

# CRS Report for Congress

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## Egypt: 2005 Presidential and Parliamentary Elections

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### Summary

In 2005, Egypt conducted two sets of elections that illustrate both the opportunities and challenges for U.S. democracy promotion policy in the Middle East. On September 7, 2005, Egypt conducted its first multi-candidate presidential election, resulting in the reelection of President Hosni Mubarak with 88% of the vote. Although some have credited Egypt for holding a competitive election, many have criticized the outcome and alleged fraud. Parliamentary elections in Egypt resulted in the ruling NDP party securing an overwhelming majority of seats but also saw independent candidates affiliated with the outlawed Muslim Brotherhood winning nearly 20% of seats, a dramatic gain from previous elections. This report provides an overview of both elections and their implications for U.S. policy. For more information on Egypt, see CRS Report RL33003, *Egypt: Background and U.S. Relations*, by Jeremy M. Sharp.

### Background

In recent years, Egyptian President Hosni Mubarak and his ruling National Democratic Party (NDP) have faced growing criticism, both domestically and internationally, regarding limited progress on political liberalization. One frequently cited obstacle to reform had been the indirect presidential election process, in which a candidate was nominated and confirmed by the NDP-controlled People's Assembly (lower house of parliament) and then approved in a nationwide "yes or no" referendum, which was thought to be manipulated by authorities. With the past four referendums without a competitor routinely resulting in Mubarak receiving anywhere from 93% to 98% "yes" votes, the process was widely viewed at home and abroad as illegitimate and was perceived as an anachronism in the eyes of younger Egyptians. The recent publicity surrounding elections in Iraq, Lebanon, Saudi Arabia, and the West Bank & Gaza Strip only heightened this perception, as Egypt, the largest Arab country, appeared out of step with the trend in the Arab world. In addition, Egypt's ruling elite has been gradually undergoing a generational shift, in which a new faction of young, media-savvy, and Western-educated leaders within the NDP (led by the President's son, Gamal Mubarak) has attempted to reinvigorate political culture in order to modernize the NDP's image without having to relinquish the party's grip on power.

## Amending the Constitution

As a result of this changing political atmosphere, on February 26, 2005, President Mubarak proposed to amend the Constitution to allow for Egypt's first ever multi-candidate presidential election. The proposal was approved by the People's Assembly and then confirmed in a nationwide referendum on May 25, 2005. However, under the amended Article 76 of the Constitution, lawmakers made it difficult for independent candidates to run for President. According to the amendment and the subsequent election law (Law #174) which laid out the legal framework for new elections, any independent candidate seeking to run would need the support of 250 elected politicians drawn from the People's Assembly, the Shura Council or upper house, and the provincial councils. Since the NDP and its supporters control most of the seats in all three bodies, most analysts considered it nearly impossible for an independent opposition candidate to run in a presidential election. Critics charged that this requirement was designed specifically to prevent members of the banned Muslim Brotherhood, Egypt's largest opposition movement, from running. Under current law, the Brotherhood is not recognized as a legal party, forcing its members to run as independents in past parliamentary elections. Other provisions in the amendment and the new election law include the following:

- Candidates from legal opposition parties must come from their party's leadership to be eligible to run in 2005; however, in future elections, a party would need to have been licensed for at least five years and to hold at least 5 percent of the seats in the lower and upper houses of parliament to get on the ballot. This last requirement would make it difficult for many small opposition parties to field candidates. It also heightens the importance of parliamentary elections in 2010 since President Mubarak, at age 77, may choose not to seek another term.
- Oversight of the presidential election process is given to a Presidential Electoral Commission (PEC) composed of current and former judges and other "public figures."<sup>1</sup> Five of the Commission's ten members are chosen by Parliament. The PEC has the sole authority to approve candidate nominations, supervise election procedures, and tally the final results. Most importantly, since some of its members are judges, the PEC has final "judicial competence" to rule on any contestation or challenge submitted in relation to the presidential elections, and its decision will be final and subject to no appeal. Critics charge that this final provision places the PEC above the rule of the courts.

## The Campaign

The presidential campaign ran from August 17 to September 4, 2005. Although some criticized the short campaign season, many observers believe that the campaign had a positive impact on political discourse in Egypt. For example, the opposition Wafd Party, the oldest political party in Egypt, used a provocative campaign slogan loosely translated

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<sup>1</sup> The 2005 parliamentary elections also were overseen by a Parliamentary Election Commission, which functioned similarly to the Presidential Election Commission, though with more autonomy.

as “we have been suffocated” in order to tap into popular dissatisfaction with the status quo in Egyptian politics.<sup>2</sup> The slogan, which was not well received by government officials, was eventually permitted by authorities despite its veiled criticism of the Mubarak regime; reportedly, the party had threatened to boycott the election if the slogan were banned. On August 21, 2005, the Egyptian Muslim Brotherhood called on its supporters to vote in the election, but qualified this statement by saying that “all the brothers should know that we could not support an oppressor or cooperate with a corrupt person or with a tyrant,” a veiled reference to Mubarak.<sup>3</sup> Some observers speculated that the Brotherhood resisted boycotting the election in the hopes of securing additional seats in the November 2005 parliamentary elections.

Ayman Nour’s candidacy surprised some experts by showing a growing organizational capacity in parts of the Egyptian countryside, which many other opposition candidates lacked.<sup>4</sup> Nour is a wealthy attorney, who may have drawn on his own personal resources to fund his campaign. In December 2005, Nour was convicted of forgery for falsifying signatures on his party’s registration documents. He is appealing the ruling, and the United States has demanded that he be released.

Overall, the campaigns of President Mubarak, Ayman Nour, and Nomaan Gomaa focused almost exclusively on domestic issues, such as job creation, social welfare programs, and education. Foreign policy issues received less attention, which is unusual in Egyptian politics and in the region as a whole, where the Israeli-Palestinian conflict, and more recently Iraq, absorbs the overwhelming bulk of media coverage. During his election campaign, Mubarak pledged to introduce a number of reforms, including the elimination of the 1981 emergency laws which have been used to quell political dissent. Many outside observers also were surprised by the lack of censorship on such previously taboo subjects as Mubarak’s personal finances, the status of Coptic Christians in Egypt, and government corruption. According to Joe Stork, Deputy Middle East Director at Human Rights Watch, “the significance of this election isn’t the possibility of unseating Mubarak, but the fact that many Egyptians have boldly challenged his quarter-century of rule ... Their willingness to speak out has generated a serious public debate instead of just another presidential plebiscite.”<sup>5</sup>

## Election Day Developments

Election day on September 7 was largely peaceful, if marred by low turnout, general confusion over election procedures, and alleged manipulation by government authorities.<sup>6</sup>

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<sup>2</sup> “Opposition Party’s Angry Slogan Gets Cairo’s Official O.K.,” *New York Times*, Aug. 23, 2005.

<sup>3</sup> Mariz Tadros, “Egypt’s Election All About Image, Almost,” *Middle East Report Online*, Sept. 6, 2006.

<sup>4</sup> Author’s conversation with U.S. democracy promotion specialists based in Cairo, Aug. 2005.

<sup>5</sup> “Egypt: Election Offers Public Debate, Not Free Choice” *Human Rights Watch*, Sept. 2, 2005.

<sup>6</sup> There were some opposition demonstrations on election day, and to the surprise of many protesters, the security services did not attempt to intervene. According to George Ishak, a leader of *Kifaya* (Enough) movement, “There are 1,800 foreign correspondents watching the elections; do you think the regime would show its hideous face to the world? They behaved the way they

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Several losing candidates, Egyptian NGOs, and some foreign media reported a number of alleged violations committed by pro-government forces, including ballot stuffing, bribery, voter intimidation, improper use of public transportation to transport pro-government voters to the polls, general lack of privacy in voting booths, lack of independent oversight, inaccurate voters' lists, campaign materials inside polling stations, and harassment of domestic election monitors at the polls.<sup>7</sup> Although some allegations may reflect insufficient voter education and the novelty surrounding Egypt's first presidential competitive election, most observers believe that the election was weighted in favor of President Mubarak. Others counter that the election was an improvement over past national referenda and parliamentary votes due to less heavy-handed security measures at the polls.

On September 9, the PEC announced that President Mubarak had been reelected with 88.6% of the vote, followed by Ayman Nour with 7%, and Nomaan Gomaa with 3%. Nour's second place finish was a surprise to some and has enhanced his status as one of the leading opposition figures in Egypt. More importantly, turnout was noticeably low with estimates ranging from the official figure of 23% to independent estimates of 15%. Some analysts believe that the low turnout represents a prevailing apathy toward politics, with many voters reluctant to participate in a process they perceive as corrupt. Egypt's voter rolls have not been updated for many years, which has resulted in voter confusion, decreased voter participation, and fraudulent voting procedures. Others, particularly government officials, counter that the figure represents Egyptians' faith in President Mubarak and disinterest in democracy. The U.S. State Department spokesman praised the vote, saying "these elections really mark a historic departure for Egypt, in the fact that you have multicandidate presidential elections. I think it's safe to say that Egyptians have not seen a presidential election like the one they have just seen in their lifetimes."<sup>8</sup>

## 2005 Parliamentary Elections

In the Egyptian political system, the line between executive and legislative power is often blurred, as the People's Assembly is seen as more of a patronage dispensing network rather than a lawmaking body.<sup>9</sup> Thus, parliamentary elections often become contests pitting business elites against one another as they vie for government access instead of ideological battles between parties of different governing philosophies. Nevertheless, some opposition figures were hopeful that given the more liberal atmosphere engendered by the September 2005 presidential election, the parliamentary elections would yield some gains for political reformists. In reality, the NDP maintained a supra-majority in parliament despite a significant gain for the Islamist opposition. The secular opposition fared poorly.

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<sup>6</sup> (...continued)

did because of the huge media presence." See, "Egypt's Metamorphosis: One Step Down the Open Road," *New York Times*, Sept. 9, 2005.

<sup>7</sup> Press Statement, The Independent Committee for Election Monitoring (ICEM), Sept. 7, 2005; [<http://www.eicds.org/>].

<sup>8</sup> "Ballot Counting Begins in Egypt", *Associated Press*, Sept. 8, 2005.

<sup>9</sup> In Egypt, the government originates legislation, not the People's Assembly. Parliament has no budget authority and rarely exercises oversight over cabinet officials and government agencies.

The election took place in three stages during November and December 2005. In all, 5,414 candidates vied for 444 seats; the ten remaining seats are appointed by President Mubarak. Voter turnout averaged about 20% for all three rounds. Muslim Brotherhood-affiliated candidates, who won a total of 88 seats (up from 17 seats in the 2000 election), received international attention for winning a higher percentage of the actual seats they contested. For example, the Brotherhood only fielded between 135-150 candidates, 88 of whom won their districts (a victory percentage of 58%). The NDP, which contested all 444 seats, only had 158 actual party members successfully gain seats (a victory percentage of 35%). Ultimately, another 166 “independent candidates,” many of whom are affiliated with the NDP, returned to the party, giving it an overall majority of nearly 73%.

NDP	324 seats
Muslim Brotherhood	88 seats
Secular Parties	12 seats
Unresolved	12 seats
Appointed	10 seats
Independents	8 seats
<b>Total</b>	<b>454 seats</b>

Although the strong performance of the Muslim Brotherhood in the first round provided a positive picture of the reform process in Egypt, subsequent rounds, which witnessed extensive government repression and fraud, were a return to the politics of old in Egypt.<sup>10</sup> Secular and Islamist opposition demonstrations were met with widespread violence by police and hired thugs: 1,600 people were arrested, and 13 people were killed in various provinces. Only four women were elected to parliament, all of whom were from the NDP. One Copt, Finance Minister Yusef Boutros Ghali, was elected; five other Copts were appointed by President Mubarak. Ayman Nour lost his seat in parliament to a former Egyptian state security official.

Some observers have credited Egypt for allowing extensive domestic monitoring of the elections process. A number of Egyptian NGOs, some of which receive support from U.S. democracy promotion organizations like the the National Democratic Institute (NDI) and the International Republican Institute (IRI), regularly reported violations, including instances of vote buying, voter intimidation, and shortages of judges to oversee ballot box counting. Independent monitors were not allowed to oversee the counting of votes.

## **Implications for U.S. Policy**

Both elections pose several dilemmas for U.S.-Egyptian relations and the wider U.S. effort to promote democracy in the region. On the one hand, some policymakers believe that the more open atmosphere engendered during the presidential campaign and the first round of the parliamentary elections was a success for U.S. efforts to promote political reform and pluralism in the Arab world. At the same time, the NDP and President Mubarak’s overwhelming victories raise questions about the fairness of both elections, putting the United States in the difficult position of having to both praise Egypt for undertaking reforms and, at the same time, to call for more transparency in future elections. Furthermore, experts note that political reform is just one of a number of issues in U.S.-Egyptian relations — including security cooperation, intelligence-sharing, and

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<sup>10</sup> Analysts note that the Egyptian government often negotiates with the opposition over how many candidates they are allowed to field.

promoting peace in the region — and policymakers must constantly balance these priorities.

The success of the Muslim Brotherhood also raises questions about U.S. efforts to promote democracy in Egypt. As the strongest opposition organization, the Brotherhood is the only group capable of mobilizing on a large scale and has pressed the government to expand freedom of speech and assembly. Nevertheless, some speculate that U.S. policymakers would prefer a more vibrant secular opposition in Egypt. Two weeks after the elections, Muhammad Mehdi Akef, the supreme guide of the Brotherhood, remarked that the Nazi Holocaust was a myth, reiterating comments made earlier by Iran's president, Mahmoud Ahmadinejad. The Brotherhood issued a retraction several days later. The Brotherhood fielded one woman candidate in the election, Makarem al-Deiri, a professor at the esteemed Al-Azhar university. Although she lost to an NDP businessman, she gained attention in the Western media for her statements on gender equality, remarking that "Violence against women and children in Western societies stems from going against the idea that men are superior to women."

Many analysts believe that elections for the lower house of Parliament were, in many ways, more important than the recent presidential election due to the failure of any opposition party to secure the minimum number of seats needed (23) under Egyptian law to field a candidate in any future presidential election. With 88 seats, Muslim Brotherhood sympathizers were the only movement that exceeded 23-seat minimum; however, it is not a legal party. At a time when there is much speculation surrounding the succession to 77-year old President Mubarak, there appears to be no legal opposition party capable of fielding a candidate against the NDP should early presidential elections arise.

## **Recent Congressional Action**

In recent years, Congress has sought to redirect U.S. economic aid to Egypt in order to increase funding for democracy programming. P.L. 109-102, the FY2006 Foreign Operations Appropriations Act, provides \$100 million in economic aid for USAID education and democracy and governance programming. Conferees specified that "not less than 50 percent of the funds for democracy, governance and human rights be provided through non-governmental organizations for the purpose of strengthening Egyptian civil society organizations, enhancing their participation in the political process and their ability to promote and monitor human rights."

H.Con.Res. 284 (passed by the House December 19, 2005), calls on the government of Egypt in future elections to (among other things) ensure supervision by the judiciary of the election process; ensure the presence of accredited representatives of all competing parties and independent candidates at polling stations and during the vote-counting; and allow local and international election monitors full access and accreditation.