



Transcript

Egypt: A Political Road Map

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Jonathan Rugman:

I thought I'd make a very brief introductory remark. The speakers will then have a brief chat with me and then after about 20 minutes we will open it up to the floor for questions.

I wanted to begin with a quotation. It goes like this: 'Egypt is moving steadfastly towards democracy and pluralism. No matter what were the hardships of the past period, I see it as the pain of birthing the new Egypt. It is truly the dawn of the new Egypt'. I suspect that some of these speakers here might have come up with that quotation themselves but in fact it was Mohamed Morsi speaking one year ago, just as he was controversially finishing off – I say he personally, but the constitution that he was ushering in was being finished.

I think there are, given that hundreds of people have been killed in the last few months, maybe 2,500 people arrested – we perhaps have two questions, certainly as far as I'm concerned, that we should try and address today. The first is whether this constitutional drafting committee is the mirror image in reverse of the constitutional drafting committee of last year. In other words, will it make the same sort of mistakes that the last constitution made, veering perhaps in a secular direction as opposed to an Islamist direction? The second and bigger question, I think, is whether this process will lead to stability, whether it will promote investment and growth and, above all, lead to the economic wellbeing of Egyptians themselves.

With that note, I'll introduce our speakers. First up, Mohamed Salmawy, a very well-known, prolific Egyptian writer, president of the Egyptian Writers' Union, used to be foreign editor of *Al-Ahram* newspaper and is now the official spokesman of the constitutional drafting committee. Mona Zulficar, very well-known partner in her own law firm, has been practicing for more than 30 years, has just finished a stint on the UN Human Rights Council and is vice-president of the constitutional drafting committee. Ambassador Shaker on my right, a very distinguished diplomat, served as ambassador to the UK for Egypt and to Austria, has a great deal of perspective, going back many decades, on where we are now. Finally, David Butter, who I've been reading since he was editor of the *Middle East Economic Digest* in the 1980s, 10 years at The Economist Intelligence Unit and most recently a fellow here at Chatham House.

If we start with you, Mohamed, perhaps you could answer that first question which I posed. You stand accused of creating a document in something of a hurry. You will take it to the people in a referendum, as indeed the last

president of Egypt did the same, but will you be making the same sort of mistakes? Perhaps above all, will you be enshrining the power of the military in Egypt, as has always existed? Will you be making the same mistakes on human rights and religious freedoms that the previous constitution made?

Mohamed Salmawy:

You expect me to answer all that in five minutes? I'll try.

Jonathan Rugman:

I'm in broadcasting mode. That's what we do, I'm afraid.

Mohamed Salmawy:

Well, we are definitely trying to write a constitution that is democratic, that is constitutional, that is modern – that is futuristic, if you like. There's no denying that. But in so doing, we are not trying to rid Egypt of all that is religious or national or whatever came into the old constitution of the Muslim Brotherhood. We were against that constitution because it laid the foundation for a religious state, which nobody in Egypt wanted – or at least, the vast majority of people in Egypt didn't want. What we are doing now is the opposite. But again, as I said, in so doing we are not limiting ourselves to like-minded people only. We have the representatives of political Islam in the committee.

Jonathan Rugman:

Tell me if I'm wrong, but I read that there was one Islamist member of the committee and that he had walked out. Is that true?

Mohamed Salmawy:

No, you are wrong. We have about five. There was one – and why do we have one, why did we start with one? It is because all the political Islam parties have been asked to nominate their candidates for the committee; the Muslim Brotherhood and all the others refused, except for one party – al-Nour, a Salafi party, which represented its candidate.

Jonathan Rugman:

Is that really a surprise, given that there was every prospect of the Muslim Brotherhood –

Mohamed Salmawy:

You are either going to give me five minutes or you're going to interrupt me every 60 seconds?

Jonathan Rugman:

No, I'm going to challenge you, I'm afraid, because that's part of my job.

Mohamed Salmawy:

Yes, but you have to give me five minutes to answer your question and then you can interrupt me.

Jonathan Rugman:

But you say the Muslim Brotherhood walked out. I'm just asking you whether that's a surprise.

Mohamed Salmawy:

They didn't walk out, they didn't come in the first place.

Jonathan Rugman:

Right, isn't that hardly surprising, given what's happened?

Mohamed Salmawy:

No, it's not hardly surprising. It is hardly surprising only if you condone the method they have chosen, which is rather than play the political game they decided to use force to stage demonstrations that are not in any way peaceful. They are armed, as a result of which there were clashes between both sides and so many people, as you said in your introduction, died as a result. Had there been peaceful demonstrations, perhaps nobody would have died. So they refused to take part in the political process and they chose

instead to go down in the street and to use force. They were armed, they were caught with arms. Some of our friends were killed, a common friend of ours. There was an attempt on his life in a demonstration the other day.

Jonathan Rugman:

I don't think we should – I was there during that period, I saw what was happening. I don't think we should dwell too much on that. We should try and move forward into this constitutional question. You mentioned the Salafist Nour party –

Mohamed Salmawy:

No, I can't go on like this. You asked me a question and when I answered it you say, don't go backward. The question was about something that happened in the past.

Jonathan Rugman:

You've answered the question, that was fine. If we can move on. The Salafist Nour party, which you mentioned. I think they are taking part, is that correct?

Mohamed Salmawy:

Yes.

Jonathan Rugman:

Is this constitution therefore not going to ban religious parties? If you're talking to the Nour party, if they're part of it?

Mohamed Salmawy:

They would object to that, but we are very keen to do what you did since the Middle Ages, and that is divide between church and state. There is no modern state in the world which accepts to have religion meddled with politics. This is what we're trying to do in our constitution. If you have accepted that for yourselves, I don't see why you should chastise us for trying to do the same thing. We want to have a modern state. We want to move forward, to use your own words, and to move forward into the 21st century we

have to adopt all the principles of modernity – at the basis of which is that separation between religion and politics.

Jonathan Rugman:

The Journalists Syndicate complained last month that their recommendations on freedom of expression had been overlooked. Have you resolved that issue or is that still an issue for you?

Mohamed Salmawy:

We have resolved it. There is total acceptance of and condoning and guarantee of all freedom of expression in all its forms. We have laid out four types of freedom: freedom of the press, freedom of artistic and literary creation, freedom of faith – of course, that comes first – and freedom of scientific research.

Jonathan Rugman:

Can I ask Mona a question now? Given the events that everybody in this room and everybody in Egypt have witnessed, particularly in August, the question has to be: even if the Muslim Brotherhood is self-excluding, even if you accept that argument – and a lot of people would say they were actually excluded by force – but even if you accept that argument that they excluded themselves, can you really have political resolution and stability in Egypt without them?

Mona Zulficar:

I would like first to make three points to show that there are inherent differences between this process and the previous constitutional process. This will probably give you an answer to your question.

One, in the previous process the constitutional committee was controlled by a vast majority – more than two-thirds majority – of a single political current: political Islam. In fact, at the end of the day, when they had a difference of opinion and they put it to a vote, they got their way. So any minority representation was really for no use. That's why all the minority representation withdrew from the process before it ended. Number one. In this case, we do not have a controlling trend in our committee. We have 50 from all walks of life who have been selected by institutions like syndicates,

like non-governmental organizations, like cultural councils, like social institutions and political institutions. No majority controls anything. So we don't have a critical mass that runs the show. This is, of course, a good thing, because you have a representative group, but at the same time it's a challenge to reach consensus. This is number one.

Number two, in the Brotherhood's constitution they had banned the leaders of the previous regime – the NDP (National Democratic Party), the [Hosni] Mubarak regime – from exercising political rights for 10 years, in the constitution itself. We are not doing that. We are not going to deprive any Egyptian citizen from his or her political rights in the constitution or anywhere.

Jonathan Rugman:

But the question I asked – given that the first democratically elected president of Egypt was voted for, can you have political resolution without the Brotherhood involved?

Mona Zulficar:

We can have political resolution because in fact he was voted for but more than 22 million people recalled him – recalled him in writing and asked him for early presidential elections.

Jonathan Rugman:

This is the Tamarod petition.

Mona Zulficar:

This is the Tamarod petition. He refused to put the matter to referendum or to put the matter to early elections. There was no parliament. There was no other way but direct democracy. He refused to do it in the traditional democratic way. Once, twice, three times, and then you all saw millions of people went down and said: okay, this is the will of the people.

I wanted to continue to say that in the constitution that we are drafting, judging by subcommittees' product – which is not yet final, still we are working on the first draft so there is nothing really definite – but judging from the outcome, I can tell you that this is going to be a constitution for all Egyptians,

that is not going to exclude any trend, that is going to respect the rule of law. So there will be a measurement that is the same for all Egyptians.

Jonathan Rugman:

So does that mean that the Freedom and Justice Party, which represents the Brotherhood, will be allowed to run in these elections that will follow the constitution?

Mona Zulficar:

They have to respect the law. If they respect the law and they want to run, they can run. If they don't respect the law – if their members commit incitement of hatred, which is by the way now a provision in the constitution, saying if you discriminate against citizens without cause or if you incite hatred, it's a crime. Because what we have done by putting this provision – I am responsible for this proposal so I can speak out. It's my opinion, not the opinion of the group, the G50. We want our Egypt back. For thousands of years we have had a social fabric that is so colourful, that is one, that is pluralistic, multi-religious multicultural, etc. This is what is so unique about Egypt and we want our Egypt back. This is what we're doing.

Jonathan Rugman:

How would you feel if the Freedom and Justice Party lost its license on the grounds of a court case accusing it of inciting hatred – which is possible, it could lose its license as a party – and then it wouldn't be able to participate?

Mona Zulficar:

Inciting hatred is a crime, and under our law a crime is personal. So we would have to say: Jonathan went out on the microphone and said all who oppose this party, XYZ Party, are infidels and if they are killed this is halal. This is inciting hatred, this is a crime. This person would be tried and would be held accountable. But it's not the – if the institution goes against the law in its rules, in its programmes, etc., then yes, it will have to stand and be accountable.

Jonathan Rugman:

When you go to the people in a referendum in December, when you put this constitution to them – it's interesting that when Mohamed Morsi did it, he got 64 per cent of the vote in favour of his constitution –

Mona Zulficar:

Of a very small –

Jonathan Rugman:

Yes, out of a 32 per cent turnout. Yes, a very low turnout. So how are you going to avoid that mistake? What constitutes a majority of the Egyptian people?

Mona Zulficar:

I think we will be targeting getting at least the majority participates. That's our hope.

Jonathan Rugman:

An absolute majority, over 50 per cent turnout?

Mona Zulficar:

To get 50 per cent turnout would be an exception in the history of Egypt. You have to judge by history. You have history behind you. If we get a turnout of 50 per cent I think this will be an achievement, judging by the history of referenda in Egypt. I think that we will do our best, especially with the young people who led the second wave of the revolution on 30 June, who are at the grassroots level, who have been behind this, who led the movement of millions of people on the street from all walks of life. They are all into this. They are now participating in writing this constitution. I tell you that I go home every day with loads of papers and suggestions and emails and so on, on top of all the hearings that we hold every day. It seems every Egyptian wants to write his name in this constitution and put his fingerprint.

Jonathan Rugman:

Let me turn to Mohamed Shaker, because you have a long perspective – longer than any of us, I think – on this. Some people are saying that Egypt, more than at any point since January 2011, has become like the Mubarak era again. Critics don't have faith in this process. They fear we are returning to a much more dictatorial system of government.

Mohamed Shaker:

No, it is because the Morsi system was dictatorial. It violated all basic principles of democracy, to the extent that, for example, the constitutional court was surrounded to prevent the judges from going in and performing their jobs. So what system would do this and would be tolerated or accepted? That's what happened. They did not respect the rule of law. They tried to play around with the different instruments, and a violent example ...

Jonathan Rugman:

Does it worry you when people say this is more like Mubarak's time, which you remember well –

Mohamed Shaker:

Yes.

Jonathan Rugman:

Is that progress, as far as you're concerned, that things are more like they were in the Mubarak era than they were in the Morsi era?

Mohamed Shaker:

The progress is what we are doing now, is really working hard to produce a constitution, proceed to the election of the parliament and then proceed to the election of a new president. As Mona can tell you and Mohamed, the new constitution – this time the president will not appoint any prime minister. No, we will have to appoint the leader of the party that won the elections, or a combination of a coalition of parties. He will have to abide by the results of the elections.

Jonathan Rugman:

And if you're a Christian, if you're a Copt, is this constitutional process going to be good news? Because in the last few months they have had as much reason to be frightened as anyone else.

Mohamed Shaker:

Yes, sure. A lot of churches were attacked, burned down. This constitution would definitely be a guarantee for every Egyptian, whether Muslim, Copt or any other religion – would be protected by law.

Jonathan Rugman:

The last constitution was weak on civil rights. It was widely regarded as being weak on civil rights. I suppose the question is: will this one be similarly weak on civil rights, in the name of national security, in order to preserve law and order? Obviously with terrorist incidents going on in the Sinai, perhaps in an atmosphere of emergency, you could draft a constitution which takes almost too much account of that and therefore limits civil liberties.

Mohamed Shaker:

When you look in the future, when you look in retrospect, certainly when you write a constitution, you write a constitution in certain circumstances. But you try at the same time to abide by certain principles that cannot be changed. You have to respect certain principles and follow them. You cannot play around with them. But definitely, as you say, you have to look in the future, in retrospect – definitely you have to examine the situation and the circumstances surrounding the making of the constitution. But as I see the committee progress, they are doing good work and producing a constitution that every Egyptian will be proud of.

Jonathan Rugman:

Isn't there a risk though that almost by displacing the Brotherhood, by them not being part of this, the Salafist Nour party becomes the de facto 'party of God' in Egyptian politics? In other words, that they stand to do very well perhaps in elections if they're held next year.

Mohamed Shaker:

Yes, it's free. They will be free to run. It's up to the Egyptian people to vote the way they want to vote. Whether they will get a huge sum, a high percentage of the vote depends very much on the mood of Egypt. But I think Egyptians this time would tend more to vote for the liberal parties. The liberal parties are joining forces to unite. There are already two or three parties which united recently.

Jonathan Rugman:

Finally, do you ever look down the North African coast at Tunisia and say, why did they manage to get this more right than you have? Egypt has had such a tumultuous time and Tunisians have been facing similar issues, and in fact they've been very frightened by what they've been seeing in Egypt. Perhaps there is something Egypt can learn from Tunisia rather than the other way around.

Mohamed Shaker:

But Tunisia also is going through difficulty. They had two major assassinations of figures of the opposition. So this is frightening. People had their popularity and –

Jonathan Rugman:

But they have managed to keep an Islamist strain in politics without it erupting into the kind of violence you had in Egypt.

Mohamed Shaker:

Yeah. Anyhow, they are two different situations altogether. The fabric of each society is different from the other one. But definitely there will be – we have to take into consideration many other elements.

Jonathan Rugman:

Can I bring David Butter in here? David, you've heard proponents of this constitution set forth their stalls. How much confidence do you have that this will – my second question I began with – lead to stability and growth?

David Butter:

It's clear it's going to be a very bumpy ride. There are some things which are in favour of this process. One of them, I think, is the breathing space economically that the aid that Egypt has received since July has given the government. It's going to be a very difficult balancing act between the elements of this process that are authoritarian and repressive and the elements that are pluralistic and tending toward consensus. It's also going to depend a lot on how strong that consensus, which the government is very much trying to encourage, can be and how much it's going to have to depend on the coercive elements of the state – the arrests, the violence and so on.

I think it's interesting that the government's economic programme, which I think is a very well-judged mixture between trying to put public investment into sensible areas that will create jobs and start to push up growth, and emphasizing the need to preserve the sort of private business or private area of the economy – this programme ends with calling on all Egyptians from all classes and political inclinations to back up the government and cooperate with it during this critical period. The programme's goals: so Egypt can pursue its path toward fair and sustainable development and the triumph of democracy. You can't necessarily blame the people in government for trying to sell this message very strongly. What I wonder is – we talked a little bit about the political parties of this, I suppose you would call it, the new centre. I hesitate to use the word 'liberal' but some of them would be social democratic, some of them would be liberal, some of them would be more conservative. Some of them would be rather more nationalistic and socialist in their outlook. But there is a cluster of parties that individually have not really succeeded in presenting a very strong electoral façade; collectively, they may do better. But you have to question how well they'll be able to cooperate and how well they'll be able to manage their own campaigns.

A lot will also depend on how the constitution chooses to frame the elections, because there is an issue here which perhaps we can talk about a bit more, whether this is going to be individual candidate-based or whether it's going to be party-list-based. The early versions of the constitution tended toward the individual candidate basis, which kind of takes you back into areas where local interests – people who can operate well at the local level – may be people who were part of the NDP as it was. The NDP wasn't so much a party as a cluster of interests, many of them local, and it was very resistant to central domination. So the question I'm kind of wondering is where that centre, where that kind of centre-consensus party, is going to come from and what it's going to look like. Is it going to be in the image of the current

government, which I think the prime minister and the deputy prime minister are from probably a liberal/social democratic background, or is it going to be from a much harsher, nationalistic, xenophobic area and orientation, which I think has characterized a lot of the political discourse in Egypt in the last couple months?

Jonathan Rugman:

What people on the panel are saying is that there has to be an Ataturk-like separation between religion and state, and that a lot of people would sympathize with that. Can you foresee a situation where an Egyptian population which voted one way a year ago could be so horrified by what's happened in the last few months and have lost such faith in the Muslim Brotherhood that they would in fact go the other way in December and accept this division between religion and state?

David Butter:

I don't think it's going to be quite so stark in the wording of the constitution. I assume that this constitution, because of all sorts of historical baggage and so on, will still have in Article Two a reference to sharia as being the principal basis of legislation and so on. So I don't sense in any way there will be a move towards a very radical, Ataturk-like – you know, Article Two of the Turkish constitution is exactly the opposite. I don't think anybody is ready to do that in Egypt. Nothing will be so explicit.

Of course, the whole thing about the Muslim Brotherhood is that whereas its opponents were absolutely convinced that their whole agenda was all about creating a theocratic state, they were actually quite good at trying to persuade other people – for example, people in the West – that actually they had a far more benign agenda and that this wasn't what they were up to. I think the truth is probably somewhere in between.

But just to go back to your comparison with Tunisia, there is a fault that can be found with the Muslim Brotherhood: they were particularly bad at almost everything they did. So there was a kind of gap there between the claim that they were so dangerous and such a threat to everything that Egyptians held dear, and that they were totally incompetent. Again, I think the real picture is somewhere in between. If you look at Tunisia, the Ennahda party has been probably a lot smarter in the way it's handled the situation; it's been able to

pull back, it's been able to say, okay, this is getting dangerous and scary, the best thing for us is to yield some powers and go back into the background.