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THE ELUSIVE MYTH OF DEMOCRATIC EGYPTIAN ELECTIONS

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INTRODUCTION

Later this month, Egyptians will go to the polls, or attempt to, in order to vote in the country's parliamentary elections. The elections will unlikely be a democratic affair in the Western sense. In fact, opposition candidates, voters, citizen groups—essentially everyone other than government representatives—are fully expecting the elections to be a violent and rigged episode. For easy reference, one can look to the June elections for the Shura Council, or upper house of Parliament, in which the governing National Democratic Party (NDP) managed to land 80 out of a possible 84 seats. Those elections were marked by violence and allegations of rampant violations.

Elections in Egypt are not generally democratic, they do not necessarily reflect the will of the people, and they will invariably usher in a house in which the NDP has an unshakeable majority. More so, the elected body has very little control over the government and none over the president, who, thanks to some creative constitutional amendments in 2007, can dissolve the Parliament at will. Election results are apparently so preordained that many have questioned the wisdom of participating at all. Opposition groups, among them the National Alliance for Change (NAC), led by former International Atomic Energy Agency (IAEA) head and current political reformer Mohamed ElBaradei, have been calling for a boycott. ElBaradei told reporters at a Ramadan Iftar meeting on September 7 that voting "would go against the national will."[1] Many political analysts and some members of the opposition have echoed the belief that participation in the elections only gives credence to a fundamentally flawed system and perpetuates the state myth of a democratic nation.

The above argument certainly has its merits, but it misses the point. Elections in Egypt are not about who wins seats—that is usually a foregone conclusion. They are about the "how and the what," in the sense that they are oases of political activity, demand, and dissension in an otherwise arid climate. In that way, every election fought represents losses and gains for the respective participants in ways that invariably influence the following elections. Also, the ballot boxes can yield surprising results—as in the case of the 2005 elections when the Muslim Brotherhood (MB) gained a jaw-dropping 88 of 454 seats in the elections for the lower house. This outcome certainly would not have come about if the Brotherhood had not participated.

To be sure, there are also significant, detrimental changes that happen as a direct consequence of the elections, among them constitutional amendments designed to hobble the opposition's ability to field candidates and campaign. Still, for opposition parties and movements, boycotting the elections is the equivalent of throwing away the only political participation they have. It would mean relinquishing any visibility or influence and it would mean admitting to their supporters that they are essentially mere window dressings in the democratic façade. Arguably, this is a reason why these elections have only ever been boycotted once, in 1990. The Egyptian political arena is one where contestants scrabble for the smallest patch of ground. The high moral ground simply does not figure into it.

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The Story So Far

It might be best to consider the situation in context. Generally speaking, while the essence of elections in Egypt has not been particularly democratic, it has been important for the government that the balloting maintain the appearance of being democratic. Mona El-Ghobashy sums up the situation: "Limited elections have been an important feature of each of Egypt's three successive authoritarian regimes. The return to legislative elections in 1957 (sans parties) was a token of the 'sound democratic life' promised by Gamal Abdel Nasser and his Free Officers. The return to multi-party elections in 1976 was the central plank of Anwar al-Sadat's 'state of law and institutions.' Since 1984, parliamentary elections have been the cornerstone of Mubarak's 'march to democracy.'"[2]

Yet, unwittingly, in its apparent desire to provide the trappings of a democratic process, the state provided a loophole that reformers battened on to: judicial oversight. Originating in a legal rule that was created in 1956, judicial oversight has been a stipulation of all elections until 2005. Prior to the constitutional amendments of 2007, Article 88 of the Constitution had stipulated that "voting happen under the supervision of members of the judicial body." The phrase was argued over—by the government on the one side and members of civil society and the Judges' Club on the other.[3] The government insisted that public prosecutors and legal civil servants were members of the "judicial body." However, since such personnel were in effect employed by the government, the judges countered that they were neither non-partisan nor independent. Just as distressing for opposition and members of the judiciary was that, according to Mona El-Ghobashy, the minister of interior, under Article 24 of Law 73, had the "power to determine the number of principal and auxiliary polling stations." Although the article specified "that the supervisor of each main polling station be a member of a judicial body, it [did] not extend this requirement to auxiliary stations," which were manned by government-employed public-sector clerks and other civil servants.[4]

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It took a Supreme Constitutional Court (SCC) a decade to settle the matter. In 2000, the SCC found that judicial oversight had to extend beyond the main polling stations to the auxiliary ones, which meant that the elections took weeks, instead of a day, thus enabling candidates and their parties to gauge the process.

Although there was ongoing and fierce wrangling over what constituted a member of a judicial body, with the government continuing to send civil servants and prosecutors to polling station, the government did indeed amend Article 24. Arguably, the new level of judicial oversight was reflected in the outcome of the 2000 Majlis elections that were held a few months after the amendment was passed. The NDP lost seats, whereas the Muslim Brotherhood gained 17 seats.

Five years later, in 2005, two important events occurred. The first was the introduction of constitutional amendments—approved in a nation-wide referendum on May 25, 2005—that allowed for the first multi-candidate presidential election in Egypt, held in September of that year. Although there were the usual allegations of fraud, there is little doubt that Mubarak did win. The other candidates were a rather odd bunch, known mostly to their families and friends. The closest runner-up to Mubarak, who received 88 percent of the vote, was Ayman Nour, leader of the Al-Ghad party, who managed just 7 percent of the vote.

The second event was the 2005 parliamentary elections for the Majlis El-Shaab. They took place against a background of increased citizen participation: the *Kefaya* movement—a grassroots coalition that formed to protest against the government and the issue of succession—was at its most potent (despite severe crackdowns on the day of the national referendum, which came to be known as Black Wednesday). In addition, a citizen's online group called *Shayfeenkom* (We Can See You) was formed to monitor the elections, and although the government had firmly refused international observers, civil society organizations were out in force. At the end of a tumultuous election period, in which 10 people died, something surprising happened. The NDP won, naturally, but garnered 145 seats, out of 432 contested—a mere 33 percent of the Majlis. The party scrambled and incorporated 166 independents (who had never received the party's nomination and therefore had run on their own ticket), giving it 311 seats. (At the time, the two-thirds majority required to be able to ratify constitutional amendments was 302 seats.)

The MB, on the other hand, garnered 88 seats, out of 161 contested. That meant the NDP lost 121 seats due to the opposition parties' better political organization, stronger mobilization, and tighter community ties. In addition, the Judges' Club published a report detailing alleged violations, like ballot stuffing and intimidation

by security forces. Intense media coverage meant that everyone in the country realized that the NDP was not unbeatable. Add to all this, there was the Petri dish-like international attention at the time, due to President George W. Bush's heightened democracy efforts.

It all proved, conclusively for opposition party leadership, that the best way to tackle an unfair situation was head on. For those who had doubted the importance of participation, the 2005 elections were a resounding wake-up call. But it also meant, from the government's perspective, that once again, the rules had to shift.

Damage Control

The 2005 elections were not great news for the state. The elections had consequences and those consequences help illustrate the mechanics of Egyptian politics.

In short, the government felt it was necessary to see that the results of the elections not be repeated. However, it was also necessary that this happen within the bounds of President Mubarak's promise to the Egyptian people to move forward with democratic reforms (as long as it did not come at the cost of security). Therefore, the changes had to have a solid patina of legitimacy.

In December 2006, Mubarak proposed amendments to 34 articles of the Constitution. Several of the amendments were clearly designed to prevent another debacle.

This was accomplished over several stages. The first stage was completed fairly quickly. After having been shy about constitutional reforms (flat out refusing to accede to opposition demands to alter the Constitution on other occasions), the government came around rather fast. In December 2006, Mubarak proposed amendments to 34 articles of the Constitution. Several of the amendments were clearly designed to prevent another debacle. For instance, the government added a third clause to Article 5 that forbade the formation of political parties "on the basis of religion or discrimination due to gender or race."[5]

The Egyptian public was asked to vote on the amendments in a national referendum on March 26, 2007, and was allowed to vote "yes" or "no" to the amendments as a whole. Official figures put the turnout at 23 to 25 percent, but independent groups claimed it may have been as low as 5 percent.[6] Amnesty International called the changes the greatest erosion of human rights in 26 years[7] and local observers were worried that constitutional freedoms would be pushed aside by the new counter-terrorism law. (The so-called counter-terrorism law, still under discussion, was presented by the government as a means of safeguarding the country from terrorism and as a replacement to the state of emergency that has been in place since 1981.)

The to-and-fro with the Judges' Club was finally resolved by the referendum—Article 88 was amended, removing judicial oversight in favor of a "supreme electoral commission" comprising "current and former judicial bodies." Additionally, voting was now to be completed over one day, ensuring that judicial oversight was a physical impossibility and removing any opportunity the candidates had of gauging progress and tactics. Furthermore, the government has prevented international observers from monitoring the upcoming elections.

In June of this year, this new commission was wheeled out for the Shura Council elections, and it had an inauspicious start. The president of the commission did announce in May that he would "never accept" internal or external intervention in the elections. He also announced that the commission's branches in all districts would "deal severely" with any violations by the security forces during the polling.[8] Each district would have three lawyers on hand to oversee the balloting and the process would be "entirely transparent."[9]

Yet, things did not go according to plan. General allegations of violations and specific criticism of the commission rained down in torrential fashion as soon as the process began. In addition, the governorates of Daqahliyah, Menoufiya, and Alexandria all saw a spate of violations reported. The *Daily News Egypt*, wrote a story describing the alleged violations, pointing that these reflected the general trend of the election.[10]

At the same time, residents in Mansoura witnessed violent altercations and insults in front of the Meit Aly Secondary Schools polling center between Hassan Metwally, the National Democratic Party candidate and supporters of the Muslim Brotherhood candidate. Metwally reportedly declared that he "will win the elections despite the will of everyone."[11] The Egyptian Association for Community Participation Enhancement reported that representatives of candidates were prevented from entering polling stations and the representative of Moussa Mostafa Moussa, head of Al-Ghad Party, was beaten at the polling station of Al-Tarbiah Al-Haditha School in the South Giza district.[12]

In some cases, opposition candidates who had official proxies (endorsements that authorize a person to de-

mand constitutional change or nominate oneself in an election) were allegedly denied entry to the polling stations. They were told to go and obtain sealed permission to use the proxies from a major police station. A Brotherhood member and his lawyer told the *Daily News Egypt* that when they went to the police station in Southern Giza, the police chief and his deputy were serendipitously off duty.[13] In addition, Brotherhood candidates alleged that they were allowed to run in only a fraction of the polling stations in their districts and even then, only allowed to appear at the polling stations for a brief span of time (15 minutes, according to one candidate). And those voters without voting cards who managed to arrive at the polls despite security cordons and a great deal of violence between rival factions were sent away, despite the fact that Egyptian citizens may use any legal ID to vote.

Finally, for those who had hoped that the commission would deliver a semblance of integrity to elections in Egypt, an article by *Al-Dostor* revealed that the Ministry of Interior had redrawn the electoral districts for the upcoming People's Assembly elections, without the participation of the commission.[14]

The Brotherhood, which failed to gain a single seat of the 84 it contested, was unsurprisingly not impressed by the Supreme Electoral Commission's handling of the Shura elections. "The results were invalid by all means," MB spokesperson Essam El-Erian told the *Daily News Egypt*. "The commission was only present when announcing the poll and at the end to declare results, having no actual presence in [monitoring] the electoral process," he said.[15]

For the government, the amendments had the desired effect on the results of the Shura elections, but just to be sure, another amendment was passed last year to serve as an extra guarantee. In 2009, the NDP's Policies Secretariat, led by Mubarak's son and heir-presumptive, Gamal Mubarak, pushed a law through Parliament adding an extra 64 seats to the lower House—all reserved for women. On the surface, it is a boon to Egyptian feminists. Cynics see it as another 64 seats the NDP will be able to manipulate and win through the usual tactics.

All of the above are indications of the turmoil that is involved in holding elections in Egypt. In other countries, parties campaign. In Egypt, some parties campaign, whereas others amend the Constitution to achieve the desired result. But, while tinkering with the Constitution is one way to prepare for elections, there are other ways as well.

The Players and the Game Plan

The five years since the last People's Assembly elections have not been easy ones for the majority of Egypt's people. While the country has been spared the worst of the global economic crisis, it has nevertheless been hit hard. The bad news in Dubai meant that many Egyptians returned home, contributing to an unemployment figure of 9.4 percent in 2009, up from 8.7 percent the year before.[16] Foreign Direct Investment (FDI) fell from a high of $13.2 billion in 2007/2008 to $6.8 billion in 2009/2010.[17] Rising food prices have also made life difficult for the average citizen—seen during the 2008 bread shortages, when an increase in global wheat prices drove up the price of the heavily-subsidized bread upon which a majority of Egyptians depend. The resulting shortages resulted in riots and two deaths.

Traditionally, there has been an understanding that the Egyptian citizen will put up with anything but being unable to feed his or her children.

Traditionally, there has been an understanding that the Egyptian citizen will put up with anything but being unable to feed his or her children. The last time Egypt saw bread riots in 1977, the Army had to be brought out to quell the riots in which an estimated 800 people died. This time, the Army was brought in again, but as bakers. Mubarak had soldiers and police officers baking to provide bread for the masses. The government, apparently, was not going to let people starve.

In September 2010, Minister of Trade Rachid Mohamed Rachid publicly stated that Egypt had stored enough wheat to make a repeat of the 2008 bread riots unlikely.[18] Just as importantly, he said that funds had been secured for the bread subsidy, so the Egyptian consumer was unlikely to feel the impact of the global price hikes. The translation was a simple one: "No one is going to starve on our watch."

Perhaps unsurprisingly, given the poor economic climate, citizen involvement and protest has climbed steadily over the years since the last election. The most astonishing mobilization came in the autumn of 2007 when 55,000 property tax collectors protested low salaries by organizing a work stoppage for three months. They refrained from depositing funds into the government coffers, resulting in a loss of 90 percent of tax revenue in Egypt.[19] Around 5,000 of them descended on Cairo in December of that year, with families in tow.

The government acceded to their demands, raising their salaries by 325 percent. The tax collectors were merely the most impressive group. A report by the Solidarity Center, a labor advocacy group in Washington, DC, said that 1.7 million workers had held 1,900 "strikes and other forms of protest" from 2004 through 2008.[20]

One of the recent episodes, in the spring of 2010, saw demonstrators taking to the street, directly opposite the Parliament building. What's more, they stayed there. Textile workers, disabled people, and government workers, all showed up to protest economic insecurity, layoffs, and poor working conditions. People brought blankets to keep out the cold and camped outside the building, demanding to be heard, and calling for jobs, security, and housing.

These events all raise two interesting points. The first is that it is important to note that citizen mobilization does not signal the start of a mass uprising. Far from it. The Egyptians who took to the streets did so because they lacked a viable channel to complain and to demand accountability. They had no other way to address their grievances. It may be easy to view the demonstrations as a sign of broad-based unrest and impending social upheaval but it would also be naïve. That said, social grievances can and do develop into legitimate political demands and that has not been lost on the government. Nor has it been lost on opposition groups, which have all based their platforms, in one way or another, on capitalizing on the government's inability to provide basic goods and services for many citizens.

Social grievances can and do develop into legitimate political demands and that has not been lost on the government. Nor has it been lost on opposition groups.

This leads to the second point concerning government reaction to the above demonstrations. Normally, demonstrations in Egypt follow a well-proscribed curve: the security forces invariably outnumber demonstrators by at least four-to-one and intimidation, if not outright violence, is always an aspect of the proceedings. Yet, there was no violence at any of the above demonstrations. Far from it; the security presence was low and generally quite sympathetic. The government negotiated with the demonstrators but there was no intimidation. Apparently, intimidation was being used sparingly, especially in an election year.

Clearly, the government was indulging in an exercise in public relations. It appeared to be trying to build bridges, rather than fall back on its tried-and-tested method of blowing up bridges, regardless of collateral damage. It was trying to polish its image.

The Image of the Government

The government's image has been more than a little tarnished. Egyptians take issue with the government over many things, including domestic affairs and regional relations. Among the domestic issues is the low standard of living (although per capita income has risen steadily, to $6,000 in 2009, approximately 20 percent of the population lives below the poverty line). There is also widespread resentment over the country's foreign policy vis-à-vis Israel—rumors abound that that the government had been informed of the 2008 Israeli offensive in Gaza. Egypt "failed to ward off the perception that it is conspiring with Israel in declaring a war on the Palestinians," argued Diaa Rashwan, an analyst with the Cairo-based Al-Ahram Center for Political and Strategic Studies. "Israel set up a trap for Egypt and Egypt walked pretty well into it," he said.[21]

And of course, there is also the widespread perception of corruption that the government has struggled to combat. Last June, Mubarak publicly cancelled a land sale; a village in Aswan had been purchased by Palm Hills, a development in which Minister of Tourism Ahmed Al-Maghrabi and former Minister of Transport (and Maghrabi's cousin) Mohamed Mansour were major stakeholders. The implication was that both had abused their position. The episode is notable because in Egypt ministers are demigods and the government does not throw them to the wolves unless it wants to make a very public statement. At the same time, the public hounded members of Parliament who were thought to have abused their posts by exploiting free medical care privileges meant for their constituents. A comment by independent MP Gamal Zahran showed the political stakes involved: "It is a positive sign that all bad practices by MPs are being exposed, especially before the upcoming parliamentary elections in order for the people to make a sound decision as they cast their votes this fall."[22] The key words there are "before the upcoming parliamentary elections." The opposition understands fully that economic insecurity coupled with corruption is a powerful incentive at the polls. Therefore, it is to their collective political advantage to show up the government, and what better place to promise better service than on the campaign trail?

Government efforts to clean up the state's image have gone hand in hand with attempts to besmirch the image of the competition, chief among them the Muslim

Brotherhood. Of the MPs accused of abusing their medical treatment privileges, six are Brotherhood MPs. In addition, over Ramadan, a television station aired a soap opera called "The Group" that dealt with the origins of the Muslim Brotherhood and its founder, Hassan Al-Banna. The show portrayed the organization as sly, stealthy, and out to take over the country. By contrast, one of the main characters was a well-mannered, kind prosecutor. The show, popularly understood to have been backed by the government, was certainly popular, but possibly not in the way that had been intended. Secretary-General of the Egyptian Publishers Federation Assem Shalaby, who is also head of the Brotherhood's media committee, said that book sales on the Brotherhood had increased ten-fold after the series aired.

Negative public relations aside, the government has also resorted to more old-fashioned methods of clamping down on the opposition, both physically and politically. Regarding the former, the government carried out massive arrests of MB members in the years leading up to the elections; in 2007 several of the group's leaders were arrested and referred to a military tribunal, cutting out any possibility of appeal. In addition, student MB members have been stricken off the student election list at three universities so far—Benha, Helwan, and Menoufiya—while those who submitted their names for the lists at the Higher Technological Institute suffered a similar fate. Up until October 10, the MB had not announced parliamentary candidates for the upcoming elections, for fear that they would be promptly arrested. Similarly, on October 11, MB municipal representative Helmy Al-Gazzar told *Al-Masry Al-Youm* that security forces had summoned 70 MB candidates and attempted to intimidate them into stepping down.[23]

The constitutional amendments, the arrests, and the smear campaigns have all been to ensure that the state's biggest competition is hobbled as much as possible before the elections.

The government has also put hurdles in front of the opposition's political campaigns. On September 27, the minister of the interior declared that the Brotherhood could not campaign on its slogan "Islam is the Solution." The Constitution forbids campaigning on religious slogans, and he said, any infringements would warrant immediate action by the ministry. He failed to specify what the action would be. After beating their chests for a week or so, the MB said that they were considering slogans like "Reform Against Corruption, "Our Hands are Clean," and "Our Way is Straight." By early November, though, the MB confirmed that they were going to go ahead and use "Islam is the Solution" as a campaign slogan, in defiance of the election by-laws, insisting that it is legally and constitutionally permissible.

Conclusion

The constitutional amendments, the arrests, and the smear campaigns have all been to ensure that the state's biggest competition is hobbled as much as possible before the elections. For the Brotherhood, the elections are vital to its ability to remain politically active in the districts and thus develop as a political force. The group is undergoing an internal struggle (there was some resistance in the ranks to fielding candidates, with dissenters claiming the MB leadership was merely legitimizing a sham election). While the MB realizes that the success of the 2005 elections will not be repeated (the Shura elections were probably a good indication), the movement is determined to maintain a grip on national politics and its ability to harass the government. Much of the MB's influence comes from its exemplary skill at social mobilization and from its ability to provide basic social services that the government has failed to extend to citizens. The elections are a way of emphasizing and cementing the relationships required for this success. Results notwithstanding, it is vital for the MB to be seen as fighting the good fight.

Attention is now also being paid to the Wafd Party. The party, once the country's most vibrant opposition, gained only six seats in the 2005 elections (they were not alone in their disappointment—the opposition as a whole fielded 300 candidates and only won nine seats). However, there is a new party leader, Al-Sayid Al-Badawy, and there are whispers that there might be a deal with the government. Al-Badawy recently bought the independent newspaper *Al-Dostor*. The paper and its fiery editor, Ibrahim Eissa, have been a thorn in the side of the government for years (Eissa was personally pardoned by the president after having been found guilty of insulting him two years ago). On October 4, Eissa was sacked. The official reason given was that advertisers were put off by the paper's aggressive tone. The reason being bandied around journalistic circles in Cairo is that the new owners had asked Eissa to remove an article written by Mohamed ElBaradei on the anniversary of the October 1973 War, but Eissa refused. He alleges that this was the reason for his dismissal.

For years, the NDP positioned itself as the only viable alternative to the Brotherhood—it may be that there is a gradual realization that it might be advantageous to share a small amount of power. There is much speculation that Al-Wafd is gearing up for a comeback and that

would not be possible without the tacit approval and aid of the government.

The Wafd and the Brotherhood make up the core of the opposition—the other parties will compete for mere crumbs. And the Democratic Front Party aside, there was never any question of an actual boycott. In fact, Al-Ghad party has declared that it will boycott, but is allowing its candidates to run as independents—a bizarre interpretation of the theology.

Mohamed ElBaradei and his party might have initially been media darlings—and the reforms the NAC has requested should form the core of any sensible reform move—but they have little or no actual weight. And while he may have the support of many who long for reform, he does not have the support of the country's elite, who are not particularly sold on the merits of democracy, having been largely convinced by the government that it is the only thing that stands between them and an Islamic revolution.

ElBaradei is a man of unimpeachable integrity, but he is also absent. He is much given to posting messages on Twitter, but that is no substitute for an on-the-ground presence, something his other opposition colleagues understand full well. They know that the only way for them to maintain their parties' visibility and political relevance is to continue to fight in the elections, the results of which are not limited to seats in Parliament.

Ultimately, Egypt's elections are only foregone conclusions in the sense that the ruling party will gain a majority. But it is the interaction between the parties and state that is important, for it sets the stage for the next elections. Parties and politics are both fluid beings, and this year's Egypt will not be next year's.

Within this context, the U.S. government can take steps that facilitate the participation of opposition parties in the elections, and help reduce, as much as possible, the amount of government intrusion in the campaign and the balloting. Much of what the United States can do can come from direct statements by the administration that affirm the importance of democracy in Egypt. But, while statements by President Obama and other senior officials are important, the administration should take other steps as well, including increasing funding for those civil society organizations that will do their best to rattle their own government's cage.

The United States may be concerned that a democratic Egypt would be run by the Muslim Brotherhood and this might have a bearing on the extent to which the United States presses the case. It is possible, of course, that the Brotherhood could win control, but unlikely. In any case, the United States would be better served supporting a democratically elected party. Better communications with all Egypt's parties (and not simply politically attractive dissidents) may be a more productive way to reach out to the Arab world and ensure stability.

It is also perfectly understandable that the United States might be leery of placing too much emphasis on what appears to be someone else's internal issues. After all, the United States needs the Egyptian president's input and support on many things—foremost among them regional security and the Israeli-Palestinian issue. However, the administration may want to take into consideration that the pendulum swings both ways. Egypt needs the United States as well. And, since a stable Egypt is in the interests of the United States then it is within its rights to try and press its case.

Given that Egypt may soon enter a period of uncertainty—due to the issue of succession—the United States should make clear to the Egyptian government that it is in everyone's interest for a sense of legitimacy to prevail in the coming elections. Legitimacy can be a critical factor in helping to ensure stability in the country during a time of transition.

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[3] The Judges' Club was originally a social organization, but since the late 1960s it has been a powerful group with their leadership elected independently of the government. Since 1968, it has pressed for safeguarding the rights of Egyptians through an independent judiciary and the rule of law.
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