Report

Ballots versus Bullets:
The Crisis of Civil-Military Relations in Egypt

*Dr. Omar Ashour**

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Egyptian Forces Threaten to Remove Pro Morsi Demonstrators [Getty Image News]

Introduction

"The upcoming parliament would not be representative of all Egyptian people…and won't have the ability to impose anything that the people don't want," declared General Mukhtar al-Mulla,(1) a member of Egypt's once ruling Supreme Council of the Armed Forces (SCAF), in December 2011. The likes of Al-Mulla's statement made many democratization experts worried of a common scenario: an army above the state. The ultimate test of any democratisation process is asking whether the elected civilian institutions are in control of the armed institutions or not. This is an inexistent condition in most of the Arab countries. The Egyptian coup of July 2013 came to assert the exact opposite: the supremacy of armed institutions over all elected bodies. Defence Minister, General Abd al-Fattah al-Sisi, came on state-owned television to announce the suspension of the constitution, the dissolution of the parliament, the removal of the elected president, and the appointment of another.

This report analyses civil-military relations during and in the aftermath of the Egyptian revolution of January 2011. It does so by assessing the objectives of the Egyptian military establishment and the limited shifts in the balance of power between civilian and armed institutions in Egypt. It finally reflects on future prospects.

A State for People or Generals?

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The supremacy of the armed institution of the state (mainly the Ministries of Defence and Interior) existed for the last six decade, precisely since the July 1952 coup. That coup was part of a trend, highlighting the dominance of armies in the Arab politics; a trend that started in Syria with Husni al-Za'im coup of 1949.

The trend yielded four models: a guardian model, an armed institutional racketeering (AIM) model, a sectarian-tribal model, and a less-politicized model. Turkey's military establishment prior to the reforms of the Justice and Development Party (AKP) represents the first model: an armed institution that believes it created the modern Turkish state. It also believes that it gave Turkey its modern identify and that its mission is to protect that identity in a supra-constitutional fashion.(2)

AIM is a second model in which the Egyptian and the Algerian armed institutions stand out. In that model, the army neither created the state, nor gave it its identity. However, it is an intact institution that believes in its superiority compared to any other state institution, including elected bodies as well as civilian judicial ones. That superior institution has specific privileges, which usually include a package of economic benefits and at least a veto in high politics.(3)

A third model is the tribal-sectarian one. Here, the armed institution has the same benefits of the AIM model but it is controlled by a specific religious sect and or a tribal coalition. The model is exemplified by al-Assad regime in Syria and the Qaddafi regime in Libya. Finally, a relatively less-politicized model exists in Tunisia; almost a unique case in the region. Here, the armed institution does not fit any of the above. However, the guarantees to sustain a relatively apolitical army still need further developments. Coup-proofing measures, building a de-politicised professional identity, fostering the loyalty to the constitution as opposed to the direct commanders, transparency and oversight by elected bodies, and legal reform measures are all critical to maintain such model.

What do Egypt's Generals Want?

The Egyptian revolution was a product of the struggle of several socio-political forces which challenged the Mubarak status quo. But those pro-change forces had different reasons for taking up the struggle. The revolutionary forces, whether Islamist or non-Islamist, were motivated by the corruption of the status quo. In contrast, the military establishment, led by the SCAF, believed that some of Mubarak's policies, mainly those formulated under the influences of his son Jamal and his wife, were undermining the interests of the establishment's leaders. However, they nevertheless believed that the principle elements of the status quo should be maintained. This difference in perceptions and objectives has caused clashes and tensions throughout the SCAF's rule.

The SCAF is a politically conservative, unconstitutional body that ruled between February 2011 and June 2012. At minimum, comprehensive SSR, democratic control of the armed forces, military and police oversight by civilian institutions, accountability to elected civilians and budgetary transparency of the army are all radical concepts for the SCAF. At maximum, they are threatening taboos and should be eliminated or rendered meaningless.(4) Despite the fact that more than 30 million Egyptians voted for the parliament (People's Assembly), SCAF's decision no. 350 dissolved it as of 30 June 2012, following a Constitutional Court verdict that part of the parliament's electoral law was unconstitutional. This decision vested all legislative powers with the SCAF only days before Egypt's first civilian president was scheduled to take office in July 2012.

Ideally, the SCAF would have liked to combine a parliament with limited powers, a weak presidency subordinate to the army and constitutional prerogatives that legitimize the army's intervention in politics. The minimum it insisted on is a veto in high politics, independence for the army's budget and economic empire, legal immunity from prosecution on charges stemming from corruption or repression and constitutional prerogatives to guarantee these arrangements.

The veto in high politics would include any issues that touch on national security or sensitive foreign policy, most importantly the relationship with Israel. To control high politics, the SCAF decreed in July 2012 a constitutional addendum that gave it the prerogatives of the dissolved parliament, including legislative authority and the rights to form a constitutional assembly (if the current one is dissolved)(5) and veto articles in the constitution. The addendum also ordered the formation of a national defence council dominated by the military (11 army commanders versus six civilians – assuming that the president and minister of interior are civilians). Additionally, military intelligence and military police were granted powers to arrest civilians on charges as minor as traffic disruption and "insulting" the army.(6)

The independent military-economic empire, which benefits from preferential customs and exchange rates, tax exemption, land ownership and confiscation rights (without paying the treasury) and an army of almost-free labourers (conscripted soldiers), is the source of much military influence and thus another thorny issue for any elected civilian. With the Egyptian economy suffering, elected politicians might well seek to improve conditions by moving against the military's civilian assets – by revising the preferential rates, imposing a form of taxation and revising land confiscations. Corruption and immunity from prosecution are no less salient.

Yet despite its power, the SCAF was quite sensitive to certain factors. Pressure from the United States is one of them, due to arming, training and financing.(7) Street mobilization is another factor. Most of the SCAF's pro-democracy decisions have come as

a result of massive pressure from Tahrir Square. These include the removal of Mubarak, his trial (and that of other regime figures) and bringing the date of the presidential election forward to June 2012 from June 2013.

Another factor that influences the SCAF's decision-making is the army's internal cohesion. It is no secret that internal reports about potential mutiny within the middle and low ranks were among the factors that caused the SCAF to abandon Mubarak and disobey his orders to crack down on protesters.(8) However, "the sight of officers in uniform protesting in Tahrir Square and speaking on Al Jazeera really worries the Field Marshal," a former officer told me.(9) And one way to maintain internal cohesion is to create "demons" – a lesson learned from the "dirty wars" in Algeria in the 1990s and Argentina in the 1970s and 1980s. In particular, Coptic protesters are an easy target against which to rally soldiers and officers. In October 2011, amid an unnecessary escalation of sectarian violence, state-owned television featured a hospitalized Egyptian soldier screaming, "The Copts killed my colleague!" The systematic demonization of the Tahririst groups, and the violent escalation that followed in November and December 2011, served the same purpose. After the coup of July 2013, the Muslim Brothers and Islamists became the new/old demons.

Democratic Control of the Armed Forces: Presidential Attempts

A forward step was taken toward balancing civil-military relations following the election of President Mohamed Morsi in 2012. President Morsi attempted to change the balance of power between the elected civilian administration and the military establishment. He initially attempted to reinstate the parliament by ordering deputies to reconvene within ten days of having taken office. Yet while that attempt to balance the power of the military was unsuccessful, less than two months later he was not only able to freeze the constitutional addendum enforced by the SCAF in June 2012, but also to purge the generals who had issued it (Field Marshal Mohammed Hussein Tantawy and his deputy General Sami Anan). The order to remove the head of the SCAF on 12 August 2012 marked a historic step forward: for the first time in Egypt's history an elected civilian head of state had altered critical decisions made by the heads of the military establishment and then removed them.

There was a price to pay for such changes, though. In the 2012 constitution, approved by 63.83% of Egyptian voters, civil-military relations were far from balanced. Not only would the defence minister have to exclusively be a military officer (article 195), but also the National Defence Council (NDC) will have a majority of military commanders (article 197). This will effectively give the military a veto over any national security or sensitive foreign policy issue. "If you put one of yours, I will put one of mine," yelled General Mamdouh Shahin, the army representative in the Constitutional Assembly at Mohammed El-Beltagy, an FJP leader. The latter suggested an additional civilian in the NDC, the

head of the treasury committee in the parliament. His suggestion was rejected. And it was all caught on camera.(10) In addition, article 198 allows military tribunals for civilians "when a crime harms the armed forces." A list of specific crimes was supposed to be put forth by lawmakers in the next Egyptian parliament. But certainly article 198 of 2012 is a downgrade from article 20 of the 1954 draft constitution (never enacted), which strictly prohibited the prosecution of civilian in military tribunals under any circumstance.

The July Coup: Risks and Scenarios

The July 2013 coup can lead Egypt into several scenarios. They aren't certain, but the future of Egypt's democracy is certainly in danger. When elected institutions are removed by military force, the patterns show that the outcome is almost never positive: outright military dictatorship, military-domination of politics, civil war, or a mix of all. A few highlights include Spain in 1936, Iran in 1953, Chile in 1973, Turkey in 1980, Sudan in 1989, Algeria in 1992, and others. If al-Sisi behaved like Khaled Nazar in Algeria or Francisco Franco in Spain, we are likely to see an escalation in violent confrontations between the junta and the president's loyalists. This can have disastrous regional and international consequences. Egypt's population is 3-times that of Algeria in the 1990s and 4.5-times that of Syria at the moment. Unstable Libya and Sudan are on the borders and so is Palestinian Gaza and Israel. All sides in Egypt have their international and regional allies and patrons, and they will be asking them for help to defeat one another. But if the junta-led political process somehow rolled back from exclusion and repression, we may see a transition similar to Turkey post-1997. Back then a group of generals from the National Security Council (MGK) sent a memo to the Prime Minister, Necmettin Erbakan, of the Welfare Party asking him to resign. Erbakan government was removed, but unlike the coup of al-Sisi in Egypt, the parliament was not dissolved and the constitution was not suspended. Moreover, offshoots and figures affiliated with Erbakan's Welfare Party were allowed to run in the following elections. And in 2002, the Justice and Development Party (AKP), one of the offshoots, won the largest percentage and is still democratically ruling Turkey.

This is not the way the 2013 coup in Egypt started. The parliament was dissolved, the constitution was suspended, the leaders of the winning party were arrested, their homes were stormed and searched, and the probability of banning the MB and its coalition partners cannot be ruled out. Here, the shadows of Algeria in 1992 looms. There, the full-ledged civil war did not start right after the coup in January, but in September 1992; right months later.

Conclusion

The coup of 2013 is certainly a step back in civil-military relations. But more worrying is its regional outcomes and how it will impact the rest of Arab Spring countries. The

message sent to Libya, Syria, Yemen and beyond is that only arms guarantee political rights, not the constitution, not democratic institutions and certainly not votes. In the end, what remains certain is that no democratic transition is complete without targeting abuse, eradicating torture, and annulling the impunity of security services, with effective and meaningful civilian control of both the armed forces and the security establishment. This is the ultimate test for Egypt's democratic transition.

Dr. Omar Ashour is Senior Lecturer in Security Studies and Middle East Politics at the University of Exeter and non-resident Fellow at the Brookings Doha Center.

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(1) Shenker, Jack. "Egypt's military will have a final say on country's new constitution." The Guardian, 7 December 2011.

(2) Ashour, Omar and Emre Ünlücayakı. "Islamists, Soldiers and Conditional Democrats: Behaviors of Islamists and the Military in Algeria and Turkey." Journal of Conflict Studies, vol. 26, no. 2 (Winter 2006): 104-132.

(3) Sayigh, Yezid. "Above the State: The Officers' Republic in Egypt." Carnegie Papers, August 2012: http://carnegieendowment.org/files/officers_republic1.pdf.

See also Harb, Imad. "The Egyptian Military in Politics: Disengagement or Accommodations." Middle East Journal, vol. 57, no. 2 (Spring, 2003): 269-290.

(4) Those conclusions are based on several conversations with more than twenty army and police generals, as well as SCAF's behaviour between February 2011 and July 2012.

(5) After a number of obstacles in the political process, a 100-member constituent assembly was formed in June 2012 to draft a new constitution.

(6) For a full version of the constitutional addendum see http://www.ahram.org.eg/The-First/News/155958.aspx. The constitutional addendum and these decrees were overruled by President Mohammed Morsi in August 2012.

(7) The military establishment receives $1.3 billion from the United States since 1979.

(8) Interview with Yehia al-Gamal, former deputy prime minister, http://gate.ahram.org.eg/News/113877.aspx.

(9) Interview by author, 16 January 2012.

(10) Please see: https://www.youtube.com/watch?v=pLPfggij2N4&playnext=1&list=PL1A0ADFB0FFD1B5D1&feature=results_main.