some Northern States led by Sweden wanted to take a very firm position against the Army-led deposition of President Morsi, referring to it explicitly as a coup d’état, some Southern States, particularly Greece and Cyprus, defended a more nuanced position as regards the military intervention¹⁰². When the High Representative Catherine Ashton issued a statement on the events in Egypt on 14 July 2013, she avoided the use of the term *coup*, and did not call for the restoration of the Presidency of the Muslim Brotherhood. Instead, she proclaimed a democratic

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ VIRGILI, T., *op. cit.*, p. 58.

⁹⁸ In the case of Tunisia, some EU Member States, particularly France, maintained their support to President Ben Ali until the very end of his mandate, when he had to resign because of the popular uprisings in his country.

⁹⁹ *Statement by Herman Van Rompuy, President of the European Council, on the situation of Egypt*, PCE 020/11, Brussels, 29 January 2011, available at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/118993.pdf.

¹⁰⁰ BEHR, T., *op. cit.*, p. 79.

¹⁰¹ BLOCKMANS, S., “Egypt and the EU: Where Next?”, *CEPS Commentary*, 2013, p. 2.

¹⁰² VIRGILI, T., *op. cit.*, p. 59.

principle that every Government should respect: “the military must accept and respect the constitutional authority of the civilian power as a basic principle of democratic governance”¹⁰³. She also insisted on the “importance of holding democratic elections in the shortest possible time... with the free participation of all political actors, including the Freedom and Justice Party”¹⁰⁴. To a certain extent, this declaration can be seen as a legitimization of President Morsi’s deposition by the Army. Since then, the human rights situation in the country has greatly deteriorated, with the illegalization of the Freedom and Justice Party and the imprisonment of its most relevant members, but the EU has not taken a firm stand against this progressive deterioration. According to one scholar, the EU has been “hesitant and uncertain about how to respond to recent developments in Egypt, which has raised serious doubts about EU’s role as a credible and influential actor”¹⁰⁵.

This EU’s timid and insufficient reaction to the relevant events in Egypt clearly demonstrates that the political backing of Member States is an essential ingredient for coherent and effective EU action in the field of human rights and democracy. The challenge is to turn the CFSP into a positive-sum game that can be seen by Member States as a reinforcement of their foreign policies¹⁰⁶.

3. The democratization-stability dilemma

Relations between the EU and Egypt in recent decades have been conditioned by the dilemma on how to promote human rights and democracy without risking stability and security in Egypt and in the entire region¹⁰⁷. The EU has tried to promote human rights and democracy but, at the same time, it has tried to preserve the political stability of the authoritarian regime due to its strategic and geopolitical significance, for its role in the fight against terrorism and illegal migration, for its importance to secure energy routes from North Africa, and for its ability to restrain the rise of political Islam in the country¹⁰⁸. In case of conflict between these seemingly competing interests, the EU opted without any doubt for supporting its authoritarian friend in the country of pharaohs.

The uprisings that led to the end of the Mubarak regime in January 2011 showed very clearly that lasting stability cannot be achieved to the detriment of human rights and democracy. In the end, the democratization-stability dilemma is a false dilemma, since the best way to guarantee long-term stability and security is through a firm commitment to democracy, human rights and social justice. This idea has been openly accepted, at least rhetorically, by senior EU officials. The words pronounced by the then President

¹⁰³ *Declaration by the High Representative Catherine Ashton, on behalf of the European Union, on the situation of Egypt*, 12306/1/13 REV 1, Brussels, 14 July 2013, available at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/138072.pdf.

¹⁰⁴ *Ibid.*

¹⁰⁵ ASKAR KARAKIR, I., *op. cit.*, p. 50.

¹⁰⁶ KEUKELEIRE, S. and DELREUX, T., *op. cit.*, p. 19.

¹⁰⁷ PACE, M., “Egypt”, in PETERS, J. (ed.), *The European Union and the Arab Spring. Promoting Democracy and Human Rights in the Middle East*, Lexington Books, New York, 2012, p. 58.

¹⁰⁸ KHALIFA ISAAC, S., *op. cit.*, p. 5.

of the European Commission, José Manuel Durao Barroso, in a speech at the Opera House in Cairo on 14 July 2011 are very illuminating, and sound like a confession of past mistakes on Egypt: “In the past too many have traded democracy for stability. But recent events have only proven that lasting stability can only be achieved through democratic and accountable governments”¹⁰⁹. The Arab Spring has acted as a wake-up call for an EU that for decades offered support to “authoritarian stability”¹¹⁰ in Egypt, irrespective of the lack of commitment to human rights and democracy on the part of the Egyptian Government and elites. The challenge for the EU is “to support democracy as well as stability for Egypt at the same time”¹¹¹.

Unfortunately, in spite of the *mea culpa* issued by some relevant EU officials, and in spite the rhetoric shift developed by the EU through official statements and through the review of policies such as the ENP, we have to recognize that security and strategic considerations continue to play a prominent role in bilateral relations with Egypt. The EU continues to consider Egypt as a strategic partner in the region and to offer substantial cooperation in spite of the manifest deterioration of the situation of human rights in Egypt and lack of progress in areas such as democratization, freedom of association and assembly, fight against corruption, independence of the judiciary, and the necessary space for CSOs¹¹².

A very telling example is the EU’s accommodation and implicit acceptance of the strong financial and political support offered by Saudi Arabia to Egypt to avoid any influence of the democratic wave brought about by the Arab Spring and to maintain the status quo in the region¹¹³. Saudi Arabia has been able “to buy influence and undermine Western leverage for political reforms”¹¹⁴. This counterrevolutionary role played by Saudi Arabia¹¹⁵ points to one of the greatest contradictions of the values-based foreign policy of the EU. Once again, Europe has prioritized security and stability over democracy and human rights, very much in line with the strategic interests of Saudi

¹⁰⁹ DURAO BARROSO, J.M., “Partners in Freedom: The EU Response to the Arab Spring”, Cairo, Egypt, SPEECH/11/523, 14 July 2011.

¹¹⁰ AMIRAH-FERNÁNDEZ, H. and BEHR, T., *op. cit.*, p. 1.

¹¹¹ BAUER, P., *op. cit.*, p. 9.

¹¹² According to the European Commission, “overall, Egypt made limited progress... on deep and sustainable democracy”. Freedom of association and assembly “were restricted”. The freedom of the press “was visibly reduced”. There were “no tangible developments in the fight against corruption or in reforming the judiciary”. There was “less space for the activities of CSOs due to stricter controls, which led a number of CSOs to decide to close their offices in Egypt”. Besides, “the continued use of the death sentence... was of particular concern. The restrictions on civil society and peaceful demonstrations were also of concern”, EUROPEAN COMMISSION, *Implementation of the European Neighbourhood Policy in Egypt. Progress in 2014 and recommendations for actions*, SWD(2015) 65 final, Brussels, 25 March 2015, p. 3.

¹¹³ SIGILLÓ, E., “Challenges to Normative power Europe in the Mediterranean. Impact on Arab civil societies and the role of Islamic donors”, *Working Paper, ECPR General Conference*, Montreal, 2015.

¹¹⁴ HAZAN, O., “Undermining the transatlantic democracy agenda? The Arab Spring and Saudi Arabia’s counteracting democracy strategy”, *Democratization*, Vol. 22, 2015, p. 492.

¹¹⁵ KAMRAVA, M., “The Arab Spring and the Saudi-Led Counterrevolution”, *Orbis*, Vol. 56, No. 1, 2012, pp. 96-104.

Arabia¹¹⁶. We cannot but remember that Saudi Arabia is one of the closest allies of the West in the region, in spite of its manifestly poor record on human rights and democracy¹¹⁷. This is a crystal-clear manifestation of one of the main deficits of the EU human rights and democracy policies: the *credibility gap*, as the result of double standards when European strategic interests are at stake in third countries. Obviously, this lack of credibility strongly undermines the EU's legitimacy to pursue an ambitious human rights and democracy agenda, thus hindering the effectiveness and impact of its human rights and democracy promotion efforts. This contradiction was clearly illustrated when General Al-Sisi organized a coup d'état in July 2013 to oust the democratically-elected Islamist President Mohammed Morsi. Not only did the EU avoid the use of the term coup d'état, as we have already seen, but it also offered its implicit approval. As has been affirmed by one scholar, "the counter-revolution was straightforwardly institutionalized with the implicit approval of the US and the EU"¹¹⁸, prioritizing strategic interests over the promotion of democratic principles. Ultimately, the EU ends up opting for its "pre-revolutionary logic of action (the authoritarian social contract), i.e. preserving stability rather than pressing for deep transformation"¹¹⁹. Despite the recognition of past mistakes by the EU, and despite the new rhetoric about deep democracy, "the EU has not been distancing itself from old politics and attitudes"¹²⁰. The old dynamics of stability versus democracy are still a core ingredient of the EU's foreign policy on Egypt¹²¹, thus hindering the EU's capacity to have a significant impact on Egypt's human rights and democracy performance.

4. Europe's diminishing influence in Egypt

A crystal-clear manifestation of Europe's global decline is its significant loss of influence in the Southern Mediterranean region both during and after the Arab Spring. The new geo-political scenario in the region has dramatically affected the EU's position *vis-à-vis* Egypt, where other emerging actors are trying to increase their economic and

¹¹⁶ GREENFIELD, D. and BALFOUR, R., *Arab Awakening: Are the US and the EU Missing the Challenge?*, Atlantic Council, Washington D.C., 2012.

¹¹⁷ This challenging situation has been put on the table by the European Parliament Committee on Foreign Affairs. While the Committee "recognises the interdependence between the EU and KSA in terms of regional stability, relations with the Islamic world, the fate of the transitions in the Arab Spring countries, the Israel-Palestine peace process, the war in Syria, improving relations with Iran, counter-terrorism, stability of the global oil and financial markets, trade, investment and global governance issues,...", it also "expresses grave concern that human rights violations such as arbitrary arrests and detention, torture, travel bans, judicial harassment and unfair trials continue to be widespread", EUROPEAN PARLIAMENT COMMITTEE ON FOREIGN AFFAIRS, "On Saudi Arabia, Its Relations with the EU and Its Role on the Middle East and North Africa", Brussels, 2014, paras 1 and 9.

¹¹⁸ HAZAN, O., *op. cit.*, p. 491.

¹¹⁹ HARDERS, C., "A Revolution in the Logics of Action? Renegotiating the Authoritarian Social Contract in Egypt", in HORST, J., JÜNEMANN, A. and ROTHE, D. (eds.), *Euro-Mediterranean Relations after the Arab Spring. Persistence in Times of Change*, Ashgate, Farnham, 2013, p. 118.

¹²⁰ WOUTERS, J. and DUQUET, S., *op. cit.*, p. 23.

¹²¹ HELMY, A., *Exploring changes in the European Democracy Promotion Policy in Egypt after the 2011 Events. 'Same cocktail, different portions'*, American University in Cairo, Cairo, 2015, p. 6.

political roles. In this new context, countries such as Saudi Arabia, Turkey, China¹²² or Russia have significantly increased their presence as international donors¹²³, and as strong supporters of the Al-Sisi regime. Accordingly, they have become the new privileged interlocutors with the Egyptian Government, sidelining the traditional influence of the US and, to a lesser extent, the EU¹²⁴. Some EU officials openly acknowledge that the EU finds itself in a situation of “more weakness”¹²⁵, something that it is clearly perceived by Egypt and by the other relevant actors in the country.

One of the side-effects of this shift in geopolitical dynamics both in Egypt and in the whole region is that the EU’s conditionality of aid to progress in human rights and democracy could be seriously undermined, given that recipient countries may be less inclined to follow the European recipes. As has been remarked by Laurence Chandy, “emerging donors are perceived as showing less regard for environmental and labor standards and for the democratic credentials of recipient governments”¹²⁶. In this new complex scenario, we can expect that the EU will have much less leverage to push for democratic changes in third countries¹²⁷. The European model has no longer “the sex-appeal it used to have in the past”¹²⁸.

Against this background, “the EU does not seem likely to strengthen its influence in the years to come”¹²⁹. The financial crisis which the EU has been facing since 2008, and the political uncertainty and confusion surrounding the European integration project are significantly undermining the EU’s capacity to have a meaningful influence on Egypt’s transition to democracy¹³⁰. The EU simply lacks the economic and political strength “to

¹²² In January 2016, China’s President Xi Jinping visited Egypt “to support Egypt’s efforts to maintain stability, develop the economy..., and play an even greater role in international and regional affairs”. The agreements between the two countries included several development and infrastructure investments, including the first phase of a new Egyptian administrative capital, a 1 Billion USD to finance Egypt’s Central Bank, and a 700 million USD loan to the state-owned National Bank of Egypt, in ‘China’s Xi visits Egypt, offers financial, political support’, *World News*, 21 January 2016, available at <http://www.reuters.com/article/us-egypt-china-idUSKCN0UZ05I>.

¹²³ One development aid analyst has underlined that “they are long-standing providers of foreign assistance, with the People’s Republic of China (PRC) commencing its foreign assistance programs in 1950, Russia in 1955, Brazil in 1960, and South Africa in 1968. However, the BRICS’ foreign assistance programs have grown in recent years, some dramatically”, DORNSIFE, C., “BRICS countries emerging as major aid donors”, *Asia Pathways*, 25 October 2013, available at <http://www.asiapathways-adbi.org/author/cinnamon-dornsife/>.

¹²⁴ MANNING, R., “Will ‘Emerging Donors’ Change the Face of International Co-Operation?”, *Development Policy Review*, Vol. 24, 2006, pp. 371-385.

¹²⁵ Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

¹²⁶ CHANDY, L., “New in Town: A Look at the Role of Emerging Donors in an Evolving Aid System”, The Brookings Institution, 2012, available at <http://www.brookings.edu/research/articles/2012/04/emerging-donors-chandy>.

¹²⁷ WHITFIELD, L. (ed.), *The Politics of Aid. African Strategies for dealing with Donors*, Oxford University Press, Oxford, 2009.

¹²⁸ Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

¹²⁹ BALFOUR, R., *op. cit.*, p. 30.

¹³⁰ YOUNGS, R., *Europe in the Middle East. Opportunity or Exclusion?*, Oxford University Press, Oxford, 2014, p. 6.

play the game of sticks and carrots”¹³¹. The reviewed ENP and its insistence on increased cooperation through the “3Ms” (money, markets¹³², and mobility¹³³) have not been sufficient to engage Egypt in a sincere dialogue on how to advance towards deep democracy. The funds allocated are too limited to be able to make a difference. In Blockmans’ opinion, “the sums of conditional aid (offered mainly in the form of loans) have proved too small and the prospects of increased trade and investment too elusive to entice the Egyptian leadership to sign up to the EU’s reform agenda”¹³⁴. In the aftermath of the Arab Spring, the proposal of a Marshall Plan for the Mediterranean was considered in some European circles as the adequate response to the magnitude of the problems in the region. In the end, the different lines of cooperation offered by the EU “fall far behind”¹³⁵ the initial ambitions¹³⁶, a clear sign of the EU’s increasing impotence and lack of leverage.

The overall financial assistance allocated to Egypt by the EU is totally irrelevant if compared to the donations and investments coming from the countries of the Gulf Cooperation Council (GCC), in particular from Saudi Arabia¹³⁷. According to some relevant analysts in the region, “Saudi aid flows have played an important political role in Egypt since the fall of Mubarak”¹³⁸. Saudi Arabia basically wants to preserve the *status quo* in the whole region¹³⁹, to contain the effects of the uprisings on its own authoritarian monarchy, and to block potential Iranian influence in the region given its close ties with the Muslim Brotherhood in Egypt¹⁴⁰. This helps explain why Saudi Arabia and other GCC countries supported so openly the coup d’état by the Egyptian Army on 3 July 2013 against Islamist President Morsi. On 9 July, immediately after the coup, Saudi Arabia, Kuwait and the United Arab Emirates (UAE) “pledged a total of 12 Billion USD in aid to Egypt, including a combination of grants, loans, central bank deposits, and preferential access to oil”¹⁴¹. This huge amount of aid contrasts very sharply with the limited amounts offered by the EU. The EU’s budgeted support to

¹³¹ VIRGILI, T., *op. cit.*, p. 61.

¹³² As a clear sign of the lack of real incentives offered by the EU, Egypt did not accept the EU’s proposal of a *Deep and Comprehensive Free Trade Agreement* (DCFTA). In the case of Morocco, the DCFTA was one of the “rewards” given by the EU to this country in view of its commitments to democratic reform.

¹³³ While Egypt is willing to promote mobility of Egyptian citizens to the EU in the framework of “Mobility Partnerships”, it is not much interested in the other side of the partnership, namely making strong efforts to control the flows of illegal migration to Europe.

¹³⁴ BLOCKMANS, S., *op. cit.*, p. 1.

¹³⁵ BEHR, T., *op. cit.*, p. 83.

¹³⁶ According to one EU official, “if the EU had really wanted to play sticks and carrots, it should have been ready to commit a large amount of cash in the framework of a Marshall Plan for the Middle East”, in VIRGILI, T., *op. cit.*, p. 62.

¹³⁷ FAROUK, Y., *More than Money: Post-Mubarak Egypt, Saudi Arabia, and the Gulf*, Gulf Research Center, Jeddah, 2014. See also MATTHIESEN, T., *Sectarian Gulf Bahrain, Saudi Arabia, and the Arab Spring that Wasn’t*, Stanford University Press, Stanford, 2013.

¹³⁸ SANTINI, R.H. and KOEHLER, K., *Bankrolling Containment: Saudi Linkages with Egypt and Tunisia*, Project on the Middle East Political Science, 2016, available at <http://pomeps.org/2016/08/22/bankrolling-containment-saudi-linkages-with-egypt-and-tunisia/>.

¹³⁹ RIEGER, R., *In Search of Stability: Saudi Arabia and the Arab Spring*, Gulf Research Center, Jeddah, 2014.

¹⁴⁰ KHALIFA ISAAC, S., *op. cit.*, p. 22.

¹⁴¹ SANTINI, R.H. and KOEHLER, K., *op. cit.*

Egypt amounted to approximately €1 billion during the period 2007-2013 under the ENP¹⁴². But due to increasing instability in the country, the funds delivered were significantly reduced¹⁴³. While in 2014 EU funding through the European Neighbourhood Instrument (ENI) amounted to €115 million¹⁴⁴, in 2015 EU funding through the ENI amounted to €105 million¹⁴⁵. As we can see, these are very modest allocations when compared to other sources of funding received by Egypt from other countries.

If we also take into account that development aid funds were also considerably decreased in 2011, 2012, and 2013, we can easily reach the conclusion that the EU's capacity to exert some degree of leverage on Egypt was highly limited. Once again, the distance with the GCC countries is immense. As of May 2016, "the total volume of pledges by Saudi Arabia, Kuwait, and the UAE since the coup amount to some 60 billion USD, roughly equivalent to a yearly average of 20 percent of government expenditure"¹⁴⁶. In this changing context, the EU's policies on deep democracy in Egypt run the risk of passing from the inconsistency and double standards of the past to the irrelevance and impotence of the present.

5. Backlash against Human Rights and Democracy Promotion in Egypt

As part of the new international climate brought about by the relative decline of Western power and the rise of emerging powers, many countries are expressing a growing hostility to the human rights and democracy support policies and programmes sponsored by the EU and other international donors¹⁴⁷, "especially those that seek to empower civil society; promote free media; and strengthen democratic political parties, institutions, and processes"¹⁴⁸. Egypt is a case in point, since it is progressively erecting barriers to the activities of both local and international actors trying to promote human

¹⁴² EUROPEAN COURT OF AUDITORS, *op. cit.*, p. 7.

¹⁴³ VIRGILI, T., *op. cit.*, pp. 71-72, note CIV.

¹⁴⁴ These were the projects supported under the ENI: Egypt's Natural Gas Connection Programme (€68 million), Kafr El Sheikh Waste Water Management Programme (€17 million), and Expanding Access to Education and Protection for Children at Risk (€30 million), available at http://ec.europa.eu/enlargement/neighbourhood/countries/egypt/index_en.htm.

¹⁴⁵ The following projects were supported: Citizen Rights Project, Promoting Inclusive Economic Growth in Egypt, Upgrading Informal Areas Infrastructures, Fostering Reforms in the Egyptian Renewable Energy and Water Sectors through Developing Capacity Building, 200 MW Wind Farm Project Gulf of Suez, and the Sustainable Energy Finance Facility, available at http://ec.europa.eu/enlargement/neighbourhood/countries/egypt/index_en.htm.

¹⁴⁶ SANTINI, R.H. and KOEHLER, K., *op. cit.* Against the background of the sharp decrease in the price of oil on global markets and accusations of large-scale corruption in Egypt, some doubts are emerging as to the sustainability of the GCC's unconditional support to Egypt. In this context, "GCC business elites have recently expressed frustration with Sisi's unwillingness to implement necessary economic reforms", and have warned Egypt with a reduction or a suspension of aid, in RAMANI, S., "America can Exploit Saudi-Egyptian Tensions", *The National Interest*, 2016, available at <http://nationalinterest.org/feature/america-can-exploit-saudi-egyptian-tensions-17459>.

¹⁴⁷ CAROTHERS, T., "The Backlash Against Democracy Promotion", *Foreign Affairs*, Vol. 85, 2006, pp. 55-65.

¹⁴⁸ GERSHMAN, C. and ALLEN, M., "The Assault on Democracy Assistance", *Journal of Democracy*, Vol. 17, 2006, p. 36.

rights and democracy in its territory¹⁴⁹. Egypt has one of the most restrictive laws on NGOs in the region, Law 84/2002. The restrictions imposed by Egyptian authorities are increasingly more sophisticated, and have taken the form of mechanisms of state control of the operation of local and international NGOs, difficulties and limitations to access foreign funding, expulsion of human rights activists working for international organizations, creation of government-operated NGOs (the so-called GONGOs), obstacles to international election monitoring¹⁵⁰... Therefore, according to the European Commission, there is now much “less space”¹⁵¹ for CSOs working in Egypt, which has caused many human rights NGOs “to decide to close their offices”¹⁵² in the country. The last attempt to restrict even further the activities of CSOs operating in the country is the draft law on NGOs adopted on 8 September 2016 by the Government and sent to the Parliament for approval. The draft law significantly increases the capacity of the Government to scrutinize the establishment, activities, membership and funding of CSOs. Article 48 establishes an executive committee that can monitor all CSOs activities, including the receiving of foreign funding, subject to approval by the committee. This committee is composed by representatives from the ministries of Foreign Affairs, Justice, Interior, International Cooperation, Social Solidarity, as well as the National Security Agency, the Central Bank, and the vice president of the State Council. According to Mohamed Zarea, Director of the Cairo Institute for Human Rights Studies (CIHRS), “the draft law was written with a security mentality and culture, based on revenging the January revolution and guaranteeing it doesn't happen again”¹⁵³.

The last episode of this increasing abuse towards human rights NGOs in Egypt took place very recently, on 17 September 2016, when the North Cairo Criminal Court decided to freeze the individual and bank accounts of some leading human rights NGOs and their directors. It affects the founder of Egyptian Initiative for Personal Rights (EIPR), the journalist Hossam Bahgat, the Head of the Arabic Network for Human Rights Information (ANHRI), Gamal Eid, the Egyptian Centre for the Right to Education and its director Bahey Eddin Hassan, the Cairo Institute for Human Rights Studies (CIHRS) and its Director Mohamed Zarea, and the Hisham Mubarak Law

¹⁴⁹ RUFFNER, T., *op. cit.*

¹⁵⁰ According to three UN Special Rapporteurs, Michel Forst, Special Rapporteur on the situation of human rights defenders, David Kaye, Special Rapporteur on freedom of opinion and expression, and Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and association, “Egypt is failing to provide a safe and enabling environment for civil society in the country”. The Special Rapporteurs were also “seriously alarmed by the interrogation of several human rights defenders and the risk that they may face in detention or prosecution for their work, as well as the improper use of travel bans and asset freezing”, in ‘UN experts urge Egypt to end ongoing crackdown on human rights defenders and organisations’, 11 April 2016, available at <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=19804&LangID=E>.

¹⁵¹ EUROPEAN COMMISSION, *Implementation of the European Neighbourhood Policy in Egypt. Progress Report in 2014 and recommendations for actions*, SWD(2015) 65 final, Brussels, 25 March 2015, p. 3.

¹⁵² *Ibid.*

¹⁵³ “Rights defenders criticize Egypt's new Cabinet-approved NGO law”, *Mada Masr*, 11 September 2016, available at <http://www.madamasr.com/sections/politics/rights-defenders-criticize-egypts-new-cabinet-approved-ngo-law>.

Center and its manager, Mostafa al-Hassan. This asset freeze took place in the context of the so-called *Case 173*, in which 17 human rights defenders from 12 organizations face charges of receiving foreign funding to harm national security¹⁵⁴. In Amnesty International's view, "this is a blatant misuse of the criminal justice system to prevent people speaking out about the rapidly deteriorating human rights situation in the country"¹⁵⁵.

The root causes of the global phenomenon of backlash are complex, multifaceted, and inextricably linked to structural changes in global politics and the global economy. In the view of Carothers and Brechenmacher, two main factors help us understand the reactions against human rights and democracy promotion. First of all, after the post-Cold War decade in which democracy assistance was favourably perceived, the 2000s witnessed a "loss of democratic momentum"¹⁵⁶, and power holders in many countries began to view such assistance as "excessively intrusive and politically threatening"¹⁵⁷. This counter-reaction has also much to do with the "democracy rhetoric that accompanied the 2003 Iraq War"¹⁵⁸. This disastrous military intervention deepened the weakening of the credibility of the West and negatively affected global views on human rights and democracy support policies. Therefore, the democracy promotion discourse "became synonymous for Western-imposed regime change"¹⁵⁹, something that faced radical opposition by many countries. The second reason that explains this global pushback is the "greater recognition and fear on the part of many power holders of the capacity of independent civil society to challenge entrenched regimes, especially in light of ongoing advances in communications technology"¹⁶⁰. The protagonist role of civil society in the uprisings that led to revolutionary changes in Egypt in January 2011 only reinforced this negative perception on the part of the elites in power (*demonstration effect*), paving the way for more repression and more obstacles to the activities of civil society organizations. The truth is that the power of civil society to question undemocratic regimes, to inform about human rights violations, to forge domestic and international alliances to advance democratic change, and to use the information and communication technologies (ICT) to mobilize people, has grown exponentially over recent decades¹⁶¹. That is why the backlash against these actors is so overwhelming in Egypt and in many other countries.

¹⁵⁴ "Egyptian human rights defenders vow to continue work after asset freeze", *Mada Masr*, 17 September 2016, available at <http://www.madamasr.com/news/egyptian-human-rights-defenders-vow-continue-work-after-asset-freeze>.

¹⁵⁵ AMNESTY INTERNATIONAL, "Egypt: Asset freeze is a shameless ploy to silence human rights activism", 17 September 2016, available at <https://www.amnesty.org/en/latest/news/2016/09/egypt-asset-freeze-is-a-shameless-ploy-to-silence-human-rights-activism/>.

¹⁵⁶ CAROTHERS, T. and BRECHENMACHER, S., *Closing Space. Democracy and Human Rights Support Under Fire*, Carnegie Endowment for International Peace, Washington D.C., 2013, p. 23.

¹⁵⁷ *Ibid.*

¹⁵⁸ HUBER, D., "US and EU Human Rights and Democracy Promotion since the Arab Spring. Rethinking its Content, Targets and Instruments", *The International Spectator*, Vol. 48, 2013, p. 105.

¹⁵⁹ CAROTHERS, T. and BRECHENMACHER, S., *op. cit.*, p. 25.

¹⁶⁰ CAROTHERS, T. and BRECHENMACHER, S., *op. cit.*, p. 61.

¹⁶¹ See, among many other references, KECK, M.E. and SIKKINK, K., *Activists Beyond Borders. Advocacy Networks in International Politics*, Cornell University Press, Ithaca, 1998; NELSON, P. and

This troubling situation poses once again an old dilemma to the EU and other international donors, since they have to make a difficult choice in a continuously changing international environment: either to support the drivers of change (even against the wishes of local governments), or to continue with traditional *business as usual* for the sake of stability. As pointed out by one EU official working on Egypt, in the current context it is very difficult for the EU to take decisions that do challenge entrenched positions by the Government. For instance, the EU will not support an NGO that is considered by the Egyptian Government as “terrorist”¹⁶². Unfortunately, in many instances the Egyptian Government uses the fight against terrorism in the Sinai Peninsula “as an excuse” to increase levels of repression and to avoid any criticism coming from the EU and other international organizations¹⁶³.

The protection and support to human rights defenders (HRDs) is one of the EU’s strategic goals in the area of human rights and democracy promotion. As a clear manifestation of this priority, it adopted the *EU Guidelines on Human Rights Defenders* in 2004, and revised and updated them in 2008¹⁶⁴. Along the same lines, in 2010 the EU created the position of *EU Liaison Officers on Human Rights Defenders* in a high number of EU Delegations, a very promising step forward if adequately used. The EU has repeatedly proclaimed that it is “profoundly concerned at attempts in some countries to restrict the independence of civil society”, and that it will “continue supporting human rights defenders under the European Instrument for Democracy and Human Rights (EIDHR)”¹⁶⁵. Accordingly, one of the objectives of the *EU Strategic Framework and Action Plan on Human Rights and Democracy* is to offer “effective support to Human Rights Defenders”¹⁶⁶. As stated in the *EU Annual Report on Human Rights and Democracy in the World in 2014*,

“EU delegations were active in working to protect human rights defenders, who have continued to face increasing pressure from the authorities and from non-state actors in many countries. EU diplomats monitored trials, visited detained activists and issued statements on individual cases. The EU regularly raised individual cases at bilateral meetings, including high-level political dialogues, and urged partner governments to release imprisoned human rights defenders”¹⁶⁷.

In financial terms, the EU has funded more than 150 projects under the EIDHR in support of human rights defenders, with a total value of more than EUR 120 million¹⁶⁸. As we can see, human rights defenders are one of the core priorities of the EU’s human

DORSEY, E., *New Rights Advocacy: Changing Strategies of Development and Human Rights NGOs*, Georgetown University Press, Washington D.C., 2008.

¹⁶² Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

¹⁶³ Interview with a member of a major Egyptian human rights NGO.

¹⁶⁴ COUNCIL OF THE EUROPEAN UNION, *Ensuring Protection-Updated European Union Guidelines on Human Rights Defenders*, 2008.

¹⁶⁵ COUNCIL OF THE EUROPEAN UNION, *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 11855/12, 25 June 2012.

¹⁶⁶ *Ibid.*, Outcome 18.

¹⁶⁷ COUNCIL OF THE EUROPEAN UNION, *EU Annual Report on Human Rights and Democracy in the World in 2014*, 10152/15, 22 June 2015, p. 62.

¹⁶⁸ *Ibid.*, p. 63.

rights and democracy policy but, despite these valuable efforts and very positive initiatives, “pushback continues to spread”¹⁶⁹, particularly in Egypt¹⁷⁰. Much remains to be done for a meaningful and effective policy that deals with the protection of human rights defenders and with the necessary responses to the backlash against human rights and democracy promotion worldwide. As Karen Bennet has adequately affirmed in this regard, “human rights defenders are key agents of change... and make a significant contribution to the international community’s efforts to support democracy and human rights”¹⁷¹. Meaningful support to human rights defenders should be a priority for the EU in Egypt under both the EIDHR and the EED.

6. The Rise of Political Islam

For decades, the EU supported Mubarak’s authoritarian regime as the best means to contain the rise of political Islam in the country. The military-led and “secularly oriented regime served as an immunization strategy against any Western request for more substantial changes”¹⁷²; it offered the political stability that the EU considered as essential not only for the country but for the whole region. The EU rightly suspected that Islamists in power “probably would not be as friendly as the existing authoritarian regimes”¹⁷³. Therefore, the EU did not push much for political reform and democratization in Egypt, since it would eventually pave the way to the access of Islamic political parties to power. We must not forget that when Islamic parties such as the Islamic Salvation Front (ISF) in Algeria in 1990, or Hamas in Gaza in 2006, won democratic elections, the EU was not willing to accept the results¹⁷⁴. As a consequence, the EU has been considered as “anti-Islamic”¹⁷⁵ in many countries of the Southern Mediterranean, including Egypt. The rise of Islamism has also to be interpreted as a “reaction against globalization which is perceived as an extension of colonialism and part of the general Western and secular assault”¹⁷⁶. In this sense, the increasing public presence of political Islam is “closely linked to post-colonial identity building”¹⁷⁷.

This political scenario radically changed after the 2011 revolts, and the Arab Spring “turned out to be an Islamic Winter”¹⁷⁸. Islamic political parties succeeded in gaining significant political space in the first elections after the revolution in Egypt, particularly the Muslim Brotherhood-sponsored Freedom and Justice Party (FJP). In June 2012,

¹⁶⁹ CAROTHERS, T. and BRECHENMACHER, S., *op. cit.*, p. 48.

¹⁷⁰ The situation of human rights in the country has strongly deteriorated. According to one source from a major Egyptian human rights NGO, “the situation now is even worse than under Mubarak”, Interview, February 2016.

¹⁷¹ BENNETT, K., “European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation”, *The International Journal of Human Rights*, Vol. 19, 2015, p. 908.

¹⁷² BAUER, P., *op. cit.*, p. 4.

¹⁷³ ASKAR KARAKIR, I., *op. cit.*, p. 39.

¹⁷⁴ KHALIFA ISAAC, S., *op. cit.*, p. 18.

¹⁷⁵ HUBER, D., *op. cit.*

¹⁷⁶ KEUKELEIRE, S. and DELREUX, T., *op. cit.*, p. 294.

¹⁷⁷ *Ibid.*

¹⁷⁸ KHALIFA ISAAC, S., *op. cit.*, p. 18.

FJP's leader Mohamed Morsi was proclaimed as President of Egypt after winning the presidential elections with a narrow majority. It is interesting to see how a revolution that was initiated "by a well-educated Arab youth, who is mostly secular and identifies itself with the universal values of democracy, governance and human rights"¹⁷⁹ ended up opening the door of power to Islamists. According to Sally Khalifa Isaac, the youth forces, "lacking organization and experience, were rapidly fragmented and appeared too fragile to challenge the well-organized Islamists"¹⁸⁰. The success of Islamic parties can be explained because of the great legitimacy they have in Arab societies. Keukeleire and Delreux¹⁸¹ have lucidly analyzed the underlying factors of Islamist parties' success. In their view, they resisted many years against regimes "widely perceived as violent and corrupt"; Islamist organizations articulated very well-organized networks of solidarity and educational support; they also promoted Arab traditional values and emphasized the importance of economic development and social justice in their programmes. As these scholars underline, "EU policies, particularly in its revised ENP and its Partnership for Democracy and Shared Prosperity..., did not provide a substantial and credible answer to these factors"¹⁸².

The passive response by the EU to President Morsi's removal from power on 3 July 2013 can also be explained by the traditional suspicion with which the EU has approached Islamist parties in the past. As we have already seen, some EU Member States were hesitant to define the Army's intervention as a coup d'état, and prompted the EU to take a very timid position when the new regime illegalized the FJP, imprisoned most of its leaders, and started a process of systematic repression against its militants and its wide network of social organizations. The silent attitude of the EU contributed to the legitimization of the new military-inspired regime, irrespective of serious violations of human rights and lack of a sincere commitment to promote deep democracy in Egypt. As the European Commission acknowledged in its ENP Progress Report in 2014, "overall, Egypt made limited progress in implementing the ENP Action Plan, especially on deep and sustainable democracy"¹⁸³.

This new political scenario after the Arab Spring in Egypt and in the whole region should prompt the EU to start a thorough reflection on the type of relations it wants to establish with both Islamic political parties and Islamic civil society organizations. These are an essential ingredient of the social fabric in Arab societies. Any meaningful attempt to promote deep democracy in Egypt has to take into consideration the role of Islamic actors and their conceptions of democracy, not always fully compatible with European liberal notions of democracy. As Karakir has rightly pointed out, "excluding Islamists from democracy assistance programmes is no longer a valid option for EU policy makers... The EU has to pay more attention to civil society assistance through

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

¹⁸¹ KEUKELEIRE, S. and DELREUX, T., *op. cit.*, p. 296.

¹⁸² *Ibid.*

¹⁸³ EUROPEAN COMMISSION, *Implementation of the European Neighbourhood Policy in Egypt. Progress Report in 2014 and recommendations for actions*, SWD(2015) 65 final, Brussels, 25 March 2015, p. 3.

dialogue with representatives from different components of civil society including Islamist organizations”¹⁸⁴. Along the same lines, the EU must also be aware of the increasing presence of Islam in Europe. Islam is no longer confined to Muslim countries. As rightly pointed out by Keukeleire and Delreux, “the boundaries of the *Umma*, or community of the faithful, have stretched beyond Muslim States to European cities”¹⁸⁵. The increasing radicalization of some Muslim youth in some European countries is also a source of concern, thus forcing the EU to make a thorough analysis and a strategic reflection on its approach to and its relations with Islam both in Europe and in the Muslim world.

In Egypt now, the political climate after the 2013 coup, and, especially, after the illegalization of the FJP and the systematic repression against all social movements and charities related to the Muslim Brotherhood, makes it very difficult for the EU to have relations with them, and to finance them. The official position of the Egyptian Government which considers the Muslim Brotherhood as a terrorist organization is a “red line”¹⁸⁶ that the EU cannot cross. The Egyptian Government is totally reluctant to deal with this issue in bilateral relations with the EU in the framework of the Association Agreement and the Action Plan.

Ultimately, the engagement with Islamist actors puts on the table a dilemma that the EU is confronted with: in the Southern Mediterranean, particularly in Egypt, “more democratization often means less liberalism, so that, at the end of the day, more democratization means less human rights”¹⁸⁷. Tommaso Virgili ends his reflection with a very challenging and difficult question that the EU and those that believe in human rights and democracy must try to answer: “is it possible or advisable to promote democracy in a world where ‘democratization’ equates to ‘Islamism’?”¹⁸⁸.

VI. CONCLUSIONS

Due to the strategic nature of Egypt in the Southern Mediterranean, the EU offered significant political and economic support to Hosni Mubarak’s authoritarian regime for the sake of stability and security. When the unexpected Arab Spring put an end to Mubarak’s era in February 2011, the EU tried to adapt to the new scenario by launching a reflection on its new role in a changing southern neighbourhood. The new approach to the Southern Mediterranean came full of rhetoric, very much in line with the EU’s ambition to be considered as a normative power. The supposedly most far-reaching innovation was the concept of *deep democracy*, put forward as the new pillar of the EU’s cooperation with the region by Catherine Ashton. Despite the promising expectations, we must acknowledge that the new concept is plagued with inconsistencies, vagueness, and lack of explicit configuration of its conceptual contours. One very telling manifestation of these unfulfilled conceptual promises lies in the lack

¹⁸⁴ ASKAR KARAKIR, I., *op. cit.*, p. 57.

¹⁸⁵ KEUKELEIRE, S. and DELREUX, T., *op. cit.*, p. 298.

¹⁸⁶ Interview with a high-ranking official working for the EEAS on Egypt, 27 January 2016.

¹⁸⁷ VIRGILI, T., *op. cit.*, p. 63.

¹⁸⁸ *Ibid.*

of systematic use of the very concept by the relevant EU bodies. In fact, the term deep democracy has virtually vanished in recent EU documents on human rights and democracy, with some minor exceptions such as the ENP Progress Reports.

Most of the announced changes in the EU's policies and programmes on Egypt are mainly cosmetic and do not alter the traditional approach that has dominated these relations since the 1990s. The reviewed ENP emphasized the relevance of the so-called "3 Ms" (money, market and mobility). As we have demonstrated, these innovations point to more of the same, far from a very much needed paradigm shift. One area in which the EU has tried to articulate a new vision is the focus on civil society organizations (CSOs) as essential ingredients of any meaningful promotion of human rights and democracy. The creation of the European Endowment for Democracy (EED), the approval of the Civil Society Facility (CSF), and the renewed impetus on supporting human rights defenders (HRDs), are modest but relevant signs of this new approach to the role to be played by CSOs in democratic transitions. Unfortunately, the current situation of Egypt does not allow the EU to constructively work with independent and critical CSOs. On the contrary, the dramatic crack-down on human rights in the country is closing the limited spaces that CSOs had to push for democratic change. It seems that the old authoritarian habits and practices are back.

The EU is not reacting as strongly as it should against this deterioration of human rights and democracy in Egypt, paying lip service to the principle of conditionality. Once again, the EU is confronted with an old dilemma, and it prefers security and stability in Egypt over democracy and human rights, as in the old times. On the other hand, we also have to recognize that the EU's capacity to exert leverage on Egypt has been dramatically reduced in the aftermath of the Arab Spring. The new geopolitical scenario, with new economic and political actors in Egypt such as Saudi Arabia, China or Russia, is resulting in the EU becoming increasingly impotent and irrelevant. In this changing international context, the EU has to open a strategic reflection about its role in the Southern Mediterranean as a whole, particularly in Egypt. We are afraid that the Arab Spring has been a missed opportunity for the EU to rethink bilateral relations with Egypt, and to base these relations on universal human rights and democratic principles.