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Egypt

Egypt's constitution: a controversial declaration

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Eleven days after a referendum in which 77 per cent of voters said “Yes” for a number of constitutional amendments, the Supreme Council of the Armed Forces (SCAF) issued an "Interim Constitutional Declaration” aimed at drawing a new political map for Egypt until a new parliament and head of state are elected.

The declaration, announced by Mamdouh Shahin, SCAF's legal adviser, in a press conference, elicited surprise and even frustration from many. It includes 62 articles, on top of which the 56-year-old article stating that half of the seats in the People's Assembly – Egypt's lower house parliament – must be reserved for representatives of workers and farmers. The declaration also espouses the 1971 Constitution's controversial Article 2, stating that Islam is the religion of the state and that the principles of Islamic Sharia law are the main source of legislation in Egypt.

To the dismay of many, Shahin said the Interim Constitutional Declaration includes 80 per cent of the mainstays of the 1971 Constitution. This is an ominous development for the 25 January Revolution Youth Coalition who asked for the elimination of the 1971 Constitution altogether. Shahin explained that “the drafting of a new constitution is not the job of the army and that this will be left to the new parliament and president.”

In general, the Interim Constitutional Declaration's 62 articles are divided between four chapters regulating the performance of the state, including basic rights and freedoms; the system of government; and the rule of law. The declaration contains the nine constitutional amendments approved in the 19 March referendum, on top of which is limiting the presidency to two four-year terms and easing restrictions on candidates seeking to run in presidential elections. They also state that elections must be held under full judicial supervision and compel the elected president to select a vice-president within his first 60 days in power. It also puts an end to an indefinite state of emergency and calls for a constituent assembly to be formed by the new houses of parliament to draft a new permanent constitution.

The Interim Constitutional Declaration also noted – in ambiguous terms – that the powers of the Shura Council would be reduced. Shahin refused to give a clear-cut answer when asked if the elimination of some of the Shura Council's powers is prelude to eliminating the council altogether. In Shahin's words “if this council is to be eliminated, it could stay until it completes a three-life year.” As for the 50 per cent quota of seats for workers and farmers, Shahin justified maintaining this controversial article upon the grounds that “40 per cent of Egyptians are still illiterate.”

Initial reactions to the Interim Constitutional Declaration were negative on the whole. Gamal Zahran, a professor of political science at Suez Canal University and a former independent MP, argued that “the declaration is a new frustrating development.” “Above all,” Zahran told *Ahram Online*, “it maintains the 50 per cent quota of seats reserved for workers and farmers and this means that next September's parliamentary elections will still be governed by this very bad quota that belongs to the old socialist age of late President Gamal Abdel-Nasser and no longer reflects the realities of the new age.”

Zahran also voiced criticism of the declaration's attitude towards the Shura Council. “The declaration states that the powers of Shura Council would be reduced while the powers of this council are very few in the first place,” argued Zahran, expecting that “no one will be interested in contesting the coming elections for the Shura Council, bearing in mind the ambiguous future of the council.”

The Interim Constitutional Declaration comes as the last in a series of steps taken by SCAF in the last few days. It also comes amid calls issued by the 25 January Revolution Youth Coalition, aiming to organise a massive million-man protest under the slogan “Save the Revolution” or “the Friday of Salvation”. The coalition primarily

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includes activists of the 6th April Youth Movement, the Kifaya Movement, the Democratic Front Party, Al-Ghad Party led by opposition leader Ayman Nour, and the National Association for Change led by Mohamed ElBaradei, ex-chief of the International Atomic Energy Agency (IAEA).

A few hours ahead of the declaration, the coalition issued another statement, indicating that "it would give SCAF ... space time until 8 April to achieve the 25th Revolution's unfulfilled demands." The coalition explained that on top of these demands is speeding up the trial of ousted President Hosni Mubarak and his regime's "gang of the three": Fathi Sorour, former speaker of the People's Assembly; Safwat El-Sherif, former chairman of the Shura Council and secretary-general of Mubarak's erstwhile ruling National Democratic Party (NDP), and Zakaria Azmi, Mubarak's chief of staff and the NDP's assistant secretary-general."

This trio, in addition to Mubarak's former Interior Minister Habib Al-Adli, should be held accountable, the coalition says, for more than 650 dead and several thousands injured in attempts to put down the popular uprising which began 25 January.

In a statement issued on 28 March, the 25 January Revolution Youth Coalition argued that "three weeks ago, we decided to stop protesting at Tahrir Square in order to give SCAF and the government a chance to achieve the objectives of the 25 January Revolution, bring stability back and rebuild the country." But, the statement argued, "while we were rebuilding our country, it took us by surprise that some are doing their best to steal the revolution." "We will not allow the vestiges of the toppled regime â€" state security, Mubarak's NDP, thugs and corrupt business tycoons â€" to steal our revolution," the statement said.

In the words of the statement, "it is highly provocative that some of Mubarak's corrupt disciples, such as Sorour, still make press interviews while Azmi is on television screens and is still in charge of running the affairs of the presidential staff and palaces." It wondered: "How are not Sorour, El-Sherif and Azmi summoned for interrogation before authorities, although they face strong accusations that they masterminded the 'Battle of the Camel' on 2 February to kill pro-democracy protesters on Tahrir Square?"

The coalition asked that a special judicial committee be formed to bring Mubarak and his corrupt aides to trial as soon as possible. "What we see is that low-profile corrupt figures are the ones who face trials, but the big fish, like Mubarak and his henchmen, still appear to be immune," said the coalition statement. It also underlined that quicker and more serious efforts should be made to reclaim the assets of Mubarak and his family and associates from local and foreign banks.

The coalition demanded that Mubarak's once ruling NDP be disbanded as soon as possible, with all of its headquarters and provincial offices reclaimed. "Its members should be barred from political activities for at least five years," said the coalition's statement.

It also called for cleansing media institutions â€" including state television and radio, and newspapers â€" of sycophants still loyal to Mubarak and his regime; dismantling local councils and ridding state universities of Mubarak's men. "All those who belonged to the ousted regime must be fired from their positions, particularly in media institutions, and held accountable," the statement insisted. Around 500 journalists protested on Sunday in front of the buildings of the national radio and TV union and the press syndicate, calling for ridding media institutions of Mubarak's men.

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Finally, the coalition called for the release of all political prisoners, abrogating the newly-issued anti-protest law and

forming a “presidential council” to be tasked with running the affairs of the country and drafting a new constitution.

The call for the Friday of Salvation received great support among internet bloggers and young political activists, even after SCAF announced the long-awaited Interim Constitutional Declaration yesterday.

The government of Prime Minister Essam Sharaf also issued a number of reformist measures. A national dialogue was launched, including 160 public figures belonging to different political forces. Deputy Prime Minister for Political Affairs Yehia Al-Gammal indicated that “the main objective of the dialogue” held under the title of “Towards a new social contract for Egypt” is to give the chance for all political forces to reach an agenda of priorities for the coming stage.”

Major political parties, however, said that they are not happy with the dialogue. The leaders of Wafd, Tagammu and Nasserist parties said they “had not received an official invitation for the dialogue, not to mention [clarification on] how could this dialogue be fruitful while SCAF is the one with the final say on political decisions”. “This was clear when we were surprised by SCAF forming a committee to amend the constitution without consulting us.”

SCAF's new political parties law on Monday also irked many political activists and young revolutionaries. Essam Sultan, a political activist with Islamist leanings, said the new law “took with the left hand what it gave with the right.” “The amended law contained many obstacles, such as compelling activists to collect five thousand signatures, rather than one thousand, and requiring them to publish the list of the names of the party's founders on the pages of one state-owned newspaper. The cost of publishing this list reaches at least LE1 million,” said Sultan.

Another irritating development for political activists is that Minister of Justice Mohamed El-Guindy refused to abrogate the newly issued anti-protest law. Young activists insist that “this law betrays the spirit of the 25 January Revolution.”

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