



## EGYPT: POLITICS IN THE NEW MILLENNIUM

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### **Abstract:**

It seems that with the new millennium, some potentially interesting changes have emerged within the Egyptian political arena. Whether these are linked to attempts at US democratic promotion in the Middle East is difficult to substantiate. What seems clear however is such reforms appear to have produced only the most minor of changes to the prevailing authoritarian system of contemporary Egypt. These changes have included reforms ranging from changes in legislative elections procedures (2000); internal re-structuring within the NDP(2001/2); a proposed revision of presidential referendum procedures (March 2005); followed by the first presidential elections in Egypt (September 2005) and new legislative elections a few months later (November-December 2005). This article will examine these political developments in an effort to gauge the degree to which such changes can potentially contribute towards the democratization of Egyptian politics in the new millennium.

**Keywords:** Egypt, democratization.

### **Resumen:**

*Parece que, con el nuevo milenio, han surgido algunos cambios potencialmente interesantes en la escena política egipcia. Es difícil decir si están ligados a los intentos estadounidenses de promoción de la democracia en Oriente Medio. Sin embargo, lo que parece claro es que tales reformas parecen haber producido sólo cambios mínimos en el sistema mayoritariamente autoritario del Egipto contemporáneo. Estos cambios han incluido reformas que van desde los cambios en el procedimiento de las elecciones legislativas (2000) hasta la reestructuración interna del NDP (2001-2002), la propuesta de revisión de los procedimientos de referéndum presidencial (marzo 2005), las primeras elecciones presidenciales en Egipto (septiembre 2005) y unas nuevas elecciones legislativas algunos meses más tarde (noviembre-diciembre 2005). Este artículo examinará estos cambios políticos con el fin de evaluar hasta qué punto pueden contribuir a la democratización de la política egipcia en el nuevo milenio.*

**Palabras clave:** Egipto, democratización.

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## Introduction

It seems that with the new millennium, some potentially interesting changes have emerged within the Egyptian political arena. Whether these are linked to attempts at US democratic promotion in the Middle East is difficult to substantiate. What seems clear however is such reforms appear to have produced only the most minor of changes to the prevailing authoritarian system of contemporary Egypt. These changes have included reforms ranging from changes in legislative elections procedures (2000); internal re-structuring within the NDP(2001/2); a proposed revision of presidential referendum procedures (March 2005); followed by the first presidential elections in Egypt (September 2005) and new legislative elections a few months later (November-December 2005). This article will examine these political developments in an effort to gauge the degree to which such changes can potentially affect the nature of politics in Egypt in the new millennium. The legislative election reforms comprised the first major political reform of the new millennium and as such these changes will be examined first in the following section.

### 1. Legislative Election Reforms in 2000

The Supreme Constitutional Court (SCC) ruled on July 8th 2000 that free elections would be better realized if full judicial supervision is implemented during legislative elections. While the government tried to justify its position on practical considerations namely "that there were not enough judges to oversee the balloting process in all polling stations and, secondly, that judiciary monitoring was a formal supervisory capacity that did not require the actual presence of judges at the polling stations"<sup>2</sup> In response to the government's argument, the SCC justified its ruling by noting that the judiciary's supervision of the election process is necessary because the judiciary is an impartial entity. Moreover, it added that judicial "supervision must be substantive rather than merely formal or professed" if citizens are to "choose their representatives in a safe and confident environment".<sup>3</sup> As a consequence, "any excuse on the grounds that practical considerations stand against the application of the constitution's provisions is not acceptable, because constitutional requirements cannot be parleyed by excuses."<sup>4</sup> In regard to such a verdict and the equally powerful comments of the SCC, the government was left with little room for maneuver. By ignoring the ruling of the nation's highest court would have undermined respect for the rule of law that has been utilized as a main legitimization tool for the President's rule. As constitutional law professor Mohammed Merghani points out "the government complied with the Constitutional Court's decision and saved itself from any embarrassment that might have arisen from other options."<sup>5</sup> Interestingly, following the 2000 elections, the President stated "I took steps to place the electoral process under the supervision of the judiciary after listening for many years to opinions on how to promote confidence in the voting process and freedom of choice."<sup>6</sup> The President's statement acknowledged the positive role which judicial participation in the electoral process can produce. Yet, contrary to producing "confidence in the voting process and freedom of choice," the implementation of new electoral rules expanding the role of the

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<sup>2</sup> *Al-Ahram Weekly*, (31 August- 6 September 2000)

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Al-Ahram Weekly*, (20-26 July 2000)

<sup>6</sup> *Al-Ahram Weekly*, (16-22 November 2000)



judiciary produced new forms of constraining tactics previously unfamiliar to the majority of Egyptian voters.

Early indications that the new electoral framework was to face disparate resistance are detected in view of the Ministry of Interior's increasingly prominent role during the elections. On one level, the fact that the Ministry of Interior maintained its customary control over registered voter lists meant that certain obstructions and disruptions continued. The obstruction of an independent or opposition candidate's access to their constituency's voter list for example remained a common occurrence. More significantly perhaps was the rise of police interference outside polling stations since the presence of members of the judiciary in polling stations meant that the rigging of ballot papers on the election days became a more difficult process in comparison to the previous elections. It is in this context that the Interior Ministry increased its obstructive tactics outside polling stations, thus preventing voters from entering the polling station while the bewildered judges sat inside empty stations. In one reported case a judge presiding over the elections in the Qalyoubian village of Nay left the polling station to see why with so much noise outside there were no voters inside. Having discovered that the police, who were officially placed outside to protect the polling station, were serving an additional role of blocking voter entry, the judge demanded that they move aside so that voters can enter. The response of the officer in charge told him that "judges were only responsible for the ballot box inside and had no authority outside the polling station."<sup>7</sup> Indeed, the Egyptian Organization for Human Rights (EOHR) noted in its 2000 electoral report the prevailing "pattern of preventing voters from casting their ballots" focusing in particular on the constituencies of Maadi and Basatin whereby it noted that "only buses packed NDP supporters were permitted to reach the polling stations."<sup>8</sup>

Preventing voters from entering the polling station is a blatant form of obstruction and abuse of the electoral process in itself. However, the violent clashes that emerged as a consequence of such tactics between the security apparatus and the voters contributed an additional dimension to the 2000 elections that in previous elections may have also existed, but on a less widespread scale. Indeed, the electoral death toll of less than ten people in the 2000 elections is lower than that of the 1995 elections which witnessed fifty-one nationwide deaths. However, the difference however is the cause of the deaths. In the 1995 elections, most of the electoral fatalities were largely a consequence of between competing candidates and their personal groups of supporters. This is a pattern that is not unusual in developing systems in which political parties are weak. The 2000 legislative elections however brought violence stemming from the state targeting and confronting its citizens using the most blatant tactics. This fact is confirmed by one independent report that noted that while "violence between their candidates and supporters decreased, the violence from security forces against voters increased."<sup>9</sup> In fact, "approximately 80% of the killings and injuries resulted from bullets or tear gas fired by security forces and not through rival fighting."<sup>10</sup>

Sameh Ashour, a member of the Nasserists opposition member commented prior to the elections that the court ruling could be considered a step forward towards achieving fair elections. However, he predicted that attempts by the government to avoid the application of the new ruling in the elections would lead "to a catastrophe that would endanger the stability

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Ouda, Jihad, Negad el-Borai, and Hafez Abu Saada.(2001): *A Door onto the Desert: Egyptian, Legislative Elections of 2000*. Cairo, United Group and Fredich Neumann Foundation, p. 75

<sup>10</sup> *Ibid.*



of the state and society.”<sup>11</sup> On hindsight, the new tactics adopted by the regime to complement the new rules of the SCC seemed to have touched upon these fears. Indicative of this assumption was the decision by the regime in January 2001 to restructure and reform its own party almost immediately after the 2000 elections. After all, the outcome of the October-November 2000 legislative elections brought to light the overall unpopularity of NDP candidates and publicly embarrassed the regime in the process. In fact, even with wide-scale police interference particularly in preventing voters from entering the polling stations to vote, only 172 (39%) of the officially nominated NDP candidates were elected. The saving grace for the NDP was the fact that: “another 181 “NDP-independents” – members who had run in the elections despite not having received the party’s nomination – won seats and subsequently rejoined the party. In addition, 35 actual independents joined the NDP after winning their seats, topping off the party’s... 88 percent parliamentary majority – a margin comfortably above the two-thirds needed to pass legislation and rubber stamp the president’s decisions.”<sup>12</sup>

On another level, reforming the NDP can also be viewed as a tactic with which to establish the President’s youngest son, Gamal, within the formal political structure. This perception seemed further validated, as will be discussed in the following section, when the young Mubarak was given a prominent position in the new party structure. On the formal level however, reforming the NDP was justified by the President on the basis that such a move will not only “prepare the new, young generations [so they will be capable] of filling the current political void,” but also, and more significantly, that such reforms “will promote democratization in the sense of reinforcing political pluralism and stimulating participation in political life.”<sup>13</sup>

## **2. Restructuring and reforming the NDP (2001/2)**

The NDP reforms on initially appeared to signify the start of democratic restructuring within the Party itself. To start, (and following the recommendations of a nine member committee and a four member sub-committee) the first of its two stages of reforms took place. This first stage, which was introduced in June 2001 entailed the creation of a “Party Primaries” system of selection for members intending to run for municipal and legislative levels of election. This put simply, meant that in contrast to previous mechanisms of selection whereby the top party leaders personally nominated and approved official candidates to run for elections, the new system theoretically opened the way so that: “holders of internal party posts were able to vote in electoral caucuses on their preferred nominees”.<sup>14</sup> Evidence to suggest that in practice, the new reform did little to widen the sphere of participation within the party was reflected in the June 2001 *Shura* (Consultative) Council elections in which party leadership “interfered in the nomination by ordering voters to cast their ballot in support of more conservative candidates.”<sup>15</sup> As such, it is noted that “the party primaries did not by any means depend on the will of party members who had for the first time acquired the right to vote for their official candidates.”<sup>16</sup> Instead, it continued to maintain its centralized, personalized mechanisms of

<sup>11</sup> *Al-Ahram Weekly*, 13-19 July 2000.

<sup>12</sup> Brownlee, Jason, “The Decline of Pluralism in Mubarak’s Egypt,” *Journal of Democracy* 13, No. 4 (2002), p. 9.

<sup>13</sup> *Al-Ahram Weekly*, No. 595, 18-24 July 2002.

<sup>14</sup> Brownlee, *op. cit.*, p. 10.

<sup>15</sup> El-Tarouty Safinaz. (2004): *Institutionalization and Reform: The Case of the National Democratic Party in Egypt*, M.A Thesis, Cairo, The American University in Cairo, p. 68.

<sup>16</sup> *Ibid.*



control with little regard to the application of its own reform policies. In fact, the widespread failure of the primaries for both the *Shura* and later, municipal council elections led Gamal Mubarak to admit in the summer of 2002 that “in some cases, members were forced by the party’s leaders at central and local levels to chose certain candidates” but argued that “young people should not feel despair” at this predicament.<sup>17</sup>

The second stage of the NDP’s reforms took place in September the same year during the Party’s Eighth Congress. The main reforms adopted there focused predominately on restructuring the General Secretariat branch of the party. The General Secretariat, whose fourteen members including President Mubarak constitute the highest ranking officials within the party, was until then largely immune from almost any forms of changes including its membership composition. The removal of Yusef Wali by President Mubarak from his post as General Secretariat – a post he held since 1984 – and his replacement with Safwat al-Sherif, another long serving minister and member of the General Secretariat, could hardly be perceived as an indication of fundamental reform within the highest level of the Party. More importantly therefore was the creation of new appointments and positions within the General Secretariat, most notably the creation of the Policies Secretariat which subsequently saw the expansion of the General Secretariat membership to twenty individuals of whom Gamal Mubarak, - as the presidentially appointed head of the Policies Secretariat – is included. While the nature of various other committees and sub-committees linked to the party’s internal re-structuring is beyond the scope of this section, it is sufficient to note that the main affect of the internal reforms do not appear to be based on attempts to “promote democratization” as the President had earlier stated. Rather, reforming the structure of the General Secretariat appears to be a move intended to curtail the powers of the incumbent “old-guard” members by indirectly moving some of their responsibilities and authority. Hence, although most of the “old guard” have, as yet, not been stripped of their formal posts, the role of the Policies Secretariat since its creation for example, is to direct party policies and potential legislation (with the assistance of six newly created affiliated committees representing Economic Affairs, Education, Health, Foreign Affairs, Youth and Women). This evidently implies some overlap between itself and the role of the various ministries representing these sectors. Even the creation of the two less prominent Secretariats - the Membership Secretariat and the Financial and Administrative Secretariat indicate this to be the case. As one author notes: “According to Article 50 in the party’s by-law, the Membership Secretariat is responsible for gathering information about party members... such information used to be [the role] of the Organization Secretariat, headed by [old guard] Kamal El-Shazly.”<sup>18</sup> Similarly, “when the Treasury Secretariat was replaced by the new Financial and Administrative Affairs Secretariat, [Zakariya] Azimi became its head. The Treasury Secretary used to report to the Kamal El Shazly in his capacity as Organization Secretary; instead, the newly formed Secretariat... reports to the Secretary General.”<sup>19</sup> In addition, the June 2004 cabinet reshuffle which saw the incorporation of various, young, western-educated new ministers onto the political landscape seem to reinforce this view. As one author notes: “Critics and boosters alike noted that a slew of new ministers are fixtures in the retinue of Mubarak’s son Gamal, head of the NDP’s very influential Policies Secretariat. They include the McGill educated prime minister, Ahmed Nazif, Industry Minister Rashid Mohamed Rashi (CEO of Unilever Egypt), Tourism Minister Ahmed El-Maghrabi (CEO of the French tourism group Accor)... and the purported economic whiz kid Mahmoud Mohieddine who leads the

<sup>17</sup> Al-Ahram Weekly, 18-24 July 2002.

<sup>18</sup> El-Tarouty, *op. cit.*, p. 76.

<sup>19</sup> *Ibid.*, p. 77.



newly created Investment Ministry.”<sup>20</sup> It should also be pointed out that the ideological platform of the NDP was barely touched upon during the reforms. As such, the party continues to maintain its vague centrist position whilst continuing to derive its legitimacy from the 1952 ‘revolution’ and its formal identification with both the Nasser and Sadat eras. While the NDP’s new literature does pledge to “uphold democracy and the rule of law, pluralism and freedom of expression” it is worth noting that the new program did not touch upon the issue of emergency laws or even mention “whatsoever of the peaceful rotation of power.”<sup>21</sup>

The fact that there seems to be little indication on the practical level to signify genuine reforms within the NDP can perhaps be understood on the basis of the internal philosophy of the party in the Mubarak era. In the words of one senior NDP member: “Since I filled my position in the party in 1984 one of the philosophies of the NDP was that when we are calm (*nahda’a*), the opposition parties will be calm (*tahda’a*) and when we are active (*nanshat*), the opposition parties will also be active and if they become active they might turn against us.”<sup>22</sup> The nature, dynamics and outcome of the 2005 legislative elections, as will be discussed later, is perhaps most indicative of the relative lack of successful reform within the NDP. The following section however will first look at the amendment to article 76 of the Egyptian constitution and its effect on the presidential selection procedures.

### **3. Revising Procedures for Presidential Selection or Proposal to Amend Article 76 of the Egyptian Constitution (2005)**

During a speech at Meunifiya University in his home town of Meunifiya on 26 February 2005, President Mubarak announced to a surprised audience that article 76 of the Egyptian 1971 constitution will be amended to allow for direct multi-candidate presidential elections in time for the September 2005 presidential election. Until this amendment, the president was officially instated by referendum. The amendment swiftly passed through the consultative council on the 8<sup>th</sup> of May 2005 and later, the People’s Assembly on the 10<sup>th</sup> of May 2005. The amendment was subsequently referred to a public referendum on the 25<sup>th</sup> of May 2005, and was subsequently approved by 83 percent of the 16.4 million eligible voters whom the government claims to have participated in the referendum.

To a large degree, the amendment to Article 76 of the constitution is structured in a manner that would under the circumstances make it very difficult to actually challenge the political status quo. For example, the amendment limits presidential nominations to members of the politburo. In addition, the party in question is required have been established for a period of five years, and that its members occupy no less than 5 percent of the seats in the People’s (Legislative) Assembly (23 seats) and 5 percent of the *Shura* (Consultative) Council (9 seats). However, according to the amendment, these restrictions will not be applied until the next presidential elections of 2011 and thereafter - presumably to save face on the domestic and international arena since no one opposition party occupied any such number of seats in the then incumbent 2000-2005 parliamentary term. Indeed, the total number of incumbent opposition party members in the People’s Assembly combined for the 2000-2005 term was only nineteen in total. According to the new amendment, independent candidates are

<sup>20</sup> El-Ghobasy, Mona, “Egypt Looks Ahead to Portentous Year”, *Middle East Report Online*, 2 February 2005.

<sup>21</sup> Al-Ahram Weekly, 19-25 September 2002.

<sup>22</sup> El-Tarouty, *op. cit.*, p. 39.



also permitted to run as presidential candidates yet the conditions appear to be even more constraining. To be eligible, an independent candidate is required to acquire 250 signatures of support from various elected officials. Of these signatures, sixty-five of which must come from elected members of the People's Assembly; twenty-five of which must come from elected *Shura* Council members; and one hundred and forty signatures must be obtained from ten elected officials (local council members) representing fourteen different governates. It is worth noting that the President's NDP controls 98.5 percent of the local council seats in the country's twenty-six governates. Under these circumstances, it was impossible for an independent candidate to be eligible for nomination in the September 2005 presidential elections, especially since according to the new amendment, these conditions, unlike those for party nominees were in effect during the 2005 presidential race.

It seems rather apparent that these conditions were intended to deter potential Muslim Brotherhood members from participating, since as an 'illegal' entity, their members have tended to compete as 'independents' in the electoral arena (for example, in the Assembly of 2000-2005, there existed seventeen 'independent' candidates whom in reality are Brotherhood members and in the 2005-10 parliament there are 80 'independent' Brotherhood parliamentarians). Hence while the President announced in his speech that the amendments were intended "to give the opportunity to political parties to enter the presidential elections and give guarantees that allow more than one candidate to be put forward to the presidency for people to choose among them freely"<sup>23</sup> the conditions of the amendment suggest that in reality, there would have been no real challengers to the incumbent president. As we examine the dynamics and outcome of Egypt's first multi-candidate presidential election it becomes evident that the desired outcome was successfully achieved.

#### **4. Dynamics and Outcome of the 2005 Multi-Candidate Presidential Election**

Potential candidates applied to the Presidential Elections Commission (PEC)<sup>24</sup> during the formal application period between 29 July to 4 August 2005. During that period thirty potential candidates had applied. Of those thirty, ten fitted the eligibility criteria and were thus accepted by the PEC. All ten of these candidates comprised heads of legalized political parties, the most prominent of them being the incumbent president himself. The two other main candidates were Ayman Nour, the then head of Al-Ghad party and Noman Gom'a, head of the Neo-Wafd party.<sup>25</sup>

<sup>23</sup> *Reuters*, 26 February 2005.

<sup>24</sup> The PEC was established as part of the amendment of article 76. According to the amended article, the PEC "would enjoy complete independence and would be charged with the supervision of the presidential election process". The amendment also determined the nature of the independent figures that would make up five of the ten body member of the commission and how they were to be selected. Two of the five independent figures were chosen by the NDP dominated Shura Council and three via the NDP dominated People's Assembly. All five individuals had extensive legal backgrounds (Ahmad al-Magraghi former head of the Cassation Court; Foud Saleeb former head of Cairo Appeals Court; Mohamad Hassanein Abd al'Ala Professor of Law at Cairo University; Gamal Shouman former General Prosecutor; and Ma'moun Salma Dean of Law and former President of Cairo University. The five appointed judicial members of the PEC comprised the presidentially appointed Chief Justice of the Supreme Constitutional Court (SCC) Mamduh Mare'i; the deputy of the SCC Hamdi Ali; the head of the Cairo Appeals Court Ahmed Ali Sauid Khalifa, the deputy head of the Cassations Court Moqbal Shakr, and Deputy Head of the State Council Court Gamal Dahroub.

<sup>25</sup> The remaining seven candidates were heads of obscure political parties largely unknown within the Egyptian political arena. These candidates were: Ahmed al-Sabahi (Umma Party); Osama Shaltut (Solidarity Party);



One of the most prominent features of the presidential election was the very short electoral campaigned period authorized by the PEC. The campaign period which began on 17 August until 5 September meant that the presidential candidates were given only three weeks with which to hold their respective nationwide campaigns before Election Day on 7 September. In the case of Mubarak's campaign such a short duration did little to hinder the President's reelection prospects. After all, Mubarak has occupied the office of the President since 1981 and as such, not only does he have all the resources of the state at his disposal, he also possesses the most familiar face in the country. The other Presidential candidates on the other hand did not have comparable resources at their disposal and since they were largely unfamiliar faces to the vast majority of Egyptian citizens, the three weeks campaign period left them at a major disadvantage compared to the incumbent president.

It is worth noting the arrest of Ayman Nour a prominent opposition MP. Nour was arrested on 30<sup>th</sup> January 2005 outside the People's Assembly a few minutes before his parliamentary immunity was lifted. This move in itself was in direct impediment to article 99 of the constitution which states that, "except in cases of *flagrante delicto*, no member of the People's Assembly shall be subject to a criminal prosecution without the permission of the Assembly." The purpose of article 99 is that in order to carry out their roles unhindered, members of the legislature are provided with parliamentary immunity from criminal and non-civil procedures unless the Assembly authorizes its removal. While in some cases the Assembly has found genuine justification to lift a legislator's immunity, the motivations for doing so can also be clearly political as the case of Nour indicates. As the outspoken independent thinking head of a newly established opposition party, Al-Ghad, Nour can be regarded one of the most charismatic and astute politicians in contemporary Egypt. As a successful and wealthy lawyer, Nour entered the People's Assembly at the age of thirty in 1995 representing the working class constituency of Bab al-Sharqiya in Cairo. According to Nour, senior NDP officials approached him more than once during 1997-98 to convince him to join the NDP. Nor refused governmental co-optation, on the basis that "like Talaat Harb [Egyptian nationalist figure of the early 20<sup>th</sup> century], decent businessmen should have integrity and not join the NDP." [Ayman Nour, interview with author, 28 March 2002, Cairo] Nour's arrest and forty-five day detention was based on the allegations by the State Security prosecutor that the official application for Al-Ghad's party license contained forged documents, even though it had already been submitted and approved by the government's Political Parties Committee in October 2004. The questionable nature of Nour's arrest was also reflected in the unusually fast manner in which it took place. As one press article points out: "On 28 January, State Security notified the prosecutor-general of the charges, who in turn, informed the justice minister and the head of parliament the same night. The following morning, the head People's Assembly was quickly convened to discuss lifting Nour's immunity... the parliamentary meeting was unscheduled and most opposition and independent MPs had not been notified."<sup>26</sup>

According to one report, Nour's unexpected and swift arrest was linked to a meeting he had with Madeleine Albright during her brief visit to Cairo a couple of days earlier in which "Nour appeared to backtrack on a deal with the government promising not to oppose Mubarak's candidacy in exchange for the Ghad party license."<sup>27</sup> Indications that there is merit to this argument can be detected on two levels: First, Nour's arrest and alleged forging of

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Mamduh Qinawi (Constitutional Party); Ibrahim Turk (Democratic Union Party), Wahid al-Luxori (Egypt Arab Socialist Party); Fawzi Galal (Egypt 2000 Party); and Rifay al-Agrudi (National Concord Party).

<sup>26</sup> Lindsey, Ursula "Party Decapitated: Is the government going after Al-Ghad Party", *Cairo Magazine*, (February 2005), p. 9.

<sup>27</sup> El-Ghobashy, *op. cit.*





documents means that he was faced with criminal charges against him. In turn, what this means is that if found guilty, Nour would have a criminal record and subsequently become potentially ineligible to be president. On another level, while in detention, Nour announced his decision to run as a presidential candidate once the constitutional amendment was in place. This announcement illustrated Nour's attempt to show that his arrest and the alleged charges he faced increased his determination to challenge the incumbent president in the anticipated presidential race as opposed to being cornered into submission. Thus on September 7 2005, Nour became one of the ten candidates that included president Mubarak to compete in Egypt's first multi-candidate presidential election. It should be mentioned here that following the Presidential and legislative elections (having come second in the former and losing the latter), Nour was on 24 December 2005, sentenced to 5 years in prison with hard labor for being found guilty of allegedly forging party documents.

## **5. The 2005 Presidential Elections: Significance and Outcome**

The Presidential election took place on September 7<sup>th</sup> 2005 following an official nineteen days campaign period. One can argue that the elections were significant for several reasons.

- First, it provided certain members of the political opposition the opportunity to contest the office of the President for the first time in modern Egyptian history.
- The state-owned media granted all candidates the unprecedented opportunity of equal airtime coverage of 15 minutes per day for each candidate.
- Campaigns were relatively free as candidates held nation-wide election rallies more or less unhindered by state security forces.
- All candidates spoke freely during the campaign period as each saw fit.
- All candidates were eligible for a LE500, 000 (US\$90,000) campaign subsidy from the state.
- There seemed to be comparatively minor irregularities during Election Day.

As such, one can state that Egypt's first Presidential election ran freely and with minimal disruptions or irregularities. What the elections lacked however was the semblance of any degree of fairness. The application of emergency law throughout the entire 25 years of the Mubarak presidency has not only been used to "confront terrorism"<sup>28</sup> but also to restrict freedom of expression and assembly. Consequently, Egypt's legalized political parties have, over the decades, been denied the political rights and opportunities that would have rendered them plausible candidates to compete in the presidential race. Indeed, the unfairness of Egypt's milestone Presidential elections can be detected on several levels.

- Emergency law constraints over the decades meant that on a nation-wide level, most citizens have never heard of the opposition candidates or indeed the parties that they represented.

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<sup>28</sup> Public Address by President Mubarak, (1 May 1998).



- The allocation of 19 days for campaigning could not be perceived as enough time for opposition candidates to conduct a nationwide campaign and familiarize themselves to the electorate.
- While a legal limit of LE10 million (approximately US\$1.8 million) was set as the ceiling campaign expenditure, none of the candidates except Mubarak and Goma'a were able to fundraise this amount. The rest campaigned on a budget of less than LE1 million.
- The monopoly of state resources by the NDP further aggravated the unfairness of the election campaigns: The quality of state television air-coverage was biased towards enhancing Mubarak's image at the expense of the opposition candidates; State-owned newspapers gave more space coverage to Mubarak's campaign; and big businessmen donated large amounts of money and presented other unrecorded resources at their disposal to their ultimate patron.

In view of the overwhelming obstacles faced by rival candidates, the election results and Mubarak's overwhelming 88.57% victory was basically predetermined.<sup>29</sup> This leads to the question as to why opposition candidates actually bothered to participate given the circumstances. Indeed, some elements of the opposition – namely the leftist Tagam'mu and Nasserite parties - formally boycotted the elections.<sup>30</sup> In the case of runner-up Ayman Nour, head of the Ghad (Tomorrow) party, and Noman Goma'a, who came in third in his capacity as head of the Wafd party, the decision to run seems to be linked predominately to the perception that the Presidential elections would be a useful platform to raise their Party's platform in preparation for the legislative elections that were due in November-December 2005. As the vice-president of the Wafd Party explained: "Because of the timing of the presidential and parliamentary elections, these two elections are actually one. If we do not participate [in the presidential elections] we will suffer in parliament."<sup>31</sup>

Equally important, it would appear that the legal constraints that will be in effect for the next presidential candidates in 2011 and thereafter, further reinforce the need for the opposition to win considerable parliamentary seats. After all, while President Mubarak declared that the amendments to Article 76 were intended "to give the opportunity to political parties to enter the presidential elections and give guarantees that allow more than one candidate to be put forward to the presidency for people to choose among them freely"<sup>32</sup>, the conditions of the amendment means that unless a political party acquires the mandatory twenty-three seats in parliamentary and nine seats in the *Shura* elections respectively, it will not be eligible to nominate a presidential candidate.

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<sup>29</sup> According to the Presidential Elections Commission (PEC), Mubarak won 6,316,784 of the 7,131,851 or 88.57 percent of the valid votes cast. The runner-up, Ayman Nour won 540,405 (7.57 percent) of the vote and in third place, Noman Goma'a acquired 208,891 (2.93 percent) of the vote. The remaining seven candidates won .9 percent of the vote combined while 2.37 percent of the ballots were defined as spoiled.

<sup>30</sup> The Secretary General of the Tagam'mu Party justified the Party's decision following argument: "We decided to boycott [the presidential elections] because we did not think the elections would be fair and free. In a country that has been ruled by emergency law for 24 years, does not permit meetings held outside the party headquarters, refuses to allow parties direct access to the people, and holds 20,000 political prisoners, are we supposed to be happy to pass out pamphlets for three weeks? ... our party decided against legitimizing this affair." Hussein Abd al-Razik, Secretary General, Tagam'mu Party, interviewed by Joshua Stacher, Cairo, (1 September 2005).

<sup>31</sup> Joshua Stacher, Interview with Mahmoud Abaza, vice-president of the Wafd Party, Cairo, 4 September 2004.

<sup>32</sup> *Reuters*, 26 February 2005.



## 6. Effects of the Presidential Elections on the 2005 Legislative Elections

The fact that future presidential elections are intrinsically linked to the percentage of parliamentary seats gained by a party seems to have spurred the NDP, legal opposition and the Muslim Brotherhood to participate in the elections with much more rigor than has been witnessed since the 1980s.

- The NDP for example set up in its headquarters an election base not too dissimilar to that one would expect in the US or Western Europe. This base included 30 tables with each table supplied with six telephones, numerous cell phones and one internet linked computer all manned by young professional Egyptians whose role was to call polling stations for updates on election day while keeping an eye on the television screens broadcasting Arab and Western news channels. The Minister of Investment, Mahmood Mohyideen justified this new approach on the basis that the NDP was not “only big and large but the most sophisticated” and that such sophistication was necessary because the “2000 elections was a wake-up call”. (The officially nominated NDP candidates in 2000 won only 38% of the seats but an additional 50% of the seats were won by NDP “independents” which subsequently allowed the NDP to still acquire an 88% majority in that parliament). The party appears to be working in a manner that appears to be assisting and unifying its candidates as opposed to previously whereby each officially nominated actor tended to campaign on an individual level. This suggests that the NDP is taking a more serious approach to electoral competition than in previous elections.
- In efforts to increase electoral gains, and for the first time in Egyptian history, ten main opposition parties (and movements including Kifya) unified to establish an electoral coalition that they labeled the National Front for Change. This too indicates that the opposition groups seemed serious enough about these elections that they are putting their differences aside and working in co-operation with each other.
- The Muslim Brotherhood, also for the first time since it was officially banned in 1955, began to campaign more openly by huge holding election rallies all over the country in which thousands attended as well using its “Islam is the Solution” slogan on the posters and banners of its candidates. This was not only an indication of the Brotherhood’s determination to be an active participant of these elections, but also, the government’s apparent tolerance of their participation.
- The media, and particularly state-owned television, attempted to be less exclusive in its coverage of the elections, although of-course it remained very biased towards the Mubarak regime.

Regardless of the above points, it seems however, that there is little indication to suggest that the legislative elections produced positive political development:

- In addition, various reports of violence largely by NDP hired thugs seemed common and mainly targeted at prominent opposition candidates such as the popular Muslim Brotherhood as well as prominent individuals such as Ayman Nour (leader of the Gaad Party) who subsequently lost his seat to former state security officer and NDP candidate Yehiya Wahdan. While there were no reported deaths, various injuries including stab wounds were reported by electoral observers and the press.



- State patronage also continued to prevail as an additional mechanism of voter enticement for NDP candidates. It was reported in a major opposition newspaper for example, that the NDP candidate in Helwan wa Tibeen, Nabil Gabry used his position as the chairman of the National Cement Company to distribute 25,000 tons of free cement to supporters, distributed 10,000 blankets, and donated millions of pounds to mosques and other charities on the company checkbook.<sup>33</sup> According to the same report, the main competitor, and independent candidate, Mustapha Bakry, filed a report with the Minister of Justice and the Election Commission also accusing his competitor of using his NDP and state connections to throw several 800 pro-Bakry ballots into the local irrigation canal on Election Day.
- In another re-run constituency, Nasr City, it was widely publicized that the NDP candidate Mustapha Salab, a ceramics tycoon, registered - amongst other irregularities - over 15,000 voters using an apartment he owned in that district as their address.
- Perhaps the Dooki constituency in which the main competitors, Amal Osman (NDP) and Hazem Ismail (MB and son of Sheikh Abul Ismail, late leader of the MB), reflected the relative absence of political change most starkly. Following the elections, it was announced that Ismail was the outright winner. Ten hours later, the head of the Election Commission announced that they had made a mistake and that it was in fact, the former Minister of Social Affairs who had won. There was no need for a re-run there.
- As such, the NDP maintained its traditional two-thirds majority in parliament by winning 311 seats (71.9 percent) of Assembly seats; the opposition parties combined won 9 seats (2 percent); independents won 24 seats (4.7 percent) and the Muslim Brotherhood acquired an unprecedented 88 seats (19.8 percent).

## Conclusion

When one examines Egypt's post-1952 political system, one of the most important characteristics is that the political transformations over the last five decades and particularly in the new millennium, seems to represent the continuation of authoritarian rule despite visible structural reforms. Nevertheless, the 2005 parliamentary elections provides some indication that the Egyptian political arena is polarizing with the authoritarian regime on one hand and the Islamists on the other. However, there is little doubt that some observers appear to view these reforms in a positive light. As Boutros Boutros Ghali, head of the NCHR exclaimed, with regard to President Mubarak's proposal to amend article 76 of the constitution: "This is an important step towards supporting the march of democracy and embodies a good faith response from (the President) to the demands and heartbeat of the Egyptian street."<sup>34</sup> Ismail Serag Eddin, Director of the Alexandria Library went even further to declare that: "The decision reflects the President's concern to realize democracy and his desire for reform."<sup>35</sup> Perhaps it is on this basis that the regime has indeed succeeded in its so-called reforms since that this is precisely the intended purpose of its endeavors: such policies seem intended to provide an indication that reform towards 'democratization' is progressing

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<sup>33</sup> *Al-Wafd*, 12 November 2005.

<sup>34</sup> *Misr al Yom*, 27 February 2005.

<sup>35</sup> *Ibid.*



in order to bolster international support, dilute opposition unity and in some instances, recruit new individuals and social groups of supporters into the regime's co-optation network. In doing so, these strategies have, for the short-term, helped to reinforce and stabilize the fundamentally authoritarian nature of the Egyptian regime. The tendency for Western governments and particularly the US government to increase pressure for political reform in Egypt does not appear to have been particularly beneficial: without dialogue with, assistance for, and 'protection' of the secular opposition parties, the push for democratization can only encourage the emerging bi-polar nature of politics in contemporary Egypt.

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