



**Did Egypt's Parliamentary Election just trump
citizens' rights?**

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INTRODUCTION

Since the Muslim Brotherhood rule was toppled in July 2013, the regime of President Abd al-Fattah al-Sisi has strived to consolidate his one-man rule; he painted the political opposition and civil society as traitors and foreign agents and exploited the fight against terrorism to suppress freedom of expression, justify a crackdown on the press, eclipse justice in courtrooms, throw thousands in prison, and tighten his grip on police forces. The regime has postponed parliamentary elections for some time, while it marginalised and weakened the non-Islamist political parties that helped Sisi take power. He did so by promoting electoral lists with candidates who are loyal to the president, to ensure control over the new assembly and by obstructing any political alliance that could form an opposition. At the same time, the security apparatus has been given free rein to control the public sphere and engineer the electoral process. This may ultimately lead to a parliament that includes no advocates for rights and liberties, which is particularly significant since the incoming assembly will review the huge amount of legislation that President Sisi has issued in the absence of a parliament. In addition, shortly before elections, President Sisi raised questions about the constitution, calling for it to be amended to reduce the powers of the parliament and increase those of the president. It is thus clear that Sisi seeks not only to consolidate his regime, without political opposition, but to free his rule of any effective oversight from society or parliament.

NATIONALISING THE PUBLIC SPHERE

Elections for the Egyptian House of Representatives will be held between October and December 2015 in a discouraging political environment in which civil liberties have been restricted and suppressed and several effective political and societal actors have been excluded and denied political participation through legal, political, judicial, security, and media-related means. After President Mohammed Morsi was deposed in the summer of 2013, the Sisi regime has tightened its grip on the public sphere and silenced opposition voices critical of his policies.

The Sisi regime has launched a full-scale campaign against both the Islamist and non-Islamist opposition. The Muslim Brotherhood (MB) was banned and designated a terrorist organisation, and many of its leaders were imprisoned and sentenced to death or were given long prison terms. The MB membership has subsequently split between a base that is increasingly supportive of armed violence against the regime and the historical leadership that is attempting to promote peaceful action. Salafi

jihadi groups are attempting to exploit this dispute to attract Muslim Brotherhood youths to their ranks and take up weapons. But the conflict between the historical leadership and the new leadership is broader than a disagreement over the use of violence. It extends to the management of the organisations, internal decision-making processes, and the relationship between the leadership and the popular base. The new leadership, which supports some degree of violence in the face of state oppression, realizes that this approach cannot be continued indefinitely. There will be a moment when the violence must end in order to reach a political accommodation with the regime, but this moment has not yet come. We are currently witnessing parliamentary elections without Brotherhood participation, and Islamists will likely win a very small number of seats.

Some of the most prominent non-Islamist youth leaders of the January Revolution have been imprisoned, while several others were banned from traveling; an unknown number have simply disappeared. The regime has criminalised peaceful demonstrations and assemblies in a repressive law, which has led to the imprisonment of many young people and the successful intimidation of the Egyptian people. The security apparatus has meanwhile waged a long-term battle against human rights organisations, which have criticized human rights violations under Mubarak, the Supreme Council of the Armed Forces, and Morsi, and continued to do so under the Sisi regime. The security offensive, including torture, kidnapping, the confiscation of newspapers and discrimination, prompted many prominent groups to scale back their activities.

The security apparatus also extended its sway over the press and media. As a result, many young journalists were imprisoned, and the state-owned and private media have joined forces to proclaim their loyalty to the state and president. Meanwhile, an orchestrated media assault on the January Revolution continues, as parties, politicians, human rights defenders, and youth activists associated with the uprising are branded as traitors. Media platforms increasingly host former military and intelligence personnel who promote conspiracy theories of plots against the country and claim that the January Revolution was one manifestation of these plots.

Although President Sisi carefully presents himself as saving the country from extremist groups and leading the war on terrorism, the army and police have failed to root out the Islamic State (Daesh) in the Sinai Peninsula and have similarly failed to prevent terrorist attacks and assassinations in the capital and other governorates. The Sisi regime has imposed a de facto state of emergency on society

without an official declaration. Under the banner of the war on terror, the president has used his legislative prerogatives, in the absence of a parliament, to issue numerous repressive laws – such as the law on terrorist entities, the counterterrorism law, and several amendments to the Penal Code – that threaten the freedom of press, civil society, and due process guarantees. At the same time, the trials of numerous activists, journalists, and dissidents have not met the basic standards of a fair trial. Courts have repeatedly issued death sentences by the hundreds, leading many international and local rights groups to note the politicisation of the judiciary.

THE REGIME MARGINALISES NON-ISLAMIST PARTIES

Since the People's Assembly was dissolved in June 2012, there have been no parliamentary elections in Egypt until October 2015. These elections are thus the final step in the so-called roadmap released by the army after President Morsi was removed in July 2013. Sisi has demonstrated a decided disinterest in political and partisan work, seemingly unconcerned with cultivating a political party to support him. In this context, the regime has moved to depoliticise society and neutralise political actors. It has shown a clear desire to marginalise the non-Islamist political parties established after the January Revolution, which helped to bring down Morsi and usher Sisi into the presidency. On more than one occasion, Sisi has demonstrated that he has no desire to promote political and party pluralism. In his meeting with the heads of political parties in January 2015, he called on them to form one joint list for the coming elections and promised to support that list if they did so.

President Sisi has intentionally delayed elections for the new assembly, although Article 230 of the new constitution required parliamentary elections within six months of the constitution's enforcement. The constitution entered into force on 15 January 2014, which means that elections should have been held before 15 July 2014. President Sisi has used the legislative powers granted to him in the absence of the parliament to issue a huge number of laws, which the incoming parliament must review in the first 15 days after being seated, in line with Article 156 of the constitution. The first decree issued by Sisi as president established the High Committee for Legislative Reform, headed by the prime minister. This suggested that Sisi would rely on this committee to issue legislation in the absence of a parliament. In fact, the number of laws the committee has reviewed and forwarded to the president for approval is negligible compared to the number of laws issued unilaterally by Sisi. Despite these many laws, the president has disregarded the demands of political

parties and civil society to amend the repressive protest law, which contravenes the constitution's provisions on freedom of peaceful assembly.

Similarly, the “dialogue” on electoral laws between the government and parties earlier this year ended with the government disregarding parties' proposals and imposing its own will. This suggests that decisions had already been made and that there was no real desire or intent to accept or implement proposals from the parties. It also confirmed that the regime does not possess the necessary political will to revive political life and support the role of parties; shutting down the public sphere has become the end goal of all government efforts. Parties are no longer simply marginalised. The government squandered the opportunity for a national consensus on electoral laws to emerge by listening to no one but itself, thus giving political parties a new lesson in authoritarianism. The way the government managed the dialogue and the outcomes it insisted on demonstrate that the regime is actively working to marginalise parties, ultimately seeking a weak parliament that cannot challenge the executive.

On 29 July 2015, President Sisi issued a series of amended provisions regarding the law on political rights and the parliament law. Under the amended provisions, 448 seats in the House of Representatives will be filled by individually elected candidates and 120 will be filled with candidates on closed lists; parties and independents have the right to run under both systems. The amendments also give the president the right to appoint five percent of the parliament's members.

ELECTORAL COALITIONS COMPETING TO SUPPORT SISI

Nine electoral lists are competing for the 120 seats set aside, and more than ten parties and 5,400 candidates are competing for the 448 individual constituency seats. The liberal Wafd Party has staked 273 candidates for the individual seats, as well as eight candidates on the For Love of Egypt (FLE) list. The Salafi Islamist Nour Party is fielding 150 candidates. The National Movement party, headed by former presidential candidate Gen. Ahmed Shafiq, is fielding 250 candidates for the individual seats, while the Free Egyptians Party, established by businessman Naguib Sawirus, is fielding 227 candidates for individual seats and nine on the FLE list. The Congress Party is fielding 130 candidates, while the Egyptian Social Democratic Party is fielding 80, the Conservative Party 40, and the Reform and Development Party 30. In comparison, leftist parties are fielding a very small number of candidates: the Popular Socialist Alliance will field 10 candidates, Karama 18, and the Tagammu

Party 24. The Strong Egypt Party, founded by Abd al-Moneim Abu al-Futouh, a former MB leader, is boycotting the elections.

A comparison of the number of party candidates for individual seats with independent candidates — who number more than 4,000 — indicates that the House of Representatives will be largely made up out of independents. The left played a pivotal role in the January 2011 uprising. In the wake of the uprising, the Socialist Popular Alliance was formed. The organisation initially took positions in support of citizenship rights, but after 30 June 2013, internal splits emerged within the party, and many members broke with the group, some of whom formed a new party, still under construction. On the fourth anniversary of the revolution, security forces attacked a peaceful demonstration staged by members of the Socialist Popular Alliance, killed one of the party members, and then charged people who witnessed the killing with involvement in her death. This sparked a crisis, but it quickly faded due to the weakness of the democratic parties and the state's dominance over the press and media. Most leftist parties also have few human and financial resources and suffer from persistent internal conflicts, which affects their capacity to organise and mobilise. Some, such as the Tagammu Party, support the Sisi regime against the Islamists and have no interest in defending rights and liberties. Nationalist and Nasserist parties with leftist leanings, such as the Popular Current and the United Nasserist Party, hold a political vision that valorises the role of the army in the Sisi regime. Given the extreme weakness of leftist parties, which were unable to forge a strong electoral alliance, the Sisi regime is uninterested in them and does not feel threatened or induced to contain them.

The strongest electoral alliance is For Love of Egypt, coordinated by Gen. Sameh Seif al-Yazal, a former General Intelligence officer. Established earlier this year, it is allegedly supported and run by the security apparatus. The list was formed in response to the president's wish that various political parties would unite to run on one joint list. The head of the Wafd Party initially accused list officials of executing directives of the security apparatus, saying that it was taking candidates from the Egyptian Wafd alliance and including them on its list, but the Wafd Party soon joined the list with eight of its own candidates.

The FLE list is the only list that has fielded 120 candidates — enough to fill all the list seats in the new parliament; 40 of these are candidates affiliated with political parties and movements while 80 are independents. The list includes former state officials, ministers, and officers, as well as

businessmen and former members of the dissolved National Democratic Party (NDP). The parties and movements on the list include the Wafd, the Free Egyptians, Reform and Development, Future of the Nation, Guardians of the Nation, the Conservatives, Modern Egypt, Congress, Tamarrod, and the Third Republic Front.

A conflict appeared to be brewing between Shafiq supporters in the National Movement and Sisi supporters, because Shafiq's name had been left on the travel watch list, and there were rumors that Sisi rejected his return to Egypt. As a result, Shafiq stayed in the United Arab Emirates (UAE), which had hosted him since he lost the presidential race to Morsi in 2012 by a small margin. Nevertheless, FLE reached an agreement with the Shafiq-headed National Movement, offering to include members of the movement on its list. At the last moment, however, FLE officials excluded the National Movement, in what seemed to be an electoral ploy designed to weaken the party's competitiveness and preclude the opportunity for it to form its own list.

Nevertheless, in the run-up to elections, the National Movement has released no legislative or policy agenda opposed to Sisi. In fact, the deputy head of the party announced that the party would join the FLE list in response to Sisi's desire for a joint list, expressed during his meeting with party leaders. The National Movement agreed to join the list, citing the political need to confront the Salafi current and Islamist attempts to control parliament. Emad Gad, a member of the FLE's coordinating committee, said that an agreement could not be reached with the National Movement because the candidates they fielded were former members of the NDP, which had corrupted political life and were thus unacceptable to FLE officials. The deputy president of the National Movement denied that the people named were former leaders in the NDP, although the party has taken no critical stance toward the Mubarak regime and many of its members are Mubarak loyalists.

Despite all of this, thus far the National Movement has not positioned itself in opposition to Sisi. In fact, its leaders have explicitly stated their desire to fulfill Sisi's wish for a joint, unified list. In this context, Shafiq condemned his exclusion from the FLE list insofar as it meant there wouldn't be "one single list", unified to face the Nour Party and the Salafis.

After it was dropped from the FLE list, the National Movement joined the Egypt list, led by the founder of the Independent Current, Ahmed al-Fadali; the list includes the National Movement, Egypt

My Country, al-Gil, and al-Ghad. The second largest electoral alliance, it is fielding candidates on three lists in Upper Egypt, the western Delta, and Greater Cairo. While it is competing with the FLE, it nevertheless is comprised of non-opposition parties that support President Sisi, even choosing a pro-Sisi slogan as its campaign motto.

The Nour Party, which won a quarter of the seats in the 2011 parliamentary elections, seems ill-equipped to repeat that stellar performance in the upcoming elections. Despite its support for Morsi's removal, the new constitution, and Sisi himself in the presidential elections, the Islamist party has not been able to win the trust of the political elite. It is constantly being accused of acting as the spearhead of the MB's return to political life, of being a religious party, and of supporting terrorism. Its existence has been challenged by lawsuits, which were ultimately rejected by the courts. But the Administrative Court issued an order in September requiring the Political Parties Committee to examine the compliance of 11 Islamist parties, among them the Nour Party, with the conditions for political parties set out in Law 40/1977. The Nour Party is thus involved in electoral and political battles that compel its leaders to think and act pragmatically. However, despite its material and human capacities, the party fielded lists for only two list constituencies instead of four.

Having successfully fielded candidates for the lists in all four list constituencies, the Democratic Civil Union (Egypt Awakening) subsequently withdrew from the elections due to a ruling from the Administrative Court requiring candidates to undergo another medical examination, which the alliance said was too financially onerous. The Egypt Awakening list was formed by a former member of the 50-member constituent assembly, Abd al-Galil Mustafa, and included the Dostour Party, Karama, the Popular Alliance, Free Egypt, al-Adl, the Popular Current, the Egyptian Social Democrats, and the National Bloc, as well as several public figures. It was the only list that would have allowed some opposition voices to enter the parliament.

Thus the major lists competing in these elections include no opposition alliance and all are united in their support of the Sisi regime. The strongest coalition is FLE, a creation of the state and its apparatus, followed by the Egypt Coalition, whose campaign motto is "Let's change the constitution," a response to President Sisi's veiled appeal to amend the constitution. Finally, there is the Nour Party, which since the downfall of the MB has never missed an opportunity to show its support for President Sisi.

Amid preparations for the parliamentary elections, President Sisi dropped a bomb in a speech inaugurating the university youth week on 15 September 2015. “The constitution was written with good intentions,” he said. “And a country cannot be run on good intentions alone.” Some political and media groups and pro-Sisi electoral alliances seized on this to initiate a debate on the constitution and call for its amendment as the first order of business for the new parliament. These appeals stressed the need to curtail the parliament’s powers in favour of those of the president.

Ironically, all those fervently urging changes to be made to the constitution were also passionate advocates of the very same constitution in the referendum that led to its adoption, declaring it the best constitution Egypt had ever had and one that guaranteed democracy, human rights, stability, and the balance of powers.

President Sisi, who supported the constitution, ran for president under its provisions, and swore to uphold it, apparently wishes to acquire greater authorities and run the country without accountability or oversight, even from parliament. He was never accustomed to discussing orders in the army and is now unwilling to confront a parliament whose first task will be reviewing the dozens of laws he has issued. According to Article 156 of the constitution, the new House of Representatives must review all laws issued prior to its election within 15 days of its seating; laws that will not be approved will be automatically repealed. The president, who has enjoyed the prerogatives of his office and those of the parliament for the past year, seems unwilling to cede these to the legislature.

SISI URGES CHANGES TO THE CONSTITUTION AND REDUCTION OF PARLIAMENT’S POWERS

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The president will have many supporters in the parliament, but the likely control of the parliament by independents leaves the door open to unexpected political maneuvers if a group of independents form a coalition that allows them to exert pressure and use the authorities granted by the constitution, first and foremost the right to issue a motion of no confidence against the prime minister, appointed by the president, or even against the president himself. Article 161 of the constitution allows MPs to call a vote of no confidence against the president and hold early presidential elections, based on a motion stating cause signed by a majority of MPs and approved by two-thirds of MPs, provided the motion with the same cause is submitted only once during a presidential term. If the motion of no confidence is approved, the no-confidence vote is put to the public in a referendum, called by the prime minister. If the motion of no confidence is approved by a majority in the referendum, the president is removed from office and the presidency declared vacant; early elections are to be held within 60 days of the announcement of the results of the referendum. If the motion is rejected in a referendum, the House of Representatives is dissolved and the president calls for new elections within 30 days.

CONCLUSION

The climate in which the coming elections will take place recalls the one in which the People's Assembly elections of 2010 were held, in some ways, especially given the absence of prominent opposition parties and the readiness of many former NDP members to return to political life. But the political and social context differs greatly from the period before the January Revolution. Citizens are exhausted after more than four years of revolutionary defeat; many prominent revolutionary activists are in prison, in voluntary exile, or have withdrawn from politics; and there is no strong democratic current with a popular or electoral base that would allow it to play the role of the political opposition.

Despite the repression, the lack of liberties, the human rights violations, and the failure to eliminate terrorism, the president enjoys the support of the army, the media, and state institutions, as well as the popular support of much of the public that is fearful of the spread of terrorism and is willing to sacrifice civil liberties in exchange for security and an adequate standard of living, and that believes the regime can rescue the country from the many plots against it, an idea incessantly promoted by the media.

Revolutionary forces failed to build popular, democratic organisations, and the Salvation Front parties that helped to oust Morsi have supported the Sisi regime and its policies. Opposition voices, the press, and human rights groups have been suppressed; court rulings are politicised; and thousands have been thrown in prison. A series of laws have been passed that restrict civil rights and liberties, in particular the law criminalising demonstrations and the counterterrorism law. The spread of violence and the state's failure to eliminate the Islamic State in Sinai have ultimately shored up the security apparatus and its control of the street, while police personnel act with impunity. Huge swathes of the citizenry who support President Sisi have turned a blind eye to human rights violations, under the influence of regime propaganda saying that this is the only way to confront and defeat terrorism. The pro-Sisi majority has also been silent about deteriorating living conditions, waiting for Sisi's promised prosperity following the realisation of several national mega-projects led by the state, which according to the regime, will bring massive revenues to the state treasury. There is no chance now of repeating the Tamarrod experience: the Tamarrod leaders support Sisi and his policies, and the boost given to the movement by the security apparatus under Morsi, by overlooking its petition drive calling

for early presidential elections, is not possible today. Anyone who would consider a similar initiative would be prosecuted or would simply disappear.

The president has grown accustomed to the unprecedented powers he enjoys in the absence of a parliament and has no desire to relinquish them. He expects parliament to respond to his appeal to amend the constitution, which will very likely be amended shortly after the parliamentary elections. It is expected that these changes will not stop at curtailing parliamentary prerogatives and increasing presidential powers, but will place additional constitutional restrictions on the exercise of human rights and civil liberties.

Electoral alliances are betting that campaign spending and tribal and religious affiliation will be more decisive for electoral outcomes than electoral platforms. The elections are expected to redraw the political map, possibly giving rise to a new party or alliance of independent MPs that will present themselves as the institutional political backing the president has long lacked. The new parliament will have no advocates for rights and liberties and will not constitute a step towards democracy in Egypt.