Non-transparent policies in the administrative capital project
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Prepared by Marian Sidhom,
Researcher at the Association for Freedom of Thought and Expression

Editing: Mohamed Abdel Salam,
Head of Research Unit at the Association

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info@afteegypt.org
www.afteegypt.org
**Methodology**

This paper is based on the analysis of government policies regarding the availability of data on the administrative capital project. The paper used official statements and data of the ministries published through their websites on the administrative capital project. The paper also used some press reports related to the administrative capital.

**Introduction**

AFTE devotes its efforts to supporting the free circulation of information as a key tool for Advocating Freedom of expression and citizen participation in public policy-making as well as in oversight and accountability. The Right to access information cannot be addressed without addressing specific topics, through analysis of government policies regarding transparency and disclosure can and the impact of such policies on the interests of citizens.

The current authority seeks, through several mega projects, to promote its ability to achieve and develop and create great investment opportunities, benefiting the citizens through providing them jobs and high quality services.

These projects are surrounded by considerable uncertainty about their economic feasibility and their real benefits for citizens, which makes inquiries about the available information to citizens, civil society and researchers an imperious issue in assessing these claims.

Therefore, The Administrative capital project is a very important model. On the one hand, it reflects the absence of information provided by the official bodies, and on the other hand highlights the impacts on the participation of citizens in public policy making and the development of economic and social conditions related to those Mega projects.

The first section of the paper examines the extent of the lack of available information on the administrative capital project, while the second section describes the constitutional and international standards related to the availability of information, and then discusses in sections III and IV the importance of the circulation of information to the interests of citizens and the relevance of public policies respectively.
Section 1: Administrative Capital: A model of non-transparent government policies:

On March 13, 2015, the Egyptian government announced at the Egyptian Economic Development Conference in Sharm El Sheikh the establishment of a new administrative capital between Greater Cairo and the Suez Canal region, near the regional ring road and the Cairo-Suez road.

The new administrative capital company is a joint stock company between the Land Sales Authority of the Armed Forces, the National Service Authority and the New Urban Communities Authority. Its Board of Directors is headed by Major General Ahmed Zaki Abdeen. It is planned that the administrative capital will be the seat of parliament, the presidency and the main ministries, as well as foreign embassies. The project also includes a major park and an international airport on a total area of 170 thousand feddans. (1 Feddan is equal to 4200 square-meters).

This information is part of the media reports and real estate marketing sites of companies operating in the administrative capital project. However, reviewing the Urban Communities Authority website, no information is available on the project, except for its objectives. This indicates the lack of transparency in the implementation of this project.

In view of the official information that can be accessed through the website of the new Urban Communities Authority or the official spokesperson for the administrative capital, it is limited to an indirect objective of establishing the new administrative capital: “Developing Cairo to a leading political, cultural and economic center for the Middle East and North Africa region through a thriving economic environment supported by diversified economic activities and achieving sustainable development to ensure the preservation of Cairo's historic and natural assets and to facilitate its living conditions through an efficient infrastructure.”

There are also reports on the opening of the largest church and the largest mosque in the Middle East and a parliament comparable to the US Congress, and other reports on loans for the infrastructure of the administrative capital, without elaborating details of these loans.

This means that the Egyptian government has not been interested in setting up an electronic window to provide basic information about the administrative capital, such as explaining the project, how it is being implemented, feasibility, funding and other information. Instead, there are sporadic press reports that refer to aspects of the project and the statements of some officials, which can add nothing to our knowledge of this project; but the state is serious about its implementation and promises a better future when it is finished.
This policy ignores the need for community dialogue on the cost of implementing such a project, its risks to the public budget and the purpose of its implementation. It also ignores the presentation of feasibility studies on this project. The Egyptian government puts its citizens before a fait accompli and asks them to support the project. But the information is very little, and sometimes conflicting, and Real estate companies are asking citizens to buy units in the project using publicity that covered with a national tendency and preaching a better future in the state mega projects.

“The numbers are not important, we have a dream and now we are building our dreams”

Khaled Al-Husseini, Media Spokesman for the Capital Administrative Company

Thus, the statement of the media spokesman of the administrative capital expresses the philosophy of the state regarding the availability of information. There is no intention of disclosure and there is no room for citizens to participate in controlling public money. Instead of providing information, the Egyptian government is interested in fighting rumors through work and achievement, according to a spokesman for the administrative capital in another statement.

As for the sources of funding for the new administrative capital, President Sisi announced on March 10, 2019 that the funding of the administrative capital and all new cities comes from outside the state budget. In a press statement on November 24, 2018, the Minister of Finance also denied spending on the administrative capital project from the state budget and confirmed that it was self-financed, without giving further details. When Engineer Mustafa Madbouli was Minister of Housing in 2017, he said that the financing of the new administrative capital project will be through the sixth section of the budget allocated for water, sanitation and health services.

These conflicting statements indicate the extent of the uncertainty surrounding the administrative capital project. It is not possible to know how the project is funded and what is the volume of expenditure on it. It seems that the repeated talk that the funds do not come from the state budget is intended to silence criticism to the Egyptian government regarding the financial feasibility of the project.

Yasser Omar, deputy of the House of Representatives Budget and Budget Committee said “The structure of ownership of the company includes entities belonging to the armed forces (the Armed Forces Land Projects and the National Service Projects Authority), in addition to the new Urban Communities Authority, under the Ministry of Housing, which means that what applies to the
balance of the armed forces from the rules applicable to the budget of the capital administrative company, and parliament cannot review the details of the budget of the armed forces and thus cannot have access to the budget of the administrative capital company.” 6 Thus, arguments continue from the presidency, the government and even parliament, in order to ignore any claims to explain how the project is funded.

The paper does not aim to review all official statements, but rather highlights the Egyptian authorities’ attempts to withhold information on the administrative capital project, under the pretext that it is implemented outside the state budget. It should be noted in this regard that the Parliament and the Government have failed to submit the draft law on the circulation of information since the adoption of the current Constitution in 2014, and to this day, as discussed in the paper in the second section.
Section II: Sources of Requirement of Transparency and Availability of Information to Official authorities

The regulation of citizens’ access to official information as an absolute authority has not been left in the hands of governments and official authorities, but there have been many obligations for transparency and information on the national and international level, as follows:

- **Egyptian Constitution:**

Article 68 of Section Three of the Egyptian Constitution provides that: “Information, data, statistics and official documents belong to the people, and their disclosure from their various sources is a right guaranteed by the State to every citizen. The State is obliged to provide them and make them available to citizens in a transparent manner. The State institutions shall be obliged to deposit the official documents after the completion of the period of work at the National Archives of National Documents, and to protect them from loss or damage, and to restore and digitize them, using modern means and tools, in accordance with the law. “

Although the Egyptian Constitution guarantees that official bodies are obliged to make available information, all attempts to issue a law on information exchange have failed completely, and there is no declared intention to discuss the law soon in parliament, indicating that Egyptian authorities are practically obliterating this article.

- **International Covenants:**

Article 19 of the Universal Declaration of Human Rights states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Article 19 of the International Covenant on Civil and Political Rights states:

“1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart
information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals. “.9

* To measure the extent to which the right of citizens to access information is guaranteed, the principles adopted by Article 19 on the legislation on the right to information10 can be used, as follows:

- **Principle 1: Maximum disclosure**: means that everyone has the right to obtain information held by government agencies, except for some exceptions restricted to this right, without the applicant for information having to enjoy a certain status or interest to obtain information, and the government should:

  Provide justification if information is refused at any stage of the application process.

  Provide a broad interpretation of “information” whether it is (document, tape, electronic recordings, etc.), and whatever their source (if provided by a government agency or by any other body). And “governmental bodies” at local levels, elected bodies and bodies concerned, in addition to public sector companies, non-administrative bodies, judicial bodies and other entities that may have information to be disclosed in the public interest.

  Disclosure of the documents themselves, not just the information they contain.

  Establish deterrent penalties against refraining from: 1) the disclosure of information. Or 2) intentional destruction of the documents, and therefore the government agencies are obliged to allocate sufficient financial resources to ensure the safety of public documents.

- **Principle 2: Obligation to publish**: It means the routine and automatic dissemination of certain types of information, for example:

  Administrative information on the functioning of the governmental body, including costs, objectives, audited accounts, rules, achievements, etc.

  Information about each request, complaint or direct action, citizens believe that it is related to the government entity, especially the service to them.

  Information on which individuals can participate in public policy.
The content of any decision or policy that may affect the public interest, including the reasons for decision-making and the background of the important documents used to formulate it.

- **Principle 3: Promotion of open government:** promoting a culture of information disclosure, as well as promoting the aims of legislation on free circulation of information, as well as combating the popular culture of secrecy among public officials through training.

- **Principle 4: Limited scope of exceptions:** that is, government agencies must respond to all individual requests for information, unless the entity considers that such information falls within the scope of limited exceptions specified by law.

- **Principle 5: Processes to facilitate access:** These include, for example, assisting the applicant in formulating his or her request clearly. It also includes facilitating access to information for illiterates, persons with disabilities and speakers in languages other than the language of the required document. The establishment of a system that includes the appeal of the rejection of a request for disclosure by an independent body from the government agency that refused to disclose, as well as the right of access to the courts to challenge the abstention.

- **Principle 6: Costs:** Cost reduction so that it does not exceed the actual cost of copying information which would deter citizens from applying for access to information.

- **Principle 7: Open Meetings:** The Government is committed to enabling individuals to know what work the Government is doing on its behalf by making public meetings open to all and that they are entitled to participate in decision-making processes.

- **Principle 8:** Disclosure takes precedence: This principle requires that all national laws and administrative decisions be interpreted in the light of national legislation on the free circulation of information, so that other laws do not restrict with what has been established by national law on the circulation of information.

- **Principle 9:** Protection for whistle blowers: protection of individuals who have disclosed information about offences involving the commission of an offence, non-compliance with the law, lack of enforcement of the right, receipt of a bribe, lack of trust, abuse of authority or threats to health, safety or the environment, etc., from any legal, administrative or disciplinary sanctions, provided that they are of good faith and based on a justifiable belief that the information was correct.
AFTE and Article 19 have tried to encourage the Supreme Council for Media Regulation to be guided by these principles as well as the draft law on the circulation of information prepared by Egyptian human rights organizations and experts through a joint letter sent to the Council on 4 September 2017. Subsequently, the draft law on circulation of information, prepared by the Supreme Council of Media regulation, when it was sent to the government, has not submitted to the parliament until this time.
Section 3: Why do citizens need access to information?

Citizens need access to official information so that they can monitor the government and hold those responsible accountable for implementing policies that affect their interests. The scarcity of information regarding the administrative capital project, deprives citizens of the following guarantees:

Ability to Participate and Accountability: Access to information is an essential first step in any democratic practice, but the absence or lack of access often leads to a sense of disenfranchisement, exclusion and widespread skepticism in public policies. Citizens can participate effectively in the democratic process only when they have information about government activities and policies. The knowledge of State plans and policies and official institutions contributes to enhancing the capacity of citizens to improve and develop these policies.

Combatting corruption: Information plays a pivotal role in combating and reducing corruption. Transparency and access to information allow citizens and the media to detect corrupt practices and mismanagement, as stipulated by the United Nations Convention against Corruption (UNCAC) 200512. Transparency and openness of official bodies, in terms of employees and financing candidates for elections, and transparency of the public budget, is a goal to promote the prevention and detection of corruption and control over its impact.

Increased efficiency and effectiveness of government action: When information flows freely and policies are available for community dialogue, citizens can lobby for their priorities, and even the most efficient decision makers need feedback on how policies work in practice. Transparency also reallocates resources, improves social, economic and human development indicators, and redistributes the benefits of growth, resulting in improved government effectiveness.

Good governance: Without transparency, policies will not be implemented through the collaboration of government representatives, the private sector and civil society in mixed networks. Transparency is a central principle of good governance, where clarity and openness on how to make decisions help build the capacity of the poor and / or marginalized to play a role in policy formulation. They also help the community understand the capacities of institutions and encourage policymakers and politicians to exercise their authority for the common good, not for
personal interests or to build projects for political consumption.

In addition, we conclude that access to information about the administrative capital project strongly affects citizens’ ability to participate in public policy debate, as well as to address corruption, raise the efficiency of government actions, and strengthen governance.
Section 4: Impact of Lack of Transparency and Lack of Information on Government Policies:

In its fourth and final section, the paper examines the impact of lack of transparency on government policies adopted in the administrative capital project, as follows:

- **Incompatibility of priorities:**

  The lack of information leads to the exclusion of public participation. And if the citizen's needs are not investigated, the outputs are not published, the public debate on the project is not allowed and about the government's ability to implement them, it will not be able to respond to these needs. For example, the government does not commit itself to setting allocations for health and education in the public budget, according to the proportions prescribed constitutionally, while expanding the urban projects.

  The Minister of Health and Population called for additional funds for the Ministry of Health budget estimated at 33 billion pounds, in order to implement and activate the comprehensive health insurance law and the development of hospitals and treatment at the expense of the state and many other health services. The Minister of Education Tariq Shawki also called for increased allocations to his ministry, “We will not be able to complete our work if a minimum of 11 billion is not provided, and we do not have the luxury of talking about it, because the education development project will be disrupted,” after the Ministry of Finance cut allocations to the Ministry of Education.

  This indicates the importance of the state's approach to supporting the health and education sectors, rather than expanding the construction of buildings and spending huge sums to promote major projects that are not consistent with the basic needs of citizens.

- **Exclusion of citizens from evaluation and accounting:**

  Transparency and availability of information are the basis for evaluations and accounting. Without them, citizens will not be able to evaluate projects and their impact. Evaluations and impact measurement can only be conducted on the condition that there is public participation, which will only be achieved through the availability of information by 3 domains: maximum disclosure
and facilitation of access to information), and limiting the scope of exceptions to a minimum. There must be several guarantees:

The ability to sue and obtain reparation and compensation.

Guarantee freedom of expression by all means.

Ensure the ability of the individual to access the decision-making process through some mechanisms, for instance: participatory / open budget where citizens can control the general resources of the state and determine the priorities of the budget, hearings in parliament, referendum and election procedures.

The government ignored these points in its work on the administrative capital project. The project was considered an achievement of the current authority by some media, even before the project began, without any public participation or opinion. As a matter of fact, authorities persecuted those who expressed criticism, where a complaint was filed to the prosecution against engineer Mamdouh Hamza after he published criticism of the “Rawd al-Faraj” bridge project, in which it was said that Hamza was working on “spreading false news, insulting the Egyptian state and its institutions, and underestimating the achievements and major national projects.” Before that, Hamza was investigated for criticism of the “Warraq” island development project, and was released on bail of LE 20,000. 14

**Conclusion**

In this paper, AFTE attempted to shed light on the major problems associated with the blocking of information by the Egyptian authorities, which makes the promotion of the project as a major administrative and economic achievement difficult to verify. AFTE calls upon the Egyptian government to disclose the information stipulated in the Constitution and relevant international covenants, rather than the policy of monopolizing official information and preventing citizens from accessing it. The Foundation also calls on the Chamber of Deputies to start discussing the law on the circulation of information and issuing it during the current year.
Resources


3 Sarah Allam, Mohamed Abdel Rahman, spokesman for the administrative capital: We fought rumors and seek a life worthy of the Egyptians, the seventh day, 26 January 2019, the date of the last visit June 9, 2019, https://bit.ly/2JKZRQq


8 Universal Declaration of Human Rights, Link: https://bit.ly/2PuOoNf0

9 International Covenant on Civil and Political Rights, Link: https://bit.ly/2FVt0Hp


11 “Freedom of thought and expression” and “Article 19” to the “Supreme Information” on the law of the circulation of information, 4 September 2017, Last visit: 17 June 2019, Link: https://bit.ly/2gKXIHx


14 Mustafa al-Shennawi, a communication to the Attorney General accused Mamdouh Hamza of publishing false news about the bridge of Rawd al-Faraj, published in Al-shorouk, 20 May 2019, last visit on 10 June 2019, link: https://bit.ly/2Wl5lan