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**EU, human rights violations and the Egyptian Muslim
Brotherhood: realist power under the guise of a
normative actor**

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Abstract

The issue of the EU engagement with Islamists groups has acquired a new currency in the last few years and has attracted considerable attention. This issue is usually approached from a purely normative perspective, pointing out the lack of true democratic commitment on the part of the Islamist movements, on the one hand, and on the other hand the reluctance of the EU to precipitate relevant political changes and instability in the short-to-medium term by supporting the Islamist opposition against the regime. Because Islamist movements are conceived as security threats that can jeopardise EU possession goals (security and stability of the area), the EU tends not to engage with them, but, on the contrary, it adopts policies that do not challenge or that strengthen the authoritarian regimes in power. This stands at odds with the EU's rhetoric about democracy and human rights promotion (milieu goals), as it should be expected that the EU supports demands for reforms coming from the opposition and adopts a distanced approach towards the regimes.

This paper explores the relation between the EU, on the one hand, and the Egyptian regime and the Muslim Brotherhood, on the other, with regard to the critical issue of human rights violations and in particular the repression of dissent. A number of detailed reports compiled by authoritative human rights organisations worldwide have disclosed a situation of abuses in the resort to emergency powers to clamp down on dissent targeting the regime. While advocating the respect of human rights in Egypt, the EU seems to be turning a deaf ear to the violation of human rights committed against the Muslim Brotherhood. By looking at some aspects of the repression of dissent, including arbitrary arrests, constraints on freedom of expression, and torture, the paper maintains that the apparent rhetoric-practice gap in the field of human rights protection and the engagement with Islamist movements is obliterated when the EU is understood as a rationalist actor that pursues its possession goals under the guise of a normative actor aiming to attain milieu goals.

Introduction.

Democracy and human rights promotion figure as linchpins of the European Union (EU) foreign policy. Due to the fact that democracy promotion, the rule of law, and respect for human rights and fundamental freedoms are at the basis of its behaviour in external relations,¹ the EU is often depicted, and it also presents itself, as a normative power (Manners 2002), a force for good (ESS 2003: 13) that tries to export abroad its model and its principles and values. However, this discourse is not always matched by practice. This is evident in the case of EU engagement with Islamist movements. As a matter of fact, political Islam has gained currency in recent years due to the increasing presence of Islamist movements and parties in the political sphere of many Mediterranean states. Some of these movements and parties have even won significant victories in electoral contestations, thus posing the problem of possibly having the Islamists in key positions in some Mediterranean states. This reality has forced the EU to take these new actors into account. Yet, the EU's response to this situation has been "political ambiguity [related] to the question of formal European support for democratic governance and the difficulty that the Union – and more specifically the Commission – has had in developing a meaningful and appropriate policy towards the phenomenon of political Islam". Indeed, EU policy-makers "have not been able to engage with political Islam as a legitimate expression of political pluralism, in other words, with the political norms that the Union wishes to promote" (Joffè 2008: 161). While this rhetoric-practice gap becomes problematic when the EU is considered as truly committed to normative objectives, a rationalist approach seems better suited to explain the EU policy towards the Islamists. Indeed, "the values [the EU] rests upon represent only the outer framework of policies that have a very substantial degree of realism and rationalism, where the normative values clash with the imperatives of security, interests and short-term gains" (Cavatorta *et al.* 2008: 375). Instead of supporting potential actors of change, such as the Islamists, against incumbent undemocratic regimes, the EU prefers to maintain the ratcheted-up status quo and the stability of the Southern Mediterranean region granted by these authoritarian regimes. Since Islamist movements and groups, who are important actors in the Southern Mediterranean context, represent a threat to the stability of the region due to the instability that their rise to power could create, the EU tends to marginalise and not to engage with them. The case of Egypt is a good example of that. While advocating respect for human rights and democracy in Egypt, the EU seems to be turning a deaf ear to the violation of human rights committed against the Muslim Brotherhood.

This paper is divided into four parts. To start with, an overview of the literature on EU normative power, democracy promotion and the EU engagement with the Islamists helps to set the theoretical framework on which the following parts are based. The second section provides a description of EU-Egypt relations. It follows the analysis of the EU's policy towards the Muslim Brotherhood with specific references to human rights violations. Finally, the concluding section brings together the "threads" of this paper.

Democracy promotion, human rights and EU foreign policy

The promotion of democracy, human rights, and the rule of law is one of the main objectives of the EU foreign and security policy. According to article 2 of the Consolidated Version of the Treaty on European Union, "[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities". These values should guide EU action abroad as well as inform its relationships with third countries. Among its foreign and security goals, support for these principles and values in the international arena is also listed (art. 21 TEU). Therefore, democracy promotion

¹ See articles 2 and 21 of the Consolidated Version of the Treaty on European Union (Lisbon Treaty).

and human rights have become linchpins of the EU foreign and security policies, thus featuring in most of its declarations and actions towards third partners. As a matter of fact, the EU has introduced conditionality mechanisms in its development assistance policies as well as a “human rights” clause in all its bilateral trade and cooperation agreements. In this way, through both positive and negative conditionality – also called the “carrot and stick approach” – the EU pushes third states to abide by democratic principles and human rights. This mechanism is based on either the promise of some rewards (the “carrot”) or the punishment, through the suspension of their bilateral agreements, in cases of non-compliance with the democracy and human rights clause (the “stick”) (Smith 2008). The “theory” is however not always supported by the practice: in very few cases, and usually not for violations of democratic principles or human rights, the EU has had recourse to conditionality.

Independently of this and as a consequence of its commitment to the diffusion of values and norms, and of the use of instruments such as economic means, persuasion and the like, the EU has been often depicted in the literature as a civilian power (Dûchene 1973), a soft power (Nye 2004) or a normative power (Manners 2002). What these concepts stress, especially the latter, is the idea that the EU is a “force for good” able to shape what is “normal” in international relations and is an actor committed to pursuing ethical and “good” foreign policy objectives.² Because of its proximity to and its relevance for the EU, the Southern Mediterranean region makes no exception to this approach in EU foreign policy. The Euro-Mediterranean Partnership (EMP), which was launched in 1995, consists of three baskets, one of which deals with political issues and also refers to democracy promotion and human rights. These principles as well as conditionality mechanisms are integrated in all the Association Agreements that are part of the architecture of the EMP. Indeed, almost all non-EU Mediterranean countries have signed an Association Agreement with the EU, in which article 2 forces all parties to comply with respect for human rights. In 2004, the EU developed a new framework for its relations with these countries, namely the European Neighbourhood Policy (ENP). Born as a response to the enlargement to Central and Eastern Europe, the ENP was intended to complement the EMP, which was suffering from a stalemate due to the worsening of the Israeli-Palestinian conflict and the lack of realisation of the promised goals. Unlike the EMP, the ENP is tailored on a bilateral basis and aims to match the specific needs of each partner. Non-EU Mediterranean countries and the EU are bound by Action Plans that enumerate those aspects and policy areas that require actions by non-EU governments. Human rights and democratic principles usually feature in these Action Plans, both in the part concerning the shared values between the EU and its partners as well as in the one listing the areas where reforms and improvements are needed.

If the EU were truly committed to democracy and human rights promotion, as deduced from its declared policy towards the Mediterranean, then the policies on the ground should contribute to the attainment of these goals. However, we face a striking rhetoric-practice gap once we look at concrete cases. In several policy areas, most notably human rights, democratic reforms, and electoral politics, the EU seems to turn a blind eye when the governments in power violate human rights, implement only fake and cosmetic reforms, and do not contribute to a transparent and democratic electoral process. This rhetoric-practice gap is quite evident with regard to the EU policies towards Islamist movements. Because “democracy promotion is conventionally based on support for the opposition in its demands for reforms and on denying legitimacy of the current authoritarian ruler” (Cavatorta *et al.* 2008), the EU were supposed to implement policies leaned towards a greater involvement of Islamists in politics and to condemn human rights violations perpetuated against them by the regimes. However, this is not the case in the EU foreign policy towards the Southern Mediterranean countries.

² In order to assess whether an international actor is acting as a normative power or not, Tocci (2007) provides a comprehensive definition that combines three elements, namely normative goals, normative means and a normative impact.

The EU and Islamists: possession goals come before milieu goals

In the countries of the Southern shore of the Mediterranean, Islamists are often banned from political life or co-opted within the system. Despite representing the interests of large sections of the population, they are generally marginalised and prevented from gaining political power. Authoritarian regimes are able to defend and reproduce their power in a way that hinders any form of opposition, of which Islamists are a central component. Islamist movements are an appealing political actor because of their grassroots involvement largely based on the provision of social services, their credibility as an alternative to the regime, as a force able to deal with Islamic law as a rule-of-law system, and their ability to mobilise people and answer the problems they face (Droz Vincent 2010). Therefore, Islamist movements are increasing their power in many Mediterranean societies and are perceived as actors that could bring about social and political change.

Although the EU is aware of the role the Islamists are playing in Southern Mediterranean societies, it has not yet developed a proper policy that targets these actors. As Balfour and Cugusi (2010) point out, the EU's attempted policy revolves around two broad areas: on the one hand, actions in support of political reforms, human rights, and democracy promotion as part of the EMP and the ENP; on the other hand, the development of inter-cultural and inter-faith dialogues as part of the third basket of the EMP. This stance towards the Islamists, i.e., the lack of a clear and defined policy to deal with them, is determined by several factors. First of all, the nature and the position that Islamist movements have in their respective domestic political contexts as well as the relationships between the EU and the regime in each country condition EU policies a lot. Furthermore, this has to be read in the broader framework of the regional situation, which is characterised by the Arab-Israeli conflict and security-related issues, all factors that weigh a lot in EU evaluations of political Islam. In addition to these elements, the geo-strategic importance of each Southern Mediterranean country as well as the pressures coming from the US are also key determinants of the EU engagement (or lack thereof) with the Islamists. Finally, divergences of opinions and practices among the member states have to be taken into account when EU policies towards these movements are analysed.

Against this backdrop, the EU has tried to develop some forms of engagement. For example, in the 2004 Strategic Partnership with the Mediterranean and the Middle East, in the 2005 EU Strategy for Combating Radicalisation and Recruitment to Terrorism, and in the 2007 European Parliament (EP) Resolution on Reforms in the Arab World, the EU recognises the need to engage with non-violent Islamist actors. However, the implementation of these strategies as well as the work done by the Task Force on Political Islamism – a group created within the Commission's DG Relex – have not led to any concrete policy towards the Islamists (Kausch 2009a; Balfour/Cugusi 2010). De facto, these movements are looked by the EU with fear as if their accession to power would necessarily constitute a threat to the EU and its interests. Similarly, some attempts to engage Islamists have been done at the national level through individual member states' initiatives. Yet, what generally emerges is a lack of policies to deal with these actors. These movements are mainly considered through religious and culturalist lenses (Volpi/Cavatorta 2006; Kausch 2009b). This is probably the consequence of a lack of knowledge and understanding of what Islamist movements and parties really are. Most of the time they are associated with violence, the nuances that characterise different Islamist groups are not perceived, they are considered as inherently undemocratic, and they are generally dismissed as not being appropriate and reliable partners that can be involved in dialogues over political reforms (Lübben 2008; Cavatorta/Durac 2009; Joffè 2008).

As a consequence of this vision, the EU puts aside its normative objectives when it comes to Islamist movements. These are marginalised or even excluded from EU activities. To start with, they are excluded from EU assistance programmes targeting civil society organisations. Despite their strong grassroots connections, the EU prefers to engage with NGOs with a Western-oriented stance and those who are legally registered in their countries (Bicchi 2006; Kausch 2010). Furthermore, the few EU informal meetings with moderate Islamists usually occur in the so-called diplomatic grey areas and they depend on the status of Islamist movements/parties in their countries and on the acceptance of these contacts by the regime (Kausch 2009b). The EU is also silent when Islamists suffer from human rights abuses and violations committed by the regimes. As summarised by Boubekour and Amghar (2006), not only does the EU disregard cases of torture and abusive detention of Islamists, but it also excludes Islamist actors (e.g. trade unions, associations, etc.) from Euro-Med networks and initiatives in the region. This leads Muslim populations to see the EU as an actor pursuing a secular conception of democracy which does not take into account their religious identities and features.

Beyond the aforementioned misconceptions of what Islamists are, they are also perceived as hostile to the West, which leads EU policy-makers to assume that, once in power, Islamist movements would necessarily “implement policies that would negatively affect Western interests in the region” (Cavatorta/Durac 2009: 5). Due to this idea, their rise to power as a result of an open and democratic electoral process is viewed as a threat. Islamists in power positions are destabilising elements that would jeopardise EU interests in the region. A securitisation and stability-oriented approach is thus adopted: it is better to work with authoritarian regimes as a way to defend EU interests in the Mediterranean (Durac/Cavatorta 2009; Joffè 2008). It follows that possession goals, i.e., material and strategic interests aimed “at the enhancement or the preservation of one or more of the things to which [a nation] attaches values” (Wolfers 1962: 73; Tocci 2007: 4), such as security, commercial interests, and geo-strategic objectives, take precedence over the declared milieu goals of democracy and human rights promotion. While this creates a gap between the rhetoric and practice of the EU foreign policy, the contradiction is problematic only if the EU is considered as a normative actor committed to the pursuit of milieu goals. On the contrary, a rationalist perspective provides a better explanation of the EU foreign policy towards Southern Mediterranean countries, more specifically towards the Islamist movements active in the region. As rightly pointed out by Youngs (2004: 419), in EU foreign and security policy there is a “*co-existence* between strategic and ideational dynamics”, where ideational parameters are the framework within which actors pursue more strategic and instrumental choices. A rationalist actor, with which the EU can be equated, balances material (possession) and normative (milieu) goals and interests in the definition of its external policies. If the promotion of milieu goals is detrimental to possession goals, the former are sidelined. While in the long-run milieu and possession goals are compatible, i.e., there is no trade-off between them, in the short term they often clash (Smith 2005). Because the promotion of democracy risks generating instability and chaos as a result of regime change and because the liberalisation of the political arena is accompanied by the risk of seeing the emergence of Islamist actors in positions of power, the EU interests such as security and the control of migration might be jeopardised. From this perspective, “regime stability in the target countries is the real priority because these regimes can guarantee no upset in the international status quo, which would threaten EU interests in the area” (Cavatorta *et al.* 2008: 365). Stability through status quo is thus preferred to unpredictable outcomes (Cavatorta/Durac 2009: 7). As a result of this security-driven approach, whereby Islamists are seen as a threat to EU material and strategic interests (oil, immigration, market access), “the outcome of such a clash of interests [i.e., between milieu and possession goals] is usually the implementation of a foreign policy that falls short of its stated objectives – most notably in its continuing support of regimes that do not respect democracy” (Volpi/Cavatorta 2006: 368). Normative power is thus a facade: normative policy instruments and programmes are used to cover security objectives and are functional to the security paradigm the EU adopts towards the

Mediterranean (Joffè 2008). As Seeberg (2009) puts it, the EU is a realist actor in normative clothes.

Thus, through the lenses of a rationalist approach the EU foreign policy towards Islamist groups becomes more intelligible, as it can be interpreted as a way for the EU to protect its possession goals in the Mediterranean. While this discourse can be applied to several examples (e.g., Hamas or Hezbollah), this paper analyses the EU engagement with the Muslim Brotherhood in Egypt in the case of human rights violations. Egypt represents a good example of a country with a privileged relationship, which has prospects of being enhanced, with the EU. The Muslim Brotherhood, the Islamist group which is socially and politically active in the country, also represents a good case for testing the aforementioned argument. More specifically, the paper focuses on how the EU turns a deaf ear to the cases of repression of dissent, including arbitrary arrests, constraints on freedom of expression, and torture, which are committed against the Egyptian Muslim Brotherhood.

EU and Egypt

The relationship between Egypt and the EU has been shaped along the lines of the European Mediterranean foreign policy. Back in 1995 with the launch of the EMP, the EU created a three-pronged multilateral framework for the promotion of democracy, human rights, the rule of law and close economic cooperation with the non-EU countries bordering the Mediterranean. The Association Agreement between the EU and Egypt was signed in June 2001 and entered into force three years later, i.e., in June 2004. The cooperation between the EU and Egypt gained new impetus with the launch of the European Neighbourhood Policy (ENP) in 2004. The EU stressed that its aim was once again to promote social and political change in view of turning the Southern Mediterranean (and the East European Neighbours) into democratic states endowed with market-oriented economies (Zank 2009: 136). In the words of the then EU Commissioner Benita Ferrero-Waldner, the promotion of democracy, human rights, and the rule of law is functional “to extend the prosperity, stability and security enjoyed by the EU’s members to our neighbours” (Ferrero-Waldner 2006: 2).

The Country Report prepared by the Commission in 2005, which represents the background of all subsequent measures that the EU adopts within the ENP, underlines some policy areas of concern. With regard to the content of this paper, the Commission identifies major problems in the field of political and human rights issues regarding Egypt. First of all, the EU is worried about the persistence of the State of Emergency, which has been applied for the past 29 years and was last extended in May 2008 for two more years until 2010 or until new anti-terrorism legislation is passed, and the continuous violation of human rights. In the words of Catherine Ashton, the EU High Representative for foreign affairs and security policy, the Egyptian government should “speed up the steps needed for the adoption of an anti-terrorism law compliant with the international human rights standards as soon as possible, noting the government’s commitment to this goal in the EU-Egypt Action Plan and in other forms” (quoted in *Bulletin Quotidien Europe* No. 10143, p. 5). Second, elections and political life are major areas of concern for the EU due to their undemocratic nature. Although the EU has raised the issue several times, there has been little progress in the political sphere and the governing system centred around the person of the President Hosni Mubarak can be described as a neo-authoritarian one (Guazzone and Pioppi 2009). Elections continue to be dominated by the ruling party, the National Democratic Party (NDP), opposition is constantly quelled and violations of human rights are regularly committed, as documented by international organisations such as Amnesty International and Human Rights Watch, not only against human rights activists but also against specific forms of dissent and opposition. Moreover, political parties based on religion or race are banned from the political system, a law that clearly

targets some parties, such as the Muslim Brotherhood, from being legitimately admitted as competitors in elections.

Against this background, the EU-Egypt Action Plan contains a section in which Egypt is invited to improve its democratic and human rights standards, especially by improving the efficiency and transparency of the administration, strengthening the rule of law, and raising the participation in elections. Respect for human rights, political rights and fundamental freedoms are also areas which are underlined in the Action Plan as issues where the Egyptian government should act to improve it. This stance towards democracy and human rights are also mirrored in the Country Strategy Paper 2007-2013, which sets out to support Egypt's reforms in the areas of democracy, human rights, good governance and justice.

Despite the commitment to improving the situation as far as democratic credentials and respect for human rights and fundamental freedoms are concerned, not enough has been done. Nevertheless, EU-Egypt relationship remains a privileged one³ and Egypt has formally requested that the EU considers the possibility to improve bilateral cooperation and political dialogue to achieve the "advanced status" that has already been granted to Morocco. Although the EU continuously reiterates its concerns in terms of the need for further progress in areas related to human rights, democracy, and fundamental freedoms, an enhancement of its bilateral relations with Egypt is foreseen (European Union 2010).

What this overview shows is the cautious approach the EU is maintaining in order not to interfere with the current domestic political dynamics in Egypt. Although its declared policy should point in the direction of a more evident and clear stance in favour of democracy promotion and respect for human rights, which also implies using the instruments at its disposal to prevent violations of human rights from being committed, the EU fears that Egypt will slip into a situation of chaos and instability that could jeopardise the relative gains in the domestic arena and endanger also the stability of the whole region. Because its fundamental role in the Mediterranean, Egypt has become a necessary interlocutor for the EU in a number of policy arenas. First of all, it has always played a quite visible, although not so positive and unambiguous, role in the process to restore normal relations between the other Arab countries and Israel. Second, it continues to play an important role in the establishment of the Union for the Mediterranean (UfM) in its capacity of joint co-president of the initiative. Although it appears that the country has lost much of its political capital compared to the Sixties and Seventies, the country still occupies a central position in the EU concrete and ideal architecture of the Mediterranean region, partly due to its geographical position and its historical and cultural heritage.

Moreover, this ambiguous role in terms of democracy and human rights promotion is also determined by a process of securitization that mirrors the prevailing regional and international climate spurred by the 9/11 attacks and the subsequent American-led response aimed at combating terrorism. As a consequence, this security-driven approach has also created the conditions in which illiberal acts and violations of human rights, pursued under the coverage and the pretext of anti-terrorism legislation, have become accepted also by Western countries, despite their rhetoric in favour of human rights and democracy. The rhetoric of the global war on terror (GWOt) and the

³ The Sixth Meeting of the EU-Egypt Association Council held in Luxembourg on April 27, 2010 specified that the amount allocated for Egypt for the period 2011-2013 is €449.29 million. Furthermore, the European Investment Bank (EIB) has a long-standing and excellent relationship with Egypt, which continues to enjoy one of the most comprehensive EIB financial support packages of all the Mediterranean Partner Countries. This includes long-term financing of infrastructure projects in sectors such as energy (including renewables), environment, transport, and water, as well as broader support to the economic reform process and fostering sustainable development. For further details see the Statement of the European Union at http://www.eas.europa.eu/egypt/aa/2010_eu-egypt_statement_en.pdf.

security fears associated with the problem of illegal migration have become the primary points of reference of the strategy pursued by the Western powers in the Southern Mediterranean region and have also been internalised by the regimes in their discourse and practice. Adding to that, Islamist electoral gains in Egypt in 2005, in Palestine in 2006, and elsewhere in the region, as well as the outcome of the summer 2006 war between Israel and Hizbullah, have influenced the regional and the international climate to the point that there has been an entrenchment of possession goals in the foreign policy of the EU and the US at the expense of the milieu goals represented by policies pressing assertively for electoral democracy (Dunne; Hamzawy and Brown 2007: 4). These events have produced an international environment even less hospitable to Islamist groups both in the Mediterranean region and in the Western world. The perception of these Islamist electoral gains is pointedly summarised in the words of a European diplomat in Cairo interviewed for the International Crisis Group in February 2006: “Too many Islamist victories in a row could have been destabilising” (International Crisis Group 2008: 7).

Thus, the EU tends to turn a blind eye in many cases in which Egypt violates human rights and fundamental freedoms or do not comply with its commitment to democratic principles, rule of law, and human rights. As shown in the following section, this contrast between its rhetorical position in favour of milieu goals and the real practice that privileges possession goals becomes more evident in the case of the members of the Egyptian Muslim Brotherhood and the positions and actions the EU adopts when their rights are violated.

Repression of dissent: EU policy towards the Muslim Brotherhood

The Egyptian political system has been characterised by a roller coaster-like trend of political reforms, also as far as the relation between the regime and the unofficial Islamist opposition is concerned. Ahead of the November-December 2005 elections for the People’s Assembly, the Egyptian political system saw a number of reforms being implemented that were greeted by domestic and external observers as substantial progress on the path to a freer and more open environment. Although banned from the electoral competition as a party, Muslim Brotherhood representatives were able to participate in the elections as independent candidates. They emerged as the uncontested strategic victor from the parliamentary elections, winning an unprecedented 20 percent of the total seats – 88 out of a total of 444 – despite competing for only one third (160) of the available seats. In this way not only did the Islamist group confirm its deep-rootedness in the Egyptian society – thanks to a network providing social goods and services to the population, but it also asserted its strength as a political force, although its access to formal politics had always been limited (International Crisis Group 2008). During the 2005 elections the potential political role of the Egyptian Muslim Brotherhood was underscored also by external observers who, on the one hand, were partially convinced that their commitment to political reforms in Egypt along democratic lines had started to yield fruit. On the other hand, the surprising victory of the Muslim Brotherhood, well beyond their own and most external observers’ expectations, created some problems for the Western public due to the not fully democratic nature of some of their pronouncements (Durac 2009: 80). While the first round of voting was characterised by a low level of violence and obstruction on the part of the Egyptian security forces, the subsequent rounds were marked by considerable violence, interference, and fraud, as well as mass arrests directed towards what was perceived as the internal enemy of the regime. By the end of the polling, some 1,300 members of the Muslim Brotherhood had reportedly been detained (Durac 2009: 80). Due to the unprecedented positive result scored by the Muslim Brotherhood during the electoral contestation, the regime has deployed a wide range of security measures to restrain their activities. This has been accomplished both through constitutional amendments and legislation and the resort to severe security measures. First of all, the Constitution was amended to formalise the longstanding ban on

the Muslim Brotherhood's political participation and activism. To this aim, a total of 34 amendments to the Constitution were proposed on December 16, 2006. Ostensibly, the proposed changes aimed at modernising the Constitution; in reality, some of the measures, which were subsequently approved and ratified on March 26, 2007 in a national referendum, indirectly targeted the Muslim Brotherhood⁴. Second, the regime increased the number of arrests and the duration of detention of prominent Muslim Brotherhood members, thus dramatically reducing their freedom of movement and of expression (International Crisis Group 2008: 9). There is a shared consensus that "the crackdown was the most widespread campaign against the group since the 1960s, even if the level of brutality is far less and its aim is to control and contain rather than eradicate the group" (Ivi; Shehata and Stacher 2007: 7). Generally speaking, the political atmosphere in Egypt has considerably worsened since 2005 and it is not expected to improve in view of the upcoming parliamentary and presidential ballots scheduled for November 2010 and 2011, respectively..

The human rights situation in the country appears to be dire, especially in the sphere of arbitrary arrests, torture or other ill-treatment, and the curtailment of the freedom of expression, association, and assembly. As identified and documented by both national and international human rights agencies (Human Rights Watch and Amnesty International), there are several cases of arbitrary arrests, lack of freedom of expression, and even torture. Amnesty International points out in its Annual Report that torture and other ill-treatment of detainees are still systematic in police stations, prisons, and security services detention centres and, for the most part, committed with impunity (Amnesty International 2010a: 132). This remains one of the biggest single violations of human rights in Egypt. Egypt's oldest human rights watchdog, the Egyptian Organisation for Human Rights (EOHR), has reported that, from 2000 to 2005, 81 people died from torture under police custody in Egypt. In the same period, it recorded a total of 156 cases of torture⁵. A conspicuous number of detained people described the torture and abuses suffered at the hands of the police and the security services (Human Rights Watch 2006b).

This appears to partially be a consequence of the climate created by the State of Emergency in force since 1981. Provisions under the State of Emergency allow for, in particular, the imposition of administrative detention for 45 days without trial, which is renewable indefinitely. It also provides for the curtailing of the right to assembly at any moment, for the lawfulness of the use of force by the police being judged by the executive only, and for administrative detention cases being tried by State Security (military) courts. In spite of the fact that the Constitution recognises the freedom of opinion, expression, assembly and association and prohibit and punish the infliction of "physical or moral harm", limitations on the right to free expression are reported in the case of political opposition activists, writers, and civil society activists.

If we consider how these issues have affected the Muslim Brotherhood, it clearly emerges that its members have been the main targets of violations of human rights and fundamental freedoms. However, while being aware of these problems and having raised its concerns as far as the State of Emergency and related consequences are concerned, the EU has never made any specific mention in ENP or other documents to the repercussions that these laws have had on the Muslim Brotherhood.

⁴ In April 2009 the Egyptian government claimed to have almost completed the drafting of the long-awaited anti-terrorism law (Article 179) that will eventually substitute the Emergency Law. Although this move was answering a direct request formulated by the opposition and human rights advocates, it was feared that the new law – that according to the NDP will be modelled on the U.S. Patriot Act and the British counter-terrorism laws – might effectively retain some emergency provisions that amount to a violation of human rights. The amended text, that has not been circulated yet, will allow for the future anti-terrorism law to contravene Article 41 of the Constitution that provides protection against arbitrary arrests. Furthermore, the new legislation may contain provisions targeting the Muslim Brothers (International Crisis Group 2008: 13-14; Amnesty International 2010: 130).

⁵ See <http://en.eohr.org/> (accessed 27/08/2010).

To give some other examples of human rights violations, between March and June 2006, right after the elections and before the amendments to the Constitution, a period of demonstrations and protests in support to judges campaigning for judicial independence brought more than 800 Muslim Brothers to jail, including prominent figures such as Essam el-Arian, a member of the political bureau, and Muhammed Mursi, head of the parliamentary department (Shehata and Stacher 2007: 1). One of the most serious cases of abuses of human rights on the part of the Egyptian security services against the Muslim Brotherhood happened after students affiliated with the organisation protested on December 10, 2006 at Cairo al-Azhar University. On December 14, 17 senior members of the Muslim Brotherhood as well as at least 140 students were rounded up and arrested. Members detained included Khairat al-Shatir, the deputy Supreme Guide and chief strategist of the organisation as well as one of the major financiers of the group (Human Rights Watch 2006b). They were released following the order of a Cairo criminal court judge but immediately after re-arrested and referred to a military tribunal, despite the fact that they are civilians, to face charges of belonging to and funding an illegal organisation “with the goal of preventing state institutions from performing their duties and impairing social peace”, money laundering, and financing terrorism. A new escalation of arrests coincided with the military trial of 33 members of the Muslim Brotherhood scheduled for June 3, 2007 and with the elections to the Shura Council, the upper house of Egypt’s parliament. On the one hand, the security forces arrested 87 members of the Muslim Brotherhood, on the other, the Egyptian government refused to allow human rights groups to observe the military trial of al-Shatir and other prominent members. On April 15, 2008, an Egyptian military court handed down prison sentences against 25 Muslim Brothers. Among them, Khairat al-Shatir, the third highest ranking leader of the Muslim Brotherhood, was sentenced to seven years’ imprisonment.⁶ Unlike other cases, the MEP Marios Matsakis raised the issue in the EP through a written question, in which he pointed out the events of April and asked the Commission about the EU’s awareness as far as the human rights situation in Egypt is concerned. While specific references were made to the Muslim Brotherhood, the Commission’s reply was very vague and only touched upon very general points, emphasising that human rights are part of bilateral political dialogue and are raised through diplomatic channels..⁷

Furthermore, in the run-up to the April 2008 municipal elections, over 830 potential candidates and their supporters were arrested and only 498 out of 5,754 Muslim Brothers candidates were able to register for the elections (International Crisis Group 2007: 10)⁸. Related to this episode, the EU stressed in the 2008 Progress Report that many Muslim Brothers were prevented from registering their candidacies or that their candidacies were rejected by the electoral committees in the local municipal elections. Except for this short sentence in the aforementioned document, the persistent exclusion from the EU discourse of the Muslim Brothers as well as the violations of human rights committed against them is striking, although it is clear that the government crackdowns on the Muslim Brotherhood are a routine occurrence in Egypt. They appeared to gain momentum in 2009 after the organisation criticised the Egyptian government’s decision to keep its border with Gaza largely sealed, thus helping Israel maintain its blockade against Hamas. From this it appears that the Egyptian incumbent regime fears the Muslim Brotherhood both as an internal opponent and because of the latter’s positions on regional and international issues (Khalil 2010)⁹.

⁶ See <http://www.amnesty.org/en/for-media/press-releases/egypt-sentences-against-muslim-brothers-perversion-justice-20080415> (accessed 05/09/2010)

⁷ Written question E-2531/08 by Marios Matsakis to the Commission. Subject: Deterioration of the Human Rights situation in Egypt, 15/04/2008. E-2531/08EN-Answer given by Ms Ferrero-Waldner on behalf of the Commission, 30/05/2008.

⁸ See also www.ikhwanweb.com, March 12, 2007 (accessed 27/08/2010).

⁹ In an interviewed released on January 1, 2007, President Mubrak referred to the Muslim Brotherhood as “a threat to national security” (Human Rights Watch 2007a).

Finally, new rounds of arbitrary arrests happened in the lead-up to the elections for the parliament's upper house, the Shura Council, in Spring 2010 and lower house, the People's Assembly, in Autumn 2010. On February 8, 2010, the Egyptian security forces stormed the houses of Mahmud Ezzat, the deputy leader, and Essam al-Arian and Abdelrahman al-Barr, members of the group's executive body, and arrested them. According to Human Rights Watch (2006a), "the Egyptian government has never convincingly justified its continued categorization of the Muslim Brotherhood, which has renounced violence since the 1970s, as an illegal organization. [...] The authorities still use illegality as the pretext for arresting its members". Observers maintain that the decision of whether and when to free the detainees will depend on political, not legalistic factors (International Crisis Group 2007).

In conclusion, the EU's reaction to the government's crackdown on the Egyptian Muslim Brotherhood was, at best, lukewarm. In the aftermath of the 2005 elections and the setbacks to civil liberties that followed, both the tone and the scope of the EU reaction was very ambiguous. As recalled by Durac, "the language of the statement by the European Union that followed the second meeting of the EU-Egypt Association Council issued in June 2006 is largely positive. The EU "looks forward to an openness of the Egyptian Government to dialogue on human rights and democracy" (Durac 2009: 81). Reactions to human rights violations against the members of the Muslim Brotherhood have been infrequent, if not absent at all. What is striking is the fact that, while some EU governments and the European Parliament have been reasonably quick to condemn the maltreatment or imprisonment of secular opposition figures, such as Saad Eddin Ibrahim and Ayman Nour,¹⁰ these moves are counterbalanced by the almost virtual silence that has greeted the imprisonment of thousands of purported Muslim Brotherhood members or sympathisers.

Conclusions

The analysis of this paper tends to confirm the argument according to which the EU commitment to democracy and human rights is trumped by its pursuit of other priorities. While democracy and human rights figure as goals of EU foreign policy and have been granted a central role in all bilateral and multilateral relations between the EU and the Southern Mediterranean third countries, this rhetorical commitment is not matched by practice as the case of EU-Egypt relations shows. More specifically, democracy promotion and respect for human rights are pursued when they do not clash with strategic and material interests. This becomes particularly clear in the case of EU policies towards the Islamists. Although the EU tends to raise only some general concerns when human rights and democratic principles are violated, this almost never occurs if the "victims" of these violations are members of Islamist groups. In the case of the Egyptian Muslim Brotherhood, the EU mentions them in some of its documents; in other cases some MEPs raise the issue through parliamentary questions. However, the issue is more often steered towards more general aspects related to human rights and democracy or is completely ignored. Moreover, no action is taken (e.g.,

¹⁰ In August 2008, the Khalifa First Instance Criminal Court sentenced, Dr. Saad Eddin Ibrahim, Director of Ibn Khaldoun Center for Development Studies, *in absentia* to two years in jail with labour. He was accused of damaging Egypt's reputation and acting against the national interest. Regarding Ayman Nour, the founder of Al-Ghad Party was sentenced to five years imprisonment for allegedly falsifying his political party's registration documents in the 2005 elections. He was finally freed in February 2009 after years of pressure from the United States and the EU (Cairo Institute for Human Rights Studies 2008). For EU reactions, see *European Parliament resolution on Egypt: the Ayman Nour affair*, 06/04/2006; Written Question E-4659/07 by Marco Cappato to the Commission. Subject: Increasing number of cases of human rights violations in Egypt, 27/09/2007. There are also several mails available on the webpage of the EP's register of documents related to these cases (available at <http://www.europarl.europa.eu/RegWeb/application/registre/advancedSearch.faces>).

suspension of the Association Agreement on the basis of the human rights clause) when human rights violations against the Islamists are perpetrated, but this comes as no surprise if we consider that conditionality is very rarely activated, signalling that conditionality is “oriented overwhelmingly to economic, not political, criteria” (Youngs 2001: 37).

While this rhetoric-practice gap is striking if we think of the EU as a normative power, EU policy towards the Islamists and human rights violations are more intelligible if we consider the EU as a rationalist actor. As such, the pursuit of possession goals comes before the attainment of milieu goals. This implies that any time that strategic interests might be endangered by the pursuit of milieu goals, the former take precedence over the latter. Although Islamists are key actors for the democratic transition in Egypt as they represent the interests of large sections of the population, the EU tends to marginalise them because it perceives them as a threat to the stability of the region and its strategic interests. Moreover, it rarely takes a strong position when they are victims of human rights abuses and violations, which is in contrast to its stance when the same violations are committed against more secular actors.

References

- Amnesty International (2010a), *Amnesty International Report 2010. The state of the world's human rights*, 2010. Available at: http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=77 (Accessed 26/08/2010)
- Amnesty International (2010b), *Egypt: End stranglehold on Muslim Brotherhood*, AI Public Statement, February 8, 2010
- Balfour, R. and Cugusi, B. (2010), 'EU Policy and Islamist Movements: Constructive Ambiguities or Alibis?', in IDEA, IAI, Cespi, *Islamist Mass Movements, External Actors and Political Change in the Arab World*. Sweden: Bull Graphics, pp. 169-186.
- Bicchi, F. (2006), 'Want Funding? Don't Mention Islam: EU Democracy Promotion in the Mediterranean', *CFSP Forum*, 4:2, pp. 10-12
- Boubekeur, A. and Amghar, S. (2006), *Islamist Parties in the Maghreb and Their links with EU: Mutual Influences and the Dynamics of Democratisation*, EuroMesco Paper No. 55. Available at: http://www.euromesco.net/images/55_eng.pdf (accessed 23/12/2009)
- Cairo Institute for Human Rights Studies (2008), *From Exporting Terrorism to Exporting Repression. Human Rights in the Arab Region*, Annual Report 2008
- Cavatorta F., Chari R.S., Kritzing S. and Gomez A.A. (2008), 'EU External Policy-Making and the Case of Morocco: 'Realistically' Dealing with Authoritarianism?', *European Foreign Affairs Review*, 13:3, pp. 357-376
- Cavatorta, F. and Durac, V. (2009), 'Diverging or Converging Dynamics? EU and US Policies in North Africa – An Introduction', *The Journal of North African Studies, A special issue on the Foreign Policies of the European Union and the United States in North Africa – Diverging or Converging Dynamics?*, 14:1, pp. 1-9
- Droz Vincent, P. (2010), 'Learning by Doing: US Policies Towards the Islamist Movement in Morocco, Egypt and Lebanon', in IDEA, IAI, Cespi, *Islamist Mass Movements, External Actors and Political Change in the Arab World*. Sweden: Bull Graphics, pp. 135-167.
- Duchêne, F. (1973), 'Le incertezze dell'interdipendenza', in M. Kohnstamm and W. Hager (eds.), *Europa potenza? Alla ricerca di una politica estera per la Comunità*. Bologna: Il Mulino, pp. 15-32
- Durac, V. (2009), 'The impact of external actors on the distribution of power in the Middle East: the case of Egypt', *The Journal of North African Studies*, Vol. 14, No. 1, March 2009, pp. 75-90
- Durac, V. and Cavatorta, F. (2009), 'Strengthening Authoritarian Rule through Democracy Promotion? Examining the Paradox of the US and EU Security Strategies: The Case of Bin Ali's Tunisia', *British Journal of Middle Eastern Studies*, 36:1, pp. 3-19
- Dunne, M.; Hamzawy, A. and Brown, N.J. (2007), *Egypt – Don't Give Up on Democracy Promotion*, Carnegie Endowment for International Peace, Policy Brief No. 52, June 2007

European Security Strategy (2003), *A Secure Europe in a Better World*. Brussels, 12 December 2003

European Union (2010), *Sixth Meeting of the EU-Egypt Association Council*. Luxembourg, Brussels, 27 April 2010

Ferrero-Waldner, B. (2006), 'The European Neighbourhood Policy: bringing our neighbours closer', speech/06/346, June 6

Gillespie, R. and Whitehead, L. (2002), 'European democracy promotion in North Africa: limits and prospects' in R. Gillespie and R. Youngs (eds.), *The European Union and democracy promotion: the case of North Africa*. London: Frank Cass, pp. 192-206

Guazzone, L. And Pioppi, D. (2009) (eds.), *The Arab State and Neo-Liberal Globalization. The Restructuring of State Power in the Middle East*, Reading: Ithaca Press

Hamzawy, A. and Brown, N.J. (2010), *The Egyptian Muslim Brotherhood: Islamist Participation in a Closing Environment*, Carnegie Papers, No. 19, March 2010

Human Rights Watch (2006a), *Egypt: Crackdown on Muslim Brotherhood Deepens*, October 25, 2006. Available at: <http://www.hrw.org/en/news/2006/10/25/egypt-crackdown-muslim-brotherhood-deepens> (accessed 27/08/2010)

Human Rights Watch (2006b), *Egypt: Police Intensify Crackdown on Muslim Brotherhood*, December 17, 2006. Available at: <http://www.hrw.org/en/news/2006/12/17/egypt-police-intensify-crackdown-muslim-brotherhood> (accessed 27/08/2010)

Human Rights Watch (2007a), *Egypt: Muslim Brotherhood Detainees Face Military Tribunals*, February 14, 2007. Available at: <http://www.hrw.org/en/news/2007/02/14/egypt-muslim-brotherhood-detainees-face-military-tribunals> (accessed 27/08/2010)

Human Rights Watch (2007b), *Egypt: Muslim Brothers Arrested Ahead of Elections*, May 29, 2007. Available at: <http://www.hrw.org/en/news/2007/05/29/egypt-muslim-brothers-arrested-ahead-elections> (accessed 27/08/2010)

Human Rights Watch (2007c), *Egypt: Flawed Military Trials for Brotherhood Leaders*, June 4, 2007. Available at: <http://www.hrw.org/en/news/2007/06/04/egypt-flawed-military-trials-brotherhood-leaders> (accessed 27/08/2010)

Human Rights Watch (2010), *Egypt: Free Arbitrarily Detained Brotherhood Members*, February 10, 2010. Available at: <http://www.hrw.org/en/news/2010/02/10/egypt-free-arbitrarily-detained-brotherhood-members> (accessed 27/08/2010)

International Crisis Group (2008), *Egypt's Muslim Brothers: Confrontation or Integration?*, Middle East/North Africa Report No. 76, June 18, 2008

Joffé G. (2008), 'The European Union, Democracy and Counter-Terrorism the Maghreb', *Journal of Common Market Studies*, 46:1, pp. 147-171

- Kausch, K. (2009a), 'Europe's Engagement with Moderate Islamists', in M. Emerson, K. Kausch, R. Youngs (eds.), *Islamist Radicalisation. The Challenge for Euro-Mediterranean Relations*. Brussels/Madrid: CEPS/Fride, pp. 129-150
- Kausch, K. (2009b), *Plus ca change: Europe's Engagement with Moderate Islamists*. Madrid: Fride
- Kausch, K. (2010), *Assessing Democracy Assistance. Egypt*. Madrid: Fride
- Khalil, A. (2010), 'Egypt Arrests Opposition Leaders', *The Wall Street Journal*, February 9, 2010
- Lübben, I. (2008), 'The Rise of Political Islam and the Implications for European Foreign Policy', in C.P. Hanelt and A. Möller (eds.), *Bound to Cooperate – Europe and the Middle East II*. Bielefeld: Verlag Bertelsmann Stiftung, pp.340-367
- Manners, I. (2002), 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, 40:2, pp. 235-258
- Nye, J.S.Jr. (2004), *Soft Power: The Means to Success in World Politics*. New York: Public Affairs
- Seeberg, P. (2009), 'The EU as a realist actor in normative clothes: EU democracy promotion in Lebanon and the European Neighbourhood Policy', *Democratization*, 16:1, pp. 81-99
- Shehata, S. and Stacher, J. (2007), 'Boxing In the Brothers', *Middle East Report Online*, August 8, 2007. Available at: <http://www.merip.org/mero/mero080807.html> (Accessed 26/08/2010)
- Smith, K.E. (2005), 'Beyond the civilian power EU debate', *Politique européenne*, 17:3, pp.63-82
- Smith, K.E. (2008), 'Democracy and Good Governance', in K. E. Smith, *European Union Foreign Policy in a Changing World* (2nd ed.). Cambridge: Polity Press
- Tocci, N. (2007), *Profiling Normative Foreign Policy: the European Union and its Global Partners*, CEPS Working Document No. 279/December 2007
- Volpi, F. And Cavatorta, F. (2006), 'Forgetting democratization? Recasting power and authority in a plural Muslim world', *Democratization*, 13:3, pp. 363-372
- Wolfers, A. (1962), 'The Goals of Foreign Policy', in A. Wolfers, *Discord and Collaboration*. Baltimore: The John Hopkins Press, pp. 67-80
- Youngs, R. (2001), *Democracy promotion: the case of European Union strategy*, CEPS Working Document, No. 167
- Youngs, R. (2004), 'Normative Dynamics and Strategic Interests in the EU's External Identity', *Journal of Common Market Studies*, 42:2, pp. 415-435
- Zahid, M. (2010), 'The Egyptian nexus: the rise of Gamal Mubarak, the politics of succession and the challenges of the Muslim Brotherhood', *The Journal of North African Studies*, Vol. 15, No. 1, June 2010, pp. 217-230

Zank, W. (2009), 'The Gradual Europeanization of North Africa: From "Arab Socialism" to a "Stake in EU's Internal Market"' in W. Zank (ed.), *Clash or Cooperation of Civilizations? Overlapping Integration and Identities*, Ashgate, pp. 109-145

On-line documents on EU-Egypt relations:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114450.pdf (Statement by High Representative Catherine Ashton on the State of Emergency in Egypt, May 12, 2010)

http://trade.ec.europa.eu/doclib/docs/2010/april/tradoc_146097.pdf (EU-Egypt Action Plan)

http://ec.europa.eu/world/enp/pdf/country/enpi_csp_egypt_en.pdf (Egypt Country Strategy Paper 2007-2013)