

Egypt Parliament Watch:
MID-SESSION REPORT

OCTOBER 2016 – MAY 2017



The Tahrir Institute
for Middle East Policy

THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY

The Tahrir Institute for Middle East Policy (TIMEP), a nonpartisan and nonprofit organization, is dedicated to understanding and supporting Middle Eastern countries undergoing democratic transitions and committed to informing international policymakers and the public of developments in these countries.

Introduction

Egypt's House of Representatives began its second session on October 1, 2016. The body gathered in the resort town of Sharm el-Sheikh on October 9 to celebrate the 150th anniversary of parliamentary politics in Egypt. The event was an international affair and President Abdel-Fattah El Sisi delivered a [speech](#) in which he described the parliament as “the most pluralistic chamber in the country’s history.” However, despite its apparent pluralism, a relatively high [percentage of women](#) and minority representation, and being touted as the last step on Egypt’s post-2013 “democratic roadmap,” the current House of Representatives requires further assessment to determine its democratic representation.

Thus, this progress report picks up where the Tahrir Institute for Middle East Policy’s report on the [first session of the parliament ended](#). While a full analysis of the parliament’s performance in the second session will be forthcoming when the session closes,¹ TIMEP’s Egypt Parliament Watch project team has prepared the following report covering October 2016 to May 2017 to provide a barometer of progress toward or regress from the indicators measured in the first report.

This progress report therefore includes:

- **Party Developments:** A review of the developments in party and coalition dynamics since the publication of the last report.
- **Legislation Tracker:** In line with TIMEP’s previous Legislation Tracker project, this section provides an English-language register of laws and relevant information.
- **Performance Indicators:** This section reviews the parliament’s performance based on four key indicators, describing relevant developments and providing a snapshot analysis.

The indicators are:

Balance of Powers: Was the parliament able to act as an effective check and balance to the executive, the judiciary, and other state institutions?

Accountability: Did members of parliament restrict their activity in accordance with existing statutes and bylaws, and did parliament implement equitable mechanisms to sanction members who did not?

Public Engagement and Transparency: Did the parliament make its activities known to the public and seek to engage with its constituencies to ensure effective representation?

Legislative Capacity: Was the parliament able to craft sound legislation in compliance with international and constitutional law?

- **Looking Forward:** A list of ongoing issues and key legislation that our project team is watching as the second session progresses.

It is TIMEP’s hope that this report and the analysis herein will be of use to those interested in Egypt’s progress toward more democratic representation, which was and has been a key demand since the 2011 revolution. As with all of TIMEP’s work, it is intended to inform policies that will support the role of truly democratic institutions as part of a holistic policy program that holds human rights and rule of law as both inherently valuable and integral to security, stability, and prosperity.

¹ The final meeting of the session has not yet been announced, though it is anticipated around September. TIMEP has chosen a full session to complete its final analysis as most often significant pieces of legislation are deliberated and passed up to the final session hearing.

Party Developments

This section details notable developments in party and coalition dynamics that have occurred in the first half of the House of Representatives' second session.

This first half of parliament's second session saw several large political shifts within political parties and blocs:

- The majority Coalition in Support of Egypt elected a new leader, manufacturing mogul Muhammad al-Suweidi, after its founder, Sameh Seif al-Yezal, died during the first session.
- The Nation's Future Party officially shifted power from absent party leader Muhammad Badran to previous Vice-President Ashraf Rashad.
- The Free Egyptians Party splintered after Essam Khalil forced a vote to expel party founder Naguib Sawiris and the Board of Trustees, effectively creating two wings of the party under their respective controls competing for the party's representatives in parliament and other resources.
- Al-Sayyid al-Bedawi's leadership of the Wafd Party continued to face internal challenges that have threatened to remove him since the party's poor showing in the 2015 parliamentary elections.

Three seats in parliament were vacated between October 2016 and May 2017:

- Former head of the Economic Affairs Committee Ali Maseelhi was chosen as the new cabinet Minister of Supply and replaced by Muhammad Abdul Hadi Habib.
- Former head of the Human Rights Committee Muhammad Anwar al-Sadat was voted out of parliament by his peers for reportedly leaking a draft of the controversial NGO Law to a foreign embassy. He was replaced by Fakhri Tael.
- Representative Amira Ibrahim died in a car accident on her way to the 150th anniversary celebration and was replaced by Shireen Abdul Aziz Bayoumi.

However, Nation's Future Party added a single seat with Fakhri Tael and now has 54 in total. They are still only the second largest party behind the weakened Free Egyptians Party's 63 total seats. The Reform and Development Party lost the most in the first half of the second session; Muhammad Anwar al-Sadat's exit leaves them with only one seat in parliament.

***Despite some seat changes,
the overall balance of power in
parliament remains unchanged.***

Legislation Tracker

This section tracks key legislation that was passed during the first half of the House of Representatives' second session.

Several notable laws have been passed and ratified since the seating of the second session. These include:²

- The House of Representatives passed a [controversial law governing non-governmental organizations](#) on November 29. The law was widely condemned by [local organizations](#) and the international community for its [restrictive nature and harsh penalties](#) on civil society. The law was ratified by President Abdel-Fattah El Sisi months after it passed parliament, on May 24.
- Parliament passed three laws over the course of December 2016 which [governed](#) who is considered a media member, [what](#) rights and regulations that entails, and [which](#) professional bodies they report to. These laws also created a High Media Council, a National Press Body, a National Media Body, and a Media Members Syndicate.
- The House of Representatives passed a new [Judicial Authorities Law](#) on April 26, granting the president the power to choose the heads of leading judicial bodies from among three candidates presented to him by the judiciary. The law caused great consternation among members of the judicial branch for what was viewed as a tipping of the balance of power; negotiations over the appointment of the head of State Council are ongoing and required to be completed by June 30, 2017.
- Parliament [passed](#) the Civil Service Law on October 4, the first day of the second session. The final vote on it was postponed from the first session, where the percentage yearly raise for civil servants entailed in the law was debated extensively, because of lack of quorum. Notably, only 433 of the 595 members were reported to have registered a vote during the final vote in October. Among a myriad of other changes, the law sets up a seven percent year raise for public sector employees.

Egypt's restrictive new NGO Law was ratified by President Sisi six months after its passage in parliament.

² TIMEP will include a more comprehensive list of legislation and analysis in its second session Egypt Parliament Watch report.

Performance Indicators

This section details important events that pertain to and provides analysis of Egypt's progress toward strengthening or regress in deterioration of key indicators necessary to democratic performance.³

CHECKS AND BALANCES:

OVERVIEW OF DEVELOPMENTS

- On November 3, the government **decided** to float the national currency, removing the peg to the U.S. dollar. Despite the magnitude of this decision, only ranking members of the majority, pro-government Coalition in Support of Egypt reported being briefed on the decision. The majority of the parliament reacted with confusion after learning of the economic policy in the press. The decision was only publicly **accepted** by the Budget Committee in parliament on November 13.
- The cabinet of Prime Minister Sherif Ismail **signed** an agreement with the International Monetary Fund for a \$12 billion loan on August 11 and the IMF **approved** it on November 11, 2016. Egyptian banks began **receiving** the first tranche of the loan soon after. However, parliament only **provided** the necessary constitutional approval on March 27, 2017, months after loan funds began to be disbursed. This intervening period violated Article 127 of the constitution, which stipulates that the executive may not secure any loan or foreign funding not already listed in the state budget without parliamentary approval.
- President Abdel-Fattah El Sisi signed a border agreement with King Salman of Saudi Arabia to shift control of two islands in the Red Sea, Tiran and Sanafir, to Saudi Arabia on April 10, 2016. It has been the center of an intense judicial debate on the constitutionality of such agreements. Despite being empowered to rule on issues of national sovereignty by Article 151 of the constitution, parliament only **received** the agreement on December 29 (In a controversial decision, parliament voted to pass the law on June 14, an in-depth analysis of which will be forthcoming in our full session report.)
- In the fallout of the economic crises Egypt has faced over the last year, many members called for a full cabinet reshuffle. The House of Representatives is empowered to remove confidence in the cabinet, though after months of statements to this effect, parliament only received a minor reshuffle of unrelated ministers.
- When Sisi declared a three-month national state of emergency starting on April 10, 2017, the House of Representatives refused to ratify it until Ismail **briefed** a full session of the legislature. Ismail acquiesced, but the state of emergency went into practical effect 24 hours before the briefing and the subsequent vote in favor of the decision.

ANALYSIS

Throughout the first half of the second session, parliament has not improved its weak performance as a check on the executive branch that was documented in the first session of parliament. The president and the cabinet have continued to make important decisions without the input of the legislature, despite parliament's constitutional mandate to approve many of these decisions. Representatives like Alaa

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³ A full explanation of the logic and methodology behind these indicators can be found in Appendix B of TIMEP's Session One report from Egypt Parliament Watch: https://timep.org/wp-content/uploads/2017/01/EPW_Session-1_Jan-Sept-2016-Report.pdf

Abdel Moneim, Muhammad Anwar al-Sadat, and Gamal al-Sharif made statements about the unconstitutionality of the IMF loan procedures and the Tiran and Sanafir agreement, but the legislature as a whole did not take any punitive action against the powers they were meant to be balancing. Even small victories like forcing Ismail to brief parliament on the national state of emergency mean very little, as it seems that one of the only effective ways to secure meetings with some cabinet ministers is to threaten resignation from the House. Not all ministries have been noncompliant thus far, though the number of meetings between representatives and cabinet ministers falls far short of the number of official summons set to ministers. These factors demonstrate that parliament has still not accepted its empowered role as an important check and balance on the Egyptian political system.

ACCOUNTABILITY:

OVERVIEW OF DEVELOPMENTS

- The votes for the second session's heads of the Human Rights and Housing Committees were reported to be illegally stacked. Reports circulated that parties working together had as many as 64 of their members join these committees before the votes and ensure the preselected candidate won before the transitory members revoked their entry into the committee and filed for another committee for the rest of the session. No public investigation into the allegations was held.
- Parliament's Ethics Committee, consisting of 15 total members and headed by Bahaa Abu Shoqa, head of the Constitutional Affairs Committee, was finally formed on January 15, 2017, over four months after the second session of parliament began. The deputies elected for the committee are Hassan Bassiouni and Shadi Aboul Alaa.
- The Ethics Committee went into action quickly, hearing accusations brought against Muhammad Anwar al-Sadat, Ilhami Ageina, and Osama Shersher. The committee only finished the process with Sadat, recommending he be removed from parliament for leaking a draft of the NGO Law to a foreign embassy. Experts have also cited Sadat's oppositional relationship with the government as the impetus for his censure. Sadat was voted out of parliament by a two-thirds majority on February 27, 2017.
- Parliament did not implement the July 20, 2016 court ruling to turn Ahmed Mortada Mansour's seat for the Dokki/Agouza district over to Amr al-Shobaki during the first half of the second session. This came despite the Constitutional Affairs Committee accepting the ruling on November 14 and multiple members pushing for an end to the issue.
- Thirty percent or more of the sessions between October 2016 and May 2017 were postponed for lack of quorum. The inability of representatives to meet deadlines has been a constant concern for parliamentary Speaker Ali Abdel 'Al and votes on laws have been postponed or rescheduled because of it. No representative has yet been sanctioned for this delinquency.
- Unofficial censure occurred for several apparently political issues: Osama Shersher was reprimanded by Abdel 'Al for wearing a pin emblazoned with "Tiran and Sanafir are Egyptian" and Khaled Youssef was temporarily prohibited from travel, ostensibly for having headache medication. However, the opposition 25-30 Bloc, of which Youssef is a member, insisted it was in response to dissenting statements.

ANALYSIS

During the period examined in this report, parliament's accountability, both to constituents and to bylaws, was highly suspect. Very few measures were taken to ensure accountability as the bylaws were implemented unevenly in almost all cases. Muhammad Anwar al-Sadat was forced out of parliament for allegedly leaking a draft law, which is not explicitly prohibited, though the rest of parliament continued to hide that same law for months after it was voted upon. Sadat's charges led to him receiving official censure during the first half of this session. This occurred despite the fact that the Ethics Committee had been recommending that Ilhami Ageina be stripped of his seat as well on February 13 and that Mortada Mansour had as many as eight libel suits brought against him by fellow representatives and private citizens at any one time during the session. Thus, this report must conclude that the internal accountability of the parliament has not improved over the body's lackluster performance in the first session.

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PUBLIC ENGAGEMENT AND TRANSPARENCY:

OVERVIEW OF DEVELOPMENTS

- The amount of information on the House of Representatives, including schedules, information from committee meetings, and footage of parliamentary procedures, available through traditional Egyptian media sources has increased in the first half of the second session when compared with the first session.
- Parliament's relationship with journalists has not changed dramatically. Abdel 'Al began the second session by preparing a list of critical journalists who should be prevented from entering the building. He did not enforce this ban during the first half of the session though.
- The House of Representatives, filed a complaint with the prosecutor general against journalist Ibrahim Eissa after the body perceived Eissa to have insulted them. This was reportedly the first time in Egyptian history a parliament had taken that action.
- Representative Rashad Aboul Ayoun lied to an Egyptian television show and allowed his brother to do the first minute of a live telephone interview with the show before a journalist called in recognizing the voice and confronted them. Ayoun's brother promptly gave Rashad the phone and Rashad continued the interview pretending like nothing had happened.
- According to a Baseera poll published on April 30, only 30 percent of Egyptians are satisfied with parliament. This is down five percentage points from last year. Thirty-seven percent of citizens are dissatisfied with the body and the remainder are undecided.⁴ A generational gap exists within the data, as just 24 percent of Egyptians under 30 years old approved of parliament, while 41 percent of those over 50 approved of it.

⁴ It should be noted that while these numbers are low, they represent roughly twice the approval rating of the U.S. Congress at the time.

ANALYSIS

Public Engagement and Transparency is the factor in which parliament saw the most improvement during the first half of its second session. The body should be commended for allowing more information about their work to be disseminated to local media sources in a timely fashion. Yet this improvement has not reached a satisfactory level, as sessions are still not broadcast live as they were intended to be, journalists are still not operating freely, vote counts are still not made publicly available, and major actions are rarely taken transparently. However, parliament's efforts to promulgate useful information, like drafts of laws and schedules of meetings, is a step toward giving citizens the opportunity to monitor their representatives should they so choose.

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LEGISLATIVE CAPACITY: OVERVIEW OF DEVELOPMENTS

- Only eight of the 21 laws known to have been passed by the beginning of May 2017 were drafted by members of the House of Representatives. This was the case despite the fact that Representatives presented 146 of the 245 draft laws tracked in the second session as of May 2.
- As many as six drafts of the constitutionally mandated Transitional Justice Law were presented to parliament but none were scheduled for serious discussion in the first half of the session. Members have openly [stated](#) the law will not be passed in the second session, despite the 2014 constitution requirement that it be passed in the first session.
- The House of Representatives passed the Civil Service Law on the first day of the second session. The final vote on it was postponed from the first session, where it was debated extensively, because of lack of quorum.
- As many as five drafts of the Local Administration Law, which is necessary to hold the promised local council elections, were presented to parliament in the first half of the second session. These drafts were discussed in committee but were not sent to the general assembly for debate or a vote.
- Parliament [approved](#) the \$12 billion IMF loan on March 27, over seven months after it was signed. The approval of the loan also came four months after it began to be disbursed, putting the agreement in a dubious legal position until that point.
- On November 29, the House of Representatives [passed](#) an NGO Law that increased state oversight over the funding and actions of NGOs operating in Egypt. According to the constitution and the bylaws, when a law is sent to the president for ratification; he has 30 days to sign it from the date of receipt of the law. However, President Abdel-Fattah El Sisi reportedly did not receive the law from parliament and its whereabouts were unknown until it ultimately was published in the Official Gazette on May 24, 2017, and went into force.
- A [Judicial Authorities Law](#) that gives the president the power to appoint the head of high judicial bodies from among three candidates presented to him was passed on April 26. This came after the State Council, which reviews all legislation in parliament, [outright rejected](#) the law. Parliament ignored this and similar statements from the Judges Club and High Judicial Council by passing the law without amendments.

ANALYSIS

Thus far in the second session, parliament's legislative capacity has not changed drastically from the first session. The majority of the laws passed before May 1 are solely taken from or inspired by government drafts. The laws passed during the first half of the session do not demonstrate the same economic bend seen in the first session. They instead focus on increasing state control, whether over NGOs, the media, the judiciary, or civil servants. The logic of prioritizing such efforts over arguably more necessary laws like the Transitional Justice Law, Local Administration Law, and even the IMF Loan reflects a coordinated effort on the part of the state to further restrict public space, as TIMEP documented in its recent report, [vvv](#) The State Council was less overtly active in the legislative process during this period than during the first session. Whether this is due to a shift toward parliamentary empowerment or towards sidelining the judiciary, as demonstrated in the Judicial Authorities Law example, remains to be seen. These factors weighed on the legislative capacity of parliament and led to a slightly more professional but ultimately unsatisfactory performance through the first half of the second session.

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Looking Forward

This section outlines upcoming developments or potential developments, expected legislative discussions or laws to be passed, and key concerns for the rest of the session.

Moving towards the end of the second session, parliament has several unresolved issues that it must wrestle with, as both Ramadan and summer threaten to slow their progress. From a legislative perspective:

- The Local Administration Law should be brought to a vote in order to meet the state's promises of local council elections by the end of 2018.
- The Transitional Justice Law must be voted on to belatedly fulfill an already-violated constitutional mandate.
- Controversial draft amendments to laws like the Information Crimes Law, which would give the state greater powers to restrict and punish internet users; the al-Azhar Law that would grant the executive greater control over the head of the independent religious body; the 10 drafts of the Criminal Procedures Law, which reportedly include the largest package of amendments since 1950; and the eight drafts of the Penal Code that include increased punishment for insulting the president are anticipated for deliberation.
- The Tiran and Sanafir Agreement, having been approved by the House of Representatives on June 14, continues to be a source of turmoil in Egypt's parliament, as well as in the society at large. Though it is unclear at the time of this report's publication how pending court cases will play out, the controversy over the islands is likely to continue to cause problems for the legislature.
- Judging from the rapid passage of several laws at the very end of the first session, the last half of the second session could be back loaded with a plethora of contentious issues and legislation.

From a political standpoint:

- Parliament has yet to resolve the issue of the Dokki/Agouza seat originally awarded to Ahmed Mortada Mansour but later designated for his competitor Amr al-Shobaki by a Court of Cassation ruling on July 20, 2016. The issue has reached a legal and political stalemate that only decisive parliamentary action will break.
- The place of the Free Egyptians Party and the Wafd Party within the parliamentary pantheon may be decided within the last half of this session as well. As both parties struggle with varying degrees of internal leadership challenges that threaten to shift the party platform, any resolution to these issues could materially affect the balance of power in the legislature.
- Parliament has also had to replace relatively large numbers of representatives for various reasons during both the first session and the first half of this second session. There is no reason to believe this trend will abruptly end. Therefore, observers cannot rule out the possibility of future shifts in the leadership dynamics of the parliament, such as when Sameh Seif al-Yezal died.

Based on the data collected during the first half of the second session, the parliament has improved marginally but has not reached the level of democracy and accountability it was designed to achieve in the 2014 constitution. There is little evidence to suggest the body will achieve that goal before this session ends. Nevertheless, citizens, activists, and the international community must continue to apply pressure to the body from a variety of fronts to remind representatives of these responsibilities to their constituents.

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1140 Connecticut Ave NW Suite 505 Washington, DC 20036
office 202 969 3343 | fax 202 480 2178 | timep.org