# TROUBLE AHEAD, TROUBLE BEHIND:
Challenges of transition for the Arab Spring

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**Abstract**
It is no exaggeration to say that the events sweeping the Arab World in the past year have gripped us all and I guess a lot of us (myself included) are still trying to grapple with their implications. Yet, at this stage I think it is better to exercise caution before coming to any definitive conclusions about post-uprising politics. For no other reason than there are few guarantees during a transitional phase. Drawing on lessons from the field of democratization studies, the following article argues that the Middle East and North Africa (MENA) region faces some major obstacles in what will be difficult times ahead for its post-authoritarian political reform.

**Key words:** Arab Spring, democratization, MENA, post-uprising politics, transitions

## Introduction
We can all too readily assume that when countries enter transitions from authoritarian rule they are inextricably moving towards democracy. This is a false assumption. Let us not fool ourselves the challenges of transition confronting the Arab Spring are multiple. They will involve addressing transitional justice, effective political reform and economic stabilization while negotiating the pitfalls of complex local terrains. This encompasses a daunting catalogue of associated concerns including popular legitimation, judicial reform, diffusing democratic values, marginalizing anti-system actors, ensuring greater civilian rule over the military, removal of reserved authoritarian domains, party-system development and the routinization of politics (Schedler 1998). If our experience of democratization phenomena tells us anything, it is that countries will not emerge overnight from such a process. It may be one thing to establish formal democratic institutions, but quite another to sustain them over time without stagnation or reversal. In recent years, numerous scholars have drawn our attention to the emergence of what are more commonly referred to as 'hybrid regimes' (Casper 1995; Hadiz 2004; McFaul 2002; Zakaria 1997). Neither one thing nor the other, these types of regime outwardly display some of the formal

procedural features of 'democracy' but they 'play' by considerably different 'rules'. From Azerbaijan and Turkmenistan in the Caspian Sea Basin to Cambodia in Southeast Asia and Nigeria in West Africa, transitions from authoritarian rule to effective multi-party democracy are anything but easy.

We need to be clear here, democratization is not the same as democracy. There is a crucial distinction between the political system (democracy) and the process of establishing that system (democratization). The latter is very much a process and rarely, if ever, ideal. This seems to rest on the fact that during a transition period, past developmental patterns and underlying societal conventions can constrain the preferences and policy capacities of political actors enacting change. Often times, it is perceived self-interests or those of 'reserved domains' that end up playing significant roles in shaping events and outcomes. Distinct trade-offs arise in no small part because change involves compromise with an authoritarian past (Bermeo 1990; Karl 1990). Whilst not wanting to sound too pessimistic, this reality can constrain even the best of intentions. In other words, the legacies of the past make democratic re-arrangement vis-à-vis political power a complicated affair.

In our current situation, distinct conditioning factors will no doubt affect different countries in different ways in the MENA. External reactionary forces will also certainly exert a stronger pull in some cases rather than others. Nevertheless, if the 'Arab Spring' is to bring about lasting change for the better then thinking about what has actually worked in other places may be a place to start.

**Running free and fair elections**
Firstly, there is the organization of free and fair elections to contend with in circumstances of flux and instability. A word of warning here, there is little point in assuming that elections in isolation will simply channel contests among political rivals and accord public legitimacy. There also has to be correspondent reform of state institutions, policymaking procedures and attendant recovery of civil liberties and political rights (enhanced freedom of expression, access to alternative information, and expansion of associational autonomy). The lifting of press restrictions, releasing political prisoners, and removing restrictions on the formation of new political parties will all contribute positively to a reform friendly climate.

**Getting the Military back in the barracks**
Secondly, dismantling the most repressive structures of an authoritarian regime and removing the military gradually from politics are also major tasks of reform (McCulloch 2003). In regards to the events unfolding in the MENA, this means reigning in the excessive arbitrary power and nefarious practices of the internal security services, aka *Mukhabarat.* Now pragmatism and a distinct fear of further grass-root insurrection may eventually force this issue but a word to the wise doing it while public demand is strong is a good idea for future legitimacy. The protesters have broken through a fear barrier and are no longer cowed by threats either psychological or physical. Political leaders should, therefore, move quickly to separate the police from the military.

Of course, having the military onside will be essential especially in former autocracies like Tunisia and Egypt. Turning them in to an asset rather than a threat to the process is going to be a challenge right enough but not insurmountable. If the military are to be persuaded to 'return to the barracks' this will involve investment in their professionalism (which will cost money) and appeals to their sense of honour. They have to realize that their job is to ensure stability by upholding the constitutionally mandated institutions of public interest.

To prevent a reactionary backlash, allowing the military to retain substantial economic interests is a prudent move if a difficult pill to swallow (in the short term at least). However, a word of warning here, this cannot just be some sort of perverse exchange between essentially status quo forces. We must be exceptionally wary of 'grand bargains' being struck whereby political hegemony is transferred on the assurance that the military unconditionally retains its reserved economic domains and privileged status. Rather, it must be with the intention of creating enough time and space to actually institute some step by step reforms, the aim being to phase out gradually military embeddedness in the body politic. Overtime, the latter approach can bring about improved civilian rule over the military.

**Transitional Justice?**
This can then feed in to considerations about transitional justice and what form that might take and the steps needed to achieve it. Some key issues to resolve are who will be brought to justice for past crimes, and how far back into the past that justice process should reach. It is an incredibly fraught

and thorny process but often times a society needs to allow some of its "open wounds" to heal so that it can move on. One way to do this is to give them a good 'airing'. This may involve the establishment of some form of truth and reconciliation commission as seen in places like South Africa or East Timor, depending on circumstance.

Given the atrocities taking place in Syria, if the Assad regime falls then some sort of commission would seem almost inevitable for a meaningful and stable future in that country The scale of the regime's atrocitities and the country's cross-cutting sectarian rivalries make the potential for wide-scale retribution and blood-letting a very real prospect. Moreover, the commanders heading up the paramilitary *Shabiha* units in Syria who are carrying out some of the worst atrocities against the populace should be pursued with the same tenacity by the international community as similar such figures have been in the former Yugoslavia. Future prosecutions at the ICC are a very real possibility for the worst offenders of the Syrian regime. Such steps are important in post conflict situations as they provide mortar to rebuild respect for state institutions and the rule of law. Restoring pride and trust in institutions such as the judiciary, law enforcement and security services is a massive task of reform that will take time and substantial effort. The fight against endemic corruption, cronyism, and nepotism must not be overlooked as it is also a vital component in restoring pride and trust. This involves setting up some sort of corruption eradication commission as a necessary first step in making inroads.

**Making Constitutional Reforms**
Thirdly, enacting major constitutional reform and some form of decentralization of overly centralized political power structures is also crucial in laying solid foundations for democratic legitimacy and effective representation. Restructuring existing assemblies or introducing new regional bodies can improve representation and accountability, albeit by degrees. As the process unfolds successive elections will act as litmus tests for progress made. We should get clearer indications as to whether there are a meaningful and extensive number of permitted political parties. We will be able to see whether election rules have stabilized and whether constitutional limitations on the power of the executive are providing an effective check to facilitate peaceful civilian transfers of power. This may involve having a president elected directly and only serving one renewable five-year term. It is also important that newly emerging legislatures are mandated constitutionally with enough authority to amend, or veto legislation, which will encourage any new president to maintain broad

support in the legislature. The extent to which media in a country remains open and vigorous and whether civil society activity (NGOs and pressure groups) continues to flourish will also provide a barometer for successive elections and whether a routinization of politics is taking place. Most important for ensuring all of this will be the ongoing acceptance of a more democratic framework of political contestation around new 'rules of the game'.

**Countering concerns about radical Islamist ascendancy**
Fourthly, a major concern for future developments in the Arab world is the spectre of radical Islamist ascendancy. Any attempts to coercively curb an emergent Islamism are sensitive political issues in this part of the world. In the past, many militant groups in the Middle East have prospered off the deficiencies of autocrats by stepping in where the regimes had so abjectly failed, namely the provision of education, health and sanitation for the poorest in society. The Muslim Brotherhood and Salifist movement are prime examples in Egypt. Overt military/police intrusion will not play well domestically. Impinging on newly acquired democratic freedoms of moderate Islamic majorities runs the risk of antagonizing or polarizing segments of the populaces. A more assertive political Islam willing to challenge corrupt practices is probably no bad thing. It will certainly introduce much needed electoral competition into the party-system. This means that former regime acolytes must pay closer attention to their own deficiencies and seek to improve their performance if they are to keep their pro-Islamic factions and constituencies onside. Despite the recent electoral success of Islamist parties in both Tunisia and Egypt, the tenor of the uprisings, nevertheless, suggest people there will expect them to respect the rule of law and seek to address economic and corruption problems within the framework of a constitutional parliamentary nation-state. In short, they will have to perform and operate (and consequently be contained) within the electoral rules of democratic contestation and procedure. In fact, if they do not and move towards coercively instituting a form of Islamist theocracy they may well be met with more popular uprisings.

**Translating frustrations into representation and reform**
Clearly, there are no guarantees during a transition but commitment to step-by-step reforms and increased contestation can bring compromise, progress and acceptance. The real issue for the MENA is not whether it will be secular or Islamic. In many ways, this is a false dichotomy and

distraction from much greater concerns. What we have and are witnessing in the region is a simultaneous convergence of multiple social, economic and political vectors bringing things into sharp relief. Overwhelmingly, it is the failures of corrupt, repressive and ossified autocratic regimes that have come home to roost. If we look at the conditions in these countries, there are some pretty clear clues to the storms that were brewing. We all know that there was and are massive inequalities in wealth distribution. Despite substantial wealth generation that narrow self-serving politico-business-military elites enjoyed some of which trickled down to the middle classes, economic stagnation was and is rife. Combine this with rising prices of basic foodstuffs and high unemployment amongst educated, tech savvy but disenfranchised sections of youthful populaces and you have an extremely volatile mix.

Events in Tunisia simply provided the catalytic stimulus to set in train a cathartic outpouring of wider frustrations few anticipated but not all were surprised at when things finally erupted. One of the most fascinating aspects of the Arab Spring has been the cross-cutting nature of these popular uprisings (traversing race, gender, religion and social status). The speed with which 'horizontal bonds of solidarity' were formed between mostly student led activist groups and the wider populaces is a new phenomenon facilitated logistically by social media technology. For instance, the momentum for change that ultimately pushed Mubarak out took inspiration from the *Kefaya* (Enough) and *April 6th* movements, the latter originating in 2008 as an expression of solidarity with striking workers in Al-Mahala. Interestingly, the *April 6th* movement had itself been in contact with a Serbian group called *Otpor* (the student led movement that helped bring down Slobodan Milosevic in 2000). They obviously provided helpful input on tactics and strategies. This can be seen in the actions of protesters with their strategies reflecting the thinking of Gene Sharp and Gandhian principles about speaking truth to the regimes and remaining resolute in the face of reprisals (Sharp 1985). All of which echo Henry David Thoreau's counsel, "All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable" (Thoreau 2008 [1849]). What the people of the region now have to do is find ways to strike a different 'social contract' by translating the popular social momentum for greater political freedoms, effective rule of law and better living conditions (that brought down their autocrats) into representative capacity.

This means establishing political competition and relevant political forces learning how to operate within the new 'rules of the game' if they are to have influence. As pro-Islamic political players begin to establish themselves in their respective party systems, there is no reason to assume that democratic development in Arab world will necessarily reflect western norms. What emerges might not meet a western liberal definition of democracy. But, from India to Japan, if experience teaches us anything, they do not need to and will be no less a democracy for that, if that is indeed what eventuates. There is no one-size-fits-all definition of democracy rather many variations. As we are already witnessing, Islamic political parties will no doubt represent an important and necessary part of democratic evolution in the MENA region just as Christian democratic parties did in Europe, whatever that may hold.

**The Outlook**
Please do not think I am being overly optimistic here, I am not. One need only look at the tragedy unfolding in Syria to get a grim reminder of the limits of liberal interventionism and the odious brutality of authoritarian regimes. Especially when you have a despot desperate to cling to power shored up by the geostrategic interests of powerful international actors, namely Russia, Iran and to a lesser extent China. Having said this, we should not forget the multiple ways in which the international community can still effectively intervene in the internal affairs of Syria (economic, diplomatic, overt and covert assistance) that falls short of a UN Security Council resolution on military intervention. After all, genuinely liberal forms of intervention are those that help people help themselves to be free and often fall well short of the use of armed force. If armed intervention does eventuate, the international community's responsibility to protect needs to be guided by some basic criteria, namely it is the option of last resort. There must be the right authority and intention. Proportional means should be utitlised and lastly, there has to be reasonable prospects of success (difficult to judge and achieve in a place like Syria). Any such escalation in conflict threatens to spill over into neighbouring Turkey, Lebanon and Jordan with serious consequences for regional stability that will heighten tensions and security concerns in Israel.

From a democratization perspective, leaving Syria aside for a moment as it is some way short of being at the same stage as other 'uprising' countries, the present moment in Tunisia, Egypt, Libya and Yemen is now a transition period. An entrance into uncertainty characterized by opportunity but also

fraught with danger. While there is no denying the significance of their uprisings, an unfettered triumphalism is premature at this stage. The process is as susceptible to stall, breakdown or retreat back into what Marina Ottoway has termed a 'semi-authoritarian condition' (Ottoway 2003).

The ousting of Ben Ali, Mubarak et al is a sign of encouragement, a first profound step yes but just a beginning, an opening. The real work and the real difficulties start after the downfalls. To come through such a process and establish a democracy as the "only game in town", change has to occur incrementally on the behavioural, attitudinal and constitutional levels. There will be no simple categorizations, rather matters of time and degree. After all, a successful democratization is really about acceptance. That is to say, relevant political forces have to work out how best to continue to submit their interests and values to the uncertain interplay of democratic institutions (Przeworski 1991). This takes time, commitment, vigilance and no small amount of good fortune (*prudens qui patiens*).

Currently, the new rules of the political game are not yet defined and very much in flux. They will be and are being fiercely contested. What is already becoming patently clear is that the organizational structures of the old regimes in these countries have not just vanished and their legacies will not simply disappear. Take Egypt as an example, there is strong residual presence that continues to constrain reform even as the old institutional structures unravel. We can expect and are already witnessing 'old' actors contesting for power as they try to stage a return to the political arena in different ways (Collier and Collier 1991). Egyptians scornfully call them '*fuloul'* (a remnant). Ex-prime-minster under Mubarak, Ahmed Shafiq running for the Egyptian presidency and a recent constitutional court ruling disbanding the newly elected parliament are clear cases in point. Despite the recent election of the Muslim Brotherhood's Mohamed Morsi as the new president, the constitutional court's decision essentially green lights SCAF (Supreme Council of the Armed Forces) to make an audacious power grab as it still holds a constitutional remit on legislative and executive power. SCAF blatantly tried to polarize the electorate to their advantage and set up a 'Hobson's choice' for presidential election. What is becoming clearer is that the mainly progressive forces that fueled the Egyptian uprising especially in Tahrir Square have just not had sufficient time or resources to capacity build against powerful and organized reactionary actors. Having said this, if SCAF continue to 'smoke and mirror' this process like the bad old days I think we are going to see further

protests in the coming year. From personal correspondence, I get the feeling the Egyptian people are not buying SCAF's illusion of change while nothing really changes.

It is, therefore, of more importance for countries like Tunisia and Egypt to focus on the slow and difficult process of diminishing power asymmetries by constitutionally de-coupling the corrupt and corrupting nexus between politics, business and the military. It will require courage on all sides. Leaders of emerging oppositions will need to negotiate with regime moderates and seize the opportunity provided by the uprisings to push hard for concessions from disoriented regimes. From the machinations in Egypt, we can see how difficult and arduous this process is going to be. But keeping them honest, as Australians would say, is bolstered by the fact that popular attitudes are well tempered by strong doses of mistrust towards established political circles.

The international community must also be careful not to deprive these events of their most powerful aspect. They are mass popular uprisings against repressive rule. Ones that have directly contradicted the hegemonic narratives long spun by these regimes that their secular strongmen were both the guarantors of stability and the only bulwark against a fanatical Islamist takeover. Resulting outcomes could be transformative in their impact on a regional order that has, for decades, elevated regime stability and western interests above the democratic and participatory desires of its inhabitants. If given the chance and the right sort of international support and conditional strategic aid, a prospective Tunisian, Egyptian, or Libyan democracy will be something the people in these countries learn and build for themselves. A difficult journey has just begun but I cannot see the people of these countries and others wanting to turn back. They have confronted their fears, risked their lives and reclaimed their dignity. The taste for freedom of expression and assembly enjoyed by hundreds of thousands of protestors is not easily assuaged. I for one will watch with interest to see how these political systems will have to adapt. Given the tenor of the last decade, let us just hope that the West starts building bridges for all the ditches it has dug.

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