

منتدى البديل المصري للبرلمان

Toward A New Parliamentary Elections Law

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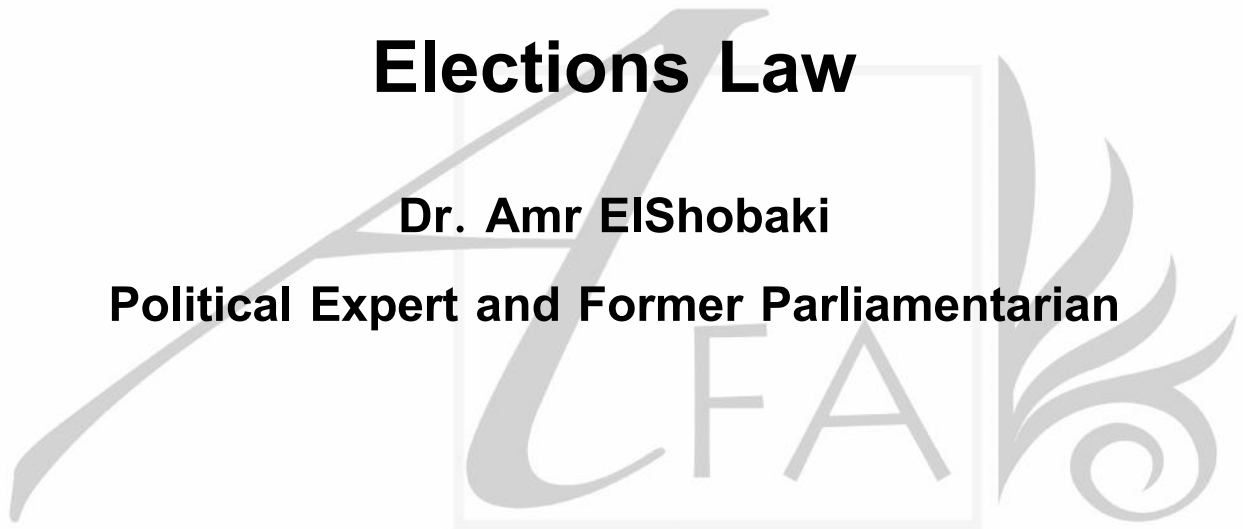
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Introduction

Laws should not be made especially for a specific political movement or power, except in systems that are authoritarian and oppressive. These laws are supposed to be written for the sake of the public good and the advancement of society. This is how we should address any ideas related to the new parliamentary elections law. Discussing a law benefitting the interests of either the secular current or the Islamist current must not control the process of forming the new electoral law. Such talk comes close to the old saying of “The lazy student’s pretext [for not doing his homework] is to wipe the board¹ (Some would rather fail with an excuse than succeed with pain). The idea of a law made up especially to suit the interests of some political currents is reprehensible not only because of its opposition to the public good, but also because some political actors view such a law as an alternative to working in the street or building a true political institution, with talk about an election law serving as a simple ploy to cover up political failure and ineffectiveness.

The truth is that there is no law that can save a political movement from its own crisis whether it is a party list system or single member plurality² system. There is no law that can save a certain political movement from its own crisis, or strengthen the movement’s opportunities for success without that movement doing its work to build its policies and party planning, choose its members and candidates, and adjust its political rhetoric. Searching for a elections law made up especially for a party or a movement is delusional and will not save the movement from its own internal crisis.

Without a doubt, Egypt is experiencing an extensive debate about the ideal law for the country’s elections. Should it be built on a single member plurality system or a party list system? Should the former system be combined with party lists or not? Should the latter system be closed or open lists?

Yes to a Combined Single Member Plurality and Party List System

It is necessary for any electoral law to be governed by a philosophy or vision that is determined by the prevailing political and social reality. In Egypt, the law best suited to the country is one that starts from the Egyptian context, and with the desire for the citizen to be empowered and to feel that they choose their candidate in elections without any tutelage or mediation from someone else. This is an issue of utmost importance during the democratic transition, especially considering the context of the marginalization from which Egyptian citizens have suffered for decades.

Therefore, the law that we are proposing would run elections in Egypt based on a single member plurality system for two-thirds of the seats in parliament. With the abolition of the quota for workers and peasants, the size of the districts would shrink until it would possibly approach a size that is smaller than the individual districts that existed previously. In this system, the citizen would choose his/ her candidate on the basis of the candidate’s program, the efficiency of his/her political party, and his/her ability to communicate with the people in the district.

The principal component of the electoral process in Egypt would be the single member plurality system. Its combination with party lists would not be for the purposes of creating a mixed (and a bit chaotic) system; rather, it would be for the sake of opening the door to a diverse group of experts and

An old Egyptian proverb, which implies that both the Islamist and secular currents are doing what they should do to draft and adopt a good, fair and unbiased electoral law.
Also known as “first-past-the-post” or “winner-take-all” systems

academics that we need to see in the People's Assembly, but who face difficulties in entering the parliament through a single member plurality electoral system. They would be chosen through an elected party list system from each governorate, rather than at the district level, so that the choice of lists would be an expression of the competition between different visions and programs supported by a wide breadth of districts across each governorate.

Misconceptions about the Single Member Plurality System

Perhaps the most important criticism facing the single member plurality electoral system is that it opens the door to family partisanship and electoral bribery. However, this issue is not related to the single member plurality system as much as it is related to the political system itself. The vote buying that was rampant during the Mubarak era was rooted in the absence of real voters and the attendance of voters who had been successfully bribed, so that the percentage of true votes in the cities did not exceed 5%. The complete opposite happened in the 2012 elections. Approximately 50% of eligible voters participated in the elections, making it almost impossible for vote buying to influence the election to the same extent that it did under Mubarak.

Likewise, discussion about how the single member plurality system deepens the role of partisanship and families in the countryside stems from an arrogant view about the nature of this role and the reality of Egyptian culture and society. If religion plays a role in the choice of some voters without a rational basis, no one is able to confront the issue with a law so long as it occurs in accordance with the rules of the electoral process. Furthermore, the disapproval for the role of families does not make sense, as this phenomenon is something that will recede not because of an electoral law, but with time as the country modernizes and develops democratically.

It is also certain that the concerns held by some about the single member plurality system return to their concerns about the intimidation and rigging that occurred under Mubarak. These memories have pushed some to try building an unconditional and proportional party list system. However, they will discover quickly that they have chosen the worse choice and the choice that is further from what Egyptian voters want.

There is no one who imagines that the MPs in the British Parliament or the Representatives in the French General Assembly are not close to their regions and electoral districts, dropped on their constituents with a partisan and political parachute without any communication. The successful representative succeeds in representing his community, his district, and his political movement, including a part as a representative for public services (and not as a representative for buying votes or offering electoral bribes and personal services), and in a larger part as a political and partisan representative who monitors the government and legislates laws. This is the system that an individual candidate plurality system will lead to, improving the political talent of representatives and the role of political parties in Egypt.

Custody over the Egyptian People: the Disaster of the Party List System

There are some who make the grave mistake of imagining that a party list system will lead to people casting their votes on the basis of party platforms. They believe that the party lists will sway the Egyptian voter due to the programs they offer rather than by some other issue.

However, the reality is that an open and proportional party list system will confuse the Egyptian voter, particularly since nearly thirty percent of Egyptians are illiterate. The prearranged lists will influence the choices of the voters, even if we tell them to choose who they want and to rank their choices from the list as they see fit. At least some of the voters will choose the prearranged lists directly. Furthermore, the idea to give voters the ability to rank their choices is not accepted by many of the country's political movements.

As for the other lists, which will include independents and party candidates, they will be controlled by a limited number of party and business leaders, so that we will end up creating a group of no more than ten individuals that holds custody over the Egyptian people. This group will determine the formation of the lists in an opaque process, as proven by the country's previous experience in which the fundamental conflict between candidates revolved around who would head the lists, rather than focusing on the ideas of the parties and their basic policies.

The imposition of the party list system on the citizens of Egypt and the view of elections with party lists as the solution to advance democracy are far from being correct or realistic. Such an action would open the door to a tyranny of the party elite, holding custody over the Egyptian people by way of parties that are still weak. It would eliminate effective participation by the people, producing candidates who are close to the party leader or candidates who are able to give the president money to be at the top of the party's list.

The truth is that it is not possible to avoid pointing to Egypt's past experience with elections, which have demonstrated the existence of innumerable candidates who entered into negotiations with innumerable Egyptian parties for the sake of heading the party lists, and some of those candidates simply left their parties when they received an offer from another party placing them at the top of the list. These are issues that the author of this paper witnessed with his own eyes.

Conditions for Candidature

It is important to implement a group of rules, characterized by flexibility, to govern the process of candidature for the individual seat in each district. We would like to propose the following conditions:

1. The candidate must be born in his district.
2. The candidate's place of residence must be in the district.
3. The candidate's place of work must be in the district.

These conditions are characterized by significant flexibility, while prescribing a relationship between the candidate and his district. The one-third of candidates who will be elected by lists at the

provincial level should also have these conditions applied to them, so that they will have been born in the governorate and continue to work and live there. This practice should continue, so as to support local elites in each governorate and to help them to reduce Cairo's centrality in politics. That centrality often resulted in "exporting" cadres to compete electorally in the governorates, delaying the activation of political life outside of Cairo.

Recommendations: Why Two-Thirds Individuals and One-Third Lists?

Some of the secular powers consider elections with party lists to be the way to activate political life in Egypt. However, they have forgotten that the overwhelming majority of the countries who had seen democratic transitions in the world have adopted the individual candidate plurality system, including countries in Europe, Latin America, and Asia, even though some of them were inoculated with the party list system.

The proposed ideal system is a system that learns from the basic philosophy of the single member plurality system. It divides its electoral districts between two levels: The first level consists of individual districts that depend on the structure of the previous districts, though perhaps they should be somewhat smaller after the abolition of the quota for workers and farmers. Through this level, personal and political considerations enter into the choice of the voter, who will feel as if they are choosing their representative without any custody or "control" by a party or financial interests. The second level depends on an open proportional list system at the level of the governorates, not at the district level as occurred in the previous elections. Under this system, elections would occur in Cairo between lists including 15 candidates each, for instance, while in Giza each list would have 12 candidates, in Assuit 8 candidates, and in Dakahlia 10 candidates, dependent on the population in each governorate.

The party lists in the governorates will give a chance to candidates who are experts and public figures, unable to compete in a typical single member plurality electoral system. They will depend on their practical experiences and loyalty to a certain ideological current and a specific party to compete in the elections. We will benefit from their presence under the dome of the parliament.

The truth is that this law will give Egyptian citizens a feeling of empowerment, along with a feeling of choosing and holding accountable their candidate and representative. We will have established a system that opens the door to competition with equal opportunities for different political parties. It will not have wide districts for individual candidates like entire cities, where only the most organized party machines dominate. The percentage of participants in the election will not be 5% as it was in the last decade, when only candidates who offered electoral bribes excelled. Likewise, the "governorate lists" will reduce the arrangements of money and corruption that occurred with the "district lists," which were defined by conflict over arranging candidates on the lists rather than a conflict of ideas. This issue pushed some of the parties to place a strong candidate at the top of their list so as to "carry" the remainder, who did not have any mentionable relationship with politics. Enlarging the districts to include an entire governorate will help to make the competition between lists more about their programs and visions as opposed to other considerations, and this competition will include the visions of Islamists and non-Islamists, liberals and leftists.

Appendix

Election Law 207 for 1990 and amendments to Law 165 in 2000 and Law 68 in 2010

Egypt is divided into 222 districts.

Egypt is divided into 32 special electoral districts with two seats for women in each district.

The Governorates and Number of Districts

Cairo: 32 6th October: 7

Helwan: 4 Fayoum: 7

Alexandria: 11 BeniSuef: 7

Port Said: 3 Minya: 11

Ismailia: 3 Assuit: 10

Suez: 2 Sohag: 14

Qalyubia: 9 Qena: 8

Al Sharqia: 14 Luxor: 3

Dakahlia: 17 Aswan: 3

Damietta: 1 Matruh: 2

Kafr Al Sheikh: 9 The New Valley: 2

Al Gharbia: 13 North Sinai: 2

Monufia: 11 The Red Sea: 2

Beheira: 13 South Sinai: 2

Giza: 5

