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### Appendix: Documents on Constitutional and Parliamentary Life in Egypt, 1952-1977

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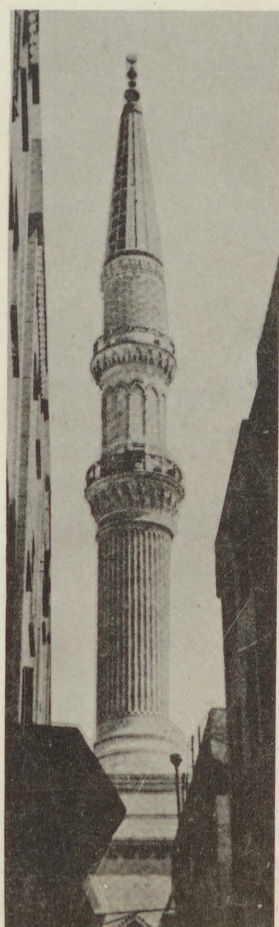
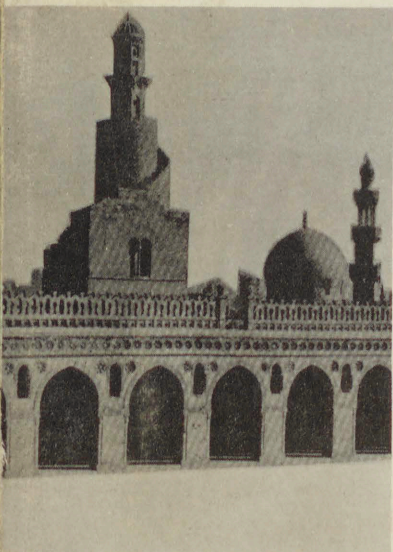
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# CAIRO PAPERS IN SOCIAL SCIENCE



## DEMOCRACY IN EGYPT

prepared and edited by  
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## APPENDIX I

DOCUMENTS ON CONSTITUTIONAL AND  
PARLIAMENTARY LIFE IN EGYPT 1952-1977

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This appendix includes 23 documents related to the development of constitutional and parliamentary life in Egypt between 1952 and 1977. It opens with the law relating to the organization of political parties issued on 9 September 1952, and the first steps towards their banning, and ends with the law concerning political parties issued on 29 June 1977, which re-legitimized their establishment in Egypt.

I. Law of Organizing Political Parties

This law was issued by the Revolutionary Command Council on 9 September 1952 with the objective of 'cleansing' political life of the elements which contributed to its corruption before 1952. The law marked the beginning of the confrontation between the new regime and the political parties, a confrontation which eventually led to the banning of the latter. The law provided for the following:

Article 1 : According to this law, the term political party refers to every party, organization, or association involved in internal or external affairs which aims to achieve its objectives through assuming power. An Association that works for purely scientific or social or cultural or religious objectives is not considered a political party.

Article 2 : Egyptians have the right to establish political parties. Every Egyptian has the right to join political parties.

Article 3 : Anyone who wishes to establish a political party must apply to the Minister of the Interior by registered letter. The letter should also include the internal rules of the party, the names of its founding members and its financial sources.

Article 4 : Political parties are prohibited from owning any property other than that allotted for its branch offices. They are also prohibited from establishing any military groups.

Article 13: The Minister of the Interior, or other officials concerned, has the right to interfere when a political party violates any of the above-mentioned rules, and may request its dissolution, the cessation of its activities, or dismissal of its members. The Minister submits his objection to the administrative court.

Article 14: This law applies to all existing parties.

## 2. The Termination of the 1923 Constitution

On 10 December 1952, the General Commander of the Armed Forces, General Mohamed Naguib, in his capacity as head of the Army movement, announced "the downfall of the 1923 Constitution. The declaration stated:

"When the army initiated its revolution on 23 July, the country



had been experiencing a period of corruption and decay...

In order to fulfil the duty with which God has entrusted us, we deem it necessary to replace the 1923 constitution by one which enables the nation to achieve its true objectives.

This constitution will be the source of all power. Thus, in the name of the people, I declare the annulment of the 1923 constitution. It is also my pleasant task to announce to my fellow countrymen that the government will establish a committee to draft a new constitution, to be approved by the people, and which will realize the hopes of the nation for the establishing of a truly representative system.

Until this new constitution is drawn up, the government shall assume all powers during the transitional period. The government is committed to the protection of all its citizens without discrimination, and shall always be mindful of general constitutional principles."

### 3. Declaration of a Three Year Transitional Period

On 16 January 1953, the General Commander of the Armed Forces, in his capacity as head of the Army movement, announced a three year transitional period during which all political parties were to be banned.

"Political parties, due to former practices and the conservative mentality, constitute a grave danger to the country and its future: I therefore declare the dissolution of all political parties from today, as well as the confiscation of their assets....And for the sake of national stability, I announce the beginning of a three year transitional period so that we



can establish a proper democratic constitutional order".

#### 4. Banning of Political Parties

On 18 January 1953, the General Commander of the Armed Forces in his capacity as head of the Army movement, issued a law banning all political parties. The Law was officially justified on the basis of the unwillingness of parties to "cleanse" themselves.

Article 1 : The properties of the said banned political parties are to be distributed by the Council of Ministers.

Article 2 : Members of the said banned political parties are prohibited from engaging in any political activity whatsoever. It is also forbidden to support these individuals in any political undertaking.

Article 3 : Anyone holding money for a political party must declare it.

Article 5 : The establishment of new political parties is prohibited.

#### 5. The Liberation Rally

The Liberation Rally was the first organization to be established by the new regime after the banning of political parties. It was deemed the only legal political organization in the country. Preparations for its establishment began on 6 December 1952. These steps were officially announced on 23 January 1953, and the Liberation Rally continued to exist until 2 December 1957, despite the declaration of the 1956 constitution which referred to a successor organization, the National Union. The Liberation Rally was finally disbanded on 27 January 1957.

The Charter of the Rally states as part of its objectives:

"1 - The realization of the objectives and fundamental interests of the people, so as to ensure their rights



and their freedom...."

- "2 - The guarantee of fundamental rights and freedoms, both political and social. All citizens are to be equal in the eyes of the law."

## 6. Constitutional Declaration for the Transitional Period

On 10 February 1953, the Revolutionary Command Council issued a declaration concerning the organization of constitutional and political life for the three year transitional period that was to end in January 1956. It provided for the following:

### A - General Principles

Article 1 : The Nation is the source of all powers.

Article 3 : Freedom of opinion and personal liberty are to be upheld within the confines of the law.

### B - System of Government

Article 8 : The leader of the revolution is to be entrusted with matters of sovereignty, particularly those arrangements necessary for the protection of the revolution. He has the right to appoint and dismiss ministers.

Article 9 : The Council of Ministers is to be in charge of legislative power.

Article 10: Executive power is to be entrusted to the Council of Ministers and to each minister in his respective field.



Article 11: The Revolutionary Command Council and the Council of Ministers may from time to time meet as a council to investigate the general policy of the Cabinet. The council may then discuss in detail the policy of any minister.

7. Provisional Constitution of 1956

This constitution was drafted by a committee of experts and was proclaimed on 16 January 1956 at the end of the transitional period. A plebiscite was organized on 23 January 1956 to approve the constitution, which stated

Article 65: The National Assembly is to be in charge of legislative power.

Article 66: The National Assembly is to be in charge of executive power as outlined by the articles of the constitution.

Article 101: The Budget shall be presented to the National Assembly at least three months before the end of the fiscal year....The National Assembly may not introduce any modification without governmental consent.

Article 111: The president may dissolve the National Assembly as he deems necessary. The Assembly may not be dissolved twice for the same reason.

Article 119: The president is the chief of the executive and he shall exercise his power according to the constitution.

Article 131: The president, in collaboration with his ministers, shall decide the general policy of the government in



all its aspects - political, economic, social and administrative - and he shall supervise the implementation of the said policies

Article 131: The president has the right to oppose, object to and issue laws.

Article 192: The citizens shall establish a National Union in an effort to realize the objectives of the revolution and to mobilize human resources to develop the nation socially, economically and politically. The National Union shall nominate the candidates for the National Assembly. The president shall issue a law outlining the organization of the National Union.

#### 8. The Law of the National Assembly

Article 7 : The National Union shall examine the applications of all candidates.

Article 8 : The National Union shall draw up a list of acceptable candidates in each constituency. This list is final and there can be no appeal against decisions made by the National Union....

#### 9. The National Union

The National Union was established as a successor to the Liberation Rally, as outlined in Article 192 of the 1956 provisional constitution and in Article 72 of the provisional constitution of 1958. In an official publication of the National Union, the objective of the organization was outlined as follows:

"The National Union is the total citizenry, rulers and ruled



alike, united to build a socialist, cooperative society....  
 it is an organization committed to Arab nationalism and to  
 the achievement of Arab unity....Its dealings with the govern-  
 ment are to be conducted in a spirit of cooperation."

#### 10. The Provisional Constitution of 1958

This constitution was issued by presidential decree on 5 March 1958, after the merger of Egypt and Syria on 22 February 1958 and the establishment of the United Arab Republic. In fact it was a modified version of the 1956 constitution.

Article 13: The National Assembly is to be in charge of legislative power. Members of the Assembly are to be chosen by the president. Half of the members of the said Assembly shall be drawn from the Syrian House of Representatives and the Egyptian National Assembly.

Article 38: The president may dissolve the National Assembly as he deems it necessary. In such a case a new Assembly shall be formed and shall meet within a period of sixty days.

Article 44: The president is the leader of the executive and he shall exercise his power according to the constitution.

Article 72: The citizens shall establish a National Union in an effort to realize the national objectives; namely the development of the nation politically, socially and economically. The president shall issue



a decree outlining the organization of the National Union.

## 11. The National Charter

This document, submitted by President Gamal Abdel Nasser to the elected National Congress of Popular Forces on 21 May 1962, is of a political, and ideological nature. It was approved, after lengthy discussions, on 30 June of the same year, as being the ideological guideline for the country. Chapter 5 of the Charter, entitled "True Democracy", states:

"Democracy is the affirmation of the sovereignty of the people.... Democracy is political freedom and Socialism is social freedom; the two are inseparable.... Political democracy is impossible with the domination of one class....

The national unity, which reflects the alliance of popular forces, shall establish the Arab Socialist Union as the organization representing the people.... the new constitution shall see to the following:

1. All elected political organizations must represent - justly and rightly - the majority. Hence peasants and workers should have 50% of all seats in all political and popular organizations at all levels, including the National Assembly.
2. The authority of elected popular councils must be continuously upheld over the authority of the executive power.
3. There is an imperative need to create a new political apparatus within the Arab Socialist Union to encourage potential leaders, organize them, and mobilize the revolutionary



sentiments of the masses in an effort to articulate their demands....

4. Collective leadership is necessary during the stage of 'revolutionary take-off'.

## 12. The Constitutional Declaration of 1962

On 27 September 1962, one year after the Syrian secession from the United Arab Republic, a constitutional declaration was issued by presidential decree with the intention of reorganizing the structure of government. It introduced the principle of collective leadership at the presidential level.

Article 1 : The supreme level of authority will be organized as follows:

A. The president shall supervise the work of the Presidential Council and the Council of National Defence.

B. The Presidential Council is the supreme authority of the state and it exercises its functions as stipulated by this declaration.

C. The Executive Council is the executive and administrative authority of the state.

Article 4 : The president, with the approval of the Presidential Council, shall appoint and dismiss the Chairman of the Executive Council, the Ministers and the Deputy Ministers....

Article 12: The Presidential Council, with the approval of the president, may appoint or dismiss its own members.



### 13. The Law of the Arab Socialist Union

The Arab Socialist Union was established as a successor organization to the National Union. Its law was promulgated on 8 December 1962. It stated:

"The Arab Socialist Union as the socialist vanguard which leads the masses, shall seek to express its will, mobilize the national effort, and supervise its implementation...."

"Its goals are; the achieving of true democracy by the people, and for the people...."

### 14. The Provisional Constitution of 1964

On 23 March 1964, President Nasser issued a new provisional constitution. Although it added nothing new to the structure of power, it abolished the Presidential Council and the idea of collective leadership. The President continued to be the dominant figure in the governmental system. The constitution states:

Article 47: The National Assembly is charged with legislative power.

Article 91: The president can dissolve the National Assembly as he deems necessary.

Article 113: The president, in collaboration with the Cabinet, formulates general policy in its political, economic, social and administrative aspects, and supervises the implementation of the said policy.

### 15. The Permanent Constitution of 1971

The first permanent constitution for Egypt since 1952 was drafted by a parliamentary committee of 80 members, established on 25 May 1971. The committee submitted its report on the general principles of the constitution to the National Assembly on 22 July 1971. The Assembly discussed the



report and then approved it. A committee prepared the final draft which was passed on to the people on 11 September 1971. The main characteristics of the political system remained unchanged; the absence of political competitiveness and the key role of the president.

#### 16. The October Paper

This paper was an ideological document presented by President Anwar El Sadat on 18 April 1974, and intended as a guideline for national action until the year 2000. It states:

"Democracy is not merely a question of legal documents - it is the daily practice that counts as well....I reject the idea of an artificial division of the people by establishing political parties, and I also reject the idea of a one-party system which imposes its tutelage upon the people....

Hence I am in favor of maintaining the Arab Socialist Union as a sound framework for national unity, in which all groups can express their legitimate interests and views....The Arab Socialist Union must become a melting pot for differing points of view...."

#### 17. The Reform of the Arab Socialist Union

In August 1974 President Sadat presented another document expressing his views on the need for reform of the Arab Socialist Union. The document was the subject of intensive discussion for almost a year, until the convening of the Third National Congress of the Arab Socialist Union in July 1975. This document initiated a train of events which led to the restoration of political parties in Egypt. The document states:

"To reject the idea of the one-party system means the acceptance of the multiplicity of views within the Arab Socialist Union....It is in the nature of things that people differ on political and social issues....There are those who tend to be conservative. They suspect the new, or even condemn it,



and prefer to move gradually....There are others who are motivated by the desire for radical change, and between these two groups there is a majority which aspires towards progress but which does not wish to leap into the unknown....

It is desirable that the Arab Socialist Union, which represents the alliance of people's forces, should reflect these various trends in its leadership."

18. The Report on the Reform of the Arab Socialist Union

A committee was set up to report on differing views with respect to the reform of the Arab Socialist Union. Its report dealt with a number of issues, such as the reasons for reform and the ways in which reform should be carried out. The report did not reject the idea of a multi-party system in principle, but it did not recommend its immediate adoption. It advocated a modified version of the Arab Socialist Union, and stated:

"The masses desired that the aim of reform should be the strengthening of the role of the Arab Socialist Union.... so that it would become more representative of the interests of the people....There was a group which argued that the Arab Socialist Union had failed and that it was no longer a viable institution. This trend showed itself in particular among intellectuals, university professors and journalists...."

19. The Arab Socialist Union's Resolution on Platforms (Manabir)

On 25 July 1975, the Arab Socialist Union National Congress issued a resolution concerning manabir (political platforms). The intention was to allow for the emergence of different groups with differing points of view within the organization:

"The majority of people rejected ideas both for a multi-party and a one-party system. They advocated the need for enabling different trends to be expressed and for different



positions to be expressed. The best way to achieve this objective is through the multiplicity of manabir."

It must be recalled that

1. Manabir function within the structure of the Arab Socialist Union.

2. They should represent different points of view and not social classes.

3. All manabir must commit themselves to the basic principles of the revolution.

4. Manabir are the vehicle for the expression of the views of various groups. Thus they must seek to establish a democratic dialogue.

## 20. The Basic Law of the Arab Socialist Union

After the various criticisms of the Arab Socialist Union, a committee was established to revise the law of the organization. The new law was issued on 7 September 1975.

### I. The Objectives of the Arab Socialist Union:

- The Arab Socialist Union is a melting pot in which the different ideas and trends of interest to the public are expressed.
- The Arab Socialist Union is the popular political authority which reflects our people's interests and works to implement them.

### II. The Tasks of the Arab Socialist Union:

- Defence of the political and social objectives of the revolution as set out in the ideological documents beginning with the National Charter and ending with the



October Paper.

- To reflect the interests of the masses, and to organize them to defend their revolutionary achievements.

21. The Committee Report on the Future of the Political System

This committee was established by the president of the Arab Socialist Union (President Sadat) to investigate the future of manabir (platforms) and their prospects. Sixteen sessions were held, from 1 February 1976 to 6 March 1976. The report refers to four trends identified by the committee:

"The first trend calls for the modification of the structure of the Arab Socialist Union, and the establishment of various manabir within it....

The second trend calls for the maintaining of the Arab Socialist Union in its present form but at the same time allowing for more freedom of expression.

The third trend advocates the establishment of political parties.

The fourth trend suggests the establishment of manabir both inside and outside the Arab Socialist Union."

22. President Sadat's Decision to Transform Manabir into Ahzab (Parties)

In his inaugural speech before the National Assembly on 11 November 1976, President Sadat stated:

"Based on the success of the election campaign, I have decided to transform manabir into full-fledged parties (ahzab). There are a number of consequences resulting from this decision, the most important of which is that safeguards will be established so that the Arab Socialist Union will not interfere in the affairs of the political parties. Each political party will be



completely free to conduct its activities, within the confines of the law and the constitution."

### 23. The Law of Political Parties

After a lengthy and heated debate in the People's Assembly, the law of political parties was approved on 20 June 1977.

Article 1 : Egyptians have the right to establish political parties and every Egyptian has the right to belong to any political party in accordance with the provisions of this law.

Article 3 : Political parties established in accordance with the provisions of this law shall contribute to the achievement of political, social and socialist democratic progress and the preservation of the power of the working people, social peace and the accomplishments of workers and peasants in the manner stipulated by the constitution....

Article 4 : The establishment of a political party shall be conditional upon the following:

First: the party's principles, objectives and programs shall not contradict

A. The principles of Islamic law (sharia), since it represents a major source of legislation,

B. The principles of the said party shall preserve national unity, social peace the socialist democratic system and socialist gains.



Second: the party's program shall be different from the programs of other existing political parties....

Third: no party may be established on a class, sectarian, factional, or geographical basis, nor on the basis of discrimination on the grounds of race, religion or creed.

Fourth: the establishment of military or paramilitary formations as a method of party activity is prohibited.

Fifth: no party may be established as a branch of a foreign-based party.

Article 8 : A committee shall be established, composed of the following members:

1. The Secretary of the Central Committee (of the Arab Socialist Union), who shall act as chairman;
2. The Minister of Justice;
3. The Minister of Local Government, Popular and Political Organizations;
4. The Minister of the Interior;
5. Three members, free of party affiliations, who will be chosen by the Chairman of the Central Committee of the Arab Socialist Union from among the former heads of the Justice Department, or their deputies.

The committee shall examine the applications for the establishment of political parties....the committee

shall have the right to object, within thirty days of the submitting of an application for the establishment of a party...The committee chairman shall notify the applicants of the reasons for said objection, in a registered letter within a maximum of 3 days subsequent to the date of the decision. The applicants may appeal against the decision before an administrative court within 30 days.... and the court shall rule on the appeal within a maximum of four months....

Article 21: The central committee shall lay down the rules organizing contacts between political parties and foreign parties and organizations....No party may cooperate or ally itself with any foreign political party or organization except in accordance with the rules mentioned in the foregoing clause.

Article 28: ....In order to establish a political party within the period stretching from the implementation of this law to the end of the current legislative session of the People's Assembly (1976-1981), the founders of a party shall include at least 20 members of the present Assembly.

Article 32: Articles 2 and 6 of Law no.37 for 1953, concerning the dissolution of political parties, are rescinded. The parties which have been subject to the said law



or the parties whose programs are contrary to the principles of the revolution of 23 July 1952 and the revolution of 15 May 1971, may not be re-established in accordance with the provisions of the said law....Any provisions contrary to the provisions of this law are also rescinded.

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