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# Middle East Brief

## Prelude to Change: Egyptian Democratization, 2005

Dr. Abdel Monem Said Aly

### I. Introduction

For almost ten months in 2005, Egyptian politics went through an unprecedented process of change that has constitutional, legal, and political dimensions. The process started on February 26th when President Hosni Mubarak asked the two legislative bodies—the People’s Council and the Shura Council—to amend Article 76 of the Egyptian constitution. That article establishes the procedure for electing the President: nomination by a two-thirds majority of the People’s Council, followed by a public referendum. The proposed amendment would have changed that to a competitive process whereby the President would be directly elected by the public, voting for one among a list of candidates.

The legal details of this change are not important; what is important is that Mubarak’s proposal was to ignite a political process that continued to the end of the year. After public hearings by the two legislative councils, legal squabbling between the People’s Council and the High Constitutional Court, and public controversy over how to guarantee the credibility of candidates for the “honorable position” of President, the amendment was issued by the People’s Council and ratified in a public referendum on May 25<sup>th</sup>. This was followed by changes to five related laws in which, among other things, two national commissions for elections—one for the presidential election, headed by the head of the High Constitutional Court, and the second for the election of the People’s Council, headed by the Minister of Justice—were established. On September 7<sup>th</sup> the first competitive presidential elections in Egypt took place, among 11 candidates. A month later, the People’s Council elections took place, as scheduled, in three

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stages, the last of which was on December 7<sup>th</sup>. The long process of political and legal change came to an end when the new Parliament met on December 18<sup>th</sup> and proceeded to change the Egyptian cabinet on the last day of the year.

The purpose of this policy brief is to evaluate this process with respect to its short- and long-term impact on Egyptian politics. Because of Egypt's central role in the politics of the Middle East, future trends in Egyptian politics will be of critical importance for American policies in the Middle East.

## II. Old Habits Die Hard

Despite the frenzy of political activity in Cairo throughout these ten months—involving constitutional amendments, legal changes, presidential and parliamentary elections, and the formation of a new cabinet—it is possible to say that nothing really has changed in Egypt. President Mubarak won a fifth presidential term, with a massive majority close to 88%, after a competition with ten other candidates—not very different, really, from his winning a fourth term in 1999 by a majority of 93%, in a referendum that had only his name in the ballot.

And that was not the only unchanged political reality in Cairo. The ruling National Democratic Party (NDP) ended the parliamentary race with a dominant majority of 72.5% of the seats—more than the two-thirds necessary to pass any law. The Speaker of Parliament, Mohammed Fathi Suror, a prominent old-guard politician, was reelected to a third term. Ahmad Nazif, the Prime Minister, appointed a cabinet with only 8 (out of 30) new ministers. And Safwat Al Sharif, who had been Secretary General of the NDP and Speaker of the Shura Council, remained in these positions, in addition to heading the committee of political parties that permits parties to function legally.

Other indicators appeared to show that it really was politics as usual in Egypt. Only 23% of registered voters participated in the presidential elections and 26.2% in the parliamentary elections<sup>a</sup>—not very different from the 24% participation rate in the parliamentary elections of 2000. If all those old enough to vote (i. e., over 18) were counted, participation would be only 18.6%. Obviously, nothing in the frenzy of political activity in Cairo motivated the Egyptian people to vote. And among those who did vote, 35% voted for losing candidates, or their votes were annulled for various reasons. Thus, 65% of voters—about 4.5 million people, representing 16% of registered voters and a mere 12% of eligible ones<sup>b</sup>—voted for the winning candidates.

Similar patterns of previous elections were in existence despite changing legal and political rules. More than 1,000 people were arrested and accused of different forms of violence, 15 were killed, and 350 were wounded.<sup>c</sup> The new Parliament began with a missing 12 seats, the elections for which were legally annulled because of irregularities and fraud, necessitating new elections. Hundreds of legal cases are now in courts questioning the legitimacy of elections in a sizable number of other seats. The lawyers' syndicate has identified 26 judges to be blacklisted for being accomplices of fraud in the elections. Although reports by several different civil society organizations pronounced the presidential elections legitimate despite irregularities and the absence of relevant international standards, they refrained from according legitimacy to the parliamentary elections.<sup>d</sup>

Furthermore, the 2005 election proved to be even worse than the last election in terms of the representation of minorities—specifically, women and Copts. Women obtained only 9 seats (4 elected and 5 appointed) compared with 11 (7 elected and 4 appointed) in 2000. Copts gained only 6 seats (1 elected and 5 appointed) compared with 7 seats (3 elected and 4 appointed) in 2000.<sup>e</sup> Thus, the elections of 2005 continued a general trend of declining representation of minorities, as Tables 1 and 2 show.

Table 1			
Women's Representation in Parliament, 1976-2000			
Election Year	Number of Women MPs	By Election	By Appointment
1976	6	4	2
1979	35	33	2
1984	38	37	1
1987	18	14	4
1990	10	7	3
1995	9	5	4
2000	11	7	4
2005	9	4	5

Table 2			
Coptic Representation in Parliament, 1976-2000			
Election Year	Number of Coptic MPs	By Election	By Appointment
1976	8	-	8
1979	14	4	10
1984	11	6	5
1987	10	6	4
1990	8	2	6
1995	6	-	6
2000	7	3	4
2005	6	1	5

Mustafa Elwi, ed., *Parliamentary Elections 2000*, Cairo: Faculty of Economics and Political Science, 2000, p.177; and Report of the Egyptian Organization of Human Rights, p.6

The case of Ayman Nour reflected the dominance of old habits in Egyptian politics. In November 2004, Nour, a journalist and two-term Member of Parliament, was granted, after a long legal process that extended over three years, the right to form the Al Ghad—Tomorrow Party. In only three months, Al Ghad started to make an imprint on Egyptian politics as an opposition party—whereupon Nour was deprived of his parliamentary immunity by the majority ruling National Democratic Party and jailed on allegations

of forging the party documents that were presented to the party commission that legalizes political parties. Nour was subsequently released while waiting for trial, but his case increased his popularity and his party nominated him for the presidential race. He came in second to Hosni Mubarak; but his luck was soon to change when his party split, he lost his seat in Parliament, and he was sentenced to five years' imprisonment.

Although Nour's case has had legal dimensions, politics was not absent. The general perception of the case in Egypt and elsewhere was that removing Nour from the Egyptian political stage as a competitor and opposition force was evidence that Egyptian politics had not changed its authoritarian traditions. Parallels with the Saad Eddin Ibrahim case were drawn, particularly because Ibrahim was also accused of forging documents and was sentenced to seven years' imprisonment by the same judge that sentenced Nour.<sup>f</sup>

### III. Change by Default

Yet, notwithstanding all of the above, Egyptian politics is not going to be as the same as it was. The developments of 2005 will, I believe, be a prelude to much more fundamental changes that will take place over the next few years.

First, despite many similarities with the past, there were some new departures in both the presidential and parliamentary elections. Not only was the presidential election competitive, but there was also no security interference, no rigging, and much fairer public media. And though there were plenty of irregularities that favored the incumbent president, Hosni Mubarak, none of these irregularities defined the results of the election. Nor did these irregularities represent public policy. To put it simply, no Egyptian citizen who opposed the president has failed to record his position; nor has a candidate with an idea about public policy not found plenty of opportunities to express his views in the public or private media.

With respect to the parliamentary elections, although the situation was much worse in terms of irregularities; bribery; violence; interference by security forces to prevent people from voting, particularly in the third round of elections; and biased national media, these elections still represented something new in Egyptian elections. The 2005 elections were the first in which there was total judicial supervision of the election; the first to have transparent ballot boxes; the first to use irremovable ink to guarantee no repetition of voting; and the first to be monitored by civil society organizations. In sum, the Egyptian elections of 2005 established a new tradition of no tampering with ballot boxes.

Second, the parliamentary elections reflected a continuing trend of increasing competitiveness in Egyptian politics. The number of candidates for the 444 parliamentary seats was 5,177, with a competitive ratio of 11.65, compared with 3,957 candidates in 2000, with a competitive ratio of 8.91.

Parliament	Total Number of Seats	Number of Candidates	Degree of Electoral Competition (Competitive Ratio)
1976	8	1,660	4.74
1979	382	1,858	4.86
1984	448	3,879	8.66
1987	444	3,592	8.09
1990	444	2,676	6.03
1995	444	3,890	8.76
2000	444	3,957	8.91
2005	444	5,177	11.65

Arab Strategic Report, Cairo: Al Ahram Center for Political & Strategic Studies, 2001, p. 416; Al Marsad, Analysis of Results of the Parliamentary Elections, p. 2.

Third, the 2005 parliament will include one of the highest levels of opposition representation in Egyptian history. The opposition won only 15.1% of the seats in the first, 1924 elections, 18.1% in 1936, and 12.1% in 1942. The opposition share reached a high point in the 1950 elections, with 29.2%; in the post-1952 era the highest level of opposition before 2005 was in the Parliament of 1987, with an opposition share of 22.2%. The 2005 Egyptian parliament will have 121 opposition seats, representing 27.3% of the total number of elected seats.<sup>5</sup>

Fourth, the National Democratic Party has lost some of its dominance and hegemony. Only 145 candidates of the 444 candidates originally nominated by the NDP, or 32.7%, won. Those candidates gained 2,704,829 votes, constituting 8.5% of registered voters and 32.3% of the electorate as a whole. This represented another sharp decline for the NDP from its dismal performance in 2000, when the party gained the votes of 38.7% of the electorate. It was only when the party reaccepted its own defectors, who ran as independents in the 2005 election, that the number of NDP seats rose to 311, or 70.0% of the seats—which is still very far below its total (including defector candidates) in 2000, which was 388 seats, or 87.3% of the total.<sup>6</sup>

Fifth, the decline of the NDP is paralleled only by the demise of the secular-liberal legal parties, which gained

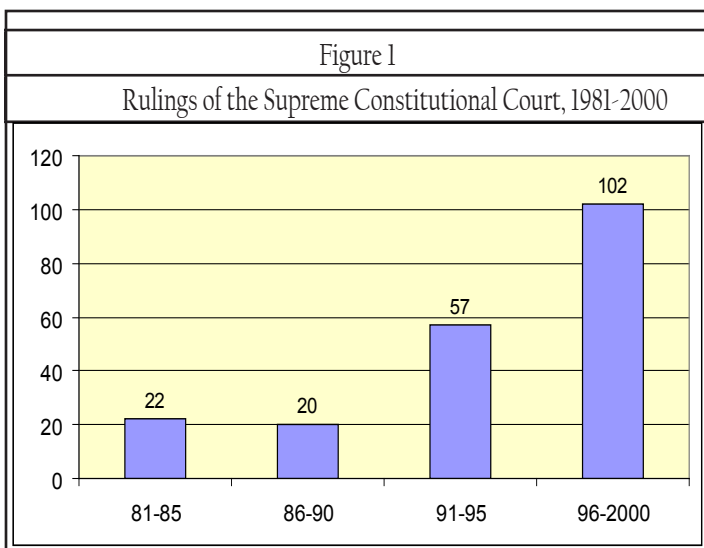
only 9 seats—6 for the Wafd, 2 for the Tagamou, 1 for the Ghad—compared with 14 in the 2000 Parliament. The decline of 5 seats is moderated, however, by gains of 2 seats for the still not legalized Karama party, and 1 seat for the National Front for Change, which is not yet established as a party. Some evidence indicates that the 24 independents in the Parliament have liberal or secular leanings.<sup>7</sup> Of no less importance is that a fundamental change in the composition of Parliament has taken place, within the ranks of both the NDP and other parties. The impact of this change was not yet seen, however, during the election of the two deputies to the Speaker of Parliament, when only a few NDP members voted for the opposition candidates.

Sixth, the decline of the NDP has been simultaneous with the rise of the Muslim Brothers, who have no legal status in Egyptian politics; on the contrary, the Muslim Brothers were not only banned in Egyptian politics, but consistently harassed and constrained as well. In the 2005 parliamentary elections, the Brothers gained 88 seats, or 19.8% of elected seats—an increase from 17 seats, or 3.8%, in 2000; 1,924,994 Egyptians—6% of registered voters or 23% of the total electorate—voted for the Muslim Brothers. In a way, the rise of the Muslim Brothers reflects what has been a steady phenomenon in Egyptian politics; the Brothers gained only 8 seats in the 1984 elections and 36 in the 1987 elections.<sup>8</sup> An informal legalization of the Brothers has taken place, reflecting a sharp increase in their public stature—one that has afforded them a permanent presence in the media, both Egyptian and pan-Arab.

Seventh, despite all the deficiencies in the Egyptian elections, the 2005 elections have given the independent Egyptian judiciary a more prominent role in arbitrating Egyptian politics. The judiciary has proved to be a stout preserver of civil and political rights in Egypt. The role of the Supreme Constitutional Court in restoring or reinstating political and civil rights has continued unabated, mostly in defiance of executive hegemony. The independence of the courts and their role in expanding constitutional rights and procedures have grown in the era of President Mubarak; in practice, the judiciary, and in particular the Supreme Constitutional Court, has proven to be one of the main forces for political change and reform. Courts overturned a ban on the New Wafd Party, threw out the Electoral Law of 1984, and declared unconstitutional the 1995 Parliament, which was elected according to the previous law. But the regime saw fit to ignore a Supreme Constitutional Court ruling that overturned the distribution of certain seats in Parliament to the disadvantage of the ruling party.<sup>9</sup>

The role of the judiciary was further enhanced through the amendment of articles 22, 24, 28, 31, 34, and 36 of Law 73/1956, followed by the amendment of Law 13/2000 (by

a Supreme Constitutional Court decision), allowing for exclusive judicial supervision of all polling stations and of the process of counting votes.<sup>1</sup> That the role of the judiciary has been steadily expanding is illustrated by Figure 1, which depicts the number of rulings of the Supreme Constitutional Court in the years 1981-2000.



In 2005 the judiciary not only supervised the elections but also put increasing pressure on the government, political as well as moral, to observe the rules of the elections. Judges constituted the majority of members of the high commissions for presidential and parliamentary elections. More importantly, the Judges Club, a civil association of Egyptian judges, threatened several times to withdraw from supervision of the elections unless the government stopped its interference with them. Although the judges never carried out their threats, they were instrumental in minimizing the level of interference, at least until the third round of the parliamentary elections.

Finally, although the Nazif cabinet has witnessed few changes—to only 8 out of 30 ministries—the new additions consolidate the power of the reformist group within the cabinet. This group, which includes the Prime Minister and the ministers of finance, trade and industry, investment, tourism, and planning, has succeeded since July 2004, when the Nazif cabinet was formed, in getting Egypt out of recession, stabilizing the Egyptian financial market, strengthening the Egyptian pound, increasing exports, increasing Egyptian reserves to a respectable \$22 billion (amounting to almost a year of imports), increasing foreign investment threefold, and fashioning major economic reforms in the areas of taxation, customs, and privatization. The Egyptian growth rate reached 5.2% in 2005. The new additions to the Nazif cabinet also meant that reformers were now involved in important fields like internal trade, social security, transportation, public works and reconstruction, and local development.

#### IV. Long-Term Impact

The Egyptian elections of 2005, despite all of their deficiencies, should be seen as one point in a process of further democratization of the Egyptian political system. Democracy in Egypt is not likely to become the norm of politics through political upheavals or revolution. Rather, democracy will come to the Nile banks through a series of institutional developments, and the elections of 2005 will be remembered as having had an important long-term impact.

The first major impact is the end of the Pharaonic state in Egypt. For more than 5,000 years the Egyptian state has accorded the head of state a position that ranks him as close to a prophet and sometimes as a semi-god. Although the old Pharaonic state came to an end around 300 B.C., the rulers of Egypt, even when they were not Egyptians, had acquired the status of Pharaohs. In modern times, under the monarchy—from 1922 to 1952—and the republic, since 1952, the King or President has been accorded, after some modifications reflecting the times, similar status. Indeed, the Pharaonic state was institutionalized in the Egyptian constitution of 1971, which give the President immense powers. The President is elected by nomination of Parliament, which is then put to a referendum of the people. President Mubarak, who came to power in 1981, has changed the features of the political system in many ways, but the supremacy of the presidency has remained. This has changed after the amendment to Article 76 of the constitution, which allowed for competitive election of the President by direct vote of registered voters, currently numbering some 32 million. The President, like other candidates, had to go to the political marketplace to ask for votes, explain his program, and respond to evaluations of his policies. The awe of the Pharaoh has gone, and the humanity of politics has become possible.

The second long-term impact of the Egyptian elections is the return of politics to Egypt. Observers of Egyptian politics in the past few decades will notice that foreign policy issues predominated at the expense of national Egyptian politics. Egyptian domestic issues were sidelined, while Palestine and Israel, Iraq, the United States, Europe, and other international questions dominated the public discourse. Politics, as a process of allocating values in the society, was essentially absent. The elections changed this. As the campaigns proceeded, foreign policy issues almost disappeared in favor of political, legal, and, most importantly, economic issues. Unemployment and constitutional reform were now at the top of the Egyptian agenda.

The third long-term impact of the Egyptian presidential and parliamentary elections was the end of incremental change in Egyptian politics. In the past quarter of a century,

Egyptian politics changed through small doses of reform. Egypt went from a one-party system to a multiparty system. Civil society expanded considerably. The media expanded, becoming more free and independent. The distribution of political power, however, was at variance with democratic traditions. There was imbalance between the powers of the President and those of the rest of the system, between the executive and legislative branches, and between the center of power in Cairo and the rest of the country. The presidential elections have created a consensus that the present political system does not serve the needs of Egypt. All candidates supported one version or another of constitutional reform. This issue will be the business of Egyptian politics in the coming two years.

The fourth long-term impact is a change in the basic concept on which the Egyptian state is based. As a country that had been colonized by different powers of the world and the region for over 3,000 years, Egypt has considered national security as the fundamental priority of the state. Authoritarianism in Egypt is based on the necessity of keeping the country free from foreign occupation. As politics returns to Egypt, however, and domestic Egyptian issues become the focus of the country, development will replace security as the fundamental concept of the state, and economic reforms will become the new priority. In fact, security itself will be redefined in socioeconomic and political terms. And as a new and younger breed of politicians, like those in the new Parliament and the new cabinet, institute reforms, the country will be ready for a democratic transformation.

A fifth long-term impact of the Egyptian elections is the revelation of three competing paradigms with respect to Egypt's future. Each paradigm is offering a different view of directions and goals for the country and the means of attaining them. The first is the *bureaucratic* paradigm. It is represented by the state and the NDP, bureaucrats who represent in numbers the largest interest group and the biggest political party in the country. The goal of the bureaucrats is the protection of the political community. They are the nationalists, the guardians of the state from enemies within and without. For them, the state is an objective, organic, and natural being which takes care of the poor and the less fortunate. Change, for them, means the consolidation of state power in order to protect and defend; reform means making the state more capable of leading and guiding.

The second is the *theocratic* paradigm. It is represented by the Muslim Brothers. For them, the goal of the polity is salvation, the protection of the faith, and the implementation of God's word: the Sharia.

The third is the *democratic* paradigm. It is the newest among the three paradigms in the last half century. It is espoused by pre-1950s liberals, the globalized intelligentsia, the business community, the growing middle class, the media, and the burgeoning modern civil society. They are for increasing the realm of choice within which individual citizens can participate in and plan the present and the future while pursuing their own happiness.

These three paradigms are not represented equally in the present Egyptian Parliament; obviously, the bureaucrats and the theocrats are dominating the picture. So for now, they will be the ones defining and framing national issues. They will also be able to contribute to the coming debate on constitutional reform. But the existence of that debate is pointing to a democratic future for Egypt, in which the democrats, too, will have the opportunity, and the freedom, to contribute.

#### V. Conclusions

Although the Egyptian presidential and parliamentary elections have garnered plenty of criticism both within and outside the country, it seems that they will have a long-term impact that should be watched, monitored, and observed. The resulting changes in Egypt are important not only for the country but for the rest of the Middle East. In fact, developments in Egypt are not separate from other developments taking place in the region that are reflecting similar patterns. The rise of the democratic idea, however, is threatened by the entrenchment of bureaucrats and the increasing power of theocrats. Democratic ideas are gaining ground, but democrats are not yet carrying the day.

For Egypt, the future is pregnant with serious possibilities. In the near future, changing the Egyptian constitution to expand democratization is the first priority. Bureaucrats and theocrats, however, will have the main say in such a process. Other important laws, like the election and anti-terrorist laws, will have no less an influence on the future of the Egyptian polity. One reality remains, however: Egypt and the rest of the Middle East in 2005 are not the same anymore. For Egypt substantive change did not occur in 2005—but that year has begun a process that will, in time, change the country.

(Endnotes)

- a Al Marsad (The Observatory), Analysis of Results of the Parliamentary Elections, Cairo: The International Center for Strategic & Future Studies, December 12, 2005, p.10.
- b Ibid., p.11.
- c Ibid., p. 2.
- d Egyptian Organization for Human Rights, The Future Parliament Did Not Come Yet, Report of the Egyptian Organization for Human Rights on the Results of the Parliamentary Elections 2005, December 14, 2005; Report of the Association for Human Rights Legal Aid, November 19, 2005; Report of the Cairo Center For Human Rights Studies, Evaluation of the Media during the Parliamentary Elections, December 6, 2005.
- e The Egyptian constitution gives the President the right to appoint 10 seats in addition to the elected 444 seats, in order to compensate for minorities who are not adequately represented in Parliament. The tradition has been to give these seats to Copts and women. See also Nihad Abu Al Qumsan, Climbing over Women's Bodies: A Report on Women in the Parliamentary Elections, 2005, Cairo: The Egyptian Center for Women Rights, 2005.
- f In both the Nour and Ibrahim cases, there was no denial by the accused of the existence of forged documents. Both denied, however, that they were the ones who did the forging, and in both cases the forging was done by associates who were proven to be informers for the police.
- g See Ali E. Hilal, "Mubarak and the Completion of Democratic March," Al - Ahram al- Iqtisadi, April 20, 1987; Abdel Monem Said Aly, "Democratization in Egypt," American-Arab Affairs Journal, fall 1987, p. 22; and Al Marsad, Analysis of Results of the Parliamentary Elections, pp. 10@-11.
- h Al Marsad, Analysis of Results of the Parliamentary Elections, pp. 2@-4, 12.
- i Ibid.
- j Ibid; and Abdel Monem Said Aly, "Democratization in Egypt," pp. 22@-23.
- k "Government and Politics," in Egypt: A Country Profile, Library of Congress, chap. 4, [memory.loc.gov/frd/cs/egtoc.html](http://memory.loc.gov/frd/cs/egtoc.html).
- l Noha El-Mikawy, The Theoretical Framework, in Institutional Reform and Economic Development in Egypt, ed. Noha El-Mikawy and Heba Handoussa, Cairo, The Economic Research Forum for the Arab Countries, Iran, and Turkey, 2001, p. 16.



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