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Nouran Hassan



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TURKEY- ISTANBUL

Bahçelievler, Yenibosna Mh 29 Ekim Cad. No: 7 A2 Blok 3. Plaza D: 64
Tel/Fax: +90 212 227 2262 E-Mail: info@eis-eg.org

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Introduction

Egypt is a signatory country of primary international human rights treaties. However, since 2013, the regime has been levelling the ceiling of repression and violations to basic human rights, extending the rewards and failures of +60 years military rule (Springborg, 2017; Rutherford, 2018). After supporting the 'Mubarak' regime for more than 30 years, the EU, as well as the whole world, was shocked by the volume and spread of rebellions against Mubarak regime. However, its reaction was neither consistent nor coherent (Dandashly, 2014). Moving from accommodation and containment to ensuring security and stability, it has quickly contributed to ending the Arab spring in collaboration with traditional regional powers. Since the takeover by the military on July 3rd, 2013, Egypt has been suffering some of its worst moments in recent political history, which peaked in the draconian disbursement of peaceful sit-in in Rab'a al-Adawiya and al-Nahda squares. This paper examines three main reasons behind Egypt's unchecked human rights record since the rise of ex-general Abdel Fattah al-Sisi to power in 2014. It starts with examining two main approaches to understanding why non-democratic countries sign and join human rights treaties, then moves to the case of Egypt since 1967, before involving in analysis of EU-Egypt relations after 2013 by looking into four main factors: political conformity, terrorism, arms and energy deals, and migration.

Why do undemocratic countries join human rights treaties?

In answering why do undemocratic countries with poor human rights records sign international treaties concerning the ban/prohibition of torture, arbitrary detention, forcible disappearance, or other crimes, scholars have contributed to two main approaches.

The first is realism; for which international treaties and institutions are formed and established only to serve the interests of the powerful states. As states are motivated mainly by geopolitical interests; treaties are complied with only, when they coincide with the interests of powerful states, when powerful states coerce weaker ones to accept/comply with them, and when this coincides with the relevant state's rational choice and cost-benefit calculations in an anarchic world (Hathaway, 2012).

However, the approach is challenged by a number of concerns. For instance, it does not explain why less powerful countries join these treaties when they are not obliged and no material benefits are exchanged (Nielsen and Simmons, 2015).

The second approach is liberalism (also known as institutional liberalism), for which compliance is a by-product of domestic politics processes. The approach is used in explaining why emerging states are more likely to support binding human rights treaties as means to obtain political legitimacy, internally and abroad, by subscribing to democracy and respect of human rights (Moravcsik, 2000). Critiques point to the approach's inability to explain why states join these treaties when neither praise nor condemnation is associated to them but is useful in understanding why dictatorial regimes unbound to regional systems sign these treaties to obtain 'symbolic legitimacy'. Nevertheless, recently even those countries bound to regional system such as the France in the EU have given away the 'symbolic legitimacy' by pledging support and arms sales to non-democratic regimes.

A bottom line between the two approaches could be that self-compliance with human rights obligation is usually a product of a strong civil society devoted to human rights protection while connected with transnational links (Neumayer, 2005). Otherwise, signature of treaties may have a 'decoupling' effect when regimes consider it as mainly an 'expressive' act (Hathaway, 2002). Also, compliance may be imposed from the international environment where arms and trade deals, financial/economic aid, agreements, support in foreign policy endeavors, legitimacy, and states' reputation may function as motivation or sanction tools in varying degrees, as evident in the case of Egypt since 1967.

Egypt and the international human rights law

Egypt has signed some of the most prominent HR conventions in certain conjunctures of its foreign policy, while refraining from this behavior for several decades to follow. The first wave was year 1967, which represents a significant date in Egypt's republican history. Only weeks before Israel's six-day war against Egypt, Syria and Jordan- in which she seized strategic positions within the sovereign territories of those countries- Egypt signed the International Convention against All Forms of Racial Discrimination (1 May). The treaty aligned with the Nasserist ideology that sought to combat discrimination at the international level (National Charter, 1962) and represented a means to obtain international legitimacy of a newly established republic. After the defeat, on 4 August 1967, Egypt

signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in clear pursuit of international support against Israel.

The second wave was in 1981, 1982, and 1986. In this period, Egypt signed the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention against Torture in 1986. The move was another indicator of 'Mubarak' regime's subscription to international law and treaties at a time when the Arab States had boycotted Egypt following the signing of the Camp David Treaty with Israel 1978. Hence, the new regime's signing/ratifying behavior can be explained as an attempt to gain legitimacy and recognition to support its regional position against Arab foes. This has also been necessary to maintain Egypt's gains from the "peace process"- i.e., economic and military aid from the USA; and distinguish the new political order from its predecessor - of President Anwar Sadat - in which 'policies of economic openness' has led to massive economic and social transformations, instability, and religious violence. However, the same period witnessed Mubarak's negligence of the Optional Protocol to the International Covenant on Civil and Political Rights, established since 1976, signaling his symbolic recognition of the principles of those covenants.

The third wave (1986- Present) is marked by a similar behavior, with Egypt (a) 1991: Refusal/disregard of signing the Second Optional Protocol to the International Covenant on Civil and Political Rights; (b) 2000/2001: Refusal/disregard of ratifying the Rome Statute establishing the International Criminal Court¹, (c) 2006: Refusal/disregard of signing the Optional Protocol to the Convention against Torture; (d) 2010: Refusal/disregard of signing the International Convention for the Protection of All Persons against Enforced Disappearance, and finally; (e) 2013: Refusal/disregard of signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Egypt's behavior towards international treaties bears a number of explanations driven from realist and liberal theoretical traditions. In the early decades of the Egyptian republic, Egypt was moved by

¹ Egypt signed the Rome Convention establishing the Statute of the International Criminal Court on December 28, 2000. Her legal team was among the most active experts in charting the Convention's articles. However, the political authority - represented in the Egyptian House of Representatives - has not ratified the Convention since this date. Egypt was not the only State to sign the Convention among the other Arab States in the region, but it was certainly one of the most important to delay the ratification of the Convention for nearly 20 years, even though the Statute does not threaten the ratifying States with legal and judicial prosecution of crimes that occurred before signature.

ideological causes driving her signing the anti-discrimination treaty in 1967. Later, her resort to international legitimacy after a painful defeat in 1967 reflected the shifting towards the West and the need for international support. In the 1980s, Egypt's signing of further HR treaties and conventions reflected Mubarak regime's pursuit to fulfil the EU's conditions to receive economic support. The conditionality has totally erased after the Arab Spring (2011) and the rise of terrorism and migration as policy priorities for the EU and USA in dealing with Egypt. The current approach of both the USA and EU toward Egypt proves the 'functional' use of Egypt's human rights record in transforming power balances.

What does Egypt offer?

Four main factors appear to illustrate why Egypt's noncompliance with obligations under the international law and human rights treaties is permissible and almost unquestioned: (1) ideological compatibility; (2) fighting against terrorism; (3) energy and arms deals; and (4) controlling migration.

(1) Ideological compatibility

Europe's resolute rejection of Islamic parties in power was clear on the onset of the military coup in 2013 leading to the ouster of Mohamed Morsi- Egypt's first democratically elected president. Shortly after Morsi and his top statemen were forced into a home arrest, Catherine Ashton, the EU Foreign Affairs Chief, urged to "rapidly" organise new elections ([Rettman](#), 2013). On the same day, many other European officials began to cite Morsi's mistakes; all but mainly marginalizing his 'secularist' opponents and 'restricting NGO and women's rights' (Sloan, 12/04/2014). During Morsi's short-lived tenure, leading Western powers faced the new government's attempts to revise the Peace Treaty- also known as Camp David Treaty- of 1979 between Egypt and Israel, to pursue greater authorities over the Sinai peninsula, and to effectively challenge Israel's offenses in the Gaza strip. Undoubtedly, the ouster was not only conducive of Europe's strategic interests in Egypt; it offered a huge relief to its fundamental assumptions about politics and religion; reflected, in varying degrees, on Western political system (Hurd, 2007), on their support to secular and Coptic forces in Egypt, and the presentation of Morsi's government as particularly fundamental and intolerant. Even when the Muslim Brotherhood were renegotiating the 'secular' (Scott, 2013), USA and Europe resorted to the military's secular old guard for both short- and long-term interests.

(2) Fighting terrorism

Soon after the rise of ex-general Sisi to power, Egypt started to witness a rising wave of violence in border territories, particularly in northern Sinai. Violence reached its high between 2014 and 2017, coinciding with the eruption of civil and proxy wars in different countries – Iraq, Syria, Libya, and Yemen, and benefiting from power vacuum and the uncertainties of war and sectarian conflict. In northern Sinai, Morsi's reconciliatory rapprochement to tribal communities, promising civil and public rights and land ownership, was presumed a threat to Israel's strategic interests in the peninsula. In few days after the takeover, several offenses have transformed the peninsula into a war theatre; security forces sought revenge from those tribes (primarily Sawarka and Ermilat) who collectively supported Morsi and the Muslim Brotherhood in 2011-2012 elections². The 'Desert Storm' operation on 27 July 2013 exacerbated the already intense ethnic and socio-political grievances in the region, giving rise to ethnic radicalism among the Bedouins and paving the ground for the rise of Jihadism and religious extremism (who soon benefited from the bloody disbursement of the two sit-ins in Rabe'a al-Adawiyya and al-Nahda squares in 12/13 August 2013). In 2014, the new regime rushed to implement the 500km buffer zone ('security cordon') project in northern Sinai, leading to the demolition of 2,000 Bedouin homes and lands, with only little or no compensation paid for the displaced families (Hassan, 2019).

Thereof, the rise of Ansar Bayt al-Maqdis (ABM) has been a direct result of the military's forceful ascendance to power and its strategies in Sinai since 2013. The deadly attacks on security and military installations in Sinai were followed by draconian and more repressive approach towards tribal figures- some of whom were also Salafists and preachers- giving rise to counter-violence from the society side.

Between 2014 and 2017, ABM pledged allegiance to the Islamic State (IS). The access to enhanced weaponry and combat tactics led to deadly insurgencies and increased fatalities among the Egyptian soldiers (Dentice, 2018). The rebranding of ABM as Wilayet Sinai (WS) incited a divide inside the

² In the first round of presidential elections between Mohamed Morsi and lieutenant General Mohamed Shafiq, people of northern Sinai voted for Morsi with +23.963 voices. See Al Youm Al Sabe' (18/06/2012) <http://bit.ly/2XlxwVo>

group, with some supporting Al-Qaeda and others following new and different brigades, e.g., al-Morabitoon led by former officer Hisham Ashmawy.

However unsuccessful and counter-productive, the EU had always supported Egypt's ultra-securitization of the Sinai question, thus becoming a partner in extensive human rights violations. The paradigm shifts in violence and groupings urged the EU to issue 'partnership priorities' with Egypt, with focus on security, combating terrorism, and prevention of radicalization as main goals between 2017 and 2020. This has given impetus to the regime to (1) issue the amended anti-terrorism act 94/2015 in 27 April 2017 authorizing the law enforcement officers to arrest and detain persons without investigation on 'counter-terrorism' allegations and (2) launch the 'Comprehensive Operation' in northern Sinai which raised the number of civilian deportees to over 100,000 civilians and justified the arrest, killing, and forcible disappearance of thousands, leveraging state violence to 'crimes against humanity' in the afflicted peninsula (HRW, 2019).

Note withstanding, the unsuccessful operation serving the EU's 'anti-terrorism' policy was part of a project to 'transform Egypt into a regional energy hub', once promoted in the 'Deal of Century' but also part of the PP project (EU, 2017, p.4). The successive attacks by tribal, then extremist, insurgencies on gas pipelines, especially after the ousting of former president Mubarak in 2011, has been one of the policy-drivers to eradicate opposition to Israel in this area, at least until Israel started to produce gas from the Leviathan gas field in 2019.

(3) Egypt as a trade partner in Energy and arms deals

According to the 'Partnership Priorities' 2017-2020, also setting priorities of the EU assistance (Single Support Framework) to Egypt, diversification of energy sources, renewable energy, energy efficiency and optimization of offshore gas fields in Egypt, have been basic areas of policy synergies between Egypt and the EU (the Association Council, 2017). In 2018, the EU-Egypt Sustainable Energy Forum aimed at signing agreements to boost Egypt's potentials in energy production and efficiency (EU, 23/04/2018). Branding herself as a 'gas centrepiece' in the region, Egypt has worked on developing the energy infrastructure and engaging in several foreign direct investment and international partnership in gas extraction, transfer, and distribution, as mean to become the central importer/exporter in the region. The Arish-Ashkelon pipeline covers a substantial part of Israel's natural gas needs and is owned by the 'East Mediterranean Gas Company (EMG) in which Egypt owns

10% only while 90% is owned by Israeli, European, Thai, and private Egyptian partners. Egypt exports liquified gas (LNG) from Idku liquefaction terminal (established jointly by the Egyptian General Petroleum Corporation and EGAS, Royal Dutch Shell (Netherlands), Petronas (Malaysia) and Engie (France))³.

Also, Egypt moves were boosted by gas discoveries since 2015. In 2015, Italy's ENI discovered the giant gas field 'Zohr' in Shorouk concession, holding around 30 tcf of natural gas, while in 2019, EGAS announced 15 new gas discoveries (which added 817BSCF of gas and 2.2 MMBL of condensate in the Mediterranean and Western Desert), seven gas development projects were realized, and 56 wells became operational (2019, p. 27, 7). Although Egypt announced self-sufficiency of natural gas consumption, in 2020, it has signed a gas deal with Israel, in which an Egyptian company (Dolphinus Holdings) agreed with an Israeli partner to import gas worth \$19.5 billion from two main Israeli fields (Lewis and Rabinovich, 2020). In short, Egypt thrives to head the region's energy sector by activating its pipelines network with Jordan and Israel and raising exports to Europe. By 2020, Egypt has been exporting 1 bcf gas to Europe every month aiming to boost it to 20 after a partial resolution of a long dispute with UFG (a joint company between Spain's Gas Natural and Italy's Eni) in February 2020 (Reed, 2020). Moreover, mega infrastructural projects in the energy sector are ongoing. Germany's Siemens deal to sell [power generation equipment](#), worth 8 billion Euro, to Egypt in 2015, its deal with Egypt to build 'the world's largest [combined-cycle power plants](#) worth \$12 billion, and recently a [high-speed rail system](#) in 14/01/2021, worth \$23 billion in 2021, all marked the EU's leading country's pursuit of trade benefits and '[stability](#) through economic development'.

Energy deals between Egypt and the EU have not suffered any harm by Egypt's extensive violations of human rights. The PP states that: 'Stabilisation is a common challenge facing the EU and Egypt. Establishing a modern, democratic state that delivers benefits equitably to all people is essential for this. Human rights –civil, political, economic, social and cultural rights, as set out in international human rights law, the Treaty on European Union and the Egyptian Constitution –are a common value and constitute the cornerstone of a modern democratic state' (Association Council, 2018, p.6). However, in furthering joint interests, the EU did not hold Egypt accountable for forcibly displacing

³ In 2018/2019, Egypt has exported around 172.8 billion cubic feet (BCF) of LNG, according to EGAS annual report.

over 100,000 citizens of northern Sinai, or the deaths of 1,058 persons inside prisons and detention centers since June 2013, or the thousands of forcibly disappeared and arbitrarily arrested persons (CFJ, 2019, 2020), and certainly not for the Regeni case- the Cambridge doctoral student whom the Egyptian authorities tortured to death on charges of spying and harming national security. Rather, the priorities of dealing with 'secure governments' and 'stability' fuelled the infamous EU-LAS summit in 2019, which Egypt has hosted only days after executing capital punishment against 9 young men imprisoned over charges of supporting terrorism (and whose confessions were extracted under torture). Neither the EU nor Egypt seemed apologetic (Kelemen, 2019). Moreover, the Italian government and Eni- the Italian oil and gas tycoon-did not condition energy deals and agreements with Egypt on a fair investigation of Regeni's torture-to-death in 2016 (Egypt Independent, 24/05/2016). Instead, the Egypt-Italy Debt Swap Program continued through the third phase in 2020 with extra 20 trade deals and 2 main agreements worth \$100 million (Moneim, 2020), despite mounting pressures by the civil society, and Regeni's family, to influence Italy's ongoing 'cooperation' with Egypt.

While the Italian government was placating local civil society by concluding the five-year investigations in the case and holding Egyptian officials accountable (Francavilla, 11/12/2020), France paid little or no attention to the torture and death of her citizen 'Eric Lange' inside his detention place in 2013. Rather, France's attitude towards Egypt's poor human rights record was vocally louder. In October 2017, Macron replied to rights groups critiques on France's indulgence towards abuses in Egypt' by asserting that he won't 'lecture Egypt on rights' (Reuters, 2017). Recently, he asserted that he 'won't condition arms sales on human rights (Financial times, 07/12/2020), urging Italian recipients of the *Légion d'honneur* – France's prestigious order of merit- to return their awards protesting Macron's 'dishonourable' act of granting the merit to President Sisi (Roberts, 15/12/2020). In effect, between 2013 and 2017, France has become the main supplier of weapons to Egypt. By 2019, military cooperation treaties between France and Egypt have amounted to 6 billion euro and included the exchange of '24 Rafale combat aircraft, a multi-mission frigate, and two Mistral warships since 2013' (Hassan. 2019). In addition to conventional military equipment, France has been supplying Egypt's law enforcement agencies with technology that enables Sisi's firm grab over the society. In a report published in 2018, FIDH stated that "*some companies have sold to the security services technologies for individual surveillance (AMESYS/NEXA/AM Systems); mass interception (SUNERIS/ERCOM);*

personal data collection (IDEMIA); and crowd control (Safran drones, an AIRBUS/THALES satellite, and Arquus (formerly RTD) light armoured vehicles adapted to the urban environment). In so doing, they have all participated in the construction of a widespread surveillance and crowd control architecture aimed at preventing all dissent and social movement and leading to the arrest of tens of thousands of opponents and activists." Even conventional weapons such as "Mistral warships (DCNS); Fremm frigates (DCNS); gunboats (Gowind); Rafale fighter planes; armoured vehicles (Arquus); Mica air-to-air missiles and SCALP cruise missiles (MBDA); and ASM air-to-surface missiles (SAGEM)" In short, France has been a leading supplier of arms to Egypt for both civilian and military purposes, evidently in support of the fight against terrorism, although terrorist attacks on gas pipeline continued as late as [20/11/2020](#) an on security installations in northern Sinai on [7/01/2021](#).

One way to understand why Europe, mainly France, Germany, and Italy, continue to align with Egypt in economic and security sectors is looking into the lobbying actors in the recent years. A largely intertwined private/public revolving door has allowed for persistent corruption through corporate lobbying in Europe and prevented the EU from taking decisive actions regarding the 'good governance' and democracy targets of the PP. A report by Transparency International in 2015 warned that 19 EU countries had scored only 31 per cent in terms of 'international lobbying standards', pointing at the hidden privileges and influence of private companies on political decision making. Countries with the worst performance included Italy, Spain and France where parliamentary members undertake lobbying and consultation positions while serving the 'public'. In a [recent](#) report by the same organization, France scored 69 on a scale of 100 point measuring corruption in 2020, highlighting the country's many corruption scandals relevant to dictatorial regimes such as that of [Muammar Gaddafi](#) and offering a [safe haven to assets](#) of corrupt individuals. In comparison, Italy scored only [52](#) points on the same scale in 2020.

The tendency is observed by other international actors as well. In 2019, '[Lobby Control](#)' documented how European companies, lawyers, and lobby agencies have been influencing politics since 2014, concluding the lobbying power in Brussels is far too great to control, and that lobbyist may simply 'hijack laws and political processes' to influence national as well as Brussels' policies. Also, the case of Italy's businesses [competing](#) with France in Egypt is well observed; as the later works on diversifying its trade partners, France was offering the 'Legion of honor' and Germany striking new

energy deals only days after the Italian prosecutor charged four Egyptian secret agents of killing 'Regeni'.

(4) Migration

For a set of historical, geographical, and socio-economic reasons, Egypt has been widely observed as a major migration state and center of human flows in the 'Global South' (Adamson and Tsourapas, 2019; Hollifield, 2004). The country has been a major destination for learners (students) and low-skilled labour from African neighbourhoods (particularly Sudan). It has also been a center for emigration and exporting oil-labour to Gulf countries in mid-20th century when the Sadat regime liberalized labour movements and Gulf countries increased their demand on Egyptian labour after the rise of oil prices following the 6th of October war in 1973. Egypt has also exported waves of skilled 'permanent' migrants to Europe and North America since the 1970s, in addition to low-skilled migrants who crossed the Mediterranean illegally and formed communities in Greece and Italy. Other than emigration and migration, Egypt has been a host country of forced migrants from Palestine who fled violence in subsequent wars. Around 300,000 Palestinian immigrants live in Egypt (El-Abed, 2009). Also, Iraqi migrants fleeing war in 2003 and 2006 reaching Egypt on visiting or student visas, then a sizeable Syrian refugee group amounting to another 300,000 persons (although official documents show only 130,000 registered migrants by 04/2018).

For these reasons, it has been extremely important for the European union to recruit Egypt's Sisi to curb the migration and refugee flows across the sea. In 2014, France sold four Gowind 2500 corvettes worth more than [1 billion](#) euros to enhance Egypt's surveillance ability across its sea borders and ensure the military combats illegal migration, human/arms trafficking, and terrorism. In 2015, the European Commissioner for Migration and Home Affairs visited Egypt to negotiate the EU's policy priorities and developmental projects addressing 'susceptible' youth migrants (Tsourapas, 2020). The institutionalization of EU-Egypt partnership (which has also developed through energy and armament sectors) was even more needed after the March 2016 deal on migration between the EU and Turkey, as the EU was fearing that prospect migrants would shift to Egypt to access EU shores. Several talks and visits have resulted in signing the Partnership Priorities agreement in July 2017, which focused on three main aspects of EU-Egypt relations: economic cooperation, foreign policy, and ensuring stability- read curbing terrorism and migration (ibid, p.12). The EU-LAS summit in 2019 represented another cycle of negotiations for Europe to persuade Egypt to become a destination for retuning

migrants across the Mediterranean in return of financial investment and international accolade. Although Egypt has not struck an agreement on this field as well, Europe has been receiving a significantly smaller number of migrants every year since 2016, decreasing from 390,456 to only 123,920 migrants in 2019 (Bierbach, 2019) signalling Europe's relative success in pursuing 'security' interests with Egypt.

On more general terms, Egypt has toyed with the [competition](#) of interests between Italy and France in Libya, which has been a center of historic enmity between the two sides and was recently revived after the two have failed to maximize their economic benefits in Libya after the fall of Muammar Gaddafi. In 02/2019, the tension escalated to a point that France recalled its ambassador in Rome as Italy condemned the former's 'colonial practices in Africa'. While functioning in the spectrum of combating terrorism and illegal migration, Egypt was also motivated to support and play around the competing economic interests of the two European foes.'

Conclusion

Egypt's decision to join basic human treaties in the 1967, 1981 and until 1986 was motivated by the country's pursuit of political legitimacy, international recognition, and continuation of financial and military aid. The situation has changed over the course of years following the Arab spring in 2011, in which non-compliance has been furthered by the EU's defacto complicity and prioritization of security, migration, and energy and arms trade while abandoning the condition of abidance by democracy and human rights principles. However, growing socio-political instability continues to threaten the balance of accounts in these sectors. As the military regime in Egypt promises longevity and relative continuity, the channels, institutions, and bases of civil protection of individuals against state repression erode, giving rise to prospect sudden eruption of popular anger and a new cycle of instability. The relative separation and restoration of established rules between civic and military institution should represent a policy priority for the EU, just as arms and trade deals, for stable resolution of violence and migration dilemmas in Egypt.

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