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EGYPT'S UNSUSTAINABLE CRACKDOWN

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SUMMARY

As a referendum on the constitution approaches, Egyptian authorities are keen to give the impression that the country is back on track towards democracy. But the government's apparent effort to drive the Muslim Brotherhood completely out of public life and the repression of alternative voices mean that a political solution to the country's divisions remains far off. While there are uncertainties about the path that Egypt will follow, these will play out within limits set by the country's powerful security forces. Against a background of popular intolerance and public media that strongly back the state, there is little prospect of the clampdown being lifted in the short term.

However, this path seems to promise only further instability and turbulence. Egypt's economic and social problems cannot be solved without a political settlement that enjoys broad-based acceptance. The EU should therefore look to the longer term in its relations with Egypt, avoiding the temptation to buy into the interim authorities' picture of "normalisation". Instead of accepting the current road map at face value, it should focus on the need for a political vision that can bring Egyptian society together. The EU should make clear its conviction that democracy, stability, and security will require an approach that moves beyond the authorities' current policy and allows for the representation of all mainstream political currents and much greater tolerance of dissenting and opposing views.

Six months after the army deposed Egypt's first freely elected president, the new authorities are keen to give the impression that the country is back on the path to democracy. A new constitution has been drafted and will be put to a referendum in mid-January. Parliamentary and presidential elections are scheduled to follow within the following six months. Egypt's interim president, Adly Mansour, described the draft constitution as "a good start on which to build the institutions of a democratic and modern state".¹ Amr Moussa, chairman of the committee of 50 that was largely responsible for writing the constitution, said that it marked "the transition from disturbances to stability and from economic stagnation to development".²

Yet it would be wrong to believe that Egypt's current trajectory is towards either meaningful democracy or stability. Instead, the country remains under the control of an army leadership that has overseen a harsh crackdown on the Muslim Brotherhood (MB) and its followers and now appears to be trying to exclude them permanently from the country's political life. The decision to declare the Brotherhood to be a terrorist organisation, announced on 25 December, marks a further escalation of the authorities' campaign against the MB and seems to close off the prospect

¹ "Constitution is Egypt's 'biggest challenge'", *Al Arabiya*, 15 December 2013, available at <http://english.alarabiya.net/en/News/middle-east/2013/12/15/Constitution-is-Egypt-s-biggest-milestone.html>.

² Tony G. Gabriel and Mariam Rizk, "Egypt panel begins vote on draft constitution", *The Associated Press*, 30 November 2013, available at <http://news.yahoo.com/egypt-panel-begins-vote-draft-constitution-145833429.html>.

that people linked to the organisation could play any role in Egyptian public life for the foreseeable future. At the same time, the government has stepped up its repression of critical voices, while an escalation of violent incidents presages a period of turbulence that is likely to further strengthen the hand of security forces within the state.

The rebirth of electoral politics will introduce a degree of openness and political accountability, but these will operate within strict limits imposed by the security-focused agenda of the army and Egypt's other powerful state institutions. With a background climate of populist intolerance and a media sector that currently functions as a cheerleader for the state, conditions seem set in the coming months for the continued repression of dissent and the absence of institutional reform.

The current interim government is not monolithic; it contains some comparatively liberal ministers who have a vision for political openness and pluralism. At the same time, though, there is little sign that they have been able to exert any influence on significant decisions, and the move to brand the MB as a terrorist organisation is a clear setback for these politicians. The coming series of popular votes also brings with it an element of unpredictability. It is not certain that the authorities will get enough support for the new constitution to make it into the kind of resounding popular endorsement for their "road map" that they are seeking. It is also not known whether parliamentary or presidential elections will be held first and whether the leader of the army, General Abdel Fattah el-Sisi, will stand as a presidential candidate or seek to control developments from the wings. The future strategy of the MB in the face of the most serious challenge that it has faced in its history is another factor that is yet to be resolved, as is the strength and durability of secular protests that have flared up sporadically in recent weeks.

Despite these variables, certain fundamental aspects of Egypt's direction appear clear. In the short term, the momentum is towards further confrontation between the state and a majority of the people on the one hand and supporters of the MB on the other, with some revolutionary and political groups also standing in opposition to the regime. A continuation of the recent spate of terrorist attacks seems likely, and it is increasingly evident that the next phase of Egypt's development will play out within a security framework. Looking further ahead, it can also be predicted that the current track of security-led "normalisation" will not lead to the stable development and reform that is necessary to meet the needs and aspirations of the Egyptian people. Given the volatility of public opinion in Egypt in recent years, it is also plausible to think that a failure to deliver tangible economic and social benefits will lead to growing popular opposition to the new political dispensation.

In the period since the army seized power last summer, optimists have pinned their hopes on a scenario whereby these pressures and tensions lead over time to an incremental opening of political space and the development

of a system that provides for the fair representation of the broad range of Egyptian political opinion. But such hopes appear increasingly fanciful. It is much more likely that the next step in Egypt's political development will come about through another of the country's recurrent crises. Some local analysts do not exclude the possibility of a "third revolution". As one experienced and independent-minded Egyptian diplomat noted, "the situation is likely to get worse before it gets better".

With these complex political crosscurrents, Egypt presents a difficult policy challenge for the European Union. As the authorities press ahead with their ostensibly democratic road map, European leaders and officials may be tempted to accept developments on the ground in Egypt as a fait accompli. EU officials are reluctant to cut off their access to Egypt's governing elite, and critical statements could also lead to an anti-European public backlash. Europe appears to have little leverage to influence the course of events in Egypt given the stakes that are involved and the firmly held convictions of the leading groups.

Nevertheless, the EU should beware of mistaking the current political settlement for a lasting one and assuming that hopes for more meaningful democracy are misplaced. It should be careful not to take the message of normalisation at face value, nor to accept the authorities' claim that a security clampdown can lead to a solution to Egypt's problems and divisions. Instead, we argue in this memo that Europe needs to view Egypt in a longer-term perspective and craft a set of policies that are focused on the fundamental elements that will be necessary sooner or later for a truly stable political framework to emerge.

The constitution

The constitution established at the end of 2012 under President Mohammed Morsi was one of the most divisive aspects of his period in office. It was drafted and voted on through a process from which non-Islamist political forces felt excluded. Yet, in a pattern that has been a recurring feature of Egypt's political scene, the new constitution is open to a mirror-image criticism. The country's interim authorities selected the 50-member committee that wrote the new text without any democratic accountability and included no one linked to the MB. The resulting document contains a number of provisions that offer better protection for human rights than last year's text, but it is strongly marked by the present moment and seems incapable of providing the foundation that is needed for national consensus and reconciliation.

The constitution explicitly presents itself as the expression of a political viewpoint in which the removal of Morsi was an advance for Egyptian democracy. The preamble to the text connects the protests against Morsi to the initial 2011 uprising against President Hosni Mubarak, referring to them as the "January 25 – June 30 Revolution" in which Egypt's "patriotic army delivered victory to the sweeping popular will

[...] and brought back the homeland's free will".³ The main body of the draft gives even greater powers to the army than the 2012 text. The Supreme Council of the Armed Forces (SCAF) is given the right to approve the choice of the minister of defence for a transitional period of eight years, and the army has the power to try civilians before military courts for a wide range of specified crimes, including crimes that represent a direct assault against military zones, military secrets, and military factories. Moreover, the military judiciary is given exclusive jurisdiction not only over members of the armed forces but also over general intelligence personnel.

The judiciary is another element of the deep state to have its powers strengthened by the new document. The Supreme Judicial Council is given the authority to select the country's prosecutor general, while the Supreme Constitutional Court is allowed to choose its own president. In a similar vein, the Supreme Police Council must be consulted on any laws pertaining to the police. In this way, the draft is the predictable result of a process that, in the words of constitutional analyst Zaid al-Ali of the International Institute for Democracy and Electoral Assistance (IDEA), represented "a negotiation between the tribes within the state, rather than an effort to revise the vision of the state itself".⁴ Instead of seeking to change fundamental flaws in the structure of state mechanisms and the relations between the state and people, the draft constitution is merely "trying to breathe life into a corpse", he said.

A number of religiously inspired provisions from the 2012 constitution have been dropped. More significantly, the draft also includes a provision prohibiting parties "formed on the basis of religion", which could allow for the dissolution of the Brotherhood-linked Freedom and Justice Party (FJP). However, a similar provision was in force as part of the SCAF's constitutional declaration in 2011, when the FJP and the Salafist Nour Party were established. The fact that Nour has accepted the draft and announced that it will campaign for a "yes" vote in the forthcoming referendum suggests some degree of confidence that this article will not be used to dissolve the party. There was widespread speculation in Cairo in the final stages of drafting that a tacit agreement along these lines had been reached between Nour and political and judicial authorities.

Among the positive aspects of the draft constitution are that it gives international human rights conventions ratified by Egypt the force of law (Article 93) and enshrines tougher language on women's equality with men (Article 11). But these provisions have not been enough to overcome the concerns of some of Egypt's leftist and revolutionary political movements: the Strong Egypt Party, led by the independent Islamist Abdel Moneim Aboul Fotouh, the April 6 youth movement, and the Revolutionary Socialist Party, for example, have all

announced that they will oppose the constitution during the referendum campaign. But they are unlikely to be able to mobilise significant numbers of voters in the face of a strong state-backed campaign for the draft's approval.

It is widely agreed within political circles in Cairo that for the authorities' road map to be credible, voter turnout and voter approval must be higher in this year's referendum than in last year's referendum. Egyptian authorities claim to be confident that this will be the case; Amr Moussa predicted that 75 percent of voters would approve the draft in the upcoming referendum. Commentators on public and private television channels have urged viewers to back the new constitution, while a billboard campaign in Cairo is also encouraging a "yes" vote. In the current climate it is impossible to imagine that opponents of the draft could mount an effective campaign against it, but voters may choose to stay away from the polls. Turnout is likely to depend on how much tacit support there is for the MB, which has already condemned the draft as the work of "abusive putschists" and appears to be preparing for an attempt to disrupt the polls.⁵

The crackdown

The security provisions in the draft constitution are in step with the measures that the security forces and government have implemented since the army deposed Morsi in July to crack down on the MB and suppress dissent more broadly. Although there has not been a repetition in recent months of the extreme level of force that was used against MB sit-ins and protest marches in the period following the coup, thousands of leaders and members of the MB and the FJP remain in detention, and many have been charged with criminal offences. Even though there may be evidence to support the charges in some cases, prosecutors appear to be engaging in selective and politically motivated prosecution; in other cases, human rights groups that have investigated the cases say that they are baseless. There has not been any move to conduct a credible investigation into the killing of several hundred MB supporters at Rabaa al-Adawiya Square on 14 August by Egyptian security forces. Egyptian authorities have ignored calls by national and international human rights organisations to set up effective accountability mechanisms into the killing of protesters.⁶

Meanwhile, authorities have closed down all of the MB's broadcasting stations and newspapers; Egyptian courts have handed down a series of harsh sentences on protesters; and authorities have detained schoolchildren merely for displaying Brotherhood symbols. The courts have also issued a series of rulings that provide the basis for dissolving the MB as an organisation, and a case calling for the dissolution

³ This and following quotations from the draft are taken from an unofficial translation prepared by the International Institute for Democracy and Electoral Assistance, available at http://www.constitutionnet.org/files/final_constitution_idea_english-2_dec_2013-signed.pdf.

⁴ Author interview with Zaid al-Ali, 25 November 2013.

⁵ Mohamed Hassan Shaban, "Egypt: Public, lawmakers react to draft constitution", *Asharq al-Awsat*, 5 December 2013, available at <http://www.aawsat.net/2013/12/article55324478>.

⁶ "Egypt: No Acknowledgment or Justice for Mass Protester Killings Set Up a Fact-Finding Committee as a First Step", Egyptian Initiative for Personal Rights, 10 December 2013, available at <http://eipr.org/en/pressrelease/2013/12/10/1895>.

of the FJP is also moving forward. The recent declaration by the government that the MB is a terrorist organisation opens the way to the imposition of long prison sentences on anyone who is a member of the group, who takes part in its activities or funds it, or who promotes it through speech or writing. While the legal status of the declaration appears uncertain, it represents the furthest step yet in the campaign to repress the Brotherhood, in the face of persistent protests by the group's supporters.⁷

Meanwhile, prosecutors have announced additional charges against former president Morsi that include treason and colluding with foreign groups to commit terrorist acts, crimes for which he could face the death penalty if convicted. Three journalists working for Al Jazeera are currently in detention on terrorism charges because of their organisation's alleged ties to the MB. The intensifying repression appears to reflect a coming-together of different motivations, including a determination to remove the MB from Egyptian life, a shorter-term interest in preventing any disruption to the constitutional referendum, and a response to the escalating tide of terrorist incidents.

These developments confirm the ascendancy of the so-called "eradicationist" faction, based in the top ranks of the army and security services, within the governing elite. According to a number of political insiders, this group regards the Brotherhood as posing a fundamental threat to the Egyptian state, and is determined to seize this opportunity to destroy any possibility that it could re-emerge to play a part in Egypt's political life. The eradicationist initiative has been borne along on a tide of public and media sentiment that is strongly hostile to any talk of reconciliation. This faction now clearly has the upper hand over other officials who have been prepared to leave the door open to an eventual reintegration of the Brotherhood under new leadership, provided that the movement meets a stringent series of conditions. The minister of social solidarity hinted at such possible conditions when he said in a television interview that the Brotherhood would have to take the first steps, accepting the new transitional road map and renouncing any effort of imposing a particular way of life on the country.⁸ Similarly, a senior official in the Ministry of Foreign Affairs suggested that the Brotherhood would need to "agree to the new reality" and apologise to the Egyptian people for their mistakes.

These are not conditions that the MB could reasonably be expected to accept, but this faction would at least have tolerated a shadow existence for the Brotherhood without seeking to destroy it completely as an organisation. Those within the government who have supported an active campaign of reconciliation with the MB, led by Deputy Prime

Minister Ziad Bahaa-Eldin, were always in a tiny minority and were forced to abandon this agenda some time ago.

In recent weeks, the regime's crackdown on Islamist supporters has also been extended to expressions of dissent more generally. In November, the government promulgated a tough new protest law and immediately used it to break up a demonstration against the military trial provisions of the constitution, arresting a number of prominent activists. The irony that a government that came to power through mass demonstrations should subsequently impose significant restrictions on the public's right to protest is not lost on independent-minded Egyptian analysts. One Egyptian diplomat observed that the authorities have an absolute conviction that they speak for the majority of the people, leading them to act in a short-sighted and mistaken way.

The government also appears to be moving ahead with a restrictive law on NGOs that is expected to curtail foreign and domestic funding of human rights groups. A minister recently said that the law was necessary in light of "current political conditions in the country".⁹ Bahaa-Eldin has been fighting to postpone consideration of the bill until after a new parliament is elected. If the law were finalised now, it would be another indication of the weakness of liberal forces within the government and the hyper-nationalistic outlook that prevails among the authorities.

Another worrying bill, circulated last autumn by the Interior Ministry, relates to counter-terrorism. A draft of the bill incorporates a very broad definition of terrorism and imposes a prison sentence on anyone who holds a leadership position in an organisation that calls for impeding the law or damaging national unity, as well as on people who directly or indirectly promote a terrorist organisation.¹⁰ These measures would take on additional significance in light of the declaration that the MB is a terrorist organisation, assuming the declaration is not put into question by the courts.

The protest law and the draft constitution have galvanised some public opposition to the current authorities by political activists and youth groups. The leftist political scientist, Rabab El Mahdi, part of a newly created co-ordination body called the Revolutionary Path Front, argues that "resistance can put some brakes on what is happening, unless it comes from the Muslim Brotherhood, in which case it scares people off".¹¹ For the moment, secular protest remains on a small scale, and these protesters have maintained a clear separation from the larger MB protests, which appear to be continuing despite the crackdown and have recently spread across Egyptian universities. Moreover, secular protesters have themselves become a target of the laws they are attacking,

⁷ On the legal status of the declaration, see Hicham Mourad, "The consequences of declaring the Brotherhood a terrorist group", *Ahram Online*, 2 January 2014, available at <http://english.ahram.org.eg/NewsContent/4/90496/Opinion/The-consequences-of-declaring-the-Brotherhood-a-te.aspx>.

⁸ "Egypt gov't open to reconciliation if Brotherhood accepts roadmap: Minister", *Ahram Online*, 17 November 2013, available at <http://english.ahram.org.eg/NewsContent/1/64/86701/Egypt/Politics-/Egypt-govt-open-to-reconciliation-if-Brotherhood-a.aspx>.

⁹ "Controversial NGO law sent to Solidarity Social Solidarity Ministry this week", *Egypt Independent*, 27 November 2013, available at <http://www.egyptindependent.com/news/controversial-ngo-law-sent-solidarity-social-solidarity-ministry-week>.

¹⁰ On the draft counter-terrorism law, see "Rights Organizations Warn that New Counter-Terrorism Law would Re-Establish Foundations of Police State and Intensify Violence and Terrorism", *Cairo Institute for Human Rights Studies*, 7 November 2013, available at <http://www.cihrs.org/?p=7473&lang=en>.

¹¹ Author interview with Rabab El Mahdi, 27 November 2013.

as several prominent revolutionary figures and others have been sentenced to prison terms stretching into years for their part in demonstrations.

Some questioning of the regime has become evident, but, for the moment, much of Egypt's public discourse displays a highly partisan, populist-nationalist mindset rooted in a fierce opposition to the MB – to such an extent that other Egyptian citizens often attack Brotherhood demonstrators. Esraa Abdel Fattah, an activist who was prominent in the Tahrir Square protests in 2011 and later supported the military's removal of Morsi, said, "Egyptian society refuses reconciliation with the Muslim Brotherhood".¹² Meanwhile, state media have reverted to being a mouthpiece for the regime's anti-Brotherhood line, and independent media also present a single pro-military viewpoint, reflecting the views of their owners as well as a climate of self-censorship. In the words of the prominent Egyptian financier Osama Mourad, independent media outlets are controlled by people with bigger outside interests that they don't want to jeopardise or by those who inherently support the system.¹³

Political futures

It is against this unpropitious background of polarisation and limited space in the media for alternative views that Egypt's political life must struggle to develop. In the country's last parliamentary elections, held two years ago, the FJP and the Nour Party emerged as the dominant forces. Since then, political life has been in something of a state of suspension. The presidential elections of 2012 were in large part a contest of leaders without developed parties behind them (with the obvious exception of Morsi and the FJP), and the dissolution of parliament deprived the parties that were elected of any practical experience of policy development. During Morsi's presidency, the political sphere became divided between the Islamist bloc and the opposition National Salvation Front, the latter of which was held together exclusively by opposition to the Brotherhood and lacked any coherent and agreed political programme. This unity against the Brotherhood failed to translate into the development of a credible alternative political vision.

According to two officials of the liberal Egypt Freedom Party, the country's current circumstances make it difficult to engage as a political party in the public sphere. Mohammed Menza, head of the party's political bureau, said that it would be "a challenge to keep open a public space for political dialogue when some people in the state apparatus would like to go back to a clear divide between the state and the Islamists".¹⁴ His colleague Nirvana Shawky added that it would take time

to rebuild confidence in politics: "The public is tired and disillusioned with politics, and that will continue unless they are presented with a counterproposal that will give them hope that democracy could lead to something good that will help with the solution of their problems." The divided reactions to the military's seizure of power among liberal and secular parties have led to a series of splits and resignations that have weakened them further. Moreover, few of these parties have had success at building support in rural areas.

Given the weakness and divisions afflicting secular political parties and the uncertainty over the FJP, it is difficult to predict the political make-up of the next parliament. Some people expect a strong showing by figures linked to the political establishment as it existed under Mubarak, especially if a majority of the seats are allocated on an individual rather than party-list basis. Others predict that the Nour Party is placed to do well, particularly in those seats allocated on a party-list basis, though a number of their followers may have become disillusioned by the leadership's willingness to accept the removal of so much of the religiously inspired language that the party fought to include in the 2012 constitution. In any case, the vote will be a significant indicator of the balance of political opinion in the country. Regardless of seat allocations, however, parliament seems unlikely to emerge as a strong and dynamic institution in the first instance.

In the final stages of drafting the constitution, the requirement to hold parliamentary elections before presidential elections was dropped, leaving the decision about the sequence of polls to Mansour. In late December he made clear that he did not see any legal problem with holding the presidential election first. Many Egyptian analysts see this move as opening the way to a period of presidential dominance, with a president being chosen first and many parliamentary candidates then being elected on his coattails. Analysts also believe that el-Sisi is genuinely undecided about whether to run for president. But it is taken for granted that the winning candidate will in any case be someone who runs with el-Sisi's backing and who looks to him for guidance. Some have suggested that el-Sisi might prefer to have a relatively weak and easily manipulated figure at the helm who can act as a lightning rod while the general continues to exert influence in a more indirect way. On the other hand, the recent increase in political violence and the widespread rhetoric about terrorist threats are likely to increase the pressure on el-Sisi to stand as a candidate.

In the near term at least, relations between the different state institutions look likely to have a more decisive influence on the direction that Egypt follows than electoral politics. One political insider described the ties between these institutions as an "alliance of circumstance" that will stay together as long as its members perceive a serious threat to the state from the MB or armed groups. In the words of Menza, the state is "an alliance in the making between different forces, and it will be evolving over several years".¹⁵ One relationship that could be

¹² Author interview with Esraa Abdel Fattah, 26 November 2013.

¹³ Author interview with Osama Mourad, 26 November 2013; see also Shahira Amin, "In post-Morsi Egypt journalists toe the military line or self censor", Index on Censorship, 3 December 2013, available at <http://www.indexoncensorship.org/2013/12/post-morsi-egypt-journalists-toe-military-line/>.

¹⁴ This and the following quotation are taken from an author interview with Mohammed Menza and Nirvana Shawky, 25 November 2013.

¹⁵ Author interview with Mohammed Menza, 25 November 2013.

particularly important for the country is the one between the army and the Interior Ministry, of which the latter has been responsible for the harshest repressive measures against the MB. A number of Egyptian analysts believe that perhaps at some point there could be pressure from the army for the Interior Ministry to curb its actions, which have appeared essentially unrestrained since Morsi's removal; other scholars anticipate that divisions may emerge within both the army and security services.¹⁶ In any case, there seems to be little chance of substantial reform of any part of the state without a further political realignment.

The role of the Muslim Brotherhood

The place of the Muslim Brotherhood and the FJP is the largest variable in Egypt's immediate future. While the authorities have apparently embarked on a campaign to eradicate the Brotherhood as a political force, many political observers believe that it will be impossible to build a stable political system without ultimately allowing them to participate in some form. In the words of El Mahdi, "the Muslim Brotherhood has societal support and it isn't going to disappear; it will retain enough strength to cause trouble".¹⁷ Although opinion surveys in Egypt must be treated with caution, it is nevertheless striking that a recent Zogby poll indicated that 48 percent of the population still has confidence in the MB.¹⁸ The official campaign against the Brotherhood has for the moment had the effect of relieving the pressure for the MB to decide whether to remain in steadfast opposition to the new political settlement or try to reach an accommodation with it. An Egyptian diplomat described this as "the most difficult decision in the organisation's history".

Although a few voices from the MB have at times called for a new strategy based on an acceptance of the new political realities, they were always in a distinct minority. Moreover, it is apparent that the continued crackdown against the movement and the lack of any accountability for the killing of Brotherhood supporters in recent months are working as obstacles to any revisionist thinking. Ibrahim El Houdaiby, a political analyst and former member of the Brotherhood, claimed that unfolding events are contributing to a twofold anti-engagement narrative: increasing scepticism regarding the prospects of being "allowed to rule" and a lack of faith in the system's ability to bring justice.¹⁹ Facing an existential threat, and with no apparent opportunities for political engagement under any conditions, the MB has no incentive to consider any compromises on its side. On the contrary, El Houdaiby predicted in an interview that the movement would try to do what it can to disrupt the constitutional referendum through protests.²⁰

Since the ousting of Morsi, jihadist violence has increased significantly in Egypt, at first predominantly in Sinai but more recently across the country. In the most serious incident yet, a suicide bombing at a police building in Manoura, in the Nile Delta, on 24 December killed 16 people including at least eight police officers. It was this attack that proved the catalyst for the government's decision to declare the MB a terrorist organisation, though authorities provided no evidence linking the Brotherhood to the bombing, and another jihadist group claimed responsibility. The official line from the Egyptian government is that these attacks are linked to the Brotherhood, and the crackdown against the Brotherhood is necessary to curtail them. The truth appears to be the opposite: the upsurge in violence may be inspired by the army's move against political Islamists, but there is no direct connection between those responsible for it and the MB.

While security officials are happy to use the supposed links between the Brotherhood and terrorism in Sinai and elsewhere as a justification for their crackdown, many observers believe that this is a propaganda tactic that does not reflect the authorities' real analysis. But, at the same time, the repression of the Brotherhood seems more likely to fuel violence than to curb it. As long as the country's most prominent Islamist political group remains excluded from public life, the appeal of more violent Islamist currents will increase. With the MB's leadership either in prison or outside Egypt, it will be harder for the movement to maintain control on the ground, and it is likely to lose potential followers to jihadist movements. Not only in Egypt, but also across the Middle East, the message that Islamists will never be allowed to compete fairly and win in democratic politics will act as a potent recruitment tool for those who favour a more extremist jihadist path.

A long-term vision for European policy

In the short term, it may be tempting for the EU to conclude that it can do little to influence the course of Egypt's political development. The country's security establishment and the MB are locked in a struggle with enormously high stakes, and both are unlikely to be swayed by advice from European leaders and officials. The closed political conditions in the country reflect a combination of official policy, a stridently nationalist public mood, and the populist outlook of journalists and independent media proprietors. The country's political establishment is hypersensitive to foreign criticism and could turn its back on outside groups or countries that protest too loudly; authorities are quick to take offence, but, at the same time, are not easy to influence. The political groups that best represent the vision that Europe would like to advance are too weak to play a major role in the near future.

The EU also faces competition from other outside powers. The Gulf states and Russia stand ready to provide alternative sources of financial and diplomatic support, as well as the export of weapons and security co-operation. European

¹⁶ Lina Attalah, "A state in shackles", Mada Masr, 1 January 2014, available at <http://www.madamasr.com/content/state-shackles>.

¹⁷ Author interview with Rabab El Mahdi, 27 November 2013.

¹⁸ "Zogby Research Poll Shows Egyptian Attitudes Split, More Polarized than Ever", Arab American Institute, 26 November 2013, available at <http://www.aaiausa.org/blog/entry/zogby-research-poll-shows-egyptian-attitudes-split-more-polarized-than-ever/>.

¹⁹ Ibrahim El Houdaiby, "Democracy and Islamists: What is next?", FRIDE Policy Brief, December 2013, available at <http://www.fride.org/publication/1168/democracy-and-islamists-what-is-next>.

²⁰ Author interview with Ibrahim El Houdaiby, 28 November 2013.

countries are also eager to continue co-operation with Egypt on security and other areas. One Egyptian diplomat told us that officials from the leading EU member states have indicated that they are ready to loosen restrictions on arms licences that were put in place after the killing of protesters at Rabaa in August. It is worth noting that the EU's August ban on sales of "repressive" equipment left plenty of room for interpretation, that the guideline paper was by no means exhaustive, and that it fixed no date or pre-conditions for the expiry of the ban.²¹

Nevertheless, member states should be wary of rushing back into normal relations with the interim authorities and be careful to formulate their policy with an awareness that the current political settlement in Egypt is unlikely to be able to solve the country's problems. Rather than seeming to endorse the current road map while issuing general calls for inclusivity, which Egyptian political society appears already to have discounted, the EU should strive to present a more focused and defined message that highlights the limitations of the Egyptian state's current approach. Such messaging may be the most effective way to attract the attention of Egypt's approval-seeking regime, especially at a time when the EU is keen to continue providing aid that will help boost the country's stability and cannot offer inducements strong enough to exert real leverage on Egyptian political decisions.

That message should emphasise that political stability, economic development, and security are only likely to emerge if the Egyptian authorities pursue a different course that encompasses a political vision for reintegrating Egyptian society. Economic support from Saudi Arabia and other Gulf states may buy Egypt some economic breathing space, but, in the words of the independent-minded Egyptian diplomat, "the boat is too heavy to be maintained afloat for long". There have been recent indications that Gulf countries, particularly the United Arab Emirates, are unwilling to continue offering money that is not used as part of a more long-term economic programme.²² More sustainable economic development will require a return of Western investment and tourism, as well as economic reforms that the government will only be able to carry through if it enjoys broad social acceptance.

The security elite in Egypt has given no evidence of any political vision for social reconciliation or of any plan to tackle the country's enduring social and economic problems. As recent opposition to the protest law shows, there are already some indications that the interim authorities' heavy-handed approach is provoking opposition from secular groups. Popular opposition to the brutal practices of the Interior Ministry contributed to the 2011 uprising, and could easily re-emerge on a wider scale. Discontent is likely to escalate if social and economic problems remain unaddressed. Egyptians' tolerance for a political regime that justifies itself only on the provision of security is likely to be limited.

The EU's engagement with Egypt should be based on the principle of not accepting the narrative of normalisation that the government is attempting to put forward and looking ahead to the moment when its shortcomings are more evident. The EU should resist any policy that suggests a return to business as usual as long as the current security state vision is predominant. Similarly, since any formal reconciliation between the authorities and the MB seems out of the question for the moment, it would be wrong to put any effort at this point into attempts at mediation.

The EU should not delude itself that its comparatively muted approach to Egypt's current government has bought it influence: the latest moves against the Brotherhood are a clear sign that Egyptian authorities are pursuing their own agenda with no concern for Western views. Nor is it the case that cooperation between the EU and Egypt on areas of common concern will necessarily be jeopardised by a more critical European line, if it is carefully expressed. While working with the current and post-election Egyptian authorities on development, security, migration, and other mutual interests, the EU at the same time needs to establish greater critical distance from the regime. A long-term policy would aim to promote the opening of political space as much as possible and to continue putting forward an alternative message that stability cannot be achieved through a security crackdown. The likelihood of an escalating cycle of repression and violence only makes that argument more compelling.

One decision that the EU faces in coming weeks is whether to send observers to monitor the constitutional referendum and the subsequent elections. Since the votes will have a bearing on Egypt's development, it is important that they should be fair, and therefore there is a case for the EU to observe them. However, if the EU does send monitors, their report should not only assess the balloting itself but also look at the background conditions against which the vote takes place, including such concerns as freedom of expression and assembly, as well as the right of all nonviolent political groups to participate. It would be better not to send a mission if its only effect would be to rubber-stamp a process of voting that takes place within an inherently biased framework.

Beyond this, however, the EU should continue to argue both publicly and privately that the country's future development depends on a political system that gives a fair and equal stake to all citizens and that allows for the free and open expression of dissenting political views. It should insist that elections alone do not satisfy this requirement but, rather, that the structural causes of injustice and democratic deficits must be tackled. The EU should also emphasise that legal decisions should only be taken on the basis of clearly presented evidence. European leaders should avoid too close an embrace of Egypt's political leadership until it takes clear steps in this direction. The most important step that Europe can take may be simply to put forward an alternative reality at a time when the authorities are trying to close the space for dissenting views.

²¹ Council of the European Union, "Council conclusions on Egypt", Foreign Affairs Council meeting, Brussels, 21 August 2013, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138599.pdf.

²² "UAE aid to Egypt end looms", Middle East Monitor, 7 November 2013, available at <https://www.middleeastmonitor.com/news/africa/8208-uae-aid-to-egypt-end-looms>.

The EU should also continue to assert the importance of institutional reform, including a meaningful programme of transitional justice that takes account of all instances of state violence during the post-revolutionary period, including those during periods of explicit and de facto military leadership. European member states should reinforce this message by keeping in place their restrictions on the sale of military equipment and the provision of security co-operation, while at the same time making clear how these restrictions are being observed. EU member states should resist any pressure from Egyptian authorities to take action against MB officials without clear proof of criminal activity. The EU should resist any suggestion of providing funds to Egypt next year under the SPRING programme for democratic transitions until there is a change of direction from the Egyptian government. Finally, the EU should also ensure that it is doing everything it can to support the position of independent human rights groups, which are extremely vulnerable in the current climate.

It is understandable that the EU should want to keep open its channels of communication with the Egyptian regime and avoid alienating large sections of Egyptian public opinion. But it must find a way of doing this that does not appear as an endorsement of the vision of developments in Egypt that authorities are anxious to present to the outside world. By emphasising the inadequacy of the security-driven approach that the Egyptian state is pursuing, even in terms of its own objectives of providing stability and opportunity for the Egyptian people, European officials will be best positioned to contribute to the development of the inclusive and reformist settlement that Egypt will ultimately need in order to leave its recurrent political crises behind.

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