

THE REVAMPED PARLIAMENTARY DICTATORSHIP

AN ANALYSIS OF PARLIAMENTARY ELECTIONS IN EGYPT

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The autumn 2015 parliamentary elections in Egypt cemented the restoration of the old ruling elite and paved the way for the return of former Mubarak stalwarts to politics. Whilst the reorganised forces allied to the regime dominate the new legislative chamber, the revolutionary left opposition remains marginalised.

In December, after a seven-week election marathon, Egypt's parliamentary election finally ended with an unsurprising result. Even the forces backing the regime and President Abdel Fattah el-Sisi had predicted a highly fragmented chamber would be the outcome. The official results confirm this prognosis. Regime-critical left-wing parties and the Islamist opposition hold only insignificant parliamentary power and the parties loyal to the regime are the winners of the election. 21 parties will take their seats in the House of Representatives, newly established under the 2014 constitution, which is the only remaining legislative chamber of the newly constituted parliament on the Nile River. The party-political landscape has – at least for the time being – broken away from the characteristic single-party rule under the country's former dictator, Hosni Mubarak. Under his rule, the regime consisted solely of the National Democratic Party (Hizb Al-Watani, NDP), which dissolved in 2011. In the recent elections, in contrast, numerous parties allied to the regime won seats in the chamber and will now need time to establish sustainable structures with majority support.

The three strongest parties – the pro-business Free Egyptians Party (Al Masryeen Al-Ahrar), the Nation's Future Party, founded in 2014 (Mustaqbal Watan), and the liberal New Wafd Party (Hizb Al Wafd) – together hold 148 seats, with 17 further parties sharing 88 seats. The largest group in the newly elected House of Representatives, however, is the large number of independent MPs not affiliated to any specific party, who will play a decisive role in the negotiations to establish a robust parliamentary majority. 322 independent MPs have been elected to the new parliament. The pro-el-Sisi political alliance of parties, For the Love of Egypt (Fi Hob Masr), on whose list the three strongest parties all ran, anticipates that the good results of its parties give it a good chance of establishing a majority.

Whilst accusations of election fraud and manipulation were only uttered sporadically and only minor irregularities were attested to during the election, the president and the government tried to ensure a high election turnout. The country's ruling class is under pressure to buttress the legitimacy of its rule through broad public support, in particular since the regime has recently become the target of increasing criticism. The election therefore comes at the right time for the regime, allowing it to restore its parliamentary façade, and canalise criticism so as to re-direct it toward parliament. The regime thereby is able to maintain the country's ruling political status quo, even though, behind closed doors, struggles between the different factions loom that, however, do not fundamentally question the system as such.

THE LONG PATH TO ELECTIONS – POLITICALLY MOTIVATED OR OWED TO ADMINISTRATIVE INCOMPETENCE?

The new parliament is expected to be constituted by December 2015, thus bringing to a close a nearly two-year process of political transition that began with the coup d'état against former president Morsi and his Muslim Brotherhood in July 2013. In that year, the army leadership ousted the democratically elected president and instituted a government under interim president Adli Mansour. The process was carried forward by those close to former Mubarak cadres and allied to the army, but also parties in the

revolutionary camp. It was, however, a short-lived alliance. The strategy of escalation pursued by the hawks in the interim regime to deal with the protests by Muslim Brotherhood supporters drove the Social Democratic Party, the Constitutional Party (Hizb Al-Dostour) and other socialist parties back into the regime-critical camp. They have been waiting ever since for an opportunity to reinstate the central demands of the 2011 revolution – bread, freedom, social justice and curbing the power of the armed forces – on the political agenda.

With the adoption of the new constitution in January 2014, the regime laid the basis for a political transition. After the presidential elections in May 2014, parliamentary elections were set to take place in early 2015, yet Egypt's constitutional judges made postponing the election scheduled for March and April inevitable. At the beginning of March, the constitutional court declared two pieces of electoral legislation unconstitutional. Since the fall of Mubarak in February 2011, procedural errors or legal intervention have led to the postponement of five out of eight scheduled elections. This time it was criticised that constituencies were drawn incorrectly and that the electoral law allows only candidates with exclusive Egyptian citizenship. Both laws were revised in accordance with the judges' demand, but the legislation procedure gave rise to conjecture. Interim president Mansour's signature was at the end of one of the two laws, and when he returned to his old post as the head of the constitutional court at the end of his term, he quickly declared a law unconstitutional that he himself had adopted. This gave rise to speculation as to whether the delay of the election had possibly been politically motivated, and may have played into el-Sisi's hands. El-Sisi pushed for constitutional reforms and spoke critically about the competencies of the parliament, which has the power to withdraw confidence from the president and force him to step down, a power diametrically opposed to Egypt's presidential system¹. El-Sisi's distrust of the new legislative went so far that he even considered unifying electoral lists.

Meanwhile, el-Sisi has been making full use of his legislative competences, as have all presidents since the dissolution of the elected parliament in June 2012 – Morsi, Mansour and el-Sisi – who have all ruled with legislative competences and therefore basically single-handedly. Since el-Sisi took office, he has signed over 300 laws, revisions of laws and decrees and presented them to parliament as *faits accomplis*. An article in electoral legislation gives the chamber only 15 days to revise or confirm any laws passed by el-Sisi. Egypt's regime-critical opposition is outraged, but parties close to the regime seem to be willing to quickly wave through the controversial laws.²

EGYPT'S CONTESTED ELECTORAL LEGISLATION

Beyond such political factors, the electoral law in itself drew criticism. Not only does the complicated electoral system mean a seven-week-long, two-step election process, each with a first round followed by a run-off ballot, it also gives preference to financially strong parties and candidates. Election expenses were down 50 per cent compared with 2011; however, money continued to be important for a successful campaign. This applies as much to the 448 seats elected directly, as to the 120 voted on through lists. The party lists are there to fulfil the stipulated quota for Christians, women and the physically disabled, yet the whole country is divided into only four electoral constituencies, putting financially strong parties and party alliances at a greater advantage.

The success of 116 businesspersons and financially strong parties such as the Free Egyptians Party in the elections therefore should come as no surprise. They did exceptionally well and entered parliament with their well-filled electoral coffers. Whereas, according to the social democrat foreign secretary Hussein Gohar, the Social Democratic Party spent merely four million Egyptian pounds (about 470,000 euros) for the entire campaign, Free Egyptian Party candidates each received six or seven digit sums in the local currency. Although the electoral law caps election expenses both for individual candidates and lists, the electoral commission charged with organising and supervising the election chose either not to react or to react only insufficiently to complaints when parties were accused of breaching these guidelines.

¹ Article 161 of the 2014 constitution states that the House of Representatives can withdraw confidence from the President and hold early elections. Such a step requires approval by two thirds of the members of parliament and must be confirmed in a subsequent referendum by the population. Further details can be found under Mada Masr and Ahram online.

² As Sameh Seif el-Yazal, head of Fi Hob Masr, states: 'I see this as impossible, 15 days and 300 laws. In my view, we should approve these laws and debate them afterwards'. Free Egyptians spokesperson Shehab Wagih, too, emphasised that he expected parliament to rapidly adopt the contested laws. Otherwise, the country would face a political vacuum.

The electoral system ensured that the new parliament came under urban-corporate and rural-feudal-capitalist-elite control, the vice president of the Socialist Popular Alliance, Medhat Zahed, commented. The electoral system's majority principle grants financially strong cadres an advantage. The system is a mix of direct and list candidates; however, a majority voting system governs both the 448 direct mandates to parliament, as well as the 120 elected through lists. When a party wins 50 per cent of the ballot in one of the four electoral constituencies, it wins all seats in that constituency. Consequently, parties had to campaign in a geographically broad area, which means that a fair election campaign could only take place between financially strong candidates. It is therefore not surprising that parties ran nearly exclusively on electoral lists or as part of alliances rather than standing on their own. Unsurprisingly, therefore, Fi Hob Masr won in all four constituencies in the first round and took the 120 list mandates.

FEW COMPLAINTS ABOUT FRAUD AND MANIPULATION

As during the 2011 parliamentary elections and 2014 presidential elections, there were very few complaints about election fraud and manipulation. Most of these related to illegal campaigning during the election and the widespread buying of votes, the late opening of polling stations and hindrance of the press. Nevertheless, the African Union and League of Arab states election observation mission certified the election as fair. The National Elections Commission authorized 87 organisations to observe the election. The courts, meanwhile, rebuffed complaints against the official election results. Necessary repetitions of individual parts of the election due to administrative errors in the election process took place without incident, but turnout suffered strongly.

Turnout was generally low and at 28 per cent does not grant parliament broad legitimacy.³ In Upper Egypt, the polarised political situation and conflicts mobilised a greater number of voters, yet in the cities interest in the elections remained low. Not surprisingly, therefore, the government attempted to increase election participation. El-Sisi called on the population to vote, with public employees given a half-day off and voters threatened with a 500-pound fine (roughly 58 euros) if they chose to abstain. However, even if a systematic manipulation of election results did not take place, the election was nonetheless neither free nor fair, as the country is witnessing the restoration of a political environment that ensures that a high degree of political influence in the run-up to elections ends up producing the desired results.

TOOTHLESS BOYCOTT CAMPAIGNS

Boycott campaigns also targeted this parliamentary election. Islamist parties in particular, such as Al-Wasat, Strong Egypt and the Muslim Brotherhood, called on people to boycott the elections, because their political arm, the Freedom and Justice Party, had been barred. The only conservative force to run was the ultra-conservative and Salafist Party of the Light (Hizb Al-Nour), which suffered a bitter defeat at the ballot box. Al-Nour had started out optimistically with 160 direct candidates and hoped to repeat its 2011 parliamentary elections surprise success, when it became the second-strongest party. However, the party was unable to mobilise voter support, winning only 11 parliament seats. With defeat already looming after the first round of elections, calls in the party became louder to pull out of the election. Notwithstanding, the party took part in the second round. This was important for the regime, as it made it possible to maintain the façade of an inclusive political process. Al-Nour continues to play the role of a fig leaf and hopes to succeed the Muslim Brotherhood as Egypt's systemically relevant Islamist force.

The left-wing liberal camp, too, issued calls to boycott the elections, but these calls were not as vocal or decisive. In September the co-founder of the Constitution Party (Hizb Al-Dostour), Mohamed el-Baradei, called for a boycott of the elections, even though his party remained divided over the issue right up to the last minute. As late as the summer, the four wings within the party were still trying to decide whether to nominate candidates or boycott the election. Internal struggles between the different wings led the head of the party, Hala Shukrallah, to step down. The party's popular spokesperson Khaled Dawoud also stepped down. Although great hopes were attached to this left-wing liberal party when it was founded in 2011, internal divisions threaten to tear it apart, according to a party member who prefers to remain unnamed. Due to its potential to mobilise young people, the regime saw the party as a danger and therefore sought

³ The first round of the 2011 elections saw a 62 per cent voter turnout.

to undermine it. The social democrats, meanwhile, called on the core Al-Dostour members to join their party. After all, their political goals are similar and both parties had cooperated on several occasions in the past.

A volley of calls to boycott the elections also came from the non-parliamentary opposition. Whilst the Trotskyist Revolutionary Socialists decided to ignore the boycott call, disinterest or even sarcasm characterised the approach of numerous non-parliamentary groups to the elections. A very creative campaign to boycott the elections attracted a lot of attention, and involved putting the spotlights on the martyrs of the revolution and the imprisoned dissidents Alaa Abdel Fattah, Mahinour Al-Massry and others. The group behind the campaign created fictitious election lists featuring the names of political prisoners and activists killed in the protests. The Social Democratic Party and the Popular Alliance nonetheless upheld their decision to take part in the elections, alleging that it was important to use every opportunity to promote their programmes, as the Popular Alliance vice, Zahed, emphasised: 'The political arena is closed, a boycott is therefore useless. This regime is not going to collapse any time soon, so we should not harbour illusions that lead us to isolate ourselves. Instead, we need to use every opportunity to be in contact with the people.'

REORGANISATION OF THE DISSOLVED NDP – THE FRAGMENTATION OF REGIME FORCES

Nothing therefore stood in the way of an undisputed victory by the political forces allied to the regime. However, the structure of this camp has changed and will require time to reorganise. The parties comprising the Fi Hob Misr election list came out as the strongest force. Not only did the alliance win all 120 list-based seats, it also won a significant number of direct seats. Alongside the three first-ranking parties – the Free Egyptians with 65 seats (57 direct and 8 list-based seats),⁴ the Nation's Future Party with 50 seats (42 direct and 8 list-based seats) and the Al-Wafd Party with 33 seats (25 direct and 8 list-based seats)⁵ – seven further political parties won seats in the parliament on the ticket of the politically broad alliance allied to el-Sisi.⁶ List leaders were so sure of victory even before the elections that they threw the left-wing socialist Tagammu Party, which supported the regime, off the list shortly before the election. Tagammu had put up 25 direct candidates, but ended up winning only one seat in the new parliament.

Forces critical of el-Sisi surrounding former Prime Minister Ahmed Shafiq also did not go home empty-handed and won seats in the parliament. Nonetheless, the nationalist conservative parties on the Egypt list (Misr) did less well than expected. The National Movement Party (Al-Haraka Al-Wataniya) won four seats and the My Homeland Egypt Party (Misr Balady) three. The role independent MPs will play remains unclear, because so far many have not yet decided which block they will side with and whether they will be allied to a party or to the corporate elite. Steel magnate and Mubarak ally Ahmed Ezz, a former NDP MP, lost a long legal battle and the court barred him from representing himself; however, he seems to have sponsored a number of independent candidates and will therefore probably have a say in the new parliament – albeit from behind the scenes.

Meanwhile, the chamber is dominated by well-funded business people, who are thus able to directly pursue the political projects they deem important. A reform of taxation is surely not far down the road. A return of former NDP officials to parliament was expected and the list of former NDP officials and Mubarak followers is long. Next to the head of the alliance and former secret services officer, Sameh Seif Al-Yazal, the former information minister Osama Heikal, export minister Taher Abu Zeid and the journalist and former parliamentarian Mustafa Bakry, who is close to el-Sisi, are all in the House of Representatives. The chair of Cairo's football club Zamalek SC, Mortada Mansour, was also elected, as was his son Ahmed Mortada. Both are considered to be fervent admirers of el-Sisi. Former NDP cadres can thank the courts for

⁴ Free Egyptians are among the absolute winners of the parliamentary elections, but in 2011 they won only 15 seats. Whereas publicly the party emphasises that its primary goal is the struggle against poverty and that its most important sponsor, the billionaire Naguib Sawiris, does not have more influence on party decisions than any other member, the party is fundamentally neoliberal and pro-business. Numerous Mubarak stalwarts have joined the party.

⁵ The party was founded in 2014 by the 24-year-old long-time president of the Egyptian student union, Mohamed Badran, and is already viewed as a potential NDP successor as the party of the regime. The party receives business support, yet, as Ahram Online reports, little is known about the origin of the party's financial means.

⁶ The Conference Party wins 12 seats, the Conservative Party 6 and the Reform and Development Party 3.

their successes. Initially the courts had barred former NDP members from running for political offices but a decision by the Egyptian Court of Cassation in 2014 lifted this ban.

Remarkable is also the return of parliamentarians with a police and army security background. 75 police and army officers will take their seats in the House of Representatives. The final make-up of the chamber is not yet decided, because the president holds the right to directly nominate 28 MPs. So far, el-Sisi has not named his favourite candidates, but it is expected that further security apparatus representatives will be among them.

THE MARGINALISED REVOLUTIONARY OPPOSITION

The regime-critical opposition remains marginalised and is weaker even than in the 2011 parliament, in which Islamist forces dominated. Alongside a small number of independent MPs from the revolutionary left, only the Social Democratic Party made it into parliament, winning four seats. None of the Popular Alliance's ten candidates won any seats. Social democrats clearly understand the limited influence of left-wing liberal forces in the new parliament. Hussein Gohar does not believe that the democratic camp will be able to exert much power with such limited parliamentary representation, but, like the Popular Alliance, he emphasises the importance of having this – albeit tiny – political stage.

Already in the run-up to the elections, hopes in the revolutionary camp had sunk. In September, the election alliance Reawakening of Egypt (Sahwet Misr) decided not to take part in the election. Described as the strongest left-wing liberal formation, the coalition pulled out of the election due to formal requirements stipulated in electoral legislation. Parties on the list included the Socialist Popular Alliance, Constitution Party, as well as the Social Democratic Party and some further left forces. Clearly, therefore, the powers committed to the demands of the 2011 revolution will concentrate on the sphere outside of parliament. Considering the ongoing repression suffered by civil society and the limited opportunities for public campaigns, only a narrow scope for action remains. Even five years after the start of the revolution, the political environment in the country remains marked by massive limitations on the freedom of speech, to assembly and press. At least in the medium-term this situation is not likely to improve.

EGYPT'S RETURN TO PARLIAMENTARY DICTATORSHIP

Meanwhile, the results of the parliamentary elections confirm the worst fears expressed by left-wing and democratically oriented forces before the election. The election bears witness to a full-blown return of former NDP cadres, the neoliberal corporate elite and Egypt's feared security apparatus. Even if Egypt's now revamped parliamentary dictatorship still needs some time to reorganise and develop a clear political agenda, it is nonetheless clear that the new parliament provides no hope for a progressive dynamic. Rather, parliament will probably support el-Sisi's political programme, even though the political representatives of the parties allied to Ahmed Shafiq could create a certain amount of political headwind from within the regime.

The restoration of a democratic façade is, however, of great importance to the regime, as it has to get out of the line of fire as quickly as possible. Most recently, an angry population faced the beneficiaries of the ruling political and socio-economic order allied to Mubarak and el-Sisi. In spite of legal limitations on civil rights, protesters recently dared to take to the streets again. Week-long protests by civil servants, unemployed academics and PhD students gathered on Cairo's Tahir square demanding an end to nepotism sent a clear message. Labour conflicts and strikes throughout the country have intensified over the last year. In November, Egypt saw a wave of strikes taking place. This dynamic among workers was an important factor in the mobilisations on the eve of the 2011 revolution that threatened to destabilise the system. Today, the country is still far from a similar economic and political situation, yet those governing in Cairo will see the recent labour struggles and protests as an early warning sign.