EGYPT UNDER PRESSURE: EXAMINING THE DANGERS OF PROPOSED CONSTITUTIONAL AMENDMENTS

April 2019

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 is now preparing the amendments for a final vote, expected to take place on April 14, followed by a public referendum in the succeeding weeks. 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:

Extend al-Sisi's Presidential Term Through 2034

Amended Article 140 would lengthen the presidential term from four to six years. Importantly, it also adds a transitional article that would allow al-Sisi to circumvent term limits and rule for an additional 12 years after the end of his current term.

This would allow al-Sisi to “reset” his clock in office and run for elections a third time in 2022 and a fourth time in 2028, allowing al-Sisi to remain president until 2034 when he turns 80 years old.

Cripple Judicial Independence

Amended Articles 185, 189, and 193 would codify in the constitution a council led by the president to oversee 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.

EXPECTED TIMELINE

- 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. Opponents of the amendments were not invited to participate.
- March 31: The Constitutional and Legislative Affairs Committee began drafting the final language of the amendments.
- Not later than April 12: The committee will submit its report to the full parliament for debate.
- Not later than April 27: Within 15 days after the committee finishes its review, the full parliament discusses and votes on the final language of the proposed amendments. Approval requires a two-thirds majority of MPs. Reportedly this vote will occur on April 14.
- Not later than May 27: Within 30 days of parliamentary approval, the proposed amendments are presented to the public in a referendum. A simple majority of “yes” votes by participating voters is required for passage.