A Struggle over Space:
Human Rights NGOs in Egypt and their Battle against the State.

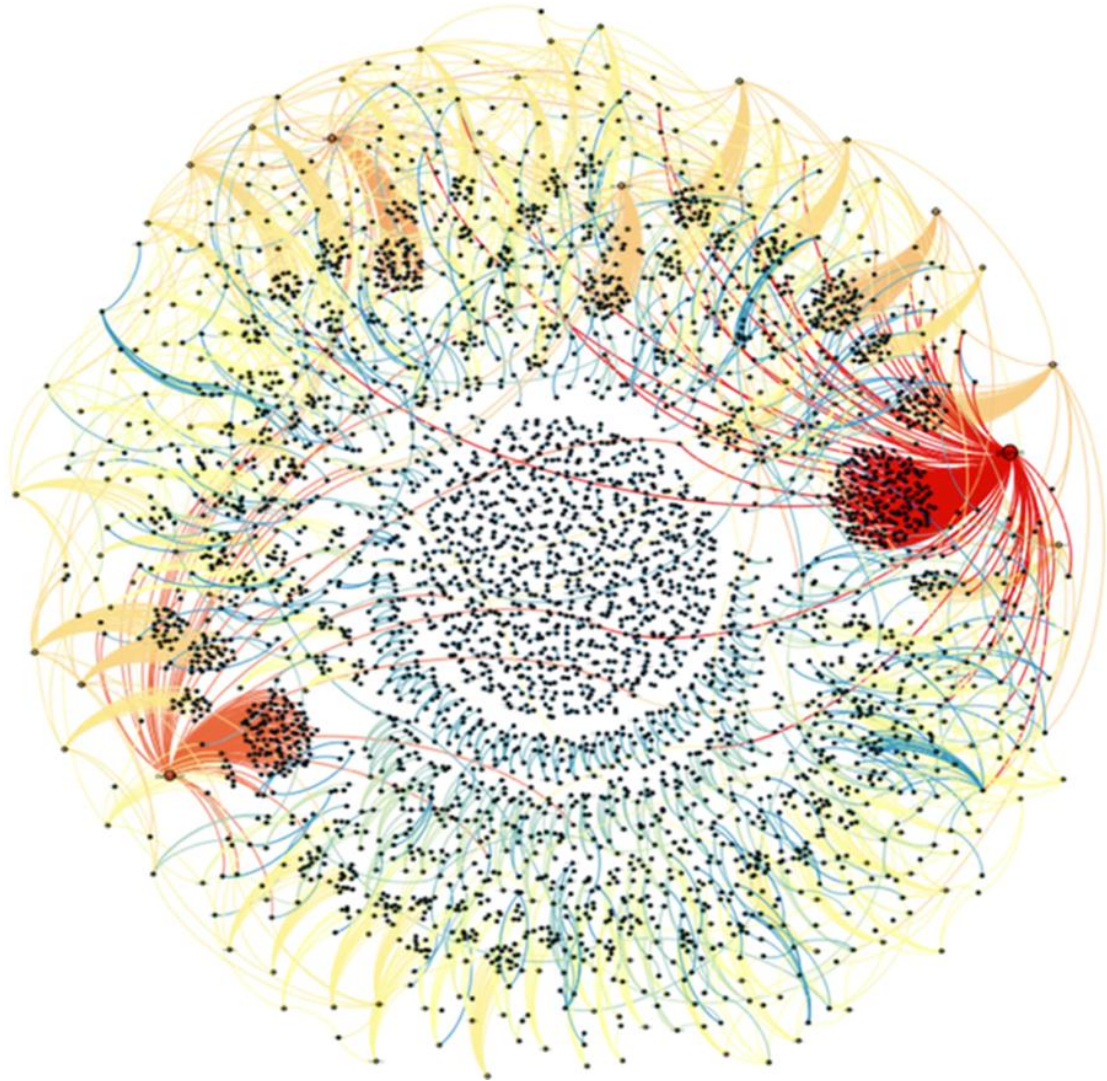Esmé Cartens

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Visualization of Tweets at the moment of Mubarak's resignation. © André Panisson

Abstract.

This thesis seeks to explore the changes in state-society relations in Egypt since the '18 days of revolution' in 2011, specifically why and how non-governmental organizations (NGOs) working in the human rights arena have been restricted in their operational space since the ousting of President Mubarak.

Trying to come to an integrated approach that could help analyze the events in Egypt, the framework of Van der Borgh and Terwindt (forthcoming) was used as a lens for researching operational space of NGOs. Three factors were consequently researched: the national, political context; the pressures NGOs receive from state and societal actors and the strategies NGOs themselves adopt to combat these restrictions.

This case study indicates several patterns in the behaviour of both the state and the human rights NGOs in Egypt, which helps explain why recently the human rights arena was severely restricted in a struggle over foreign funding.

It is a warm morning. This is part of the world.
There are the victories and the defeats to redistinguish.
Is this all? Is this the way we learn
Something? This is the way we learn.

-Weldon Kees

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I would not have been able to write this thesis without the immense assistance and support I got these past months from the following individuals.

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For the daily lungoccino and the daily reviving of great memories of the city Cairo, I should thank Osama. For having a shared burden, I thank Judith and Alma. However, the biggest 'burdens' were shared with Thomas Baar, my Egyptian partner, who stood beside me in sickness and in health and without whom my stay in Cairo would have been totally different.

Lastly, I want to thank my parents and my sister for being the source of inspiration they daily are.

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List of abbreviations.

AFTE	Association for Freedom of Thought and Expression
ASAH	Al Sawt Al Hurr
CSA	Community-Supported Agriculture
ECESR	Egyptian Centre for Economic and Social Rights
EOHR	Egyptian Organization for Human Rights
HMLC	Hisham Mubarak Law Centre
ICCPR	International Covenant on Civil and Political Rights
ICDS	Ibn Khaldun Centre for Development Studies
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICNL	The International Centre for Not-for-Profit Law
IRI	International Republican Institute
MOSA	Ministry Of Social Abbreviations
NCHR	National Council for Human Rights
NDI	National Democratic Institute
NDP	National Democratic Party
NED	National Endowment for Democracy
NVIC	Nederlands-Vlaams Instituut in Cairo
NWF	New Woman Foundation
SCAF	Supreme Council of Armed Forces

Introduction.

The world is witnessing an unprecedented upheaval in the Arab region, which has the potential of changing the political, societal and economical institutions for the upcoming decades. However, the transformations until now remain limited and fragile and the outcomes differ enormously.

The state of Egypt has been 'lost in transition' since the end of the '18 days of revolution' on 11 February 2011 (International Crisis Group, 2012). The Supreme Council of Armed Forces (SCAF), who took control after these '18 days', vowed to hand over power after the presidential elections, but played a defining role in the meantime. During the first, free presidential elections in Egypt's history it once more became clear that the military does not want to give up power[1]. The power struggle between the SCAF, on the one hand, and oppositional political powers (for example the Muslim Brotherhood) on the other hand, exposes the deep divisions that have existed in the Egyptian society for over decades.

Since the SCAF assumed power, they have failed to address serious human rights issues in the country and in many cases have worsened the situation (Human Rights Watch, 2012). Demonstrations are met with police violence (even resulting in the death of protesters), freedom of expression and assembly are in many ways restricted and although the Emergency Law has been repealed on the 31st of May 2012, civilians are still being brought to military trials. Meanwhile non-governmental organizations (NGOs), like human rights organizations, which openly oppose these violations, have faced restrictions in their activities, of which the 'foreign funding case' is the most recent example[2].

The political changes that were generated by the '18 days of revolution' seem to have created a re-negotiation of the relations between state and (civil) society and, therefore, make it interesting to look at the role (civil) society plays and is 'allowed' to play since the SCAF took over power: does the recent 'foreign funding case'

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[1] The SCAF declared on Sunday 17th of June that the future President of Egypt will have very little political responsibilities and will have no power over the military. 'SCAF expands its power with Constitutional Amendment', *Egypt Independent,* 17/6/2012 , retrieved on 18/6/2012. (http://www.egyptindependent.com/news/scaf-expands-its-power-constitutional-amendments)

[2]**'Forty-three suspects in NGO funding case referred to criminal court'**, *Egypt Independent*, **5/2/2012, retrieved on: 14/3/2012.**
(http://english.ahram.org.eg/NewsContent/1/64/34999/Egypt/Politics-/Egypt-NGOs-brace-for-longer-legal-battle-in-foreig.aspx)

indicate a disturbance in the promised transition towards democracy? Or is the restricted operational space of human rights NGOs a (explicit) case of redefining state-society relations?

Academic relevance.

Processes of democratization have been researched extensively in order to find a pattern in this process that helps explain why certain countries succeed and why others fall back in a process of de-democratization. A different look is necessary for the case of Egypt, since Egypt's type of regime can be framed as 'flexible authoritarianism', because of the regime's use of a twin strategy of coercion and co-optation (El-Mahdi, 2009). A closer look at the recent changes in state-society relations will help explain why the political transformation in Egypt has led to the escalation of the 'foreign funding debate'.

Secondly, until now, no scholarly look has been used to describe the changes in state-society relations in order to explain the restricted operational space of NGOs since the revolution, working in the field of human rights. With this case study I hope to be able to fill this gap.

Research question.

The recent 'foreign funding case' poses several questions. If we assume that the ousting of Mubarak was the start of a transition towards democracy, why would human rights NGOs, being at the historical forefront of this struggle, be limited in their operational space? What do the restrictions on human rights NGOs say about the military council's intentions? Thus, how should we view changes in state-society relations in times of political transformations? The aim of this research is to see if theories on changing state-society relations in time of political transition are able to help explain why and how the operational space of human rights NGOs has been limited since the start of the end of the '18 days'. Framed as a research question: *Why and how have human rights NGOs in Cairo been limited in their operational space since the start of the revolution on 25 January 2011? And in what way is the restricted operational space of local NGOs a consequence of re-negotiated state-society relations?*

Research objective.

The aim of this research is to see if theories on changing state-society relations in time of political transition are able to help explain why and how the operational space of human rights NGOs has been limited since the start of the end of the '18 days'. This research aims to identify patterns of behaviour in the relations between the state and society, which have resulted in the escalation of the struggle over foreign funding of human rights NGOs in Egypt since the end of the '18 days of revolution'.

Case study: Cairo.

From the moment the 'Arab Spring' started, Cairo has been at the heart of the matter. Being the most important and most densely populated city of the region, all eyes have been on Cairo during and after the '18 days of revolution'. Tahrir Square had become the scene of a growing, popular protest and within three weeks of fighting the Egyptian people wrested free from the iron grip of its imperious leader and were able to bring a halt to its autocratic reign. Since former president Hosni Mubarak resigned and the military high command took up power February last year, protests have continued. People continue to flock the streets engaging in various demonstrations expressing their discontent with the current political situation and the lack of reform. By trying to exert pressure, these people continue to fight for their desired political change.

Meanwhile, human rights NGOs have been at the forefront of struggles with the SCAF. On 29 December 2011, 17 NGOs were raided and laptops, documents and money confiscated, which set the stage for a court case against four international NGOs and one local NGO. To me this case study seemed a bit paradoxical. Why would human rights NGOs be restricted if a country is in a transition towards democracy? In order to find an answer to this prelimenary question (and the eventual research question), I left for Cairo on the 4th of March 2012.

Method.

I have conducted a qualitative case study in order to see how and why human rights NGOs have been restricted. The primary data for this qualitative research has been collected by means of 19 semi-structured interviews. Unfortunately, only 8 out these

19 interviews were with human rights NGOs. Although the small sample size does not allow for broad generalizations, the findings will be able to suggest preliminary ideas as to why and how the operational space of human rights NGOs was restricted and could thus be used as data. Other interviews, with activists, journalists and professors were done to get a grip on the possible explanations of why the operational space was limited and also to hear a more diverse story on the role of human rights NGOs in Egypt. All of the interviews were conducted with human rights with offices in Cairo. The findings will therefore not be representative for Egypt as a whole and are only reflective of the human rights arena in Cairo. The fieldwork for this research was done during the period of 4 March 2012 until 9 May 2012.

I gathered my primary data by conducting interviews, which were semi-structured. This allowed me to ask specific questions about restrictions or characteristics of the NGOs, but I was also able to open up the discussion about issues such as the violent clashes or the (perceived) role of the organization, whenever I wanted to. The central objectives of my interviews were the following:

1. to gather reflections on the political developments in post-Mubarak Egypt [*renegotiation of state- (civil) society relations*]

2. to gain an understanding of why and how NGOs have adopted certain tactics to resist restrictions [*perceived opportunities and strategies*]

3. to gather perceptions and personal experiences of the restrictions on NGOs since the uprising in 2011 [*operational space*]

In the beginning of my stay I conducted several interviews with NGOs, working in different fields than the human rights arena. Besides that I wanted to hear different opinions on the struggle over foreign funding from people outside of the human rights arena. However, since my main focus is on human rights NGOs, I tried to interview as many human rights NGOs as possible.

Since it was my first time in Cairo and the only contact I had established beforehand were with the Netherlands-Flemish Institute, it took some time in order to get used to the way of making appointments. Everything was done by phone, so in order to ask for an interview, a telephone number of the person was needed. Luckily, from the moment I was introduced to some human rights activists, I was able to get into contact with the NGOs I wanted to talk to. This allowed me to make use of snowball-sampling and resulted in a diverse group of NGOs.

However, I also faced some difficulties during the time of my research. Before I was going to Cairo, I was planning to focus on international NGOs, especially the ones who were facing charges in court. However, two days before my arrival, a big part of this group was put on a plane back to the United Stated. This resulted in a change of focus from international NGOs, towards local human rights NGOs, which, I believe only made my research more interesting, but it was a little difficult in the beginning.

Another restraint during my research was the fact that many NGOs were not willing to talk, to afraid of the authorities. This changed over time, but especially made the first weeks difficult to get into contact. However, it is also due to this climate that all my interviewees in this research are anonymous, except for their NGO.

Interviewing human rights activists about the political transformations easily led to debates on the constantly changing political climate and the fluidity of important happenings. Everything was changing from day to day, which resulted in a 'messy' situation. Transitional periods are known for their quick changes within the political scene (Welsh, 1994), but this fluidity was thus also highly influencing my own research. Every interviewee I spoke with was always concerned with the political happenings and wanted to give insight in his or her work through talking about present debates, for example the demonstrations, the writing of the constitution, the presidential elections etc.

Thirdly, there are many actors involved in the transitional phase in Egypt. The SCAF, who has vowed to give away power after the presidential elections, has led Egypt the past year in its transition, but they are not the only ones with a big stake in this process. The Muslim Brotherhood is of very high importance and greatly influencing the future of Egypt with their big number of seats in the parliament. Another Islamist group, the Salafis, are shaping the current political climate as well. Next to the Islamist parties, there are many liberal parties and parties influenced by Marxist, Nasserite or even Trotskyist ideologies. And besides the political parties there are many social movements, NGOs and other forms of organizations or networks, which have a stake in the transition.

Chapter outline

In the first chapter the toppling of Mubarak and its effect on state-society relations will be researched in order to view if a change, or renegotiation, has taken place between the state and its citizens. The goal of this contextual chapter is to find out exactly what has changed in the national, political context since February 11th, 2011. It, therefore, looks at state-society relations before, during and after the revolution. I will, thus, answer the following sub-question: *Has the ousting of President Mubarak led to a re-negotiation of state-society relations and how has this evolved since the '18 days of revolution'?*

Having looked at the political context, it will in the following chapter be time to look at the society level, more specifically at the main actor in my research: human rights NGOs. In this chapter the operational space of NGOs *before* the revolution will be researched. This will be done by, first of all, looking at the historical development of the human rights movement in Egypt. The national, political context has shaped the conditions for the operational space of human rights NGOs and, thereby, created specific dynamics for the interaction between the state and the human rights movements, all accumulating in the human rights arena. It is exactly this human rights arena that will be researched in this chapter. Hence, I will answer the following sub-question: *In what way was the operational space of human rigths NGOs in Cairo in the years before the start of the revolution in 2011?*

In the third chapter, I will first start with the role human rights NGOs have played within the revolution and afterwards. Similar to chapter three, we will then have a look at four important restrictions placed on human rights NGOs *since* the revolution started. A comparison will be made between the (perceived) amount of restrictions before and after the '18 days', which will make it able to comment on the increase or decrease of the amount of space. Subsequently, in the third section several stages of pressure (development and decrease) of the last year will be discussed, which will show that the restrictive policies (practices) of the state are highly interlinked with the discourses (images) that are used. The sub-question for this chapter is the following: *To what extend has the operational space of human rights NGOs been restricted by the state, but also by other actors, such as different societal groups? And how have NGOs combated restrictions and thereby created more (or less) operational space?*

Terminology

An important actor in any civil society is the non-governmental organization (NGO). Throughout this research the definition of van der Borgh will be used, which describes NGOs as 'voluntary, not-for-profit citizen groups, working at the local or national level with some kind of public purpose; they seek to work for the common interests of a particular group or sector'(forthcoming). I have chosen to focus on human rights NGOs, because they are usually at the frontline of society's struggle with the state, openly critiquing state actors and trying to push for certain issues, where the state often disagrees on (equal rights, social justice, democratization etc). I will use the term of human rights NGOs in this thesis in its broadest sense to cover civil and political rights, as well as social and economic rights, women' s rights, workers' rights and children's rights, although the latter will not be of focus in this research.

Chapter one.

State-society relations in times of political transformation.

'Democracy is, no doubt, the solution!'[3]

- Alaa Al Aswany

In this first chapter I will have a theoretical look at state-society relations in times of political transformation. Transitions from authoritarianism are often characterized by periods of great uncertainty, rapid changes and elite-centeredness (Welsh, 1994). I will first have a detailed look at the state-in-society model of Joel Migdal (2001) and Charles Tilly's (2007) work on state-citizen struggles during processes of democratization and de-democratization.

With the use of the state-in-society approach of Joel Migdal (2001) I will be able to define how I look at the state, the (civil) society and the (often contested) relationship between these two entities. By looking more into detail at the moment when state-society struggles become most contested, namely in times of transition or social transformations, I will expose the main issues that are at stake. By comparing the political opportunity structures model (POS) for mobilization (Tilly & Tarrow, 2011) with the framework on shrinking operational space of NGOs (van der Borgh, forthcoming) I want to illustrate what approach will be best to analyze the events of the past year in Egypt. At the end of this chapter I will be able to operationalize further and show how I will try to answer my research questions.

1.1

Researching state-society struggles: towards a dialectical approach.

In the Arab region states have generally been authoritarian in their relation towards its citizens. In Egypt, this has subsequently been the case under President Nasser,

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[3] Alaa Al Aswany is a celebrated Egyptian novelist and columnist, who critiqued Mubarak for several years and always ended his columns with "democracy is the solution". A recent and translated column can be found on: (http://www.arabist.net/blog/2011/10/12/in-translation-alaa-al-aswany-on-bigotry.html)

Sadat and Mubarak. However, before Hosni Mubarak was able to grant his powers to his son Gamal Mubarak, the Egyptian people, organized through social movements, were unexpectedly able to confront the state.

When talking about power struggles in social life, we first of all reach an ontological discussion. How to view existing relations between the state and societal organizations? This must be linked to one of the major debates in social research, namely the one between structure and agency: which one of these stances is best in explaining human behavior? Alexander Wendt called these two stances the

> 'Two truisms about social life which underlie most social scientific inquiry: 1) human beings and their organizations are purposeful actors whose actions help reproduce or transform the society in which they live; 2) society is made up of social relationships, which structure the interaction between these purposeful actors'. (Wendt 1987:337-338).

Scholars like Bourdieu have come to the conclusion that both stances matter: people are limited in their actions by the structures that shape their context, and, on the other hand, people have unrestricted freedom to form their own actions. Anthony Giddens (1984) has created the structuration theory in which he brings these two separate stances together, creating a dialectical approach. His belief is that actions can lead to a 'reconstitution' of the structure, which, consequently, forms future action. In this way, structure and agency are no oppositional stances anymore, but mutually enforce and shape each other. This ontological stance will be the background of this thesis.

In the following theoretical discussion a dialectical approach will be taken to come to an integrated framework for analyzing operational space of civil society organizations, specifically human rights NGOs. Without understanding the structure, in this case an authoritarian state, it is not possible to comprehend *why* NGOs and social movements in Egypt have been restricted in their activities. Without understanding (the importance of) agency it is not possible to understand *how* these NGOs have combated these restrictions, thereby claiming more operational space.

1.2

The state as a field of power.

The most quoted definition of the state comes from Max Weber, who wrote: 'A state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.' (Gertha et al, 1958: 82) Weber clearly defines the state by its means, by the legitimate use of force, since he believes every state has different goals to pursue and should therefore be compared by its means.

Although many scholars have used his definition, the notion of legitimacy is often difficult to tackle, especially in cases of authoritarianism. Secondly, the definition of Weber lacks to show the rich negotiation and interaction that forms the state and happens in every society. If the state and society are looked at as separate entities, the interaction between these two is lost. In order to grasp this power play, another definition of the state is needed, because exactly the patterns of domination and resistance are of main focus in this research.

Joel Migdal also believes the use of the classical, Weberian idea of the state is highly problematic, since it often becomes a case of measuring the deviation from the ideal: 'State capacity is gauged against a measuring stick whose endpoint is a variant of Weber's ideal-type state.' (2001:15) By only focusing on the ideal-type it is often forgotten that the state entails so much more than solely the means. By defining the state as the only force that can create laws and maintain the monopoly of legitimate violence, Weber has created an ideal type of state, which is never to be found in real-life. In every society negotiation and resistance takes place among the different systems of rules, which results in struggles that give societies their distinctive structure and character (Migdal, 2001: 15).

According to Migdal it is important to view the state as a field of power, which is on the one hand shaped by the 'image' people have of the state and on the other hand is defined through its actual 'practices' in its own territory (2001: 16). The practices of the state can reinforce its image, but also weaken it and these practices can serve to validate the territorial aspects of state control, as well as the social boundaries of it. It actually all boils down to the way the state acts. People expect the state to be the chief rule maker within its territorial boundaries, but what happens if this becomes contested? The possibility of interference by society, at this point, increases, since there is a rise of contention over what the best performance is.

However, if there is no possibility to interfere, this can be the result of restrictions by the state.

The image of the state suggests that it has two sorts of boundaries: territorial boundaries between the state and other states and social boundaries, between state actors and private actors (Migdal, 2001: 17). This means that territory is one of the defining characteristics of the state, but it is more than that, the image also stands for the people. 'Only the state is the general representation of the commonality of the people' (Migdal, 2001: 17). The media can play an interesting role in shaping this image. For example, state media can be used to transport a certain message to its people. Through media the state can frame policies in such a way that it benefits its image. By representing itself as the guardian of the people and the protector of national interests, a state tries to gain legitimacy.

These two parts, the practices and images, are integrated together in the definition of Pierre Bourdieu on the state. According to Bourdieu (1985) the state is a field that holds a multi-dimensional space of positions. In this field the 'symbolic' as well as the 'material' elements are evenly important. 'Every field is the site of a more or less overt struggle over the definition of the legitimate principles of division of the field' (1985:734). To understand this struggle over the division of power, Migdal proposes a state-in-society approach. Researching the state and its relations with society, it is necessary to look at the process of interaction between state institutions and with those they try to control. This dynamic process influences the institutions, the goals and the rules: 'The state continually morphs.' (Migdal, 2001:23). So, in order to understand the changing nature of the state and the struggles over the rules for daily behavior, research should be done on multiple sites, not only on the state.

1.3

Society's arenas of domination and opposition.

Struggles over the rules for daily behavior are not simply over the question who is in control, nor are such battles fought among entire state or other large-scale social forces. Struggles for domination take place in multiple arenas (Migdal, 2001: 100). In this case domination means 'the ability to gain obedience through the power of command' (Idem: 100), which can be practiced on a local level or exercised over the entire society. If a society pulls in one direction and the state pulls into an opposite

direction, this struggle can continuously lead to new patterns of domination and transformation (Idem: 98, 99). To comprehend these patterns, Migdal uses three variables to analyze these patterns: the state, the society and what Migdal calls 'the junctures', or the engagements and disengagements between these two. These three variables will form the outline of this research.

The starting point is the arenas of domination and opposition, where all social forces (informal and formal, even social movements) come together, including the state. In these arenas debate is held over public policy but also over daily behavior and basic moral order. Since these social forces come together in an arena, whatever the motivation or aim of the organization is, the whish (or attempt) to dominate is always met with opposition. This means that if a social force wants to achieve its goal, it will always need to form a coalition.

An interesting fact mentioned by Migdal is that the introduction of new factors into an arena, for example innovative forms of social organization like Facebook and Twitter, can benefit but also harm social forces and start new struggles.

The goal of Migdal's model is, in his eyes, to find out whether social forces can create an 'integrated domination', which can be constructed through a material base and a normative framework. As mentioned before, Migdal defines domination as the ability to gain obedience through the power of command' (Idem: 100)'. However, in the case of NGOs in Egypt domination does not refer to the territorial kind of definition that Migdal proposes. NGOs aim for a normative domination. This means that if we want to link this to the case-study where this research deals with: are human rights NGOs able to produce resources and support, which can be used to dominate locally and eventually society-wide? Or, are these NGOs not able to limit the domination of authoritative forces?

Following the model of Migal, there are four 'ideal types' of junctures between the state and society, ranging from the state successfully transforming the existing social forces, to the state completely failing to engage in any arena struggle. In between these two ideal types is, on the one side, state incorporation of existing social forces (co-optation) and, on the other side, incorporation of the state by social forces (corruption is a good example of the latter). In the last chapter of this thesis we will be able to grasp the ideal type Egypt is close to at the moment.

Migdal has formulated an approach to research patterns of domination and opposition. He understands this as a constantly changing struggle, which can lead to different outcomes. To analyze this struggle, on the one side the state has to be researched -its image and its practices- and on the other side the society -especially the arena where the struggle is fought and the material base and normative framework of the organizations or movements that play an important role in this arena. The junctures that are the output of these interactions have different appearances. In this thesis Migdal's approach will be used to understand the patterns of domination and opposition in the Egyptian society.

Struggles for domination take part in multiple arenas. In this research, however, one arena will be looked at more closely: the arena of human rights NGOs in order to understand the relations between the state and human rights NGOs.

1.4

Civil society in authoritarian regimes.

The (Western) liberal idea of civil society is that of a level playing field, where 'individuals enjoy basic liberties of freedom of expression and assembly. Diametrically opposed to civil society is the authoritarian state' (Pratt in Néfissa, 2005: 24). Many scholars disagree with this liberal notion of civil society, especially since it does not fit the picture many have of the Arab region[4].

In this thesis, civil society is regarded as the public sphere where government action is debated and cultural identity is constructed through the forming of associational life, in the words of Flemming and McCain: 'a non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, government action and matters of community and cultural identity are developed and debated' (Flemming & McCain (2001) in Edwards, 2004: 55). In democratic countries this debate on government action happens in a relatively quiet and peaceful manner, but it is of great importance to the health of the democratic regime. If this debate doesn't take place, the public interest suffers:

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[4] For example; Sadiki (2011), Abdelrahman (2004), Pratt (2001)

> The extent to which such [public] spaces thrive is crucial to the health of a democracy, since if only certain truths are represented, if alternative viewpoints are silenced by exclusion or suppression, and if one set of voices is heard more loudly than those of others (…), then the 'public' interest suffers. (Edwards, 2004: 55)

In authoritarian states this debate on government action becomes much more of a struggle, because alternative viewpoints are often silenced and suppressed. Civil society in authoritarian regimes, therefore, becomes a conflictual arena where patterns of domination and opposition must be researched. It is the site of the struggle for human rights, the arena where citizens express their demands to the state. If the state conforms to these expressed demands of its citizens, the 'civil society- arena' might give you a hint of the degree of democracy that is present in the state, because the push for democracy, or the process of democratization is a form of state-citizen interaction. Along this line Charles Tilly (2007) has argued that the more the state conforms to the demands of its citizens, the more democratic a regime is.

1.5

Democratization: a state-citizen struggle.

Tilly (2007) views democratization as a struggle between the state and its citizens, which is in many ways a struggle over power. This process goes up and down; after a popular uprise it often happens that a wave of de-democratization occurs, which can then be followed by a wave of democratization. Hence, the amount of space is the result of interactions between citizens and states. Coming from a structuralist position[5], though, Charles Tilly believes that the outcome of this struggle is highly influenced by the state structure and its capacity.

According to Tilly, for a democracy to work a state needs the ability, the institutions, to enforce its decisions. If a state wants to protect its citizens from harassment, for example, it needs police or an army, or a working rule of law. A state needs to be capable of altering relations:

> State capacity means the extent to which interventions of state agents in existing non-state resources, activities, and interpersonal connections *alter* existing

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[5] Tilly explains in Dynamics of Contention (2001: 21) that he moved from a structuralist tradition towards a more relational perspective to be able to describe causal processes and mechanisms.

distributions of those resources, activities and interpersonal connections as well as relations among those distributions. (Tilly, 2007:16, my emphasis)

A low-capacity regime is not able to alter these relations, because it does not have the institutions, a high-capacity regime does. However, the state capacity does not say anything about the regime type. Mubarak's Egypt fell under the category of high-capacity states, but was meanwhile undemocratic. The state had a great control over any public politics and citizens were not allowed to voice their opinions, only when it was not to oppose the regime. Nonetheless, a growing dissatisfaction with the president (amongst other factors) led to a revolution and this was certainly not only because of the state structure. Accordingly, although it is true that the regime type and the state capacity influence the outcome of state-citizen struggles, this is not enough to explain the interaction between the state and the society, as we have already seen with the theory of Migdal.

The theory of Tilly might be worthwhile looking into when Egypt has been in this transitional phase for, at least, a couple of years. Since it is possible that with the start of the Egyptian revolution on January 25, 2011 a process of democratization has started. The difficulty at this point in time with the theory of Tilly is that events are momentarily difficult to analyze, due to the fluidity of political. Therefore, in this thesis the degree of democracy is not researched. Instead, the focus is on the changing state-society relations in time of political transition and how these changes have (possibly) created more or less space for NGOs. In other words, the goal (democracy) is not so much of interest, but the process (democratization), on the other hand, is. Especially since democratization goes in waves and each 'opening up' is often followed with a 'closing down', or a wave of de-democratization.

De-democratization can occur because of actions by the state, for example by state institutions closing down on human rights organizations. The 'opening up', the wave of democratization is created when societal organizations and/or elite groups challenge the state and are able to break the pattern of domination. According to Sidney Tarrow and Charles Tilly in their work on collective action and mobilization[6] these 'openings' arrive due to a certain political opportunity structure, which is subject to the regime type and capacity of the state. In other words, the state structure not only influences the regime type, but also the opportunity structure for

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[6] *Dynamics of contention* (2001) and *Power in Movement: Social Movements and Contentious Politics*(2011)?

societal organizations. This model might be helpful in analyzing the recent developments in Egypt.

1.6

Political Opportunity Structure.

Opportunity can create space (Gamson, 1996: 287). The interesting question is how and when do opportunities 'pop-up'? Do political transitions create opportunities? If so, in what way has the revolution in Egypt increased, reduced or produced changes in opportunities for NGOs?

Before it is possible to answer this question, a detailed look at opportunity structures is necessary, since this model might be of great value to analyze the developments in Egypt. First of all, what is the definition of an opportunity? Political opportunities can be defined broadly as 'consistent - but not necessarily formal, permanent, or national signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements' (Tarrow, 1996:54). Political opportunity refers to aspects of the political system that create possibilities for social groups to mobilize. These opportunities are always perceived, there is no such thing as an objective opportunity: 'No opportunity, however objectively open, will invite mobilization unless it is a) visible to potential challengers and b) perceived as an opportunity' (McAdam, 2001: 43).

On the other side of perceived opportunities and the expectation of success is the concept of threat. Threats are the perceived risks and costs of action or inaction (McAdam, 2001: 160). If an organization, for example, perceives elections as an opportunity to influence local politics it will always outweigh the risks of action or inaction for its own organization.

Social movements emerge because, in one way or another, general prospects for mobilization have expanded. According to Tarrow the prospect of success is opened up through four possible actions: access to participation by new actors, evidence of political realignment within the polity, the availability of influential allies and/or emerging splits within the elites (Tarrow, 2011:163). For example, when a split within a military leadership emerges, this might give opportunity for other groups to gain power or influence.

Political structures can be analyzed, but it is difficult to make meaningful comparisons since the relation between protest and repression can only be understood when the intergroup dynamics and the context is known. What can be put in a model is the state structure and their reactions. This is also what Tarrow and Tilly have done. They eventually say that three factors condition contentious politics (and thus opportunities as well): state strength, the prevailing strategies towards the state's challengers and the overall structure of the regime. Although Tarrow et al. do mention that neither the state strength nor the prevailing strategies are exogenous of political factors, they put too much focus on explaining the state (structure) and forget the agency of the organizations within society. In my opinion, their approach is too much top-down.

Critique has also been mentioned by Gamson and Meyer (1996) in their article on framing within the political opportunity structure. The relation between opportunities and movements is a dialectic one: 'Opportunities open the way for political action, but movements also make opportunities' (Gamson, 1996: 276). In other words: movements create space themselves! This dialectic relation will be looked into in the two last chapters of this thesis.

Alexis de Toqueville said it a long time ago: people act on opportunities (de Toqueville, 1955). Although some aspects of the model on political opportunities are in my view not of great value for this research, the fact that opportunity can create space makes it necessary to use the concept for analyzing the events in Egypt. Another approach will now be discussed to see if that can be of help in explaining the opening up and closing down of space.

1.7

Operational space of NGOs.

Chris van der Borgh and Carolien Terwindt have developed an analytical framework on shrinking operational space of civil society actors, specifically focusing on NGOs. The following definition is given to describe the operational space of NGOs: 'to [be able to] function as an organization and to perform the key tasks of the organization, in accordance with the international principles protecting civil society that are embedded in international law' (Van der Borgh, forthcoming). This definition focuses on the de-jure room to manoevre. However, I would argue that this is the

political space of NGOs, since these functions all have to do with the legal status of the NGO. For me political space of NGOs is the space NGOs are given in *national* laws, which are in my case study very different than the international principles embedded in international law, but I will come back to this in chapter 3. Operational space is, in my eyes, often bigger than political space, since NGOs try to surpass the law. Thus, more focusing on de-facto space. For example, in Egypt since the 1990s NGOs have been trying to file as civil companies instead of NGOs, because civil companies do not have to ask for permission from the Ministry of Social Affairs (MOSA) with every activity they organize or with every amount of funding they receive.

The International Center for Not-for-Profit Law (ICNL) has another definition of operational space. They separate different areas where restrictions can be placed on NGOs, which are: the entry of the organization, the operational activities, the right to free expression and the right to engage in advocacy, efforts to contact and communicate with others, the capacity and right to mobilize resources and the right to protection by the state (ICNL and NED 2008), but the difficulty with this definition is that it is based on liberal democratic norms.

I will, therefore, in this thesis talk of political space when I refer to the official space NGOs have, which can be traced back to the national laws. Operational space is the product of interactions between the state, NGOs, and other civil society actors, like student groups or press syndicates and is therefore often bigger than the political space. This also means that operational space is *negotiated* through a constant struggle over power. I will go into more detail about this in chapter 4.

According to the framework of Van der Borgh and Terwindt, there are three factors that together account for the operational space of NGOs: the national, political context, the pressures the NGOs receive and the specific characteristics, goals and way of operation of NGOs themselves (Van der Borgh, forthcoming). The local, political context is different for every NGO and highly depends on the existence of political and civil liberties and the strength of the state. Van de Borgh and Terwindt use the work of Charles Tilly on state capacity and regime type to explain the differences. For my research it is interesting to note that authoritarian states have the tendency 'to control the public sphere and to restrict NGOs in their work – using different measures' (Van der Borgh, forthcoming.). But not only the state can limit the NGOs activities, other actors besides the state, like other formal

organizations or informal social groupings are able to do this as well (Migdal, 2001: 12).

The second factor, which can cause a shrinking operational space, are the pressures NGOs receive. There are five kinds of restrictive policies and actions (Van der Borgh, forthcoming) First of all, there is physical harassment and intimidation, which can be split up in a) threats, injuries and killings and b) impunity and lack of protection. Secondly, there are preventive and punitive penal measures, in which criminalization takes an important role. Thirdly, there are administrative restrictions, like NGO legislation , which can have a deep impact on the strategies adopted by the NGO. The fourth part concerns stigmatization and negative labeling. Stigmatization can create space for acts of criminalization by the state. Lastly, there is what Van de Borgh and Terwindt call 'the application of pressure in institutionalized forms of interaction and dialogue between government and civil society groups' (Van der Borgh, forthcoming), which can result in co-optation.

A third factor that influences the operational space of NGOs is the strategies and characteristics of NGOs themselves. In this research my focus is on human rights NGOs, which are the NGOs that are often more vulnerable than others since their activities create tensions with other social groups or with the state. Van der Borgh makes a distinction between individual and coordinated response strategies on the one hand and reactive and proactive response strategies on the other hand and the fact that these responses can be confrontational, pragmatic or accommodating (Van der Borgh, forthcoming).

Together these three factors result in operational space of NGOs. Since I have argued that the relation between state and society is dialectical, this also implies that operational space is claimed or shaped by NGOs themselves. I agree with Van der Borgh, who says:

> NGOs are not 'passive' agents using space or being restricted in this space. NGOs have agency, they develop (implicit or explicit) strategies to avoid or to address restrictions, and in that very process they can create or reclaim operational space (Van der Borgh, forthcoming).

The reclaiming or negotiating of space is what I will write on in Chapter Three of this thesis. With the use of the model on political opportunity structures and the framework on operational space, I have looked at two methods to analyze the opportunities NGOs have. On the one hand I can look at their possibilities through a

top-down approach, namely the political opportunity structure-approach. On the other hand I can look at the response strategies of NGOs by analyzing through a more bottom-up approach like the framework of Van der Borgh. With both of these in mind I will now be able to operationalize further.

1.8

Operationalization.

From all of the theories above, and especially from the framework on operational space from Van der Borgh, I will conduct an integrated approach to analyze post-Mubarak Egypt. Since I have compared several different theories on state-society struggles, my operationalization and the method of my analysis will be formed out of a combination of these theories.

As for the theory of Joel Migdal, I will use his state-in-society model by looking at the *practices* and *images* of the state and on the other hand at the material base and normative framework of society. State-society struggles take place in multiple arenas, but in this research only one arena is of main focus. That is the 'human rights arena', in which a continuous 'battle' between state institutions and societal organizations and social movements is fought. In his model Migdal analyzes three entities; the state, the society and the junctures. I will do the same.

The power struggle between the state and societal organizations in Egypt has developed over the years towards a clash over space. To understand how opportunities have opened up and how NGOs have perceived and used these 'windows of opportunity', I will use the concept of political opportunity. This concept, however, will not form the core of my analytical approach. The structure of this thesis will follow the steps of the framework of van der Borgh, in which there are three important factors creating the operational space of NGOs; the national political context, the restrictive policies and actions and thirdly, the characteristics and response strategies of NGOs. Combined with the state-in-society model of Migdal, this will lead to one chapter on the national, political context (the state), one chapter on operational space of NGOs before the revolution and specifically on response strategies of human rights NGOs in Egypt (the society) and one on the operational space of NGOs since the start of the revolution (junctures), which will have an explanatory focus.

Operational space

Power struggles are always hard to describe until the outcome is visible, while the struggle itself takes place in the so-called 'black box'. Similarly, it is hard to define space, especially when this space is physically invisible. Operational space refers to a complex, ever changing field of power, communication, networking and interaction, visible and non-visible, direct and non-direct. This also means that operational space is *negotiated* through a constant struggle over power. As I have argued, operational space is the product of interactions between the state, NGOs, and other civil society actors and can be bigger than the political space, the space that is given to NGOs by law. In this way, I use a different definition of operational space than Van der Borgh, since he focuses more on the de-jure space, and my focus is more on de-facto.

Operational space is shaped by three variables that need to be broken down in order to get to an operationalization. These concepts are renegotiation (of state-society relations) political opportunity structures and state strategies (practices and images).

The national, political context

As mentioned above, a transition assumes a regime change, or at least the start of a change in the regime type. In order to find out if this has happened in Egypt, we need to clarify what a change in regime type consists of. The type of a regime defines the relation between the state and its citizens. Does the state allow citizens to express their opinions over the state's policies and subsequently, integrate these opinions in the making of new policies? If so, the regime will probably consist out of a inclusive and accommodating kind of relationship and thus be (more) democratic.

If a state, on the other hand, does not allow citizens to express their opinions openly and suppresses oppositional voices, the regime will be authoritarian. According to Tilly, a state can be defined by its capacity and the regime type (2007: 16). In the case of Egypt, the state capacity has been high, but the regime type has been undemocratic. In other words, Egypt has had an authoritarian regime for decades.

A regime change in Egypt, thus, would mean a transition away from authoritarianism. Since the relation between a state and society forms the regime, a change in this relation can lead towards a regime change. How, then, should we look

at changes in this relation? How does the state or its citizens move in a power struggle? Both actors can change the interaction by changing their behaviour. Thus, in Chapter Two the focus will be on changes in performances by the state, as well as by society. If a change in the behaviour of the state has led to a more inclusive, equal, protected and accommodating approach from state side (Tilly, 2007: 59), then the change in these relations means that a regime change has started towards a more democratic regime.

If the state, however, continues to suppress opposition, then the regime stays authoritarian. But if a state continues its practices of dominating opposition, this does not necessarily implicate that society will continue to act the same way as well. After a popular revolution, protesters do not want to return to the status-quo, so they will continue to ask for changes from the side of the state. A change in behaviour from society's side, for example by adopting a more confrontational approach, can result in a constant struggle between the state and society and thus lead towards a renegotiation of state-society relations.

The continuing process of renegotiation in state-society relations can happen without changing the regime. With this in mind, we will look at the transition in Egypt in order to find out if a regime change has taken place.

State strategies (practices and images)

The second variable that we need to operationalize further are the strategies of the state to restrict NGOs. According to the framework of Van der Borgh there are five restrictions the state can place on human rights NGOs:

1. Physical harassment and intimidation,

    a) threats, injuries and killings and b) impunity and lack of protection.

2. Preventive and punitive penal measures

3. Administrative restrictions

4. Stigmatization and negative labeling.

5. Co-optation.

Since these restrictions have already been discussed above, I will immediately focus on the effect these restrictions can have for the operational space of NGOs.

If a state places a restriction on a NGO the result will be that the NGO will have less operational space. The more restrictions, the smaller the operational space. Sometimes a restriction is placed on all NGOs, like administrative restrictions, while

other times it is focused solely on NGOs that, for example, have received foreign funding. Thus, restrictions can also be placed on NGOs according to their field of action or their approach. We can assume that if the NGOs' field of action is advocacy, an authoritarian regime will try to restrict the NGO as much as possible in order.

I want to highlight one specific restriction, which will be of main focus: stigmatization of foreign funding. Stigmatization is the process of devaluation, which can lead to the social exclusion and which is often done through the use of negative labelling. In this research I will look at the use of images (frames) and practices (restrictions) in order to see if stigmatization has occurred.

This research focuses on NGOs within the human rights arena and how they respond to these restrictions. The last variable will, therefore, need to be discussed.

NGOs' responses (creation of space/political opportunity)

A third factor that influences the operational space of NGOs is the strategies and characteristics of NGOs themselves. In this research my focus is on human rights NGOs, which are the NGOs that are often more vulnerable than others since their activities create tensions with other social groups or with the state. Van der Borgh makes a distinction between:

1. Individual and coordinated response strategies
2. Reactive and proactive response strategies responses

Both can be either confrontational, pragmatic or accommodating. We will have to see what kind of response strategy is creating the biggest operational space for NGOs in Egypt. The process of reclaiming or renegotiating of space is what I want to figure out. Although I will continue to use the framework of operational space, I will, though, make use of the term political opportunity to describe moments in time, in which human rights NGOs can create more or less operational space. In other words: I want to find out how NGOs are able to create more space by leaping on opportunities. This dialectic relation will be looked into in Chapter Three.

Thus, operational space of NGOs is conditioned by the national, political context and continues to change because of the interaction between the state (practices and images) and the society (responses by NGOs *and* other societal groups). As mentioned in the chapter outline in the introduction, Chapter Two will focus on the national, political context. Chapter Three will discuss the operational space of NGOs

before the revolution and mainly focus on the response tactics of the human rights NGOs. Chapter Four will combine all three variables in order to try to explain *why* the operational space of NGOs has been limited since the start of the revolution.

Chapter two.

Regime change in Egypt?

'The elections are today's battle;

the battle tomorrow will be the powers of the SCAF;

next week will be the military trials,

and next month the battle will be for the presidential elections...

The revolution continues.'[7]

- Wael Khalil

Between January 25 and February 11, 2011 the eyes of the entire world were fixed upon Egypt and Cairo in particular[8]. Cairo had become the scene of a growing, popular resistance against the authoritarian regime of President Hosni Mubarak. After 18 days of protesting the Egyptian people wrested free from the iron grip of its leader and were able to bring a halt to its autocratic reign. From the moment Mubarak stepped down, many political events have taken place: from several *milloneya's*[9] and smaller, but not less important, violent clashes on Tahrir Square and the surrounding streets, to the rise of Islamist parties during the parliamentary elections and, very recently, the first, free election of the President Mohamed Morsi.

In this chapter the toppling of Mubarak and its effect on state-society relations will be researched in order to view if a change, or renegotiation, has taken place between the state and its citizens. The goal of this contextual chapter is to find out exactly what has changed in the national, political context since February 11th, 2011. It, therefore, looks at state-society relations before, during and after the revolution.

The first part will be devoted to a short summary of Egypt under President Mubarak, followed by a description of the '18 days of revolution'. Subsequently, a discussion of the terms revolution and transition will precede a description of the changing state-society relations due to several major political events. In the appendix

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[7] Tweet on the 14th of December 2011 by Wael Khalil, co-founder of Masrena movement and important activist and blogger.

[8] Fragments of this chapter have appeared online on 'The Egypt Observer', a blog by Baar, T and E. Cartens, retrieved on the 1st of June 2012: http://egyptobserver.wordpress.com.

[9] Term used to describe a million men's march.

a timeline is attached to give an overview of the major political happenings since 1981, the year Mubarak was sworn in.

I will argue that a regime change has not taken place in Egypt, since the regime type, has not changed, but remained one of 'flexible authoritarianism'. However, two important changes have taken place within the relation between the state and the society. The SCAF intensified and continued the policies of Mubarak, while society adopted a more confrontational approach towards the state. Especially, the interaction between protesters and the military portrays the difficult relation between the state and society in a transitional phase.

Although I will try to reflect on the political and social developments in post-Mubarak Egypt as objective as possible, this chapter however, is my view of the political events of the past year in which so much has happened that I am not able to discuss every aspect as accurate as will be possible within a few years.

2.1

Egypt under President Mubarak.

The Egyptian regimes of the past decades have displayed similar characteristics; combining elements of strength (coercion) with weak capabilities, such as lacking the competences (and willingness) to provide for basic needs (Osman, 2010). Egypt, since its independence in 1952, could be viewed according to Tilly (2007) as a high capacity state and undemocratic regime (2007: 19). Rabab El-Mahdi (2009) framed Egypt's type of regime as 'flexible authoritarianism', since the regime has combined 'the use of coercion with some sort of legitimacy of performance' (2009: 1021) over the years. This legitimacy of performance under President Nasser's (1967-1970) rule was based on national independence and the redistribution of resources. President Sadat, (1970-1981) consequently, gained his legitimacy through foreign policy, specifically through his role in the Camp David Peace Accords, and his promises of prosperity by opening up the economy (El-Mahdi, 2009: 1021). Thus, under both Nasser and Sadat a ruling pact with the people existed, which meant that although the people had very limited participative rights, in return they received either socioeconomic welfare or national independence (Idem: 1021).

In 1981 vice-president Hosni Mubarak succeeded Anwar Sadat as president of the Republic of Egypt, after Sadat had been assassinated by militant Islamists

(Osman, 2011: 104). When Mubarak took office, he promised to continue Sadat's foreign policy (peace with Israel) and to improve the economic condition of Egypt, especially by working on its infrastructure (Osman, 2011: 182). Due to the fall of oil prices in the late 1980s, Egypt eventually had to accept a structural adjustment program of International Monetary Fund (IMF) in the beginning of the 1990s, which had a deepening impact on the lives of the normal Egyptians (Osman, 2011: 182). Meanwhile, Mubarak maintained the state of emergency to prevent Islamist groups from gaining power[10] and, according to El-Mahdi, eventually lost many credits in the years 2000 to 2003, due to the decreasing role of Egypt in regional politics (especially with the Palestinian Intififada and the invasion of Iraq). Besides that Mubarak's regime was known for its cronyism and corruptive standards.

During the last decade of his reign, Mubarak slowly alienated his most important supporters. First of all, Mubarak managed to isolate himself from Egypt's businessmen due to his economical reforms. The neo-liberal reforms Mubarak had implemented during the 1990s completely backfired and left the state in very poor conditions. At the beginning of the 2000s, forty percent of the Egyptian people lived under the poverty-level and thirty percent was illiterate[11]. Many businessmen fled the country with the turn of the century declaring that 'the country was neither Nasser's haven of social rights for the popular classes nor Sadat's haven for investors and the economic prosperity they promised' (El-Mahdi, 2009: 1022).

Secondly, after the allegedly corrupt, presidential elections of 2005[12], whereby Mubarak was chosen to serve yet another term, it became clear that Mubarak wanted to hand over power to his son Gamal, turning Egypt into some kind of modern monarchy[13]. The people of Egypt didn't agree on this, but more importantly, the army did not either. The possible succession of Mubarak by his son Gamal has

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[10] The Emergency Law has been active since 1967 and ended in June 2012, the Law gave the security forces powers to arrest and detain people without charges.

[11] According to a report issued by the Council of Ministers' Information and Decision Support Centre in June 2011, nearly 27% of Egypt's 85 million citizens are illiterate. According to Reske, H (2011) an Associated Press report of 2011 set the poverty-level in Egypt close to fifty per cent, 'Egypt's poverty, unemployment push youths to break' on *Newsmax.com* (http://www.newsmax.com/Newsfront/Egypt-poverty-unemployment-unrest/2011/01/31/id/384555)

[12] 'Some skilful rigging' (2010), *The Economist Online*, 29/11/2010, retrieved on 14/07/2012. (http://www.economist.com/blogs/newsbook/2010/11/egypts_elections)

[13] Issacharoff, A (2010) 'Mubarak signals succession by taking son to Washington' *Haaretz online* (http://www.haaretz.com/news/diplomacy-defense/mubarak-signals-egypt-succession-by-taking-son-to-washington-1.311264)

played a vital role in public debates before the revolution[14] and the fact that the army disagreed with Egypt becoming a modern monarchy, must have pushed the tie during the revolution[15]

Thirdly, the emergency law and other repressive policies gave the state its method of coercion. Due to the rise of militant Islamism in the 1970s and 1980s the emergency law was viewed as a necessary evil (Osman, 2011), but in the 1990s and 2000s the state of emergency and the police brutality that was one of the measures of this law, became highly unpopular. Civil society organizations had called for the removal of the emergency law for years, but without success. The emergency law itself and other restrictive laws, like the NGO law 32 of 1964[16], had made opposition (almost) impossible. This all changed with the rise of new opposition politics in the form of social movements with the turn of the century, who started to challenge the state in different ways then was previously done[17]. This political process and its effect on the political opportunity structure of civil society organizations will be discussed in more detail in chapter three.

At the end of 2010, the state of Egypt was in a deep (economic) crisis. Mubarak never managed to create his own ruling pact with the Egyptian people and after having lost many of its supporters, demonstrations were to be expected. The start of the so-called 'Arab Spring' with the toppling of president Ben Ali in Tunisia, gave Egyptians the last push to go to Tahrir Square and protest against the dictatorship.

Increasing dissatisfaction over deprived socio-economic conditions, widespread police brutality, pervasive corruption and the fear of the impeding succession of Mubarak by his son Gamal, pushed people on the streets to reclaim its rights and dignity. Mobilized by several social movements, it was the first time in history that millions of Egyptian people were unified against the state. The three weeks of protests that followed will now be discussed in order to see what constituted the change in Egypt's regime.

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[14] For example in the columns of Alaa al-Aswany in AL-Araby AL-Nasery and Al-Shorouk.
[15] This argument was often made during conversations in Egypt, but can also be found in the article of Hisham Wahby 'The transition that was never meant to take place ' , 19/6/2012 on Aljazeera.com .
(http://www.aljazeera.com/indepth/opinion/2012/06/2012619990180931.html)
[16] This law will be discussed in chapter 3.
[17] Abdelrahman, M (2011) 'The Transnational and the Local: Egyptian Activists and Transnational Protest Networks' *British Journal of Middle East Studies* 38 (3), 407-424, (2011)

2.2

The '18 days of revolution'

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'The people demand the overthrow of the regime'

('Al-shaab yureed isqat al-nizam.')[18]

Although the listed reasons why the people decided to revolt on this particular moment in time are manifold, the central message of the mass demonstrations was clear: the people demanded the overthrow of the regime. On January 25[19] 2011, several social movements called for protests through the use of social networks such as Twitter and Facebook[20]. Within a few hours, thousands of people had gathered on Tahrir Square and started calling for 'bread, freedom and social justice'[21]. Soon these people were met with brutal police violence and after hours of protests, they had to leave the square. The following days, though, protesters returned to the square and continued to fight with the police. Descriptions of the 18 days of revolution as a non-violent popular uprising constitute fundamental misperceptions. Throughout these days, Mubarak sent police-, security forces and thugs to counter the protests and heavy battles were fought at the forefront of these demonstrations, which left more than 800 people dead.

After a couple of days the army, who had increased its presence on the streets, refused any order to point their guns towards the protesters and demonstrators. The people on the streets and squares started to chant: 'The army and the people are one hand', calling upon the army to defend the people and their demands. Protesters greeted the army with warm welcomes when the first tanks with soldiers rolled onto

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[18] Popular slogan, often chanted in the mass protests in Egypt in 2011 and other countries of the so-called Arab Spring.

[19] Under Mubarak, January 25 was a national holiday called Police Day, a day that the regime commemorated fifty police officers that died during a battle against the British.

[20] A great account on the revolution and the tweets that were sent during these days is *Tweets from Tahrir. Egypt's revolution as it unfolded, in the words of the people who made it.* (2011) Edited by Idle, N. and A. Nunns.

[21] The core demands of the revolution.

Tahrir Square[22]. These were the first signs of the decreasing power of Mubarak and triggered a final push from the protesters. Battles between protesters and police or pro-Mubarak supporters continued till February 11th[23], the day vice-president Omar Suleiman announced Mubarak stepped down. It was, however, within these '18 days' that the army had chosen to form a front against Mubarak.

After the resignation of Hosni Mubarak, the high command of the Egyptian army – the Supreme Council of Armed Forces [SCAF] – installed itself as the supreme political authority in Egypt and sketched out a route for transition to elected civilian rule. Simply said: to guide the country on its path to democracy. The question that continues to haunt journalists, scholars and, in my opinion even more important, the group of activists, is if this period of transition ever started[24]. The fact that the SCAF took over power after the resignation of Mubarak posits several issues: was their instalment a coup d'état? Did the revolution end on February 11th 2011? Did the ousting of Mubarak constitute a regime change? These questions are hard to answer, especially since the period that followed, was very fluid and became rather 'messy'[25]. In the following paragraph this transitional period will be defined by looking at the important power struggles that took place in post-Mubarak Egypt right after the revolution. Describing these events will make it possible to come to (preliminary) conclusions on what constituted these changes.

2.3

Post-Mubarak Egypt: a regime change?

On the 12th of February protesters left Tahrir Square, celebrating the fact that they had been able to topple their president. The Egyptian people had become aware of their rights and had successfully fought for it for 18 days[26], thereby, achieving at least

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[22] In the period of research, these events were still kept alive by various posters and chants painted on walls throughout Cairo, portraying the unity between the people and the military during the 18 days of revolution. For example, you could often spot a picture of a soldier holding a baby in his arms on military vehicles.

[23] For example, the day of the camels, day of rage etc

[24] Over the past months journalists have casted doubts whether this period of transition already started. For example: Hisham Wahby 'The transition that was never meant to take place ', 19/6/2012 on Aljazeera.com .
(http://www.aljazeera.com/indepth/opinion/2012/06/2012619990180931.html)

[25] Term used by Maha Abdelrahman to describe the events in Egypt of the past year.

[26] I will use the term '18 day' as a short version of the '18 days of revolution', since that is also the way interviewees used to describe it.

one major goal: ending political apathy[27]. Although the people were happy to go home after almost three weeks of fighting, they knew challenges were ahead of them[28].

On the 13th of February the SCAF promised to take the lead in Egypt's transition to democracy and issued a constitutional declaration to suspend the 1971 Constitution and dissolve parliament[29]. Mubarak's political party, the NDP[30], was dissolved as well and within a few days some former members of Mubarak's regime were arrested on corruption charges[31]. Moreover, the police force, infamous for its corruption and its use of intimidation and torture, disappeared from the streets[32]. In the first few weeks after the '18 days' this meant that the SCAF had to 'step in' to maintain order and security in Egyptian society (Hendawi, 2011), resulting in a big presence of the military on the streets. Furthermore, a constitutional committee was set up to draft the constitutional amendments, which were approved by means of popular referendum and which constituted the first time for Egyptians to cast their vote freely. In addition to this, Mubarak, his two sons and ex-interior Minister Habib Al-Adly were arrested in the subsequent months.

But these changes show only one side of the story. Till this day of writing there have been continuous tensions between protesters and the SCAF, often resulting in violence. Although the army was greeted warmly on Tahrir Square during the '18 days' by people chanting: 'the people and the army are one hand', this relationship cooled down rather quickly. In reaction to continuing sit-ins and protests on Tahrir, the Cabinet issued a new law on the 24th of March 2011, banning demonstrations and public manifestations that constrained the work of 'public institutions and economic growth' and making it able to imprison anyone responsible for inciting protest[33].

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[27] This was especially noticeable in Cairo, where everybody was discussing politics in coffeehouses and on the streets.

[28] Concerns were expressed during interviews with activists and journalists, interviews with the author in Cairo, March-May 2012.

[29] The Constitutional Declaration issued on 13th of February 2012 can be found on http://www.sis.gov.eg/Ar/Story.aspx?sid=44103 (in Arabic).

[30] Whose main office building next to Tahrir Square was set on fire during the revolution

[31] Howeidy, A. 'Unfinished business: timeline of a revolutionary year', *Al-Ahram online*, retrieved on 17/7/2012. (http://weekly.ahram.org.eg/2012/1082/sc24.htm)

[32] Slowly the police force returned to the streets. During the time of research, police forces were in my opinion extremely high, but, according to the people I talked to, still lower than the amount that was stationed on the streets *before* the revolution.

[33] Howeidy, A. 'Unfinished business: timeline of a revolutionary year', *Al-Ahram online*, retrieved on 17/7/2012. (http://weekly.ahram.org.eg/2012/1082/sc24.htm)

Soon it appeared that the role the SCAF had given itself by taking over power after the resignation of Mubarak was going to be of fundamental importance for the transitional period. Although the SCAF vowed to hand over power as soon as presidential elections would take place, protesters did not belief SCAF's willingness to give up power and continued to criticize the military for not implementing reforms that were far reaching enough, as well as criticizing their role in violent clashes on the streets [34]. Protesters kept questioning the implementation of the demands of the revolution, thereby, increasingly calling for the continuation of the revolution[35]. In their eyes, the revolution was not over yet.

The terminology that is used to describe the revolution has come to mean different things to different people. Hisham Wahby recently argued on Aljazeera online that if the term 'uprising' or 'revolt' is used to describe what happened (and still happens) in Egypt, he feels people deny the fact that a revolution took place[36]. Instead, Wahby argued that a revolution did occur, because 'the people have realised that they have rights, including the right to a better future'[37]. The fact that the demands of the revolution have not been met, means, in his eyes, that the revolution never ended. Therefore, the period of transition never started, since no regime was removed. Similarly, the transition period (or parts of it) has been called the beginning of the revolution, the second revolution, the transition, a coup d'état by the SCAF, the Arab Spring, the Egyptian uprising or upheaval, all describing the same period, meanwhile defining the political events in a different way. Activists are more inclined to continue calling it a 'revolution'[38], while the SCAF has called it a 'transition'[39].

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[34] Human Rights Watch, Amnesty International and International Crisis Group wrote about the challenges that Egypt faced considering the role of the SCAF.

[35] All human rights activists interviewed used the same discourse on the importance of (the continuation) of the revolution, interviews with the author, Cairo, March-May 2012.

[36] Wahby, H 'The transition that was never meant to take place' *Aljazeera online,* 19 June 2012, retrieved on 15 July 2012.
(http://www.aljazeera.com/indepth/opinion/2012/06/2012619990180931.html)

[37] Wahby, H 'The transition that was never meant to take place' *Aljazeera online,* 19 June 2012, retrieved on 15 July 2012:
(http://www.aljazeera.com/indepth/opinion/2012/06/2012619990180931.html)

[38]

[39] Statements of Egypt's Supreme Council of the Armed Forces (2011) 'Egypt's Supreme Council of the Armed Forces: Statements and Key Leaders.' *The New York Times*, 14/02/2011, retrieved on: 28/7/2012.
(http://www.nytimes.com/interactive/2011/02/10/world/middleeast/20110210-egypt-supreme-council.html)

In my opinion a popular uprising led to the toppling of a dictator, but although the uprising was demanding the overthrow of the whole regime, the only thing that changed was the face of it. The SCAF took over and in many ways continued Mubarak's old policies, sometimes even making them worse[40]. However, a transition away from Mubarak's regime started, solely because Mubarak was ousted by the Egyptian people. In this way, a regime change did *not* occur, but an alteration at alterations within the relation between the state and society did. Therefore, I disagree with the ideas of Wahby that a transition never started. In my view a state in transition not necessarily moves away from a certain regime (authoritarianism, for example). Like Tilly explained in his book *Democracy* (2007) a transition period within an authoritarian context can initially constitute a shift away from authoritarianism, but can be followed by a wave of de-democratization. This will make the regime fall back into its authoritarian patterns. Although this thesis does not focus on the possible trajectory of democratization and de-democratization, the word 'transition' is used to describe the period from the day Mubarak stepped down, the 11th of February 2011, to the day of the election of the new President Mohamed Morsi on the 24th of June 2012.

The Egyptian people demanded change and ousted their imperious leader. Consequently, the SCAF installed itself as the transitional authority and made promises to hand over power after the presidential elections. In many ways, though, they continued with the policies of Mubarak, sometimes even turning more authoritarian (Human Rights Watch, 2011). A regime change did not occur, but an alteration at the state level did. Moreover, that was not all: a significant alteration took place at the societal site. In the next paragraph we will see that protesters became aware of the fact that, although Mubarak had stepped down, the regime itself remained in power. Activists soon figured out that the toppling of Mubarak did not constitute a regime change, which gave them the imperative to believe in the continuation of the revolution.

2.4

'El sawra mostamera': the revolution continues…

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[40] For example: by extending the Emergency Law, continuing military trials and restricting human rights NGOs, see *Human Rights Watch* (2012) 'World report 2012: Egypt', 01/2012, retrieved on: 24/6/2012.

As a reaction to the instalment of the SCAF as transitional authority, people continued to engage in various demonstrations, thereby expressing their discontent with the political situation and the lack of reform. By trying to exert pressure, protesters continued to fight for their desired political change: to overthrow the regime. In this section we will see what constituted this continuation of protests and how the SCAF reacted to this. Protests, however, have not been the only way society has tried to place pressure on the SCAF. In November 2011 the elections for the parliament took place and the majority of seats was won by the Freedom and Justice Party, the political party of the Muslim Brotherhood. Through parliament and through civil society organizations, such as NGOs, people have tried to push for changes as well. This latter process of pressuring the state through institutions, in this case NGOs, will be discussed in chapter three and four. The more radical way of expressing contention, namely through protests on the streets will now be discussed to understand how actions by the state have led to reactions of society and the other way around, how society acted and thereby triggered reactions of the state. This process will be helpful in explaining the interaction between NGOs and the SCAF in later chapters.

Change through pressure on the streets: the *radical* way.

Every Friday after the '18 days' protesters came back to Tahrir to demand reforms, sometimes they were with a few hundred, sometimes with hundreds of thousands. The amount of protesters present at Tahrir highly depended on the mobilization strategies of the different social movements. During the revolution it was clear that all pro-revolution parties, movements and groups had one similar demand: Mubarak had to leave. After the revolution the political field became much more fragmented. Although there seemed to be a rather general agreement on the core demands; to stop *feloul*[41] –bad remnants of the old regime- from regaining power and to rapidly bring an end to military rule, time after time, by cause of mutual distrust, the social movements or political parties behind the protests were unable to make one front against the SCAF [42].

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[41] A term used by activists since the end of the '18 days' to describe corrupt, or otherwise immoral, members of the Mubarak regime.
[42] Participant observations during a milloneya, Tahrir Square, Cairo, 20 April 2012.

But the different groups were sometimes able to mobilize hundred thousands of people on Tahrir. The first time such a big protest was organized on Tahrir was on the 8th of April 2011. The Muslim Brotherhood had called for a milloneya, because in their eyes the prosecution of the responsible officials for the killing of protesters during the revolution was not happening fast enough. The protest eventually escalated when the military started using force in order to end the protest; two people died and many people were wounded.

In May and June 2011 similar events took place, with similar outcomes. Every time big demonstrations were organized the military would try to end the protest, which resulted in violent assaults from both sides. Afterwards the activists would claim the military had attacked the protesters, but the state media would frame it as the responsibility of a 'third hand'[43]. At the end of June several revolutionary movements launched a new round of protests, due to their belief that the main goals of the revolution were still not achieved. On a Facebook page called 'The Second Egyptian Revolution of Rage' the following was announced:

> Seeing that the situation, under the leadership of the Supreme Council of the Armed Forces, is only going from bad to worse, and since the council has proven from day one that public pressure is the most effective policy for achieving the demands of the legitimate revolution, we have decided to take to the streets and squares and demonstrate throughout Egypt until our demands are met..[44]

This fragment shows how the activists behind this Facebook page legitimated their actions on the streets: they believed that pressure on the streets was the most effective way to push for change. This is clearly a more radical view compared to the view of human rights advocates working in NGOs or politicians in political parties, who assumeably believe in a more institutionalized way of expressing their contention. In later chapters we will see if this assumption, specifically on NGOs, is right.

An example of pressure on the streets that led to a reaction by the SCAF are the protests that took place at Mohamed Mahmoud Street, a side street of Tahrir Square that leads to the Ministry of Interior. In November 2011, the military forcibly

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[43] This will be discussed in detail in chapter four.

[44] Translation from *The Middle East Media Research Institute*, 'Disappointed with Revolution's Gains, Egyptians Renew Protests ' 3/7/2011, retrieved on 18/7/2012.

(http://www.memri.org/report/en/0/0/0/0/0/0/5429.htm)

tried to remove protesters from Tahrir. For a couple of weeks protesters had occupied the square, demanding the military council to handover power to a civilian authority. Their removal led to a week of violent clashes between protesters and security forces, killing at least 40 people. Due to the continuation of brutal violence against the protesters, the revolutionaries stopped believing in compromises and distrusted the SCAF completely[45]. Moreover, not only the activists distrusted the SCAF completely at this point in time, but the general public came to the conclusion as well that yet again innocent people were dying in the streets of Downtown Cairo[46]. And this time it wasn't Mubarak who directed to fire live ammunition on protesters, but the SCAF.

The reaction that followed from state side was the Cabinet's offer to resign[47], but the opposition wanted the military to step down. An Egyptian journalist, Sharif Abdel Kouddous, explained the stance of the Egyptian people on Tahrir on 22 November 2011 as follows:

> They [the military] have killed people. They have tortured people. They have imprisoned 12,000 people by military trials. We've seen flare-ups happen, clashes happen, on June 28th, on March 9th, on April 9th. We saw the massacre at Maspero, at the state TV building, on October 9th, where 27 people, mostly Coptic Christians, were killed. This is not what people fought for, and this is not what the revolution was about. And I think what's happened now is that this has finally spilled over. This has been brewing for so long, and it's finally spilled over[48].

After every clash the military lost support from the protesters, but it took until the events at Maspero (9th of October 2011) and Mohamed Mahmoud (19-25 November 2011) to 'spill over', as Kouddous describes it. In other words, the eyes of the greater public opened up to the human rights violations perpetrated by the SCAF after these events. The violence perpetrated by the SCAF changed the perspectives of many

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[45] The distrust in the SCAF was one of the major themes during the interviews with human rights NGOs and also returns in report of International Crisis Group (2012) 'Lost in Transition'.

[46] Ryzova, L. (2011) 'The battle of Cairo's Muhammad Mahmoud Street', *Aljazeera online*, 29/11/2012, retrieved on 18/7/2012.
(http://www.aljazeera.com/indepth/opinion/2011/11/201111288494638419.html)

[47] Kirkpatrick, D. (2011) 'Egypt's Cabinet Offers to Resign as Protests Rage' *The New York Times*' 21/11/2011, retrieved on: 18/07/2012.
(http://www.nytimes.com/2011/11/22/world/middleeast/facing-calls-to-give-up-power-egypts-military-battles-crowds.html?_r=1&partner=rss&emc=rss&src=igw)

[48] *Democracy Now online*, 'Egyptian Revolution Enters New Phase as Thousands Brave Violence to Protest Military Rule' , 22/11/2012, retrieved on 18/7/2012.
(http://www.democracynow.org/2011/11/22/egyptian_revolution_enters_new_phase_as)

Egyptians, which led them to believe the revolution had to continue. Accordingly, protesters started to demand the overthrow of the military rule:

<div dir="rtl" align="center">

يسقط حكم العسكر

</div>

'Down with the military rule'
'Yaskot yaskot 7okm el 3askar'

This chant was already heard during the protests in April and May 2011, but it took several months before it was used widely[49]. From October 2011 until the presidential elections in May and June 2012 this chant was constantly repeated during protests and it also returned everywhere in public spaces.

Another response of the SCAF on these events was a television speech by Field Marshall Tantawi who said: 'None of this would have happened if there were no foreign hands'[50], clearly blaming foreign forces for their role in the violent clashes. This was not the first time these claims were made by the SCAF. Already on the 23rd of July 2011 military officials had claimed that the April 6th Youth Movement and Kefaya both received foreign funding and that these organizations had a so-called 'foreign agenda', thus, were to blame for the unrest in the country[51]. These claims were quickly denounced by several organizations and protests were organized to counter the statements[52], but the following months it appeared to be part of a more directed attack against NGOs. The question why and how these NGOs have been under pressure of the state since the '18 days of revolution' is central to this research and will be answered in the following two chapters. What has become apparent in this section, though, is the continuous interaction between the state and society and how actions of the state influence responses of society and vice versa. Some concluding remarks will now follow.

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[49] Interview with a member of the Hisham Mubarak Law Center in English, Cairo, April 2012.

[50] *The National* (2011) 'Tantawi warns crisis must end as Egypt braces for elections', 28/11/2011, retrieved on 12/6/2012. (http://www.thenational.ae/news/world/middle-east/tantawi-warns-crisis-must-end-as-egypt-braces-for-elections)

[51] Mayton, J 'Egypt burning: Abbasiya march erupts in violence', *Bikyamasr online*, 23/7/2011, retrieved on 20/7/2012.
(http://www.bikyamasr.com/37180/egypt-burning-abbassiya-march-erupts-in-violence/)

[52] Idem.

2.5

The renegotiation of state-society relations after the '18 days'.

The goal of this chapter was to find out if possible changes have occurred within state-society relations since the '18 days of revolution'. Therefore, we have looked at state-society relations under the reign of Mubarak and at political events that took place after these '18 days'. We have seen that an alteration in state-society relations did take place, although it was not the change that was to be expected after the ousting of a dictator. The protesters were able to overthrow Mubarak, but on the background the military already secured a safe seat for itself and was able to adopt a leading role in the transition. So instead of a regime change, the only change that materialized was the change in dictatorial power. The regime clearly stayed in place, only the face transformed.

Two important things have changed, though. Mubarak had no big political project, or ruling pact, like his predecessors Nasser and Sadat had, but meanwhile continued (their) repressive policies to dominate opposition. The people eventually turned their back against him, but after the toppling of Mubarak, the SCAF continued with Mubarak's policies of repressing oppositional voices. As if this was not enough, they even curbed the freedoms of society harshly on several matters. Every protest was met with violence, they continued with the emergency law (even attaching extra by-law), investigated NGOs and raided offices, secured their own safety by taking over power and instigated a media campaign against the protests, depicting activists as spies of the West.

Although the SCAF intensified the repressiveness of the regime, society responded to this more intensely as well. An important change in society's stance towards the state occurred with the '18 days of revolution'. The Egyptian people were fed up with the empty promises and cruel policies of Mubarak and took to the streets to demand the overthrow of the regime. Although protests had been taken place since the start of the new millennium, it took a decade before these demonstrations turned into milloneya's, creating enough power to oust the president. The interactions between the protesters on the streets and the military portray the difficult relation between a state and society during a transition.

Chapter three.

The human rights arena and its lack of space.

In the previous chapter we have seen that the interaction between the state and parts of society has become more 'radical' in the past years and lately, even turned violent. Since the revolution, interaction between the state and oppositional voices has been taking place on the streets. In the 1990s this struggle, however, was 'fought' in a different way. NGOs tried to reach change through institutionalized ways, for example by lobbying for civil and political freedoms with policy makers or by raising awareness through (media) campaigns.

In this chapter the operational space of NGOs *before* the revolution will be researched. Under Mubarak's reign, NGOs had to deal with many restrictive policies, which resulted in little operational space. It is, therefore, interesting to have a look at how the human rights movement tried to combat these restrictions in order to see if human rights NGOs were able to create more operational space for themselves. This will be done by, first of all, looking at the historical development of the human rights movement in Egypt. The national, political context has shaped the conditions for the operational space of human rights NGOs and, thereby, created specific dynamics for the interaction between the state and the human rights movements, all accumulating in the human rights arena. It is exactly this human rights arena that will be researched in this chapter.

I will argue that the human rights NGOs within this arena have been repressed in the same way over and over, resulting in a deadlock for NGOs within this arena. Due to the continuing repression of the institutionalized ways through which NGOs tried to reach gradual change, human rights advocates and political activists started to believe in more radical ways of reaching change and eventually stepped out of the human rights arena.

After deliberating on the historical development and the characteristics of the human rights arena, I will consequently reflect on the restrictions placed on the arena by the state (and society) and the subsequent responses of the human rights NGOs. At the end, this will lead to a discussion on why and how operational space was limited before the start of the revolution.

3.1

The development of the Egyptian human rights arena.

The development of NGOs in Egypt can be divided in three major phases: the first starts at the beginning of the 19th century and ends around the second world war, the second phase is the era of Nasser and the third starts in the mid seventies and still continues till now (ICNL, 1999: 5). NGOs began to develop along ethnic and religious lines in the beginning of the 19th century. The first NGO was the Hellenic Charity Association, which was set up in 1821 and focused on social support for the Greek community. At this point in time, the state was not able to provide the people with basic needs, thus, other organizations were set up mainly to provide services. The most common areas of the NGOs' work were health and education.

Already under British rule[53] the state tried to control NGOs due to their often anti-Western political character. Important moments were the constitution of 1923, which tried to organize the work of NGOs under the government and sought to prohibit the work of certain organizations that gained too much power (Abdelrahman, 2004: 126). The establishment of the Ministry of Social Affairs (MOSA) in 1939 was an important step in reaching control over NGOs, since MOSA acquired supervision over various aspects of the work of NGOs. A few years later, in 1945, Law 49 placed all organizations under the supervision of the ministry *and* gave the ministry the right to license any NGO. This must have reflected the growing importance of the Muslim Brotherhood, who were at the time gaining momentum and who were seen as a threat by the British (Abdelrahman, 2004: 125). In the years leading towards 1952 the Muslim Brotherhood had become one of the biggest associations and was, already then, characterized by great organizational capacities. The support of the Muslim Brotherhood to the Free Officers[54] eventually helped Nasser to commit a coup against the British.

Instead of creating a freer public sphere, the regime of Nasser was characterized by the continuation of control over NGOs. Law 32 of 1964 is the best example of this. This law created a virtually absolute hegemony of the state over NGOs, due to the administrative control over several facets of the NGO activities. For example, all NGOs that existed around that time had to be deregistered and re-

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[53] Egypt was colonized by the British from 1882 till 1952.
[54] The Free Officers Movement was a revolutionary group led by Gamal Abdel Nasser, who committed a military coup against the British in 1952 and declared the Republic of Egypt.

apply for a license. MOSA was allowed to deny legislation of any NGO, whose work was, in their view, seen as a threat to security and social order (Ibid, 129). Furthermore, Law 32/1964 divided all kinds of NGOs in two categories: *Gamiyat Reiaia*, which are welfare organizations and *Gamiyat Tammiyah*, community development associations or CDAs (Abdelrahman, 2004: 6). MOSA regulated that the welfare organizations were only allowed to specialize in one activity, which ranged from activities working with literacy to social assistance[55], while CDAs were restricted to one locality, for example a village or a neighborhood (Abdelrahman, 2004: 6). This is one of the examples why the Egyptian regime can be called 'flexible authoritarian', since Law 32/1964 established a hierarchical structure, in the sense that MOSA licenses and sometimes even creates civil society organizations, thereby directs how these organizations operate. For NGOs established by MOSA itself the law would not be restrictive and funding would often come from MOSA. For other NGOs, specifically NGOs with other ideals than the government, life would be much more difficult.

Still, many NGOs have been able to exist and do their work as long as their work was not politically motivated. In return for being apolitical, NGOs have often been granted licenses and have been left alone by the state. In one interview a NGO staff member described that his NGO never had any problems with the government due to their apolitical goals:

> First I worked with [an] environmental centre. This was before 2009 and this was for environmental education. They organized some conferences together with the government. I think they even had a very strong relationship with the government. And this is again, because they totally stayed away from politics and they were only focusing on this [environmental topics][56].

For three groups of NGOs the relation with the government has not been this simple, namely for the Islamist NGOs[57], the Coptic NGOs and the advocacy groups. Although the first two groups are evenly interesting why they did face difficulties

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[55] MOSA has listed 14 different categories for welfare organizations, which are: community development, social assistance, religious-scientific-cultural services, maternity and child care, family welfare, special categories and welfare for the handicapped, old age welfare, friendship between peoples, family planning, social protection, management and administration, prison inmates' welfare, literacy and multiple activities (Abdelrahman, 2004: 9)

[56] Interview with the author in English, Cairo, April 2012.

[57] Islamists NGOs and Coptic NGOs have been able to survive and do their work as long as they did not have any political goals. Several faith-based NGOs are the biggest of the country.

with the state, this thesis focuses on the latter group: advocacy NGOs, which have challenged the corporatist and repressive strategy of the state for years. In order to be able to understand the restrictions on human rights NGOs and their strategies to combat these restrictions, we will firstly focus on the specific characteristics of the human rights arena, the site where the state and human rights NGOs have struggled over power for decades.

3.2

Characteristics of the human rights arena.

Egyptian NGOs have established a growing significance in society over the past years, which is reflected in their growing number, the amount of funds that they receive from bilateral and multilateral donors and the broadening of their activities (Abdelrahman, 2004: 5). The amount of NGOs in Egypt is estimated by the International Center for Not-For-Profit Law at 24,500 [58], which includes all associations, unions, foundations and nonprofit companies. This estimate is contested though: an earlier study of the economy in Egypt put the number in 1998 on 28,000 (Weiss and Wurzel, 1998), while official numbers have placed the amount at 15,000 in 1996 (MOSA numbers cited in Abdelrahman, 2004: 6). The group of advocacy NGOs is relatively small compared to the other groups of NGOs [59], numbers range from around forty to sixty advocacy NGOs currently existing in Egypt[60]. Due to the relative insignificance of their number, their access to political power has been little as well (2004: 137). Furthermore, Abdelrahman notes that these NGOs have a history of being criticized for their inability to link the masses (too elitist) and for their inability to unify with other NGOs behind one goal, due to internal strives and divisions. On the other hand, advocacy groups are the ones who are most critical of the state compared to the other NGOs and understandably face (tough) confrontations with the state. Examples of these confrontations will be discussed in 3.4.

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[58] Number is from Egypt's dossier on the website of the International Center for Not-for-Profit Law: http://www.icnl.org/research/monitor/egypt.html.
[59] I use the definition of Abdelrahman (2004) for describing NGOs in Egypt, who has differentiated five kinds of NGOs in Egypt: Islamic, Coptic, Businessmen, Advocacy and Community Development Associations. The latter are mostly NGOs set up by the government.
[60] These numbers are contested as well. In interviews it was often mentioned that around 50 human rights NGOs were existing.

The most important differentiating characteristic of this group of NGOs is the nature of the activities they organize. Their work is mainly focused on lobbying and promoting certain public issues, such as the environment, human rights or democratic principles. The focus in this research is on human rights NGOs and the vast majority of this group of NGOs was established by professionals and activists at the end of the 1980s. These human rights advocates had almost all been part of a democratic movement within the student body, which had risen after Egypt's war with Israel in 1967. With the experiences these students gained and the friendships they made, several students would later set up politically oriented NGOs, which linked local issues with national issues[61]. In this light, Assad and Rouchdy (1999) have described these groups as: 'organizations made up primarily of professionals and activists that can act effectively at both the national and local levels, but, most importantly, that can link the two levels' (1999: 51).

The following features were present in the sample of NGOs that is used for this research. The following figure (figure 3.1) shows the several NGOs interviewed. All NGOs were based in Cairo, although some also had outreach programs, or local offices in the rural areas of Egypt. The field of action ranged from general human rights to specific (group) rights. The target groups, therefore, included minority groups, but also the general public or the state (especially policy makers). To reach these target groups several activities have been organized, mainly focusing on raising awareness, lobbying, training, empowerment and advocacy. Furthermore, the way NGOs have been registered and funded can be seen in the figure. As noted before, registration with MOSA has not been easy for human rights NGOs. Therefore, not all NGOs are registered and when they are, often they have been registered as companies. This will be talked about in the following paragraph (3.3). In addition, although many of the organizations started with member contributions[62], the moment these organizations started to professionalize, different ways to find resources were required. Gradually many of these NGOs became (partly) dependent of foreign donors. However, some organizations explicitly do not want funding from

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[61] These old friendships were of great value during the time of this research, since it made snowball-sampling possible, which has been discussed in the introduction.
[62] Shukrallah, A. (1999), 'Trends of development within civil society. Challenges and strategies in a sample of NGOs', *International Center for Not-for-Profit Law*, 23/03/1999. Retrieved on: 30/06/2012

American donors, afraid that that might hurt their image[63]. Foreign funding will also be discussed in section 3.3.

Table 3.1 Characteristics of human rights NGOs

	NGO	Local/ national	Field of action	Target group	Activities	Registered	Funding
1	HMLC	National	General	Judicial, policy and public	Legal aid, awareness, lobby, advocacy	Yes, as civil company	Foreign
2	ECESR	Both	Economic & social rights	Workers, public	Legal aid, awareness, lobby, advocacy	Yes, as legal company	Foreign
3	AFTE	National	Freedom of thought and expression	Judiciary, policy and public	Legal aid, awareness	Yes, as legal company	Foreign, but non-American
4	IKC	Both	General	Judicial, policy and public	Advocacy, awareness, lobby	Yes, as civil company	Foreign
5	ASAH	Both	Freedom of thought and expression	Journalists, public	Training	Yes, with Press Syndicate	Foreign
6	NWF	Both	Women's	Women, policy,	Awareness,	Yes, as institution	Foreign

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[63] AFTE, CIHRS and Hoqook, an independent media organization, mentioned that they do not want to receive money from American donors, because they are afraid that this might have consequences for their reputation.

			rights	society	empowerment	[64]	
7	CIHRS	Both	General	Judicial, policy and public	Research, lobby, advocacy.	Yes, as civil company	Foreign, but non-American

These NGOs, together with around forty to sixty others human rights NGOs, have formed the human rights movements in Egypt since the end of the 1980s and thereby have been an integral part of the human rights arena, as I argue. This human rights arena can be viewed as in figure 3.2. The arena is not solely formed by human rights organizations, but also by other actors, such as MOSA or other societal organizations or NGOs with a different field of action. For some NGOs these struggles with other NGOs have been very significant, while for other human rights NGOs the interaction with the state has been influencing the NGOs' strategies more profoundly. These interactions depend on the way the NGO is registered and the activities the NGO organizes. For example, the New Women Foundation (NWF) has been working on raising awareness of women's rights and the empowerment of women, they even call themselves a feminist NGO. One staff member of the NWF explained that due to their activities, the NGO endured social stigmatization from several Islamist movements[65] and had faced financial restrictions through MOSA for years, due to the fact that they were officially registered. Thus, the arena is perceived differently by every NGO.

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[64] The NWF is registered with MOSA as an institution, which has given MOSA great control over the organization.

[65] Member of the NWF especially mentioned some Salafist groups. Interview with the author in Arabic (with translator), May 2012, Cairo.
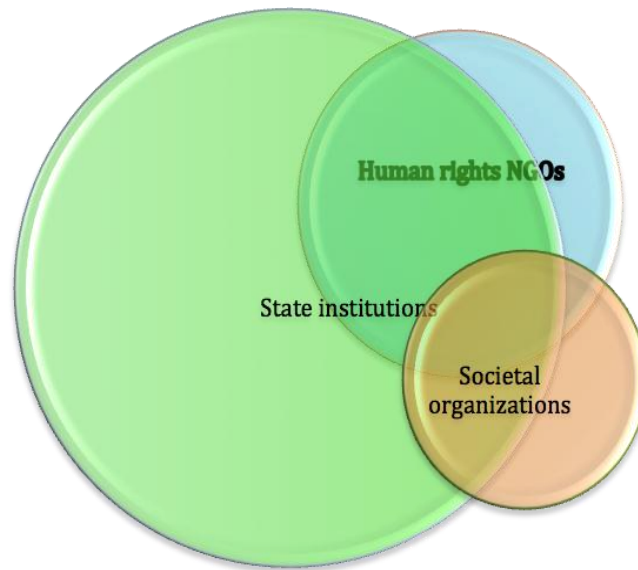
Figure 3.2 The human rights arena in Egypt

As you can see in the figure the state controls the biggest part of the human rights arena, MOSA and State Security being the two most important state institutions in this arena. The human rights also face restrictions from other societal organizations. These organizations not necessarily work within the same field of action, but can also try to repress the movement due to a different vision on the state and society. The example of the restrictions placed on NWF illustrate this. The more the circles overlap, the more the restrictions take place.

In order to understand how the interaction between the state institutions and the human rights NGOs has evolved in the years leading towards the revolution, we will first need to have a look at the restrictions that were placed on the human rights arena by the state (and by societal organizations). Subsequently, we will be able to recognize how and when the state created space for NGOs, or when it closed down on the human rights arena.

3.3

Restrictions on the human rights arena.

Egypt's authoritarian regime has successfully weakened political opposition for decades, due to a 'twin strategy of co-optation and violent repression' (Abdelrahman, 2011: 415). In this paragraph we will have a look at three repressive policies the state has placed on the human rights arena: co-optation maneuvers, administrative

restrictions in Law 84 of 2002 and the stigmatization of foreign funding[66]. At last, restrictions from a different source, namely from Islamist movements, will shortly be discussed.

Co-optation.

Besides physical domination, authoritarian governments often attempt to co-opt NGOs (Van der Borgh, forthcoming). Two examples will show that the Egyptian government has tried, and succeeded in doing this. In 1999, MOSA invited several NGOs to draft a new NGO law, Law 53[67]. This drafting process led to a prolonged debate on a new law and the initiation of several committees, where representatives of NGOs took part in. Although it first of all looked like NGOs were taking part in the process of drafting, many NGOs declared that the drafting committee was only a nod towards the international as well as national public opinion that the law was backed by the NGOs (Abdelrahman, 2004: 131). The actual draft that was eventually presented by the Cabinet for approval to the People's Assembly, confirmed these suspicions (Ibid, 131). The draft was, despite the comments and critiques of NGOs and international donors, even more restrictive than the previous law on associations, Law 32/1964. Consequently, it was heavily critiqued and several human rights NGOs tried to distance themselves from the Law[68]. This mainly had to do with the fact that Law 53/1999 prohibited all the activities of NGOs that could be viewed 'political'. Especially, human rights NGOs were afraid of being labeled political, since their activities could be easily seen like this and would, therefore, give MOSA a reason to close them. Soon however, the Supreme Constitutional Court declared Law

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[66] The data that has been used for this paragraph mostly consists out of interview data. During interviews with human rights NGOs staff members were asked to what extend they had faced restrictions from the state, as well as from society's side. Asking such a question automatically implicates that perceptions start to play a role, especially when operational space is discussed. Space is not something material and can only be perceived. Therefore, this section discusses reported restrictions, since the only data that was gathered was through interviews with NGOs, human rights advocates, journalists or scholars. Naturally, when asked about restrictions, interviewees will probably reply with the worst restrictions their NGO has faced, in their eyes. A possibility that their response can be exaggerated exists as well. By interviewing multiple NGOs, however, it is possible to compare data about the reported restrictions and see if these restrictions are perceived in the same way. If this was the case, I decided that these were restrictions that human rights NGOs *could* face in general
[67] Agati, M. (2007) 'Undermining Standards of Good Governance: Egypt's NGO law and its Impact on the Transparency and Accountability of CSOs' *International Journal of Not-for-Profit Law*, vol. 9, no. 2, April 2007.
[68] Ibidem.

53/1999 unconstitutional for procedural reasons[69], which left the human rights NGOs once more in limbo.

Another example was the establishment of the National Council for Human Rights (NCHR) in 2003. Due to American pressure for democratic reform, the government established the NCHR 'to build a civilized image of our nation for the whole world to see' (Ayman Nour, 2003 in Abdelrahman 2007:296). In other words, it gave the government the argument to the outside world that indeed they were doing something about the human rights (violations). As one NGO member said: 'Human rights organizations make Egypt look good'[70]. Moreover, it provided the government the opportunity to receive foreign funding, as Abdelrahman shows in her article on the human rights debate in Egypt:

> [T]he government has benefited from adopting the human rights banner and establishing the NCHR by becoming the recipient of foreign funding for projects promoting human rights from bilateral and multilateral donors such as the UNDP, the Ford Foundation, as well as from the Netherlands and Denmark (Abdelrahman, 2007: 297).

In a position paper on foreign funding, human rights lawyer and advocate Negad ElBorai has claimed that these amounts of aid, where Abdelrahman focuses on in the fragment above, have helped the government, ironically, to oppress the human rights arena[71]. In other words, a true case of co-optation.

Law 84 of 2002.

Law 84 of 2002 is rather similar to Law 53 of 1999 (discussed above), but this time no NGOs were invited to help write a draft and it passed without coverage in the press (ICNL, 2007: 60). According to ICNL, the adoption of Law 84/2002 undermines the freedom of association, which is (paradoxically) granted to the Egyptian people in the Egyptian Constitution, and it undermines the international human rights standards Egypt is a signatory of[72] (ICNL, 2007: 60). Although it had a few positive aspects, for example the Law required MOSA to accept or reject the application of a

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[69] 'Egyptian Court Strikes Down Controversial Law', *International Journal of Not-for-Profit Law*, Vol. 2, Iss 4, July 2004, available at:
http://www.icnl.org/research/journal/vol2iss4/cr_4.htm
[70] AFTE, interview with the author, Cairo, April 2012.
[71] ElBorai, N (2004) *Did 25 years of foreign funding help promote democracy in Egypt?* Position paper, United Group.
[72] Egypt is a signatory to the ICCPR and the ICESCR, both Covenants of the UN on human rights.

NGO within 60 days (instead of processing applications for years), many negative aspects prevailed (ICNL, 2005: 9).

In Egypt, registration has always been compulsory for associations. Registration gave MOSA a lot of control over the organization. One staff member of Freedom House mentioned how this control could lead to pressures from State Security:

> Then after 2009, I started to work with One World Foundation; it is a registered NGO and it is for Civil Society,(…) but this was before the revolution, it wasn't a clear opposition line they were interested in raising awareness and civic education and strengthening women, but it is kind of political. There is a political touch here, but under a complete coordination with the authorities and that's why they didn't face any troubles.. I don't want to say any; I remember that twice they were planning to make a conference – this is again before Jan 2011. A conference in coordination with Freedom House and it has been cancelled by the [State] Security. But I mean in general they were in coordination with the authorities[73].

Although the NGO was registered with MOSA and in clear coordination with the Ministry, they still faced pressures from State Security. Due to this interference by the state, NGOs in Egypt have tried for years to stay away from registering as a NGO. At the end of the 1980s Saad Eddin Ibrahim had find a way to combat this restrictive law through a loophole in the Egyptian Constitution[74]. Ibrahim figured that if companies are allowed to do whatever they want, as long as they pay taxes, then it should be possible to file as a civil company, meanwhile working as a NGO. As long as the NGO would pay taxes, the government would not be able to restrict the organization and its activities. The Ibn Khaldun Center for Development Studies (IKC) was the first civil company, but soon after, in the 1990s and 2000s, several NGOs registered like this in order to stay away from the restrictive Law 32/ 1964. However Law 84/2002 tried to control this possibility. A staff member of the Egyptian Democratic Academy remembered that Law 84/2002 made daily 'life' for NGOs more difficult:

> Also before the revolution I was working with the Egyptian Democratic Academy, which I was giving training at today. This is a civil company. Here almost after 2002, after we started to have a lot of trouble and we started to have a restricted environment by the law of the association – the registered association – the people [had] started to find a back door, which is making a company and starting to do your civil activities and civil society work without being licensed or registered as organization[75].

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[73] Staff member of Freedom House, interview with the author, April 2002, Cairo.
[74] Interview with Saad Eddin Ibrahim, director of Ibn Khaldun Center for Developments Studies (IKC), Cairo, DATUM
[75] Interview with the author, Cairo, April 2002.

Although the organization this member was part of had registered as a civil company, they started to face problems from 2002 onwards, due to the new law, Law 84/2002. Already Article 3 of Law 53/1999 stated that associations that had previously registered as a company, but were meanwhile conducting activities like a NGO, had to change their status and had to re-register under the new law. Although Law 53/1999 was declared unconstitutional, Law 84/ 2002 had a similar article, making it obligatory for civil companies to deregister and re-apply. Article 4 of Law 84/2002 was obviously aimed at human rights NGOs, who had tried to create more space for themselves by registering as a company. It had taken the state some years, but this law closed the space NGOs had created for themselves.

Another part of the law on associations that became more restrictive, especially for human rights NGOs, was Article 11. The Ministry could deny registration if the activities of the organization constitute an activity prohibited under Article 11, which made all political activity outside of political parties illegal. Although political activities are prohibited for NGOs, no definition is given what actually constitutes a political activity, which has made it easy for MOSA to arbitrarily deny registration of NGOs by labeling it as political. However, it is often State Security that actually rejects registration. Although Law 84/2002 states that MOSA is the Administrative Authority (Article 2), it has often been State Security who has directly or indirectly (through pressure on MOSA) interfered in the NGOs registration by refusing approval. But not only with registration was State Security the main authority. One staff member of the Association for Freedom of Thought and Expression (AFTE) mentioned that State Security had excessive powers over associational life:

> Before the revolution the state security had complete control over social life. If we wanted to organize a seminar at a hotel, we had to inform [state] security at least two hours before the start of the seminar.

In this light, the Human Rights Watch Report *Margin of Repression- State limits on NGO Activism* (2005) noted that the Egyptian State Security denied registration applications, refused candidates for boards of directors, cancelled activities and harassed activists.

Foreign funding.

A third, but very important restrictive policy has been the way the government deals with NGOs that receive foreign funding. Law 32/1964 prohibited foreign funding and forbade NGOs for participating in activities of foreign organizations at all. Law 84/2002 allows NGOs to receive foreign funding, however, it still contains several practical as well as legal restrictions. Article 17 gives NGOs the right to receive funding, but every funding is to be approved by MOSA. The conditions upon which MOSA makes a decision, however, are not stated.

Law 84/2002 distinguishes between two kinds of funding: funding sent from abroad, which requires approval in advance, and funding from within Egypt, which does not require approval in advance - at least, that is stated. In practice, MOSA also requires approval to receive the latter kind of funding, termed as 'local funding' (El-Agati, 2010: 1). Although Article 65 of Law 84/2002 acknowledges NGOs the right to receive foreign funding, the practice, thus, is different. This custom has meant that international NGOs try to establish a local office in order to be able to give funding to local NGOs. One NGO representative working at Freedom House stated:

> [W]e are not doing something by ourselves; I mean we have to go in partnership with an Egyptian partner, maybe because we are not registered, so we prefer this strategy of working with Egyptian partners to make execution and we are working [like] a broker or something. We are funding associations, so we get the funds from bigger organizations.[76]

Only a few international NGOs have been able to work like this, most of the time international organizations have to get approval of the government first. This has led to few possibilities for local funding for human rights NGOs.

Therefore, human rights NGOs have been forced to look outside of Egypt. This has made human rights NGOs unpopular. In authoritarian regimes, NGOs that receive foreign funding can be portrayed as foreign puppets (Van der Borgh, forthcoming), which can lead to accusations from state side, as well as from society, that the NGOs are being a threat to national security. In Egypt, the foreign funding of NGOs has become a significant point of discussion and struggle. Already since the 1980s this has been an issue. Abdelrahman noted on this:

> Official links between NGOs and other civil society groups and global financial institutions and bilateral donors, since the 1980s, have opened up further debates on the

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[76] Interview with the author in English, Cairo, April 2012.

political nature of foreign funding and reinforced a discourse of distrust of links with global forces. (Abdelrahman, 2011: 419)

These debates about the political nature of foreign funding usually focus on the potential threat of international interference in national politics. NGOs are portrayed as competitors of the government and are, therefore, stigmatized as the enemy in the state media. This discourse of distrust, subsequently, shapes the real practices of the state and other societal groups towards human rights NGOs who (potentially) receive foreign funding. Nicola Pratt, in a similar line, argued that the debate over foreign funding illustrated the link between discourse and power[77], and secondly, that it has created a discourse in which civil society has become something to fear:

> The foreign funding debate represents Egypt and the West as two diametrically opposed and essentially different entities. The notion of difference and opposition renders the West an enemy that threatens the very existence of the Egyptian nation. This discourse also represents Egyptian civil society as a target for the West in seeking to undermine the Egyptian nation. (Pratt, 2001: 13)

The human rights movement, especially the NGOs that are 'supported' by the West, have been targeted in state media for years. However, these claims come and go, but return in state media, whenever necessary in the eyes of the government. Further research should be set up to see if these discourses of distrust within the Egyptian state media are indeed structurally used, for example in times of legitimacy crises. In the meantime, I will argue that these claims *appear* to be a structural condition on the human rights arena. Due to the constant repetition of these claims, it seems to me as if this stigmatization over foreign funding is a structural restriction on the human rights arena. In chapter four we will see if this social (and criminal[78]) stigmatization has continued in the period after the revolution.

Un-civil society.

Besides the above state restrictions, several NGOs explained during interviews that they had often faced restrictions from the other side of the society. Due to the many

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[77] As has been argued by Said, E. (1978) *Orientalism,* London: Routledge & Kegan Paul.

[78] An example of criminal stigmatization is the court case of Saad Eddin Ibrahim, director of IKC. Ibrahim was arrested in 2001 and send to prison due to receiving foreign funding. In 2003, the case was finally acquitted on appeal and he was released from prison. Similar cases have taken place, also with the director of the Egyptian Organization for Human Rights (EOHR).

faces of society, these restrictions were different for every NGO. Sometimes the societal pressures came from people in the neighborhood where the NGO was based, physically attacking them or harassing the activists. Staff members of Hoqook, for example, mentioned that a couple of months after the revolution, people in the neighborhood had yelled at them and had called them spies[79].

In addition, societal pressures could come from other NGOs or societal groups who believed in different visions for the state (or society). This was best explained during an interview with the New Women Foundation (NWF), a feminist organization that promotes the empowerment of women and strives for equal rights of women in Egypt. The organization was often not able to do research at factories or talk with employees, because the employers disagreed with the vision they promoted, namely the idea that women should have equal rights like me. But even if an employer agreed on creating a better work atmosphere for women, he would face difficulties when implementing the women's rights, for example from Islamist movements in the neighborhood, or more conservative people at the factory[80].

Restrictions on the human rights arena visualized.

The three examples of restrictive policies from the state (mentioned above) and the societal pressures on the human rights NGOs can all be seen in Figure 3.3, along with two other restrictions from the framework of Van der Borgh, which has been discussed in Chapter One. This does not mean, however, that these have not taken place in Egypt in the decades before the revolution, but both have been discussed widely in the international press and in reports from Amnesty and Human Rights Watch[81].

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[79] Interview with the author, Cairo, March 2012.

[80] Interview with the author, Cairo, March 2012

[81] Physical harassment will not be discussed in detail, because this restriction has often been focussed on in the media and in reports on human rights. This does not mean, however, that this restriction does not occur. For decades, NGO staff has faced physical harassment and intimidation , mainly from State Security. However, as explained by one staff member of Freedom House, a human rights activist is continuously confronted with intimidation and physical harassment in Egypt. The scale of this restriction has become part of the job description for many activists. Therefore, when these activists were asked about the restrictions the NGO staff faced, they would often forget about the 'daily' restrictions of harassment and intimidation. The focus during interviews, therefore, was much more on the other kind of restrictions, which have been discussed more elaborately.

Figure 3.3 Restrictions on human rights NGOs in Egypt

According to what we have seen above, we can assume that the biggest pressures were received by organizations that faced restrictions from both state side and societal side.

= most restrictions
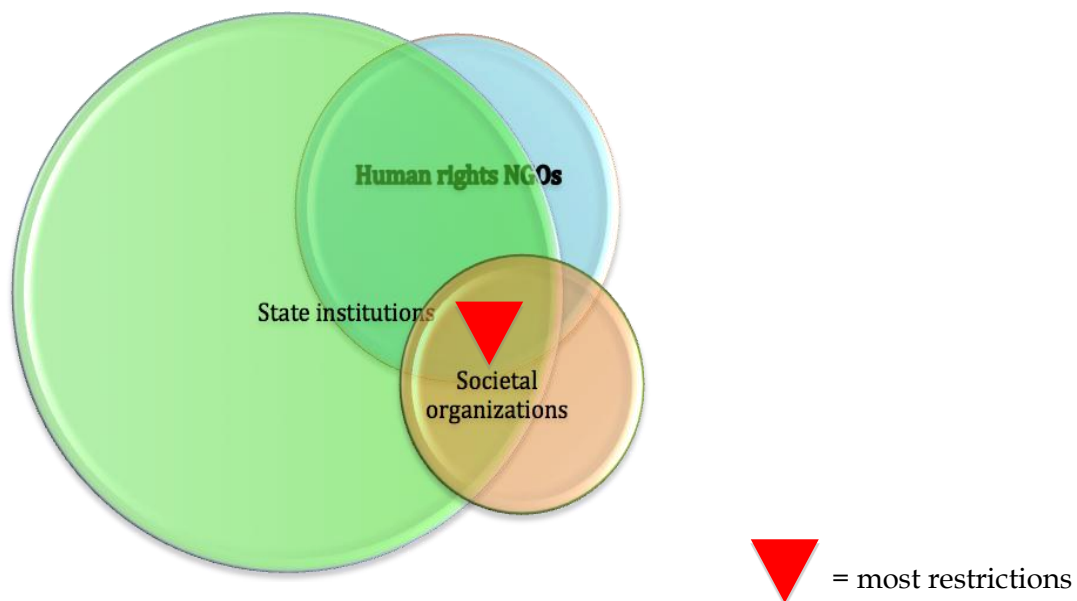
Figure 3.4 The most restrictions in the human rights arena in Egypt

We have seen that especially NGOs who have received foreign funding can be placed in the red triangle, since they have often faced the pressures from state and society side. Women NGO's with a confrontational character, like the NWF, can arguably also be placed in the red triangle, due to the restrictions they face from

conservative groups within society as well as from state institutions, such as MOSA and State Security. However, further research should be done to be able to quantitively see which human rights NGOs face the most restrictions. This research can only point out how these restrictions take place, and argue which site in the human rights arena possibly faces the most restrictions.

In short, the operational space of human rights NGOs has been limited in many ways, and the discussed policies are just examples of how the state (and society) has succeeded in curbing the space of human rights NGOs. In the following paragraph we will have a look at the response strategies of human rights NGOs to these restrictions.

3.4

Response strategies of human rights NGOs.

In this chapter we want to find out if and how human rights NGOs have been able to combat restrictions in the years before the revolution, thereby trying to see if their actions have led to more operational space. Therefore, in this section we will first have a detailed look at one of the moments that human rights NGOs were able to open up their operational space in a reactive way. Although the NGOs were temporarily able to create more space, eventually the state was able to succeed in repressing the human rights arena once again (with the same tactics).

I will argue that due to the continuing repression of the institutionalized ways through which NGOs tried to reach gradual change, human rights advocates and political activists came to the conclusion that more radical ways were necessary in order to reach change. I will, therefore, also look at proactive response strategies of human rights activists that eventually brought the human rights movement outside of its arena.

Reactive response strategies to create space.
In the previous paragraph we have already seen one example of how the human rights NGOs tried to combat a restrictive policy of the state. By filing as a civil company instead of filing under the restrictive NGO law, NGOs had been able to surpass several restrictions, thus were able to continue their activities of confronting the government. One member of the Egyptian Center for Economic and Social Rights

(ECESR) argued during an interview that the confrontational approach of human rights NGOs is necessary for the NGO to exist and function:

> You could go establish yourself with the ministry but this meant control. This meant that the ministry had to approve all your projects, it should approve [you] getting the money for the projects, it had the right to attend your meetings, it should have the right to attend the meetings of the board, it had the right to close down. And when you're a human rights NGO, you resist the government, you are not at ease with the government, they would never allow for your projects. So you could become a moderate human rights NGO and establish under the ministry, but then you would not be allowed to do anything, if it wasn't allowed by the ministry. This would mean you would not be really resisting, even if sometimes it was possible. In essence you would not be in real opposition with the government[82].

The member of the ECESR argued that when a human rights NGO would register with MOSA, it would be restricted in such a way that it could not form an opposition to the government, since it would lose its confrontational approach. This must have been a shared idea, since a majority of the human rights NGOs interviewed for this research had succeeded to create more operational space for themselves by filing as a civil or legal company. Due to the fact that these organizations found a hole in the restrictive legal framework, more space opened up. This opening up of operational space was halted by the NGO Law 84/2002.

These state strategies and reactive NGOs responses can be seen in Figure 3.5. If we take the NGO Laws as an example, Figure 3.5 would show that it went as follows. Law 32/1964 was a continuation of previous laws on associations, but restricted the operational space of NGOs even more than before. In the 1980s, Saad Eddin Ibrahim figured out a way to combat this tough control by registering as a civil company. Thus, a reconfiguration of strategy, which created more space for the NGO, since the NGO did not have to get approval from MOSA for any activity they organized or every funding they received. In 2002, the state intervened in the human rights arena once again with a restrictive law, this time with Law 84/2002, which prohibited associations to file as a company if they were meanwhile conducting activities like a NGO. Law 84/2002 obliged such NGOs to change their status and re-register under the new law. Obviously, this made the circle go round, since this law caused human rights NGOs to have less operational space.

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[82] ECESR, interview with the author, Cairo, May 2012.

Figure 3. 5 Reactive responses of human rights NGOs
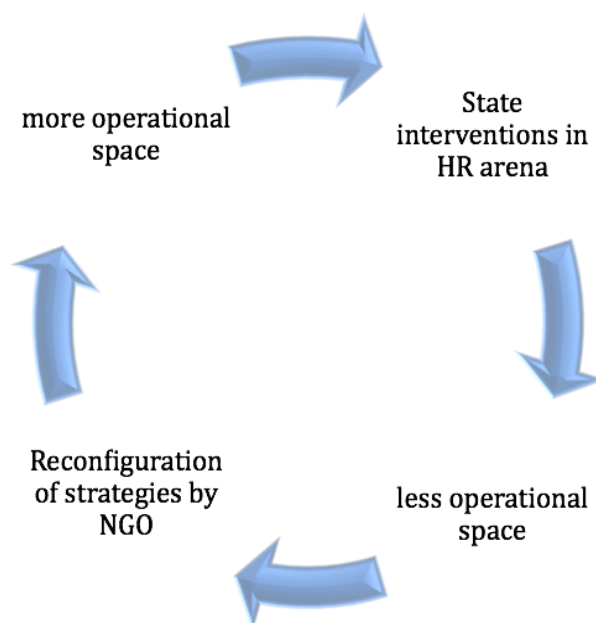
What Figure 3.5 shows is the reactive responses of the human rights NGO within the human rights arena. The context of the human rights arena was, as we have seen in this chapter, highly restricted via the state's use of a repressive twin strategy, which combined the use of co-optation and violent oppression. The Egyptian regimes subsequently succeeded in limiting the human rights arena in such a way that every response of the human rights movements came as a response to the tactics of the state. The co-optation of the human rights movement during the drafting process of Law 53/1999 (as was explained in 3.3) created opportunities for the human rights movement to unify and collaborate between multiple human rights NGOs. The fact that two years later NGO Law 84/2002 was declared, which was even more restrictive than Law 32/1964, demonstrates that human rights NGOs would continue to face a hard time trying to reach change from within the arena.

Additionally, these characteristics of the human rights arena not only limited the human rights movement, but also affected the movement from *within*. As discussed earlier, Egypt has been a case of 'flexible authoritarianism', where the state has selectively used coercion and corporatist strategies to establish its own hegemony. According to El-Mahdi, this is one of the reasons why groups and parties in Egypt believe that dealing separately with the state will create the highest results, which naturally leads to disorganization and fragmentation among these oppositional groups (Bianchi, 1989 as in El-Mahdi, 2009: 1029). The human rights

NGOs and other groups that were part of the human rights movement were most of the time highly fragmented, which logically led to little joined opposition against the regime. The campaign against Law 53/1999 was one of the first times these groups started to cooperate (Pratt in Nefissa, 2005).

Another characteristic of the human rights arena that affected the movement from within was the fact that the message these organizations had promoted for years was not seen as relevant in the eyes of the average Egyptian. The human rights NGOs had struggled for years with the state over more civil and political freedoms, like freedom of association. However, these messages about democracy and democratic principles were too distinct for the average Egyptian, who faced a daily struggle in order to have a 'normal' life.

Thus, the Egyptian regime had been able to restrict the human rights arena in such a way that NGOs only confronted the state from within the arena, which only sporadically resulted in more operational space for the human rights NGOs. Another kind of response was, therefore, necessary.

Proactive responses to create space.

At the beginning of the millennium, human rights advocates and political activists came to the conclusion that more radical ways were necessary in order to reach change. I will argue that the rise of social movements from the start of the 2000s can be seen as a proactive response to the restrictions on the human rights arena. Thus, human rights activists were able to create space by, actually, *leaving* the deadlocked human rights arena. It were these (human rights) activists that stood, together with many others, at Tahrir Square on the 25th of January 2011 and onwards.

Due to the severe restrictions on the human rights arena, activist groups started to come up around the beginning of the millennium, especially after the Palestinian Intifada (2002) and the War in Iraq (2003)[83]. This new generation of activists wanted to re-energize opposition politics and brought with them new ways of organizing. Four main features characterized these groups[84].

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[83] These two events were often mentioned during interviews as having an important role in creating awareness among Egyptians that demonstrations were a possible way of expressing your contention.

[84] Abdelrahman uses three of these characteristics in order to describe a transnational movement in her article transnational protest networks: 'The transnational and the local: Egyptian Activists and transnational protest networks, (2011) *British Journal of Middle Easter Studie*s, December 2011, 38 (3) 407-424.

First of all, the activists wanted to get out of the institutional domain for several organizational reasons. The restrictions on the human rights arena had changed things *within* the NGOs themselves, which resulted in high fragmentation and disorganization between the groups. With every group fighting its own battle with the state, the arena itself had become highly complex. Besides that, these activists were not keen in joining human rights NGOs at the time, because many were structured in a rather hierarchical way (Abdelrahman, 2011: 412). Due to these limitations, informal groups were eager to find different sites, where they could work for the same ideals, without the restrictions of the human rights arena.

Accordingly, a second characteristic of this new oppositional movement is the loose networking process and the interchangeable membership of every group. Constantly exchanging ideas and sharing experiences with each other on the Internet resulted in a fluid networking and coalition process. Activists would first meet online and would later meet. These activist groups were based online and if they would meet, it was not in an office. Therefore, they did not need approval from the state or had to have any legal identity. This way, groups were hard to pin down and could, therefore, easily escape harassment. Besides that, this online networking process also instigated international links between the activist groups and groups outside of Egypt, which resulted in the borrowing and sharing of ideas with groups who were working on the same topics (2011: 413).

The third important feature of this group was the change of discourse towards more social and economic problems. The human rights NGOs had struggled for years with the state over more civil and political freedoms, but had not often been able to spread the message about democratic principles, since this message was too distinct for the average Egyptian, who faced a daily struggle in order to have a 'normal' life. This change of discourse resulted in many more people becoming critical of the Mubarak regime, which, in my opinion, must have had a great influence in the labor strikes of 2006. These strikes took place in Mahalla, a city in the north of Egypt with many textile plants, and were met with great police brutality. This event is always named as one of the predecessors of the revolution and was the start of the April 6th Youth Movement, one of the important protest movements in the run-up (and during) the revolution.

The fourth feature has proved to be one of the most important. The new generation of activists took their political claims against the regime *to the streets*,

instead of staying inside institutionalized human rights arena. Although many of the first protest groups only 'lived' for a short time, the fact that demonstrations were taking place gave an impetus to these movements and resulted in more popularity for these activist groups amongst the young generation. Eventually, it were the protest movements like Kifaya, April 6th Youth Movement and the Facebook page 'Kullena Khaled Said' that that were able to mobilize huge numbers on the 25th of January 2011.

Thus, a political opportunity came up the moment these activists saw that there was a site outside of the human rights arena, where they were able to express their discontent and critique the regime. Although these groups were violently repressed on the streets the first decade, the fact that they were not part of the institionalized human rights arena made it very difficult for the regime to oppress them. This time, it were the activists that were able to surprise the regime with a *proactive*, confrontational approach. Hence, the human rights activists were able to create space by actually 'leaving' the deadlocked human rights arena.

3.5
Conclusion.

The operational space of human rights NGOs before the revolution was limited through a range of restrictive policies, of which the social stigmatization of foreign funding of human rights NGOs has been one of the worst. The Egyptian state, thus, has been able to curb the human rights arena successfully.

Subsequently, two different response strategies have been discussed, namely the reactive and proactive response strategies of human rights NGOs. With the former strategy, NGOs were able to temporarily create more operational space. However, the Egyptian state always succeeded in repressing the human rights arena once more. The success of the regime in combining strategies of coercion and corporatism has had an important role in shaping the human rights arena. These conditions have severely limited the human rights movement for years, while it also had its effects on the human rights NGOS itself.

At the beginning of the millennium, human rights advocates and political activists came to the conclusion that more radical ways were necessary in order to reach change. I argue that the rise of social movements from the start of the 2000s can

be seen as a proactive response to the restrictions on the human rights arena. Thus, human rights activists were able to create space by, actually, *leaving* the deadlocked human rights arena. It were these human rights activists that stood, together with many others, at Tahrir Square on the 25th of January 2011.

In the following chapter we will look at the operational space of human rights NGOs *after* the '18 days of revolution'.

Chapter four.

The (re)claiming of space after Mubarak's resignation.

'Human rights organizations are the guardians of nascent freedom. Efforts to suffocate them will be a major setback & will surely backfire.'

-Mohamed ElBaradei on Twitter, 29th December 2011[85]

In this final chapter I want to find out how the operational space of human rights NGOs has been limited since the start of the revolution, and more importantly, why has their operational space been limited? And why now? In order to find answers to these questions, I will first start with the role human rights NGOs have played within the revolution and afterwards. Similar to chapter three, we will then have a look at four important restrictions placed on human rights NGOs *since* the revolution started. A comparison will be made between the (perceived) amount of restrictions before and after the '18 days', which will make it able to comment on the increase or decrease of the amount of space. Subsequently, in the third section several stages of pressure (development and decrease) of the last year will be discussed, which will show that the restrictive policies (practices) of the state are highly interlinked with the discourses (images) that are used. I will argue that exactly this combination has led to severe limitations for the human rights NGOs in the past year.

4.1

Human rights NGOs in and after the revolution.

Before we are able to look at operational space of NGOs, we must differentiate between the different roles human rights NGOs in Egypt have played over time. In chapter three we have seen that the historical role of human rights NGOs was one of advocacy and raising awareness. Some civil or legal companies like the Hisham Mubarak Law Center (HMLC) and the Association for Freedom of Thought and

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[85] Mohamed ElBaradei was the Director General of the International Atomic Energy Agency and was a presidential candidate until he dropped his on 14 January 2012.

Expression (AFTE) were also providing support in the form of legal aid to people or prisoners whose rights had been violated by the regime. The historical role of NGOs in raising awareness has helped Egyptians in becoming aware of their own rights, although naturally, not every Egyptian was affected by the campaigns these NGOs started. For one human rights activist this promotion of human rights, however, did have a big impact:

> [T]hose who were affected a lot or touched a lot [by] the value that was spread by the NGOs, they became activists and they started to spread such values, like me. I have some other backgrounds, but I was following the work of the Cairo Institute for Human Rights and I knew what is the Humans Rights Declaration and what are the other treaties regarding Human Rights and here I knew my rights and the rights of the people and I started to work for getting such rights. So this is the level, the class of activists. The entire community of course got affected by this, but it depends of course on how much you got affected by it; if strongly affected you are going to be pro-active or you are just going to respond for this[86].

After becoming interested in the work of the Cairo Institute for Human Rights, this interviewee decided to start working within the field of human rights, clearly being affected by the work of the human rights NGOs. The first role of these NGOs, therefore, mainly was to raise awareness about human rights among as many people as possible and meanwhile critiquing the government and demanding for human rights, the issue depending on the specific NGOs' field of action. From the end of the 1980s till 2000 these NGOs were focussing on the above mentioned goals and due to the fact that they were critical of the state (especially, compared to the other NGOs working in other fields) the human rights arena faced (tough) limitations of the state.

At the start of the new millennium NGOs still continued their role of critiquing the regime and promoting human rights within society. However, human rights NGOs started to change their strategies due to the severe restrictions they were facing. Meanwhile, a new generation of activists came up in Egypt, which changed the scene of oppositional politics completely. According to a member of the HMLC, the human rights movement was able to revive in different settings due to the arrival of young people, who were using new technologies to spread their messages:

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[86] Egyptian staff member of Freedom House in Egypt, used to work for the Egyptian Democratic Academy and other NGOs, not necessarily within the human rights arena. Co-founder of the April 6th Youth movement. Interview with the author, Cairo, April 2012.

> The young people start to play – especially the young people who have easy access to new technologies bloggers, Facebook and then Twitter – start to come together with human rights movement and other political groups, since 2005. There was a demonstration in Cairo here, asking Mubarak to make a political reform and from this beginning the bloggers shift their trend from expressing their person[al] feeling to focus on the public issues and the public agenda, so this gives the other [human rights] group the facility to spread all over the society and [this group] was very active during 25 of January for this is the tool to mobilize the people, to start demonstrations[87].

In this fragment the human rights activist argues that it were the human rights NGOs who helped the new activists spread political messages through blogs, Facebook and Twitter. Conversely, not everybody agreed with this during the interviews. Although the human rights lawyers and advocates agreed on the fact that human rights NGOs were of great importance in the years leading towards the revolution, others argued that the revolution itself was not planned or constructed by this group of NGOs. According to one member of the Al-Tayyar Al-Masry party, the role of NGOs grew weak after the Constitutional Amendment of 2007[88]. Accordingly, they were of no importance during the revolution:

> They brought awareness to the people. They made a movement in society, they pushed a number of youth to know their rights and to fight for it. So they have a good role, specifically from…. Their real role started in 2000, started to be strong from 2004 and it continued till they made the constitutional amendments in 2007 and then it started to be weak again … They had no role in the revolution.[89]

In the eyes of this politician, human rights organizations were of importance in activating the youth, but had little role in the mobilization of the protestors in the years before and during the revolution. This idea resonated during interviews with journalists and scholars, who all placed social movements such as Kifaya, April 6th and Kullena Khaled Said at the front of the revolution. The role of NGOs in this period, thus, is contested. In my opinion, the role NGOs normally had (that of advocacy and raising awareness) was too heavily restricted, which made these NGOs reconfigure their own strategies and at the same time formed an impetus for the start of new NGOs, who were more focusing on legal aid instead of advocacy. An example of the latter is the Hisham Mubarak Law Center, which was established in

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[87] Interview with the author in English, Cairo, April 2012.
[88] The Consitutional Amendments of 2007 continued the Emergency and tightened control over specifically the Muslim Brotherhood, which had won significantly during the first Parliamentary elections, the first elections where other parties were allowed to participate.
[89] Interview with the author in English, Cairo, May 2012.

1999 and became one of the most important human rights NGOs in Egypt. During an interview with one of the HMLC's members, the focus towards support became evident:

> They [human rights NGOs] had a very important role in this, especially during 2008 […] In 2008, 6th of April, there is a call for a demonstration in different cities all over the society and they arrest around 700 persons and there is a big demonstration in Mahalla and they arrest in Mahalla around 300 active persons. So, we during this period or before these demonstrations start, we establish what we call now the Front of Defenders of Demonstrations; to provide a legal aid for any persons, who are followed or sued by the government because he participated in the demonstrations and this [legal aid] still continues till now.

The focus on legal aid, supporting people who had been arrested or convicted by the Egyptian security forces, continues till now. This is a different role than NGOs used to have and it may be a possible explanation why some argue that NGOs were of little importance in the years that led towards the revolution.

The third role NGOs have played was one of support and advocacy. During the '18 days of revolution' human rights NGOs turned into meeting spots, where activists would come together and plan new strategies or rest for a little. The following fragment describes what happened during these weeks at the HMLC :

> Yes, the first 18 days (…) Because we know, the [coordination] before hand. So we prepare ourselves and our network and try during the sit-in itself, we sent any stuff they [activists] want in Tahrir Square, when they stop internet and the mobiles, we succeeded to find a gap for while in internet. They forget a very small company in Egypt, they didn't cut it's access to the internet and we use it to publish information, till one of the foreign journalists publishes an article in Newsweek saying this; saying Mubarak Law Centre succeeded to cover what happened in blablabla and they discover where is the gap and they close it and they.. so .. the Centre became in the heart of the matter, any foreign correspondents come to us, journalists come to us to gather information, they didn't cut landlines, so we use our landlines, to try to follow up in different places, till they attack the center on the 3rd of February 2011, and they arrest around 35 persons – I myself was one of them – and a lot of them .. some persons of Amnesty International organization, some from Human Rights Watch, some journalists from different [media].[90]

The fragment shows how HMLC turned into an important meeting and press centre, which supported activists in their fight against the police on Tahrir Square by sending necessary supplies and secondly, shared information with (foreign) journalists. The centre became a link between the two groups, especially from the moment that the internet was closed off, since the HMLC had found a server which

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[90] Interview with the author in English, Cairo, April 2012.

was still running. Journalists and bloggers were, therefore, still able to report the events and share it with the outside world. Thus, in a (small) way it maintained the revolution.

The fragment shows another thing of great importance: the fact that the HMLC was raided during these weeks and that 35 people, who were present at the center at the time, were arrested. These people were not solely HMLC staff members, but also members of Amnesty International, Human Rights Watch and journalists from different media, which portrays that local NGOs were functioning as a broker to the outside world.

As mentioned before, not everybody agrees with the view presented by the HMLC that human rights NGOs were of importance during the '18 days'. However, if NGOs indeed were of little importance in the years before the revolution and during the weeks that led to the ousting of Mubarak, why would these groups, like HMLW, continue to face restrictions from the regime? This would be rather illogical. Why suppress groups that are of no importance in society? I hope to be able to come closer towards an answer in the last part of this chapter.

After the revolution, human rights NGOs, first of all, tried to collect as much information as possible about what had happened during the '18 days'. More than 800 people had died in the protests and many more were detained. NGOs, such as The El-Nadeem Centre for Rehabilitation Victims of Violence, collected personal data of the detainments and the torture from the hands of the police and military[91]. Secondly, human rights NGOs convened meetings, together with the important social movements and new established political parties, to discuss 'plans for the future'[92] and released statements about what was necessary in their eyes[93]. Thirdly, the NGOs continued the programs they had started before the revolution[94]. Yet, this stance changed the moment violent clashes started to occur again and the transitional authority perpetrated human rights violations. As a response NGOs automatically adopted a confrontational approach, critiquing the rule of the SCAF in national media and, through their links with foreign journalists or donors, also in

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[91] See website of El-Nadeem: (https://alnadeem.org/en/node/23)
[92] ECESR, interview with the author, Cairo, May 2012.
[93] One example was the released press statement over what should happen first, a constitution or elections: 'In the footsteps of the Tunisian revolution: A Constitution first' Statement by the Cairo Institute for Human Rigths Studies, (http://www.cihrs.org/?p=442&lang=en)
[94] CIHRS, interview with the author, Cairo, March 2012.

international media. So besides the role of advocacy and supporting victims with legal aid, NGOs continued with their role as broker between the events in Egypt and countries outside of Egypt. This latter role increased from the moment the '18 days' were over, since many international media were closely following the events in Egypt and were interested in the transitional process to democracy that Egypt was in[95]. In addition, international advocacy organizations were highly interested as well in what was happening. Several American INGOs , such as the National Democratic Institute (NDI) and the International Republican Institute (IRI), set up new offices and funded new initiatives[96]. It were these international ties of the human rights NGOs, among others, that would become highly contested a couple of months later. To understand how a climate of repression was once again 'fabricated', this time by the SCAF, we will now turn to the state's strategies since the '18 days'.

4.2

SCAF's strategies to curb the human rights arena.

In the years before the revolution the human rights arena was severely restricted, which triggered reactive as well as proactive responses of human rights NGOs. I have argued that one of these responses, namely the rise of movements outside of this arena eventually led to the ousting of Mubarak. The '18 days', however, did not constitute a regime change, since the SCAF took over power and in many ways continued the policies of Mubarak, as we have seen in Chapter One. In this paragraph we will now have a more detailed look at the restrictive policies of the SCAF for NGOs in the human rights arena. Specifically, we want to find out if the four restrictions we have discussed in chapter three -co-optation, NGO law, societal pressures and stigmatization of foreign funding- continued to exist and, if so, how this has influenced the operational space of human rights NGOs since the '18 days'. By making a comparison we will be able to comment on the increase or decrease of the amount of space since the end of the '18 days'[97].

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[95] For example *The Guardian, The New York Times* and *Aljazeera online* all have special dossiers with long length articles on the Egyptian revolution and the period of transition.
[96] For facts on the NDI in Egypt: (http://www.ndi.org/facts-on-ndi-egypt), for IRI: (http://www.iri.org/news-events-press-center/news/facts-iri%E2%80%99s-work-egypt-and-crackdown-ngos).
[97] The research design and its implications have been discussed in chapter three.

In the first days after the '18 days' there was a celebratory atmosphere in Cairo. A lot of people were still daily celebrating and in coffeehouses the daily talks would focus on the events on Tahrir. As mentioned above, NGOs, along with the important social movements and (new) political parties started to come together and tried to form collaborations. The focus during these meetings was on which roadmap to take for transition: should a new Constitution be written or were elections more important to take place as soon as possible. Activists and with them many Egyptians wanted elections as soon as possible. However, an important question that was raised during these meetings was the power of the military. The first weeks the SCAF made many promises and talked with many different parties. One of these parties was the Muslim Brotherhood[98], who enjoyed a wide popularity among Egyptians and who had been prohibited to participate in politics until 2005. The fact that they were able to establish a political party showed that this was a period of ease within the political scene. Old groups and new movements were invited to talk with the SCAF, which appeared to be a big achievement of the revolution.

Meanwhile, in the first few months after the '18 days', the human rights arena was enjoying a period of relative ease as well. The SCAF's attitude towards the NGOs changed quickly over time and soon the same policies against the human rights arena were used as was custom under Mubarak. To be able to make a comparison with the restrictions under Mubarak the same four restrictive policies will be discussed as in chapter three –Law 84/200, co-optation, societal pressures and the stigmatization of foreign funding. However, due to the fact that the stigmatization over foreign funding escalated into a lawsuit, this restrictive policy will be discussed separately in 4.3.

Law 84/2002.

In the first few months new NGOs were initiated[99] and several international NGOs opened new offices in Cairo, Alexandria and sometimes even in rural areas, although no new NGO law yet existed. Law 84/2002 remained the law for associations, thus, new NGOs had to register under MOSA. Freedom House, an American NGO, who

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[98] On the 21st of Feburary 2011 the MB announced that they were going to establish a political party, which officially happened at the end of April 2011.
(http://www.egyptindependent.com/news/muslim-brotherhood-establish-freedom-and-justice-party)
[99] Popular initiative of the past year is NoMilTrials, which is more a campaign than a NGO and strifes for the ned of military trials.

had been supporting projects in Egypt in the years before the revolution, opened up an office right after the '18 days'. Freedom House send in an application to register, but, although Law 84 requires MOSA to handle applications within 60 days, they never received any response. This was taken up by Freedom House as an acceptance of the organization.[100]

Two other American NGOs, the National Democratic Institute (NDI) and the International Republican Institute (IRI) were establishing new offices around the same time as well. Although both organizations had worked in Egypt for years, they had never officially registered with MOSA. After the '18 days' they increased their and started many new projects[101], which started to turn problematic after the summer of 2011, the moment the Ministry of Trade and Cooperation started an investigation into the foreign funding of NGOs. This investigation will be discussed below (4.3).

For local NGOs the same policies of MOSA continued to exist as well. Nonetheless, the human rights NGOs in Cairo who were interviewed, all extended their activities in the first few months. During an interview with the Cairo Institute for Human Rights Studies (CIHRS) it was mentioned by a staff member that, in these first few months, many new funds opened up and international organizations were eager to receive proposals for funds[102]. This gave the CIHRS the opportunity to start new projects and extend earlier activities. Also for the local NGOs this relative open climate changed from the summer onwards and

Law 84/2002 returned to restrict the human rights arena, with investigations pending, mainly focusing on foreign funding.

In short, while the political space, the lawful space for NGOs, had shortly re-opened after the '18 days', it soon closed once again. Law 84/2002 remained in place, thus the restrictive policies stayed the same, resembling the time of Mubarak's reign.

Co-optation of the future NGO law.

Restrictions in more institutionalized interactions have been occurring as well the past year, most noticeable in the case of the drafting process of a future NGO law.

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[100] Kramer, D. (2012) 'Egypt's full-frontal assault on civil society' *The Washington Post*, March 11, 2012

[101] For facts on the NDI in Egypt: (http://www.ndi.org/facts-on-ndi-egypt), for IRI: (http://www.iri.org/news-events-press-center/news/facts-iri%E2%80%99s-work-egypt-and-crackdown-ngos).

[102] Interview with the author, Cairo, March 2012.

Soon after the '18 days' the SCAF invited human rights NGOs to draft a new law. Meanwhile, they asked the same from the Parliament and it appeared that the SCAF was writing one as well[103]. Several NGOs have taking part in this process, but only two from the sample that is used for this research. For these NGOs it soon became clear that they were asked for their input solely because that 'would make the draft look good'[104]. In this way, the process resembled the drafting process of Law 53/1999, where NGOs were also asked to participate in writing, but eventually were ignored. Again, the drafting process of the new NGO law is a good example of co-optation. So while the same Law 84/2002 is still intact, this co-optive drafting process could easily mean a more restrictive law for NGOs in the end. However, one force might be able to really change this law and that is the Muslim Brotherhood. They have said that they want to become an official association, but not under this restrictive law[105]. Their interference in the drafting process might become of fruitful help, although several NGOs said that they were afraid such interference would still lead to a restrictive law for human rights NGOs, since many ideas of the Muslim Brotherhood do not strike with the ones of the advocacy groups. This is also something that women NGOs have suffered from, which I will turn to now.

Un-civil society.

The feminist NGO, NWF, faced restrictions the past year from the state, but many more from society itself. During an interview with a staff member of the NWF, she expressed her worries about the future, especially with the Muslim Brotherhood gaining so much power. Since the '18 days' staff members of the NWF had several times been harassed and had faced issues in the neighbourhood. Moreover, the work with her clients had increasingly become more difficult, making the operational space for her NGO wane[106]. Besides that, the past year her NGO had also faced troubles concerning the bank: all accounts had been frozen, which had meant that the NWF had not been in the position to pay the staff, thus, half of the staff had left and the rest now worked voluntarily[107].

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[103]Mentioned by staff members of AFTE and ASAH, interviews with the author, Cairo, April 2012 (both).

[104]ASAH, interview with the author, Cairo, April 2012

[105] Muslim Brotherhood Seeks Registration as an NGO, *Ikhwan Web* (The Muslim Brotherhood's official English Website) (http://www.ikhwanweb.com/article.php?id=30154)

[106] This is ofcourse her perception of operational space.

[107] NWF, interview with the author, Cairo, 2012.

In the history of Egypt an enmity between Islamist groups and liberal or secular groups persisted and Mubarak had cleverly anticipated on these animosities, which had led to polarization between the groups. Although several NGOs told me that collaborations had started between more conservative movements and the liberal NGOs, fragmentation was still enormous between these groups, which was materialized every time a protest took place on Tahrir. It is exactly this fragmentation that has made it difficult to achieve one goal

This short summary of the restrictions human rights NGOs faced since the uprising in 2011 shows that the old ways to limit NGOs activities have stayed in place. Human rights NGOs are still facing restrictions when it comes to registration, lobbying within the institutionalized settings and within society itself. When the NGOs were asked to identify which period in time had resulted in the smallest operational space, they all agreed upon the weeks and months right after the raids at the end of December 2011.

4.3

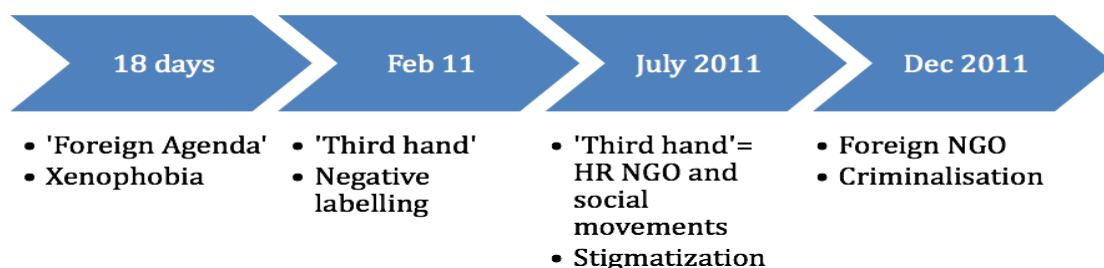## The struggle over foreign funding in the human rights arena.

In chapter one we have discussed how the state is on the one hand shaped by its practices and on the other by its image (Migdal, 2001: 16). We also saw how images can validate social boundaries of state control and thus can be produced to validate certain practices. In Egypt this has been the case with the 'foreign funding debate'. The state has been representing itself as the guardian of the people and the protector of national interests and has portrayed NGOs as spies of the West. By framing NGOs within the human rights arena as foreign spies and a threat to national security, the SCAF has tried to benefit from the image of being the guardian of the national interests.

However, the stigmatization of foreign funding is not a new restriction. In chapter three we have seen that the human rights movement, especially the NGOs who were 'supported' by the West, were targeted in state media for years. These claims would come and go, but returned in the state media, whenever necessary in the eyes of the government. As mentioned in chapter three, the constant repetition of claims appears to me as if this stigmatization over foreign funding is a *structural*

restriction on the human rights arena. I will see if this can be argued for the period since the '18 days' as well.

Since the '18 days' the struggle over foreign funding can be divided in four stages. Within each stage we will look at the combined use of frames (images) and restrictions (practices) that the SCAF placed on NGOs within the human rights arena. Figure 4.2 shows the timeline of these stages. I will argue that it is exactly this combination that has led to increased pressure on the human rights NGOs, since the frames and restrictions used by the SCAF have reinforced each other.

Figure 4.2 Timeline of the escalation of the foreign funding debates

18 days	Feb 11	July 2011	Dec 2011
• 'Foreign Agenda' • Xenophobia	• 'Third hand' • Negative labelling	• 'Third hand'= HR NGO and social movements • Stigmatization	• Foreign NGO • Criminalisation

The first stage: creation of a xenophobic climate.

During the revolution President Mubarak addressed the people in a speech on state television that Egypt was under attack of a 'Third Hand', who had a 'hidden agenda'[108] and state media portrayed the revolution as one led by foreigners. One staff member of the international NGO Freedom House discussed how state television had tried to frame the events on Tahrir as actions led by foreign powers:

> In the 18 days there was intensive injunction by the state TV and the state newspaper against the foreigners in general […] they were saying Americans are planning against Egypt [..] but it was against foreigners in general [..] in the 18 days as well, this intensive tone took as well a lot of international organizations; especially Freedom House. On the 3rd or 4th day of the 18 days, there were a lot of talk shows in which a lot of people went saying they had a training of using arms by Freedom House[109].

According to this interviewee state television claimed multiple times that foreigners had a role in the revolution and were 'planning against Egypt'. Pictures of Tahrir

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[108] The word 'agenda' did not exist in Arabic before the revolution, but was during the revolution used to describe a hidden agenda of foreign powers. More on the claims: Sadek, R. 'Cherchez les doigts' *Al-Ahram online*: (http://weekly.ahram.org.eg/2012/1082/sc102.htm)
[109] Interview with the author in English, cairo, April 2012.

Square easily show that this claim misrepresented the reality since the revolution was (and still is) a revolution of the Egyptian people against the regime. However, there have been links between international organizations, such as Freedom House, and activist movements in Egypt. In 2010, people from the April 6th Youth Movement, amongst others, were invited to join a seminar in Serbia with the Otpor - movement[110], which was organized and funded by Freedom House[111]. The seminar was part of a series on advocacy and the strengthening of civil society, whereby activists from Egypt were invited to participate. The event in Serbia focused on regime change through popular, non-violent uprising and was specifically focused on the case of Egypt. During the interview with a staff member of Freedom House the following was said about the event:

> The other friends from April 6th went to Serbia to meet OTPOR-people to study the campaigning; but the campaigning wasn't for changing the law or policy. It was about changing the whole regime..
> (…)
> First you were studying, but now you meet the people who made this: so this was very supportive and very provoking for the regime. [112]

Especially the last part of the fragment shows that the meeting of activists in Serbia was of importance for the activists, since it made them feel supported in their cause. However, this does not mean that the revolution can be framed as a copycat of the Otpor revolution, nor that these international links of the activist movements were the sole spark for the activists to start a revolution. It might help explain, though, why Freedom House was already attacked on state television during the revolution, as we saw in the first fragment. I will get back to possible explanations in paragraph 4.4.

Due to the claims in the state media, physical harassment of foreigners occurred relatively often in the streets of Cairo during the '18 days'. International journalists, as well as expats had to stay inside the house due to the possibility that they could be attacked when they went outside. Foreigners were often attacked in

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[110] Otpor movement that ousted Milosevic was the first popular uprising in the East of Europe and inspired several others.
[111] Staff member of Freedom House, interview with the author in English, Cairo, April 2012.
[112] Interview with the author in English, Cairo, April 2012.

the side streets of Tahrir Square[113], while Liberation Square (as Tahrir was referred to) appeared to be 'safe'[114]. This xenophobic climate that was triggered on state television, thus, clearly had an effect on the streets during the '18 days'. These claims, however, did not stop after the toppling of Mubarak.

The second stage: negative labelling.

Central to the second stage is the claim of the 'Third Hand' made in the media after each (violent) clash on the streets. Soon after the '18 days' protesters returned to Tahrir Square to protest for women's rights (9th of March), for the removal of figures of the former regime (8th of April), to end military trials for civilians (27th May) and to demand the start of the prosecution of Mubarak (July). Each protest was met with violence of the military and the days following each clash, state media talked about the 'Third Hand', who was responsible for the clashes. Who this 'Third Hand' was, was not (always) specified. During an interview with an activist, the following was said:

> They were trying over months to tell the people a lot of things about an anonymous third party, but they failed.[115]

In the eyes of this activist, the SCAF failed to pretend as if a 'third party' was responsible for the violence after every protest. But since we have seen above that frames in the media can lead to a more violent attitude towards foreigners, claims of a 'third party' in state media can certainly have had its effect on the non-activist Egyptian. The label of a 'third party' negatively portrays a certain group as a danger to society, and thereby tries to create a sense of unsafety and insecurity. This third party does not need to be specified, the fact that society is under attack of a third party already creates a sense of insecurity. On the 24th of March 2011, in reaction to continuing sit-ins and protests on Tahrir, the Cabinet issued a new law on banning demonstrations and public manifestations that constrained the work of 'public institutions and economic growth' and making it able to imprison anyone

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[113] Most of the attacks on foreign journalists happened outside of Tahrir, however, on the 11th of February Lara Logan, a CBS reporter was sexually assaulted on the Square itself. http://www.nytimes.com/2011/02/03/world/middleeast/03journalists.html
http://www.guardian.co.uk/world/2011/feb/16/lara-logan-cbs-egypt-tahrir
[114] Conversations with Dutch journalists who live in Cairo, March 2012.
[115] Activist and student, interview tith the author in English, Cairo, April 2012.

responsible for inciting protest[116]. Due to the continuing protests, Egypt had suffered an economic blow in the tourist sector besides the fact that the economy of Egypt already was in severe conditions. This resulted in the average Egyptian becoming 'revolution-tired'[117] and thus eager to see the turmoil end, in order to awaken the Egyptian economy once again.

Although these claims about a possible 'third hand' continued to appear in state media, a specific group was not (yet) identified. For the human rights NGOs interviewed, these were characterized as a period of relative freedom and in which new initiatives started and new offices of international NGOs opened up. Due to the fact that the protests continued and many people were arrested during these sit-ins or demonstrations, the work of NGOs continued to focus on support and legal aid[118]. In their daily work the NGOs were thus confronted with the SCAF's brutal dealing with protesters and became highly critical of the military, condemning every violent response of the military during protests. This period ended during the summer of July 2011, the moment government officials started to 'intervene' in the foreign funding debate.

The third stage: social/criminal stigmatization.

The third stage of the struggle over foreign funding started somewhere in July 2011 when SCAF officials started to make claims about international and national civil society organizations[119]. The 'Third Hand' was given a face, so to speak. Several things happened that month. On the 23rd of July 2011 a sit-in was organized by activists at the Ministry of Defence, which was (again) met by violence from the military. Afterwards, a SCAF official stated that the organizers were supported by international civil society organizations According to a human rights activist the following happened:

> I remember one of them [*name*] he was talking directly against the national and international organizations and said they were the third party who was supporting and igniting these events of the 23rd of July[120].

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[116] Howeidy, A. (2012) 'Unfinished business: timeline of a revolutionary year', Al-Ahram Weekly Online, 26/01/2012, retrieved on: 24/7/2012

[117] Term mentioned by several activists when talking about the period after the '18 days'.

[118] Especially for HMLW, ECESR and CIHRS

[119] The word in Arabic for NGO is civil society organization, so this can be a bit confusing.

[120]ASAH, interview with the author in Englis, Cairo, 2012.

This fragment shows that links between the negative label of the 'third hand' and (inter)national organizations were made by SCAF official, thereby trying to stigmatize protest movements and their links with international organizations. The same member of Freedom House remembered that they particularly made statements against the April 6th Youth Movement around the same time:

> First time I remember I don't know if there was an other first time or not. But here it was very.. maybe first time. It was a very clear and official statement against April 6th on the official Facebook-page. […] than some members of the SCAF stated they were supported by Freedom House and they went to Serbia; to have training on toppling the regime and they even said they were funded by the Egyptian Democratic Academy[121].

April 6th, a protest movement, was depicted as receiving foreign funding and having a foreign suspicious agena[122], thus the SCAF was still trying to depict foreign hands as the responsible actors for the violence. More importantly, the fragment shows that the SCAF did not enjoy this international link of local NGOs and movements. They gradually became more suspicious and started to criminalize the actions of the NGOs:

> And I cannot remember the date of another [*name*] he was directly saying that they were working against the interest of the government. Of course it should be for anybody that knows it should be like this all the time: civil society working against the government for the sake of people. But here he was talking from the point that he was considering this as a crime. He wanted to say that the civil society was working against the national security[123].

According to the member of Freedom House, the SCAF official not only blamed the civil society organizations for their role in the protests, but argued that these organizations were a threat to the national security, thus making the act criminal. According to Van der Borgh and Terwindt this process could clearly be seen as criminal stigmatization, since 'government agents or other actors use criminal labels to discredit certain activities or certain actors' (Van der Borgh, forthcoming). This use of criminal labels within the media to describe groups and openly question their activities can create space for acts of criminalization by the state.

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[121] Freedom House, interview with the author, Cairo, April 2012

[122] Mayton, J 'Egypt burning: Abbasiya march erupts in violence', *Bikyamasr online*, 23/7/2011, retrieved on 20/7/2012. (http://www.bikyamasr.com/37180/egypt-burning-abbassiya-march-erupts-in-violence/)

[123] Freedom House, interview with the author, Cairo, April 2012

Subsequently, around the same time that these claims appeared in the media, an investigation on foreign funding for 'unlicensed local and international NGOs' (AlArabiya, 2011) was set up by the government. The following fragment shows how this process of criminalization started at Freedom House:

> I was working until they called us for .. the attorney for the prosecutor for investigating us.

> We got an official letter that we had to go to the Ministry of Justice in order to have an investigation of our work etcetera and we went and we saw our lawyer before and he told us: you are not doing something bad so tell them about everything you are doing. And we did.

When did this letter come?

> [*doubting*] I cannot remember the call. I believe it was in September, I believe…in September or October. Then in December they raided the office. Then in February they called us for the court.

When did you stop working there?

> I didn't stop, I am still working. .. you know if you are going through hell, keep going. [*laughing*] this is the concept. [124]

The government investigation that started in the summer of 2011 and the constant discrediting of international as well as national NGOs provided the state the opportunity to further restrict the human rights arena. The frames and the investigations together created more pressure, which eventually led to the raids in December 2011.

The fourth stage: criminalization.

The raids on 17 NGOs, mostly international NGOs, took place on the 29th of December 2011 and formed the start of the court case against five international NGOs and one national NGO[125], in other words, the start of stage three of the struggle over foreign funding. In the third stage the face of the enemy, or the 'Third Hand', thus became the international NGO.

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[124] Freedom House, interview with the author, Cairo, April 2012
[125] The numbers change with every source, I use the numbers of the Egyptian Organization for Human rights Studies (EOHRS).

The raids caused international uproar and triggered harsh critiques of the American government and international organizations[126]. Subsequently, on the 5th of February 2012 the names of 43 employees of five international NGOs were released, who were charged with participating in activities linked with illegal foreign funding[127]. At the moment of writing the five international NGOs still face trial, although several of the employees have already left the country at the beginning of March 2012, due to the fact that their travel ban was (suddenly) lifted[128].

The criminal stigmatization of international NGOs created a highly xenophobic climate in the first few months of 2012[129]. Violent clashes at the American Embassy took place and during protests on Tahrir Egyptian activists made comments on Twitter about foreigners or spies participating in the demonstrations[130]. Thus, criminal stigmatization by state media and SCAF officials led to criminal stigmatization of NGOs within society as well, which had a great influence on local NGOs as well.

From January 2012 till May 2012, the operational space of local NGOs was extremely limited for local NGOs. Not only were all the interviewed human rights NGOs confronted with issues concerning their bank accounts, but several NGOs had to stop their activities completely[131]. Foreign funding was freezed for local NGOs, thus, they simply did not have the resources to organize their activities[132]. Secondly, human rights NGOs also faced pressures from society due to this struggle over funding. The Cairo Institute for Human Rights Studies (CIHRS), for example, organized a series of lectures on human rights at a school outside of Cairo. Although the director didn't have anything to do with the lectures, he was relegated to teacher soon after the lectures were held. When the CIHRS proposed to go into appeal, offering to pay the costs of a lawyer, the director refused the offer[133]. During this series of lectures on human rights, participants were asking the CIHRS about their

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[126]Beaumont and Harris, 'US 'deeply concerned' after Egyptian forces raid NGO offices in Cairo', *The Guardian*. 29/12/2012 (http://www.guardian.co.uk/world/2011/dec/29/us-egyptian-forces-raid-cairo)
[127]'Egypt to put NGO workers on trial' *Aljazeera online,* 5/2/2012, retrieved on 30/6/2012. http://www.aljazeera.com/news/middleeast/2012/02/201225183511739497.html
[128] The possible political game behind this case will not be discussed in this thesis.
[129] The moment I arrived in Cairo this was tangible. No international NGOs wantde to participate in this research, participant observations, Cairo, March 2012.
[130] Participant observations on Twitter during the time of stay in Cairo, March-May 2012
[131] For example the Friedrich Nauman Foundation, a German NGO, they were only able to continue the project that they had started governmental agencies.
[132] Professor at Cairo University, Interview with the author, Cairo April 2012.
[133] CIHRS, interview with the author, Cairo, 2012.

funding and some even accused the NGO of receiving American money[134]. Not only the CIHRS faced these societal pressures, others did as well, for example the New Women Foundation (as discussed above).

During every interview I asked interviewees if their operational space had increased or decreased since the '18 days'. The answers were almost all similar. The first few months were perceived as bigger, the latter months , rights after the raids were perceived as having a small operational space.

To conclude, in this paragraph we have seen that the SCAF has used the same frames to discredit human rights NGOs as were used under Mubarak (see chapter three). By re-using these images, the SCAF has been able to validate their restrictions on the human rights arena. Thus, it *appears* as if stigmatization of foreign funding is a structural condition within the human rights arena. Secondly, we have seen that a certain pattern exists within the state's strategies: the combined use of frames (images) and restrictions (practices) reinforce each other dialectically, resulting in an increased pressure on the human rights arena. This increased pressure has created a decrease of operational space for NGOs within the human rights arena.

The only question, then, that still needs to be answered is *why* the operational space of NGOs has been limited these past months. Therefore, we will now turn to the final part of this chapter.

4.4

Explaining the clash over space.

We have seen that pressures on human rights NGOs have increased since the summer of 2011, especially due to the stigmatization (and criminalization) of foreign funding. The perceived operational space of NGOs had, therefore, become much smaller than it ever was under Mubarak. The fact that these are all perceptions does make it difficult to conclude if the operational space of NGOs has indeed been smaller than it was under Mubarak. However, since all the interviewees, also Egyptians outside of the human rights arena, admitted that the struggle over foreign funding placed harsh restrictions on the human rights arena, I assume that the (perceived) operational space of human rights NGOs has indeed gone smaller.

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[134]CIHRS, interview with the author, Cairo, 2012.

This does pose the question: why have NGOs been restricted so severely since the '18 days'? During the interviews for this thesis many explanations have been mentioned. Some have argued to understand it in terms of Egyptian-American relations, others argued that the SCAF was never afraid of the NGOs, but just saw them as an easy target, while others frame it in terms of power struggles between the *feloul* or view it as a response to the international links human rigths NGOs have. I will never know for sure, since I did not hold any interviews with the SCAF[135]. However, to me this case shows there is a possible correlation between the operational space of NGOs and the political conjuncture, which is why the whole case has intensified over the past months. I believe that a pattern of aggravating confrontations has increasingly escalated and eventually made the SCAF decide to show their teeth in the human rights arena.

In every chapter a certain pattern between the state and society could be traced. Every act by the state was reacted upon by society, or vice-versa. The moment the SCAF violently dispersed protesters on Tahrir Square, the human rights NGOs adopted a confrontational approach towards the military. The more hostile the SCAF became towards the protesters, the more the human rights NGOs turned confrontational as well. Thus, the pattern that can be detected is the reoccurrence of a cycle of interactions between the state institutions and human rights NGOs, which has stimulated these actors to adopt a more confrontational approach. Eventually, the adoption of confrontational approaches at both the state's side, as well as the NGOs' side led to an escalation of the struggle over foreign funding, which resulted in the SCAF's criminalization of human rights NGOs.

In my opinion, the SCAF has restricted the human rights arena, partly because of the NGOs' activities within this arena, but more importantly, due to their relation with the protest movements. The proactive response that was triggered within the human rights arena around the beginning of the new millennium was able to create an opposition, which the regime was not able to suppress. With different methods and new discourses the protest movements, who were supported by the endless experiences of the human rights NGOs, were able to confront the regime and oust its leader. In a way, the NGOs had two roles: on the one hand, they were critiquing the state within the structure of the human rights arena. On the other

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[135] The International Crisis Group has written one report which has to resemble the opinions and visions of the SCAF on the transition 'Lost in Transition: The World According to Egypt's SCAF' *International Crisis Group* Middle East/North Africa Report N°121, 24 April 2012.

hand, the activists within these NGOs were among the people that started the protest movement and, thus, continued to support these movements.

It was especially the confrontational approach of the NGOs towards the SCAF that made the SCAF aggressive towards the human rights arena. In this light, the following fragment of an interview with a member of the HMLC is interesting:

> I think they [SCAF] didn't want to stop us completely, they didn't want to stop our activities. They wanted to stop our critic to their rule in the Egyptian society. Because they find that during the first period after the revolution, actually this was 2011, the only voice critic of the rule of the army was the human rights organization. The other component of the Egyptian society [islamists] neglect the violation of the army and they didn't want to come in conflict with the army on the streets. And at first, the reaction of the SCAF was let them say what they want. They will not affect the people on the street. And then they discovered.. it took us two or three months to hear the slogan everywhere in Egyptian society 'Down with the military rule: 'Yaskot yaskot 7okm el 3askar'[136].

This fragment portrays how NGOs are seeing their position towards the SCAF, namely as enemies of it. Historically, NGOs have been on the forefront of struggles with the Egyptian regime, but since the '18 days' this position has grown more hostile. This can be explained with the fact that several important human rights NGOs in Cairo have been extensively providing legal aid for thousands of activists and protesters, who have been hauled before military courts. Human rights NGOs focusing on legal aid, such as the HMLC and the ECESR, thus, became 'the legal arm of last year's revolution'[137]. This helps explain why the NGOs were extremely critical of the SCAF and adopted a confrontational approach.

To conclude, human rights NGOs have been presenting themselves as enemies of the regime and the SCAF has pursued these NGOs because of this confrontational stance. However, this remains one of the many explanations that exist. The data in this thesis has shown that this explanation is probable, though.

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[136] Interview with the author in English, Cairo, April 2012.
[137] ASAH, interview with the author in English, Cairo, March 2012.

4.5

Conclusion.

In this final chapter I have tried to find an answer to the question how the operational space of human rights NGOs has been limited since the start of the revolution, and secondly, why the NGOs' operational space has been limited. I have detected three important patterns in the past year's events that help explain how and why the operational space of human rights NGOs has been limited.

The first pattern focuses on the state's strategy to limit the operational space of NGOs by combining the use of frames (images) and restrictions (practices), which reinforce each other dialectically, resulting in an increased pressure on the human rights arena. This increased pressure has created a decrease of operational space for NGOs within the human rights arena.

Secondly, I argue that a pattern can be traced within the state's strategy to curb the human rigths arena. The SCAF has used the same frames to discredit human rights NGOs as were used under Mubarak (see chapter three). By re-using these images, the SCAF has been able to validate their restrictions on the human rights arena. Thus, it *appears* as if stigmatization of foreign funding is a structural condition within the human rights arena.

Thirdly, the junctures between the state and society can be viewed as a continuous pattern as well. A reoccurrence of a cycle of interactions between the state institutions and human rights NGOs has stimulated these actors to adopt a more confrontational approach. Eventually, the adoption of confrontational approaches at both the state's side, as well as the NGOs' side led to an escalation of the struggle over foreign funding, which resulted in the SCAF's criminalization of human rights NGOs.

Thus, these patterns show that there is a correlation between the operational space of NGOs and the political conjuncture, which answers my research question, since it shows that the restricted operational space of NGOs is a consequence of renegotiated state-society relations.

Conclusion.

The transitional period in Egypt, which was under research in this thesis, lasted from 11 February 2011, the day Mubarak was toppled till the presidential elections at the end of May 2012. This period has been characterized by an extreme fluidity of political events, complex issues, many actors who were all struggling for some kind of domination and of who many were subsequently met by severe state or societal opposition. Not only the SCAF has been 'lost in transition' (ICG, 2012), but the Muslim Brotherhood, the protest movements, the human rights NGOs and the people of Egypt have been so as well.

The fluidity and complexity of the case has made doing research difficult, due to the fact that every day in Cairo was characterized by another important political event, but it has made it even more demanding to interpret the events of the past year. This research has tried to explain the events in Egypt by looking at theories on state-society relations in times of political transformation from Migdal (2001), Tilly (2007), Tilly and Tarrow (2011). The aim of this research was to look at patterns in state-society relations, who could be of help in explaining why and how the operational space of human rights NGOs in Cairo has been restricted since the end of the '18 days of revolution'. The framework of Van der Borgh and Terwindt (forthcoming) was used as a lens through adopting its structure. To be able to answer my research question, it is necessary to identify these patterns in behavior once more.

The first pattern can be traced when looking at the state's strategies to curb the human rights arena. The SCAF has made clever use of the combination of frames (images) and restrictions (practices), which have reinforced each other resulting in an increased pressure on the human rights arena.

Secondly, I argue that a pattern can be detected over the past decades when it comes to the struggle over foreign funding of human rights NGOs. Already under Mubarak certain frames, like the 'third hand' or 'foreign hand', were used to discredit human rights NGOs. By re-using these images, the SCAF has been able to validate their restrictions on the human rights arena. To me it appears as if stigmatization of foreign funding, thus, is a structural condition within the human rights arena.

On society's side, it is also possible to identify certain configurations. In the 1990s human rights NGOs were fragmented, and often disorganized due to the

repressive policies within the human rights arena. Due to this fragmentation, human rights NGOs were not able to really confront the regime. Although this slowly disappeared in the decade before the revolution, due to the fact that groups became unified behind one goal (the overthrow of the regime), this fragmentation has reappeared in the human rights scene since the end of the '18 days'. Once again, this has resulted in less operational space, since societal groups are now confronting each other, instead of the state (as in the case of the New Women Foundation, for example).

Besides the difference between an individual or coordinated response, there is a difference in reactive and pro-active responses from the side of the NGOs. In Chapter three we have seen that the pro-active response of the human rights NGOs led to a the establishment of new opposition groups outside of the restricted human rights arena. In this way Tilly and Tarrow were right, since they argued that the prospect of success opens up when new actors area able to participate (2011, 163), but secondly, movements create opportunities as well (Gamson, 1996: 276).

In trying to answer the question *why* has the operational space been restricted since the '18 days', I have found a last pattern. The junctures between the state and society can be viewed as a continuous pattern as well, namely one of escalation. A reoccurrence of a cycle of interactions between the state institutions and human rights NGOs has stimulated these actors to adopt a more confrontational approach towards each other. Eventually, the adoption of confrontational approaches at both the state's side, as well as the NGOs' side led to an escalation of the struggle over foreign funding, which resulted in the SCAF's criminalization of human rights NGOs.

In other words, the restricted operational space of NGOs is the consequence of a renegotiation in state-society relations. What does this implicate for state-society relations in times of political transformation?

In times of political transformation the adoption of a confrontational approach by the NGOs is logically considering their struggle for domination. However, this approach can influence the state's or society's responses to their approach in such a way, that it eventually makes their own operational space smaller. Thus by demanding more space, NGOs turn out to have less after the struggle's outcome. Linking this to the ideas of Tilly and Tarrow on political opportunity structure, I admit that they do have a point when they argue that the

state structure not only influences the regime type, but also the political opportunity structure for societal organizations.

Although human rights activists in Egypt continue their revolution through their work, as well as on the streets, the structure of the human rights arena continues to work against them. For these activists, therefore, the sole solution is the change of the structure:

يسقط حكم العسكر

'Down with the military rule'
'Yaskot yaskot 7okm el 3askar'

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