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Democracy Demotion in Egypt: Is the United States a Willing Accomplice?

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On December 26, 2006, Egyptian president Hosni Mubarak proposed a package of amendments to the Egyptian constitution with the purported aim of introducing more democratic freedom into Egypt's sclerotic political system. In effect, however, these "reforms" will serve only to strengthen the ruling party's stranglehold on Egyptian politics and send Egypt farther down the road toward authoritarian rule. On Monday, March 26, after minimal public debate, the Egyptian populace will vote on this package of amendments through referendum. Opposition groups are expected to boycott the vote.

Despite its longstanding rhetorical support for democratic reform, Washington's response to date has been tepid at best. Statements issued by the U.S. State Department have not disparaged Mubarak's democracy rollback. For democracy and civil society advocates throughout the Middle East, this is the latest evidence that the Bush administration has all but abandoned the policy of democracy promotion articulated by Secretary of State Condoleezza Rice in Cairo in June 2005.

Background

On March 19, the 454-seat People's Assembly -- of which Mubarak's ruling National Democratic Party bloc controls nearly two-thirds -- passed the president's amendment package by a vote of 315 in favor. (Muslim Brotherhood representatives boycotted the vote.) Slated to go to a national referendum just one week later, Mubarak's amendment package has been roundly condemned by opposition activists and international human rights organizations. Both the content of the amendments and the process by which they were pushed toward referendum do not suggest a move toward greater political freedom.

Of the 34 articles intended for revision, amendments to Articles 179 and 88 prompt the most criticism. Billed as necessary counterterrorism measures, proposed amendments to Article 179 would grant the police broad powers to monitor private communications, violate home privacy, and bypass ordinary judicial channels by referring suspects to special military courts. This would essentially institutionalize the emergency law under which President Mubarak has operated since the 1981 assassination of Anwar Sadat, and limit freedom of expression indefinitely.

The amendment to Article 88 is even more significant as it would suspend judicial supervision of elections. Striking down the June 2000 Supreme Constitutional Court ruling that requires the government to place each ballot box under the supervision of a judge, this amendment would remove the last significant check on election fraud -- which Egyptian government officials privately acknowledge was rampant in the 2005 elections, even with judicial oversight in place. The Article 88 amendment must be seen in the context of the contentious and often violent disagreements between the ruling party and the Egyptian judges' union over the past year and a half -- as the other amendments continue the government's increasingly brutal crackdown on political speech since the 2005 elections.

Still other amendments are specifically designed to ensure that the electoral successes of the Muslim Brotherhood in the December 2005 parliamentary elections are never repeated. One provision, for example, would ban the formation of legal political parties based on religion -- in effect broadening and institutionalizing the ban on the Muslim Brotherhood that has forced its members to run as "independents." Some secular reformers may be tempted to say that curbing the Brotherhood's influence is a good thing -- but not at the expense of the democratic process. Furthermore, under a proposed amendment, presidential candidates must hail from a recognized political party that maintains at least a 3 percent share of parliamentary seats, guaranteeing that "independents" will be barred from ever standing for the presidency.

In addition to the amendments themselves, the process by which they were pushed to referendum portends ill for the future of democratic discourse in the country. While the referendum was originally slated for April 4, the information ministry announced that the referendum would occur on March 26, giving voters only a week to digest the new amendments passed on March 19. While government spokespeople attributed the haste to Mubarak's busy presidential calendar, which includes next week's Arab League summit in Saudi Arabia, the quickly approaching referendum date gives the opposition a very small window to organize an effective campaign. Wary of legitimizing the referendum by participating, the leading opposition group (the Muslim Brotherhood) has already decided to boycott. Abdul Wahab al-Mesiri, the head of the secular Kefaya opposition movement, also announced his group's intention of boycotting a vote that he characterized as tantamount to "a cancellation of the constitution."

The U.S. Response

Washington's official response to the Egyptian referendum has thus far been deeply disappointing to civil society advocates. On March 20, the State Department issued a press release acknowledging problems with certain policies, while at the same time inexplicably claiming that the overall trend in Egyptian politics is positive. "When you are able to at some point look back," State Department spokesman Sean McCormack said, "you will see a general trend towards greater political reform, greater political openness, [and] a more direct correlation between . . . the will and needs and hopes of the Egyptian people and those whom they elect."

Human rights campaigners and civil society advocates disagree. Since the 2005 elections, organizations such as Human Rights Watch have catalogued numerous examples of Egyptian authorities restricting -- often violently -- the political speech of everyone from secular bloggers to the Muslim Brotherhood. During President Mubarak's rule -- which has now lasted longer than that of any Egyptian ruler since Muhammad Ali in the nineteenth century -- there has been an undeniable move away from political reform toward autocracy. Amnesty International has described the proposed amendments as "the most serious undermining of human rights safeguards in Egypt since the state of emergency was re-imposed in 1981."

The State Department response, however, even claims the Egyptian government is making progress toward judicial independence and that such independence is "a strength of the Egyptian system" -- though amendment to Article 88 is explicitly designed to end such independence once and for all. For civil society advocates in Egypt, such pronouncements amount to U.S. complicity in the gradual erosion of democratic rights in their nation. Worse, for civil society advocates elsewhere in the region, Washington's statements confirm that this administration has all but abandoned its democracy agenda in the Middle East -- or has at least sacrificed it for other priorities in the region.

The United States is the only external power that can exert any meaningful pressure on Egypt, but, to do so, Washington must grasp the significance of these inherently antidemocratic amendments to the Egyptian constitution. Should the administration issue strong, forceful statements in opposition to such purported "reforms," it will help the cause of civil society groups across the Middle East. On the other hand, should it continue to maintain this indifference toward a fundamental assault on key political rights, it runs the risk of inviting Congress to weigh in on the issue. Most opposition parties in Egypt are not, it must be said, friendly to U.S. interests in the region. But they -- like the Egyptian government -- closely follow the statements that

come out of Washington. So too do democracy activists in the region, and it is for them as much as anyone that the United States ought not allow this encroachment on political freedom to go unchallenged.

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