

ISSUE BRIEF

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Egypt's Imperiled Transition: Pakistan on the Nile?

Summary

As Egypt prepares to hold its first post-Tahrir elections, the transitional military government is trying to turn *de facto* influence into *de jure* powers written into the new constitution, such as freedom from civilian control over senior appointments and budgetary oversight. While most political parties have agreed not to challenge the extensive influence and economic perquisites of the military for now—understanding that full civilian oversight might take years to achieve—allowing the military to formalize such powers would create enormous new obstacles to eventual democratization. Egypt is now in danger of producing a post-revolutionary system similar to that of Pakistan, where elected civilian institutions are relatively powerless while unelected and unaccountable military and intelligence services actually run the country, fanning the flames of sectarianism and terrorism.

Parliamentary elections, which begin November 28 and will continue in phases for over three months, will be complicated, chaotic, and are likely to produce an assembly with a strong Islamist presence. The Supreme Council of the Armed Forces (SCAF) is refusing to set a date certain for a presidential election, which is more likely to bring a secular leader into office, until it is assured of the constitutional role it seeks. Meanwhile the SCAF has failed abysmally in addressing a stumbling economy, poor public security, and frightening outbreaks of sectarian violence; they have also harassed media and civil society organizations, particularly those receiving US or other foreign funding.

Rafik Hariri Center for the Middle East

The Rafik Hariri Center for the Middle East studies political transitions and economic conditions in Arab countries and recommends US and European policies to encourage constructive change.

The United States should signal now that it will not support either continued direct rule by the military or codification of military superiority over elected civilian institutions in a new constitution. Billions of dollars in annual military assistance mean that the United States has significant influence on this issue. While Egypt's transition is difficult to deal with, it is far too important to give up on. If Tunisia is a dolphin, leaping nimbly through the waves of democratic transition to the admiration of all, Egypt is a whale, threatening to take all in its wake if it dives down into failure.

Military Trying to Codify Dominance

The SCAF, entrusted with interim executive and legislative authority after President Mubarak's forced resignation in February 2011, is now unabashedly trying to manipulate the transition to not only preserve but actually enhance and formalize the political powers it will retain even after formally transferring authority to elected civilian institutions. The "supraconstitutional document" issued November 1 by Deputy Prime Minister Ali al-Selmi (appointed by the SCAF), made explicit the principles that the military wants to see enshrined in a new constitution, including describing the military as the protector not only of national security but of

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“constitutional legitimacy”—understood as giving it the right to intervene in political processes—and giving the SCAF authority over the military budget and any legislation related to the military, thereby relieving the military of parliamentary or presidential oversight. Moreover, the document establishes that the SCAF intends to dominate the process of selecting a 100-member assembly to write and pass a new constitution, a task that the temporary constitution issued after a popular referendum in March allocated to the parliament.

Another pressure tactic the SCAF is using is to delay the transfer of executive authority to civilians until the political system has been shaped to its liking. From the beginning of the transition, the SCAF has assiduously rejected calls from political parties and civil society to bring civilians into the decision making process through, for example, a presidential council including one or more civilians or a roundtable representing all political forces. Now the SCAF is resisting calls from virtually all political forces to commit to a date for a presidential election. Instead, the SCAF insists that a new constitution be written and passed—a process that should take many months, perhaps a year or more, if done properly—after the parliamentary elections but before a presidential election. And of course the SCAF will retain all executive authority, including the right to appoint and dismiss cabinets, in the meantime.

Yet another possible mode of extending control would be through a military candidate for the presidency. Although Defense Minister Tantawi has said on a number of occasions that the SCAF will not have a candidate for the presidency, there are persistent rumors—which perhaps are trial balloons for the SCAF to test public sentiment—that a former high-ranking officer such as General Ahmad Shafiq (who served briefly as prime minister after Mubarak’s removal) or even current Chief of Staff Sami Enan might run for the office.

Most political parties and movements have reacted in a strongly negative way to the SCAF’s manipulation of the transition, particularly the draft supraconstitutional document, and some have threatened the return of large demonstrations in mid-November should it not be withdrawn or amended significantly. The Muslim Brotherhood, the liberal April 6 Youth Movement, and most of the new parties drawn from revolutionary groups have voiced their opposition to the attempts to hotwire the

constitution and most likely would also object strongly to a military candidate for president.

But the SCAF has been able to buy the support, or at least the silence, of some other political groups. Two older political parties that were co-opted during the Mubarak years, Wafd and Tagammu, have expressed support for the supraconstitutional document, currying favor with the SCAF in their usual manner. There are rumors that the SCAF has made separate promises to Wafd Party head Sayyid al-Badawi and National Association for Change Mohamed ElBaradei to be appointed prime minister after the elections.

The SCAF apparently is also getting support from some Coptic Christians, who are looking for a bulwark against Islamist victories in the parliamentary elections. But if protecting citizens’ rights had been the main goal, the SCAF could have sponsored a supraconstitutional document that specified that such rights must be protected in the constitution, without, for example, exempting the military from civilian oversight. As it is, the SCAF is trying to play on the fears of Christians, secularists, and foreigners about possible Islamist domination—the oldest play in the Mubarak era playbook—in order to turn its extensive influence into formal powers.

Major Failings of the Transitional Authority

An argument might be made for prolonging military rule, however undemocratic, if the SCAF had at least made the trains run on time since it took over in February, but such is far from the case. Rather the transition has been rougher, more violent, and more chaotic than it needed to be so far due to mismanagement of important issues:

- **Security** continues to be poor, with many Egyptians feeling an unaccustomed vulnerability to crime because the transitional leadership has failed to carry out police reform and get regular uniformed officers back into action in appropriate numbers. The general absence of regular police on the streets was understandable a month after the revolution; it is difficult to justify nine months later and leads many Egyptians to suspect that the SCAF is deliberately neglecting security concerns to build a pretext for continued military rule.

- **The economy** is stumbling and the threat of a budget crisis looms. Neither Egyptian nor foreign investors will begin putting their money into the economy again until a clear transition to civilian authority is underway and security conditions are improved. Meanwhile the government budget picture is worse than it need be because the SCAF unwisely rejected help from international financial institutions (a decision it is now forced to reconsider) and because a prolonged interim period means that necessary measures such as revising fuel subsidies keep getting kicked farther down the road.
- **Sectarian conflict** is rising dangerously, with three very serious clashes in which more than fifty people were killed taking place in the last few months and many smaller incidents as well. The SCAF has handled such cases no better than Mubarak did, promising justice and accountability in the immediate aftermath of an incident in order to calm Christian and foreign public opinion, only to bury the incident as quickly as possible once attention has moved on.
- **Restrictions on free expression** have mounted during the transition, with the SCAF using the same tactics of the Mubarak era, including utilizing state media as an instrument for defaming and delegitimizing protesters, arresting and trying individual bloggers and journalists who criticize the military, and intimidating foreign media who cover protests. The most outrageous incident so far has been Egyptian television's incitement of violence against peaceful Christian protesters in Cairo on October 9, leading to 27 deaths, an incident for which the military has refused to take responsibility.
- **Harassment of civil society** has been one of the most disappointing hallmarks of the SCAF-led transition, particularly when one recalls that SCAF claims to be committed to a democratic transition. While the harassment started out with attacks on liberal movements such as April 6 and pro-democracy and human rights NGOs, it has taken on a bureaucratic life of its own through investigations by the Ministry of Justice and Central Bank inquiries into NGO accounts. Civil society organizations that should form the backbone of electoral monitoring, voter education, and other election-related activities are

thus preoccupied with preparing for the legal onslaught they believe is coming.

- **Mismanagement of public opinion about Israel** became clear when the SCAF failed to communicate effectively with the Egyptian public about an incident in late August in which Israeli forces killed two Egyptian border guards while in hot pursuit of terrorists who had infiltrated into southern Israel from Egypt and killed eight Israelis. Public anger escalated dangerously due to a perception that the SCAF was not protecting Egyptian interests, leading to riots that overran the Israeli Embassy in Cairo on September 9. Israel eventually issued the public apology for the deaths demanded by the Egyptian public on October 12, but by then it garnered little public attention.

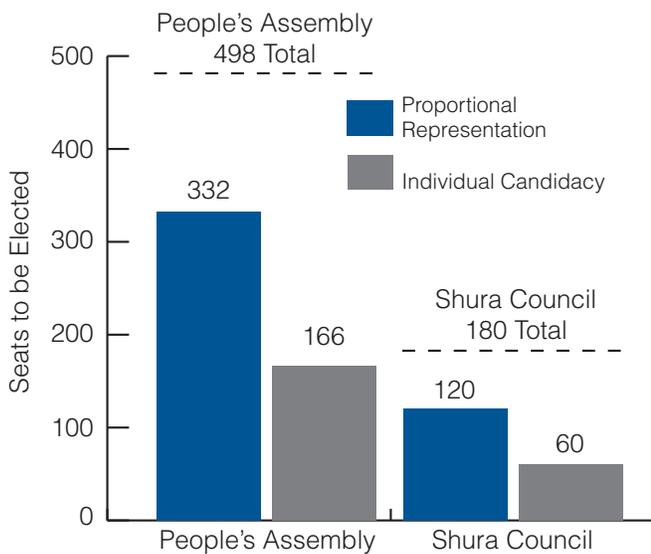
Imminent Parliamentary Elections Likely to be Chaotic

Egyptians will head to the polls on November 28 to begin several rounds of parliamentary elections that will conclude in early January for the People's Assembly and in early March for the Shura Council. While the elections are expected to be much freer and fairer than those of the Mubarak era, there is still plenty of cause for concern, particularly about the possibility of violence, poor electoral administration, and the political relevance of the bodies to be elected.

There are 498 seats in the People's Assembly (PA, lower house) and 180 in the Shura Council (upper house) to be elected between now and March 2012. In each house two-thirds of the seats up for election will be on a proportional representation system and one-third by individual candidacy (332 proportional and 166 individual in the PA, 120 proportional and 60 individual in the Shura) (see Figure 1). Some 15,000 candidates have registered in all, including approximately 7,000 (representing 55 political parties, more than half of them founded since the January revolution) running for the proportional seats and 8,600 running for the individual candidacy seats.

Violence between supporters of—or thugs hired by—various candidates has been a feature of previous parliamentary elections and it is unfortunately likely to recur now. This is particularly true in light of the rumored spread of small arms throughout Egypt and the transitional government's failure to reform the regular uniformed police

Figure 1



and get them back on duty. Violence at the polls can not only cause human losses but also affect election outcomes, as only the most ideologically-motivated voters are likely to show up if they must put personal safety at risk.

The electoral system itself is another factor that could lead to violence. Despite calls from nearly all political parties for a simple party list electoral system, the ruling military council adopted instead an extraordinarily complicated mixed system of two-thirds party list and one-third individual candidate seats and insisted on maintaining the old Arab socialist quota of half the seats having to go to “workers and farmers.” The military council also insisted on maintaining the Shura Council or partially-elected upper house, which most Egyptians advocated abolishing. Place on top of this the uniquely Egyptian idea that only sitting judges can be trusted to supervise national elections, which means that elections must be held in several rounds because there are only some 10,000 judges and there will be more than 50,000 polling sites.

What results is an almost impossibly complex and lengthy process necessitating six election days (plus runoffs) over four months, multiplying the occasions for possible violence. Moreover, the new system is so complex and there has been so little time and effort to prepare, that it is entirely possible that even honest and well-intentioned judges supervising voting, counting, and the allocation of seats will make serious administrative errors, leaving the results open to legal challenge and questions of legitimacy.

What Sort of Parliament?

It is difficult to predict the outcome of elections simply because most Egyptians have never voted in parliamentary elections before. Informal estimates suggest that some fifteen to thirty million Egyptians (out of more than forty million eligible) might vote, which will be five to ten times as many as have turned out before. And it will be some time before the results are clear and the new parliament seated, as the People's Assembly results will not be announced until mid-January, after the third round and runoffs are complete, and Shura results will not be announced until mid-March.

Perhaps the best indication of possible results is that Islamists are significantly outnumbering non-Islamists in sheer numbers of candidates, showing a superior level of organization and coordination. There are three main Islamist forces: the Muslim Brotherhood, Salafists, and the Wasat (a group of former Muslim Brothers who left in the mid-1990s). The Democratic Alliance dominated by the Muslim Brotherhood's Freedom and Justice Party (FJP) will run for all 678 of the seats, including both proportional and individual candidacy seats in both houses. Some 70 percent of those on the Alliance lists are actually FJP candidates, with the remainder drawn from smaller political forces including Ayman Nour's liberal Ghad Party and the leftist Karama Party. Brotherhood leaders had earlier pledged to run for only half of the seats, but later changed their minds, explaining that their electoral allies were unable to supply appropriate candidates to fill places on the lists reserved for women and laborers. The Wasat Party and the Islamic Alliance including several Salafi parties (Nour, Asala, and Building and Development) also are fielding large numbers of candidates, over 600 for the Islamic Alliance and some 400 for Wasat.

By contrast, the secular Egyptian Bloc including the Free Egyptians and Social Democratic Parties (two of the more dynamic new non-Islamist parties) will field some 350 candidates for the People's Assembly and Shura Council. The Wafd Party, which has suffered in recent years due to cooptation by the Mubarak regime but hopes to benefit in the elections from its long history and name recognition, will run 570 candidates. An alliance of new parties called The Revolution Continues will run 286 candidates.

In addition, parties formed from the remnants of Mubarak's National Democratic Party (NDP) and independents from

the old party will be contenders, despite efforts of other parties to exclude them. At least 60 NDP-affiliated independents are running for the individual candidacy seats, in addition to hundreds more included on the lists of at least eight new NDP-affiliated parties including the Union Party founded by former NDP secretary general Hossam Badrawy, the Freedom Party founded by the two sons of a former elite NDP member, the Egyptian Citizen Party, and the National Egypt Party headed by Talaat el-Sadat, nephew of the late president.

What the United States Should Do

While the United States is not in a position to drive the Egyptian transition, its many years of close relations with the military and tens of billions of dollars in military and economic assistance mean it cannot walk away from responsibility for what happens now. In the past decade, US administrations resisted initiatives from Congress to impose political conditionality on aid because it was important to avoid alienating the military leadership and to preserve leverage for the time when it would most be needed. That time has arrived.

Failing to use that leverage now would make the United States complicit in aborting the peaceful January 25 revolution and heading Egypt into a period of military rule that promises instability, economic deterioration, sectarian violence, and growing support for terrorism and other violent methods of change. And while it is tempting to give in to fear of what changes Islamists might bring if they win parliamentary elections, it is already clear that the military will mismanage the country—including relations with Israel and the rights of non-Muslims—if left in control.

Instead of giving in to such fears, the United States should:

- **Articulate clearly that the United States will support a real democratic transition**—development of a democratic system in which the rights of all citizens are protected and free political competition is ensured, as well as economic growth that provides a more level playing field—**and that it will not support military dominance** over powerless civilian institutions, however pluralistic. This needs to be done at the

highest level in private communications with the SCAF, as well as in public. Unless told otherwise clearly and often, the Egyptian public will assume the United States stands with the SCAF, a perception the SCAF will use to its advantage.

- **Support demands to hold a presidential election** before the writing of a new constitution, which will introduce into the transition a civilian leader with a popular mandate who can balance both the military and parliament. Completing the transfer of civilian authority in spring 2012, rather than delaying it until after the new constitution, will also avoid an impetus to rush through the writing of a new constitution, a process that can and should take a year or more.
- **Stand up for civil society and foreign assistance** in the face of ongoing attacks from the SCAF and its appointed transitional cabinet. The United States should make clear that it will not provide military assistance if it is not also welcome to assist NGOs working on the democratic transition. High level US officials should also speak publicly about the nature of its civil society assistance and how it is in line with internationally-established best practices, countering the transitional government's claim that the United States is engaged in illicit practices.
- **Begin work on a trade initiative to be launched once the political transition is on a sound footing.** It is through trade, not relatively small-scale assistance programs, that the United States and Europe can best work with Egyptians to provide an engine to pull the economy forward and therefore buttress a democratization process that will take years to be fully realized. Now is the time for quiet exploration with government officials and civil society of how to adapt free trade facilitation in order to provide the employment, training, and infrastructure development that Egypt will need to begin to engage in the world economy effectively. Public unveiling of an initiative should wait until the political climate is more propitious.

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