

Multiple candidate elections in Egypt: diverting pressure for democracy

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President Mubarak's surprise announcement on 26 February that he would ask parliament to amend Article 76 of the constitution to permit multiple candidate presidential elections effectively pre-empted political debate in Egypt. All sides immediately began speculating on the causes and consequences of this proposed dramatic change to the current system of a referendum on a single candidate nominated by the lower house of parliament. While those closely associated with the government presented the initiative as one that manifested the President's desire for further democratization rather than any fear of or reaction to external pressure, the various components of the opposition, clearly caught off-balance, were more divided. Having given up hope of amendments to the constitution prior to the election--changes which had been labelled as "futile" by Mubarak himself less than a month previously and which were agreed the preceding week by those oppositionists participating in the so-called National Dialogue Conference to be off the agenda until following the election--the opposition's task of interpretation was all the more difficult because the precise wording of the amendment was not immediately clear.

The Speaker of the Maglis al Sha`b (lower house of parliament) estimated that it would take two months for the Legislative and Constitutional Affairs Committee to deal with the proposal and that it would not be ready for plenary debate prior to 9 May. If approved by a two-thirds majority, it will then be subject to a popular referendum. But even in the absence of definitive wording it was immediately apparent that what had been ceded in principle to those desirous of democratization, might be denied them through the practice of a nomination process that would remain easily influenced and possibly even tightly controlled by the ruling National Democratic Party (NDP).

A preliminary report of the General Committee of the Maglis al Sha`b, the final report of which will serve as the draft upon which the Legislative and Constitutional Affairs Committee will commence its deliberations, emphasized the need for measures to ensure that presidential nominees are "serious" and "patriotic." The specific measures to achieve this objective are requirements of endorsement by a legally recognized political party, or by a set threshold, possibly 20 percent, of those elected to the lower and upper houses of parliament and municipal councils. Given that there are some 3,230 elected members of just the local councils, a 20 percent threshold would suggest support would be required from some 646 of them, to say nothing of some 88 MPs and some 26 members of the upper house. It is virtually impossible that any independent candidate, could prior to the September election, obtain this number of signatures from these elected politicians, the vast majority of whom are beholden to the ruling National Democratic Party (NDP). Even six years hence, at the time of the next presidential election, this requirement would render almost impossible candidacies by independents. As for the ostensibly easier path of nomination through existing political parties, none have the size, strength or popular appeal to provide a base for a credible challenger to the candidate of the NDP, presumably President Husni Mubarak in this election and possibly his son Gamal in the following one. The Muslim Brotherhood, which has 16 members in the present Maglis al Sha`b, the largest grouping outside the NDP, and which is the only political organization other than the NDP which could provide an effective base for a presidential candidacy, will be prevented from nominating a candidate by virtue of the anomaly that it is not a legally recognized political party.

To many in the opposition, Mubarak's offer to amend article 76 thus fell short of what would be required to create truly competitive presidential elections and, in any case, was announced too close to the September elections to allow for effective mobilization by opposition parties and candidates. Opposition spokespersons and independent analysts immediately put forward their suggestions as to what further constitutional and legal changes would be required for presidential elections to be truly free and fair. These ranged from amending Article 77 to limit presidential terms in length (decreasing from six to four years) and/or number (from unlimited to two); to revising provisions for judicial supervision of elections; to lifting the state of emergency and ending violations of civil liberties and political rights.

In the minds of all were the questions as to why Mubarak took this surprise step and what its consequences might be. While supporters of the government ardently denied any connection to external pressure, many in the opposition were sceptical that the initiative would have been taken in its absence, especially since the formal, legal opposition had just concluded the National Dialogue session with an agreement not to press for immediate constitutional changes. Several observers saw as the trigger strong American reaction to the jailing of MP Ayman Nour. Still others attributed the move to what they saw as the growing groundswell of anti-Mubarak sentiment, as evidenced by somewhat larger and more persistent demonstrations organized by Kifaya (Enough) and others protesting against another term for Mubarak or succession to the Presidency by his son.

But the most intriguing interpretation of cause and possible consequence was that intimated by political scientist Mustafa Kamal al Sayyed and a few others. Their view was that this was the means by which Mubarak sees he can secure a win-win outcome that will perpetuate his and/or his son's rule, while pre-empting criticism from the U.S. and neutralizing the military's opposition to his son's candidacy, presumably in 2011, although possibly even for the coming election. The keys to this interpretation are 1) a more credible presidential election will reduce external pressure for change and contribute to the legitimation of the successful candidate; 2) no possible candidate is strong enough to challenge Mubarak's and the NDP's hegemony; 3) the military cannot offer its own candidate and thus has no means to block a succession to Gamal Mubarak. In this view the outcome would be more akin to that of Tunisia, where a similar "liberalization" by President Ben Ali simply reinforced his hold on elections and the presidency, rather than to that of Palestine, where January's Presidential elections were the first truly competitive ones for an Arab presidency.

Whatever the actual intent and ultimate consequences of the proposal to amend Article 76, it was immediately clear that it was a politically astute move by the President, who with it had underscored the weakness, disunity and lack of preparedness of the opposition and each of its components; and the centrality of his own person to the political system. That no credible challenger to his rule emerged in the wake of the announcement attests both to his political astuteness and to the intensity of his regime's authoritarian character, which has succeeded in pulverizing all potential sources of opposition to the degree that they are unable to capitalize on potential opportunities for political participation.

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