

Parliamentary Elections in Egypt and Next Year's Presidential Vote

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Brief Analysis

This is the first of a three-part series on Egypt's political future. Read [part two \(/templateC05.php?CID=3268\)](#) and [part three \(/templateC05.php?CID=3269\)](#).

Egypt's parliamentary elections, to be held on November 28, are a dress rehearsal for a much larger event: the 2011 presidential elections. Cairo is currently rife with rumors and National Democratic Party (NDP) press statements that Egyptian president Hosni Mubarak will run for a sixth consecutive term, though many still believe he may cede the role to his son, Gamal Mubarak. The uncertainty of the future of the presidency reflects a division within the NDP between the old guard -- represented by elder statesmen such as party secretary-general Safwat El Sherif -- and the powerful emerging business community, represented, in part, by increasingly influential steel magnate Ahmed Ezz.

During election season, this division has become all the more conspicuous as the NDP struggles to choose its candidates. Irrespective of which side emerges dominant, carefully calibrated legal changes in recent years have increasingly narrowed the scope of Egyptian politics.

Expanding Participation?

Since at least 2005, Egypt's ruling party has systematically established a legal framework that in practice obstructs any meaningful political participation and undermines both the legislative and judicial branches of government. Not content with merely legislating such draconian measures, the regime has further enshrined them in the constitution and reinforced them through various executive directives. The cumulative impact of these changes has been to create the legal conditions for Gamal Mubarak's succession to the presidency and the ruling NDP's consolidation of power, enabling it to dictate the rules and results of the game.

In May 2005 and March 2007, Egypt passed thirty-four constitutional amendments in record time, ratifying them shortly thereafter in "popular" referenda in which almost no one participated.

President Mubarak introduced the 2005 amendments at the height of the Bush administration's "freedom agenda." This period, affectionately dubbed the "Arab spring" by regional activists, was marked by unprecedented dynamism in Egypt's political life and increasing demands for change. The regime, seemingly responding to twin pressures from Washington and the Egyptian people, marketed the amendments as efforts to encourage political competition while modernizing the state and enhancing the powers of the legislature.

The government highlighted the amendments to Article 76 -- which sets the conditions for contesting the presidency -- as particularly groundbreaking, since they introduced multi-candidate presidential elections by direct public ballot for the first time. The constraints on the candidate nomination process were less publicized, however. Revisions to Article 76 subsequently created one of the longest constitutional provisions in the world.

The amendments from 2005 specified that only a political party in existence for five years and holding at least 5 percent of the total number of seats in both chambers of Parliament could nominate a candidate to the presidency from its senior leadership (meaning a member of the party's upper board, according to its bylaws, provided this person has been a member of the board for at least one year). This hurdle, insurmountable for any party besides the NDP, was lowered to 3 percent in 2007, but to little effect: the NDP remains the only party to meet the threshold. As a result, the article made an exception, stating that any party holding at least one seat in either parliamentary chamber could nominate a candidate to the presidency from its senior leadership in elections occurring between 2007 and 2016. To create a veneer of competition in 2005, a similar exception was granted, allowing nine parties to put forth candidates to compete with President Mubarak.

Article 76, as amended in 2005, also created an artificial distinction between party candidates and independents. To qualify as an independent candidate, a person must garner support from at least 250 elected members of the People's Assembly (the Parliament's lower house), the Shura Council (the upper house), or municipal councils. This support must include at least sixty-five members of the People's Assembly, twenty-five of the Shura Council, and ten of each local council in at least fourteen governorates. Since the NDP controls every political institution in the country -- two-thirds of the seats in the People's Assembly (NDP domination is expected to hold through the upcoming parliamentary elections), eighty-four of eighty-eight seats in the Shura Council, and a similar percentage in Egypt's municipal councils -- the prospects of registering as a truly independent candidate are essentially nil. And yet, the independent candidate route does allow the ascendancy of a less obvious candidate who operates outside the formal NDP institution but is capable of securing the party's support, such as intelligence services chief Omar Suleiman.

Apologists for Article 76 maintain that its exceptions make it easy for other parties to run a candidate in presidential elections, since they should be able to win at least one seat in Parliament or the Shura Council. Such statements, however, belie the practical difficulty of overcoming the hurdles to get to that point. To qualify, for example, a party must be registered by the Political Parties Committee (PPC), the nine-member body headed by Shura Council president and NDP secretary-general Safwat El Sherif. Established under President Sadat through Law 40 of 1977 (also known as the "political parties law"), the PPC has the power to refuse registration, freeze existing licenses, close party newspapers, halt party activities, and petition the Supreme Administrative Court to dissolve parties and redistribute their funds. Law 40, reincarnated in 2005 as Law 177, essentially retains all the onerous provisions of the old law and grants the PPC continued powers that seriously undermine party pluralism in Egypt.

Between 1977 and the end of 2004, for example, the PPC rejected sixty-three party applications for various reasons, including nebulous charges regarding unspecified party programs. Only two, the al-Ghad Party and the Democratic Front Party, were approved, in 2004 and 2007, respectively. Today, there are twenty-four legitimate political parties in Egypt and eight whose applications are languishing with the PPC, some of which have been waiting for years. Thirty-five additional applicants await judicial review of rejected applications.

Not surprisingly, in this context, those parties that do secure government registration are seen as co-opted or "domesticated" opposition, as they have been dubbed by analyst Amr Hamzawy. They cannot be truly independent as their inclusion hinges on their playing the rules of the game established by the ruling party, which fuels a loss of credibility in the people's eyes.

The Democratic Front Party (DFP), registered in 2007, is a possible exception. Founded by former Shura Council member Osama Ghazali Harb -- who was repeatedly appointed to that body by President Mubarak for over a decade -- the DFP was registered by the PPC only three months after applying, while Harb was still a member of the council. Until recently, it seemed to enjoy a unique status.

During Shura Council elections last June, Harb rejected the renewed appointment, and the DFP boycotted the elections, declaring them illegitimate. It also spearheaded the call to boycott the People's Assembly elections in November.

The challenge for the NDP and the NDP-dominated PPC will be to deal with a legal party that is increasingly demonstrating its independence and a feisty unwillingness to cooperate with the regime in legitimizing the ruling party. The DFP may soon find itself in a position similar to that of al-Ghad, whose founder, Ayman Nour, attempted to demonstrate his independence by running against Mubarak. Through a combination of politicized legalities and control of the PPC, the NDP responded to this perceived affront by wresting leadership from Nour, leaving a pro-regime faction at the helm of al-Ghad. The message to the "loyal opposition" was clear: seek complete independence and the regime will seize what little independence you have.

The orchestrated manipulation of the constitution on the issue of contesting the presidency, and machinations vis-a-vis Egypt's "legal" opposition parties, are two (of numerous) successful regime tactics to substantially exclude the opposition. These trends deserve much more attention from the Obama administration.

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