

PARLIAMENT WITHOUT POLITICS:
THE EFFORT TO CONSOLIDATE AUTHORITARIAN RULE



By Ann M. Lesch

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INTRODUCTION

General Abdel-Fattah El-Sisi, Egypt's ruler since July 2013, brooks no dissent. Having “saved” Egypt from the Muslim Brothers, he has ruled by decree in the absence of a parliament, supported by a handpicked technocratic cabinet. His security apparatus muzzles the press, keeps dissident voices off-air, arrests secular as well as Islamist critics, and clamps down on civil society. He has built ten new prisons to accommodate the overflow, as political prisoners may now total 60,000.¹ As typical of military rulers, he announces grandiose projects – the new channel in the Suez Canal, the Dabaa nuclear power plant, million-unit agricultural and housing schemes, and a multi-billion dollar new capital city – without taking into consideration their cost, integrating them into long term plans, conducting comprehensive feasibility studies, or examining their social and environmental impact.

El-Sisi rewards the armed forces with frequent salary increases at a time of austerity budgets, and billions-of-dollars' worth of US, French, Russian, and German high-end weapons systems: advanced fighter jets, submarines, assault helicopters, and warships that each carry an entire tank battalion and eighteen helicopter gunships. As the military and security budgets are secret, no independent body vets these massive financial outlays. However, a sitting parliament would have reviewed the potentially crushing long-term debts that the government assumes by megaprojects and also reviewed the five billion dollar World Bank lending package and \$1.5 billion African Development Bank loan. Indeed, Egypt's external debt ballooned from \$40 billion in April 2015 to \$46 billion six months later, by which time its internal debt was nearly \$250 billion.² A sitting parliament might have redirected funds from megaprojects to the deplorable health and education sectors, crumbling infrastructure, and impoverished villages, where three-quarters have no sewage networks, half suffer from daily or weekly cuts in the supply of drinking water, and forty percent endure electricity cuts at least three times a week.³

This assumes, of course, that parliamentarians would seek to monitor government performance and propose alternative policies in view of their knowledge of local conditions and constituents' needs. On paper, the constitution that was endorsed by a referendum in

¹ Reported by Gamal Eid, executive director, Arabic Network for Human Rights Information, who was blocked from travel abroad shortly after releasing this information. <http://www.al-monitor.com/pulse/originals/2016/02/egypt-authorities-prison-free-speech-sisi>, February 3, 2016.

² <http://www.dailynewsegypt.com/2015/01/14/egypts-debt-burden-to-see-no-relief>.

³ “75% of Egypt's villages have no sewage networks: survey” by the Central Agency for Public Mobilization and Statistics (CAPMAS), December 28, 2015, <http://www.egyptindependent.com/node/2464210>; scathing criticism of the government's economic policies by Ziad Bahaa-Eldin, former deputy prime minister and former chair of the General Authority for Investment: “Egypt: At year end, floundering investment policies,” December 31, 2015, <http://english.ahram.org/eg/News/178835.aspx>

January 2014 enhances the parliament's ability to propose bills, approve cabinets and new ministers, and table motions of no-confidence in the cabinet and the president. The constitution also requires parliament to approve, amend or cancel the decrees issued since July 2013.

But these powers are circumscribed. For example, if parliament twice rejects candidates for prime minister, parliament itself is dissolved and new elections set – an outcome that MPs would fear.⁴ Moreover, parliament has no say over the appointment of the ministers of defense, interior and justice, and cannot examine their budgets, thereby excluding the strategic sectors from its purview.

Even though the president retains paramount authority and can declare a state of emergency after merely consulting the cabinet, El-Sisi openly worries that “the constitution...gives vast powers to the parliament, with good intentions. But the country cannot be run on good intentions.” This suggests that the constitution should be amended in order to enhance the president's powers. In addition, El-Sisi urges “Egyptians [to] unite and avoid disputes” within parliament and expresses concern that parliament will be “either a hindrance or a blessing.”⁵ The president sees the legislature not as a separate branch of government but as an adjunct to his rule.

These presidential concerns were not only evident in the long delay in holding parliamentary elections but also, as examined in this essay, in the electoral system, the elections themselves, and the initial actions by the new parliament. That the executive and the security agencies ensured the return of Mubarak-era elites, who would endorse the president's unilateral actions, made it evident that the legislature is intended to present only a façade of democracy. The repression of political discourse in the context of growing discontent over the failure to improve the economy and redress social grievances tension raises serious questions about the regime's future.

⁴ In contrast, the short-lived 2012 constitution empowered parliament (not the president) to appoint the prime minister and form the government; parliament could be dissolved only by a public referendum. The 2014 constitution eliminated the position of vice president – a position that past presidents had viewed as potentially threatening to their own hold on office.

⁵ www.madamasr.com/sections/why-sisi-afraid-constitution-and-parliament, September 15, 2015; <http://www.al-monitor.com/pulse/originals/2015/10/egypt-parliament-elections-mubarak>, October 15, 2015; “Egypt can fight threats if Egyptians unite: Sisi,” June 24, 2015, <http://english.ahram.org.eg/News/133626.aspx>

THE ELECTORAL SYSTEM

During the thirty years of Hosni Mubarak's presidency, the ruling National Democratic Party (NDP) controlled the legislature, while other political parties had token representation. When the NDP was banned after the January 2011 uprising, resurgent Islamist parties dominated the 2011-2012 parliament. Former NDP members gained less than four percent of the seats. Secular supporters of the January 25 Revolution and liberal businessmen were elected to the lower house, but largely boycotted the elections for the upper house. But the Supreme Council of the Armed Forces (SCAF) closed the assembly in June 2012, unable to tolerate the prospect of the soon-to-be-elected Islamist president Mohamed Morsi ruling in conjunction with an Islamist-majority parliament. The SCAF used the excuse of a court order that found parts of the electoral law to be unconstitutional as the pretext for closing its doors.

After El-Sisi removed Morsi a year later, the trick was to figure out how to create a parliament that would support the president in the absence of a party comparable to the NDP or the Muslim Brotherhood's Freedom and Justice Party. The steps taken achieved that goal:

1. The constitution eliminated the upper house of parliament, which could bolster the legislative branch.
2. The president established an unwieldy assembly with 596 seats, twenty percent larger than the previous assembly.
3. Seventy-five percent of the seats were allotted to individual constituencies of varying sizes, in which candidates need not have a party affiliation. Winners would be primarily loyal to themselves, their businesses, their locality, and/or their family, and (it was hoped) ready to rubber stamp the president's policies.
4. Twenty percent of the seats (120 MPs) were assigned to four huge electoral constituencies. Electoral lists could include independents as well as political parties. A specific number of women, Copts, youth, disabled, and expatriates had to be placed on each list. As campaigning required substantial funds, wealthy businessmen and former government/NDP officials were the backbone of the lists. Small parties were virtually excluded from parliament if they did not join the regime-backed coalition.
5. In the four list-constituencies, the list that received fifty percent plus one of the vote gained all the seats. If, instead, a proportional representation system had been instituted, several lists would have gained seats, reducing the domination of the most pro-government list.
6. The president appointed 28 MPs (five percent), half of whom must be women. These professionally-prominent individuals owe their appointment to the president and therefore cannot challenge him in fundamental ways. An appointed MP has the right to

head a committee and even become speaker of the assembly, which would consolidate the executive branch's control.

The intent was to ensure that the 120 list seats would be won by the list that backed the president, with the individual seats largely won by people who would focus on their personal interests – and support the regime in order to achieve those interests. Political parties would play a minor role; as in Mubarak's parliaments, they would beg for crumbs rather than be power brokers.

FOR THE LOVE OF EGYPT

After achieving the first step in structuring the parliament so as to be dominated by apolitical people who backed the government, El-Sisi called on the political parties to create one, unified list to contest all 120 list seats, even though that contradicts the competitive essence of elections.⁶ El-Sisi supported the effort by Kamal Ganzouri, who had been prime minister under Mubarak and SCAF, to assemble a coalition that included nearly every political party and many former NDP officials. The hundred-year-old *Hizb al-Wafd* (The Delegation Party) also sought to lead a coalition, claiming that the *Wafd* – not Ganzouri – would be El-Sisi's voice in the assembly.

Soon, regime support shifted to former military intelligence officer General Sameh Seif al-Yazal, El-Sisi's colleague when he ran the military intelligence operations from 2010 to 2012. Yazal was a staunch supporter of the SCAF and critic of both the secular revolutionaries and the Muslim Brotherhood.⁷ Considered a public voice of the *mukhabarat* (general intelligence), he is reported to be an owner of the powerful Falcon Group, which secured El-Sisi's presidential campaign headquarters and which the interior ministry and military rely on for outsourced security, such as guarding the gates of universities and sports stadiums.⁸ From 2012

⁶ The President met with party leaders on January 17 and May 27, 2015. On Wafd's list: "Political divisions threaten El-Sisi's call for electoral consensus," January 17, 2015, <http://english.ahram.org.eg/News/120544.aspx>; on Yazal's list: "For the Love of Egypt electoral list leaves political parties divided," February 11, 2015, <http://english.ahram.org.eg/News/122800.aspx>; on the second meeting: "Parliament before end of 2015, Sisi tells political party heads," May 27, 2015, <http://english.ahram.org.eg/News/131322.aspx>

⁷ In March 2012, al-Azhar students kicked Yazal out of a forum discussing the role of SCAF. Soon after, his name was withdrawn as a possible vice president, due to his ties to SCAF and Mubarak. In November 2012, he declared "you can never trust the Islamists" and argued that outside "intervention" was needed to prevent a civil war. "Retired army officer under attack for work with company operating in Israel," March 12, 2012, <http://www.egyptindependent.com/node/707951>; "Meet your presidential candidate," March 12, 2012, <http://www.egyptindependent.com/node/707721>; quotation from *al-Quds al-Arabi* in December 3, 2012, www.timesofisrael.com/general-warns-egypt-is-heading-into-a-civil-war

⁸ "Falcon: meet Egypt's most famous security company," October 10, 2014, <http://www.egyptindependent.com/node/2438816>; the website <http://www.falcongrouppinternational.org>, states

to 2014, Yazal chaired G4S security company's Egypt operations.⁹ As head of the new coalition, he worked closely with the presidential palace and the *mukhabarat* to screen potential candidates.¹⁰

Yazal called *Fi Hob Misr* (For the Love of Egypt) a coalition of influential personalities, not a bloc of parties. He included most of Ganzouri's list (including the former NDPers), but sharply limited party-based candidates. Yazal completely excluded *Hizb Ghad al-Thawra* (Revolutionary Tomorrow), whose founder Ayman Nour had fled Egypt in 2013,¹¹ and the staunchly anti-Islamist *Hizb al-Tagammu' al-Watani al-Taqadomi al-Wahdawi* (National Progressive Unionist Party), to which he initially promised one seat. And, having strong-armed the *Wafd* Party into joining the list, Yazal shrank its representation from the promised twenty seats to an "insulting" ten seats.¹²

The three most important political parties on the For the Love of Egypt list were:¹³

that The Falcon Group guards a large number of banks, UN agencies, and embassies, and provides money transfer, technical, and travel services. The falcon is also the symbol for the *mukhabarat*.

⁹ Group 4 Securicor (G4S), a British multinational company, began operations in Egypt in 2001. G4 provides security personnel and equipment for hotel and business complexes (e.g., Nile City Towers, City Stars Mall, Sun City Mall, Cairo Festival City), the entrances and exits to the Cairo Metro, and factories. While Yazal was chair, G4S staff harassed residents of the shanty-town adjacent to Sawiris's Nile City Towers and assaulted workers during their sit-in at the National Vegetable Oil Company in Borg al-Arab. Although the UK headquarters of G4S participated in the British team that investigated the security systems at the Sharm al-Sheikh airport following the downing of a Russian passenger plane on October 31, 2015, the Egyptian government did not allow the Egyptian branch to apply for the contract to assess security procedures at Egyptian airports, due to Yazal's prior involvement with the company. <https://road2tahrir.wordpress.com/2012/10/04/murder-on-the-nile-g4s-fans-the-flames-burning-in-boulaq/>; Nadine Marroushi and Alaa Shahine, <http://www.bloomberg.com/news/articles/2013-05-12/commandos-pounce-on-egypt-crisis-as-security-work-expands.html>; <http://www.madamasr.com/sections/politics/us-based-company-workers-assaulted-besieged-in-alexandria>, April 26, 2014; <http://thecairopost.youm7.com/news/182658/news/cabinet-excludes-g4s-from-airport-security>, December 14, 2015.

¹⁰ IT CEO Hazem Abdel Azeem, who headed the youth commission that supported El-Sisi's election in 2014, stated that a presidential aide summoned him to a meeting in the presidential palace where he told him that he would be appointed to parliament and would head the youth committee. When Abdel Azeem refused, the same aide called him to a meeting at the *mukhabarat* headquarters that discussed the composition of the For the Love of Egypt list. This time he was asked to be a candidate, rather than an appointee. Soon after, Abdel Azeem withdrew from politics, tweeting that "the political climate isn't less dangerous than Mubarak's days if one speaks freely." Tamer El-Ghobashy, *The Wall Street Journal*, May 18, 2015, <http://www.wsj.com/articles/egypts-leader-reinvents-himself-as-bulwark-against-terrorism>; <http://www.madamasr.com/news/hazem-abdel-azeem-faces-backlash-following-controversial-testimonial-on-parliament>, January 5, 2016.

¹¹ After Ayman Nour ran for president in 2005, Mubarak jailed him until 2009. During Morsi's rule and afterwards, Nour tried to bridge the secular/Islamist gap. When warned in the summer of 2013 that El-Sisi's regime might arrest him, he fled to Beirut.

¹² <https://weekly.ahram.org.eg/News/10572/17/A-war-of-coalitions.aspx>, February 26, 2015; "Egypt's Wafd Party invokes past glories in parliamentary bid," October 12, 2015, <http://english.ahram.org.eg/News/153773.aspx>. On the composition of the list, Christopher J. Cox, "The State of Alliances in Egypt's Elections," October 20, 2015, <http://carnegieendowment.org/sada/?fa=61688>

¹³ Other parties on the list were *Humat al-Watan* (Guardians of the Nation); *Hizb Mu'tamar* (the Conference/Congress party), originally formed by former foreign minister Amr Moussa in 2011; Qena/Luxor

- The much-diminished *Wafd*, which had suffered internal splits and lacked funds to finance its candidates' campaigns, in contrast to the mogul-funded parties and wealthy individual campaigners.
- The Free Egyptians Party (FEP), founded in 2011 by Coptic billionaire Naguib Sawiris, which strongly opposed the Brotherhood but was concerned about El-Sisi's grandiose projects and incoherent investment and tax policies as well as the deepening military hold over the economy. Sawiris provided a fifth of the party's core funding, but FEP sought out candidates who could fund their own campaigns. Half of its candidates were former NDP MPs.
- The brand new *Hizb Mostaqbal al-Watan* (The Nation's Future Party), founded by twenty-four year old Mohamed Badran. Elected president of the national student union in spring 2013, Badran backed Morsi's overthrow and then served as the student representative on the constitution-writing committee. He praised El-Sisi for crushing "terrorist" student protests and supported the dismissal of university students.¹⁴ Badran helped the government mobilize youth to campaign for the new constitution and El-Sisi's election. As the president's favored 'youth' leader, Badran was supported by the security apparatus and wealthy ex-NDP notables, from whom he drew many candidates.¹⁵

Two-thirds of For the Love of Egypt's 120 candidates had no party affiliation. These "experienced men and well-known former parliamentarians"¹⁶ included ministers under

based *Hizb Horreya* (Freedom party), led by former NDP MP Salah Hasaballah, who split from the Conference Party; *Hizb al-Eslah wa Nahda* (Reform and Renaissance party) of former MP Mohamed Anwar al-Sadat; Sadat Democratic Party of former MP Effat al-Sadat, supported by former NDP officials in Menoufiya, the late president's home governorate; *Hizb al-Mohafezeen* (the Conservatives' party) of former NDP MP Akmal Qortam; and *Hizb Misr al-Haditha* (Modern Egypt party), formed by NDP's Nabil Dibis.

¹⁴ In AY 2013-2014, while Badran was SU president, 470 students were dismissed from universities. In the summer of 2015, Badran noted that he agreed with all of El-Sisi's actions except his pardoning of a hundred jailed activists; Sarah El-Sirghany, October 19, 2015, <http://www.atlanticcouncil.org/blogs/egyptsource/the-24-year-old-party-leader-who-seeks-to-rule-egypt>. Michele Dunne and Nik Nevin note that Badran's organization seems "eerily reminiscent of the Future Generation Foundation" of Gamal Mubarak, *Wall Street Journal* at <http://carnegieendowment.org/2015/12/16/egypt-now-looks-lot-like-it-did-in-2010-just-before-2011-unrest/in6h>

¹⁵ Badran claimed to receive LE 100,000 (\$13,000) a month from each of his wealthy supporters. (There were unconfirmed reports that the *mukhabarat* funneled money to Badran through some of those people.) His top backers were businessmen Ahmed Abu Hashima (CEO of Egyptian Steel) and Mansour Amer (CEO of The Amer Group: luxury resorts and restaurants). Others included Kamal Abu Ali (owner of Albatros resorts, a film production company, and former president of al-Masry soccer Club) and Hani Abu Rida (FIFA executive committee member since 2009). Big families or tribes included the Maghrabis, who epitomized the nexus of business and government under Mubarak; the Ghomeinis of Alexandria; the Hares tribe from the Red Sea governorate, whose members served in parliament for decades; and the Quraishi and al-Ashraf tribes, descendants of the Quraish tribe of Arabia and thus of the Prophet Mohamed. The Ashrafs are influential in Qena, where they feud with the Arab tribe. <http://www.egyptindependent.com/news/parliament-not-my-ambition>, November 2, 2015.

¹⁶ Spokesman Mohamed Orabi, former foreign minister, quoted in "For the Love of Egypt: High profile, low on politics in parliament race," October 12, 2015, <http://english.ahram.org.eg/News/152658.aspx>.

Mubarak, retired army and police officers, NDP MPs and governors, leading businessmen, and members of large tribes. Yazal allotted one ‘youth’ seat to Mahmoud Badr, co-founder of the *Tamarod* (Rebellion) Movement that had galvanized protests against Morsi in 2013, and also seats to scions of prominent families, such as the daughter of a decades-long MP whose brother headed the National Council of Egyptian Tribes.¹⁷

For the Love of Egypt won all 120 list seats, as the state-supported coalition and the only coalition that the High Electoral Council (HEC) allowed to run in all four multi-regional constituencies. HEC disqualified all the competitors in one of the constituencies, allowing it to run unopposed.

ALTERNATIVE LISTS

Yazal wanted to absorb or silence competing lists. He particularly targeted the party affiliated with former presidential candidate General Ahmad Shafiq, who had fled to Abu Dhabi in August 2012. Even though Shafiq had seemed to be the military’s candidate against Morsi, he later criticized SCAF for empowering El-Sisi to run for president.¹⁸ Shafiq must have been seen as a credible rival to El-Sisi, as the *mukhabarat* warned him to stay out of politics, urged his Emirati hosts to silence him, and pressured his supporters. Although Shafiq’s Egypt’s Front coalition competed in two constituencies, the security apparatus made it difficult for its candidates to register, pressured them to withdraw, and banned him from appearing on Egyptian media. None of those candidates won.

Other lists included:

- The Republican Alliance of Social Forces, organized by fiery former Supreme Constitutional Court judge Tahany Al-Gebaly, which competed in the Central Delta/Cairo constituency. She criticized For the Love of Egypt for including Mubarak-era politicians and business tycoons.
- The narrowly-based *Forsan Misr* (Egypt’s Knights) party also competed in only one constituency. Originally formed by retired generals to promote El-Sisi’s megaprojects, these “knights” proclaimed the armed forces’ selflessness in support of the nation.
- The Sufi- and rural-based *al-Sahwa al-Wataniya al-Mustaqill* (Independent National Awakening) ran only in Upper Egypt. The Sufi vote was splintered, as the head of the

¹⁷ Mai Badran of Nazlet el-Badran, Giza; *Ibid*.

¹⁸ Shafiq stated that the constitution requires that the armed forces stand outside the political process and not endorse any candidate. Quoted in Ann M. Lesch, www.fpri.org/articles/2014/03/egypt-resurgence-security-state;http://www.middleeasteye.net/news/former-presidential-candidate-lashes-out-sisi-government, June 11, 2015.

Sufi orders joined For the Love of Egypt and many Sufi orders endorsed a charismatic leader who ran on Judge Al-Gebaly's list.¹⁹

Two lists articulated the January revolution's aspirations:

- *Nidaa Misr* (Egypt's Call), a collection of small parties and youth movements with a strong social justice message, ran in two constituencies. Although the list managed to win twenty percent of the votes in some parts of Upper Egypt/Giza, its members protested blatant vote buying, media bias, and security interference. The list withdrew from the second round of voting, in West Delta/Cairo.
- The left/revolutionary list – *Sahwet Misr* (Egypt's Awakening) – withdrew during the registration period.²⁰ Harassed by security and lacking campaign funds, it withdrew after the HEC compelled candidates to retake costly medical tests. Its affiliated parties already suffered from internal tensions and hesitated to participate in the face of the massive security crackdown. *Hizb al-Dostour* (Constitution party) and former presidential candidate Hamdeen Sabbahi's *At-Tayar ash-Sha'bi al-Masri* (Egyptian Popular Current) boycotted. Others ran for individual seats: The Egyptian Social Democratic Party won four seats, and *Tagammu* and the Nasserists each won one, but the Socialist Popular Alliance Party and *Karama* (Dignity) failed to gain any representation.

AL-NOUR PARTY

The Salafi-oriented *Hizb al-Nour* (Party of The Light) was shunned by all the lists and demonized by the media. *Al-Nour* was the only Islamist party that contested the elections, given that the Brotherhood's *Hizb al-Hurriya wa al-'Adala* (Freedom and Justice Party) was banned, the chair of *Hizb al-Wasat* (The Center party) was on trial, and Salafist *Hizb al-Watan* (The Homeland Party) and *al-Gamaa al-Islamiya's* *Hizb el-Benaa wa el-Tanmiya* (Building and Development party) boycotted. *Al-Nour* had held 21 percent of the seats in the lower house of parliament in 2011-2012 and helped the Brotherhood government Islamize the constitution in 2012. Its shrill condemnation of Shi'ism, Baha'ism, and Christianity made *al-Nour* even more sectarian than the Brotherhood.

Although *al-Nour* switched sides and supported El-Sisi when he ousted Morsi, the party subsequently struggled to survive. It managed to retain Article 2 in the constitution, which

¹⁹ <http://www.dailynewsegypt.com/2015/10/10/parliamentary-elections-ignite-conflict-among-sufis>.

²⁰ The candidates had already taken these psychological tests in February; when the election was postponed, candidates were compelled to retake the tests. "Sahwet Misr withdraws from Egypt's parliamentary elections," September 11, 2015, <http://english.ahram.org.eg/News/140258.aspx>

enshrines the principles of Sharia as the main source of legislation, but it could not prevent the government from banning Salafi preachers from mosques. The party also faced multiple court cases that sought to close it down on the basis of the constitutional prohibition against forming parties on a religious basis. *Al-Nour* also lost its lavish funding from businessmen in the Gulf, which had underwritten its proselytizing and its charities.

Al-Nour's leaders were determined to remain engaged in the political arena. They claimed that the party competed in two list constituencies (rather than all four) so as not to threaten the other parties, but the realities were that they lacked funds for such a massive effort and that the security apparatus forced them to retrench. Spokesman Nader Bakkar admitted that *al-Nour* included non-ideological candidates (e.g., technocrats and tribal leaders) who "do not necessarily share the exact ideological views of previous members."²¹ And *al-Nour* had to accede to the requirement that the list include 'infidel' Copts and women, even though Salafi preachers had issued *fatwas* (religious injunctions) that their presence in parliament violated Sharia law.

Although *al-Nour* won 57 percent of the list vote in heavily tribal Marsa Matruh and thirty percent overall in Alexandria/West Delta, the party's compromises alienated its core supporters. Many Salafis had retreated from politics in 2013. Many former voters abstained as they did not trust elections after the military aborted the results of the 2011 and 2012 elections. They were certain that the security state would ensure For the Love of Egypt's victory. After *al-Nour* lost in Alexandria/West Delta, many young members and candidates pressed the leaders to withdraw from the next round, in Cairo/West Delta; some candidates for individual seats did withdraw.

The Muslim Brotherhood and *al-Gamaa al-Islamiya* attacked *al-Nour* fiercely as being traitorous and a lackey of El-Sisi. Islamist youth catcalled at the party's rallies, labeling it *Hizb al-Zour* (the party of falseness).²² Most seriously, the party's secretary general in North Sinai was assassinated by ISIS-affiliated *Wilayat Sinai* (the Sinai Province) in El-Arish on October 24, just after he announced his candidacy. The four other *al-Nour* candidates in that governorate immediately withdrew.

If a proportional representation system had been used, *al-Nour* and the five lists would have gained a significant number of seats. The winner-take-all system ensured their rout. They would have been better off focusing on individual districts, where well-known members had a chance of winning.

²¹ The Tahrir Institute for Middle East Policy (TIMEP), October 16, 2015, <http://timep.org/pem/political-parties/al-nour/>; "Egypt's new parliament: control and fragmentation," Emadshahin.com, October 19, 2015; <http://www.madamasr.com/sections/politics/after-staggering-defeat-it-lights-out-nour-party>, October 23, 2015.

²² <http://www.reuters.com/article/2015/10/14/us-egypt-election-nour>

THE POWER OF INDEPENDENT CANDIDATES

As noted, lists relied heavily on candidates who were businessmen, former NDP officials and MPs, and public figures, such as media and soccer club celebrities. They could decide what list or party to join or else run for an independent seat. Many also preferred to run on their own because of the rule that parliament can expel an MP who enters parliament as a member of a party but then leaves the party or changes party affiliation.

Former NDPers had stayed away from the 2011 election – or were trounced. This time, 2,200 of the 5,420 individual seat candidates had NDP backgrounds, in addition to those who joined lists. With their patronage networks intact, they advertised their ability to resolve constituents' personal problems and make improvements at the local level.

Some of the best known winners were:

- Outspoken head of the Zamalek Sports Club and decades-long MP Mortada Mansour, who denounced the 2011 revolution and clashed with his club's Ultras White Knights fan base. His 34-year-old son Ahmed won in Giza, using a soccer ball as his electoral symbol and proclaiming the slogan "We score for you." Ahmed barely squeaked past liberal researcher Amr El-Shobaky, who had defeated a Brotherhood candidate for that seat in November 2011.
- Former NDP MP Tawfik Okasha – firebrand talk show host, owner of the satellite TV station *al-Faraeen*, fierce opponent of the January revolution, critic of Sawiris, and enthusiastic conspiratorialist who has confronted numerous defamation cases (including by his former wife) – received more than 94,000 votes in his home town.
- TV host and *AlBawaba* newspaper editor Abdelrehim Ali – notorious for leaking state security recordings of activists' phone calls for purposes of character assassination and political revenge – won handily in Giza.
- Mohamed Hammouda, lawyer for steel magnate Ahmed Ezz, who had headed Gamal Mubarak's political operations in the NDP and parliament and was disqualified from running in the 2015 election. Hammouda lavished LE 730,000 (\$93,210) a month on residents of his Cairo district in order to win their support.²³
- Moataz el-Shazly, son of the late Kamal el-Shazly who, prior to Ezz's ascendancy, managed Mubarak's parliaments, controlled elections, and maintained security files (useful for blackmail) on all MPs and officials.

²³ "Qasr an-Nile district witnesses political clash between Ezz, Sawiris," November 29, 2015, <http://en.albawabhnews.com/70024>; Maat for Peace and Development, which monitored the elections, videoed two agents of Hammouda, who checked for phosphoric ink on voters' fingers and then gave each LE 50 (\$6.50), <http://www.dailynewsegypt.com/2015/12/01/parliamentary-coalitions-legitimate-way-to-replace-party-majority>.

- Mahmoud Osman, co-owner of Osman Group contractors, husband of a daughter of President Sadat, and son of the deceased NDP MP Osman Ahmed Osman, whose Arab Contractors company built the Aswan High Dam and numerous military construction projects.

Unlike 2011, few well-known liberals or leftists won seats. One was film director Khaled Youssef, whose platform revived the revolution's call for "bread, freedom, and social justice" and sought to reform state institutions. Youssef claimed that former NDPers attacked him fiercely and tried to bribe voters to reject him.²⁴

NDPers were skilled at vote-buying by cash payment, providing food, and bussing voters to the polling stations. Payments ranged from LE 50 (\$6.50) in the slums to LE 500 (\$65) in upper middle class districts, and even LE 1000 (\$130) in highly contested areas. Prices rose as closing time approached. A successful candidate reported that "agents at voting stations scouted for voters selling their ballots" and freelancers offered their services to candidates to pay voters on their behalf. Sometimes the agent required voters to photograph their marked ballots on their iPhones before he would pay.²⁵

THE LOW TURNOUT

Turn-out in these elections contrasted markedly with 2011-2012. While the HEC claimed that 28 percent voted, the judges club and even the prime minister gave figures as low as eight percent and sixteen percent, respectively, in the first round, and only slightly higher in the second round. Indeed, the head of the judges club could not keep a straight face when he declared on TV that there were no violations or fights at the polling stations – because there were no voters!²⁶

Turnout was highest where well-known candidates competed or residents had special reasons to seek representation. Thus, residents of the 44 desperately poor villages in New Nubia voted

²⁴ Afterwards, TV host Ahmad Moussa, who has strong ties to security, tried to tarnish Youssef's image by displaying sexually compromising photos. The fierce backlash compelled Moussa to apologize. "Journalists demand legal action against TV host Moussa after airing sexual photos," <http://english.ahram.org.eg/News/173770.aspx>, December 17, 2015.

²⁵ <http://www.al-monitor.com/pulse/originals/2016/01/egypt-wafd-party-chair-interview-electoral-bribery>, January 5, 2016; "The flames of political money," December 9, 2015, <http://english.ahram.org.eg/News/173026.aspx>; <http://www.al-monitor.com/pulse/originals/2015/12/egypt-parliament-elections-sisi.html>, December 17, 2015; <http://timep.org/pem/exclusive-coverage/in-assiout-money-talks/>, October 19, 2015.

²⁶ <http://www.al-monitor.com/pulse/originals/2015/10/egypt-parliamentary-elections-first-round>, October 20, 2015; judge quoted in <http://www.nytimes.com/2015/10/20/world/middleeast/low-voter-turnout-reflects-system-by-design-in-egypt.html>

in large numbers, welcoming the creation of their own electoral district. They were eager to ensure a Nubian voice in parliament so as to gain basic services, and they dreamed of implementing the 2014 constitution's promise to restore their original lands.²⁷ In North Sinai, where 62 percent had voted for Morsi in 2012, anger at the military ran high and the threat of assassination triggered the flight of all the candidates from Rafah and Sheikh Zuwaid, making on-the-ground campaigning impossible. Nonetheless, tribal leaders ensured a 41 percent turnout in El-Arish in order to defeat candidates who were not originally from Sinai.²⁸

Many people felt too disillusioned and alienated to vote. The Brotherhood completely rejected the elections' legitimacy. Its millions of adherents had "lost faith in the democratic process" after Morsi's removal and argued that this "fake electoral process" attempted to make El-Sisi, "who came to power by removing an elected president, look legitimate."²⁹ Secular activists argued that fair elections were impossible given the crackdown on political expression and on supporters of the January revolution. One group responded imaginatively by posting campaign banners with pictures of imprisoned activists running on a fake "Glory for the Martyrs" list.³⁰

Some felt that voting was a waste of time, as the judiciary could annul results to which the regime objected. Others discounted the importance of the parliament altogether, noting that numerous candidates had already pledged to amend the constitution so as to reduce parliament's power vis-à-vis the president. Still others expressed repugnance towards the candidates: "business owners, lawyers, former Mubarak era politicians, or people who are in the elections for their own benefit,"³¹ including to gain immunity from corruption cases.

Indeed, independent seats were won by an unprecedented 132 businessmen (including 36 company heads, CEOs and board members) and 75 retired police and army officers as well as 150 former NDPers.³² When the list-based MPs are added, the number of businessmen jumps

²⁷ The winner, Yassine Abdel Sabour, former head of the teachers union in Aswan, pledged to improve medical care, sewage treatment, and housing, incorporate Nubian history into the curriculum, and press for implementing Article 236's right of return. <http://www.madamasr.com/sections/politics/nubian-village-residents-have-guarded-ambitions>, October 16, 2015; <http://www.al-monitor.com/pulse/originals/2016/01/egypt-nubian-mp-parliament-neglect-education-ethiopia.html>, January 8, 2016.

²⁸ <http://www.dailynewsegypt.com/2015/12/01/election-run-off-proceeds-in-north-sinai-amid-fierce-competition>.

At 7 a.m. on November 24, just before judges began the vote-count, ISIS attacked the hotel in El-Arish which housed the judges, even though the hotel is located within a military compound. ISIS killed seven persons, including a judge and a prosecutor.

²⁹ "Elections: lack of enthusiasm in Egypt's Fayoum," October 18, 2015, <http://english.ahram.org.eg/News/161248.aspx>.

³⁰ <http://www.madamasr.com/sections/politics/boycott-drive-proposes-martyrs-prisoners-parliamentary-candidates>, October 16, 2015.

³¹ Comment by a 25-year-old, <http://www.dailynewsegypt.com/2015/11/22/ain-shams-ndp-and-big-families-return-to-the-electoral-scene>.

³² <http://egyptindependent.com/news/egypt-s-new-parliament>, December 9, 2015.

to at least 300 and former NDPers to at least 200. (Of course, these are overlapping categories.)

As the final step, the president appointed twenty-eight individuals (five percent of the total), of whom half were female.³³ Appointees included two prominent politicians: the president of the left-wing *Tagammu* Party, which had only won one individual seat, and the secretary general of the *Wafd* Party, who was then designated the party's parliamentary spokesman. El-Sisi also appointed eleven professors, including the president of Ain Shams University, and a few government officials, retired judges, and businesspersons. Some have academic or legal qualifications that could be useful in substantive discussion in parliamentary committees.

CONTROLLING PARLIAMENT

In the past, the NDP controlled the speaker and committee-chair positions and ensured passage of government-sponsored legislation. As the new parliament was deliberately weighted towards individuals with no party affiliation, there were predictions that sessions would be unmanageable. MPs would bargain for favors and join fluctuating coalitions among, e.g., MPs from Sinai. For the Love of Egypt was expected to dissolve, as it was an alliance-of-convenience whose members came from different political trends and had varying interests.³⁴

Instead, Yazal quickly formed a bloc that aimed to include two-thirds of the MPs “as a back-up force for President El-Sisi and for reinforcing Egypt’s political stability.”³⁵ When Yazal named it “The Coalition to Support the Egyptian State,” there were howls of indignation, as the name implied that everyone else opposed the regime. Yazal modified the title to “For Supporting Egypt” and tried to claim that it would not rubber-stamp El-Sisi’s policies but would “help improve the performance of the government.”³⁶

Then Yazal upped the ante. His founding document required members to drop “any party affiliation and political ideology in favor of the state and the people’s interest,” stated that decisions approved by “a majority” must be followed by all members, established membership

³³ The appointees include renowned novelist Mohamed Yousef El-Qaied and some prominent women – e.g., Hala Abu Ali, secretary general of the National Council for Childhood and Motherhood, and Anisa Hassouna, secretary general of the Egyptian Council for Foreign Affairs and Executive Director of the Magdi Yacoub Foundation - and two female swimming and taekwondo champions. “28 MPs appointed by Egypt’s Sisi to new parliament: Who’s who,” December 31, 2015, <http://english.ahram.org.eg/News/179843.aspx>

³⁴ Spokesman Mohamed Orabi, former foreign minister, quoted by Omar Halawa, “For the Love of Egypt: High profile, low on politics in parliament race,” October 12, 2015, <http://english.ahram.org.eg/News/152658.aspx>.

³⁵ Gamal Essam El-Din, “Formation of pro-Sisi majority bloc underway in Egypt parliament,” December 9, 2015, <http://english.ahram.org.eg/News/172962.aspx>.

³⁶ Ibid.

fees, and set up bureaus in the governorates.³⁷ In effect, For Supporting Egypt would be a political party, without formally registering as such. The leading political parties objected to that transformation. Even regime-apologist Mohamed Badran briefly pulled the Nation's Future party out of the bloc, stating that Yazal wanted to "turn the parliament into a cake" to be shared.³⁸ However, about 200 MPs attended the founding meeting on December 18, which endorsed Yazal's leadership by acclamation. Later, some complained that security agents had phoned, requesting them to attend and support Yazal.

The uproar compelled Yazal to withdraw the founding document and substitute broad principles. Badran rejoined Yazal's bloc under pressure from his security and business-mogul handlers,³⁹ and the *Wafd* endorsed the principles. But the Free Egyptians Party (FEP) and the small Social Justice Coalition⁴⁰ refused to be coopted. The twelve *al-Nour* MPs were not invited. Mohamed Abou El-Ghar of the Egyptian Social Democratic Party emphasized that the president "needs someone to correct his decisions if they are taken spontaneously and without deliberation," to insist on feasibility studies before launching megaprojects, and to alter laws that violate the constitution.⁴¹ Even Mortada Mansour, who loathed the January revolution, exclaimed that Yazal aspired to be the new Ahmad Ezz, who controlled the parliament on behalf of Gamal Mubarak.⁴² And journalist Ibrahim Eissa worried that this majority bloc would receive "orders by telephone, under the control of security bodies."⁴³

The Free Egyptians' Sawiris was particularly blunt: "If we are all going to be in the same bloc, what were the elections held for?"⁴⁴ Are MPs simply to say "amen" to any legislation the state proposes? Sawiris noted that his party is committed to supporting the president, but not blindly. FEP threatened to expel members who join Yazal's coalition, thereby jeopardizing

³⁷ Pro-regime *Al-Youm Al-Sabea* newspaper published the document, <http://dailynewsegypt.com/2015/12/14/run-off-elections-resume-in-pending-constituencies>; <http://dailynewsegypt.com/2015/12/21/major-parties-withdraw-from-egypts-support-parliamentary-coalition>

³⁸ Ibid.

³⁹ <http://dailynewsegypt.com/2015/12/21/future-of-a-nation-withdraws-from-seif-yazals-parliamentary-coalition>; "Future of homeland party returns to pro-Sisi coalition in Egypt's new Parliament," December 23, 2015, <http://english.ahram.org.eg/News/177245.aspx>.

⁴⁰ Independent MP Haitham Aboul Ezz Hariri from Alexandria and the four MPs from the Egyptian Social Democratic Party form the core of this group, which will focus on social justice, poverty, and corruption. "Socialist parties seek parliamentary bloc," December 11, 2015, <http://www.egyptindependent.com/node/2463171>

⁴¹ "Does the For the Love of Egypt list really love Egypt?" December 16, 2015, <http://www.egyptindependent.com/node/2463512>

⁴² "Formation of pro-Sisi majority bloc underway in Egypt parliament," December 9, 2015, <http://english.ahram.org.eg/News/172962.aspx>

⁴³ <http://dailynewsegypt.com/2015/12/14/run-off-elections-resume-in-pending-constituencies>

⁴⁴ "Does the For the Love of Egypt list really love Egypt?" December 16, 2015, <http://www.egyptindependent.com/node/2463512>

their status as MPs as they would no longer be representing the party for which they stood for election.⁴⁵

The twelve Nour MPs – a huge drop from their 107 MPs in the 2012 People’s Assembly – were isolated, not welcomed by any coalition. In 2012 they had caused a stir by refusing to stand up for the national anthem and ‘editing’ their swearing-in statements.⁴⁶ Now they planned to keep a low profile, aiming only to ensure that Article 2 was not weakened and Article 74, which bans religion-based parties, was not enforced against them.

CONTROLLING THE SPEAKER

There was a furious debate over who should be the speaker of parliament in the absence of a majority party. Yazal and many other MPs argued that the speaker should be a presidential appointee, rather than an elected member – thereby confirming their disinterest in legislative independence. Indeed, El-Sisi asked his former president Adly Mansour to become speaker, which would guarantee parliament’s alignment with the executive branch. However, Mansour preferred to remain in his prestigious position as head of the Supreme Constitutional Court – where he could also ensure that its rulings favored the regime.⁴⁷

Then Yazal shifted to emeritus constitutional law professor Ali Abdel Aal, who won a seat in Aswan on the For Love of Egypt list. Abdel Aal had served on El-Sisi’s ten-member constitutional drafting committee, his legislative reform committee, and the committee that drafted the 2015 election laws. While viewing For Love of Egypt as a “back-up” for El-Sisi, he also asserted that parliament should not be a “rubber stamp or an endorsement machine for all the president’s decrees.”⁴⁸

⁴⁵ FEP referred MP Mai Mahmoud for investigation for joining Yazal’s coalition; “Free Egyptians Party to investigate member for joining pro-Sisi parliamentary bloc,” January 6, 2016, <http://english.ahram.org.eg/News/180275.aspx>

⁴⁶ In 2012, *Al-Nour* MPs stated: “I swear to respect the law and the constitution *as long as it does not violate Islamic Sharia*.” In November 2015, the new *Al-Nour* MPs caused a stir when they refused to deal with female employees in the parliament who did not wear the *niqab* (face veil). “Position of Egypt’s newly elected Salafist MPs on women employees and the ‘niqab’ criticized,” November 7, 2015, <http://english.ahram.org.eg/News/163948.aspx>

⁴⁷ Former Foreign Minister Amr Moussa and current Justice Minister Ahmed El-Zend were also suggested. But Moussa is 79 years old and Zend is deeply divisive. “After Mansour declined offer, Egypt’s parliament still looking for a speaker,” December 29, 2015, <http://english.ahram.org.eg/News/17768.aspx>.

⁴⁸ Abdel Aal worked for the prosecutor, served as cultural attache in Paris, helped to draft the Ethiopian constitution in 1993, advised the emir of Kuwait, and wrote *The Political and Legal Ramifications of the Disbanding of Parliaments*. “Constitutional expert Abdel-Al favoured to be elected speaker of Egypt’s parliament,” January 2, 2016, <http://english.ahram.org.eg/News/179948.aspx>; “Is Egypt’s new parliamentary speaker just new spin on old story?” January 11, 2016, <http://english.ahram.org.eg/News/80698.aspx>

Abdel Aal won by 401 votes (two-thirds of the MPs) in the first session on January 10, receiving the support of FEP and *al-Nour* as well as Yazal's Supporting Egypt. Yazal – and his security minders – convinced the former president of al-Azhar University to withdraw his candidacy,⁴⁹ but failed to persuade former Mubarak minister of social solidarity Ali al-Moselhi or Nasserite MP Kamal Ahmed to stand down. Controversial MP Tawfiq Okasha also challenged the hegemony of Yazal's bloc, decried the security apparatus' undue influence over the election process, and feared the return of one-party rule.⁵⁰ Although few took Okasha's bid for the speakership seriously, the regime reacted swiftly. Security prevented him from holding a meeting in the parliament building, intimidated MPs, closed his TV program, and even (temporarily) banned him from appearing on air.

Abdel Aal immediately exerted his authority by trying to postpone the election of the two deputy speakers until the second session on Monday, January 11. He was challenged by MPs who argued that the constitution required the vote to take place in the first session. Abdel Aal asserted "I know the constitution very well because I wrote it,"⁵¹ but then allowed the late-night vote to take place. MP al-Sayyed al-Sherif of the Support Egypt bloc was elected first deputy speaker with 345 votes,⁵² with Support Egypt's Alaa Abdel Moneim coming next, with 225. *Al-Wafd's* Suleiman Wahdan was a distant third, with 177 votes. Instead of closing the election, with Support Egypt MPs dominating all three positions, Abd Aal delayed the vote on the second deputy speaker until the next day. This gave time for behind-the-scenes negotiations that enabled Wahdan to squeak past Abdel Moneim: 285 to 281. The *Wafd* thereby gained a stake in the system, although its opposition role is nominal. Wahdan himself was a NDP stalwart (as was Sherif) and the party pledged to ratify all of El-Sisi's decrees, rather than reconsider any of them.⁵³

⁴⁹ While Azhar university president, Usama El-Abd cracked down severely on student protests. "Complexities surround the upcoming speaker of Egypt's new parliament," December 22, 2015, <http://en.aswatmasriya.com/news/view.aspx>; "Pro-Sisi bloc to name its nominee for speaker of Egypt's parliament Tuesday," January 4, 2016, <http://english.ahram.org.eg/News/180108.aspx>; <http://www.middleeastmonitor.com/news/africa/11384-al-azhar-university-expels-1031-students>, May 11, 2014.

⁵⁰ "Administrative judge to be appointed secretary-general of Egypt's parliament," December 5, 2015, <http://english.ahram.org.eg/News/172668.aspx>; "Tawfik Okasha opens fire at 'security-financed' pro-state coalition," December 28, 2015, <http://www.egyptindependent.com/node/2464204>; "MP Okasha appears on TV despite ban to apologise," December 29, 2015; <http://english.ahram.org.eg/News/177730.aspx>

⁵¹ "Blunders, oath breaches and misspellings dominate parliament's day 1," January 11, 2016, <http://www.egyptindependent.com/node/2464891>

⁵² Al-Sherif chairs the Ashraf syndicate, which comprises descendants of the prophet Muhamad. Wahdan owns a car import company in Port Said. "El-Sharif elected as Egypt parliament's 1st deputy, run-offs for 2nd deputy Monday" and "Meet the deputy speakers of Egypt's parliament," January 11, 2016, <http://english.ahram.org.eg/News/180626.aspx> and 180676.aspx

⁵³ The FEP vote split between former *mukhabarat* undersecretary General Hatem Bashat (whom the party secretary general nominated as speaker) and FEP deputy head Emad Gad, who was furious that the party endorsed an intelligence operative. Bashat received 100 votes and Gad, 41, *ibid*. Gad resigned from the party on February 1, citing his differences with Alaa Abed, head of the parliamentary bloc, and FEP head Essam Khalil. <http://en.nilenetonline.com/africa/8-archive/egypt/19018-egyptian-mp-emad-gad-quitting-free-egyptian-party>,

THE FIFTEEN-DAY DEADLINE

The constitution imposed a tight schedule on parliament. In its first session on January 10, which extended through January 11, the 596 MPs took the oath of office, elected the speaker and two deputy speakers, and endorsed the chairs of the nineteen standing committees. Although the sessions were sometimes chaotic, the only ‘scene’ occurred when Mortada Mansour refused to follow the prescribed wording for the oath, shouting “I cannot stomach the 25 January revolution!”⁵⁴

Abd Aal tried to silence the MPs who challenged his rulings, but he failed to delay the vote for the deputy speakers or persuade the MPs to let him form five committees to review the president’s decrees and another committee to revise the by-laws.⁵⁵ He also received push-back when he ratified El-Sisi’s three month extension of the state of emergency in North Sinai on his authority as speaker, even though Article 154 of the constitution specifies that parliament must vote by two-thirds to approve any extension.⁵⁶ Abd Aal did win support for canceling live broadcasts of parliamentary sessions, at least for the first fifteen days, ostensibly to prevent MPs from grandstanding.

Parliament’s nineteen standing committees (each chaired by the oldest MP) reviewed the 341 decrees issued by presidents Mansour and El-Sisi since the constitution was ratified in January 2014. They rushed through the texts in only three days. Plenary-level approvals began on January 17: The MPs approved all but three decrees in a mere four days. The controversial Protest Law, issued by Mansour in November 2013, was not on the agenda, even though its terms clearly violated the constitution.⁵⁷ But the anti-terror decrees of February and August 2015 gained overwhelming support. Only twenty-four MPs (including the twelve *al-Nour* MPs) opposed the August decree, which expanded the kinds of actions for which civilians could be referred to military courts, shielded the military and police from legal penalties when they used force against prisoners, and fined journalists if their writing contradicted official

December 22, 2015; <http://www.al-monitor.com/pulse/originals/2016/01/egypt-wafd-party-chair-interview-electoral-bribery>, January 5, 2016; “Leader of Free Egyptians Party resigns, jeopardises parliamentary seat,” February 2, 2016, <http://english.ahram.org.eg/News/186533.aspx>

⁵⁴ Mortada shouted: “I do not recognize the 25 January revolution... I cannot stomach the 25 January revolution.” He vowed to divorce his wife if he took the prescribed oath. When he gave in, he grumbled: “Okay, but inside me, I will keep to myself the right oath I said first.” *Egyptian Chronicles*, January 12, 2016.

⁵⁵ “Egypt parliament’s committees to be increased from 19 to 30,” January 13, 2016, <http://english.ahram.org.eg/News/180833.aspx>

⁵⁶ <http://www.dailynewsegypt.com/2016/01/17/parliamentary-speaker-circumvents-discussion-of-state-of-emergency-decree-in-sinai>; “Egypt: Parliament approves extension of Sinai emergency by 3 months,” January 17, 2016, <http://www.egyptindependent.com/node/2465208>

⁵⁷ Article 73 of the constitution – approved three months after the protest law – accords citizens the right to hold peaceful protests after simply notifying the authorities, whereas the protest law includes an elaborate approval process and severe punishments.

versions of military and police actions. *Al-Nour's* Salah Khalifa complained that many articles in the anti-terror laws were unconstitutional, as they fail to balance human rights and state security needs and “grant state authorities sweeping powers to detain citizens.”⁵⁸

Parliament rejected three presidential decrees: the civil service law, the mineral resources law, and the state contracts law – but quickly changed its vote on the latter.⁵⁹ The much-criticized civil service law was likely to reduce salaries and benefits and cause massive layoffs among the seven million government employees, cut-backs that El-Sisi argued were essential for economic growth and were required by the World Bank and African Development Bank loans. Quarry owners had already protested the executive regulations concerning rental fees and royalties in the mineral resources law. The rejected laws were returned to committees to reexamine. The state contracts law prevented third parties from challenging government contracts to sell public enterprises to private businesses, thereby raising fears of the return to Mubarak-era deals in which enterprises were sharply undervalued and sold to favored Egyptian or Arab tycoons. Intense government pressure led the MPs to re-vote on the law, only four days after rejecting it. This time, 69 percent voted yes.⁶⁰

Although MPs had expressed concern about corruption when they debated the state contracts law, more than two thirds endorsed El-Sisi's July 2015 decree that allowed the president to dismiss the heads of the regulatory bodies that investigate corruption in state institutions.⁶¹ Ironically, it was the justice minister who pressed to bring these autonomous agencies under executive control. He held a grudge against the head of the Central Auditing Agency (CAA), who had investigated him for a corrupt land deal while he headed the judges' club. Regulatory agencies' investigations had compelled the government to fire the agriculture minister for corrupt land sales and had yielded pledges by high-ranking Mubarak-era security and economic officials to return millions of dollars' worth of illegally-acquired assets. But, when CAA head Hesham Geneina told the media that its 400-page investigation, requested by the Ministry of Planning, revealed corruption totaling LE 600 billion (\$75 billion) from 2012 to

⁵⁸ “Egypt protest law will not be up for discussion any time soon: MPs,” January 18, 2016, <http://english.ahram.org.eg/News/181352.aspx>.

⁵⁹ The civil service law was rejected by 332 (71 percent) of the 468 MPs present and the mineral resources law by 180 (50.3 percent) of the 358 MPs present. El-Sisi had scared the public by stating that Egypt needs one million government employees, not seven million. “Egypt's parliament votes down the controversial Civil Service law,” January 20, 2016, <http://english.ahram.org.eg/News/18320.aspx>; “Egypt's Sisi dissatisfied with parliament's rejection of civil service law,” January 23, 2016, <http://english.ahram.org.eg/News/185741.aspx>; Arab African Union for Mines, Quarries & Natural Legacies, January 18, 2016, <http://www.aaumq.org/rejection-information-parliament-today-know-10-mineral-resources>

⁶⁰ 328 yes, 134 no, and 12 abstain, with 121 absent. Maat Foundation for Peace, Development and Human Rights, “The Evaluation of the performance of the parliament 01/23/2016,” January 23, 2016, <http://maatpeace.org/node/4474>

⁶¹ Of 473 MPs voting, 326 voted yes (69%), 134 no, and 13 abstained. The decree allows the president to also dismiss the heads of, for example, the Central Bank of Egypt and the Egyptian Financial Supervision Authority. <http://www.dailynewsegypt.com/2016/01/17.despite-ratification-234-mps-register-dissenting-votes>

2015, of which only seven percent of the cases were investigated, there was an outcry – not against the corruption, but against Geneina. El-Sisi (and the sycophant media) denounced Geneina. The president appointed a panel to investigate the auditor, composed of the very ministries that the CAA accused of squandering public funds: Interior, Justice, and Finance.⁶² And Yazal gathered signatures so that parliament could remove Geneina for “defaming” state agencies and “tarnishing Egypt’s international image.”⁶³

AMEND THE CONSTITUTION TO STRENGTHEN THE PRESIDENT?

The strong parliamentary support for the security state bodes ill for the prospect that MPs will balance executive power. Indeed, early on in the election campaign, numerous candidates echoed El-Sisi’s criticism of the constitution and called for enhancing executive power, which meant reducing their own power. These calls focused on the following provisions:⁶⁴

- Article 140 specifies that the president serves for four years, renewable once. Under the 1971 constitution, the presidential term was six years, with no limit to a number of terms. Candidates proposed lengthening the term to five or six years, on the grounds that the president needs more time to prepare and implement programs.
- Article 146 states that, if the cabinet proposed by the president does not win the confidence of the majority of MPs within thirty days, the president must propose a prime minister who is nominated by the majority party or coalition. Some candidates wanted the president to have the sole power to appoint a prime minister. They also proposed removing parliament’s power to withdraw confidence in the government.
- Article 147 requires parliament’s approval for any cabinet reshuffle. El-Sisi strongly opposed this provision on the grounds that it would disrupt the functioning of the government.
- Article 161 enables parliament to table a motion of no confidence in the president, by a two-third votes. This forces new presidential elections. Candidates sought to eliminate this article.

⁶², <http://www.madamasr.com/sections/politics/top-auditor-hesham-geneina-talks-mada-masr-about-quest-oust-him>, July 21, 2015; <http://www.madamasr.com/sections/politics/saga-surrounding-egypts-top-auditor-explained>, January 21, 2016; https://www.washingtonpost.com/world/middle_east/egypts-top-auditor-faces-backlash-over-corruption-findings, January 28, 2016.

⁶³ “MPs petition for Geneina’s prosecution over ‘delusional’ corruption findings,” January 13, 2016, <http://www.egyptindependent.com/node/24665014>

⁶⁴ Among other analyses, see Khaled Dawoud, November 24, 2015, <http://www.atlanticcouncil.org/blogs/egyptsource/the-debate-over-egypt-s-constitution>

Some MPs argue that it is too soon to consider amendments; even Yazal stated that a year or more should pass before amendments should be proposed.⁶⁵ And liberals are concerned that the parliament could endorse amendments that would further curtail democratic freedoms. This debate led normally pro-regime TV host Amr Adib to exclaim: “Why not give the president twelve year terms in office? Why not abandon the constitution completely?”⁶⁶

Even without amending the constitution, future votes – such as on the protest law – could reinforce its restrictions rather than align the law with the constitution. The government’s draft law on NGOs, for example, is likely to be enacted even though it violates the constitution’s provision for freedom of association. The independent-minded doctors’ and journalists’ syndicates seek to prevent such an outcome by presenting their own drafts of health insurance and media laws. They appeal to speaker Abdel Aal for support, as he not only helped to write the constitution but also reviewed these draft laws for El-Sisi.⁶⁷ And a new law on the construction and repair of churches may be issued, as Article 235 of the constitution requires.⁶⁸ With El-Sisi concerned to maintain good relations with the church – and with an all-time high of 36 Coptic MPs – this may receive priority. The procedure for amending a law or proposing a new law involves MPs making a written request to the speaker, who forwards that to the Suggestions and Complaints Committee and then to the appropriate specialized committee for discussion and revision, before it reaches the floor for a vote.⁶⁹

THE TRAJECTORY

After completing review of the presidential decrees within fifteen days, the parliament adjourned until February 7. During that period, a 25-member committee reviewed the assembly’s by-laws, unchanged since 1979.⁷⁰ The Ministry for Parliamentary Affairs had

⁶⁵ “TV host mocks MPs’ call to extend presidency term,” December 15, 2015, <http://www.egyptindependent.com/node/2463422>; <http://in.reuters.com/article/egypt-election-elyazal>, October 8, 2015.

⁶⁶ TV host mocks MPs’ call to extend presidency term,” December 15, 2015, <http://www.egyptindependent.com/node/2463422>

⁶⁷ “Egypt’s parliament speaker discusses media laws with press syndicate delegation,” January 23, 2016, <http://english.ahram.org.eg/News/185728.aspx>; <http://www.dailynewsegypt.com/2016/01/31/ministerial-committee-responds-to-concerns-about-health-insurance-bill>

⁶⁸ El-Sisi met with representatives of the three churches soon after his election as president, but delayed action pending parliamentary elections. <http://al-monitor.com/pulse/originals/2014/09/houses-of-worship-law-egypt-churches.html>, September 29, 2014; Mai El-Sadany, <http://timep.org/commentary/houses-worship-egypt-enduring-source-inequity/>, October 3, 2014.

⁶⁹ <http://www.dailynewsegypt.com/2016/01/17/parliamentary-vital-facilities-laws-on-mps-discussion-agenda-sunday>

⁷⁰ “Amending Egypt’s constitution shouldn’t be priority at the moment: Moussa,” February 2, 2016, <http://english.ahram.org.eg/News/186465.aspx>; Omar Halawa, October 15, 2015, <http://www.atlanticcouncil.org/blogs/egyptsource/challenges-facing-egypt-s-upcoming-parliament>

drafted a bill, but MPs also proposed changes. The total number of committees is likely to increase from nineteen to twenty-six or even thirty, and there are recommendations to reduce the speaker's domination by delegating some powers to committee chairs. Moreover, the internal bureau (previously composed only of the speaker, deputy speakers, and secretary-general) may be expanded to include representatives of political parties. Once the by-laws are passed, each committee will elect its chair, two deputy chairs, and secretary. This will not necessarily lead to more independence from state control, however, given the security apparatus's behind-the-scenes role in selecting committee chairs⁷¹ and given parties' professed loyalty to the president.

The prime minister will present the government's program to the parliament, after the special address by the president on February 13. The program must be approved within thirty days. If the program is rejected, parliament and the president propose a new prime minister and new cabinet. Yazal hopes that the program will be approved by acclamation without a substantive discussion, even though there is widespread criticism of the lackluster performance of the cabinet.

Of course, parliament will hesitate to contradict the executive branch as the latter can ask the Supreme Constitutional Court (SCC) to close down the legislature – at any time. In June 2012, the SCC ruled – six months after the People's Assembly election – that some provisions in the electoral code were unconstitutional. The ruling was intended to deprive about-to-be-elected President Morsi of a supportive legislature and enable SCAF to retain legislative authority. Indeed, then Prime Minister Kamal Ganzouri had already threatened the Brotherhood, saying that a complaint aiming to dissolve parliament was “in the drawers of the constitutional court,” ready to invoke when convenient.⁷²

Subsequently interim president Adly Mansour, deputy head of the SCC at the time of the 2012 ruling, wanted to avoid such annulments by requiring the SCC to confirm the constitutionality of electoral laws prior to elections – not afterwards. His decree also required the SCC to rule within five days of hearing a case. As a result, the SCC requested modifications in February 2015 – before parliamentary elections were due to be held. Although this delayed the elections, it reduced the possibility of challenges afterwards.

However, when El-Sisi issued the revised election law, he canceled those provisions and reverted to the system whereby SCC rules on the constitutionality *after* elections, and with no

⁷¹ <http://www.al-monitor/pulse/originals/2016/01/egypt-interview-sadat-parliament-forcibly-disappeared.html>, January 12, 2016.

⁷² In 1986 and 1989 SCC had also ruled electoral rules unconstitutional, forcing modifications in the rules and new elections. David D. Kirkpatrick, <http://www.nytimes.com/2012/07/04/world/middleeast/judge-helped-egypts-military-to-cement-power>

time limit.⁷³ Once again, the threat of dissolution hangs like a Damocles' sword over the parliament. One possible basis for dissolution is that some districts have one MP and others have two or more, which violates the principle of equality of representation.⁷⁴ Less likely challenges could be on the grounds that the MPs did not elect all their officers in the first sitting or that decrees issued from July 2013 to January 2014 were not reviewed during the fifteen-day period. As Mansour is (once again) head of the SCC, he is unlikely to rule against El-Sisi's wishes.

Another issue with major implications for the political system involves the composition of local councils. When Mubarak held these elections in April 2008, only three percent of the electorate bothered to vote, partly because the security apparatus weeded out most candidates. With 84 percent of the seats uncontested, the NDP 'won' 97 percent of the council seats.⁷⁵ After the 2011 revolution, the Supreme Administrative Court dissolved the councils and required new elections within sixty days. Those elections were never held. The former generals whom the president appoints as provincial governors manage local affairs, an arrangement that suits the security state. Parliament is unlikely to foster a genuinely competitive system, for fear of empowering Islamists and other independent voices. Stifling political life at the grassroots level is essential for coercive control, even as it deeply alienates the public.

The universities are another arena seen as requiring tight control. The ministry of higher education avoided elections of student unions after El-Sisi took over in 2013, and then canceled the results in November 15, 2015, when the regime-backed slate failed to win a single seat. Security had already tried to skew the results by excluding 700 candidates, and then used a minor technicality as grounds for ordering new elections. But the real issue was that the winners supported the January revolution and demanded the restoration of academic freedom.⁷⁶ Indeed, the minister even called for the expulsion of several winners from their universities. With students already furious at the regime for restoring Mubarak-era control and arresting thousands of students, strangling the one remaining autonomous arena completes their alienation.

⁷³ "Sisi repeals law imposing deadlines on constitutional court rulings on parliament," July 28, 2015, <http://english.ahram.org.ed/News/136451.aspx>; Yussef Auf, December 19, 2015, <http://www.atlanticcouncil.org/blogs/egyptsource/does-egypt-believe-in-its-parliament>

⁷⁴ Another possible basis to challenge the electoral law is that the constitution recognizes three heavenly religions – (Sunni) Islam, Christianity, and Judaism – but Jews, unlike Christians, have no designated representation in parliament. "Five challenges facing Egypt's forthcoming parliament," December 16, 2015, <http://english.ahram.org/News/173572.aspx>

⁷⁵ Dina Salah Amer, "Egyptian Court Orders Dissolution of Mubarak-Era Local Councils," <http://www.nytimes.com/2011/06/29/middleeast/29egypt.html>

⁷⁶ <http://www.madamasr.com/sections/politics/fate-student-union-elections-unknown-conflict-widens-between-students-and-state>, December 17, 2015; <http://www.madamasr.com/sections/politics/students-vow-continue-fight-over-national-students-union>, December 29, 2015.

Security has already cracked down on the volatile Ultras football supporters, the leading activists of the January revolution, and even youth who galvanized the pro-Sisi June 2013 demonstrations. Journalists are frequently detained and human rights spokespeople harassed. After El-Sisi opposed commemorations on the fifth anniversary of the January revolution, declaring that those who protest “want to destroy this country,”⁷⁷ the police went on a rampage. They closed downtown cultural spaces, grabbed people out of cafes and off the street, and raided 5,000 apartments, from which they arrested ‘suspicious’ occupants.⁷⁸ They trolled social media in order to arrest Facebook page administrators – and even people who simply ‘liked’ certain pages – and they blocked well known activists from flying abroad. Security forces mobilized on the streets and the military took direct control over the prisons, just prior to the anniversary. The arrests, security mobilization, and interference in the media and the electoral process prompted Naguib Sawiris to state on his TV station that the security dragnet and sense of alienation “remind me of the atmosphere before the 25 of Jan revolution”⁷⁹ – an extraordinary statement for the tycoon founder of the Free Egyptians Party.

The dragnet may have gone beyond what El-Sisi expected. Having unleashed the crackdown, which escalated as security bodies competed for influence, he could not contain it. After the January anniversary and after a young cartoonist was detained, the president telephoned TV shows to declare that he wasn’t bothered by criticism. He also called for including the Ultras in the investigation of the mass-killing of fans on February 1, 2012, and proclaimed that we (the state) had failed to reach out to youth.⁸⁰ But he found that politicians joined the security system in rejecting his call for dialogue: a group of MPs as well as MP Mortada Mansour denounced the president for promoting dialogue with the ‘terrorist’ ultras. Even the justice minister lashed out at the judiciary and the press; he also called for killing 10,000 Muslim Brothers for each dead soldier.⁸¹ Meanwhile, Islamists attacked security forces in North Sinai, despite the harsh counterinsurgency, and widened their campaign against tourist targets, devastating that vital economic sector.

⁷⁷ <http://www.dailynewsegypt.com/2015/12/22/al-sisi-emphasises-submission-to-egyptian-political-mandate-in-al-azhar-speech>

⁷⁸ Raids included Townhouse galley, Rawabet theatre, Merit publishers, Studio Emad Eddin, and Masr al-Arabia; “Update: Mada al-Arabia managing editor released, activists charged with calling for overthrow of regime,” January 14, 2016, <http://www.madamasr.node/31511>; “I participated in January revolution’ tops Twitter trends in Egypt,” January 17, 2016, <http://english.ahram.org.eg/News/181235.aspx>; Ruth Michaelson, *The Guardian*, <http://www.theguardian.com/world/2016/jan/22/egyptian-police-raid-cairo-homes-2011-uprising>

⁷⁹ “Egypt’s current conditions remind me of days before 25 January revolution, says Sawiris,” January 12, 2016, <http://english.ahram.org.eg/News/180777.aspx>

⁸⁰ “Sisi urges dialogue with Ultras on anniversary of stadium massacre” and “Sisi says not upset with [cartoonist] Gawish” February 2, 2016, <http://www.egyptindependent.com/node/2466087> and node/2466090; “Egypt’s Sisi says open to criticism, admits deficiency in dealing with youth,” February 2, 2016, <http://english.ahram.org.eg/News/186513.aspx>.

⁸¹ “Port Said MPs oppose Sisi’s outreach to Ultras,” February 4, 2016, <http://www.egyptindependent.com/node/2466191>; <http://www.dailynewsegypt.com/2016/02/03/al-zinds-first-tv-interview-what-went-wrong>

Alongside populating the legislature with Mubarak-era and military/security MPs, closing outlets for public mobilization and free expression, and frantically searching for quick-cures for the ailing economy, there are indications of fissures within the regime.⁸² The fears that brought power centers together against the Muslim Brotherhood are much reduced now, while the failure to quell ISIS increases tension within the security apparatus. Without a NDP to discipline political actors and without a stable balance of power between the military and the security sectors, struggles between and within these sectors are becoming more intense.

El-Sisi must provide benefits to the armed forces in order to maintain officers' loyalty, even though his relying on the military to rebuild the tattered infrastructure and bolster the economy undermines his standing with the government bureaucracy and the private sector. He must project a clear vision, even though this undermines the authority of the cabinet and its ability to correct ill-conceived policies. He must support the security sector, even though the police wreak vengeance on the January revolution. He must assert the judiciary's independence, even as state actors pull strings to influence verdicts.

Even though the president brooks no dissent and prefers to rule by decree, he is discovering that the absence of dialogue with social forces makes him increasingly vulnerable and isolated. At present, the parliament is likely to endorse El-Sisi's actions, particularly in the security arena and in launching economic megaprojects. However, tension is already evident over social policy, including the reduction in benefits and potential firing of many government employees. If, over time, parliament expresses autonomous perspectives and articulates its own visions, one outcome might be pressure toward real democratization and lifting the iron grip on civil society. But there is an equal likelihood that the executive will push back and even dissolve the parliament, as presidents have done in the past. The composition of and constraints on the legislature and the regime's pervasive security perspective towards non-governmental actors make the latter trajectory more likely, with grim implications for Egypt's future.

⁸² For varying analyses: former deputy prime minister Ziad Bahaa-Eldin, "Egypt: Moving forward five years after the revolution," February 3, 2016, <http://english.ahram.org.eg/News/186632.aspx>; <http://www.dailynewsegypt.com/2016/02/02/i-trust-that-sherif-ismail-will-leave-his-post-by-august-al-moghazy>; H.A. Hellyer, February 3, 2016, <http://www.atlanticcouncil.org/blogs/egyptsource/the-regimen-of-sisi-s-non-regime>; Eric Trager, <http://foreignpolicy.com/2016/01/22/isis-fracturing-regime/>



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"A nation must think before it acts." - Robert Strausz-Hupé

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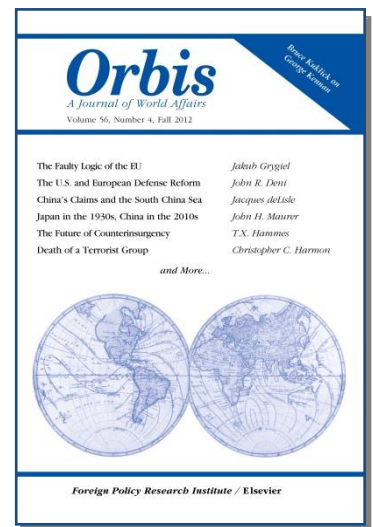
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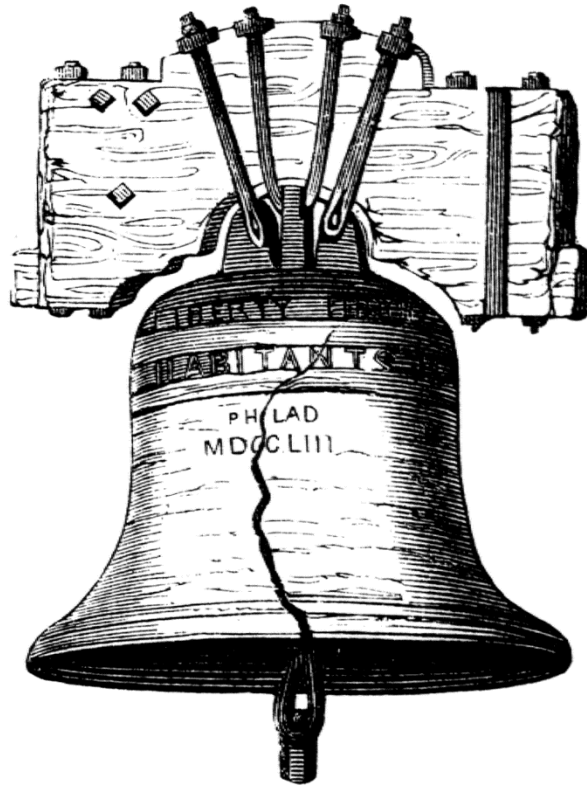
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