

EU GOOD OFFICES IN REVOLUTIONARY EGYPT (2012-2013)

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The significance and assessment of the period from Mubarak's fall to the launching of a new political regime/transition by then Minister of Defence Al Sisi remains deeply sensitive and controversial, with judgements often clouded by very strong emotions in Egypt and differing international agendas. Here, we focus on the efforts deployed by the European Union to "accompany" Egypt as it swam in the uncharted and turbulent waters of democratic transition, and the lessons for EU mediation.

The election of Mohamed Morsi to the Presidency in June 2012 was unprecedented, in that it marked the accession of Political Islam to high office of a major, indeed the largest, Arab country. While he quickly arrived at an accommodation with the military in a pact that gave him authority over civilian, if not security matters, his presidency faced very significant challenges.

The always fragile economy was in a tailspin after some 18 months of turbulence following the January 2011 revolution; law and order had deteriorated; the Muslim Brotherhood dominated parliament was hamstrung (the lower house of parliament had been dissolved by the judiciary in June 2012); and the constituent assembly, set up to craft a new constitution, was boycotted by most secular forces since its inception in the spring of 2012. Moreover, despite Morsi's election, which had been generally accepted at home and abroad as fair, the country remained deeply divided.

His attempts at politically broadening the executive, including the offering of a vice-presidency former Nasserist presidential candidate Hamdeen Sabahi, bore little fruit, the Brotherhood being profoundly mistrusted in many secular quarters. That summer also witnessed a surge in Jihadist

insurgency in North Sinai, with a terrorist attack in early August on border guards which premised the “retirement” of Supreme Council of the Armed Forces leaders Tantawi and Anan. In turn, the military establishment agreed to the appointment of a new Defence Minister from their ranks, namely Abdel Fatah Al Sisi, who at that time appeared ready to work with the Administration on restoring stability in the land.

From the beginning of the Morsi Presidency the EU, through several high level engagements and pronouncements, conveyed firm support to the democratic transition in the country and to its speedy completion, notably through The EU-Egypt Task Force of 14 November 2012, an attempt to provide major new economic support by bringing to Cairo European and international institutions (The European Commission, the European Investment Bank and the European Bank for Reconstruction and Development), as well as hundreds of EU private sector investors.

Throughout, the EU repeatedly stressed the importance of inclusiveness and respect for fundamental human rights, as well as the urgency of promptly concluding an agreement with the International Monetary Fund, so as to redress fundamental economic imbalances and set the country on a financially sustainable path, restore Foreign Direct Investment flows and kick start growth. That agreement required broad political buy-in. At the Task Force, the EU accompanied political support with substantial additional aid pledges, some linked directly to a new International Monetary Fund arrangement.

But by summer 2013, the country remained mired in deep political polarisation, between on the one hand Islamists that, despite some tactical differences, rallied strategically around the Muslim Brotherhood Administration and its project. And on the other essentially secular forces, which included political parties ranging from liberals to socialists to Nasserists, many gathered in the fragile National Salvation Front; large sectors of the judiciary; the state apparatus; and business, media and secular civil society, mainly from the urban middle classes.

In the background, the military, concerned about polarisation and the disorder it engendered, was increasingly wary of the new Islamist dispensation. However, with the difficult Supreme Council of the Armed Forces period of 2011/12 uppermost in its mind, when the military had lost popularity, it remained reluctant to return to the political forefront.

A political accommodation between these forces had proven elusive, despite a number of reconciliation efforts, domestic as well as international (see below).

Several missed opportunities could be identified. The first came with the initial senior appointments by Morsi, following his campaign promises of being a President for all

Egyptians and having Copts and women play prominent roles. In the event he appointed a combination of sympathizers, Brothers, bureaucracy insiders and holdovers from the previous cabinet under the Supreme Council of the Armed Forces. Only two women featured, one of whom the sole Coptic member of the cabinet.

The second missed chance of a grand accommodation was bound up with the constitutional process. Despite a number of secular withdrawals from the Constituent Assembly shortly after it was established in June, prominent figures such as Ahmed Maher, the leader of the 6 of April revolutionary movement, or Anwar el Sadat, chair of the dissolved People's Assembly's Human Rights Committee, stayed on, as did representatives from the Church. But almost all walked out in November 2012, when they felt that their views were not taken on board by the Islamist majority.

On the economic front, prospects for accommodation were made worse by the fact that, despite constant assurances of their commitment to it by Morsi and his close confidantes, the IMF deal was never finalized, due mainly to their reluctance to bite the bullet on the necessary economic reform measures given his quickly declining political capital by the end of 2012; and, it must be said, a basic lack of understanding of how the international financial system operates.

Hesitation about the IMF coincided with what was probably the key mistake made during Morsi's brief tenure, namely the Constitutional Declaration of 22 November 2012, whereby President Morsi replaced the Mubarak-appointed Prosecutor General, whom he saw as an obstacle to properly investigating Mubarak's alleged crimes, and announced the sheltering of his decrees and declarations from judicial and political scrutiny until the promulgation of a new constitution.

Indeed, Morsi's Administration was convinced that the Judiciary was working against them and this declaration was certainly influenced by a fear bordering on panic that Supreme Constitutional Court rulings expected on 2 December could have entailed the dissolution of both the Muslim Brotherhood-friendly Shura Council and the Constituent Assembly. In the event, it triggered outrage among many who saw it as a power-grab, and huge crowds gathered again in Tahrir Square. The Declaration also provided a rallying point for the hitherto fractured secular opposition, which coalesced in a National Salvation Front nominally headed by Mohammed ElBaradei.

A parallel, deeply polarizing development was the adoption of the new constitution in December that year. Despite provisions for a two-month extension, the Assembly rushed the adoption of the text on the night of 30 November. That further antagonized the opposition and fueled additional protest, leaving several people dead and troubling images of MB supporters attacking, illegally detaining and interrogating anti-Morsi demonstrators, admittedly in the face of less than vigorous dispersal of demonstrations by the police.

The substance of the constitution itself was another element fueling polarization. It did curtail presidential powers, empowered the parliament, prohibited torture and enshrined some new rights, but it also included provisions of a more Islamic flavour and, not least because of the rushed process, contained much ambiguous language.

Specific points of concern to secular parties and Human Rights NGOs included provisions that: made human rights being made contingent on traditional principles of an Islamic flavor; allowed military trials of civilians that “harm” the armed forces; limited freedom to practice religion and build places of worship; made the principles of Sharia more explicit and far-reaching; and granting to the largely Islamist-dominated Shura Council (voted in by just 12% of the electorate) of full legislative powers until the election of a new House of Representatives.

After a brief lull, street protest peaked again on 25 January 2013, the second anniversary of the revolution. Protests and clashes in a number of cities, plus the ill-timed sentencing to death in Port Said of 21 local football supporters for the killing of 72 rival fans from Cairo, resulted in some 60 people dead over that week-end and very troubling reports of abuses, such as protesters illegally detained and tortured in police training camps.

As those events unfolded, deepening mutual mistrust and acrimony, the National Salvation Front continually pressed Morsi to engage in a real dialogue including concessions. Their main demands included the establishment of a national unity government (with the related postponement of the parliamentary elections), replacing in particular the Prime Minister and Ministers key to the holding of elections, and the replacement of the new Prosecutor General, whose appointment was in legal doubt.

The electoral law, drafted in the Shura without taking proper account of suggestions from centrist and the church inevitably became another bone of contention, and Morsi's announcement of new parliamentary elections in April ran into major challenges by the constitutional court. In any event, the National Salvation Front had announced a boycott and the President acknowledged that polls would probably not be held until October.

A number of domestic reconciliation initiatives were launched at various stages of that protracted political crisis, in particular by Al Azhar Grand Imam Al Tayyeb, who hosted a cross-party gathering issuing a 10-point manifesto rejecting violence and promoting dialogue. Youth leaders and secularists also made efforts; as well as the main Salafi Al Nour party, which tentatively agreed with the National Salvation Front on an eight-point agenda for genuine national dialogue featuring a national unity government.

It is in that convoluted context that the EU, through High Representative/Vice President Catherine Ashton and Special representative Bernardino León, deployed renewed bridge building efforts, at the request of all parties: the President himself and his Aide for Foreign Affairs Essam el Haddad; and the National Salvation Front, primarily through Coordinator ElBaradei, but with frequent outreach to other key players such as Amr Moussa, Hamdeen Sabahi and Free Egyptians and Social Democrat party leaders. Close contacts were also established with the military leadership. These good offices were complemented by, and closely coordinated with, those of US counterparts, and apart from the abovementioned, included regular contacts with Said el Kattatni, the FJP secretary general and speaker of the Shura, and the Muslim Brotherhood's Deputy Supreme Guide and main strategist Khairat al Shater.

At the same time, the EU was for the first time also invited to send an Electoral Observation Mission to monitor the parliamentary polls the government had intended to hold in 2013, and engaged intensively with the Presidency and all parties on a new NGO law that was meant to facilitate the work of civil society.

Given the deep polarization in the political scene, EU Special Representative León focused on the economy, which as a less toxic area had potential to encourage rapprochement, and the idea of a national economic conference was launched in early 2013. It was to be led domestically but with international involvement/participation, and concentrate on: addressing the double-digit budget deficit; solving the energy crisis underpinned by significant arrears to oil multinationals; improving the business climate to revive Foreign Direct Investment and tourism; and issues related to social justice and poverty alleviation. Reasonably positive noises were heard from both sides in that regard, and there were also indications that Morsi was ready to consider a cabinet reshuffle, setting up a multiparty committee to oversee the electoral process (polls to be postponed by six months) and a special committee to look into alleged human rights abuses during his presidency.

But the mistrust between the camps was by now so deeply ingrained that the conference idea fell on stony ground. National Salvation Front Principals, seeing the rise of the Tamarrod movement (below) feared being accused by the street of betrayal if they were seen to be compromising with Morsi, while Muslim Brotherhood leaders were convinced that the State bureaucracy and Judiciary were determined to thwart any attempt to exert control over them.

What was arguably the last real window for political compromise was squandered when a much anticipated cabinet reshuffle, which was announced on 7 May 2013 to widespread disappointment, as, rather than the hoped for inclusiveness it increased the number of Muslim Brotherhood members and sympathizers in the executive, but no opposition representatives. New offers had reportedly been made to opposition politicians, including Wafd's chairman Said al Badawi, but under the circumstances, and with a new movement demanding new presidential elections led by the

Tamarrod (rebel) fast gathering speed and aiming at mass mobilization on 30 June, those openings went unanswered.

With public discontent mounting amidst regular power cuts and a sudden shortage of fuel in gas stations (seen as intentional by the Muslim Brotherhood), public warnings by the military, and despite continuing mediation attempts involving all key actors, mass demonstrations in Cairo and other main cities were held from 30 June, leading to Al Sisi issuing a 48 hour ultimatum for politicians to compromise on 1 July.

Al Sisi himself then made a last ditch effort to convince Morsi to accept the Tamarrod demand for early presidential elections, but came away empty-handed.

As the temperature reached boiling point, with millions in the street, the military arrested President Morsi on 3 July and Al Sisi, surrounded by National Salvation Front's ElBaradei, Al Azhar Grand Imam and the Coptic Pope, but also Al Nour's Secretary-General, announced that same evening the suspension of the constitution, the dissolution of the Shura Council and a 'roadmap to democracy' including the crafting of a new constitution and the holding of parliamentary and presidential elections.

EU good offices continued in July and August 2013, including a visit by Mrs. Ashton to the facility where Morsi was being detained, and, conducted in close collaboration with the US, mainly in the figure of State Department Undersecretary William Burns. León and Burns made an attempt in August to prevent the forced dispersal of the pro-Morsi sits-in at Raba'a and Nahda squares, where thousands of Muslim Brotherhood /Islamist supporters had gathered following Morsi's ousting and demanded his reinstatement. Leon communicated assurances from then Vice-President ElBaradei that no force would be used and that a few prominent Islamist leaders (Speaker Said el Katatni and Al Wasat leader Abulaila Madi) would be released, provided that as a first step additional inflows of protesters to the sit-in would stop, gradually leading to a peaceful dispersal. Agreement to this was obtained via Muslim Brotherhood Spokesman Gehad el Haddad.

But this was not enough to convince the Cabinet and the dispersal was effected by force on 15 August, with much loss of life. That effectively marked the end of any real prospect for mediation.

While the EU's efforts were ultimately not successful in bringing about political accommodation in Egypt, it would be fair comment to say that under the circumstances prevailing at the time, the EU and its Member States did all they could do in the interests of stability, development

and democratic advancement. It can also be argued that through showing the intense European and wider concern for the fate of the country and its people, and by reminding the key players of their responsibilities, international mediation of this kind contributed to taking some of the steam out of what was an exceptionally fractious and volatile transition, thus helping to limit the damage.

But as things turned out, the situation on the ground was simply too intractable for any one actor or cast of characters, domestic and/or external, to resolve. And today, as many Egyptians of all stripes and at all levels are well aware, reconciliation remains a fundamental challenge for the long term well-being and stability of their society, and by extension the Arab world as a whole. There are many important lessons for Egypt and the region to be had from this seminal experience, and it is to be hoped that they are being reflected on by all, including the Brotherhood, but it is not our intention to go into that here. As for lessons for the EU, we would highlight the following:

- “Being there” through regular high level political/diplomatic engagement with all sides, provided in this case by the extraordinary personal commitment of Catherine Ashton, backed up by the constant efforts of Bernadino León, complemented and supported by the daily political/diplomatic work of the European External Action Service, the EU Delegation on the ground, and not least, by the EU Member States. Occupying the ground in this way is crucial in establishing the personal contacts and trust that can pave the way to the deployment of good offices, and for taking a leading role in that regard within the international community.
- In its own neighbourhood, a joined-up EU can offer something that is unique among major international actors: its deep economic engagement as the home of the region's main foreign investors, prime trading partner and aid donor, its cultural affinity and familiarity, added to the perception that its security and military agenda is essentially non-threatening, make it easier for the EU to build trust with all sides. The quality of engagement at all levels in Egypt was thus second to none and there were many times during the mediation period when it was the only external entity able to talk with all concerned parties.
- Diplomatic efforts of this kind are likely to be seen as much more credible if they are bolstered by comprehensive assistance packages: given clear political leadership, these can make a real difference. Rapid, tailor-made procedures and solutions can be devised and out-of-the-box thinking brought to bear. The 2012 Task Force concept incorporated all of this, and while some of its work was derailed by subsequent events, it did in fact help usher in significant new financial support for Egypt's longer term development, notably

through intensifying the commitment of the European Investment Bank and European Bank for Reconstruction and Development, which continues today.

- The EU can carry formidable economic and diplomatic weight, as long as it operates hand-in-hand with its Member States, and like-minded international partners; a tall order, but a must if the EU is to translate its crisis resolution potential into actual capacity to shape developments on the ground in crisis/transition. This involves all capitals passing similar messages to crisis/transition domestic actors, and aligning their collective efforts and tools around a common objective. This was in fact largely so during the period dealt with here.