

EGYPT UNDER PRESSURE: EXAMINING THE DANGERS OF PROPOSED CONSTITUTIONAL AMENDMENTS



April 2019 - updated to reflect finalized text of amendments

On February 3, 2019, Egypt's rubber-stamp parliament **introduced** several constitutional amendments designed to strengthen President Abdel Fattah al-Sisi's hold on power, for which it quickly **granted** preliminary approval on February 14. Parliament **approved** the amendments in a final vote on April 16, which is to be followed by a public referendum April 19–22. Ratification of these amendments would eliminate the last democratic trappings of the existing constitution and wipe out the few remaining gains of the 2011 uprising against Hosni Mubarak, such as term limits and limited judicial independence. By eliminating the largely theoretical constitutional checks on the president's power, these amendments will **move** Egypt toward a personalist totalitarian dictatorship, a regime type particularly prone to violent breakdown.

THE MOST CONCERNING AMENDMENTS WOULD:

TIMELINE



Extend al-Sisi's Presidential Term Through 2030

Amended Article 140 would **lengthen** the presidential term from four to six years. Importantly, it also adds a transitional article that would extend al-Sisi's current term by two years and **allow** him to run for an additional six-year term in 2024.

This would enable al-Sisi to rule for an additional 8 years beyond his current term limit, allowing him to remain president until 2030 when he will be 75 years old.

Cripple Judicial Independence

Amended Articles 185, 189, and 193 would codify in the constitution a council headed by the president to oversee joint judicial affairs; they would also expand presidential influence over the selection of the heads of key judicial bodies, such as the Supreme Constitutional Court and the Public Prosecution.

This would constitutionally subordinate the judiciary to executive control in the most dramatic assault on judicial independence in 50 years.

Expand the Military's Political Role

Amended Article 200 would make the Armed Forces responsible for "maintaining the constitution and democracy, safeguarding the basic components of the state, and its civil nature, in addition to the people's achievements and individual rights and freedoms," giving the army constitutional license to shape Egyptian political life. Amended Article 204 would add yet more conditions under which civilians can be tried in military courts, which lack fundamental due process protections. Amended Article 234 would require the approval of the Supreme Council of the Armed Forces for the appointment of defense minister.

This would turn the military into a praetorian guard with a constitutional mandate to preserve al-Sisi's regime.

Personalist dictatorships that concentrate power in a single individual may look durable, but are actually more vulnerable to chaotic collapse than other types of regimes. By closing off all peaceful means for the public to change the Egyptian government or to express its grievances, these amendments will create a veritable pressure cooker in which any and all dissent could result in turmoil and unrest.

- **February 3:** Proposed amendments were introduced.
- **February 14:** The full parliament approved the proposed amendments in principle.
- **March 20–28:** The Constitutional and Legislative Affairs Committee held six listening sessions with hand-picked politicians, legal experts, academics, and media and syndicate representatives on the proposed amendments. Most **participants** were hand-picked regime supporters.
- **March 31:** The Constitutional and Legislative Affairs Committee began drafting the final language of the amendments.
- **April 14:** The committee submitted its report to the full parliament for debate.
- **April 16:** The full parliament discussed and voted on the final language of the proposed amendments. Approval required a two-thirds majority of MPs.
- **April 19–22:** The proposed amendments are presented to the public in a referendum. A simple majority of "yes" votes by participating voters is required for passage. More than 34,000 websites campaigning against the amendments have been **blocked**.

