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Middle East and North Africa Programme: Workshop Report

Egypt in Transition: Securing a Democratic Process

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Introduction

This report is a summary of discussions that took place at a workshop held in Cairo in June 2011, bringing together a group of Egyptian activists, opposition party members, journalists and members of civil society organizations from across the political spectrum. Part of Chatham House's 'Egypt in Transition' project, the workshop focused on the topic of 'Securing a Democratic Process', following an initial event held in Cairo in March, not long after the resignation of President Hosni Mubarak in the face of mass protests against his rule.

While the mood in March was overwhelmingly optimistic, if tempered by realization of challenges to come, three months into the transitional period Egyptians are feeling more uncertain about the future. Mubarak's National Democratic Party (NDP) has been dissolved and new political parties have multiplied, but frustration is growing with the lack of transparency and accountability of the ruling military council. The transition process is unclear and contested, with a number of groups campaigning for a constitution to be put in place before the parliamentary elections promised for September.

There were four key findings from the workshop:

- Substantial elements of the old regime are still in place, represented by elements of the military, government labour unions, NDP-affiliated businessmen, local councils and others.
- The political scene is fragmented, fractured along secular-religious lines and dominated by competition rather than cooperation.
- A major rift has developed on the topic of constitutional reform, as a number of groups (particularly liberal and leftist) do not think the make-up of the next parliament will be conducive to an inclusive drafting process for the new constitution. However, an agreement on a bill of rights is a potential way out of this impasse.
- Many groups are still being marginalized in the policy-making process, including young people and women. Parties have not yet managed to reach out to a wide constituency and need to develop programmes to address the needs of a cross-section of Egyptian society, particularly those in rural areas.

The meeting was held under the Chatham House Rule and the views expressed are those of the participants. The following summary is intended to serve as an aide-mémoire for those who took part and to provide a general summary of discussions for those who did not.

The Chatham House Rule:

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Session 1: The Political Landscape

In the first session, participants discussed the political challenges facing Egypt during the current 'transitional phase', with particular reference to comparative models. Brief presentations were given on the topic of transition from military rule in Chile after Pinochet and on the ongoing transition in Tunisia after the ousting of President Zine Al Abidine Ben Ali.

Chile after Pinochet

Chile endured a harsh military regime for 17 years, from 1973 to 1990. President Augustus Pinochet agreed to step down after losing a democratic referendum in 1988 (in which he received 44% support). The nature of the end of the regime shaped political relations in Chile: while Pinochet stepped down as president, he remained the official head of the armed forces for a further eight years. He and his supporters retained a significant amount of power in the new Chile: the constitution was set before the transition, and the parliamentary system was designed to ensure that his supporters always took a share of the seats in parliament, effectively giving them veto power that acted to inhibit reform. Effectively, Pinochet did not lose power until 1999.

Pinochet set the rules of the game in the 1980s and most of the opposition – a central-left coalition – agreed to play by them. The opposition took a pragmatic approach, adopting the motto 'democracy as far as is possible'. Fear was a major factor in this decision, as there was a very real threat of return to military rule. The opposition also took a conscious decision to sacrifice the need for justice in the name of reconciliation and social peace, and did not pursue judicial action against Pinochet or his supporters. While the opposition coalition began as a fragmented set of parties which had not long before being diametrically opposed – as the coalition included both Christian and Marxist parties – during the process of transition they learned to work together and make agreements. A significant element of continuity was the free market economic system adopted during the Pinochet years, which was an engine of growth. Poverty levels in Chile dropped from 40% to 14% in the last 10 years. Once the corruption and abuses of the military regime were ended Chileans saw the benefits of a growing economy.

The struggle to organize elections in Tunisia

Tunisia's transition is following a significantly different path from Chile's. The decision has been taken to elect a constituent assembly to rewrite the

constitution, and almost all former members of the now dissolved ruling party, the RCD, are excluded from running in the upcoming elections.

However, this has left a gap in capacity, with the interim administration lacking anyone with experience of managing elections. Initially planned for 24 July 2011, the elections have already been postponed to October and may be delayed even further. The legitimacy of the decisions taken by the election commission is also questionable, as it is unelected itself. Opposition political parties and civil society were weak under Ben Ali's regime, and they still have limited capacity to engage widely with the Tunisian people.

The persistence of the old regime in Egypt

Deposed president Hosni Mubarak and a number of his closest associates and relatives have been removed from the political scene in Egypt and are set to face charges of corruption in court. Yet the Supreme Council of the Armed Forces (SCAF) – the military council headed by Field Marshal Tantawi that is governing Egypt until parliamentary and presidential elections take place – is seen by many to be a continuation of the old regime, as the military had always been a key backer of Mubarak's government. It was recently reported that a member of the SCAF is arguing for [a new? The?] the new constitution to give the army the right to intervene 'in the public interest', and for it to be free from parliamentary scrutiny of its budget.

Many Egyptian institutions continue to be run by the same people affiliated with the NDP: the local councils were not dissolved (although their dissolution was subsequently announced on 28 June); the government-run labour union which took part in electoral fraud on behalf of the regime is still the main union; and no chairmen or company directors linked to the NDP – who sent their workers to applaud Mubarak and attack the revolution – have stood down.

The interim government has limited legitimacy as it has been appointed by the SCAF rather than elected, yet is taking decisions that will have a long-lasting effect on Egypt. People continue to feel that there is little transparency in the SCAF's decision-making process and that it is not listening to the views of many groups. The use of military trials for civilians and continued arrests of activists and bloggers are of immense concern and it is clear that it is necessary to return to civilian rule as quickly as possible.

One participant in the workshop argued that the first draft budget approved by the SCAF on 22 June (but subsequently revised in July) could have been written before the revolution – the only thing missing being Mubarak's

signature. However, it was also argued that not all of the old regime's policies were fundamentally flawed; some could in fact be good policies when applied in a better environment, where corruption was reduced.

Fragmentation and competition, little cooperation

The debate taking place around whether to draw up a constitution before parliamentary elections or afterwards is proving to be very divisive. While a referendum which was organized hastily by the SCAF and held in March approved a number of amendments to the existing constitution, the SCAF's roadmap now includes parliamentary elections in September, after which the newly elected representatives are to draw up a new constitution.

However, a number of groups, particularly from the liberal left and the young activists who drove the revolution, are campaigning for a new constitution to be drawn up before the first set of elections, fearing that the new parliament will be dominated by established forces from the NDP and the Muslim Brotherhood and that these factions will exclude the liberal left and the young activists from the constitution drafting process. Estimating that it is likely to be successful in parliamentary elections, the Brotherhood is arguing against putting the constitution before elections. This has led some groups to believe that the polarized debate around the constitution is beginning to take on a sectarian tone.

While the constitutional debate is politically divisive, the general trend on the political scene is towards fragmentation and competition, and there is an evident lack of cooperation. Over 60 political parties have now been formed, and established forces such as the Brotherhood are facing internal divisions, particularly along generational lines. Lack of cooperation and consensus among the young activists is allowing the SCAF to discount their views, as it can claim that there is 'no one to talk to'.

The Chilean experience highlighted the importance of agreements in transitions. There are big questions facing Egyptians around justice and reconciliation, whether to keep the current economic model, and how to reform institutions; in the current atmosphere of division and competition it is difficult for any consensus to be reached.

While the Muslim Brotherhood is undoubtedly the most organized of the opposition groups, it is still unclear what degree of success it will achieve in parliamentary elections. Many activists from other opposition groups are concerned that it will dominate the next parliament because new parties will not have had time to organize. Nevertheless, delaying the parliamentary

elections might not do much to level the playing field as new parties will need several years to build up a base. The Brotherhood itself also faces a number of challenges including internal divisions and worries about being linked to the more conservative Salafi movement while trying to present a liberal face.

Elite politics

New political actors are still struggling to reach out to the majority of Egyptians. Before 25 January the role of the political elite was mostly confined to holding conferences and debates of limited interest to the public, and new parties now need to learn how to communicate with the public.

The focus on political issues amongst the new, young political actors (such as the constitution) over and above economic issues is symptomatic of the marginalization of poor Egyptians: in a country where 40% are below the poverty line the economy is an urgent issue. Some Egyptians are questioning the free market consensus, as they feel that the budget proposed in June does not differ significantly from Mubarak's economic policies which failed to produce prosperity for the vast majority of Egyptians.

Some participants felt that the political class assumed that the majority of Egyptians needed to be 'educated' in democracy and did not understand how to vote in the 'right way' – in many instances voting is done along family or tribal lines, rather than according to candidates and policies. One participant argued that the movement calling for a constitution first has no right to do so, as it would change what 18 million Egyptians agreed upon in the referendum in March.

Women played an important role in the revolution but are also being marginalized in the transition process. There were no women on the committee that drew up the proposed constitutional amendments, and the revolution cannot achieve all its goals if it jettisons the interests of half the population. However, while the state remains patriarchal, there are signs that at the lower levels change is taking place: for example, young women are working in roles such as coordinators in political parties.

Session 2: Influencing the Agenda

The participants split into two breakout groups to discuss separate topics, focusing on producing recommendations. The discussions were wide-ranging and could not tackle all the issues participants wanted to cover. This was perhaps symptomatic of the scale and depth of the political problems currently facing Egypt.

Group 1: Political, constitutional and judicial reform

The group agreed on the following suggestions for tackling political, constitutional and judicial reform:

- A bill of rights to precede and supersede the constitution, to be especially concerned with maintaining the dignity of the citizen;
- An emphasis on the process of drafting the constitution, especially ensuring inclusivity and representation of minorities;
- A national dialogue;
- Considering a truth and reconciliation model for Egypt, to address issues which cannot necessarily be dealt with in a legal way;
- Ensuring civilian control of the armed forces, with a civilian head of state as head of the armed forces and the military not involved in politics, as well as an end to military trials of civilians;
- Police reform: the head of the police should be a civilian minister of interior;
- An independent judiciary.

Constitutional reform

One participant noted that the constitution will shape the future of Egypt for the next 50 years, which is why it is so controversial. There is particular controversy around Article 2 of the existing constitution, introduced under President Anwar Sadat by referendum in 1980, which stipulates that Shari'a is the principal source of legislation. While some feel that this is essential to conserve Egypt's Muslim character and heritage and that it does not contravene the rights of minorities, others would prefer to have their rights guaranteed by a secular state, or to have other sources of law stipulated, such as international rights conventions.

Because of the concerns noted above, that the Muslim Brotherhood, or another particular group, might dominate the next parliament, some people would like to see the parliamentary elections delayed and the constitution put

in place first, to ensure an inclusive drafting process. One participant noted that in the region the texts of constitutions are often ignored: the drafting process may well be the most important aspect, as the essence of democracy is in 'actually doing it'. An emphasis was laid on the need to ensure different sectors of the population are represented in the constituent assembly, including by thinking imaginatively about how to involve marginalized groups. Young people in particular need to be involved, as the constitution is about the future.

Rights can be protected through legislation as well as in the constitution, although it was also argued that the constitution should be as detailed as possible in order to guarantee rights. During the process of constitutional reform it is also important to avoid any further legal confusion, given that the March referendum was very badly managed from the legal perspective. People thought they were voting on amendments to the existing constitution while now a new constitution is planned.

A bill of rights and a national dialogue

A well-received compromise suggestion to heal the rift developing between those who want elections first and those who want a constitution first is for a bill of rights – preceding and superseding the constitution – to be agreed. Both Mohammed El Baradei, the ex-Director General of the International Atomic Energy Agency and prospective candidate for the Egyptian presidency, and the Sheikh al-Azhar, the leader of Egypt's most important religious institution, have put forward drafts of such a bill of rights. If such a bill were agreed the elections could go ahead as planned by the SCAF. However, one participant pointed out that there might not be enough consensus to agree on such a document, as the issues that are so controversial for the constitution such as the question of the state's relationship to religion could be as much of an issue for a bill of rights. Nevertheless the idea has been implemented successfully in other countries, such as Turkey.

Many participants also felt that the process of constitutional reform should not be rushed, as time was needed for a dialogue about constitutional essentials. There are already national dialogue projects in place, and while it was felt that such a process could be useful there is a lack of clarity over what it might involve. The issue of the constitution has become something of a political football: one participant noted that constitutions should be common denominators, not weapons.

Truth and reconciliation

In Chile a commission was set up consisting of representatives from many different groups including the military, human rights organizations, religious communities etc. This reconciliation commission saw representatives of human rights organizations hugging military men because they knew the truth, because revelation of the truth had provided a cathartic moment for everyone involved.

A number of participants agreed that the social fabric in Egypt has been damaged by the experience of an authoritarian regime, and a truth and reconciliation process could mend some of the psychological wounds.

Defining the role of the military and police

It was agreed that clear lines need to be drawn defining the role of the military, confining it to defence of the realm. National security should also be carefully defined, limiting it to military issues. The head of the armed forces should be a civilian, and there should be no more military trials. Likewise, the head of the police should be a civilian minister of the interior.

Group 2: Parties, Campaigning and Elections

- The group made the following suggestions concerning parties, campaigning and elections:
- Raise awareness about political participation and undertake voter education programmes;
- Build alliances – the leftists and liberals in particular should band together as the coming election will be difficult for parties to contest alone;
- Election monitoring – either by citizens or by international organizations;
- Encourage the formation of pressure groups, particularly to involve those who are not comfortable joining political parties;
- Identify voters' needs so that political parties can build their programmes up from there rather than taking a top-down approach.

Challenges for new parties

While the formation of so many new parties may seem a sign of positive political momentum, these parties also need to look for common ground as it will be difficult for them to contest the elections alone. This is likely to occur as a natural process, whereby alliances will be formed and weaker parties (such as those essentially formed around one man) will fade out. However, the opposition will be more likely to achieve change if it can unite around

principles and values. This should include liberal parties finding common ground with Islamists, the Muslim Brotherhood in particular.

Given that the regime was well practised in infiltrating parties, dividing and spoiling them, it is possible that there will be elements affiliated to the old regime that will create cosmetic, cartoon parties or attempt to disrupt alliances. It is difficult to know how to handle these elements.

The new parties also need to learn how to reach out to the people, as at the moment their discourse does not resonate. The current debates between Republican candidates in the United States are a good example: they understand that certain discourses, such as religious ones, resonate with their voters.

New parties also need to be in touch with the needs of the population and in particular those in more remote areas: at the moment parties are focusing on political issues but they need to develop health and education programmes. People really need to see a change in their social and economic conditions in the next two years because if the dire conditions that played a significant role in propelling the revolution are not improved, political instability will continue. To counter the marginalization of women some participants advocated proportional lists in which 30% or 40% of candidates would be women.

The role of civil society and the media

One of the major challenges for the development of democracy in Egypt is the conduct of politics in rural areas. People are very much oriented towards family or tribe, and there are high levels of illiteracy. In the past, rural illiterate women have actually tended to vote much more than urban educated women because they were told how to vote: voting was in fact a tool of disempowerment. Poor people would also often vote for candidates who handed them money, usually the local NDP candidate.

There is a need for civil society organizations to carry out awareness-raising work, not only to encourage people to use their vote but also to encourage them to stand as candidates in local and national elections. Several NGOs in Egypt have already started looking into ways of encouraging people to vote independently, by assessing parties and candidates and what programmes they are presenting. The American League of Women Voters is also planning to open a branch in Egypt. In the short term awareness will probably depend on the campaigns of the parties and candidates themselves, and on the media (especially state TV, which is how most people still receive their news), but raising political awareness through the educational system should be the long-term plan.

There is also space for professionals to become involved in lobbying and pressure groups. One example is a group that has been working for the last three years to pressure the government on the formation of laws regarding architectural heritage.

Another role for civil society is that of monitoring during the elections. Citizen journalism and media coverage will be key, and an online platform could be used to source information, as happened in elections in Tanzania in October 2010. However, participants disagreed on the value of international monitors.

A proposal was put forward for a new media model – inspired by the BBC or PBS – which has to dedicate some of its airtime to public service. At election times it would have to provide equal airtime to the different candidates.

Finally, in order to enable the people to get organized, the right to freedom of association needs to be on the agenda and acknowledged as a cornerstone of a free society.

Democracy is not just about elections and parliament, but about how people organize themselves. The right to establish unions and join together in associations is essential for people to build alternatives.

About

The Egypt in Transition project

Egypt is at a critical stage of its post-revolutionary evolution, when it is important that the expectations raised through the promise of change are met through continuing to provide for debate on a range of issues of concern to a variety of Egyptian constituencies.

A series of workshops convened by the MENA programme in Cairo will address elections, moving from military to civilian rule, political alliances, UK and Western policy, the economy and the role of the media. A core aim of this project is to increase political inclusion: to draw previously peripheral or suppressed voices into national and international policy dialogues.

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