

EGYPT'S CONTROVERSIAL CONSTITUTIONAL AMENDMENTS

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A Textual Analysis

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Egyptians will head to the polls on March 26 in a public referendum on amendments to thirty four articles of the Constitution, approved by the People's Assembly on March 19. President Hosni Mubarak, who had resisted any constitutional changes until very recently, proposed the amendments in late December 2006, heralding them as an important step toward democratization. The amendments will increase the powers of the elected parliament, which has long been the weakest branch of government. Amendments also expunge much of the socialist language of an earlier era and introduce a new discourse of "citizenship," which has been championed by President Mubarak's son Gamal—likely to be the ruling National Democratic Party's future presidential candidate—and his supporters. But opposition and civil society activists—many of whom have lobbied for constitutional reform for years—say the amendments also infringe dangerously on human rights protections and close off possibilities for peaceful political activity, particularly by the Muslim Brotherhood, Egypt's largest opposition movement.

In addition to the content of the amendments, the rushed process by which they were passed has raised questions. Although the amendments were first discussed publicly during the September 2006 conference of the ruling National Democratic Party (NDP) and then officially proposed by Mubarak in December, the actual drafts were prepared out of public view, with the full text only emerging in late January 2006. Parliament debated the drafts for several weeks, and then approved all thirty four articles in a single vote on March 20. Opposition deputies, who constitute about 20 percent of the parliament, boycotted the vote and final debate sessions because they said that their input had been ignored. In response to criticism, the country's leadership decided to rush rather than delay the process, calling for a referendum confirming the amendments less than a week after they were passed, rather than in early- to mid-April, as had been expected.

Taken together, the amendments and process by which they were passed constitute an effort by the Egyptian regime to increase the appearance of greater balance among the branches of government and of greater opportunities for political parties, while in fact limiting real competition strictly and keeping power concentrated in the hands of the executive branch and ruling party. An analysis of some of the more controversial amendments follows.

Bypassing Human Rights Protections

During the 2005 presidential campaign, Mubarak promised to lift the state of emergency in place since 1981—which gives the state broad powers to detain suspects without charge for lengthy periods, try civilians in military courts, prevent public gatherings, and monitor private communications—and instead put in place a more specific antiterrorism law. In 2006, Mubarak obtained parliamentary approval of a renewal of the state of emergency for another two years, saying that the Constitution would need to be amended in order to pave the way for such a law. That amendment has now taken place, drawing a firestorm of criticism from Egyptian and international human rights organizations. The new antiterrorism law is likely to be introduced in 2008, before the state of emergency expires.

Amended **Article 179** is designed to protect one of Egypt’s most criticized practices—allowing the president to order civilians to be tried in military courts. The former Article 179 provided for a “Socialist Public Prosecutor,” a state organ that was originally presented to Egyptians as an ombudsman but in fact was used for an odd mix of political and corruption cases. The Socialist Public Prosecutor, which had lost much of its political role, is now no longer mentioned and is presumably abolished. But in its place, the new article allows the president to refer any terrorist charge to any court he likes. This practice—employed not only against violent Islamists but also against the more mainstream Muslim Brotherhood—is dubious on human rights grounds because of the ruthless efficiency of the military courts. But it is also questionable on constitutional grounds; it violates the “natural judge” principle mentioned in Article 68. The natural judge principle would insist that jurisdiction be determined according to clear criteria, not by the whim of an official, the political circumstances of a case, or the identity of the accused. And indeed, the constitutionality of the practice—allowed now under the Egyptian law for military courts—has been challenged, most recently when the president referred a group of Brotherhood leaders to military prosecution. The amended article would make such a constitutional challenge impossible.

In addition to facilitating the trial of civilians in military courts, amended Article 179 stipulates that it is permissible, in prosecuting offenses related to terrorism, to bypass protections against arbitrary arrest, search without warrant, and violation of privacy contained in Articles 41, 44, and 45 of the Constitution. In the past, Egyptian security forces have often been accused by human rights organizations of ignoring constitutional protections, and victims have sometimes won court victories. The amended article would make such judgments much harder to obtain. Some Egyptians have complained that the constitution will now enshrine what was technically a temporary (if ongoing) state of emergency as a permanent part of Egypt’s political structure and wall off security practices from constitutional oversight. It is difficult to challenge this interpretation.

Lessening Judicial Supervision of Elections

Former **Article 88** of the Egyptian constitution provided that in parliamentary elections and referenda “balloting take place under the supervision of a judicial body.” But the constitution has not specified what that “judicial body” is or what “supervision” entails. For decades, the regime argued that there were not enough judges to oversee every polling place. Thus it allowed judges to observe (and not fully supervise) only the places where ballots were counted, not the actually polling. Critics claimed that this did not meet the constitutional requirement, and in 2000 they won

a victory when the country's Supreme Constitutional Court struck down the election law because it did not provide for judicial oversight of each polling station and failed to give judges the necessary authority over balloting. The government responded quickly by drafting legislation that spread the balloting out over several days (allowing judges to move around the country and be present at all polling stations) and placed judges in control of the polling. The legislation also pressed into service all judicial and quasi-judicial personnel, including prosecutors and members of the State Cases Organization (responsible for advising and representing the official bodies in litigation). Some complained that those who were not firmly within the judicial branch did not have the independence required to supervise elections, which in turn violated Article 88's stipulation that a "judicial body" be involved.

But the more trenchant criticism of the 2000 election law was that it simply moved electoral manipulation outside of the polling station, sometimes by just a few feet. With judges only able to supervise the balloting itself, other aspects of the election process fell completely outside of their control. Opposition candidates and movements complained of official harassment (such as disconnected telephone lines), intimidation by security forces (who often surrounded polling stations), and other steps designed to deny them the opportunity to communicate with and mobilize potential supporters. Egypt's Judges Club has called for fuller judicial supervision of the entire electoral process in order to eliminate such abuses, and in 2005 it even took the step of launching its own reporting effort.

Revised Article 88 solves this problem for the regime by removing any provision for judicial supervision, transferring responsibility to an electoral commission. This is nominally a step in keeping with prevailing international practice (judicial supervision of elections is rare; independent commissions are far more common) but most details regarding the composition and operation of the commission are left to legislation. The commission is to include judges, but the amended article requires that elections be held in a single day, making it impossible to rely primarily on them. The commission is to have oversight over balloting, but the text is silent on the broader monitoring functions of such commissions (over matters such as media access and campaign financing). And Egypt's past experience with an "independent electoral commission"—employed in the 2005 presidential election—hardly reassured regime critics that a truly neutral body is intended.

Blocking the Brotherhood

Revised **Article 5** closes off any avenue for the formation of a political party by the Muslim Brotherhood, at least for the present. Together with an ongoing campaign of arrests and financial investigations, the revisions constitute the regime's response to the Brotherhood's impressive showing in 2005 parliamentary elections. Indeed, the revisions go significantly farther than the initially envisioned preclusion of any party formed "on the basis of religion," which had already existed in Egyptian law. The new language forbids not only the formation of a party but also "any political activity," and not only on a religious basis but "within any religious frame of reference." This latter phrase—*marja'iyya* in Arabic—is particularly important, as it is one used increasingly by some mainstream Islamist parties. The Party of Justice and Development in Morocco, for example, says it is not a religious party but rather a party with a religious frame of reference, and Egypt's Muslim Brotherhood has moved in a similar direction. The Brotherhood complains that the governing National Democratic Party uses religious symbolism extensively; its real objection is not

to the role of religion in politics but only to the existence of a strong opposition movement. This revision makes clear that the Egyptian regime is not ready for the legitimate enfranchisement of Islamists within the political system.

The Egyptian regime probably will not prevent all political activity by the Muslim Brotherhood, but it seems determined to limit that activity to narrow channels. Muslim Brothers have been running as independents since the 1990 change to an individual districts system for parliamentary elections, but a revision to **Article 62** paves the way for a change to a mixed system of party lists and individual districts. (Egypt had earlier used a party list system that the country's Supreme Constitutional Court had struck down as restricting the rights of those who do not belong to recognized parties; the amendment thus rolls back one of the critical elements of the Brotherhood's electoral breakthrough.) The number of individual districts most likely will be small, perhaps ten percent of the parliament, keeping opportunities for the Brotherhood to a minimum.

The Brotherhood was already effectively barred from seeking the presidency by **Article 76**, revised in 2005 and now once again, because only registered political parties may put candidates on the ballot. It is technically possible for an independent to get on the ballot, but the candidate would need a large number of endorsements from elected officials at various levels of government. The Brotherhood might some day be able to meet that requirements but not for the foreseeable future.

As amended in 2005, Article 76 set such a stringent standard for eligibility for presidential candidacy that the National Democratic Party would have been left without competitors in the next election. The new amendment to Article 76 will allow any registered party that holds at least one seat in either the People's Assembly or the Shura Council to nominate a candidate in any presidential election that takes place in the next decade. (Thereafter, a party would need to hold three percent of seats in each chamber, or the equivalent number of seats in one chamber.) A party may only nominate someone who has been a member of its senior leadership for at least a year—a provision intended to prevent a party from suddenly nominating a Muslim Brother or some other popular figure to run as its candidate in a presidential election.

Making Parliament More Relevant—but also More Vulnerable

The amendments increase parliamentary powers in some ways, but at the same time make it much easier for the president to dissolve parliament. Revised **Article 115** stipulates that the government budget must be presented to parliament at least three months before the end of the fiscal year (instead of at the eleventh hour, as has been the practice in Egypt) and that the parliament will vote on the budget article by article. **Article 127** gives the parliament the right to give or withdraw confidence from the prime minister (appointed by the president) without having to submit the decision to public referendum. The fly in the ointment, however, is that revised **Article 136** similarly gives the president the right to dissolve parliament (“in the case of necessity”) without a public referendum, a right he did not have before. It now becomes possible that, should politics become increasingly contentious, Egypt will follow the precedent established in several other Arab countries, where parliaments have been dissolved frequently and left that way for months or even years.

Conclusion

Advocates of constitutional reform in Egypt have criticized Egypt's 1971 Constitution for concentrating excessive authority in the hands of the president, erecting weak (or easily circumvented) protections for human rights, and robbing the democratic elements of the political system of any meaning. They have pressed for transferring authority to parliament, entrenching judicial independence, strengthening rights provisions, and building firmer guarantees that democratic practices will be followed.

From the time President Mubarak assumed office in 1981 until 2005, constitutional reformers have been rebuffed—as opposed to Mubarak's predecessors, who tailored constitutional documents to their changing wills, Egypt's current president claimed to offer stability. In 2005, however, the constitution was suddenly amended to allow for multi-candidate presidential elections (a longstanding opposition demand) but in a highly restrictive manner.

The 2006 package of reforms takes a more extensive step in that direction: it offers some of the form of liberalizing reform but virtually none of the substance. Indeed, in some areas it promises more restrictive provisions than those that existed previously. The next step in the process will be the introduction of new laws, notably an anti terrorism law and a law changing the system of parliamentary elections, probably in late 2007 or early 2008.

Political Motivations and Implications

Amr Hamzawy

On March 19, the ruling National Democratic Party's parliamentary majority approved amendments to 34 constitutional articles whose largely authoritarian content is discouraging for the hopes of meaningful political reforms in Egypt. The amendments will be put to a national referendum on March 26. The People's Assembly approved the amendments following brief discussions and voting that was interrupted by representatives of opposition parties and the Muslim Brotherhood. Most of the proposed amendments deal with political rights, the electoral system, the president's mandate, rules governing presidential elections, succession, parliamentary powers, and combating terrorism. A few articles (4, 12, 24, 30, 33, and 56) were amended to reflect the changed economic and social situation in Egypt since the 1970s. References to socialism, the alliance of the working forces, and the leading role of the public sector in development, all of which were inherited from the Nasserite era of the 1950s and 1960s, have been eliminated. With the exception of these few articles, the passage of these amendments opens the door for greater polarization between the regime and the Islamist opposition.

The Egyptian regime has several key motives for introducing the amendments. First, it is intent on politically restraining the Muslim Brotherhood, whose unexpected gains (20 percent of the seats in the People's Assembly) in the 2005 parliamentary elections set off alarm bells. Second, Mubarak's regime is trying to thwart the opposition's efforts to form a united front that includes Islamists and liberals. This divisive strategy dates to 2005, when the regime began to offer incentives to registered liberal and leftist political parties at the expense of the banned Muslim Brotherhood. Third, the regime attempted to create a new set of constitutional tools to further entrench its hold on political life. Fourth, the regime needed to show—albeit cosmetically—that it was responsive to the demands of the domestic opposition and to maintain a minimum degree of international legitimacy. Perhaps the only democratic outcome of the amendments is the relative increase in parliamentary independence and in the powers of the cabinet. The dominant presidency remains intact. Legal opposition parties responded in the manner envisioned by the regime: they did not object to the measures aimed at restraining the Brotherhood. For its part, the Brotherhood perceives the amendments primarily as an attempt to marginalize it politically and has thus opposed most of them.

The Regime's Undemocratic Agenda

The proposed constitutional amendments add a third clause to article 5, which stipulates that the Egyptian political system is based on party pluralism. The clause prohibits the pursuit of “any political activity or the establishment of any political parties within any religious frame of reference (*marja' iyya*) or on any religious basis or on the basis of gender or origin.” This clause prevents the Muslim Brotherhood or any other political group that derives its programs from a religious orientation from establishing a legally recognized party. More dangerously, the vagueness of the clause gives the regime the constitutional right to accuse any civil religious institution or civil organization of involvement in a religiously inspired political activity. Although the vague language may be used to target many potential groups, such as the Wasat initiative that is inspired by an Islamic frame of reference, it is clearly targeted at the Muslim Brotherhood. The amendment to

article 62 further restricts the Brotherhood's scope of political participation by marginalizing independent candidates. The amendment allows for a change in the electoral system from a candidate-centered system to a mixed one that depends mostly on a party list system, leaving only a small unspecified margin for independent seats. As a banned organization that is not allowed to form a political party, the Muslim Brotherhood has depended on the candidate-centered system for fielding candidates in parliamentary elections over the years. Decreasing the number of seats contested through this system would greatly minimize the Brotherhood's electoral chances. At best, it would allow it to keep its current parliamentary representation. It also places the burden on the movement to look for partners among legal opposition parties as it did in the 1980s, a move that would limit the movement's independence.

The amended article 62 also serves the regime's purpose of widening the gap between the Brotherhood and legal opposition parties. The liberal Wafd and Ghad, the leftist Tagammu, and Arab Nasserite—Egypt's most significant legal opposition parties—could not secure more than a combined 5 percent of the seats in the People's Assembly in the 2005 race. Confronted with the Muslim Brotherhood's ideological strength and superior organization, legal opposition parties have a vested interest in allying themselves with the regime to marginalize the Brotherhood and expand their own legal space as opposition parties. Despite the regime's effort to market the amendment to article 62 as a democratic step aimed at empowering political parties and raising voter turnout, this claim has limited credibility in a context where authoritarian regulations prevent the establishment of new parties and hinder the activities of secular and leftist activists. The fact that less than 5 percent of Egyptian citizens belong to political parties and that most vote for independents in elections raises doubts about the potential for widening popular participation under a party list electoral system. The only positive aspect in article 62 is the stipulation regarding the quotas for women in both chambers of parliament.

The regime's third goal of creating a new set of tools to control the electoral process is realized through the amendment to article 88. The proposed amendment replaces the stipulation regarding judicial oversight of the elections with a stipulation that a supreme supervisory committee be established—a committee whose membership includes but is not limited to current and former members of judicial bodies to manage oversight of the elections. The judiciary has supervised elections in Egypt since a constitutional court ruling in 2000 that was based on the former wording of article 88, which stipulated direct judicial oversight of the elections (“The Law shall determine the conditions which members of the Assembly must fulfill as well as the rules of election and referendum, while the ballot shall be conducted under the supervision of the members of a judiciary organ.”) Although repression and fraud persist, judicial oversight of the elections resulted in a relatively more transparent electoral process, especially during the 2005 parliamentary elections. While article 88 leaves the selection process to law, it is expected that the supreme committee will be subject to the regime and the president. Notwithstanding their disagreements on the amendments to articles 5 and 62, the Brotherhood and legal opposition parties are unanimous in their opposition to the overhaul of judicial oversight of elections. The overhaul also enjoys clear popular support. The public has grown increasingly convinced of the regime's attempts to rig elections and of the unique position of the judges to uncover such practices and prevent their spread.

The fourth motive has to do with the regime's attempt to uphold its reform friendly image, and to appear responsive to the demands of the domestic opposition and international criticism regarding

restrictions on political competition. For the most part, however, even positive results are superficial. In 2007, the NDP's parliamentary majority passed an amendment to article 76 regulating candidacy for the presidency, which had been already been amended in May 2005 to allow for the first multi candidate presidential election. The 2005 amendment stipulated that a political party that holds at least 5 percent of the total number of seats in both chambers of parliament may nominate a candidate to the presidency from its senior leadership. The amendment proposed in 2007 lowers the threshold to three percent and makes the exception for any party holding at least one seat in any of the chambers to nominate a candidate to the presidency from its senior leadership in elections that take place in the next ten years. Undoubtedly, the revised amendment increases the chances of opposition parties to participate in the next presidential elections since none currently meet the former five percent threshold. However, it leaves intact the impossible conditions regarding the candidacy of independents to the presidency. These conditions entail gaining the support of 230 members of parliament and municipal councils, and are specifically targeted at the Muslim Brotherhood (The Brotherhood currently holds 88 seats in the People's Assembly and is entirely absent from the Consultative Council and municipal councils).

The "big disaster," as it is being referred to in Egypt, is the proposed amendment to article 179. The former article, stipulating the powers of the "Socialist Public Prosecutor," was replaced with an entirely new text allowing for the stipulation of an anti-terrorism law. This law would give the executive authority, specifically the president and the security forces, unprecedented powers that run counter to constitutional guarantees for personal freedoms and individual rights. The impetus for amending article 179 is the regime's intent on setting the stage constitutionally for the abrogation of the emergency law in effect in Egypt since 1981, while keeping most of its prerogatives under the law. The proposed amendment to article 179 essentially gives the state the right to suspend articles 41, 44, and 45 of the constitution—which provide the clearest guarantee to human rights in the Egyptian constitution—under the banner of combating terrorism. The proposed amendment also gives the president the right to refer crimes of terrorism to exceptional courts (mainly military) in a manner that violates article 68 of the constitution, according to which every citizen has the right to resort to a "natural judge." This amendment is yet another clear indication of the authoritarian spirit and content of the proposed constitutional amendments, which mark a regression with regard to respect for human rights in Egypt.

The regime's attempt to expand legislative powers and the powers of the prime minister has produced fifth category of constitutional amendments with significant democratic content. This effort will remain largely symbolic, however, if it is not followed by additional amendments addressing the distribution of power in Egypt. On the one hand, the revised articles 115, 118, 127, and 133 give parliament the right to vote article by article on the state's general budget, and withdraw confidence from the cabinet, forcing the president to accept the cabinet's resignation if the People's Assembly insists on withdrawing confidence from the cabinet. At the same time, however, revised article 136 gives the president the right to dissolve parliament without a referendum, a requirement stipulated by the former article. On the other hand, amendments to articles 82, 84, 85, 138, and 141 introduce real changes to the role of the prime minister in the political system. These articles give the prime minister the powers of the vice president if there is none (President Mubarak has not appointed a vice president since his accession of the presidency in 1981). The most important of these powers are those related to succession in case the office of the presidency is not occupied and in case the president cannot perform his duties. The amendments also stipulate that

the prime minister must approve or be consulted with regard to the president's exercise of his vast executive and quasi-legislative authorities. The problem, however, is that the proposed amendments do not fundamentally alter the distribution of power between the president and the prime minister. The president continues to enjoy sole authority over the appointment and dismissal of the prime minister.

The Tamed Response of the Opposition

The regime's monopoly over political life in Egypt and the clear majority of the ruling party's deputies in the People's Assembly allowed it to pass the amendments without any serious consideration of the demands of opposition parties or the Muslim Brotherhood. Frustration with the regime's exclusionary attitude led all opposition groups to boycott the parliamentary vote on the amendments. Some have called on voters to boycott the March 26 referendum. These formal positions belie a more complex reality. Opposition parties and the Muslim Brotherhood agree only on their opposition to the amendments to articles 88 and 179. With the exception of these two articles, the regime succeeded in driving wedges between opposition forces by amending articles 5 and 62, which disadvantage the Brotherhood but boost legal opposition parties. Notwithstanding the opposition parties' decision to boycott the referendum, these parties are bound to accept the amendments as a *fait accompli*, given their stake in maintaining good relations with the regime. Conscious of their weaknesses and their inability to pose a challenge to the regime, opposition parties have come to rely on the regime to ensure their survival. Ultimately, they will learn to adapt to the overhaul of judicial oversight of elections and the new antiterrorism article.

The Muslim Brotherhood, Mubarak's real foe and the clear target of the proposed amendment, is also restricted in its ability to respond—albeit for different reasons. Over the last few months, the Brotherhood has been facing a serious security crackdown targeting the high ranking leaders and financial heads of the organization. This has clearly crippled the organization's ability to mobilize and pressure the regime. The security crackdown was coupled with a media campaign designed to raise doubts about the Brotherhood's goals, which has cost the movement some of its popular support. The Brotherhood is trapped. It faces constitutional amendments that severely hinder its chances for political participation and effectively foreclose the possibility of forming a political party with an Islamic frame of reference. Yet the movement is unlikely to step up its criticism of the regime, fearing that this might lead to even more government repression.

The results of the popular referendum are predictable, but their long term impacts are unclear. The regime is likely pass its undemocratic amendments at almost no cost to its immediate stability, but some difficult questions will arise in the coming period. Will the regime be able to manage the political marginalization of the Brotherhood without driving some of its popular base toward radicalization? Will the Muslim Brotherhood accept and try to work within the new constitutional boundaries or will it explore other alternatives, especially if faced with more repression? How will civil society organizations and human rights activists deal with the regime's unprecedented reversal of constitutional safeguards for individual rights and freedoms? Regardless of how these questions will be settled, citizens are becoming more alienated from political life and the current polarization is exacerbating the problem. It is ironic that individual liberties are being confiscated at the same moment that the regime is working to enshrine the concept of citizenship in article one of the

constitution, which states that “The Arab Republic of Egypt is a democratic state that is based on citizenship.”

**Egyptian Constitutional Amendments Passed on March 19, 2007:
Translated Excerpts**

Compiled and translated by Dina Bishara

Article 1

The Arab Republic of Egypt is a state with a democratic system that is based on citizenship.

Article 5 (a third additional clause):

Citizens have the right to form political parties in accordance with law. It is not permitted to pursue any political activity or establish any political parties within any religious frame of reference (*marja'iyya*) or on any religious basis or on the basis of gender or origin.

Article 62

...The law may organize the right of political participation for the People's Assembly and Shura Council according to any electoral system that it specifies.

It is permitted for the law to adopt a system that combines the individual district and party list systems in any ratio that it specifies. The law may also specify a quota for the participation of women in both chambers.

Article 76 (replacing last two paragraphs)

Each political party for which at least five consecutive years have passed since its establishment before the opening of candidacy, and which has been active the entire period, and whose members obtained in the last elections at least 3 percent of the seats in the People's Assembly and Shura Council, or an equivalent number of seats in one chamber, has the right to nominate for the presidency a candidate who has been a member of the party's senior leadership for at least one uninterrupted year.

An exception to the foregoing is that each of the indicated parties, if it holds at least a single elected seat in either of the chambers, may nominate a candidate who has been a member of the party's senior leadership for at least one uninterrupted year in presidential elections that take place in the ten years following May 1, 2007.

Article 82

Should the President be unable to perform his duties due to any outstanding circumstances, his duties will be performed by the vice president, or (if there is none) the prime minister. The person performing these duties may not request constitutional amendments, dissolve parliament, or dismiss the cabinet.

Article 85

The President must cease work immediately after a charge [treason or criminal offense] is issued against him, at which point the vice president or (if there is none) the prime minister assumes the presidency temporarily, in accordance with the restrictions stipulated in the second clause of article 82 until a decision is reached on the charge.

Article 88

...Voting will take place on a single day and will be supervised by a supreme electoral commission that enjoys independence and neutrality, in a way to be specified by law. The law shall specify the committee's mandate, the manner of its formation, and the guarantees for its members, provided that current and former members of judicial bodies are among its members. The electoral commission will form the general committees that will monitor elections on the level of electoral districts and the committees that will oversee voting and counting procedures. General committees must be comprised of members of judicial bodies. Counting will take place under the supervision of the general committees, according to rules and procedures specified by law.

Article 115

The draft general budget must be submitted to the People's Assembly at least three months before the beginning of the fiscal year and is not considered to be in effect without the assembly's approval. Voting on the draft budget will be article by article. The People's Assembly may amend the expenses listed in the budget except those used to repay a specific obligation on the part of the state.

Article 127

The People's Assembly shall decide, based on the request of one tenth of its members, the responsibility of the prime minister. Its decision shall be by a majority of the Assembly members. This decision may not be made until after an interpellation has been directed at the government and at least three days have passed since the initial request.

Article 136

The president may not issue a decree dissolving the parliament except in case of necessity.

If parliament is dissolved over a certain matter, the new assembly may not be dissolved over the same matter.

The decree must include a call for new elections to be held not more than sixty days from the date of dissolution.

Article 173

Every judicial body shall regulate its own affairs. A council comprised of the heads of judicial bodies and headed by the president shall be formed to address matters of common concern. The law shall specify the council's composition, mandate, and the rules governing its operation.

Article 179

The state shall be responsible for protecting security and public order from the dangers of terrorism. The law will set stipulations concerning procedures for investigation and identification of suspects which the state deems necessary in confronting these dangers, provided that the procedure stipulated in the first clause of article 41 and 44 and the second clause of article 45 of the constitution do not obstruct such an effort. All will be carried out under the oversight of the judiciary.

The president has the right to refer any crime of terrorism to any judicial authority under the Constitution or the law.

Click [here](#) for the full text of the 1971 Egyptian Constitution.

<http://www.sis.gov.eg/En/Politics/Constitution/Text/040703000000000001.htm>

Click [here](#) for the full text of all the amendments in Arabic.

www.carnegieendowment.org/programs/arabic/appendixArabic.pdf