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**RECENT CONSTITUTIONAL DEVELOPMENTS
IN EGYPT**

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by

Mr Hanafy GEBALY
**Secretary General of the Union of Arab Constitutional Courts
and Councils (UACCC)**
Vice President of the Supreme Constitutional Court of Egypt

Radical changes have been experienced by the Arab world in some countries as a result of revolts by the people who aspire to freedom, better living conditions and equality. Among those countries it was Egypt. Therefore, I would like to talk about the current constitutional situation in my country Egypt.

In early 2011, there was a revolution in Egypt starting on 25th January 2011. Mass protest compelled the president of the Republic, the leader of the National Democratic Party, to resign on 11th February 2011, ending his fifth term in office. For 18 days, a popular peaceful uprising spread across Egypt and ultimately forced Mubarak to cede power to the military.

On 19th of March 2011, the Supreme Council of Armed Forces (SCAF) oversaw that approved amendments to Egypt's constitution, issued a constitutional declaration, and has also issued new laws on the formation of political parties and conduct of upcoming parliamentary elections. The Constitutional Declaration lays out a transitional framework in which the elected People's Assembly (Chamber of Deputies) and Shura Council (Chamber of Senators) will, in conjunction with SCAF, select members for 100- person constituent assembly to draft a new constitution.

The Legislative Elections

The first round of Deputies new elections started on 28th of November 2011, followed by the second round started on 14th of December 2011 and the third round started on 3rd of January 2012. After three rounds of legislative elections had been finished, the first session of the new People's Assembly (Chamber of Deputies) convened on 23rd of January 2012. The elected seats are 498 out of 508 seats to the People's Assembly of Egypt and the rest 10 seats had been appointed by SCAF according to the current transitional constitution (The Constitutional Declaration).

The leading party is Freedom and Justice Party (FJP) which is the political arm of Muslims Brotherhood, won 235 seats (including 22 allies), the second Party is Al-Nour, which is the political arm of the Salafist (Classic Muslims) won 121 seats (including 13 allies), the third Party is New Wafd, which is the oldest political party won 38 seats while the fourth Party is Egyptian Bloc (Coalition of Liberal and Lift Wing Parties) won 34 seats.

Shura Council elections

The Shura Council (Chamber of Senators) Elections were held in two stages only, where the first phase began in January 29, 2012 and the second stage ended in February 22, 2012 nevertheless showing sweeping victory of the two islamic parties (FJP and Al-Nour).

The first session was held on February 28, 2012. By the end of the Shura Council elections, the presidential elections procedures will start from March 10, 2012. Before the end of June 2012 Egypt shall have a new president.

The management of the elections was supervised by the Supreme Electoral Committee led by the president of the Court of Appeal. The status of foreign election observers was unclear, though SCAF invited the Carter Centre to observe the elections

Egypt nowadays is looking forward to the upcoming process of Constitution-making which, at its best, is a process of national dialogue and self-reflection, one that results not only in a ratified document, but a constitution that is nationally owned and enjoys the support and legitimacy of the people. International experience over the past 25 years demonstrates that for this to happen, three principles of constitution-making process should be observed:

1. Inclusivity: All components of society should be included in the constitutional discussion. Representatives will seat at the table so that each can say it is a valued component of the new nation.
2. Participation: the people should be given an opportunity to directly express their needs and aspirations in a forum that is conducive to civil discourse, and which is overseen by officials genuinely committed to incorporating those views into the final document. Direct public participation, in particular civic education combined with public consultations, ensures that the constitution comes from the people, and that it more closely reflects their will.
3. Transparency: The constitution-making process should be conducted in an open and transparent manner so that the people are free from the fears of hidden political agendas and confident that their voices will be heard.

The new constitution is to be issued and adopted before the end of June 2012, parallel with the nomination of the president of Egypt.

Meanwhile the 63-article provisional constitution was proclaimed to operate as a working constitution in the current political transitional period following the revolution, until a new one is drafted and approved.

The Constitution establishes party plurality as the foundation of the political system, and so allows the formation of different political parties, however political parties are not allowed to be established based on any discriminatory basis such as religion, race or sex. According to the said constitution; the individual freedom is a natural right and regards all citizens as equals. It guarantees a set of freedoms including: The right to protect the private life of citizens, freedom of belief and the freedom of practicing religious rights, freedom of expression, freedom of Press and other publications, freedom of peaceful and unarmed private assembly, without the need for prior notice and universal suffrage, as well as the right to form civil societies.

The executive branch is made up of the President, the Prime Minister, the Cabinet of Ministers and the Local Administration. The President appoints the Prime Minister from the party winning the majority of seats in parliament. However the President has the power to relieve the Prime Minister from office without the parliament's approval and may also remove the cabinet of ministers but after the consultations of the prime minister. The President serves for a four years term with a limit of two terms.

The two chambers of the Parliament decided in the joint session held on the third of March 2012 that on the seventeenth of March 2012 a meeting to be held to set the rules of members election of the Constituent Assembly that will draft the new constitution. Members of the Committee are to be elected on the 24th of the same month. The Chairman of the meeting who is at the same time the President or the Speaker of the People's Assembly, has declared that a commission composed of bodies of the Office of the People's Assembly and Shura Council will begin to receive proposals on the formation of the Constituent Assembly for a week.

According to the transitional Constitution, a candidate of the presidency is eligible for office after meeting the following qualifications:

- The nominee must be an Egyptian citizen of at least 40 years of age;
- Have never held another citizenship, and must not be married to a foreigner. Both of the nominee's parents must be Egyptian citizens, and have never held foreign citizenship.

- The nominee must not be under a suspension of political and civil rights. (Article 26);
- Article 27 defines the different tracks for nomination which candidates may choose in presidential elections:

- Nominees must win the endorsement of 30 elected members of Parliament or; must win the endorsement of 30,000 registered voters from 15 governorates with at least 1000 endorsements from each of those governorates;
- Parties with at least one elected seat in parliament may nominate one of their members in presidential elections.

The Presidential Elections 2012

- The first election to the Egyptians abroad for a period of seven days from Friday, 11/5/2012 until Thursday, 17/5/2012.
- The first election to the Egyptians in Egypt for two days Wednesday 23/5/2012 and Thursday 24/5/2012
- The second election to the Egyptians abroad for a period of seven days from Sunday 3/6/2012 until Saturday 9/6/2012.
- The second election to the Egyptians in Egypt for two days, Saturday 16/6/2012 and Sunday 17/6/2012.
- The Supreme Committee of the presidential elections shall decide on the appeals, announce the final result announcement and notify the winner of the presidency on Thursday 21/6/2012.

Moreover, many analysts note that throughout this delicate period, events and deadlines are subject to change.

Egypt now is committed to achieve human rights and democracy that I think was hoped for in all cities and Tahrir Square, which means that all people of different views will be respected. So, all countries will have to work with the new Egypt which has a real commitment to what an Egyptian democracy should look like.

We do think, from long experience around the world, that there are certain pillars to democracy: free press, free speech, independent judiciary, protection of minority rights and protection of human rights. All that was in the air in Tahrir Square. So, we hope that anyone who runs for elections, and certainly anyone who's elected and joins the parliament or joins the government, will be committed to making Egypt work and be open to all Egyptians no matter who it might be.