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The Good, the Bad, and the Ugly of Egypt's Political Transition

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This Brief examines major political developments in Egypt in the period between Hosni Mubarak's trial on August 3, 2011, and the civil disobedience that erupted in Port Said city in the winter of 2012.¹ It addresses one major question: To what extent has this transitional period moved Egypt closer to a democratic system of governance? And it argues that the path of Egypt's political transition remains uncertain. While Egypt experienced positive developments with respect to its political environment, the transition has also had negative manifestations that might obstruct Egypt's path to democracy. Furthermore, very unpleasant realities, which Mubarak's regime had suppressed, have resurfaced on the Egyptian political scene, impeding the political transition. Accordingly, this Brief will consider the good, the bad, and the ugly aspects of Egypt's political transition.

The Good

Almost all Egyptian political factions have agreed that a democratic system should be the governing mode of the country's second republic.² Translating this dream into reality, however, remains a source of many disputes—yet these disputes did not prevent the emergence of a number of positive developments that might anchor Egypt on the road to democracy. These include the use of elections as a mechanism for settling political disputes, progress toward a civilian state, the increasing role of judicial power, and the creation of a “third alternative.”

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Elections in the Second Republic

Despite the unbalanced results of Egypt's two referendums and two parliamentary elections, Egypt experienced a successful season of relatively free and fair elections between November 2011 and May 2012. Elections thereby became the mechanism for settling political disputes, such as those over the constitutional amendments of March 2011, over who the new President of Egypt should be, and over the substance of the new constitution. Twenty-nine parties and a number of independent candidates competed for the 498 seats of the People's Assembly in the elections that took place between November 28, 2011, and January 11, 2012. Voter turnout amounted to 50 percent of the electorate.³

Unfortunately, however, the liberal and civic forces and the revolutionary groups were less successful in these elections than the more organized and well-financed Islamist forces. The Muslim Brotherhood together with the El-Nur Salafi party won 68 percent of the seats in the People's Assembly. Add to this tally the smaller Islamic parties, and the Islamist bloc accounts for 77 percent of the seats.⁴ And in the elections to the Shura Council (the upper chamber of Parliament), which took place between January 29 and February 22, 2012, eight political parties competed for 180 seats,⁵ and Islamists won 83 percent of the seats.⁶

In the presidential elections of May 2012, Mohamed Morsi, the Muslim Brotherhood candidate, won 51.7 percent of the votes. Ironically, the revolutionary groups and civic forces supported Morsi—in order to prevent the old regime, represented by Ahmed Shafik, from winning the presidency.⁷

Finally, in the constitutional referendum of December 2012, the Islamist parties who championed the new constitution won the approval of 64 percent of the voters, though turnout had dropped to 32 percent.⁸

The Civilian State

In June 2012, during the presidential elections' final phase, the Supreme Council of the Armed Forces (SCAF) attempted to consolidate its power in the Egyptian polity. It issued a supplementary constitutional declaration that granted it veto power over the new constitution and over decisions of war. In addition, it created the High Defense Council, to be headed by the President and to include the Prime Minister, military leaders, the Chief of Intelligence, the Minister of Interior, and the Minister of Foreign Affairs.⁹

But in the immediate aftermath of the August 5, 2012, terrorist attack on the military border post near Rafah on the Egyptian-Israeli border that left sixteen Egyptian soldiers dead, President Mohamed Morsi pushed SCAF out of the political scene. On August 8, he dismissed the Chief of Intelligence along with the commanders of the Republican Guard and the Military Police and the Governor of North Sinai. A few days later, he also dismissed (and replaced) Defense Minister Hussein Tantawi along with the Army's Chief of Staff, Sami Anan, as well as other senior commanders of the Egyptian armed forces. He also canceled the constitutional declaration that SCAF had issued in June of that year—which officially ended SCAF's management of the transitional period.¹⁰

With these moves, Egypt's new civilian president essentially precluded the possibility that the military would interfere in Egyptian politics anytime soon.¹¹ For the first time since 1952, civilian power had taken control of Egypt's presidency—a second important positive development in the political transition.

The Rise of the Judicial Power

Under Hosni Mubarak's regime, the judiciary managed to preserve its relative autonomy and keep itself from coming under the domination of the presidency. Thus, the Egyptian Supreme Court (also referred to as the Constitutional Court) ruled three different times against elections laws, forcing Mubarak to dissolve Parliament on each of these three occasions. Since the January revolution, the judiciary has continued to seek to expand its independence.¹² The judges refused to be a tool for exacting revenge against members of the Mubarak regime. On June 12, 2012, the Constitutional Court ruled that the new election law was unconstitutional, whereupon SCAF dissolved the People's Assembly; in the same month, the Court annulled the law that prevented high-ranking members of the dissolved National Democratic Party (NDP) from running for public office.¹³ Additionally, in trials of members of the police force accused of killing Egyptian protesters, the criminal courts exonerated the defendants for lack of evidence. And in January of 2013, the Court of Cassation overturned the life sentence previously leveled against Mubarak and his Minister of Interior and ordered a retrial.

The judiciary plays a significant role in the Egyptian political process in that it checks attempts by one or another political power to dominate the political system. The way the Judges Club responded to President Morsi's constitutional declarations on November 20, 2012, testifies to the positive influence judges have exerted on the political transition in Egypt. In these declarations, Morsi immunized his decisions, the Shura Council, and the constitutional assembly from judicial review. In addition, he appointed a new Prosecutor General, Talaat Ibrahim, to replace Abdel Megid Mahmoud, although Mahmoud's tenure had not ended.¹⁴ Morsi's decisions constituted a clear violation of the judicial law—so the judges in different courts went on strike and sustained their protest until Morsi canceled his decisions two weeks later.

The Rise of the Third Alternative

The so-called third alternative came to life during the presidential elections, when over 800,000 voters deliberately annulled their votes, rejecting the choice for president between the Mubarak era's Ahmed Shafik and the Muslim Brotherhood candidate Mohamed Morsi. The civilian secular parties attempted to present Egyptians with a third alternative that would be significantly different from either re-creating the old regime or accepting Muslim Brotherhood domination.

Three civilian blocs devised this third alternative. The National Conference Bloc, with a liberal orientation, was led by the Wafd party and headed by former Foreign

Minister Amr Musa. The Popular Front, a Nasserite movement, was headed by Hamdeen Sabbahi. And the Revolutionary Democratic Alliance, a leftist bloc, was led by the Tagmuu party and supported by smaller socialist parties. The three blocs have been working together to build a coalition to compete against the Muslim Brotherhood. After Morsi's constitutional declarations in November 2012, the first two blocs combined to form the National Salvation Front. (Later on, Mohamed ElBaradei's Dostor Party also joined the Salvation Front.)

To what extent this coalition will succeed in balancing the power of the Islamists remains uncertain; it is still fragmented, and it is less experienced in the field of political action. Moreover, the parties it includes have so far failed to reach out to the Egyptian silent majority.¹⁵ Their message to the general public is complicated compared with the simplicity of the Islamists' message that "Islam is the solution." Still, its formation, providing the Egyptian people with another political alternative, constitutes a third important positive development.

The Bad

Building on its electoral victories in the parliamentary and presidential elections, the Moslem Brotherhood launched a consolidation strategy that risks replacing one single-party system with another, thereby obstructing Egypt's democratization. In the absence of a truly competitive party system, the Brotherhood, through its Freedom and Justice Party (FJP), has utilized its legislative and presidential powers to dominate the political scene—whereas, as we alluded to above, Egypt's secular parties are fractured and lack human capital and organizational resources.¹⁶

The consolidation strategy comprises several elements. One is to exclude the previous regime's leadership, former members of Parliament, armed forces leadership, and state security officers from participating in the political process and from holding high offices. Another is to co-opt potential resistance on the part of political groups and institutions by winning their allegiance. Finally, the Muslim Brotherhood has begun a gradual policy of appointing its members to influential political and ministerial positions—and to top positions at publicly owned newspapers as well. This section will unpack these three elements.

Exclusion

In the first phase of the exclusion policy, the Muslim Brotherhood used its majority status in both chambers of Parliament to legislate the political isolation law

that barred former high state officials from running in parliamentary or presidential elections. The Brotherhood drafted this law in order to block attempts by former National Democratic Party (NDP) members to infiltrate the electoral process so as to regain political power. This initiative failed, however, because the Egyptian Supreme Court ruled it unconstitutional.¹⁷

Through its majority in the Shura Council, the Brotherhood then selected new editors-in-chief and chairmen of the board at publicly owned newspapers. The Brotherhood argued that these changes were necessary because the press in a democratic Egypt required a new leadership that was not involved in corruption and was not subordinate to Mubarak's regime. In truth, these changes also reflected a "winner takes all" approach—and the new appointees are known to be either sympathizers of the Muslim Brotherhood or loyalists to whoever is in power.¹⁸

The second phase of the exclusion policy began in June 2012, when Prosecutor General Abdel Magid Mahmoud referred forty-one state security officers to the Criminal Court for trial.¹⁹ The officers were accused of destroying top secret documents that belonged to the State Security Investigation Service. These state security officers constituted Mubarak's iron fist against the Muslim Brotherhood; in addition, they possessed credible intelligence regarding the Brotherhood's organizational capacities. The step was also seen as the MB's revenge against state security officers for all the atrocities they committed against members of the Brotherhood during the Mubarak era.

After dismissing SCAF from the political process, President Morsi appointed a new young Defense Minister, General Abdel Fattah Alsisi, and a young Chief of Staff, General Sedki Sobhy. The new military leadership in turn began dismissing some seventy senior military leaders who were considered loyal to Field Marshal Tantawi, most notably Tantawi's assistants and close advisers.²⁰ At the direction of the President, the ministerial cabinet also dismissed the first layer of leadership from key ministries: specifically, petroleum, electricity, civil aviation, and religious endowments.

Co-optation

While President Morsi's changes in the apparatus of state government were aggressive, they did not face internal resistance from the targeted institutions—who respected the President's decisions because they allowed for new generations within these institutions to assume positions of leadership. The changes were considered especially desirable because none of the newly appointed leaders came from outside these institutions.

Revolutionary political forces and parties, on the other hand, greeted these changes with a mixture of applause and suspicion. On the one hand, fighting corruption within state institutions was one of the objectives of the revolution; on the other hand, these changes paved the way for the Muslim Brotherhood's domination of the Egyptian political system.

Morsi sought to co-opt the political forces that might have resisted his changes by appointing Mahmoud Mekki as his Vice President. Mekki is a judge who is well known and respected within the judicial community in Egypt because of his opposition to Mubarak's regime. During the transitional period, Morsi assigned him the responsibility of effecting judicial reform and ensuring separation of powers.²¹

As another part of his strategy of co-optation, Morsi appointed a presidential team of assistants and advisers who represented an array of political forces. This included twenty-one assistants and advisers—including women, intellectuals, Copts, journalists, partisans, and businessmen—from different political factions who had participated in the revolution and in the election season.²² Appointing this presidential team was part of a broader attempt to engage these individuals in the political process and win their acceptance. But the strategy proved ineffective and artificial: Morsi did not consult with his presidential team on important matters and kept them in the dark regarding his decisions. As a result, in November 2012 most of the presidential team resigned in opposition to Morsi's constitutional declarations; and soon thereafter, Vice President Mekki resigned as well.

Insertion

A final element of the Muslim Brotherhood's consolidation strategy was the insertion of their members into key political positions—most importantly at the constitutional convention. The Brotherhood insisted on translating its electoral victory into seats at the convention; as a result, it took the largest bloc of seats in this critically important body. The Brotherhood's block accounted for 22 seats out of 100. Morsi also appointed members of the Brotherhood to the posts of ministers of information, youth, education, higher education, industry, housing, telecommunications, labor force, and interior trade;²³ and he appointed four members of the Brotherhood to be the new governors of Kafr Elsheikh, Asyut, Elmenia, and Elmonofiya.²⁴ Though it is legitimate for a winning political party to be significantly involved in the processes of policy making and policy execution, without institutional checks against the President and in the absence of a strong party system, the Muslim Brotherhood consolidation strategy could lead to its domination of the political system.

The Ugly

While the political process continues to unfold and Egypt oscillates between “good” and “bad” developments, an “ugly” face of Egypt has also imposed itself on the political transition, creating pressure points relative to the Egyptian state. These pressure points challenge the state’s limits and may yet push it into a slow, gradual disintegration.

Four ugly manifestations erupted with the fall of Mubarak’s regime: the rise of terrorism, the rise of sectarian violence, the rise of organized crime, and the rise of civilian violence. This does not mean that Egypt did not experience terrorism, sectarian violence, or organized crime under Mubarak’s regime. All of these problems have persisted for a long time; but the political transition and the disintegration of the interior ministry have paved the way for these chronic problems to manifest themselves unchecked and without even minimal restraint.

Terrorism

With the collapse of the police forces after January 28, 2011, some 23,710 prisoners escaped from eleven major Egyptian prisons. Among those prisoners were jihadist operatives belonging to different terrorist organizations—many of whom took shelter in Northern Sinai’s Jebel Alhalal Mountain. (The number of jihadist operatives who have taken sanctuary in Sinai is estimated to be between 1,600 and 6,000.²⁵) Jihadists began once more to organize and recruit for terrorist operations. They continue to target police stations, the international forces in Sinai, government buildings, the Egyptian army, and the gas pipeline to Israel. The Egyptian armed forces and security services launched a military operation in Northern Sinai to crack down on these terrorist networks which did succeed in degrading terrorist organizational capacities, but it is unlikely to end their presence in the Sinai.²⁶

On another front, two major jihadist terrorist groups have created political parties in Egypt to participate in the political process. The first is the Construction and Development Party, which is the political arm of Al Jamaa Al-Islamiya. This party has gained thirteen seats in the People’s Assembly.²⁷ The second is the Safety and Development Party, which represents the Egyptian Islamic Jihad organization, once led by the current head of al-Qaeda, Ayman al-Zawahiri.²⁸ While the current leaders of these parties had denounced violence a few years before the revolution, in the revolution’s aftermath their repudiation of violence came under question. First, some of their leaders retreated from past fatwas that forbade using violence against Muslim leaders; for example, during the presidential elections, both parties threatened to

use violence again if Omar Suleiman, Mubarak’s former Intelligence Chief, won the presidency. Second, they requested permission from the state to allow them to join the armed struggle against Qaddafi’s and Assad’s regimes. All of this suggests that Egypt may slip into another wave of terrorism.

Sectarian Violence

Sectarian violence between the Muslim and Coptic communities has soared with the fall of Mubarak’s regime. For example, on March 4, 2011, a group of Muslim Egyptians attacked a church in Helwan because of allegations of an affair between a young Muslim man and a Coptic girl; the attack on the church caused the death of two people. The incident instigated an eruption of violence in other areas of Cairo, including Al-Muqqatam.

The frequency of sectarian violence kept increasing until October 9, 2011, when a group of Copts protested in front of the Egyptian TV and Radio Headquarters in Maspero, demanding the protection of Copts in Egypt. The protests, which arose in response to the burning of a Coptic church in Aswan in Upper Egypt, exploded into violence, causing the death of twenty-four protesters and injuries to more than two hundred civilians.²⁹

The displacement of Coptic families became another form of sectarian violence that developed in the outskirts of cities in Giza, Alexandria, and North Sinai.³⁰ In January 2013, Muslims raided the Al Marshada Church in the village of Al Marshada in the Qena Governorate as well as shops owned by Coptic Egyptians. The violence erupted following accusations that a Coptic shop owner had molested a six-year-old girl in the village.³¹

Sectarian violence is likely to continue in Egypt because of the Muslim Brotherhood’s marginalization of Coptic Egyptians, the increasing role of Salafist groups, and the state’s weakened capacity to manage sectarian tensions.

Organized Crime

Increasing crime rates represent another ugly dimension of the Egyptian political transition. The escapees from Egyptian prisons were not only jihadist terrorists; they included criminals and thugs—and the number of criminals who escaped from police stations during the same period is not known, even to the government. During the revolution, ninety police stations were set on fire and broken into by mobs.³² Unfortunately, criminal records in those stations were burnt along with the buildings.

The collapse of internal security has allowed criminals in Egypt to organize and take advantage of the resulting vacuum. Organized crime introduced new patterns of crime, such as illegal arms sales. It began targeting state

infrastructure such as electrical cables, which was one of the main reasons for the power outages that Egypt experienced in the summer of 2012. All these developments are likely to continue compromising the state's capacity to maintain law and order, which will affect the quality of Egypt's political transition.

Civilian Violence

Since January's revolution, Egyptians have witnessed violence in their daily lives with unprecedented frequency. Mistrust of the police force has impelled citizens to resort to violence to settle their daily disputes. Egyptian newspapers report regularly on vigilantes punishing thugs for bullying residents of neighborhoods or punishing individuals for moral misconduct in public.

Civil and labor unrest also often turns into violence. During just two weeks in September 2012, there were twenty blockages of highways and railroads during demonstrations demanding fuel, electricity, employment, or increases in wages.³³

Egyptian "ultras"—soccer fans—represent another dimension of the problem of increased civilian violence. Ultras have become a strong force in political demonstrations. They developed organizational skills and became highly vocal with respect to political issues especially after the Port Said Stadium massacre of February 1, 2012, at which seventy-four of the al-Ahly soccer fans died.³⁴

In a related incident that signifies the increasing resort to violence in Egypt, protests erupted simultaneously in the three Suez Canal cities to object to the death sentences imposed by the Criminal Court against twenty-one defendants in the trial resulting from the Port Said Stadium massacre. The ensuing riots in Port Said city on January 26–27, 2013, left fifty-three people dead.³⁵ On February 20, the ultras of Port Said's Almasry football club orchestrated civil disobedience in the city to voice their opposition to the court ruling as well as to President Morsi's imposition of a curfew on the city.³⁶

The Security Challenge

All the ugliness described above requires prompt response from the state—but three impediments still get in the way of an effective response. The first is the unresolved dispute between various political forces over the nature of the police force in the second republic. The revolutionary groups argue that the revolution was in part a response to police brutality and corruption; these groups demand a new police force that respects human rights. After Morsi was elected, however, police reform dropped from his agenda as he gave priority to another promise: to restore security in his first hundred days in office.³⁷

The second impediment is that President Morsi would have to crack down on the Islamist jihadist groups to prevent them from orchestrating terrorist attacks, especially in the Sinai—and these measures might inspire counterattacks against the state from jihadist groups.

The third obstacle lies with the Egyptian police force itself, which has been working under the emergency law for more than thirty years. With its repeal, the police force may not be ready for the transition. The police force also lost its morale after the collapse of Mubarak's regime. Egyptian political forces have blamed the interior ministry for all the failures of Mubarak's regime, so the police force became discredited and disrespected by Egyptians. Consequently, it became reluctant to restore security and less willing to cooperate with the new political regime.

A Final Note

Predicting the future of Egypt is very difficult, because the various political developments outlined here could lead to very different outcomes. The positive developments we've described may well take Egypt on a democratic path; the negative ones may leave Egypt under the dominance of a single party for a long period of time. Finally, the uglier realities elaborated here may extend disorder in Egypt for a longer period of time, which might cause the disintegration of state functioning in different parts of the republic.

How might "the good," "the bad," and "the ugly" aspects of Egypt's political transition continue to evolve, and what may prove to be their relative weight as Egypt's future unfolds? Will the positive developments in Egypt's transition survive the pressure exerted by the negative ones, along with the various forms of terrorism and violence that now make up an important dimension of this transition? Or will progress toward democratization in Egypt be set back by a reaction in the direction of a new form of authoritarianism and drown in a further escalation of violence? Only time will tell.

Endnotes

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- 15 “Liberal, Leftist Forces Unite to Defeat ‘Unrepresentative’ Constitution,” *Ahram Online*, September 27, 2012.
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