



CHATHAM HOUSE

Chatham House, 10 St James's Square, London SW1Y 4LE

T: +44 (0)20 7957 5700 E: contact@chathamhouse.org

F: +44 (0)20 7957 5710 www.chathamhouse.org

Charity Registration Number: 208223

Middle East and North Africa Programme: Egypt Dialogue Workshop Summary

Egypt's New Parliamentary Politics

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EXECUTIVE SUMMARY

This report is a summary of discussions that took place at a workshop held in Cairo in March 2012, bringing together a diverse group of political party representatives, activists, academics, business people, NGO representatives, and journalists. The day's discussion focused on the capacity, transparency and representativeness of the new parliament.

Key findings from this workshop included:

The effectiveness of parliament

- Questions persist over the representative nature of the new parliament. MPs must work on behalf of all those they represent and not simply those who voted for them.
- The lack of transparency in parliamentary activities, especially those of committees, is cause for concern. There is a pressing need for parliament to establish better channels of communication between itself and the electorate, both on an individual and an institutional level.
- Civil society is a legitimate channel through which legislation can be proposed or drafted. In the absence of adequate research facilities within parliament, many NGOs and law firms remain willing to offer a level of technical expertise that most parliamentarians lack.
- The military continue to exert an inhibiting influence over the legislative process. This will continue to be the case until they have fully withdrawn from political life.

The new coalition politics

- There is broad support for a national unity government. This reflects acceptance that the challenges facing the new executive will be too great for a single party to tackle alone.
- Elite cross-ideological coalitions will be unsuccessful without a grassroots support base.
- Coalition politics is a new and emerging form of political expression in Egypt. It is therefore difficult to predict its success in advance.

Parliament and the constitution

- The new constitution will be a document that is concerned with the rights and responsibilities of all citizens, and the drafting process should reflect this.
- The constitution's drafters must weigh the importance of protecting minority rights with the need to protect the rights of the individual. The right to define as 'nothing' is as important to the right to define as 'something'.
- Defining the military's role within the wider Egyptian state is viewed as a constitutional priority.
- It is likely that the new constitution will closely resemble the 1971 incarnation. There is a pressing need for a public debate over the strengths and weaknesses of this document.

Parliament and the street

- Mutual distrust between parliament and the street is a key concern during the transitional period. There is an urgent need for the establishment of trust-building mechanisms that allow parliament to engage with disaffected protesters.
- Parliamentary access remains limited for many groups, exacerbating levels of suspicion. Access must be opened to a range of stakeholders in order to increase trust and transparency.

INTRODUCTION

This report summarises discussions that took place at a workshop in Cairo in March 2012. Bringing together a specialised group of political party representatives, activists, business people, and academics, the event focused on the new Egyptian parliament. The workshop formed part of the Middle East and North Africa Programme's 'Egypt Dialogue' project, which aims to increase political inclusion, drawing previously peripheral or suppressed voices into national and international policy debates.

This year's parliamentary elections represented a major first step on the way to establishing a democratic system of governance. Despite the high turnout and a real sense of optimism that voters expressed on polling day, public support for the new parliament is now dissipating and there are now real concerns regarding its effectiveness and transparency. While the military retain a central role in public life, few believe that parliament will be able to assert itself as an independent political actor.

As Egypt moves towards a new political system, the group emphasised the importance of elite and grassroots actors working to re-establish trust in each other and in the political system. This is seen as crucial during a period when the nation is preparing to draft a new constitution that will define the parameters and responsibilities of the future Egyptian state.

The meeting was held under the Chatham House Rule and the views expressed are those of the participants. The following summary is intended to serve as an *aide-mémoire* to those who took part and to provide a general summary of discussions for those who did not.

The Chatham House Rule

'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

PARLIAMENTARY POLITICS

The workshop's opening session focused on attitudes towards the newly elected parliament. The group examined its strengths and weaknesses, with specific reference to its legitimacy, representative nature, transparency, and levels of expertise.

The make-up of parliament

Whether the new parliament is truly representative continues to be a controversial issue. Broadly speaking, this debate appears to divide along ideological lines. While there was consensus over the 'free' nature of the elections, the notion of 'fairness' was challenged since the polling timetable favoured well-organised parties (predominantly the Freedom and Justice Party, in this case) at the expense of the newly formed secular parties that were still finding their feet. In addition, the lack of independent youth representation in parliament was also highlighted as a particular problem. It was emphasised that this loose grouping remains cut off from the formal political process with inadequate access to an effective media platform. This has increased the effectiveness of smear campaigns against high profile proponents of the revolution such as the April 6 Movement since they have lacked a platform from which to rebut the accusations of their opponents.

However, several supporters and representatives of Islamist parties insisted that results reflected the will of the people and the country's true political leaning. Liberal and secular parties were advised to concentrate on pulling together as an opposition force, building grassroots support so they can represent a real challenge in future election cycles. Nevertheless, an acceptance of the relatively homogenous ideological makeup of parliament led the group to recommend that MPs must work on behalf of all those they represent and not simply those who voted for them.

A number of participants challenged the legitimacy of the political process as a whole, arguing that the SCAF's ascent to power had been unconstitutional, meaning that the elections themselves had been sanctioned by an illegitimate power centre. However, despite varying degrees of sympathy with this viewpoint, this debate was said to be of limited usefulness given current political realities. It was said that activists no longer have a choice but to work with the system that confronts them. The alternative would have been an extended period of military rule, a situation that was agreed to be deeply unpalatable. With this in mind, efforts should instead be channelled into

scrutiny and advocacy work, focusing on the rejection of opaque practices within parliament, rather than on rejection of the institution as a whole.

Transparency

A key criticism of the current parliament relates to a lack of transparency in how it functions. There is a pressing need for parliament to establish better channels of communication between itself and the electorate, both on an individual and an institutional level. This would foster greater transparency and increased public engagement with the democratic process, a development that is sorely needed as voter disillusionment grows increasingly likely.

Communication between parliament and the public is a problem with historical roots. Of those MPs who gained experience in previous parliaments, most are used to operating within an institution where there is little transparency or accountability. In the past, this was because the role of the parliament was fundamentally different, often acting as a rubber stamp for presidential decisions. It will take time for these individuals to readjust to life in a legislature which is expected to adopt a proactive and independent approach to pursuing legislation.

This lack of transparency is particularly evident in the newly formed parliamentary committees. Participants pointed to the fact that very little information about these committees has been released into the public domain, and expressed concern that access to meetings remains limited. Although parliamentary representatives emphasised that committees continue to work hard on issues ranging from a new NGO law to freedom of information legislation, others expressed scepticism over the validity of these reassurances whilst parliament appears unwilling to enhance the transparency of its operations.

The military's inhibiting influence over the legislative process

Concern was expressed over the inhibiting influence that the SCAF exert over the legislative process. It was argued that the Freedom and Justice Party (FJP) and Al Nour parties have purposefully held back from presenting too much legislation at this stage in the parliament in order to reassure the SCAF that they will not upset the delicate political balance.

Five days before the new parliament opened, the junta issued a number controversial laws that met with little scrutiny. These included new legislation

which makes the decisions of the Presidential Election Commission immune from any appeals, a development that participants believed incompatible with the emergence of a transparent political system. It was suggested that the majority powers within parliament have made a tactical decision not to challenge the SCAF's legislative agenda at this stage, despite its unpopularity with the general public. The focus of the FJP and Al Nour Party was therefore said to be on the formation of the assembly charged with drawing up a new constitution, rather than on the drafting and scrutiny of concrete laws.

Those who disagreed with this assertion pointed to parliament's legislative achievements in recent months. These include the cancellation of Article 6, which previously granted the president the authority to refer civilians to military courts, and the referral of violations in the Abu Matamir City affordable housing project case to the public prosecutor. However, few disagreed that parliament will struggle to assert itself as an independent political actor while the supreme council remain central political players.

Expertise

The notion that parliament should monopolise the legislative process was criticised. At present, the institution lacks adequate research facilities or even a library, an oversight that has implications for the quality of legislation being produced. Participants stressed that civil society must be recognised as a legitimate channel through which bills can be proposed or drafted. Many NGOs and law firms remain willing to offer a level of technical expertise that does not exist within parliament. However, the relationship between parliament and civil society groups must rest on an understanding of mutual responsibility: if parliament is to seek external help then they must be confident that the research on offer is of the highest possible quality.

STRATEGIES FOR PARLIAMENT

During the third session, participants split into groups in order to concentrate on more specialised issues. These centred on three main themes: the new coalition politics; parliament's relationship with the street; and parliament, the executive and constitution. Each breakout group focused on producing recommendations for those both inside and outside parliament.

New Coalition Politics

The first breakout group focused on the practicality and effectiveness of coalition politics. For many, a national unity government was still an attractive option since Egypt's current social, political and economic problems were viewed as too great to be tackled by a single party.

Discussion of cross-ideological cooperation focused on both the formal political arena and the grassroots level. Although these are two distinct areas, elite coalitions are not believed to be feasible in the medium to long-term without grassroots support. Civil society groups were therefore encouraged to work together on cross-party issues, as well as along ideological lines. This will facilitate the sort of consensus that can then be put into practice in the formal political arena, allowing parliamentarians to pass legislation that enjoys broad popular support.

The key question is how a coalition should be structured at the level of formal politics. Formalising a 'broad-tent' coalition by creating a single political party was said to be one option, another would be a temporary coalition of parties. These options were both said to suffer from three disadvantages: first, an ideologically diverse grouping might struggle to govern since it would be difficult to reach consensus on many issues; second, voters may feel less represented by a coalition than by a single party since all sides would be forced to make compromises that did not suit the wishes of their base, perhaps leading to a feeling of disempowerment amongst voters; finally, minority voices may be drowned out in a broad coalition with implications for how gender, religious and environmental concerns are dealt with.

A number of the group did not believe coalition politics to be a feasible option at this stage. They argued that, as the majority party, the FJP have a clear responsibility to assess whether or not it has consensus on issues before moving them forwards. In addition, the need for a well-organised opposition was emphasised, as this will act as a centre of scrutiny that holds the FJP to

account if it fails to take the whole electorate into account when making governance decisions.

Coalition politics is a new and emerging form of political expression in Egypt. For this reason it is difficult to predict its success in advance. If it is to be effective then it will be so in a specific context of a post-revolutionary transition from military to civilian rule, a situation that does not lend itself to close comparison with previous efforts in other countries.

Recommendations made by the group to parliamentarians:

- Votes on constitutional matters could require a two-thirds majority to pass. It is crucial to achieve a broad consensus on the clauses that will be enshrined in the constitution.
- Members of the constitutional committee must go beyond their own political agendas to serve the interests of the country as a whole.

Recommendation for outside parliament:

- Civil society groups should form cross-ideological, issue-based coalitions. These can become effective platforms from which to lobby parliament.

Parliament, the executive, and the constitution

The group emphasised that the process of drafting the new constitution must be open and inclusive. Although the document will ultimately be written by political elites, the group emphasised that there needs to be a clear, sustainable mechanism for dialogue between the public and those writing the constitution. This is particularly important in the current political climate as the poor electoral performance of secular parties has left many supporters feeling disconnected from the political process. The new constitution will establish the rights and responsibilities of all citizens, so the drafting process should reflect this.

The increasing polarisation of Egypt's political arena is a key concern. One potential remedy could be the creation of an open, cross-ideological space for discussion about the shape of the new constitution. It is hoped that the process of engaged debate would encourage cooperation between political forces. In addition, the group called for dispute resolution mechanisms to be included in the new constitution. Participants pointed to the likelihood of minority and majority forces clashing at both parliamentary and professional

syndicate level, and it was argued that clear ways to overcome any sort of institutional paralysis must be established to overcome such scenarios.

A variety of views were expressed over whether the constitution should involve clauses linked to the protection of minority rights. The majority of the group favoured constitutional provisions that formalise the rights of minorities, arguing that even the smallest grouping deserves the protection of the state. However, this notion met with resistance from some parts of the group and concerns were expressed over the problems associated with defining oneself as a minority.

In addition, the right to define as 'nothing' was said to be as important as the right to define as 'something'. Rather than encouraging individuals to impose restrictive categories of identity upon themselves, one participant argued that it was more important to enshrine a set of universal rights that should be safeguarded for all.

Defining the role of the military within the Egyptian state is viewed as a constitutional priority. In this endeavour, it was emphasised that the drafters must strategically pursue the issues on which they are most likely to achieve change. While there remain a number of 'red lines' that will be difficult to tackle (for example, the reach of the military's economic empire), other areas will be simpler to challenge within the framework provided by the constitution (for example, the right of the army to declare war without the explicit agreement of parliament).

Two broad approaches to constitution-writing were presented. The first option is a detailed document that covers a broad range of issues. This could include the protection of minority rights and a clarification of relations between the country's political centre and its geographical peripheries. The second proposal favours a document that is simply procedural. Concerning itself only with the processes through which government business should be conducted, political actors would then be free to thrash out the details of specific policies and protections within the democratic framework provided by the constitution. This type of document may be more likely to attract cross-party support since it encourages individuals from across the political spectrum to agree on 'lowest common denominator' issues that should be included, and no more.

Finally, one participant argued that it is likely to be very similar to the previous 1971 constitution, due to time constraints on the drafting process. It is therefore crucial that actors from across the political spectrum take a critical look at this document, identifying its strengths and weaknesses, and establishing how it could be improved.

The group produced the following recommendations for parliamentarians:

- Establish an effective mechanism through which citizens can communicate with a constituent assembly that is representative of Egyptian society. Public participation in the drafting process will result in a wider buy-in during months to come.
- The constitution must clearly outline the role of the military in the Egyptian state.
- Establish a mechanism for conflict resolution between different political bodies in order to minimize the likelihood of institutional paralysis.
- Hold public referenda on the passage of specific laws, making citizens feel they have a stake in the democratic process.
- The new constitution should include clauses that balance the rights of minority groups with the rights of the individual.

Action points for groups outside parliament:

- Create a public space for open, cross-ideological dialogue about issues that should be included in the new constitution. Discussions should also focus on the strengths and weaknesses of the 1971 constitution.
- Civil society groups can play a role in scrutinizing the work of the constituent assembly.
- Work on building local capacity in preparation for local elections. This will foster a grassroots culture of political engagement and increase the sense of local ownership over the democratic process.

Parliament and the Street

The group offered a number of broad definitions for 'the street', emphasising that it is a contested term within Egypt's political sphere. Where used in this report, the term refers broadly to civil society groups and activists who continue to challenge the military and formal political institutions through demonstrations and other informal channels.

The mutual distrust developing between parliament and the street is a key concern during the transitional period. While the those involved in formal politics voiced frustration at the lack of faith that activists were placing in them, activist and civil society participants expressed disappointment that the first parliament after the revolution was not 'representative' of the movement

that brought it to power. If parliament truly represented the street, it was said that it would follow the activists' lead and challenge the SCAF.

The establishment of trust-building mechanisms that will allow parliament to engage with disaffected protesters are urgently needed. These could include legislation that protected the right to demonstrate, and civil society initiatives that scrutinise and call parliamentary processes and decisions to account.

The legitimacy of the current parliament proved a controversial discussion point. Whilst the majority accepted its existence was necessary at this point in the transition, even if it was not performing at the level they might have hoped, a vocal minority argued that for a strategy of non-engagement with the institution. It was said that any other approach would afford it the sort of legitimacy it did not deserve.

The issue of access to majority parties and to parliament is a major source of the street's distrust. Although civil society groups such as the Egyptian Initiative for Personal Rights enjoy a level of access that would have been unprecedented prior to the revolution, the range of groups that are able to engage directly with parliamentarians is still limited and often selective. In addition, very little information exists about the process through which access is granted to which groups and why. At present, only journalists are able to secure easy access to parliamentary sessions and interviews. Although their presence appears to foster greater transparency, participants cautioned against making this assumption uncritically. Whilst many journalists report on parliamentary activities to the best of their ability, others get bored and leave sessions early. The presence of the media does not automatically produce necessary levels of scrutiny. This highlights the need for a range of stakeholders to have a level of parliamentary access.

In order to win the support with the demands of the street and civil society, participants argued that MPs must start engaging with the most pressing issues facing the country (for example, the social rights of civilians and the role of the military), rather than headline grabbing policies that distract attention from these issues (for example, the Al Nour Party's proposals to ban pornography).

Participants expressed concern over the parliament's research capacity. A lack of facilities and a dearth of expertise amongst parliamentarians was said to have negative implications for the process of drafting and deliberating over legislation. This increases the need for committee members to reach out to civil society, where there is a high concentration of technical expertise, for advice.

Recommendations for parliament:

- Establish trust-building mechanisms that will encourage the support of civil society. Passing legislation that protects the rights of demonstrators would be an important step in the right direction.
- Improve levels of accountability, inclusion and expertise within parliamentary committees.
- Improve access to parliament for a range of stakeholders in order to increase trust and transparency.
- Reach out to civil society specialists on specific issues in order to make up for parliament's lack of institutional knowledge on the issues it is legislating on.
- Push for and support public debate over the strengths and weaknesses of the 1971 constitution..

Recommendations for the street:

- Focus on establishing a range of methods for effective scrutiny of parliamentary activities.

Strengthen lobbying capacity as a way of influencing parliament's legislative agenda on specific issues. Recommendations for the drafters of the new constitution:

- The drafting process should be inclusive since the new constitution will be a document that is concerned with the rights and responsibilities of all citizens, not just political elites.
- Drafters must weigh the importance of protecting minority rights with the need to protect the rights of the individual. The right to define as 'nothing' is as important to the right to define as 'something'.
- Defining the military's role within the wider Egyptian state should be viewed as a constitutional priority.

CONCLUSION

After three months, Egypt's first post-revolutionary parliament is suffering from a transparency deficit. Concerns over its representative nature, legitimacy and expertise are causing problems for its image in the short-term, although participants identified a number of steps that can be taken to overcome this. These included:

- MPs cooperating across party lines in the pursuit of national unity.

- Widening access to parliament in the interests of transparency.
- Using the constitution to formalize the military's withdrawal from the political sphere.
- Reaching out to civil society and using its expertise to help propose and draft new legislation.
- Establishing trust-building mechanisms in order to win the support of secular voters and the street.
- Ensuring that the constitution drafting process is inclusive and that the makeup of the constituent assembly is representative of society as a whole.

ABOUT THE EGYPT DIALOGUE PROJECT

Egypt is at a critical stage of its post-revolutionary evolution, when it is important that debate continues on a range of issues of concern to a variety of Egyptian constituencies. A series of workshops convened by the MENA programme in Cairo are addressing elections, moving from military to civilian rule, political alliances, UK and Western policy, the economy and the role of the media. A core aim of this project is to increase political inclusion: to draw previously peripheral or suppressed voices into national and international policy dialogues.

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ABOUT THE MIDDLE EAST AND NORTH AFRICA PROGRAMME

The Middle East and North Africa Programme undertakes high-profile research and projects on political, economic and security issues affecting the Middle East and North Africa. To complement our research, the MENA Programme runs a variety of discussion groups, roundtable meetings, workshops and public events which seek to inform and broaden current debates about the region and about UK and international policy. We also produce a range of publicly available reports, books and papers.

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