



## Report

# Egypt: Pharaonic Politics Redux?

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Protestors celebrate in Tahrir Square after the announcement of Mubaraks resignation. [Amr Abdullah Dalsh/Reuters]

### **Abstract**

Five years after the ouster of dictator Hosni Mubarak and three years into the overthrow of his elected successor, Mohammed Mursi, it is time to ask what became of the two major slogans, chanted across Tahrir and many other places throughout Egypt in early 2011. The first rallying cry demanded the abolition of "the system" (Isqât an-nidhâm); the second called for "bread, freedom, justice and dignity". Will the new parliament, which is still in a state of flux, heed these popular demands? Or is the National Assembly set on a trajectory of return to one-party rule?

### **Post the July 2013 coup: Tajdid an-Nidham a vs. the re-creation of the 'pharaonic' system**

The transition phase in Egypt, which started in early 2011, was marked by efforts of the body politic and its various constituencies to redefine its relationship with the state. That is, redress the frail status of citizenship and achieve meaningful participation in the political decision-making process. Following the initial uprising against Mubarak, which left the military-backed authoritarian - regime untouched, a flurry of elections and referenda was supposed to achieve these political goals and ideals. The brief interlude of a Muslim Brotherhood controlled parliament and presidency added to existing political polarisation, eventually serving as a useful pretext to launch a fully-fledged 'resotration' restauration. (1)

The latest round of polling, part of an official “roadmap to democratisation”, as announced by then Minister of Defense Abdelfattah el-Sisi in July 2013 (2), led to the election of a new parliament, and was supposed to end the unchecked rule of the executive by introducing an independent legislative, free of presidential directives. However, instead of epitomizing political mobilization and of ushering in a new era of political pluralism, the parliamentary elections of October and December 2015 feted a return to the old ways, marked by widespread political disillusionment, weak and intimidated opposition forces, and compliant lawmakers.

The paralysis of more than two years since the mid-2013 announcement to prepare parliamentary elections (3) has been instrumental in preparing the terrain for a co-opted house of representatives. Since President el-Sisi took office in June 2014 he has been governing by decree, ruling without the checks and balances usually provided by the lawmakers. His predecessor, the former head of the Supreme Constitutional Court, Adly Mansour, operated in a similar manner after his nomination as interim-president by the junta. The prerogatives of the new constitution, in effect since January 18, 2014, also stipulate the necessity of (early) parliamentary elections. Yet plans to hold these polls had been continuously delayed by the president as well as by rulings of the Constitutional Court. The initial date set for April 2015 was eventually rescheduled to the end of the same year.

In the run-up to the elections the main features of the future parliament were defined by a series of legal measures, including presidential decrees and court rulings. Firstly, the main political opponent of the ancien régime, the Muslim Brotherhood, was declared a terrorist organisation and hence barred from running in the polls. Secondly, a massive anti-Islamist pre-election campaign was launched to discredit the remaining legal forces of political Islam, targeting in particular the freshly politicised branch of the Salafi current, the Al-Nour party. Thirdly, heeding President el-Sisi’s call for a unified list, election platforms, such as Fi Hubbi Masr (For the Love of Egypt), were set up to consolidate the heterogeneous party landscape and to channel the vote. (4) Fourth, procedural means (such as repeated medical checks) favouring wealthy political entrepreneurs squeezed out less affluent parties and candidates. Finally, the polls were conducted under a general atmosphere of intimidation, created by harsh repression against regime opponents. (5)

The electoral process itself was marked by the lowest turnout since the start of the upheaval, resulting in poor voter turnout in the two biggest urban centres, Cairo and

Alexandria. Not a single internationally renowned election observation body monitored the polls, leaving the task to organisations such as the GNRD (Global Network for Rights and Development), run by a fraudulent wannabe university Dean (6), or domestic bodies inclined to rubber-stamp the procedures. Furthermore, the choice of the new parliament speaker, Ali Abdel Al, including his first official statements on state of emergency in North-Sinai and more generally on the process of the decrees' ratification, (7) indicate an impressive resilience of the authoritarian regime, and ability to control a central state institution such as the parliament.

However, despite the election of the new parliament, the recent political transformation launched by the demonstrations on 25th January 2011, officially the "day of the police", has not yet come to a complete halt. Rather, the complicated, often informal and even competitive relationship between the various arms of the Egyptian state has entered a new phase of redefining their balance of power, (all) under the strict scrutiny of a military leader who attempts control the national narrative.

### **The electoral process in 2015: political manipulation at its best**

The mood during the run-up to the elections in the last quarter of 2015 was not conducive to repeat the high turnout of the 2012 elections, in which almost two thirds of the electorate participated. President el-Sisi's televised motivational speech, compulsory days off, and the threat of hefty fines for absentees (500 LE, corresponding to several monthly incomes for the 40% of the population living in poverty) could not boost participation. (8) The new election law redefined a unicameral house with 596 MPs, with 568 elected and 28 appointed by the president. Elected seats are divided into election platforms (120) and individual runners (448).

In that context it is pertinent to note that the platform 'Love of Egypt' was the only one filing 120 candidates, sufficient to fill all available seats in case of success. Effectively, the platform won 60 seats in the first round and 60 in the second, thus building the biggest single bloc in the new House of Representatives. Sameh Saif Al-Jazal, the head of the list and former high-profile state security official, expressed his intention to curb the powers of parliament prior to the vote. In that sense the positive result of his peer's amounts to a sphinx-like paradox. Similarly awkward, if not an aberration in democratic terms, seems the success of second biggest list, the "Egypt List" (headed by Ahmad al-Fadhali), whose slogan called for a change of constitution, in favour of strengthening the presidency. "Egypt Awakening" (Sahwet Masr), the only vocal regime opposition list,

dropped out of the race after refusing to re-run for costly medical checks of its candidates. (9)

The obvious absentees of the 2015 elections were the party wing of the Ikhwan movement (Muslim Brethren) and their (still) legal off-spring Misr Qawiyya (Strong Egypt). In addition various leftist and liberal political groups who had been instrumental in the organisation of the 2011 upheaval and the first round of post-Mubarak elections in 2012 boycotted the elections. In view of such a setting, the motivation of Egyptians for casting their votes was not very high. Many voters seemd to be neither willing to endorse the return of the old system (including numerous former NDP deputies), nor inclined to vote for the proposed alternatives to the missing parties. After the first round in October last year the Prime Minister Sherif Ismail announced a voter participation around 15 to 16%, likely not far from reality. (10) Nevertheless, the HEC (Supreme Election Commission) was quick to rectify the statement with official figures: officially 28% of the eligible electorate had participated.

Yet even the most reliable figures cannot hide the fact that the 2015 polls turned out to be reminiscent of elections under the former president, Hosni Mubarak. Moreover, the high number of popular referenda since 2011, without any "revolutionary dividend" indicating a structural improvement in the relationship between the executive and the legislative powers, were not conducive to motivate voters. Even more so, the narrative of the "roadmap to democracy", announced by then Minister of Defense el-Sisi in mid-2013, seems to be in flagrant contradiction to his own assessment of democratic developments in the Middle East, including in Egypt. In 2006, in a research paper for the United States Army War College in the rank of Brigadier General, Abdelfattah Said El-Sisi stated in his findings that "there is hope for democracy in the Middle East over the long-term". (11) Hence, any short-term expectations with regards to genuine democratic developments in Egypt would be pre-mature. Against such a backdrop the political manipulation via laws, election platforms, criminalised opposition and co-opted businessmen, in order to create a parliament abiding by the executive, appears like a return to pre-2011 mode of governance, i.e. Pharaonic-type rule.

Adding numerous comments by candidates about the necessity to amend the constitution in order to increase the executive powers of the presidency, the fundamental democratic goal of achieving a separation of powers was put to question. In September 2015, a month before the first round of elections, President el-Sisi commented on the basic law, saying that "the constitution had been written with good intentions". (12) In other words the text was not in line with what he expected, and

hence proper adjustments were overdue. Nevertheless, such statements are more helpful in understanding his vision of the Egyptian state, than rhetorical evocations of a purported 'democratisation roadmap'. El-Sisi's drive for unchecked rule is not only based on an authoritarian, military intelligence-type mindset, it also reflects an apparent disinterest for all things political, a deeply anti-pluralistic attitude.

### **January 2016: a compliant parliament in action**

Besides the single, unicameral House of Representatives replacing the old bi-cameral system, the main novelty in the elections has been that no political party exists that represents the President, or to which he belongs. His predecessors, including Mohammed Morsi (and excluding the acting head of state Adly Mansour), had deep structural links with organically grown political groups, be it the secular NDP or the Islamist Muslim Brotherhood. Yet during the preparation of the elections El-Sisi's drive concentrated on unifying the political landscape and on preparing the ground for a political institution that strictly abides by his command. El-Sisi never expressed political preferences or an ideological orientation, besides his anti-Islamist posture. In that sense he is also the exact opposite of Gamal Abd el-Nasser: an apolitical, technocratic leader. Furthermore, due to the specific circumstances of increased jihadist activity, his profile also bears the mark of a crisis manager, willing to steer the country into calmer waters. But, at any rate, parliamentary candidates were rivals in their panegyric attitude toward el-Sisi, rather than competing with programmes or ideas vying to capture the attention of potential voters.

Three parties presented the strongest results, the two strongest among them entirely new phenomena in the political landscape: the 'Free Egyptians' party (founded by Naguib Sawiris, a Copt and Egypt's richest businessman ,) reached 65 seats and the "Nation's Future' party, also a newcomer founded by Mohammed Badran (purportedly close to el-Sisi) won 48 seats. The oldest Egyptian party, the historical Wafd, managed to gain 45 seats. Yet, besides the remarkable showing of complete newcomers, the biggest loser of the parties was the Salafist al-Nour, who won only 9 seats, compared to groundbreaking 111 seats in the 2012 parliament. Hence, the combined strategy of outlawing the Muslim Brotherhood and of defaming the Islamist political spectrum during the election campaign was a success in ridding parliament of political Islam.

The main outcome of the 2015 elections (parties, platforms and co-opted individuals) is victory of a majority of pro-regime forces. (13)

When the newly elected house convened for the first time on 10th January 2016, the traditional initial task was the vote for the speaker of parliament. After a tumultuous vote, which prompted the authorities to stop the public broadcasting of the ceremony, Ali Abdel-Al, a law professor, was announced in his new capacity as speaker. (14) Yet judging from his recent announcement with regards to the state of emergency decreed by el-Sisi, it transpires that he is rather a presidential spokesperson than for the new parliament. (15) In that context, experts have also been pointing to the technical issue of the missing bylaw, which regulates internal procedures, starting with the process of voting the parliamentary speaker. (16)

A new phenomenon could also be observed with the setting up of a new parliamentary bloc, the "Support the (Egyptian) State", an ad hoc coalition initiated by the election platform Fi Hubbi Masr ( For the Love of Egypt), which itself controls all the existing 120 platform seats available. This move could be interpreted, in extremis, as a reaction to the threat posed by independents that could legally ouster the President (according to Article 161 of the Constitution), should they be able to obtain a super-majority. (17) Indeed, the building of this bloc, integrating a considerable diversity of deputies, comes down to bizarre politics: revealing an electoral programme after the elections. Thus the criticism against this bloc is based on the perception that it resembles former NDP one-party rule, but in a different cloak.

Nevertheless, the single major task facing the new parliament will be the review of the presidential decrees issued in the interregnum phase of unlimited executive power. More than 300 decrees were passed by Adly Mansour and A. El-Sisi in the absence of a legislative body. A huge number of them are linked to fiscal and economic affairs, yet numerous are also those laws that have either political implications, such as limiting the scope of civil society, or pertain to security questions. Specifically the so called 'protest law' is contentious and has been facing wide criticism. In a first internal step the parliament has been setting up committees and nominating the interim committee heads. This could allow dividing the task by thematic groups and, accordingly, increasing speed and efficiency. Time is precious since the constitution (Article 156) allows for only 15 days for reviewing the entire backlog of unchecked laws, emanating from a very active presidential "decretismo". (18) But the first debates within the House of Representatives do not bode well for democratizing the system. A number of laws that limit the room of manoeuvre for civil society will not even be discussed. Sameh Saif Al-Yazal, the head of Fi Hubbi Masr, proposed to acknowledge the laws in the first place, and to simply review them at a later stage. The first session in parliament and the initial

debates around the review of presidential decrees probably served more to satisfy those few who voted in the elections.

Finally, the question begs if a new Cabinet will emerge from the new parliament, once the short legal review period will have expired. The purpose of parliamentary elections, after all, cannot be reduced to filling the seats in a house of representatives but, eventually, to define a new government. In view of the current process and the building of a strong pro-presidency bloc, the chances are that the technocratic government, previously appointed by El-Sisi will simply be re-instated, closing the circle of pharaonism reloaded by creating a remote-controlled parliament.

On a positive note, women's representation, with 89 female MPs (75 voted for, 14 nominated) is standing at an all-time high level. (19) The hope is that they could make an impact on an essential topic, namely birth control. The demographic development in Egypt is again on the rise and could not be translated into an asset, the reason why birth control would be a means of tackling the issue. Nevertheless, these figures are not per se an indication of democratic quality. The impact of female members of parliament on legislation and societal issues can only be measured by their actions, and by not their mere physical presence.

### **The Wafd party, King Farouk and the military: a disrupted history of Egyptian parliamentarism**

Since the start of the post-monarchic phase in 1952, military regimes under various, leaders, have been calling the shots in Egypt, despite the continuous loss of credibility and appeal of Arab nationalist rhetoric, which they used to bolster their legitimacy. The appearance in the 1920s of political parties, of which the Wafd is currently the senior heir, heralded the delicate blossoming of a democratic development, be it within the framework of a monarchic system. The take-over of the junta under Nasser, however, quickly transformed to party landscape, establishing a solidly single party, in a socialist garb.

The Wafd, despite its heritage, is no exception to the necessity to adapt in such a political system. During the recent election campaign it heavily criticised the role of "political money", referring to the wide-spread phenomenon of either party financing by wealthy individuals, or to vote buying, a method to which several Wafd members seemingly were open. (20) On the other hand, the Wafd party has proven to be quite firmly embedded in the el-Sisi-camp. The Wafd's comments regarding the necessity to

ratify the presidential decrees, instead of their re-consideration, are a good indication of this trend. Therefore, their self-depiction as “naïve MPs” is itself an expression of naivety, at best.

The result of the historical development of a parliament under military tutelage is the lack of a deeply rooted democratic current, based on a trusted and convinced constituency. As Nasser and Sadat’s Arab nationalist discourse was not yielding the desired outcome, a more hybrid regime emerged under Mubarak, This paved the way for el-Sisi, whose discourse is fiercely patriotic, and who considers elections only from the technocratic angle of creating an institution at the service of the presidency.

The persistence of military dominated regimes, coupled with patrimonial political structures (21) was instrumental in keeping a low democratic profile. Therefore, in modern times, the perception of the Egyptian parliament among the population is of an institution firmly inserted into a top-down process of ruling. Lawmakers are considered more as presidential lackeys than as representing popular will. Hence, the standing of the parliament among the Egyptian public has never been particularly high. (22)

This logic of a presidential top-down system was also not altered during the Islamist intermezzo under Muhammed Morsi. The Muslim brotherhood over-played their hand, either by missionary fervour or out of grossly miscalculating their effective popular support base. (23) For sure, the over-all reputation of Egyptian parliamentarism and its overarching political system did not improve thanks to the phase of Islamist rule either.

The current ‘restoration’ of the ancien régime faces a number of challenges, of which the insertion of a “fully functional” parliament into its claim to power represents a manageable one. With its strong focus on the armed forces, the new regime lacks solid anchorage but within itself, i.e. among its own military-based constituency. Previous regimes could rely on the grown structure of the NDP, providing at least some kind of civilian component to the military deep-state. In addition, Mubarak had built up the non-military security sector to the relative detriment of the privileges enjoyed by the armed forces. El-Sisi, the poster boy of the Egyptian armed forces, represents primarily his own institution, its own esprit de corps. Reaching out to other constituencies, in order to consolidate power, occurs, if at all, based on an anti-Islamist and nationalist discourse. However, this represents more a rallying call than genuine outreach to other power centres. Nevertheless, el-Sisi has lately tried to improve his religious credentials by reaching out to Al-Azhar and the official religious establishment. (24)

## A monochromatic parliament

From a democratic point of view one question that may not be too difficult to answer regards the issue of how representative the new Egyptian House of Representatives is of societal sections and competing ideological currents. The new constitution allows the president to nominate up to five 5% of the deputies (28 in total). This is unseen, even in Egyptian standards, and maybe the most flagrant deviation from a democratic division of powers. As a matter of fact, compared to Mubarak's system of keeping a functioning balance between the various power centres, el-Sisi's drive is more "absolutist". Under the cover of a "war against terrorism", the repressive apparatus is back, with a vengeance. The recent nomination of the speaker of Parliament (Ali Abdel Al) or the head of the biggest, and most successful election platform in parliament (Samih Saif al-Yazal) has shown that these connections extend into the very legislative body of the Egyptian state.

Furthermore, the spread of the Islamic State (or Daesh) in Arab landshas inclined the international community to endorse el-Sisi's regime. This translates into external assistance of a variety of donors, providing el-Sisi with external legitimacy and reducing his willingness, or even the necessity, to favour pluralism and democratisation. Furthermore, in order not to be dependent on Western governments, which might insist on democratic conditionality, el-Sisi skillfully diversifies his international contacts with other authoritarian regimes (China, Russia, Saudi Arabia, and the UAE). However, the regime in Cairo will have to deliver, on security and on welfare. As the fight against jihadist factions transforms into uphill battle, the oil price reaches a new low, and the Saudi King Salman reorients his policies towards the Muslim Brethren, the generosity of Gulf donors could quickly dry up. (25) Even more so, the hardline faction approach to Islamism, with its obvious flaws, could also tempt moderate challengers within the army. The biggest threat to regime stability, i.e. el-Sisi's position, does therefore not emanate from the new parliament, but possibly from within el-Sisi's own military establishment.

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