

# CRS Report for Congress

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## Egypt: 2005 Presidential and Parliamentary Elections

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### Summary

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. President Bush had called for international monitoring of the election, which was subsequently rejected by Egypt. The Administration has reiterated its call for international monitoring of parliamentary elections this fall. This report provides an overview of the presidential election and its implications for U.S. policy toward Egypt and U.S. efforts to promote democracy in the region. It will be updated as events warrant. 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 of 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 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 the upcoming parliamentary elections in November 2005 and 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.<sup>2</sup> 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.

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<sup>1</sup> The fall parliamentary elections, tentatively scheduled for some time in November, also will be overseen by a Parliamentary Election Commission, which will function similarly to the Presidential Election Commission.

<sup>2</sup> Experts have raised questions regarding the independence of the presidential and parliamentary commissions. According to Amy Hawthorne, former editor of the *Arab Reform Bulletin*, "Egypt's commissions lack what is most essential: strong figures who can push back against executive-branch interference." See "Arab Electoral Commissions: Making the Vote Freer and Fairer?," *Arab Reform Bulletin*, Sept. 2005, Vol. 3, Issue 7.

Some opposition groups boycotted the referendum to approve the constitutional amendment, and there were some clashes between demonstrators and police during the voting. Members of the opposition also disputed the reported turnout figures for the referendum. One group of Egyptian judges released a report in July 2005 challenging the government's turnout figure of 52%, claiming that the real turnout was closer to just 5%.<sup>3</sup>

On August 11, 2005, the PEC issued the final list of approved candidates for the election in a secret ballot. Thirty candidates had registered to run in the election. The Committee approved a total of ten applications, including, most notably, the leader of the Wafd Party, Nomaan Gomaa, and the recently imprisoned (and later released) leader of the "Tomorrow Party," Ayman Nour.

## 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 as "we have been suffocated" in order to tap into popular dissatisfaction with the status quo in Egyptian politics.<sup>4</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 reference to Mubarak.<sup>5</sup> Some observers speculated that the Brotherhood resisted boycotting the election in the hopes of securing additional seats in parliamentary elections later this year.<sup>6</sup> Although it is impossible to discern which candidate Brotherhood members supported, some suggest that Ayman Nour received some of their votes. 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>7</sup> Nour is a wealthy attorney, who may have drawn on his own personal resources to fund his campaign.

Overall, the campaigns of Nomaan Gomaa, Ayman Nour, and President Mubarak focused almost exclusively on domestic issues, such as job creation, social welfare programs, and education. Foreign policy issues received less attention, which is unusual

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<sup>3</sup> See Issandr El Amrani "Egypt: Campaign Season," *Middle East International*, no. 755, July 22, 2005.

<sup>4</sup> "Opposition Party's Angry Slogan Gets Cairo's Official O.K.," *New York Times*, Aug. 23, 2005.

<sup>5</sup> Mariz Tadros, "Egypt's Election All About Image, Almost," *Middle East Report Online*, Sept. 6, 2006.

<sup>6</sup> "Egypt Abuzz with Presidential Campaign," *Christian Science Monitor*, Aug. 23, 2005.

<sup>7</sup> Author's conversation with U.S. democracy promotion specialists based in Cairo, Aug. 2005.

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 role of Christianity 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>8</sup>

## Election Monitoring

In May 2005, President Bush stated that Egypt's fall presidential election "should proceed with international monitors, and with rules that allow for a real campaign."<sup>9</sup> However, Egypt prohibited international monitoring, calling such action an infringement on its national sovereignty.

Domestic monitoring of the election became a major point of contention between the government and the judiciary and civil society organizations. Thousands of Egyptian judges viewed the presidential election as an opportunity to assert their independence vis-à-vis the government.<sup>10</sup> Working through their union (Judges Club), the judges threatened to boycott the September elections unless the government pledged to respect the independence of the judiciary, allow judges complete oversight authority inside the polling stations, and extend the voting period over the course of several days to allow complete coverage of Egypt's thousands of polling stations. Although the PEC responded by agreeing to reduce the number of polling stations, it did not respond to the judges' ultimatum, citing the availability of thousands of civil servants who would be available on election day to take the judges place.<sup>11</sup> Ultimately, the Judges Club voted to supervise the elections and pledged to document any voting irregularities after the election. According to Judges Club chairman Zakareya Abdel-Aziz, "We know that the presidential elections will not be conducted as perfectly as we would like them to be, but that should not prevent us from going there and exposing any violations."<sup>12</sup>

Several coalitions of Egyptian civil society organizations also demanded access to polling stations on election day and successfully secured court rulings granting them such

<sup>8</sup> "Egypt: Election Offers Public Debate, Not Free Choice" *Human Rights Watch*, Sept. 2, 2005.

<sup>9</sup> "President Discusses Freedom and Democracy in Latvia," Office of the White House Press Secretary, May 7, 2005. [<http://www.whitehouse.gov/news/releases/2005/05/20050507-8.html>].

<sup>10</sup> Article 88 of Egypt's constitution requires that the judiciary supervise elections, but it does not specify the extent or nature of that supervision. Some legal experts note that the definition of judiciary is flexible and can be interpreted to mean members of the Justice Ministry's bureaucracy as well as judges.

<sup>11</sup> Some Judges (approximately 1300-1800 individuals) were excluded from monitoring the elections due to their adamant stance against the government.

<sup>12</sup> "No Guarantees," *Al Ahrum Weekly*, Issue no. 759, Sept. 8-14, 2005.

access. Nevertheless, the PEC, citing its constitutional authority to oversee the elections process, ignored the court order for several days. They finally granted some NGOs access to polling stations a few hours before the polls opened. Two U.S.-based democracy promotion organizations, the National Democratic Institute (NDI) and the International Republican Institute (IRI), conducted pre-election assessments and training programs for Egyptian election observers with funds provided by the United States Agency for International Development (USAID) and the State Department's Middle East Partnership Initiative (MEPI).<sup>13</sup>

## Election Day Developments

Election day on September 7<sup>th</sup> was largely peaceful, if marred by low turnout, general confusion over election procedures, and alleged manipulation by government authorities.<sup>14</sup> Several losing candidates, Egyptian NGOs, and some foreign media have 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>15</sup> Without any independent review of the election process, such accusations are difficult to verify. 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

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<sup>13</sup> See CRS Report RS21457, *The Middle East Partnership Initiative: An Overview*, by Jeremy M. Sharp.

<sup>14</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 did because of the huge media presence." See, "Egypt's Metamorphosis: One Step Down the Open Road," *New York Times*, Sept. 9, 2005.

<sup>15</sup> Press Statement, The Independent Committee for Election Monitoring (ICEM), September 7, 2005. [<http://www.eicds.org/>].

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>16</sup>

## Implications for U.S. Policy

The election poses both an opportunity and a challenge to 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 campaign was a success for U.S. efforts to promote political reform and pluralism in the Arab world. At the same time, President Mubarak's overwhelming victory raises questions about the fairness of the election, putting the United States in the difficult position of having to both praise Mubarak 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 promoting peace in the region — and policymakers must constantly balance these priorities.

The upcoming parliamentary elections in Egypt may provide another opportunity for the United States to pursue its reform agenda. Many analysts believe that elections for the lower house of Parliament are, in many ways, more important than the recent presidential elections due to the potential to expand opposition participation in the political system at a time when there is much speculation surrounding the succession to 77-year old President Mubarak. According to Secretary of State Condoleezza Rice, "As Egypt looks towards parliamentary elections in November, we encourage Egyptians to build on progress made with this election and to address valid criticisms of the electoral process. In particular, more needs to be done to increase the voice of the people and their confidence in the democratic process."<sup>17</sup>

## 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. H.R. 3057, the House FY2006 foreign operations bill (passed June 28, 2005), earmarks \$50 million in economic aid for good governance programs in Egypt and specifies that not less than 50% of these funds be provided through Egyptian civil society organizations. The Senate version of H.R. 3057 (passed July 20, 2005) provides \$35 million for governance programming.

H.R. 2601, the FY2006/FY2007 House Foreign Relations Authorization bill (passed by the House July 20, 2005), would reduce U.S. military assistance to Egypt by \$240 million over the next three fiscal years while using the same amount of funds to promote economic changes, fight poverty, and improve education in Egypt. H.R. 2601 would transfer any interest earned from amounts in an interest-bearing account for Egypt's FMF to the Middle East Partnership Initiative (MEPI) for reform-oriented programming in Egypt.

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<sup>16</sup> "Ballot Counting Begins in Egypt", *Associated Press*, Sept. 8, 2005.

<sup>17</sup> "Bush Congratulates Egyptian President, People on Election," U.S. Department of State, Sept. 10, 2005.