THE STRUGGLE FOR PLURALISM AFTER THE NORTH AFRICAN REVOLUTIONS

Anthony Dworkin

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Executive Summary

The political transitions in North Africa are at a precarious moment. The revolutions in Egypt, Tunisia, and Libya inspired the hope that these societies could build political systems that fostered national unity. But now there are widespread fears that the transitions are leading to majoritarian rule and social division, not political settlements that enjoy consensual support. It is too early to draw any conclusions about the political direction of these countries, but developments during this period matter because the ground rules of democratic politics are being written. What happens now will have a large impact in the countries themselves and affect views about democracy in the Arab world more widely.

The populations of these countries have a wide variety of different ideologies and values – and a political system that accommodates these differences offers the best hope for a stable future. But the countries have little experience of political negotiation or compromise on which to draw. State institutions have not traditionally functioned as bodies that can mediate between different social interests. While there are liberal groups in all three countries that would allow a large space for individual choice, they have not tended to prevail in free elections. It is the balance of power between different political forces that has determined the path of the transitions so far, and these dynamics have in some cases favoured division rather than consensus building.

Egypt has the most unbalanced political space, because the Muslim Brotherhood has won a dominant position in the elections held since the revolution. The Brotherhood has used its position to try to drive the transition forward on its terms – attempting to consolidate its position, but not radically change the country's governance. President Mohammed Morsi's handling of the constitutional process convinced many of his opponents that he had no interest in political consensus, though it is not clear if wider agreement

would have been possible. The Muslim Brotherhood's actions seem to reveal a defensive fear that its long-awaited accession to power is being resisted on every hand. In response, the movement has fallen back on its core support and relied on the security services to handle public unrest with often brutal tactics, abandoning any attempt at reform.

The opposition in Egypt has little national support or infrastructure. Its recent coalition, the National Salvation Front, is motivated only by opposition to the Muslim Brotherhood and lacks a positive agenda. Its plan to boycott the forthcoming elections goes beyond the legitimate demand for a fair ballot and is based on the aim of denying legitimacy to Morsi's government, discounting his democratic mandate altogether. The opposition's strategy seems likely to result in further instability. Instead, new negotiations aimed at a compromise that would allow all mainstream parties to take part in the elections remain the best hope for political pluralism. There also needs to be a renewed effort at reform of the security services and other state institutions.

Tunisia has seen a rise in polarisation in recent months, culminating in the assassination of a leading leftist politician. The coalition between the Islamist Ennahda movement and two secular parties offered a template for the Arab world. But there has been controversy about Ennahda's administrative appointments and its dismissal of judges – showing the problems of governing in a transitional period without real reform. Many Tunisians feel that the country's secular heritage is under threat, and this adds to distrust between political groups. Opponents charge that Ennahda has been too lenient towards the country's Salafists, who have been responsible for a string of violent events. However, the party has recently cracked down on them and compromised on several key points in the constitution. Ennahda faces a resurgent political opposition that includes some members of the pre-revolutionary ruling RCD party, and there are disputes about whether they should be excluded from political life. The two dominant political blocs each deny the other's legitimacy, and this division is accompanied by a rise in political violence. But a recent cabinet reshuffle and some initiatives for dialogue could offer a new start.

Libya has not so far seen the same divisions over religion as the other two countries, but its political system remains precarious. The government has not established its authority, and assembly members are seen as out of touch. Progress on the constitution has been slow. A culture of political dialogue is absent, though the rebirth of democracy on a local level is promising. Much of the country retains a mindset of "revolutionary legitimacy" that links entitlement

to power to commitment to the anti-Gaddafi cause. Towns that were loyal to the former dictator risk political exclusion, and a new political isolation bill is dividing the political class. These tensions are linked to the country's security problems: the government faces a challenge in gaining control of militias that either reject democracy or distrust officials' revolutionary credentials. Politicians need to work together to develop a vision of the national interest that can override the forces of fragmentation and reassert a central framework of authority that mediates between the country's diverse groups and regions.

The problems of the transitional period in all three countries suggest that stability will not be possible without pluralism and political consensus. Reform of state institutions including the security services and judiciary is also essential so that the government operates within accepted limits and is trusted to hold a monopoly of force. All parties must be willing to accept the verdict of the electorate and play the role of a responsible opposition if necessary.

The European Union must be sensitive about the foundational political debates of these countries, but it can play a role in encouraging pluralism. The effectiveness of conditionality is limited, because it does not allow for finely tuned political interventions. Cutting aid would worsen the countries' economic problems and instability. But it would be appropriate to reduce or cut support if fundamental red lines are breached, through the use of political violence or infringements of electoral freedom. In any case, the EU should speak out clearly about the direction that governments are taking, since its approval or criticism can affect the legitimacy that political actors enjoy. The need for foreign investment and tourism should also help encourage a more consensual approach that seems the most likely path to stability.

The conduct of elections should remain a central focus of European efforts. EU officials should also be energetic in using their relationships with all political actors to encourage dialogue and the search for consensus. The EU should continue working and pressing for institutional reform, including the security and justice sectors. Looking further ahead, the expansion of programmes of social interaction between Europeans and North Africans may be the best way to encourage more tolerant social attitudes in North Africa, as well as in Europe.

Introduction

Negotiating the ground rules for democracy in North Africa

The political transitions in North Africa appear to be faltering. In Egypt, Tunisia, and Libya free elections have been held and governments that owe their legitimacy to a democratic mandate are in power. Egypt has adopted a new post-revolutionary constitution, and constitutional processes in Tunisia and Libya are due to be completed this year. But these early stages of democratic politics now seem to show the dangers of political competition as much as its benefits. The revolutions inspired the hope that these countries could build political systems that fostered national unity by drawing on the contribution of all their citizens. But developments in recent months in all three countries make that aspiration seem like a distant prospect. The most pressing question, two years after the revolutions, is whether new forms of majoritarian dominance or social division are taking root, forestalling the development of political settlements that enjoy consensual support.

The tension between the ideal of pluralism and the threat of political or social exclusion is – in differing ways – at the centre of the political dynamics playing out in the three transitional countries. Egypt has entered a period of crisis marked by a breakdown of political relations between the Muslim Brotherhood and secular or "civil" opposition groups, and by increasing instability. In Tunisia, the assassination of a prominent leftist politician capped a dangerous rise in political violence that is accompanied by stark political polarisation. And the Libyan government is struggling to establish its credibility against a background of insecurity and regional or municipal rivalries. In all three countries, growing numbers of people are asking whether the hopes of the revolutionaries for inclusive and accountable political systems were misplaced. Outsiders, across the Middle East and beyond, are also watching developments in these transitional countries closely, both because of the importance of what is at stake, and as an indication of the prospects of democratic reform in the Arab world more widely.

Of course, it is far too early in the transitional process to draw any long-term conclusions about the trajectory of democratic politics in these countries. It would be naive – as well as untrue to the experience of democratisation elsewhere – to expect fully-fledged pluralistic democracies to emerge within two years of the expulsion of autocratic regimes that had been in power for decades. Nevertheless the current state of politics in these countries matters, because this is the period when the rules of the game for the new dispensations are being established – both through the formal structures that are set up in constitutions and through an evolving pattern of political practice. The political systems of these countries will continue to evolve, but they will be shaped by the frameworks that are being built now and will be completed over the next year.

The populations of Egypt, Tunisia, and Libya encompass a wide variety of different beliefs, values, and affiliations. A form of democracy that accommodates these differences and gives all groups a stake in the development of their country is not only desirable in itself, but also seems to offer the best hope of stability and development. Recent economic research suggests that sustainable growth is most likely to take place in countries that benefit from inclusive political institutions.[1] Political pluralism is at the heart of the kind of liberal or "deep" democracy that the EU is committed to try to support in the southern Mediterranean as part of its response to the recent uprisings – so an evaluation of current trends is essential for the EU as it continues to refine its policy towards the region.

This report aims to take stock of the current political situation in the three North African transition countries, assess the prospects for pluralism in each case, and suggest priorities for outside groups that wish to support its development. It asks whether the transitions are veering off track, and what factors are most likely to influence their direction in the coming months. A central question, both for those engaged in North African politics and those wishing to support the development of democracy from outside, is whether the turbulence in these countries is likely to resolve itself through the process of democratic politics or whether the development of meaningful democracy itself is at stake. This report tries to shed light on this question by looking at Egypt, Tunisia, and Libya in turn. Despite the differences between them,

1 Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (London: Profile Books, 2012)

a comparison between the three countries' experience may help reveal the fundamental trends that are involved.

Democracy without consensus?

Developing a form of politics that can accommodate different ideologies and values within a larger framework that has consensual support is the central political challenge facing all the North African transitions. Egypt, Tunisia, and Libya are emerging from decades of authoritarian rule in which political competition was either severely restricted or unknown. There is little political culture of negotiation, compromise, or responsible opposition on which these countries can draw. As one experienced political observer put it, Arab societies have traditionally seen state institutions as bureaucratic or implementing bodies, but not as forums in which conflicting interests can be mediated.[2]

In all three countries there are liberal groups that believe the state should allow broad scope for individuals to live according to their own values, but they do not have enough popular support at this point to prevail in political competition – and some have at times displayed an equivocal attitude to democratic politics as their weakness has become clear. At least in Egypt and Tunisia, the early winners in popular elections have been Islamist groups whose underlying ideologies and exclusionary political approach have raised fears that they are working to impose their values on the countries they govern.

The revolutions of 2011 left their societies with a broad groundswell of support for the idea of democratic government, but no consensus about how democracy should be instituted. It quickly became clear that there were disagreements in all three transitional countries about such fundamental subjects as the nature of political legitimacy and the proper role of the state. Against this background, the key question was (and remains) on whose terms the ground rules would be written. And that, inevitably, has turned out to be a matter not so much of ideological dialectics but rather of the balance of power. Following the abrupt departure of the old regimes, elections were needed to choose new governments and select the people who would write the new constitutions.

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2 This comment was made by a participant in an off-the-record conference on pluralism in the Middle East and North Africa organised in December 2012 by ECFR and the Council for a Community of Democracies (CCD). A report on the conference is available at http://www.ecfr.eu/page/-/Parispluralismroundtablereport.pdf.

Political competition began without any agreement on the parameters for democratic governance, and the election results have played a central role in determining the way these parameters developed. But other forms of power are also part of the equation in all three countries: armed force (above all, in Libya), the state apparatus, the military and security services, civil society, and popular protest ("the street").

The crucial question for these societies is whether a critical mass of political forces will come to mobilise behind the key elements of democratic pluralism, including: the acceptance of the alternation of power, a separation between state institutions and political parties, the ability of all groups that accept democratic principles to participate in political life on fair terms, and a political system that respects the variety of different beliefs and affiliations in society. There are strong pragmatic reasons for the different political groups to accept these principles as the best basis for social harmony and stability. But the dynamics of electoral competition may in some cases complicate the search for compromise and consensus building, as parties try to maximise their support and solidify their hold on power, while fending off the threat of being outflanked by rival groups. Outside actors such as the European Union that want to help support the development of pluralism should start from an understanding of these conflicting tendencies and a calculation of how far they too can play a part in bolstering the incentives for pluralism.

Chapter 1

Egypt: The breakdown of politics and the death of reform

Egypt stands out among the transitional countries of North Africa because of the politically dominant position achieved by the Muslim Brotherhood and its political wing, the Freedom and Justice Party. Mohammed Morsi, the Brotherhood's candidate, won the presidential election last year only narrowly, but he moved with unexpected decisiveness to consolidate power. By sidelining the army's top brass and doing a deal with the next generation under General Abdel Fattah al-Sisi, Morsi was able to remove the main counterweight to the Brotherhood from political life. The Freedom and Justice Party along with the Salafist Nour party had earlier captured the bulk of seats in parliamentary elections held at the turn of 2011–12. Although the lower house of parliament was dissolved by court order in June, it had already appointed a constituent assembly in its own image, and thus effectively under Islamist control.[3] Following the approval of the new constitution in a referendum in December 2012, the upper house or Shura Council holds legislative power until the next parliamentary elections; the Freedom and Justice Party and other Islamist groups hold a large majority of Shura Council seats.[4]

The Muslim Brotherhood has used its control of Egypt's political structures in a way that has provoked widespread protest and unease. The constitution-drafting process was a central focus of contention, revealing the very different visions of the Islamists and liberal opposition groups. Liberals hoped, in the words of the former Egyptian Social Democratic Party MP Ziad Bahaa-Eldin,

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3 The first assembly selected by parliament was dissolved by court order in April 2012; parliament then named a second assembly in June 2012.

4 Two-thirds of Shura Council seats were allocated on the basis of elections held in January and February 2012, and a third were distributed by presidential appointment in December 2012. For an analysis of the Council's composition, see Gamal Essam El-Din, "Islamists tighten grip on Egypt's Shura Council", *Ahram Online*, 25 December 2012, available at http://english.ahram.org.eg/NewsContent/1/64/61266/Egypt/Politics-/Islamists-tighten-grip-on-Egypts-Shura-Council.aspx.

that the constitutional process could provide the occasion for developing "a mode of cooperation between the majority and minorities" resulting in a document agreed by consensus. But the Muslim Brotherhood "appeared genuinely puzzled as to why the Constituent Assembly should be composed in a different way than on the basis of the Parliamentary election results".[5] Few women and Coptic Christians were named to the Assembly, and liberals were ultimately powerless to block measures they disliked except by threatening to withdraw.

The final weeks of 2012 saw a spiralling political crisis as Morsi first granted himself almost unchecked power in order to prevent the judiciary from dissolving the constituent assembly, and then arranged for the drafting of the constitution to be rushed to completion in an apparent effort to bring forward the moment when his controversial assumption of extra powers could be reversed. Morsi's power grab and the Brotherhood's determination to close off debate on the draft constitution proved the final straw that led almost all the remaining non-Islamist members of the Assembly to withdraw. Egypt's new post-revolutionary constitution was passed by an unrepresentative bloc that included only four women and not a single Christian. In early 2013, Morsi announced that parliamentary elections would be held, starting in April, under a revised election law passed by the Shura Council. However, the timing of the elections remains in doubt, following an Administrative Court decision in early March that mandated further judicial review of the election law before the vote could go ahead.

Conflicting visions of democracy

Morsi's handling of the constitutional process and the record of parliament before it was dissolved show that the Muslim Brotherhood has an essentially majoritarian or "delegative" understanding of democracy, where the individual or movement that wins elections then makes its own decisions about what is best for the country without any obligation to consult other groups.[6] The events of November 2012 (Morsi's decree and the completion of the constitution) were a turning point for many Egyptian liberals, proving that

5 Author interview with Ziad Bahaa-Eldin, 8 October 2012.
6 The term "delegative democracy" was coined by the political scientist Guillermo O'Donnell, primarily as a description of presidential leaders in Latin America. See Guillermo O'Donnell, "Delegative Democracy", *Journal of Democracy*, Vol. 5, No. 1, January 1994, pp. 55–69.

Morsi had no respect for the notion of democratic checks and balances, was unable to understand the concerns of his opponents, and lacked the desire or skill to win any support outside the Islamist bloc.

On the other hand, it is far from clear that a consensus on the constitution could have been reached between the country's different political forces, and a longer period of consultation, as demanded by the opposition, might well have led only to a protracted stand-off. Moreover, the charter as passed does not bear out fears of a wholesale Islamisation of the country. The Muslim Brotherhood's primary goal in the constitutional process seems to have been to keep the transition on track in order to hasten parliamentary elections that it could be expected to win. Khaled Hamza, a young policy thinker within the Brotherhood, expressed this view by arguing that "vast sectors of the public want to move forward" and that the secular elite was trying to disrupt the political process in breach of agreed rules because it found itself in a minority.[7]

The constitution itself is far from a liberal document, but it is conservative and paternalistic as much as it is overtly religious in tone. Article 2, which states that "the principles of Islamic Sharia are the principal source of legislation" was retained unchanged from the preceding constitution from 1971, but the new constitution goes further in spelling out the sources of these principles in the "general evidence, foundational rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines" and assigning an advisory role to the Islamic institution of al-Azhar in interpreting them.[8] In the words of one analyst, "Egypt's Islamist rulers have given their spiritual counsellors a role in inspiring the direction that the state should head in, without actually giving them any hard political power".[9] The constitution also guarantees freedom of belief only for the three monotheistic religions, raising fears about the position of minority religious groups such as the Baha'i. Despite the unbalanced nature of the process, the treatment of religion in the constitution represents a compromise between the positions of Salafists and liberals, and is probably not far from the centre of gravity of the Egyptian population. The long-term effect of al-Azhar's new role will be determined by the evolving leadership of the institution and the political balance in future parliaments, both of which are now hard to predict.

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7 Author interview with Khaled Hamza, 10 October 2012.
8 All quotations from the Egyptian constitution are taken from the translation by International IDEA, available at http://www.constitutionnet.org/files/final_constitution_30_nov_2012_-english-_-idea.pdf.
9 Zaid Al-Ali, "The new Egyptian constitution: an initial assessment of its merits and flaws", International IDEA, 25 January 2013, available at http://www.idea.int/wana/the-new-egyptian-constitution-an-initial-assessment-of-its-merits-and-flaws.cfm.

The constitution also follows its 1971 predecessor in specifying that the state "guarantees the reconciliation between the duties of a woman toward her family and her work" without making any parallel commitment for men. The military is granted the right to try civilians before military courts for "crimes that harm the armed forces". Perhaps most regressive, as far as democratic principles are concerned, is the treatment of local government. The constitution calls for local councils to be elected, but their decisions can be reversed by the central government, and there are no provisions specifying the method of selection of governors or the limits on their power. Going back to Tocqueville, political theorists have emphasised the importance of local government in developing the culture of democracy among citizens, but the Egyptian constitution does almost nothing to decentralise democratic control.

Consolidation in place of restructuring

The Muslim Brotherhood's approach to government likewise seems more focused on attempting to consolidate its authority than pushing to change the nature and role of the state. Critics believe it is attempting to establish itself as a "hegemonic party", in the words of the leftist political scientist Mustapha al-Sayyid, though sympathisers claim it is only redressing the balance after its decades of exclusion.[10] The Islamist-dominated Shura Council appointed a swathe of new editors for state-owned media last summer, many of whom are seen by the journalists they oversee as unqualified and having a track record of subservience to the state. Morsi has named several Muslim Brotherhood members as regional governors and, in a cabinet reshuffle earlier this year, appointed a leading Brotherhood official as minister for local development, giving him authority over further appointments.[11] In November, Morsi issued a decree on the regulation of trade unions that will allow the minister for manpower and immigration – another Freedom and Justice Party member – to name large numbers of new officials to the state-sponsored Egyptian Federation of Trade Unions.[12]

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10 Author interview with Mustapha al-Sayyid, 10 October 2012; for the views of a leading FJP official, see Chaimaa Abdel-Hamid, "Hamdi Hassan: 'La confrérie a des cadres capables d'occuper des postes importants'", *Al-Ahram Hebdo*, 27 February 2013, available at http://hebdo.ahram.org.eg/NewsContent/0/10/124/1795/Hamdi-Hassan-%C2%AB-La-confr%C3%A9rie-a-des-cadres-capables-.aspx.

11 Issandr El Amrani, "Next up in Brotherhoodization: the governors", the *Arabist*, 8 January 2013, available at http://www.arabist.net/blog/2013/1/8/next-up-in-brotherhoodization-the-governors.html.

12 Joel Beinin, "Workers, Trade Unions and Egypt's Political Future", Middle East Research and Information Project, 18 January 2013, available at http://www.merip.org/mero/mero011813.

The controversy in Egypt over these moves may partly reflect the mutual suspicion that exists between Islamists and secular groups, as well as some genuine uncertainty about how far the sphere of political appointments should extend – something that is hardly unknown even in democracies of longer standing. It is clear, however, that the Muslim Brotherhood's attempt to install sympathisers or deferential officials in influential parts of the state apparatus has come at the expense of any effort to reform the institutions concerned – something that would require a greater degree of political consensus to carry forward.

The cabinet positions that Morsi has allocated to Muslim Brotherhood members also give an indication of the organisation's priorities. In the first cabinet named after his presidential victory, Morsi named Brotherhood-affiliated officials to head the ministries of youth, information, higher education, and manpower. When he reshuffled his cabinet in January, he added Brotherhood members as ministers for transport, domestic trade, and local development. As the political analyst Mustapha al-Sayyid points out, these appointments show that the Brotherhood's initial focus was on the long-term Islamisation of society through shaping the attitudes of young people, the media, and other social groups, rather than trying to reshape social mores through the constitution or legislation.[13] More recently, it seems, Egypt's worsening economic situation has led Morsi to name allies to positions where they may have an impact on the government's social and economic policies.

The Muslim Brotherhood's defensive vision

Rather than a confident campaign to take over the state, the Brotherhood's actions since last summer may best be understood as the defensive reaction of a movement that feels its long-delayed accession to power is meeting resistance at every hand. According to one close observer of the movement, the Brotherhood has struggled to get the state machine to work, and has come progressively to feel that more and more interests must be working to thwart it.[14] In some cases it may have had some justification, as with the Supreme Constitutional Court's dissolution of parliament in June 2012; while the legal

13 Author interview with Mustapha al-Sayyid, 10 October 2012.
14 Author interview with an Egyptian researcher, 6 December 2012.

merits of the action can be argued both ways, it hardly seems in keeping with the spirit of democracy. After protests erupted in response to Morsi's November decree (itself aimed at pre-empting a Supreme Court ruling on the Constituent Assembly), police failed to secure Freedom and Justice Party offices in several cities and opened a security gate to allow protesters to reach the wall of the presidential palace.[15] The Brotherhood's reaction, however, has led it increasingly to fall back on its core base of support and portray all criticism as illegitimate or anti-Islamic.

Leading Brotherhood officials summoned their supporters into the streets to confront the protesters outside Morsi's residence, leading to violent clashes that caused several deaths. Brotherhood followers detained and harshly questioned several demonstrators, and Morsi appeared to quote statements obtained under this extra-judicial interrogation as evidence of the protesters' criminal intent. Senior members of the Freedom and Justice Party attempted to delegitimise the protests and fan sectarian tension by alleging that a majority of the demonstrators were Coptic Christians.[16] Throughout this period, the increasing identification of the president with his Muslim Brotherhood base could be charted by the progressive resignations of over half of Morsi's presidential advisory team, including most non-Islamist members. In the first months of 2013, the security situation in the country continued to deteriorate, with violence on the streets in provincial cities such as Port Said seeming to reflect the country's political impasse. The security services have fallen back on repressive tactics reminiscent of the Mubarak era, including the use of torture and excessive force on the streets. Without the political strength to restructure the interior ministry, and facing a wave of public unrest directed in large part against their movement, the Muslim Brotherhood appears to have decided against any attempt at security reform.[17]

The Muslim Brotherhood has also reacted strongly to the extensive hostile commentary levelled against it by Egypt's independent media, leading to a climate in which investigations and prosecutions of journalists for the crime of insulting the president have multiplied. "There is a growing trend of targeting independent and critical voices under President Mohammed Morsi's

15 Peter Hessler, "Letter from Cairo: Big Brothers", *New Yorker*, 14 January 2013. However, some analysts describe the pull-back of forces as effective policing (ECFR interview with Karim Medhat Ennarah, 27 February 2013).

16 Abdel-Rahman Hussein, "Egypt referendum: opposition calls for fraud inquiry", *Guardian*, 23 December 2012, available at http://www.guardian.co.uk/world/2012/dec/23/egypt-referendum-opposition-fraud-inquiry.

17 ECFR interview with Hossam Bahgat, 27 February 2013.

government", according to one watchdog group.[18] There has also been a rise in investigations of media organisations and private individuals for blasphemy. Egyptian civil society organisations report that they have faced greater difficulty obtaining official permission to receive foreign funding under Morsi than under Mubarak, and two draft versions of a new NGO law being debated by the Shura Council would continue to allow strict government oversight of NGOs.[19]

It remains difficult to assess how far the record of Morsi and the Muslim Brotherhood is the product of inexperience and a strongly *dirigiste* internal culture, and how far it indicates a deeper lack of commitment to the principles of democratic pluralism. The best explanation may be that the movement is improvising as it goes along. According to the Egyptian analyst Ibrahim El Houdaiby, himself a former Brotherhood member, the transition from a position of marginalisation into government has created enormous tensions for the Muslim Brotherhood which it cannot resolve through its traditional tools of identity-based rhetoric and centralised control.[20] The political identity of all Islamist movements, both the Brotherhood and the Salafists, appears to be in flux as they adapt to a radically changed environment. The direction that the Brotherhood follows is likely to be determined as much by external constraints and the political balance of power as by ideological conviction.

While Morsi initially seemed as if he might rally the country behind him, his recent actions and failure to tackle the country's economic problems now appear to be costing the Brotherhood support. A recent opinion poll showed approval for Morsi's performance at 49 percent – not a bad rating, but well down from the 78 percent approval that he achieved at the end of his first 100 days in office.[21] Military enthusiasm for Morsi also seems to be weakening, and army chief General El-Sisi recently warned all the country's leading politicians that "their disagreement on running the affairs of the country may lead to the collapse of the state".[22] Egypt's desperate economic situation and the rising social unrest together mean the Brotherhood is confronted with a

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18 "Egypt steps up campaign against critical media", Committee to Protect Journalists, 3 January 2013, available at http://cpj.org/2013/01/egypt-steps-up-campaign-against-critical-media.php.

19 "Egypt betrays revolution with proposed draconian laws", Amnesty International, 6 March 2013, available at http://www.amnesty.org/en/news/egypt-betrays-revolution-proposed-draconian-laws-2013-03-06.

20 Ibrahim El Houdaiby, "From Prison to Palace: the Muslim Brotherhood's challenges and responses in post-revolution Egypt", FRIDE, February 2013, pp. 10–11.

21 "Salvation Front and the President's Approval Rating after Eight Months in Office", Baseera, 19 February 2013, available at http://baseera.com.eg/baseera/recentpollmore_en.aspx?ID=16.

22 David Kirkpatrick, "Chaos in Egypt Stirs Warning of a Collapse", *New York Times*, 29 January 2013.

series of policy challenges that will be very difficult to manage without the backing of a broader political coalition. Completing negotiations on a loan from the International Monetary Fund, essential for the Egyptian economy, will require implementing unpopular policies for which the government might hope for support beyond the ranks of Islamist groups (many Salafists oppose the loan, as do some sections of the left-liberal opposition). The likely delay of forthcoming parliamentary elections means it may not be feasible to delay the completion of loan talks until after the vote has been held.

The opposition: participation or rejection?

The secular-liberal opposition has been weak and, for much of the time since the revolution, divided. There has been a plethora of new parties, often based around a handful of individuals but without much of a base in the country. Opposition politicians admit that it has not been easy to build grassroots support, and anticipate that this will have to be done on the basis of practical issues rather than constitutional principles.[23] Morsi's manoeuvring during the constitutional crisis finally prompted the opposition to unite in the National Salvation Front under the leadership of Mohammed ElBaradei, Amr Moussa, and Hamdeen Sabahi, though the coalition seems bound together purely by opposition to the Muslim Brotherhood and does not have a positive political or economic agenda that could provide the basis for a programme of government. Nor has the opposition presented any detailed programme for reforming the security sector or judiciary (whose rulings have sometimes served its interests). The coalition's decision in February 2013 to boycott the forthcoming parliamentary elections has been its most significant act since its formation.[24]

The National Salvation Front's stated reasons for boycotting the elections encompass both substantive and procedural complaints about the new election law and more general criticisms of Morsi's handling of power. Its demands about the elections – primarily for a fairer division of electoral districts and guarantees of the proper conduct of the vote – could easily be addressed in the aftermath of the administrative court's suspension of the poll. Indeed the EU has already been invited to monitor the elections. But other demands, such

23 Author interview with Ziad Bahaa-Eldin, 8 October 2012.

24 For a detailed analysis of the National Salvation Front and its stance on the election, on which this account draws, see Issandr El Amrani, "On the Egyptian opposition", *Arabist*, 27 February 2013, available at http://www.arabist.net/blog/2013/2/27/on-the-egyptian-opposition.html.

as the formation of a national unity government and the appointment of a commission to revise the constitution, are rooted in a far-reaching rejection of everything that has happened in Egypt in the last few months. Ultimately, as National Salvation Front secretary-general Ahmad Al-Bur'i said, the Front believes that "the rule of law in Egypt is absent" and it does not want to give legitimacy to the regime.[25] It remains the case, however, that the Muslim Brotherhood has prevailed in every popular vote held in Egypt since the revolution – and the rejectionist stance of much of the opposition seems to discount the democratic significance of this fact. It also seems poorly judged as a way of extracting concessions from Morsi's regime. From this perspective, the government's decision to allow international election monitoring was strategically shrewd and threatens to divide the opposition and weaken the already limited international sympathy that it enjoys.

The National Salvation Front has consistently rejected violence, and its political strategy calls for "a peaceful, comprehensive alternative outside of institutionalized politics", in the words of Front member Amr Hamzawy.[26] But the opposition's approach relies on a public withdrawal of support from current political structures that, under present circumstances, seems likely to increase the country's instability and perhaps even lead to a military coup, both of which would be damaging to the prospects of creating a pluralistic democracy. Instead, the holding of fair and competitive elections probably remains the best way to constrain the Muslim Brotherhood's political role. In the words of the political scientist Mustapha al-Sayyid, "if elections continue to be free, Egypt will evolve as a pluralist democracy".[27]

A changed balance of political forces would also be the best foundation for a future revision of the constitution. The EU's emphasis at this critical stage of Egypt's political evolution should be on trying to identify the basis of a possible compromise that would allow the opposition to take part in elections – something that the court-mandated delay to the ballot may allow space for – as well as providing the basis for a neutral, non-partisan reform of Egypt's security services and other public institutions.

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25 Mohamed Abdu Hassanein, "National Salvation Front Leader on Mursi and the Boycott", *Asharq Al-Awsat*, 6 March 2013, available at http://www.aawsat.net/2013/03/article55294944.

26 Amr Hamzawy, "A Starting Point: Boycotting as a Campaign and Comprehensive Alternative", Atlantic Council, 5 March 2013, available at http://www.acus.org/egyptsource/starting-point-boycotting-campaign-and-comprehensive-alternative.

27 Author interview with Mustapha al-Sayyid, 10 October 2012.

Chapter 2

Tunisia: Polarisation and the shadow of violence

Tunisia has avoided the extremes of confrontation and unrest that Egypt has experienced. But in recent months the country has faced a striking increase in tension and polarisation, trends that came to a head with the assassination of the leftist political leader Chokri Belaid in February. Belaid's killing highlighted a dangerous rise in political violence in the country and precipitated a crisis in Tunisian politics. As in Egypt, political divisions are organised around the opposition of Islamist and secular forces, but with significant differences between the two countries. In Tunisia, the Islamist Ennahda party has tried to govern in coalition with two secular parties, and faces much stronger political opposition from an anti-Islamic bloc. Tunisian society has a tradition of secularism that far exceeds Egypt's, but also a more violent Salafist movement that stands largely outside the democratic process and is willing to use direct action to try to impose its conservative values.

Ennahda emerged as the largest party in elections for the country's transitional assembly in October 2011, but without the strength to govern on its own. It joined a coalition with two secular centre-left parties, CPR and Ettakatol, which was hailed as an important precedent for the Arab world. Tunisia's president, Moncef Marzouki, of CPR, said last year that the coalition's strategy had been "to seek consensus, based on a coalition of moderate Islamists and moderate secularists, so that we can govern in the centre".[28] Instead of consensus, however, the government has presided over an increasing breakdown in trust and political dialogue, leading to a situation in which the major political blocs in the country regard each other as fundamentally illegitimate.

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28 "After the Revolution: Prospects for Tunisia", speech by Moncef Marzouki at Chatham House, London, 26 November 2012, available at http://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/261112CHPrize.pdf.

By virtue of its size (it won twice as many seats in the assembly as its coalition partners combined), Ennahda is the dominant force in the governing "troika". As in Egypt, there have been complaints about Ennahda trying to take over public institutions, and arguments about the appropriate dividing line between political and non-political appointments. During 2012 there was a steady stream of resignations from the ranks of Ennahda's coalition partners in the assembly, with representatives complaining that their leaders had allowed their parties to be marginalised. One of the parliamentarians who resigned from Ettakatol, Selim ben Abdessalem, says that "Ennahda's aim is to put their hands on the state", and that the party has appointed loyalists or placemen without qualifications to key positions in local government and public administration, rather than choosing skilled technocrats.[29] The government has also faced charges that it is trying to undermine the independence of the judiciary after it fired 75 of the country's judges. While many of the judges appointed under former president Zine El Abidine Ben Ali were widely agreed to be corrupt, the dismissals lacked any clear criteria or due process, according to human rights groups.[30] As in Egypt, again, these disputes may be rooted in deep-seated political distrust and a lack of clarity, natural to a young democracy, about what powers an electoral victory should entail. They also show the problems inherent in pursuing transitional government without any clear and agreed programme of reform.

Faced with a narrowing base of support and increasing discontent in Tunisia's regions about the country's economic and social problems, Ennahda held out the prospect of a cabinet reshuffle in early 2013 that would bring new parties into the coalition. But the reshuffle foundered amid disputes about whether Ennahda would give up the so-called "sovereign" ministries of foreign affairs, the interior, and justice. Following the killing of Belaid, Prime Minister Hamadi Jebali (who was also Secretary-General of Ennahda) called for a non-political government, only to find himself opposed by his own party. After his resignation, another Ennahda official, Ali Larayedh, managed to assemble a new government. But, despite the fact that Ennahda compromised by relinquishing the disputed ministries and giving them to independent technocrats, it was unable to attract any additional parties to its coalition.

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29 Author interview with Selim ben Abdessalem, 25 October 2012.

30 "Tunisia: Mass Firings a Blow to Judicial Independence", Human Rights Watch, 29 October 2012, available at http://www.hrw.org/news/2012/10/29/tunisia-mass-firings-blow-judicial-independence. For the government's reply, see http://www.e-justice.tn/fileadmin/fichiers_site_arabe/actualites/statment.pdf.

Tunisian exceptionalism under threat?

Distrust of Ennahda has been fuelled not only by its alleged attempts to install sympathisers throughout the state apparatus, but also by widespread fears that it is working to reverse what liberals see as Tunisia's distinctive cultural heritage of tolerance and secularism. Many of the country's professional and business elites have a strong feeling for what could be described as "Tunisian exceptionalism", based around the reforms made by Habib Bourguiba to the Family Code in the 1950s and a vision of modernisation on a European model.[31] The lifting of political repression after the revolution, however, has led to what one Tunisian commentator describes as "a sudden surge in visibility of religiosity and religious culture".[32] Much of this new public expression of religious belief is not directly connected to Ennahda, but it has added to the sense of alarm that some Tunisians feel about the election of an Islamist-led government. As in Egypt, ideological divisions over the relationship between Islam and the state have given an additional dimension of polarisation and distrust to clashes that are more directly rooted in concerns about the concentration of power in the hands of a single political faction.

However, there is one important way in which religion has been at the centre of the problems of Tunisia's transition. Since the revolution, Salafist groups that remained underground under Ben Ali's regime have staged a series of violent protests over causes such as art exhibitions, films, university dress codes, and the selling of alcohol, as well as attacking Sufi shrines and artefacts. Salafist groups were behind the attack on the US Embassy in September 2012 that led to four deaths, and the Tunisian government has recently said that religious extremists were also responsible for the assassination of Belaid.[33] As one recent in-depth study demonstrated, support for Salafist groups appears to be growing in Tunisia's more impoverished areas where they have helped to fill the gap left by inadequate social provision.[34]

Unlike in Egypt, Tunisia's Salafists remain largely outside the political arena and many reject the basic principles of democratic legitimacy and the rule of law. Ennahda's response to the Salafists has seemed equivocal to many

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31 Michael Willis, *Politics and Power in the Maghreb* (London: C. Hurst & Co, 2012), pp. 74–5.
32 Mohamed-Salah Omri, "The perils of identity politics in Tunisia", *Al Jazeera*, 27 January 2013, available at http://www.aljazeera.com/indepth/opinion/2013/01/201312714285617038 6.html (hereafter, Omri, "The perils of identity politics").
33 Kaouther Larbi, "Tunisia says Salafists behind Belaid murder, 4 held", AFP, 26 February 2013.
34 "Tunisie: violences et défi salafiste", International Crisis Group, Middle East and North Africa Report n. 137, 13 February 2013, pp. 16–21.

Tunisians. For several months in mid-2012, government officials appeared reluctant to crack down on the Salafists, and often gave the impression of having some sympathy with the sentiments behind their actions. Ennahda officials argued that it was important to engage in dialogue with the Salafists and try to bring them into mainstream politics, rather than drive them to the extremes by marginalising them. At the same time, the party was criticised by some of its own supporters for being too tough on fellow Islamists. Ennahda's ambiguous position reflected in part the tensions it has experienced through its attempt both to maintain its status as a social movement aiming at the re-Islamisation of society and to function as a political party in a coalition government. Ennahda's party congress last summer was expected to take up this fundamental question, but in the end left it to be resolved at a later date.

The fears of distrustful secularists seemed to be confirmed by a leaked video recording that surfaced in October 2012 showing Ennahda's leader, Rachid Ghannouchi, telling a group of leading Salafists that they needed to adopt a long-term approach as "secularists still control the economy, the media and the administration... the army and police are also not guaranteed".[35] Whether this proves the existence of a secret conspiracy, as opposed to the democratic political art of saying different things to different audiences, is unclear – but it does at least reveal Ennahda's strategy of trying to coax the Salafists into cooperating on a shared agenda of incremental social change. There are signs, however, that the attack on the US Embassy may have marked a turning point in Ennahda's relationship with the Salafist groups. In the aftermath of the attack, Ennahda stepped up its action against religious extremism, arresting dozens of suspects; many of them have staged hunger strikes and two prisoners have died.

There has also been intense debate in Tunisia over the freedom of the press. While there have been a few highly-publicised cases of prosecutions for violations of religious or cultural standards, the most important struggle has been about the relationship between media and the state. Tunisian journalists went on strike in October to protest against a series of new directors appointed to public media groups who were seen as regime loyalists with no commitment to independent journalism – among them a former police chief. The striking journalists also called for the implementation of a new media code drafted last year by an independent commission but never enacted. Larbi Chouikha,

35 Omri, "The perils of identity politics".

a member of the commission that drew up the code, believes that Ennahda rejected it simply out of sectarianism: "For the transition to succeed you have to work with people whoever they are, based only on experience… but Ennahda weren't like that. The media was a tell-tale sign."[36] The strike was called off after the government promised to implement the media laws, but arguments over the scope of independent media to criticise or mock the government continue to simmer. According to a Tunisian press freedom group, attacks against journalists, including death threats, have escalated in 2013, and pro-government demonstrations often feature anti-journalist slogans.[37]

In the constitutional assembly, Ennahda has floated a series of trial balloons that alarmed secularists, including provisions to outlaw blasphemy, to characterise women's roles as complementary to men, and to specify Sharia as a source of legislation. But the party eventually backed down on these touchstone issues in the face of concerted campaigns by civil society groups. It would have been difficult for Ennahda to write them into the constitution, given the balance of forces in the assembly, but these were still significant concessions that disappointed many of the movement's supporters. Ennahda also compromised by allowing a semi-presidential system, which opponents see as the best guarantee that Islamists will not monopolise political power. The most significant weakness of the latest draft text is that it elevates the Tunisian constitution above international conventions, which could limit the ability of advocates within the country to appeal to global standards on minority rights. But human rights activists in Tunisia concede that there is little hope of getting large numbers of their fellow citizens to care about this seemingly abstract point.[38]

Counterweights to the new regime

The Ennahda-led coalition has faced two significant counterweights since taking office. One is the trade union movement, above all the main UGTT union. The UGTT has become a focal point for discontent about the failure of the government to make any headway in improving the economic situation

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36 Author interview with Larbi Chouikha, 22 October 2012.

37 Racha Haffar, "Violence Against Journalists on the Rise After Belaid Assassination", *Tunisia Live*, 5 March 2013, available at http://www.tunisia-live.net/2013/03/05/violence-against-journalists-on-the-rise-after-belaid-assassination/.

38 Author interview with Khadija Cherif, 24 October 2012.

or job prospects of many Tunisians, especially those in the country's interior. UGTT demonstrations have led to clashes with the country's police and with a branch of the movement known as the Leagues for the Protection of the Revolution (discussed below). A breakdown in relations between UGTT and the government almost led to a general strike in December 2012, but the signing of a social pact between the unions and government early this year may signal a new determination on both sides to reduce the level of tension.

In recent months Ennahda has also faced a powerful political competitor with the rise of the Nida Tounes ("Call for Tunisia") party led by the former interim prime minister Beji Caid Essebsi. Founded to defend Tunisia's national-secular heritage, Nida Tounes has put itself at the head of a coalition that could emerge as Ennahda's most serious rival in the next parliamentary elections. One recent opinion poll put Ennahda and Nida Tounes effectively tied in public support with around 33 percent each.[39] Essebsi is regularly ranked as the most trusted politician in the country and the most popular candidate for president.[40] Ennahda supporters regard Nida Tounes as counter-revolutionary because it includes some former members of Ben Ali's RCD party, and Ennahda leader Rachid Ghannouchi has described the party as "more dangerous than the Salafists" through its incorporation of old regime elements.[41]

Last year Ennahda sponsored a political exclusion bill designed to keep former senior RCD officials out of public life for ten years, which is still under debate. Some Tunisian observers believe that the bill is motivated by partisan concerns.[42] Others find it understandable that Ennahda should have strong feelings about the Ben Ali regime, under which many of its senior officials suffered lengthy prison terms. In any case, the measure stands apart from a more consensual transitional justice bill that was recently drafted with the involvement of several civil society organisations.[43]

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39 "Tunisia: survey, Ennahda overtaken by Nidaa Tounees in first", ANSAmed, 1 February 2013, available at http://ansamed.ansa.it/ansamed/en/news/sections/politics/2013/02/01/Tunisia-survey-Ennahda-overtaken-Nidaa-Tounees-first_8172947.html.

40 See, for instance, Bernard Yaros, "Survey Finds Low Level of Trust for Political Leaders", *Tunisia Live*, 8 March 2013, available at http://www.tunisia-live.net/2013/03/08/survey-finds-low-levels-of-trust-for-political-leaders/.

41 "Rachid Ghannouchi: Nidaa Tounes est plus dangereux que les salafistes", *BusinessNews.com.tn*, 10 April 2012, available at http://www.businessnews.com.tn/details_article.php?temp=1&t=520&a=33811.

42 ECFR interview with Amine Ghali, 28 January 2013; see also Sana Ajmi, "RCD Need Not Apply", *Sada*, 6 December 2012, available at http://carnegieendowment.org/sada/2012/12/06/rcd-need-not-apply/er5e.

43 "Tunisia: Transitional Justice Bill presented at National Constituent Assembly", No Peace Without Justice, 22 January 2013, available at http://www.npwj.org/ICC/Tunisia-Transitional-Justice-Bill-presented-National-Constituent-Assembly.html; author interview with Amine Ghali, 28 January 2013.

Since the elections of 2011, Tunisia has witnessed a struggle for political legitimacy and a corresponding fight over the relationship between partisanship and national unity, set against a background of economic stagnation and religious contestation. As the constitutional process and social pact show, the balance of forces and the need to confront the country's pressing inequalities could lead political parties to an acceptance of the necessity of pluralism and generate agreement on the ground rules for political life. The government's recent cabinet reshuffle and the widespread alarm provoked by Belaid's killing could provide the impetus for a fresh start. But there is a danger that wide ideological differences over religion and economic discontent could provoke an opposite dynamic of greater polarisation and extremism. Far more than the Muslim Brotherhood in Egypt, Ennahda has appeared internally divided as it tries to balance the objectives of participation in a political system where secular groups remain in the majority and building bridges to disaffected, religiously inclined youth who are tempted by Salafist extremism.

The way that parties respond to the undercurrent of violence that has entered Tunisian political life in the last few months is likely to be the most important factor in determining which path the country's transition follows in its next phase. Apart from the Salafists, the growing prominence of the Leagues for the Protection of the Revolution also provides cause for concern. These groups were originally formed in the aftermath of the uprising to maintain pressure for political change, but have morphed in the eyes of many into a quasi-militia group that is overwhelmingly filled with pro-Ennahda activists. They have been involved in a string of violent incidents, most notoriously a clash with a regional branch of Nida Tounes in October 2012 in which the party's local leader was killed. Ennahda has rejected calls to break up the Leagues, saying instead that any proven instances of criminality will be prosecuted.

The best hope for the development of pluralism in Tunisia now lies with a clear condemnation of violence from all parties. While few claim that Ennahda has orchestrated the actions of the Leagues or the Salafists, many believe that its rhetoric has helped create the climate in which they have acted. There is an obvious danger that the Leagues could become increasingly active in the run-up to a closely contested election, and thus a strong case for disbanding them as the country moves from a post-revolutionary state into routine democratic politics. The rising disorder may also reflect a dysfunctional security apparatus with which Ennahda has fraught relations, based on the

experience of many party leaders as political prisoners.[44] To facilitate reform and reduce polarisation, political groups need to make a further effort to expand the consensual basis of political life: this will involve some secularists accepting that Islam and political Islamists are a legitimate part of the public sphere, while Ennahda acknowledges the legitimacy of critical opposition in a democracy. Finally, there will need to be an urgent effort to deal with the country's economic problems before they lead to further disillusionment with democracy and radicalisation of the country's youth.

44 Monica Marks, "Plagued by Insecurities", *Sada*, 5 March 2013, available at http://carnegieendowment.org/2013/03/05/plagued-by-insecurities/fo7g.

45 Author interview with Azza Maghur, 14 October 2012.

Chapter 3

Libya: Between fragmentation and renewal

Of all the North African countries in transition, Libya began with the greatest distance to travel towards pluralistic democracy. Under the rule of Muammar Gaddafi, the country had no political parties and barely any state institutions. In some respects, Libya has come a long way since the revolution, above all in holding largely successful national elections in the summer of 2012 as well as a series of spontaneous local elections. Unlike both Egypt and Tunisia, Libya's nascent political scene has not so far been marked by bitter ideological divisions over religion and the role of the state. Yet the country remains far from achieving a functioning political system that can command the allegiance of the broad mass of its people and accommodate the differences between them. The inability of the government to guarantee the country's security and divisions rooted in the legacy of Colonel Gaddafi threaten to block the consolidation of democracy, and the next year is likely to be crucial in determining whether the potential fragmentation of Libya can be averted.

Libya has an elected assembly, the General National Congress (GNC), and a government under Prime Minister Ali Zeidan that was formed in November 2012. Zeidan's success in assembling a cabinet that could win support from the GNC seemed to offer a foundation for political stability, but the central political system remains precarious. Many Libyans complain that GNC members are out of touch and make little effort to communicate with the country's people. The rapid resumption of oil exports since the revolution means the country has plenty of money, but the state apparatus works poorly and is barely capable of making and carrying out administrative decisions. The situation is made worse by the lack of a clear agreement on the division of political responsibility between the government and the assembly. In the eyes of Libyan experts, the GNC has sometimes appeared to overstep its authority, for instance by authorising military action against the town of Bani Walid in September 2012.[45]

The GNC has made slow progress on the important task of setting up a constitution-writing committee. Only in February 2013 did it decide how the committee would be formed, opting for direct election with a third of the seats being chosen by each of the country's three regions, as mandated in a last-minute vote by the interim council last year. But even this decision is now in doubt, after Libya's Supreme Court ruled that the transitional council's earlier vote was invalid. The GNC has seen a significant amount of political manoeuvring and factionalism, based primarily on personal loyalties and rivalries rather than ideology – though debates on the political isolation law (discussed below) may signal a change in this pattern.[46] The assembly's problems seem to reflect a broader weakness in Libyan society: the lack of a culture of political dialogue. In the words of a leading member of the Islamist Justice and Construction Party: "There is no culture here of listening to one another, setting out your own views, and collectively reaching a solution. We don't know how to differ and at the same time keep things within reasonable limits."[47] On the other hand, the culture of democratic participation is taking hold in Libya, as shown by the encouraging trend for municipalities spontaneously to organise direct local elections.[48] Local government may turn out to be the forum in which a Libyan tradition of political compromise can best develop.

The divisive legacy of Gaddafi

Beyond inexperience, Libya's fledgling political institutions face a more deep-seated problem. The principle of democratic equality has not been established, and much of the country remains entrenched in a revolutionary mindset that links political credibility to a demonstrated commitment to the anti-Gaddafi cause. This phenomenon of "revolutionary legitimacy", as civil society activist Elham Saudi describes it, threatens to tilt the democratic playing field in a way that undermines the prospects for pluralism and national reconciliation.[49] The inhabitants of cities such as Misrata and Zintan that were in the forefront of the uprising are reluctant to cede their autonomy to a national government that many of them suspect of not being

46 Karim Mezran, "Overcoming Political Polarization in Libya", Atlantic Council, 5 March 2013, available at http://www.acus.org/viewpoint/overcoming-political-polarization-libya.
47 Author interview with Abdel-Razak al-Aradi, 14 October 2012.
48 Author interview with Azza Maghur, 14 October 2012.
49 Author interview with Elham Saudi, 12 October 2012.

committed to a revolutionary overhaul of the state.[50] Conversely, cities that were loyal to Gaddafi have been subject to victimisation: Bani Walid, a town near Misrata that was loyal to Gaddafi during the revolution, was assaulted by Misratan militias in autumn 2012 after the death there of a Misratan fighter. The 35,000 people of Tawergha, another town in the district of Misrata that fought on Gaddafi's side, have been displaced *en masse* and remain lodged in refugee camps, with little political attention to their plight. Human Rights Watch recently argued that the treatment of Tawergha's inhabitants might amount to a crime against humanity.[51]

Last year the transitional council set up a Commission for Integrity and Patriotism that has the power to exclude people from public life for standing against the revolution or glorifying the previous regime. Its guidelines for applying these vague standards remain unclear, and the commission's procedures have been criticised as opaque by human rights groups.[52] Both members from Bani Walid elected to the GNC were disbarred by the Commission, leaving the city without political representation. More recently, the GNC has begun considering a "political isolation" law that would reinforce the exclusion of those who were connected with Gaddafi's regime. The draft under discussion is extremely sweeping, barring 36 categories of people who had "political, economic, social or administrative" ties to the old regime.[53] Most of Libya's current political leaders would be excluded from political life if the law passed in its current form, including Zeidan and GNC president Mohammed Magariaf (both former diplomats) as well as Mahmoud Jibril, a former economic administrator under Gaddafi and now leader of the political group that won the most votes in last year's elections. The bill would also require the immediate dismissal of a large part of the state administration and judiciary, further handicapping the functioning of government.

Many assembly members are in favour of amending the draft to reduce its scope. But the bill has become the focus of a highly charged campaign by its supporters, who recently organised a public demonstration outside the

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50 See "Divided We Stand: Libya's Enduring Conflicts", International Crisis Group, September 2012, pp. 17–20.
51 "Libya: Stop Revenge Crimes Against Displaced Persons", Human Rights Watch, 20 March 2013, available at http://www.hrw.org/news/2013/03/20/libya-stop-revenge-crimes-against-displaced-persons.
52 "Libya: Amend Vetting Regulations for Candidates, Officials", Human Rights Watch, 28 April 2012, available at http://www.hrw.org/news/2012/04/28/libya-amend-vetting-regulations-candidates-officials; author interview with Elham Saudi, 12 October 2012.
53 Maggie Fick, "Libya's 'Political Isolation Law' Generates Controversy", *Al-Monitor*, 20 February 2013, available at http://www.al-monitor.com/pulse/originals/2013/02/libya-isolation-law-debaathification-qaddafi-era.html.

temporary chamber of the GNC in which bullets were fired at Magariaf's car. The Islamist Justice and Construction Party has fought strongly in favour of the draft, raising fears of an escalating divide with the more liberal bloc led by Jibril's National Forces Alliance. At the same time, there has been no progress on a more focused transitional justice process to punish those responsible for specific crimes under Gaddafi, and no apparent strategy for a wider reform of Libya's justice sector. According to a leading progressive Libyan lawyer, "the reform of justice is a priority if the new political system is to gain the confidence of the people".[54] But, as in the other transitional countries, reform will only be credible if it is supported by a broad political consensus and free from any suspicion of a partisan agenda. In the meantime, the task of finding a balance between the demands of revolutionary fighters and the requirement of reconciliation and political inclusion remains unaddressed.

Limits to the rule of law

These tensions within Libyan society are intertwined with the country's most pressing problem – the inability of the government to uphold law and order and guarantee the security of its citizens. Much of the country is under the control of armed groups; while some of these fighters are being gradually incorporated into the state's security forces, it is not clear whether they are really under the government's control. Others continue to reject the government's authority outright. One rejectionist group is composed of jihadist-Salafists, centred on Benghazi in the east of the country, including the militias responsible for the killing of the US ambassador, Christopher Stevens, in September 2012 and for a recent attack on a Coptic church. While most analysts continue to believe that these extremist groups have only limited support among the local population, some see a danger that residents of the east will lose faith in the central government if it is unable to assert its authority in their region.[55]

Other militias, like those of Zintan and Misrata, have also refused to submit to the government's control because they do not trust the revolutionary credentials of the military leadership. The risk that these militias pose to political pluralism was illustrated by the recent resignation of a prominent Misratan assembly member who had spoken out against the militias and

54 Author interview with Hadi Abu Hamra, 15 October 2012.
55 Author interview with a European official, 21 January 2013.

received death threats.[56] The debate over the political isolation law, if not carefully handled, could become the vehicle by which Libya's undercurrent of violence is transmitted into the political sphere.

The relationship between central and regional government looks likely to be the most complex issue facing the constitutional committee when it is eventually chosen. Nevertheless, a compromise on the subject may be available if conditions in the country do not worsen before the drafting process starts. The spectre of federalism has given rise to heated arguments among political groups and in the media, but once this divisive word is set aside, many observers believe that the differences between mainstream opinion in Libya's different regions is not enormous. According to a Western expert who has conducted workshops around the country, even those who favour a large measure of decentralisation do not question that the country's oil resources should be shared among all Libyans – though this understanding could unravel if regional tensions continue to rise.[57] In any case, the infrastructure through which oil is brought to market is operated on a national basis. But discontent in Libya's southern Fezzan region appears to growing as its economic problems go unaddressed, which may explain the apparent assassination attempt on Magariaf in Fezzan in early 2013.

Religion is also likely to be less contentious in the Libyan constitution than in those of Egypt and Tunisia. This is not because of the Islamist party's comparatively weak performance in the elections – which it may improve on in future contests – but rather because of a general consensus across the political spectrum about the importance of Islamic values to the Libyan state. There is not an organised and effective women's movement in Libya, and some women fear that the constitution will not be strong enough to prevent a potential regression on women's rights in the future. Another crucial question for the new political system is whether it is able to satisfy the aspirations of Libya's non-Arab ethnic groups – above all the Amazigh, who make up an estimated ten percent of the population. Gaddafi's Arab nationalism led him to suppress the language and cultural heritage of non-Arab groups and persecute ethnic activists. Despite their participation in the revolution, the Amazigh say their interests have been consistently ignored in the new political settlement, and

56 Mohamed Eljarh, "Libya's politicians get a wake-up call", *Foreign Policy*, 15 March 2013, available at http://transitions.foreignpolicy.com/posts/2013/03/15/libya_s_politicians_get_a_wake_up_call.
57 Author interview with Duncan Pickard, 11 October 2012.

they are demanding some recognition for their right to use their own language in the constitution.[58] Other smaller groups, notably the Tebu and Tuareg, may face an even harder struggle to secure a place in Libya's new political system because of their past links with Gaddafi's armed forces.

A year and a half after the fall of Gaddafi, Libya's people have not yet embraced a shared vision of a democratic community that gives a stake to all of the country's different groups. A series of interlocking tensions – over commitment to the revolution, regional balance, security, ethnicity, and the distribution of economic benefits – stand in the way of the foundation of national unity that will be needed to build a stable and inclusive political order. The sprouting of a vibrant democratic culture in Libya's cities is an encouraging sign, but it will need to be balanced by the development of an effective state that can hold the country together and mediate between the country's diverse groups and interests. If the current government and assembly can seize the opportunity to develop and articulate a convincing vision of the national interest, this could create the momentum that is needed to break through the current web of obstacles to the entrenchment of democracy and pluralism. The art of political compromise and vision is something that Libya's politicians must learn for themselves, but there is scope for outside countries to encourage the process and to expand on current efforts to help institutional development – for instance, in building government capacity, training parliamentarians, and forming a credible security and justice system.

58 Author interview with Fathi Ben Khalifa, 16 October 2012.

Conclusion

The links between pluralism, stability, and reform

The three North African countries in transition face the same central problem of building consensual political settlements when the opening of political space has unleashed processes of competition and fragmentation. Islamist governing parties in Egypt and Tunisia have seemed insensitive to the difference between their elected mandate and the public interest as a whole, while opposition groups have tended at times to reject any exercise of political authority (hence the repeated calls for national unity governments). In Libya the political divide has not yet become as stark, but there is a similar tension between the need for a unifying vision and the process of factionalism and divisions inherited from Gaddafi's rule. Across the transitions, the space of politics needs to be defined and circumscribed. In all three cases, too, it is clear that reform of state institutions will only be effective if it takes place on the basis of social trust so that it is not jeopardised by the taint of a partisan agenda. By contrast, inasmuch as elected regimes are using the state to consolidate their power, the incentive to undertake genuine reform will continue to be undermined.

Wide differences over religion, revolutionary goals, or other affiliations, combined with the legacy of authoritarian regimes, have exacerbated the distrust between opposing groups. At root, however, the political dynamics of the transitions have been shaped above all by the balance of power in each country. In large part this is a matter of political strength, as expressed through popular votes and the legitimacy derived from them. But other forces have shown themselves ready to stand up to any perceived authoritarian retrenchment, including civil society, trade unions, and public protest movements. The more that minority groups or other sections of society are excluded from fair political representation, the more they will rally against emerging settlements. One of the clearest lessons of the transitional period so far is that stability and economic development in these countries can only come through broadly consensual political arrangements.

The need for a degree of social harmony as a basis for renewed economic development may provide an incentive for all mainstream political forces, both Islamist and secular, to work together pragmatically to define political systems in which all have a stake. But there is a danger that a vicious cycle of increasing polarisation and disorder could set in, building on the disturbing strain of political violence that has emerged – to differing degrees – in all three countries. The militarisation of politics presents the clearest danger to the development of a process of peaceful mediation of different interests on which pluralism centrally depends. The first priority is to work towards a monopoly of the use of force in the hands of democratically accountable state security institutions, removing the threat of the use of violence by partisan militias or repression by unreformed security services.

Reform of institutions such as the judiciary is also essential, so that they can play a role as credible arbiters between the country's different political interests and reinforce the rule of law in public life. Beyond this, there needs to be a renewed effort in all countries to expand the space for political negotiation, with the aim of building systems that acknowledge the public's political choices but situate them in a larger framework that takes account of the fundamental interests of all groups. On this basis, both secular forces and Islamists must accept the possibility of losing and be willing to play the role of a responsible opposition.

How the EU can help

So what role can the EU play in helping the transitions to move in this direction? Outside powers must be sensitive about interfering too blatantly in the foundational political debates of these countries. Nevertheless, the EU has a legitimate interest in the quality of democracy that emerges in the southern Mediterranean. There are steps it can take to influence it.

The mechanism of conditionality – enshrined in the principle of "more for more" that was at the centre of the EU's new neighbourhood strategy – provides the overall framework for European support of the transitions, but has its limits as a way of trying to fine-tune the path of their evolution. The timescale of EU assistance is too long to allow for delicate political interventions, and even bilateral action by member states may seem like a clumsy tool in responding to fluid political situations. In any case, there are strong arguments against cutting off aid or other links with democratising countries at this stage: Egypt

and Tunisia already face serious economic and social problems, and further hardship is likely to fuel public unrest and the flight to political extremism. Cutting back or suspending cooperation should be reserved for times when governing regimes breach clear "red lines" on fundamental questions of democracy, for instance by condoning extra-legal violence or obstructing free and fair elections.

The EU can, however, make some difference to the political legitimacy of governing regimes through appearing either to endorse or withhold endorsement from their actions. Legitimacy is part of the currency of power in the transitional countries – and foreign approval and engagement bolsters the credibility of political leaders. The EU should not hesitate to speak out, both privately and publicly, about the direction that governments are taking. Indeed, there are signs that European leaders are beginning to do this. In her statement on Egypt in March, High Representative Catherine Ashton mentioned concerns about police abuse, torture, and other violations of human rights.[59] Similarly, during Morsi's visit to Berlin in January, German Chancellor Angela Merkel gave a forceful defence of political pluralism.[60] Ultimately, the degree of warmth or distance in European ties to these countries will inevitably influence the pace at which their relationship develops.

The EU should continue to insist that working towards political consensus is the only path towards stability and prosperity, including desperately needed foreign investment and tourism. European leaders should make clear their firm belief that the interests of these countries' people and the establishment of democracy demand open and inclusive political systems in which all sectors of the population have a fair stake – and that a critical opposition, independent media, neutral state institutions, and an active civil society are essential elements of pluralism. Free elections will be an essential correction mechanism for transitional politics, and the EU should make it a priority to focus attention on the conduct of elections and monitor them where possible. EU leaders should also try to use their relationship with opposition politicians to encourage them to participate constructively in politics as long as an adequate

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59 "Remarks by EU High Representative Catherine Ashton on the current situation in Egypt", European Parliament, Strasbourg, 13 March 2013, available at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136078.pdf.

60 Kate Connolly, "Mohamed Morsi promises Germany he will lead Egypt on road to democracy", *Guardian*, 30 January 2013, available at http://www.guardian.co.uk/world/2013/jan/30/mohamed-morsi-germany-egypt-democracy.

democratic framework is in place – and should be ready to travel to the region during periods of difficulty (such as the Egyptian constitutional crisis) in order to maximise their influence in favour of dialogue.

The EU should also continue its efforts to support institutional reform in all three countries – including of the security services, the judiciary, the media, and parliaments – as well as its assistance to civil society. In the long run, though, the best way to have an impact on the development of these societies is through large-scale programmes of social interaction that go beyond anything the EU has undertaken so far. Exchange programmes involving teachers and students and opportunities for young Europeans and North Africans to work in each other's regions would do more than anything else to reinforce mutual understanding and perhaps influence North African views about such questions as women's rights and the rights of religious minorities. They might also help to influence European views towards greater understanding of the Arab world. Given the EU's own economic problems and the rise of populist movements, such programmes may be difficult to implement in the short term. But the future of the relationship between Europe and North Africa is of vital significance for the EU, and perhaps this will persuade the people and politicians of Europe to take a longer view.

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