

Egypt—Don't Give Up on Democracy Promotion

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The United States took up the issue of political reform in Egypt as part of a dramatic reorientation of policy toward the Middle East after the September 2001 terrorist attacks. No longer would the United States rely on authoritarian Arab governments to secure its interests; it would instead champion the cause of liberty in Arab countries. After pushing fairly assertively (and with some success) for reform in Egypt in 2003–2005, the United States dropped the issue just as suddenly in 2006 because its priorities shifted from transformational back to traditional diplomacy to contain regional crises. Islamist electoral gains, especially in Palestine but also in the Egyptian parliament, also gave the United States pause. But renewed U.S. support for political reform in Egypt is not only compatible with U.S. security interests in the short term but vital to a stable, productive bilateral relationship in the long term.

With Egypt's strong institutions, array of domestic actors coalescing around a reform agenda, and admittedly thin but still real history of liberal constitutionalism, political reform is a far less quixotic quest in Cairo than it ever was in Baghdad. Now is a particularly

propitious moment for pursuing reform, as Egypt is in a leadership transition from the circle surrounding 79-year-old President Hosni Mubarak, in power since 1981, to a new generation more amenable to change. But recently the Egyptian regime has reasserted control, after a promising political opening began in 2003, through a crackdown on opposition and a series of self-serving reforms that circumscribe more than expand political and civil liberties.

The next few years—which will likely see a leadership transition in Egypt—will be a critical time. If the United States supports indigenous demands for gradual and responsible political change, it can help Egypt break out of years of political and economic stagnation and human rights abuses. If it misses this opportunity, prospects for a stable, prosperous Egypt will diminish, with negative consequences for Egypt and the United States. Governments and citizens of other Arab countries will watch closely, mindful of Egypt's historically influential role in the region and of the billions in U.S. assistance it has received over the past thirty years. A failure to pursue reform in Egypt will also deal a decisive blow to U.S. democracy promotion

Summary

Even as the United States is preoccupied with how to stabilize and withdraw from Iraq, it risks missing another important opportunity to promote democracy in the Middle East. Among Arab countries Egypt is uniquely positioned to make a transition from authoritarian rule to a more liberal system and eventually to democracy. A looming presidential succession in Egypt makes such changes more feasible. But after several years of modest reforms, the Egyptian government is now backtracking and enshrining illiberal measures in its revised constitution. The United States faces a critical decision about whether to pursue reform seriously with Egypt or to abandon the project of promoting Arab democracy, at least for now.



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in the Arab world, already threatened by cynicism and despair because of the sectarian violence in Iraq and Lebanon and the festering Israeli-Palestinian conflict.

A Reform Push

Political openings have typically come immediately after a succession in leadership. But in 2003, the pendulum seemed to swing in the direction of political reform in anticipation of succession rather than following one. The realization that President Mubarak might leave the scene in the not-too-distant future opened fissures in the regime, motivating a faction around presidential son Gamal Mubarak to garner support by positioning themselves as reformers.

Three developments inside Egypt, in addition to increased pressure from the United States, helped push the political opening in modest ways. First, the political opposition showed renewed vitality. Although older legal opposition parties had largely atrophied, a new umbrella coalition of opposition actors coalesced around Kifaya, a group opposing President Mubarak's quest for reelection. The Muslim Brotherhood added its voice to the calls for political reform. Intellectuals and civil society activists lent gravitas if not numbers to the reform movement. This opposition heralded not a mass movement or the prospect of revolutionary change but only wider discussion, more imaginative strategies, and tentative steps toward opposition coordination.

Second, elements of the Egyptian state itself began to escape some of the stultifying domination of the executive. The judiciary showed promising pockets of independent judgment and willingness to move into politically sensitive areas. A series of court decisions in the 1990s, for instance, had led to significant changes in the electoral system that opposition elements could use to advantage—and that slightly loosened the National Democratic Party's grip on the parliament by allowing in large numbers of independents (many of them from the Muslim Brotherhood).

And, third, the government, caught between Egyptian and international calls for reforms, was unclear about its intentions, leaving room for political ferment. One day government officials firmly rejected talk of constitutional reform; the next day they embraced it in form if not content. President Mubarak made a surprise call in February 2005 to amend the constitution to allow for direct popular election of the president (heretofore chosen by the parliament and merely approved by popular referendum). The government allowed the Muslim Brotherhood to contest seats in parliamentary elections and to campaign freely, only to later arrest many of its leaders when the movement showed its electoral strength.

The reform wave seemed to crest with the 2005 presidential and parliamentary elections. Various parties, including the president's own, competed for the reform mantle, and the public openly discussed subjects such as constitutional amendments that had previously been kept off the agenda by presidential fiat. Judicial supervision and monitoring by civil society groups brought fairer balloting, especially in the first of the three rounds of voting. But as the magnitude of the Brotherhood's electoral strength became clear, the security forces stepped in to sway the results, sometimes by forcibly preventing large numbers of Egyptians from voting. Despite such interventions, the Brotherhood still walked away with 88 of 444 elected seats in the People's Assembly, winning roughly 60 percent of the races it contested.

Even at its best, the limited opening of the 2003–2005 period never offered unfettered political competition, much less functioning democracy. But it did augur for more open debate and contestation of political power. Since the elections, however, the country has begun moving sharply in the opposite direction.

Backsliding

The Egyptian authorities seem to have concluded from the parliamentary elections that

the opening had gone too far. In the first months of 2006, the regime postponed local elections, extended the state of emergency for two years, cracked down on popular protests, and worked to undermine efforts by the country's judges to expand judicial independence. By the end of 2006, the government moved beyond mere reaction to a more systematic response, launching a severe clampdown on the Muslim Brotherhood and targeting several high-ranking leaders and financial heads of the organization.

Yet the most serious—and potentially far-reaching—blow to Egypt's political opening came in March 2007. Egypt's ruling National Democratic Party used its majority in the parliament to amend thirty-four articles of the constitution, whose largely authoritarian content is discouraging for the hopes of meaningful political reforms. The amendments were subsequently approved on March 26 in a popular referendum marked by low voter turnout and an opposition boycott. The amendments have some positive aspects; for example, they expand parliamentary oversight of the budget and give the parliament easier procedures for voting no confidence in the prime minister and cabinet. On balance, however, they hurt more than help political and civil liberties.

The Egyptian regime had several motives in introducing the amendments. First, it was intent on politically restraining the Muslim Brotherhood, fearing that an emboldened Islamist opposition could complicate presidential succession. The constitutional amendments were just short of explicit in targeting the Brotherhood, for example, banning any political activity or the establishment of any party drawing on a religious reference point. Another amendment paved the way for a change in the electoral system from a candidate-centered system to a mixed one that depends mostly on party lists, leaving only a small unspecified margin for independent seats. The Brotherhood, barred from forming a party, had been running candidates as independents for years. Such a change in the elec-

toral system also served to drive a wedge between the Brotherhood and the legal opposition parties, which could not secure more than a combined 5 percent of the seats in the 2005 race.

A second motive of the regime was to revamp its tools to control the electoral process. The amended electoral procedures diluted the previous requirement that judges oversee elections with the stipulation that an electoral commission be established (whose membership includes but is not limited to current and former members of judicial bodies). Judicial supervision did not remove all fraud and repression, but it did result in a more transparent electoral process.

Third, the amendments answered a longstanding opposition and international demand to prepare for lifting the state of emergency but did so by enshrining in the amended constitution vast powers from the emergency law. For instance, under the banner of combating terrorism, the president was given the right to refer any suspect to exceptional (primarily military) courts, and protections against arbitrary arrest, search, and violation of privacy were set aside. With these steps, the Egyptian regime made a set of legal and extralegal authoritarian tools a seemingly permanent part of the political order.

Opposition groups so far have floundered in responding to the regime's backsliding on political and civil liberties. Confronted with the Muslim Brotherhood's ideological strength and superior organization, legal secular opposition parties have a vested interest in allying themselves with the regime to marginalize the Brotherhood and expand their own legal space as opposition parties. Despite its recent electoral success, the Brotherhood is also restricted in its ability to respond; leadership arrests and confiscation of financial assets crippled its ability to mobilize. And the new protest movements such as Kifaya and various networks of human rights activists have failed to mobilize significant popular support for their pro-democracy platforms. Some of them also have shown signs of



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organizational fatigue and internal ruptures. Recently independent labor organizations have defied government-dominated unions to hold large protests but as yet have focused on purely economic concerns.

In its backsliding, the Egyptian regime is taking advantage of a changed regional and international environment. With Washington's attention diverted from the democracy

Political reform in Egypt is a far less quixotic quest than it ever was in Iraq.

agenda, President Mubarak can resort to outright repression of the Muslim Brotherhood or push through constitutional amendments void of democratic substance without risking a crisis with the United States or Europe.

After the Bush administration made a striking departure from decades of U.S. policy to move democracy promotion to the center of its Middle East policy agenda, it dropped the

issue just as suddenly in early 2006. Islamist gains in elections in Palestine, Egypt, and elsewhere created doubts within the administration about the wisdom of pressing forward assertively on electoral democracy. The deteriorating security situation in Iraq, particularly after the February 2006 Samarra mosque bombing, and the increasing influence of Iran led the administration to devote more efforts to traditional (versus transformational) diplomacy. With an overburdened regional agenda, suggesting reform to a testy Egyptian government began to seem an unwelcome distraction. The policy instruments created earlier in the Bush administration (such as the Middle East Partnership Initiative and Broader Middle East and North Africa Initiative) remained in place but withered on the vine because senior officials had ceased raising democratization as a serious issue.

What the United States Should Do

The idea that the United States must choose between pursuing its strategic political inter-

BOX 1

The Ups and Downs of Political Reform in Egypt

1950s–1960s—Egypt becomes a republic following a military coup. President Gamal Adel Nasser institutes a single-party system and bans the Muslim Brotherhood following a 1954 assassination attempt.

1970s—President Anwar Al Sadat reinstitutes limited pluralism, allowing the creation of a few loyal opposition parties and the reactivation of the Muslim Brotherhood.

1980s—President Muhammad Hosni Mubarak promises greater freedom; legislative elections bring in opposition representation.

1990s—Amid terrorist attacks by militant Islamists, Mubarak cracks down on political freedoms. Violence and fraud become widespread in elections; in 1999 the Supreme Court mandates full judicial supervision.

2000—The ruling National Democratic Party makes a weak showing in elections; Gamal Mubarak rises as a party reformer.

2005—The constitution is amended to allow direct election of the president; Mubarak wins a fifth term. Muslim Brotherhood candidates win 20 percent of seats in parliament.

2007—Constitutional amendments adopt aspects of emergency law, diminish judicial supervision of elections, and outlaw political activity based on religion.

ests and domestic reform in Arab states—and between autocratic Arab governments and revolutionary Islamist regimes—sets up false choices. The record shows, for example, that the Egyptian government cooperated closely with the United States on Arab–Israeli peace and on Iraq at the very time (2004–2005) the United States was pressing for political reform in Egypt with some seriousness. Egypt assisted Israel with security arrangements for unilateral withdrawal from Gaza and also was the first Arab country to send an ambassador to post-invasion Iraq. President Mubarak took these steps because he saw them as being in Egypt's strategic interests and did not withhold cooperation despite some tension with Washington over democracy promotion. Future Egyptian leaders will likely make the same calculations.

The notion that the only choice in Egypt is between an autocratic but friendly government and an Islamic regime hostile to the United States is also spurious. While the Muslim Brotherhood is Egypt's most popular opposition movement, constraints within the country's political system effectively bar the Brotherhood from taking power any time in the foreseeable future. The Brotherhood claims to have made a strategic commitment to democratic and peaceful methods within Egypt, and there is evidence that the group is truly wrestling with the implications of positioning itself as a democratic opposition. The real challenge for Egyptian political reform is not to make every political force thoroughly liberal and democratic but to ensure that political differences be settled through legitimate, established, fair, and democratic channels. That cannot be done without incorporating rather than quashing Egypt's most powerful opposition movement. Meanwhile, the Egyptian government has also done its best to undermine and discredit already weak secular opposition forces, which could potentially fill out a broader political spectrum.

The United States should take advantage of the unique opportunity offered by the current

phase of leadership succession in Egypt and encourage a gradual, responsible political opening that gives secular forces a chance to mobilize support and Islamists a stake in a system of democratic institutions. Only an approach involving sustained public and private diplomacy, in addition to assistance programs, will work. To be effective, the United States should ground its engagement in the demands of Egyptian civil society and opposition groups, who are now focusing on electoral systems, term limits, political expression by the Muslim Brotherhood and other opposition forces, and human rights protections.

Electoral Supervision. The amendment replacing the constitutional requirement for comprehensive judicial supervision of elec-

The most serious blow to Egypt's political opening came in recent amendments to the constitution.

tions with authorization for an independent electoral commission created both a problem and an opportunity for outside involvement. On one hand, judicial supervision of elections in 2000 and 2005 had markedly increased the fairness and transparency of the process, and its diminution is reason for strong concern. On the other hand, the Egyptian regime's professed desire to abide by internationally recognized best practices by creating an independent electoral commission is an opening that the United States should seize. The United States should press Egypt now to fulfill its own declared aspirations and accept assistance from the international community in setting up a truly independent, empowered electoral commission along the lines of those that have been established in Palestine, Yemen, and Iraq.

Term Limits. The United States should support the persistent calls by opposition and civil society forces to reinstate the presidential term limits in the constitution that were

abolished in 1980. This is particularly important given the likelihood of a new president (and perhaps a young one) coming into office in the next few years.

Opposition Parties and the Muslim Brotherhood. The United States should press the

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Egyptian government and ruling party to lift constraints on peaceful activities by opposition parties and groups—secular and Islamist alike. The government’s claim that it wants to improve chances for opposition parties through a new electoral system is simply not credible in view of the obstacles it places before parties.

It is time for the United States to take a more forthright approach to the issue of the Muslim Brotherhood. Islamists clearly are an unavoidable part of the political spectrum in Egypt, and there can be no credible democratization without their enfranchisement in some form. To approach the Brotherhood as a security challenge—as the regime does at present—necessitates a permanent state of emergency and unending repression. The recent constitutional amendment declaring that not only can there be no political party based on religion, but no political activity drawing on any religious reference point removes any incentive for the Brotherhood to moderate its positions and engage in compromise with secularists. Instead it drives them outside of the political system. Ironically, it was precisely such exclusion that helped the Brotherhood attain its current political influence: By concentrating on social and educational activities, the Brotherhood built a formidable constitu-

BOX 2

On the Record Support for Democracy in Egypt

“The great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.”

George W. Bush at the National Endowment for Democracy, November 2003 and again in the State of the Union address, February 2005

“The day is coming when the promise of a fully free and democratic world, once thought impossible, will also seem inevitable. The people of Egypt should be at the forefront of this great journey So together, let us choose liberty and democracy—for our nations, for our children, and for our shared future.”

Condoleezza Rice, Cairo, June 2005

“The Cairo speech to me was perhaps the most important speech that I have given. And it to me says what America stands for and what this Administration stands for and we’re not going to back off that.”

Condoleezza Rice, interview with al-Arabiyya television, May 2007

“The United States is also using our influence to urge valued partners like Egypt, Saudi Arabia, and Pakistan to move toward freedom ... to open up their political systems, and give a greater voice to their people. Inevitably, this creates tension. But our relationships with these countries are broad enough and deep enough to bear it.”

George W. Bush, Prague, June 5, 2007

ency. That constituency now can be either brought into legal and institutional channels or driven into less manageable forms of political activity. The United States cannot force the Egyptian regime to choose a more conciliatory path, but it need not endorse a harsh solution explicitly or through inaction. It can, for instance, press the Egyptian government to allow enough breathing space for dialogue and compromise between Islamist and secular political forces to take place.

Similarly, the United States and Europe should call on the Egyptian government to license new secular parties and cease meddling in the affairs of existing parties—which in some cases has escalated to hounding parties out of existence using legal and extralegal means. Secular parties throughout the Middle East suffer from elitism and lack skill in building constituencies, but they should be given a chance to organize, reach out to the public, and compete with other political forces free of harassment and overregulation.

Antiterrorism Law and Human Rights Protections. The revised constitution and the coming new antiterrorism law present the United States with a difficult dilemma: how to discourage a significant deterioration in human rights protections while maintaining counterterrorism cooperation with the Egyptian government. The U.S. Patriot Act is widely cited as the inspiration for Egypt's new law, so Egyptians would be quick to point out perceived hypocrisy. The major difference, however, is that the United States did not remove or suspend human rights protections from its constitution after 2001. No matter how problematic U.S. laws and practices in fighting terrorism may be, U.S. citizens may challenge them in court as unconstitutional, which Egyptians may no longer do.

Many Egyptian judges and legal scholars are saying that the constitution should be reamended to restore human rights protections. The United States should support that position and also press for the narrowest feasible interpretation of terrorism crimes to be cov-

ered under the new law. Egyptian authorities have long claimed that only terrorism and drug crimes were prosecuted under the state of emergency, but in fact many political and religious cases have been as well. The United States should press the Egyptian government to allow the establishment and free operation of Egyptian watchdog groups to monitor use of the new law.

A Critical Moment

Egypt has reached a moment of truth. Memories of the momentum for political opening evident in the 2003–2005 period are fading, and the authoritarian content of the recent constitutional changes threatens a prolonged chill. Rapid democratization is not likely, but Egyptians would be well served by a political opening that endures through the coming leadership transition. The country has deep economic problems and social divisions and needs leadership that enjoys enough legitimacy to build consensus and manage differences

The United States faces a decision—whether or not to promote Arab democracy—and Egypt is where it will be made.

rather than repress them. The likely alternative—political and economic stagnation that threatens eventual instability—would serve neither Egyptian nor U.S. interests. The United States has an important decision to make, and Egypt is where it will be made: whether the U.S. interest in Arab democracy will be a sustained policy shift with bipartisan support or merely a whim to be dropped as soon as it faces difficulties. ■

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