



Elections in Egypt: *Implications of Recent Court Decisions on the Electoral Framework*

Middle East and North Africa

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1850 K Street, NW | Fifth Floor | Washington, DC 20006 | www.IFES.org

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Glossary of Terms¹

Name	Definition	Acronym (if applicable)
Constituent Assembly	Committee responsible for creating a new Egyptian constitution.	
Freedom and Justice Party	Political party affiliated with the Muslim Brotherhood.	FJP
High Judicial Election Commission	Body responsible for administering the recent parliamentary elections.	HJEC
National Democratic Party	Political party affiliated with former President Hosni Mubarak.	NDP
People's Assembly	Lower house of Egypt's bicameral parliament with major role in drafting day-to-day legislation.	PA
Proportional representation	Means the number of seats won by a party or group of candidates is proportionate to the number of votes received.	PR
Shura Council	Upper house of Egypt's bicameral parliament that has limited powers.	SC
State Commissioner's Authority	A judicial body that advises the government.	
State Council's Administrative Court	Court specializing in administrative law, particularly disputes concerning the exercise of public power. Their role is to ascertain that official acts are consistent with the law.	
Supreme Administrative Court	The highest court in Egypt with jurisdiction over lower administrative courts and administrative decisions of the authorities, but not the legislative decisions made by the government.	
Supreme Council of the Armed Forces	Governing body of 21 senior officers in the Egyptian military.	SCAF
Supreme Constitutional Court	The highest judicial power in Egypt which undertakes judicial control in respect of the constitutionality of the laws and regulations as well as interpretation of the laws.	SCC
Supreme Presidential Election Commission	Body responsible for administering the recent presidential election.	SPEC

¹ The definitions in this glossary are provided to give the reader a general idea of the nature of the entity. These definitions do not attempt to define each entity and its powers in complete detail.

Introduction

Following the resignation of Egyptian President Hosni Mubarak on February 11, 2011, the Supreme Council of the Armed Forces (SCAF) assumed power and suspended the country's constitution. A referendum held on March 19, 2011 approved amendments to the 1971 constitution regarding parliamentary and presidential elections. On March 30, 2011, the SCAF issued a Constitutional Declaration (see Annex 1), which laid out the constitutional framework that will govern Egypt until a new constitution can be drafted and approved by a constitutional referendum.² The Constitutional Declaration included articles approved in the referendum and new articles put forth by the SCAF which were based on their equivalents in the 1971 constitution.

Between the time when the Constitutional Declaration was issued and elections were held, the parliamentary electoral system underwent numerous and significant legal revisions amid intense debate among various stakeholders. The SCAF did not settle the details of the system to be used for these elections until early October 2011.³ Elections were held shortly thereafter for both houses of the Egyptian Parliament, the People's Assembly (PA) and the Shura Council (SC), from November 2011 to February 2012.⁴

The parliamentary elections resulted in Islamist parties gaining a large majority in each house. In the PA, the Democratic Alliance for Egypt (led by the Muslim Brotherhood-affiliated Freedom and Justice Party, or FJP) and the Islamist Bloc (led by the Al-Nour Party) secured a combined 70 percent of elected seats. In the SC, they won a combined 83 percent of elected seats.

Following parliamentary elections, the first and second rounds of the presidential election were held on May 23-24 and June 16-17. Mohammed Morsi, the candidate from the Freedom and Justice Party, won the presidency.

However, on June 14, two days prior to the second round of the presidential election, the Supreme Constitutional Court (SCC) responded to several pending court cases by issuing decisions declaring that the electoral system used for the PA elections as unconstitutional, and invalidating the SCAF's Decree-Law 17/2012 that suspended political rights for those who held certain official positions in the last 10 years of the Mubarak era. In response to the SCC's rulings and prior to handing power to the newly-elected president on June 30, the SCAF issued a Constitutional Addendum on June 17 that amended key provisions of the March 2011 Constitutional Declaration.⁵

This briefing paper examines Egypt's electoral processes in 2011-12, as well as the SCC's judgments and their impact on Egypt's electoral framework.

² The referendum and the 2011 Constitutional Declaration are analyzed in the IFES Briefing Paper, *Elections in Egypt: Lessons of the 2011 Constitutional Referendum and the Constitutional Declaration*. April 26, 2011.

³ For an analysis of the 2011 PA electoral system, please see IFES Briefing Paper, *Elections in Egypt: Analysis of the 2011 Parliamentary Electoral System*. November 1, 2011.

⁴ Of the 508 seats in the PA, 10 members were appointed by the SCAF. Two-thirds of the 498 elected members (332 members) were selected by a closed party list proportional representation (PR) system from 46 electoral districts. The remaining 166 individual candidate seats in 83 two-member districts were won by candidates who either received more than 50 percent of the votes in the first round, or won the second round run-off election.⁴ Of the 270 seats in the SC, 90 will be appointed by the new president, and 180 were elected under a system that mirrors the PA system: two-thirds of the 180 elected members (120 members) were elected from 30 districts from closed party lists by proportional representation, while 60 individual candidate members were elected from 30 districts.

⁵ Notably, the addendum did not alter Article 61 of the Constitutional Declaration, which provides that the SCAF would continue to exercise power "until a time at which the People's Assembly and the Shura Council assume their responsibilities and the president of the republic is elected and assumes his/her position."

The 2011/2012 Parliamentary and Presidential Elections

In late September 2011, after significant changes to the parliamentary electoral system and approximately two months prior to the start of parliamentary elections, the SCAF issued Decree-Law 120/2011, which further amended the electoral law. Article 5 of the decree-law stated that anyone running for an individual candidate seat in the PA or SC could not be a member of any political party, and would need to remain unaffiliated with any political party while a member of either body.

The two most powerful electoral coalitions, the Egyptian Bloc and the Muslim Brotherhood-dominated Democratic Alliance for Egypt, both rejected Article 5. The coalitions claimed it would marginalize parties and open the door for candidates affiliated with the former National Democratic Party (NDP) of President Hosni Mubarak to obtain a vast majority of seats reserved for independents. On October 8, after many parties threatened to boycott the elections, the SCAF agreed to remove Article 5 and allow party members to compete in individual candidacy races.⁶ This allowed political parties to contest all elected seats in parliament, while only allowing individual candidates to contest one-third of the elected seats.

People's Assembly Elections

The final results of the PA elections, certified by the High Judicial Election Commission (HJEC), show that under this electoral system the Islamist alliances (Democratic Alliance for Egypt and Islamist Bloc) won a clear majority of seats in the PA, including an overwhelming majority (80%) of the individual candidate seats. Candidates not affiliated with any party won only 15 percent of individual candidate seats.⁷

After the election, a challenge to the electoral law was filed in court by an independent candidate who was knocked out of competition for an individual candidate seat by political party candidates, arguing that it was unconstitutional to allow political parties to contest individual candidate seats, while not allowing individual candidates to contest PR seats. This challenge was the basis of the SCC's decision to invalidate the electoral system as unconstitutional, and thus disband the PA. The SCC's decision in this case and its implications are discussed below.

Shura Council Elections

The results of the SC elections, certified by the HJEC, show that Islamist alliances also won an absolute majority, regardless of political affiliations of the 90 presidential appointees.⁸ A challenge was filed in court against the constitutionality of the electoral system used to elect the SC; it can be expected that a similar decision will be reached in that case, as was reached in the case concerning PA elections. However, on July 19 the State Council's Administrative Court referred the appeals to dissolve the PA and SC to the State Commissioner's Authority, a judicial body that advises the government, which will write reports on the case to help the court make a ruling.⁹ At the time of writing, this issue remains unresolved.

Presidential Elections

A total of 23 candidates were nominated to contest the presidential elections. However, 10 of those candidates were disqualified by the Supreme Presidential Election Commission (SPEC), which ruled

⁶ SCAF Decree-Law 123/2011, issued on October 8, 2011.

⁷ Please see Annex 2(a) for the final results of the People's Assembly elections.

⁸ Please see Annex 2(b) for the final results of the Shura Council elections.

⁹ "Postponement amid court chaos." *Daily News Egypt*. July 17, 2012.

<http://thedailynewsegypt.com/2012/07/17/postponement-amid-court-chaos/>

that they did not meet the candidacy requirements laid out in Articles 26 and 27 of the Constitutional Declaration issued in March 2011 and in Law No. 73/1956.¹⁰

Exactly one month prior to the first round of the presidential election, the SCAF issued Decree-Law 17 to implement a law passed by the newly-elected PA amending Article 3 of Law No. 73/1956 on the Practice of Political Rights. This decree-law, also known as the Political Isolation Law, suspended political rights for any person who served as president, vice president, prime minister, head or secretary general of the dissolved NDP, or as a member of the NDP's policies bureau or its General Secretariat, in the 10 years before the resignation of President Mubarak.¹¹

Following a challenge filed by presidential candidate Ahmed Shafiq, who served as the last prime minister under President Hosni Mubarak, the SPEC referred this law to the SCC in late April 2012 for a ruling on its constitutionality. Pending that ruling, Shafiq was allowed to continue his candidacy.

The first round of the presidential election was held on May 23-24, 2012. As expected, no candidate won more than 50 percent of the valid votes, and the two candidates who secured the largest number of valid votes – Ahmed Shafiq (independent candidate) and Mohammed Morsi (Freedom and Justice Party) – ran in the second round run-off election on June 16-17. Two days prior to the start of the second round run-off, the SCC ruled the Political Isolation Law unconstitutional, and Shafiq's candidacy was allowed to continue. The SCC's ruling is discussed in greater detail below. The SPEC announced the final results on June 24, declaring Morsi as the newly-elected president with 51.7 percent of the votes compared to Shafiq's 48.3 percent.

Legal Challenges to Elections: Decisions and Implications

The SCC's Judgment on the People's Assembly Electoral System

On June 14, 2012, the SCC announced its ruling on the challenge to the constitutionality of the electoral system used for the PA elections.¹²

The plaintiff in the case was a candidate for the individual candidate seat in the Third District in the Qalyubia governorate, who was excluded from the run-off election between candidates of the FJP and the El Nour Party. The plaintiff argued that the electoral system for the PA elections "violated the principle of equality guaranteed by Article 7 of the Constitutional Declaration" since it discriminated "between those belonging to political parties, who are 3 million, and independents, who are 50 million, in that they allocated two-thirds of the People's Assembly seats to political parties, and limited the rights of independents to the remaining one-third, which was also competed upon by political parties."

The SCC found that the decision to allow both independents and political party candidates to compete for the individual candidate seats impacted the closed list proportional seats race, stating:

Since political parties were not competing with independents over that other portion, then a rearrangement would have taken place within the party lists, taking into account the priorities within each party. Furthermore, political party members had the choice between two ways to run for the People's Assembly, the closed party list system and the individual candidacy system. Independents were deprived of one of these ways, and

¹⁰ For details on the disqualification of presidential candidates, please see IFES Briefing Paper, *Elections in Egypt: May 23-24 Presidential Election, Frequently Asked Questions*. May 4, 2012.

¹¹ SCAF Decree-Law 17 of 2012, issued on April 23, 2012.

¹² The SCC's judgment was published in the *Official Gazette* on June 14, 2012. Quotations from the judgment in this Briefing Paper are from an unofficial translation.

their rights were limited to the portion allotted for the individual candidacy system, in which political party members also competed.

Article 1 of the Constitutional Declaration affirmed that Egypt is “a democratic state based on the principle of citizenship,” and thus affirmed the importance of the rights to candidacy and suffrage. Regulation of those rights must be subject to and consistent with the Constitutional Declaration, including the principle of equality before the law. The SCC stated that although Articles 3 and 4 of the declaration establish a multi-party system in Egypt based on popular sovereignty, the declaration does not discriminate between citizens in their exercise of the rights of candidacy and suffrage based on political affiliations or political opinions:

Within this framework lies the value of multi-partisanship as a constitutional purpose towards deepening the concept of democracy that offers political parties a role in national action that exceeds the margin of confidence granted by the voters to their candidates who compete with others according to subjective rules unlimited by a creed of any sort, and unrestricted by any form of affiliation, whether political or apolitical, and so that all citizens who fulfill the conditions set for this, would have the same chance – through which they influence, equally between themselves – the shaping of national policy and the determination of its final features.

The SCC further stated that the principles of equality and equal chances “necessitate one legal treatment for all candidates, on the basis of equal opportunities for all, with no discriminating based on party affiliation.” As such, the SCC ruled that allowing party candidates to compete with independents for individual candidate seats provided undue advantages for political party candidates who could compete for all seats, whereas, individual candidates were limited to one-third of seats under the first-past-the-post system where they competed against candidates belonging to political parties, “who enjoy the financial and moral support of the parties to which they belong, which exploit all their available capabilities in supporting them.”

The SCC concluded, because this constitutional defect affected the two-thirds of PA seats elected through closed party lists and individual candidate seats contested by independent and party-affiliated candidates, “the formation of the whole assembly is null and void since it was elected.” Therefore, the SCC ordered the PA to be dissolved “without the need for any other measure.”¹³

The SCC did, however, add that the laws, decisions and procedures taken by the PA to date “shall retain their validity” and “shall remain correct and enforceable” unless annulled or amended or ruled unconstitutional by the SCC.

The SCAF’s June 2012 Addendum to the Constitutional Declaration

Three days after the SCC issued its decision dissolving the PA, and on the same day polling ended in the second round of the presidential election, the SCAF issued an addendum to the March 2011 Constitutional Declaration (see Annex 1) reinforcing the SCAF’s authority over the armed forces, and retained its legislative authority until a new parliament could be elected.

The addendum also addressed the Constituent Assembly tasked with drafting a new constitution. Article 60(B) of the addendum provided that if the Constituent Assembly elected by the joint sitting of the PA and the SC “encounters an obstacle that would prevent it from completing its work,” the

¹³ Some have argued that only the elections for individual candidate seats should be regarded as invalid, although, as noted above, the SCC’s judgment expressly stated that elections for PR seats were also invalid.

SCAF will form a new Constituent Assembly to complete a draft constitution within three months.¹⁴ A constitutional referendum would then be held within 15 days, followed by parliamentary elections within one month after the constitution is approved. The addendum does not specify the electoral system to be used for these elections, only that they will be conducted “in accordance with the law.”

The addendum also inserted a new Article 60(B1) into the Constitutional Declaration that allows “the president, the head of SCAF, the prime minister, the Supreme Council of the Judiciary or a fifth of the constituent assembly” to object if they believe that “the new constitution contains an article or more which conflict with the revolution’s goals and its main principles or which conflict with any principle agreed upon in all of Egypt’s former constitutions.” If the Constituent Assembly fails to revise the article within 15 days, the matter will be referred to the SCC, which will have to give its verdict within seven days. The SCC’s decision will be final.

Analysts largely agree that Article 60(B1) applies to both the current Constituent Assembly and to any new assembly that may be appointed by the SCAF under Article 60(B). Both changes have been interpreted as significant extensions of the influence the SCAF will wield over the drafting of a new constitution.¹⁵

Legal challenges to the addendum have been filed, including one by a former presidential candidate and three Egyptian NGOs, asking that the SCAF hand over full powers to President Morsi.¹⁶ The State Council’s Administrative Court was due to rule on these challenges on July 17; however, on July 18 the court recused itself on the basis that it does not have jurisdiction to consider legal challenges to the addendum.¹⁷

The Constituent Assembly and Drafting a New Constitution

Article 60 of the Constitutional Declaration provides that the members of the PA and the SC will elect 100 members of a Constituent Assembly to draft a new constitution to be approved by the people in a referendum. The Constituent Assembly will have six months to complete its work and the referendum must then be held within 15 days.

The Constituent Assembly was formed in March 2012, following parliamentary elections. Following a legal challenge, however, the assembly was suspended by the Supreme Administrative Court on the grounds that its membership included 50 members of the PA, which was contrary to the March 2011 Constitutional Declaration and to a 1994 SCC ruling that parliamentarians cannot elect themselves.¹⁸ The assembly was reformed by parliament in early June after two months of negotiations between political parties and the SCAF,¹⁹ and began its activities shortly afterward. But further challenges to the formation of the Constituent Assembly have been filed following the SCC’s decision on the

¹⁴ Ahram Online reported that this provision was included as a precaution “in case the constituent assembly was found unconstitutional following the dissolution of parliament.” “Court delays ruling on case against Egypt’s constitutional addendum.” *Ahram Online*. June 26, 2012. <http://english.ahram.org.eg/News/46224.aspx>

¹⁵ See, for example, “SCAF expands its power with constitutional amendments.” *Egypt Independent*. June 17, 2012. <http://www.egyptindependent.com/node/928246>

¹⁶ “Lawsuit filed against SCAF to hand full powers to Morsy.” *Egypt Independent*. July 2, 2012. <http://www.egyptindependent.com/node/960401>. See also “Khaled Ali, NGOs file lawsuit against SCAF’s ‘constitutional addendum.’” *Ahram Online*. June 19, 2012. <http://english.ahram.org.eg/News/45593.aspx>

¹⁷ “Administrative court recuses itself from controversial cases.” *Egypt Independent*. July 19, 2012. <http://www.egyptindependent.com/news/administrative-court-recuses-itself-controversial-cases>

¹⁸ “Egypt’s Supreme Administrative Court suspends embattled Constituent Assembly.” *Ahram Online*. April 10, 2012. <http://english.ahram.org.eg/News/38936.aspx>; and “Questions loom over Constituent Assembly.” *Al-Masry Al-Youm*. July 3, 2012. <http://www.egyptindependent.com/print/961141>

¹⁹ “Broad satisfaction over Constituent Assembly deal.” *Ahram Online*. June 9, 2012. <http://english.ahram.org.eg/News/44261.aspx>

constitutionality of the PA elections. At the time of writing, it remains unclear when the Supreme Administrative Court is due to rule on these challenges.²⁰

If the court upholds these challenges to the Constituent Assembly, it is likely the SCAF will appoint a new Constituent Assembly under Article 60(B) of the addendum to the March 2011 Constitutional Declaration. However, with the July 30 decision to delay a ruling until September 24 if not later, the Constituent Assembly is continuing to work on drafting a new constitution. Questions have been raised over the possibility that if a draft constitution is written by the current Constituent Assembly prior to any ruling on its formation, then the document may also be annulled if the court dissolves the body.²¹ The likely effects on the completion of a new constitution and the subsequent referendum and parliamentary elections are discussed below.

Implications of the SCC's Judgment and the SCAF's Response

Status of the People's Assembly

Although the SCC ruled that the formation of the PA was "null and void," the Freedom and Justice Party filed a legal challenge to the dissolution, arguing that the PA can only be dissolved following a referendum, as was done in 1987 and 1990.²²

The status of the PA was addressed in a decree issued by President Morsi on July 8, in which he withdrew the SCAF's decree of June 15 dissolving the PA and ordered the PA to reconvene "and exercise its powers as provided for in Article 33 of the Constitutional Declaration issued on March 30, 2011," thus returning legislative power to the PA.²³ The PA met briefly on July 10 and agreed to refer the SCC's decision that the election law was unconstitutional to the Appeal Court.²⁴ However, the same day, the SCC issued a ruling suspending President Morsi's decree.²⁵

The State Council's Administrative Court ruled that it does not have the jurisdiction to consider the president's decision to reinstate the PA, and referred appeals regarding the dissolution of PA to the SCC, but called on the State Commissioner's Authority to prepare a report on the case to help them reach a decision.²⁶ Unless the Supreme Administrative Court finds that the SCC did not have the power to order the PA to be dissolved, it seems likely the whole PA will remain dissolved. While President Morsi has since said he would respect the court's ruling and not reconvene the assembly, lawsuits against his decision had already been filed.

The Effect of the SCC's Decision on the Shura Council

The SCC's decision dealt only with a challenge to the validity of the PA elections, and the court does not explicitly make any finding about the 2012 elections for the SC. However, the Supreme

²⁰ Originally the court was to make the ruling on June 26, but postponed the decision to September 4 to hear the government's account. However, the court chose to move the date of the trial to July 17 to combine the lawsuit with another case filed against the legality of the body. On July 19, the court received a request that the judges making up the panel recuse themselves from the case. A decision on that request was scheduled to be made on July 30, but has since been delayed until September 24. If the panel is recused it will take up to a month to form a new one. At the time of writing, it is unclear when this case on the Constituent Assembly will be heard.

²¹ "Questions loom over Constituent Assembly." *Al-Masry Al-Youm*. July 3, 2012.

<http://www.egyptindependent.com/print/961141>

²² "Brotherhood challenges court's dissolution of Parliament." *Egypt Independent*. June 16, 2012.

<http://www.egyptindependent.com/news/brotherhood-challenges-courts-dissolution-parliament>

²³ "Presentation and full English text of Morsi's decree re-establishing Parliament." *Ahram Online*. July 9, 2012.

<http://english.ahram.org.eg/News/47250.aspx>

²⁴ "Egypt People's Assembly refers own fate back to the Judiciary." *Ahram Online*. July 10, 2012.

<http://english.ahram.org.eg/News/47308.aspx>

²⁵ "Updated: Egypt's constitutional court suspends presidential decree restoring People's Assembly." *Ahram Online*. July 10, 2012. <http://english.ahram.org.eg/News/47379.aspx>

²⁶ "Administrative court recuses itself from controversial cases." *Egypt Independent*. July 19, 2012.

<http://www.egyptindependent.com/news/administrative-court-recuses-itself-controversial-cases>

Administrative Court has referred appeals to dissolve the council to the State Commissioner's Authority, which will prepare a report on it to help the courts make a decision. Given that SC elections used the same electoral system as did elections for the PA, it can be expected that the State Commissioner's Authority will reach the same finding as in the PA case.

New People's Assembly and Shura Council Elections

The new Article 60(B) added to the Constitutional Declaration by the June 2012 Addendum provides that parliamentary elections will be held one month after a referendum has approved a new constitution. Although Article 3 of President Morsi's decree issued on July 8 provides that parliamentary elections would be held "within 60 days from the date of approval by parliament of the new constitution and the completion of the People's Assembly law," the SCC's ruling issued on July 10 suspends that decree.

The addendum to Article 38 of the Constitutional Declaration provides that parliamentary elections will be conducted according to an electoral system specified by law. In September 2011, the SCAF amended this article, providing that a mixed electoral system would be used for the imminent PA elections. Altering this article again through the recent addendum suggests that parliamentary elections will now take place under a new electoral system that has yet to be specified. The timing of the next parliamentary elections will depend on whether the Constituent Assembly reformed in June 2012 is able to continue its work for the full six months as provided in the Constitutional Declaration. If so, the assembly will have until December 2012 to finalize the draft constitution and a referendum would then be held mid-January 2013, followed by parliamentary elections in March.

A similar timetable is likely if the Supreme Administrative Court decision dissolves the Constituent Assembly and the SCAF appoints a replacement. Under the addendum, that new assembly would have just three months to draft a constitution, followed by a referendum within 15 days and preparations for parliamentary elections to commence a month later. This indicates that parliamentary elections would also likely take place in March 2013.

New Electoral Systems for PA and SC Elections

Given the SCC's ruling, it appears that new electoral systems for the PA and SC must be devised. The new constitution is likely to set broad parameters for those systems, although the main provisions concerning PA elections in the 1971 constitution were limited to stating the number of members of the PA; their term of office; the requirement for half the members of the PA to be workers or farmers; and supervision of the elections by the HJEC. It would be possible for the constitution to specify the type of electoral system to be used, although if previous practice is followed, this would mean it could only be changed by referendum.

In any event, the SCAF will need to issue a decree for a new parliamentary electoral system using its legislative power under the addendum. This should be done as far in advance of the election as possible to allow the HJEC, political parties and potential candidates to adapt to the changes. Public education and information campaigns will also be required, depending on the extent of the changes.

The Constituent Assembly and the SCAF can expect to receive considerable legal advice on the changes needed to remedy the defects identified by the SCC.²⁷ If the main elements of the mixed system are retained, it will not be enough to prevent party candidates from contesting individual candidate seats, since the SCC's judgment suggests that a way must be found to allow independent

²⁷ The opportunity should also be taken to remedy technical defects in the law, for example those concerning the seat allocation formula identified in the IFES Briefing Paper, *Elections in Egypt: Analysis of the 2011 Parliamentary Electoral System*. November 1, 2011.

candidates to contest the party list seats.²⁸ It is also possible that a completely different electoral system will be developed, although this would require a new political consensus built around that new system. This would be a large undertaking in a short time period with significant political ramifications.

In either case, to minimize the risk of further constitutional challenges after the next parliamentary elections, the SCAF may consider referring the draft parliamentary electoral law to the SCC for a decision on its constitutionality, in a similar way to that provided in Article 28 of the March 2011 Constitutional Declaration concerning the presidential election law.

The SCC's Judgment on the Political Isolation Law

The SCC also ruled on the challenge to the constitutionality of the Political Isolation Law on June 14, 2012 – two days before the start of the second round of the presidential election. The SCC concluded that the law was unconstitutional for several reasons.

The SCC formed its decision on the basis that the Constitutional Declaration of March 30, 2011, is “the constitutional document governing the affairs of the country during the transitional period through which the country is currently passing after the suspension of the provisions of the Constitution of 1971.” The SCC stated that the Political Isolation Law violated several tenets of equality and ignored the role of the existing legal process. Specifically, it imposed a penalty without a legal verdict, contrary to Article 19 of the Constitutional Declaration. Second, the suspension of political rights for those who held the specified offices in the 10 years prior to February 11, 2011, was contrary to Article 1 of the Constitutional Declaration, which states that Egypt is a “democratic state based on citizenship” and to the principle of equality before the law stated in Article 7 of the declaration. Additionally, the retrospective penalty imposed by the Political Isolation Law is based on the holding of an office, not on proof that the person holding that office “took any action or course of behavior that merits this penalty.”

As a result of these defects, the SCC concluded that the Political Isolation Law was unconstitutional. It is also worth noting that the SCC strongly criticized the PA as tarnished “with the disgrace of legislative distortion,” since it was aware of the unconstitutionality of the Political Isolation Law even as the law was passed.

Implications of the SCC's Judgment

The SCC's decision invalidating the Political Isolation Law did not have any effect on the 2012 presidential election, since Ahmed Shafiq, former prime minister under President Mubarak, had been allowed to continue his candidacy and participate in the run-off election. According to Article 29 of the March 2011 Constitutional Declaration, the term of office for newly-elected President Morsi is four years. During his term of office, a new constitution will be drafted and put to the people for approval in a referendum.

The decision regarding whether the country should retain a presidential system is currently being debated within the Constituent Assembly.²⁹ If a presidential political system is retained, it is possible a different presidential electoral system could be included in the new constitution.³⁰ If no change is

²⁸ The SCC's judgment stated “...necessitate one legal treatment for all candidates, on the basis of equal opportunities for all, with no discriminating based on party affiliation.”

²⁹ “System building.” *Al-Ahram Weekly Online*. Issue 1105. July 5-11, 2012.
<http://weekly.ahram.org.eg/2012/1105/eg3.htm>

³⁰ On August 6, Constituent Assembly Member Abu Ela Madi said that the upcoming constitution would adopt a semi-presidential system, which would divide authority between the president, government and parliament. “Abul-Ela Madi: Semi-presidential system to be adopted in upcoming constitution.” *Ahram Online*. August 5, 2012.
<http://english.ahram.org.eg/News/49589.aspx>

made, it can be expected that a new presidential election law will be enacted in time for the next presidential election in 2016.

Conclusions

The revisions made to the electoral systems governing parliamentary and presidential elections in post-Mubarak Egypt were not made in a static environment, but rather one in which the roles and powers of various political, government and civil actors were constantly being challenged and redefined. The elections carried out under these circumstances were generally accepted as open, transparent and legitimate; however, certain key aspects of the electoral systems ultimately did not withstand legal scrutiny.

The SCC decision invalidating the PA elections has prolonged the full transition to civilian rule. The FJP and its allies have been understandably reluctant to relinquish their dominance in both houses of parliament after the 2012 elections. It will be a test of their support whether they can repeat that achievement in the elections likely to occur in the first quarter of 2013.

Although the PA has been dissolved and the Addendum to the March 2011 Constitutional Declaration increases the powers of the SCAF, it now has to deal with Egypt's first president in office who has a popular mandate through competitive elections. It is also important to note that the addendum further empowered the SCC by giving it a larger role in the constitutional development process. The conflicting rulings and decrees issued by the SCC and President Morsi regarding the dissolution of the PA also foreshadow potential conflicts and tensions between the newly-elected president, the SCAF and the judiciary in the coming months.

To date, the Constituent Assembly has seen intense debate surrounding key issues such as freedom of the press, civilian control of the military and the political system. Thus far, they have been largely free to continue drafting the constitution; however, any work they will complete may be impacted by the anticipated decision of the Supreme Administrative Court on the legality of the body and stakeholders' influence on the independence of the body.

It is also critical that the electoral systems used for future parliamentary elections serve to further legitimize and stabilize the transitional process. In principle it is possible to have a closed list PR system that allows for independent candidates – by treating the candidate as if s/he were a party with a one-candidate list. However, that risks a proliferation of candidates with consequent effects on the size of the ballot paper (unless a write-in system is used); challenges to voter education; and many wasted votes, particularly if a minimum threshold of votes is needed to gain a seat. Therefore, building a new political consensus around the future electoral system is an important step and a large undertaking in a short time period with significant political ramifications. The constitution and parliamentary election laws to be developed during the next period will also be crucial to achieving the aims of Egypt's political transition, and as such, will be important to promoting and consolidating political and democratic progress in the region.

Annex 1: Unofficial Translations of the Supreme Council of the Armed Forces Constitutional Declaration, March 30, 2011, as amended, and the Addendum to the Declaration issued on June 17, 2012 (shown in italics)³¹

After reviewing the Constitutional Announcement of February 13 and the results of the referendum on constitutional amendments of March 19 (which were announced in the affirmative on March 20), and in consideration of the SCAF statement of March 23, the following has been decided:

Article 1: The Arab Republic of Egypt is a state with a democratic system, based on citizenship, and the Egyptian people are a part of the Arab nation working toward achieving its comprehensive unity.

Article 2: Islam is the religion of the state, and the Arabic language is its official language. The principles of Islamic law are the chief source of legislation.

Article 3: Sovereignty is from the people only, and the people are the source of authority. The people practice this sovereignty and protect it, safeguarding national unity.

Article 4: Citizens have the right to form associations, unions, syndicates, and parties, according to the law. It is forbidden to form associations whose activities are opposed to the order of society or secret or militaristic in nature. It is not permitted directly to engage in political activity or form political parties on the basis of religion or division due to race or origin.

Article 5: The economy in the Arab Republic of Egypt is based on developing economic activity and social justice and guaranteeing different forms of property and preserving the rights of workers.

Article 6: Public property is protected, and its defense and support is a duty incumbent on every citizen, according to the law. Private property is safeguarded, and it is not permitted to impose guardianship over it except through the means stated in law and the judiciary. Property cannot be removed except for the public benefit and in exchange for compensation according to the law, and the right of inheritance is guaranteed.

Article 7: Law applies equally to all citizens, and they are equal in rights and general duties. They may not be discriminated against due to race, origin, language, religion, or creed.

Article 8: Personal freedom is a natural right, safeguarded and unviolated, and except in the case of being caught in the act of a violation, it is not permitted for anyone to be detained or searched or for his/her freedom to be restricted or for movement to be prevented, except by a warrant order compelling the necessity of investigation or to safeguard the security of society. This warrant order will be issued by a specialized judge or the general prosecutor, according to the law. The law also determines the period for which one may be detained.

Article 9: Every citizen who is arrested or detained must be treated in a way that preserves his/her human dignity. It is forbidden for him/her to be abused in body or mind, as it is forbidden to detain him/her in places outside of those designated by the prisons law. Any statement proven to be extracted from a citizen under duress or threat will not be counted and is unreliable.

Article 10: Homes are protected and it is not permitted to enter or search them without a warrant according to the law.

Article 11: The life of citizens has special sanctity protected by law, as do messages sent by post, fax, telephone or other forms of communication, whose secrecy is guaranteed. It is not permitted to confiscate, read, or censor these, except by judicial order and for a limited time, according to the law.

Article 12: The state guarantees the freedom of creed, and the freedom to practice religious rites. Freedom of opinion is also guaranteed, and every person has the right to express his opinion and

³¹ Source: "English text of SCAF Amended Egypt Constitutional Declaration." *Ahram Online*. June 18, 2012; <http://english.ahram.org.eg/News/45350.aspx>

publish it in spoken, written, photographed, or other form within the confines of the law. Personal criticism and constructive criticism are a guarantee for the safety of national development.

Article 13: Freedom of the press, printing, publication and media are guaranteed, and censorship is forbidden, as are giving ultimatums and stopping or cancelling publication from an administrative channel. Exception may be made in the case of national emergency or time of war, allowing limited censorship of newspapers, publication, and media on matters related to general safety or the purposes of national security, all according to the law.

Article 14: It is not permitted for any citizen to be denied residence in a particular area, nor requiring him/her to reside in a particular place, except in cases designated by law.

Article 15: It is not permitted to expel a citizen from the country or forbid him/her from returning, or to give up political refugees.

Article 16: Citizens have the right of private assembly in peace without bearing arms without the need for prior notice. It is not permitted for security forces to attend these private meetings. Public meetings, processions and gatherings are permitted within the confines of the law.

Article 17: Any attack on the personal freedom or sanctity of life of citizens or other rights and general freedoms which are guaranteed by the constitution and law is a crime, which will be followed by a criminal or civil suit according to the statute of limitations. The state guarantees fair compensation for whoever experiences such an aggression.

Article 18: Public taxes will be instituted and their amendment or cancelation will take place by law. No one will be excluded from taxation except in cases stated in law. It is not permitted for anyone to charge another to pay taxes or fees except within the bounds of law.

Article 19: Personal penalty. There will be no crime or penalty except according to the law.

Punishment will not take place except by judicial ruling, nor will punishment occur for acts that take place before enactment of the relevant law.

Article 20: The accused is innocent until proven guilty in a court of law that guarantees for him/her defense. Every accused in a crime is required to have an attorney to defend him/her.

Article 21: Litigation is a safeguarded and guaranteed right for all people, and every citizen has the right to resort to his natural judge. The state guarantees close association of judicial apparatuses with litigants, in addition to a speedy trial of matters. The text of the law forbids any action or administrative decision from being absolved of judicial oversight.

Article 22: The right to defend one's self in person or by proxy is guaranteed. The law guarantees those unable monetarily to defend themselves to resort to the judiciary for means to defend their rights.

Article 23: Anyone arrested or detained will be notified of the reason for his/her detention immediately. He/she has the right to contact whomever he/she desires and inform them of the arrest and seek help, according to the law. It is necessary that accusations be announced with haste, and the detained has the right to appeal in front of the judiciary to determine the circumstances in which his/her personal freedom was suspended. The law organizes the right to present a grievance in order to guarantee a decision in a limited time period, or else the detainee's release is inevitably released.

Article 24: Laws are issued and executed in the name of the people. Suspension or avoidance of their execution on the part of public employees is a crime punishable by law. The plaintiff has the right to bring the criminal case directly to a specialized court.

Article 25: The president of the state is the president of the republic. He/She shall assert the sovereignty of the people, respect for the constitution and sovereignty of the law, and defense of national unity and social justice, according to means stipulated in this Announcement and the law. He/she shall undertake upon assuming his/her position responsibilities referred to in Article 56 of this Announcement, except for what is stipulated in provisions 1 and 2 of the Article.

Article 26: It is required for whoever is elected president of the republic to be Egyptian, born of two Egyptian parents who do not have another citizenship, enjoying his/her political and civil rights, not married to a non-Egyptian, and not falling under the age of 40 years.

Article 27: The president will be elected directly by general secret ballot. To be nominated for the presidency of the republic, a candidate must be supported by 30 members at least of the elected members of the People's Assembly and Shura Council, or the candidate may obtain the support of at least 30,000 citizens, who have the right to vote, in 15 provinces at least, whereby the number of supporters in any of the provinces is at least 1,000. In all cases, it is impermissible for support to be for more than one candidate, and the law will stipulate the procedures for this matter. Every political party with members who have won at least one seat by way of election in either of the People's Assembly or Shura Council in the last elections may nominate one of its members for the presidency.

Article 28: A supreme judicial commission named the "Presidential Elections Commission" will supervise the election of the president of the republic beginning with the announcement of the opening of candidate nomination and ending with the announcement of the election result. The Commission will be composed of the president of the Supreme Constitutional Court as the head, and a membership made up of the president of the Cairo Appeals Court, the most senior deputies of the president of the Supreme Constitutional Court, the most senior deputies of the president of the Court of Cassation and the most senior deputies of the president of the State Council.

The Commission's decisions will be final and executed, without interjection of any side, in the same manner as it is forbidden for the decisions to be stopped or cancelled. The purview of the Commission will be by law. The Commission will form committees to supervise voting and counting according to the stipulations in Article 39. Draft legislation for presidential elections will be shown to the Supreme Constitutional Court before being issued to determine the extent of compliance with the constitution.

The Supreme Constitutional Court will issue its decision on this matter within 15 days of receiving the draft legislation. If it decides that the text is unconstitutional, more work must be done before the law can be issued. In all cases, the decision of the Court will be obligatory for all authorities of the state, and will be published in the official gazette within three days of being released.

Article 29: The period of the presidency is four years beginning from the date of announcing the result of the election, and it is not permitted for the president of the republic to run again for the presidency except once more.

Article 30: The president will take the following oath before the People's Assembly before assuming his/her position: "I swear to God that I will faithfully preserve the republican order, that I will respect the constitution and the law, and look after the interests of the people comprehensively, and that I will preserve the independence of the nation and the safety of its land."

Addendum amendment

Article 30: *In situation that parliament is dissolved the president will be [sworn] into office in front of High Constitutional Court's General Assembly.*

Article 31: The president of the republic will appoint within a maximum of 30 days after assuming his/her duties at least one vice president and determine his/her responsibilities, so that in the case of his/her stepping down from the position of president, another will be appointed in his/her place. The conditions that must be met by the president will apply, as will rules governing the accountability for vice presidents of the republic.

Article 32: The People's Assembly will be composed of a number of members determined by law to be at least 350, half of whom at least will be Workers and Peasants. The members of the People's Assembly will be elected by a direct, public and secret election. The law stipulates the definition of a Worker and Peasant, as well as the electoral districts that the state will be divided into. It is possible for the president of the republic to appoint in the People's Assembly a number of the members, not to exceed 10.

Article 33: Immediately upon election, the People's Assembly will assume the authority to legislate and determine the public policy of the state, the general plan for economic and social development, and the public budget of the state. It will also oversee the work of the executive branch.

Article 34: The People's Assembly's term will be 5 years starting from the date of its first assembly.

Article 35: The Shura Council will be composed of a number of members determined by law not to be fewer than 132 members, two-thirds of whom will be elected by direct, public and secret voting (at least half Workers and half Peasants), and one-third of whom will be appointed by the president of the republic.

The law determines the electoral districts for the Shura Council.

Article 36: The Shura Council's term of membership will be six years.

Article 37: The Shura Council will assume its responsibilities upon election. It will study and recommend what it views as necessary to preserve support for national unity and social peace and protect the foundational elements of society and its highest values, in addition to rights, freedoms and general obligations. The Council will consider the following:

- 1) The project of general planning for economic and social development
- 2) Draft laws it refers to the president of the republic
- 3) Whatever the president of the republic refers to the Council on subjects related to the state's public policy or policies related to Arab and foreign affairs

The Council will notify the president of the republic and the People's Assembly of its opinion on these matters.

Article 38: The law shall regulate the right to candidacy for the People's Assembly and the Shura Council according to an election system that includes the closed party list system, and individual seats voting system, at the ratio of two thirds for the former, and one third for the latter.³²

Addendum amendment

Article 38 of the 30 March, 2011 Constitutional Declaration will be replaced with: "The parliamentary elections will be conducted in accordance to the law."

Article 39: The law determines the conditions that must be met for members of the People's Assembly and the Shura Council, stipulating electoral and referenda provisions. A supreme commission made up entirely of judges will assume the responsibility of supervising elections and referenda, from the determination of electoral schedules to the announcing of election results, all as regulated by law. Voting and the counting of votes will take place under the supervision of members of judicial bodies nominated by their higher councils, and the decision in the process of choosing them will be undertaken by the supreme commission.

Article 40: The Court of Cassation will be designated to determine the integrity of the membership of the People's Assembly and Shura Council, and objections will be presented to the court within 30 days of the announcement of election results. The Court will rule on the objection within 90 days of receiving it. The membership is considered void on the date on which the two assemblies are informed of the Court's decision.

Article 41: Electoral procedures will begin within 6 months of the date of this Announcement. The Shura Council will assume its duties with elected members, and upon his/her election, the president of the republic will appoint the final third of the Council's membership, who will serve out the remainder of the term of the Council as regulated by law.

Article 42: Every member of the People's Assembly and Shura Council will swear to conduct work in accordance with the following oath in front of his/her legislative body: "I swear to God that I will faithfully preserve the safety of the nation and the republican order, that I will look after the interests of the people and respect the constitution and the law."

Article 43: It is not permissible for any member of the People's Assembly or the Shura Council during his/her tenure to buy or rent anything using state money, or to rent out or sell anything with said money, or barter with it or enter into a contract with the state as an entrepreneur, importer, or contractor.

Article 44: It is not permissible to remove the membership of any members of the People's Assembly or Shura Council unless he/she has lost confidence and esteem, or any of the conditions of

³² This article was inserted by a Constitutional Proclamation on September 25, 2011. Previously the article read: "The law will govern the right of candidacy for the People's Assembly and Shura Council according to the determined electoral system, including at a minimum the participation of women in both assemblies."

membership, or his/her position as Worker or Peasant on the basis of which he/she was elected, or if he/she has breached any of the responsibilities of membership. A decision to remove membership must be issued by a two-thirds majority of the respective assembly.

Article 45: It is not permissible in any case except that of flagrant violation to take any criminal proceedings against a member of the People's Assembly or Shura Council, except with prior permission from his/her assembly. In the case of the assembly's recess, permission will be taken from the head of the assembly and will be subsequently presented to the assembly upon resumption of work.

Article 46: Judicial authority is independent and invested in courts of different varieties and degrees. Rulings will be issued according to the law.

Article 47: Judges are independent and not subject to removal. The law regulates disciplinary actions against them. There is no authority over them except that of the law, and it is not permissible for any authority to interfere in their issues or matters of justice.

Article 48: the Council of the State is an independent judicial body that specializes in adjudication of administrative disputes and disciplinary claims. The law determines its other responsibilities.

Article 49: The Supreme Constitutional Court is an independent and autonomous judicial body, uniquely tasked with judicial oversight over the constitutionality of laws and regulations. It deals with the interpretation of legislative texts, all as stipulated in the law. The law also designates other responsibilities for the Court and regulates the procedures followed in front of it.

Article 50: The law determines judicial bodies and their responsibilities and regulates their formation, in addition to stipulating conditions and procedures for appointing their members and their transfer.

Article 51: The law regulates the military judicial system and stipulates its responsibilities in line with constitutional principles.

Article 52: Court sessions are to be public except in the case that the court decides to make them secret in the interest of public order or morals. In all cases, the verdict is announced in a public session.

Article 53: The armed forces are the property of the people. Their mission is the protection of the country and the safety and security of its lands. It is not permissible for anybody or group to establish military or paramilitary formations. The defense of the country and its land is a sacred responsibility, and conscription is mandatory according to the law. The law stipulates the conditions for military service and promotion in the armed services.

Addendum amendments

Article 53: *The incumbent SCAF members are responsible for deciding on all issues related to the armed forces including appointing its leaders and extending the terms in office of the aforesaid leaders. The current head of the SCAF is to act as commander-in-chief of the armed forces and minister of defense until a new constitution is drafted.*

Article 53/1: *The president can only declare war after the approval of the SCAF.*

Article 53/2: *If the country faces internal unrest which requires the intervention of the armed forces, the president can issue a decision to commission the armed forces – with the approval of the SCAF - to maintain security and defend public properties. Current Egyptian law stipulates the powers of the armed forces and its authorities in cases where the military can use force, arrest or detain.*

Article 54: A council entitles "The National Defense Council" will be established. It will be headed by the president of the republic and tasked with evaluating affairs concerned with means of securing the country and its safety. The law will stipulate its other responsibilities.

Article 55: The police are a civil order body whose responsibility it is to serve the people. The police guarantee for the people tranquility and security and provide for the maintenance of order, public security and morals, according to the law.

Article 56: The Supreme Council of the Armed Forces deals with the administration of the affairs of the country. To achieve this, it has directly the following authorities:

- 1) Legislation
- 2) Issuing public policy for the state and the public budget and ensuring its implementation
- 3) Appointing the appointed members of the People's Assembly
- 4) Calling the People's Assembly and the Shura Council to enter into normal session, adjourn, or hold an extraordinary session, and adjourn said session.
- 5) The right to promulgate laws or object to them.
- 6) Represent the state domestically and abroad, sign international treaties and agreements, and be considered a part of the legal system of the state.
- 7) Appoint the head of the cabinet and his/her deputies and ministers and their deputies, as well as relieve them of their duties.
- 8) Appoint civilian and military employees and political representatives, as well as dismiss them according to the law; accredit foreign political representatives.
- 9) Pardon or reduce punishment, though blanket amnesty is granted only by law.
- 10) Other authorities and responsibilities as determined by the president of the republic pursuant to laws and regulations. The Council shall have the power to delegate its head or one of its members to take on its responsibilities.

Addendum amendment

Article 56 B: *The SCAF will assume the authorities set out in sub-article 1 of Article 56 as written in the 30 March 2011 Constitutional Declaration until a new parliament is elected.*

Article 57: The Cabinet shall assume executive authority in all that pertains to it, and will undertake the following responsibilities in particular:

- 1) Participate with the Supreme Council of the Armed Forces to put in place public policies of the state and supervise their implementation, according to the laws and resolutions of the republic
- 2) Direct, coordinate, and follow the work of the ministries and their related fronts, in addition to public institutions and bodies.
- 3) Issue administrative and executive orders according to laws, regulations, and decisions, and see to their implementation.
- 4) Prepare draft legislation, regulations, and decisions.
- 5) Prepare a draft public budget for the state.
- 6) Prepare a draft public plan for the state.
- 7) Contract and grant loans according to constitutional principles
- 8) Note the implementation of laws, preservation of state security, and protection of citizen rights and state interests

Article 58: It is not permissible for a minister during his/her tenure to engage in an independent profession, buy or rent anything using state money, rent out or sell anything with state money, barter with state money.

Article 59: The president of the republic, after taking into account the opinion of the cabinet, can announce a state of emergency as stipulated in law. He/she must present this announcement to the People's Assembly within the seven subsequent days to decide its view on this matter. If the state of emergency is announced in a period of recess, the Assembly must be called back to session immediately to review the matter, taking into account the time limit mentioned above. If the People's Assembly is dissolved, the matter will be reviewed by the new Assembly at its first meeting. A majority of the members of the People's Assembly must agree to the announcement of a state of emergency. In all cases, the announcement of a state of emergency will be for a limited time period not exceeding 6 months. It is not permissible to extend it, except after a people's referendum on the matter and their agreement to an extension.

Article 60: The members of the first People's Assembly and Shura Council (except the appointed members) will meet in a joint session following an invitation from the Supreme Council of the Armed Forces within six months of their election to elect a provisional assembly composed of 100 members which will prepare a new draft constitution for the country to be completed within six months of the

formation of this assembly. The draft constitution will be presented within 15 days of its preparation to the people who will vote in a referendum on the matter. The constitution will take effect from the date on which the people approve the referendum.

Addendum amendments

Article 60 B: *If the constituent assembly encounters an obstacle that would prevent it from completing its work, the SCAF within a week will form a new constituent assembly to author a new constitution within three months from the day of the new assembly's formation. The newly drafted constitution will be put forward after 15 days of the day it is completed, for approval by the people through a national referendum. The parliamentary elections will take place one month from the day the new constitution is approved by the national referendum.*

Article 60 B1: *If the president, the head of SCAF, the prime minister, the Supreme Council of the Judiciary or a fifth of the constituent assembly find that the new constitution contains an article or more which conflict with the revolution's goals and its main principles or which conflict with any principle agreed upon in all of Egypt's former constitutions, any of the aforementioned bodies may demand that the constituent assembly revises this specific article within 15 days. Should the constituent assembly object to revising the contentious article, the article will be referred to the High Constitutional Court (HCC), which will then be obliged to give its verdict within seven days. The HCC's decision is final and will be published in the official gazette within three days from the date of issuance.*

Article 61: The Supreme Council of the Armed Forces will continue directly with its limited responsibilities following this Announcement, until a time at which the People's Assembly and the Shura Council assume their responsibilities and the president of the republic is elected and assumes his/her position.

Article 62: All laws and regulations decided upon before the publication of this Announcement remains valid and implemented; however, it is possible to cancel laws or amend them according to the rules and procedures adopted in this Announcement.

Article 63: This Announcement will be published in the official gazette and will be in effect on the day following its publication.

Annex 2: Results of the 2011-12 elections for the People's Assembly and the Shura Council

(a) People's Assembly

Party	Percent of votes	PR seats	Individual Candidate seats	Total seats
Democratic Alliance for Egypt (led by the Freedom and Justice Party)	45.2	124	101	225
Islamist Bloc (led by the Al-Nour Party)	25.0	93	32	125
Al-Wafd Party	8.2	39	2	41
Egyptian Bloc	6.8	33	1	34
Reform and Development Party	2.0	9	1	10
Al Wasat Party	1.8	9	0	9
Revolution Continues Alliance	1.6	8	0	8
Egypt National Party	1.0	4	1	5
Egyptian Citizen Party	0.8	3	1	4
Union Party	0.6	3	0	3
Freedom Party	0.6	2	1	3
Al-Adl Party	0.4	0	2	2
Democratic Peace Party	0.4	2	0	2
Arab Egyptian Union Party	0.2	1	0	1
Nasserite Party	0.2	1	0	1
Independents	5.0		25	25
Total	100.0	332	166	498

Source: <http://www.elections2011.eg/index.php/results>

(b) Shura Council

Party	Percent of votes	PR seats	Individual Candidate seats	Total seats
Democratic Alliance for Egypt (led by the Freedom and Justice Party)	58.4	57	48	105
Islamist Bloc (led by the Al-Nour Party)	25.0	38	7	45
New Wafd Party	7.8	14	0	14
Egyptian Bloc	4.4	8	0	8
Freedom Party	1.1	2	0	2
Democratic Peace Party	1.1	1	1	2
Independents	2.2		4	4
Total	100.0	120	60	180

Source: <http://www.elections2011.eg/index.php/results>