



# Egypt's Military Council and the Transition to Democracy

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## Summary points

- Egypt's transition to democracy has been undermined by the legacy of almost 60 years of consecutive rule by men from the military. Since the fall of Mubarak the Supreme Council of the Armed Forces (SCAF) has attempted to direct the process of democratization but has frequently responded to challenges through tactics reminiscent of the old regime.
- The public's search for security and economic stability and the military's elevated position in the eyes of many have allowed the SCAF to maintain significant power during the transition period and often to outmanoeuvre its political opponents. However, its position and interests have been challenged by the democratic process. It is likely that the military institution itself will ultimately be subject to scrutiny, although much depends on the choice of president.
- A withdrawal of the military from politics does not just mean a withdrawal from the limelight, something the SCAF has wanted; it is a process that requires its full separation from the political arena and non-interference in the parliamentary and constitutional process. This requires budgetary accountability and transparency, and means the military must not be above the law.
- The failure to achieve a speedy transition to civilian rule will not only delay progress towards a fully democratic Egypt. It will also increase the polarization and conflict between the old guard and the 'new' Egypt, distracting attention from addressing the pressing economic and social demands of the majority of Egyptians.

## Introduction

The removal of Egypt's president of almost thirty years on 11 February 2011, through the pressure of mass protests, was one of the country's most momentous developments in recent times. One of the key factors enabling the ousting of Hosni Mubarak was the role that the military – more specifically its higher echelons – played, and continues to play, in shaping Egypt's politics.

In the face of mounting popular pressure from 25 January 2011 calling for an end to the Mubarak regime – calls eventually echoed by the United States precisely because of the growing numbers demanding change on Egypt's streets – senior figures in the army stepped in to force the president's resignation.

The revolutionaries had welcomed the military's move against Mubarak and had negotiated with it following his ousting. The protestors initially reinforced the idea that the armed forces were on the people's side and that they should not forfeit the people's trust in ensuring the transition period went smoothly. The military also appeared to be the only institution of the state ready to run the country in the absence of a government-in-waiting.

The military sees itself and is still seen by the majority of Egyptians as the protector of the nation, although that image is becoming increasingly tarnished. The idea that Egypt as a state is in danger looms large in the discourse of the military. In the absence of democratic institutions, Egyptians have tended to look up to the military institution and see it as a bulwark of society.

However, Egypt's interior ministry, security forces and police are all part of the powerful and repressive state apparatus that existed under Mubarak and that the protestors and the new political parties want to see reformed. It is therefore unlikely that the military, perhaps the strongest arm of the state, can remain immune from calls for change and transparency.

The Egyptian political parties and public are divided in their attitudes and over the tactics to be pursued towards

the Supreme Council of the Armed Forces (SCAF), a body of twenty senior officers who were closely connected to the previous regime. In particular, Field Marshall Hussein Tantawi, who has been Minister of Defence since 1991 and became Commander of the Armed Forces in 1995, was a close associate of Mubarak.

Moreover, the June presidential election run-off will be seen as a critical test of how the SCAF, the leading political parties and the public will shape the agenda, and to what extent Egypt's next president will seek to curb the SCAF's powers. However, what is apparent is that the nature of military-civil relations has been challenged and may ultimately be altered in favour of a civilian state. The questions are how long this will take, what strategies will be employed and what the cost will be in terms of political stability.

## The role of the military in the fall of Mubarak

The legacy of the military's coup against King Farouk in 1952,<sup>1</sup> which ushered in sixty years of dictatorship, created the myth that the 'army and the people are one'. It was perpetuated by Gamal Abdel Nasser's rhetoric<sup>2</sup> and resurfaced early in January in Tahrir Square.<sup>3</sup> This idea was built on the notion that it is the sons, brothers and husbands of ordinary Egyptians who make up the army (all Egyptian males are conscripted for either one year, if they are graduates, or two if they are not). The myth was enhanced by the 1973 war in which the Egyptian army crossed the Bar Lev line, shattering the idea of Israeli military invincibility and regaining something of the honour it had lost in the devastating defeat of 1967. However, in official narratives little is said of the ensuing military success of Israel in 1973 when it encircled the Egyptian third army. The propaganda and myth-building, along with the institutional power base and security apparatus and significant economic independence of the military, went a long way in enforcing and maintaining the military's power base. This was helped by the need of each of the three military presidents after the 1952 coup to

1 In 1952 the army instigated a coup against the king, abolished the constitutional monarchy and the aristocracy, and declared a republic, independence for Sudan and an end to British occupation.

2 See, for example, M. Karen Walker, *Analyzing Nasser's Philosophy of the Revolution as a Constitutive Text*, [http://www.rhetoricalens.info/images/Nasser\\_Philosophy.pdf](http://www.rhetoricalens.info/images/Nasser_Philosophy.pdf).

3 Randa Ali, 'Egypt's Revolution Continues: One Chant at a Time', 24 April 2012, <http://english.ahram.org.eg/NewsContent/1/114/32335/Egypt/-January-Revolution-continues/Egypt-Revolution-continues-One-Chant-at-a-Time.aspx.Document1>.

celebrate their victories and by the fact that, at least on the surface, the oppression of the post-1952 state was carried out by the security services rather than by the military.

There was nevertheless a general perception that the power and stature of the military had already diminished under Mubarak, especially in the later years, and this perceived slight may have contributed to the grievances held against him by some of the military. Another was their dissatisfaction with the succession issue. A new class of crony capitalists, closely associated with Mubarak's younger son Gamal, seemed to be wielding greater influence on Egypt's political and economic direction than the old military guard. There is enough anecdotal evidence to suggest that the military had been dissatisfied with the growing influence of Gamal Mubarak and feared the fallout on its own position if power were to be transferred to him.<sup>4</sup> In a sense, therefore, the military may have seen Mubarak's departure as an opportunity to reclaim its previous position.

President Mubarak was an increasing liability to the whole institutional power structure in Egypt and particularly to the military establishment (perhaps partly because of the longevity of his rule, but probably more because the increased corruption was seen as unashamedly benefiting his family and friends). As the protests gained momentum, the military may have decided that it could no longer support him, while at the same time the US administration also realized that he was a growing liability as an ally. At the height of the protests, when it was clear that the events in Tahrir Square had reached a critical mass, the military leadership may have also feared division, or even defections, among the rank and file, had it not intervened and allowed the popular uprising to continue. Its intervention on the side of the people was motivated by self-interest, to contain and control the transition period and in so doing also protected the interests of the United States.<sup>5</sup> Ultimately this intervention was a

key factor in bringing about the fall of Mubarak and was also crucial in protecting the military's own position. The senior staff helped speed up the president's departure and by so doing they put a lid on the popular uprising, gaining additional time and room for manoeuvre. In addition, by placing themselves in a position of authority they avoided being immediately challenged as supporters of the regime against a swelling tide of dissent. The SCAF had appeared on state television the day before Mubarak's resignation in a show of solidarity and strength, to communicate that it was there to safeguard Egypt through turbulent times as it had done since 1952. As the SCAF took control after Mubarak's resignation, the soldiers who were seen as having protected the protestors were hailed as heroes by the public.

The SCAF has maintained many of the oppressive aspects of the old order despite the major step of allowing for democratic elections. The Emergency Law – in place since 1981, and expanded over the past year initially after the attack on the Israeli embassy in September<sup>6</sup> – has allowed for the continuation of human rights abuses, including the trials of an estimated 12,000 civilians before military courts.<sup>7</sup> Although the SCAF stated on 25 January 2012 that the law would be partially lifted, it also announced that it would still apply to 'thugs', whom it can define as it pleases.<sup>8</sup> With the continuing crackdown and strict limitations on the freedom of assembly over the transitional period, deep fissures began to emerge between the protestors, the military and a public that increasingly wanted stability and an end to the protests. The majority of political parties, and most significantly the Muslim Brotherhood, accepted the promise of elections and the putative withdrawal of the SCAF from political decision-making following presidential elections as an adequate commitment to transition. This left the protestors out on a limb. Those who had spearheaded the revolution became

4 In its issue of 14 December 2010, the Arabic electronic *Daily Elaph* quoted a telegram from the US ambassador in Cairo stating that while some civilians would support the succession of Gamal Mubarak, the army opposed it. See [www.elaph.com/web/news/2010/12/618184.html](http://www.elaph.com/web/news/2010/12/618184.html).

5 'Rethinking the Middle East', Analysis, BBC Radio 4, 28 February 2011, [www.bbc.co.uk/iplayer/.../Analysis\\_Rethinking\\_the\\_Middle\\_East/](http://www.bbc.co.uk/iplayer/.../Analysis_Rethinking_the_Middle_East/).

6 Sarah Carr, 'Renewed Emergency Law raises fears of coming crackdown', 21 May 2012, *Egypt Independent*, <http://www.egyptindependent.com/node/495212>; also see Kyle Bates, 'One strike you're out: Egypt's expanded emergency law poses a risk to the right of collective bargaining', 21 February 2012, Human Rights Brief, <http://hrbrief.org/2012/02/one-strike-you-re-out-egypt-s-expanded-emergency-law-poses-a-risk-to-the-right-to-collective-bargaining>.

7 See Human Rights Watch, 'Egypt protestors' blood on the military leadership's hands', 22 November 2011, <http://www.hrw.org/news/2011/11/22/egypt-protesters-blood-military-leadership-s-hands>.

8 <http://www.bbc.co.uk/news/world-middle-east-16704551>. The exception of 'thugs' was criticized by the HRW in its Arabic service website, Ta'dilat Qanun al-Muhakamat al-Askariyya al-Masri Tubih Istimrar Muhakamat al-Madaniyyin, <http://www.hrw.org/ar/news/2012/01/25>.

increasingly isolated by a public drawn to the rhetoric of stability enunciated by the military against a backdrop of failing personal security, with the effective withdrawal of the police, of economic hardship following the stagnation after the revolution, and of insecurity along the borders, particularly in Sinai, where the military appears to be fighting a dissolution of public order.<sup>9</sup> All these factors are compounded by the changing reality on the ground with regard to political parties, whose agendas and promises to deliver in the newly created political space of the post-Mubarak period afforded them greater freedom to campaign than they had ever enjoyed before.

### Elections and the constitution

Parliamentary elections have taken place in Egypt (in November 2011/January 2012), with a historic and unprecedented turnout of 65–70 per cent. Although the process was long and convoluted, the elections were acknowledged to be free and fair by the vast majority of observers. The overwhelming majority of votes went to Islamist parties – 47 per cent to the Muslim Brotherhood and 24 per cent to the Salafists' al-Nour party<sup>10</sup> – with the rest going mainly to the revived Liberal Wafd and the Egyptian Bloc coalition.<sup>11</sup> It remains to be seen whether the battle for a civilian state will be taken up by parliamentarians and whether increasing pressure will be put on the SCAF by parliament as well as the street.

Two major areas of disagreement have emerged with regard to the new constitution. The first, between the army and what can be described as the 'revolutionary forces' (including the Islamist parties), relates to the position of the

military in the new state, particularly an attempt to put it above the constitution with respect to certain aspects that might threaten its dominance or economic interests.<sup>12</sup> In an attempt to maintain some levers of control, this took the formal shape of a 'Declaration of the Fundamental Principles of the New Egyptian State' (referred to as the Selmy document because it was issued by the then deputy prime minister, Ali al-Selmy, on 1 November). It states that the military has the right to overrule any part of the constitution that contradicts the basic tenets of the Egyptian state and society. These so-called Selmy or 'supra-constitutional' principles were soon rejected but clearly remain a live issue, if dormant.<sup>13</sup>

However, this has been sidelined by another major area of disagreement, mainly between secular and Islamist forces, over the character and detail of Egypt's new constitution. The ensuing divisions among the new parliamentarians appear to have allowed the military to push back against the changes of the past year. The constitution, which began to be debated soon after the ousting of Mubarak, has become a focal issue in the new parliament.<sup>14</sup> The Islamists, aware that they need the new constitution to enjoy consensus, have tried to work through a committee of 100, half from parliament on a pro rata basis and half from other segments of society (including representatives of minorities such as Copts, secularists, leftists, female activists and others). However, the secularists and others, taken aback by the overwhelming electoral victory of the Islamist parties, have objected to the composition of the committee, which they see as being too dominated by Islamists, and three liberal

9 The collapse of law and order in Sinai may develop into a major issue. See 'Israel warns Egypt: It will hit terrorists if Sinai not secured in near future', 9 April 2012, <http://www.worldofjudaica.com/jewish-news/international/israel-warns-egypt-it-will-hit-terrorists-if-sinai-not-secured-in-near-future/2222/87>; and also Samer al-Atrash, 'Egypt's military struggle with Sinai, its white elephant', AFP, 17 March 2012, <http://www.google.com/hostednews/afp/article/ALeqM5hL0qqEsSkyNLc3rz34qtdKcbMETw?docId=CNG.1d62857c95ea9012f53e7ddd659eb29f.231>. See also Nicholas Pelham, *Sinai: The Buffer Erodes* (Chatham House MENA Programme Report, forthcoming, 2012).

10 For a full list of final results see Al-Anba' Arabic website, <http://www.alanba.com.kw/AbsoluteNMNEW/templates/international2010.aspx?articleid=261391&zoned=13&m=0>.

11 The Egyptian Bloc is an alliance of several liberal, social democratic and leftist political parties and movements as well as the Sufi Liberation party.

12 See Jane Kinninmont, *Bread, Dignity and Social Justice: The Political Economy of Egypt's Transition*, Chatham House MENA Programme Briefing Paper, April 2012, <http://www.chathamhouse.org/publications/papers/view/183047>.

13 See 'Supreme Council of the Armed Forces Constitutional Declaration', *Guide to Egypt's Transition*, Carnegie Endowment for International Peace, <http://egypt-elections.carnegieendowment.org/2011/04/01/supreme-council-of-the-armed-forces-constitutional-announcement>; Al-Bishri: Al-Mushir lam ya'sa li taghyeer wad' al-jaysh fi al-doustour, 22 May 2012, [almesyoona.com/news.aspx?id=106150](http://www.almesyoona.com/news.aspx?id=106150); and Ali Sham and Abd al-Jawad Tawfiq, *Jadal qanuni hawl wad al-Jaysh fi al-doustour*, 4 March 2012, [ahramonline.com/Al-Mashhad-Al-Syiassy/News/134829.aspx](http://www.ahramonline.com/Al-Mashhad-Al-Syiassy/News/134829.aspx).

14 A key question was what should come first, the constitution or an elected parliament or a president. A popular referendum on 19 March 2011 voted overwhelmingly (with 77%) for the provisional constitution under the SCAF, followed by parliamentary and then presidential elections.

parties said they would boycott the process.<sup>15</sup> Their fear is that the Islamists' current majority will allow them to instil certain Islamic principles in the constitution, although it is not clear what these might be. The negotiations over the composition of the constitution-writing committee were taken outside parliament, as a number of political parties met directly with the SCAF to discuss possible criteria for selecting a body with greater representation for minorities. The danger in this approach is that such moves essentially discredit the parliamentary process and create a feeling of unrest that is being exploited by the SCAF.<sup>16</sup> In the event, the courts intervened, overruling Parliament and suspending the committee.<sup>17</sup> The Muslim Brotherhood's Freedom and Justice Party (FJP) objected to the accusation that the committee had too many Islamists and to the circumventing of the parliamentary process. In the first presidential debate the moderate Islamist Abdel Moneim Aboul Fotouh, whose campaign aims for greater consensus, conceded that the committee should be entirely made up of non-elected representatives from the entire spectrum of Egyptian society. This is a view that is shared by many across the political spectrum.

The extent to which the SCAF will interfere in the constitutional process (directly through insisting on certain supra-constitutional privileges, or indirectly through a presidential candidate who is willing to compromise with it) will directly affect the independence of parliament and could undermine the democratic process. The presidential elections will test the commitment of secular forces to the democratic process as the results of the first round look as if they will force the electorate to choose between Mohammed Morsy, the Freedom and Justice Party candidate, and Ahmed Shafiq, who served as Commander of the Egyptian Air Force (1996–2002) and as Mubarak's last prime minister, and who is acknowledged to be SCAF's preferred candidate.<sup>18</sup>

The military may withdraw from direct political involvement, while maintaining a degree of power and influence behind the scenes and constantly threatening to intervene to protect Egypt's 'security' and 'identity', in a similar fashion to the role of the armed forces in the early stages of the transition to democracy in Turkey.

### Avoiding a confrontation?

There has been much speculation over the relationship between the military and the Muslim Brotherhood. Throughout the transition period there has been talk of a secret deal, or at least a tacit accommodation that ensured that the Muslim Brotherhood and its FJP would not support protests against the SCAF and would work towards the schedule set out for parliamentary and presidential elections. The Muslim Brotherhood's leadership decided to take a non-confrontational approach towards the SCAF, insofar as it did not endorse protests against it in Tahrir Square or encourage the revolutionaries. It opted for following what it judged to be the general sentiment in Egyptian society: there was a need for security and stability and the SCAF would be best placed to oversee the uncertain circumstances prevailing in the country during its transition to an elected government. In this sense the Muslim Brotherhood leadership read the mood of the majority of the electorate accurately, although its position came at a price, in so far as it antagonized and angered the bulk of revolutionary forces on the ground, and even younger activists in its own movement. However, few could deny the presence and involvement of Muslim Brotherhood protestors despite the lack of official endorsement.

More recently, the position of the Muslim Brotherhood and FJP has shifted significantly. The FJP has put forward a presidential candidate (reneging on a previous pledge not to do so) and they have both called for protests in Tahrir Square until there is a transfer of power from the SCAF following the presidential elections. Despite winning the majority

15 A good summary of the various objections to the committee can be found in *Elaph* on 28 March 2012. Women's organizations accused the committee of ignoring women members and brought to mind the behaviour of the NDP, according to Ms Nahid Shihata; the Church said it was not consulted and wanted to ensure that in personal law Coptic law applied to Copts; the April 6th movement was also opposed on the basis that the majority were Islamists. Sabri Hasanin, 'Tasa'd azmat lajnat al-dustour al-masri bayn al-ikhwan wal tayyarat al-siyasiyya', *Elaph*, 28 March 2012, <http://www.elaph.com/Web/news/2012/3/725828.html>.

16 Indeed, an Egyptian court ruled on 3 April that the assembly is illegal: 'Egyptian Court suspends Islamists dominated assembly', 11 April 2012, <http://english.alarabiya.net/articles/2012/04/10/206737.html>.

17 'Egypt court suspends constitutional assembly', BBC, <http://www.bbc.co.uk/news/world-middle-east-17665048>, 10 April 2012.

18 Mark Hellyer, 'Egypt presidential reality show', *Foreign Policy*, [http://mideast.foreignpolicy.com/posts/2012/04/23/the\\_egyptian\\_presidential\\_show\\_isnt\\_over\\_yet](http://mideast.foreignpolicy.com/posts/2012/04/23/the_egyptian_presidential_show_isnt_over_yet).

of parliamentary votes the FJP has been unable to form a government because of the refusal of the SCAF to withdraw its support from the present Ganzouri government. This has relegated the Islamists to parliamentary work (albeit important) and denied them any real clout in government. This inability to act has contributed to undermining their position in the public eye. Furthermore, an ongoing legal move backed by the SCAF to question the constitutional legality of the present parliament is clearly directed at harming the Islamists. Although the SCAF knew that throughout the transition period it needed to partially accommodate the most important political player, the Muslim Brotherhood, it is trying to outmanoeuvre and undermine it, for example by stating that the success of the Islamists in the election does not reflect the will of all Egyptians.<sup>19</sup>

For its part, the Muslim Brotherhood is an astute political player which has recognized that parliamentary gains will legitimize it and strengthen its hand. It knows all too well the strength of the military establishment in Egypt and its support for the previous regimes that justified the repression of the Muslim Brotherhood. However, it has been patient and has shown pragmatism in its approach to the SCAF, knowing that if it played its cards correctly by not confronting the military head on, it could form the next government. The Brotherhood indicates that it wants the military out of the way, but it is willing to achieve this gradually.<sup>20</sup>

It is likely that the SCAF will become more vulnerable as parliamentarians find their voice and increasingly call

for a civilian state, echoing the demands on the street. The formation of Egypt's next government may begin to define the limits of military intervention in the country's politics, although the realization of a fully civilian state is likely to take much longer.

### The SCAF: power for the long term?

The SCAF has repeatedly asserted that it does not want to maintain political power.<sup>21</sup> In general terms its main concerns appear to be to remain beyond legal scrutiny and maintain its independence from civilian oversight. In more specific terms it wants to ensure that it preserves control of US military assistance (\$1.3 billion annually) and does not have to make public the details of the military budget.<sup>22</sup> It also wants to ensure that its extensive business interests are not investigated or limited.<sup>23</sup> The extent of these is not fully known but the army was able to afford to give the Central Bank of Egypt \$1 billion to boost its dwindling foreign exchange reserves in 2011. Perhaps as a result, the degree to which the military's economic interests permeate society has received much attention lately.<sup>24</sup> Maybe the SCAF's most important but unspoken concern is a 'safe exit', i.e. an agreement that its members are granted immunity from prosecution for supporting the Mubarak regime or for decisions taken by the SCAF during the transitional period (to cover both political issues such as abuses of human rights and corruption issues). Whether or not there is an 'understanding' between the Muslim Brotherhood and the

19 Jack Shenker, 'Egypt's military will have final say on country's new constitution', *Guardian*, 7 December 2011, <http://www.guardian.co.uk/world/2011/dec/07/egypt-military-final-say-constitution>.

20 Abdel Moneim Aboul Fotouh in interview: 'Of course I fear the military', 'Rethinking the Middle East', Analysis, BBC Radio 4, 28 February 2011, [www.bbc.co.uk/1/player/.../Analysis\\_Rethinking\\_the\\_Middle\\_East/](http://www.bbc.co.uk/1/player/.../Analysis_Rethinking_the_Middle_East/). Also see Essam el Erian interview with David Kirkpatrick, 'Islamists in Egypt back timing of military handover', *New York Times*, 9 January 2012, <http://www.nytimes.com/2012/01/09/world/middleeast/muslim-brotherhood-backs-egyptian-militarys-transition-date.html?pagewanted=all>: '... although the military has sought permanent powers and autonomy, Mr. Erian said, the public is against its continued rule in any form. "No people can support this now," he said. "... governing Egypt for the time being would require 'cooperation' between the military council, the caretaker government and the Parliament." Once a new president is elected and a new constitution is ratified, he said, "within three months we can have the military back in their camps safely."

21 See, for example, 'Scaf member: We will hand over power by June even if Constitution not ready', 4 April 2012, Egypt.com, <http://news.egypt.com/english/permalink/99348.html>.

22 Article 9 of the Selmy document stated that only the SCAF may discuss the details of the annual defence budget.

23 The military claims that it is involved in small and medium-sized business, not heavy industries. Some estimates suggest that its involvement in the civilian economy is approximately 10% and that its projects help support infrastructure projects at a national level. See 'Egypt's Army Marches, Fights, Sells Chickens', *BusinessWeek*, [www.businessweek.com/magazine/content/11.../b4217012945891](http://www.businessweek.com/magazine/content/11.../b4217012945891). In a secret cable (September 2008) released in December 2011 by WikiLeaks, the US Ambassador in Cairo described the Egyptian military as 'becoming a "quasi commercial enterprise" itself. See Cam Simpson and Mariam Fam, 'Egypt Generals running child care means transition project profit motive', *Bloomberg*, 15 February 2011.

24 Shana Marshall, 'Why the U.S won't cut military aid to Egypt', *Foreign Policy*, 29 February 2012, [http://mideast.foreignpolicy.com/posts/2012/02/29/why\\_the\\_us\\_won\\_t\\_cut\\_military\\_aid\\_to\\_egypt](http://mideast.foreignpolicy.com/posts/2012/02/29/why_the_us_won_t_cut_military_aid_to_egypt); see also Charles Clover and Roula Khalaf, 'Egypt military uneasy over business ties', *Financial Times*, 28 February 2012, <http://www.ft.com/cms/s/0/a301b6ec-435b-11e0-8f0d-00144feabdc0.html#axzz1vb0bdSgj>.

senior members of the military that these concerns will be met, such guarantees will be increasingly difficult to extend if parliament and the protestors gain greater confidence in their political clout. The possible exception might be if a 'SCAF-friendly' president (Shafiq) is elected.

### Old methods of control versus the new activism

Perhaps the greatest threat to the SCAF since the fall of Mubarak, and one that clouds even its success in overseeing genuinely democratic elections, is its poor record in moving away from the Emergency Law and human rights abuses.<sup>25</sup> Continuing attempts to stifle the revolutionaries drew the SCAF into confrontation with determined protestors who repeatedly pushed the agenda by continuing to return to Tahrir Square and put pressure on the SCAF to maintain the process of democratization. In the aftermath of the fall of Mubarak, there were fears about security, the economy and sectarian incidents (and there are many who see these last as an example of the SCAF using old-regime tactics – creating such incidents through *agents provocateurs* to allow it to apply repressive measures in the name of security and stability). These fears prompted the military to clamp down on freedom of assembly and of the media, and eventually on NGOs.<sup>26</sup> In its attempts to control the situation the SCAF has played on the public's fear of chaos, with a supposedly increasing incidence of crime and kidnappings since the fall of Mubarak, culminating in the Port Said football stadium tragedy in February.<sup>27</sup>

There have been strict restrictions on the freedom of assembly; from 24 March 2011, the SCAF issued a ban on demonstrations and strikes that might be considered an impediment to the work of public or private institutions.<sup>28</sup> This allowed for the arbitrary breaking-up of demonstrations and sit-ins. Although the sense of harmony and unity between Muslims and Copts during the protests was palpable to external observers, sectarian division has been exploited to enforce the SCAF's role as the self-styled guardian of security and stability in uncertain times. The incident in Maspero on 9 October in which 27 Egyptian Copts were killed during a protest was reported by the state media as a confrontation in which Copts were attacking the military. The state media even called on 'honourable citizens' to 'defend the military from attack', in what was essentially a clash between the security forces and protestors who on this occasion happened to be mainly Copts.<sup>29</sup>

In a highly publicized case that was condemned across the political spectrum, in which a veiled women protestor was stripped to her underwear and beaten by the military police,<sup>30</sup> the SCAF again used Mubarak-era tactics, even to the extent of denying the authenticity of the evidence at first.<sup>31</sup> However, the widespread photographic capture and reporting of the incident both regionally and internationally, and pressure from public and international opinion, forced the SCAF to apologize.<sup>32</sup>

The media have also been subject to constant interference. Independent TV channels have received a number of warnings, Al-Jazeera TV offices were raided twice during September 2011 and newspapers have occasionally been

25 Human Rights Watch also documented numerous occasions when military police and riot police allowed and at times encouraged armed civilians, possibly hired thugs, to attack other civilians. 'Egypt: Military Trials Usurp Justice System', <http://www.hrw.org/es/node/98469>.

26 See 'U.S government ultimately paid bail for Egypt NGOs', Reuters, 2 March 2012, <http://www.reuters.com/article/2012/03/03/us-egypt-usa-ngos-idUSTRE82206H20120303>.

27 'Port Said Football Disaster Exposes Vacuum Left by Revolutionaries', <http://www.guardian.co.uk/world/2012/feb/02/port-said-football-disaster-revolution>.

28 With the increased feeling of freedom, there has been an increasing amount of labour action. See, for example, Youssef El-Aumi, 'Military police break up workers' strike at Cairo airport', *Egypt Independent*, 7 September 2011, <http://www.egyptindependent.com/node/493272>; and 'Egypt: Cairo bus workers defy military attempts to break their strike', MENA Solidarity Network, 27 March 2012, <http://menasolidaritynetwork.com/2012/03/27/egypt-cairo-bus-workers-defy-military-attempts-to-break-their-strike/>.

29 The Ministry of Information, a Mubarak-era ministry that oversees and directs state-run television and radio, has been directly involved in restricting freedom of expression. 'Egypt in Transition: The Media's Role in Politics', Chatham House workshop summary, June 2011, <http://www.chathamhouse.org/publications/papers/view/177281>.

30 'Egypt Women March, Protest Brutality Against Tahrir Women', [http://www.huffingtonpost.com/2011/12/20/egypt-women-march-tahrir-woman\\_n\\_1160874.html](http://www.huffingtonpost.com/2011/12/20/egypt-women-march-tahrir-woman_n_1160874.html).

31 'Carter: Tantawi in Denial over "Girl in Blue Bra"', <http://www.arabist.net/blog/2012/1/19/carter-tantawi-in-denial-over-girl-in-the-blue-bra.html>.

32 'Egyptian Army Issues Apology After Woman Stripped', *ahramonline*, 20 December 2011, <http://english.ahram.org.eg/NewsContent/1/64/29831/Egypt/Politics-/Egyptian-army-issues-apology-after-woman-stripped.aspx>.

confiscated.<sup>33</sup> In order to strengthen the SCAF's profile Field Marshal Tantawi announced the formation of a National Military Media Committee, made up of eleven generals responsible for providing positive coverage about the military to the media.<sup>34</sup>

In January the Interior Ministry and judiciary officials conducted simultaneous raids on NGOs, among them the National Democratic Institute, the International Republican Institute and Freedom House (US-based non-profit groups) and Egyptian civil society groups.<sup>35</sup> The Egyptian authorities have claimed the judiciary is acting fully independently, but given the power of the SCAF, analysts have generally assumed it is at least endorsing the process – which, in turn, has prompted the US Congress to debate the future of aid to the Egyptian military. The situation was defused in March when foreign nationals charged with illegally obtaining funds and not registering their organizations with the government were allowed to leave Egypt. Despite this, a month before the elections the Egyptian government refused to license eight US civil society groups including the Carter Center (which was eventually allowed to monitor the presidential elections). The implication is that the political space available to independent observers and civil society is being constantly limited, giving greater scope for the SCAF to direct the political process.

Following a heavy-handed crackdown on a sit-in in front of the cabinet on 16 December, which left 13 dead and 800 injured, General Adel Emara responded to questions in a press conference by saying, 'What are we supposed to do when protesters break the law? Should we invite people from abroad to govern our nation? ... The media is helping sabotage the state.'<sup>36</sup> More recently still, on 2 May, protestors staging a sit-in outside the Ministry of Defence were attacked

by armed thugs. A video (albeit unverifiable) posted on the web seems to show the thugs arriving in military vehicles.<sup>37</sup> This seems to have been a step too far for the FJP, which publicly denounced the SCAF for using violence and reiterated its support for the right to demonstrate.<sup>38</sup> The SCAF took the line, however, that it tries its utmost not to use violence, reminded citizens that the Emergency Law was still in effect, and blamed the incident on the thugs.<sup>39</sup>

The idea that Egypt is threatened by external and internal enemies is a recurring theme of the SCAF's pronouncements when faced with domestic challenges or protests. While it wants to claim its role in the revolution, it tends to defend its position through a nationalist and xenophobic discourse that is promoted and wielded against critics, Egyptian and non-Egyptian.<sup>40</sup> This has been used in part to justify the clampdown on NGOs. The fear of outside conspiracies, particularly those allegedly instigated by Israel and the United States, finds considerable resonance in society. The much-repeated refrain from political parties, activists and the public is for non-interference in the internal affairs of Egypt. However, there is substantial scope for cooperation and assistance in technical and developmental projects ranging from security reform models to transparency and anti-corruption assistance. What is noteworthy, of course, is that the SCAF is an institution that cooperates very closely with the US military, so that its rhetoric against foreign intervention is very selective.

Despite its interference in politics, the SCAF is likely to want to withdraw from the limelight. It would prefer to have a president and government that appear independent but that would uphold its status in the eyes of the people and not hold it accountable for abuses during the transition period. It is not entirely clear whether the short-lived

33 A group of journalists launched an initiative called 'white columns', protesting against the interference of a military observer in the editorial content of the newspapers. The initiative began on 5 October, when writers abstained from writing, leaving their columns blank. On 25 September, the authorities had seized the copies of *Sawt Al-Ummah* newspaper for containing an investigative report on p. 9, on corruption within the Egyptian Public Intelligence, entitled 'The scandal of Omar Suleiman's Intelligence – why does General Murad Muwafi not initiate a purge for Mubarak and Suleiman's men?' See 'Egypt: An Initiative Against the Interference of a Military Observer', Arabic Network for Human Rights Information, 6 November 2011, [www.anhri.net/en/?p=4231](http://www.anhri.net/en/?p=4231).

34 'Military to form committee to provide "true information to the media"', *Egypt Independent*, 16 January 2012, <http://www.almasryalyoum.com/en/node/604766>.

35 'Egypt police raid civil rights groups', *Financial Times*, 29 December 2011.

36 'SCAF blames violence on "methodical plot" to ruin Egypt', *The Daily News*, <http://thedailynewsegyp.com/egypt/scaf-blames-violence-on-methodical-plot-to-ruin-egypt>, 19 December 2011.

37 Video on Kalbiyyat, <http://www.d1g.com/video/show/4705473>.

38 FJP website, Bayan Min Hizb al-Hurriya wal 'Adala Hawl Ahdath al-Abbasiyya, 5 May 2012, [http://www.hurryh.com/Party\\_Statement\\_Details.aspx?News\\_ID=12167](http://www.hurryh.com/Party_Statement_Details.aspx?News_ID=12167).

39 For a summary of SCAF statements see Ba'd Tasrihat al-Majlis al-Askari 'An Ahdath al-Abbasiyya 3<sup>rd</sup> May', [http://www.maslaw.info/2012/05/blog-post\\_7498.html](http://www.maslaw.info/2012/05/blog-post_7498.html).

40 See 'The Third Man: Egyptian Fears of a Foreign Plot', *ahramonline*, 24 February 2012, <http://english.ahram.org.eg/NewsContentP/1/35184/Egypt/The-third-man-Egyptian-fears-of-the-foreign-plot.aspx>.



presidential candidacy of Omar Suleiman (now disqualified) was a genuine attempt to test the waters, or whether he was always intending to be disqualified, in order to legitimize and balance the disqualification of other (Islamist) presidential candidates who could have represented a significant challenge to the SCAF. Suleiman, the vice president appointed by Mubarak just before he was deposed, is a career general and intelligence chief, associated with rendition<sup>41</sup> and human rights abuses.<sup>42</sup>

However, in post-Mubarak Egypt the main political players want to marginalize the role of the military in politics and are openly calling for a civilian state. Despite their failure to muster mass popular support in confronting the military, and despite police brutality, protestors are continuing their activity, and in the run-up to the presidential elections with the Muslim Brotherhood in the lead, they called for the military to hand over power. Some activists are calling for the trial and even execution of Tantawi. Furthermore their tenacity helped win concessions such as moving the presidential elections from April 2013 to May 2012.

### Strains in US–SCAF relations?

It was against a background of increased tension between the SCAF and the United States that a delegation from Egypt's Ministry of Defence arrived in New York on 29 January to visit a number of military bases and to prepare for joint war games as part of a five-year military cooperation plan.<sup>43</sup> The clampdown on NGOs highlights this underlying tension. The Obama administration had to convince Congress that key issues such as the guaranteeing of the 1979 peace treaty with Israel and possibly to a lesser extent respect for human rights<sup>44</sup> were being upheld, to ensure that the aid package was not cut, while trying to influence the SCAF to fall into line. The SCAF, in an attempt to be conciliatory, allowed foreign members of NGOs to leave.

The SCAF may have overestimated its importance to the United States as a counter to the Islamists and as a

guarantor of peace with Israel. Washington may prefer to see the SCAF in control if only because of US fears about the effect of popular antagonism towards Israel destabilizing the peace, but not if it means losing all credibility in Egypt and elsewhere in the region (visibly siding with a repressive system after what appears to be a non-violent democratic revolution would undermine US claims to support democracy in the region). It is hoping that this policy will help it gain friends and avoid the mistakes of the past that encouraged radicalization and anti-Americanism. This is not to say that the relationship between the United States and the Egyptian military is not mutually beneficial – it is one that both would seek to maintain even in a post-SCAF Egypt – but the United States will inevitably also be engaging with other political players including the FJP, and can no longer be seen so openly backing only one horse in Egypt.

### Breaking the fear barrier

Despite a strong sense among many Egyptians that the revolution has not attained its goals of dismantling the old order, it is clear that the barrier of fear has been broken, so much so that the SCAF is itself now threatened by the new politics of confrontation from the street.<sup>45</sup> The position of the military still remains a 'red line' that activists are warned not to cross, but that line is in fact constantly being crossed by activists, journalists and political groups. Never before have so many Egyptians spoken out so openly against the upper echelons of the military.

Mubarak's trial symbolizes an unprecedented change in the country and in the region. The idea and image of an Arab leader being held accountable under the auspices of a military regime that has put one of its own on trial may have started a process that some in the SCAF may be regretting. Saddam Hussein's trial and execution in many ways set a precedent, but could also have been construed as exceptional owing to the role of foreign intervention.

41 See, for example, Jeff Stein, 'The CIA's Complicated Relationship with Egypt', [http://voices.washingtonpost.com/spy-talk/2011/01/the\\_cias\\_complicated\\_relations.html](http://voices.washingtonpost.com/spy-talk/2011/01/the_cias_complicated_relations.html); Jane Mayer, 'Who is Omar Suleiman?', <http://www.newyorker.com/online/blogs/newsdesk/2011/01/who-is-omar-suleiman.html#ixzz1D6mFW1EV>.

42 'Egypt's presidential race: An unexpected lineup', *Alarabiyya News*, 10 April 2012, <http://english.alarabiya.net/articles/2012/04/10/206739.html>.

43 'Egyptian military holds talks in Washington over arms deal', *Egypt Independent*, 2 February 2012, <http://www.egyptindependent.com/news/egyptian-military-delegation-holds-talks-washington-over-arms-deal-ngos>.

44 'U.S support for Egypt', Human rights.gov, 23 March 2012, <http://www.nationaljournal.com/nationalsecurity/report-clinton-to-allow-egypt-aid-despite-human-rights-concerns-20120315>, <http://www.humanrights.gov/2012/03/23/u-s-support-for-egypt/>.

45 Maha Azzam, 'Breaking the Fear Barrier', *The World Today*, 1 August 2005.

Despite the fact that there are those who consider Mubarak's trial a sham and that the SCAF was forced to acquiesce to popular sentiment, the clear message of the ongoing trial of the former president and some of his associates and relatives is that no one is above the law. The demand by some for Mubarak's execution has dissipated partly because the case has taken so long. In the interim the parliamentary elections have given people a sense that some progress is being made, while the anger of the revolutionaries has now shifted towards the SCAF and the person of Tantawi. The SCAF is perceived as having encouraged the trial to be prolonged in an attempt to gain time in the hope that Mubarak would die and that the conviction of his sons would be less problematic. The implication of the military's decision not to fire on protestors in the period leading up to the president's resignation remains unclear. By initially holding Mubarak and not the military accountable for Egypt's problems, the protestors have been able to win a crucial battle against the old regime but not to dislodge it entirely, nor as yet fully to undermine its military support. By focusing on Mubarak and leaving out the military, the trial may fail to fully investigate and record what happened.

### Moving towards a civilian state

With hindsight one could ask how Egyptian activists could have thought the military would behave in any other way. Why would a junta that supported a dictatorship for so long behave democratically?

It would undoubtedly have required a strong government-in-waiting to achieve the voluntary withdrawal of the military from politics – and even then the latter would have sought guarantees and assurances. Following parliamentary gains by the Islamists, the SCAF has succeeded in weakening its Islamist opponents by supporting the Ganzouri government and refusing the FJP's request to form a government. In the last few months this has meant that the FJP-dominated parliament has come across as ineffectual.

Although the military probably still maintains credibility and respect among the majority of the population, it has been damaged in the eyes of an increasing number of Egyptians over the last year because of its actions in dealing with the protestors and the deteriorating economic situation, and because of the natural and inevitable questioning of authority that accompanies democratization.<sup>46</sup>

In the absence of democratic institutions, Egyptians have tended to look up to the military institution and see it as a bulwark of society. Even most opponents of the SCAF make a distinction between the army and the SCAF, the former still being a source of national pride. The legacy of dictatorship will make the move towards a civilian state difficult. For example, leading judicial figures have argued<sup>47</sup> that military trials for civilians are understandable in the 'exceptional' circumstances Egypt is experiencing, although it is likely to become increasingly difficult to sustain such arguments if parliamentarians and the judiciary want to achieve a reputation for independence and credibility. Nevertheless this remains an area of real tension. On the one hand, one can see examples of the military forced to release civilians imprisoned by tribunals in the face of popular campaigns,<sup>48</sup> but on the other, it continues to push its authority with the same old tactics, in using the threat of non-constitutional trial as a means of controlling critics.<sup>49</sup>

The stature of the military establishment in Egypt may have been shaken by its experience of direct government but it is still the strongest and perhaps the most popular institution that was part of the old regime. Confronting it will require a united political stance that will involve parliament, the judiciary and the street. Dismantling the military's hold on the political direction of Egypt is a mammoth task, particularly given its willingness to resort to force in order to quell 'disorder' and maintain 'security', but the first steps have been taken with the election of a representative parliament. However, much depends on the willingness and unity of parliamentarians in pressing for greater transparency and

46 As an example of the start of the decay in the image of the military, one can point to a grassroots movement called 'Askar Kazeboon' (Lying Soldiers), Facebook page, <http://www.facebook.com/3askar.Kazeboon>. See also Omar El Sabh, 'The generals are "Kazeboon"', *Egypt Independent*, 18 January 2012, <http://www.egyptindependent.com/node/607271>.

47 In this, as in several other instances, I refer to several closed meetings with individuals from various groupings, held in Egypt under the Chatham House Rule over the past year.

48 A leading campaign is 'No Military Trials'; see <http://en.nomilitary.com/>.

49 'Complaints against Al-Aswany, Ghoneim, and Others Referred to Military Prosecution', *ahramonline*, 7 March 2012, <http://english.ahram.org.eg/NewsContent/1/64/36221/Egypt/Politics-/Complaints-against-AIAswany-Ghoneim-and-others-re.aspx>.

accountability from the military, or on whether the majority will argue that the main focus of attention has to be the economy and that the SCAF has delivered on its promise of elections. It is here that the street can influence parliament.<sup>50</sup>

The SCAF is likely to become more vulnerable if others lower down the military chain of command are drawn to the politics of greater accountability and participation in society and feel that the military establishment as a whole is being undermined by the old guard. The generational divide is inevitably reflected in the military, as it is in the wider society. Furthermore, the reform that is called for in different spheres of Egyptian state and society, whether of the interior ministry, the security services or the police, will also increasingly be demanded of the military establishment.

It remains to be seen to what extent political parties and the revolutionaries want to push for accountability from the military. Will they see it as complicit in supporting the previous regime? One question to which Egyptians have still not demanded an answer is: 'Why did the military, in whatever capacity, not intervene to quell the excesses of the police?'

The SCAF rejects any idea that it needs an exit strategy. Its position is that it has served the country honourably and remains the guardian of its security. There may not be any explicit talk of a 'safe exit' for the SCAF but its leaders certainly want a 'respectable' exit after presidential elections that will guarantee their interests and immunity from prosecution. Given Egypt's pressing problems and challenges, the best the army could do is avoid a prolonged struggle with those seeking to curtail its powers. Following the presidential election the SCAF is likely to say it is returning to the barracks, and may in some ways be relieved by no longer being in the limelight and hope that it will no longer be the focus of activists' protests. It is not yet clear to what extent the military will seek to wield influence behind the scenes.

## Conclusion

Following the events of 25 January 2011, the SCAF has had to oversee one of the most historic developments in Egypt's recent history – the holding of free elections – but in the

process it has resorted to human rights abuses in order to stifle peaceful political dissent. This has harmed its reputation and increased opposition. The biggest challenge to the SCAF's political influence and interests is the process of democratization itself, which will gradually allow its position to be questioned and its political role to diminish.

Furthermore, if steps are taken to deal with state corruption in general, the military will be made aware that it is not above the law, and it may be forced to initiate a programme of reform in order to respond to the democratization under way in the country at large, and to find parallel means of weeding out corruption.

Egypt's different political forces do not speak with a single voice when it comes to the excesses of the military in dealing with dissent or interfering in politics. The SCAF has manoeuvred to protect its own interests which entailed undermining the revolutionary youth and parliament in the lead-up to the presidential elections. In so doing it has contributed to creating a polarized and fractious political situation. The idea that Egypt can be a partial democracy with the military maintaining stability will help breed frustration and anger because many Egyptians will feel cheated if, after decades of dictatorship, they end up with such a system.

Egypt's generals are old, while the army's rank and file and the population in general are young. If the military fails to adapt to the changes in broader society, and continues to be seen as part of the old order, it will find itself in a long-drawn-out battle that it is more than likely to lose. After such a prolonged period of dictatorship Egypt faces serious and overwhelming challenges with regard to its political institutions, corruption, the rule of law and human rights. The military's continued interference in politics impedes progress in all these spheres. If Egypt is to proceed in undoing the damage of dictatorship to both state and society, therefore, it needs to move swiftly to a civilian government. The longer the military perpetuates the old order, the greater the danger both to the state it claims to protect and to itself.

<sup>50</sup> See 'Carter: Egypt Army unlikely to give up all powers', Reuters, 13 January 2012, <http://www.thisdaylive.com/articles/carter-egypt-army-unlikely-to-give-up-all-powers/107039/f>: "When I talked with the Muslim Brotherhood and others, they contemplate a period extended beyond the end of June where the military might have some special privileges," he said. "But they should be terminated at the end of a certain period, and the permanent limits on the military should be clearly expressed in a constitution to be written in the next two or three months."

### About the Egypt Dialogue Project

The Egypt Dialogue project run by the Middle East and North Africa Programme seeks to increase political inclusion: to draw previously peripheral or suppressed voices into national and international policy dialogues. Since March 2011, we have run a series of workshops in Cairo exploring a range of perspectives on the social, political and economic elements of Egypt's transition.

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