

# Presidential Elections in Egypt:

## The Day After

Sep 8, 2005



### Brief Analysis

On September 7, Egyptians voted in their country's first multiparty presidential election. Though results are not yet final, preliminary tallies point to a victory for the incumbent president, Hosni Mubarak. Observers reported irregularities, and turnout did not seem to meet the ruling National Democratic Party's (NDP) expectations.

More than half a century of authoritarian rule, including twenty-four years under emergency laws, have stifled political activities in Egypt. The NDP's control of all branches of government and the media made it difficult for the election to reflect the true and free will of the people of Egypt.

### New Rules for a New Kind of Election

In February, Mubarak asked legislators to revise the Egyptian constitution to allow direct, competitive presidential elections -- a first in Egyptian history. The president had previously been nominated by the legislature and approved in a single-candidate referendum. Mubarak's constitutional amendment was approved in a controversial referendum on May 25, and regulations concerning the electoral process were only finalized at the end of July. The outline of the reformed election process included:

**Oversight.** The entire electoral process was overseen by the Presidential Election Commission (PEC). The PEC is composed of members appointed by parliament, which in turn is dominated by the NDP. Election laws allow no appeal of the PEC's final decisions concerning the outcome of the elections.

**Monitoring.** International monitors and observers were not allowed to supervise the elections, and the PEC was reluctant to allow even local monitors to oversee balloting. Civil-society activists demanded that they be allowed to monitor the polls; opposition parties and movements, professional syndicates (including the bar association), and human rights organizations supported the call for independent monitoring.

After the PEC refused to allow local monitors, the civil-society groups sued. On September 3, an administrative court ruled that local civil-society activists had to be allowed to monitor the elections from inside polling stations. After days of refusing to respect the court order, the PEC reversed its decisions a few hours before the elections, allowing local groups to observe the balloting provided that they got the proper permits -- which were of course hard to obtain on such short notice. Article 123 of Egypt's penal code stipulates that any public official who uses his authority to prevent a court's ruling from being implemented is punishable with imprisonment.

**The judiciary.** Article 88 of the Egyptian constitution empowers the judiciary to supervise elections. In May, the Judges Club, a de facto union for judges, took the provisional decision to boycott the elections if their demand for a truly independent judiciary was not met. They also insisted that the 13,000 judges were in no position to monitor the election if plans proceeded for polling at 54,000 stations on one day. The government responded by grouping polling stations to decrease their number to about 10,000, more or less matching the number of judges.

On September 2, a majority of the general assembly of the Judges Club decided that the judges would supervise the

election and report any irregularities. They decided to allow monitors from local civil-society groups and to share voter-registration lists with candidates' representatives. The judges' terms starkly contradicted the PEC's initial stand of forbidding independent monitors to oversee the election.

About 1,300 judges were prevented from taking part in the process due to their outspoken opposition to irregularities in Egyptian elections. Administrative magistrates, who are part of the executive branch of government, were included in the supervision process in place of judges.

The Judges Club will prepare a comprehensive report on the election documenting violations. The Judges Club will also express its reservations about the PEC, especially the immunity of its decisions from judicial review.

### Specific Examples of Irregularities

Though no comprehensive assessment of the electoral process has taken place, opposition candidates reported some irregularities, including the following:

\* In Qalyubeya province, representatives of the opposition Wafd Party were prevented from monitoring elections in at least three villages. State-owned buses brought to the polls civil servants who were ordered to vote for the NDP candidate.

\* In Marsa Matruh province, supporters of the NDP were able to vote more than once in several polling stations and without registration cards.

\* In Fayyum, registration lists included deceased people and several polling stations did not have curtains to allow voters to mark their ballots in private.

\* In Port-Said, the secretary general of the governorate assembled all his civil servant at eleven o'clock in the morning and ordered them to vote for the NDP candidate.

\* In Sohaj province in Upper Egypt, several polling stations did not mark voters' fingers with the phosphoric ink meant to identify voters and prevent them from casting ballots at multiple polling places.

\* In Damietta, NDP supporters were assembled and taken to the city of Port-Said to vote for a second time.

These are mere examples, but the scale of irregularities will be worth examining. If there were fewer irregularities than in past elections, it would mean that there has been real progress toward a better political environment. But if the scale of irregularities in this poll was in line with past elections, then it would simply mean that Egypt changed its electoral rules without altering its practices.

### Gains for the Opposition

Encouragingly, for the first time in more than half a century some opposition leaders could freely address large portions of the Egyptian populace. Even if access to state-controlled media was limited, and the duration of the electoral campaign was much too short, opposition candidates had a real opportunity to address the Egyptian public on a relatively large scale.

Accordingly, the two main opposition contenders -- Nooman Gomaa from the liberal Wafd Party and Ayman Nour from the al-Ghad Party -- had the unprecedented chance to organize large-scale rallies. A week before the election, Gomaa was able to mobilize about 100,000 supporters in a visit to the Nile Delta province of Sharkiya. This was in addition to other large rallies in Upper Egypt and the Nile Delta. Ayman Nour was also successful in organizing important rallies in Cairo and Upper Egypt. Such gatherings would have been unthinkable only a few months ago.

The banned but tolerated Muslim Brotherhood (MB) urged its followers to vote, but it did not back a specific candidate. Mohamed Mahdi Akef, the leader of the MB, asked his supporters to participate in the election with no specific support to any candidate. Opposition contenders visited Akef during the campaign to try and win support

from the influential organization.

The Kifaya ("Enough") movement, the most prominent protest movement in Egypt, maintained its call for a boycott of the elections. On the day of the election, the movement organized a rally in central Cairo to protest against the poll.

The election rules still favor the incumbent president, but the margin of limited freedom gave a new momentum to opposition parties. The presidential election, held in what the NDP calls a more democratic environment, was only a rehearsal for more important parliamentary elections in October and November. For the opposition, replacing Mubarak under current electoral rules was never likely, but making significant gains in legislative elections seems to be a realistic objective.

## Conclusion

Egypt's presidential election will be considered a small step towards democracy only if it is promptly followed by further steps toward reform. If the scale of irregularities rises to the level of past elections, it will show that no real improvement has taken place in the political environment. President Mubarak should be encouraged to fulfill his promises for more political reform and to prove both his determination and his ability to produce real change.

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