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Constitutional Amendments and their Impacts on the Democratic Development in Mubarak Era

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Abstract: The Constitution's document contains a set of rules that determines the political system of the state and the relationship of the state to the individual from the political point considering the rights and the public freedoms and thus its topics includes the state and its political system (which basically cares about the legislative authority then the executive and judicial authorities) and the rights of the individuals and there freedoms.
The study will handle the constitutional amendments and their impact on democratic development since the approval of the late President, Mohammed Anwar Al-Sadat in 22 May, 1980 on the first constitutional amendment which included five articles (1,24,5,77) then the second constitutional amendment by the President Mubarak, the important article (No.76) that concerns the manner of choosing the President, and the addition of article 192 repeated, where the amendment was a result of a referendum on the constitution that was held in May, 2005.Then came the third amendment in March 2007 that modifies (34) articles, which changed the form of the State in terms of its economic ideology.
Although these constitutional amendments, but the implications of these amendments on pushing the democratic development in Mubarak era into the political system was limited, whereas the constitutional amendments appear to be compatible with the democratic development process, but in fact it is not as it looks like.
Here comes the importance of the research in this difference that makes a conflict in the visions and the perceptions to the democratic development of the Egyptian political system in Mubarak Era.

Keywords: Constitutional Amendment, Munarak Era, Democratic Transition.

1Introduction

After the revolution of 1952, Egypt followed a number of constitutions which are 1956, 1958, 1964 and Egypt's permanent Constitution 1971. By those constitutions it is observed that there is a close relationship between the constitutional and political system; where the first system determines the nature and the function of the latter through the constitutional distribution of authority between executive, legislative and judicial powers which specifies the political system; either to be (parliamentary or presidential or a combination of the two).
By this, any amendment in the articles of the Constitution is only a change in the form of the political system, where constitutional amendments are playing a positive or a negative role in the formulation of the political system democracy; It is either a starting point towards a system democracy or a point of failure and disruption towards the political system democracy.
The Constitution's document contains a set of rules that determines the political system of the state and the relationship of the state to the individual from the political point considering the rights and the public freedoms and thus its topics includes the state and its political system (which basically cares about the legislative authority then the executive and judicial authorities) and the rights of the individuals and there freedoms.

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The study will handle the constitutional amendments and their impact on democratic development since the approval of the late President, Mohammed Anwar Al-Sadat in 22 May, 1980 on the first constitutional amendment[(1)], then the second constitutional amendment by the President Mubarak[(2)], where the amendment was a result of a referendum on the constitution that was held in May, 2005.Then came the third amendment in March 2007 that modifies (34) articles, which changed the form of the State in terms of its economic ideology.

To make this clear, the study determined and analyzed the procedures of the constitutional amendments that have occurred in the United States of America , in the United Kingdom and in France, to compare and identify to what extent the additions and amendments made to the Egyptian constitution and to its complementary laws contribute to the political system democracy and that is by analyzing the impact of these amendments and additions on each of : the public and political freedoms, the separation of powers, the rate of participation in parliamentary elections since 1976 until now, and the performance of legislative institutions.

1.1 Problem of the Study

Although these constitutional amendments, but the implications of these amendments on pushing the democratic development into the political system was limited, whereas the constitutional amendments appear to be compatible with the democratic development process, but in fact it is not as it looks like.

Here comes the importance of the research in this difference that makes a conflict in the visions and the perceptions to the future of the democratic development of the Egyptian political system.

1.2 Importance of the Study

The researcher chooses this subject because it is related to the community and political life in Egypt, where it matters to the Egyptian society in general, and to the political scientists in particular.

Therefore, there is a theoretical importance in the study; which is to reconsider the amendments and the constitutional provisions that impede the political system democracy, and there is a scientific importance; which is the interpretation and analysis of constitutional amendments and their impact on democratic development in Egypt.

1.3 Study Questions

- What is the role of texts and constitutional rules in establishing democratic principles in political systems in general and in the Egyptian political system in particular?
- To what extent the constitutional system determines the nature and the function of the political system in Egypt?
- What are the procedures for amending the Constitution in the Egyptian political system and to what extent it differs from the American, the British and the French political system?
- Were the constitutional amendments a result of the popular will or they were just visions and thoughts of the presidency?
- What is the impact of the constitutional amendments on the performance of legislative institutions, public and political freedoms, political parties and the participation rate?

1.4 Study Approaches

Following the inductive approach, which starts from the total study of the phenomenon under study, and through the methodological integration framework, the researcher used three approaches to the study which are: -

1.4.1 Constitutional Law Approach

In which the study focused on the legal and the political analysis of the articles of the Arab Republic of Egypt Permanent Constitution 1971.

The curriculum helped the political science researcher in developing and modernizing the constitutional provisions in accordance with the democratic principles in case it didn't receive the acceptance of the political scientists and the appreciation of the scientists and scholars of constitutional law.

1.4.2 The Systems Analysis Approach

[(1)]It included the five articles amendments which are 1,2,4,5,77, and the addition of the seventh section of the Shura Council and the power of the press - 194: 211.

[(2)]Article (76) that concerns the manner of choosing the President, and the addition of article 192 repeated.

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It is an approach to study the Egyptian political system given that the approach consists of matters related to the stability and the democracy of the political system, where the people's demand to make changes towards democracy is one of the system's input.
Therefore, a group of operations occurred in the system (procedures of amending the Constitution's articles), and then the system's output will be in the amendment of the constitutional articles.

1.4.3 Comparative Approac

The study depended on this approach in comparing between the People's Assembly elections since 1979 till 2005 elections. Comparison is a key demand in the scientific analysis of any political phenomenon, and even of different social phenomena. That is why the researcher depended on that approach.

1.4.4 The Time frame of the study

The study begins since 1976 until now, where the late President, Al- Sadat had decided to establish three organizations within the Socialist Union. In June 1977 the parties' law was released and there was a move toward the multi-party, the study will end in 2007, but the amendment of Article (76) occurred in 2005, about choosing the President also, the presidential elections took place for the first time in the history of Egypt as well as the parliamentary elections. In 2007 Egypt had the highest number of constitutional amendments where it reached to 34 articles.

Finally the researcher used a set of indicators that can be used to measure the impact of the amendments on the democratic development, as:

- Multi-party and the creation of parties.
- Presidential and parliamentary elections.
- Following the independent principle between the authorities.
- Freedom of opinion, of expression, of establishing and forming the press.
- Evolution and the growing the number of institutions in the civil society.

2 The Impact of Constitutional Amendments on the Political Parties in Egypt

In January 1976, The late president Anwar Al-Sadat appointed a committee called "the future of the political work" to study the "platforms" topic and its role in supporting democracy, and its impact on the future of the political work in Egypt.
The Committee included 168 members, and held 16 meetings in the period from February 2 to March 9, 1976. [(1)]Then after that the late President Muhammad Anwar Al-Sadat decided to establish three platforms or organizations within the Socialist Union , in which each one will express a certain political spectrum, they are :

- Organization of Liberal Socialists to represent the right.
- Organization of the Egypt Arab Socialist to represent the center.
- Organization of Progressive National Assembly to represent the left.

Then in June 1977, Parties Law was released it was the law No. 40 of 1977. [(2)]
Hence, the move towards multi-party was one of the known democracy principles; this is the starting point towards a democratic atmosphere in the Egyptian political system.

The political parties' law puts specific rules for the party exercise; here are some of these rules:

- The founders of the party should include twenty members of the People's Assembly during the legislative term, which began in November 1976.
- The elements of the party or its principles, objectives, programs or policies or its methods in practicing its activities should not be opposed with the principles of the Islam.
- To maintain the national unity, the social peace, the democratic socialist system and the socialist gains.
- To ban political parties that is established on caste or religious bases.

Table 1: Show the amendment of article No. 5 of the Egyptian Constitution.

Article (5)Before amendment	Article (5)After amendment
The political system of the Arab Republic of Egypt is a multiparty one, within the framework of the	The Arab Socialist Union is the political organization; it is represented through its present

[(1)]Ali EddinHilal, the evolution of the political system in Egypt, 1805 -2005, Centre for Studies and Policy Research, Faculty of Economics and Political Science, Cairo, 2006, p. 188
[(2)]Ibid, p. 207

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basic elements and principles of the Egyptian society as stipulated in the Constitution [1]	organizations that are based on the principle of democracy, the strong alliance of working people forces of peasants, workers, soldiers, intellectuals and national capitalism. Also. It is the tool of this alliance in deepening the values of democracy and socialism, in following-up the national action in various fields, and in pushing this national action towards its objectives through political action, which is supervised by its organizations among the masses and in different devices that is responsible of the national action, and the Statute of the Arab Socialist Union, shows the membership conditions in it and in its organizations , shows the guarantees of exercising its activities by the democratic style , but the percent of the workers and peasants in these organizations should be at least fifty percent "

Aboutamendment which is a result of the Law No. 40 of 1977 about the composition of the political parties, which resulted in the following events:

2.1 Parties that don't practice its partisan life in Egypt[2]

- Labor Party is still dormant since 2000, where the Party Court issued a provision in the State's Council at a session in 2/4/2005 which states freezing the Party and the People's newspaper until they reach to a decision in the prosecution that is set up by the work's leaders about the non-constitutionality of political parties Law at the Constitutional Court.
- People's Democratic Party set up the party depending on the Supreme Administrative Court judgment in 1992, but the Political Parties Affairs Committee issued a decision to freeze it after the dispute that happened between its leaders to head the party, which led the founders of the party to challenge the Commission's decision before the administrative court.
- Al-Fatah Egypt Party led to a dispute between the party's leaders over its leadership, this resulted in a decision from the Affairs of Parties commission to freeze it, and the freezing decision still persists.
- Social Justice Party is still dormant since the decision of the Parties Affairs Committee to freeze it in June 2003, after the dispute that happened between members of the party over its leadership and after the party leader was sentenced to 10 years imprisonment, but it was states that in 2004 the Court of Cassation released a judgment to cancel the previous sentence, according to this the High Commission for Social Justice Party on 27 April 2004 approved on the return of "Muhammad Abdel-Al," as a President of the party, but the dispute over the presidency among the leaders of the party still persists.

Table 2: The origin of Political Parties in Egypt

No.	The name of the party	The establishment date	License Source	The leader of the Party
1	Egypt Arab Socialist	July 7,1977	President Al-Sada	Wahid Al-Aksare
2	Al-Ahrar Socialist	July 7,1977	President Al-Sadat	Helme Ahmed Salem
3	Unionist Progressive National Assembly	July 7,1977	President Al-Sadat	Mohammed Refat Al-Saed
4	Al Wafed Al Gaded	February,4 1978	Parties Commission	Mahmoud Abaza

[1] According to the first amendment that was done on 1980
(2)YounanLabibRizk, Egyptian political parties-Ahram Center for Political and Strategic Studies, Cairo, 1995, p. 23

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5	Al Watane Democratic	October 1, 1978	Parties Commission	Mohamed Hosni
6	Socialist work	December 11, 1978	Parties Commission	_____
7	Al-Omah	June 25,1982	Parties Commission	Ahmed El-Sabahe
8	Democratic Union	April 14,1990	judicial rule	Ibrahim Tourk
9	Egyptian Al-Khodre	April 14,1990	judicial rule	Abd El-Menam Al Aasar
10	Al-Fatah Al-Gaded Egypt	April 14,1990	judicial rule	Abd Al-HakemAbd Al-Meged
11	Democratic Nation	March 15,1992	judicial rule	_____
12	Nasseri Arab Democratic	April 19,1992	judicial rule	Dyaa El-Den Daoud
13	Socialist Democratic	June 6,1993	judicial rule	Mohammed Abd El-Aal
14	Al-Tkafol	February 5,1995	judicial rule	Osama Mohammed Shaltot
15	Al-Wefak National	March 2, 2000	Parties Committee	Refat El-Agrode
16	Egypt 2000	April 7, 2001	judicial rule	FawzeKhalel Ghazal
17	Democratic Generation	February 9,2002	judicial rule	NageAbd El- Fatah Al-Shehabe
18	Al-Ghad	October 27, 2004	Parties' affairs committee	Ehab El-kholy
19	Free Socialistic Constitutional	November 24, 2004	Parties' affairs committee	MamdouhEnawe
20	Egypt's Youth	July 2, 2005	judicial rule	Ahmed Abd El-Hade
21	Democratic Pease	July 2, 2005	Parties' affairs committee	Ahmed Bayome Al-Fadale
22	Conservatives	March 12, 2006	Parties' affairs committee	Mostafa Abd El-Aziz
23	Free Republican	July 4, 2006	Parties' affairs committee	HosamAbd Al-Rahman
24	Democratic Front	May 24, 2007	Parties' affairs committee	Yehia Al-Gaml

See: - The General Authority for Information "partisan life in Egypt/partiesWWW.SIS.GOV.EG

2.2 *Parties Affairs Committee*

The Political Parties Affairs Committee was constituted in 1977, It is as the following:[(1)]

- Head of the Shura Council.
- Minister of the Interior.

[(1)]Article (8) of the regulating political parties law, according to the latest amendment

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- Minister of People's Assembly Affairs.
- Three of the former presidents of the judicial bodies or their representatives those are non-affiliated to any political party (members).
- Three public figures non-affiliated to any political party (members).

The committee shall examine and study the notifications of political Parties establishment according to the provisions of law.

The committee meeting is not valid unless in the presence of its president and six of its members at least, the decisions of the Committee is determined by a majority vote of those present and if they are equal then it is likely to choose the opinion side of the President.

The Committee must issue its decision regarding the Party establishment during the ninety days following the date of the establishment notification, Also in case the Committee will issue an opposition decision on establishing the party it shall give its reasons after hearing the necessary clarifications from stakeholders, If the referred period expired without the issuance of a decision form the Committee regarding the Party establishment then it is considered to be an approval decision on establishing it.

The Chairman of the Committee notifies the representatives of the establishment seekers with the opposition decision and its causes through a registered letter attached with acknowledgment of receipt within ten days maximum after the date of the decision.

The approval or the opposition decisions on establishing a party that is taken by the Commission should be published in the Official Gazette and in two widely circulated daily newspapers during the same time specified in the previous paragraph.

The applicants for the establishment of the party may publish there opposition within the thirty days following the publication of the decision in the Official Gazette and to challenge this decision by cancelling it before the first Chamber of the Supreme Administrative Court headed by the Council of State in addition to a similar number of public figures chosen from the lists by the Minister of Justice after the approval of the Supreme Council of the judicial organs, they are figures who are efficient, have good reputation, aged no less than forty years and non- legislative members. The Court shall give a decision within four months from the date of filing petition [(1)]

From here, the law required a quorum to hold the parties commission, but the quorum will be put in the frame of registration on the Commission not on the party (under construction) that the Commission considers its establishment, in other words, what happened is a positive change. Instead of the presence of 62.5% of its members as it was before the amendment, the attendance rate became of about 78%, which is a positive matter, because if the Committee wasn't held after the passage of (3) months then it is considered to be an approval on the party's establishment, So as a result the high level of attendance is a constraint to convene, which gives the possibility of establishing the party.

The old law stated that the Committee should give its final decision in the position of the parties requesting incorporation within four months, and if it is delayed till the end of this time then this is considered to be a refusal.

Table 3: The participation of political parties and independents in parliamentary elections.

The Party	1984	1987	1990	1995	2000
National Democratic Party	390	348	353	317	172
National Independent party	Not allowed	———	56	94	218
Independent	Not allowed	4	———	20	21
Muslim Brotherhood	8	37	Province	1	17
The Free(Al Ahrar)	———	7	Province	1	Frozen 1

[(1)] Article (8) of the regulating political parties' law, after amendment.

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The Assembly(Al-Tagamoa)	_____	_____	6	5	6
The Labor party	_____	16	Province 8	_____	Frozen
Al-Wafd	51	36	Province 14	6	7
Al-Nasseri party	_____	_____	Province	1	2
Al-Ghad party	_____	_____	_____	_____	_____
Al-Karama	_____	_____	_____	_____	_____
Employment	10	10	10	10	10
Free seats	_____	_____	7	_____	_____
Total No. of the seats	458	458	454	454	454

See: - People's Assembly Elections.WWW.SIS.GOV.EG

The table number (5) shows a summary of the parliamentary seats of the people's Assembly elections from 1976 to 2000.

Table 4: Articles related to political parties in the Constitution according to the third amendment.

Article (5)Before amendment	Article (5)After amendment
The political system of the Arab Republic of Egypt is a multiparty one, within the framework of the basic elements and principles of the Egyptian society as stipulated in the Constitution. Law organizes the political parties	The political system of the Arab Republic of Egypt is a multiparty one, within the framework of the basic elements and principles of the Egyptian society as stipulated in the Constitution. Law organizes the political parties. The citizens have the right to form political parties according to the law and no political activity shall be exercised or political parties shall be formed on the basis of religion or on discrimination due to gender or race.

This amendment came to complete the final terms of establishing political parties in Egypt.

They are as the following:

2.3 Requirements for establishing political parties

- The establishment or the continuation of any political party requires the following: -(1)
- The party's name should not be the same or similar to the name of an existing party.

(1) Article (4) of Law No. 40 of 1977, amended by Law No. 177 of 2005 of the regulating political parties' law.

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- The party's principles, objectives, programs, policies or its methods in practicing its activities should not oppose the Constitution or with the requirements of maintaining the national unity, the social peace and the democratic system.
- The re.3presentation programs should be an addition to the political life according to specific objectives and methods.
- The Party's principles, programs, activities or choice of its leaders or members should not depend on a religious, a social class, or a sectarian, or a class, or a geographic basis or on exploiting the religious feelings, or on discrimination because of sex, origin or creed.
- The party should not establish any kind of military or semi-military units.
- The Party should not be a branch of a foreign party or of a foreign political organization.
- The party should declare its principles, objectives, methods, regulations and means of funding sources.

2.4 Internal and external constraints surrounding the functioning of political parties today.

There are a number of practical constraints that impede the work movement of the political parties in terms of practice, and the impact of these restrictions vary from one party to another, Overall they are general or-semi general restrictions exposed to political parties (especially the opposition parties), Here are some of the most important restrictions : -

2.4.1 The problem of the party organization

Although the Egyptian political parties owns an administrative organization and structure, but this situation is only a theory one, that is written in all the parties' establishment papers , in order to obtain the approval on the establishment process from the authority specified in establishing the political parties in Egypt, which is the political parties committee. In this regard, the internal dealings of most parties are closer in style to that of a family. Also, when its founders are employed or elected we find that other members challenge the integrity of this election. In addition, the organizational entities of the Party as the national public conference, the Secretariat, and other titles as the public office, the provinces secretariats and objective committees, are not held periodically and sometimes in some parties are not held at all. Anyway the weakness of the organizational structures of the parties and the deterioration of its information led to the loss of the citizens' confidence in it.

2.4.2 The crisis of leadership

One of the problems in the Egyptian political parties is the presence of a severe leadership crisis in most of these parties, the leadership crisis is related to a basic matter as we mentioned before; it is related to the weakness and fragility of the political organizations, which is a result of not making periodic meetings or the method of forming it from elements may be appointed by the President of the party.... etc.

As for the leadership crisis, it is usually associated with the exit of the party leadership from the political life (often because his death), leaving the party without an alternative leadership elected by the party's institutions, and usually that leadership is the leadership that established the party, while the other form of leadership crisis was due to the conflict of the President himself with the leaders of the second row.

The most common cause in the appearance of the leadership crisis within the Egyptian political parties is the dominance of the founder or the head of the party on the party's decisions, and his rejection to the participation of others in the leadership, In other words he freezes the party's institutions from the practical side. The reason may be simply because he has the desire to take the government's annual subsidy for the Egyptian parties, or the desire to merit. In all cases, the mutual struggle is on power and not on achieving the principles, which require the angry leaders of the second row to lead the party by force, whether that leadership is at the head of the party, or after leaving the presidency, that shall happen before the others seek to do so. The general appearance of the leadership crisis or of the scenario of events within the parties is represented in the conflict found between party members, who in turn are split between supporters of this party or of other. According to the sequence of events, the conflicting parties invites the Party's organizations to meet, this is a trial from each one to win the legitimate presence at the head of the party, this may end to the intervention of political parties committee which is established according to Law No.40 in 1977 – we referred to it previously – and then freezing the party's activities' after the ask of each party to credence his election as head of the party.

2.4.3 Lack of political party funding

Egyptian political parties are characterized by the small number of its members, this limit size affected on the effectiveness and the size of the party in the Egyptian partisan scene. Before amending the political parties' law as mentioned above, the party used to get 50 thousand pounds from the state annually whatever its number was, versus achieving their activities and functions, also, each party has a member in the People's Assembly or in the Shura Council used to have thousand pounds annually per each of its representative in any of the chambers. There is no doubt that this money does not represent a lot to

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the opposition parties, which makes attempts to carry out its activities as meetings ,conferences ,providing returns of public services offered to them and printing newspapers ..... Etc.

According to the new law

The resources of the party consists of the contributions of its members, and the financial support that it receives from the State, which is annually:

- 100 thousand pounds per party for ten years provided to have only one seat in the People's Assembly or in the Shura Council.
- 5000 pounds for each seat won by the party's candidate in the elections of People's Assembly or of Shura Council to a maximum 500.00 thousand pounds.

Donations from the Egyptian natural persons, as well as from the outcome of investing their money in non-commercial aspects determined by its interior system.

At the end of each year, the party is committed to notify the Central Auditing Agency with the contributions it had received and with the data of the donors.

The value of contributions given to the parties should not be deducted from the pot of any tax , the researcher finds that the government's support is appropriate, but parties doesn't significantly depends on other sources of support.

3 The Impact of the Constitutional Amendments on the Presidential and Parliamentary Elections

3.1 Presidential Elections

The amendment of article (76) of the Constitution have a major impact on the democratic development process in Egypt where it was the first presidential elections that happens in Egypt which was a unique event in the history of Egypt, the election is considered to be a path toward democratic development in Egypt, where the President of the Republic shall be elected by direct public secret ballot without nomination from the People's Assembly, despite the existence of impossible restrictions from the opposition's point of view to the content and essence of this issue.

At that time, the Egyptian government allowed to the nineteen leaders of the political parties to submit candidates for these elections without being restricted to the strict proportions given to candidates.

This amendment leads to an amendment to the law of supervising the political rights according to the law no. (173) in 2005, which has introduced a new committee called the Supreme Committee for Elections, **the following are some of the Committee's competences:**[(1)]

- Setting the rules of preparing the tables of elections, its contents, its review method and its refining and updating method.
- Proposing the rules of determining the electoral districts.
- Putting general rules to regulate election campaigns.
- Contributing to awareness efforts, to education about elections and to put guidelines rules for the conduct of the electoral process.
- Monitor the compliance with the ethics codes related to elections.
- Declaration of the general result of the elections and the referendum.
- Express an opinion on draft laws related to elections

3.2 Indications of the Participation in the Elections

In this point, we can conclude **some observations**: -[(2)]

3.2.1 Nomination for Election

When we focus on the elections of 2005, we found out that there are relative facilities given to the nomination of political parties, so that it is the right of any political party to nominate a member from its Supreme Court. A number of political parties' representatives were provided to nominate, all of them were the heads of these parties.

3.2.2 Participation in the vote

In this context, The Egyptian presidency elections has been characterized by a number of features: -

[(1)]Ahmed Abdel-Hafiz, the judicial administration of elections, Center for Political and Strategic Studies, Al Ahram, 2006, p. 24

[(2)] Ibid,p. 402

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The electoral process has passed by many attempts to ensure participation in the voting process. From the procedural aspect, the state, its different ministers and the ruling National Democratic Party has many of the management behaviors which aimed to highlight the neutrality of the electoral process.

During the voting process which took place in 329 public Commission at the level of the Republic, (See Table 5). The State sought to provide greater facilitation to urge voters to vote. The following table shows the number of committees and headquarters in the presidential election.

Table 5: Shows the number of committees and headquarters in the presidential election. 2005.

The Province	Number of committees	Number of electoral headquarters	Number of sub-committees	Number of ballot boxes
Total	**329**	**8568**	**9852**	**35543**

Source: National Democratic Party in Alexandria, Secretariat of training and education.

For that matter, the State did not organize a vote for Egyptians abroad in embassies and Egyptian consulates, where their number is more than two million voters.

Despite the considerable efforts that have been made, especially by the media to encourage citizens to elect, but they all failed to encourage voters to vote. if the percentage is really 22.95%, according to the data of the higher committee supervising the elections, then it is a very limited proportion, and it may be reduced to two-thirds of this number when measured by the number of voters compared to the actual number of persons eligible for election, (see Table 6)

Table 6: a consensus statement on the results of Presidential Election 2005.

The statement	The statistics
Total of registered people in electoral lists	31826284
Number of voters	7305036
Valid votes	7131851
Proportion of the valid votes compared to the total of voters	97.62%
Invalid votes	173185
Proportion of the invalid votes compared to the total of voters	2.37%
The proportion of the audience	22.95%

Source: - Al-Ahram 10 \ 9 \ 2005

The statistics of voting participation indicates that at the provincial level there is a contrast in the degree of participation in the big urban provinces.

Table 7: Numbers of voters and the voting process at the provincial level.

The Province	Total of registered people	voters	Percentage of voters	Valid votes	Invalid votes
Cairo	**2854738**	**305745**	**10.7%**	**297164**	**8581**
Alexandria	**1363901**	**177206**	**13%**	**168164**	**9042**
Giza	**1726491**	**344301**	**19,4%**	**335240**	**9061**

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Al-Sharkya	**2395901**	**602147**	**25,1%**	**589606**	**12541**
Al-Gharbya	**1926957**	**539809**	**28%**	**529052**	**10575**
Dakahlia	**3157544**	**730885**	**22,3%**	**715837**	**15048**
Qalyubia	**1707799**	**323932**	**19%**	**316309**	**7623**
Port-Said	**246059**	**61571**	**25%**	**58902**	**2669**
South-Sinai	**37356**	**14572**	**39%**	**14112**	**460**
North-Sinai	**153246**	**47401**	**30,9%**	**46163**	**1238**
Menoufia	**1692545**	**474896**	**28%**	**465514**	**9382**
BeniSouef	**1037236**	**280884**	**27,1%**	**274471**	**6413**
Sohag	**1920591**	**403224**	**21%**	**394641**	**8583**
Qena	**1496306**	**461965**	**30,9%**	**453932**	**8033**
Assuit	**1434752**	**365136**	**25,4%**	**355530**	**9606**
Aswan	**598413**	**126071**	**21,1%**	**123307**	**2764**
Luxor	**201536**	**51421**	**25,5%**	**50602**	**819**
El-Menya	**1733878**	**458872**	**26,5%**	**445819**	**13053**
Al-Bohera	**2122823**	**543069**	**25,6%**	**529366**	**13703**
New Vally	**91677**	**43497**	**47,4%**	**42559**	**938**
Kafr El-Sheikh	**1481288**	**386494**	**26,1%**	**379453**	**7041**
MarsaMatrouh	**140906**	**29724**	**21,1%**	**28634**	**1090**
Damietta	**628829**	**171460**	**27,3%**	**167384**	**4076**
Ismailia	**363669**	**79578**	**21,9%**	**77368**	**2210**
Fayoum	**1051183**	**221135**	**21%**	**214461**	**6674**
Suez	**164085**	**28701**	**17,5%**	**27683**	**1018**
Red Sea	**96575**	**31340**	**32,5%**	**30578**	**762**

Source: www. Egypt election 2005.gov.eg

We conclude that the participation percentage in the presidential elections is 22.95% which represents a small percentage compared to the last referendum on Article (76) which is 53.64%, this arises a question about the reason of this big difference.

The following are the reasons behind the voters' reluctance to participate in the elections (From the researcher's point of view):-

- The voter does not know how to extract the election card.
- The voter does not know his electoral district.
- The voters are not listed in the electoral rolls.
- The voters are afraid from the severe congestion on the voting process and they saw the election's violence.
- In addition the voter is concerned with gaining his living as required by economic need and he is afraid of practicing the political life
- The voter is not interested and has no confidence in the political institutions.

3.3 The Results of the Elections

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Table 8: Shows the number of votes given to the candidates in the presidential elections 2005.

The Party	The candidate's name	The votes
Al Watane	Mohamed Hosni Al-Sayed Mubarak	6316784
Al-Ghad	Ayman Abdel Aziz Nour	540 405
Al -Wafd Al-Gaded	Noman Mohammed Gumaa	208 891
Social solidarity (Al Tkaful Al egtmaae**)**	Osama Shaltout	29 857
Egypt Arab Socialist	Wahed El-Oksre	11 881
Al-Ethad democratic	Ibrahim Turk	5831
Social Constitution(Al Dstour Al egtmaae)	MamdouhQenawi	5481
Al-Omah	Ahmad El-Sabahe	4393
Egypt 2000	Ibrahim Ghazal	4222
Al-Wefak Al Watne	Refaat El-Agroude	4106

Source: Al-Ahram Newspaper 10 / 9/ 2005

3.3.1 The Previous Table Shows the Following

President Mubarak gained 6316784 votes of the total number of valid votes, which are 7131851 or 88.57%, and then it was Ayman Nour the candidate of the Ghad Party, his rate was of 7.57%, while Noman Gomaa the candidate of the Wafd Party reached to a rate of 2.92%, the remaining parties gain a participation rate that did not exceed 1%.
These election results indicate that the competence of political institutions with the national Democratic Party is weak.

3.3.2 The Parliamentary Elections

The electoral system means that: it is a set of principles, rules and institutions that organizes the election process and influences it. In other words, the electoral system refers to a group of procedures that translate the votes of the candidates to seats in the Legislative authorities.[(1)]
Therefore, the electoral system is only a vote method to express the people's sovereignty.
During the eighties, the electoral system has been marked with its instability; where the elections of 1984 were based on the law no. (114) of 1983 which is an amendment to Law No. (38) Of 1972 about the People's Assembly elections, this law followed the party-list system with the conditioned relative representation, which means that the candidates for the elections should be from the party- lists only, but the list should not include more than one candidate for a party, which means depriving the independents. In addition the law specified (31) seats for women, but the seat will be reserved for women from the party lists that won the majority of votes in the constituency.
The law No.(114) for the year 1983 was exposed to a challenge in its constitutionality in the Supreme Constitutional Court .According to that, the law No. (188) of 1986 was released as an amendment to the law (114) of 1983.
Here are some of the main amendments that are found in the current electoral law:

- The abolition of the seats reserved for women.
- Combining between the two electoral systems; the party-list election and, through specifying 48 seats to be filled by the individual election all over the country and that is by giving one seat in each constituency. Moreover, the current law

[(1)]Edited by Arnous Khalil, Ayman al-Dessouki, the development of the electoral system, parliamentary files , parliamentary program, Cairo University, Faculty of Economics and Political Science, No. 7, p. 2

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abolished what was in the old law about obliging the parties to prepare lists of reservists candidates equal to the number of candidates on the original lists, and at least half of them are workers and peasants.

- Although the elections of 1987 had been conducted according to this law, but the Council did not complete its legal term, where the law was exposed to challenge to its constitutionality and the Supreme Constitutional Court issued a sentence in May 1990 by the invalidity of the current election law, or the combination between the list system and the individual election because this contradict with the constitution provision that provides the individual election system.
- By this, the Council of 1987 become unconstitutional, so a sentence was issued by Law no.(201) of 1990 to amend the provisions of Law No. (38) of 1972, in addition to its amendment to what concerns the People's Assembly where the new law followed the individual system, but only two members from each constituency will be elected, then a decision was released by law No. (206) for 1990 concerning the determination of the constituencies for the People's Assembly that divided the Republic into 222 constituencies, and it determined the scope of each constituency and its borders.
- On this basis, the elections of 1990 were conducted after the dissolution of Parliament 1987 before the completion of its constitutional term.[(1)]
- Since the First Amendment in 1980 and the emergence of multi-party through parties law which is the law No. 40 of 1977, Egypt passed by many of the parliamentary elections, in which the rates of the political participation had lessened steadily year after year, where the rate of participation in the elections of 1984 reached to 43.14%, then it rose in 1987 to reach to 50.42% and then it declined again in 1990 to reach to 45.95%, in 1995 it rose to 50%. in elections of 2000 it declined where it wasn't more than 25%, but in the recent parliamentary elections it reached 23% compared to the first free elections in Egypt in 1924, where the vote rate reached to 80% of those eligible to vote [2], this is shown in table No. (9).

Table 9: Shows the participation rate for each year.

Year	Participation rate
1984	43,14%
1987	50,42%
1990	49,95%
1995	50%
2000	25%
2005	23%

Source: Al-Ahram 12/9/2005

This refers to the rate of the political participation of citizens, which is a result of the people's low political culture and because they don't exercise their political rights or it is result of fear from participation in political life, or may be because there are no updated election schedules.

The latest constitutional amendments on March 26, 2007 resulted in the amendment of Article (62), which allowed the nomination of the People's Assembly and Shura Council according to a system that combines between the two systems; the individual and the party lists with any proportion between them, and it may also include a minimum participation of women in the two councils**.**

3.4 Parliamentary Elections 2005

These elections are considered to be one of the most important elections in the history of Egypt because they are related to the next presidential election in terms of the quorum of the members of political parties and this is what we have referred to in the amendment of Article (76) which resulted in the following: - (see table 10)

(1) HodaRagheb, the Muslim Brotherhood and Politics in Egypt, a study in electoral alliances and parliamentary practices 1984-1990, Cairo, Al-Mahrosa Center for Training and Research and Publishing, 1996, p. 243.

(2) Amr Hashem Rabie, a constitutional amendment and the presidential election, M.. Q. Y, 407 p

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Table 10: Shows each party according to the province.

The Province	The number of constituencies	The number of deputies	Watane	Muslim Brotherhood	Wafd	Al-Tgamoua	Al Ghad	Independent (Mostakel)
Cairo	25	50	36	9	1	1	----	3
Alexandria	11	22	11	8	----	----	----	3
Menoufia	11	22	11	9	----	----	----	2
Kafr El-Sheikh	9	18	12	2	1	----	----	3
Giza	14	28	22	4	1	1	----	----
Qalyubia	9	18	8	7	----	----	----	3
MersaMatrouh	2	4	4	---	----	----	----	----
Al-Bouhera	13	26	20	6	----	----	----	----
Al-Gharbya	13	26	15	10	----	----	----	1
Dakahlia	17	34	28	3	----	----	----	3
Port-Said	3	6	2	2	1	----	----	1
Ismailia	3	6	2	3	1	----	----	----
Qena	11	22	20	1	----	----	----	1
Suez	2	4	1	2	----	----	----	1-
Al-Sharkya	14	28	22	3	1	----	----	2
North Sinai	3	6	5	---	----	----	----	1-
Fayoum	7	14	9	3	----	----	----	----
Aswan	3	6	5	---	----	----	1	2
Red Sea	2	4	4	---	----	----	----	----
BeniSuef	7	14	9	4	----	----	----	----
El-Minya	11	22	16	6	----	----	----	1-
Damietta	4	8	5	1	----	----	----	----
Assiut	10	20	18	2	----	----	----	2-
New Valley	2	4	4	---	----	----	----	----
Sohag	14	28	25	3	----	----	----	----
Total	222	444	318	88	6	2	1	29

An approximate Report[(1)]

This statistic shows that the quorum in the nomination for the presidency for the members of the People's Assembly which are (65) Member is now possible, which indicates that there will be a strong competition in the next presidential election if the rest of the conditions are completed.

4 The impact of the constitutional amendments on the principle of separating the authorities

Montesquieu (1689-1755) talked about separating the authorities which is a constitutional concept; in his book "The Spirit of the Laws" he stated that the government in order to be good should completely separate its three powers: - legislative, executive and judicial.[(2)]

If in the old time, separating the authorities meant not to combine the three authorities together in one hand, it now means that an authority should not interfere in the affairs of another authority whether , in terms of reality or in terms of law exploitation in that issue.[(1)]

(1)Source: A Guide for the Egyptian parliamentary elite 2005, Edited by: Amr Hashem Rabie, and others, Center for Political and Strategic Studies at Al-Ahram, Cairo, 2006, p. 32

(2) Frank Beley, Blackwell Dictionary for Political Science, M. O. Y, p. 502

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In democratic systems, The separation between the authorities, means to achieve a balanced separation in the context of distributing powers and responsibilities with a degree of cooperation among them to be implemented easily in harmony and clarity, without conflicting with the respect for pluralism and ensuring the opposition's role in the context of respecting the majority opinion and the role of the minority.

Moreover, the extent of separation between the authorities differs from one system to another; in parliamentary systems it is a flexible separation but in presidential systems it is a semi-rigid separation.(2)

For the principle of separation between the authorities; the judiciary is the fair rule between the executive and the legislature authorities, thus the judiciary represents with no doubt a fence and a guarantee of democracy in any country that respects the law and judiciary.(3)

Table 11: Amended Articles about the separation of the authorities of the Egyptian constitution.

Article(173) before amendment	Article(173) after amendment
A Supreme Council, presided over by the President of the Republic shall supervise the affairs of the judiciary organizations. The law shall prescribe its formation, it competences and its rules of action. It shall be consulted with regard to the draft laws organizing the affairs of the judiciary organizations.	Every judicial body shall assume its own affairs. A council shall be formed to join the chiefs of the judicial bodies chaired by the President of the Republic to care for its common affairs. The law shall prescribe its formation, its competencies, and its rules of action.

In this amendment every judicial organization became independent, responsible of its own affairs instead of the Supreme Council, which was chaired by the President of the Republic.

While The Egyptian Constitution states that, "The State is under the rule of the law" and the independence of the judiciary and its immunity are two basic guarantees to protect the rights and freedoms.(4)

The judiciary is independent, and handled by different types and grades of courts, and make their judgments according to law.(5)

Jurists are independent with no power above them in their rulings except to the law, and it is not allowed for any authority to interfere in cases or in the affairs of justice.(6)

4.1 The following are some of the powers of the executive authority that have the right to interfere in the Judiciary 's affairs.

And that is through the powers and the authorities of the Minister of Justice who does the following:

1- Supervise all courts , judges and prosecutors.(7)
2- Mandate the heads of courts of first instance.
3- Report the convening of the courts outside the areas of their jurisdiction (Articles 6.8, 9, 11) of Law No. (46) At 1972.
4- Set the urgent issues that are examined by the courts during the judicial recess.(8)
5- Organize the scientific and social services to the judiciary and prosecutors, determine their conditions and treatment expenses for work-related injuries.(9)
6- Stop a judge from doing his job and request a disciplinary claim on him.(10)
7- Request the retirement of a judge or a prosecutor for health reasons.

In addition, specifying the terms and provisions of the recruitment examination for prosecutors assistants.(11)

(1)Imam Hassanein, the independence of the judiciary and the future of democracy in Egypt, a paper presented at a symposium entitled "The future of democracy in Egypt, Center for Political Research and Studies, Faculty of Economics and Political Science, Cairo University, 2005, p. 5

(2)-palestine.org/Arabichttp://www.aman

(3) Imam Hassanein, M. O. Y, p. 6

(4) Article 65 of the Egyptian Constitution

(5) Article 165 of the Egyptian Constitution

(6) Article 166 of the Egyptian Constitution

(7) And this is stipulated by the Law No. (46) at 1972 in its articles 94, 125

(8) Article (87) of Law No. (46) at1972

(9) Article (92) of the same law

(10) Article (96), and Article (99) of the same law

(11) For more details in Imam Hassanein, M.. O. Y, p. 31

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In this regard, the approved constitutional amendments did not limit the powers of the executive authority also, they did not add something new about the principle of separating the three authorities or giving added powers to both councils (legislative and judicial) as far as it goes into completing the control of the executive authority on the rest of the authorities.

4.2 The supervision of the Executive authority on the works of the Legislature authority.

Table 12: The Amended articles about the interference of the executive authority in the work of the legislative authority.

Article(136) before amendment	Article(136) after amendment
The President of the Republic shall not dissolve the People's Assembly unless it is necessary and after a referendum of the People. In such a case, the President of the Republic shall issue a decision terminating the sessions of the Assembly and conducting a referendum within thirty days. If the total majority of the voters approve the dissolution of the Assembly, the President of the Republic shall issue the decision of dissolution. The decision dissolving the Assembly shall comprise an invitation to the electors to conduct new elections for the People's Assembly within a period not exceeding sixty days from the date of the declaration of the referendum results. The new Assembly shall convene during a period of ten days following the completion of elections.	The President of the Republic shall not dissolve the People's Assembly unless it is necessary. Should the Assembly be dissolved over a matter, the new Assembly may not be dissolved for the same matter. The decision must include a call on voters for holding new elections of the People's Assembly in a date not exceeding sixty days from the date of issuing the decision of dissolution. The decision dissolving the Assembly shall comprise an invitation to the electors to conduct new elections for the People's Assembly within a period not exceeding sixty days from the date of the declaration of the referendum results. The new Assembly shall convene during a period of ten days following the completion of elections.

This amendment was made to increase the powers of the President of the Republic, where he has the right to dissolve the Council directly without reference to the popular referendum as it was before the amendment also, the constitution did not specify the necessary cases , and thus the dissolution of the council became an absolute right of the President of the Republic without referring to the electorate.

"In case it becomes necessary, during the recess between the sessions of the People's Assembly, to take measures, which cannot suffer delay, the President of the Republic shall issue decisions in their respect, which shall have the force of law"[(1)]

Table 13: The Amended articles about the responsibility of prime minister.

Article(127) before amendment	Article(127) after amendment
The People's Assembly shall determine the responsibility of the Prime Minister, on a proposal by one-tenth of its members. Such a decision should be taken by the majority of the members of the Assembly. It may not be taken except after an interpellation addressed to the Government and after at least three days from the date of its presentation. In the event that such responsibility is determined, the Assembly shall submit a report to the President of the Republic including the elements of the subject, the conclusions reached on the matter and the reasons behind them. The President of the Republic may return such a report to the Assembly within ten days. If the Assembly ratifies it once again, the President of the Republic may put the subject of discord to a referendum. Such a referendum shall be held within thirty days from the date of the last ratification of the Assembly. In such a case the Assembly sessions shall be terminated. If the result of the referendum	The People's Assembly shall determine the responsibility of the Prime Minister, on a proposal by one- tenth of its members. Such a decision should be taken by the majority of the members of the Assembly. It may not be taken except after an interpellation addressed to the government, and after at least three days from the date of its presentation. In the event that such responsibility is determined, the Assembly shall submit a report to the President of the Republic including the elements of the subject, the conclusions reached on the matter and the reasons behind it. The President of the Republic may accept the resignation of the government or return such a report to the Assembly within ten days. Should the Assembly ratify it once again by a majority of two thirds of its members, the President of the Republic shall accept the resignation of the government. Should the proposal of the responsibility of the Prime Minister be rejected, the one requesting the withdrawal of confidence may not re-request it in the same session

(1)Article (147) of the Egyptian Constitution

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is in support of the Government, the Assembly shall be considered dissolved, otherwise, the President of the Republic shall accept the resignation of the Cabinet.	

It is observed that the popular referendum that used to approve on the ministerial responsibility was cancelled and the approval now is based on the approval of the majority of two-thirds of the Council.

Table 14: Accounting the President of the Republic.

Article(85) before amendment	Article (85) after amendment
Any charge against the President of high treason or of committing a criminal act shall be made upon a proposal by at least one third of the members of the People's Assembly. No impeachment shall be issued except upon the approval of a majority of two-thirds of the Assembly members. The President of the Republic shall be suspended form the exercise of his duties as from the issuance of the impeachment. The Vice-President shall take over the Presidency temporarily until the decision concerning the impeachment is taken. The President of the Republic shall be tried by a special Tribunal set up by law. The law shall also organize the trial procedures and define the penalty. In case he is found guilty, he shall be relieved of his post without prejudice to other penalties.	Any charge against the President of high treason or of committing a criminal act shall be made upon a proposal by at least one-third of the members of the People's Assembly. No impeachment shall be issued except upon the approval of a majority of two-thirds of the Assembly members. The President shall be suspended from the exercise of his duty as from the issuance of the impeachment. The Vice-president shall temporarily assume the Presidency or the Prime Minister should there be no vice-president while abiding by the provisions of the second paragraph of Article 82 till issuing a ruling regarding the impeachment. The President of the Republic shall be tried by a special tribunal set up by law. The law shall also organize the trial procedures and define the penalty. If he is found guilty, he shall be relieved of his post, without prejudice to other penalties.

The Prime Minister has been added in case the Vice-President of the Republic is absent.

If we looked professionally at the experience of the Egyptian Constitution, we will find that the Egyptian constitution is suffering from a gap, and the status of the current political Egyptian experience is dominated by the executive authority dramatically, where the executive authority is the main and the influential actor in the two authorities (legislative and judicial), which violates the provisions of the Egyptian constitution that keen to preserve the sovereignty of the legislative principle on the executive authority.[(1)]

The consultant Tariq Al-Beshre says that the judiciary is considered till now with a good percentage the last resort to keep balance between the Government with its (legislative and executive authorities) and the civil society organizations and all other unofficial levels , which made the judiciary a target subject to the government and its leaders recently, especially when

[(1)]NohaShehata, "the amended Constitution of Egypt: a single authority is not enough, available on the Islam Online website, on March 25, 2007 on the link:
http:// www. Islamonline.net

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it comes to supervising the elections, whether the presidential and the legislative elections in 2005 or the local councils elections in 2008.(1)

5 The Impact of the Constitutional Amendments on theFreedom of Expression and Opinion

The Egyptian Constitution, specified section III in it to be about freedoms, rights and public duties. It consists of twenty-three articles; here are the most important articles:

The law shall protect the inviolability of the private life of citizens. Correspondence, wires, telephone calls and other means of communication shall have their own sanctity and their secrecy shall be guaranteed. They may not be confiscated or monitored except by a causal judicial warrant and for a definite period and according to the provisions of the law. (2)

The State shall guarantee the freedom of belief and the freedom of practicing religious rights.(3)

Freedom of opinion shall be guaranteed. Every individual shall have the right to express his opinion and to publicize it verbally, in writing, by photography or by other means of expression within the limits of the law. Self criticism and constructive criticism shall guarantee the safety of the national structure.(4)

The freedom of media is considered to be an essential factor in any effort done to promote information and its progress; however one of the most important elements in freedom of information is the availability of the will and the ability to not misuse it, one of its basic rules is the moral obligation in seeking facts and spreading information without malicious intent.(5)

5.1 The Egyptian Press

Liberty of the press, printing, publication and mass media shall be guaranteed. Censorship on newspapers shall be forbidden as well as notifying, suspending or cancelling them by administrative methods. In a state of emergency or in time of war, a limited censorship maybe imposed on the newspapers, publications and mass media in matters related to public safety or for purposes of national security in accordance with the law.[6]

Also, the Constitution in its first amendment in 1980, specified Chapter Two to be about the Press authority, the following are the most important articles in it:

The freedom of the press is guaranteed and press censorship is forbidden. It is also forbidden to threaten, confiscate or cancel a newspaper through administrative measures, as stipulated in the Constitution and defined by the law.[7]

On this basis, the first law of publications in Egypt was released in November 1981; this law was limited on matters related to the release of newspapers and the licensing of printing presses.

Newspapers are considered to be a communication tool between thinkers and creators, analysts and individuals interested in social issues with other individuals; press is linked to the right of the audience in the media and to express their political wishes. Moreover, Press has an important role in addressing the political issues, especially in periods of democracy development and political reform that is experienced by the society; this role makes press responsible of its word and its credibility in transferring the events positively in a way that serves the national objectives of the State, It also gives the press the right in a wide area of liberty on the basis that this area is considered to be the powerful tool that helps newspapers of all kinds to reach successful solutions to address community issues.

5.1.1 The situation of the Egyptian press is evolved after the First Amendment

The Egyptian press has been traditionally divided qualitatively into:- national, partisan and independent newspapers, but the reality reflects a different picture to that division **as follows:**

5.1.1.1 National newspapers

They are newspapers owned by the State after its nationalization in the sixties of the last century, that is why it should concern with developing the culture and knowledge system and to offer the public service in specialized areas such as health, population, childhood, education, etc... However, the context of this definition has been distorted to a large extent, where these national institutions became governmental institutions loyal to the state system and manages its editorial policy according to this approach

(1)Tariq Al-Beshre, the Egyptian judiciary between independence and containment, the Shrouq international library , Cairo, the first edition, 2008, p. 90.
(2)Article 45 of the Constitution
(3) Article 46 of the Constitution
(4)Article 47 of the Constitution
5Mohamed HassaneinHeikal, between journalism and politics, Beirut, the publications company for distribution and publishing, 1984, p. 41
6Article 48 of the Constitution
7Article 208 of the Constitution

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5.1.1.2 Partisan newspapers

They are newspapers that are loyal to the parties and depends on it financially and administratively, actually they become sick according to the party's disease, to the extent that it is difficult to except a party newspaper from suffering the bitterness of this crippling disease ; an example of that : the events of Al-Wafd Party, which was reflected in its newspaper and its journalists which will remain a witness and an example of the party press situation also it will remain a precedent in the history of the Egyptian press.

Also, there is the case of the Arab Nasserite Party, which led its newspaper (Alarabi) to suffer from the failure of the party despite the success of the newspaper in the recent years, the same scenario is repeated with Al-Ahali newspaper, the newspaper of the opposition party "Al-Tagamoua" in which its editor (Nabil Zaki) resigned after the criticism of the Party's leaders to his editing policy, as well as in the newspaper of the ruling party "May" which disappeared for years from the press map in Egypt and the leaders of the national democracy party released it again by replacing it with another, which is called " Al Watane Al Yaume" and Dar Al-Taawen that turned into "Al-Masaa", although the latter wasn't directly under rule of the national party, but it was associated with the necessity of institutional restructuring. All of these conditions were reflected on the newspapers of these parties by limiting its audiences, lowering its distribution and weakening the political influence in the Egyptian public opinion.[(1)]

5.1.1.3 Independent Newspapers

Te number of these newspapers is more than two hundred, they are known by the newspapers that are not affiliated to the government or political parties; that means it is independent of the government and independent of the parties. Therefore, they are private newspapers belonging to companies and owned by members. As an example is AlmasryAlyoum newspaper which is a joint venture company of assets owned by its board of directors. The experience of the independent newspapers is different than that of the governmental or political parties' ones, as some of them managed and can achieve success and gained mass base[(2)]; therefore achieved widespread distribution and higher economic returns, depending upon the income of distribution and advertising. Also, some of these newspapers continues life in the market on combination of commercial factors and editorial policy that ensure the increase of income such as Elosboa (the week), Sout El-Omma (voice of the Nation0, Eldostoor (the constitution), Alfagr (Dawn) and NahditMisr (renaissance of Egypt).

The Egyptian constitution guaranteed the freedom and independence of press [3] and prohibits censorship. However, the reality of the situation does not indicate what the constitution came by, and the directories on that is the occupation of Egypt the ranking no. 133 of 168 for press freedom in the world. This came in a report released by Reporters without Borders organization in 2007, while came an African country like Benin in the 23 ranking in the world. With the occupation o Egypt the ranking no. 133, thus has proceeded ten ranks elative of the classification of 2006 in which Egypt got the 143 rank to the world, taking into account that in 2005, its ranking was 129, which is the same ranking of 2004.

In the annual report for 2007, the Egyptian Organization for human rights [4]describes that the laws of press and publication are characterized by heavy – handedness and ambiguity and see that these laws are main constraints to the exercise of the right and expression where it allowed the Egyptian government to close a number of these newspapers.

Table 15: The names of some Egyptian newspapers are shown.

S.N	Name of the newspaper	Abstract of the newspaper
1	Al-Ahram	National newspaper and is considered one of the major newspapers in the Middle East. But it is considered the spokesman of the Egyptian government and the ruling Egyptian National Democratic Party. The first issue was in 1976.
2	Al-Akhbar	National newspaper and is considered the second major newspapers in Egypt after A-ahram. It. But it is considered the spokesman of the Egyptian government and the ruling Egyptian National Democratic Party. The first issue was in 1951.
3	Al-Gomhuria	National newspaper and is considered the third major newspapers in Egypt. Its topics revolve around the same window as A- ahram and Al-Akhbar. The first issue was in

[(1)]Nasr Mohammed Arif, the crisis of political parties in Egypt: Problems of existence , legitimacy and functionality, strategic pamphlets – Al-Ahram Center for Political and Strategic Studies, Cairo, 2006, p. 17.

[(2)] Ramzi Mikhail Gayed, the history of the politics and the Egyptian press, the General Egyptian Book Organization, Cairo, 1995, p. 25.

[(3)] Articles 206-211 of the Egyptian Constitution.

[(4)]Annual report of the Egyptian Organization for Human Rights of 2007, the CairoCenter for Human Rights, 2007, p. 80

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		1962.
4	Al-Watany Al-Youm	Party newspaper published by Egyptian National Democratic Party. This newspaper was called "May', but it changed its name to Al-Watany Al-Youm in the recent years. Issued in 2002.
5	Sout Al-Omma	Independent Party newspaper but it falls under the opposition newspapers because its headlines and news are always about the bad news of the Egyptian government; in addition that, some of its themes are a self criticism of the person of the President of the Republic and his son Gamal Mubarak. The first number was issued in 2002.
6	Al-Dostour	Independent newspaper. Its themes are always characterized by the stringent criticism to the National Democratic Party and in particular, the members of politics committee.The first number were issued in 2002.
7	Afaq Arabia	Independent newspaper but is considered the official spokesman for the group "Muslims Brotherhood". It expresses the opinions of the group that opposes the policy of the regime. The photos of its members are in the front pages.
8	Al-wafd	Partisan opposition newspaper issued by the Egyptian Wafd party. It reflects the policy of Wafd party. Its themes are always issued in the form of sharp criticism of the Egyptian government and the members of the National Democratic Party.
9	Al-Osboa newspaper	Independent newspaper dealing with all subjects on all sides. Its themes are always characterizes by moderation in dealing with the daily events. The first number was issued in 1998.
10	Al-Masry Al-Youm	Is considered one of the most widespread newspapers in Egypt. It is a daily newspaper. The first number was issued in 2004. It is characterized by moderation. It is an independent newspaper.
11	NahdetMisr	Independent newspaper and is also characterized by having a wide spread and moderation in its subjects. It concentrates on the social aspects more than the political topics.

Source: researcher work.

Table (12), the names of the most important newspapers and the nature of issuing their themes.
Although the Egyptian constitution expressly guarantee the freedom of opinion, expression, publication, scientific research, artistic and cultural creativity and prohibits censorship of the press, safeguards necessary to practice these freedom has been referred to the law, which in turn imposed restrictions and conditions through the laws of criminal proceedings, sanctions, press, companies and political parties which lead to the tying of these rights[(1)].

6 The effect of the constitutional modifications on the civil Society

The civil Society term is for groups and other regulatory bodies that occupy a middle ground between the state and the family. So, there are many definitions concerning this term, notably:
"It is the society that is based on the political, economic, social and cultural institutions in different fields, in relative independence from the authority of the state to achieve multiple purposes"[(2)].
The definition accepted by many researchers sees the civil Society as "A network of voluntary organizations that fills the public domain between the state and the family, working to achieve material and moral interests between its members, defend these interests according to the commitment of to the values and norms of respect, compromise, intellectual and political, tolerance and acceptance of pluralism and differences, and the peaceful management to differences and conflicts"[(3).]

The following elements can be derived from the different definitions

- The civil society is the independent and intermediary organizations that fill the social space between the state, family and market.
- Civil society is based on voluntary association of individuals enter voluntarily.
- Civil society requires a legal system determines the collection of rights that ensures the independence of this society and regulate the relationship between him and the state.

[(1)] Sharif Sayed Kamel, the conflict of journalism in the Egyptian law, the first edition, Cairo, Arab Renaissance Publishing House, 1994.
[(2)]Kareem Abu Halawa, civil society, world of thought magazine, Kuwait, No. (3) 1999, p. 12.
[(3)] SaadEddin Ibrahim, civil society and democratization in the Arab World, the Study of Political andInternational Development Center, Cairo, 1999, p. 22

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- Prevailing of a civil culture based on the acceptance of the different other and adoption of pluralism inside the society, ability to resolve conflicts in a peaceful and democratic way [(1)].

The constitutional democracy has concentrated on the autonomy of the civil society against the state[(2)].

6.1 Amended article competent with civil society organizations

Table 16 about civil socity organization amendment in the Egyptian constitution

Article No. (56) before amendment	After amendment
The creation of syndicates and unions in a law guaranteed democratic basis, have legal personality. The law regulates the participation of syndicates and unions in the implementation of social programs and plans and in raising the standard of efficiency, consolidating the socialist behavior among its members and protection of their funds.	Creation of syndicates and unions on right democratic basis that is guaranteed by law, have legal personality and the law regulates the participation of syndicates and unions in the implementation of plans and social programs, in raising the standard of efficiency among its members and protecting its funds. It is bound to ask members for their conduct in practicing their activities according to moral codes of honor; and I defending the rights and freedom prescribed by law to its members.

It is remarked that 'supporting the socialist behavior 'is deleted from the article.

6.1.1 Development of civil society in Egypt

6.1.1.1 Non-governmental and NGO organizations

Intended by those groupings of non-profit organizations working in the fields of social welfare and depend in its financing on the voluntary contribution of the private sector, people from the community and foreign bodies. They may also get governmental support to assist them achieve their non-political aims. Many of developing countries are now considering this type of organizations as a partner that stand with them in the same trench to face the problems of economic and social development and provision of their treatment.

Also, these organizations reflect a recent photo for the idea of social solidarity, especially in the times of disasters and crises. They include associations for self help, others that are collaborative charities and other religious associations of churches and mosques, or specialized in human rights and those that seek family planning, maternal and child care and rendering health services at nominal prices.

Among these organizations are those who work in the social field, sports or entertainment alone; such as those interested in serving disabled people or the installation of nurseries, kindergartens and homes for elderly people and the installation of literacy programs and help youth people and women's organizations interested in providing health care, educational and psychological services for mothers and children. Also, they carry out studies on women's issues, organize seminars and thought forums. The number of these organizations was increased after the witness of women's issues to growing global interest in the recent years.

6.1.1.2 Trade unions

Are unions and organizations including the sons of one occupation and seeks to preserve the dignity of the profession, upgrading and development. Also preserve the interests of members and may take a clear positions about some public and political issues both internally and abroad.

6.2.2 the most important unions are:

6.2.2.1 Lawyers' syndicate:

The formation of the first lawyers in Egypt was in 1876 and was represented by the Lawyers' syndicate against the mixed courts, followed by the establishment of another Lawyers' syndicate against the civil courts in 1912. The Lawyers' syndicate is considered one of the oldest vocational syndicates that were founded in Egypt and is associated with the national movement since its birth.

[(1)]Blaney, D., & Pasha, M., Civil Society and Democracy in Third World, Ambiguities and Historical Possibilities , *Comparative International Development*, vol 28, no. 1, 1993

[(2)]3C. Eisensten n, contradictions of democracy " aspects of weaknesses , continuity and change", translated by MahaBakir, Al-Ahram Centre for Translation and Publishing, 2002, p.

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6.2.2.2 Engineers' syndicate:

The first Egyptian society for engineers was founded in 1920, and then it turned to the Engineers' syndicate in 1946.

6.2.2.3 Press syndicate:

The efforts among journalists lead to establish the foreign press association in 1909, followed by the efforts of Mr. Ahmed Lotfy El-Sayed for the establishment of a Press syndicate for Egyptians in1912, followed by Press association in 1930 that included the editors and newspapers' owners, followed by the Press syndicate in 1940.

6.2.2.4 Medical syndicate:

The foundation of doctors to their syndicate was in the forties. The most of the other syndicates were found after the year 1952.The teachers' syndicate is considered the largest one in terms of its membership, as it comprises 750000 members followed by the business syndicate which include 310000, then the agricultural 250000, and the engineers 192550, lawyers 150000, doctors 100200, pharmacists 30000, and journalists 5000, according to the latest available estimates.
Besides, there are syndicates for dentists, veterinarians, arts professions, movies professions, music professions, scientific professions, social professions, applied arts professions, fine artists, applied arts designers professions, nurses, keepers of the Koran, touristic guides and professions of sports. The number of professional syndicates in Egypt now is estimated to be 22 syndicates [(1)].

6.2.2.5 Labours Syndicates:

The power of these syndicates is represented by its great membership, fan base and vast popularity, which makes the government looks t it as a numerical power keen to put them all in a pyramid shaped union, which has a graduated central organization that starts with bases in the form of commissions in the production units such as factories, farms and service establishments…etc.
Currently, the labor organization in Egypt is based on the principles of unity and centralization; it is the General Federation of Egypt Labor union, which includes internally 23 syndicates, has a membership of 3313068 members according to 1995 estimates. The union is seeking to coordinate the efforts of workers and combining their opinions on a common ground of workers' demands[(2)].

6.2.3 Unions and associations of businessmen

These organizations are considered the most important interest groups that play a vital role in the economic and political life and seeks to influence the internal situation, where they direct their activity to protect their investment, support the private sector and influence the economic decisions in line with their objectives, which make them combine more than one role in the same time.
They play the role of pressure tool on the government to protect their interests from one side and from the other side take the role of the tool of assisting the government, which lead to increasing their participation in the development process.
It is normal that the government welcomes the role of these associations in supporting the development programs, and seek to remove the obstacles and difficulties that face their members whether they were legal problems or bureaucratic nature for some procedures that may cause disruption of their activity.
The Totalitarian states (Totalitarianism), cannot allow the freedom of establishing organizations and civil establishments; and consequently, the civil reflects the pluralism, then, there is no other concept in the binding of the civil society with democracy other than one function which is to give political legitimacy from the state to that community[(3)].

7 Conclusion

Constitutional amendments represent a paramount importance in all political systems, where they play an influential role in their democratic development; systems through them can, through amendment of their constitution, keep place in democratic development. For this, the researcher came to a set of conclusions and recommendations, which are as follows:
Texts and constitutional rules play an important role in the political systems in general and in the Egyptian political system in particular, in the consolidation of the democratic principles through constitutional amendments, which is the main indicator of the indicators of transformation and democratic development, where there is a direct relation between them. Whenever the constitutional amendments are in the service of democracy, we will be in a true democratic development; but if constitutional amendments are not in the service of democracy, there will not be democratic development.

[(1)]Encyclopedia of political youth available at: *www.ndp.org.eg*
[(2)]Ibid
[(3)] Abdul Salam Mohammed Tawel, The Arab state in front of the Wind ", a study of BorhanGhalyon in political thought " series university theses, the Cairo Center for Human Rights Studies, i 1, 2006, p. 315

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The procedures for Egyptian constitution are characterized by the following:
The control of presidency institution on all constitutional amendments achieved.
Procedures submitted by the members of the people council is characterized by the non-approval of the president of the state, who was not given the right to object to them; where one third of the members had not made this request before.
Procedures for amending the Egyptian constitution pass by five long steps, the last step was making the final approval of the amendment of the right of only the people who has the right of plebiscite that indicates no authoritarian regime, but is an application of direct democracy where the people himself directly without an intermediary or vice that put his constitution, but non participation from parties or certain political groups indicates a poor representation of them,; because plebiscite is the most efficient way for voters to assess the appropriateness of these amendments.
The multitude of parties in the political arena indicates that there is no constitutional obstacle or opposition from the state in their creation and composition; an example of that is the existence of twenty four parties besides nine under construction, also regarding the civil society organizations. But the government is not working in their participation in the policy formulation or the interests in the reports of these organizations.
The amendment of article (76) of the Egyptian constitution for the selection of the President of the republic is considered a starting point towards a democratic atmosphere in the Egyptian political system, provided that the amendment is maligned by the length and complexity of its text.
The governmental press undergo some negative aspects including the failure to educate people of the dates and places of extracting the voters registration cards, the control of the governing party on them, while one of the positives is the awareness of the citizens of the importance of participation in the latest presidential and parliamentary elections, but the existence of some opposition newspapers indicates the freedom of opinion and expression.
There is an inverse relationship between the existence of administrative corruption and the democratic development, as whenever there is an administrative corruption, here will be obstacles for democracy development and proceedings, and whenever there is not an administrative corruption, and democracy will pave its way towards the development.

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