

GROWING ROLE OF NEW WAFD PARTY REVIEWED

Attempt at Restoration Analyzed

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[Text] The morning of 29 October, the administrative judiciary court of the Egyptian Council of State issued its ruling suspending execution of the Party Affairs Committee decree rejecting the legitimacy of the New Wafd Party and the decree of the governor of Cairo refusing to accept the lists of the party's candidates for elections to the local assemblies. With this ruling, the New Wafd is returning to the Egyptian political stage, bringing with it a group of questions revolving around the effect of this return on the current political map in Egypt. This report, which AL-MAJALLAH's office in Cairo has made, will try to answer these questions.

The dispute between the New Wafd and the Committee on Parties began last 24 August, when the party's general assembly met and decided to agree to the party's resumption of political activity. The Committee on Parties hastened to issue a statement on 26 August stressing "The party did not freeze its activities as of June 1978 but dissolved itself, and as a consequence the party does not exist and has no being. Proper procedures require that the party submit a new application to the Committee on Party Affairs." The legal contest between the Wafd and the Committee on Parties began at once. This contest focussed on a specific incident, the meeting of the Wafd's higher council on 6 June 1978, its objection to the dissolution decree issued by the general assembly on 2 June, and its acquiescence to a freeze on the party's political activity. The two parties disagreed on how to formulate this incident. The legal experts in the Wafd said that the higher council's decree to shift from a dissolution to a freeze was in agreement with the provisions of Article 19 of the bylaws of the party ("the resolutions of the general assembly will be considered final unless the higher council demands to review them within 15 days of their issuance"). The legal experts in the Committee on Parties responded with a rejection of this interpretation for two reasons:

The chairman of the New Wafd Party (Fu'ad Siraj-al-Din) notified the Committee on Parties of the general assembly's resolution dissolving the party the day after it was issued.

The chairman of the New Wafd Party did not notify the Committee on Parties that the higher council had objected to the general assembly resolution dissolving the party but had settled for a freeze on its activity.

The legal experts of the Wafd proceeded to reply that the party chairman's initiative of informing the Party Affairs Committee of the general assembly resolution the day following its issuance did not invalidate the higher council's right to object to it, as long as this objection was made within the legal period. They said that the party chairman did not inform the Committee on Parties of the higher council's resolution making a shift away from the dissolution of the party, because Article 16 of the Law on Parties requires notification only with respect to the four cases listed in all-inclusive fashion, and these do not include making a shift from dissolution or a freeze on activities. (The four cases include changes of party chairmen, amendment of bylaws, merger of a party into another party, and dissolution of a party.) Dr Nu'man Jum'ah, the party's assistant secretary general, added, "The leadership of the Wafd preferred not to declare the resolution making the shift from the dissolution of the party for another, political reason, which was the general climate prevailing at that time and the violent attack to which the party and its leadership was subjected by the late President Anwar al-Sadat, which articulated the intention he had harbored within himself to dissolve the party. That means that if the party had declared the resolution to make a shift from dissolution to a freeze, that would certainly have been subjected to dissolution measures on the part of the president."

Face to Face before the Judiciary

At the latest press conference the leaders of the New Wafd held, last 1 September, Dr Nu'man Jum'ah declared "The New Wafd Party asserts its determination to continue along his road, within the limits of constitutional legitimacy and the law, in order to achieve its national mission."

Estimates by observers as to what this statement meant differed at the time. Some people anticipated that the Wafd would turn to the judiciary to assert the legitimacy of its political existence, while others expected that the Wafd would embark on political activity to impose a fait accompli.

However, little time passed before it became apparent that the Wafd's activity was founded on maneuvering. The party leadership did not refuse to get into contact with senior officials when it was called on to do so, and at the same time the Wafd presented a party list for local assembly elections in two districts (al-Sahil and Rawd al-Faraj).

It appears that the Wafd leadership would have preferred not to begin by quarreling juridically with the government but rather moved in that direction by way of a reaction. This is what actually happened.

The competent official in Cairo Governorate refused to receive the papers of the party's candidates last 17 September "because it is not one of the parties that exist according to law." In the face of this, the Wafd filed suit with the Council of State demanding that the decree of refusal to accept the lists of its candidates be abrogated. A team of Wafdist lawyers, Dr Nu'man Jum'ah, Dr 'Abd-al-Hamid Hashish, and Ibrahim Faraj, in addition to Dr Muhammad 'Asfur, took charge of the suit, while Counsellor Jamal al-Labban, the vice chairman of the Department of Government Cases, took charge of preparing the special brief on the legal formulation for rejecting the Wafd's list. After two rounds of legal struggle between the two parties, the court issued its verdict on behalf of the Wafd. A scholar of constitutional law told AL-MAJALLAH that the concomitant facts of this ruling were so strong that they would make it difficult to abrogate it in the event the government resorted to an appeal.

What Will Happen after the Ruling?

The prevailing trend now in official circles in Cairo is that the return of the Wafd will not have an effect on the majority the National Party enjoys. Mr Muhammad Rashwan, the minister of state for People's and Consultative Assembly affairs and the secretary of the National Party in Cairo, told AL-MAJALLAH, "The Wafd Party will not affect our party by any percentage worth mentioning. We also have roots which extend into the past, and we have great popularity. However, the existence of the Wafd will without a doubt have an effect on the other opposition parties which are deficient in the organization of mass bases." He added, "The Wafd has resorted to the judiciary and the judiciary made its statement in the first stage. We have the right to appeal this ruling, because we are convinced that the party dissolved itself and that it did not make a resolution to freeze itself. In this regard we are acting as the government and not as the National Party."

We asked Dr Wahid Ra'fat, the vice chairman of the New Wafd, about his predictions on his party's popularity. He said "The Wafd has a longstanding background and has spread seeds about in all areas, by virtue of its past. Although this party now is different from the way it was in the past, its memory endures and its name endures. In every governorate there are Wafdist families which have passed on the heritage from grandfather to father. We truly represent the bourgeoisie and the bourgeois classes." We asked him about the truth of the point the Wafd chairman had mentioned, to the effect that the party would get 40 percent in the coming elections, and he said, "Mr Fu'ad Siraj-al-Din mentioned that to the minister of the interior as a joke with a serious meaning. A few months remain till the elections, and in that period the party will not be able to prepare its lists as it should. However, there is no exaggeration in the statement that if we do not win in the 1984 elections, victory will be certain in the 1989 elections, if things proceed as they ought to."

Shaykh Salah Abu Isma'il, member of the current People's Assembly and a participant in the establishment of the New Wafd in 1978, believes that the Wafd will obtain many votes in the elections. He stated to AL-MAJALLAH, "The Wafd Party is the only one which was established in accordance with the will of the people and in terms of a mass base which rallied around it."

Balance between the Government and the Opposition

By monitoring the New Wafd Party's activity in past days, and by conversing with some of its leaders, one can arrive at the following conclusion: the New Wafd is aiming toward a sort of balance in its relationship with the two parties to the political game in Egypt, the government and the opposition. The most important indication of this is the Wafd's position on the meeting the opposition parties called for last 1 October, which resulted in the formation of what is called the Committee for the Defense of Democracy. The Wafd did not abstain from responding to this call. Rather, it avoided participating in it officially. The two members of the Wafd who attended the front's meetings, Hamid al-Azhari and 'Abd-al-'Aziz Muhammad, took part in it as observers in their union capacity (as members of the board of the Lawyers' Union), not in their party capacity. Dr Wahid Ra'fat, vice chairman of the party, answered that by stating "The front contains parties that actually exist, and the Wafd could not take part in it before the issuance of the ruling." However, it is well known that other parties that are still in the process of being established took part officially in the front's meetings, such as the Justice Party which was represented by its two great leading figures Kamal-al-Din Husayn and Mumtaz Nassar. At the beginning of the front's meetings, the legal status of both the Wafd and the Justice parties was the same: each of them was a party in the process of being established. Therefore, it is most likely that the purpose behind that excuse was to be free from participating officially in the front's meetings in order to preserve the equation of the desired balance between the government and the opposition.

The statement by the vice chairman of the Wafd concerning this front underlines this deduction:

He supports only "the guarantees concerning the elections, and the neutrality of elections, which the front demanded." He is also sympathetic to the amendment of the new election law and the return to the system of individual elections which the opposition is demanding.

However, on the other hand, he rejects the opposition tendency to boycott the elections, and indeed frankly describes this approach as "a form of political triviality and self-indulgence. Why should I boycott the elections and surrender to my rival, so that he can rule 5 more years, if my presence in parliament will have an effect on legislation?"

The final result of this stand is that there will be a broad gap keeping the Wafd from joining the new opposition front. Above and beyond that, there is a large difference between the Wafd and the opposition parties concerning the Emergency Law. The surprising point the vice chairman of the Wafd declared in his conversation with AL-MAJALLAH was that "the Wafd does not object to the existence of the Emergency Law although we are demanding that it be used only to combat terror. In fact the government has not abused this law, and has used it only against terrorist groups that use force to impose their views."

A New Scenario

If one should consider, on the basis of these positions, that it is most unlikely that the New Wafd will officially join the opposition front, is it likely that a rapprochement will occur between the Wafd and the ruling National Party? AL-MAJALLAH has learned from informed sources in Cairo that the government is intending to prepare a working paper and to present it to various parties with the goal of cooperating in solving the pressing problems the country is facing. The important thing is that these sources expect that with the exception of the Wafd Party the parties will not respond to this paper. These sources consider that in the light of the New Wafd's declared positions to this moment, there are no essential differences between it and the National Party.

It seems that the return of the Wafd has concurrently revived the notion that al-Sadat propounded in 1978, of turning the Egyptian party system into a two-party system. Some observers consider that the Wafd deserves to be the other large party, alongside the ruling National Party. In this event, it is likely that the existing opposition parties would retire to the sidelines of the party system. This scenario conforms with the prediction of a major official in the government and the National Party (Mr Muhammad Rashwan) that the return of the Wafd will have a negative effect on the existing opposition parties. However, this scenario, which implies a great change in the Egyptian party system, requires that a number of conditions be present:

The National Party's readiness to accept the risk of betting on the New Wafd Party and its readiness to pursue the political game in the context of its current rules and not proceed in a year or two to change these rules in a manner which is not in the interests of the National Party.

The Wafd's ability to attract some opposition leaders, from existing parties (as an example, Dr Hilmi Murad, for instance), from parties being established and from independents. Therefore, we asked Mr Mumtaz Nassar, the deputy founder of the Justice Party, which is in the process of being established, about his readiness to join the Wafd if it is not possible to establish the Justice Party. He said he would not rule that out, because the Wafd, in this case, would then be the party closest to his own views and thinking.

The New Wafd's readiness to draw close to the National Party to the same extent that it is ready to distance itself from the opposition parties.

Fu'ad Siraj-al-Din: The Final Decision in 2 Months

On Sunday 30 October the Egyptian Committee on Political Parties held a meeting under the chairmanship of Dr Subhi 'Abd-al-Hakim, chairman of the committee and chairman of the Consultative Assembly, to discuss the circumstances of the court's ruling on the return of the Wafd. The committee assigned its legal counsellor and Counsellor Jamal al-Labbani, the deputy director of government cases and the government attorney, to study the circumstances surrounding the verdict and to prepare a report on the points it contained. On Monday, 31 October, the report was prepared, and it

included the point that the the court's verdict was not valid in respect to its accusation that the Committee on Political Parties had abused its authority by interfering in the party's affairs. As a result of that, it was decided to delegate the department of government cases to present a contestation of the court's verdict and to appeal it before the higher administrative court of the Council of State.

On Tuesday, 1 November, an official reaction was articulated by Dr. Fu'ad Muhyi-al-Din, the prime minister and secretary general of the ruling National Democratic Party, in which he declared "The government honors the rulings of the Egyptian judiciary and will not comment on them. However, we are viewing the ruling on the Wafd case from the standpoint of the elimination of legal obscurity and the search for clarification. How could the party declare that it was dissolving itself in November 1978, be inactive for 5 years, then suddenly decide to resume engaging in its political activity, and say that it had not dissolved itself but had frozen its activity? Is that reasonable? Have there been precedents in the history of party activity in Egypt or other countries? As for our political view of the Wafd, we know that it boasts that its roots go back before July 1952, and we can wonder if the Wafd wants to regress, and why the July 1952 revolution then occurred. The history of the National Democratic Party began on 23 July 1952 and it is the legitimate heir of the gains of the revolution and the protector of these gains and rights. We are proud of that. The ruling which has been issued is not yet final, and we will wait to see what the higher administrative court says on this case in 60 days."

An Egyptian parliamentary source stated that if the ruling of the higher administrative court issued is in the Wafd Party's favor, the government will not seek recourse in the abrogation of the law on political isolation issued in 1980 during this parliamentary session to grant the party leaders the right to enter the parliamentary election campaign in April 1984. In the event the ruling issued is in the government's favor, it will abrogate the law on political isolation to demonstrate its good will. He added that the Wafd will present a new application to declare itself if it loses the case and that the application will not be discussed before the coming elections, in order to prevent the Wafd from taking part in them. In this case, the Wafdists will enter the campaign in the lists of candidates of other opposition parties.

New Wafd Wins Ruling

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[Text] Last 29 October the first shot in the direction of the party system in Cairo was fired from the chamber of the Council of State in Egypt. Amidst the enthusiasm of hundreds of Wafdists and members of the press and the amazement of the security men, Counsellor Jalal 'Abd-al-Hamid, the chairman of the court, released his decree, which was considered tantamount to a time bomb on the stage of political activity. The New Wafd returned, once again! Saturday 29 October, 1983, will remain engraved in the book of history as a living symbol of the probity of the Egyptian judiciary. On that day, the law made its statement on an issue which had preoccupied the Egyptian people

and, along with them, Arab people who are interested in Egypt's affairs. The judiciary ruled on the struggle which had arisen between the Egyptian government, as embodied in the Committee on Political Parties, and the New Wafd Party, declaring the party's resumption of its activity and its entry into the coming elections for the local assemblies. Thus the curtain was lowered before the act regarding the New Wafd and the judiciary, in order to rise on the act regarding its struggle with the other political parties on the stage of party activity in Egypt.

Today, now that the storm has ended, we wonder why the struggle between the government and the New Wafd Party reached a peak where the two parties appeared before the judiciary for a ruling on the struggle that had flared up between them, and the court held four sessions starting last 15 October that witnessed constitutional and legal debates between top Wafd figures who were major lawyers and the government's lawyers, in the course of which the court chamber became crowded with supporters of the Wafd, security men and representatives of the press. What happened in the course of these sessions? Why did the Pasha, Fu'ad Siraj-al-Din, appear before the court? What are the documents the government and the Wafd Party submitted? Is the party's return to the arena to be considered final, or will the government try to use its legal right to present points of ambiguity in order to stop the execution of the ruling issued by the administrative judiciary court within 3 days of its issuance? Or will the Committee on Political Parties resort to issuing a decree suspending the activity of the party in application of the provisions of Article 16 of the Law on Political Parties? Or will the government wait for the decree of the board of delegates in the Council of State?

The beginning occurred on the morning of 15 October, when the administrative judiciary court held a session which was attended by 13 major lawyers for the Wafd and Counsellor Jamal al-Labban for the government. Jalal 'Abd-al-Hamid, the chairman of the court, appeared and started to review the suit which had been filed by Dr Wahid Ra'fat, the vice chairman of the Wafd Party, contesting the decree of the Committee on Political Parties ruling that it was illegal for the Wafd Party to engage in its activity, on grounds that that was an administrative decree. The chairman of the court reviewed the documents submitted by the two parties and the government attorney demanded that the bylaws of the party, the resolution establishing it issued on 4 February 1978, the minutes of the Wafd general assembly on 3 July 1978 regarding the dissolution of the party, and the minutes of the general assembly meeting on 6 May 1983 regarding the termination of the freeze on the party and its resumption of pursuit of its activities be presented. The government attorney contested that it was not legitimate for Dr Wahid Ra'fat to be a representative, because the Law on Parties stipulates that the legal representative is the chairman of the party. Meanwhile the lawyers of the Wafd demanded that the minutes of the August 1983 meeting of the Committee on Political Parties regarding the fact that it was illegal for the Wafd to pursue its activities be presented, and asked if the committee decree had been issued by a majority of the members or unanimously by those present.

At the end of the session, the chairman of the court asked the persons who were filing suit for the Wafd to clarify what was meant by the notion of

freezing activity in the coming session and asked that the documents requested of the two parties be provided at the Tuesday 18 October 1983 session.

On the stipulated day, the review of this case began. The first surprise was the appearance of Fu'ad Siraj-al-Din, the chairman of the party, in the chamber of the court, where he wore a black robe and sat in the first row among the lawyers, as Counsellor Jalal 'Abd-al-Hamid, the chairman of the court, began to review the documents that had been requested at the previous session. The second surprise was the declaration made by the government attorney, to the effect that there was no document bearing on the meeting of the Party Committee on 26 August 1983 and its decree that it was illegal for the Wafd to resume engaging in its activity, because the committee had not met at all; a statement had merely been issued by Dr Subhi 'Abd-al-Hakim, the chairman of the Party Committee, in response to material that had been published in the opposition press regarding the return of the Wafd. At this point the Wafd lawyers requested that this admission be recorded, the secretary of the court recorded it, and the judge read it out as they smiled. After that, the government attorney started to present documents on the case, including a letter sent by Ibrahim Faraj, the secretary general of the Wafd Party, to Dr Mustafa Khalil, the secretary of the central committee, on 11 April 1978, regarding the amendment of the bylaws of the Wafd. Then Fu'ad Siraj-al-Din started to speak, stating, "This letter is suspect and was not issued by Ibrahim Faraj." The chairman of the court presented the letter to Ibrahim Faraj, who admitted that his signature was on it but that it was not in his handwriting, and he demanded the original of the letter, not the copy presented to the court. The government attorney's second request was for the minutes of the meetings of the party's higher council from 4 February 1978 to 13 April 1978. Fu'ad Siraj-al-Din objected to this request, stating, "No political party can declare the minutes of its meetings, because secret matters are discussed in the meetings and they cannot be announced." The chairman of the court replied to him by stating, "There is nothing secret to the court, and no one will read them except the government attorney and the board of the court." At the end of the session, the judge demanded that the documents be provided in full and that the government present its defense at the session of Thursday 20 October. The Wafd lawyers departed, crowding around Fu'ad Siraj-al-Din and kissing him, their faces wreathed in smiles as if they had guaranteed the ruling and the resumption of political life.

The third session was on Thursday 20 October; that witnessed discussions by the two parties, contrary to the previous sessions. The government attorney started it, presenting his defense on the case, which was summarized by the refusal to accept the suit because the plaintiff (that is, Dr Wahid Ra'fat, the vice chairman of the party), did not have a legitimate capacity, the party had no presence now, since a decree had been issued dissolving it in June 1978, and the court did not have jurisdiction over the suit because there was no administrative decree by the Committee on Political Parties, which was being contested, regarding the fact that it was not legal for the Wafd Party to engage in its activities again, since the party had dissolved itself by choice on 2 June 1978 and had had no legal identity after that date. Then the Wafd lawyers started to respond to the government's defense. The first person to speak was Fu'ad Siraj-al-Din, who said, "The chairman of the Party Committee does not have the right to issue a statement in his own

name, and he ought to have summoned the committee to a meeting; it is not fitting for him to make this ruling, and we, as the Wafd, can dispense with that statement because we have other administrative decrees which have been contested. In addition, the higher party council was re-elected in June 1978 with all its members." Dr Nu'man Jum'ah, member of the higher council of the Wafd, spoke, saying, "What will rule on this dispute is the principle of the freedom to form parties and the Egyptian citizen's right to express his opinion. The life and resolutions of the party are a private internal matter and the Party Committee cannot interpose itself and avail itself of areas of jurisdiction for which there is no basis, because the Law on Parties is biased and filled with restrictions, and it was set out by evildoers." The chairman of the court interrupted him, requesting that he speak objectively in replying to the government's defense.

After that, Dr Muhammad 'Asfur spoke, stating, in his response to the defense of the government attorney, "Have legal effects arisen from the statement issued by the Party Committee or not? If the government concedes that it does not have legal merit, we are prepared to abandon the suit. The fact of the matter is that the statement is an administrative decree, and it is sufficient that the chairman of the Committee on Political Parties usurped the jurisdiction of the committee and arrogated the issuance of the decree to himself. The lesson is not whether it is a statement or decree but rather concerns the legal effects that have arisen from it." Regarding the second issue, Dr Muhammad 'Asfur went on to say, "That is whether the party exists or not. The fact is that the Law on Political Parties regulates the freedom to form the party, and does not regulate the exercise of its activity. We are now in the area of the pursuit of the Wafd Party's activity, not that of its re-establishment, a matter that is outside the scope of the Law on Political Parties, and the government does not have the right to interfere in the activity of the party after its establishment. As regards the freezing of activity, if the law has given the Administration Committee, which is the chairman of the Party Committee, the right to suspend the activity of the party by force, the party has the right to do so voluntarily, and the freeze was carried out on the part of the Wafd."

Counsellor Jamal al-Labban, the government attorney, proceeded again to reply, stating, "The party dissolved itself voluntarily on 2 June 1978, and no longer was in existence. Committees were formed to liquidate the party's possessions and money, and the Central Accounting Agency was notified in order to audit this process. Fu'ad Siraj-al-Din's letter was then presented to the late President Anwar al-Sadat in May 1981, in response to an attack by the late president against the Wafd Party and the Egyptian leader Mustafa al-Nahas. In it he acknowledged the dissolution of the New Wafd Party." At this point Fu'ad Siraj-al-Din's face became wreathed in a broad smile, and he demanded that the government attorney read his signature on the letter, where Fu'ad Siraj-al-Din was named the secretary of the Wafd Party and chairman of the New Wafd Party, and addressed the late president in this capacity, although the president did not object, and [stated] that the liquidation committee had not proceeded with its activity and there still was party money in the Bank of Cairo.

At the end of the session, the chairman of the court requested the two parties to present final briefs on Tuesday 25 October, and reserved the case for a ruling on Saturday 29 October, when the ruling was made that the New Wafd Party should resume engaging in its activity and participate in the coming local elections, thus becoming the sixth party on the map of open political activity in Egypt.

As regards the ambiguities on the ruling issued by the Council of State, due to which it was likely that the government would take the initiative of suspending the execution, an official source says, "It was the custom, regarding the rulings issued by the Council of State, on grounds that that is the biggest judiciary body, that the government would commit itself to carry out its rulings. As far as the objective part bearing on the New Wafd Party went, in terms of its existence and legitimacy, the matter is contingent on the opinion of the board of delegates formed of senior counsellors which will make its final statement."

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