

parliament in the new Egyptian constitution

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Workshops' Papers presented to the Egyptian Constituent Assembly (C50) in Egypt

1. **The Parliament in the 2013's Draft Constitution (10th September 2013)**
2. **Bicameralism Vs. Unicameralism in the 2013's Draft Constitution: International Experiences and Egyptian Context (23rd September 2013)**
3. **Electoral Systems: Concepts and International Experiences (9th October 2013)**

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Introduction

The 2012 Constitution was presented as an inclusive document representing the goals of all Egyptian society sectors seeking to change Egypt's system after the 2011 revolution. The Arab Forum for Alternatives (AFA) and Global Partners Governance (GPG) organized a roundtable in November 2012 to discuss the status of parliament and its relations with other authorities in the Constitution of 2012. Discussions reached a broad consensus that the draft constitution in 2012 did not create effective checks and balances between parliament and the president as it concentrated the power in the hands of the president at the expense of the democratically elected institution representing the people.

As the Committee of 10 judges released the 2013 draft constitution and the Committee of 50 (C50) formed of 50 public figures and leaders started their first meetings to examine and amend the C10 draft, AFA and GPG organized three roundtable discussions to discuss the development of the legislative authority in the new draft. The first roundtable held on 10 September discussed the role of the parliament and its relations with other authorities. Participants agreed that the 2013 draft Constitution did not include remarkable developments with respect to the position of parliament as the core elected legislative authority. Participants also pointed out a number of shortcomings that relate to what can be termed the constitutional norms of the separation of powers, to ensure effective accountability of the president in particular. The second and third workshops discussed two key issues which were subject of controversy within the C50: the abolition of the Shura Assembly and the adoption of a unicameral parliament; and the best electoral system for the transitional phase.

This book covers the discussions, proposals and international experiences presented in those roundtables and which were reported to the C50 to support their discussions. And as the C50 announced the final draft constitution and called for a vote in mid- January 2014, and according to a preliminary reading of the legislative powers it can be said that despite the adoption of a semi-presidential system, the draft has widened the role of parliament in the new political system of

Egypt, and parliament has become a partner with the president in many issues and tasks, the most important being choosing a Prime Minister (art.146). The Constitution also gave parliament the power to dismiss the President (art.161) and made him responsible to the parliament to a large extent. As for its relation with the government, articles 124 to 128 deal with the financial oversight by the parliament of the government through the budget, and articles 129 to 135 tackle monitoring the government as an executive authority. Specifically article 131 gave parliament the right to withdraw confidence from the Prime Minister or his deputies, or from a minister.

As for the relationship between parliament and the judiciary, the draft constitution gave parliament the right to discuss details of the budget of the judiciary, which is to be included in the state budget as a whole number (art. 185). On the other hand, the judiciary has the final say regarding the validity of parliamentary membership. The Constitution also gave parliament a role in the selection of heads of independent and regulatory Bodies (art. 107).

However, the Constitution left the door open for the future of 2 issues discussed in this publication: the electoral system and the upper chamber, which makes this publication a reference for future discussions. The electoral system was left to the president to decide in order to prevent conflicts of interest, as many of the C50 members may run for elections. With regard to the upper chamber, the C50 decided to abolish the Shura Assembly as the current circumstances do not provide the necessary conditions and requirements for the second chamber to have an effective role, but it granted the next elected parliament the right to discuss the return of the upper house if it finds that there is a need for it to support the legislative process.

Parliament in the 2013 Draft Constitution¹

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Part One: Parliament and the President

The President's relationship with Parliament is not limited to the articles that define the nature of the relationship between the two parties, but is also governed by the separate powers each side possesses and their respective relationships with other agencies and institutions. These powers could potentially enable either side to exert its control over the other. For example in the 2012 constitution, the relationship (between the President and the Parliament) is strongly influenced by the powers granted to the President and not just the nature of the relationship between the two bodies per se. We have developed the following notes on this subject:

- The President is not held politically accountable before Parliament: Discussion of this issue must take place; this includes discussing the status of the President and his powers. In fact, the previous constitution does not include any articles that examine the issue of presidential accountability; on the contrary, the President enjoys immunity. We have seen that the President has faced a number of difficulties in his relationship with Parliament, thus it is necessary to both deal with and regulate this issue, in addition to discussing how confidence may be withdrawn from the President by means of clear and specific mechanisms.
- Article 112, in the revised wording, fails to a large extent to achieve a balance of power, granting the President the power to dissolve Parliament by means of a referendum. The article does not state what would happen in the event that the referendum is not passed. This risks plunging the country into a series of recurring political crises if neither side backs down. In order to reestablish a balance of power and address this problem, we suggest the restoration of the paragraph that was removed from the 2012 constitution, which states: "If the majority vote does not endorse dissolution of Parliament, the President of the Republic must resign his post. If the referendum or elections are not held within the appointed deadline, the People's Assembly will reconvene on its own the following day after the deadline has passed".

- There is a clear dilution of the concept of separation of powers in the text of article 162 of the draft recently issued by the Committee of Ten. This article grants the President the right to intervene in the affairs of the judiciary, particularly with regard to rights involving the public prosecutor, similar to the provisions of the 1971 constitution. The wording and content of the article was, however, improved upon in the 2012 version. Thus, in this context a return to the 2012 document is preferable. This is especially the case with respect to the Public Prosecutor, whose method of appointment has been the subject of much controversy over the last three years.
- The reason for the absence of a Vice President of the Republic in the 2012 and 2013 constitution remains unclear. Serious thought should be given to the extent to which Egypt does or does not require the existence of such a position. This is especially important given the controversy in recent periods over who will assume control of the Presidency if the position becomes vacant.
- The power of the President to announce a state of emergency and extend its duration according to article 129 of the Committee of Ten's draft constitution remains the same as that in the 1971 constitution. It would be, however, preferable to return to the 2012 constitution and amend the maximum permitted duration of a state of emergency to no more than three months, unless it is extended by a public vote by means of a referendum.
- There is no means for popular oversight of the President, or for him to be removed without direct intervention by a state institution. Thus, thought should be given to ways in which a President could be removed in a way that keeps apace with events such as that of January 25th and June 30th, that is, codifying popular protest into the constitution.
- In addition, those texts in which the President Delegates powers to the Prime Minister (articles 122 and 123) fail to specify how such a process is to take place. While it is not necessarily appropriate to include these details in the constitution, it is necessary to clarify at this stage the constitutional process by which texts will be used to delegate power and how they will be organized into laws, as mentioned in article 123. This should take the form of a draft law accompanying the draft constitution and

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placed before citizens at the same time. Similarly, the constitution refers in article 110 to ‘special investigatory committees’ that report to Parliament. More clarification is needed from the government regarding the precise scope and actual powers of such committees.

- Under the 2013 constitution, the President possesses veto power over legislation. However, Parliament can still pass legislation vetoed by the President with a two-thirds majority (article 98). This preserves article 104 in the 2012 constitution. This is welcome as it preserves and recognizes the legislative duties of the elected People’s Assembly. However, these articles, as previously mentioned, are still cause for concern as broad legislative powers remain in the hands of the President. There is doubt, at the very least, as to whether or not Parliament will be able to operate effectively and efficiently as an institution, in the event that it seeks to oppose decisions made by the President to veto legislation. This raises questions with respect to the independent nature of Parliament – an issue which requires clearer definition in the constitution. Addressing these questions is central to creating a clearer definition of the separation of powers.

Part Two: Parliament and Government

The powers of the People's Assembly in the draft constitution, in addition to the nature of the relationship between the Parliament and the executive branch remain unclear. Similarly clarity is lacking on the role of Parliament in drafting the country's budget and the means by which confidence can be withdrawn – either from the President, the Government or members of Parliament. Parliamentary questioning methods remain ambiguous, and hark back to negative practices employed during previous periods. Greater details are needed with respect to the methods adopted for Parliamentary oversight, especially in light of the complexities of the Assembly's rules relating to Parliament's relationship with the executive branch (accountability for the President, Prime Minister and executive officials). Furthermore, the constitution does not answer questions regarding how and by what means Parliament can oppose the President's exercise of executive power. Despite the procedures that exist, which guarantee votes of no confidence in the Prime Minister and Deputy Prime Minister (article 106), similar clear procedures to remove the President do not exist. One of the expected outcomes of such a scenario may be that the Prime Minister, or the government as a whole, is sacrificed in order to protect the President during times of political crisis. Thus, the current 2013 constitution can be criticized in that it protects the President from being held directly politically accountable before Parliament.

- It is necessary to return to the 1956 Laws for Trying the President and Prime Minister 6, among others.
- With respect to the accountability of the President of the Republic in Article 134, "violations of constitutional provisions" is a general, vague and elastic concept, with penalties for the President of the Republic loosely defined. It is necessary to give a precise definition of what constitutes a violation of constitutional provisions, with clear penalties spelled out in the constitution itself, not just in laws.
- Means of parliamentary oversight over the government are limited to traditional mechanisms, which could be developed by creating fact-finding committees (Article 110). The draft does not specify clear mechanisms for such committees or what is to be

done with their findings. We have had a number of such committees, and the Public Prosecutor's Office has not dealt with them by means of clear mechanisms. The work of such committees must be transformed from that of a superficial tool to soothe public opinion, to respected means of overseeing Parliament and a penal mechanism to prosecute crimes that may escape punishment under normal laws and procedures. Parliament should be bound to discuss recommendations put forth by fact-finding committees after they have been submitted, or represent the only body charged with investigating the findings of reports put forth by such committees, as part of an effective oversight process.

- Article 112 does not specify what is meant by the "if necessary" that allows the President to call for the dissolution of Parliament. The wording of the text has political dimensions, that is, it could be used to eliminate political rivals. This "if necessary" is vague and differs from that which is specified during states of emergency.
- In democratic systems, it is necessary to preserve the separation of powers in a way that prevents any one body from capturing power without any oversight or accountability. In this context, consideration should be given to reviving the Shura Council, with legislative power split between the two assemblies. The Arab Forum for Alternatives and Global Partners Governance would be pleased to provide more information about the pros and cons of bicameral and unicameral systems to assist the Committee's deliberations.

Part Three: Parliament and the Judiciary

The logic behind the separation of powers lies in the distribution of powers. The American model grants the judiciary branch the power to monitor rights and freedoms, while the French model grants such powers to elected bodies, with the system in the latter recently developing to grant powers to the Constitutional Council. In the Mubarak era, with an ever weak opposition, the Supreme Constitutional Court was charged with defending rights and freedoms, particularly during the era of Dr. Awad al-Murr. In the transitional phase, the relationship between the legislative and judicial branches remains tense, especially with attempts to amend the Supreme Constitutional Court Law, and to allow Parliament to override rulings from the judiciary. A number of observations can be made regarding the current draft:

- Under Article 158, judicial institutions provide immunity for themselves far more than that seen in the 2012 constitution, particularly with respect to drawing up budgets for judicial bodies and authorities. This is a violation of the rights of elected, legislative powers to oversee state funds.
- The requirement for a two-thirds majority to be obtained in order for laws to be passed is a positive step. However one can still note that any party that obtains a certain majority in Parliament will not be able to stop a bill or block the judiciary's budget. Thus, it would be preferable to return to the 2012 constitution.
- Regarding Article 162 and the appointment of the Public Prosecutor, whether the Supreme Judicial Council approves the appointment of the Public Prosecutor or chooses him from the outset is unspecified. In addition, what happens if the Supreme Judicial Council does not approve an appointment is also unspecified.
- The text further does not clarify the independence of judicial oversight from the executive branch. Although, the judicial branch is not made immune to oversight by the executive branch under Article 158, it is made immune to oversight by the representative body of the people (the legislative branch).

- Article 164 eliminates pre-legislative scrutiny of election laws for local and national legislative councils and the presidency. There is a standing debate between those who are in favour of pre-legislative oversight and those favouring post-legislative oversight. However, constitutional jurisprudence makes it clear that post-legislative oversight is preferable. This issue should be discussed with both Egyptian and non-Egyptian constitutional law scholars, and it would be preferable to endorse both pre and post-legislative oversight.
- Regarding Article 165 and the way in which members of the Supreme Constitutional Court may be appointed, the same notes apply as those for the Public Prosecutor. The relationship between the President and those bodies which contribute their opinion to the appointment of their members is vague, and requires further clarification.
- Further details with respect to the composition and independence of the Supreme Judicial Council could be furnished.
- There are also questions regarding the status of medical examiners, whether their independence will be guaranteed and why Article 182 has been removed. There are a number of issues which require that Parliament go back and review their reports. Especially since the independence of such doctors is more essential than the independence of other agencies such as the Administrative Control Authority (ACA) and the State Council, which are perceived to be arms of the government and naturally defend it. Furthermore, why have no stipulations been included regarding the independent nature of judicial oversight over the executive branch?

Part Four: Internal Regulations of Parliament

- Article 83: More clarification is required. Distinctions need to be made between vacancies arising from the cancellation of one's membership, and those arising from death or illness.
- Article 84: Financial disclosures must include children and other immediate family members. This article should apply to all family members, in order to prevent corruption, from which we have suffered for decades.
- Regarding the issue of voiding membership: A two-thirds majority is required to remove one's membership, while voiding one's membership merely requires that a judgment is brought before the assembly. Furthermore, the issue of a "breach of duties" is vague and unclear. In addition there is a lack of clarification on what to do if an MP decides to change his party or political affiliation from that which he was initially elected under. These dilemmas should be solved within the constitution itself, particularly if an individual candidate electoral system is adopted.
- Article 95: The minutes of parliamentary sessions should be made available to the general public. This will benefit researchers and legal scholars and enable them to better understand the substance of legislation and its content. Such minutes should be made available either electronically or in print.

Part Five: Parliament and Social Participation

Societal participation is critical to ensure the creation and continuation of a lively and effective democratic political process. Other valuable foundations must also be available for the participatory process to succeed, such as a constitution, which enshrines and supports actual interaction. This is in order to nurture political action and the democratic process, which was limited previously to representative democracy - as the system increases in vitality and is increasingly in touch with the masses, it transforms into a participatory democracy.

- Citizenship is the first thing needed to practice the right of societal participation. In relation to the constitutional amendment, we believe that allowing Egyptian religious organizations to be governed based on their canons and precepts detracts from this right, as does establishing citizenship on the basis of religion.
- There is nothing in the draft which requires the Egyptian state to adhere to civil rights or international charters, or use them as references. This is despite the existence of such clauses in the constitutions and basic laws of 16 Arab states.
- The true manifestation of organized societal participation is through associations. However, the draft does not mention civil society organizations based on voluntary association without requiring open membership, which makes them more “Charity Organizations” than “Civil Society” Institutions.
- “Participation” is stipulated as a national duty and not a right. This may open the door to penalties placed on those who do not wish to participate. Participation should be a freedom and is not to be equated with mobilization.
- There is a lack of equality with regards to rights and duties, for example in the text on the rights of martyrs and injured, these rights are limited to men and do not apply to women.
- There is an absence of clear guarantees that a citizen can sue state agencies if their rights are infringed upon by authorities. This guarantee existed in article 80 in the 2012 constitution, but has been removed.

- Reliance on traditional forms of (representative) democracy limits the ability of citizens to submit their complaints and suggestions before Parliament, and discounts their right to propose legislation by collecting signatures, as is the case in a number of countries, such as Spain.
- No clarity is given on whether or not guarantees are given to citizens to provide oversight over MPs. Methods such as granting citizens the opportunity to collect a certain number of signatures in their electoral district to remove their representative if his performance is deemed unsatisfactory, in addition to other means to allow for popular monitoring and oversight, could be stipulated.
- There are no criteria governing when closed sessions of the People's Assembly and the judiciary can be held. This impedes a citizen's right to information, which is considered one of the pillars of participation.
- The relationship between local councils and the People's Council is not clearly defined, which deprives citizens of the ability to indirectly participate via intermediary councils.
- There are no independent bodies that allow communication between citizens and parliament. Here we are referring to the social and economic council, which guarantees the participation of citizens, or brings up their social and economic issues before the council.

Part Six: Parliament and Regulatory Bodies

Regulatory bodies are among the most prominent institutions responsible for overseeing the executive branch, and hence are responsible for reducing and combating corruption. Thus these bodies need to enjoy a relative amount of independence and neutrality vis-à-vis the executive branch. The most recent constitutional amendments, in addition to those that preceded them in the suspended 2012 constitution, surpassed those which came before them in that they paid special attention to oversight bodies, such as the Central Auditing Organization and the Administrative Control Authority (ACA). This is after the 1971 constitution failed to mention them except in the article on the state budget. However, we propose amendments and provide a number of notes on articles concerning such agencies, and the laws that regulate them, as follows:

- There are some contradictions in the provisions for these bodies, as the constitutional text states that the President of the Republic is to appoint the chairmen of these agencies with approval from the People's Assembly. Meanwhile, laws guarantee that such agencies are to operate independently, and perform their functions as specified by their chairmen who are appointed by the President of the Republic (head of the executive branch). One proposal is to only grant the People's Assembly the right to appoint chairmen, with the President approving such decisions. Nominations for candidacy could also be provided by the Supreme Judicial Council to the Parliament. The laws that regulate such agencies must be harmonized with the constitutional text.
- Decisions regarding financial disclosures for state workers such as the President of the Republic, the Prime Minister and members of Parliament are good but need to be further developed. Immediate family members must be included as a part of eligible disclosure. Experience tells us that it is often these family members that are involved in financial corruption.
- Article 182 of the proposed text does not declare anywhere that state bodies and organizations should enjoy independence and neutrality, leaving the settlement of these issues to specific laws.

Suggestions that such agencies should remain independent and neutral are based on the belief that doing so is of value to the public, in order to allow the agency to perform properly. Thus, a paragraph should be added in the constitution that affirms the independence and neutrality of such agencies, as opposed to relying on individual laws to guarantee this.

- The draft constitution contains no clauses on an anti-corruption commission. However, it does possess what appears to be an intention to establish such a commission within the ACA. This issue should be addressed by allowing the ACA to fight corruption and expand its powers to allow it to take on new tasks. Also, the necessary number of staff should be provided to the ACA in order to ensure that it can perform this function. Otherwise, the anti-corruption commission should be preserved.
- Official/parliamentary administration and oversight is limited in the draft. However, texts need to be included which allow for societal entities, such as civil society organizations and public opinion, to play a larger role in aiding greater societal and popular oversight of regulatory bodies for example, by encouraging such agencies to publish reports as often as possible.

Part Seven: Parliament and Socio-Economic Issues

Social and economic issues are central issues in discussions within the political sphere, and began to receive more attention after the January 25th revolution. One explanation, at least in part, for the January 25th Revolution is that Egyptian citizens did not view themselves as stakeholders in the society in which they lived. Issues of corruption, exploitation and inequality were key factors for the January 25 Revolution. It is clear from the objectives of the Revolution that only through improved democracy by means of a constitutionally guaranteed institution, which provides genuine parliamentary representation that this prevailing feeling of socio-economic alienation can be tackled. Addressing such issues will require reform at all levels of governance, one of which is the constitutional level, and especially in relation to the position and functions of the parliament. The final constitutional settlement should include clear provisions which present parliament as a guarantor of socio-economic rights. This is a role parliament should share with the judiciary. Under the present draft of the 2013 constitution, parliament does not possess the necessary powers by which it may adequately protect socio-economic rights and promote equality and social inclusion. By considering the proposed 2013 amendments, perhaps we can find a number of points that merit further consideration as part of the process to re-balance institutional power in favour of the parliament. These include:

- The lack of a unified budget, and multiple budgets spread out across different state agencies and institutions.
- Tax codes and the lack of any specification of their structure: The amendments mention only “establishing taxes,” with no mention of a capital gains tax. Various other proposed laws also fail to cover this, a fact which may limit the powers of parliament in relation to this issue. This necessitates a need for greater accountability with respect to the tax system. The first step is to highlight the issue and distinguish it from other forms of resources and fees. Multiple tax brackets need to be created, while phrases such as “tax expansion” should come into usage, in

addition to the term “establish”, based on the possibility that tax expansions can occur under the same tax. Parliament should be at the apex of such developments and any such developments could be presented as parliament acting against corruption and tax evasion.

- Include clear clauses and texts in the constitution that allow all stages of the budget process to be tracked, from introduction as a draft to its final publication. Allow for societal discussion to occur around the issue and do not limit discussion to just the final bill, whose numbers are often always higher than those originally agreed upon. Mechanisms must also exist to ensure oversight throughout the entire fiscal year, with the ability to set penalties if there is any deviation from the agreed upon budget.
- The proposed amendments to the constitution adopt conventional means of addressing economic and social rights and freedoms. Details regarding these rights are not provided, and often these rights are not even directly defined as such. Rather the text refers merely to “guarantees of the state”. This is also in addition to the fact that no references are made to international charters related to economic and social rights, many of which Egypt is party to and therefore bound by. One point to consider is whether parliamentary committees that have investigative powers to examine human rights, equality and social justice issues are constitutionally guaranteed. Such committees should have the power to call any witness, including the President, and should be seen as a central to securing accountability and preventing the exercise of arbitrary power.
- Expanding awareness of such rights as housing, education and health, the mechanisms by which to achieve them, and how to fund and pay for them, is important. International standards should be employed, as is the case with children’s rights, which specify who is a child, the ages of childhood, and set a minimum working age. They also make it permissible to penalize those who violate such rights. Once more parliament should be able to establish specific committees that are charged with addressing these socio-economic problems. Such committees should be required to produce annual reports on these issues which are then

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debated in parliament. This would improve public awareness of parliament's work.

- Details are not given with respect to how and when nationalization and confiscation are to take place, and how to address damages arising from these processes.
- Legal restrictions are placed within the text of proposed constitutional amendments with the note "as regulated by the law" as is the case with laws regulating social solidarity. Economic and financial issues which may help shape the state's economic outlook are also not specified with great clarity. This includes the state's economic system, the role of the state, the goal and aim of the economy, and the usage of financial imprecise terms such as, "adequate budget," as is stated in article 17.
- No clear mechanisms exist for the passage of draft public budget legislation, or for its regulation. Nor does any existing budget philosophy exist based on the notion of distributing responsibilities. No restrictions exist governing economic policy regarding state burdens such as loans (in all their different forms and under various names). Clauses and texts must be inserted into the constitution guaranteeing accountability for loan policies and their function. Regulated limits and restrictions must be placed on such policies so that they cannot be approved or passed except by the approval of parliament. Constitutional controls must also be put in place so that no policies can be passed in the absence of parliament, contrary to what was the case in previous periods.

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**Bicameralism Vs. Unicameralism
in the 2013 Draft Constitution
International Experiences and Egyptian Context**

Unicameralism vs. Bicameralism

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Introduction

When evaluating the role of a specific political institution in the operation and performance of democracies, it is useful to start from the distinction as to whether that institution is majoritarian or consensual in character. A majoritarian institution works to concentrate political power in a single office or place, thereby providing the means by which the person or persons holding this power can govern by imposing his or her will on minorities. A consensual institution, by contrast, disperses political power among competing political actors, ensuring that none can dominate the others and that government policies are the outcome of negotiation and compromise between them. A particularly clear example of this distinction can be found in the choice of electoral system that democracies make. One type of electoral system is the Single-Member-District-Plurality system (sometimes called “first-past-the-post”) found, for example, in the United Kingdom.

By virtue of the way it operates, this method of choosing elected representatives tends to favor large parties by awarding them a share of the seats in parliament that is higher than the proportion of the vote won in the election. The outcome is usually single-party government where the party with the majority of seats in parliament governs with little regard for the interests or wishes of minority parties. Proportional representation is the opposite, more consensual type of electoral system. Its guiding principle is that parliamentary seat share is roughly proportional to the share of the votes that each party wins in the election. It is rare for any party to win more than 50 per cent of the popular vote under this type of electoral system so that no one party dominates the parliament and government is most often a

coalition between two or more parties whose parliamentary strength combined gives them at least the 50 per cent plus one seat necessary to pass legislation. Legislative initiatives, however, have to be the product of negotiation and agreement between the parties in the coalition, hence political outcomes are more consensual in character than this found under majority governments.

This distinction forms the basis of my outline of the relative strengths and weaknesses of unicameral and bicameral systems of democratic government. Its basic theme is that unicameralism tends to promote majoritarian democracy, while bicameralism is conducive to a more consensual decision-making style.

Unicameralism: Advantages

- Lower houses in democracies are always directly elected, which enhances both their accountability to voters for the policies they enact and the legitimacy of the democratic regime;
- Policy making is efficient and coordinated because maintaining majority voting support in the lower house alone is the key to passing legislation;
- It both avoids duplication and is less expensive to maintain only one representative chamber and fewer legislative members;
- Both government policies and citizens' rights and responsibilities are more uniform across the whole national territory;
- There are fewer points of access to parliamentarians that would allow special interest groups to amend or block legislation that is favoured by the majority of the people.

Unicameralism: Disadvantages

- There is the risk of a “tyranny of the majority” whereby the parliamentary majority systematically ignores the wishes and interests of, for example, ethnic, regional or religious minorities;
- Their permanent exclusion from the policy making process means that minorities with little or no hope of controlling, or

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participating in, government can become disaffected from the political system and its democratic legitimacy undermined;

- Not being obliged to cooperate or coordinate with other political institutions and actors to pass legislation, the one house can push through any law of its choice as long as it does not go beyond constitutional provision or the limits of popular tolerance;
- Faced with a large volume of government business and a finite amount of time, the house may become arrogant and give insufficient attention and discussion to the making of complex laws and inefficiencies, even arbitrary government, may result;
- Unicameralism provides no opportunity for second thought that might lead to the reconsideration and revision of legislation before it enters the statute books.

Bicameralism: Advantages

- Representation – with the lower house being composed of popularly elected members representing citizens directly, an upper house can be a venue in which representation in government is extended to constituencies defined by bonds of, for example, occupation, ethnicity, religion and, above all, shared territory;
- Safeguards – bicameralism provides for a routinised “second opinion” that may temper possible excesses of the lower house and, by reducing its workload and bringing a range of different perspectives to bear on its discussions, improve the legislation that is eventually passed by it;
- The existence of a second chamber provides safeguards against the possible “tyranny” of a single chamber legislature and, in so doing, helps to preserve the liberty of individuals and groups unrepresented by proceedings in that chamber;
- With two legislative bodies, there is enhanced, more diversified oversight of the executive and the need for cooperation and consensus to pass legislation becomes necessary;
- An unelected upper house allows people of worth who have achieved distinction outside politics to be drafted into the

governmental process and use their experience and talents in the service of the common good.

Bicameralism: Disadvantages

- When, as is the norm, upper houses are not directly elected, their existence undermines the democratic credentials of the governing process by making some influential actors in that process unaccountable for their actions;
- Bicameralism may discourage “the tyranny of the majority” by providing for the sharing of power between legislative houses, but it can also risk a “tyranny of the minority” by giving power to individuals and groups out of proportion to their size or popularity. The usual example is the U.S. constitution which gives two Senate seats to each state regardless of population size.
- Bicameralism provides more points of access to government for special interest groups seeking to advance their own interests often at the expense of those of the people;
- Bicameralism adds duplication, time, expense and inefficiency to the making of laws while most often having little influence on the eventual content of those laws;
- Bicameralism can exacerbate tensions and promote delay, even gridlock, when the two constituent houses are under the control of different parties or coalitions of parties.

Bicameralism in Brazil – the case of Brazilian Senate: History, Reasons and Performance

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History and reasons for Bicameralism in Brazil

After its independence (September 7th, 1822), Brazil became a constitutional monarchy, with an option for two chambers. During the imperial period, there was a unitary State, with the Legislative branch divided between a Chamber of Deputies and a Senate. Deputies and senators were both elected in provinces; through indirect and censitary voting (i.e. to be able to vote depends on personal income). The elected body of electors chose the Deputies directly, but Senators, who had lifelong tenures, were chosen by the Emperor.

In 1889 Brazil became a Republic, with presidentialism. At the beginning of this new system, there were 3 senators for each state (the successors of the Imperial provinces), with a nine-years term of office, and elected by the same electoral formula of deputies. In this period, Brazil experienced a strong version of federalism – the so called 'Old Republic' was the most decentralized one in Brazilian history – and the upper chamber had a relevant role. The US was an inspiration for Brazil's first republican Constitution, just as the US federal system was the inspiration for Brazilian federalism, including aspects such as the Senate's Presidency being occupied by the Vice-President.

During the thirties, with the Getúlio Vargas government, liberal democracy lost space to corporatist ideals – some of the deputies were chosen by corporatist organizations. In 1937, Vargas had promoted a coup d'État. This was the beginning of an authoritarian period (1937-

1945) called “New State – Estado Novo”, with a new imposed Constitution. The Estado Novo’s Magna Carta reduced the Senate’s powers, and, actually, changed the name of the second chamber, which was given the new name of “Conselho Federal” (Federal Council). In fact, however, the Legislative Power was suppressed and the Executive acted as a dictatorship, governing by decrees .

Coinciding with the end of World War II, Brazil had its first democratic moment – in the modern conception – with a more active participation of the working classes in the political process and, also, for the first time in Brazil, national political parties. There was a decentralization movement, although less intensive than that of the “Old Republic”, and again, two chambers – Chamber of Deputies and Senate – working regularly. The 1946 Constitution established 3 senators per State, with an eight-year term of office and the provision for partial renewal, by 1/3 and 2/3, consecutively .

In 1964 Brazil passed through a new democratic rupture, and experienced, again, a dictatorship period (1964-1985), this time ruled by military. The military presidents attacked the Legislative branch as a whole, changing the political system to a two-party system and closing the Congress (both chambers) on two occasions: December 1968 to October 1969; and April 1977. But military governments didn’t take any specific action against the Senate. On the contrary, one of the strategies that the military leaders adopted was to alter Senate composition. By 1978 elections, half of the seats were chosen through indirect election, under Executive influence .

With the new installment of democracy, Brazil got a new Constitution, in 1988. The Constitution established bicameralism, with 3 senators per state, eight years tenures and partial renewal, by 1/3 and 2/3, consecutively. Although there were some institutional debates during the republican period, as, for instance, the promotion of parliamentary government – Brazil even had an interval of parliamentary government, from September 1961 to January 1963 – there wasn’t, in the republic’s history, any permanent and meaningful criticism to keeping the Senate .

In a nutshell, Brazilian’s republican case is that of a symmetrical bicameralism, with federalism as the basis for the second chamber. In the Brazilian republic, there was no need to provide space for expressions from the aristocracy or clerical classes in the political

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arena, even less to create a specific representative institution for them. Furthermore, Brazil hasn't had, during the republican period, any pronounced ethnic, cultural or linguistic differences that would require the Senate to adopt any other representational basis than the territorial basis. Curiously, secession movements in Brazil have happened during the Empire, when there was a unitary State .

Therefore, the Brazilian decision to keep the bicameralism system is associated with federalism and presidentialism. To reach a more definitive conclusion about the point, however, it is necessary to examine the documentation and registers of the constituent assembly in 1987-1988.

There aren't, from our point of view, any signs of significant criticism to federalism in Brazil. An important point linked with this perception is the fact that the democratization process of Brazilian society, during the eighties, was backed by the governors, including in the three more important federated states: Tancredo Neves (Minas Gerais); Franco Montoro (São Paulo) and Leonel Brizola (Rio de Janeiro). Elected in 1982, those governors were of PMDB, the opposition party. The Constitution, written in 1988 with the return of democracy, was empowered by the forces of the states .

Regarding parliamentary government, it has had some support in different times of republican history. Defeated in the constituent assembly (1987-1988), it had a new opportunity in 1993 – the Magna Carta did have a provision for a referendum about this – but was once more defeated, this time by popular vote .

Another hypothesis for the existence of the second chamber in Brazil, that we propose here without any claim to prove it, is that some of the most important politicians during transition to democracy were senators, acting from their seats, such as Teotônio Vilela (one of the leaders of the opposition) and Petrônio Portela (one of the leaders of government and part of the group that articulated the democratic transition strategy). This contributed to make the Senate valued as a relevant site of political debate .

Institutional Features of contemporary Federal Senate:

Compared to other countries, Brazil's Senate is powerful, similar to the US Senate and above the Latin American average, a region with powerful second chambers.

There are 81 senators to 27 states (in the case of deputies, there are 513 for the same 27 states). Senators are elected through a majoritarian electoral system and deputies through proportional methods. Looking at the 2013 data, there is a clear picture about the differences between political representation and population:

RegionsStates	Population	Senators		Population /Total	Senators/ Total
Southeast	4	84.464.579	12	%41,94	%14,81
Northeast	9	56.158.654	27	%27,88	%33,33
South	3	28.795.7629		%14,30	%11,11
North	7	16.983.485	21	%27,88	%33,33
Middle-West	4	14.993.194	12	%7,44	%14,81
Total	27	201.395.674	81	%100,00	%100,00

Today, Brazil has a bicameral system, almost symmetrical, and sequential (Brazil uses a “navette” system, where legislation is sent from one chamber to the other, with a special stopping rule to reconcile differences between the chambers). Legislative prerogatives of both houses are quite similar. The differences are some exclusive prerogatives of the Senate, for instance, the power to approve some Executive appointments (Diplomats, Supreme Court, regulatory agencies, Central Bank) and some competencies linked to public deficits management.

Sequential procedures, without conference committees, and the revisionary process, characteristics of Brazilian's bicameralism, do give an advantage to the initiating house, because the reviewing house can reject or change the bill. When the reviewing house rejects the bill, it is like a veto power. When the reviewing house changes the bill, it works as a tacit approval, because the initiating house can reject the changes and approve their original text. Therefore, despite having less prerogatives than the Senate, the Chamber of Deputies does have significant power, because the Chamber is the initiating house for the

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majority of the bills – Executive proposals are initiated at the lower house.

Some recent analytical issues

Due to staggered elections and the partial renewal, Brazil has experienced a kind of “electoral inertia”. During Fernando Henrique Cardoso’s presidential term (1995-2002), his major difficulty was dealing with the Chamber of Deputies, where he found a strong resistance to his constitutional amendment proposals. But Lula’s presidency (2003-2010), faced more resistance at the Senate. Lula had to deal with an opposition Senate due to partial renewal – the composition was still linked to FHC government and there was a 2/3 renewal in 2002.

Nowadays, the Senate is the arena for the debate of mainly federative issues. It is at the Senate, that one finds more clearly the positions of the federated states. Among them, we can highlight the oil royalties distribution (a billion dollar question, with the possibility of contracts being broken) and reform of VAT – that is the biggest revenue source for the states.

Another important question related to the configuration of Brazilian’s bicameralism, is the failure of political reform propositions. One of the basic reasons for the non approval of any reform, is the fact that the reviewing house, when proposing changes, can’t know for sure that its changes would be approved by the initiating house and, so, in view of the risk that the other house would approve something that would harm the reviewing house, it is better to approve nothing .

The Portuguese Parliament's option for a unicameral system

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Portuguese democracy was introduced in April 1974 after a continuous period of authoritarian regime under the dictatorship of Salazar, for 48 years. Before this dictatorship, Portugal had gone through a very unstable period (1910-1926), when the monarchy was abolished and the Republic introduced. The acute instability (and a number of small coups) during that time is thought to have led to the rise of the dictatorship in 1926. So, until 1974 Portugal had not undergone a period of stable democratic rule. The political system introduced then was the result of prolonged discussions, which led to the Constitution of 1976. More specifically, the Constitution was drafted by an elected Constituent Assembly (1975-76). This Constitution established the key characteristics of the Portuguese political system, which have effectively remained unchanged until today. These include four sovereign organs:

- The President of the Republic (Portugal has a semi-presidential system: the President is directly elected by the people and despite having no executive power, he/she has the right of referee with veto and dissolving powers, under specific conditions);
- The Government (emanating from Parliament);
- The Parliament (the Assembleia da República, an unicameral parliament, with 230 MPs);

- The Courts.

In general terms, the system also includes a closed list proportional electoral system, and a pivotal role ascribed to parties as the key representative unit (for example: only parties can present candidates for election to parliament), as well as a Constitutional Court (with 13 judges: 10 elected by parliament and 3 co-opted), a State Council (a consultative organ of the President of the Republic, composed of 5 members nominated by the President for the time of his mandate (5 years) and 5 members nominated by the Parliament, from the several parliamentary political groups, for a legislature term (4 years) and a Social and Economic Council (a social dialogue and consultative organ, composed of 66 members)

The historical background and the general structure of the political system are important to understand why the Portuguese opted for a unicameral parliament. The option for a single chamber appeared as the natural solution back in the mid 1970s, following the past experience of bicameral parliaments, which had all been characterised by non-democratic traits. With the exception of the very first constitution, of 1822-26, which had a unicameral Parliament elected by direct suffrage (including the right of vote to illiterates), all the other constitutions since then had included a bicameral parliament – and all of these were associated with non-democratic styles of representation.

Here is a brief profile of the history of the upper chambers in Portugal, which helps to understand the rejection of bicameralism when democracy was introduced:

- 1826-1910: Monarchic Constitutional Charter institutionalised an upper chamber composed of hereditary and life peers nominated by the monarch (Chamber of Peers). The elected chamber became known as Chamber of Deputies (elected by

indirect suffrage)². This structure prevailed until the Republic was introduced;

- 1910-1926: in 1911, the new Republican Constitution introduced an elected upper chamber (method of election undergoing lots of changes, including indirect election), the Senate³, and the lower chamber was renamed as Congress of the Republic, following the influence of the Brazilian Constitution of 1891; this period was associated with acute instability and individual MPs' corruption (caciquismo: locally based clientelistic networks at the basis of the MPs' support and activity).
- 1926-1974: For nine years (1926-1935), Portugal had no political Assembly. The Salazar dictatorship, from the Constitution of 1933 onwards, introduced a very different concept of parliament, described as asymmetrical bicameralism. The elected chamber became the National Assembly (in office only in 1935, elected by direct but not yet universal suffrage and composed by a one-party system's MPs, under an electoral system of majority representation) and, as the Constitution stated, contiguous to it, there was a consultative chamber, the Corporative Chamber. This was composed of representatives of social and local interests, nominated by the government. Although with no legislative powers and no binding consultation prerogatives, the importance of the role of the Corporative Chamber was such that it acquired effective cabinet status. It became a symbol of the doctrine of the Salazar regime (heavily based on corporatism).

In this context, and bearing in mind the non-democratic connotations given to an upper chamber through Portuguese political history, the choice of a single chamber parliament, based on a direct

²The Constitution of 1828 changed the name and composition of the Parliament, being now composed by the Chamber of Deputies (already elected by direct suffrage) and the Chamber of Senators, both elected by census suffrage.

³ This Senate became, in 1918, a type of pre-corporative Chamber, composed of representatives from districts and professions.

and universal suffrage, was only natural in the 1976 Constitution, following the 1974 democratic revolution.

Besides this, there was also a sense that the key reasons justifying the option for bicameralism did not apply to Portugal. Bicameralism is usually chosen for one of two key reasons: to accommodate geographic and identity differences, or as a reflective chamber. The reflective chamber role was put to one side, seeing the very negative connotation of the dictatorship's Corporative Chamber. In terms of geographic or identity difference, again this did not apply to Portugal. Portugal is a relatively small country (10 Million population, 92.345 sq km), so not requiring the sort of extra representation due to size that the USA, Australia, Brazil or even Germany (federal states) may require. In terms of identity, it is also an extremely unitary country. It has one dominant language and religion and, although of course the north is different from the south, this does not equate by any means to the sort of identity differences that we see, for instance, in places such as Belgium or Spain. Portugal is in fact the oldest country in Europe, in terms of its specific borders. The only two areas that may not fit as well within this unitary character are the two autonomous regions of the Azores and Madeira. Both of these are a set of islands in the Atlantic. Due to their distance from the main continent, they have an autonomous regional government system. The regional governments emanate from regionally elected assemblies. The regional governments interact directly with the national government (or parliament, according to the specific matter). Besides their regional assemblies, the people in these two autonomous regions also elect MPs for the national parliament (Assembleia da República), just like any other district in Portugal (each of these two regions consist of a district, for electoral purposes). Since this is a quite small proportion of the population and a very specific case, it did not justify at the time creating an upper chamber just for these purposes.

Furthermore, the other two classic arguments to sustain the existence of an upper chamber – the representation of members of the aristocracy or of members of sectorial interests - also do not make sense for the current Portuguese context, nor the conservative argument, for instance, often used by the French.

However, we should pause on the role of the Constitutional Court. In some contexts authors have considered that Constitutional

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Courts can play the same role of an Upper Chamber. In many ways, this could be said to be true of the Portuguese political system. Although two-thirds of the judges are elected by the parliament (and therefore could be seen as having some sympathy to specific political forces), one third isn't, being co-opted into the role. Besides this, the membership of the Constitutional Court is composed of highly reputed Judges, whose judgement is highly respected. Over the years, this Court has therefore played an important buffer and check-and-balance role, which some would argue would be the function of a reflective type of upper chamber. In a political system where political parties play a key role, as it is the case in Portugal, the Constitutional Court has therefore played a key mediator role, having considerable legitimacy in the decisions it reaches. Together with the Constitutional Court, the President of the Republic also performs of course a referee and mediator role. But in terms of the reflective role that an upper chamber would perform, we can see that role being performed more clearly through the Constitutional Court. The President's role, for as important as it may be, is strongly associated with the actual person performing this role, whereas the Court has the advantage of being a collective and to have a legitimacy that does not rely merely on political election.

Summary of reasons for not choosing a bicameral system:

- Legacy of past history of non-democratic upper chambers, with very negative connotations;
- Small size country with considerable identity unity;
- The presence of a Constitutional Court which performs a reflective role and the existence of an Economic and Social Council and of a State Council, as mentioned above.

Summary of reasons for choosing a unicameral system:

- Fulfilment of the classic parliamentary powers: representative, legislative, political oversight over the executive, approval of the State Budget (no taxation without representation) and plural debate over different political options;
- Ensures, at the same time, both legitimacy and democratic representation (Members, from several political parties, elected directly by the people) and a less complex and more effective

system (mainly regarding the legislative parliamentary process);

- Participation in major political decisions by the representatives of all citizens: “Quod omnestangitab omnibus probetur” (what concerns everyone, should be decided by all).

The 2013 Constitution and Parliament: Why do we prefer the bicameral system?

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Whenever a change to the Egyptian constitution is proposed, there is renewed debate on the merits of adopting a bicameral parliamentary system, with increasing demands to eliminate the upper chamber (the Shura Council), and keep only one council, called “the People’s Council” (or the “Council of Representatives” as it is referred to in the 2012 constitution). Now, with the expected ratification of the new constitution in 2013, after the completion of work on the 2012 draft, the debate has resurfaced. This is especially the case now that the Committee of Ten Experts, formed by a presidential decree, has presented its proposed draft of the new constitutional document, controversially excluding all articles in the 2012 constitution relating to the Shura Council. This did meet the approval of some, particularly those who believe that the Shura Council does not have value given that it has been historically associated with appointment and consultation, rather than legislation, where engagement in the latter they believe would simply result in a waste of time and resources. On the other hand, the proposal was opposed by others who believe that the Shura Council is a legislative necessity that runs along with the modern trend in representative democracies of employing the bicameral system as a means of adding weight to the legislative process, improving it, and achieving a balance between powers.

In this context, this paper offers a history of the Egyptian experience of the bicameral system, focusing on the period after the January 2011 revolution. It presents the most important theses and arguments made by each relevant party, ending with a proposed model for the upper chamber.

1) The Bicameral Parliament (The Egyptian Experience)

Throughout its history of popular representation, Egypt has moved back and forth between the unicameral and bicameral systems. Egypt first established a bicameral system in the 1923 constitution, where parliament consisted of a Senate and a House of Representatives. However, this was amended, and Egypt returned to the unicameral system in the temporary constitutions of 1956 and 1958, and again in the constitution of 1964. However, although, the permanent constitution of 1971 initially adopted the unicameral system, it returned to the bicameral system once again in the amendments of 1980, and established what was known as the Shura Council. The Shura Council's presence remained unchallenged until the recent draft presented by the Council of Ten Experts, which suggests its elimination. Even after the January 25th revolution, the bicameral system was retained as per the constitutional declaration issued by the Supreme Council for the Armed Forces, in its capacity as the administrator of the country's affairs after the revolution of March 2011 and after the 1971 constitution was suspended.

The bicameral system continued after the January 25th revolution, in accordance with the 2012 constitution, until it was suspended on July 3rd following the events of June 30th, 2013. The constitutional declaration issued by the country's temporary president on July 8th 2013 did not deal with the issue of the make-up of the parliament. Article 24 paragraph 1 simply stated the president of the state would take over legislative authority until elections of the lower chamber, the "Council of Representatives" were held and no mention of the upper chamber was made.

In accordance with the constitutional declaration, the president of the state formed a committee of ten experts to make amendments to the suspended 2012 constitution. Upon completion these were immediately presented to another committee made up of fifty members representing all groups and reflecting the diversity of society. The first draft of the constitution issued by the Committee of Ten in August 2013, which is currently with the Committee of Fifty, ends the bicameral system by eliminating the Shura Council and suggests the Egyptian parliament is made up of only one chamber, the People's Council.

Despite the structure of the Council, which enabled the president to appoint one third of the members (later reduced to 10 by the suspended constitution of 2012) and which made it a tool in the hands of the Executive, the Shura Council, from the time that it was brought back to life in 1981 until 2007, only enjoyed limited power. This power was confined to a large extent to providing a – nonbinding – opinion on draft bills. This issue saw some progress as a result of the 2007 amendments to the 1971 constitution, when the Shura Council’s approval became “obligatory” for proposals relating to the amendment of one or more articles of the constitution and for draft bills relating to the implementation of provisions in the constitution, peace treaties, alliances, and all treaties altering the territory of the state or relating to sovereignty rights.

The period after the January 25th revolution witnessed tangible changes to the role of the Shura Council. It regained a legislative role alongside the People’s Council, particularly after the approval of the 2012 constitution, namely through Articles 1, 82, 83, 94, 97, 111, 112, 128, 129, 130, and 131. The council began to play a participatory role with the lower chamber (the Council of Representatives), while gaining other powers, for example, its approval was necessary before announcing a state of emergency in the event of the People’s Council’s absence. It was also required to approve the president’s decision to appoint or remove the heads of the oversight bodies and independent commissions. The 2012 constitution itself gave exceptional authority to the incumbent Shura Council to take on full legislative power from the start of work on the constitution until the convention of the Council of Representatives (which became the People’s Council after its name was changed by the suspended 2012 constitution), which would then receive full legislative power once elected until a new Shura Council was elected. In fact, legislative authority settled in the hands of the Shura Council after the first People’s Council elected after the revolution was dissolved by a court ruling declaring the Election Law unconstitutional. Power remained with the Shura Council after the 2012 constitution was approved until the constitution was suspended on July 3rd 2013. The Shura Council itself was dissolved immediately thereafter in accordance with a constitutional declaration issued on July 8th 2013.

2) The Egyptian Parliament: the Unicameral vs. the Bicameral System

While debate continues between the two sides over the optimal form of the parliament, this section of the paper presents the arguments and justifications of each side, in an attempt to find a clear standard to differentiate between the two systems.

The main arguments of the first group, which rejects the second chamber are:

1. In the Egyptian experience, the second chamber usually as long as it was a consultative body, and had no legislative capacity, could be dispensed with and replaced with a number of specialized national councils.
2. The second chamber costs the state budget millions of pounds, in the form of employee salaries and member bonuses, to say nothing of the cost of holding elections at a time when Egypt is suffering from a number of economic crises.
3. The second chamber impedes and slows the legislative process at a time when Egypt needs the wheels of legislation to turn, to change the damaged and suspended legal system in Egypt.
4. The many appointments to the Shura Council make it an authoritarian and elitist council, which does not express the will of the people.

It is worth noting that this group, despite well-made points with respect to the burden on the state budget and the legislative process, confuses the Egyptian historical experience during the period of the Republic with the reality of the role of the upper chamber in most modern democracies. Regardless of the performance of the Shura Council in the Egyptian experience, the upper chamber in Egypt could have a useful role as a legislative body in parallel to the People's Council, particularly when taken in light of an essential issue relating to the nature of the upcoming electoral system, namely, whether the elections will be carried out under the "individual system" or the "list system." Analysts believe that discarding the bicameral system (with the elimination of the Shura Council) along with the use of the individual system to elect the members of the People's Council could

ultimately lead to government control of parliament, transforming it into a servile parliament instead of a legislative parliament. The individual electoral system means that the People's Council will be made up of "independent" individuals, rather than party blocs preventing a clear or stable parliamentary majority from being achieved. Members will change positions according to their agreements with the government, which, due to the resources and power it enjoys, will remain the stronger entity. Members may be more concerned with using this power to protect their popularity than with paying attention to the council's work or legislation, again allowing the government to have a greater monopoly on power. This is where the importance of the second chamber comes in, namely, as a means of guaranteeing political independence and legislative competence. The degree to which this will be achieved depends on the degree to which the structures of the two houses remain different, in as much as they do not become mirror images of each other, as well as to the degree that balance is achieved between them with respect to duties and powers.

The second group (to which the author subscribes) views the presence of a bicameral parliament as necessary and inevitable due to the following theoretical and practical considerations.

The theoretical considerations:

A number of experts and political science researchers believe that there is an integral theory of bicameralism, which considers adopting a two-chamber system to have the following benefits:

- 1) It helps to ensure the representation of geographic regions and areas, as well as to achieve balance between the federal authority and its associated units (as is the case in federal states or States who follow, to a certain extent, policies of decentralization, like France or Japan).
- 2) It achieves a balance between popular representation and the representation of elites and qualified individuals who may not be able to compete popularly.
- 3) It creates additional checks and balances over legislation drafted by the lower chamber by means of extensive discussion, allowing the improvement and enrichment of bills.

- 4) It promotes the separation of powers and prevents a single party from controlling the lower chamber or monopolizing power, thereby achieving a greater balance between powers, even within the decision making center (legislature) of the institution.

Egypt also needs a bicameral system for the following practical considerations:

- 1) In order to prevent any one group from controlling the legislative process. For example, the dominance of a single group in the People's Council elections may be temporally related. Thus, holding the Shura Council elections at a different point in time may allow other groups, or coalitions of allied groups, to come to the fore.
- 2) It will help us to achieve affirmative action for under-represented groups, such as workers, farmers, women, and Christians by means of the quota system, while still allowing open electoral competition in the lower chamber.
- 3) This system will create opportunities for technocrats and those with much needed practical and professional qualifications to run for office in a less populist atmosphere. It will regulate the elections for the lower chamber by creating more stringent conditions for candidacy, based on criteria such as age, qualifications, experience, etc.
- 4) In the event that the lower chamber is dissolved, this system may prevent the legislative process from stalling or being appropriated by other powers, such as the President or the Cabinet, due to the fact that the upper chamber enjoys immunity from dissolution.

3) The Proposed Model for the Upper Chamber

If the esteemed committee is convinced of the necessity of an upper chamber, I suggest the following model and procedures:

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- 1) An alternative name to the Shura Council. This name has acquired negative associations due to decades of weak performance as well as the name itself painting the council as (primarily) an “advisory” institution. Therefore, I suggest returning to the name “Senate,” which is the historical name for the council in the Egyptian experience. An alternative name is the Advisors’ Council, which I recommend, since the term “Senate” is somewhat unwieldy and has biased popular overtones. Not to mention the explicit gender bias in the name, itself.
- 2) That the number of members in the upper chamber do not exceed the number in the People’s Council, perhaps between 250 and 300 members.
- 3) With respect to the criteria for candidacy, I suggest that there should be two essential requirements, as is the case in the 2012 constitution: the candidate should be no less than 40 years of age, and should hold, at minimum, a bachelor’s degree; other requirements related to affirmation action will be clarified below.
- 4) With respect to representation, I suggest that the following groups should be the recipients of affirmative action: Women, Christians, the inhabitants of the Sinai, Nubia, and the Western Desert, Egyptians living abroad, laborers, and farmers. In addition to an extremely limited number (of seats) reserved for appointment or automatic membership. In order to clarify this concept, let us suggest the following example:
 - 300 members in the council
 - Affirmative action (quotas) as follows: Women- 10% or 30 seats; Christians- 10% or 30 seats; Egyptians living outside the country – 5% or 15 seats (calculated according to the population of Egyptians living in different continents); representation from the different geographical areas (Sinai, Nubia, and the Western

Desert) - 5% or 15 seats; laborers and farmers -20% or 70 seats. So the quota totals to 150 members.

- 10 members chosen through conditional appointment, representing the national councils, such as the National Council for Human Rights, the National Council for Woman, the National Council for Childhood and Motherhood, the Economic and Social Council (if it is approved), the Council for Combating Corruption (if it is approved), and no more than 5 public figures with unique achievements, such as Nobel Prize winners and other Egyptian figures, well-known locally, regionally, and internationally. This leaves us with a total of 160 members.
- One seat allowed for automatic appointment, which is reserved for the President of the Republic at the end of his term (or his two terms). He will serve in the council for one term only following his retirement (the end of his work as president of the Republic), as is the case in the Italian model.
- There will be open competition for the remaining 140 (139) seats, at the country-level.
- Open competition will be held through the individual system (if the list system is approved for the lower chamber), or through the mixed system.
- Given the demand for additional time to pass laws and protocols regulating this new system, as well as the desire to avoid delaying the legislative process, especially over the next two years, which will be particularly sensitive, I propose that the constitution state that the Shura Council will be elected in the aforementioned manner starting two years from now. In the intervening two years, we will temporarily have a single chamber. If the response to this suggestion is to leave the upper chamber, as described above, for a later constitutional amendment, I would respond that the proposal or approval of such an amendment is by no means guaranteed given the

complexity of the constitutional amendment process. The opportunity will be lost if it is not seized now.

- The council will be made immune from dissolution to guarantee the continuation of the legislative process in the event that the lower chamber is dissolved.
- Since the upper chamber is immune from dissolution, it shall not have the power to form the government or withdraw confidence from it. However, it does have the ability to question the Cabinet.
- The upper chamber may have other powers withdrawn, such as the power to approve the general budget or to discuss the defense budgets or the different laws related to the armed forces. Its focus shall be on alternative legislation, especially that related to health, education, the environment, fighting poverty, and legislation that requires experience and qualifications.
- In the event that there is a difference of opinion between the upper and lower chambers regarding the legislation mentioned above, a joint committee made up of the two chambers will be formed to settle the matter. In the event that they do not reach a compromise within a set time period, the issue will be decided according to the opinion of the lower chamber (as is the case in the Japanese model).

In the author's opinion, the implementation of this system will achieve the following benefits:

- 1) It responds to the requests for quotas and affirmative action for under-represented groups (women and Christians).
- 2) It transcends the deadlock over the issue of representation for workers and farmers in the lower chamber.
- 3) It ensures there is representation of the less-developed geographic regions, which remain removed from Egyptian decision making processes, while better integrating their people.

- 4) It does not disrupt the legislative process during the next two years, given the sensitivity of the coming period.
- 5) It does not interfere with current bills that cannot be delayed (such as the state's general budget).
- 6) It achieves a controlled independence for the military, since its legislation and budget will only be discussed by the lower chamber.
- 7) It achieves a balance between open representation for political groups and the representation of other groups through affirmative action. Thereby preventing the complete dominance of political groups over the legislative process.

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Electoral Systems:

Concepts and International Experiences

Electoral Systems: a Glossary⁴

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Absolute Majority

More than half the total number of
votes cast.

Additional Member System (AMS) or Mixed Member Proportional (MMP)

Combines party list PR and FPTP/SMP. Typically half the members are elected by first-past-the-post voting in single-member constituencies. The other half are allocated to party lists in such a way that the seats in the full assembly are proportionate to the votes cast in the country as a whole (subject to certain threshold rules). Used in Germany and New Zealand.

Alternative Vote (AV)

Preferential voting within single-member constituencies. It is a method of securing the election of one person by an absolute majority. For the Australian Lower House voters number the candidates in order of preference; the candidate with fewest first preferences is eliminated and the second preferences are redistributed; the process continues until one candidate has a clear majority.

Constituency or Electoral District

The most common term for the geographic areas into which a country is divided for electoral purposes. A constituency may send one or several members to the legislature. Other terms include district

⁴Please note: this glossary does not deal with the detail of quotas, divisors and the mathematics of seat allocation.

(USA), riding (Canada), *circonscription*(France), electorate (Australia and New Zealand), and division (UK).

District Magnitude (DM)

The number of representatives returned by a constituency (a single-seat constituency has a DM of 1). Generally FPTP and majoritarian electoral systems have a DM of one, while proportional systems have DMs > 1. DM is important for proportionality in PR: the larger the DM the more proportional the outcome.

Electoral College

A body of people chosen to elect another body or person, e.g. the president of the USA or of Finland.

Electoral District – see Constituency

Electoral Formula

The electoral formula is the rule which governs the translation of votes into seats. There are different kinds, but they can be grouped into families: *plurality* systems where seats are won by the candidate with the most votes even if the candidate does not get a majority of votes; *majority systems* where candidates must get a majority of votes to be elected; *proportionalsystems* where the parties fielding candidates are represented in proportion to the votes won by each party or candidate; and *mixed systems* which combine two of these systems.

Electoral System

The set of rules for translating votes cast at an election into seats for a representative assembly according to a specified electoral formula.

Exhaustive Ballot

When no one candidate for a single seat has polled half the votes or more, the candidate with the fewest votes is excluded and a new vote is taken among those who remain. Repeated until some one candidate has more votes than all his or her remaining opponents combined.

First-past-the-post (FPTP) or Single Member Plurality(SMP)

The oldest voting arrangement which still predominates in English-speaking countries. It usually involves single member districts. Each elector has one vote, and the candidate who gets most votes wins, even if he or she does not secure an absolute majority.

Gerrymandering

The practice of redrawing constituency boundaries with the intention of producing an inflated number of seats for a party, usually the governing party.

Limited vote

A system of voting in multi-member constituencies with a majoritarian system in which electors have fewer votes than there are seats to fill (used only in Japan).

List System (PR)

List systems are one of two families of electoral systems using PR. Proportional representation by the list system is based on the voter choosing between lists of candidates provided by political parties.

Majoritarian

A majoritarian electoral system is one which privileges parties which win a majority of parliamentary seats even if they do not gain a majority of votes. SMP, AV, and second ballot systems are all majoritarian electoral systems.

Malapportionment

Where there are imbalances in the population densities of constituencies which favour some parties over others (e.g. such as happens when constituency boundaries are not redrawn to take account of rural depopulation).

Minority Vote

A person is said to be elected on a minority vote if he or she has received fewer votes than his two or more opponents combined.

Multiple-X Voting

Several representatives are elected together and each voter may vote for that number (or up to that number) of candidates.

Plurality

A plurality is a relative majority. A plurality electoral system permits candidates to win seats even though they do not gain a majority of votes; see first past the post; single member plurality system.

Preferential voting

A system of voting in which the elector expresses a rank order of preference between candidates. The alternative vote (AV) and the single transferable vote (STV) are systems of preferential voting.

Proportional representation (PR)

Generic term for systems of election which seek to relate seats to votes more proportionately than is possible under a single-member-constituency system. PR is a family of electoral systems which emphasise the importance of ensuring that the proportion of seats won by a party closely reflects the proportion of votes won by the party. Two broad ways in which PR can be achieved: the party list system and single transferable vote (STV). Proportional outcomes can also be achieved by MMP. All systems of PR require multimember districts.

Proportionality

The view that a party's share of votes should be matched by a similar share of seats in the legislative assembly rests on an idea of representation which stresses the importance of proportionality.

Quota

The minimum number of votes required to ensure the election of one representative. Used in STV and some versions of party list PR.

Redistribution/Redistricting/Reapportionment

Redistribution is the general term. It covers *redistricting* (redrawing of constituency boundaries) and *reapportionment* (reallocation of seats among states or regions).

Second ballot

In a single-member-constituency system, a second vote if no candidate has an absolute majority on the first ballot. Typically either the top two polling candidates in the first ballot, or those who exceed a certain percentage of the vote, are permitted to proceed to the second ballot. An exhaustive ballot is one which might continue to a third or late ballot until the point at which a candidate achieves $> 50\%$.

Single Member District

An electoral district represented by a single member of a representative assembly.

Single Member Plurality System (SMP)

This is the system currently used in British Columbia for the legislative assembly. See FPTP.

Single Non-transferable Vote

Each voter has one vote, regardless of how many places have to be filled. That vote is given to one candidate and cannot be transferred to any other.

Single transferable vote (STV)

System of preferential voting in multi-member constituencies. Voters number the candidates in order of preference. Candidates exceeding the quota are elected and votes surplus to the quota are allocated according to second preferences. At the same time, candidates with the fewest votes are eliminated and their preferences redistributed to the remaining candidates. The process continues until all the seats are filled. According to its advocates it combines the merits of PR with local representation and enhanced voter choice.

Tactical (or strategic) voting

Casting a vote not in accordance with one's preference ordering, in the hope of improving the chances of an option one favours.

Threshold

This may refer a) to a *de facto* threshold, i.e. the minimum proportion of the vote necessary to gain representation under any

given electoral formula. This is important in PR systems because the threshold affects the number of small parties which can gain representation; b) a *de jure* threshold specifying the minimum proportion of votes, or the minimum number of seats, which must be won before a party can gain representation under an electoral system. In the German MMP system a party must win 5% of the votes or three electoral districts before its vote share can be matched by the appropriate proportion of seats. These rules are designed to prevent the representation of very small parties. Thresholds limit the possibility of achieving purely proportional results, for example, by distributing seats only to parties securing a minimum of 5% of the vote.

Wrong winner

When a party wins an election with fewer aggregate votes nationally or regionally than its leading opponent.

Key Issues in Choosing an Electoral System

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Introduction: why the discussion is important?

There is a widely held view, among both politicians and electors, that electoral systems are boring and make no difference. This is a fallacy and based on a failure to recognize that there is no such thing as an election result independent of the system used to convert votes into seats. Different systems give you different results; to a greater or a lesser extent the result are an artifact of the system used to determine them. All results are, to that extent, artificial. Electoral systems have real effects: they are not merely neutral devices for turning votes into representatives. We often mistake the outcome (results) of the election for the inputs (votes) – but one may bear very little clear cut relation to the other. It is because people think that the electoral system is neutral between different values and considerations and because they think that, somehow, the winner of an election is ‘natural’ they ignore discussion of systems and stubbornly stick to what they know, often praising it for its ‘simplicity’. For example, they often favour FPTP which, as Matthew Shugart says, is ‘despite its long historical pedigree and its continuing widespread use ... a system that academic specialists in electoral systems rate as one of the least desirable systems ...’

Choosing an electoral system is at the same time to choose the sort of politics we want; and in this we have to bear in mind that the ‘same’ system will work differently and produce different results in different places. There is no ‘one size fits all’ and what works well in, for example, a homogeneous community with few language, religious or ethnic differences will not be appropriate elsewhere.

General points to consider:

- Electoral systems cannot be assessed neutrally and objectively, independently of other considerations.
- Different electoral systems carry different understandings and valuations of the nature of representation/representative democracy and government
- Changing an electoral system changes/modifies political culture and practice.
- Changes to a system change our understanding of representation.

The nature of representation.

- *Microcosmic* view of representation (where a representative assembly is ideally a microcosm of everything that makes up a society: political opinion, social and ethnic composition etc).

versus the

- *Principal-agent* view that representative democracy concerns competition for power between groups with different ideological views.
 - On this view a representative should not be seen as an element of society represented in microcosm but as a member whose votes are used to produce legislative decisions. The representative acts as an agent on behalf of constituents.
- There is a related contrast between a *deliberative* and a *legislative* assembly. A deliberative assembly focuses on discussion and deliberation; a legislative assembly focuses on decision making. The two lie on a spectrum: all existing assemblies combine elements of each.
 - The question of PR is to what extent the deliberative and *microcosmic* view of an assembly can be enhanced and to what extent this should displace the Schumpeterian or *principal-agent* view of representation.

Do we judge a parliament's representativeness in *procedural* terms, i.e. whether it is a microcosm of society at large or do we judge it in *outcome* terms, i.e. in terms of the decisions or outcomes of the parliamentary process.

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- **Procedural criteria** include:
 - Fairness (often equated with proportionality)
 - Avoidance of wrong winners and massive over-representation of leading parties
 - Equal value of votes
 - Avoidance of wasted votes
 - Effective representation of constituents
 - Effective voter participation and choice
 - Effective participation of groups such as women/minorities
 - Accurate reflection of political partisanship
 - Voters having a clearly identifiable local representative
 - Whether control is primarily exercised by voters or parties
 - Simplicity

To consider just one of these for a moment: what does it mean for fairness to be a procedural criterion? To answer this we need to consider

- **Fairness to whom?**
 - Voters?
 - Candidates?
 - Parties?
- **Fairness to what?**
 - Regions?
 - Geographical constituencies?
- **What is the importance of:**
 - Regional representation
 - Ethnic representation
 - Language representation
 - Cultural representation
 - Religious representation
 - Political parties: role, function, number
 - Political participation
 - Gender representation
 - Class representation
- **Outcome Criteria** include:
- **Effective government**
 - What does it mean to be effective?

- **Stable government**
 - Is single party government more stable than coalition government?
 - How important is making clear cut and difficult decisions?
 - Is there a danger of arrogance and losing touch with the electorate with strong single party government?
 - Is stability more important than representing all/key groups?
- **Effective parliaments**
 - Includes holding the government to account
- **Entry of new parties**
 - Will the system allow new parties with considerable actual or potential support to enter parliament?
- **Will coalitions be less accountable than single party government?**
 - It might be hard to identify responsibility for actions and policy
 - it might be hard to remove those responsible from office
- **Parliamentary scrutiny of government.**
 - Multi party legislatures where government does not have a guaranteed majority are probably better at this, but this might be at the cost of a degree of stability and accountability.

Families of electoral systems

Although every system as adopted by a particular country will be in many respects unique, there are distinct families of electoral system, each of which emphasizes certain things.

- Majority systems
- Plurality systems
- Proportional representation (PR) list
- Proportional representation by single transferable vote (STV)
- Mixed systems

Majority systems

The basic principle of majority systems is that the winning candidate must obtain more than 50 % of the vote. Where there are more than two candidates some process will be required for eliminating the least popular candidates and redistributing their votes

to the remaining candidates to ensure an overall majority. This could be done either through a second round of voting/second ballot or through preferential voting, where voters rank candidates on the ballot in order of preference (sometimes called the *alternative vote*).

Plurality systems

In plurality systems, individual candidates seek election in their electoral district (usually DM=1) and the winning candidate in each district is the one with the most votes – even if they get less than 50% of the votes. This can result in such anomalies as a party achieving enough seats to form a majority government with less of the popular vote than the leading opposition party – a ‘wrong winner’.

Proportional representation systems (PR)

Proportional representation (PR) systems vary widely but all are designed to ensure that the range of opinion in the legislature accurately reflects the range of opinion in the electorate or the relative popular support of the political parties (the two are not identical). These systems distribute seats in proportion to the share of the vote received by each party or candidate. Two major types of PR:

- PR list
- PR by single transferable vote (STV)

In PR list systems, each party offers voters a list of candidates for election and voters select between party lists. Lists can be either ‘closed’ or ‘open’. If they are closed, candidates are elected in the order determined by the party, according to how many seats that party is entitled to. If the lists are open, voters can indicate which candidate(s) on the list they prefer.

STV, by contrast with PR list systems which reflect support for political parties, is based on voters indicating their preferences for individual candidates. STV asks voters to rank candidates on the ballot. Voters are able to choose between candidates for the same party or from different parties.

Both systems require multi-member constituencies; proportionality increases directly in relation to DM; generally, proportionality requires DM of > 5.

Mixed systems

These systems mix two (or more) different systems to obtain the advantages of the different systems while minimizing their disadvantages. The most widely used mixed systems attempt to balance two key principles often seen as mutually exclusive:

- Identifiable local representatives
- A measure of proportionality

While there are many ways in which systems can be mixed, possibilities include:

- Using different systems in different regions
- Using a mix of systems across the country
- Using different systems to elect different levels of government

Conclusion

As the above notes have made clear, choosing an electoral system can be a complex matter, involving assessment of many criteria, practicability, simplicity and ease of understanding for voters, the particular history and circumstance of the country considering the available options. There will invariably need to be trade-offs between the various criteria identified above: there is no possibility of coming up with a system which satisfies each and every one perfectly. There should be no presumption that one single system is ideal for all cases and in all circumstances. To take an historical example, the German system (MMP) was designed with certain clear aims in mind, including the desire for proportionality, regional representation, locally identifiable representatives, and the need to deter extreme parties through the use of a national threshold. It was chosen by the UK and the US following the second world war; neither country at that time had a system remotely resembling it. Other important factors to consider might include: the relative knowledge and literacy of the population, transportation and communication networks, ability to oversee elections and count them reliably, using trained personnel working efficiently and without corruption. An ideal system which would work only in an ideal world might be a worse choice than a robust and reliable system which can be reasonably guaranteed to work in real life political circumstances. However, as a matter of fact, newly emerging democracies over the past twenty or so years have

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almost invariably tended to choose either party list PR or some form of MMP; and countries which have reformed their already existing democratic systems have done the same (e.g. New Zealand). FPTP, despite its use in Canada, the US, the UK and India, is not the electoral system of choice for those, whether academic experts, constitutional experts or lay experts in a Citizens' Assembly, who have considered carefully the full range of options.

The Canadian Experience of Electoral Reform

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Introduction

Canada has a bicameral system of government, comprising the Senate and House of Commons. It is in many ways very close to the UK system, and retains close ties with the UK. It is a federal state, comprising 10 Provinces and 3 Territories. The Provinces have a great degree of autonomy where as the Territories are administered directly by the Federal government.

The Senate – regional representation. 105 members are appointed by the Governor General on the advice of the Prime Minister.

The House of Commons currently has 308 members (will rise to 338 for the next election) elected in single member districts. The electoral districts are known as Ridings.

Current Electoral System

The electoral system, used for both Federal and Provincial elections, is Single Member Plurality (SMP) or First Past the Post (FPTP). In using this system it follows the UK and also other countries in the world using FPTP which used to be part of the British Empire, for example the US and India; similar countries such as New Zealand used FPTP until 1993.

Electoral Reform in Canada

Discussion of electoral reform in Canada concerns both federal and provincial levels. Interest in electoral reform at both levels has been heightened since the early 1990s. The urgency of the debate was largely prompted by bizarre election results at both Federal and

Provincial level. Federal elections 1993-2000 were the most disproportionate in Canadian history.

Some examples:

- In the 1993 Federal election, the *Progressive Conservative Party*, which had formed the government until the election, plunged from 169 to 2 seats. Their share of the vote declined from 43% of the votes and 57.3% of the seats at the 1988 election, to 16% of the votes and 0.8% of the seats. They were greatly over-represented in 1988 and hugely under-represented in 1993. They were also seriously under-represented in 1997; their representation only recovering after they merged with the *Canadian Alliance* in 2003, at which point they were then *over-rewarded* in seats, especially in the regions: for example, in the 2004 Federal election, the Conservatives won about 93% of the seats (13 out of 14) in Saskatchewan, with 42% of the vote.
- In 2004 the New Democratic Party (NDP) received 5% more votes than in 1997, but won 2 fewer seats.
- In the 1997 federal elections, two other serious problems emerged. In Ontario, the Liberals won 99 out of 101 the province's seats even though a bare majority of voters had voted for *other* candidates. In Prince Edward Island, the Liberals won all four seats with about 45% of the vote.

Similar results had been experienced in the provinces too.

- In the 1987 New Brunswick provincial election, the Liberal Party won *all* the seats in the legislature on the strength of 60% of the vote.
- In the 2006 New Brunswick, 1998 Quebec, 1996 BC, and 1986 Saskatchewan provincial elections, parties won a majority of seats even though they were second in the overall province-wide total of the votes (an example of the 'wrong winner').

These erratic results help to explain why, since the 2000 federal election, there have been significant movements towards electoral reform at both federal and provincial levels. In early 2004, the *Law Commission of Canada* issued a report recommending that the federal electoral system be changed to a Mixed Member Proportional (MMP)

system allowing for more proportional representation of parties in the House of Commons. Such a system, or one of its variants, is perhaps one the most commonly chosen alternatives to FPTP; less commonly recommended or chosen for national or regional elections (although it has recently been adopted for local elections in Scotland) is the Single Transferable Vote (STV). This was the system recommended by citizens rather than experts when given the chance to consider the issues: where and why?

British Columbia

The province conducting the most serious debate has been British Columbia; other provinces have now followed their lead: initiatives for reform are under way in Prince Edward Island, New Brunswick, Quebec, Ontario, Yukon and the city of Vancouver. The *British Columbia Citizens' Assembly* was convened following the 2001 elections for the British Columbia. At that election the Liberals won over 57% of the vote, and all but two of the 79 seats in the provincial legislature – the most lopsided result in the province's history; the NDP, by contrast suffered the worst ever defeat of a sitting government in the province; although it won nearly 22% of the votes it retained only two seats (2.5%).

After losing the 1996 BC election, the *Canadian Liberal Party* promised to take up the issue of electoral reform. In that election they had lost to the *New Democrats* despite outpolling them by 42% to 39%. In the 2001 election, with 57.6% of the vote, the Liberals won all but 2 of the 79 seats in the legislature (97.4%). Thus in two elections in a row there was a clear indication of systemic failure. The Liberals were as good as their word and set up the process of reform. The process was to be through the establishment of a Citizens' Assembly which would make a specific recommendation which would go directly to a referendum.

The debate in British Columbia was significant because it has been, to date, the most detailed and extensive discussion of the issues through the medium of a Citizens' Assembly, in which 160 ordinary member of the public deliberated on the issue, with expert guidance, over a period of a year. The recommendations of the Assembly were put to a referendum in 2005, at which their proposal for a form of Single Transferable Vote (STV) was narrowly lost, just falling short

of the 60% required. A second referendum in 2009 saw a decline in support for electoral reform: the vote in favour of STV fell to 40%.

Why electoral reform in British Columbia (BC)?

For many years FPTP generally produced stable majority governments with clear electoral accountability and identifiable local representatives. However, in addition to the concern already identified, others included:

1) Inequality of constituencies and in the value of votes

When there are big differences in constituency size, votes do not count equally. For example, some constituencies can be as small as 4,000 voters, while others as large as 56,000 – 12 times the size. In 1983, a candidate in one of the large constituencies lost the seat with more than 34,000 votes, while a candidate in the smallest constituency won with fewer than 1,600 votes. Disparities of this sort lead to the claim that votes in one constituency are worth 12 times as much as those in another. Although BC has since made its electoral districts more similar in size; even so, constituencies can vary by up to plus or minus 25 per cent from the provincial average.

2) Artificial majorities

A party needs a plurality of votes (not a majority) to win a seat in a district. Thus in a constituency with five candidates, the seat could be won with only 20 per cent + 1 of the votes. Overall a party could win a majority of seats without a majority of votes, creating an ‘artificial majority.’

3) Wrong winners

When a party wins lots of seats by smallish margins, and loses others by larger amounts, it is possible for a party to win the most seats without having the largest share of the vote. So called wrong winners are infrequent but occur often enough to be of concern.

4) Absence of opposition

FPTP creates artificial majorities and at the same time tends to produce a weak opposition. In a few recent instances in Canada, the electoral system produced either no opposition or an opposition so small that it had no capacity to do its job: for example, New

Brunswick in 1988 (0 opposition seats); Prince Edward Island in 1989 (2), 1993 (1), 2000 (1); British Columbia in 2001 (2). On average, governments in BC have twice the number of seats as the opposition.

5) Under-representation of women and minorities

In BC, over the last five elections the numbers of women in the legislature grew quickly in the early 1990s but levelled off or even declined thereafter. Women constitute about 20 per cent of the legislators in Canada. Different systems make a difference to the proportion of women and minorities. Generally, electoral systems with higher 'district magnitudes' and proportional representation list systems are more likely to produce women in the legislature.

It was also remarkable in recommending STV rather than SMP which is typically the preference of most new democracies and also seems to be favoured by politicians as the system which gains the maximum proportionality for the least change and retention of many aspects of the previous system. This may reflect the composition of the Assembly, which rigorously excluded active party politicians; it may also reflect the relative non risk averse nature of ordinary citizens not bound by purely party political considerations.

The Assembly was advised and informed by experts, who also designed the structure and content of the process, but in the course of its deliberations the members themselves became if not experts at least in tune with the way that experts thought about electoral systems. This is not the case with the use of experts in many systems, and is not necessarily the case in deliberative forums where often or typically the line between experts and non-experts is not breached.

The difficulty with the reform process was the large number of British Columbians who did not know about it. The absence of a high-profile publicity campaign meant 44% of the electorate claimed to know nothing about BC STV by the time of the referendum vote. This was crucial because it seemed that the more the electorate knew the more they voted Yes; further, the more they knew about the Assembly and its process, the more likely they were to support its recommendation.

Proportional Representation in Newzeeland

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For the first century of its democratic history, New Zealand used the First Past the Post (FPP) electoral system: the country was divided into electoral districts each electing one member of the legislature; voters could vote for one candidate in their district; the candidate who won most votes won the election. In 1993, however, New Zealand enacted the most dramatic change in the electoral rules of any democracy since the Second World War: it adopted the form of proportional representation called Mixed-Member Proportionality (MMP).

This paper outlines the factors that led to dissatisfaction with the old system, the thinking that shaped the design of the new system, and the effects that the change has had over the past twenty years.

Reasons for Dissatisfaction with First Past the Post

The electoral system changed in New Zealand because of popular mobilization. Most politicians did not want the system to change: their interests were well served by the status quo. But the change occurred through two referendums. In 1992, voters were asked whether they wanted to retain the existing system or change it and they were given four possible change options to choose from. The vast majority of voters – 85 per cent - voted for change and a majority – 65 per cent – said that, if change was to happen, the option they preferred was MMP. In 1993, therefore, voters were given a straight and decisive choice between the status quo of FPP and the alternative of MMP. The outcome this time was much closer, but 54 per cent of voters supported MMP and the change therefore took place.

It is highly unusual for voters in an established democracy to mobilize actively around the cause of electoral reform. Normally voters mobilize only around issues that they can see have a direct bearing upon their own lives, and the electoral system rarely falls into that category. In New Zealand, however, voters perceived severe failure in the political system, they saw that failure as affecting them in their own pockets, and they were persuaded that changing the electoral system would help to solve the problem.

The salient feature of FPP for understanding how this happened is that, so long as there is a nationwide party system, FPP concentrates power. Electoral systems vary in terms of their proportionality. A proportional electoral system spreads power out across political parties in proportion to the votes that they receive, whereas a non-proportional (or majoritarian) electoral system such as FPP concentrates power in the hands only of the largest parties. In New Zealand, there were two dominant political parties: the Labour Party and the National Party. At each election, one or other of these parties secured a majority of seats in the parliament and was then able to govern on its own. Indeed, New Zealand in the 1980s had exceptionally few checks on the power of a majority government. There was no written constitution or constitutional court. Parliament was unicameral. The country's political structure was unitary, with only weak local government below the national state. The parliamentary system of government combined with highly disciplined political parties meant that the small group of people at the top of the government could almost always get their way.

During the 1980s, a Labour government, despite the party's traditional left-wing orientation, pursued a pro-market agenda that made the Thatcher governments in the United Kingdom look timid: it removed controls, slashed subsidies, and privatized large chunks of the state. This government was thrown out by disillusioned voters in 1990 and replaced with a government of the National Party. But the National Party, despite its election promises, continued and, indeed, intensified, the programme of economic reforms. Voters widely felt that governments, once in power, were able to do whatever they wanted, without recourse to public opinion. Deep recession in the late 1980s and early 1990s intensified the perception that these governments' radical policies were harming citizens' personal well-

being. The aftermath of the 1990 election appeared to show that merely changing the party in power within the existing system would not solve the problem. Rather, the perception grew that the system itself would have to change. Campaigners argued that a more proportional electoral system would prevent single-party majorities, thereby forcing politicians to seek a more consensual approach and listen more to public opinion. Enough voters were persuaded this was correct to force change.

The pattern that has just been described was an unusual one: normally, major parties under FPP pursue a moderate path in order to appeal to as many voters as possible. When the major parties move away from the centre ground, however, FPP can become unstable. A similar pattern can be observed in the United Kingdom in the 1970s, when the gap between the two major parties grew very wide and calls for electoral reform grew loud. In the UK, however, those calls were not loud enough to force a change.

Other factors contributed to the destabilization of FPP in New Zealand beyond the core factor just described. One feature of FPP is that it can generate an outcome where the party that wins most votes is not the party that wins most seats. This happened in New Zealand in the elections of both 1978 and 1981: in each case, the Labour Party won most votes, but the National Party won the majority of seats and formed the government. Another feature of FPP is that it leads to underrepresentation of small parties. In New Zealand in 1981, a party won over 20 per cent of the votes but only two of the 92 parliamentary seats. In 1993 – the last election held under the old rules – a different party reached a similar result.

The Choice of MMP

The Mixed-Member Proportional (MMP) version of proportional representation became the dominant reform option in New Zealand because it was recommended by a Royal Commission on the Electoral System in 1986. While some reform supporters would have preferred a different system, they agreed to rally behind MMP in order to streamline the reform message and avoid splitting the vote.

Under the MMP system, there are two types of parliamentary deputy. Some deputies are elected, as under FPP, in single-member districts. Other deputies are elected (in the New Zealand version)

from nationwide party lists. Voters have two votes: one for a candidate in a district and one for a party list. The list votes are used to determine the total number of seats that each party should win. The victor in each district is determined using normal FPP procedures. The difference between the total number of seats each party should win and the number of seats it has won in the districts is calculated and the shortfall is made up from the party lists. Thus, the overall outcome is proportional, but voters also have a single local deputy.

The Royal Commission's decision to recommend MMP stemmed from a two-step process. First, the Commission concluded that New Zealand should move to a proportional electoral system. It concluded that power was too concentrated and that a proportional system would help to disperse that power more widely. It also expected that a proportional system would improve representation for the Maori ethnic minority and for women.

Second, the Commission considered two main proportional options: the MMP system and the Single Transferable Vote (STV) system. It quickly rejected pure list-based systems of proportional representation: it found that New Zealanders were strongly attached to the idea of having local representation and wanted to be able to vote for individuals, not just for political parties. MMP and STV are both systems that combine proportionality with a personalized element. The choice of MMP over STV surprised some: STV has traditionally been the dominant form of proportional representation in British-heritage countries; and it is the most personalized form of proportional representation. The Commission argued, however, that, while the election of individuals matters, strong political parties are also essential for the effective and accountable functioning of parliamentary democracy. The Commission found that STV could weaken political parties too far. In reaching this conclusion, the Commission members were influenced by a research trip that included visits to Ireland and Germany. Ireland uses STV, whereas Germany uses MMP. The Commissioners heard concerns in Ireland that STV – which requires candidates from the same party to compete against each other – contributed to excessive localism and 'pork barrel' politics, rather than to careful, nationally oriented policy-making. In addition, the Irish economy at the time was relatively weak. The

German economy, by contrast, was strong and the political system was seen as working effectively.

The Effects of the Reform

Supporters of New Zealand's electoral reform argued it would have a wide variety of beneficial effects:

- it would reduce the dominance of the two main parties, thereby preventing 'elective dictatorship' and strengthening parliamentary scrutiny of government;
- it would allow fair representation of smaller parties;
- it would strengthen representation of women and minorities;
- by increasing the inclusiveness of the system, it would encourage more people to engage with politics and increase turnout at elections;
- it would prevent anomalous outcomes where one party won most votes but another party won most seats;
- by retaining individual electoral districts, it would maintain the strong connection between voters and their local deputy.

Most of these expectations have been fulfilled to some degree:

- There has been no single-party-majority government since MMP was introduced; prime ministers have needed to build broader support around their policies; parliament is now more active in shaping policies. One detailed study concludes, 'MMP was seen [by its supporters prior to introduction] as a means of restraining governments, of slowing them down, and of forcing them to engage with and incorporate wider parliamentary views than those of cabinet alone. There can be no question that this has been the outcome.'⁵
- Elections have indeed become much 'fairer' in the sense of being more proportional: a standard measure of

⁵ Ryan Malone, *Rebalancing the Constitution: The Challenge of Government Law-Making under MMP* (Wellington: Institute of Policy Studies, Victoria University of Wellington, 2008), p. 232.

disproportionality has fallen from an average of 15.3 in the last six FPP elections to just 2.7 in the first six MMP elections.

- The number of women deputies has risen from 21 per cent in the last FPP parliament of 1993 to 32 per cent today. There have been substantial rises also in the number of Maori and other minority deputies.
- Electoral turnout has not risen: in fact, it has fallen. Turnout was, however, on a declining trajectory before the electoral system changed and turnout has fallen in almost all democracies over the last two decades. Thus, it would almost certainly have fallen even if no change to the electoral system had taken place. The electoral reform has in fact probably made little difference to electoral turnout.
- There have been no anomalous election outcomes since the reform.
- Many citizens continue to identify strongly with their local deputy.

On the other hand, the reform also has severe critics. Indeed, a referendum was held in 2011 on whether the MMP system should be retained. The proposal to abandon MMP was decisively defeated: 58 per cent of voters voted to retain it. Nevertheless, 42 per cent did vote for something different.

Those who campaigned against MMP made four principal points:

- They argued that MMP has led to weak government where decisive action is impossible. Party leaders cannot implement a strong, coherent programme, but have to bargain with others and make concessions.
- They argued that coalition governments give too much power to minor parties, which can extract concessions from the major parties in return for their support.
- They argued that MMP weakens the accountability of governments to voters: the composition of the government is decided not by the election itself, but by post-election negotiations among the party leaders.

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- They argued that, while the deputies elected in districts remain accountable to voters, the deputies chosen from party lists are accountable only to their party leaders. It is common in New Zealand to refer to these deputies as ‘unelected’ or ‘semi-elected’.

There is some truth in all of these points, but they have tended to be exaggerated:

- As New Zealand’s political culture has shifted, its leaders have become increasingly effective in achieving effective government under MMP. There have in fact been no major difficulties and the economy has prospered.
- Minor parties have been punished electorally where they have tried to exert themselves too much. Minor parties have always secured specific policy goals, but the overall governing programme has been shaped overwhelmingly by the major party in government.
- Weakened accountability of governments to voters is generally accepted as a disadvantage of more proportional systems. Nevertheless, New Zealand’s parties have increasingly tended to make it clear to voters before elections which of the other parties they would be willing to do post-election deals with. Thus, voters do know what they are voting for.
- Parties have some incentive to find popular candidates for their lists in order to attract votes, but it is true that those incentives are rather weak. It would be possible to reform the system to increase voters’ influence over who is elected from the lists, but politicians have chosen not to pursue such reforms.

The strong support that MMP received in the referendum suggests that, overall, voters are satisfied with the way the system is working.

Towards a New Parliamentary Elections Law

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Introduction:

Laws are not tailored to fit one political power or movement in particular, except in authoritarian and tyrannical regimes. Rather they are written for the public good, to help society progress and move forward. This is how we must view the discussion of the new parliamentary elections law. Talk about one law existing for the benefit of civil parties and another for Islamist parties should not dominate the drafting of any new elections law, for this closely resembles the logic of "a bad workman blames his tools." The idea of a tailor-made law is improper, not only because it conflicts with the public interest, but also because some believe that focusing on the elections law is a means to cover up political ineffectiveness or failure and a pretext to divert away from the need to work towards building real political institutions.

The truth is, no law, whether based on a individual candidate or party-list system, exists, which can save any particular political movement from crisis, or boost its chances of success, without the movement itself first working to build a political and party platform, to select its members and candidates and to hone its political and media discourse – this, as opposed to seeking a tailor-made law that is imagined will deliver from crisis.

Of course in Egypt, discussion has dragged on regarding the ideal elections law, whether or not such a law should adopt an individual candidate or party-list system, whether or not the former should be supplemented by the latter, and whether lists should be open or closed.

Yes to the Individual Candidate System Supplemented by the Party-list System

Any law must be governed by a specific philosophy or vision of social and political reality. The most appropriate elections law for Egypt is one that stems from lived reality, and from a real desire to empower citizens and make them feel that it is they who are choosing candidates during elections, without interference from any form of guardian or intermediary. This issue is extremely important in transitional phases and during democratization, especially considering the marginalization that Egyptians have suffered over long periods of time.

That being said, in the law we are proposing, elections in Egypt would be held through a two-thirds individual candidate system. With the removal of quotas for workers and farmers, the size of individual candidate districts would become small, almost as small as, or even smaller than, those which existed before. Citizens would choose their candidates in light of their political platform, their party's competence, and their ability to communicate with those living within the district.

The backbone of this election system will be the individual candidate system supplemented by a party-list system. The goal is not to create a mixed system of incongruent elements, but rather to allow the participation of a variety of experts and academics, who should be seen in the People's Assembly and who find it difficult to participate through an individual candidate system. They will be chosen through a list system elected from each governorate as opposed to each district. In this way, the choosing of lists will represent a sort of competition between programs and competing visions, which will be supported by expanding districts to encompass the entire governorate.

Misconceptions Regarding the Individual Candidate System

Perhaps the biggest criticism leveled against the individual candidate election system is that it opens the door to tribalism and electoral bribes. This issue should not be considered a result of the individual candidate system itself as much as of the overall political system. Vote buying, which was widespread during the Mubarak era, may be attributed to the fact that voters stayed at home and bribe-takers came out in force, with the election turnout of actual voters not exceeding 5% in cities. The opposite happened in the 2012 elections, which saw near 50% turnout rates, a number too high to have been

impacted by vote buying, as before. Moreover, the claim that elections employing the individual candidate system may reinforce the role of clans and families in rural areas springs from a condescending view of the nature of this role and the lived social and cultural realities of such areas. If religion and religious mobilization play a role in the choices made by some voters, even if on an irrational basis, such behavior cannot be tackled by a law as long as it adheres to the rules of the electoral process. Consequently, there is no point in viewing the role played by families in these areas with disapproval, as their role will diminish and decrease over time as a result of modernization and democratic development, not as a result of the passing of an elections law.

It is clear that the fear held by some that an individual candidate system will bring back the thuggery and fraud witnessed in the previous era, has driven them to support the unconditional proportional list system. But they will quickly discover that this is the worst choice and furthest from the Egyptian voter.

No one imagines that a member of the British Parliament or the French National Assembly is separated from his or her region or electoral district, dropping in via a political or party parachute without any prior communication. A successful candidate is one who represents his nation, his district and his political movement – that is, he is partially a public services MP, (but not a candidate who buys votes and offers special favors), and even more so a political and party MP who monitors the government and writes legislation. This is what the individual candidate system supplemented by a party-list system will accomplish: it will enhance both the political skills of candidates and the role played by political parties.

Guardianship over the Egyptian people, or the Party-list Disaster

Those who assume that voting on the basis of a party platform can occur via the party-list system are making a grave error, particularly in thinking that party lists are what convince Egyptian voters of the party/list platforms, as opposed to other aspects.

The truth is that Egyptian voters will be confused by the open proportional list system, particularly considering the country's high illiteracy rate, which affects nearly one third of the population. Pre-

ordered lists will influence voters' choices, even if they are told to choose the candidate that they want and list the candidates by order of preference. Some at least will tend to choose the pre-existing order. A number of political movements also object to this.

As for other lists, which will include both independents and political party candidates, they will be controlled by a small number of party leaders and businessmen. This will create a group of people, numbering no more than ten, who will in essence exercise guardianship over the Egyptian people. The formation of such lists will take place according to standards which are not transparent. Just as previous experience has shown us that the main struggle between candidates then becomes focused on who will head the list rather than on the party's ideology or political platform.

Imposing party lists and viewing party-list elections as the sole solution and criterion for progress and democracy is inaccurate and unrealistic. Such a system paves the way for the tyranny of a political party elite that exercises guardianship over the people by way of parties that remain weak. Placing candidates at the top of the list simply because they possess financial resources or are close to the party chairman, prevents the people from engaging in effective participation.

It is necessary to point out that previous electoral experience shows that countless candidates have at times entered into negotiations with countless Egyptian political parties for the purpose of securing a spot at the top of party lists, some of them deciding to leave the parties in which they were initially members if a better offer was made by another party, allowing the candidate to be placed at the top of a list. These are situations which the writer of this paper has, himself, seen happen.

Whoever understands the reality of Egypt will know that the Egyptian citizen, after suffering from marginalization and repression for many years, wants to feel that he can choose, for himself, his representative and does not want guardians who determine for him the order of the lists, regardless if they are chosen according to strict party rules (in the case of the Muslim Brotherhood), or semi-strict rules (in the case of civil secular parties), or out of pure corruption (in the case of the "cardboard parties.")

Candidacy Requirements

It is important to put in place a series of rules to regulate the candidacy process for those running for individual seats in any district. Such rules should be characterized by flexibility. We propose the following:

1. Candidates must be born in the district
2. Candidates must have their place of residence in the district.
3. Candidates must have their place of work in the district.

These conditions are very flexible and sketch out the relationship between a candidate and his district. The one third of seats which are contested based on a party-list system will be contested on a governorate level, applying these same three conditions to the governorate level, namely that candidates must be born, work or live in the governorate. We have proposed these conditions to support the local elite in each governorate and to help mitigate against the centrality of Cairo, which often times “exports” its staff to run as candidates in other governorates, stalling the development of political life in these areas.

Recommendations: Why Two-thirds Individual Candidate and One-third Party List?

Some civil secular parties feel that elections conducted by means of a party-list system is the best way to help develop political life. However, they have forgotten that the overwhelming majority of democratic experiences throughout the world – including many countries in Europe, Latin America and Asia -- use the individual candidate system, even if some of them have been supplemented by a party-list system.

The ideal system proposed is a system that basically adopts the philosophy of the individual candidate system and which divides electoral districts into two levels: the first being individual candidate districts whose size is the same as that of the old districts, or perhaps smaller after quotas for workers and farmers are lifted. Here, personal and political considerations will enter into the voter’s choice of candidate, which will be determined without interference from a guardian or type of party or financial “control”. Then the second level will rely on open proportional lists at the level of each governorate

rather than each district, as was the case in previous elections i.e. elections in the governorate of Cairo might take place between lists that each have 15 candidates, for example, while in Giza the lists would have 12 candidates, then 8 candidates in Asyut, 10 in Dakahlia, etc., depending on the size of the population in each governorate.

Party lists at the governorate level will give experts and public figures the opportunity to run, who otherwise may not have been able to compete in an individual candidate system. Such candidates would rely on their practical experience and their ideological or party loyalties to take part in elections and we would benefit from their presence in Parliament.

The truth is this law will allow citizens to feel empowered, allowing them to choose candidates and hold their parliamentarians accountable. Here, we will have established an individual candidate system which will open the door for different party candidates not included in individual candidate districts, for example, within cities (where party machines are more organized and disciplined), to compete with equal opportunity. The number of people taking part in elections will not be 5% as was the case in the previous era when candidates purchased votes. "Governorate party lists" will reduce the influence of money and corruption which reigned in "district lists," where the battle of ideas was almost completely supplanted by the battle over "my order in the list", which pushed some parties to place strong candidates at the top of their list in order to "carry" the rest, who may have had no real connection to politics.

The expansion of the district to encompass the entire governorate will help promote competition between lists on the basis of political visions and programs more than any other factor and it will encompass the views of Islamists and non-Islamists, liberals and leftists alike.

Appendix

Electoral Districts Law 206 of 1990

Amended by laws 165 of 2000 and 68 of 2010

Egypt is divided into 222 districts.

Egypt is divided into 32 electoral districts for women's seats, with two seats allotted for each district.

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Number of Districts by Governorate

- Cairo 23 * 6th of October 7
- Helwan 4 * Fayyoun 7
- Alexandria 11 * BaniSuef 7
- Port Said 3 * Minya 11
- Ismailia 3 * Asyut 10
- Suez 2 * Sohag 14
- Qalyubia 9 * Qena 8
- Sharqia 14 *Luxor 3
- Dakahlia 17 *Aswan 3
- Damietta 4 * MarsaMatruh 2
- Kafr al-Sheikh 9 *New Valley 2
- Gharbia 13 * North Sinai 3
- Menoufia 11 * Red Sea 2
- Beheira 13 * South Sinai 2
- Giza 5

Total = 222

Egyptian Constitution (2013) Articles Pertaining To The Legislative Authority

Chapter One: The State

Article (5) Political system

The political system is based on political and partisan multiplicity, the peaceful transfer of power, the separation and balance of powers, authority going with responsibility, and respect for human rights and freedoms, as set out in the Constitution.
Chapter Five: The Ruling System
Section One: Legislative Authority

Article (101) Mandate

The House of Representatives is entrusted with legislative authority, and with approving the general policy of the state, the general plan of economic and social development and the state budget. It exercises oversight over the actions of the executive authority. All the foregoing takes place as set out by the Constitution.

Article (102) Composition

The House of Representatives is composed of no less than four hundred and fifty members elected by direct, secret public balloting.

A candidate for the membership of the House must be an Egyptian citizen, enjoying civil and political rights, a holder of at least a certificate of basic education, and no younger than 25 years old on the day that candidacy registration is opened.

Other requirements of nomination, the electoral system, and the division of electoral districts are defined by law, taking into account fair representation of population and governorates and equal representation of voters. The majoritarian system, proportional list, or a mixed system of any ratio may be used.

The President of the Republic may appoint a number of members that does not exceed 5%. The method of their nomination is to be specified by law.

Article (103) Nature of Membership

A member of the House of Representatives devotes himself to the tasks of membership and his post is kept in accordance with the law.

Article (104) Oath

Prior to the start of his tenure, a member of the House of Representatives takes the following oath: “I swear by Almighty God to loyally uphold the republican system, to respect the Constitution and the law, to fully look after the interests of the people, and to safeguard the independence and territorial integrity of the nation.”

Article (105) Remuneration

Members shall receive a remuneration defined by law. In the event that the remuneration is modified, the modification does not come into effect until the legislative term following the one when it was adopted begins.

Article (106) Term

The term of membership in the House of Representatives is five calendar years, commencing from the date of its first session.

Elections for a new House are held during the 60 days preceding the end its term.

Article (107) Validity of Membership

The Court of Cassation has jurisdiction over the validity of membership of members of the House of Representatives. Challenges shall be submitted to the Court within a period not exceeding 30 days from date on which the final election results are announced. A verdict must be passed within 60 days from the date on which the challenge is filed.

In the event a membership is deemed invalid, it becomes void from the date on which the verdict is reported to the House.

Article (108) Vacancy

If a House of Representatives member’s seat becomes vacant at least six months before the end of his term, the vacant position must

be filled in accordance with the law within 60 days from the date on which the vacancy is first reported by the House.

Article (109) Restrictions on economic activity, financial disclosure

No House of Representatives member may, throughout his tenure, whether in person or through an intermediary, purchase or rent any piece of state property, or any public-law legal persons, public sector companies, or the public business sector. Nor is he allowed to lease, sell or barter with the state any part of his own property, nor conclude a contract with the state as vendors, suppliers, contractors or others. Any such actions shall be deemed void.

A member must submit a financial disclosure upon taking office, upon leaving it and at the end of every year.

If, because of or in relation to his membership, he should receive cash or in-kind gifts, ownership thereof reverts to the state treasury.

The foregoing is organized by law.

Article (110) Revoking membership

The membership of any member may only be revoked if a member has lost trust, status or any of the conditions for membership on the basis of which he was elected, or if the duties of membership have been violated.

The decision to revoke membership is issued by a two-thirds majority of the members of the House of Representatives.

Article (111) Resignation of members

The House of Representatives accepts the resignation of its members, which must be submitted in writing, and to be accepted must not be submitted after the House has started procedures to revoke membership against the resigning member.

Article (112) Opinions of members

A House of Representatives member cannot be held accountable for any opinions he expresses relating to his work in the House or its committees.

Article (113) Criminal action against members

It is prohibited, except in cases of in flagrante delicto, to take criminal action, according to articles of felonies and misdemeanors, against a member without prior permission from the House of Representatives. If not in session, permission must be granted by the House of Representatives' Bureau, and the House must be notified of the decision as soon as it is in session.

In all cases, if a request for permission to take legal action against a member does not receive a response within 30 days, the permission is to be considered granted.

Article (114) Seat

The seat of the House of Representatives is in Cairo.

However, in exceptional circumstances, the House may hold meetings elsewhere, at the request of the President of the Republic or one-third of the House's members.

Any meetings of the House that do not conform with the foregoing are invalid, including any decisions that may have been passed.

Article (115) Ordinary session

The President of the Republic convokes the House of Representatives for its ordinary annual session before the first Thursday of October. If such convocation is not made, the House is required by the Constitution to meet on said day.

The ordinary session continues for at least nine months. The President of the Republic brings the annual session to a close with the approval of the House only after the state's general budget has been adopted.

Article (116) Extraordinary session

It is possible for the House of Representatives to be called to an extraordinary meeting to look into an urgent matter based on a request by the President of the Republic, or upon a request signed by at least 10 members from the House.

Article (117) Speaker, deputy speakers

The House of Representatives elects, in the first meeting of its regular annual session, a speaker and two deputy speakers for the full legislative term. If either seat becomes vacant, the House elects a replacement. The House's rules of procedure set out the rules and procedures of election. If any of them violate the commitments of his post, one-third of the members of the House may make a request to relieve him of his post. The decision is issued by a two-thirds majority of members.

In all cases, neither the speaker nor any of the two deputies may be elected for more than two consecutive legislative terms.

Article (118) Rules of procedure

The House of Representatives establishes its own rules of procedure regulating its work, the manner of practicing its functions, and maintaining order therein. The rules of procedure are issued by virtue of a law.

Article (119) Internal order

The House of Representatives maintains its internal order, a responsibility that is assumed by the Speaker of the House.

Article (120) Public sessions

The sessions of the House of Representatives are held in public. The House may hold a closed session based on a request by the President of the Republic, the Speaker of the House, or at least 20 of its members. The House will decide by majority whether the debate in question takes place in a public or a closed session.

Article (121) Quorum and voting

The meetings of the House and the resolutions it passes are not considered valid unless attended by the majority of its members.

In cases other than those requiring a special majority, resolutions are adopted based on an absolute majority of the members present. In case of a tie of vote, the matter in deliberation is considered rejected.

Laws are approved by an absolute majority of the attendees, provided that they constitute no less than one third of the members of the House.

Laws complementing the Constitution are issued based on the approval of two thirds of the members of the House. Laws regulating the presidential, parliamentary, and local elections, political parties, the judiciary, and judicial bodies, and those organizing the rights and duties stipulated in the Constitution are deemed complementary to it.

Article (122) Proposing bills

The President of the Republic, the Cabinet, and every member of the House of Representatives has the right to propose laws.

Every bill presented by the government or by one-tenth of the members of the House is referred to a specialized committee of the House to study and submit a report about it to the House. The committee may seek the opinion of experts on the matter.

No bill presented by a member can be referred to the special committee before being permitted by the proposals committee and approved by the House. If the proposals committee refuses a bill, it must give a reason for its decision.

Any bill or proposed law rejected by the House may not be presented again during the same legislative term.

Article (123) Presidential veto

The President of the Republic has the right to issue or object to laws.

If the President of the Republic objects to a draft law approved by the House of Representatives, it must be referred back to the House within 30 days of the House's being notified thereof. If the draft law is not referred back to the House within this period, it is considered a law and is issued.

If it is referred back to the House within the aforementioned period, and is approved again by a majority of two-thirds of its members, it is considered a law and is issued.

Article (124) State budget

The state budget includes all of its revenue and expenditure without exception. The draft budget is submitted to the House of Representatives at least 90 days before the beginning of the fiscal

year. It is not considered in effect unless approved thereby, and it is put to vote on a chapter-by-chapter basis.

The House may modify the expenditures in the draft budget law, except those proposed to honor a specific state liability.

Should the modification result in an increase in total expenditure, the House shall reach an agreement with the government on the means to secure revenue resources to achieve a balance between them. The budget is issued in a law, which may include modification to any existing law to the extent necessary to realize such balance.

In all cases, the budget law may not include any text that incurs new burdens on citizens.

The specifics of the fiscal year, the method of budget preparation, the provisions of the budgets of institutions, public bodies, and their accounts are defined by law.

The approval of the House of Representatives is necessary for the transfer of any funds from one chapter of the budget to another, as well as for any expenditure not included therein or in excess of its estimates. The approval is issued in a law.

Article (125) Final account

The final account of the state budget is submitted to the House of Representatives within a period not exceeding 6 months from the end of the fiscal year. The annual report of the Central Auditing Organization and the latter's observations on the final account must be submitted therewith.

The final account of the state budget is put to vote on a chapter-by-chapter basis and is issued by law.

The House has the right to request from the Central Auditing Organization any additional data or other reports.

Article (126) Collection and disbursement of public funds

The basic rules for collection of public funds and the procedure for their disbursement are regulated by the law.

Article (127) Executive authority

The executive authority may not contract a loan, obtain funding, or commit itself to a project that is not listed in the approved state budget entailing expenditure from the state treasury for a subsequent period, except with the approval of the House of Representatives.

Article (128) Salaries, pensions, indemnities, subsidies, and bonuses

The rules governing salaries, pensions, indemnities, subsidies, and bonuses taken from the state treasury are regulated by law, as are the cases for exception from such rules, and the authorities in charge of their application.

Article (129) Submitting questions

Every member of the House of Representatives may submit questions to the Prime Minister, to one of his deputies, to a minister, or their deputies on any matter that falls under their mandate. It is obligatory for them to respond to these questions during the same term.

The member may withdraw his question at any time. A question may not be converted into an interpellation in the same session.

Article (130) Addressing interrogations

Every member of the House of Representatives may address interpellations to the Prime Minister, to the Prime Minister's deputies, to ministers, or to their deputies in relation to matters that fall under their mandate.

Debate on an interpellation takes place at least seven days and no more than 60 days after its submission, except in cases of urgency as decided by the House and with the government's consent.

Article (131) Withdrawal of confidence

The House of Representatives may decide to withdraw its confidence from the Prime Minister, a deputy of the Prime Minister, ministers, or their deputies.

A motion of no confidence may be submitted only after an interpellation, upon proposal by at least one-tenth of the members of

the House of Representatives. The House issues its decision after debating the interpellation. A withdrawal of confidence requires a majority of members.

In all cases, a no confidence motion may not be made in connection with an issue that has already been decided upon in the same term.

If the House decides to withdraw confidence from the Prime Minister, one of his deputies, a minister, or their deputies and the government has announced its solidarity with him before the vote, then that government is obliged to offer its resignation. If the no confidence resolution concerns a certain member of the government, that member is obliged to resign his office.

Article (132) Discussion of public issues

Any 20 members of the House of Representatives at least may request the discussion of a public issue to obtain clarification on the government's policy in its regard.

Article (133) Discussion of public issues by members

Any member of the House of Representatives may propose to the Prime Minister, one of his deputies, any minister, or their deputies the discussion of a public issue.

Article (134) Urgent briefing or statements

Every member of the House of Representatives may request an urgent briefing or a statement from the Prime Minister, the Prime Minister's deputies, any minister, or his deputies in relation to urgent matters of public importance.

Article (135) Fact-finding

The House of Representatives may form a special committee or entrust one of its existing committees to examine a public matter, or the activities of any administrative department, public agency or public enterprise, for the purpose of fact-finding regarding a specific issue and informing the House of Representatives of the actual financial, administrative or economic status, for conducting investigations into a past activity, or for any other purpose; the House decides on the appropriate course of action.

In order to carry out its mission, such a committee would be entitled to collect the evidence it deems necessary and to summon individuals to give statements. All bodies shall respond to the committee's requests and place at its disposal all the documents, evidence, or anything otherwise required.

In all cases, every member of the House of Representatives is entitled to obtain any data or information pertaining to undertaking his work at the House from the executive authority.

Article (136) Attendance of sessions by the prime minister, his deputies, ministers and their deputies

The Prime Minister, his deputies, ministers and their deputies may attend the sessions of either the House of Representatives or of any of their committees. Their attendance is obligatory if requested by the House. They may be assisted by high-ranking officials of their choice.

They are to be heard whenever they request to speak. They must answer questions pertaining to issues that are in discussion, but cannot vote when votes are taken.

Article (137) Dissolution of the House of Representatives

The President of the Republic may not dissolve the House of Representatives except when necessary by a causal decision and following a public referendum. The House of Representatives may not be dissolved for the same cause for which the previous House was dissolved.

The President of the Republic must issue a decision to suspend parliamentary sessions and hold a referendum on dissolution within no more than 20 days. If voters agree by a majority of valid votes, the President of the Republic issues the decision of dissolution, and calls for early parliamentary elections to take place within no more than 30 days from the date of the decision's issuance. The new House convenes within the 10 days following the announcement of the referendum results.

Article (138) Submitting proposals and complaints

Citizens may submit written proposals to the House of

Representatives regarding public issues. Citizens may also submit complaints to the House of Representatives to be referred to the relevant ministers. If the House requests it, the minister must provide clarifications, and the citizen who submitted the complaint is to be informed of the result. Section Two: Executive Authority Subsection One: The President of the Republic

Article (142) Conditions for candidacy

To be accepted as a candidate for the presidency, candidates must receive the recommendation of at least 20 elected members of the House of Representatives, or endorsements from at least 25,000 citizens who have the right to vote, in at least 15 governorates, with a minimum of 1,000 endorsements from each governorate.

In all cases, no one can endorse more than one candidate. This is organized by law.

Article (144) Oath

Before assuming the functions of the presidential office, the President of the Republic takes the following oath before the House of Representatives: “I swear by Almighty God to loyally uphold the republican system, to respect the Constitution and the law, to fully uphold the interests of the people and to safeguard the independence and territorial integrity of the nation.”

In case of the absence of the House of Representatives, the oath is to be taken before the General Assembly of the Supreme Constitutional Court.

Article (146) Government formation

The President of the Republic assigns a Prime Minister to form the government and present his program to the House of Representatives. If his government does not obtain the confidence of the majority of the members of the House of Representatives within no more 30 days, the President appoints a Prime Minister based on the nomination of the party or the coalition that holds a plurality of seats in the House of Representatives. If his government fails to win the confidence of the majority of the members of the House of Representatives within 30 days, the House is deemed dissolved, and

the President of the Republic calls for the elections of a new House of Representatives within 60 days from the date the dissolution is announced.

In all cases, the sum of the periods set forth in this Article shall not exceed 60 days.

In the event that the House of Representatives is dissolved, the Prime Minister presents the government and its program to the new House of Representatives at its first session.

In the event that the government is chosen from the party or the coalition that holds a plurality of seats at the House of Representatives, the President of the Republic may, in consultation with the Prime Minister, choose the Ministers of Justice, Interior, and Defense.

Article (147) Governmental exemption

The President of the Republic may exempt the government from carrying out its tasks, provided that the House of Representatives approves of such with a majority.

The President of the Republic may conduct a cabinet reshuffle after consultation with the Prime Minister and the approval of the House of Representatives with an absolute majority of attendees that is no less than one third of its members.

Article (150) The state's general policy

The President of the Republic, jointly with the Cabinet, sets the general policy of the state and oversees its implementation as set out by the Constitution.

The President of the Republic may deliver a statement on the state's general policy before the House of Representatives at the opening of its regular session.

The President may make other statements or convey other messages to the House.

Article (151) Foreign relations

The President of the Republic represents the state in foreign relations and concludes treaties and ratifies them after the approval of

the House of Representatives. They shall acquire the force of law upon promulgation in accordance with the provisions of the Constitution.

With regards to any treaty of peace and alliance, and treaties related to the rights of sovereignty, voters must be called for a referendum, and they are not to be ratified before the announcement of their approval in the referendum.

In all cases, no treaty may be concluded which is contrary to the provisions of the Constitution or which leads to concession of state territories.

Article (152) The president and the armed forces

The President of the Republic is the Supreme Commander of the Armed Forces. The President cannot declare war, or send the armed forces to combat outside state territory, except after consultation with the National Defense Council and the approval of the House of Representatives with a two-thirds majority of its members.

If the House of Representatives is dissolved, the Supreme Council of the Armed Forces (SCAF) must be consulted and the approval of the Cabinet and National Defense Council must be obtained.

Article (154) State of emergency

The President of the Republic declares, after consultation with the Cabinet, a state of emergency in the manner regulated by law. Such proclamation must be submitted to the House of Representatives within the following seven days to consider it.

If the declaration takes place when the House of Representatives is not in regular session, a session is called immediately in order to consider the declaration.

In all cases, the declaration of a state of emergency must be approved by a majority of members of the House of Representatives. The declaration is for a specified period not exceeding three months, which can only be extended by another similar period upon the approval of two-thirds of House members. In the event the House of

Representatives is dissolved, the matter is submitted to the new House in its first session.

The House of Representatives cannot be dissolved while a state of emergency is in force.

Article (155) Pardon and amnesty

The President of the Republic may issue a pardon or mitigate a sentence after consulting with the Cabinet.

General amnesty may only be granted in a law, which is ratified by a majority of members of the House of Representatives.

Article (156) Decrees that have the force of law

In the event that the House of Representatives is not in session, and where there is a requirement for urgent measures that cannot be delayed, the President of the Republic convenes the House for an emergency session to present the matter to it. In absence of the House of Representatives, the President of the Republic may issue decrees that have the force of law, provided that these decrees are then presented to the House of Representatives, discussed and approved within 15 days from the date the new House convenes. If such decrees are not presented to the House and discussed, or if they are presented but not approved, their legality is revoked retroactively, without the need to issue a decision to that effect, unless the House affirms their validity for the previous period, or chooses to settle the consequent effects.

Article (158) Resignation

The President of the Republic may submit his resignation to the House of Representatives. If the House is dissolved, he submits it to the General Assembly of the Supreme Constitutional Court.

Article (159) Prosecution

A charge of violating the provisions of the Constitution, high treason or any other felony against the President of the Republic is to be based on a motion signed by at least a majority of the members of the House of Representatives. An impeachment is to be issued only by a two-thirds majority of the members of the House of Representatives

and after an investigation to be carried out by the Prosecutor General. If there is an impediment, he is to be replaced by one of his assistants.

As soon as an impeachment decision has been issued, the President of the Republic ceases all work; this is treated as a temporary impediment preventing the President from carrying out presidential duties until a verdict is reached in the case.

The President of the Republic is tried before a special court headed by the president of the Supreme Judicial Council, and with the membership of the most senior deputy of the president of the Supreme Constitutional Court, the most senior deputy of the president of the State Council, and the two most senior presidents of the Court of Appeals; the prosecution to be carried out before such court by the Prosecutor General. If an impediment exists for any of the foregoing individuals, they are replaced by order of seniority. The court verdicts are irrevocable and not subject to challenge.

The law organizes the investigation and the trial procedures. In the case of conviction, the President of the Republic is relieved of his post, without prejudice to other penalties.

Article (160) Vacancy

If on account of a temporary impediment, the President of the Republic is rendered unable to carry out the presidential functions, the Prime Minister acts in his place.

If the Presidential office becomes vacant, due to resignation, death, permanent disability to work or any other reason, the House of Representatives announces the vacancy of the office. If the vacancy occurs for any other reason, the House announces it with a two-thirds majority. The House notifies the National Elections Commission, the Speaker of the House of Representatives temporarily assumes presidential powers.

In the event the House of Representatives is dissolved, the General Assembly of the Supreme Constitutional Court and its chairman replace the House of Representatives and its Speaker.

In all cases, a new president must be elected during a period not exceeding 90 days from the date the office becomes vacant. In such a

case, the presidential term commences as of the date the result of elections is announced.

The interim President is not allowed to run for this office, request any amendment to the Constitution, dissolve the House of Representatives or dismiss the government.

Article (161) Withdrawal of confidence

The House of Representatives may propose to withdraw confidence from the President of the Republic and hold early presidential elections upon a causal motion signed by at least a majority of the members of the House of Representatives and the approval of two-thirds of its members. The motion may only be submitted once for the same cause during the presidential term.

Upon the approval of the proposal to withdraw confidence, the matter of withdrawing confidence from the President of the Republic and holding early presidential elections is to be put to public referendum by the Prime Minister. If the majority approves the decision to withdraw confidence, the President of the Republic is to be relieved from his post, the office of the President of the Republic is to be deemed vacant, and early presidential elections are to be held within 60 days from the date the referendum results are announced. If the result of the referendum is refusal, the House of Representatives is to be deemed dissolved, and the President of the Republic is to call for electing a new House of Representatives within 30 days of the date of dissolution.

Article (162) Priority of presidential elections

If the vacancy of the presidential office occurs at the same time that a referendum or the election of the House of Representatives is being held, the presidential elections are given priority. The existing parliament continues in place until the completion of the presidential elections.

Subsection Two: The Government

Article (164) Conditions for candidacy

A person appointed to the position of Prime Minister or any other position in the government must be an Egyptian citizen of Egyptian

parents, and he and his spouse may not have held the citizenship of any other country, must enjoy civil and political rights, must have performed the military service or have been exempted therefrom, and must be at least 35 years old at the time of appointment.

Anyone appointed as a member of the government is required to be an Egyptian, enjoying his civil and political rights, have performed the military service or have been exempted therefrom, and to be at least 30 years old at the time of appointment.

It is prohibited to hold a position in the government in addition to membership in the House of Representatives. If a member of the House is appointed to the government, his place in the House becomes vacant as of the date of this appointment.

Article (169) Statements before the House of Representatives

A member of government may make a statement before the House of Representatives, or one of its committees, concerning any matters within their mandate.

The House or the committee may discuss such a statement and convey its position regarding it.

Section Three: The Judicial Authority Subsection One: General Provisions

Article (185) Judicial bodies

All judicial bodies administer their own affairs. Each has an independent budget, whose items are all discussed by the House of Representatives. After approving each budget, it is incorporated in the state budget as a single figure, and their opinion is consulted on the draft laws governing their affairs.

Subsection Two: The National Defense Council Article (203) Composition, mandate

A National Defense Council is established, presided over by the President of the Republic and including in its membership the Prime Minister, the Speaker of the House of Representatives, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Finance, the Minister of Interior, the Chief of the General Intelligence Service, the Chief of Staff of the armed forces, the Commanders of the Navy, the

Air Forces and Air Defense, the Chief of Operations for the armed forces and the Head of Military Intelligence.

The Council is responsible for looking into matters pertaining to the methods of ensuring the safety and security of the country, for discussing the armed forces' budget, which is incorporated as a single figure in the state budget. Its opinion must be sought in relation to draft laws on the armed forces.

Its other competencies are defined by law.

When discussing the budget, the head of the financial affairs department of the armed forces and the heads of the Planning and Budgeting Committee and the National Security Committee at the House of Representatives shall be included.

The President of the Republic may invite whoever is seen as having relevant expertise to attend the Council's meetings without having their votes counted.

Subsection Four: The National Security Council Article (205) Composition, mandate

The National Security Council is established. It is presided over by the President of the Republic and includes in its membership the Prime Minister, the Speaker of the House of Representatives, the Minister of Defense, the Minister of Interior, the Minister of Foreign Affairs, the Minister of Finance, the Minister of Justice, the Minister of Health, the Chief of the General Intelligence Services, and the Heads of the Committees of Defense and National Security in the House of Representatives.

The Council adopts strategies for establishing security in the country and facing disasters and crises of all kinds, takes necessary measures to contain them, identifies sources of threat to Egyptian national security, whether at home or abroad, and undertakes necessary actions to address them on the official and popular levels.

The Council may invite whoever is seen as being of relevant expertise to attend its meetings without having their votes counted.

Other competencies and regulations are defined by law.

Section Eleven: National Councils, Independent Bodies and Regulatory Agencies

Subsection Two: Independent bodies and regulatory agencies

Article (216) Creation of each independent body or regulatory agency

For the creation of each independent body or regulatory agency, a law is issued defining its competencies, regulating its work and stipulating guarantees for its independence and the necessary protection for its employees and the rest of their conditions, to ensure their neutrality and independence.

The President of the Republic appoints the heads of independent bodies and regulatory agencies upon the approval of the House of Representatives with a majority of its members, for a period of four years, renewable once. They cannot be relieved from their posts except in cases specified by law. The same prohibitions apply to them that apply to ministers.

Article (217) Reporting by independent bodies and regulatory agencies

Independent bodies and regulatory agencies present annual reports to the President of the Republic, the House of Representatives and the Prime Minister at their time of issuance.

The House of Representatives considers such reports and takes appropriate action within a period not exceeding four months from the date of receipt. The reports are presented for public opinion.

Independent bodies and regulatory agencies notify the appropriate investigative authorities of any evidence of violations or crimes they may discover. They must take the necessary measures with regards to these reports within a specified period of time. The foregoing is regulated by law.

Chapter Six: General and Transitional Provisions

Section One: General Provisions

Article (225) Publication of laws in the Official Gazette

Laws are published in the Official Gazette within 15 days from the date of their issuance, to be effective 30 days from the day following the date of publication, unless the law specifies a different date.

Provisions of the laws apply only from the date of their entry into force. However, with the approval of a two-thirds majority of the members of House of Representatives, provisions to the contrary may be made in articles pertaining to non-criminal and non-tax-related matters.

Article (226) Amendment

The amendment of one or more of the Constitution articles may be requested by the President of the Republic or one-fifth of the members of the House of Representatives. The request specifies the articles to be amended and the reasons for the amendments.

In all cases, the House of Representatives will debate the request within 30 days from the date of its receipt. The House issues its decision to accept the request in whole or in part by a majority of its members.

If the request is rejected, the same amendments may not be requested again before the next legislative term.

If the amendment request is approved by the House, it discusses the text of the articles to be amended within 60 days from the date of approval. If approved by a two-thirds majority of the House's members, the amendment is put to public referendum within 30 days from the date of approval. The amendment is effective from the date on which the referendum's result and the approval of a valid majority of the participants in the referendum are announced.

In all cases, texts pertaining to the principles of freedom and equality stipulated in this Constitution may not be amended, unless the amendment brings more guarantees.

Section Two: Transitional Provisions

Article (228) High Electoral Committee, Presidential Election Committee

The High Electoral Committee and the Presidential Election Committee existing at the time this Constitution comes into force shall undertake the full supervision of the first parliamentary and presidential elections following the date it came into effect. The funds of the two committees revert to the National Electoral Commission, as soon as the latter is formed.

Article (229) Election of the House of Representatives

The election of the House of Representatives following the date on which this Constitution comes into effect shall take place in accordance with the provisions of Article 102.

Article (230) Procedures for parliamentary and presidential elections

Procedures for the election of the President of the Republic or the House of Representatives shall take place in the manner regulated by law, provided that they begin within no less than 30 days and no more than 90 days of this Constitution coming into effect.

In all cases, the next electoral procedures shall begin within a period not exceeding six months as of the date the Constitution comes into effect.

Article (235) Building and renovating churches

In its first legislative term after this Constitution comes into effect, the House of Representatives shall issue a law to organize building and renovating churches, guaranteeing Christians the freedom to practice their religious rituals.

Article (239) Delegating judges, members of judicial bodies

The House of Representatives issues a law organizing the rules for delegating judges and members of judicial bodies and entities to ensure cancelling full and partial delegation to non-judicial bodies or committees with judicial competence, or for managing justice affairs

or overseeing elections, within a period not exceeding five years from the date on which this Constitution comes into effect.

Article (241) Transitional justice

In its first session after the enforcement of this Constitution, the House of Representatives commits to issuing a transitional justice law that ensures revealing the truth, accountability, proposing frameworks for national reconciliation, and compensating victims, in accordance with international standards.

Article (244) Representation for youth, Christians, disabled persons, etc.

The state grants youth, Christians, persons with disability and expatriate Egyptians appropriate representation in the first House of Representatives to be elected after this Constitution is adopted, in the manner specified by law.

Article (245) Employees of the Shoura Council

The employees of the Shoura Council who are still serving on the date that this Constitution is adopted are transferred to the House of Representatives while keeping the same degrees and seniorities they occupied on that date. Their salaries, allowances, remunerations, and the rest of their financial rights granted to them in a personal capacity are kept. All funds of the Shoura Council revert to the House of Representatives.