

Protecting Egypt's Evolving Democracy

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Brief Analysis

As Egypt's revolution reaches the one-month mark, the first of the people's major demands has been met with the departure of Hosni Mubarak. But this development has left the country's leadership in the hands of the Supreme Military Council (SMC), a body apparently headed by Mubarak's minister of defense, Muhammad Hussein Tantawi, and composed in part of the military joint chiefs of staff.

Having successfully and peacefully navigated a delicate period thus far, the armed forces command an understandable degree of public trust. This trust is the key to the first requirement for protecting Egyptian democracy: a careful and deliberate pace of constitutional and legal reform, leading to legitimate and competitive new elections. At the same time, Egyptians' trust in their military will not be unconditional and indefinite, especially if the SMC drifts toward opaque decisionmaking that might reverse Egypt's democratic trajectory.

Constitutional Uncertainty

Since Mubarak's ouster, a loose and shifting postrevolutionary "coalition" has emerged as a means of channeling the protestors' demands to the SMC. This bloc comprises the April 6 youth movement, the Muslim Brotherhood (MB), the Mohamed ElBaradei-led National Association for Change (NAC), the Democratic Front and al-Ghad opposition parties, and internet activists who were instrumental in providing tactical support to the revolution, such as Google executive Wael Ghoneim. Together they have voiced a number of demands, including suspension of the constitution, dissolution of the two national legislative bodies, an end to the emergency law, and the appointment of a new government of technocrats to oversee the transition.

Thus far, the SMC has responded only to the first two demands, in part by appointing a committee to amend the constitution. But it is unclear how the council chose the committee or whether its work will produce a framework for real democracy. The eight known committee members are all respected jurists, but they are all men. And both the chairman and the only former parliamentarian on the committee have at some point publicly shown an Islamist political orientation.

The committee was initially charged with amending or abolishing six articles of the constitution in just ten days, a deadline that quietly lapsed on February 23. These articles relate primarily to presidential elections and term limits, legislative powers, and judicial supervision of elections. Another key article subject to revision or deletion is Article

179, which gives constitutional approval for Egypt's longstanding and repressive emergency law, in effect since Anwar Sadat's assassination nearly thirty years ago.

Once amended, the constitution is to be submitted to a popular referendum in sixty days, with parliamentary and presidential elections to follow within six months. But on February 17, nearly halfway through the committee's announced term, the chairman revealed that additional articles and laws might be subject to revisions -- and that the committee's deliberations on such matters would remain secret.

Electoral Concerns Despite Progress

The past few days have witnessed a series of more promising signals from Egypt's transitional military rulers. The country's Orwellian Ministry of Information was summarily abolished, and new cabinet ministers were appointed from several opposition parties or groups, albeit to junior portfolios: one from the liberal Wafd Party, one from the social democratic Tagammu Party, and a deputy prime minister from the informal group of "Wise Men" who mediated between the military and the protesters in Tahrir Square. In addition, a new political faction, the moderately Islamist Wasat (Centrist) Party, was finally permitted to register after fifteen years of languishing in the Mubarak regime's bureaucratic limbo.

Nevertheless, three key posts -- foreign minister, justice minister, and prime minister -- remain in the hands of Mubarak appointees, a worrisome signal to protestors who continue to demand a more fundamental government reshuffle. Additionally, the SMC's timeline for amending the constitution and holding three critical plebiscites is problematic, since several critical issues that could retain the state's authoritarian parameters remain unresolved.

For example, the council has yet to remove the emergency law, which has been a significant impediment to liberal political parties through its ban on peaceful assembly and other activities. According to Egyptian media, the SMC intends to repeal this law within the next six months, presumably after first removing its constitutional sanction, but it is unclear whether this will happen before or after new national elections. Likewise, it is unclear whether Egypt's highly selective political parties law and related provisions -- notorious for their arbitrary controls on the registration and operation of parties -- will be amended in time to give liberal political forces a meaningful opportunity to organize before elections. In this scenario, only the most organized factions would be favored in snap elections, even if they do not wield majority support among the public. This limitation would destroy the prospects for a more equitable political landscape and betray the demands of the majority of Egyptians. And if a hastily and unfairly elected parliament writes Egypt's next constitution, which may not be subject to popular approval in a referendum, the betrayal would only be institutionalized.

Disproportionate Muslim Brotherhood Role?

In this context, the MB deserves close scrutiny. The party's own leaders currently claim that the Brotherhood would win around 30 percent of the vote in a truly free and fair election. Credible polls taken over the past two years lend some support to this estimate, which means that a majority of Egyptians reject the MB. An April 2010 Pew survey showed that 61 percent of Egyptians were concerned about Islamic extremism in their country. And a November 2009 Pechter poll showed that Egyptians overwhelmingly considered the fight against poverty, unemployment, or corruption -- not the imposition of sharia or other Islamist demands -- to be their country's first or second priority. More directly, a May 2009 poll by WorldPublicOpinion.org showed that just 29 percent of Egyptians held a "very positive" view of the MB.

Nevertheless, if Egypt holds elections too soon and deprives secular democrats of a chance to compete on a level playing field, it could hand the MB a heavily disproportionate share of power. A rush to elections will be even riskier if moderate and secular parties remain so fragmented -- as they now appear to be -- that they scatter their votes and lose their majority voice before new parties have a chance to take root.

Furthermore, although some of the MB's recent statements project an image of moderation, the MB seems set on certain problematic positions. For example, in declaring their intent to form a "Freedom and Justice Party," senior MB officials stated that it would not be "appropriate" for a woman or a non-Muslim to head this party, or to be elected president. Egypt must therefore calibrate the new electoral system carefully. Some variant of proportional representation, which encourages pluralism, would almost certainly be preferable to a system that could allow a tightly disciplined, ideological minority party to gain an artificially large plurality or even a majority of seats in parliament.

Lack of Transparency

In general, the SMC's tendency to provide few details on critical issues is cause for concern. The council has made no pledges to fundamentally restructure Egypt's internal security forces. And apart from a few discussions about allowing voter registration with national identification cards, it has offered little indication of amending Egypt's electoral laws, which have greatly limited the electoral base and largely favored only the regime and the MB. Indeed, the SMC has carried out some of its most important decisionmaking -- including the selection of a transitional government -- in an opaque manner, eliciting critiques from Egyptian civil society. The council's "dialogue" with various opposition forces has been arbitrary at best, creating additional divisiveness among the country's already fragmented opposition.

It is therefore critical that the United States accept the popular Egyptian desire to safeguard the principles of their revolution. This includes both transparency and participation in the transition, as well as avoidance of any stampede to yet another fraudulent election. Continued intense civic engagement and vigilance will be required to guard against a slip into a different form of theocratic or military authoritarianism -- or both.

U.S. Policy

For its part, Washington should keep a low public profile for now, maintaining the focus on Egypt's own approach to this historic opportunity. In particular, Egyptians must decide for themselves whether to retain, relax, or relinquish the existing constitutional prohibition on religious political parties. Furthermore, the MB must clarify its platform as a political party. From the standpoint of U.S. interests, the MB's determined opposition to peace with Israel is a clear and present danger. It would therefore be premature and inadvisable for Washington to alter its avoidance of the MB until it proves its democratic credentials and commitment to regional peace.

At the same time, in appropriately private fashion, the administration should continue to encourage the Egyptian military to support a sure yet measured transition to a fully civilian, democratic government. This means neither a rush to early elections and wholesale or hasty constitutional changes, nor an overly protracted or truncated handover. And along with emergency economic assistance, the United States should rapidly begin offering quiet advice and technical support -- preferably through nongovernmental organizations dedicated to this purpose -- in order to support the consolidation of a truly pluralistic, democratic Egyptian political life.

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