

QUICK POLICY INSIGHT

Egypt's transition back on track after Mohamed Mursi's victory

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Over the last two weeks the Supreme Council of the Armed Forces (SCAF) has made several attempts to change the rules of the Egyptian transition. Timed to coincide with presidential elections, the military's manoeuvres have exacerbated the country's constitutional crisis. Yet the election of Mohamed Mursi — the first democratically elected leader in five millennia of Egyptian politics and the first Islamist to be elected leader of an Arab state— may turn the tide and put the democratic transition back on track.

Mohamed Mursi's election marks a milestone in Egypt's transition to democracy. The next step must involve a transfer of power from military to civilian institutions.

Egyptians have refuted the military junta's attempts to reverse the direction of transition. Tens of thousands of citizens, not only supporters of the Muslim Brotherhood, took to Tahrir Square last week to demonstrate against military rule. Mursi's victory was also celebrated across the country. These displays have confirmed that a new factor in Egyptian politics — **the will of the Egyptian people**, which first came to prominence during the revolution 17 months ago —is here to stay and should not be underestimated. Egyptians will not accept a return to the old regime and are determined to move to the next stage of revolution: stripping the military of political power and, eventually, of its economic privileges. Given the army's solid political power base and impressive economic empire, built over the last few decades, this stage of the revolution will be complex and not completed rapidly¹.

From judicial coup to reinstatement of the Parliament?

On 14 June, two days before the Presidential run-off election, the **Supreme Constitutional Court** ruled that Egypt's parliamentary election law and disenfranchisement law (which barred officials of the former regime from running for public office) were unconstitutional. As a result, a former Prime Minister under Mubarak, Ahmad Shafiq, was able to run, and

¹ For detailed analyses on the economic power of the Egyptian Army, see http://www.jadaliyya.com/pages/index/4311/egypts-other-revolution modernizing-the-military-i and http://www.jadaliyya.com/pages/index/3732/the-army-and-the-economy-in-egypt

The controversial ruling of the Constitutional Court led to the dissolution of the democratically-elected, Islamist-dominated Parliament. the SCAF dissolved the democratically-elected parliament. Through a **supplementary constitutional declaration** on 17 June, the SCAF appropriated legislative powers.

These moves pose a profound political problem. For a country in transition and drafting a new constitution, the power assumed by the Court, whose members were appointed by the former regime, is disproportionate. During an intermediary phase, the role of a constitutional court should be limited to supervising the transition process (as was the case in South Africa).

The questions of when new parliamentary elections will be held and who will issue a new parliamentary election law remain open. President-elect Mursi has insisted on taking his presidential oath before the parliament. More important than the venue of the inauguration ceremony is the resumption of parliamentary business. The democratic transition in Egypt will require that the dissolution of the parliament is revoked. New parliamentary elections should only be held after the new constitution is in place.

From constitutional coup to civilian presidency?

The military junta has marginalised the Presidency but the President-elect is unlikely to challenge the prevailing division of prerogatives right away.

Under the terms of the transition arrangements the SCAF was intended to act as a substitute for the president during the transitional period, which should end on 30 June 2012. However, its unilateral constitutional declaration of 17 June reduced many of the president's prerogatives. The military junta secured complete control over army affairs, including the defence budget, the appointment of senior officers. While only the president can declare war, the SCAF must approve first. The SCAF's declaration involves the military in civilian law enforcement without the oversight of the civilian judiciary — a foolproof recipe for abuse.

For the time being, however, it seems that the President-elect and the SCAF agree on the division of powers. Yet Egyptians' democratic aspirations would be best served by overturning the declaration and assigning power to elected institutions.

From constitutional stalemate to all-encompassing national dialogue?

The Constituent Assembly has resumed its work but is working under the threat of dissolution by a court order in September and the risk that the military junta may overrule its decisions.

Under the 17 June declaration, the SCAF threatened to appoint members of the Constituent Assembly — the body drafting the new constitution — if those members who had boycotted the Assembly did not return to the drafting table. (After months of stalemate, the 100-member Assembly has now resumed its work.) The SCAF also assumed the right to veto decisions taken by the Assembly. Egypt must advance towards a new political and legal system, and challenges to the legality of the constitution-drafting assembly are counterproductive to Egypt's democratic development.

The results of the two rounds of presidential elections demonstrate Egypt's political heterogeneity. President-elect Mursi needs to establish wide consensus for his political reform project. In his victory speech, he pledged to be 'a president for all Egyptians' and vowed to fight

'conspiracies that target [Egyptian] national unity'. To mark his independence from his Islamist power base, he formally resigned from his party. He is expected to appoint two vice-presidents, a Prime Minister and cabinet within the next few days. The government is likely to be composed of technocrats and include liberals and secular political forces.

It may be possible to diffuse the country's political tension and shift political activity from the street to the democratically elected institutions. A first advance was made with the suspension of a decree authorising the military to arrest civilians. First issued by the (non-elected) Justice Minister, the decree was appealed by 17 rights groups.

From political disputes to tackling problems of the Egyptian people?

President-elect Mursi faces an uphill struggle to rise above two strong forces in Egyptian politics: the military establishment and the Muslim Brotherhood. Although the Brotherhood is the largest political force in Egypt, it is not a unifying instrument. Mursi needs a unity government to tackle the social problems facing the country and respond to widespread concerns about the country's uncertain economic prospects.

If unanswered, Egypt's socio-economic challenges will aggravate the country's political problems.

Economists' predictions for Egypt's GDP growth are cautious — 1.6 % for 2012. In 2011, the national economy was virtually paralysed after the revolution. Domestic consensus is needed to launch negotiations on a EUR 2.5 billion loan from the International Monetary Fund. Equally important will be establishing political stability so tourism can resume; the sector represents about 10 % of GDP. The social demands of voters also require efficient responses. Two-thirds of Egyptians are under 30, and young people account for 90 % of the unemployed. While the official unemployment rate is 10 %, the number is likely to be much higher. Poverty and economic inequalities pose a serious problem: a few individuals have feathered their nests at the expense of those Egyptians — 40 % of the population — who live on less than EUR 1.5 a day.

The Muslim Brotherhood's economic and social programme (called *al-Nahdha*, or 'Renaissance') focuses on the real-life everyday problems that beset many Egyptians: schools, health care, traffic, security and waste management. Proposals from the Brotherhood include subsidised bread and fuel, although the current budgetary deficit may make their passage unlikely.

Presidential election results:

	1st round votes	1st round %	2nd round votes	2nd round %
Mursi	5 764 952	24.8	13 230 131	51.7
Shafiq	5 505 327	23.7	12 347 380	48.3
Other candidates	11 995 237	50.2	-	-
total (valid votes)	23 265 516	98.3	25 577 511	96.8
Turnout		46.4		51.9

Profile of President-elect



Full name: Mohamed Mursi Isa al-Ayyat (محمد مرسى عيسى العياط)

Date, place of birth: 20.8.1951, Sharqiya, Nile Delta

Education: Engineer, University of Cairo, PhD University of

Southern California

Career: Positions in academia in the USA and Egypt

Member of Parliament 2000-2005

Member of the Guidance Office of the Muslim

Brotherhood until 2011

President of Freedom and Justice Party 2011-12

Civil status: Married with five children

Policy options

Egypt, the most populous Arab nation and an economic, political and military power in a geographically strategic position, is a **key partner for the European Union**. To uphold EU's interests and values in Egypt and in the region, it would be highly advisable to give up the prudent approach that has so far determined EU policy and to:

- support the Egyptian people's democratic aspirations, as expressed by citizens who created revolution in the country's streets and squares and who voted in democratic legislative and presidential elections;
- promptly convene an EU-Egypt task-force to translate this support into technical assistance, financing, advice on capacity-building and negotiations for upgraded contractual relations;
- develop dialogue with all emerging political forces and civil society;
- underline the importance of returning promptly to civilian rule, repealing the non-democratic amendments to the existing constitution and supporting resistance to sustained military rule;
- closely monitor the policies of the newly elected institutions to ensure they uphold equal rights for all Egyptians;
- support calls to reconvene the parliament and return its legislative powers, with the understanding that a referendum would be organised at the end of the constitutional drafting process and new parliamentary and presidential elections held after the new constitution is in place;
- work with the Egyptian government to subject the military to public scrutiny and parliamentary oversight, and oblige the military to make its budget transparent and accountable;
- offer support and EU expertise for institution-building and a comprehensive reform of the security sector and the judiciary.