

## EGYPT AFTER PARLIAMENTARY ELECTIONS: POLICY RECOMMENDATIONS FOR DOMESTIC AND EXTERNAL ACTORS

*Nadine Abdalla\**

The date of the 28th November will henceforth have a special resonance in modern Egyptian history. It is the day that marked the start of the first “relatively” free and fair elections, held just after the Egyptian Revolution and thereby opening the door toward the institutionalization of democracy in Egypt. Challenges facing the next parliament are enormous but the opportunities are still here. Those important changes that Egypt is witnessing are certainly putting external actors in a state of alert, with Europe, one of its close neighbours, at the top of the list. Thus, this brief will firstly provide a short overview of the election results, based on which some policy recommendations will be given to both domestic and external actors represented in the Egyptian Parliament and the EU.

### How To Understand and Deal with Egypt's Parliamentary Election Results

As expected, the Freedom and Justice Party linked to the Muslim Brotherhood achieved the majority of lower house parliamentary seats by winning 47.2%. It was followed by the Salafist Al-Nour Party winning 24.7% of the seats. The remaining parliamentary seats were divided between civil parties and independent candidates.

### How Can We Assess This Result?

Firstly, ex-NDP candidates failed to gain support despite their electoral experience and high financial capacities. This means that the society is seeking change and is looking for a new alternative. Secondly, the Justice and Freedom Party's result has to be understood through one essential angle: its capacity to build huge social networks that provide a number of social services and acquire grassroots consensus. This idea of a huge organization similar to a “parallel government” was very inspiring, pushing the party to look like a real credible alternative in the eyes of many. Mixing religion with politics is certainly one of the shortcomings of this party but its capacity to embody the Egyptian Islamic identity was most influential on its constituencies. Finally, the weak result of civil forces does not mean they do not have enough presence within society but that, until now, they have proven unable to penetrate it through grassroots organization capacities. Further to the lack of grassroots organizational capacities, civil forces made at least three mistakes:

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\*Nadine Abdalla is a Research Fellow at the Arab Forum for Alternative Studies in Cairo, Egypt, and a PhD candidate at the Institute of Political Studies in Grenoble, France

- Lack of alliances among their different groups, which led to an extraordinary fragmentation of the electoral votes.
- Wrong strategy: the presence of ex-NDP members on a number of civil forces' electoral lists affected their legitimacy. They thus failed to appear as credible enough for a society that is seeking a new alternative. On the other hand, filling their list with respectable public figures would have been a better strategy since almost all public figures that ran as independents won the elections.
- Inability to assimilate the cultural and religious dimension of society: by raising the slogan of a "Secular State" they not only increased the polarization of society (Islamic versus Secular), but they also lost leverage vis-à-vis Islamists who were fully embracing this dimension.

#### **How to Deal with an Islamic Majority**

Internally, the main interest of Egyptian civil society and political elite must be to push the parliament to pass legislation protecting basic civil rights and freedoms. This would lead to the institutionalization of free political participation whatever the next government. Moreover, a centrist bloc from former Islamists and moderate liberals should take the initiative of bridging the gap and balancing between Islamists and Seculars. This would consolidate democracy away from identity disputes. Hence, debates will be more oriented to topics related to democratization and development enhancement. Lastly, a bigger and more independent role of Al-Azhar as a scholars' institution with moderate understanding of Islam would emphasize the tolerant interpretation of religion away from political interests of Islamist parties. This will thus decrease the possibility of imposing a conservative interpretation of Islam to restrict those freedoms, and affect society's tolerance and way of life.

Externally, the international community should positively deal with an Egyptian government, partly or totally formed by Islamists, but in conformity with human rights and democratic values. This will certainly facilitate their smooth integration into world politics. Otherwise, any potential isolation would probably encourage them to radicalize.

#### **Recommendations for Domestic Actors: Parliament**

As head of the actual executive power, the Supreme Council of the Armed Forces (SCAF) needs urgently to draw a clear and definitive plan for the transfer of power to civilians and stop all measures that violate democracy and human rights, such as military trials for civilians. After the huge demonstration Egypt witnessed on the anniversary of the 25th January revolution, it is clearer than ever that transferring power to civilians and declaring the date of the presidential elections is a must. Hence, parliament should put this issue as a priority on its agenda and push for it. Parliament is the main

legitimate and elected actor that needs to pave the way for a successful transition to democracy and choose the constitutional assembly for the new Egyptian constitution.

Therefore, it needs to achieve at least the following tasks and objectives:

- For a democratic parliament: change bylaws governing parliamentary work, since they were designed to fit into the old regime's authoritarian rule and its ruling party.
- For better governance and a successful transition to democracy: on the one hand, issue legislation related to achieving genuine reform in state institutions, especially three main institutions: 1) justice, through issuing the independence of justice law pending since the revolution; 2) police and state-owned media, through issuing rapid laws for the reform of those institutions; on the other, work on purging legislation that tolerates human rights' violations.

- For an efficient civil society: issue a new law for civil society associations more in keeping with international standards.

For mutual dialogue: constant contact with youth/revolutionary movements and civil society actors, especially new trade unions, through an active and clear channel. Otherwise, parliament will be isolated from the revolution's main actors and thus from its main urgent demands.

- Transitional justice: a Truth Commission with the primary purposes of investigating and reporting abuses that occurred over recent years has been established, which is a good step. Those most responsible for the crimes should be transferred to criminal prosecutions. Legislation aimed at providing a reparations programme including reasonable compensation for martyrs' parents and injured persons must also be established.
- Social justice: issue anti-corruption legislation aimed at confronting corruption in state institutions and work on issuing legislation related to a minimum and maximum wage. Issuing the law of Trade Union Freedoms, in draft stage for the last eight months, is also a very urgent priority.
- For a new social contract: work on achieving consensus and conducting an inclusive constitutional drafting process that takes into account the views of the full political spectrum of Egyptian society and not only the parliamentary majority. In other words, the constitutional committee selected by the parliament must be representative of the whole of Egyptian society.

### Recommendations for External Actors – The EU

The European Neighbourhood Policy (ENP) tools need to be revised as its essential tool of “positive conditionality”, in contrast to Eastern Europe, can never be sufficient for the following reasons: 1) the current rulers in Egypt are not always willing to undertake radical democratic reforms that could change the structure of the regime; 2) the lack of incentive, such as the prospect of membership. Thus, the vaguely stated incentives are less appealing for engaging in a real reform process. In this matter of “positive conditionality” we would like to mention that coordinating the US-EU policies on debt relief and considering debt forgiveness would be highly encouraging.

On the other hand, we do think that for “positive conditionality” to be effective, it must be accompanied by “negative conditionality”, not in the sense of sanctions but in the sense of exercising diplomatic and political pressure when democracy and human rights are not respected; otherwise, the principle of “benchmarking” advocated by the ENP would be meaningless. In this regard, to be credible, the EU needs to end its previous double standard approach of favouring stability at the expense of democracy in the Middle East and stick to its own values. Being vocal and clear on that matter must be a guideline in its relations with Egypt.

In this context, we believe that EU support could be of great importance in the following fields:

#### Institutional Support

Here our point of departure is based on the assumption that the first wave of transition to democracy in Eastern Europe (Poland, Czech Republic...) succeeded in contrast with the second wave (Ukraine, Georgia...) because of an important factor (although not the only one) which is institutional reform. In Egypt, institutional reform will guarantee the sustainability of democracy no matter who comes to power and it will restore the Rule of Law that Egyptians are very much lacking. That is why Europe's expertise in this field will be very helpful in this period as follows:

- Security sector reform: the EU could play a valuable role in this domain by providing this sector with training courses on human rights and democracy in order to help it formulate a new mentality and even a new culture; and by providing it with technical knowledge related to the restructuring procedures, especially in certain branches within the security sector, such as the state security forces whose primary role was to oppress opposition activists.
  - Media reform: the EU could help by providing government media with training designed to promote professionalism and encourage democratic procedures.
- Justice reform: the EU could also help by providing training of judges and especially prosecutors. New criminal investigation tools need to be a main component in such training.

- Human investment and service institutions reform: the EU could provide technical assistance for the Ministries of Education and Health. Cooperation through the exchange of expertise and experience must be a key component of this assistance.

Here, two main points must be taken into consideration. Firstly, criteria and benchmarking mechanisms, following which financial aid will be given, should be a clear guideline for any support provided to those institutions. Secondly, civil society (specialized NGOs and specialized trade unions) must be included in this process of institutional reform to provide feedback and expertise. The long-term objective behind their integration would be the promotion of a stronger awareness among the Egyptian political elite that civil society is not an enemy but can be a useful co-worker and partner.

#### **Parliamentary Support**

Undoubtedly, years of authoritarian regime in which parliament was only the right hand of the regime badly affected its efficiency and behaviour as an institution. Therefore, the support of the EU could be at least useful in the following three areas:

- Exchanging experiences and providing technical expertise for changing undemocratic parliamentary bylaws.
- Providing training of parliamentary staff and expertise that could aim to promote professionalism and democratic culture.
- Exchanging experiences and training for parliamentary members and especially their staff.

#### **Enhanced Support for New Influential Civil Society Actors**

For this enhanced support to be extended, the EU needs to formulate a new definition of civil society wider than the scope of NGOs, a definition that could embrace other influential new actors.

New syndicates and trade unions are important new actors that have just emerged after the revolution and need special support. One year after the 25th January, some freedoms were provided but rarely social justice, a situation which is surely dangerous. Hence, supporting the workers to get organized in institutions is very important since it will also push the system towards more democracy. Here, the role of the EU is in providing technical knowledge related to the formation of democratic trade unions and means of representation. Training courses will certainly be relevant in this regard.

In periods of democratic transition, special attention should be given to political culture. The EU needs to encourage and support new youth initiatives, which are based on promoting political awa-

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reness and democratic culture, especially in the provinces outside Cairo. The European Endowment for Democracy (EED) could play a very interesting role by preventing any interference with other ENP instruments, such as the European Instrument for Democracy and Human Rights (EIDHR).

Regarding parliamentary support and new civil society actors, we think that EU technical knowledge, consultancy and training courses could be delivered through cooperation with established NGOs or think tanks in Egypt, thus forestalling any rumours of external interference and creating confidence.

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