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Decentralization in Egypt: More than 10 years of a stumbling path

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Abstract:

Decentralization has been in the limelight of scholarly debate both for OECD countries and for other world regions, such as the Middle East and North Africa (MENA) for the last decades. When mass protests in the periphery in 2011 spilled over to urban spaces across the region, several MENA regimes responded to the increasing uncontrollability of political dynamics by broadening their discourse on decentralization and local governance reforms.

Even the formerly heavily centralized regimes of Tunisia and Egypt opted for decentralization and introduced associated principles in their new constitutions. While, in Tunisia, the democratic transition proved to be quite successful for several years, ensuring the reform process included substantial and challenging decentralization efforts, re-autocratization in Egypt after two military interventions seem to have stifled all reform and decentralization processes. The structures that remain in place today do not deserve the label decentralization.² However, other analysts argue that decentralization can also be found in authoritarian regimes, as states can implement decentralization without seriously challenging the center of power.³

This paper aims at examining the current situation of decentralization in Egypt since the revolution of January 25, 2011, which aimed to move towards decentralization as one of the pillars of democratic transformation. The main research problem of this paper is addressing implicit or explicit contentions regarding the issue of decentralization in Egypt, especially considering the

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² Thomas Demmelhuber & Roland Sturm [eds.], 2021. Decentralization in the Middle East and North Africa. Informal Politics, Subnational Governance, and the Periphery, Baden-Baden: Nomos, <https://doi.org/10.5771/9783748920731>

³Erik Vollmann, Miriam Bohn, Roland Sturm & Thomas Demmelhuber (2022) Decentralisation as authoritarian upgrading? Evidence from Jordan and Morocco, The Journal of North African Studies, 27:2, 362-393, DOI: 10.1080/13629387.2020.1787837

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timeline from around the eruption of the revolution and the dissolution of local councils in 2011 until the date of writing this paper.

This is done, first, by revisiting the legacy of Egyptian centralization before the January 25th revolution and how it influenced any attempt toward decentralization. Following that, the paper tackles the January 25th revolution and its influence on local administration discussions in Egypt in terms of both the level of popular demands as well as constitutional and legal reforms. The paper then moves towards discussing the four main legislation proposals that were brought before the Egyptian parliament in 2015 regarding the local administration law, along with their development up until the end of the parliamentary term in 2020. To conclude, the paper reflects on the destiny of the unratified legislation/bill with the current parliament following the Covid-19 repercussions and amid the complex political and economic situation in Egypt. The paper concludes that Egypt has still a long path to travel toward decentralization and that it should start with legislation that complements the articles of the 2014 constitution. Furthermore, clear legislation can be the first building block in the attempt to end a long history of corruption and clientelism across Egyptian local administration entities.



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Why does decentralization matter?

Decentralization refers to the transfer of powers and responsibilities from the central government level to elected authorities at the *subnational* level (regional governments, municipalities, etc.), granting the latter some degree of autonomy. Decentralization is also about redefining the relationships between the central government and municipal/local governments, allowing the national government to assume a more cooperative and strategic role. It is also a multi-dimensional concept, as decentralization covers three distinct but interrelated dimensions: political, administrative and fiscal. These dimensions are interdependent in the sense that, on one hand, there can (or should) be no fiscal decentralization without political and administrative decentralization. On the other hand, without fiscal decentralization, political and administrative decentralization are somehow perceived to be pointless.⁴

There can be various political, administrative and fiscal purposes behind decentralization reforms. In some countries, decentralization can be seen as a counter-response to a previous period of strong centralization. In such countries, decentralization has been, at least partly, a way to ensure that ongoing democratization processes will not be reversed. In other countries, decentralization has been a method to reform the public sector, for example, in order to improve the efficiency of public services and thereby curb the growth of government spending. The decentralization of authority is also often expected to result in more accountable and transparent public governance, lower levels of corruption, higher political participation and policy innovation.⁵ Furthermore, decentralization increases allocative and productive efficiency. Local governments need to have the authority to respond to local demands as well as adequate mechanisms for ensuring accountability. Since granting authority without accountability can lead to corruption and lower productive efficiency, decentralization needs to be accompanied by reforms that increase the transparency and accountability of local government.⁶

Moreover, more local-level governments are likely to be aware of local needs and preferences and, as such, more capable of adjusting the delivery of provisions accordingly.⁷ Giving municipalities

⁴ Making Decentralization Work (A HANDBOOK FOR POLICY-MAKERS), OECD, 2019, <https://www.oecd.org/cfe/making-decentralisation-work-g2g9faa7-en.htm>

⁵ Ibid.

⁶ Decentralization and governance: do decentralization improve public service delivery? The World Bank documents, June 2001, <https://goo.gl/X52bFi>

⁷ Ibid.

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autonomous responsibilities⁸ such as the right to levy taxes, provide public services, undertake local urban planning, etc. and, most importantly, by sharing knowledge among citizens (particularly disadvantaged groups) on the importance of municipalities and citizen participation serves as a cornerstone for citizens to pursue their rights.⁹ All this will work in the favor of enhancing decentralization and, in turn, the provision of public services.

There are also indirect effects associated with decentralization, such as accelerated economic growth and improved social stability. These are the result of the direct outcomes of decentralization such as better education or higher levels of participation in political decision-making. We should bear in mind, however, that as a variety of factors impact the indirect effects of decentralization, the role of decentralization is hard to separate from other trends and policies.¹⁰

In terms of benefits that decentralization offers in contexts that are far from being democratic, Erik Vollmann et al. argue that, in order to generate the benefits of decentralization, “it is sufficient to deconcentrate administrative tasks without granting further decision-making competences to the subnational level”¹¹. Vollmann argues that the implementation of decentralization policies can therefore also function as a mechanism of authoritarian upgrading (Heydemann 2007). Authoritarian upgrading describes the use of certain regime strategies to encounter external or internal pressure for democratic change and liberalization. Contrary to the assumption that authoritarian regimes respond to these threats with different degrees of repression, the literature on authoritarian upgrading argues that their strategies are a lot more advanced and diverse. By complying with certain societal demands and implementing minor reforms, authoritarian regimes try to use shallow liberalization (1) to satisfy and contain the civil society, (2) to manage the opposition and other (potentially) relevant elites, and (3) to profit from the benefits of selective reforms (especially concerning efficiency, development, and economic gains).¹²

⁸ Roger B. Myerson, Empowered Local Government is the Best Foundation for Democracy, The World post, 04/05/2014, <http://goo.gl/0gi9U9>

⁹ Igor Koryakov and Timothy D. Sisk, 2019, Representative democracy, Democracy at the local level, IDEA, <http://goo.gl/3e0ShK>

¹⁰ Making Decentralization Work (A HANDBOOK FOR POLICY-MAKERS), OECD, <https://www.oecd.org/cfe/making-decentralisation-work-g2g9faa7-en.htm>

Erik Vollmann, Miriam Bohn, Roland Sturm & Thomas Demmelhuber (2022) Decentralisation as authoritarian upgrading? ¹¹ Evidence from Jordan and Morocco, p. 365

¹² Erik Vollmann, Miriam Bohn, Roland Sturm & Thomas Demmelhuber (2022) Decentralisation as authoritarian upgrading? Evidence from Jordan and Morocco, p. 365.

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A legacy of centralization in Egypt

Egypt is characterized as being one of the most centralized countries in the world, ranking 114 out of 158 countries in terms of decentralization and the closeness of government to the people – according to a study by the World Bank from 2014.¹³ The country is known to have “one of the longest centralized traditions in the world reaching back several millennia to the times of the pharaohs”. Later, local councils (Diwans) set up by the French in 1798 were not elected and played a purely consultative/advisory role.¹⁴

Introduced through the movement of 1952 by Gamal Abdel Nasser and his peers, the regime in modern Egypt has remained quite attached to a centralized form of government, with several instances of territorial de-concentration having been introduced largely based on the Soviet budgeting model.¹⁵ The draft constitution from 1952 included fifteen articles concerning decentralization in Egypt. Some of the most notable characteristics were the following: First, the central government that was prohibited from controlling or nominating the election of the local council chairman. Second, certain powers were issued to ensure the collection and mobilization of adequate local resources in order to fund local public works projects. Third, the idea of local decision-making autonomy was presented by way of restricting central government interference and also by way of ensuring that all disputes between the central and local authorities were presented to the High Court for resolution. Although these were positive in terms of improving governing at the local level, the Nasser regime later ignored them for security reasons. This led the members of local councils to be appointed in a way that represented the different ministries and the different branches. Ministers of local councils were members of the Arab Socialist Union in agreement with the communist party, allowing them to make decisions together with governors. Later, the constitution of 1956 included ten articles about local administration in articles 157 to 166. It stated that the creation of local councils should be a mix of election and appointment

¹³Maksym Ivanyna and Anwar Shah, January 17, 2014, How Close Is Your Government to Its People? Worldwide Indicators on Localization and Decentralization, Economics, <https://goo.gl/KhxKoM>

¹⁴Jorge Martinez-Vazquez and Andrey Timofeev, 2011, Decentralizing Egypt: Not Just Another Economic Reform, Georgia State University, Economics faculty publications, , <http://bit.ly/2qJkiLg>

¹⁵ *Soviet budget Model: The history of Soviet capital budgeting started with October Revolution in 1917 and Civil war (from 1918 to 1920) when all factories, plants, and agricultural farms transitioned from private to state entities during totalitarian process of nationalization and collectivization. The main goal of economic activity in the former Soviet Union was industrialization, “that is, investment at the expense of non-productive private consumption.”*

For More, you can visit: Natalia Ermasova, Tatyana Guzman & Erica Ceka (2021) Legacy Effect of Soviet Budgeting System on Public Capital Budgeting: Cases of Russia, Moldova, and Uzbekistan, International Journal of Public Administration, 44:13, 1090-1102, doi:10.1080/01900692.2021.1916950

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through the different laws in the different administrative units. Article 157 of 1956 stipulated that the head of the local popular council is to present suggestions before the court, as well as to open and lead the sessions, guide the sessions, identify the subjects and limitations, identify the most important points and present outcomes. Further, it stipulated that half of the popular council should be appointed through election – half of which shall be workers and farmers. This constitution was the most specific in regard to forming the local popular councils by election.¹⁶

After 1971, Article 161 of the 1971 constitution was introduced to cover monitoring of the members of the executive councils by elected local councils. Articles 161, 162 and 163 likewise addressed decentralization. These mainly focused on the local council, including the importance of slowly transferring power and the process of holding elections. However, the 1971 constitution did not clearly state that these councils represent local administrative units, which resulted in the executive council forming laws granting executives more influential characteristics than those given to the local councils. In addition, the word ‘incrementally’ was written twice in the constitution, once when it relates to forming local popular councils and once when stating the transfer of its tasks. This emphasis on ‘incrementally’ delegating power gave the executive council the opportunity to change this historical approach to extending the role of the popular local councils, as well as to the local administration as a branch of the executive council.¹⁷

After the October war of 1973, Sadat took a step towards decentralization by empowering local councils, issuing Law 52 of 1975 concerning local government. This law stipulated that the effectiveness of local councils should be improved by dividing them into executive and administrative people’s councils – the latter which are composed of elected members. Further, the law authorized the creation of “councils of beneficiaries” composed of clients of public services such as education and health. The reason behind creating these councils was to enhance service quality as well as to enforce some measures of public accountability in order to avoid capture by the elite.

¹⁶ Soraya M. El Hag, 2014, “A Review of Decentralization and Local Development Initiatives in Egypt between the years of 1994 and 2011”, MA Thesis, The American University of Cairo.

¹⁷ Ibid.

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However, after November 1977, with Sadat's visit to Jerusalem, Sadat's opposition increased and he imposed an increasingly authoritarian order, which extended to the local level.¹⁸ Law 43 of 1979 changed the "executive committees" to "executive councils" to make it clear that the local people's councils were the main figures of authority, and the executive branch of the government was not responsible for decision-making at the local level. Yet, it is important to note that this was just a formality: the central government actually had more power than ever before. This has resulted in a drastic shift from a pluralistic government to one once again controlled by the executive branch.¹⁹

After 1981, Law 145 of 1988, was drafted at the time of the Mubarak regime, substituting "local administration" with "local government", thereby limiting political participation through the local electoral process. It also increased the role of the Ministry of Local Administration in terms of the financial aspect of local administration. This law increased the control of the central government over local fiscal matters, such as disbursement and allocation of the special account funds (for the local units), and increased local fees under the review approval process of a newly established committee, which discussed increases in revenue.²⁰

In 1997, Egypt witnessed a drastic turn in local autonomy when the Ministry of State was used for agricultural development, with the prime minister directly monitoring the issues of localities. The Ministry of Local Development replaced this in 1999 and included several points related to the local administration: First, it decreed an annual assembly for the popular councils to report their work and achievements to parliament during that fiscal year. Second, the ministry coordinated between the different governorates and the central government. Third, it was responsible for representing the opinions of different local levels. Fourth, the ministry acted as a mediator between the governor and local popular council and the council of ministers. Fifth, it assumed a judicial role for making the final decision on any problems arising between the executive council and the local popular council. Sixth, the ministry set forth procedures for local councils regarding the collection of resources for the Ministry of Local Development.²¹

¹⁸ James Mayfield, (1996). *Local Development in Egypt: Structure, process, and challenges of reform*. The American University in Cairo Press, p. xiv.

¹⁹ Ibid.

²⁰ Soraya M. El Hag, *Opcit*.

²¹ Ibid.

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From this period on until the eruption the revolution on January 25, 2011, local administration in Egypt was distinct in its approach to centralization, one accompanied by the declining role of local administration in local development.²² The following figure (1) shows expenditure by local administrations as a percentage of national public sector spending for the fiscal years: 1996/97–2005/06. It exemplifies the insignificance of the local administration, especially after the amendments in 1999.

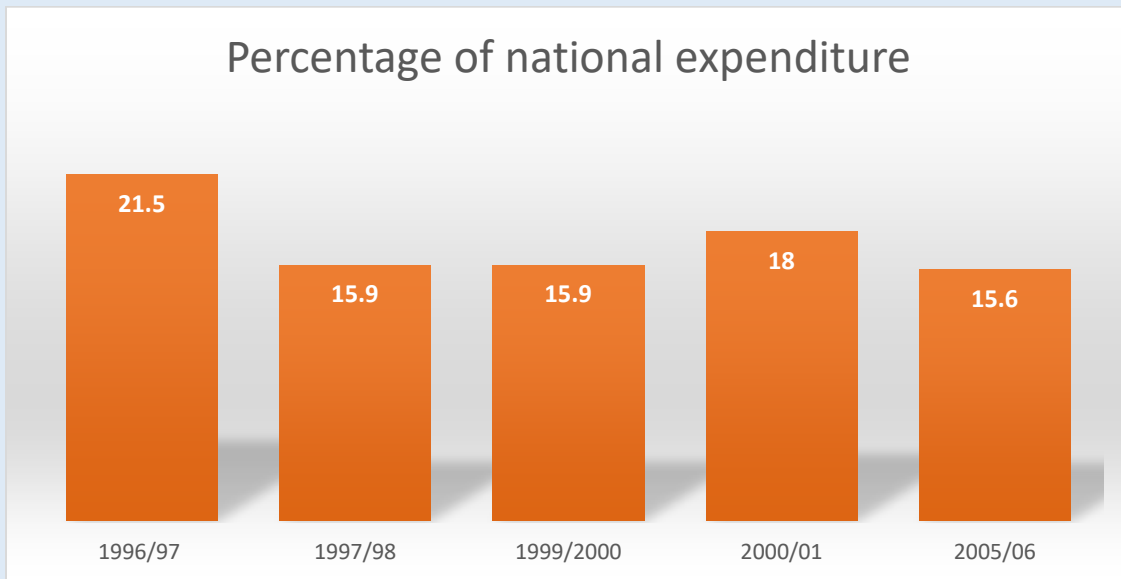


Fig. (1)

Source of the Data²³

The main features of local administration in present-day Egypt

Before diving in the key features of local administration in Egypt, it is important to begin first by explaining the main features of local administration entities and bodies in Egypt. Egyptian local administration currently rests on two legal foundations: The Constitution and Law 43 (1979), along with its amendments. Egypt has twenty-seven governorates, which serve as the main service delivery unit for the country. The local administration system can be classified into three levels for simple governorates and four levels for complex governorates (Figure 2). For simple governorates,

²² Eid Rashad Abdul Majid, 2012, the role of fiscal decentralization in realizing local development in Egypt, Master's thesis, Faculty of Economics, Ain Shams University, p 2.

²³ Intergovernmental relations and fiscal decentralization in Egypt Public Expenditure, Review, January 2006, Social and Economic Development Group Middle East and North Africa Region, The World Bank, <https://bit.ly/3ucJ9gT>

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the three levels include governorate, city and district. For complex governorates, the four levels are governorate, markaz/centers, city and village, and district. The president appoints the chief executive – the governor. Each local administration unit operates with two councils: the constitutionally established Elected People’s Council and a centrally appointed local Executive Council. Of the two, power lies almost entirely in the appointed council, which is composed of government administrators from central ministries or the ministry directorates. The elected councils are directly elected every four years. It is quite significant to note that, on account of a court order, there have been no elections held since the dissolution of the local councils in 2011.²⁴

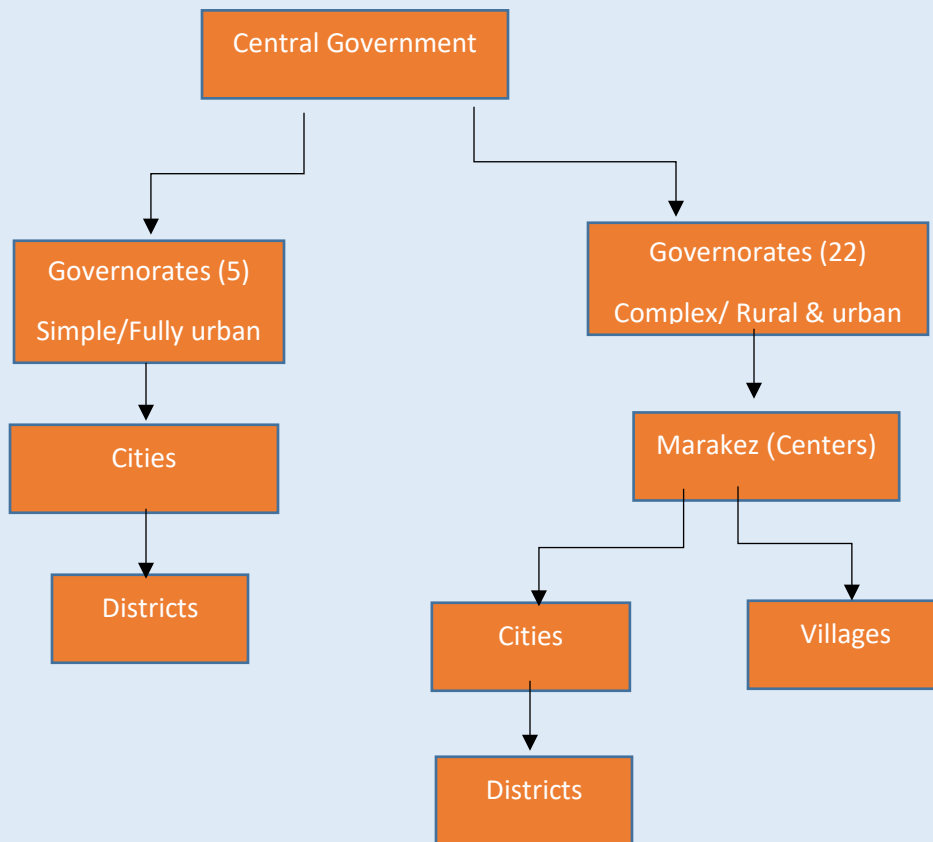


Fig. (2)

(Compiled by the author based on the latest/current administrative classification of Egypt)

Building on the above, we can state that the local administration and its regulation in Egypt over the past decades have mainly been characterized by the **ineffectiveness of local administrations and a lack of any real capacity for action or influence**. This applies to the governors, who do

²⁴ Ibid.

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not have any real powers, as well as to the people's assemblies. The opinion of the latter simply serves as an advisory role, meaning that these assemblies do not possess the tools of accountability or oversight over the executive body.²⁵

Furthermore, there is the **gap between legislation and practice**, the reflection of which we find in more than one text or aspect of local administration in Egypt, such as the issue of division of economic territories in Egypt or the formation of committees responsible for each territory to coordinate the governorate's plans for them. Apart from regular reporting and research concerning how to make optimal use of their resources, in reality, these territories have not assumed any active role: they do not meet often nor do they possess any powers of coordination with ministries. The same situation applies concerning the competence of the governor as the representative of the executive in the governorate – in reality, this individual does not have any special authority regarding finances and allocation of resources, which require approval from the national Ministry of Finance and House of Representatives.²⁶ In addition, there is an associated duplication of powers between the ministry and the governorate.²⁷

Additionally, there is major gap between **legislation and the principles of good governance**. Perhaps the biggest problem in this regard is associated with corruption affecting municipalities and local people's councils, which were recognized by different political systems in Egypt ever since the Mubarak era. There is another problem related to the principle of equity and inclusiveness between the province and towns in resource allocation, financial and governmental services – as reflected in popular consent. There is likewise the question of law in this particular issue, namely the rule of law. Despite the expansion of the functions assumed by local councils, they do not have any power to issue binding decisions to executive bodies. They only offer recommendations that are rarely considered, concerning oversight and its mechanisms. These are hardly taken into account due to the dominance of the executive bodies in the control of allocated resources for these councils.²⁸

²⁵ Mohamed El Agati and Nouran Sayed Ahmed, A comparison between the drafts of laws of the local administration, Unpublished paper.

²⁶ Nahla Mahmoud, 2012, the local chief executives: a comparative study of international experiences focusing on the role of governors in Egypt, MA, American University in Cairo, pp 65-68.

²⁷ Nahla Mahmoud, 2015, "Local administration in Egypt: the impact of the gap between legislation and practice on the principles of good governance in local councils and empowerment of community participation," AFA, , p: 38

²⁸ Mohamed El Agati and Nouran Sayed Ahmed, Opcit.

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Despite numerous attempts throughout the past decades to achieve a sense of decentralization in Egypt, these have frequently been hindered by the tendency of preserving the legacy of a central government that controls everything.

2011: A revolution with new hopes of decentralization

Following the revolution of January 25, 2011, and their dissolution by a court order in April 2011, Egypt has remained without any local councils for the past eleven years. Even though municipal councils are elected by popular vote, minimal voter turnout and election fraud in the past have resulted in a lack of genuine representation of local citizens' needs. Moreover, the local level is marked by an absence of transparency and public participation in decision-making.²⁹

Despite the local administration law prohibiting the dissolution of local councils during a transitional phase, the administrative court's ruling to suspend them stated that the fall of President Hosni Mubarak's administration and that of its party, the National Democratic Party (NDP), represented an exceptional circumstance. The court perceived it as sufficient grounds for their dissolution, given that the NDP mainly used these councils as a tool to strengthen their grip on power through nepotism. With the spread of bribery, members of local councils only worked for their personal interests rather than that of local citizens, resulting in crumbling public services – as outlined by the court. For example, the NDP had won 95 percent of local council seats during the previous elections in 2008, and 84 percent of the seats were walkovers, which, according to observers, is a sign of election fraud.³⁰

After the January 25th revolution and the ousting of Mubarak, talks about the significance of local councils emerged at many levels. Amid the momentum generated by political disputes from 2011, impetus for reforming municipalities rose at ground level, as embodied through initiatives such as “Municipalities for Youth”, “Municipalities of Dokki and Agouza” and other initiatives calling for reforming municipalities in Egypt. At the core of their quests was the quest for achieving decentralization with its reflections on fair public services provision.

The moment after the revolution and the small degree of openness within the public sphere offered a space for multiple initiatives to develop and focus on certain issues, including those focused on

²⁹Rana Khazbak, In Egypt, there is no local government, Mada Masr, March 28, 2016, <https://goo.gl/EtLhwE>

³⁰Ibid.

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local councils and local participation. An important example was the umbrella group called *Maḥaliyyāt*, which was founded in early 2012 as a national initiative focused on political awareness at the local level. The initial purpose of *Maḥaliyyāt* was to expand across Egypt and raise awareness about local government, elections and other issues of politics and governance. The main objectives of *Maḥaliyyāt* included drafting laws and regulations that foster decentralization. This covered enabling local councils to effectively monitor executive agencies and propose laws to parliament, strengthening popular awareness of the importance of local popular councils, preparing youth to participate in local popular council elections and conducting regular community surveys to enhance the understanding of voters' actual needs and monitor and evaluate local popular councils.³¹

Some of the initiatives were brought forth at hearing sessions held amid the drafting of the 2014 constitution, stressing the importance of local councils and decentralization as well as giving power to municipalities. A cornerstone of the measures to reform local administrations and municipalities occurred during the drafting of the 2014 constitution: Some success was achieved in terms of constitutional articles that encapsulated the significance of local councils and decentralization as well as local participation through defining quotas for women and youth.³²

While talks about reforming municipalities in Egypt were a central issue in the years after 2011, this has more recently receded, with drafts of the local administration law still pending. Ultimately, a shrinking public sphere influenced the process of bringing these constitutional articles to action, and they've remained ineffective in regard to amending the law or even holding local council elections.

There were also attempts to institutionalize decentralization in the constitution. As the first constitution after the Egyptian revolution of 2011, the 2012 constitution laid out the creation of separate budgets at the local level (art. 191), along with interesting points establishing supervisory organs at the local level. In terms of combating corruption stipulated in chapter 4 of Article 204, the constitution mentioned that decentralization would be supported by law. Yet, there as no clear

³¹ Maḥaliyyāt Al-Duqqī w Al- 'Aqūza: Engaging Citizens in Marginalized Areas, Tadamun initiative, February 18, 2015, <http://bit.ly/2CYvAYJ>

³²Shimaa El Sharkawy, 2017, Evaluation of Women, and youth participation on the local level through civil society in Egypt, (Book: consolidation of citizenship through municipalities in the Arab Region), Arab Forum for Alternatives and Swedish Institute Alexandria, <http://bit.ly/2Qx9Zgl>

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definition of this in Article 183, which left it rather ambiguous, while its definition was also left up to the law.³³

Article 176 in the constitution of 2014 was more about ensuring administrative, financial and economic decentralization as well as empowering the administrative units in better managing public facilities. Hence, it included a clearer definition of types of decentralization than those stipulated by the constitution.³⁴ Moreover, Article 177 addressed meeting local needs, Article 178 was about creating independent budget to local councils and Article 179 stated the law shall regulate the manner by which governors and heads of local administration are elected or appointed - though it did not specify which. Article 182 was about developing local budgets in order to create autonomy.³⁵

Putting decentralization into action: an unfinished story

In 2014, the Ministry of Local Development secretly drafted and submitted an amendment of the local administration law to be ratified by the State Council in the absence of Parliament, and without any public consultation – according to information leaked to local media. However, the State Council did not approve the proposed amendments, citing reasons related with changes not adhering to decentralization provisions laid out in the Constitution. In January 2016, Ahmed Zaki Badr, the minister of local administration, announced that his ministry was working on a new draft law to be submitted to Parliament for ratification before the local council elections took place in early 2017.³⁶

Until the date of writing of this paper, no law has been ratified and no election has been carried out. However, there were four proposed pieces of legislations aimed at amending the local administration law under ongoing discussions. These only took place inside of parliament, with limited media coverage and almost no public debate. To date, the full draft bill has not yet been made available.

³³ Egypt's Constitution of 2012, <http://bit.ly/2NUS2s8>

³⁴ Egypt's constitution of 2014, <http://bit.ly/35d1WeE>

³⁵Soraya M. El Hag, Opcit.

³⁶Rana Khazbak, Opcit.

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The four drafts were submitted by:^{37, 38}

The draft by the Wafd Party, submitted by MP Ahmad Al-Segeiny (2015-2020 & current Parliamentary terms)	The Wafd Party is a liberal party that dates back to the early Egyptian partisan experience. The Wafd party was included in the list that ran for elections supporting president Sisi, winning most of the seats in the parliament. MP Al- Segeiny was also the Administration Committee Chairman. ³⁹
The draft by the Tagamou Party, submitted by MP Abdul Hamid Kamal (2015-2020 Parliamentary term)	The Tagamou Party is considered a nationalist left party. MP Abdul Hamid Kamal was a journalist and researcher on the issues of local development. ⁴⁰
The draft by the Hurriya Party, submitted by MP Mohammed Al-Fayoumi (2015-2020 & Current Parliamentary terms)	The Hurriya Party is an Egyptian political party that was established in 2011, and its name was changed in 2018. This party is considered to be a semi-liberal party and is an ally to the current regime. MP Al- Fayoumi served as a chairman of the local council in his city Toukh in the governorate of Dakahliyya for more than 30 years. He was also a member of the 50 th committee that drafted the constitution of 2014. ⁴¹
The draft submitted by the government (2015-2020)	This was presented by minister Ahmed Zaki Badr in 2015.

³⁷ Bills for the local administration in front of the Representatives' Assembly, <https://www.albawabhnews.com/2021829>

³⁸ Samir Abd El Wahab, a tranquil discussion around the local administration law, Al Ahram newspaper, 20 September 2016, <http://bit.ly/2qmytQA>

³⁹ For more on MP Al Segeiny, <https://bit.ly/3pzJOFY>

⁴⁰ For more on MP Abdul Hamid Kamal, <https://bit.ly/3n55cBm>

⁴¹ For more about MP Al Fayoumi, <https://bit.ly/38XFv0k>

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In July 2016, MP Ahmad Al-Segeiny, the Administration Committee Chairman, declared to the media that the committee was discussing the proposed pieces of legislation in order to come with a vision to be presented to Parliament.⁴²

Defining and regulating the local units:

Based on available sources from the press and media over the past years since the pieces of legislation were proposed, and going through their four drafts, we find similarities among them, such as in terms of the form and determinants of the regulation specified by the constitutional text e.g., the nature of the legal personality of the local units. Three of these drafts (from the Al Tagamou Party, the government and MP Muhammed Al Fayoumi) share a commitment regarding the old traditional regulation of local units, which addresses the constitutional text regarding the classification and the definition of the previously mentioned local units (governorates, centers, cities, districts and villages).

While the draft proposed by the Al Wafd Party benefited from the flexibility of the constitutional text more than the other drafts, in regard to defining and classifying the local units it stated “setting up other administrative units own the legal personality” and ended with adopting a classification for the local units that was more progressive and modern in terms of structure and mandates in comparison to other drafts that maintain the same traditional structures and mandates for local authorities. What distinguishes them are more details in the clauses and items regarding the definition and division of local units as well as the modernization inventiveness in dividing the administrative levels.⁴³

In general, however, as these drafts lack clear terms and standards for setting up the local units, this can open the door to dominance by the executive authority in determining standards – away from discussions of relevant communities and local councils. This could occur, for instance, as the standards available are to be those decided on by the ministers’ council and the governors’ council based on a decree issued by the ministry of the local development relating the standards for setting up the main cities and villages or the local units of the villages as well as satellite villages.⁴⁴

⁴² Bills for the local administration in front of the Representatives’ Assembly, <http://bit.ly/2Qx9Zgl>

⁴³ Mohamed El Agati and Nouran Sayed Ahmed, *Opcit.*

⁴⁴ Saleh Abdel Rahman, primary notes about the bills of the local administration, parliamentary issues, vol52, September 2016, p.16

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The draft submitted by MP Muhammed Al Fayoumi was more detailed as it assured the importance of supporting the Cairo Governorate with more power and authority in transforming towards increased decentralization and independence in both financial and administrative terms on account of the distinct and important position this governate enjoys.⁴⁵ The government's draft law is more distinguishable in comparison to the other three drafts in confirming the standards and rules connected to economic and social conditions to be considered when establishing or removing local units or modifying the boundaries between them. While this feature makes the government's draft unique and in line with the constitutional text, it is lacking in regard to making these rules and standards dependent on consent from the president and the prime minister.

Independence of entities from the center

Consequently, both drafts of the laws submitted by the Al Wafd Party and the Al Tagamou Party are distinguishable from those presented by the government and by MP Mohammed Al-Fayoumi. The former stipulated the Representative Assembly's role in deciding over the independence of local entities, not leaving this completely in the hands of the executive entity (i.e., the governor and his office). The distinction of the Al Wafd Party's draft law in relation to this point is clearer as it grants powers to levels lower than the president of the republic, which may be seen as a step on path to greater decentralization.

According to previous definitions and divisions, the notions of centralization and decentralization came up especially in their administrative figures stated by the constitutional text. According to these, it appears that entities higher than the local units or levels – especially the **high council of the local administration that is mainly appointed** – are supported directly or indirectly by the dominance of the center over multiple local units and levels of the local governance. These are the entities in which membership is concentrated in executive authority. This is represented by the prime minister, who serves as the competent minister for local governance and concurrently enjoys a great deal of power and competences in matters related to the local units.

They also have powers to view, support and develop any matters relating to the local administration, including proposing laws, panels and decisions that affect local communities. In addition, they are in charge of coordination between the units, entities and the central ministries

⁴⁵ Mohamed El Agati and Nouran Sayed Ahmed, *Opcit.*

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across all fields as well as setting out the general frameworks for internal council panels, apart from discussing the performance of local organs and overseeing all matters related to the local administration system and the local employees.

Despite not including any mention of the high council of the local administration, the draft presented by the government clearly granted a great deal of power to the ministry presiding over local administrations in directing and regulating all issues related to organizing local organs and the affairs of the local units. This could range from anything concerning legislation or regulating relations with external parties and between the local organs to other considerations in terms of consultation and support or the council of governors – which likewise possesses more powers in discussing local affairs, the means of how to enable local units, how to evaluate their performance and how to monitor them. Both are clearly subject to dominance by the executive authority as mentioned above. However, what is particularly striking in the draft from the government delegates the ministry responsible before the local administration and the governors to support decentralization and to set out plans to enable local units to achieve this aim. The draft stated that the ministry is entitled to make programs for transferring powers to local units and exposing them to the ministers council for taking the necessary procedures for fulfilling this in a five-year period as of applying the constitution.⁴⁶

The absence of a general philosophy and objectives ruling these drafts among the majority, especially in the absence of decentralization, did not enable the local units to perform at their multiple levels. We find some confusion in terms of regulating the relation between the distinct levels of the local units in the four drafts. First, these drafts seem to reinforce the dominance of the elevated levels of the local units at the lower levels, be it in monitoring or dissolving decisions (as mentioned in Al Wafd draft). Second, another characteristic we find when reading these four drafts is a concentration on the multiple competences and powers possessed by each of the different local units' levels of solitarily and separately from one another, however the formulation reflects neither the interactive side nor the coordinating or cooperative side in the relation between these units – especially regarding the relation between the executive councils and the elected local councils.

⁴⁶ Ibid.

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The draft presented by Al Wafd may be a little bit contrary to the nature of the relation between the local units in its formulation, which came to be a little advanced, as article 2 of the draft states that “the division of the republic shall be on three integrated levels and not intersected as the classification of the high, medium, and low levels.” The draft reflects the relation of dominance of the elevated levels over the lower levels, but without including any interactive dimensions between them to reflect an amount of equity. This can also be applied to the relations and powers between the governor and the other units below the governor, such as the local council of the governorate or the executive council of the governorate. Nonetheless, the drafts did not include anything that reflects the relation of the local units between each other, unless they are at different levels of authority.⁴⁷ From this, we may conclude that this article does not contain any indication of attempting to apply decentralization or enable citizens to take part in the local affairs.

Local and citizen participation

Regarding the space of participation between the local units and citizens, there is an important aspect related to the role that could be played by citizens, or in deciding on the local developmental plan. The three drafts (from Al Wafd, the government and MP Muhammed Al Fayoumi) stated that the sessions for citizens and civil society organizations should be held before deciding on the plan. While this is a good consideration in principle, it still requires a lot to empower citizens in practice.⁴⁸ These drafts also failed to put forth details concerning other subjects in which citizens can take part with the local units – apart from deciding on the local developmental plan – as these drafts only focused on contributions from citizens in last phases of deciding the local developmental plan. They ignored the possibility of citizen involvement in previous stages, such as in the needs assessment, local planning, allocating local resources, etc.⁴⁹

Despite the fact that these stages do not directly support local participation in decision-making at a local level, this remains a reflection of opening spaces for citizen participation. This was included in the Al Wafd draft, proposing the issue of a monthly local newspaper or a website to enable the citizens to send requests, complaints or suggestions to the local units. Other recommendations

⁴⁷Ibid.

⁴⁸Ibid

⁴⁹Ibid.

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included doing a live broadcast for all sessions of the local council meetings and disclosing the budget of the council, the decisions of the local unit and its local councils. In addition to some other factors, this distinguished the draft presented by Al Wafd as being more advanced and supportive of decentralization, even if these were limited attempts.⁵⁰

The four legislation drafts are largely similar concerning attempts to regulate the local administration in Egypt. They had a traditional approach in dealing with the legacy of local administration in Egypt. For instance, this can be seen regarding the superiority of executive bodies over elected councils, the relation between the localities and the government and its bodies, and with the dominance of the government over the elected local councils – be it concerning the administrative level of local work or the financial level. This issue is also linked to the fact that these drafts do not have a governing philosophy binding their articles, which consequently led to them assuming a rather perplexing nature. For instance, some parts include solid principles regarding local governance, the role of the parliament and the interaction of social and domestic surroundings with the local units while other considerations address monitoring from the part of the elected local councils, especially of all executive organs and units. Nevertheless, they remain incomplete and distorted, in addition to being in contradiction with other articles within the same drafts, as we demonstrated earlier.⁵¹ The SWOT analysis below assesses the strengths and weakness of the four drafts as well as the opportunities and challenges of each.

⁵⁰Ibid.

⁵¹Ibid.

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Strengths	Weaknesses
<ul style="list-style-type: none"> - Flexibility of the constitution's articles to allow for a developed and progressive classification of local units - Paying attention to economic and social conditions when establishing or removing local units or modifying the boundaries between them 	<ul style="list-style-type: none"> - Missing clear terms and standards for setting up local units - Opening the door to the dominance of the executive authority to determine these standards at the expense of discussion by relevant communities and local councils - Rules and standards of classification are under the authority of the president, by consent of the prime minister
Opportunities	Challenges
<ul style="list-style-type: none"> - Decentralization is stated clearly in the constitution of 2014 - Independence of the local units and councils 	<ul style="list-style-type: none"> - Long legacy of centralization - Absence of a general philosophy and objectives ruling these drafts

Concluding remarks: Are there any prospects for decentralization in Egypt?

In October 2019, MP Ahmad Al-Segeiny announced that the legislation was ready to be presented to the parliament at public sessions.⁵² The four pieces of legislation, according to the chairman of the local administration committee, had been discussed by the committee. MP Al-Segeiny announced in August 2019 that the committee had made numerous amendments to the draft legislation from the government and used material received in other proposed pieces of legislation from different members of parliament with the aim of reaching a balanced and integrated law that achieved constitutional benefits. It also targeted the implementation of financial and administrative

⁵² "Local administration committee in the parliament": The Local Administration Law is ready for presentation to the Council, Masrawy, 9 October 2019, <http://bit.ly/2KB93FE>

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decentralization as stipulated in the constitution, which was to be done based on a timetable. In addition, he stated that the hearing sessions had been held with various community groups.⁵³

To date, however, the draft law is not yet been fully made available to media outlets after the amendments to which it was subject as per the chairman of the local administration committee. Moreover, the draft law is not yet available on the official website of the Egyptian parliament. Concerning the hearing sessions, there has been almost no media coverage on these sessions regarding what was discussed or who the main participants were.

With the parliament having officially ended its term in August 2020 – with no progress whatsoever regarding the local administration law – the COVID-19 crisis showed how significant the role of localities is in dealing with major crises. For example, municipalities in Tunisia played a key role through making decisions pertaining to their regions. Municipalities not only implemented measures adopted by the central government, but several added more measures to ensure the safety of locals. This was demonstrated in the case of the governorates of Sousse and Ariana, which restricted the activities of restaurants and cafés and offering hotels and hostels for use as quarantine centers for Tunisians arriving from abroad. The pandemic was the first major test for municipalities since the May 2018 municipal elections, as it demonstrated the degree of independence municipal councils really enjoy. The decision to change the opening hours of restaurants, cafés and bars taken on March 13 was, for example, a positive step taken by all municipalities – in addition to sanitizing streets, government institutions, means of transportation and bus stops. Some municipalities even installed thermographic cameras in marketplaces. This contrasted to cases in Egypt where local authorities (non-elected bureaucrats) only remained confined to follow the central government in all aspects and execute its decisions.⁵⁴

The current parliament elected in November 2020 assumed office in early 2021, with many unresolved issues on its agenda, including the unratified local administration law.⁵⁵ Although we are now at the end of 2022, the destiny of the law remains ambiguous, despite the claims of some

⁵³The Local Administration Law awaits the next session of the parliament, 26 August 2019, Al Youm Al Sabe', <http://bit.ly/2KCFaoG>

⁵⁴Mohamed El Agati et al, The Coronavirus crisis: Do current policies achieve justice for all? Egypt, Lebanon, Tunisia: A comparative study, Arab Forum for Alternatives, June 2020.

⁵⁵ Al-Fayoumi: The new parliament will witness discussion of the local administration bill, Al Ahram, 22nd of December 2020, <http://gate.ahram.org.eg/News/2547474.aspx>

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MPs to discuss the law and ratify it on their watch. To close, there are a few points we should highlight:

First, it is important to note that these are merely initial conclusions since the full draft bill has not yet been made available as of the writing of this article.

Secondly, the current parliament has a chance to reformulate the bill to benefit from the available time given to the parliament to keep working on the draft bill. There are couple of general recommendations for the parliament to include in the bill for ensuring an unobstructed vision and procedural strategies for decentralization application in Egypt:

1. The different local units should be revisited, clearly stating each one's responsibility while avoiding overlap along with their specific mandate, with importance placed on clarifying the responsibilities assigned to different government levels.

This shall help lessen the problem ineffectiveness of local administrations and lack of any real capacity for action or influence, since every unit will have a clear mandate and responsibility.

2. Strengthening fiscal autonomy to enhance accountability needs to be done by clearly stating the autonomy of local entities in the draft bill, especially the elected entities. To create a strong municipality, they need to be made fiscally and administratively independent from the central government, even in times of crises that have proven the significance of needs assessment and the adequate provision of services for municipalities. Achieving fiscal autonomy means granting them rights to levy taxes to have their own fiscal resources.
3. Establish adequate coordination mechanisms across levels of government to enhance the principles of good governance. The gap between legislation and practice needs to be reduced here. As shown above, the Egyptian constitution clearly states the principles of decentralization. As such, the law must comprehend these principles and, moreover, the state must direct strategies and measures to pursuing decentralization – not just fiscally or economically but also politically. This would not only enhance the principles of good governance but also local participation and the principles of citizenship.

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In sum, though the road to decentralization in Egypt seems to be a long one, it should start with legislation that guarantees the principles of decentralization at its best. Though the practice will, of course, require more time to take root and prosper, if it starts off on the wrong foot, this can sow seeds of poor practice and leave the legacy of centralization with its flaws.