



Arab Center for the Development of the Rule of Law and Integrity

Project entitled “Promoting the Rule of Law and Integrity in the Arab countries”

Report on The State of the Parliament in Egypt

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**Introduction:**

The beginnings of parliamentary life in Egypt can be traced back to the 1860s when the khedive Ismail Pasha, then-ruler of Egypt which was at the time an Ottoman province, decided in 1866 to establish an elected Parliament, which was named the MPs' Consultative Council. Its rule of procedure stated that its electoral body be composed of mayors in villages and sheiks in cities, all of whom elect 75 members for a three-year term. Since that date, parliamentary institutions went through four different stages: The first is the emergence until the British occupation and the second encompasses the first stage of the occupation during which Egypt was transformed from an Ottoman province to a protectorate in 1914, until 1922 when it gained autonomy. This stage was characterized by the limited powers colonial authorities gave to parliamentary institutions. As for the third stage, it witnessed the emergence of a bicameral Parliament, which – according to the 1923 Constitution – had all the powers of a parliament in any parliamentary system. However, this period was mired by the number of times the King dissolved the Parliament in which the majority of seats was held by the Al-Wafd party that was leading the then-National Movement. The fourth and last stage is unfolding in Egypt since the July 23, 1952 revolution. During this period, the Parliament became the legislative arm of the only political organization that is allowed to be active in the political field or that of the ruling majority party after the country returned to some kind of restricted multiple party system since 1976.

The first stage: 1866 – 1882 the emergence

The emergence and development of parliamentary life until the mid-20th century was related to the process of modernization in the country on the one hand, and to the National Movement the opposed the foreign interference in the internal affairs of the country on the other hand.

The khedive Ismail Pasha actually aimed at modernizing Egypt's systems and infrastructure in all fields as his grandfather Mohammad Ali, the founder of the modern Egyptian state, had done before him. However, he was not able to carry on with this objective due to the limitations imposed by the European countries on the size of the Egyptian army and the scope of the khedive's rule, going as far as the government capacity to set the customs tariff. The modernization program initiated by Ismail Pasha extended to all fields from communications infrastructure to education and urban planning. It tackled the political system as well with the establishment of a parliament similar to those in Europe at the time. Nevertheless, the

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evolution of parliaments in Egypt was also linked to the National Movement that opposed the rampant foreign influence in the country. Ismail Pasha was financing his modernization project by means of the loans he obtained or was purposely lured into obtaining from foreign banks on unaffordable conditions for the Egyptian budget, thus driving the country towards a financial crisis that led to the creditors' demanding control over Egypt's budget in order to guarantee their loans would be paid back. This manifested in the addition of two particular ministers to the government, thus providing one of the causes leading to the emergence of the National Movement that called for the end of foreign interference in the then-called Council of Supervisors. These ministers are a British Minister of Public Works and a French Minister of Finance. Paying the debts required the imposition of taxes as well as the imposition of parliamentary control over the government in order to exert an influence on the debt payment conditions and alleviate the burden of taxes on the burgeoning Egyptian elite of that time, which was composed of the new major landowners who overburdened with the indebtedness. Despite the changes of luck experienced by the succeeding parliaments in Egypt from that date until the July 1952 revolution, democratic demands, including free elections and control of the government by an elected Parliament, was based on the belief that a Parliament accurately representing the nation is the sole guarantee to the appointment in the government leadership of those who are best able to counter the foreign interference. This close link between the democratic and national demands was translated into the slogan of the Egyptian National Movement in the early 20th century, i.e. independence and the Constitution. The latter term refers to a constitution that stipulates the creation of a Parliament with all the competences common to democratic systems.

The second stage: Parliamentary institutions under the occupation (1882 – 1923)

This close link between the national demands for independence and the democratic demand for a Constitution may be explained by the expansion of the foreign meddling in Egypt's internal affairs, which culminated in its military occupation by the British forces in 1882 until June 1956. December of the same year witnessed the limitation of the competences granted to the Parliament elect. Indeed, the British authorities dissolved the Egyptian Parliament, which was established by the partisans of Aarabi and granted the power of control over the government, and replaced it with a bicameral body, i.e. the laws Consultative Council and the General Assembly. Both are composed of elected and appointed members in addition to

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regional councils in the various directorates. This bicameral body did not have the power of control over the government and was replaced in 1913 with the Legislative Assembly, which also included elected and appointed members. However, it did not last for a long time as its sessions were adjourned when World War II started and the martial law was declared.

The third stage: The Parliament during the liberal era

The 1923 Constitution gave the Parliament, which was composed of the House of Representatives and the Senate, wide competencies similar to those of parliamentary institutions in any democratic system. Yet the conflict between the King and the Al-Wafd party, which was the majority party leading the National Movement, was characterized by the King's abuse of his constitutional power when he dissolved the Parliament so that the elected majority of the Al-Wafd party assumed power for a mere seven and a half years. The dissolution of the parliament often coincided with the degeneration of the relation between Al-Wafd and the British occupation authorities. Hence, the parliaments that were dissolved after Egypt gained autonomy, then independence under the continuing occupation in 1936 were those in which the Al-Wafd party had the majority of seats. This party embodied the National Movement from 1919 until 1952 and the circumstances of the dissolution by the King were simultaneous with crises in the relation of Al-Wafd with the occupation forces. This was manifested by the assassination in 1924 of Sardar Lee Staek, commander of the Egyptian army in Sudan, 8 months into the term of the first Parliament in independent Egypt as well as in January 1952, a few months after the Al-Wafd government had unilaterally abrogated the British-Egyptian Treaty of 1936. Moreover, tens of Sudanese Egyptian soldiers that were under siege in the city of Ismailia were killed by the British forces a day before the famous Cairo fire on January 26, 1952. (Adelrahman Al-Rafii, website of the Egyptian People's Council)

The fourth stage: The parliamentary institution after the 1952 revolution

The 1952 revolution constituted a turning point compared to the liberal orientations of the previous stages. The Free Officers leading this revolution sought to consolidate the executive power at the expense of the remaining legislative and judicial powers. The first step of this weakening process was the abrogation of the 1923 Constitution and its replacement first by the constitutional declaration of January 1953 and the annulment of parties, then by the

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promulgation of the Constitution of the Egyptian Republic in 1956. It remained the basis of all latter documents despite the multiplication of constitutional documents until the promulgation of the permanent Constitution of the Arab Republic of Egypt in 1971, which is now the subject of discussions prior to the amendment of some of its texts in 2007. The year 1953 ushered the era of the single political organism in Egypt, which witnessed three different organisms, namely the Liberation Body (1953-1956), the Nationalist Union (1957-1961) and the Arab Socialist Union (1962-1976). The political philosophy of power also changed with the emergence of a new ruling elite from the middleclass composed of officers and civil experts. This change found its expression in the transformation from political and economic liberalism to heavy state intervention in the economic life under the banner of what was called cooperative democratic socialism in the 1950s and the Arab way to socialism in the 1960s. Furthermore, the candidates who were not affiliated to the single political organism were banned from being members of parliament. Thus, the Parliament became a mere legislative arm of the single political organism. This characteristic was by no means modified when multiple political parties were allowed since 1977 albeit with some restrictions or when the denomination of the parliament was changed from the Council of the Nation (Majlis Al Oumma) in 1956 to the People's Council in 1971. The situation remained the same even as the bicameral system was reinstated when the Consultative Council was established in 1980 with 1/3 of its members appointed by the President. Hence, the parliamentary institution has been the legislative arm of the ruling party since 1976, namely Egypt's Arab Socialist Party (1976 onwards) and the National Democratic Party since 1978, which obtains majority in elections, which fairness is often questioned.

5- The role of the Parliament in the Egyptian political system

The 1953 revolution transformed the Parliament from the forum of the ruling group, which is composed of the major landowners, the owners of large enterprises or their representatives, into a tool of the ruling political organism or party. It has a definitely larger popular base as at least half of its members since 1964 (thanks to the provisions of constitutional documents) are workers and peasants. This reflects on its agenda, the presidency of commissions and the lack of effectiveness of its control role. Indeed, the Parliament decisions and legislative program are decided within the parliamentary body of the ruling party and its control role is more often than not over when the ruling party majority refuses even to blame a government member in

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spite of the heated discussions within the Parliament or the numerous questionings of ministers. In fact, the majority of MPs always end up agreeing on the proposal to abide by the agenda as presented by the speaker of the Lower House, which has the power of control over the government. The legislative role of the Parliament is limited in most cases to the adoption of draft laws brought forward by the government.

Hence, although the People's Council possesses almost all the competencies of a Lower House in countries with a parliamentary system with regard to legislative, development, financial and control powers, it is not really autonomous from the ruling party. This still does not prevent it from being the mirror of public opinion through the interventions, questions and questionings of its members as opposition MPs play a greater role in expressing the public opinion's preoccupations that are not acknowledged by the ruling party.

وقد أضاف الرئيس الراحل أنور السادات في سنة 1980 مجلسا ثانيا إلى مجلس الشعب هو مجلس الشورى الذي يعين الرئيس ثلث أعضائه ولا يتمتع هذا المجلس بأي سلطات رقابية، أو مالية، ويحصر دوره التشريعي في إبداء الرأي في القوانين المكملة للدستور، وما يحيله إليه رئيس الجمهورية، ورئيسه هو أيضا رئيس المجلس الأعلى للصحافة المسئول عن تعيين قيادات المؤسسات الصحفية المملوكة للدولة.

The reform policies:

The reform of the parliamentary institution in Egypt does not suffer from a lack of proposals, especially after President Hosni Mubarak declared his willingness to propose a set of amendments pertaining to various articles of the permanent Constitution of the Arab Republic of Egypt. He had previously proposed the amendment of article 76 of the Constitution pertaining to the election of the president of the Republic in February 2005, which was indeed amended. Accordingly, the president of the republic is no longer chosen based on the People's Council proposal of a single candidate whose name is presented to the citizens in a general referendum, as has been the case since 1956. He is rather elected to his office by means of a competition among a number of candidates, who remained limited in 2005 to the leaders of the legally recognized political parties. However, the amendment of article 76 carried in its wake arbitrary conditions that made it impossible for anyone to present his candidacy for the elections if he was not supported by the ruling National Democratic Party. Therefore, President Mubarak called once more in November 2006 for the re-amendment of this article. Candidacy for the office of president of the republic may be yet again restricted to political parties in order to exclude the candidates of the Muslim Brotherhood, the main opposition group in Egypt, which does not constitute a party nonetheless as the parties law prohibits the

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creation of political parties based on religious grounds. The president also did not elaborate on the nature of the other proposed amendments even though rumor has it that they will include the constitutional texts related to both chambers of the Parliament in order to consolidate the role of each. These amendments were yet to be submitted to any one of these chambers as these lines were being written, but the president's electoral program indicates his intention to propose constitutional amendments in order to achieve balance in the relation among the various powers by promoting the People's Council competency of accountability and control over the government. This probably lies in the abrogation of the requirement of the president's arbitration in case of a no confidence vote and the advancement of the People's Council power to elaborate the general budget. The proposed amendments may include a new electoral system as well based on the proportional representation of the parties.

In contrast, political parties and opposition forces proposed a vast array of amendments, all of which aim at promoting the role of the People's Council. These proposals ventured as far as calling for a parliamentary republic inspired by the draft Constitution that was elaborated by a number of scholars in 1953 after the abrogation of the 1923 Constitution and the dissolution of political parties.

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Chapter 1

Analysis of principles

This chapter tackles some Parliament-related principles of good governance and the extent to which they hold true for the parliamentary bodies in Egypt. It takes a special interest in the principles of representation and participation as well as the autonomy of the Parliament, its good performance of its functions, its integrity and its chosen methods for settling conflicts of interest.

First – Representation and participation

In order to analyze this principle, it is necessary to evaluate the extent of the Parliament representation of the various groups and classes within the Egyptian society, including women and minorities, in addition to the extent of efficient participation of civil society organizations in the exercise of power.

1.1 With regard to free and fair representation, it is quite rare for any Constitution to expressly prohibit the representation of society class within parliamentary bodies. However, should the exclusion of a given group be intended, it would most probably take the shape of conditions pertaining to the financial status – such as paying a certain minimum level of taxes – or to a minimum amount of property, the payment of a candidacy fee that would not be affordable for those to be excluded, literacy (reading and writing), etc. Even in the absence of most or all these conditions, the Parliament cannot possibly be a mirror of the nation in which all social classes and groups are represented inasmuch as they are present within the society due to the different political participation rates among these groups and classes and to the diversity of access to the political resources, which possession increases the chances of access to parliamentary bodies. Some of the abovementioned conditions were prevailing in Egypt once, such as the requirement of financial capability or membership of the only political organism, which excluded in the 1960s all persons on which land reform or nationalization laws were applied and which were described as the exploitative classes, in addition to political parties leaders prior to the 1952 revolution who were subjected to the laws of political exclusion that deprived them of all their political rights. In contrast, the permanent Constitution of the Arab Republic of Egypt and the related laws only maintained the requirements of literacy, military service and non-indictment in any

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dishonorable case. The judiciary recently added a requirement prohibiting the candidacy of dual nationality holders.

Nevertheless, the problematic issue in this respect is not about the representation of certain social classes, but in the legislator's attempt to impose the participation of certain classes and groups in all elected parliamentary chambers. For instance, the Constitution stipulated the representation of certain classes at certain rates within the People's Council, which is known as the stipulated 5 % rate of workers' and peasants' membership of all public parliamentary organizations and establishment of political parties.

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**The debate pertaining to the workers' and peasants' 50 % rate**

The definition of a 50 % rate of seats in all elected parliamentary chambers in Egypt was mentioned for the first time in the 1964 temporary Constitution within the framework of the growing socialist transformation, which was mainly manifested at that time by the nationalization of small and medium enterprises, the imposition of an entry ceiling, the ongoing decrease of the maximum ownership of arable lands and the acknowledgement of the workers' representation in companies boards in 1961. The nationalization of companies continued in 1964, and in the mean time the National Labor Charter was promulgated in 1962, advocating socialism as the inevitable solution to the issues of development and social justice in Egypt. The imposition of this rate was justified by the need to consolidate the security and stability of the so-called socialist system as workers and peasants profit the most from the adoption of socialism. Furthermore, the members of exploitative capitalism according to this system were excluded: these were the persons subjected to political exclusion measures, i.e. deprivation of their political rights including candidacy and election rights not only in parliamentary and local councils, but also in unions and sports clubs. This 50 % rate continued to be stated in the 1971 Constitution in which the preamble and various articles stressed upon the democratic socialist character of the ruling system, which as said to be based on the coalition of the working population with workers and peasants at their head. Yet political exclusion measures by judicial decisions were dropped in the 1980s. Therefore, all parliaments that were elected since 1964 were characterized by a 50 % representation at least of workers and peasants. The same holds true for local and regional councils as well as the Consultative Council, which is the second chamber of the parliament and was added to the People's Council by the 1980 constitutional amendment. The 1977 parties law also requested the existence of this rate among the founding members of a party in order to allow its establishment.

This text was the object of criticism as the economic policy moved from striving towards socialist transformation to what was called the economic openness policy in 1974 and as the adoption of two agreements with the International Monetary and the World Bank in the same year led to the abandonment of the state-owned public sector to the advantage of the private sector and foreign companies. During the 1960s, it progressively began to appear that the aim of this rate is that half of the People's Council members be people who are unable to exercise the control function over the government under the pretext that peasants

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and workers with lower revenues and a lower education level than members of the middle class are thus less able to shoulder an MP's responsibilities. Hence, supporters of this idea were convinced that the suggestion of this rate aimed indeed at weakening the control power of the Consultative Council behind a smokescreen of political rhetoric loaded with socialist terms. However, when the economic system evolved into what is called the market economy and the influence of the private sector businessmen increased within the circles of the National Party and the government, this requirement was no longer accepted by people with liberal orientations, who deemed it unnecessary in the light of all the occurring changes and considered that maintaining this rate decreased the number of MPs in both chambers of the Parliament who are capable and qualified to perform the functions of legislation, control and other parliamentary functions. The conservation of this rate was criticized by the liberal Al-Wafd opposition party. Dr. Fathi Srour, speaker of the People's Council from 1989 until the writing of this report, even considered that this condition should be annulled whereas its preservation was advocated by the Unionist Progressive National Gathering with leftist tendencies, the Democratic Arab Nasserist Party and the leaders of the National Democratic Party. It is improbable that it will be the subject of the amendments to be introduced to the Constitution in 2006.

In reality, the preservation of this 50 % rate is essential for the achievement of social balance at a time of fast transformation towards the market economy, which constitutes a huge burden for the poor and even the middle classes. However, it must be concomitant with an accurate definition of peasants and workers so that the members of elected councils do not actually turn out to be major landowner or even members of company boards posing as peasants or workers. Such has been the case for the past three decades as the legislations that hurt the peasants' and workers' interests were met with no resistance whatsoever from their so-called representatives in both chambers of the Parliament, such as the law of agricultural leases or the series of laws pertaining to 'economic reform', which is really a fast evolution towards capitalism. Moreover, MPs in general and the workers' and peasants' representatives in particular should have the advantage of training sessions even as the People's Council and the Consultative Council both witnessed a high-level parliamentary performance of labor unions leaders, such as Al-Badri Farghali and Ezzedine Al-Hariri who were members of the People's Council between 2000 and 2005 and

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Abdelrahman Kheir who is a member of the Consultative Council since 2004. It is also worth noting that the workers' representatives who stood out came mostly from the ranks of opposition parties, such as the abovementioned three members who were all affiliated to the leftist Gathering Party.

The representation of women

The representation of women within Egyptian parliaments fluctuated widely. The beginnings in the mid-1950s were quite modest after the 1952 revolution had acknowledged women's right to political equality to elect and be elected as mentioned in the 1956 Constitution. In contrast, previous constitutions, particularly the 1923 Constitution, had limited women's political rights to the right to vote and occupy a public function. Two women candidates succeeded in the Council of the Nation (Majlis Al Oumma) elections in 1957, which were the first post-revolution elections. The number of women in this Council did not evolve much over the years whereas the number of female MPs witnessed a rapid increase towards the end of the 1970s and the first half of the 1980s before declining again in the 1990s. It finally settled at its lowest level ever in the People's Council that was elected in 2005 as there were only four elected female MPs in this Council and none in the Consultative Council. In order to compensate for the record low number of female members in both chambers, the president of the republic appointed five women members in the People's Council and eighteen others in the Consultative Council during the latest term. The fluctuating number of female MPs in Egypt is linked to the nature of the electoral system on the one hand, and to the political will of seeing women represented on this level on the other hand.

With regard to the nature of the electoral system, the Egyptian parliamentary experience reveals how hard it is for women to achieve noticeable representation within the individual election system, i.e. when a woman is a lone candidate in elections with male competitors. Women's chances may be even more hindered by the fact that voting is compulsory for men and only optional for women. Even if electoral participation rates in Egypt are quite low, they are lowest among women, the vast majority of whom do not have ballot papers in the first place. This is based on the assumption that female voters will cast their ballots for candidates of the same sex, which is not necessarily true in all cases, as the gender is only one of the many factors influencing electoral behavior. When Egypt adopted the electoral

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lists system and proportional representation, the political parties then started to include women in their lists to attract women's votes even as no lists were headed by women candidates in any electoral district. Hence, the Egyptian voter did not have to choose between a female and a male candidate, but rather among the various parties lists and programs, many of which included women on their lists. Therefore, the highest number of female MPs (6 members) under the individual election system was recorded in the Parliament that was elected in 1976 and dissolved in 1979 whereas that number rose to 18 female members under the electoral lists system and proportional representation in the Parliament that was elected in 1987 and dissolved in 1990 when the Higher Constitutional Court stipulated the annulment of the latter system, which was seen as contravening the principle of the citizens' equal political rights as provided for in the Constitution.

On the level of the political administration, President Anwar Al-Sadate tended to support women's representation in the People's Council, which may be due to his wife's influence. Therefore, he issued the decision to promulgate law n°21 amending some provisions of the People's Council rule of procedure by setting 30 electoral districts in which the citizens elect 3 candidates, one of whom is a woman. Law n°114 added another district to the existing thirty: this law, which was promulgated at the beginning of President Hosni Mubarak's era, is related to the division of electoral districts in Egypt. In this context, it is a well-known fact that President Mubarak's wife Suzanne is a strong partisan of women's empowerment and she later headed the National Women's Council. There were 36 elected female MPs in the People's Council the last time this law was implemented, i.e. within the Council that was elected in 1984 and dissolved in 1987 when the Higher Court of Appeal issued a decision abrogating its election. The practice of setting a number of seats apart for women ended with the promulgation of law n°188 in 1986, which annulled it on the basis that it contravened the principle of equality among men and women as guaranteed by the Constitution. (Ezzat Wehbe, 18-61, 1995)

Hence, the division among the political elite as to women's parliamentary empowerment and the abandonment of the electoral system according to lists led to a drop in the number of female MPs as the parties in general did not nominate female candidates. The tendency to do so even started a sharp decline among political parties and most female candidates to

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the elections of the People’s Council were independent ones. Accordingly, there were 120 female candidates in all for the People’s Council elections in 2000, including 23 from within the political parties and the remaining 97 from outside these parties. The number dropped in the 2005 elections to 61 candidates (14 from political parties and 47 independent candidates). The highest number of female party candidates was to be found within the liberal Al-Wafd Party in the 2000 elections and within the leftist Gathering Party in the 2005 elections. Many writers blamed the ruling National Democratic Party for its lack of nomination of female candidates as they blamed the National Women’s Council for failing to support the female candidates from other parties or running as independents. This practice was perceived as contrary to what the Council did in the 2000 elections under its previous secretary Mrs. Mirvat Tellawi, who had tried to grant the Council a national character away from any belittling party characteristic.

The representation of Copts

As in the case of women, the representation of Copts in Egyptian parliaments is linked to the nature of the electoral system. Likewise, it seems that their chances decrease under the individual system and increase when elections are organized according to lists. Setting 50 % of seats for peasants and workers has indeed increased their representation within the People’s Council and later in other elected councils through appointment, yet the same electoral system that allowed them this opportunity weakened the Copt candidates’ chances of success in the elections. This system actually defined the abovementioned rate while keeping the number of members within the Council of the Nation (350 members at that time) and decreasing the number of electoral districts from 350 to 175 by merging half of them into one another. This led to the ‘melting’ of districts in which the Copts have a strong presence, especially in Southern Egypt, which constituted a major obstacle for the proportional element that was an advantage for Copt candidates in these districts. Therefore, the 1964 elections for the Council of the Nation, during which this system was first applied, led to the success of only one Copt candidate, thus driving the president of the republic to nominate 10 MPs in the Council of the Nation, including 8 Copts. This decision became a tradition later on as there were only 2 successful Copt candidates in the 1969 Council of the Nation and 3 in the 1971 Council whereas none were successful in the Council that was elected in 1976 for the first time based on competitive elections among the

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bodies that later constituted the core of the restored multiple party system in 1977. A year later, the number of successful Copt candidates to the People's Council elections rose to 4 in 1979 as the system switched to party lists with proportional representation. The number remained the same in the 1984 elections and rose to 6 in the 1987 elections, which were organized according to the same system. The tradition of appointing Copt members in the Council of the Nation, then in the People's Council continued and the government was attached to the presence of elected and appointed Copts. 7 members were thus appointed in 1969, 9 in 1971, 8 in 1976 and 10 in 1979. The number of appointed Copts decreased from 5 members in 1984 to 4 in 1987 at the time when the elections were according to the lists and proportional system. (Jihad Awde, 116-118, 1988) When the individual system was reinstated, there were even fewer successful Copt candidates and reached its historical minimum in the latest People' Council elections. However, the blame does not lay on the electoral system alone, but on the political parties as well and most importantly on the National Party, all of which have avoided the nomination of Copt candidates. The leaders of the ruling National Democratic Party even campaigned for a virtually unknown candidate in one Cairo district who was opposed to a widely popular Copt candidate in the same district: the latter was one of the leaders of the Al-Wafd opposition party and had beaten the former in the 2000 elections. However, he did not succeed in the 2005 elections in which he was up against the son of his opponent from the National Party in the previous elections. Nevertheless, the phenomenon of Islamic progress witnessed a noticeable expansion since the 2000 elections in which 17 candidates from the Muslim Brotherhood were elected, i.e. the same number as all other candidates affiliated to the legally recognized opposition parties. The number rose to 88 MPs in the People's Council in 2005, thus making these political parties reluctant to present Copt and female candidates to their voters. Therefore, one can say that the strongest parliamentary council in Egypt, i.e. the People's Council, is definitely suffering from the lack of the Copts' and women's participation.

The representation of the civil society

Civil society organizations are not directly represented in either chamber of the Egyptian Parliament, but this does not mean that their voice is unheard within it. Indeed, many MPs, whether workers or not, are active members or leaders in civil society organizations. In fact,

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one of the two vice-presidents of each chamber is – according to the tradition – a major union leader or the leader of the general confederation of workers’ unions. The leaders of many labor associations are elected members of the People’s Council as well. For instance, the president of the Egyptian Medical Association Dr. Hamdi Al-Sayyed was for many terms a member of the People’s Council. The same holds true for the president of the Bar Association Sameh Aachour who was a member of the People’s Council during the last term (2000-2005), but did not succeed in being reelected in 2005. Many board members of the Journalists’ Association are either elected members of the People’s Council or appointed members in the Consultative Council. Nevertheless, the strongest interest group within both councils is undoubtedly represented by the businessmen, some of whom are eminent members of businessmen’s associations in Egypt and head important commissions in both chambers, such as the Planning and Budget Commission and the Housing Commission in the People’s Council in addition to the Industry Commission in the Consultative Council. Representatives of civil society organizations may be sometimes invited to attend hearing sessions in any of the two chambers, thus directly representing civil society organizations, but the permanent presence of some of these organizations leaders as MPs provides them with a channel to express their opinions and try to work in the best interest of their members within the Parliament. Those who benefit the most from this competence are certainly the businessmen and trade unions leaders. Others are more bound to the orientations of the ruling party to which the majority of them are affiliated whereas those businessmen contribute to the elaboration of party policies or enter into an efficient coalition against these policies when they contravene their interests.

1.1 Effective and fair representation

It appears from the previous part that, while the popular classes as well as women and Copts from these classes or others are indeed represented in both chambers, there are still doubts as to the workers’ and peasants’ correct representation of their social classes. Hence, there is a growing demand to provide an accurate definition of workers and peasants especially so as many appeals pertain to this issue. In contrast, no complaints were filed regarding the lack of representation of other social classes, such as the middle class or the major businessmen: on the contrary, many studies reveal that the number of businessmen in both chambers is rising as they are assuming the presidency of many important

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commissions. However, observers are unanimous as to the fact that women and Copts are not accurately represented compared to their proportion of the overall population. Indeed, Copts amount to at least 8 % of the overall population according to the most modest estimates whereas women constitute half of the total inhabitants while the representation of each of them barely reaches 2 % in the People's Council compared to 8 % of women members in the current Consultative Council (2004-2007). The appointment of Copt and female members in the People's Council is undoubtedly an indication to their unfair representation within this chamber even if it is a result of elections.

Another issue pertains to the representation of political bodies, which are divided into the legally recognized parties and the Muslim Brotherhood. With regard to the former, their representation is probably effective and fair as they are often represented by their leaders. Except for the Nasserism current, whether the Arab Democratic Nasserist Party or the Dignity Party to be established, the candidates of these parties no longer faced security pressures or limitations to their electoral campaigns in the 2000 and 2005 People's Council elections. Moreover, it is worth noting that citizens are increasingly shunning these parties. Therefore, their lack of representation within the Parliament may in reality reflect their lack of representation among the people's ranks. In contrast, the Muslim Brotherhood candidates and activists have been the object of pursuits, pressures and even rigging of results, especially in the second and third round of the 2005 People's Council elections. Moreover, the elections were not allowed in 12 electoral districts due to pending judicial conflicts and maybe due to the fear of the ruling National Democratic Party that the Brotherhood candidates would be successfully elected in these districts. Therefore, it is safe to assert that the representation of the Muslim Brotherhood in the People's Council is less than their true popular weight.

1.2 Equal opportunities among candidates in the elections

The reports of human rights organizations, including those created by the government, teem with complaints related to the inequality of opportunities allowing candidates to win the elections. The most important aspects of inequality are the partiality of security forces, the administration, election supervisors and the media to the candidates of the ruling National Democratic Party in addition to the wealthy candidates' use of money to influence voters

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and even electoral bribe. In this context, some independent or opposition candidates can overrun the ruling party candidate depending on the amount of money at stake.

The National Human Rights Council, which members are appointed by the government, recorded the following aspects of inequality among candidates:

1. Preventing candidates from voting for one of the candidates
2. Using government cars
3. The interference of civil servants to orient voters
4. Hindering the voting process
5. Delaying the start of the voting process
6. The existence of a relation between a judge overseeing a given electoral district and one of the candidates in the same district
7. The collective registration of voters
8. The judges' interference to orient voters in favor of a given candidate
9. Prohibiting marches, symposiums or conferences in favor of a given candidate
10. Closing the headquarters of electoral committees before the specified deadline
11. Changing the candidates' attributes and numbers
12. Cutting power in electoral committees
13. Violent or intimidating actions in favor of a given candidate (the National Human Rights Council, 85, 2005)

Moreover, the report of the Council recorded another aspect of inequality, but this time in favor of the Muslim Brotherhood candidates, namely the use of religious symbols to exert an influence on the electoral process (Idem).

With regard to the media coverage of the electoral process, the study performed by the Cairo Human Rights Center revealed that, although the coverage by state-owned TV stations of the main political currents participating in the parliamentary elections is quantitatively varied, there is still an obvious partiality to the National Democratic Party in the orientations and quality of the coverage, which was mostly in its favor. The study further added: "The national newspapers are no longer the leaders with regard to the space consecrated to the coverage of parliamentary elections as the "Al Masri Al-Yawm" and "Nahdat Masr Al-Mustaqillin" newspapers came first to the elections coverage space. As for state-owned newspapers, the daily "Roos Al-Youssef" and "Al-Ahram" took the lead

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while state-owned newspapers remained clearly partial towards the candidates of the ruling party on the qualitative level. (Mo'tazz Al-Foujayri, 211, 2005)

1.3 Free and fair elections

The candidacy conditions to the membership of both chambers of the Parliament have evolved since the 1980s as there were no longer limitations on candidacy and doubts emerged regarding the integrity of elections. The restrictions to the freedom of candidacies were no longer related to the candidacy conditions as such, but rather pertained to the nature of the electoral system. Indeed, article 85 of the law n°83 dated 1972 pertaining to the People's Council and article 6 of the law n°120 dated 1980 pertaining to the Consultative Council, which are almost the same, both include impossible conditions as they require that the candidate be an Egyptian national and his father as well, that his/her name be registered on the electoral lists and that he has completed the military service or has been legally exempted from it. The candidate should also be literate, over 30 years of age in the case of the People's Council and 35 years of age in the Consultative Council provided that his/her membership has not been abrogated by a decision of the Consultative or the People's Council due to a vote of no confidence, a loss of respect or a contravention to membership duties. The candidate is still allowed to run after the end of the legislative term during which his/her membership was abrogated or after the promulgation of a decision by the Consultative or the People's Council that annuls the cause prohibiting the candidacy or the appointment (The General Body of Fiscal Printing Presses, 74-75, 173, 1991). The financial requirement is virtually insignificant as well (200 Egyptian Pounds for the candidacy to any of the chambers). The Ministry of the Interior monitors the respect of these conditions and renders the candidates' names public within 5 days of the closure date for the nomination of candidates so that the citizens can contest the nomination of a person in which these conditions are not available. In fact, some members of the People's Council saw their membership abrogated by a court order as they failed to provide one of these requirements, the most important contestation reasons pertaining to the candidates' being illiterate, not having achieved their military service or being holders of dual nationalities.

However, the freedom of candidacy and the freedom of elections were restricted by the electoral system, which required that candidates run within party lists as was the case

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during the 1984 and 1987 elections. Indeed, the electoral law in the former elections limited the candidacy right to the members of political parties whereas the latter elections witnessed in each of the 48 electoral districts one independent candidate running against the parties electoral lists, which contravened the principle of equality among citizens as guaranteed by the Constitution and led to the abandonment of the whole lists and proportional system since 1990. Yet it seems that this is only a temporary measure as speculations indicate that the electoral districts of the National Democratic Party are thinking about a possible return to that system and about including it in the Constitution to block the candidates of the Muslim Brotherhood, who are not recognized as members of a political party.

Furthermore, the integrity of elections was questioned for many reasons and contested in almost every election. The People's Council was even dissolved twice in 1987 and 1990 due to the contestation of election results, the ruling of unconstitutionality of the electoral law and the questioning of electoral results in some districts as the announced results were not in conformity with the voters' ballots or as some candidates did not meet candidacy requirements. Many judicial ruling were issued in this context, but the People's Council resisted the decisions of the Higher Court of Appeal that rendered memberships void based on the interpretation of article 93 of the Constitution, which stipulated that the People's Council has the power to give a ruling on the legality of its members' membership while the Higher Court of Appeal deals with the legality of appeals presented before the Council after its speaker submits them to this Court (*idem*, p.18). Only rarely did the People's Council confirm the contestations or membership abrogation rulings issued by the Higher Court of Appeal, except in cases when the contested member is an opposition candidate or based on the president of the republic's intervention to abrogate the membership if the candidate is illiterate, has not performed the military service or has a bad reputation. Previous sections of this report have already listed the remarks of the National Human Rights Council with regard to the 2005 People's Council elections, which question the integrity of these elections to a great extent.

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1.4 Accountability in elections

There are two methods of accountability in the elections of both chambers in Egypt: the first is through the judiciary and is often used prior to the acquisition of membership whereas the second is expressed through the People's Council itself. The main problem remains, however, to define when the membership status of the People's Council is acquired.

The period of the electoral campaign usually abounds in contestations before the courts, most of which are filed by candidates against other candidates and mostly pertaining to the respect of candidacy requirements by the contested candidates, especially the requirement of good reputation, in addition to the candidate's being a worker or a peasant, literate, holder of the Egyptian nationality to the exclusion of any other. All this can be viewed as a sort of prior control over the electoral process by the regular or administrative courts. This means that lawsuits can be filed before penal courts and courts of first instance as well as administrative courts and the State Council. The judiciary, particularly the Higher Court of Appeal, exercises a subsequent control over the electoral process, including the contestation of the integrity of the vote count and the announcement of results. The Egyptian judiciary has indeed performed all these functions (Ibrahim Chalabi, 113-147, 2003), but the main problem lies when a candidate of the ruling party is said to have won the elections: the People's Council actually sought to implement such rulings related to the membership annulment of the National Democratic Party members unless a hidden intervention from the president of the republic, who is the leader of the ruling party, indicates otherwise. The Council responds only in these cases as happened when the membership of MPs was rendered void when it turned out they did not meet the requirements of literacy, military service or dual nationality. In contrast, when the ruling is issued against an opposition MP, the Council annuls his/her membership. This was the case with the Muslim Brotherhood MP Jamal Hichmat whose membership was annulled by a court ruling that was immediately upheld by the Council, as well as Adelfattah Hassan from the Al-Wafd Party and Abu-El'ezz Al-Hariri from the Gathering Party in 1976 (Idem, 144). The Council justifies its stance based on article 93 of the Constitution, which stipulates the following:

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“The Council gives a ruling on the membership of its members whereas the Higher Court of Appeal examines the contestations submitted before the Council after they have been transferred to it by its speaker ...

The examination result and the opinion of the Court are then submitted to the Council to issue a ruling on the contestation within 60 days of the examination results presentation.

The membership is not considered void unless it is the object of a decision approved by 2/3 of Council members” (The General Body of Fiscal Printing Presses, *idem*, 18, 1991).

Chapter 1, section 12 of the People’s Council rule of procedure details the measures adopted by the Council to contest an MP’s membership or the plurality of functions other than the cases allowed within the candidate’s list. Contestations are filed before the speaker of the Council who writes them down in the contestation register within the Constitutional and Legislative Affairs Commission before submitting them to the president of the Higher Court of Appeal within 15 days after the contestation is filed so that the Court examines it. The speaker of the Council then transfers to the Commission the Court report on the examination conclusions within 3 days of receiving it so that the Commission convenes to study it within one month of the transfer. It convokes the contested MP and adopts the necessary measures to reveal the truth about his/her membership. During this process, the Commission may uncover elements calling for further investigation and must issue a statement about them, and in all cases it delivers its opinion to the Council, which submits it in turn to the Higher Court of Appeal. At this point, the abovementioned Commission submits its report on the admissibility of the contestation and the examination performed by the Higher Court of Appeal to the speaker of the People’s Council within 60 days of the reception of the ballot papers or the examination results. If the Commission report – whether it confirms or annuls the MP’s election – is contested by any of its members, then it should be adjourned to another session if the MP in question asks so. If the Commission report includes a recommendation to annul an MP’s membership, it cannot be discussed unless the person in question is present except in case of his/her absence without a valid excuse despite being notified of the session in writing. Article 354 of the People’s Council rule of procedure also ascertains the MP’s right to defend his/her position before the Council convening to judge the admissibility of his/her membership. He/she is allowed to take the floor upon his/her request in addition to the right to comment on the preceding

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speaker before the debate is closed. The member in question should leave the session when voting on his/her membership takes place. Each member is entitled to give his/her opinion regarding another's membership even if his/her own is not yet settled. The speaker of the People's Council then announces the admission or annulment decision, the latter requiring a 2/3 majority. Whatever the decision, the speaker notifies it to the Minister of the Interior as the Ministry is responsible for organizing elections in general, including by-elections when a seat in any district becomes vacant whatever the reasons, including the admission of an MP's membership contestation according to the Constitution and the People's Council rule of procedure (Arab Republic of Egypt, the People's Council, 134-138, 1995).

These texts undoubtedly guarantee that contestations of membership are taken seriously as the Higher Court of Appeal examines the case and the People's Council reaches a decision based on the Court findings, so that both the legislative and judiciary power participate in the ruling on the membership. However, the People's Council has repeatedly ignored the decisions of the Higher Court of Appeal and overturned the annulment of some memberships under the pretext that the Council is its own master and that of non-discrimination among election integrity measures, which abrogates the membership in the case of a relevant ruling annulling the elections or due to an MP's actions after his/her election, such as a clear violation of the rule of procedure or the Constitution.

1.5 Participation

The general impression resulting of the participation in the People's Council elections is that of modest rates. However, the lack of efficient judiciary control over the various complaints regarding the numerous violations in these elections sheds a doubt on the credibility of official participation figures. Nevertheless, this situation changed during the latest People's Council elections in 2005 when official figures seemed closer to reality than ever before. Indeed, the participation rate in the People's Council elections were said to have reached 40 % at least in 1976, rising in some years to 50 %. The Ministry of the Interior then took the public opinion by surprise when it announced that the participation rate in the 2005 elections was 26.1 % of citizens who have the right to vote. Furthermore, the same Ministry quoted the figures published by the commission supervising the elections, which put the participation rate in the presidential elections during the same year at 24 % of people who have the right to vote. In this context, it is worth noting that a vast

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proportion of voters are not registered in the ballot boxes. In fact, 32 million citizens were registered in the electoral rolls in 2005 whereas the number of citizens having reached the voting age reached 45 millions. The majority of non-registered voters may be women as the law makes it compulsory for men to register whereas it is only optional for women. Therefore, many initiatives were launched in order to encourage the registration of women on electoral rolls.

There are no studies tackling the reasons behind the majority of citizens' refusal to participate in the elections in general as participation rates hit their lowest level in the elections of the Consultative Council and local elections as well. Some justify it by the absence of political awareness and citizenship rights among Egyptian citizens. However, the credibility of this allegation is denied by the participation rates in cities are lower than in villages and in urban neighborhoods which inhabitants are characterized by a high education and income level, such as the "New Egypt" and "Zamalek" neighborhoods in Cairo. The most plausible explanation may be the lack of credibility of elections due to the profusion of complaints pertaining to violations as well as the profusion of legal decisions to abrogate these elections and the lack of implementation of such rulings.

The following table sheds a light on the participation rates in the 1976 People's Council elections:

Table 1: Participation rates in the People's Council elections 1976-2005

Elections	Participation rates of overall registered voters %
1976	40
1979	40
1984	43.1
1987	50.2
1990	45.9
1995	50
2000	44
2005	26.1

Source: Hala Mustapha, 40, 1995, Center of Developing Countries Studies, 2001, National Human Rights Council, 86, 2005.

Another indication of participation in elections is the participation of political parties. Actually, all political parties in Egypt participate in the People's Council elections while they abstain from participating in the Consultative Council elections. This may be due to

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the electoral law according to which the first Consultative Council elections were organized. Indeed, it applied both the party lists system and that of the absolute majority. Thus, all seats in a given electoral district are allocated to the party who wins the majority of seats. This has been perceived by opposition party leaders as an implicit means to exclude them. These parties also contested the wisdom of establishing a Consultative Council in addition to the People's Council or called for the extension of its competencies should its presence be confirmed. Even though the legislator abrogated the electoral law that was criticized opposition parties after a relevant judicial ruling, these parties persisted in their criticism of the Consultative Council.

The majority of opposition parties, including the Muslim Brotherhood, still boycotted the People's Council elections in 1990 as the president of the republic did not meet their demands with regard to the provisions of guarantees of the elections integrity. The leftist Gathering Party alone accepted to run in these elections in which it obtained 6 seats. In contrast, all parties, including the Muslim Brotherhood participate in the People's Council elections since 1995 whereas the candidates from these parties do not exceed 20 % of the total number of candidates. For instance, 457 party candidates were running in the latest People's Council elections out of a total of 7715 candidates, 4423 of who are not affiliated to any party. 444 of party candidates were members of the National Democratic Party, which thus had candidates running in all electoral districts. The Muslim Brotherhood ranked next with 150 candidates while the remaining opposition parties barely managed to present 160 candidates, the majority of whom were affiliated to the Al-Wafd Party (the National Human Rights Council, 85-86, 2005). However, the majority of independent candidates are – according to observers – members of the National Party who were not officially supported by the ruling party, which was contented to present two candidates in each electoral district, one representing the workers or the peasants and the other from the middle classes, thus dubbed “the classes’ candidates” in order to prevent the division of the ballots of the National Democratic Party supporters. This analysis is further confirmed by the fact that most of these candidates did not object to joining the ruling party yet again once they were elected. If it were not for their return in the fold of the ruling party, it would have become a minority party in the People's Council after the 2000 and 2005 elections as almost half of the votes were cast in favor of independent candidates whereas the remaining half was divided upon all other political parties, including the National Party.

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Second: The autonomy of the Parliament

The theory of political liberalism highlights the need for the separation of state powers and for the monitoring of each by the remaining others. This separation of powers is perceived as a protection of the citizens' rights and freedoms. Indeed, the executive power is responsible for the implementation of the law, but it does not draft the law, which is rather the competency of the legislative power. The executive power does not have the authority to decide alone what resources it needs from society as the legislative power should approve its budget while the judiciary is in charge of interpreting the laws, i.e. making sure that each of the other powers abides by the Constitution, which stipulates the respect of the citizens' political rights and freedoms. The separation of powers is most clearly perceived under a presidential system as the president's coming into office does not depend on the elected Parliament that yields the legislative power as the president who is elected by the people depends on the people rather than on the Parliament for the renewal of his office according to the duration of the presidential term stipulated in the Constitution. In contrast, under a parliamentary system such as the British system, the prime minister, who is the effective head of the executive power, derives his/her authority from the elected Parliament. The Parliament is entitled to revoke him/her and he/she remains in office as long as the parliamentary majority is on his/her side.

Nevertheless, this classical theory does not provide much help in understanding the reality as the development of the party system modified the relation among powers. Indeed, the prime minister in a parliamentary system is the majority leader at least in the Lower House of the Parliament, which yields the motion of confidence in the premier and approves the budget. It is a rare occurrence for the Parliament to depose the prime minister under this system as long as his/her party enjoys a comfortable parliamentary majority and as long as the MPs of the ruling party remain committed not to vote against the interest of their party. In comparison, when a given party has the majority in the presidential and parliamentary elections under a presidential system, the Parliament becomes a legislative body controlled by the president, which implements his electoral program and does not impose any constraints on the exercise of his authority. Such was the case in the United States during the first six years of President Bush's term in office before the latest congressional elections in which the Republican Party lost its Congress majority in favor of the Democrats. The

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hegemony of the executive power over the other power takes a clearer turn in states with a single or dominant party: under such a system, MPs are necessarily members of the ruling single party or the vast majority of them are members of the dominant party, which nominates them as candidates in elections and approves their nomination again. They are bound to abide by its instructions, which are in most cases those of the party leader who is often the president and the pole of the executive power as well. Moreover, this theory does not really hold in reality as the executive is richer than the legislative power in terms of human resources, the capacities of its employees and its daily contact with the citizens' problems. Consequently, the executive power is more in tune with the citizens worries and problems and is best qualified to provide them with solutions, especially if these solutions are of a complex technical nature, such as providing energy sources, high levels of healthcare or food and medication control. A third type of political system that restricts the competencies of the Parliament in favor of the executive power is the semi-parliamentary system, which was conceived by the Constitution of the French Fifth Republic. This Constitution actually limited Parliament sessions and restricted its authority to define the size of the budget while setting a definite period of time during which it must adopt the general budget of the state. Most Arab countries organized the relations among powers according to the Constitution of the French Fifth Republic.

In reality, the relation among powers in Egypt resembles a single or dominant party system. In fact, elections are riddled with the transgressions of the executive power, which controls security forces. Until recently, it supervised the elections and announced their results, overseeing the local authorities that provide the staff for electoral committees and the administration bodies that support the candidates of the ruling party by providing services in their electoral districts during election time to gain the voters' support. The executive power also controls the national media and uses them for direct or indirect propaganda in favor of its candidates. Therefore, in spite of the constitutional provisions that stipulates the autonomy of the legislative power, the latter remains under such conditions subjected to the authority of the president, who is also the leader of the ruling National Democratic Party. MPs are ordered to follow his instructions during the meetings of the party parliamentary body and through the role of the minister in charge of parliamentary affairs, who is usually a member of the party leadership. The vast majority of MPs in both chambers are affiliated

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to the ruling party (at least a 75-member majority in the People’s Council and 90 members in the Consultative Council). This guarantees that the president’s will is carried out despite the inefficient opposition from the opposition minority within both chambers of the Parliament.

The various constitutional dimensions of the People’s Council autonomy are expressed in constitutional provisions pertaining to the competencies of the Parliament. Article 86 defines its competencies with regard to holding legislative power, elaborating the general policy of the state, the general scheme of socioeconomic development and the general budget of the state in addition to controlling the executive power. According to article 93, the Parliament issues rulings on the admissibility of MPs’ memberships, abrogates one’s membership (art. 96), accepts their resignation (art. 97) and does not interfere in the expression of their opinions and ideas or in the performance of their duties (art. 98). No penal procedures shall be launched against an acting MP without prior consent of the Parliament except in cases of proven criminal involvement (art. 99). If the president of the republic does not request the Parliament to convene by the second Thursday of November, the Parliament convenes on this date according to the Constitution. A regular session normally lasts for 7 months at least and the Parliament is in charge of elaborating its own rule of procedure to organize its work and the exercise of its functions (art. 104). It is the sole responsible for keeping order within it, which is done by the speaker (art. 105). Each member of the People’s Council has the right to present bills, and when the People’s Council passes a law twice by a 2/3 majority despite the president of the republic’s objection, it is considered valid and enacted (art. 113). The draft general budget comes into effect only with the approval of the Council (art. 115), which is also required to transfer a given amount from one section of the budget to another (art. 116). The final version of the state budget should be submitted before the People’s Council within one year of the end of the fiscal year in question. It is passed section by section within 7 months and promulgated as a law. Each MP has the right to address questions to the prime minister, one of the vice-premiers or any of the ministers regarding issues within the scope of their competences (art. 124). Moreover, each MP is entitled to question any of the abovementioned government members (art. 125). The majority of the People’s Council members have the right to pass a vote of no confidence in any of the vice-premiers, ministers or their assistants (art. 126), in

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which case the person in question should submit his/her resignation (art. 128). The president of the republic is not entitled to dissolve the People's Council unless it is deemed necessary and after consulting the people on the matter by means of a referendum. In this case, the president issues a decree to stop the Parliament sessions and organize the referendum within 30 days. The decree should also include a call for voters to conduct new elections for the People's Council within a maximum of 60 days after the results of the referendum are proclaimed, and the new Council meets within 10 days of the elections.

On the other hand, another constitutional provision that limits the autonomy of the Parliament is article 74, which gives the president of the republic the competence to take immediate measures to face a threat to national unity or state security or any obstacle preventing state institutions from performing their constitutional duty. The president of the republic is only required under these circumstances to issue a communiqué to the people and conduct a referendum on the measures he took within 60 days. This was indeed done by President Sadate on September 5, 1981 in the absence of such a threat, thus leading to his assassination on October 6, 1981. The abovementioned article contains no provisions calling for the referral of these measures in order to obtain the People's Council approval. The autonomy of the People's Council is further undermined when it delegates power to the president – in exceptional cases and by a 2/3 majority – to issue decrees acting as laws. Article 108 imposed many conditions in this respect, such as the delegation being limited in time and including the subjects of the decrees and what they are based on. Furthermore, these decrees should be referred to the Council during its first session after the end of the delegation period when they no longer act as laws if they had not been submitted to the Council or not sanctioned by its approval. However, the People's Council has in practice delegated this power to the president, who has failed to refer these decrees to it, which means they still act as laws. The president of the republic also has the right to present bills (art. 109) and the majority of laws passed by the Parliament are proposed by the government. The People's Council has but a limited authority with regard to financial affairs as it cannot amend the draft budget without the approval of the government (art. 115). Finally, when the Council schedules a motion of confidence, the government does not present its resignation: the matter is submitted before the president, which transfers it back to the Council to reconsider it. If the Council insists on a vote of no confidence, the president either asks the prime minister to submit his resignation or dissolves the People's

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Council and calls for new elections. The prime minister only resigns from office if the new Council confirms the no confidence vote (art. 127). In other words, MPs risk their membership in the People's Council if they decide to stage a motion of confidence in the prime minister. (The General Body of Fiscal Printing Presses, 16-31, 1991)

On the level of the protection of the People's Council members, there are no indications in general that Council members – especially opposition MPs – fear for their safety because of the opinions they express within the Parliament. The assault on the Muslim Brotherhood MP Dr. Issam Aaryan in 1987 by a police officer, which later went unpunished, is probably a rare occurrence in the history of the Egyptian People's Council. However, the threat of losing membership is still present for MPs who are considered by the president as having insulted him. Indeed, they are tried in such a case before the Ethics Commission within the Council, which has already terminated the membership of two members, namely Kamaledine Hussein from the Free Officers of the July 23 revolution who was accused by President Sadate of sending him a letter that he deemed insulting, in addition to the late MP Salah Ismail for similar reasons.

Third – The performance of the Parliament

This section of the report tackles the performance of the Parliament, particularly the People's Council, which enjoys wide-ranging competences in the fields of legislation, control and financial affairs. It deals with the performance of the Parliament with regard to legislation, control over public finances, the accountability of the government and efficiency of parliamentary commissions in addition to the compatibility of the Parliament performance with its rule of procedure, the efficiency of parliamentary blocks and technical/administrative bodies and that of MPs themselves. A discussion of each of these elements begins with the explanation of constitutional texts and relevant texts in the rule of procedure before shedding a light on the extent these texts are applied in reality.

3.1 The efficiency of the Parliament in the field of legislation

Articles 109 to 113 in the permanent Constitution of the Arab Republic of Egypt define the exercise of the legislative function by the People's Council. Every member of this Council and the president of the republic have the right to propose laws (art. 109). Every draft law is

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then transferred to the competent parliamentary commission, which examines it and submits a report about it to the Council. As for the law proposals presented by individual MPs, they are first submitted to a special commission that studies their admissibility before the Council, which – in case it agrees to examine them – transfers the proposals to the competent commission (art. 110). In case the Council rejects a given proposal, it cannot be presented again during the same session (art. 111). The president of the republic has the right to promulgate and object to laws (art. 112). The draft laws to which he objects are transferred to the People's Council within 30 days after the Council has first submitted them to him. If the president does not issue any objection during the stated time, the draft law is adopted and promulgated whereas the Council examines any objections by the president and the law is not promulgated unless it is approved by a two-thirds majority of the Council members. Chapter 2 of the People's Council rule of procedure gives a detailed explanation of the People's Council duties in this respect with regard to the draft laws pertaining to the plan, budget and final accounts presented by the government as well as the draft laws submitted by the government or by MPs (the People's Council rule of procedure, 59-76, 1995). In contrast, the Consultative Council has no general consultative competences and its role remains limited to expressing its opinion of proposals pertaining to the amendment of one or more Constitution articles, the draft laws completing the Constitution, the draft general plan for socioeconomic development and peace and coalition treaties in addition to all conventions leading to a change in state territory or which relate to sovereignty rights, and other law proposals that are transferred to it by the president of the republic (The General Body of Fiscal Printing Presses, previous reference, 40-41).

Both Councils have exercised the prerogatives that were made theirs by virtue of the Constitution and both their rules of procedure. Upon examination of the People's Council performance during some of its sessions within the framework of the seventh and eighth parliamentary terms (1995-2000 and 2000-2005 respectively), there are many examples of the People's Council exercising its functions in this respect by examining draft laws presented by the government and the law proposals presented by its members as well as the amendment of draft laws brought forward by the government. Indeed, the latter submitted 51 laws before the People's Council in 1995-1996 and 35 laws during the next year compared to 25 laws in 2000-2001 and 31 in 2001-2002. 417 members participated in the

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discussion of these laws during the first session of the seventh parliamentary term compared to 353 MPs during the second session. This figure involves the first reading of these draft laws, which is limited to their basic principles. In the same context, the number of MPs to participate in the first reading reached 423 and 59 respectively for both the first and second session of the eighth parliamentary term. However, the number rose sharply in the second reading of the draft laws when the Council moves to an article-by-article discussion. Both sessions of the seventh parliamentary term actually witnessed the participation of 1262 and 610 members respectively compared to 945 and 2565 members respectively during the eighth term. The fact that the number of participants in the debates is greater than the overall number of members of the People's Council (i.e. 454 members) indicates that some members took the floor more than once, i.e. at an average of four times for each member during the detailed discussion of draft laws in the second session of the eighth legislative term. In other words, some members took the floor more than once within the framework of the same draft during its article-by-article discussion or spoke within the framework of more than one draft law. The debates involved MPs from all orientations, i.e. all parties that are represented within the People's Council as well as independents even if the debate is more substantial among the ranks of opposition MPs, especially within the Gathering and Al-Wafd parties as well as the Muslim Brotherhood, which are referred to in this study as independents (for details, refer to Ali As-Sawi, 13-28, 2003).

Some members of the People's Council exercised their right to come up with law proposals. Yet their participation in the promulgation of legislation that is based on their own initiative is far less important than their collaboration with the government in order to promulgate this legislation. The number of draft law proposals thus increased from 66 to 78 in both sessions of the eighth legislative term. However, most of these proposals do not become laws as only 1/7 of them became laws in 1995-1996 and 5/7 during the next session. In contrast, only 1/3 of proposals became laws during both sessions of the eighth legislative term. In fact, 21 out of 66 proposals eventually became laws during the first session compared to 27 out of 78 during the second one, knowing that a great proportion of these proposals can be traced back to the MPs affiliated to the National Democratic Party. Nevertheless, the study on which this report is based does not provide any information on the repartition of these proposals among parties, but the proposals that did not evolve into laws were probably presented by the opposition parties and forces, which did not achieve

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majority within the People's Council in any of its sessions. Therefore, the draft laws submitted by the government through the president of the republic are undoubtedly the most likely to be adopted by the People's Council. Indeed, all draft laws submitted by the government during the period covered by the aforementioned study were adopted without exception.

This still does not mean that the People's Council serves as a rubber tool serving to pass all the government wishes. The study mentioned various instances when draft laws were submitted by the government and the People's Council introduced important amendments concerning more than one article. Among the draft laws amended by the People's Council are the Law for the Protection of Intellectual Property in which 125 articles were amended, the draft law on economic regions of a special nature in which 27 articles were amended, the draft law on the promulgation of the civil associations and institutions law in which 14 articles were amended and the draft law on the promulgation of the anti-money laundering law in which 13 articles were amended. Some amendments were also introduced to the government project pertaining to the promulgation of laws regarding the chambers of commerce and the development of exportation in addition to some provisions of the Banking and Credit Law in which a number ranging between 3 and 8 articles were amended (As-Sawi, 27, 2003).

However, the efficiency of the legislative role played by the People's Council is hampered by the fact that it is not the sole legislative authority and that it cannot amend the provisions of some laws without the government approval. Moreover, the latter grants itself a certain margin of freedom when publishing the lists pertaining to the execution of laws, which might sometimes happen at the expense of the law creating this list in the first place, thus calling for the re-examination of the law within the People's Council or the addition of articles to the lists which were not included in the provisions of the original law.

Actually, the People's Council is not the sole law-making authority as the president is allowed by virtue of the Constitution to issue decrees that act as laws either during the holiday period of the People's Council or when commissioned by it. According to the law, these decrees should be submitted to the examination of the People's Council within one

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month after the resumption of its sessions, but the Council has yet to repel a decree promulgated by the president of the republic during its absence or when commissioned by it.

Furthermore, the People's Council is not allowed to amend any article of the general budget of the state, which takes the shape of a law promulgated by the People's Council, without the prior consent of the government.

When publishing the lists pertaining to the execution of laws, the government sometimes takes the liberty of adding to the legal text as promulgated by the People's Council, or exaggerate in the interpretation of its provisions so that it almost reaches a formulation of new articles which the legislator did not intend to introduce to the legal text in the first place.

Finally, as the National Party controls the overwhelming majority of the People's Council members, the role of the Council with regard to the discussion of draft laws that are submitted to it by the government is restricted to the discussion of details including the amendments to be introduced instead of dealing with the basic principles behind these projects.

3.2 Efficient control over public finances

The permanent Constitution of the Arab Republic of Egypt gives each power the authority of control over public finances according to articles 114 to 124. Indeed, the People's Council adopts the general plan for socioeconomic development (art. 114). The general budget should be submitted to it at least two months before the beginning of the financial year and does not come into effect before it ratifies it (art. 115). Its approval is needed to allow the transfer of funds from one section to another and to allow any expenditure that is not mentioned within the budget (art. 116). The law promulgated by the Council sets the budget and accounts of public institutions and bodies (art. 117). The final account of the state budget should be submitted to its examination within one year of the end of the financial year (art. 118) as public taxes, their amendment and abrogation necessitate the promulgation of a special law (art. 119). This law defines the basic principles of public taxes levying and their spending procedures (art. 120). The executive power is not allowed

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to agree to loans or commit to a project that requires the spending of public funds without the approval of the People's Council (art. 121). Wages, salaries, compensations, grants and rewards to be paid from public funds are defined by this law (art. 122), which also sets the special rules and procedures related to the allocation of projects linked to the exploitation of natural riches and public utilities (art. 123). During the performance of these functions, the Council has recourse to the available control tools, including questions, enquiry demands and urgent statements in addition to questioning, the establishment of investigation committees and the suggestion of a no confidence vote against the minister in question or even against the whole government.

The People's Council has used all these tools. In fact, a five-year development plan was adopted, out of which five points were implemented by the government of President Hosni Mubarak while the sixth is being currently applied (2006-2007). Moreover, one of its main functions is the adoption of the state budget, which necessitates up to two months of its time based on the report presented by the Planning and Budget Commission. The debate on the report pertaining to the adoption of the final account of the state budget, which is presented by the Central Accounts Body, gives MPs the opportunity to join this body in calling for the rectification of mistakes uncovered by this report, which attracts a great deal of interest from MPs and the media alike.

MPs use all the available control tools in this context as well. For instance, four questions were asked during both sessions of the seventh legislative term about the deteriorating state of the iron and steel industry, which is state-owned, whereas the eighth legislative term witnessed 9 questions pertaining to the squandering of public finances, especially on the equities and stock market (Abdelghafar Rashad, 71-72, 2003).

Furthermore, MPs used enquiry demands and urgent statements in issues related to the protection of public finances. Indeed, the two sessions of the seventh legislative term (1995-1996) witnessed 52 and 66 enquiry demands respectively among which issues related to the public finances were the Social Development Fund, the strike of transportation workers in Tanta and **المحلة الكبرى** and drinking water pollution in Suez. In comparison, more than 10 % of enquiry demands and urgent statements presented during both sessions of the eighth legislative term (2001-2002 and 2002-2003) tackled the safeguarding of public

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MPs also used the questioning tool with public finances-related subjects. For instance, four questionings took place during the first session of the seventh legislative term, including one about the tax on sales whereas the second term witnessed six cases of questioning, including one dealing with the transgressions of some companies in the public business sector which lead to the squandering of public finances. During the first session of the eighth legislative term, MPs submitted nine questioning cases, some of which mentioned the deteriorating situation of state-owned steel and iron plants and the manipulation of data to cover up their losses, whereas a similar number of questionings was submitted during the second session with some issues linked to the national project pertaining to the Suez Canal and its negative repercussions on the Canal revenues in addition to the squandering of public finances on the equities and stock market, the squandering of public finances within the Architecture and Transportation Company in Alexandria, the manipulation of figures to hide its true financial status and what was referred to as sabotage operations in the Alexandria Company for Mineral Products, which were considered as harmful to the national economy and to national goods (Abdelghafar Rashad, 79-83, 2003).

Dr. Abdelghafar Rashad conducted a study that constitutes the basis of this report and sheds a light on the control tools used by the People's Council members. He notices that lack of recourse by the Council to other control tools, such as the formation of investigation committees or the call for a general debate. Indeed, the seventh legislative term witnessed the creation of only two fact-finding committees during the first session and none during the second one. Both tackled issues related to public finances: the first looked into the financial transgressions in the treatment reimbursement project while the second examined allegations of public finances squandering in the Abu Tartur phosphates project, which has had the advantage of continuous government spending despite numerous studies pointing to its lack of feasibility. Three such committees were formed during the eighth legislative

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term, one during the first session dealing with the financial situation of the Qaha Company and its selling operation, and two others during the second session: One sought to find facts about the specifications of the Tramco car, which production was planned, whereas the second looked into the causes of the fire that ignited onboard the As-Saiid train, which claimed the lives of tens of people. Hence, despite the lack of use of this control mechanism by the People's Council, all instances during which it was put in practice aimed at checking the correct use of public finances.

Furthermore, MPs used two other control methods, namely a wish proposal and the submission of a given issue to a general debate, but the subject was only rarely related to efficiency or integrity in the use of public finances.

It is worth noting that the People's Council has an excessive recourse to control methods with a limited efficiency, such as questions, enquiry demands and urgent statements, which do not entail any specific measure except when accompanied by other, more efficient control tools, i.e. questioning and the formation of fact-finding commissions, and when the former leads to the latter. This is not necessarily a common feature with tools of a lesser efficiency. Dr. Rashad thus noticed that MPs from the ruling party tended to use the first method while opposition MPs from the Al-Wafd and Gathering parties as well as Nasserists and independents preferred the second method even though it is less commonly used (Rashad, 79-86).

However, what hampers in reality the capacity of the Council to perform a control over public finances is the overwhelming majority enjoyed by the ruling National Party, which prohibits the use of any efficient control tool by closing the debate and moving over to the agenda. This procedure is legitimate in the light of the People's Council rule of procedure. Yet it ends beforehand any speculation as to the performance of its control role in order to safeguard the public finances without admitting that the opposition parties and forces may have a point in the issues they bring up. These may call for blaming some of the people in charge or giving advice as to the adoption of measures putting an end to the squandering of public finances. The use by the opposition of more serious control tools serves as a danger beacon pointing out to the government some mistakes that call for a quick solution or a

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change in the method that lead to the negative results highlighted by the recourse to the questioning or fact-finding commissions mechanisms based on a relevant demand by the opposition.

The final element in this context relates to the discussion of the budget final account, which the People's Council used to postpone until many years after the end of the financial year. This situation changed during the past few years, but it seems that the government does not always take into account the advice of the Body, which is corroborated by the People's Council. This fact has been highlighted in the successive reports submitted by the former, which – according to some experts within the Planning and Budget Commission – issues many remarks regarding formal issues, thus inciting the government to overlook them¹.

3.3 The efficiency of the government control and accountability

Articles 124 to 133 of the Constitution and the People's Council rule of procedure define the method of performance of the Council control function. Each MP is entitled to ask the prime minister, any vice-premiers, ministers or their assistants questions related to any matter within the scope of their competences (art. 124). Each MP also has the right to launch a questioning process against the prime minister, any vice-premiers, ministers or their assistants in order to hold them accountable regarding issues within the scope of their competences (art. 125). The People's Council decides whether to pass a motion of confidence against the prime minister, any vice-premiers, ministers or their assistants (art. 126). Based on a decision adopted by 10 % of its members, the Council examines the responsibility of the prime minister and the decision is promulgated through the vote of the majority of MPs (art. 127). If the Council passes a vote of no confidence against any of the aforementioned government officials, the person in question should resign (art. 128). 20 MPs at least are allowed together to call for a debate on a general issue in order to define the policy of the relevant ministry on the matter (art. 129). Members of the People's Council may express their opinion on general subjects to the prime minister, any vice-premiers or ministers (art. 130). Furthermore, the Council has a right to form a special fact-finding commission or ask one of its commissions to examine the activity of a given

¹ Interview with Dr. Lubna Abdellatif, former adviser to the head of the Planning and Budget Commission during the eighth and ninth legislative terms

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administrative utility or public institutions (art. 131). Finally, the Council discusses the annual statement delivered by the president of the republic at the opening of the parliamentary session (art. 132) in addition to the annual program of the government, which is stated by the prime minister after the cabinet is formed and at the opening of the regular session of the People's Council (art. 133).

As was mentioned in the previous section, the members of the People's Council have made use of almost all these methods, except the motion of confidence against ministers or the government. The previous section also indicated that majority MPs tended to use methods inviting the government to clarify some matters through questions or enquiry demands, calling for urgent statements or expressing a wish proposal. This was an important characteristic of the interventions by the MPs of the ruling National Party in addition to other punitive methods, such as questioning and calling for the establishment of investigation committees. A second, less common method is used exclusively by opposition MPs. The previous section remained limited to the listing of examples pertaining to the financial control performed by the Council. It is clear that the Council did not restrict the use of these tools to matters related to control over public finances. In fact, MPs asked 69 questions during the first session of the seventh legislative term and 65 questions during the second session compared to 66 and 58 questions during each session of the eighth legislative term respectively. Questions during the 1995-1997 sessions revolved around health, housing, education and food supplies as well as the detention of Egyptian fishermen in some neighboring countries, the issue of medication and the sales tax in respective order. Questions during the 2000-2003 period pertained to the youth, utilities, squandering of public finances and private tutoring in education as well as the environment, communications, oil and food supplies in respective order. Moreover, 118 enquiry demands were submitted during the second session of the seventh legislative term compared to 340 and 322 such demands respectively during each session of the eighth legislative term. During the first session, demands tackled issues of health, medication, education, housing and the Social Development Fund. In 2000-2001, a light was shed on issues pertaining to the youth, unemployment, irrigation water, utilities, squandering of public finances, education, communications, food supplies, local governance, insurances and health, all of which are listed in decreasing order of the number of enquiry demands that were presented.

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In comparison, the main issues tackled in 2002-2003 were (in decreasing order) industry, transportation, communications, electricity, sewages, obstacles to exportation, health services, education, religious endowments and tourism (Rashad, 71-79). The seventh legislative term also recorded 57 urgent statements on the prohibition of fishing in the Mediterranean Sea and the Red Sea, the Israeli aggression against Lebanon and water pollution in the Suez Canal. In comparison, urgent statements during both sessions of the eighth legislative term dealt with the As-Saiid train accident, the sinking of a fishing boat in the area of Ra's Ghareb in the Red Sea and the decreasing importation price of sugar cane in addition to issues related to tourism, local development, internal security, food supplies, health and housing. The second session stressed on the fear of a mad cow disease epidemics spreading in Egypt and the danger represented by radioactive objects, such as leather and eyeglasses, in addition to housing, utilities, transportation, communications, the youth, the environment, irrigation, electricity, religious endowments and education. MPs had recourse to the method of questioning as well. Indeed, Rashad's study mentioned 10 questioning processes during both sessions of the seventh legislative term compared to 18 in the eighth term. In addition to issues regarding the squandering of public finances, which were examined under the previous section, these processes included the issues of health, hospitals, the problems faced by Egyptian fishermen in Eritrea, Yemen, Sudan and Libya as well as the environment, parking lots in the provinces and the sales tax (Rashad, 79-81).

Other control tools used by MPs include the establishment of investigation commissions, which were seven in number during the abovementioned sessions of the seventh and eighth legislative terms. The matter under investigation was the various forms of squandering of public finances as highlighted in the previous section. Moreover, MPs called for a general debate (16 such demands during the seventh legislative term and 10 during the eighth term). The subjects ranged from health and agriculture in the seventh term to exportation, health insurance and the spinning and textile industry during the eighth term.

Finally, members of the People's Council are entitled to present wish proposals. 55 such demands were actually presented during the seventh legislative term compared to 296 during the next one with subjects pertaining to local demands, which means they cannot be considered a control tool.

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However, MPs did not have recourse to a motion of confidence towards any minister or the government as the opposition in both Councils never had the advantage of the necessary conditions, namely 10 % of Council members or 46 MPs. This exceeds the representation on the opposition and independents in both Councils at any time, which amounted to 34 members during the eighth term, and as this motion is unlikely to emanate from the MPs of the ruling National Party.

Dr. Abdelghafar adopted an indicator of control participation that takes into consideration the number of MPs each party has within the People's Council and the frequency of use of any control tool. He concluded that opposition parties and independents – though few in number – tended to have recourse to control tools of all kinds more than the ruling National Democratic Party MPs. The former also use more decisive control tools, such as questioning and fact-finding commissions (Rashad, 82). Three elements were found to curb the efficiency of the control role of the People's Council, i.e. the overwhelming majority held by the ruling National Democratic Party, the role of the Council speaker who is a member of this party and the constitutional texts regarding the vote of no confidence against ministers and the government.

Indeed, due to the overwhelming majority held by the ruling National Democratic Party, which was never lower than 80 % of members in any People's Council (90 % during the seventh and eighth legislative terms), the use of any control tool ends with the closure of the debate to the benefit of the Council agenda as long as its members consider that the use of control tools and the establishment of fact-finding commissions is an embarrassing situation for the party which should be hampered through their numeric majority. The evaluation of a control method takes the shape of a punitive measure against the person in question in case he/she is found guilty of neglect in the protection of public finances or incompetence in the performance of his/her duties, which calls for the approval of the majority of MPs, i.e. that of the National Party members. This case is not conceivable as long as the party leadership considers the mere recourse to questioning or calling for the establishment of a fact-finding commission an act of hostility against it.

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Besides, the speaker of the Council, who is also a preeminent leader within the ruling party, plays an essential role in curbing the efficiency of questioning or establishing a fact-finding commission. In fact, he uses his prerogatives to postpone the discussion of questionings, limit their number at any time, choose the right time for the government and the wrong one for the opposition when presenting debates, closing the debate and moving over to the agenda without proposing to take any measure towards the deficiencies that might be revealed by the questioning or the report of the fact-finding commission. In other cases, the speaker hinders the efficiency of these tools by encompassing them in a single control activity, such as questioning or a general debate, under the pretext of subject uniqueness and the lack of time for the discussion of the subject, which curbs the use of control tools.

In addition to the fact that the majority held by the National Democratic Party in the People's Council threatens to hamper any attempt to stage a motion of confidence in the government, MPs would be risking their membership of this Council even as they decide to call for such a vote as the vote of no confidence in the government does not entail its resignation: the whole matter is rather submitted to the president of the republic and leader of the ruling party, who might decide according to article 127 to conduct a general referendum regarding the conflict between the government and the People's Council, which might end with the people's siding with the government. In this case, the president decides to dissolve the Council and call for new elections. He may also decide to side with the People's Council in the first place and ask the government to resign. However, the position of the president of the republic is not known in advance at this stage, thus preventing the Council from accepting to proceed to a no confidence vote against the government.

3.4 The efficiency of parliamentary commissions

Both Councils of the parliament in Egypt perform a great part of their functions through specialized commissions, which receive the draft laws that are within the scope of their competences before they are submitted for a second reading in the Council. These commissions also discuss any matter within the scope of their competences which is transferred to them by the Council so that they study the matter before it can form an opinion about it. The public opinion follows the activity of these commissions, especially when they tackle an issue of public interest. The most important commissions of the

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People's Council include the Planning and Budget Commission, which prepares a report for the Council when it examines the annual budget presented by the government, and the Constitutional and Legislative Affairs Commission, which takes the first step towards defining the position of the Council regarding controversial legal matters that come up within the course of the performance of its functions. The Council list details the names and competences of these commissions, which amounts to 18 commissions according to the following list:

1. The Constitutional and Legislative Affairs Commission
2. The Planning and Budget Commission
3. The Economic Affairs Commission
4. The Foreign Relations Commission
5. The Arab Affairs Commission
6. The Defense, National Security and Mobilization Commission
7. The Proposals and Complaints Commission
8. The Labor Force Commission
9. The Industry and Energy Commission
10. The Agriculture and Irrigation Commission
11. The Education and Scientific Research Commission
12. The Commission of Religious and Social Affairs and Religious Endowments
13. The Culture, Media and Tourism Commission
14. The Health and Environment Affairs Commission
15. The Transportation and Communications Commission
16. The Housing, Utilities and Construction Commission
17. The Local Governance and Popular Organizations Commission
18. The Youth Commission (The People's Council, 7-47, 1995)

A study of the People's Council performance in the field of legislation indicates a difference in the number of draft laws submitted to every commission from one session to another. In fact, the draft laws during the seventh legislative term, which is the object of the study, concerned only 5 commissions, namely the Constitutional and Legislative Affairs Commission, the Proposals and Complaints Commission, the Planning and Budget Commission, the Agriculture and Irrigation Commission and the Housing, Utilities and

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Construction Commission. The most active was the Proposals and Complaints Commission, which examined 14 draft laws, followed by the Constitutional and Legislative Affairs Commission with 6 draft laws. In contrast, almost all commissions dealt with draft laws during the eighth legislative term under study. The most active was the Constitutional and Legislative Affairs Commission with 24 draft laws followed by the Economic Affairs Commission whereas the Proposals and Complaints Commission, the Youth Commission and the Health and Environment Affairs Commission did not study any draft law (As-Sawi, 29-34). This certainly does not imply that the function of these commissions is restricted to the discussion of draft laws, but this was the only function that could be documented. On the other hand, a former preeminent member of the People's Council, who was also a member of the Planning and Budget Commission, stated that the commission meetings were often delayed due to the low level of attendance² despite the importance of the issues on the agenda. It is a well-known fact that the People's Council meetings were often delayed due to the MPs' absenteeism and the absence of the quorum needed for the meeting to be legitimate, which often spurred the anger of the Council speaker. Absenteeism in the case of commissions meetings undoubtedly yields a negative influence on the efficiency of their work.

At the start of each annual session, the Council forms a general commission, which includes the speaker, the vice-speakers, the heads of commissions, the representatives of party parliamentary bodies and five members chosen by the People's Council Bureau. This commission holds a meeting at least once a month during the Parliament sessions and examines the issues on which its opinion is requested by the president of the republic, the prime minister or the People's Council speaker. It also deals with the regular reports presented by the heads of commissions among other things (the People's Council, 7-10).

At the start of each regular annual session, the Council establishes a Values Commission as well, which is headed by one of the vice-speakers and composed of the heads of many commissions in addition to 5 members of the General Commission, 2 of them representing opposition parties and independents and 5 MPs chosen by drawing lots, including one woman. This commission takes punitive measures against members who have been found

² Mounir Fakhri Abdelnour, vice-president of the Al-Wafd Party and member of the People's Council in 2000-2005.

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guilty “of contraventions against religious, ethical or social values, or the main political and economic principles ruling the Egyptian society” (the People’s Council, 10-11, 1995). The Values Commission performed its functions more than once, the most famous cases being the abrogation of the membership of Kamaledine Hussein, who was an assistant to Gamal Abdel Nasser during the 1960s and one of the Free Officers behind the July 1952 revolution, for having offended President Anwar Al-Sadate.

3.5 Compliance of the rule of procedure with the parliamentary performance

The People’s Council rule of procedure is in conformity with the permanent Constitution of the Arab Republic of Egypt. Hence, it reflects the spirit of this Constitution, which was promulgated when the political system in Egypt was based on one party. Therefore, despite the profusion of texts that facilitate the activity of the Council to a great extent, such as those pertaining to the establishment of commissions, these texts allow the Council speaker to go to great lengths in interpreting them. MPs, and particularly members of opposition parties and forces, often had a different opinion as to the correctness of this interpretation. According to some articles of the rule of procedure, the debate is closed if 20 MPs wish so and the Council moves over to the rule of procedure in issues requiring the questioning of a minister or the presentation of a report by a fact-finding commission. Some members went as far as saying that the abovementioned articles constitute a major hindrance to the efficiency of the Council activity. An opposition MP, who was one of the preeminent figures of the previous People’s Council (2000-2005) even proposed an alternative rule of procedure that is more democratic than the current one³.

3.6 The efficiency of parliamentary blocks

Chapter 4 of the People’s Council rule of procedure sets the rules of representation of the different parties within the People’s Council in articles 69, 97 and 98. The first article states that “every political party informs the Council speaker in writing at the beginning of each regular session, of the candidates’ names chosen to represent the party in its parliamentary body in addition to the MPs who are members of the party. The second of these articles includes the name of the MP representing the party parliamentary body with regard to all

³ The MP in question is Ayman Nour, president of the Al-Ghad Party who is currently serving a jail sentence for forgery of the constituting documents of his party.

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matters pertaining to the Council and its activities while the third article stipulates that the representatives of opposition parties parliamentary bodies are allowed to unanimously choose one among them to represent the opinion of the opposition (the People's Council, 48, 1995).

Each party with more than one member of the People's Council has the right to form a parliamentary body (block). The most influential of these bodies is undoubtedly that of the National Democratic Party as it has the highest number of Council members and as the speaker, both vice-speakers and all heads of commission are affiliated to it. Nevertheless, the efficiency of these commissions is hindered by the lack of commitment within them, which sometimes plagues even the parliamentary body of the National Democratic Party. One example is the clear division among its members during the Minister of Culture's statement on Muslim women wearing the veil. Their position fluctuated between criticizing the minister in the first place before eventually reconciling with him while some MPs were absent from the reconciliation session⁴. This division and conflict translated in the instable volume of the Al-Wafd Party parliamentary body (block) during the ninth legislative term (elected in 2005), as well as in the absence of any block representing the Gathering Party as its membership decreased to only one member after the resignation of its other MP and the former joined the ruling National Party. Moreover, the efficiency of these bodies is hampered by the speaker's despotism with regard to some groups within the Council as he denies them the right to form a parliamentary body. For instance, the speaker keeps insisting that the Muslim Brotherhood does not have the right to form a parliamentary even though it had a number of MPs during the eighth legislative term that is equal to all other opposition parties and recorded a five times more MPs than all other opposition parties represented within the Council during the ninth term. The speaker justified his refusal by the fact that the law and the Constitution do not recognize any organization known as the Muslim Brotherhood, labeling it as a group of independents who are no different from other independent MPs in the Council.

⁴ For further details, refer to Egyptian newspapers published during the third week of November 2006.

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3.7 The efficiency of administrative and technical bodies within both Councils of the Parliament

The administrative and technical bodies in both the People's Council and the Consultative Council are called the Council Secretariat. Despite the lack of official sources referring to the importance of these Secretariats, figures point to around 2,000 employees in the People's Council, i.e. five technical and administrative and technical staff members for each individual MP. The most important employees are those of the Council Bureau and of the various commissions. The author vouches for the professional competence of those who serve the speaker and his office in addition to those at the service of commissions. Indeed, all of them are university graduates and have solid research competences in matters of interest to these commissions. They all had the advantage of vocational training supervised by American and British companies while the Council Secretariat organized some of these sessions as well (As-Sawi, 417-448, 2003).

However, the size of this body seems insufficient to face the growing demands by members of both Councils. In fact, the heads of many commissions within the People's Council and the Consultative Council contacted university research centers, asking to supply them with data and information needed in order to perform their parliamentary duties. One MP went as far as requesting to assign one researcher for each MP after the Council speaker requested that each MP wishing to question a minister should ascribe the questioning he/she is about to perform, which is an impossible task for any individual MP (Rashad, 95).

3.8 The competence of both Councils members

Half of both the People's Council and the Consultative Council members are workers and peasants who are supposed to have achieved a relatively low level of education. Yet both Councils teem with members having received a higher education (graduate program at least) with a decent number of PhD holders. Each Council includes various competences and fields of expertise from major businessmen and university professors to former ministers and high-ranking civil servants. The proportion of university graduates reached 56.2 % in the People's Council that was elected in 2000 down from 69 % in the previous one that was elected in 1995. The 2000-2005 People's Council encompassed 30 PhD holders and 5 Masters graduates while the number of MPs with mid-level competences or no clear competences dropped to 15 % in the 2000 Council (Abdelghafar Rashad, 242-243,

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2003). However, it is worth noting that, on the one hand, many preeminent MPs were workers' representatives, especially from opposition parties as was previously mentioned in this report. On the other hand, the importance of these fields of expertise that are available within both Councils is dwarfed by the MPs' absenteeism, particularly among the ruling party MPs. Thus, these fields of expertise are not all used in the service of the activities performed by both Councils.

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