

The Flawed Shura Council Elections: Omen for Egypt's Future?

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Brief Analysis

Amid the diplomatic and media frenzy over the Gaza flotilla incident, Egypt's upper house elections were largely overlooked last week, even though the voting for the consultative Shura Council was marred by low turnout, concerted fraud, and violence. These are disturbing indicators of what the international community and Obama administration should anticipate during the much more important parliamentary elections in November.

Why the Elections Matter

The two rounds of voting for the Shura Council, on June 1 and June 8, were the first in a series of warm-ups before next year's critical presidential election, when eighty-two-year-old Hosni Mubarak, who recently had major surgery, might stand for a sixth consecutive term. Established in 1980 through a constitutional amendment, Egypt's upper house wields little power and is purely consultative. A third of its 264 members are appointed by the president, and only half of the rest stand for election every three years for six-year terms.

The ruling National Democratic Party (NDP) has dominated the body throughout its history. No opposition party has ever managed to establish a substantial presence on the council, including the Muslim Brotherhood, which has never won a seat. Last week's elections proved no exception, as the NDP swept eighty-four out of a possible eighty-eight seats. Although four opposition parties won one seat each, other parties such as the Democratic Front boycotted the elections, declaring them illegitimate.

Following the 2005 parliamentary elections -- in which the judiciary uncovered significant irregularities perpetrated by the regime's security apparatus -- the government severely curtailed the judiciary's future ability to safeguard elections by amending Article 88 of the constitution. Article 88, as amended, transfers the responsibility to supervise elections to an "independent electoral commission" composed of hand-picked judges and legislators. Under the amendment, the commission's electoral decisions cannot be appealed, and it has the authority to delegate supervision duties -- a power unofficially delegated to the Ministry of Interior.

Following this month's elections, the commission head declared that turnout was "high" and that the process had been smooth except for a few inconsequential incidents. Local observer groups and Egypt's independent media reported dramatically different stories, however. According to the Egyptian Organization for Human Rights (EOHR) -- the chairman of which is a member of the quasigovernmental National Council for Human Rights -- irregularities were widespread and included group voting, bribery, and even violence against independent candidates. The organization also estimated a meager 5 percent overall voter turnout.

In addition, multiple independent reports indicate rampant exclusion and intimidation of monitors, journalists, independent candidates, and their supporters both before and during the elections. For example, the electoral commission allowed the EOHR to monitor the elections in only four of the twenty-two governorates for which it sought permits to observe. Even then, however, the commission's permits did not guarantee access to polling sites. (Interestingly, the administrative court in Cairo upheld the organization's right to fully undertake its monitoring efforts, a decision that had little practical impact despite being hailed as "historic" by the EOHR.)

Other outlets reported cases of organized fraud. According to Egyptian daily al-Masry al-Youm, older female voters were bussed into one Alexandria district, allegedly receiving 50 Egyptian pounds (roughly \$9) per pro-NDP vote.

A Warning Indicator?

That elections for a purely consultative body with absolutely no powers could go so badly points to the dangers of large-scale fraud or worse taking place during this November's crucial parliamentary elections. Despite the legislature's limited authority, the political stakes for the ruling party are high.

Recent constitutional amendments place onerous requirements on would-be contenders for the 2011 presidential election -- at this point, only Gamal Mubarak, the president's son, can stand for that office. But loopholes exist that could offer theoretical avenues for challengers to qualify through the parliament. This possibility -- along with the elder Mubarak's frail health and the regime's growing sense that the public rejects succession -- will likely tempt the NDP to resort to fraud during the parliamentary elections as a means of closing the loopholes. Statements by Mostafa El Fiky, head of the legislature's foreign affairs committee, regarding the "necessity to rig the voting process under certain circumstances" are hardly reassuring in this regard.

Of most concern, however, is the potential for violence. After a relatively peaceful first round of voting in the 2005 parliamentary elections, violence flared during the second and third rounds when the ruling party became concerned over opposition gains. Opposition candidates and their supporters were physically prevented from entering polling stations and were attacked by state security forces, resulting in numerous incidents of extreme violence. In addition, judicial supervision at the time, coupled with widespread public use of new media tools such as cell phone cameras, revealed significant ballot stuffing and intimidation by regime security forces.

In some cases, these abuses led judges to nullify NDP "victories" in districts and stations where vote rigging took place. The state largely ignored such legal decisions, however, and even put some judges on trial for speaking to the media about the rigging and publicizing the assaults (some of which had been perpetrated on the judges themselves).

Toward an Administration Response

Memories of 2005, coupled with the fraud and violence of the Shura Council voting, suggest that an Iran-like electoral crisis could be on the horizon for Egypt. To forestall such a development, the United States should take a number of critical steps between now and November.

First, Washington should make clear to the Egyptian government and civil society that it cares about these elections, and that the conduct of the parliamentary and presidential voting will have a bearing on U.S.-Egyptian relations going forward. The administration should also emphasize the value it attaches to unfettered monitoring and reporting of the process by Egyptian organizations. This is especially important given the absence of judicial supervision. The United States should also strongly back Egyptian civil society's request that the government accredit international observers. Washington should work with the European Union to coordinate its message and programs along these lines. In addition, U.S. mechanisms such as the Middle East Partnership Initiative should develop robust programming geared at funding civil society during the upcoming period.

Finally, freedom to monitor and report on the process should not be seen as a substitute for freedom to actually contest the elections -- all participants, including opposition elements,

