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Middle East and North Africa Programme: Egypt Dialogue Workshop Summary

The New Egyptian State

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EXECUTIVE SUMMARY

This is a summary of discussions that took place at a workshop held in Cairo on 8 February 2012, bringing together a diverse group of political activists, academics, business people, NGO representatives and journalists. The discussion focused on visions and challenges for the new Egyptian state, paying particular attention to power relations, accountability and political inclusion.

The military's continuing influence in Egypt's political life is understood to be the greatest obstacle to the emergence of a more accountable system of governance. A lack of transparency in the actions of the Supreme Council of the Armed Forces (SCAF) is creating public mistrust over its pronouncements on wanting to cede power.

Although much attention has focused on the role of religion in the new Egyptian state, this obscures the wider debate regarding the shape of the emerging political system. A constitution that includes effective checks and balances, provisions for the protection of minorities and a clear role for the military will provide the best framework within which to decide such matters.

The meeting's key findings are listed below.

The military as inhibitors

- The military's withdrawal from political life is a prerequisite for the establishment of a civil state. There is scepticism regarding the extent to which political reform can be achieved while the military still represents an alternative centre of power.
- The financial relationship between the United States and the SCAF has reconfigured the military's role within society, with implications for its role as guarantor of national security.
- There is a strong appetite for reform of the security sector, although worries persist over the potential unintended consequences of a move towards de-securitization.

Towards a new politics

- Political institutions need to be regulated through a clear separation of powers and a series of checks and balances.

- A number of simple reforms could increase public engagement with the political process. These include the introduction of livestreaming from parliament and mandating it to produce regular reports detailing its activities.
- Broadening political inclusion is crucial for the success of the new Egyptian state. Quotas represent an effective short-term measure for increasing female representation in politics.
- Egypt's media should initiate public education campaigns on the need for political inclusion. These will complement and generate support for the introduction of quotas.

Ensuring accountability

- New freedom of information legislation will help establish greater accountability in political life.
- An urgent review of Egypt's penal code is needed. Articles introduced under the SCAF deserve particular scrutiny.
- Those responsible for the killing or abuse of protesters are expected to be brought to justice and, where appropriate, to face criminal prosecution.

The role of religion

- Debate continues over the compatibility of religion and democracy, and attitudes towards Article 2 of the constitution (which identifies sharia as the main source of legislation) vary widely.
- A disproportionate focus on the 'religion vs secularism' debate risks obscuring more pressing questions relating to how the overall political framework should look.
- The majority of participants said they favoured a democratic framework that safeguards the right of individuals to practise religion as they see fit.

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 to those who took part and to provide a general summary of discussions for those who did not.

The Chatham House Rule

'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

INTRODUCTION

This is a summary of discussions that took place at a workshop in Cairo in February 2012. Bringing together a specialized group of political party representatives, activists, business people and academics, the event focused on the challenges shaping the new Egyptian state. The workshop formed part of the 'Egypt Dialogue' project run by the Middle East and North Africa Programme at Chatham House. The project aims to increase political inclusion in the country, drawing previously peripheral or suppressed voices into national and international policy debates.

Discussions centred on the Egyptian military's ongoing role in political life, with an emphasis on the need for its full withdrawal. The hope was expressed that the military's role in the emerging Egyptian state will be clearly defined in the new constitution, along with a separation of powers, a clear series of checks and balances, and constitutional protections for minority groups.

TOWARDS A CIVIL STATE: POWER RELATIONS IN THE NEW EGYPT

A year after street demonstrations forced the resignation of President Hosni Mubarak, the nature of Egypt's new political system continues to be contested. The workshop's opening sessions examined competing visions, focusing on the influence of the military, the shape of emerging democratic institutions and the role of religion. While Egypt faces a number of challenges in the coming months, it is the military's continued presence in political life that represents the greatest obstacle to the emergence of an open, democratic society.

Understandings of a civil state

Participants had differing understandings of what a 'civil state' would resemble in practice. Generally speaking, there were two broad ways of conceptualizing this: structural or value-based.

Structural reform

In structural terms, discussions focused on the rebuilding and reform of democratic institutions. It was said to be vital that the revolution's demands – particularly representation, social justice and accountability – were entrenched in formal structures of governance. Emphasis was placed on the need for a clear separation of powers, as well as for a series of checks and balances on all branches of government. However, there was scepticism regarding the extent to which such reforms could be achieved. Participants questioned parliament's capacity to push for real change, suggesting its power was diluted by the existence of the military as an alternative, less accountable centre of power.

There was a clear appetite among participants for wholesale reform of Egypt's state media. With better regulation and greater independence, it could become a tool for scrutiny of government activities. One model might be the United Kingdom's public service broadcaster, the BBC, which, although state-funded, is a fierce defender of its own editorial independence.

The January revolution was said to have left Egypt's security institutions in a state of flux, explaining the sense of insecurity that many Egyptians feel today. Although the SCAF has emphasized its commitment to reform of the country's police force, the Port Said stadium disaster was cited as evidence to

the contrary¹. Despite a clear appetite for a restructuring of the security services to bring them under the control of civilian institutions, concerns were raised regarding the unintended consequences of a move towards de-securitization.

According to one participant, the various security institutions employ between half a million and a million Egyptians. If a large proportion of them were to lose this employment, the labour market would find it difficult to absorb them into other industries. This could result in a high proportion of unemployed, armed men out on the streets.

Concern was expressed over the existence of 'legal grey areas' in Egyptian life. Using the example of the recent crackdown on NGOs, one participant claimed that the state has avoided formalizing the law governing such organizations in order to wield greater control over them². It was claimed that, in allowing NGOs to operate below the law – if only because it has not been clarified yet – the government had an excuse to crack down when it was expedient to do so for political purposes. The same argument was made with relation to the government's treatment of those who live in illegal housing developments. In failing to codify laws relating to housing and freedom of association, the state was described as having a 'criminalizing' effect on large sections of the population.

Value-based understandings: trust and responsibility

Debate over which values should underpin the new civil institutions repeatedly returned to the theme of trust. Because Mubarak's regime had caused lasting damage to the national psyche, the need to 'restructure people's minds, not just their institutions' was emphasized. Few believed that Egypt could move towards a more equitable political system if this issue was not addressed.

Participants highlighted the increasing use of emotive rhetoric used to discredit those no longer supportive of street protest. It was said that this was leading to damaging levels of mistrust between different civilian groups, dividing them at a time when they needed to be united in opposition to the military's political presence. Islamist representatives emphasized that their

¹ The Port Said Stadium disaster occurred on 1 February 2012, following a match between Al-Masry Club and Al-Ahly SC. A violent pitch invasion left at least 79 people dead, and led to allegations that the security services had tacitly facilitated the massacre by failing to intervene.

² In December 2011, Egyptian police raided the offices of a number of NGOs as part of an investigation into foreign funding of 17 pro-democracy and human rights organizations. Civil society groups argued that this occurred in the context of a broader crackdown on those who criticized the army's heavy-handed approach to dealing with dissent.

own shift towards formal politics was not intended to undercut the revolution's achievements. Instead, they wished it to be seen as a pragmatic response to the requirements of the transitional period. This approach was cited as an important way of demonstrating that the Islamists are indeed capable of participating in governance after a long time in opposition. Responsibility was also a key theme for Islamist participants. Other participants then called on them to extend this sense of responsibility to the protection of demonstrators.

The role of religion

The compatibility of democracy and religion proved to be a controversial discussion point. A vocal minority viewed the two as being compatible, citing Indonesia as a successful example of a state that created a political system with Islam at its core. However, others believed that religious and political institutions should exist in entirely separate spheres. In the words of one participant, 'society will be whatever it wants to be but if this country does not move towards secularism, it will not be a full modern democracy.'

Many favour a democratic framework that safeguards the right of individuals to practise religion as they see fit. However, others see no contradiction between the emergence of an open democratic society and a constitution that identifies sharia law as the main source of legislation.

Although controversial, it was emphasized that the 'religion versus secularism' debate risks deflecting attention from more important issues. The role of religion will be decided within a framework of democracy, pluralism and the rule of law. At the current stage, the most important issue is the political system that will emerge, as the framework within which this debate can then take place.

The military as central political actors

As the military council charged with overseeing Egypt's transition, the SCAF was frequently cited as the greatest obstacle to the establishment of a fair and open political system. Although few said they believed the SCAF would resist the outward signs of transition, concerns were raised over the possibility that it is working behind the scenes to entrench its privileged social and economic position in Egypt. In overseeing the formation of a political landscape that includes parliamentary institutions and a new constitution, the SCAF wields significant influence. Participants were concerned that this is being used to carve a space within which the army will continue to be exempt from political scrutiny.

Although there was consensus over the need for the military to withdraw from political life, participants disagreed over the timescale. The majority wanted this to be as short as possible. Others countered that the process of democratization would emerge slowly and organically, meaning that the withdrawal did not need to be a priority.

Doubts were raised over conventional wisdom framing the SCAF as a significant political player during the Mubarak era. It was suggested that it had become increasingly marginalized, its authority usurped by a small group drawn from the ruling National Democratic Party. This had left the SCAF isolated both from the mechanisms of governance and from public opinion as a whole.

The deep state: examining the reach of Egypt's security sector

The concept of the 'deep state' refers to the way in which military authority is deeply embedded in the fabric of society, manifesting itself both in plain sight and on a structural level. Commonly used in reference to Turkey, this idea proves useful in the Egyptian context as it encourages analysis of the role of the security sector in social, political and economic life.

The military oversees a vast network of economic interests, encompassing industries as varied as armaments, leisure and agriculture, together estimated to account for as much as 30% of Egypt's GDP. The deeply entrenched nature of these interests and their importance to the economy were cited as an additional complication in the transition from military to civilian rule. This stems partly from a lack of transparency in these economic activities. Since the military's budget is exempt from parliamentary scrutiny, participants complained that there was little information to help understand the true reach of these economic networks. This could have negative implications for the country's future economic development as it is difficult to develop effective economic strategies when a sizeable chunk of GDP is generated within a 'black box'.

American military aid: donation or diversion?

One participant argued that the military's annual \$1.5 billion US aid package has reconfigured its function within society. The funding was compared to a bribe, exchanged on the understanding that the Egyptian military will not engage with one of its key adversaries, Israel. This has had significant implications for the army's day-to-day functions, pushing it towards large-scale economic activities in the absence of military engagements. Since respect for the institution is not based on memory of recent military success, it was said to have a vested interest in maintaining the illusion of external

threats to national security. This drives the public to view the military's role in public life as a necessary precaution. The strategy was expressed in the language of 'foreign hands' and 'foreign agents', a trope that has been regularly used in recent months to assign blame for domestic unrest.

Activists and the military

There is a growing divide between the general public and those who continue to protest against military rule. Several participants attributed this to difficulties in communication: while the protesters' actions are widely reported by the state media, they are commonly framed as being destructive and destabilizing, and activists have few public platforms to enable them to respond. A number of suggestions were made for enhancing popular understanding of why demonstrations deserve broader support. When criticism of military rule is relayed through the media, for example, it was said that few members of the public distinguish between activists who wish the army to return to the barracks and those who attack the institution on a more intrinsic level. In many cases, the argument would best be framed in terms of defining an appropriate role for the army. Withdrawal from political life was said to be in the interests of the army since this would allow it to concentrate on its *raison d'être*: national security.

In addition, it was emphasized that activists must reflect on why large sections of society continue to support the military. Why, for example, might certain groups see the military as protecting their interests? And what can parliamentarians do to reassure people that the military does not need to be the guardian of minority rights?

The Freedom and Justice Party's sizeable victory in recent parliamentary elections has made it clear that the military's withdrawal will pave the way for Islamist parties to dominate civilian politics. Participants stressed that activists must view the situation through a long-term prism and organize at a level that will represent a serious challenge to Islamist parties in the future.

ELEMENTS OF A CIVIL STATE

During the third session, participants split into smaller groups in order to concentrate on more specialized issues. These centred on four main themes: accountability, transitional justice, deals and trade-offs, and minority inclusion. Each breakout group focused on producing recommendations and action points for addressing these issues.

Accountability through legislation

Accountability for past misdemeanours and future decisions were among the group's key concerns. This was clearly lacking under the former regime and was an important demand of the January revolution. The following recommendations were presented:

- A new freedom of information law, which would lay the foundations for a more transparent political system, and be a new tool to uncover past instances of corruption and political malpractice.
- New legislation that clearly regulates conflicts of interest.
- An urgent review of the legislation relating to Egypt's penal code needs, especially those articles that have come into force under the SCAF.
- A clear codification of the rights of protesters, which need to be protected by the elected parliament.
- No 'safe haven' for those responsible for the killing or abuse of protesters. These individuals are expected to be brought to justice and, where appropriate, to face criminal prosecution.

The practice of trying arrested demonstrators in military courts, often away from public scrutiny, attracted a great deal of criticism. With this in mind, it was emphasized that the recommendation for a review of Egypt's penal code should be considered as a matter of urgency. As one participant put it, 'the new Egypt needs the right not to be punished'.

Accountability in parliament

Egyptians need to feel that their new parliament is accountable for the decisions that it takes. The group proposed a number of ways in which this could be achieved:

- Increasing the visibility of parliamentary activities by live-streaming sessions from the chamber.
- Mandating parliament to produce regular reports on its activities. This could be augmented by legislation detailing the sort of information that government ministries should release about their own operations.
- The introduction of electronic voting in parliament, monitored by an independent body.
- Establishing performance indicators for politicians.
- Granting the electorate the power to recall MPs who fail to perform satisfactorily. This could perhaps be initiated by collecting a certain number of signatures from voters.

It was agreed that these measures would enhance public understanding of the roles and responsibilities of their parliamentarians, increasing the likelihood that an informed electorate would be able to hold them to account. The idea of mandating parliament to release information about its activities found particular favour among participants. This is common practice in a number of countries and guidelines for how it should work are readily available from organizations such as Transparency International.

Deals and trade-offs

The question of whether or not the Muslim Brotherhood has struck a covert deal with the military to secure power proved divisive among participants. It was suggested that any such agreement is likely to be informal and agreed on an individual, rather than an institutional, level. However, Islamist participants strongly refuted such claims and expressed annoyance at the refusal of liberal activists to believe that this was the case, claiming there was little that could be done to change their minds. Where the political pronouncements of the military and Muslim Brotherhood are similar, it was stressed that this was simply an alignment of interests, rather than an explicit deal.

Irrespective of the existence of any de facto deal at this stage, participants agreed that political trade-offs will be inevitable in the future. For this reason, the call for greater transparency in such dealings was reiterated. This would go some way to restoring public trust in formal politics.

Political inclusion: gender and minorities

Broadening political inclusion is seen as crucial for the success of the new Egyptian state. When a broad section of society is represented at the political level, social justice is more likely to be achieved. Despite the inclusive rhetoric of Egypt's revolution, minority groups now perceive their social and political rights to have been side-lined.

Over the past year, women have also become increasingly marginalized in political life. This was partly attributed to dearth of state-led policies encouraging gender inclusion. Political parties also came in for a good deal of criticism. Although these often exhorted women to take to the streets and protest, few were seen to have made a concerted effort to encourage women to stand as parliamentary candidates. In response, Islamist representatives argued that they had in fact nominated 43 women on their electoral lists, reflecting a commitment to inclusion. However, they did acknowledge that not all candidates are nominated equally. In recent elections, many female candidates found their names relegated to the end of long electoral lists, diminishing the likelihood that voters would see them.

The participants came up with the following recommendations for activists and policy-makers:

- Quotas represent the most effective short-term measure for increasing female representation in politics at local and national level.
- These should be supplemented by a media campaign that focuses on the rationale behind their usage.
- Campaigners must work along parallel lines to protect minority rights, combining 'formal' political activities (legislation and constitutional matters) with continuing work on grassroots empowerment and education.
- Egypt's constitutional committee must be drawn from a diverse range of backgrounds, increasing the likelihood that the eventual document will ensure adequate protection for minority rights.
- Political parties must do more to encourage the likelihood of their female candidates being elected. This involves considering the order in which these individuals are listed on ballot papers.

CONCLUSION

One year on from the fall of Hosni Mubarak, the demands of Egypt's revolution have not been integrated in the fabric of a new political landscape.

There was a general consensus among the participants regarding the broad elements that should form the basis of a civil state. These were:

- Full military withdrawal from political life;
- A clear separation of powers with checks and balances on each branch of government;
- Media that maintain editorial independence.

In addition, increased levels of political inclusion are seen as crucial for the success of the new Egyptian state. When a broad section of society is represented at the political level, social justice is more likely to be achieved.

One of the most important steps towards a new political system will be the development of a culture of accountability and transparency. These were both severely lacking under the former regime, and both were key demands of the January revolution

However, while the SCAF remains as a political player it seems unlikely that these changes will occur. Even as the military council is pronouncing its desire to cede power to a civilian government, many believe it continues to work behind the scenes to entrench its privileges, carving out a space where it can retreat to escape the sort of political scrutiny that it currently faces.

ABOUT THE EGYPT DIALOGUE PROJECT

Egypt is at a critical stage of its post-revolutionary evolution, when it is important that debate continues on a range of issues of concern to a variety of Egyptian constituencies. A series of workshops convened in Cairo by the Middle East and North Africa Programme at Chatham House is addressing 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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ABOUT THE MIDDLE EAST AND NORTH AFRICA PROGRAMME

The Middle East and North Africa Programme, headed by Dr Claire Spencer, undertakes high-profile research and projects on political, economic and security issues affecting the Middle East and North Africa. To complement our research, the MENA Programme runs a variety of discussion groups, roundtable meetings, workshops and public events which seek to inform and broaden current debates about the region and about UK and international policy. We also produce a range of publicly available reports, books and papers.

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