

The Egyptian 25 January Revolution One Year On *Challenges and opportunities in the transition towards democracy*

Summary

The Egyptian Revolution recently passed its first anniversary, and the country has taken a course that may lead to democracy. Promisingly, parliamentary elections have taken place, a new constitution will be drafted in due course, and presidential elections are in sight. However, Egypt's new government faces a number of challenges, such as delivering a constitution that guarantees equality, and implementing necessary reforms. The international community can constructively support this phase of the transition, but its policy should be underpinned by: a willingness to connect with all new actors in the political field; a focus on the role of civil society groups and their function in democracy; and conscientious account taken of shifting regional alliances.

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Background

It has been little more than a year since hundreds of thousands of Egyptians marched towards Tahrir Square and occupied it for 18 days until President Mubarak resigned and handed over power to the Supreme Council of the Armed Forces (SCAF). The “25th of January Revolution”, as Egyptians call it, has led to impressive but mixed results, ranging from a transition towards more democratic structures to a continuation of authoritarian elements through the role of SCAF. Thousands of civilians have been arrested and put on trial before military tribunals, human rights organizations are facing repression, and social unrest is rising.

Since the January Revolution, for the first time since 1951, free and mostly fair elections were held in three rounds between the end of November 2011 and the beginning of January 2012. A new parliament was installed on 23 January, followed by a newly elected Majlis al-Shura (Upper House) at the end of February. Both will elect (or appoint) a constituent assembly of 100 members at the end of March. Within the next six

months the constituent assembly will present a new constitution to the Egyptian people for a referendum. The transfer of power from the military to the elected parliament is scheduled to be finalized on 21 June, after the presidential elections.

The parliamentary elections have led to remarkable results. The formerly persecuted Muslim Brotherhood participated through its newly established political party, the Freedom and Justice Party, which won 235 (47%) of the 508 seats in parliament. The Salafist parties, with the Nour Party in the lead, unexpectedly won 123 seats (24%). Together, the Islamists have almost a three-quarter majority in the General Assembly.

The reality after the elections is a parliamentary balance that tips heavily towards the Islamist parties, on account of the weak performance of liberal parties (Wafd 38 seats, the Egyptian Bloc – a coalition of right-wing and left-wing parties – 34 seats). The liberal offshoots of the Muslim Brotherhood, al-Tayyar al-Misri (the Egyptian Current) and the Adl Party (Justice Party), on which such high hopes were pinned,

performed even more disappointingly, winning only a few seats.

Such a skewed parliament will make the transition to democracy difficult. First, the Muslim Brotherhood will be in a powerful position in any coalition government, and will probably also influence the outcome of the presidential elections. Second, it is likely to affect the formation of the constituent assembly, which must represent all of the Egyptian people if the second republic is to be based on stability. Third, it could lead to a split between the two currents that are responsible for the Revolution: the youth movement, which claims to represent the “real revolution”, and the Muslim Brotherhood, which argues that after its electoral victory legitimacy has shifted towards parliament and that “street politics” have ended. The youth movement, which paid a great price in occupying Tahrir Square, is not well represented in parliament (nor, for that matter, are women or Christian Copts). However, an end to the political and social unrest that undermines the political legitimacy of parliament can be achieved only if the Brotherhood and the youth movement work together.

During the past year a few steps have been taken in the right direction, but most have led to an impasse because the interim government, so warmly welcomed on Tahrir Square on 3 March 2011, was prevented by SCAF from taking the necessary reform measures. However, the increased awareness of political and civil rights cannot be easily repressed again. It is this awareness that constitutes the essence of the 25 January Revolution, as demonstrated by the fact that all political movements embraced the concept of citizenship (*muwatana*). The demand for the purging (*tathir*) of government institutions and of members of the former regime and its influence comes from all the movements and is fundamental to this new awareness.

In practice, Egypt has lost a year. Tunisia, a country to which Egypt is often compared, has spent this crucial period much more fruitfully. Although Tunisia also failed to implement reforms and purge government institutions, at least the foundation was laid for a peaceful and democratic transition and a future dismantling of the authoritarian regime. The revolutionary fervor was channeled away from the streets and trust was built between the political parties, leading them to sign fundamental agreements concerning the principles of the future constitution.

This removed many of the fears of a possible Islamist takeover. In contrast, in Egypt the power of SCAF has led to fierce competition and deep mistrust between the Muslim Brotherhood and the liberal and left-wing parties, preventing them from reaching the necessary consensus for the post-transitional phase. The limited extent of change can also be seen in the fact that ministers of the previous regime are still exerting considerable influence; for example, as the Minister for International Cooperation, Fayza Abu al-Naga, who stirred up the recent crisis concerning non-governmental organizations (NGOs).¹

Egypt’s transition towards a greater degree of democracy is just beginning. SCAF has proved to be incapable of managing the country during the past year and it is likely that it will transfer power to a civilian government to deal with the tremendous problems it has failed to solve. With a more liberal constitution that will create a better balance between the legislature and the executive, the next government should be able to aim at meeting the demands voiced in Tahrir Square during the past year, such as “bread, social justice and freedom”. The election of a president capable of standing up to the power of the Muslim Brotherhood as well as that of SCAF is equally important for the outcome of the transition. In order to support this process constructively, the international community needs to underpin any policy that it adopts regarding Egypt with a number of considerations, which are identified below.

Challenges to Egyptian democracy

A new constitution

The future constitution is important not only for the internal situation in Egypt, but also for demonstrating to the outside world the competence and wisdom of the current main political movement, the Muslim Brotherhood. The constitution must guarantee equality before the law, while the Salafi inclination to take religious injunctions literally must be resisted. It is therefore essential that an agreement is reached by all parties on the formation of the constituent assembly.

¹ In the latter half of 2011, repression of pro-democracy NGOs intensified. Offices were raided, foreign employees of several Cairo-based NGOs were arrested, and travel bans were imposed. The authorities claim that the persecuted NGOs illegally use foreign funds and foment social unrest.

Rather than reflecting the present skewed balance of power in parliament, it should represent all sections, professions, classes and religious denominations in society. In the end, much of the mistrust can be laid to rest if guarantees are given that Egypt will be a “civil state”, rather than a “religious state”, even if article 2 of the current constitution, which states that “the *shari’a* is a main source for legislation”, remains in place. In this respect, the determination of the Muslim Brotherhood’s Freedom and Justice Party to withstand the demands of the Salafis is a test case for its ambitions to represent the general interests of society regardless of people’s religious background. Simply repeating that it represents the “will of the people” because it won the parliamentary elections is not reassuring for minorities, liberals or women.

As for the content of the constitution, encouragingly, all political parties, even the Salafi Nour Party, understand the importance of a division between the executive, the legislature and the judiciary. Most Islamists are in favor of a mixed political system in which the legislature gains at the expense of the executive and the prerogatives of the president are reduced. Given past experience of the unprecedented corrupt authoritarian state, all parties favor greater parliamentary oversight of executive powers. In this respect, all parties are convinced that the judiciary must become independent of the executive in terms of appointments, promotions and salaries. Furthermore, they all agree on the repeal of the Emergency Laws and an end to trying civilians in front of military tribunals. Taking into account the desire to prevent SCAF from protecting its interests that were safeguarded in the previous “principles of the constitution”, it seems likely that the Islamists in the new parliament will also try to gain control of, or at least have access to information about, the military’s budget, and will prevent it from securing special privileges.

Necessary reforms

In the meantime, a start can be made on dismantling the authoritarian state by reforming or disbanding its repressive security and intelligence institutions. The Ministry of Interior must be dealt with, a civilian minister appointed, the police and the dreaded security police overhauled, and the State Security Investigations Service (SSIS) reformed. If the promise expressed by the first prime minister Ahmad Shafiq that the police “should work for the benefit of the people” is to be taken seriously, a totally different

attitude must be adopted by the police. These reforms are also a precondition for the abatement of social unrest, which is based on social grievances but exacerbated by police brutality.

Acquiring oversight of the military is another requirement in this process. Ultimately the military and its vast establishment and economic interests should be placed under parliamentary control. This does not necessarily have to lead to a clash between the Brotherhood and SCAF. It can be resolved by a democratic deal, for instance by allowing the Defense Committee in parliament to have access to the necessary military information on the basis of confidentiality, and leaving many of the red lines marking the limits of the military’s economic power to be negotiated later.

Since the fall of Mubarak, freedom of press and of expression has expanded considerably. The Freedom and Justice Party and the Nour Party have been able to start their own newspapers, and while new independent newspapers such as *al-Tahrir* have also been established, existing newspapers, including *al-Masry al-Yawm*, have played a crucial role in providing objective information. This trend should continue, but is under pressure because of the power of the state media and the repression of critical voices, especially those of the bloggers. The reinstatement of the post of Minister of Information in July paved the way for the highly biased coverage of violent confrontations between demonstrators, the police and riot police in late 2011. Only when the position of new and independent media is protected by law and supported by an independent judiciary, can freedom of expression be guaranteed.

Social unrest and civil society

The next government will also have to tackle the deep-seated social unrest. For instance, since Mubarak stepped down, the number of trade unions increased from 2 to 300, most of them joining the Egyptian Independent Trade Union Federation (EITUF). This body has opposed the state-led corporate Egyptian Trade Unions Federation (ETUF), which neglected to defend the rights of workers during the privatization of public companies and their demand for a rise in the minimum wage. By the end of 2011 these independent unions represented no fewer than two million workers and employees, against the five million members of the state-led ETUF. Typical of the interim government was the fact that although the

Minister of Migration and Labor signed the independent trade unions into existence by ministerial decree, a law formally legalizing them has yet to be adopted. The present situation is confusing for both parties concerned, with one of them being illegal and the other unreformed. Moreover, ETUF-related trade union contributions are still being deducted from the salaries of employees, even after they have joined independent trade unions. Legalizing the trade unions and regulating negotiations with employers will help the future government to stem the rising tide of strikes, demonstrations, labor stoppages, and sit-ins.²

If the heavy legacy of the Mubarak regime is to be lifted, reform must extend also to other sectors of society, such as the universities. Free elections have been held in a number of universities for their councils and provosts but, here too, fundamental legal reforms are necessary to make the universities independent and free from direct state interference.

Likewise, the government will have to deal with the restrictive law on NGOs.³ As with so many other measures initiated with enthusiasm just after the Revolution, the adoption of a new NGO law was left in limbo. The current legal trials of human rights organizations such as Freedom House, and the heavy-handed repression of any criticism of the state's activities, augurs ill for the future.

Other sections of civil society have implemented reforms themselves. Professional organizations partially purged themselves by holding free elections last autumn and are becoming organizations that defend the interests of their members instead of being "surrogate parliaments" or instruments of political movements. Encouragingly, the elections in October for the national doctors' association were won by a new generation of activist doctors who were averse to ideological debates, which the Revolution has tried to make redundant.

² The next government will have to decide on the type of economy, because the privatization of public companies, started by the former regime, is highly unpopular. Although economic reforms are crucially important to the transition, the country's economy is outside the scope of this policy brief.

³ The NGO law stipulates that registration of NGOs is compulsory. In practice, permits are often denied, association with foreign organizations is forbidden, and funding is frozen. The law severely hampers the ability of NGOs to operate freely.

The way forward and considerations for policy

The main question at the moment is whether the new political structures can meet the demands of the Revolution. In the first place this will be determined by the constituent assembly, and the basic civil rights, equality before the law, and division of power that it stipulates. The government should also set limits on the role of the military. Finally, much depends on the Muslim Brotherhood and the type of coalition it forms in due course, and the reform measures it adopts to ensure democratization. The government also should listen to the demands of the "Tahrir youth", who feel that their revolution has been stolen from them.

Foreign support for the transition process can be constructive. It can range – when asked for – from general advice on constitutional issues, to providing training to inexperienced MPs, and assistance to newly established civil society groups, trade unions, and non-state actors. The question of foreign involvement is always extremely sensitive, however, as was demonstrated during the recent NGO crisis. Accusations that Western donors in particular are pushing their own (hidden) agendas are widespread, severely restricting the opportunities for international engagement.

The options for foreign actors to support the transition process are limited, but it is possible to identify a number of considerations that should form the basis of any policy regarding the Egyptian transition:

Connect with Egypt's new (political) actors and establish inclusive dialogue

Egypt has a long tradition of international assistance and governmental cooperation. However, one year after the Revolution, the political landscape has changed considerably and new political parties dominate. Traditional partners for cooperation, including liberal/secular and left-wing parties, now represent only a fraction of Egyptian society and parliament. This calls for a thorough reconsideration of policy by the international community. Foreign actors should also establish contacts with the "unusual suspects" in the political field, including the newly emerged (conservative) Islamic parties. Parties such as the Freedom and Justice Party have shown their pragmatic face, the reformist Islamist trend is growing, and even the Salafi Nour Party is highly diverse.

The Revolution has produced a host of new political parties. The international community should grasp this opportunity to engage with all parties – both new and established – and centre discussions around democratic values, such as citizenship (*muwatana*), the civil state, and human rights. An inclusive dialogue with all political streams, ranging from liberal to conservative, and an exchange of knowledge will strengthen the Egyptian parliament and prepare it for the bumpy road towards democracy.

Promote the role of civil society

Civil society has always been strong in Egypt but was strictly regulated and supervised by the authoritarian state. Since the Revolution the international community has been closely watching the development of Egypt's civil society and the emergence of relevant non-state actors, and has put much effort into mapping this new landscape. Nevertheless, the Egyptian authorities' current policy regarding NGOs makes it extremely difficult and sometimes dangerous for inexperienced groups to receive foreign assistance.

Added to that, certain Western actors are reluctant to support religious and conservative groups, owing to their ideological outlooks, which often clash with Western concepts of governance and societal change. Cooperation with the most orthodox parties can be problematic, but that ought not to deter Western actors from engaging with those groups that are not liberal or leftist, but are just as open to receiving foreign assistance. Western support for Egyptian civil society should first be geared towards strengthening the role of civil society in Egyptian society. Raising awareness about the checks-and-balances function of civil society in a democratic system should precede discussions on content (such as the role of women in society and the Islamic state).

Take into account shifting regional alliances

Since the fall of Mubarak, the geostrategic balance in the region has changed. Turkey and the Gulf countries, especially Qatar and Saudi Arabia, are becoming major players in the Mediterranean. The deteriorating Syrian situation has produced a conflict that has the potential to engulf the region. It is quite likely that Egypt, under the influence of greater pressure from its population and for economic reasons, will reorient itself towards the East and look to other powerful (Arab) players for support and assistance instead of the West. Western foreign policy towards the country, and the region as a whole, should take into account this shifting reality, and work with and through regional partners instead of separately from them.

Closing remarks

The international community has shown its willingness to support Egypt's transition process. It will take another three months before the transition to the civilian government takes place, but the international community should not wait until this process has ended to establish contacts with new political and societal forces and to support them in fulfilling the demands of the Revolution by drawing up a new constitution that guarantees equality before law, democratic rights for Egypt's citizens, and a division of power between parliament, the presidency and judiciary. Although these (new) contacts should be established immediately, a democratic transition is a long and trying process. International policies towards Egypt should be long-term, and have the highest level of transparency. In this way, the international community can help Egypt lay the foundations for its people to rule themselves and achieve what they hoped the Revolution would bring them.

ABOUT ...

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The Netherlands Institute of International Relations 'Clingendael' is a training and research organization on international affairs. The Conflict Research Unit (CRU) is a specialized team, focusing on conflict-related issues in developing countries.

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