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Report

The European response to the Morsi death sentence





Former president Mohamed Morsi appeared inside a cage in the courtroom where he stood trial in Cairo [EPA]

Abstract

Like other political events in the Middle East and North Africa (MENA), such as the Arab Spring, Egypt's handling of issues concerning the rule of law, civil society, human rights and democratic transition continues to provide a real test to the European Union's (EU) multilateral framework for security and foreign policy. The policy mix is evident as shall be argued in this article. The EU immediately condemned an Egyptian court's death sentence of former president Mohamed Morsi, but based it on a rejection of the death penalty. The reaction to the death sentence by the European media and NGOs tended to highlight the context of political contestation and electoral autocracy under the Sisi regime. EU member states' approaches differ on Egypt. France clearly endorses el- Sisi regime and shares its discourse against the outlawed Muslim Brotherhood. Germany, like Britain and others, is searching for ways to form a security partnership with Egypt, while using speech acts to promote a politics of accommodation.

A political death sentence

On 16 May 2015, an Egyptian court sentenced former president Mohamed Morsi to death. He was sentenced to death for his role in a prison break during the January 2011 Revolution in Egypt.⁽¹⁾ Morsi became the first democratically elected head of state in Egyptian history in June 2012. He was overthrown in a military coup d'état on 3 July 2013 by Abdel Fattah el-Sisi, then the army chief.

President Sisi visited the German chancellor Angela Merkel on 3 June 2015. The timing is uncomfortable for the Merkel government: it was one day after the Egyptian court was

due to pronounce its final decision on the preliminary sentencing of former president Morsi.⁽²⁾ Wide sections of Public opinion amongst Germany's civil society accuse the government of Chancellor Angela Merkel of the conservative Christian Democratic Union (CDU) of hypocrisy. By receiving the el-Sisi in Berlin for an official state visit, Merkel is reproached by some of her critics for giving the former general international legitimacy despite his record of human rights violations against his political opponents.

Merkel previously pledged that el-Sisi would be welcomed in Berlin only after Egypt's parliamentary elections, for which no date has yet been set. The change of heart may be related to Germany's participation in the March Sharm el-Sheikh investors' summit. Germany's business community was well represented as so was the country's Economics Minister, Sigmar Gabriel. One result of the summit was the signing of a memorandum of understanding (MoU) by Siemens, the engineering multinational corporation, and el-Sisi regime. The MoU is potentially worth several billion Euros.

During el-Sisi's visit chancellor Merkel expressed her opposition to the death penalty. At the same time, she endorsed dialogue with el-Sisi regime. Her foreign policy makers and her seem to agree that Germany's national interest lies with dialogue with Egypt at a time of heightened threat from Islamic State terrorists and raging civil wars in Libya, Syria and Yemen.

EU and media responses

When Morsi's death sentence became known, the EU's diplomatic reaction was clear and immediate. The top EU diplomat, Federica Mogherini, said the trial of former president Morsi was flawed. She emphasized that both stability and rule of law should be ensured. Mogherini also expressed the EU member states' opposition to capital punishment under all circumstances.⁽³⁾

Most EU member states abstained from separate statements of condemnation on the sentence. One possible explanation is that a united response by the European Union was considered a more powerful message about the inappropriateness of the trial and sentence. On 29 May 2015, Thorbjørn Jagland, the Council of Europe's secretary general, also wrote to the Grand Mufti in Egypt to request that Morsi's sentence is not approved.⁽⁴⁾

On both occasions the EU institutions' diplomatic responses did not include a reference to the broader political context: the contestation of legitimacy between supporters of the Morsi presidency and supporters of el-Sisi's presidency, and el-Sisi regime's suppression of both violent extremists and legitimate political opposition like the Muslim Brotherhood in the name of national security.

However, the independent mainstream media in Europe have been publishing similar critical analyses. Already on 2 May 2015, The Economist published an article under the headings: Repression in Egypt: Worse than Mubarak: Abdel-Fattah al-Sisi has restored order in Egypt, but at great cost.⁽⁵⁾ It later called Morsi's death sentence a case of victor's justice.⁽⁶⁾ French⁽⁷⁾ and German⁽⁸⁾ media across the political spectrum condemned Morsi's death sentence as a form of revenge.

British, French and German mainstream media also reported the response of the human rights watchdog Amnesty International. According to Amnesty International, the death sentence came after a hugely flawed judicial process and the trial was a grossly unfair charade. ⁽⁹⁾

Germany favours political Dialogue

Despite the apparent unity in diplomatic statements, the 28 EU member states follow different foreign policies in the MENA region. Different perspectives and interests, electoral and commercial considerations, and the limited capability of EU institutions drive the policy divergence. At present, the policies of the Germany and France reflect the two main policy directions on Egypt.⁽¹⁰⁾

On 16 May, Frank-Walter Steinmeier, the German foreign minister, condemned the death sentence against Morsi. He added that he expected Egyptian authorities to "act according to the law and not according to political standards."⁽¹¹⁾ Based on the lack of democratic progress in Egypt, Norbert Lammert, the chairman of the German parliament, canceled his speaking appointment with president Sisi during the state visit to Germany in June.⁽¹²⁾

Steinmeier's statement reflected the pattern of speech acts in Germany's policy towards Egypt since 2013. The policy of Europe's strongest economy clearly indicate its preferred value framework of human rights and the rule of law, as well as a political pluralism that would incorporate the Muslim Brotherhood.

When el-Sisi regime on 25 December 2013 declared the Muslim Brotherhood a terrorist organization, Steinmeier condemned any act of terrorism. He did not acknowledge that the Brotherhood could be blamed for the attack on the Mansoura police station on 24 December 2013, which was claimed by Ansar Bayt al-Maqdis.⁽¹³⁾

Instead he stated: "I only fear that the categorization of the whole Muslim Brotherhood as a terror organization and the criminalization of all their members will not enhance domestic peace. That would only happen, when all social groups can participate in a

political process that results in a new more constitutionally-based and democratic legitimacy.”(14)

German foreign policymakers have also criticized the politicization of the judiciary and the use of handpicked loyalist judges to adjudicate cases against political opposition figures. In 2014, for example, Steinmeier summoned the Egyptian ambassador Mohammed Higazy to protest 683 death sentences following a mass trial.(15)

German policy shifting?

German policy thinkers and officials, like elsewhere in Europe, are well aware of the potential for radicalization should the crackdown on political opposition persist.(16) However, they also take into account that part of the highly polarized Egyptian public support el-Sisi regime. In their view they cannot afford to alienate the Egyptian military, with its estimated active force of 340 thousand men, which they need as a regional security partner.(17)

Geostrategic, security but also commercial interactions are co-structuring the relationship with el-Sisi’s Egypt. As mentioned above, Germany had previously stated that it would not sanction a visit by el-Sisi until long-delayed parliamentary elections had been held in Egypt. In fact, in early March the Supreme Constitutional Court ruled elections laws unconstitutional, and this will mean election delay in the foreseeable future. Nevertheless, during a visit in March 2015 led by vice-Chancellor Sigmar of the centre-left Social Democratic Party (SDP) to Sharm al-Sheikh, the German energy company Siemens signed a multi-billion deal with Egypt to build power plants and wind energy turbines.(18)

Shortly after this deal was clinched, preparations started for a state visit by president el-Sisi to Berlin. “This was the moment Germany changed its political position,” according to Dr. Stephan Roll of the Stiftung Wirtschaft und Politik (SWP), a thinktank closely involved in advice to the German diplomats. “It is quite clear the two events were interlinked.”(19)

Reporting on the deal, Deutsche Welle still referred to president el-Sisi as controversial. The speech acts of German policy will also continue to promote human rights and inclusive political pluralism. However, German decision-makers know how little Germany can change the coordinates of politics beyond Europe.(20)

Since 2014, due to the emergence of Daesh (Islamic State), the broader MENA region is also seen as even more volatile than before, with a direct impact on European and German security. Germany is searching for security partners in the region. Its foreign

policy on Egypt will therefore increasingly be shaped by active efforts to build a relationship with a flawed potential partner, el-Sisi regime and its military-industrial complex.(21)

France's clear choice for Sisi

Based on previous policies and budget cuts in the UK and Germany, France is currently close to being the EU's leading military power. Its policy is clearly within a pro- Gulf Cooperation Council (GCC) political and security support spectrum, with a hardline stance and watchful position on Iran's nuclear policy, and continuous alignment with the el-Sisi regime.

France is also using the disappointment in some countries in MENA over US regional policies and their desire to diversify political and military support. The attendance of French president François Hollande at the summit meeting of the GCC on May 4-5, 2015 was highly symbolic in this regard. Hollande was the first Western leader to be invited to a GCC summit.(22)

The French government does not always abstain from criticism of el-Sisi regime. After the Rabaa massacre of protesters on 14 August 2014, Hollande summoned the Egyptian ambassador to communicate his "deepest concern" to those in power.(23)

Nevertheless, the French government also supported requests from its manufacturers and went ahead with arms negotiations. On 16 February 2015, the French defence minister Jean-Yves Le Drian signed the first export contract for 24 Rafale combat aircraft with Egypt, as well as the sale of a Normandie multi-mission frigate. The sale was worth approximately €5 billion. The French state provided political support and also assisted in the financing of the deal with the cash-strapped Egyptian state.(24)

The French government has gone further than other Western powers in publicly articulating an ideological posture against the Muslim Brotherhood. Perhaps French strategists share Oliver Roy's assessment that Islamism as a political option will fail.(25) However, several domestic trends and events reinforce the ideological posture against Islamism.

The ruling Socialist Party, which has done badly in local elections in 2015, faces a rise in electoral support for the increasingly anti-Islamist and security-focused discourse of Nicolas Sarkozy's centre-right party and even for the ultra-nationalist Front National. Public sentiment privileges security more than ever, given hundreds of French citizens joining Daesh, and the terrorist attack on the Charlie Hebdo editorial staff in Paris on 16 January 2015.(26)

Thus, an anti-Islamist current that is a blend of peaceful and violent politics is currently flowing across the French political spectrum. In April 2011, the then foreign minister Alain Juppé still stated that France should have an open dialogue with all political actors in the region.⁽²⁷⁾ Since then, there has been a turnaround. Socialist Prime Minister Manuel Valls stated in early 2015: "We must fight against the discourse of the Muslim Brotherhood".⁽²⁸⁾

Such an ideological posture limits the expression of Islamic identities in the public domain, and political pluralism too. This is the case in France itself, and in the emerging political order in Egypt. Previously, a Brotherhood-linked channel, Rabaa, was closed after a request by el-Sisi regime. On 12 May, the Egyptian Prime Minister Ibrahim Mahlab requested France's regulatory authority to close another pro-Brotherhood satellite channel, called El-Sharq.⁽²⁹⁾

European responses to el-Sisi regime

Since 2011, Egypt has not become easier to rule. The el-Sisi regime is rebuilding the state apparatus, using old and new political and commercial structures, Gulf funds and nationalist and personalist propaganda.⁽³⁰⁾ However, its ability to create jobs is still in doubt. Its ability to counter insecurity may for years be of lower capacity than that of the ousted Mubarak regime.

At present, the el-Sisi regime is trying to expand its European support. Cook stated in 2011 that Mubarak had used the Brotherhood as a bogeyman for three decades to stoke American fears of instability and secure its generous support.⁽³¹⁾ The el-Sisi regime is attempting a repeat performance, trying to link the Brotherhood and Daesh for foreign audiences.

The choices of the new Brotherhood leaders regarding strategies, methods and alliances may assist or hinder el-Sisi regime. Some German experts allow for the possibility that the Egyptian military may be following a deliberate strategy to allow some radicalization, which could then be used to justify its autocratic hold on power internationally.⁽³²⁾

The Brotherhood is in any case a heterogeneous movement and one analyst sees a need for internal self-reflection in the current era of repression.⁽³³⁾ However, some European governments are also open to following the historical example of the British government in maintaining a dialogue with Brotherhood leaders.⁽³⁴⁾

The Arab world is going through a historical phase of transformation. In this context, European responses to Morsi's death sentence show three tendencies: Firstly, the EU was able to send a united message of condemnation. However, its message was based

on a rejection of the death penalty in principle and an insistence on due legal process. It avoided an assessment of the political contestation at the heart of the Morsi trial.

Secondly, the independent media and NGOs in Europe played an important role in communicating the repressive political context in Egypt, which is often missing in diplomatic responses. Thirdly, while the EU's diplomatic responses to Morsi's death sentence are similar; two main policy directions by European powers on Egypt are emerging.

The one approach, currently exemplified by France, is a definite choice in favour of el-Sisi's electoral autocracy. It even shares el-Sisi's hostile discourse against the Brotherhood. The other approach, currently exemplified by Germany, is a critical search process on how to strengthen its security partnership with Egypt. Simultaneously, Germany is also using speech acts to signal its objections to specific power abuses and to promote diplomatic dialogue.

France's approach limits the political options available to critical governments in dealing with el-Sisi regime. However, the death sentence goes against Europe's core principles: Egypt's first elected president is legally abused, and the whole model of inclusive politics within Egypt is pushed aside.

Whether the diverse 'Arab street' perceives European responses to be proportionately strong is a matter that will continue to provoke debate until a clearly dynamic and principled stance is adopted by the EU against power abuse in the MENA region.

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***Dr. Heinrich Matthee** has a D. Phil. degree in political science, lectures at the University of Amsterdam, Netherlands, and is an expert in government-business relations.

Endnotes

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