



Egyptian Parliamentary Elections: Between Democratisation and Autocracy

Hala G. Thabet*

Abstract

The dissolution of the 1987 and 1990 parliaments, following two Supreme Court rulings that the 1984 and 1987 general elections were unconstitutional, and the transfer of the power to supervise elections from the police to the judiciary signalled an impending political opening, leaving the impression that there was political will to renew the rules governing elections and make them more transparent and equitable. The paper uses the 2000 elections to the People's Assembly to assess the democratisation process in Egypt. It examines the extent of inclusion of all social forces and political parties, and of changes in popular participation. It argues that the 2000 elections bore the marks of electoral anomalies and manipulations which were characteristic of previous elections. Notwithstanding its flaws the 2000 elections marked a significant step in Egypt's transition to liberal democracy.

Résumé

La dissolution des parlements de 1987 et 1990, suite à deux décisions de la Cour Suprême, selon lesquelles les élections législatives de 1984 et 1987 étaient inconstitutionnelles, ainsi que le transfert du pouvoir de supervision des élections, de la police vers le pouvoir judiciaire, sont autant de signes d'une ouverture politique imminente, ce qui laisse penser qu'il y avait une certaine volonté politique de renouveler les règles régissant les élections et de rendre celles-ci plus transparentes et équitables. Cet article s'inspire des élections 2000 à l'Assemblée du Peuple pour évaluer le processus de démocratisation en Egypte. Il cherche à établir le niveau d'intégration de toutes les forces sociales et des partis politiques ainsi que les changements intervenus au niveau de la participation populaire. L'auteur affirme que les élections de 2000 comportaient des signes d'anomalies et de manipulations électorales qui ont caractérisé les élections précédentes. Malgré ces quelques manquements, les élections de 2000 ont

* Lecturer, Faculty of Economics and Political Science, University of Cairo, Egypt

constitué une avancée remarquable dans le processus de transition de l’Égypte vers une démocratie libérale.

The first parliamentary elections in Egypt were held in November 1866. It was not until 1976 that the first multiparty elections were held. Since then, five parliamentary elections have been held – in 1979, 1984, 1987, 1990 and 1995. Ironically, these elections served only as a safety valve for managing the pressures for participation; because they were never truly competitive. For although political forces range from left and liberal to Islamist, political power has remained tightly controlled by the executive, which uses the ruling party, the National Democratic Party (NDP), the bureaucracy and security organs, to implement and enforce its policies (Ebeid 2001). In 1976 when President Sadat permitted multiparty competition it was anticipated that it would be a major step on the road to a more open political process. But government harassment and fraud derogated from this process of political

liberalisation. To further undermine the process of political liberalisation the president dissolved the 1976 Assembly and called for new elections as MPs increased their opposition to the Egyptian-Israeli Peace Treaty signed on 26 March 1979 (Abdalla 1996: 15-16). In 1981, after the assassination of Sadat, the Emergency Law was promulgated and has been in force ever since. This law effectively ended Egypt’s pioneering experience with democratic politics because, among other things, it allows the authorities to restrict basic freedoms such as the freedom of assembly. Democratic elections under such conditions were therefore rendered impossible (Ahmed 2000).

After that, the system of a political party list was introduced in the 1984 elections as a response to opposition demands to strengthen political diversity. However, as this provision discriminated against independents, the Supreme Constitutional Court (SCC) issued a ruling that led to the amendment of the electoral law, the dissolution of the 1986 parliament, and the conduct of new elections in 1987, which favoured independent candidates.

The 1987 elections brought more than 100 opposition representatives into the assembly, giving the opposition the highest percentage of representation in Egypt’s parliamentary history. However, the low turnout in the elections (47 percent according to official figures) indicated that many Egyptians were unconvinced that voting under the prevailing conditions would make any difference to electoral outcomes. Again, this assembly would not complete its term; for the SCC ruled that the amendment accommodating the party list and independents did not fulfill the constitutional requirement of equal opportunity for all candidates. Yet, the 1984 and 1987 elections were the most transparent and competitive since 1952. More parties contested those elections because candidates or parties that had been excluded by the Sadat government were

able to engage in open electoral competition. The Muslim Brotherhood was also allowed to sponsor individual candidates who contested the elections under the auspices of an allied secular party. Campaigning was freer and more intensive than ever.

However, the 1984 Election Law had a hidden agenda. It was intended to exclude smaller parties from parliament. Under this law any party that received less than 8 percent of the popular vote had its votes added to the party which received the highest number of votes (Nafie 2000). Despite such constraints, the Muslim Brotherhood emerged as the largest single opposition bloc in the 1984 and 1987 assembly, but its revolutionary ideology and the use of assassinations as an instrument of struggle against the government, which characterised its politics in the early 1990s, were used as a justification for the imposition of tighter security measures.

In 1990, elections reverted to the system of individual candidacy. However the opposition's decision to boycott the elections deprived them of the gains they had made in the past. Many NDP members had withdrawn from the party to run as independents, thereby limiting voters to ruling party candidates and breakaways (Helal 1992). In 1995 the opposition's performance in the elections was very weak. But the NDP used President Mubarak's image (as the head of the party) to increase its own strength, claiming that voting for the NDP was equivalent to voting for Mubarak. It also resorted to poaching winning independent and breakaway candidates. These strategies boosted its standing in the assembly (El-Monoufy 1996).

Many of the allegations of electoral fraud in past elections related to irregularities at the sub-polling stations. The SCC issued a ruling on 8 July 2000 declaring unconstitutional Sections 3 and 4 of Article 2 of Law 38/1972 (the current legislation governing the electoral process); because it allowed civil servants to supervise balloting at such polling stations while judges only supervised at the principal polling stations. In its view the discrepancy ran contrary to the provisions of Article 88 of the Egyptian Constitution. That decision gave the judiciary full responsibility for monitoring the elections held in 1990 and 1995 for the People's Assembly, thereby declaring those two elections invalid (Ebeid 2001). Following this ruling, the government issued Presidential Decree No. 167 of 2000, Law 38/1972 of the People's Assembly, amending provisions of Law 73/1956 regarding the exercise of political rights. This law introduced changes to procedures regulating the identification of registered voters and the responsibility for the vote-counting process (Mustafa 2001: 60), thereby confirming the judiciary as the supervisory authority for the electoral process.

The 2000 elections: Policies and dynamics

The year 2000 witnessed the first parliamentary elections in the country's history to be held under full judicial supervision. The Interior Ministry's election plan divided the country's twenty-six regions into 222 main constituencies, and 15,250 sub-constituencies, with a total of 10,718 ballot stations supervised by 9,000 judges as principal election officers. The electoral process ran in three stages. The first began on October 18 through October 25 in nine regions; the second began on October 29 through November 5 in nine other regions. The third and final stage opened on November 8 through November 15 in the remaining eight regions. Voting was organised over three weeks to allow for judicial supervision of all polling stations. Each phase entailed a preliminary vote and a runoff vote, so that there were actually six different polling dates (Ministry of Interior 2001). Three main players participated in the election: the candidates, the voters, and the government. The next part of the paper analyses the various roles of these three principal actors.

Candidates

The People's Assembly has 444 members elected for a five-year term. As a conscious attempt to draw the lower classes into the electoral process, half of the members of the People's Assembly come from workers and farmers groups. Another 10 members are nominated by the President, usually to increase the representation of women, Copts, and opposition groups who do not do well in the elections.

According to the Ministry of Interior, 4,116 candidates contested the elections in 222 constituencies – an average of nine candidates per seat. Some 1,262 candidates competed in the first stage of the election; 240 candidates contested in the second stage involving 67 constituencies, and 1,368 candidates in the third stage comprising 67 constituencies (Ministry of Interior 2001). Only 876 of them were candidates of the 15 political parties that contested the elections. The major parties were the NDP (the ruling party) with 443 candidates, including 224 workers and farmers, three Copts and 17 women among whom were seven who contested the elections for the first time. The NDP was the only political party with a higher percentage of workers and farmers than the constitutionally prescribed 50 percent. The NDP also nominated six incumbent ministers, the Presidential Cabinet chief, and four former ministers (*SIS*, September 18, 2000). There were also the opposition parties; namely; al-Wafd al-Jadid (New-Wafd, Centre Party) with 272 candidates, including eight women and 12 Copts; al-Tagammu (Progressive National Unionist, extreme left party) with 58 candidates including four women and four Copts, the Arab Nationalist Nasserite Party (extreme left party) with

33 candidates, al-Ahrar (Liberal Party, centre party) with 37 candidates including seven women; and nine other parties with a total of 58 candidates (Nafie 2000). One noteworthy aspect of the 2000 elections is the overwhelming 3,240 candidates who contested as independents – more than half of the total number of candidates, compared to 3,160 independents in 1995 (Abdel-Aal 2000: 9-10). The large number of independents (of whom 90 were Islamists) reflects the restrictions placed on some opposition groups, especially the Muslim Brotherhood and the Socialist Labour Party.

Although the Muslim Brotherhood is one of the few political organisations which has a nationwide infrastructure and the ability to rally support, it is not a legal party; because the state sees it as a serious threat to political stability, and has therefore banned it from political life since 1954. As a result it participated in previous parliamentary elections only by forging alliances with other political parties and sponsoring candidates under their banner. In the 1984 elections, it first formed an electoral alliance with the Wafd Party which won 58 seats, mostly by Brotherhood candidates. Then in the 1987 elections, it allied with the Labour Party which won 78 seats, 36 of them belonging to the Brotherhood. Yet, a series of boycotts excluded the Brotherhood from the last assembly, as only one Member of Parliament sponsored by the Brotherhood actually served (Nafie 2000). To further restrict the activities of the Brotherhood the Political Parties Committee, on May 20, froze the activities of the Labour Party, an Islamist opposition group, for maintaining links with an illegal organisation – the Muslim Brotherhood; and for recruiting supporters from an illegal organisation, receiving unauthorised funding, and ‘working against national unity’. Needless to say that none of these charges involved the use of violence (HRW 2000).

An equally remarkable feature of the 2000 elections was the strong impetus it gave to the participation of women and Copts. Although female participation in political life has become one of the major concerns of society in general and women in particular, it was hitherto insignificant. Currently the belief is that women’s role in politics should not be confined merely to voting in general elections or vying for a seat in parliament; they should actively participate in all spheres of the national development process. Yet, the participation of women in national politics was lower than that of men, due to historical, cultural and social factors. Moreover, the restrictions imposed by the state on civil society organisations working in the field of human rights and women consumed the energy of these organisations and prevented them from working at the grassroots to promote women’s participation in public affairs (EOHR 2001). Out of a total of 4,116 candidates, only 120 were women. The National Council for Women (NCW) supported all the women candidates in the elections whether they stood as independents or as candidates of

political parties (*SIS*, 14 September 2000). Seventy-four Coptic candidates also participated; and it was the first time that three Christian candidates secured parliamentary seats through the ballot box rather than by appointment. Not only did some of the most prominent intellectual and cultural figures in Egypt rally their forces behind Christian candidates in a significant manifestation of national unity to confound their rivals' allegations of religious fanaticism; but also the Muslim Brotherhood announced a list of candidates which included a woman and a Coptic Christian (*SIS*, 10 September 2000).

Voters

Because ideologies and issues played a limited role in the elections, many voters either lacked political consciousness or were unconvinced of the purpose and efficacy of voting under an authoritarian regime. In the circumstances, the personal prestige and candidates' capacity for patronage played a major role in determining how the electorate voted. In general, most urban voters, especially those belonging to the middle and working classes, voted on the basis of issues. On the other hand, most people in the rural areas voted for those for whom they worked; or they voted for those who had good connections with government and were able to extend favours to them. The government benefited from the effect of the voters' perception of candidates' potential for patronage while it weighed heavily against the votes of the minority of the politically conscious classes (Rabea 2001).

Patronage could range from the distribution of chickens at election time, to the promise of government jobs, construction of roads, and the extension of utility services to villages. Voters were also influenced by the prestige conferred by wealth and profession, and by well-known family names (Ebrahim 2000). To further corrupt the electoral process, many candidates flouted the law regulating the funding of electoral campaigns which pegged campaign funding at not more than 5000 Egyptian pounds. Elections observers witnessed candidates and their supporters openly giving money to citizens either on election day or in the weeks preceding it in exchange for their vote.

The Government

The government was keen on appearing impartial and objective in the elections. The state institutions started to facilitate measures for the elections, ensure an atmosphere of freedom, and provide equal chances for all parties and independents to introduce their electoral programmes to the electorate through the media. Official newspapers, such as *Al-Ahram*, allowed the various parties and candidates to broadcast their views and played a significant role in presenting and critically analysing the political programmes of the various opposition parties. The radio and television were used to increase the participation of citizens in the elections, and give candidates in the elections

a full chance to acquaint the citizens with their programmes. In addition to informing voters about their polling stations to minimise the enormous confusion experienced by voters searching for the place to cast their ballot, regional channels repeatedly published a list of the names of independent candidates who contested the election for the first time, their designations, and their respective symbols. On the day of the elections, television and radio stations gave detailed reports on the elections, and hosted local as well as foreign personalities to discuss the electoral process. They also interrupted their regular programmes to announce the results confirmed in the elections (Kamal 2000). In 1995, the NDP was accused of using images of mosques to advantage (*SIS*, 30 September 2000). The Minister of Religious Endowment therefore decided not to allow any person, either government or non-government, to use the image of a mosque as a symbol in the electoral campaign, so that both Muslim and Christian candidates would have equal chances.

The 2000 Elections Results

The NDP, as usual, won an overwhelming majority in the People's Assembly – 388 of the 454 seats. This amounted to 87.8 percent; down from 94 percent of the outgoing assembly. However, only 175 of these seats were won by the party's official candidates; the other 213 were either members of the NDP running as independents (against official NDP candidates) or independents who, after winning the elections, announced that they would join the NDP. Thus while the NDP has an overwhelming majority in the assembly, the majority of the NDP parliamentarians got there by defeating the party's own official candidates. This was an unprecedented feat.

The al-Wafd, whose goal was to win 100 seats, won only seven seats compared to six it held in the old Assembly; al-Tagammu won six seats compared to five seats in the old assembly, and the Nasserites won three seats, in addition to four or five of the independents who were allied with it, compared to just one seat in the outgoing assembly. The al-Ahrar, on the other hand, won one seat, the same number as it had won in the old assembly (Rashad 2000: 40). The advocates of women's rights made a strong impact on the elections. Seven women won parliamentary seats, plus another four appointed by the President. Also Copts won three seats, while four others were appointed by the President (Nafie 2000). These presidential nominations were made to ensure that both women and Copts would increase their representation in the assembly. Independents, excluding those who joined the NDP, won 37 seats compared to 31 seats won in 1995. Of these, 17 were candidates of the Muslim Brotherhood. It is estimated that the others would include two non-Brotherhood Islamists and five Nasserites (Rashad 2000: 43-44).

It is significant that the number of seats won by the Muslim Brotherhood was equal to those won by the legal opposition parties. Thus the Brotherhood, in spite of the restrictions imposed on it by the state, showed that reports about its impending demise were greatly exaggerated by the state-owned media. In fact, its candidates formed the real opposition in the new assembly. The other opposition parties varied in their attitudes towards the government: some opposed the government while others like the Tagammu supported it (*The Estimate* 2000).

But were the 2000 elections democratic? In other words, did the results reflect the will of the Egyptian electorate – namely, the freedom to express their opinions and preferences? If not, how far can we consider them a step forward, a step on the path of democratic transition? The remaining part of this paper addresses these issues.

The 2000 elections and democratisation

The presence of judges at polling stations has considerably minimised the incidence of election malpractices that had previously characterised voting, and had tainted the whole electoral process (Zahry 2000). However, the 2000 elections, like previous ones, bore many features that could impact negatively on the democratisation process in Egypt. The following are some of the outstanding problems in the electoral process.

The weak performance of political parties

The results of the election reflected the absence of political discourse, and real competition between political programmes. Parties were fragmented on a regional or family basis; candidates were chosen according to personal relationships with their party bosses, or on the basis of material considerations. As a result, many of the elected representatives of the various political forces were not the most qualified persons for the responsibilities they assumed (Rashad 2000: 111-112). The NDP, for example, has maintained its dominance of the Assembly, although not as heavily as in the past. In the elections some of the party's strong candidates were defeated, either by opposition candidates or by party dissidents running as independents. Also, more than half of the seats won by the party were won either by dissident party members, or by independents who joined the party after their victory (Ebeid 2001). Even the semi-official Egyptian press has recognised that the ruling party did not do as well as it might have hoped. On the one hand, the NDP's continued hegemony affirmed that the Egyptian government still controlled and managed a number of social forces contrary to the President's avowed commitment to democracy. On the other hand, this underscored the fact that the vote is an expression of confidence in individual candidates rather than the party - either the ruling party or opposition parties (EOHR 2001).

The weakness of opposition parties was due partly to a tacit understanding between government and opposition: the latter knew that if it went too far in challenging the regime, it would invite repression while the former was aware that it risked anti-system mobilisation if it imposed a monolithic order on the polity. Surely, the opposition never had the power to bloc legislation because parliament itself was not powerful. It lacked power in many key areas, and the ruling party dominated it through the executive arm of government. Crucial issues such as the defense budget were not even debated. These notwithstanding, it is also true to speculate that with a larger contingent of opposition party members in the assembly, government ministers would be more likely to find themselves questioned more closely than in the preceding parliament which was overwhelmingly NDP-dominated (Aly 2000). Also, the return of the Muslim Brotherhood to parliament with a significant bloc of MPs confers considerable legitimacy and authority on the legislature, and may encourage it to be more diligent and independent in its transactions with the executive.

Electoral violence

Security forces helped greatly in securing the electoral process; and with only 10 people killed in electoral violence and 60 injured. Compared with the 1995 elections in which violence left about 80 people dead and 1,500 wounded, voting was certainly peaceful (*The Estimate* 2000). However, the police were violent in dealing with protests and gatherings near polling stations. There were many instances where security agencies harrassed candidates and their supporters (EOHR 2001). Most of the violence that took place came from clashes between Islamists and police in some towns. About 400 people were arrested in the first round of the elections; and 1,400 in the second round. Among the latter were more than 1,000 supporters of the Muslim Brotherhood who were arrested to prevent them in many areas from getting closer to polling stations. A striking example of such acts of intimidation involved the election campaign team of Jihan al-Halafawi, the only female candidate linked to the Muslim Brotherhood who was contesting the elections as an independent candidate (HRW 2000).

Also, many complaints were received from media representatives of having been subjected to harassment by the police while they were covering the electoral process. Human rights activists and journalists who denounced such human rights violations became targets to prevent them from covering the elections (EOHR 2001). Before the elections, the Interior Minister had assured the general public that the role of the security forces was to 'ensure that the elections were conducted with integrity' and to secure the electoral process outside the polling stations. Yet there was so much intimidation and violation

that the opposition parties felt obliged to appeal to President Mubarak to 'stop security forces from manipulating the elections in the NDP's favour'. Needless to say, this is not healthy for the growth of a young democracy and for ensuring a credible and transparent electoral process.

The Integrity of the judiciary

Many Egyptians, including opposition political figures, welcomed the ruling of the SCC which gave the judiciary the authority to supervise elections. But, according to several senior members of the judiciary and constitutional law experts, the separation of powers between the judicial and executive authorities regarding the supervision of elections is not sufficiently clear. In spite of the law, government officials continued to intervene in the discharge of election monitoring functions of the judiciary. Final decisions concerning the selection of members of the judiciary involved in the supervision of elections rested with the Minister of Justice instead of the Supreme Judicial Council. The Council's role was limited to nominating individuals for consideration by the Minister of Justice, who had the final say as to which judge was appointed to a polling station. Also, members of the judiciary appointed to head both principal and auxiliary polling stations were government employees attached to the ministries of Justice and Interior, the Judicial Inspection Department, and the Prosecutor General's office. Surely executive control over the appointing process will not guarantee the independence of judicial officers in the discharge of their supervisory functions (El-Feky 2000).

Furthermore, the staff of the judiciary is already inadequate for the normal functions of the authority. They certainly cannot cover all the electoral circuits at the same time. This is one reason why the elections were held in three stages. Apart from the shortage of qualified or trained judicial staff to carry out the supervision of the elections, there is also the problem of insufficient funds to cover the transportation and living expenses of judicial officers during the election period (Rashad 2000: 63-64).

The Emergency Law and restrictions on political parties

Egypt continued to operate laws that limit the freedom of expression and association. Among the laws are the Emergency Law and the Political Parties Law. The Emergency Law No. 162/1958 directly threatens the conduct of free and fair elections. It restricts the freedom of assembly, movement and residence; and allows the arrest of those believed to be a risk to public security and order. It also permits the search of places and individuals without availing them of protection under the criminal law. It permits the censorship of letters and a wide array of publications (EOHR 2001). Clearly, the Emergency Law contradicts the rights of the citizen stipulated in Article 62 of the Egyptian

Constitution which gives citizens the right to vote, nominate and express their opinions in referenda, as well as the right to conduct their electoral campaigns through free assemblies, free movement and the distribution of election materials, and so on.

Furthermore, the Political Parties Law imposed major restrictions on members of the opposition parties during the elections. For example, the Political Parties Committee, which is controlled by the government, could freeze the activities of any political party, suspend its publications, and prevent it from contesting in the elections. Admittedly, the Presidential Decree guaranteed judicial supervision of elections; but it came into force barely three months before the elections. Consequently, political parties, including the NDP, had very little time to campaign freely for the votes of the electorate (EOHR 2001). In short, the two laws, among others, had the effect of creating an environment quite at odds with what is necessary for free and fair elections.

Administrative intervention

The government machinery, operating at various levels of society, intervened freely in favour of candidates of the NDP - for example, by assigning symbols of the crescent and the camel, as well as the first and second spots on the ballot, to candidates of the NDP, although the candidates of other parties might have filed their election applications before the NDP candidates. Such manipulations did not accord an equal chance to all candidates. Administrative intervention also took the form of control of the electoral list by the Ministry of the Interior, and manipulating them through the addition of fake names and the deletion of others. Furthermore, the Ministry of the Interior gave NDP candidates the new electoral list but refused to give it to opposition candidates (Zaki 2000). Some local governors and local authorities also used public sector employees to vote for NDP candidates regardless of residence. Government vehicles were also used to campaign for NDP candidates and transport local government employees to vote for them. And strategic locations and squares in cities, towns and villages were reserved for pro-government candidates to display their posters (Wafd 2000).

Conclusion

The 2000 elections were not democratic by international standards; but they marked a positive step towards greater democracy in the Egyptian polity. They were fairer than the ones held in 1995. The ruling of the SCC which gave the judiciary supervisory authority over the elections (instead of the police and Interior Ministry as was the case in the past) eliminated some of the more blatant abuses. With the implementation of full judicial supervision for the first time in the history of parliamentary elections, voters felt that their

ballots could make a difference. Voters' confidence in a free and fair electoral system operating within a multiparty environment also increased. Hence, unprecedented numbers of voters trooped to polling stations, determined to exercise their constitutional right to choose their representatives. In the 2000 elections the electorate voted out some powerful candidates from the ruling party, while the Muslim Brotherhood scored its largest victory since 1987 with an increase in parliamentary seats. The Brotherhood's enhanced representation in the assembly made it the largest among the opposition parties. Though the increased representation in the People's Assembly did not have a drastic impact on the legislative process, it gave the Brotherhood considerable political legitimacy.

The relatively democratic nature of the 2000 elections made Egyptians expect that they would bring about real changes to the country's authoritarian political system. It is still premature to predict the magnitude of their impact, and the direction in which they would take the country. The elections were nonetheless important because they marked the beginning of major political developments in the transition to a democratic form of government. Their import was bound to manifest itself not only in future legislative elections, but also in all governing assemblies selected through the ballot. Any future increase in electoral competition would be one of such manifestations and a vindication of the growing public expectation that judicial supervision of elections would guarantee the integrity and openness of the institution of election. Admittedly, democracy is not merely about free and fair elections. However, electing a representative is an enlightened political practice that encompasses key democratic values such as free competition and the freedom of choice and expression which encourage a high degree of participation in the political process. Ultimately, the success of the democratisation process in Egypt requires strong political parties with the dynamism to secure grassroots support, and a vigilant civil society. Elections are held in all systems (democratic or non-democratic), and merely holding elections does not guarantee a functioning democracy.

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